

Benjamin C. Grawe

Partner

Madison, Wisconsin

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Service Areas:

- Business
- Environmental
- Natural Resources, Mining & Energy

Education:

- J.D., Vermont Law School
- B.A., University of Wisconsin – Madison
- Certificate of Environmental Studies – University of Wisconsin's Gaylord Nelson Institute for Environmental Studies

Admissions:

- Wisconsin
- U.S. District Court for the Eastern and Western Districts of Wisconsin
- U.S. Tax Court

Ben is a partner in DeWitt's Madison office and Chair of the firm's Environmental practice group. His practice focuses on regulatory compliance and counseling, with an emphasis on complex air, waste, and permitting issues. He has extensive experience resolving environmental enforcement actions, negotiating settlements with state and federal agencies, and managing due diligence in the purchase and disposition of industrial assets.

He also represents clients on remediation projects across the country, including at some of the largest Superfund sites, where he leads PRP groups in structuring innovative solutions to complex environmental challenges. Ben has counseled clients on CERCLA and RCRA cleanups from the initial site assessment and investigation, including negotiating consent decrees and administrative orders, to the implementation of final remedies and property redevelopment.

Ben works closely with in-house legal departments, business leaders, and technical staff on internal audits, case management, and the development and implementation of legal strategies and best practices. He has worked in all branches of government, is a frequent speaker on environmental issues, and regularly collaborates with industry groups and regulators to influence environmental policies and trends.

Ben provides clients with regulatory compliance counseling and enforcement defense across a broad spectrum of industry sectors, including automotive, energy extraction and production, pulp and paper, and heavy manufacturing.

Affiliations

- Board Member – Wisconsin Bar Association Environmental Law Section
- Board Member – Czar's Promise
- Member – Dane County Bar Association
- Member – American Bar Association
- Member – Middleton Chamber of Commerce

Articles & Presentations

- Presentation to Centers of Excellence, Johnson Controls, Inc. Law Department, Environmental Enforcement and Regulatory Inspections, April 2015
- Co-Author "Knock, Knock – Who's there?, Government Inspections Are No Joke" – ABA SEER In-House Counsel Newsletter, August 2013
- Co-author "US EPA's Audit Policy, The Benefits of Coming Clean" – ABA SEER In-House Counsel Newsletter, May 2012
- Co-editor of Energy Infrastructure and Siting Committee Report of the ABA publication Environment, Energy, and Resource Law "The Year in Review 2011, 2012, 2013; 2014
- Presentations to Wisconsin State Bar Annual Environmental Law Update – "Ethical Considerations in an Environmental Context" – Milwaukee: 2010-2013
- Co-Author "Business Advisor Series – Environmental and Real Estate Law" – Wisconsin State Bar Publication, 2006-2008
- Editor of Wisconsin Chapter Brownfields Law and Practice – "The Cleanup and Redevelopment of Contaminated Land" – LexisNexis Publication, 2005-2007
- Presentation to Federation of Environmental Technologists Annual Convention – "Wisconsin's Air Toxics Rule – NR 445" – Milwaukee, March 2007
- Presentations to Federation of Environmental Technologists – "Federal Air Update" – Eau Claire, Kimberly, and Brookfield, WI, January-February 2007
- Presentation to Federation of Environmental Technologists – "Recent Air Permit Enforcement and Litigation Developments" – Brookfield, WI, September-October 2006
- Presentation to the Wisconsin Chapter of the American Planning Association and the Wisconsin Chapter of the American Society of Landscape Architects Annual Convention – "Update on Legislative Actions in the 2005-06 Wisconsin Legislature" – Wisconsin Dells, April 2006
- Lecturer: University of Wisconsin School of Veterinary Medicine, Professional Skills Course – "Unprofessional Conduct Under Wisconsin's Veterinary Practice Act" – Madison, 2005-2008
- Presentation to University of Wisconsin School of Veterinary Medicine, Ethics Club – "Common Legal and Ethical Dilemmas in Everyday Practice" – Madison, October 2004

Awards & Recognitions

- Wisconsin Rising Stars®
- Wisconsin Super Lawyers®
- Johnson Controls, Inc. Merit Award for Customer Satisfaction and Employee Ingenuity, Volatile Organic Compound Emission Reduction Team

Client Recommendations

"Ben has been our environmental counsel for many years. Due to the size of our company, its diverse history and the complexity of our regulatory issues, we often face equally complex and high-value environmental challenges, whether it be in our day-to-day operational compliance or site remediation. We therefore seek out not only good legal advice, but creative, practical, and cost-effective solutions. Ben has consistently provided the level of support we require in this regard, and I consider him a true asset to our environmental team." – Environmental Director, Fortune 100 Company

"I have worked with Ben on cases involving a number of complexities and find him exceptionally talented at swiftly distilling a myriad of technical, regulatory and legal issues into a strong, comprehensive solution for his clients. I always appreciate the passion he exhibits for his work and the extraordinary communication skills made evident when setting strategy with clients and at the negotiating table." – John Osborne, Principal, GZA GeoEnvironmental, Inc.

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Notable Representations

- Negotiated a national air permitting and compliance enforcement matter involving Title V and PSD violations of VOC emissions at multiple facilities, in multiple jurisdictions, over several years, resulting in a zero dollar penalty settlement with both the US EPA Office of Enforcement and Compliance Assurance and several state authorities
- Represented an automotive sales company in a complex air permitting analysis and implementation project involving new technologies and application methods, and VOC emissions at its dealership service stations. Although regulations were unclear as to the new technology and material, structured a plan whereby the company was able to fit within a narrow exemption and avoid time consuming permitting, and even possible rulemaking, in order to complete the project ahead of schedule
- Provide counsel on Title V and PSD rules (existing and proposed), permitting, and compliance matters, as well as defense of the rules governing hazardous air pollutants (HAPs), indoor air, particulate matter, VOCs, lead, SO2 and other emissions regulated at a variety of industrial sites. Specific examples include evaluations of single-source determinations and aggregation under federal and state rules, applicability of the 1-hour ambient air quality standards for SO2 and NO2, the Boiler MACT for major HAPs sources, the “area source” Boiler MACT, the GHG Tailoring Rule, and ambient air modeling and applicability determinations
- Provided counseling and legal analysis of environmental due diligence in a $62 million divestiture of pulp and paper facilities (as part of a larger $1.4 billion acquisition); provided legal analysis of environmental due diligence and negotiated cleanup obligations in a $25 million sale and lease-back of a large (71 acre, 1.5M sq. ft.) manufacturing campus
- Served as Chair of several steering committees at Superfund sites and RCRA corrective action sites across the country, advising on everything from initial contact with the environmental agencies to consent decrees, implementation of remedies, supplemental environmental projects, long-term monitoring and closure, ROD amendments, ESDs, allocation of liability and settlements with related parties
- Successfully resolved an environmental enforcement case involving the storage and handling of hazardous waste, preventing a cascade of regulatory and capital implications for the client’s facilities nationwide
- Represented a biotechnology start-up company working with US DOE and the private sector on large-scale agricultural collaborations

Service Areas Subspecialties

- Government Relations
  - Administrative Law
- Environmental Law
  - Natural Resources Law