
Statement of Qualifications in UST/AST Matters

The lawyers of Seyfarth Shaw's Environmental, Safety and a Toxic Torts practice group have extensive and deep experience in all facets of the Underground Storage Tank ("UST") provisions of the Resource Conservation and Recovery Act ("RCRA"), and various state programs addressing aboveground storage tanks and implementing federal RCRA UST regulations and programs. Our experience derives from over two decades of representing facilities in a broad range of industries which utilize ASTs and USTs in the handling, use, storage and distribution of chemicals, petroleum products and wastes. Our group resume includes experience in federal and state UST/AST rulemaking, defense of countless enforcement actions arising from or relating to the use of USTs/ASTs, and defense of citizen suits relating to USTs/ASTs.

Our attorneys have addressed multitudes of UST/AST issues that arise in a broad range of industries; our clients include those in steel and heavy metals manufacturing, explosives, propellants and munitions, construction and road construction, chemical manufacturing (including hydrochloric acid, nitric acid, nitric oxide, sulfuric acid, sodium hydroxide, pentachlorophenol, sodium hypochlorate, sulfur trioxide, starch, toluene diisocyanate, methanol, carbon black, metal oxides, tantalum), paints and coatings, adhesives, inks and solvents, pharmaceutical manufacturing, medical products, paper and plastics packaging, plastics manufacturing, commercial laundries, dry cleaning plants, lime operations and cement manufacturing, railcar manufacturing and maintenance, tanker manufacturing and maintenance, ammonia systems, alumina manufacturing and aluminum extruding, petrochemical refining and storage, building and roofing materials, cell tower construction and use, printing, batteries manufacturing and recycling, lighting, food and beverage processing, transportation of chemicals and mining products, laboratory products, soaps/surfactants/cleaners, fertilizers, and the waste treatment and disposal industry. Because of the breadth of our practice, we offer unparalleled experience in addressing UST/AST matters

Experience

Our general experiences include:

- Registration, permitting, financial assurance, closure, post closure and corrective action in numerous states nationwide;
- Counseling UST facilities on tank registration and making claims for reimbursement under various state programs,

- Release reporting relating to overfills, spills, tank system failures and the discovery of historic contamination;
- Conducting “root cause” analyses in tank, piping system and secondary containment failure;
- Prosecuting private cost recovery actions against previous owners of contaminated properties;
- Use of Corrective Action Management Units (“CAMU”), in corrective action and remediation actions.
- Establishing groundwater management zones for closure and corrective action.
- Defending enforcement actions alleging violations of a variety of UST/AST violations, including those concerning USTS/ASTS containing wastes and waste oils (identification and listing of wastes, manifesting, pre-transport packing and labeling, preparedness and prevention, contingency planning employee training, financial assurance leachate management, groundwater monitoring, closure, land disposal restrictions), as well as USTs used to store or dispense petroleum or chemicals
- Counseling clients on UST/AST compliance, and closure and remediation and defending LUST actions and UST violations.
- Counseling clients on requirements associated with retail dispensing of petroleum products.
- Defending clients in cases involving allegations that operations conducted in or using tanks constitute waste treatment;

Representative Cases

Our attorneys have the following specific UST/AST experiences:

- Defense of “RCRA empty” cases including facilities involving tank refurbishment and reclamation, rail car refurbishment, and tank cleaning clients.
- Defense of paint manufacturer against claims that on-site solvent and paint recovery in tanks constituted waste treatment.
- Defense of several Citizens Suits alleging contamination from our client’s USTs.
- Defense of steel company against claims that spent pickle liquor recycling in tanks constituted waste treatment.

- Defense of “treatment tank” cases on behalf of methanol reclaimer in adhesives manufacturers, and specialty chemical company.
- Defense of claims of inadequate financial assurance for a variety of businesses.
- Representing printing companies in cases involving on-site ink reclamation in tanks.
- Prosecuting RCRA Citizens Suits against previous facility owners.
- Represented soap manufacturer in RCRA citizen suit involving allegations that historic releases contaminated Chicago River and adversely affected property values. After 30(b)(6) deposition and sampling, convinced plaintiff to voluntary dismissal with prejudice.

We are happy to provide references for our experiences or to provide copies of various publications and articles. Many of our articles can be found on our website at www.seyfarth.com.