

ENVIRONMENTAL & CHEMICAL REGULATION



To successfully resolve – or avoid – environmental and chemical regulation compliance issues, companies must recognize them early and act decisively. Husch Blackwell helps clients on both fronts with tailored advice on air, water, waste, land use, transportation, toxic chemical, and pesticide regulation.

Our attorneys draw on extensive legal and technical experience with environmental and hazardous material regulatory programs in advising clients ranging from Fortune 500 companies to small, family-held companies. Our counsel includes auditing, permitting, compliance, transactional due diligence, business planning, enforcement defense, rulemaking advocacy, and training.

Representative Experience

Determined whether a particular process change requires a new source review air permit application.

Responded to a federal Environmental Protection Agency (EPA) compliance order related to water pollution permit violations.

Prepared a response to a EPA request for information regarding reporting a release of hazardous substances.

Evaluated whether state or federal hazardous waste regulations apply to the recycling of certain manufacturing

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process residues.

Assisted a company in importing a product with pesticide properties.

Determined whether a premanufacture notice is required for identified process intermediates.

Evaluated the adequacy of product warning labels.

Assisted a company respond to agency investigations after a facility fire, explosion, or hazardous materials release.

Advised on environmental management systems and audit programs.

Reviewed submittals to agencies in response to compliance or enforcement inquiries.

Evaluated the impact of proposed rules on company operations and drafting comments on the proposed rules.

Negotiated a resolution to regulatory enforcement matters.

Acted as national environmental counsel for nonferrous metals business, including secondary smelters. Answered routine compliance inquiries, assisted with permitting activities, and defended regulatory violations. Worked closely with in-house personnel to integrate compliance items in corporate policies;

Assisted in developing and implementing a corporate program for compliance with European Union environmental and chemical regulation directives.

Represented major Midwest airport in numerous environmental compliance and transactional matters.

Extensively involved with the airport in planning for and negotiating terms in new National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit, which revised discharge limits for deicing chemical discharge, resolving compliance issues associated with past discharge limits. Advised airport in defending compliance order associated with alleged discharge violations. Assisted airport in evaluating new regulations associated with stormwater discharges and underground storage tank regulations for airport hydrant systems.

Represented 100-year-old manufacturer in an appeal of a regulatory agency order for the cleanup of more than 200 houses, a school, and park properties. Client was the sole private entity named as a potential responsible party. Following extensive research on the historic use of the area, the matter was settled, with the state participating in 50 percent of the remediation costs of home properties and substantial participation by other public entities;

Represented a Fortune 500 mining and agricultural chemical processing company in connection with a multiyear Resource Conservation and Recovery Act (RCRA) enforcement investigation. Resolved the enforcement matter with no penalty and no further action required;

Advised a Fortune 500 global manufacturer of chemical products. Following a routine RCRA compliance inspection of a large manufacturing site, the federal EPA initiated a major investigation of all RCRA-related compliance activities and records at the site. Negotiated acceptable

limitations on the production of plant records and resolution of nearly all areas of alleged violation, including many waste characterization issues, recycling issues, and on-site storage and disposal issues. Remaining allegations were resolved upon negotiation of a major supplemental environmental project that eliminated the largest single source of hazardous waste in the EPA region.

Negotiated a favorable resolution of an EPA multimedia inspection for a Fortune 500 chemical manufacturer. EPA's national inspection team identified more than 20 major areas of noncompliance, including RCRA waste handling and characterization issues and Clean Air Act new source review issues. Resolved all RCRA, Clean Air Act, Clean Water Act, and Safe Drinking Water Act allegations with no penalty and no further action required. Resolution of the allegations confirmed many years of compliance counseling related to plant expansion to meet on-going business needs.

Represented chemicals company after it was statutorily debarred by the Environmental Protection Agency's Suspension and Debarment Official (SDO). The SDO terminated the debarment without any administrative agreement.