

Environmental Litigation

Our team of experienced environmental litigation attorneys combines deep litigation experience with a high-level proficiency on substances that is required in complex environmental matters. We represent companies in environmental-related disputes in state and federal courts and before state and federal agencies and administrative tribunals across the United States.

Our litigation experience includes high-stakes environmental matters regarding a wide range of environmental issues, such as hazardous waste disposal and storage, air and water pollution, chemical regulation, exposure to toxic substances, environmental review, and natural resource damage claims.

In addition, our environmental team has defended significant water, wastewater, and clean air enforcement cases for public and private sector clients, including both civil and criminal environmental proceedings, across numerous industries such as agribusiness, real estate, transportation, energy and chemical manufacturing.

We are committed to helping clients resolve environmental issues strategically and efficiently. This includes evaluating and advising on environmental insurance coverage and other cost recovery mechanisms.

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 and cost recovery litigation and obtaining contribution from third parties.
- Responding to information requests issued by the EPA and state agencies under Superfund, Clean Air Act (CAA), Clean Water Act (CWA), Toxic Substances Control Act and hazardous waste laws.
- Defending and prosecuting nuisance, negligence, trespass and other state law claims arising from environmental damages and including putative class actions.

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- Responding to natural resource damages claims under the federal Superfund law, federal Oil Pollution Act (OPA) and state natural resource damages recovery laws.
- Defending toxic tort and chemical exposure actions.
- Environmental justice litigation and enforcement.
- Environmental review litigation, including issues related to the National Environmental Policy Act (NEPA).
- Historic preservation litigation.

SUPERFUND CASES

Our environmental team has handled hundreds of Comprehensive Environmental Response, Compensation, and Liability Act (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.
- 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.

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- Prosecuting and defending numerous actions involving corporate veil-piercing theories.
- Representing alleged “arrangers” at a Superfund site in Kansas City, Missouri.
- 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 at the EPA Environmental Appeals Board.

MASS TORT AND TOXIC TORT

Several examples of our mass and toxic 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.
- Suits arising from alleged chromium issues.
- Suit arising from a leak of hazardous substances at a hazardous waste disposal facility.
- Toxic tort suits arising from hog operations.
- Suits stemming from an overflow of beef slaughterhouse wastewater lagoons.
- Suits filed by numerous municipalities regarding alleged damage to stormwater systems related to use of seal coating products.

CLEAN AIR

A sampling of our clean air litigation cases includes:

- Defense of an electric utility in a \$1.5 billion damage suit alleging New Source Review (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.

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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.
- Defense of transportation companies related to alleged releases of diesel and petroleum fuels into navigable waters.

CLIMATE CHANGE

We are actively involved in climate change litigation and we keep abreast of evolving litigation and regulations concerning climate change. Our experience includes:

- Defense of claims alleging fraud, concealment and misrepresentation regarding climate change in state and federal court.
- 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 REVIEW (NEPA)

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.

EMERGING CONTAMINANTS/PFAS

Our litigation experience includes matters involving emerging contaminants and per- and polyfluoroalkyl substances (PFAS), such as:

- Defense of a footwear manufacturer in an environmental enforcement action in federal court related to alleged PFAS contamination in groundwater and surface water.
- Defense of a paper company in class action litigation related to alleged PFAS contamination in water supplies.
- Defense of several state and municipal entities in connection with the cleanup of contamination, including PFAS, on a formerly used defense site (FUDS).

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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.

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.

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CRIMINAL DEFENSE

We defend our clients in criminal environmental investigations and proceedings:

- 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 National Pollutant Discharge Elimination System compliance.

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RELATED CAPABILITIES

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Energy

Oil & Gas

Renewable Energy

Utilities

Environmental & Natural Resources

Environmental Counseling

NEWS

Stinson Environmental Attorneys Provide PFAS Guidance in *Law360* Article

12.22.2023

Missouri Lawyers Media Recognizes Stinson Environmental Law Attorneys as Best in State

11.13.2023

Best Lawyers® Recognizes Stinson in "Best Law Firms" Report

11.02.2023

Davis, Shaull Examine Minnesota's Adoption of Common Interest Doctrine in *Bench & Bar* Article

02.02.2023

Three Stinson Attorneys Named to Environmental and Energy Law "POWER LIST"

11.30.2022

Stinson Attorneys Prevail in Eighth Circuit Drinking Water Utility Matter

10.27.2022

Struby Joins Stinson's Environmental Practice in Jefferson City as Of Counsel

08.22.2022

Micah Revell and Kevin Savory Examine Renewable Energy Tax Credit Proposals in *Bloomberg Tax* Article

03.25.2022

Byron Starns Selected to Receive 2021 Minnesota Icon Award

11.19.2021

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PUBLICATIONS

Minnesota Announces "PFAS Blueprint" for Increased Regulation of "Forever" Chemicals

02.12.2021

EPA Takes Significant Step Toward PFAS Regulation

02.25.2020

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