ArentFox Schiff LLP
Attorneys

Daniel J. Deeb

PARTNER AND ENVIRONMENTAL & ENERGY PRACTICE CO-LEADER

Dan brings a deep understanding of environmental issues, especially for the energy industry.



Industries

Energy & Cleantech
Automotive & Transportation

Practices

Environmental
— Land Use & Infrastructure Litigation
Environmental, Social & Governance (ESG)

Education

Indiana University Maurer School of Law, JD, cum laude, 1996

Aquinas College, BS, magna cum laude, 1991

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Dan provides strategic counseling to leading companies on their most pressing environmental and energy concerns, from statutory and regulatory requirements to permitting, complex transactions, and federal and administrative litigation. His deep industry knowledge and scientific background allows him to take a strategic big picture approach to renewable energy projects, enforcement actions and litigation, thoughtfully addressing the client's ultimate goal and delivering results in a timely, efficient manner.

Although proficient with all major environmental statutes, Dan is most recognized for his work regarding the Clean Water Act. He negotiates difficult NPDES permit terms, litigates third-party CWA citizen suits and defends governmental enforcement actions. Before practicing law, Dan worked as a senior chemist for an environmental consulting firm and clerked for the U.S. EPA's Office of Enforcement and Compliance Assurance. He is a frequent lecturer and has written about environmental legal issues for a variety of publications.

His clients include electric utilities, natural gas transmission, storage and distribution companies, private and municipal water and wastewater utilities, petroleum refineries and bulk storage facilities, solid waste landfills, ferrous and nonferrous scrap recyclers, mining companies, real estate developers, private equity groups, industrial manufacturers and suppliers, and consumer product manufacturers, distributors and retailers.

His work includes:

- NPDES & wetlands permitting & litigation
- 401 Water Quality Certifications
- RCRA compliance & enforcement actions
- Engendered Species Act and Migratory Bird Act compliance
- CERCLA litigation
- CAA permitting

- EPCRA reporting and compliance
- Combined sewer overflow long term control plan development
- Remediation and cost recovery
- TSCA compliance
- Transaction due diligence
- Environmental insurance products
- OSHA Hazcom compliance
- Zoning and land use approvals
- Product stewardship regulatory compliance
- Hazardous Material Transportation compliance

Dan also co-leads the Environmental Practice Group.

Client Work

- Successfully obtained a federal district court dismissal of a CWA citizen suit and an order affirming dismissal from the federal appellate court after the basis of the district court's dismissal was impacted by an intervening U.S. Supreme Court decision.
- Following an evidentiary hearing on the merits, secured a judgement sustaining the agency's issuance of an NPDES permit and underlying BPJ TBEL determination.
- In NPDES litigation raising issues of first impression, successfully defended a power utility against a third party, citizen suit seeking to modify an existing NPDES permit.
- Represented gas transmission company in judicial and administrative appeals by a third-party environmental group and several individual property owners challenging state wetland permits and CWA Section 401 water quality certifications.
- Secured dismissal of litigation brought by impacted property owners challenging CWA 401 certifications issued for a new electric transmission line project.
- Represented several electric generating stations in Illinois, and Missouri in their thermal compliance efforts, including to make thermal designation under state law, obtain a thermal variance under Section 316 of the CWA, and defend against NPDES permit appeal related to thermal compliance plan.
- Defended an electric utility in an NPDES citizens suit contesting a thermal TBEL allowing continued use of once-through cooling.
- Represented utility companies in enforcement actions relating to filling wetland areas and creeks without a permit.
- Represented an electric generator in defense of governmental and citizens actions alleging violations of state groundwater standards.
- Successfully secured dismissal of an action brought by a municipality alleging groundwater impacts from CCR impoundments.
- Prevailed in a CWA citizen suit on behalf of an electric generator concerning NPDES effluent guidelines for FGD wastewater.
- Obtained Use Attainability Analysis approval for waterbody designated use suspension for municipal client.

Publications, Presentations & Recognitions

Publications

- "Proposed Changes to 401 Water Quality Certification Rules Could Entail Project Delays," (co-author) *Water Conditioning and Purification Magazine* (WC&P) (Aug. 15, 2022)
-

"EPA Places Environmental Justice Front and Center," (co-author) American Bar Association *Renewable, Alternative, and Distributed Energy Resources* (Apr. 20, 2022)

- "The FTC's Revised Green Guides: Red Lights, Yellow Lights, and Green Lights for Marketers," (co-author) *Bloomberg BNA – Antitrust & Trade Regulation Report* (Oct. 5, 2012) and *Bloomberg BNA – Daily Environmental Report* (Oct. 17, 2012)
- "Policing of Green Claims," (co-author) *Natural Resources & Environment* (Spring 2012)

Presentations

- "Sierra Club et al v. Midwest Generation, LLC," 2019 Illinois Water Laws and Regulations Seminar, Naperville, Ill. (Nov. 5, 2019)
- "Regulations Affecting the Closure and Clean-up of Electric Generating Facilities," EUCI, 2019 Plant Retirement, Lexington, Ky. (Feb. 12, 2019)
- "Energy Industry Perspective on Current and Likely Future Federal CCR Regulations and How States Will Address Oversight and Compliance," American Groundwater Trust, Coal Combustion Residuals (CCR) Workshop, Atlanta, Ga. (Jan. 16, 2019)
- "Flint Fallout," (moderator) Midwest Environmental Compliance Conference (Nov. 2, 2016)
- "Steps to Ensure Your Environmental Permits Can Withstand Third Party Appeals," American Gas Association 2016 Legal Forum, Asheville, N.C. (Jul. 12, 2016)
- "The FTC's New Green Guides," (co-presenter) Schiff Hardin Practical Compliance Roundtable, Lake Forest, Ill. (Feb. 7, 2013)
- "Marketing Your Products as 'Green" but Avoiding the Pitfalls," Schiff Hardin & ERM Seminar (Sep. 27, 2011)

Recognitions

- *Chambers USA* (2024-2026)
- The Best Lawyers in America, *Best Lawyers* (2024-2027)
- *The Legal 500 United States* (2022-2023)
- Illinois Leading Lawyer, Law Bulletin's *Illinois Leading Lawyers Network* (2012-2021)

Boards, Memberships & Certifications

- Indiana University Mauer School of Law, Environmental Law Advisory Board
- Grand Victoria Foundation, Vital Lands Advisory Board
- Columbia Yacht Club, Member
- National Wildlife Federation, Past Member, Board of Directors
- Fort Wayne – Allen County Board of Health, Past Member, Executive Board
- Northeast Indiana Innovation Center, Past Member, Board of Directors

Bar Admissions

Illinois
Indiana

Court Admissions

US District Court, Northern District of Indiana
US District Court, Southern District of Indiana