



John L. Wittenborn

Of Counsel

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About

John Wittenborn focuses his practice on environmental and energy regulatory and litigation matters at the federal and state levels, and throughout the United States. John has more than three decades of experience providing a wide spectrum of strategic advice, counseling and litigation services to individual corporate clients, major national trade associations, energy companies and government agencies.

John serves as general environmental counsel to the Steel Manufacturers Association, Specialty Steel Industry of North America, Leather Industries of America, Inc., Copper & Brass Fabricators Council, Textile Rental Services Association, Metals Industries Recycling Coalition and other associations and coalitions. As an advisor to such associations, John has been involved in creating and developing the rules and regulations that govern specialized industries. As a result, there is no learning curve when he is retained to advise businesses on how to properly apply the law to their operations and other initiatives.

John's long, broad and deep environmental law tenure is one of his strongest assets when counseling his clients, many of whom have been with him for more than two decades. He is dedicated to knowing his clients well by understanding every facet of their business, commercial challenges and the environmental issues with which they are faced. John has proven time and again that he can address the full range of environmental challenges his clients face by providing personalized, responsive, sophisticated and effective legal representation designed to minimize risk and avoid liability.

John has defended his clients against all variety of enforcement actions and initiatives. His experience includes internal investigations, litigation and trial preparation. He is also involved in the evaluation of potential insurance coverage, as well as the analysis of the potential risks associated with the settlement or mediation of a dispute when weighed against the commercial interests of his client.

Especially in the area of the environment and environmental law, it is critical to understand the science and technology that underlies innovation. Of particular note, John has a solid background in engineering so he is able understand even the most complex science and sophisticated technologies of his clients, and therefore can more ably develop the right legal strategy going forward.

Prior to joining the firm, John served as assistant chief in the Environmental Enforcement Section of the U.S. Department of Justice, supervising all federal enforcement litigation in Regions I, II and VI of the U.S. Environmental Protection Agency (EPA). A U.S. Airforce Academy graduate, John also previously served as chief of the Environmental Law Division in the Office of the Judge Advocate General of the United States Air Force. This experience gave John multifaceted insight into how the government thinks when their regulators are developing enforcement cases.

A prolific author and invited guest speaker on various environmental law and litigation topics, John is selected as one of *The Best Lawyers in America* in the Environmental Law and Environmental—Litigation and recognized as a leading Environment and Environmental Litigation attorney by Washington D.C. *Super Lawyers*.

Experience

Served as litigation counsel to oil and energy companies, leather tanneries, steel mills and other facilities facing civil, judicial or administrative enforcement actions for alleged violations of the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, Occupational Health and Safety Act, and other major environmental statutes. Negotiated creative settlements, including innovative supplemental environmental projects.

Serves as counsel to three national steel trade associations in the development of Hazardous Air Pollutant and Greenhouse Gas (GHG) regulations.

Represented a steel industry trade association in litigation over EPA GHG regulations and Endangerment Finding.

Serves as counsel to large manufacturing companies and trade associations in challenges to major Clean Air Act rulemaking litigation, including New Source Review reform; regulation of carbon dioxide as a criteria pollutant; and maximum achievable control technology (MACT) rules affecting iron and steel producers, leather tanning and finishing, shipbuilding and foundries.

Served as counsel to BP Products North America, Inc. in defense of an EPA Administrative Order seeking remediation and Natural Resource Damages at Newtown Creek.

Represents steel, copper and nickel producers in litigation over the EPA's Definition of Solid Waste Rule that distinguishes recycling from waste management.

Serves as litigation common counsel for a group of generator potentially responsible party (PRP) defendants at two major Superfund sites in New York.

Served as litigation counsel for 36 steel companies at a Superfund site in Pennsylvania that resulted in the first comprehensive de minimis settlement involving all generator defendants.

Represented two national trade associations of textile service companies that resulted in the first-ever decision by the EPA to withdraw a proposed industrial effluent limitation guideline regulation.

Represented two major steel trade associations regarding the EPA's National Steel Minimill Audit Initiative, including managing voluntary industry participation by 21 steel mills in evaluating compliance with Clean Air Act prevention of significant deterioration (PSD) requirements, hazardous waste management and other significant compliance issues.

Represented clients in regulatory development and litigation of the proposed and final rules on occupational exposures to hexavalent chromium.

Conducted and supervised environmental compliance audits at more than 50 industrial facilities throughout the United States.

Represented facilities undergoing risk-based corrective action, including management of the risk assessment process, resulting in favorable cost-effective remediation outcomes.

Served as counsel to a large Midwest municipality performing brownfields assessments and remediation of former industrial facilities for redevelopment for recreational, civic and commercial uses.

Appointed as a special assistant attorney general for Nebraska in defense of a \$150 million litigation matter challenging the state's decision to deny a license for a low-level radioactive waste disposal facility.

Serves as counsel to the Chrome Coalition, Metals Industries Recycling Coalition and Steel Slag Coalition on regulatory, policy and legislative issues affecting the metals industries.

Honors

The Best Lawyers in America® (Woodward/White, Inc.), Environmental Law and Environmental Litigation, 2007-2027.

Recognized as a leading Environment and Environmental Litigation attorney by Washington D.C. *Super Lawyers*, 2011-2020.

Affiliations

American Bar Association, Section of Environment, Energy and Resources

Related Services

Energy
Environmental
Environmental Regulation
Food and Drug
Occupational Safety and Health Regulation

Education

The George Washington University Law School, LL.M.

- with highest honors
- Environmental Law

Indiana University Maurer School of Law-Bloomington, J.D.

- cum laude

United States Air Force Academy, B.S.

- distinguished graduate

Admissions

District of Columbia