



## Karen A. Winters

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### Practice Focus

- Environmental, Safety & Health
- Chemicals
- Chemicals & Products
- Industrial Products
- Energy & Natural Resources
- Environmental, Safety & Health Litigation

### Education

- The University of Akron, J.D., 1981
- Bowling Green State University, B.A., 1978

### Admissions

- Ohio, 1981
- U.S. Ct. of App., Sixth Circuit, 1982
- U.S. Dist. Ct., N. Dist. of Ohio, 1982
- U.S. Dist. Ct., S. Dist. of Ohio, 1982

*Listed in The Best Lawyers in America 2015, an honor based on an exhaustive peer-review process.*

*Recognized by Chambers USA 2016 as a leading individual for natural resources and environmental matters.*

Karen Winters leads Squire Patton Boggs' global Environmental, Safety & Health Practice Group. She has an established reputation for successfully assisting clients in the management of large scale environmental liability and compliance issues, providing them with strategic counseling; defense of federal and state enforcement proceedings; defense of environmental tort claims including public nuisance claims; and advancement and defense of claims for cost recovery. She is experienced in complex project siting and development (including endangered species and impacts to wetlands and jurisdictional waters), and public advocacy. Her clients are primarily in the chemicals, energy and natural resources, diversified industrials, iron and steel, and environmental services industries.

Prior to joining Squire Patton Boggs, Karen worked for five and a half years in the Office of the Ohio Attorney General as an Assistant Attorney General including Assistant Chief of the Consumer Fraud Division, member of the Environmental Enforcement Division, member of the Federal Litigation Division and member of the Chief Counsel's staff.

Karen is a member of the American Bar Association's Section on Environment, Energy and Resources; the Ohio State Bar Association's Environmental Law Committee and the Columbus Bar Association's Environmental Law Committee. She is also a member of the American Iron and Steel Institute's Environment Committee, the Ohio Chamber of Commerce's Energy and Environment Committee (and serves on its Executive Committee), the Ohio Manufacturers Association's Environment Committee and the Ohio Chemistry Technology Council's Regulatory Committee.

Karen has received a number of recognitions and distinctions. She is recognized as a Top Rated Lawyer in *The American Lawyer's* "Women Lawyers in the Law." Karen has been listed in *Chambers USA – America's Leading Business Lawyers* in the area of environmental law each year since 2005. She has been selected by

her peers for inclusion in *The Best Lawyers in America* each year since 2006, and has been included in Thomson Reuters' list of Ohio Super Lawyers, the top 5 percent of lawyers in Ohio, each year since 2004. Karen is AV-Preeminent rated by Martindale-Hubbell. She has been consistently identified by *Columbus Monthly* as one of the top 25 women attorneys in Columbus and was recently featured in *Columbus CEO* magazine as one of the top lawyers in Central Ohio.

Karen is a member of the Board of Trustees of the Columbus Bar Foundation, whose mission is to promote the understanding of the law, the role of the legal profession and access to justice. Karen is also a member of the Governing Board of Trustees of the YWCA Columbus whose mission is to eliminate racism and empower women.

### REPRESENTATIVE EXPERIENCE

- Successfully resolving claims in bankruptcy by the US and the states of Oklahoma, Kansas, Illinois, Michigan and Ohio under CERCLA against a debtor and its affiliates through the establishment of a custodial trust to take ownership of and remedial responsibility for 13 sites in five states through the appointment of a qualified trustee and funding of the custodial trust in the amount of approximately US\$17 million.
- Counseling a manufacturer with respect to compliance with the requirements of federal laws and the laws of the states regarding product labeling, hazardous materials transport and waste management at end of product life under such programs as, *inter alia*, the Hazardous Substances Act, Hazardous Materials Transportation Act, Resource Conservation & Recovery Act and various state analogs associated with entry into the US market.
- Representing an environmental services company in the defense of environmental tort claims including public nuisance claims regarding associated odors and emissions from a landfill.
- Representing a major oil refiner in connection with the decades' long implementation of an RCRA 3008(h) Administrative Order on Consent issued by US EPA for clean-up of historic contamination associated with the operation of a former refinery. Counsel included assistance with contingency arrangements for an adjacent municipal water supply, as well as ultimate relocation of that water supply through a unique co-funding proposal with the Ohio Water Development Authority.
- Representing a wind energy developer in connection with obtaining a certificate of environmental compatibility and public need from the Ohio Power Siting Board for a 200 MW wind powered electric generating facility comprised of 112 turbines and a 138 kv transmission line to connect the facility to the regional grid. The facility is intended for use by utilities that will be required to meet the Ohio Alternative Energy Portfolio

Standard enacted with passage of SB 221 and signed by Ohio's governor, which requires that, by 2025, at least 25 percent of the electricity sold in Ohio must be supplied by alternative energy resources.

- Representing an independent power producer in connection with obtaining a certificate of environmental compatibility and public need from the Ohio Power Siting Board for construction of an 850 MW combined cycle natural gas fired electric generating facility in Southwest Ohio and related environmental permits.
- Representing a private developer in connection with obtaining one of Ohio's first permits for construction of a new solid waste disposal facility pursuant to its best available technology standards for the siting, design, construction and operation of municipal solid waste landfills, promulgated pursuant to Uncodified Section 7 of Am. Sub. HB 592, as revised to meet US EPA's standards under Subtitle D of the Resource Conservation and Recovery Act, and the defense of citizen challenges until then.
- Representing a developer in connection with obtaining one of the first covenants not to sue under Ohio's Voluntary Action Program, which was designed to stimulate brownfields redevelopment in Ohio.
- Representing a host of steel companies on a variety of legislative and regulatory matters including legislation and rules to implement Ohio's Voluntary Action Program and steel-specific siting, design and operational standards for landfills disposing of residual waste from the iron- and steel-making processes.