



## Allen A. Kacenjar

Partner, Cleveland, Ohio USA  
T +1 216 479 8296  
[allen.kacenjar@squirepb.com](mailto:allen.kacenjar@squirepb.com)

### Practice Focus

- Environmental, Safety & Health
- Chemicals
- Chemicals & Products
- Climate Change & Sustainability
- Environmental Litigation, including Enforcement Defense, Cost Recovery and Toxic
- Mergers & Acquisitions
- Renewable Energy

### Education

- Case Western Reserve University, J.D., *magna cum laude*, Order of the Coif, executive notes editor, *Case Western Reserve Law Review*, 1999
- Miami University, B.S., 1996

### Admissions

- Ohio, 1999
- U.S. Ct. of App., District of Columbia Circuit, 2004
- U.S. Ct. of App., Eighth Circuit, 2013
- U.S. Ct. of App., Fifth Circuit, 2002
- U.S. Ct. of App., Seventh Circuit, 2014
- U.S. Ct. of App., Sixth Circuit, 2007
- U.S. Ct. of App., Third Circuit, 2006
- U.S. Dist. Ct., N. Dist. of Ohio, 2000
- U.S. Dist. Ct., N. Dist. of Texas, 2005
- U.S. Dist. Ct., W. Dist. of Pennsylvania, 2008
- U.S. Supreme Court, 2004

### Languages

- English

*Selected by peers as a Rising Star, the top 2.5 percent of lawyers age 40 or less, or in practice 10 years or less, and listed in the 2014 edition of Ohio Super Lawyers – Rising Stars.*

Allen Kacenjar's practice encompasses all areas of environmental law with emphases in regulatory development and advocacy, complex environmental litigation, risk management counseling and brownfields redevelopment.

Allen's primary focus is on minimizing his clients' exposure to environmental liabilities, whether through proactive efforts to shape evolving environmental laws, development of business practices, evaluation of transactional risks or aggressive litigation. Through his representation of major corporations, public entities and industry advocacy groups, Allen has obtained substantial experience under all major state and federal environmental laws including the Clean Air Act; Clean Water Act; Resource Conservation and Recovery Act (RCRA); Toxic Substances Control Act (TSCA); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); and Ohio's Voluntary Action Program (VAP).

In 2009 Allen was profiled by *Inside Business* in its "High Bars" feature, a listing of 15 Northeast Ohio lawyers who are making a difference in their firms and communities.

He is a member of the Ohio State Bar Association's Environmental Law Section and the National Brownfield Association.

## REPRESENTATIVE EXPERIENCE

### Regulatory

- Developing US climate change strategy for an international steel company including assessment of the preferred regulatory approach, advocacy in support of that approach and submission of comments on key rulemakings.
- Designing a product redistribution and recycling system for an international chemicals manufacturer with extended attention to RCRA, TSCA and Department of Transportation implications and resolved related RCRA enforcement proceedings.
- Securing US Army Corps and Ohio EPA permits necessary to enable development of a major hospital complex on a site with

significant wetlands and other siting concerns.

- Preparing siting strategy for a proposed offshore wind power generation facility including evaluation of all potential federal and state regulatory impediments.

#### **Transactional**

- Providing primary environmental counsel on more than 75 major corporate transactions requiring identification and valuation of environmental, health and safety risks; negotiation of key contractual protections; identification and resolution of permitting concerns; and procurement of environmental insurance.
- Counseling a large municipality regarding the US\$100 million remediation and redevelopment of a historic automotive plant into a high-tech business incubator including resolution of intricate RCRA, Ohio VAP, TSCA, political and business concerns.
- Securing significant grant funding to spur remediation of contaminated industrial property in a transaction uniquely structured to eliminate prospective environmental liability despite ongoing enforcement.

#### **Litigation**

- Securing a victory before the US Supreme Court in landmark Superfund litigation resulting in the nationwide reassessment of contribution rights (*Cooper v. Aviall*, 543 U.S. 157 (2004)).
- Securing vacatur of the US EPA Boiler MACT rule before the DC Circuit Court of Appeals on behalf of clients threatened with disproportionate regulatory impacts (*NRDC v. EPA*, 489 F.3d 1250 (DC Cir. 2007)).
- Defending a manufacturing client from a US\$35 million claim regarding a contaminated 116-city-block area in downtown South Bend, Indiana, involving the seminal interpretation of two statutes, four tort claims and complex insurance disputes resulting in two Indiana Supreme Court decisions.
- Representing a major manufacturing company in a combined challenge to US EPA's nonattainment designations for fine particulate matter before the DC Circuit Court of Appeals.

#### **Select Publications and Speaking Engagements**

- "REACH: The Rubber Hits the Road," prepared for Squire Patton Boggs' *Chemicals Update*, Aug. 2008.
- "*United States v. Atlantic Research: A Supreme Change of Heart*," prepared for the Air and Waste Management Association, Nov. 2007.
- "Climate Change: Is the Heat On Stationary Sources?," presented at Metals Outlook 2007, Sept. 2007.

- “How to Survive the Rough Seas of MACT Regulation,” presented at the Manufacturer’s Education Council Air Permitting Seminar, July 2007.
- “Uncovering Your City’s Diamonds in the Rough,” published in Squire Patton Boggs’ *Ohio Public Law Update*, Spring 2007.
- “Impact of the New ‘All Appropriate Inquiry’ Rules on Environmental Diligence Strategy,” prepared for America’s Community Bankers, Oct. 2006.
- “The Aftermath of *Aviall v. Cooper*,” presented at the OSBA Environmental Conference, April 2006.
- “Clarifying the Haze Rule,” published in *Pollution Engineering*, Feb. 2006.
- “Buying Environmentally Challenged Property,” presented at the OSBA Annual Convention, May 2005.
- “Environmental Issues in Property Development,” published by the National Business Institute in *Major Land Use Laws in Ohio*, 2002, 2004 and 2006.