

Environmental & Natural Resources

Environmental & Natural Resources law is not only complex and constantly evolving, but also highly technical. Michael Best's team of environmental lawyers understands not only the law and the science of environmental regulations, but also our clients' business needs and how to help achieve them.

We have more than a century of collective experience in environmental law, assisting with everything from compliance counseling to enforcement defense. Clients know they can count on us to give them strategic, proactive advice in succinct, understandable terms.

Members of our team have served in government, industry, trade associations, and utilities. We maintain relationships with key regulators and legislators at both the state and federal levels, and we work closely with technical staff and environmental consultants and experts. Our experience, approach, and connections enable us to help clients find creative solutions that can transform risk into reward, such as cross-industry emissions agreements or converting waste into energy for sale.

Service Areas

Climate Change & Sustainability

Helping clients strive for a sustainable future while promoting responsible commerce, through counsel on matters such as carbon markets, emission credits, and emissions-related agreements; green building construction and retrofits; corporate sustainability programs; project development and financing; Greenhouse Gas Protocol standards; water conservation and appropriation; and energy efficiency initiatives.

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Contaminated Property Development & Remediation

Helping manage our clients' liability by communicating with government agencies, fostering cooperation among potentially responsible parties (PRPs), and working with

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technical staff and consultants to find innovative remediation technologies, as well as helping assemble funding packages to address environmental liabilities.

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Environmental Compliance Counseling & Advocacy

Counseling clients on a wide variety of regulatory matters including environmental permitting, project design to minimize permitting obligations, compliance and risk management training, environmental management systems, compliance audits and self-policing, environmental cleanups, emissions and discharge regulation, hazardous waste management, workplace safety, and government relations and policymaking.

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Environmental Enforcement Defense & Litigation

Representing clients in environmental disputes involving a variety of regulatory programs, including agency enforcement actions alleging regulatory violations in major program areas (air, water, solid waste, hazardous waste, wetland, or stormwater); “takings” and other alleged violations of the Endangered Species Act; citizen suits and claims for injunctive relief brought under federal law; toxic tort class actions; contaminated site litigation; and state court actions.

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Water

Working with clients to strategically navigate the federal laws and regulations relating to the use and treatment of water resources and restrictions on pollution of water. Our extensive experience includes regulatory matters; permitting consulting; post NPDES challenges; water quality, Total Max Daily Loads (TMDLs), and stormwater; compliance counseling and audits; wetlands issues; Safe Drinking Water Act compliance and counseling, water quantity issues; sediment cleanup; and climate change and water impacts.

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In addition, our Environmental & Natural Resources group does substantial work in the following areas, among others:

- Siting, permitting, and regulatory approvals under local, state, and federal law
- Transactional due diligence
- Compliance advice, audits, and training
- Risk assessment and risk management
- Environmental litigation

- Defense of government enforcement actions
- Regulation of air emissions and greenhouse gases (including emissions trading programs)
- Water appropriation and water discharge issues
- Crisis planning and response
- Brownfield redevelopment
- Soil and groundwater cleanup (including state- and federal-led Superfund sites)
- Wetland permitting and mitigation
- Hazardous materials management (including chemical and pesticide regulation)
- Toxic Substances Control Act
- Spill response and reporting
- Community right-to-know laws
- Noise and odor regulation
- Endangered species protections
- Historic preservation
- Land use regulation
- Corporate and public sector sustainability programs

Experience

- Advised the owner/operator of a Wisconsin petroleum refinery on its planned \$50 million upgrade. Michael Best assisted in obtaining authorizations and in government relation issues associated with the proposed project. We facilitated meetings with state officials, resulting in an agreed-on approach for expediting and easing the permitting process. We are also defending this client against a Notice of Violation issued under the U.S. EPA's flaring enforcement initiative, alleging violations of the Clean Air Act. The case involves novel legal theories, many of which have national implications.
- Defended an investor-owned utility in litigation filed by the U.S. EPA and Sierra Club, alleging Clean Air Act violations at power plants in Wisconsin. Our client owns and operates a fleet of electric generating assets, and the power plants at issue are co-owned with other regulated utilities. We negotiated an approximately \$2 billion settlement with the Sierra Club, U.S. DOJ, and EPA, and we continue to represent our client in implementing the settlement agreement.
- Serve as special counsel to a state government's Department of Administration, providing environmental compliance representation and regulatory advice related to approximately 50 coal-fired boilers owned and operated by the State. We represented the State in litigation initiated by the Sierra

Club, alleging the boilers are in violation of the Clean Air Act. We reached a partial settlement and are assisting with implementation. We also assisted the State with an investigation conducted by U.S. EPA as to the compliance status of these boilers. We work with the State to evaluate environmental regulations and advise on compliance, including the permitting of modifications to heating plants as part of a long-term compliance strategy.