

Arthur A. Vogel, Jr.

Partner

Arthur (“Tony”) Vogel, Jr. helps clients achieve practical solutions to complex remediation and regulatory compliance issues. He has managed projects under the federal Superfund program since its inception, handling cleanup and remediation cases in a regulatory context as well as counseling clients on allocation issues relevant to divisions of liability for the cost of site remediation. Cases dealing with contaminated river and harbor sediments are a particular strength. Tony served as the national chair of the firm’s Energy, Environment & Natural Resources Practice Group from 2007 to 2014, and he helped launch the Clean Energy, Climate Change and Sustainability Industry Initiative in 2009. As the head of the Energy & Environmental Law Practice Group, Tony built a team of attorneys who pay close attention to client needs, emphasizing cost-effective and practical advice.

Tony’s knowledge of environmental law is wide-ranging, including solid and hazardous waste, environmental due diligence, climate change and sustainability, site investigation and remediation, agency and private-party negotiations relating to environmental liabilities, and general regulatory compliance — he is a highly respected authority in the field. In 2005, for example, Wisconsin Governor Jim Doyle appointed Tony to chair a Blue Ribbon Task Force on Waste Materials Recovery and Disposal, a group commissioned to develop policy options and recommendations to ensure environmental protection and economic growth when dealing with waste reduction, recycling, reuse, and disposal issues in Wisconsin.

Tony is committed to understanding client needs so that he can provide useful, reliable, trusted, and efficient advice relevant to their business objectives. He is a team player ready to work on a collegial basis with in-house representatives and outside consultants to manage services in the most expeditious and cost-effective manner possible. In fact, Tony believes that a team approach — combining different perspectives and points of view — is often the best way to achieve client objectives. He understands that in many cases, environmental issues are merely one component of a larger overall project, and he strives to be a problem-solver in that regard on clients’ behalf.

Legal Services

- Energy, Environment & Natural Resources
 - Due Diligence and Risk Assessment in Transactions
 - Emergency Response & Compliance Counseling
 - Remediation – Superfund and Sediments



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Education and Honors

- University of Notre Dame Law School (J.D., *cum laude*, 1979)
 - Notre Dame Law Review (Comments Editor, 1978–1979)
- Northwestern University (B.A., 1976)
 - Major: Physics/Astronomy

Bar Admissions

- Wisconsin

Professional and Civic Activities

- American Bar Association (Member)
- State Bar of Wisconsin (Member: Governing Council Health Law Section, 1983–1986)
- Governor Doyle's "Blue Ribbon Task Force on Waste Materials Recovery and Disposal" (Chair: 2005–2006)
- Milwaukee Bar Association (Member)
- Environmental Law Institute (Associate)
- St. John's Home of Milwaukee Inc. (Board: 1986–2003; Chair: 1993–1995)

Professional Recognition

- Recognized as Best Lawyers® 2013 Milwaukee Litigation – Environmental Law "Lawyer of the Year"
- Listed in Chambers USA® (2010–present: Natural Resource & Environmental Law)
- Listed in The Best Lawyers in America® (1995–present: Environmental Law; Litigation – Environmental)
- Martindale-Hubbell AV® Peer Review Rated
- Listed in The International Who's Who of Environmental Lawyers (2010)
- Selected for inclusion in the 2005–2009 Wisconsin Super Lawyers lists (Environmental)

Deep Experience


A few examples of Tony's work include the following:

- Extensive representation of clients dealing with potential liability under Superfund and its state law counterparts. This work includes national representation of a large manufacturing client with retained environmental liabilities for paper making, printing, packaging, and chemical operations divested in the 1980s.
- Chairing or serving on steering committees for Superfund sites in Wisconsin, New Jersey, South Carolina, and other states, including extensive negotiations with state and federal regulators.

- The resolution of contested allocation issues through extensive discovery negotiations and third-party mediation in a variety of CERCLA matters.
- Coordinating efforts to obtain state and local approvals for two large wind farm projects in Wisconsin.
- Work on solid waste and landfill siting matters, including the representation of paper mills, foundries, and local siting committees in matters governed by the Waste Facility Siting Board in Wisconsin.
- Comprehensive environmental due diligence in commercial and real estate transactions across the country, including the purchase and sale of paper mills in California, Michigan, Ohio, and Massachusetts as well as a variety of similar transactions for buyers, sellers, lenders, and investors.
- Work under WEPA/NEPA pertaining to the need for and procedures associated with Environmental Impact Statements for governmental permits relating to a waste-to-energy incinerator, a shopping mall, a foundry expansion, and related matters. This includes significant work on behalf of the prevailing parties in Wisconsin's *Environmental Decade v. DNR*, 115 Wis.2d 381 (1983), and *City of New Richmond v. DNR*, 145 Wis.2d 535 (Ct. App. 1988).
- Extensive coordination with technical consultants, pertaining to landfill design, soil and groundwater assessments, contaminant fate and transport, and options for remedial action. This includes detailed work on contracting options and enforcement of contractual rights with technical consultants.
- The investigation and remediation of contaminated sediments. With respect to PCB contamination of the Lower Fox River in northeastern Wisconsin, this includes extensive contact with consultants, private parties, governmental agencies, and public interest groups with respect to historical deposition of PCBs, fate and transport, options for cleanup, and design/implementation of final remedial measures.
- Work on natural resource damage (NRD) claims in Wisconsin, New Jersey, and other states, including NRD assessments and negotiations with natural resource trustees.
- Litigation support associated with toxic tort claims and claims alleging contamination of public and private water supplies in Illinois, California, and other states, including extensive preparation of environmental experts, analysis of expert reports describing the fate and transport of contaminants, fact and expert depositions, and pre-trial motions.

Clients

With respect to work on the regulatory side of environmental law, Tony



regularly interacts with the following types of clients:

Manufacturing

Typical examples of manufacturing clients include paper mills, foundries, and other industrial/manufacturing concerns.

Corporate Transactions

Tony is often called upon by his business law colleagues to address the environmental ramifications of various “deals” on behalf of sellers, buyers, and investors. These matters often involve regulatory compliance issues and/or the need for addressing contaminated property.

Landfill Issues

Tony works with industrial concerns — primarily paper mills and foundries — on landfill siting, regulation, and remediation issues.


Community Service

As time allows, Tony takes time from his busy schedule to serve the community and the state.

Governor Doyle’s Blue Ribbon Task Force on Waste Materials Recovery and Disposal

In 2005, then-Wisconsin Governor Jim Doyle voiced concerns that despite Wisconsin’s recycling and waste reduction programs, the amount of waste going to landfills each year still exceeded the previous-year totals, and the makeup of that waste stream was increasingly likely to contain potentially harmful materials. The state also needed to consider ways to deal with landfilled waste that, while currently safe, might become a burden in the future. Further, Wisconsin needed to look at the increasing tendency of waste to cross borders, and to ensure that the state’s waste and materials management policies responded to the needs of Wisconsin residents and businesses. Governor Doyle therefore appointed a special task force to find solutions. In August of that year, he appointed Tony to chair his [Blue Ribbon Task Force on Waste Materials Recovery and Disposal](#), a group commissioned to develop policy options and recommendations to ensure environmental protection and economic growth when dealing with waste reduction, recycling, reuse, and disposal issues in Wisconsin. The Task Force issued its final report to the Governor in late 2006.

SAINT JOHN'S
ON THE LAKE



Saint John's On The Lake is Milwaukee's premier retirement location, where an exciting lifestyle, a proud tradition, and a confident vision of the future offer a better view on life. Its mission is to enrich the lives of older adults through gracious retirement living, spiritual growth, cultural and educational opportunities, and health care services. Tony sat on the Board of Directors from 1986 to 2003 and chaired the board from 1993 to 1995.

Success Stories

Superfund Defense Savings

Quarles & Brady has extensive experience chairing groups of potentially responsible parties (PRPs) at federal Superfund sites. Since 1993, for example, a Quarles attorney has either chaired or co-chaired a Superfund cleanup in the Pinelands of New Jersey. At this particular site, the U.S. Environmental Protection Agency (EPA) selected remedies for two operable units before identifying most potentially responsible parties. Cleanup costs were estimated by EPA at \$57 million (in 1988 dollars). After successfully changing the remedy initially selected by EPA for the site, the first operable unit is now cleaned and closed, and the second is nearing completion, all for a cost roughly half of EPA's original estimate.

Chemical Cleanup

Quarles & Brady has worked extensively for a client that historically owned paper-making, printing, packaging, and chemical operations through the United States. These assets were divested in the 1980s, and Quarles & Brady has managed retained environmental liabilities for this client on a national basis since then. This work includes some 30 Superfund sites in total, eight of which are active and many of which have required the negotiation of administrative orders and consent decrees, or a response to unilateral administrative orders under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act. Quarles & Brady has also represented this client in mediation and litigation designed to allocate site costs among the named respondents and other parties thought to have used various disposal sites. This client has sites in Indiana, New Jersey, New York, Pennsylvania, South Carolina, and Wisconsin.

River Restoration

The Lower Fox River and Green Bay portion of Lake Michigan (the "Fox River Site") represents one of the world's largest river and harbor environmental projects. Our client was identified as a potentially responsible party in 1994, along with six other paper mills located along the Fox River. Since then, we have focused considerable attention on governmental claims by (1) directing complex and multidisciplinary technical evaluations (including

remedial investigation, fate and transport modeling, ecological and human health risk assessments, and natural resource damage assessments); (2) overseeing public and governmental relations at the federal, state, and local levels; (3) negotiating and directing implementation of a consent decree and an amended consent decree to perform response actions in Operable Unit 1 (OU1) beginning in 2004 (seven river miles, at a cost exceeding \$100 Million); (4) responding to a Unilateral Administrative Order for Remedial Action issued by the U.S. Environmental Protection Agency in 2007 to perform and fund remedial action in Operable Units 2–5 (32 river miles, at a cost of \$600–\$800 million over 10-plus years); and (5) addressing natural resource damage claims of seven federal, state, and tribal trustees. Based on the technical and legal case we developed, for example, the agencies issued an amended remedy for the river segment (OU1) that our client remediated (with one other party). The cost savings due to the amended remedy exceeded \$50 million. As a bonus, ongoing sampling indicates that site risks are being reduced more quickly than originally anticipated.

Publications

11/20/15

"A Contracts Tool Kit for Negotiating Environmental Risk"

InsideCounsel

09/16/15

"The Risk and Necessity of Environmental Testing"

Inside Counsel

08/07/12

Seventh Circuit Says Joint and Several Liability is Alive

Environmental Law Alert