

## Services

### Environmental Litigation, Dispute Resolution and Crisis Management

#### Practice Contact

Kristin L. Watt

#### Attorneys

David M. Edelstein

Ryan D. Elliott

Anthony J. Giuliani

Nathaniel B. Morse

Mark A. Norman

Anthony L. Osterlund

Gregory D. Russell

Vorys proudly represents our clients in courts and administrative agencies in both civil and criminal environmental proceedings across the nation. Our attorneys defend clients in actions involving personal injury, property damage and cost recovery arising from alleged exposure to hazardous, radioactive, and/or toxic substances from Superfund sites, landfills, manufacturing plants and governmental facilities. Often, such actions are brought as class actions, and our firm has extensive experience in addressing the unique procedural, factual, and legal issues that arise in putative class action cases.

We also defend clients in cases involving claims of chemical spills and releases, air emissions, groundwater contamination, toxic mold, workplace exposures, and construction and excavation discoveries. Our lawyers address the nuisance, trespass, emotional distress, and other common law claims that typically are asserted in such cases, as well as the federal and state laws that may be invoked. We also defend against suits (including citizen actions) brought under state law, the Resource Conservation and Recovery Act (RCRA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Clean Water Act, the Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Superfund Amendments and Reauthorization Act (SARA), and other federal and state statutes. We also regularly assist and counsel our clients during enforcement investigations.

### Key Areas of Focus

#### Enforcement and Criminal Defense

Regulators are becoming more aggressive in seeking and obtaining significant penalties in civil, criminal and administrative environmental enforcement actions. Our attorneys have substantial experience both in defending civil and criminal environmental cases in state and federal courts, as well as before administrative review and appeal boards.

In addition, we assist and counsel our clients during enforcement investigations and actions in cases involving air, water, solid waste, hazardous waste, underground storage tanks, wetlands and other issues. Our attorneys provide guidance to clients on managing

environmental misconduct by employees, responding to search warrants and civil subpoenas, and establishing and maintaining prudent recordkeeping practices.

## PFAS Litigation

Per- and poly- fluorinated alkyl substances (PFAS) are omnipresent, newsworthy, and front-and-center for federal and state environmental lawmakers. PFAS-specific regulations are evolving, triggering new business risks for most organizations. More immediately, private litigation continues to grow and has been occurring even without PFAS-specific regulations. Some states are also taking action in the absence of federal regulations.

Vorys has been involved with PFAS litigation since its early inception and has a wealth of experience in assisting companies with PFAS-related investigations, regulatory enforcement and private litigation, as well as to stay current on expected litigation trends and provide best practices for managing risks.

## CERCLA/Superfund

The Vorys environmental team represents clients in all aspects of the Superfund/CERCLA liability process, including negotiation of administrative orders and consent decrees, defense of cost recovery actions, participation in multi-party cost recovery actions, and defense of enforcement actions brought by the United States or individual states. We litigate matters involving liability, cost allocation, and indemnity issues. Our attorneys have served on steering and coordinating committees in Superfund cases across the United States. We have also brought and defended private recovery actions and contribution claims under CERCLA, tort and contract law that seek to secure reimbursement for costs incurred in remediating historic conditions. We negotiate remedies for sites with contaminated waterway sediments and have secured alternative funding for the responsible parties under the mixed funding provisions of the Great Lakes Legacy Act and the Water Resources Development Act.

## Crisis Management

The Vorys crisis management team is regularly called upon to help navigate our clients' most difficult situations. We understand that each crisis is unique and each one requires a variety of skill sets. For these reasons, our team combines the experience of Vorys attorneys with the skills of on-staff strategic communication professionals. When necessary, the team also calls upon our government relations advisors.

## Experience

Our representative environmental litigation experience includes:

- Representing a global construction company in numerous matters involving a former nuclear plant, which is alleged to have released nuclear waste and is now undergoing clean-up. The cases include, among others, an EPA enforcement action under the Clean Water Act, various permit appeals, environmental class actions and a citizen suit

- Representing an oil and gas exploration and development company in a case brought by several environmental groups in Ohio alleging violations of the National Environmental Policy Act, Administrative Procedures Act and Endangered Species Act based on the issuance of leases to our client
- Defending a global specialty metals manufacturer in a CERCLA cost-recovery suit related to an alleged hazardous waste site in Oklahoma
- Representing a Fortune 500 insurance company in a \$2 billion lawsuit related to coal ash clean up. The suit is of national significance and could have major implications on the industry as utilities seek to retroactively recoup expenses related to clean up and remediation
- Assisting a large paint manufacturer with issues resulting from a major, fatal explosion in one of its facilities
- Representing a major sign and label manufacturer in a suit related to costs spent remediating pollution on a Superfund site
- Representing a large chemical company in a suit alleging that the company sold products containing PCBs which have been released into the state's waterways
- Representing a client in defense of class action claims in connection with a deep well injection facility and follow-on coverage litigation against the client's insurers
- Representing a client in an on-site response to a styrene leak from a railcar, resulting in the evacuation of part of a major metropolitan area, followed by representation of the client in a class action brought by neighboring individuals and business owners
- Representing a client in insurance coverage litigation over historic contamination at a former truck stop caused by leaking underground storage tanks and spills from product overfills
- Representing clients defending against state and federal enforcement cases involving air issues
- Representing a national auto manufacturer in a Clean Water Act Citizens Suit
- Representing current and former contractors at federal nuclear weapons and uranium enrichment facilities in both individual and class action suits alleging personal injury and property damage from air and subsurface contamination from transuranics, other radionuclides, and chemicals
- Litigating contractual and consent agreement disputes on behalf of a landfill client

## News

[News, 11.4.2021](#)

Vorys Receives 81 Tier One Rankings on 2022 U.S. News – Best Lawyers "Best Law Firms" List

[News, 8.19.2021](#)

Ten Vorys Attorneys Selected by Their Peers as "Lawyers of the Year"

News, 11.5.2020

Vorys Receives 68 Tier One Rankings on 2021 U.S. News – Best Lawyers "Best Law Firms" List

News, 8.15.2018

More Than 100 Vorys Attorneys Named to 2019 Best Lawyers in America® List

News, 11.1.2013

Vorys Receives 64 Tier One Rankings on 2014 U.S. News - Best Lawyers "Best Law Firms" List

News, 10.14.2013

Keller Quoted in *Columbus Business First* Story Titled "Ohio Supreme Court to Decide Who Regulates Drilling –State or Local Communities"

News, 7.3.2013

Lonardo Profiled in *Legal Bisnow*

News, 3.7.2012

Vorys Successful in Ohio Supreme Court Case Regarding Large-Scale Wind Farm

## Publications

Authored article, 2.10.2023

ORRI "Anti-Washout" Provision Not Binding on Lease Assignees

Authored article, *American Bar Association Real Property, Trust & Estate Law Section: RPTe eReport*, 6.2013

CERCLA Liability – Current Owner's Inaction Bars Liability Defense

Authored article, *Business Courier*, 9.28.2007

"Know Environmental Picture Before Tackling Infill Projects"

Authored article, *Business First*, 7.6.2007

"Environmental Homework Will Pay Off When Taking on Infill Projects"

## Speaking Engagements

Event, 3.28.2023

Health & Safety Symposium

Event, 4.20.2023

Toxic Torts & Environmental Law 31st Annual Spring Conference

Event, 5.9.2023

2023 Ohio Brownfields Conference Panel

10.19.2021

The Current State of PFAS Regulation and Litigation: What You Need to Know

10.20.2015

5th Annual Ohio Surface Water Conference

Hosted by CLE International

12.3.2014

The OOGA Winter Expo and Technical Conference

3.14.2012

Development of the Utica Shale in Ohio: Regulation, Preservation of Rights and Competing Interests

Presented by HalfMoon LLC

7.14.2011

Ohio Shale Production: What You Need to Know

Presented by Vorys, Sater, Seymour and Pease LLP and Hull & Associates, Inc.