Our environmental litigation attorneys represent companies in environmental-related disputes before administrative and judicial tribunals across the United States.

We litigate high-stakes environmental matters concerning hazardous waste disposal and storage, air and water pollution, chemical regulation, and exposure to toxic substances impacting entire industries. We help clients resolve environmental issues efficiently, whether the issues are between our clients and private parties, or between clients and regulatory agencies.

Our environmental team has successfully litigated significant water, wastewater and clean air enforcement cases for public and private sector clients, including defense of criminal environmental proceedings, across the, agribusiness, real estate, transportation, energy, and chemical manufacturing industries. We help clients navigate the challenges of environmental insurance litigation, applying scientific and technical considerations, environmental assessment and remediation techniques to prevail in cost recovery litigation for Superfund cleanup efforts and other high-dollar coverage actions.

**TOXIC TORT/SUPERFUND ACTIONS**

Our wealth of environmental litigation experience encompasses multimillion dollar CERCLA (Superfund) actions and mass toxic tort cases. We have prosecuted and defended numerous actions involving corporate veil-piercing theories, represented a municipality against polluters of 3,800 acres of urban groundwater, and handled Superfund cost reimbursement litigation. Our mass tort experience focuses on environmental liabilities and allegations of exposure to toxic chemicals. We also serve as national and regional counsel to large companies facing potential liability for asbestos exposure.

**ADMINISTRATIVE LAW PROCEEDINGS**

Our attorneys frequently defend clients facing investigations and enforcement proceedings brought by the Environmental Protection Agency (EPA) and other state and federal agencies. Our attorneys possess highly relevant government service, including senior leadership roles in the EPA, state environmental agencies, and state attorney general offices. We draw on this experience in handling complex enforcement defense matters under the water, air and hazardous waste laws in numerous states and EPA regions.
EXPERIENCE

Our breadth of knowledge in the environmental industry allows us to resolve matters efficiently, while keeping clients’ business goals top of mind. Our experience includes the following:

- Defending administrative and court proceedings alleging civil and criminal violations of environmental laws
- Superfund representation including remedial investigation and feasibility study issues, liability litigation and obtaining contribution from third parties
- Responding to information requests issued by the EPA and state agencies under Superfund, Clean Air Act, Clean Water Act, Toxic Substances Control Act and hazardous waste laws
- Defending and prosecuting nuisance, trespass and other state law claims arising from environmental damages
- Responding to natural resource damages claims under the federal Superfund law, federal Oil Pollution Act and state natural resource damages recovery laws
- Defending toxic tort and chemical exposure actions
- Environmental review litigation
- Historic preservation litigation

SUPERFUND CASES

Our environmental team has handled hundreds of CERCLA/Superfund cases, including:

- CERCLA suit against seller of hazardous waste disposal facility
- Defending CERCLA action concerning an abandoned lead mine
- Defending a CERCLA case concerning the cleanup of a used oil refinery
- Prosecuting a CERCLA suit concerning a drum cleaning and recycling facility
- CERCLA action concerning an abandoned coal gasification facility
- CERCLA actions concerning the cleanup of sites with PCB contamination
- Defending a CERCLA case on behalf of a waste hauler
- CERCLA action on behalf of a landfill owner and used oil recycler
- CERCLA action concerning a former manufactured gas plant (MGP)
- Prosecuting numerous CERCLA actions on behalf of a municipality and landfill operator
- Defending and prosecuting CERCLA actions by a city concerning three Superfund sites
Environmental Litigation

- CERCLA action on behalf of a successor owner-operator of a multi-purpose disposal facility
- CERCLA action brought by the current owner of property against the manufacturer that had previously operated the facility
- Prosecuting a CERCLA suit on behalf of a former government defense contractor against the U.S.
- Prosecuting a CERCLA case on behalf of a former subsidiary against the former parent corporations and an individual shareholder
- Prosecuting a CERCLA action on behalf of a municipality against the polluters of 3,800 acres of urban groundwater
- Defending a CERCLA action concerning a riverfront development site in Kansas City, Missouri
- Prosecuting and defending numerous actions involving corporate veil-piercing theories
- Representing alleged "arrangers" at a Superfund site in Kansas City, Missouri
- $136 million cost recovery action against the U.S. regarding the Defense Environmental Restoration Program (DERP) and a Formerly Used Defense Site (FUDS) near Salina, Kansas
- Prosecuting a CERCLA action to recover costs of remediating organic chemical contamination at a former manufacturing facility
- Prosecuting an action against a prior corporate owner of a company concerning 12 environmental sites
- Superfund cost reimbursement litigation
- National Historic Preservation Act litigation

MASS TORT

Several examples of our mass tort experience include:

- Alleged property damage stemming from natural gas release
- Death, personal injury and property damage claims from grain elevator explosion
- Class actions and scores of state court cases arising from collapse of hotel skywalk in lobby
- State court cases and federal multidistrict litigation arising from alleged personal injuries from exposure to welding fumes

TOXIC TORT

We have broad experience with toxic tort litigation, including:

- Suits arising from alleged chromium issues
- Suit arising from a leak of hazardous substances at a hazardous waste disposal facility
Environmental Litigation

- Toxic tort suits arising from hog operations
- Suits stemming from an overflow of beef slaughterhouse wastewater lagoons

**STATE LAW**

Our experience with environmental state law litigation encompasses:

- Defense of state law nuisance and personal injury claims arising from an alleged violation of an air permit for a grain storage facility
- State law trespass, nuisance and negligence cost recovery claims arising from groundwater contamination caused by a damaged fuel line at a gasoline station
- State law cost recovery claims arising from contamination at a former truck terminal
- Litigation under state water appropriation laws
- State Public Trust Doctrine litigation
- State Environmental Rights Act litigation
- State Environmental Review litigation
- State Historic Preservation litigation

**CLEAN AIR**

A sampling of our clean air litigation cases includes:

- Defense of an electric utility in a $1.5 billion damage suit alleging NSR violations
- EPA penalty action concerning VOC emissions and state-issued permits
- Defense of EPA penalty action against a meat processor for alleged violations of CAA
- Defense of EPA penalty action against a manufacturer concerning VOC air emissions

**CLEAN WATER**

Our clean water litigation experience includes:

- Defense of a poultry processor concerning alleged wastewater discharge permit violations
- Injunction action against the State of Missouri to prevent shutdown of a plant pending the appeal of water permit conditions
- Defense of EPA “override” litigation for CWA consent agreement
Environmental Litigation

CLIMATE CHANGE

We keep abreast of evolving regulations concerning climate change and defend our clients’ interests, as evidenced by the following examples:

- Challenging the issuance of a certificate and presidential permit for a natural gas pipeline
- Challenging the denial of a permit for a coal-fired power plant in Kansas based on CO2 emissions

ENVIRONMENTAL IMPACT

Our recent experience in this arena includes:

- Intervention in a NEPA lawsuit challenging APHIS deregulation of Roundup Ready crops for alleged failure to prepare an environmental impact statement

INSURANCE COVERAGE

Our significant experience with complex insurance coverage issues for environmental claims includes:

- Declaratory judgment action to establish insurance coverage for the cleanup of gasoline contamination
- Numerous actions regarding insurance coverage for cleanups of Superfund sites
- Representation of a municipality in coverage action against 10 CGL carriers for the reimbursement of cleanup costs
- Coverage actions for a municipality against carriers for costs at three Superfund sites
- Coverage action against 18 carriers regarding multiple environmental sites
- Coverage action concerning $93 million in damages arising from a major flood at a Kansas oil refinery
- $50 million pollution insurance coverage suit against three carriers arising from a refinery flood
- Coverage action covering the defense and indemnity costs of thousands of underlying environmental and asbestos cases
- Coverage action for defense and indemnity costs arising from governmental enforcement actions
- Three coverage actions for environmental costs at Kansas manufacturing facilities
- Coverage suit brought by a chemical distributor against primary and excess carriers for environmental costs

CRIMINAL DEFENSE

We defend our clients in criminal environmental investigations and proceedings:
Environmental Litigation

- Represented a client in grand jury proceedings concerning alleged NSR violations
- Represented the owner of a chemical warehouse in defense of grand jury proceedings alleging illegal disposal
- Represented a company in grand jury proceedings involving alleged failure to report oil spills and other violations of OPA and CWA at multiple facilities
- Represented an airline against charges of alleged criminal conduct and violations of state and federal laws
- Represented a chemical company against an EPA criminal investigation of alleged illegal disposal
- Represented a client in a grand jury proceeding concerning NPDES compliance

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RELATED CAPABILITIES

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04.26.2017

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01.03.2017

Stinson Leonard Street Ranks Among Leaders in 2015 Chambers USA
50 Attorneys Ranked in Annual Directory of Leading Lawyers
05.19.2015

Murdock Named to Benchmark’s Top 250 Women in Litigation
Stinson Leonard Street’s Deputy Managing Partner Makes the List for a Third Consecutive Year
08.11.2014

Stinson Leonard Street Attorneys Named 2013 Attorneys of the Year By Minnesota Lawyer
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