

## Ronald E. Baylor

### SERVICE AREAS

#### Business

- Climate Law
- Energy, Environmental + Regulatory

#### Litigation + Trial

- Education Disputes
- Litigation + Trial Practice Overview

#### Governments + Nonprofits

- Climate Law
- Energy, Environmental + Regulatory

### EDUCATION

- Wayne State University Law School, J.D.
- Calvin College, B.A.

### BAR ADMISSIONS

- Michigan



### Principal

#### Kalamazoo

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Ronald E. Baylor counsels individuals, businesses and local governments on a broad range of environmental issues, including compliance and permitting, waste and wastewater disposal, clean-ups and environmental issues arising in the purchase, sale and redevelopment of real property. He also handles injury, commercial, and environmental litigation, disputes about cost recovery and insurance coverage, and defends against regulatory enforcement actions before state and federal courts and administrative agencies. He primarily represents business and industry, local government, and schools and universities.

Ron has lectured and written on the liability of businesses, industry and government. He has authored several articles in legal and business periodicals regarding changing environmental laws and the Clean Air Act in particular.

### EXPERIENCE

Ron has appeared before state and federal trial and appeals courts, including the Michigan Supreme Court, as well as state and federal regulatory agencies, such as the MDNRE and U.S. EPA.

### Representative Matters

- Electric utility: Represented state's two largest utilities in litigation over allocation of emission trading credits for 4-year period under CAIR program; secured credits then valued at about \$15 million.
- Electric utility: Appellate counsel in suit by citizens group seeking to enjoin state permit process due to climate change concerns.

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- Electric utility: Represented intervenor utility in lawsuit challenging state administrative rule as unlawfully promulgated in excess of agency authority; succeeded in setting aside rule that would have interposed administrative hearing before judicial review of new major source air permit.
- Municipal landfill litigation: Defended civil suit brought by 100-plus nearby landowners claiming groundwater impacts from old municipal landfill; coordinated expansion of municipal water supply to downgradient area; obtained dismissal of some plaintiffs and settled with other plaintiffs.
- Declaratory judgment to obtain disputed insurance coverage for amusement park operators covering injury claims by patrons injured in the failure of an amusement park ride. Also successfully defended uninsured affiliates.
- Lead counsel for fruit farmers, defending against purported class action for 1200 migrant farm workers, asserting various pay and work practice violations. Class certification was denied and nominal settlements were effected with the six named plaintiffs.
- Juice processor: Defended state enforcement action regarding alleged groundwater impacts from wastewater discharges, negotiated administrative consent order and ultimate MNA remedy for groundwater issue; defended civil suit brought by nearby property owners seeking damages for alleged groundwater impacts.
- Food processor: Defended state enforcement regarding wastewater discharges and groundwater quality issues, supervised community relations, expanded wastewater treatment system (\$4 million) over several years.
- Municipal WWTP: Defended against state enforcement arising out of neighborhood odor and nuisance complaints; negotiated advantageous settlement, including timeline for \$30 million upgrade to WWTP over several years.
- Municipal WWTP: Defended state enforcement action arising out of NPDES and odor compliance issues; negotiated settlement, including significant upgrade of clean water plant over three years
- Chemical manufacturer: Defended EPA administrative enforcement action for alleged air permit violations, excess emissions, etc.; negotiated successful defense with modest penalty.

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- Cereal manufacturer: Defended enforcement action arising from excess VOC emissions associated with flavorant changes and fluctuations in product mix due to consumer demand; negotiated settlement, including installation of controls to limit VOCs and including in-plant SEP.
- Auto parts producers: Negotiated several administrative consent orders for excess solvent emissions, permit violations, including SEP credit for in-plant equipment replacements and minimal penalties. Assisted with strategic permitting negotiations and planning, including source determinations, integration, and considerations.
- Electric utility: Negotiated settlement with state of charges arising from extended failure of emissions monitoring equipment.
- Wood products manufacturer: Resolved claims that it had violated its air permits through excess VOC emissions, nuisance, and other odor problems, and alleged recordkeeping and reporting violations.
- Redevelopment of RCRA Corrective Action Facility. Negotiated covenant not to sue with EPA/MDNRE on behalf of innocent purchaser. Site is now occupied by medical care facility.
- Universities: Represented universities in obtaining, renewing, and managing renewable operating permits for power plants and defended against alleged asbestos management violations; assisted with environmental implications of acquisition, sale, development, and gifts of real estate.
- Have defended injury and employment claims, including construction worker injury, law enforcement lethal force claims, nuisance, vehicle accident, and other personal injury claims, in state and federal court, representing schools and universities, governmental units, public utilities, manufacturers, commercial property owners, and employers.

### REPORTED + PUBLISHED DECISIONS

Abnet v Coca Cola Co., 786 F. Supp. 2d 1341 (W.D. Mich. 2011)

Dextrom v Wexford County, 287 Mich. App. 406 (2010), lv. den. 488 Mich. 853, 787 N.W.2d 508 (2010)

Citizens for Environmental Inquiry v Department of Environmental Quality, 2010 WL 446047 (Mich. App. 2010), lv. den. 488 Mich. 853, 787 N.W.2d 504 (2010)

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Wolverine Power Supply Cooperative v Department of Environmental Quality, 285 Mich. App. 548, 777 N.W.2d 1 (2009)

Midland Cogeneration Venture Ltd. Partnership v Department of Environmental Quality, 2008 WL 2663772 (Mich. App. 2008), lv. den. 483 Mich. 881, 759 N.W.2d 399 (2009)

Jimenez v Lakeside Pic-N-Pac, L.L.C., 2007 WL 4454295 (W.D. Mich. 2007)

Kerbersky v Northern Michigan University, 458 Mich. 525 (1998)

Tranker v Figgie International, 221 Mich. App. 7 (1996); 456 Mich. 934 (1998); 231 Mich. App. 115 (1998) (after remand)

Palmer v Western Michigan University, 224 Mich. App. 139 (1997)

Rose v Figgie Int'l, 56 F.E.P. Case 41 (W.D. Mich. 1990)

Andrews University v Robert Bell Ind., 685 F. Supp. 1015 (W.D. Mich. 1988)

Longacre v Comerica Bank, 865 F.2d 259 (Table), 1988 WL 130835 (6th Cir. Mich.)

Mabry v County of Kalamazoo, 626 F. Supp. 912 (W.D. Mich. 1986)

Eliason v Mich. Dep't of Labor, 564 F. Supp. 1298 (W.D. Mich. 1983)

### PROFESSIONAL ACTIVITIES

- American Bar Association, Litigation Section; Environment, Energy and Resources Section
- State Bar of Michigan, Environmental Law Section; Negligence Law Section
- Kalamazoo County Bar Association, Board of Directors 1999-2002
- Air and Waste Management Association
- Defense Research Institute

### HONORS + AWARDS

- Best Lawyers in America, Environmental Law 2005-present; Litigation-Environmental 2012
- Michigan Super Lawyers, Environmental 2006-present

## CIVIC, CULTURAL + SOCIAL ACTIVITIES

- Kalamazoo Regional Chamber of Commerce, Board of Directors 2011-12; Environmental Advisory Council 1996-present; Leadership Kalamazoo
- Calvin College, Board of Trustees 2005-2011; Board Vice President 2008-2011
- Christian Reformed Church Loan Fund, Board of Directors 2003-2009; Chair 2006-2009
- Calvin College Alumni Association, Board of Directors 1999-2002; President 2002
- Economic Club of Southwest Michigan 2011-2012
- Friends of Kal-Haven Trail, Inc., Former Board Member and Vice-Chairman
- Junior Achievement of Greater Kalamazoo, Board of Directors 2004-2007
- Kalamazoo Christian School Association, former member Board of Directors

## PUBLICATIONS

"Governmental Immunity in Michigan," ICLE Press, 1991 (2d ed., 2005)

"Governmental Immunity (A Defense to Tort Liability)," Local Government Law and Practice in Michigan, published jointly by the Michigan Municipal League and the Michigan Association of Municipal Attorneys, 2000

"Governmental Immunity," (Co-Author), Atkinson & Soper, Torts: Michigan Law and Practice, ICLE Press, 1992

"Federal and State Air Pollution Regulation: Ignorance of the Law Is No Defense for Municipalities," (Co-Author), Michigan Municipal Review, August 1996

"How to Reduce or Avoid Personal Liability for Your Actions as a College or University Administrator," (Co-Author), University of Vermont Conference on Legal Issues in Higher Education, October 1994

"Governmental Immunity and the Nuisance Nuisance," Public Corporation Law Quarterly, December 1992

## Ronald E. Baylor

"Defending the Municipality: Governmental Immunity Review,"  
Handbook for Municipal Attorneys in Michigan, MAMA 3d ed., 1992

### SPEECHES

"A Federally Mandated Phase I Standard: All Appropriate Inquiry,"  
Robert Morris Association, Grand Rapids, Michigan, June 2007

"Environmental Audits and Inspections: What Every University (and  
University Attorney) Should Know," NACUA 44th Annual Conference,  
Vancouver, British Columbia, June 2004

"Employee Criminal Conduct, Including Embezzlement," Michigan  
Society of Medical Assistants, Holland, Michigan, May 2003

"Employee Criminal Conduct, Including Embezzlement and Off-Duty  
Misconduct," 18th Annual Seminar on Employment Law Matters,  
Kalamazoo County Chamber of Commerce and Miller Canfield,  
Kalamazoo, Michigan, April 2003

"Governmental Immunity 2000: Millennial Madness?," Michigan  
Association of Municipal Attorneys, Lansing, Michigan, March 2000

"Waterworld--It Keeps Getting Deeper--Hot Topics in Environmental  
Law," Grand Rapids and Dearborn, Michigan, April 1999

"Kerbersky v. Northern Michigan University: What does it mean for  
the public building exception?," Middle Cities Risk Management  
Trust, Lansing, Michigan, October 1998

"Environmental Compliance: Who Says It's My Problem and So What  
If It Is?," Technical Association of the Pulp and Paper Industry,  
Virginia-Carolina Chapter, Wilmington, North Carolina, June 1997

### ARTICLES

- Regulating CO2

### NEWSLETTERS

- Hot Points Special Edition Climate Change

### NEWS

- Miller Canfield Lawyer Ron Baylor Elected to Board of Directors of  
Kalamazoo Regional Chamber of Commerce