

Statement of Qualifications Environmental Counseling

Air Pollution Matters

Haak Law LLC's Founder, William (Bill) Haak, has 23 years of special expertise in air permitting (including true minors, synthetic minors, Title V, and Federal New Source Review permitting) and air enforcement defense in challenging jurisdictions including Ohio, Indiana, Illinois, Texas, California, Louisiana, and the Louisville, Kentucky Metro Area. As a former Assistant Attorney General in the State of Ohio Attorney General's Environmental Enforcement Section (EES), Bill spent nearly 5 years as counsel to Ohio EPA's Division of Air Pollution Control (DAPC). Current key DAPC technical and legal personnel are former colleagues and clients from Bill's time in EES. Bill maintains an excellent working relationship with DAPC, and is a frequent co-presenter with DAPC leadership at industry seminars and conferences.

As former in-house environmental, health & safety (EHS) counsel to a Fortune 500 specialty chemical company (with 95 facilities globally), Bill has extensive experience with chemical industry regulatory obligations including MACTs (e.g., HON and MON), NSPS, and LDAR. His chemical industry experience includes the daily practice of "preventative law" functioning as a true business partner to both functional operational leadership and the EHS function.

With respect to air pollution compliance and enforcement defense, Bill's time as a government regulator with the State of Ohio continues to earn him instant credibility with federal, state, and local regulators nationwide. He has successfully managed compliance efforts and enforcement responses in 7 USEPA Regions and 21 states. In addition, Bill has successfully defended facilities against odor and nuisance claims, toxic tort claims, diminution of property value claims, and putative class action cases.

Other Environmental Media

Bill has a wealth of experience in surface, groundwater, and stormwater compliance (individual and general NPDES permits and POTW pretreatment permits), wetlands matters, spill and release response, RCRA hazardous waste matters (including disposal, releases, beneficial reuse, and recycling determination), and product stewardship related issues. He has led clients through NPDES permitting projects, SPCC plan development and review, and the defense of enforcement actions in connection with the accidental release of pollutants to waters of the United States.

Experience

The following is a summary of Haak Law LLC's environmental experience:

- Assist technical experts and/or consultants in the preparation of air permit applications. Review statutory and regulatory bases for the applicability of various federal and state programs. Devise synthetic minor strategies to align with business needs and regulatory compliance obligations. Review and assist in the development and/or defense of emission factors.
- Consult with clients in real-time with respect to operational upsets, malfunctions, and breakdowns to determine reporting and recordkeeping obligations in light of regulatory requirements and permit terms and conditions. Draft language for immediate reporting, records, and periodic reports reflecting causation (root cause) and corrective actions with an eye towards avoiding notices of violation and/or other enforcement activities by regulatory authorities.
- Lead client response efforts in connection with notices of violation and escalated enforcement actions. Conduct root cause investigations to determine causes of alleged violations, develop defenses, and respond to regulatory agency inquiries. Defend clients in meetings, hearings, and administrative, civil and criminal proceedings in connection with alleged violations.
- Support client efforts to permit new facilities, expansions and modifications, and new products (and emission units). Work with regulatory agencies to expedite permitting efforts to meet business needs. Develop strategies and tactics to anticipate public response and comments, and ensure that business needs are timely met in light of possible negative public response.
- Lead and/or support EHS compliance auditing efforts. Develop risk-based EHS auditing approaches for facilities with disparate risk profiles where a "one size fits all" EHS auditing approach is inappropriate. Lead client efforts to develop appropriate corrective action plans and prioritize finding closure in climates with limited cash flow and/or available capital.

Representative Cases*

- Successfully defended a client that inadvertently (and in good faith) permitted a major Title V and major federal New Source Review facility as a true minor facility. Negotiated with enforcement authorities and resolved the matter with no penalties (*potential penalties estimated to be in excess of \$1 million*).
- Represented a client who developed new and more accurate emission factors for a manufacturing facility. Negotiated with the state regulatory agency to establish a new synthetic minor permit reflecting the new emission factors that maintained the facility's minor status. No civil or administrative penalties (*potential penalties estimated to be in excess of \$500K*).

- Led air permitting projects in connection with a multi-facility, multi-state \$800 million manufacturing revitalization project. Developed a federal New Source Review synthetic minor approach that reduced permitting timelines by more than 12 months at one facility.
- Redesigned a client's Title V reasonable inquiry process to incorporate additional checks and balances, and ensure a proper level of due diligence prior to annual Title V certification submission.
- Defended a client that inadvertently released a significant quantity of a hazardous air pollutant due to an undetected blown rupture disc. Developed the strategy for immediately disclosing the discovery to the appropriate regulatory agency. Led the root cause investigation and developed corrective actions. Matter was resolved without civil or administrative penalties (*potential penalties estimated to be in excess of \$500K*).
- Defended a client who allegedly failed to notify USEPA and the National Response Center "immediately" upon discovery of the accidental release of a reportable quantity of a toxic air pollutant. Matter resolved with an \$80K administrative penalty (*initial penalty demand in excess of \$250K*).
- Successfully represented a client who completed a major modification of a facility subject to federal New Source Review where the as-built facility did not correspond with the as-permitted facility. Led the client through the re-permitting of the facility to ensure that the as-built facility corresponded with the permit.
- Defended a client alleged to be illegally treating hazardous waste without a RCRA TSDS permit. Led the analysis of the alleged treatment system and successfully argued to state regulatory authorities that the system was in fact a neutralization system that was exempt from RCRA permitting requirements. No civil or administrative penalties (*potential penalties estimated to be in excess of \$250K*).
- Following a casualty loss at a manufacturing facility, led negotiations with local regulatory authorities to ensure that scrap steel could be recycled despite concerns that the steel might be "contaminated" with trace amounts of asbestos containing material. Saved the client \$1 million dollars net (avoided disposal costs plus scrap value of steel).
- Led a root cause investigation into possible loss of chemical product through leakage or volatilization. Determined that no actual loss had occurred, no reportable environmental releases had occurred, and developed corrective actions to ensure proper materials accounting practices were employed.

**Individual results may vary based on the facts, jurisdiction, venue, parties, and other factors. The examples provided are not necessarily representative of the results obtained by all clients.*