

## 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.