

Careful Investigation, Cooperation with Regulators, and Finding the Real Guilty Party Clears Client from Government Action in HAZMAT Probe – At No Cost

January 29, 2020

Where we started: The United States Environmental Protection Agency (EPA), Department of Justice (DOJ), and Ohio EPA brought allegations that our client, a large military defense contractor, illegally disposed of hazardous waste material in a residential area in Ohio. After these agencies notified the contractor’s legal department and management team of an impending enforcement action, they turned to our lawyers for help, knowing that we handle a significant number of matters in Ohio and throughout the Midwest.

Our strategy – plus more: During the course of the enforcement action, our lawyers moved quickly to collect and examine the facts and investigate the parties involved in the alleged illegal dumping. We discovered that the HAZMAT transporter altered the transport manifests to reflect that the hazardous waste was disposed of at a hazardous waste landfill, when in fact the transporter dumped the dangerous truckload in the middle of a residential neighborhood. We also learned that other manufacturers contributed to the contamination of the residential neighborhood. We presented our evidence clearly and then collaborated closely with the U.S. EPA and DOJ in taking action on what’s known as a “clean closure” of the contamination site and to help track down the offending transporter.

Upshot: After we assisted the federal agencies pursuing the transporter, he was apprehended and is currently serving five years in prison. The government dropped its enforcement action against our client, and we initiated cost recovery actions against other manufacturers for contributing to the contaminated residential neighborhood. Our lawyers also negotiated with the U.S. EPA and Ohio EPA to initiate a Resource Conservation and Recovery Act (RCRA) closure of the contaminated site. In addition, we recovered enough funds from the Potential Responsible Parties (PRPs) to fund the RCRA closure and pay our client’s legal costs.