

Environmental and Land Use Representative Matters

Solid/Hazardous Waste

- K&L Gates is providing advice to various clients on producer responsibility obligations, including advice on compliance with Packaging Waste Regulations, implementation of the Waste Electrical and Electronic Equipment Directive and End of Life Vehicles Directive.
- K&L Gates are the appointed lawyers for LondonWaste Limited, and advise LondonWaste on all legal aspects concerning the operation of its business, which include a waste to energy incinerator for the disposal of solid municipal waste, a clinical waste incinerator and composting and recycling facilities.
- In 2001, K&L Gates lawyers were required to obtain an urgent eviction order to remove Greenpeace protestors who had scaled LondonWaste's incinerator stack. K & LNG also obtained on behalf of the client an award of costs against Greenpeace.
- K&L Gates act on behalf of SITA (GB) Limited and represented the client at a public inquiry to secure permission for a new integrated waste management facility to treat municipal waste. Lawyers are also assisting SITA in respect to a judicial review claim made by a competitor in connection with the grant of permission for the extension of an existing municipal waste landfill.
- K&L Gates has acted on behalf of BFH Ltd/Blue Circle Limited in connection with their operation of a clinical waste incinerator. The case involved representation at a public inquiry as a result of the service of an enforcement notice, alleging that the incinerator did not have the required permissions. Associated with conduct of the appeal, were extensive negotiations with the Health Trust to restructure the lease for the incinerator and operating agreement.
- Oil and Gas Company, Eastern U.S. 2003. K&L Gates conducted an investigation of the client's internal procedures and practices concerning generation, classification, management and disposal of solid and hazardous waste. Root causes were identified for several program weaknesses and corrective actions were recommended to address these areas.
- Dry Cleaner, Northeastern U.S. K&L Gates is representing a dry cleaning company in a cost recovery action wherein a local government is seeking



\$3 million in response costs for public drinking water wellhead contamination. Part of this claim is for responses to a threat of a release.

- Integrated Steel Manufacturer located in Ohio and West Virginia. K&L Gates is representing this client in civil and administrative actions regarding the appropriate classification and management of spent pickle liquor that is being recycled as feed to an iron oxide manufacturer and in responding to an EPA/state multi-media inspection issue regarding appropriate classification and management of coke oven gas condensate that is collected and returned to the coke oven quenching liquor system.
- Municipal Solid Waste Landfill Operator located in Alabama. K&L Gates represented a purchaser of a MSW landfill in an arbitration with the seller over claims regarding deficiencies in landfill design, construction, and operation. By mastering the content of the landfill permit application, including the landfill design, relevant state regulations, and construction reports, K&L Gates was able to identify deficiencies and related corrective action costs, enabling a satisfactory settlement for the client.
- Electrical Utility located in Pennsylvania. K&L Gates serves as counsel to an electric utility on all aspects of solid waste management, including representation in the permitting and construction of new ash disposal facilities, negotiation of landfill and impoundment closure plans, negotiation of a "general permit" for innovative beneficial use of construction materials generated from flue gas desulfurization sludge and ash; advice regarding strategies for repermitting of facilities under changed residual waste regulations; and other issues.
- Landfill Developer located in several states. K&L Gates has provided counsel regarding the permitting of six municipal or residual waste landfills in Pennsylvania and in challenging permit denials or defending the issuance of permits against third-party appeals. K&L Gates has also been involved in due-diligence investigations and transactions involving the purchase of landfills in various states.
- Hazardous Waste TSDF located in Pennsylvania. K&L Gates represented the facility owner in a challenge to its permit before the Pennsylvania Environmental Hearing Board, and in related building permit and zoning issues. K&L Gates negotiated a favorable settlement that finalized the permit, allowed expansion of its facility and exempted future expansion from a proposed new zoning ordinance.
- Chemical Manufacturer located in several states. K&L Gates structured and managed the environmental and other aspects of the sale of a multi-facility, multi-state chemical manufacturing and distribution business with

complex regulatory issues, including RCRA corrective action liabilities. The transaction involved a unique splitting of units and processes within an interconnected chemical facility, and a two-party operating arrangement (a chemical condominium) at one plant.

• ***In re Grand Jury Investigation.*** K&L Gates represented a specialty chemical company in Hazardous Materials Transportation Act, Solid Waste Disposal Act, and Customs regulations investigation of exportation activities in New Jersey, and convinced the government to decline prosecution.