

## KALAMAZOO

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## Services

Environmental  
Financial Services  
Litigation and Dispute Resolution  
    Class and Collective Actions  
    Environmental Litigation

## Industries

Financial Institutions  
K-12 Education  
Manufacturing

## Education

Wayne State University Law  
School, J.D., 1980  
Calvin College, B.A., 1977

## Bar Admissions

Michigan

## Court Admissions

U.S. Supreme Court  
U.S. Court of Appeals  
    • Sixth Circuit  
U.S. District Court  
    • Western District of Michigan  
    • Central District of Illinois



## Ronald E. Baylor

Of Counsel

Ronald E. Baylor represents individuals, businesses and local governments across a 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 is the former chair of our Energy, Environmental and Regulatory practice group.

Ron defends against regulatory enforcement actions before state and federal courts and administrative agencies. He also handles environmental litigation and disputes about cost recovery and insurance coverage, as well as injury and commercial disputes. He primarily represents business and industry, local government, and schools and universities.

## Representative Matters

Ron has appeared before state and federal trial courts and courts of appeals, including the Michigan Supreme Court. He also practices before state and federal regulatory agencies, such as the Michigan Department of Environmental Quality and U.S. Environmental Protection Agency.

## Representative Matters

- **Railroad:** Assisted railroad in infrastructure upgrade project to eliminate private railroad crossings where possible, to prepare for increasing train speeds. Eliminated 70% of private crossings along 135-mile stretch of railroad, dealing directly with private property owners and local government, avoiding lawsuits, saving money, and improving safety for the traveling public.

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- Furniture Manufacturer: Defended against EPA enforcement action for alleged air permit violations. Negotiated settlement includes equipment upgrades, modified permit.
- Railroad: Successfully represented railroad in "property rights" dispute brought by landowner objecting to railroad improvement project.
- Wine and juice processor: Defended against EPA enforcement for alleged EPCRA Section 312 violations. Negotiated settlement which included SEP credit for in-plant upgrades, including removal of old chiller systems and elimination of hazardous materials from plant.
- 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.
- 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 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 1,200 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 of Michigan 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 of Michigan 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 of Michigan enforcement based on neighborhood odor and nuisance complaints; negotiated advantageous settlement, including timeline for \$30 million upgrade to WWTP over several years.
- Municipal WWTP: Defended State of Michigan 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 against EPA administrative enforcement action for alleged air permit violations, excess emissions, etc.; negotiated successful defense with modest penalty.
- Cereal manufacturer: Defended against EPA enforcement action arising from excess VOC emissions associated with flavorant changes and fluctuations in product mix due to consumer demand; negotiated settlement, including

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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 Michigan of charges arising from extended failure of emissions monitoring equipment.
- Wood products manufacturer: Resolved claims that client 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/MDEQ on behalf of innocent purchaser. Enabled client to market the property (once polluted with plating waste) for development as a modern medical care facility.
- Universities: Represented public 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 and 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)

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)

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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)

**Honors**

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

Michigan Super Lawyers, Environmental Law, 2006-present

Leading Lawyers, Environmental Law, 2014–present

Calvin College Alumni Association, Outstanding Service Award, 2013

**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

**Civic, Cultural & Social Activities**

Kalamazoo Regional Chamber of Commerce, Board of Directors, 2011-12; Environmental Advisory Council, 1996-2012; 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-present

Friends of Kal-Haven Trail, Inc., Former Board Member and Vice-Chairman

Junior Achievement of Greater Kalamazoo, Board of Directors, 2004-2007

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Kalamazoo Christian School Association, former Director and Board Chair

Kalamazoo Christian School Foundation, Board of Trustees, 2013-present

### Speeches

"How to Prepare for an Inspection and Navigate Enforcement" (Panel), Air & Waste Management Association Annual Spring Conference, Grand Rapids, Michigan, April 2019

"Environmental Compliance – What You Need to Know and How to Get It Done" (Panel), Air & Waste Management Association Annual Spring Conference, Grand Rapids, Michigan, April 2014

"Environmental, Health & Safety Update," Michigan Chamber of Commerce, Novi, Michigan, October 2013

"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 Member Symposium, 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

### 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

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"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

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

**Articles**

Regulating CO2: Applying Old Laws to New Pollutants, Hot Points Jan 2010