

ENVIRONMENTAL LAW



OVERVIEW

Foulston Siefkin has a long history of representing clients in a broad array of environmental law and related toxic tort matters. Our environmental attorneys have the background, experience, and substantive skill to deliver quality legal services and counseling in environmental litigation, federal and state regulatory compliance, and transactional due diligence. As important as the scope of our substantive knowledge, however, is the practical experience of our attorneys and the relationships they have built with regulators, environmental consultants, and other counsel on local, state, regional and national levels. Such tools enable the environmental practice group to address the varied needs of clients in a timely and cost-effective manner.

Foulston Siefkin's environmental attorneys provide representation and counsel to a wide variety of clients including established commercial and industrial businesses of all sizes, emerging businesses, municipalities, and property owners and lessees. We are regularly involved in preventing and solving problems for our clients in virtually all areas of the environmental practice, including air, water and soil pollution; solid and hazardous waste compliance and enforcement matters; agribusiness environmental regulations and compliance; hazardous substance site investigations, cleanup and related litigation; wetlands development; regulation of underground and above ground storage tanks; pesticide and herbicide matters; asbestos-related problems; dry cleaner site matters; indoor air pollution; and ecological environmental impacts. In addition, our attorneys are experienced in designing and implementing appropriate and cost-effective environmental due diligence strategies in business acquisitions, sales, and merger transactions.

AREAS OF REPRESENTATION

Foulston Siefkin offers its clients a comprehensive environmental practice with attorneys experienced in most environmental practice areas, including:

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Superfund (CERCLA)

We advise and represent potentially responsible parties (PRPs), both private party and governmental, in negotiations and litigation with the EPA, the Kansas Department of Health and Environment (KDHE), and numerous other state and local government agencies. We also have substantial experience in negotiations and litigation with other PRPs in cost recovery and contribution litigation under CERCLA.

Hazardous and Solid Waste (RCRA) Matters

Our representation and counseling of clients in hazardous and solid waste includes RCRA and state law compliance, administrative enforcement proceedings, negotiation of consent agreements, and solid waste landfill matters.

Regulation of Agribusiness

The regulation of the state's varied agribusinesses involves a unique mix of clean water, clean air, solid waste, and common law nuisance issues. Foulston Siefkin represents clients ranging from large corporate CAFOs to individual farmers and ranchers in this important area.

Emergency Planning and Community Right-to-Know Act

We advise clients on compliance with the reporting requirements of the Act, including Form R submittals, and defend clients in EPCRA enforcement proceedings.

Permitting

Our permitting experience covers a range of substantive federal and state environmental statutes, including the Clean Water Act, the Clean Air Act, wetlands permitting, and RCRA. We work regularly with the KDHE and other state agencies regarding state environmental permitting and approval requirements.

Storage Tank Management and Releases

In addition to counseling on both underground and aboveground storage tank compliance issues, we regularly represent clients in their dealings with the KDHE related to the state's UST/AST trust fund program and on storage tank release investigations, cleanup, and enforcement matters.

Toxic Tort and Private Property Damage Litigation

We have represented businesses, trustees, and individuals in toxic tort and property damage litigation, ranging from "sick building" cases to the defense of environmental property damage class actions.

Environmental Due Diligence Related to Business and Property Transactions

We counsel clients on all aspects of environmental due diligence, environmental risk evaluation, and risk management in connection with property transactions, business sales and acquisitions, and mergers.

Environmental Insurance Matters

The environmental practice group works closely with the firm's insurance law practitioners to advise clients on environmental insurance coverage and duty to defend issues, as well as representing clients in coverage litigation.

Natural Resource Damage Claims

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Our services include counseling clients on state natural resource damage claims and enforcement.

Asbestos

We have worked extensively in the areas of asbestos NESHAP regulations and enforcement proceedings, as well as other state and federal asbestos laws and regulations.

Drycleaning Facility Regulations and Releases

Foulston Siefkin has substantial experience in counseling and representing clients in both administrative proceedings and litigation related to the state's Drycleaner Environmental Response Act.

Kansas Environmental Remediation and Brownfield Redevelopment Programs

Our practitioners represent businesses and individuals in connection with site investigations, cleanups, and liability releases under various KDHE programs, including the state voluntary cleanup program, the state enforcement-based program, KDHE's Certificate of Environmental Liability Release program, and the state environmental use control/environmental property use limitation program.

RELATED LINKS

- [United States Environmental Protection Agency, Region VII](#)
- [Kansas Department of Health and Environment](#)
- [United States Environmental Protection Agency](#)

EXPERIENCE

- Key participant in the development of an innovative Superfund site program, involving a partnership of firm's PRP client, lenders, and municipal government that received national attention and acclaim.
- Representation of PRP Groups, as well as individual PRPs, in negotiations with U.S. Environmental Protection Agency and Kansas Department of Health and Environment at several Superfund NPL sites and Kansas CERCLA sites.
- Representation of clients in connection with proposed environmental legislation and regulations, including acting as the primary draftsman and strategist for the passage of the Kansas Drycleaner Environmental Response Act.
- Representation of agribusiness clients in regulatory matters of first impression involving complex confined animal feeding operation permitting issues.
- Successful representation of clients in private party environmental litigation involving state tort claims, as well as federal claims such as RCRA citizens' suit causes of action.
- Representation of a number of clients with regional and nationwide business activities in litigation, regulatory matters and environmental due diligence associated with property acquisitions, business sales and purchases, and merger transactions.
- Counseling clients on proactive environmental compliance strategies, governmental inspections, and environmental risk management.
- Personalized environmental seminars for specific client management groups.

FOULSTON

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