



WASTE MANAGEMENT

BROAD REACH

Barnes & Thornburg's environmental attorneys counsel clients on the full array of issues related to hazardous, non-hazardous, and toxic waste management regulatory compliance, permitting and enforcement.

Barnes & Thornburg's environmental attorneys counsel clients navigating the various state, federal and international requirements that apply to:

- Hazardous waste generators, transporters and owners/operators of treatment/storage/disposal facilities
- Solid waste landfill and transfer station owners and operators
- Owners and operators of underground storage tanks
- Companies facing concerns about PCBs, asbestos, used oil, universal waste or non-hazardous waste

Our waste management legal services include counseling on:

- The definition of solid waste and helping companies apply it to their specific operations
- Classifications of potentially hazardous waste, including waste delisting
- Recycling and beneficial re-use options
- Permitting requirements, including financial assurance mechanisms and requirements
- Facility closure issues and strategies
- Technical requirements for various types of units, such as aboveground and underground tanks, containers, landfills, etc.
- Employee training and contingency planning requirements

Why Barnes & Thornburg?

Finding new ways to help clients identify solutions and new business opportunities, across industries, is at our core. We are, at times, more than lawyers, we are advisers bringing new ideas to light. We understand what keeps you up at night and work collaboratively to find practical and creative solutions, at the heart of business.

RELATED PRACTICES

Environmental

Government Services

Remediation, Corrective Action and
Voluntary Cleanups

- Corrective action plans, including for leaking underground storage tank sites
- Agricultural sites, including pesticide and herbicide storage and management, residuals land application practices, as well as Concentrated Animal Feeding Operations (-CAFO-) issues

RCRA, State & International Requirements

Our attorneys have considerable experience with the federal Resource Conservation and Recovery Act (RCRA), as well as delegated state hazardous waste programs, and state and local solid waste management requirements. We also advise clients on compliance with European Union Directives, such as Waste Electrical & Electronic Equipment (WEEE) and the related RoHS hazardous substances restrictions.

We have defended clients in RCRA civil, administrative and criminal enforcement actions brought by EPA and state agencies; we also have defended citizens- suits for civil penalties and injunctive relief. Clients turn to us for guidance when they are embroiled in RCRA corrective action proceedings, including negotiation of fast-track consent orders, counseling on RCRA Facility Investigations and Corrective Measures Studies (RFI/CMS), and obtaining closures (including with institutional controls).

We also regularly represent public and private waste landfill owners-operators on siting, permitting, compliance and closure issues, including related local land use and nuisance aspects.

Representative recent waste management matters include:

- RCRA Corrective Action Fast Track Consent Order with U.S. EPA Region 5, following successful litigation blocking Michigan DEQ additional clean-up claims
- Appeals of Subtitle C and D permits before state agencies and negotiating completion of post-closure period of industrial waste landfill closed under interim status
- RCRA Citizens- Suit defense of former facility owner-operator pending in Northern District of Indiana, and related State Court hazardous waste generator claims defense
- Analyzing definition of solid waste under Subtitle C of RCRA for defense of U.S. EPA Region 7 enforcement case involving process chemicals intended for continued use
- Application of the Non-Hazardous Secondary Material Rule for renewable energy projects and other facilities
- Risk-based closures and corrective actions in multiple states
- Representation of waste handler regarding inadvertent hazardous waste disposal in non-hazardous waste landfill, including pursuit of indemnification from waste generator and possible retroactive waste delisting
- Superfund PRP defense of waste management company as alleged -arranger- at co-disposal landfill site
- Waste-to-energy and other renewable energy projects environmental siting and permitting counsel
- Iowa facility RFI/CMS Consent Order compliance and satisfaction, and cost-recovery litigation against former owner-operator

Dialogue with National Policymakers

Barnes & Thornburg also helps shape national waste management policy by submitting comments to EPA on proposed RCRA rulemakings and by keeping the White House Office of Management and Budget, the Small Business Administration and other federal agencies and Congress informed about the potential impacts of EPA's proposed rules. In addition, we often represent national trade associations in rulemaking challenges and litigating final RCRA rules that exceed EPA's authority or are otherwise arbitrary and capricious.

Representative rulemaking challenges regarding waste regulation include:

- Comments on EPA's proposed revisions to its definition of solid waste under Subtitle C of RCRA
- Comments on and petitions for review of EPA's Non-Hazardous Secondary Materials Rule (identifying when non-hazardous secondary material is waste when combusted to determine whether combustion is regulated under Boiler MACT or Commercial & Industrial Solid Waste Incineration (-CISWI-) Rule)
- Comments on EPA's proposed revisions to EPA's underground storage tank regulations

Our waste management practice also regularly interacts with related Practices like [Renewable Energy](#), [Remediation](#), and [Government Services](#).

Practice Leaders



**Michael T.
Scanlon**

Partner

P 317-231-7387

F 317-231-7433