



# THOMPSON HINE

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## Environmental Services



## Environmental Services

### About the Group

Thompson Hine's national environmental practice supports clients in environmental matters involving litigation, enforcement defense, regulatory compliance and permitting, environmental remediation, brownfields redevelopment, and corporate and real estate transactions across the United States. We have in-depth experience that spans all facets of environmental regulation.

Our group is ranked a leading environmental practice in *Chambers USA: America's Leading Lawyers for Business* and in "Best Law Firms" by U.S. News Media Group/Best Lawyers, among other authorities. In addition, individual lawyers are recognized as leaders in the field by *Chambers USA*, *Best Lawyers*, *International Who's Who in Environmental Law* and The American College of Environmental Lawyers.

### Comprehensive Services

Our litigation work includes:

- Civil, criminal and administrative enforcement actions, as well as permit challenges and appeals cases
- Superfund defense and cost-recovery cases
- Citizen suits
- Toxic tort cases
- Class action defense
- Solid and hazardous waste litigation
- Facility siting cases for a variety of regulated entities, including landfills; hazardous waste treatment, storage and disposal facilities; utilities; and chemical and manufacturing facilities
- Treatment of environmental liabilities in bankruptcy proceedings
- OSHA enforcement actions

Our regulatory and legislative counseling work entails:

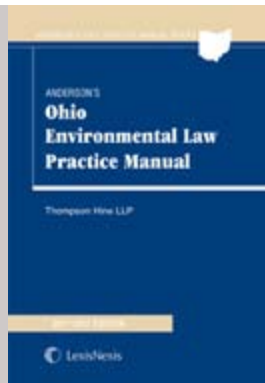
- Permitting and compliance issues involving air, water, toxic substances, climate change, and solid and hazardous waste
- Investigations and cleanups under mandatory and voluntary programs
- Brownfield redevelopment
- OSHA compliance
- Auditing and structuring environmental, health and safety (EHS) compliance and sustainability policies and programs
- Participating in legislative and rulemaking proceedings on behalf of clients

Our transactional work involves:

- Mergers, dispositions and acquisitions of businesses and business assets of all sizes
- Representation of financial institutions in lender liability issues
- Counseling of public companies in SEC disclosure issues

Through case work, prior work experience and professional associations, we have established relationships with state and federal regulators and legislators, as well as with peers and technical consultants in the environmental field. Several lawyers in our group have worked at the U.S. Environmental Protection Agency (EPA) and state attorneys general offices. Some have acted as special counsel to the Ohio EPA or chaired the environmental sections of their local and state bar associations and committees.

Thompson Hine "wrote the book" on Ohio environmental law. In partnership with LexisNexis, our environmental group publishes the annual *Ohio Environmental Law Practice Manual*. The guide serves as the premier and most comprehensive legal reference for Ohio's environmental and natural resource laws and regulations.



### In-Depth Industry Knowledge

We provide services to clients in many industries including:

- Chemicals
- Health services
- Manufacturing
- Mining
- Natural resources
- Prepared foods
- Pulp and paper
- Real estate
- Solid waste
- Transportation
- Utilities

## Representative Matters

The following is a small sample of our environmental experience:

### Litigation

- Defending citizen suits brought under the Clean Air Act, Clean Water Act (CWA) and Resource Conservation and Recovery Act (RCRA) against such diverse entities as a municipal airport, a rubber products manufacturer and a sanitary landfill.
- Defending chemical manufacturing and aerospace companies in environmental, toxic tort and employee exposure cases.
- Serving as common counsel in numerous Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund) cases involving groundwater, surface water and stream sediment contamination.
- Defeating proposed national class actions and other claims involving the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).
- Defending and settling a federal class action involving persistent chlorinated hydrocarbon contaminating 20 miles of a stream.
- Representing one of two defendants in a fishkill case involving federal, state and class action claims for civil damages and penalties exceeding \$50 million and federal criminal CWA prosecution.
- Defending chemical, manufacturing and utility companies in federal and state enforcement actions under EHS laws.
- Defending claims relating to odor, noise, traffic and migrating offsite methane gas allegations made by hundreds of citizens living near a landfill.
- Advising a major unsecured creditor during a Chapter 11 proceeding regarding appropriate valuation of the debtor's prepetition environmental liabilities.
- Defending natural resource damage claims involving sediment, groundwater and related contamination in many states.
- Defending white-collar criminal cases involving plating and refinishing plants, the scrap- and drum-recycling industries, heavy manufacturing and chemical-handling facilities.

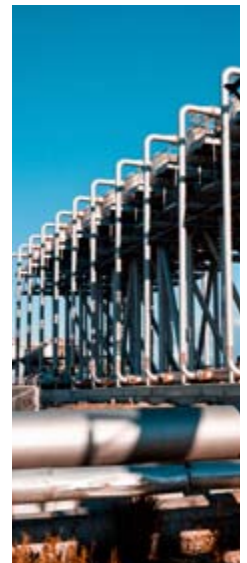
### Regulatory Counseling

- Representing solid waste landfill clients on permitting and compliance issues.
- Handling compliance counseling, auditing and permitting for clients across the United States.
- Coordinating facility audits, including voluntary disclosures pursuant to state and federal audit disclosure policies.
- Assisting in the preparation of EHS management systems, implementation of codes and policies, and sustainability programs.
- Handling wetlands permitting and mitigation for real estate development projects.
- Supporting clients in preparing environmental impact statements and proposed findings of no significant impact under the National Environmental Policy Act (NEPA) and analogous state programs, including energy and development projects.

- Handling National Pollutant Discharge Elimination System (NPDES), RCRA and Title V air permitting for chemical, manufacturing, pulp and paper, and foundry facilities.
- Representing chemical clients in connection with Securities and Exchange Commission (SEC) disclosure requirements.
- Counseling chemical manufacturers and importers on Toxic Substances Control Act mandates, including assistance navigating the premanufacture notice process.
- Providing pesticide regulatory counseling and prosecution of pesticide licensing for manufacturers.
- Assisting national manufacturers in developing and implementing comprehensive internal Emergency Planning and Community Right-to-Know Act (EPCRA) Toxic Release Inventory reporting-compliance systems.
- Assisting with Title V, Prevention of Significant Deterioration and New Source Review permitting for coal-fired electric generating facilities.
- Advising on underground storage tank licensing, removal and corrective action.
- Representing clients in many cleanup projects under state mandatory and voluntary programs across the country, including cleanups under the Ohio Voluntary Action Program and remediation of manufacturing properties under the New Jersey Industrial Site Recovery Act (NJISRA) and Connecticut Transfer Act (CTA).
- Coordinating strategic approaches to managing all aspects of vapor intrusion issues, including agency negotiations, consultant management, community notifications and public relations.

### Transactions

- Representing sellers, buyers and developers of environmentally impaired real estate (e.g., chemical plants, foundries).
- Handling acquisitions and dispositions of chemical and manufacturing facilities.
- Advising on brownfield redevelopments of a manufacturing facility converted to a transportation, logistics and warehousing complex, and a historic arcade converted to a hotel/retail complex.
- Assisting many companies during property transfers and plant closings in all aspects of compliance with the NJISRA and CTA, including applicability determinations and completing required investigations and cleanups.
- Assisting port authorities in the negotiation of environmental provisions in sale/leaseback transactions.
- Negotiating defense, indemnity and risk-allocation provisions to cover preclosing environmental liabilities in asset and stock purchase agreements.





Established in 1911, Thompson Hine is a business law firm dedicated to providing superior client service. The firm has been recognized for ten consecutive years as a top law firm in the country for client service excellence in *The BTI Client Service A-Team: Survey of Law Firm Client Service Performance*. With offices in Atlanta, Cincinnati, Cleveland, Columbus, Dayton, New York and Washington, D.C., Thompson Hine serves premier businesses worldwide, including:

AKZONOBEL INC.  
AMERICAN CHEMISTRY  
COUNCIL, INC.

AMERICAN STEAMSHIP COMPANY  
AVERY DENNISON CORPORATION  
BUCKEYE POWER, INC.

CENTRAL GULF LINES, INC.  
CENTRAL HUDSON GAS &  
ELECTRIC CORPORATION

CH ENERGY GROUP, INC.  
CHIQUITA BRANDS  
INTERNATIONAL, INC.

COLUMBUS ZOO AND  
AQUARIUM/ZOOMBEZI BAY

CROWN EQUIPMENT CORPORATION  
THE DAVEY TREE EXPERT COMPANY  
DDR CORP.

EATON CORPORATION  
ENERGIZER/EVEREADY

EXXON MOBIL CORPORATION  
FIFTH THIRD BANK  
FORD MOTOR COMPANY  
FOREST CITY ENTERPRISES, INC.

FORMICA CORPORATION  
GOODRICH CORPORATION  
THE GOODYEAR TIRE &  
RUBBER COMPANY

THE HARTFORD  
ILLINOIS TOOL WORKS  
JO-ANN STORES, INC.

KEYCORP/KEYBANK  
LEXISNEXIS

LIMITED BRANDS

THE LUBRIZOL CORPORATION  
MEADWESTVACO CORPORATION  
MILACRON INC.

MISSION ESSENTIAL PERSONNEL LLC  
MORGAN STANLEY

NATIONWIDE MUTUAL  
INSURANCE COMPANY  
NETJETS INC.

NEWELL RUBBERMAID INC.  
NORDSON CORPORATION  
OFFICE DEPOT, INC.

PARKER HANNIFIN CORPORATION  
POLYONE CORPORATION  
PPG INDUSTRIES

THE PROCTER & GAMBLE COMPANY  
R+L CARRIERS, INC.  
S.C. JOHNSON & SON, INC.

SHELL OIL COMPANY  
SOLVAY S.A.

STERIS CORPORATION  
THE TORO COMPANY  
VERIZON

WELLPOINT, INC.  
WHIRLPOOL CORPORATION

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New York: 212.344.5680

Washington, D.C.: 202.331.8800

## OUR CLIENT SERVICE PLEDGE

### What Our Clients Can Expect From Us . . .

- 1. We will know your business.** We make it our business to understand your business. We will invest our time and resources to develop and maintain knowledge of the dynamics that impact both your industry and your organization. Understanding your business will help us provide better counsel to you.
- 2. We will plan our engagements with you.** We know that clients differ in their goals, risk tolerance and a variety of other factors that must be taken into consideration before work can begin on any matter. At the beginning of every significant matter, we will work with you to develop a plan to meet your strategic goals. By agreeing on a plan at the beginning – and adjusting it as needed – we will stay focused on what is most important to you.
- 3. We will manage your work as if we were the client.** We will work with you to manage your costs. We will staff every matter with the right resources, and we will manage the work as if we were the client – delivering the highest quality of service on time and in the most cost-effective manner.

- 4. We will be available when you need US.** We recognize that you often need to make swift decisions and act quickly. We will be ready to act for you when you need us, and we will make ourselves available wherever and whenever necessary.
- 5. We will communicate often.** Our goal is that you will never be surprised about developments in anything we are handling. We will provide regular updates on the progress of your matters, including all significant developments and changes to scope, timeline or budget.
- 6. We will provide the highest-quality counsel.** Above all else, we stand for the highest quality. Our lawyers, paralegals and staff take pride in the work they do. From the boardroom to the courtroom, you can count on Thompson Hine for the highest-quality service.

### What Our Clients Can Do To Help . . .

- 1. We ask you to share your goals.** The more we know about your goals, the better we can manage our services to help you attain them. If your goals change as a matter progresses, we ask that you tell us, so we can adjust our approach to meet your expectations.
- 2. We want to know your preferences for working with us.** We ask you to tell us your preferred methods of communication, invoice and billing procedures, and anything else that is important to you, so that we can deliver our service the way you want it.
- 3. We need your feedback.** We want your feedback on our performance so that we can continue to meet and exceed your expectations.