

Michael R. Blumenthal



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Legal Secretary

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education

Cleveland-Marshall College of Law (J.D., 1987)

The Ohio State University (B.S., 1984)

admissions

Ohio

U.S. Supreme Court

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the Southern District of Ohio

Ohio

U.S. District Court for the Northern District of Ohio

Ohio

honors

- *The Best Lawyers in America*® – Cleveland: Commercial Litigation, 2024 – present
- *Martindale-Hubbell*™ AV Preeminent® Peer Review Rated Lawyer
- *Ohio Super Lawyers*, Environmental Law

affiliations

Professional

Currently, Michael is working with Ohio EPA in rolling out a certification program for water quality professionals for collecting data to assess

As a former prosecutor for the State of Ohio, I understand how the government evaluates environmental cases. I have spent my career helping elected officials and government agencies shape environmental policy and regulation. I have prosecuted and defended hundreds of enforcement and private party cases over the course of my career. I have managed environmental due diligence for complex M&A's, sales of large industrial complexes, oil and gas facilities, energy providers, and large manufacturers. So whether I'm counseling a client on a transaction or compliance issue, defending an enforcement action, or pursuing cost recovery and injunctive actions, I know how to efficiently and cost effectively achieve the desired result.

As a former Ohio Assistant Attorney General in its Environmental Enforcement Section, Michael R. Blumenthal

streams and categorize wetlands, in support of applications for Section 401 Water Quality Certifications and Isolated Wetland Permits. He is actively involved in seeking “common sense” and practical solutions related to emerging contaminants (“forever chemicals”). Michael is participating in a variety of rulemaking committees representing the interests of private industry.

- American Bar Association, Sections of Natural Resources, Energy, and Environmental Law and Real Property, Probate, and Trust Law
- Member of Infrastructure and Regulated Industries Section American Bar Association
- International Council of Shopping Centers
- Great Lakes Petroleum Retailers and Allied Trades Association
- Ohio Manufacturers Association
- Bureau of Underground Storage Tank Regulations Rulemaking Advisory Committee, 2003–2004
- Dr. Bob’s House Board Trustee and Legal Counsel, 2008 to date
- Ohio EPA Groundwater Rule Advisory Committee for Ohio’s Brownfield Program, 2005
- Ohio Petroleum Marketers and Convenience Store Association Legal Counsel – Overseeing BUSTR’s five-year rule revision process on behalf of petroleum marketers

Community

Michael is a member of the board of trustees of both Stella Maris, Inc. and Fresh Start, Inc., nonprofit corporations focused on providing alcohol and chemical dependency treatment and mental health services to the indigent and homeless.

He is a member of the board and active in fundraising for the Ohio Kidney Foundation and is involved with county task forces examining

was responsible for enforcing state and federal regulations related to the Resource Conservation and Recovery Act (RCRA), Clean Water Act (CWA), and Clean Air Act (CAA).

Michael represents clients in environmental due diligence in real estate transactions, mergers and acquisitions, environmental compliance, permitting, and multimedia auditing.

Michael also has a government agency practice working with state and federal legislators and government agencies to shape environmental policy and draft environmental regulations.

Michael provides counsel in responding to Notices of Violations (NOVs) and Information Requests initiated by the Ohio Environmental Protection Agency, U.S. Department of Justice, Environmental Protection Agency, and for purported violations of CWA, CAA, RCRA, the Toxic Substances Control Act (TSCA), and the Ohio Bureau of Underground Storage Tank Regulations (BUSTR).

A seasoned trial lawyer, Michael prosecutes and defends government enforcement actions, cost recovery actions, citizen suits, common law claims, and injunctive relief claims brought under RCRA, CAA, CWA, TSCA, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA/Superfund).

Michael’s environmental compliance and permitting practice includes counseling clients throughout the United States in the areas of solid and hazardous wastes, CWA, CAA, underground storage tanks, National Pollutant Discharge Elimination System (NPDES) permits, and environmental investigation/remediation. He oversees emergency response and removal actions and develops long-term cleanup agreements with both state and federal governments to bring sites to closure or “No Further Action” (NFA) status. He counsels clients during the entire National Environmental Policy Act (NEPA) process, including defending lawsuits brought by project opponents challenging environmental impact statements and subsequent project approvals. He advises manufacturers, energy providers, and real estate developers in air, water, and hazardous waste permitting, as

the opioid crisis and working to streamline the drug court process.

well as site acquisition and redevelopment of Brownfield properties including obtaining grant money and low interest loans.

Michael's practice includes conducting multimedia environmental audits of industrial facilities throughout the country and developing and overseeing strategies for companies to return to compliance and minimize the risk of being subjected to penalties and enforcement.

Michael's government relations practice assists clients in obtaining air, solid and hazardous waste, and CWA permits.

His energy practice includes providing counsel on energy infrastructure and renewable energy projects, including solar, wind, and electricity co-generation projects. Michael routinely works with the Federal Energy Regulatory Commission and the Public Utilities Commission Office in the siting, permitting, generation, and transmission of renewable energy projects.

Representative Experience

- Representing industrial facilities, public bodies, lenders, and real estate developers involving the negotiating of cleanup agreements with U.S. EPA, OEPA, and the U.S. Department of Justice (DOJ).
- Representing industrial real estate developers in managing environmental risk through state and federal Brownfield programs and obtaining government grants and low interest loans for redevelopment
- Assisting clients with the conduct of emergency removal actions; completion of longer-term remedial investigations and feasibility studies, hazardous waste corrective actions, and demonstrating or challenging consistency with the National Contingency Plan; and selection of remedial action requirements.
- Assisted clients in accurately evaluating the type and level of emissions associated with the foundry and refining industry.
- Counseled a major municipal waste landfill company on all aspects of landfill NSPS compliance requirements, including permitting standards, compliance obligations,

reporting and recordkeeping standards, and landfill gas emission control programs.

- Assisted clients in developing air regulatory programs for steel manufacturers, petroleum refiners and natural gas operations, including single source aggregation, New Source Performance Standards (Subpart OOOO), NSR and state emission reporting and permitting requirements.
- Counseled commercial and industrial clients on a broad range of waste generation and handling issues, including proper classification of wastes, compliance with generator requirements, evaluation of permitting requirements and waste transportation and disposal issues.
- Represented national builders in responding to information requests from U.S. Environmental Protection Agency (EPA), regarding compliance with the EPA's National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permits, pursuant to Section 308 of the Clean Water Act.
- Defending companies and individuals in civil and criminal enforcement actions brought by the U.S. EPA and other state regulatory agencies.
- Defending and prosecuting cost recovery actions under federal Superfund and state Brownfield programs.
- Representing clients in matters pertaining to Ohio's Underground Storage Tank Enforcement Program (BUSTR) and Claims Reimbursement Program (PUSTR).
- Representing Tier I PRPs on NPL Superfund sites.
- Representing clients in environmental insurance recovery litigation.
- Prosecuting and defending clients in environmental mass toxic tort litigation.
- Defending environmental testing laboratories in criminal and civil prosecutions brought by DOJ and U.S. EPA.
- Representing demolition and asbestos contractors for alleged violations of the asbestos and the Clean Air Act (CAA) violations.
- Regularly advise oil and gas pipelines on broad range of regulatory compliance and enforcement issues under transportation safety and environmental laws.

- Counsel pipeline companies on new construction and expansion projects, including permitting and compliance advice under range of federal and state laws.
- Routinely conduct confidential internal investigations on regulatory compliance issues and provide enforcement defense in civil and criminal investigations.
- Routinely conducts environmental due diligence, negotiates environmental indemnity agreements, and provides advice on environmental issues in a variety of transactions.

publications

"Establishing and Challenging Standing in PFAS Litigation," *ABA Business Law Today*, Business Regulation & Regulated Industries, February 14, 2024

"EPA Pushes Back PFAS Hazardous Substance Designation," *ABA Business Law Today*, June Month-In-Brief: Business Regulation & Regulated Industries, July 3, 2023

"EPA PFAS Enforcement Has Begun," *ABA Business Law Today*, May Month-In-Brief: Business Regulation & Regulated Industries, June 1, 2023

"EPA Recommends Cybersecurity Improvements for Water Systems," *ABA Business Law Today*, April Month-In-Brief: Business Regulation & Regulated Industries, May 5, 2023

"EPA's New PFAS Drinking Water Regs: Are You Prepared?," *ABA Business Law Today*, March Month-In-Brief: Business Regulation & Regulated Industries, April 3, 2023

"The Underground Storage Tank Digest," Maxicom Publications, Legal Columnist, 1993–1995

"The Underground Storage Tank Manual," Hemisphere Corporation, Co-Author, 1994

"The Petroleum Underground Storage Tank Release Compensation Boards Administrative Regulations," Ohio Petro Board, Anderson Publishing Company, 1992

"The Bureau of Underground Storage Tank Administrative Regulations (BUSTR)," Anderson Publishing Company, Contributing Author, 1990

presentations

"PFAS Panel: The Regulatory Environment and Rubber," 2023
International Elastomer Conference, Cleveland, Ohio, October 18,
2023

"PFAS Mitigation Strategies," 2023 International Elastomer
Conference, Cleveland, Ohio, October 17, 2023