



Francis X. Lyons

PARTNER

Frank provides strategic counseling in sophisticated environmental law matters, with an emphasis on regulatory compliance under state and federal statutes.



Industries

Energy & Cleantech

Practices

Education

Loyola University Chicago School of Law, JD, 1988

University of Minnesota, BA, 1984

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He draws on his past experience as a Regional Administrator for the U.S. Environmental Protection Agency (USEPA) and an environmental enforcement attorney with the U.S. Department of Justice (DOJ) to assist clients in these matters. In 2021, Frank was named a Fellow of the American College of Environmental Lawyers.

Far-Reaching Experience

Frank has experience advising diverse businesses on matters involving the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). He provides counsel on government enforcement actions, citizen's suits, permit negotiations and appeals, project development, brownfield redevelopment, corporate investigations, environmental compliance audits, and due diligence. His firsthand experience and familiarity with environmental regulation and enforcement position him as a valuable adviser and advocate for his clients.

Focused Insight

Before entering private practice, Frank developed a thorough understanding of environmental law through a variety of significant government positions, such as Regional Administrator of USEPA Region 5, the Great Lakes Region. Clients benefit from the broader perspective, and experience in implementing public policy, he gained in this position. Earlier, Frank honed his litigation skills as a trial attorney in the Environmental Enforcement Section of the DOJ, and prior to that, in the Illinois Attorney General's Office. His experience as an enforcement attorney provides him with a unique understanding of environmental regulatory processes.

Client Work

- An electrical generating utility in defending a citizen's suit alleging violations under the Clean Air Act.
- A potential responsible party (PRP) at a major CERCLA site in California engaged in allocation negotiations with other PRPs, for which he negotiated with USEPA and DOJ regarding cost recovery and conversion of Unilateral Administrative Order to a Consent Decree.
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Multiple clients engaged in lime manufacturing in defending government enforcement actions alleging violations under the Clean Air Act for exceeding permit emission limitations, as well as responding to information requests regarding potential New Source Review (NSR) violations, and requests to perform emissions testing.

- An equipment manufacturer in voluntarily disclosing violations of the Clean Water Act by a former employee. The government ultimately declined to bring a criminal action against the company.
- A major chemical company involving a large National Priorities List (NPL) sediment site.
- A large public university in resolving a civil action stemming from a release of ammonia from the facility into a major watershed. This matter also involved resolution of the related National Resources Damages (NRD) claims.
- A foreign manufacturer and domestic seller of chainsaw engines that failed to comply with Clean Air Act requirements.
- A water treatment company in a criminal investigation related to alleged non-compliance with regulations regarding the use of corrosion inhibitors in certain equipment of one of its customers. The government ultimately declined to bring a criminal action against the company.
- A major medical research institute regarding an enforcement action alleging RCRA violations related to storage of hazardous substances.
- A major municipal water department regarding an enforcement action alleging violation of the Risk Management Program of the Clean Air Act.
- Prior to joining Schiff Hardin, Frank was a partner in the Chicago office of an international business and litigation firm. Earlier, as Regional Administrator of USEPA Region 5, he led a staff of more than 1,300 employees in implementing policy and enforcement initiatives for the Great Lakes Region. He oversaw and promoted grants for sustainable initiatives such as the Energy Star Program.
- Before his appointment at the USEPA, Frank served as a trial attorney in the Environmental Enforcement Section of the DOJ in Washington, D.C., and the Environmental and General Law Divisions of the Illinois Attorney General's Office in Chicago.
- Frank also served for 13 years as a commissioned officer in the U.S. Army Reserve Field Artillery. He served as a battery commander, achieved the rank of captain, and received numerous awards, including the Army Commendation Medal and the Army Achievement Medal, both with Oak Leaf Cluster.

Boards, Memberships & Certifications

Professional Memberships

- Air & Waste Management Association, Lake Michigan States Section, Chair of Board of Directors 2020
- American Bar Association, Section of Environment, Energy and Resources
- American College of Environmental Lawyers, Fellow
- Chicago Bar Association
- Illinois Chamber of Commerce, Environmental Affairs Committee
- Illinois State Bar Association

Previous Work

- Chicago's Environmental Fund, Past Member, Board of Directors
- Alliance for the Great Lakes, Past Member, Board of Directors
- Chicago Council on Global Affairs, Past Member, Task Force on National Energy Policy and Midwestern Regional Competitiveness

Publications, Presentations & Recognitions

Publications

- "EPA Announces 2022 Enforcement and Compliance Results," (co-author) *ArentFox Schiff Energy & Environmental Law Adviser* (Dec. 20, 2022)
- "Interim SEP Rulemaking to Reinstate SEPS Facing Opposition from Chamber of Commerce, GOP," (author) *ArentFox Schiff Energy & Environmental Law Adviser* (Jul. 18, 2022)
- "DOJ Returns to Using Supplemental Environmental Projects Including to Mitigate Harms to EJ Communities," (co-author) *ArentFox Schiff Energy & Environmental Law Adviser* (May 9, 2022)
- "DOJ Targeting Employees for Criminal Environmental Prosecution: Tips for Minimizing Exposure," (co-author) *Schiff Hardin Energy & Environmental Law Adviser* (Dec. 16, 2021)
- "Everyone Loses with New DOJ Policy Ending 30-Year Practice of Supplemental Environmental Projects," *Schiff Hardin Energy & Environmental Law Adviser* (Mar. 19, 2020)
- "Three Questions Companies Face About SEPs and Environmental Enforcement," *Bloomberg Environment* (Nov. 21, 2019)
- "DOJ Policy Review of SEPs May Have Big Implications for Company Environmental Settlements," *Schiff Hardin Energy & Environmental Law Adviser* (Oct. 7, 2019)

Presentations

- "Business Outlook for Environmental Enforcement: Making a Bad Day Better—Advice on Negotiating Agency Settlements and Responding to Inspections," Three Rivers Manufacturers Association, Virtual Meeting (May 19, 2021)
- "Federal & State Enforcement," 2019 Annual Air Quality Management Conference, Air & Waste Management Association Lake Michigan States Section, Oakbrook Terrace, Ill. (Nov. 5, 2019)
- "Status of Enforcement at State and Federal Levels: An Interactive Panel," 2018 Annual Air Quality Management Conference, Air & Waste Management Association Lake Michigan States Section, Oakbrook Terrace, Ill. (Oct. 30, 2018)
- "Emerging Air Regulatory Landscape: Where is it Headed?," 2017 Air Quality Management Conference, Oakbrook Terrace, Ill. (Oct. 17, 2017)
- "Hot Topics," (moderator) 2016 Air Quality Management Conference (Oct. 5, 2016)
- "The Smart Money: Practical Strategies for Keeping Your Ethanol Plant Environmentally Compliant" (Jun. 11, 2014)
- "What Do the 2012 Election Results Mean for Illinois Energy?," (moderator/panelist) Consumer Energy Alliance and Illinois Chamber of Commerce Energy Forum, Chicago, Ill. (Nov. 19, 2012)
- "Environmental Enforcement Trends," (presenter) National Lime Association Annual Meeting, St. Louis, Mo. (Jun. 14, 2011)
- "Changes in Environmental Law: A Look at Recent and Emerging Environmental Regulations and Their Impact," (program co-chair) The Seminar Group, Chicago, Ill. (Jul. 24, 2009)

Recognitions

- *Chambers USA* – Environment, Illinois (2014-2022)
 - Illinois Leading Lawyer, Law Bulletin's *Illinois Leading Lawyers Network* (2014-2022)
 - *Illinois Super Lawyers*, Thomson Reuters (2014-2016)
 - Top 10 Environmental Lawyers, Law Bulletin's *Illinois Leading Lawyers Network* (2015)
 - Top 100 Real Estate-Related Lawyers, Law Bulletin's *Illinois Leading Lawyers Network* (2015)
 - 40 Illinois Attorneys Under Forty to Watch, Law Bulletin Publishing Company (2000)
 - National Notable Achievement Award, U.S. EPA (1999)
 - Special Achievement Award, U.S. DOJ (1998)
 - Special Commendation Award, U.S. DOJ (1996)
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Bar Admissions

Illinois

Court Admissions

US Court of Appeals, District of Columbia Circuit

US District Court, Central District of Illinois

US District Court, Northern District of Illinois (Trial Bar)