

## ENVIRONMENTAL LAW



## OVERVIEW

---

Foulston Siefkin has a long history of representing clients in all areas of environmental law and related toxic tort litigation. Foulston Siefkin's environmental attorneys have the backgrounds and substantive expertise necessary to deliver legal services and counseling in a broad array of environmental litigation and regulatory and transactional areas. As important as the scope of our substantive expertise, 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, advice 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 aspects 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; and dry cleaner site matters. In addition to the litigation and administrative aspects of our environmental practice, Foulston Siefkin has developed significant expertise in designing and implementing appropriate and cost-effective environmental due diligence strategies in business acquisition and merger transactions.

## AREAS OF REPRESENTATION

---

Foulston Siefkin offers its clients a "full-service" environmental practice, with attorneys experienced in a

# FOULSTON

ATTORNEYS AT LAW

wide range of environmental practice areas including:

## **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 the area of hazardous and solid waste includes RCRA and state law compliance and enforcement matters, including 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 group of clean water, clean air, solid waste and common law nuisance issues. Foulston Siefkin has represented clients ranging from large corporate CAFOs to individual dairy farmers in this expanding area.

## **Emergency Planning and Community Right-to-Know Act**

We have advised numerous clients on compliance with the reporting requirements of the Act, including Form R submittals, and have defended clients in EPCRA enforcement proceedings.

## **Permitting**

Our permitting experience covers a wide range of substantive environmental statutes including the Clean Water Act, the Clean Air Act, Wetlands permitting and RCRA permits. In addition, we deal regularly with KDHE and other state agencies with respect to state permitting 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 under the state's trust fund program and in storage tank-related litigation.

## **Toxic Tort and Private Property Damage Litigation**

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

## **Environmental Aspects of Business and Property Transactions**

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

## **Environmental Insurance Matters**

# FOULSTON

ATTORNEYS AT LAW

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**

Our services include counseling clients on this expanding area of environmental enforcement law.

## **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 developed substantial expertise in counseling and representing clients in both administrative proceedings and litigation related to the state's recently enacted Drycleaner Environmental Response Act.

## **Voluntary Clean Up Program**

Our practitioners have represented businesses and individuals in connection with site clean ups and liability releases under the state's recently enacted voluntary clean up program.

## **RELATED LINKS**

---

- [United States Environmental Protection Agency, Region VII](#)
- [Washburn University- Environmental Law](#)
- [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 principle draftsman and strategist for the passage of the Kansas Drycleaner Environmental Response Act.

# FOULSTON

ATTORNEYS AT LAW

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 pro-active environmental compliance strategies, governmental inspections and environmental risk management.

Personalized environmental seminars for specific client management groups.

## PUBLICATIONS

---

### ISSUE ALERTS

**2014**

Why did the Lesser Prairie-Chicken cross the road?

# FOULSTON

ATTORNEYS AT LAW

## ATTORNEYS

---

### PRIMARY CONTACTS



CHARLES P. EFFLANDT

**Partner**

T: 316.291.9551  
cefflandt@foulston.com

### ADDITIONAL SUPPORTING ATTORNEYS



DANIEL J. BULLER

**Partner**

T: 913.253.2179  
dbuller@foulston.com



WESLEY J. KIMMEL

# FOULSTON

ATTORNEYS AT LAW

## **Partner**

T: 316.291.9500  
wkimmel@foulston.com



ROBERT J. MCFADDEN

## **Associate**

T: 316.291.9533  
rmcfadden@foulston.com



DAVID M. TRASTER

## **Special Counsel**

T: 316.291.9725  
dtraster@foulston.com



MIKEL L. STOUT

## **Of Counsel**

T: 316.291.9516  
mstout@foulston.com