ArentFox Schiff LLP
Attorneys

Andrew N. Sawula

PARTNER

Andy relies on his wide range of experience and broad perspective to guide clients through the often complex maze of environmental and natural resources laws.



Industries

Beverage & Food
Construction
Consumer Products
Energy & Cleantech
Private Companies

Practices

Environmental
Real Estate

Languages

Ukrainian

Education

Northwestern University Pritzker School of Law, JD, cum laude, 2002

University of Illinois at Urbana-Champaign, BME, high honors, 1999

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Effective counseling does not begin and end with the law. Andy knows that understanding a client's operations and its business objectives is an important step in solving its problems. His clients value that perspective when they ask him for counsel on their most challenging problems.

Clients rely on Andy to guide them through compliance and permitting issues arising under numerous environmental laws. Andy is well versed in the remediation and redevelopment of contaminated sites, including complex urban river sediment sites. He also has significant experience designing and implementing procedures to comply with the New Source Review and New Source Performance Standards programs.

When disputes arise, Andy has a strong track record of successful outcomes before state and federal courts and administrative hearing boards on matters such as Superfund cost recovery and contribution claims and Clean Air Act enforcement actions. Some of these lawsuits focus squarely on the interpretation of an environmental law. Others turn on the resolution of contract disputes, confidentiality claims or trade secret claims.

In addition to compliance counseling and litigation, Andy regularly helps clients in other administrative and transactional settings. Andy guides clients responding to government information requests, such as requests under Section 114 of the Clean Air Act, Section 104(e) of CERCLA, and Sections 308 and 311 of the Clean Water Act. Andy advocates clients' interests in administrative rulemakings, and he represents buyers, sellers, and lenders in a variety of transactional settings, including transactions that are designed with the primary purpose of transferring environmental liabilities.

Andy is a member of the firm's Diversity Steering Committee, and he co-leads DANDIFox, the firm's disability and neurodiversity Inclusion Network. He is also a member of the firm's Data Center Task Force.

Experience

New Source Review and Opacity Litigation

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Represents a ferroalloy producer in defense of a federal Clean Air Act enforcement action alleging regulatory and permit violations at an Ohio facility, including New Source Review and New Source Performance Standards violations.

- Represented the operator of a coal-fired power plant in Illinois in defense of a citizen suit filed in federal district court alleging violations of the Illinois opacity standards, particulate matter emission limitations, and the plant's operating permit. The company successfully settled all of the claims.

- Successfully defended the operator of several coal-fired power plants in Illinois in an enforcement action filed in federal district court that alleged violations of New Source Review, the Illinois opacity standards, and Title V of the Clean Air Act. Early in the case, the district court dismissed nine of the 10 New Source Review claims and related Title V claims. When the government appealed the dismissal of the New Source Review claims to the U.S. Court of Appeals, Seventh Circuit, the court unanimously affirmed the dismissal and denied a subsequent petition for rehearing. The company settled the remaining claims.

- Successfully defended the operator of a coal-fired power plant in Pennsylvania from a New Source Review enforcement action. The district court dismissed the action, and the U.S. Court of Appeals, Third Circuit, subsequently unanimously affirmed the dismissal.

Cost Recovery Litigation and Site Remediation

- Represents a client engaged in the Lower Passaic River Restoration Project and related federal litigation. The Project involves the study and potential remediation and restoration of the lower 17 miles of the Passaic River in New Jersey, which is part of the Diamond Alkali Superfund Site. This site is uniquely complex and challenging on both a technical and political level—addressing centuries of contamination in a tidally influenced urban river. Andy's related defense of a cost recovery suit in New Jersey state court connected to the Passaic River and the broader Newark Bay Complex resulted in a settlement.

- Guided a utility company that remediated creek sediments impacted by historic discharges from a manufactured gas plant in Indiana through the investigation and clean-up phases leading to a completion letter from U.S. EPA. He also successfully negotiated an agreement regarding contributions for clean-up costs with another responsible party.

Permitting

- Andy has represented the owners or operators of approximately 20 coal and gas-fired power plants in Illinois in appeals of their Title V operating permits, numerous construction permit appeals, and negotiation of permit modifications. He has also assisted owners and operators of power and ferroalloy production facilities in various states in obtaining new or modified construction and operating permits.

- Represented a gas pipeline company in connection with two permit appeals concerning natural gas compressor stations that it operated in Indiana. The Indiana permitting authority had issued permits for making physical changes to two of its stations, and was in the process of issuing a permit authorizing similar changes to a third station. The company, however, had completed those changes prior to the issuance of the permits. Andy persuaded the State that none of those changes required such permits and secured the State's agreement to rescind the permits it had previously issued.

Transactional

- Andy represented a company in the transfer of environmental liabilities associated with 10 of the company's former manufacturing facilities, and negotiated the terms of an environmental insurance policy to backstop the transaction.

Professional Memberships

- American Bar Association
  - Section of Administrative Law and Regulatory Practice, Member
  - Section of Environment, Energy and Resources, Member
  - Section of Litigation, Environmental and Energy Litigation Committee, Member

Publications

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"EPA Expands the List of Clean Air Act Hazardous Air Pollutants," (co-author) *Schiff Hardin Energy & Environmental Law Adviser* (Jan. 11, 2022)

- "DOJ Targeting Employees for Criminal Environmental Prosecution: Tips for Minimizing Exposure," (co-author) *Schiff Hardin Energy & Environmental Law Adviser* (Dec. 16, 2021)
- "What EPA Plan To Count Emission Decreases Means For Cos.," *Law360* (Aug. 21, 2019)
- "Emission Decreases Count: EPA Proposes Rule to Codify Approach to NSR Project Emissions Accounting," *Schiff Hardin Energy & Environmental Law Adviser* (Aug. 8, 2019)
- "EPA Updates Cross-State Air Pollution Rule for the 2008 Ozone NAAQS," (co-author) *Schiff Hardin Energy & Environmental Law Adviser* (Sep. 14, 2016)
- "Tips for Young Lawyers Working with Experts," from Sound Advice (podcast), ABA Section of Litigation, Environmental Litigation (May 25, 2016)
- "EPA Proposes CSAPR Update Rule Requiring Additional NOx Reductions in 23 States," (co-author) *Schiff Hardin Energy & Environmental Law Adviser* (Dec. 1, 2015)
- "D.C. Circuit Remands Several Upwind States' SO2 Emissions Budgets But Sides with EPA on all other Challenges to Cross-State Air Pollution Rule," (co-author) *Schiff Hardin Energy & Environmental Law Adviser* (Aug. 5, 2015)
- "Supreme Court Limits USEPA's Greenhouse Gas Regulations, Refuses to 'Wave Goodbye' to Separation of Power Principles," *Schiff Hardin Environmental Update* (Jun. 25, 2014)
- "USEPA's Piecemeal Approach to Aggregation Under the Clean Air Act Falls to Pieces," *Schiff Hardin Energy and Environmental Law Adviser* (Jun. 3, 2014)
- "Clean Air Act Cases Involving the New Source Review Program," from Sound Advice (podcast), ABA Section of Litigation, Environmental Litigation (Dec. 7, 2012)
- "USEPA Proposes to Retain Current GHG Thresholds in Step 3 of the Tailoring Rule Social Media Tools," *Power Engineering* (Jul. 2012)

Speeches & Presentations

- "EPA Information Requests: Tips for Efficiently Responding and Avoiding Pitfalls," Three Rivers Manufacturing Association and Illinois Environmental Regulatory Group, Virtual Meeting (Feb. 21, 2024)
- "Superfund New Attorney Training: PRP Perspectives Panel," US Environmental Protection Agency, Chicago, IL (May 5, 2023)
- "EPA Information Requests: Tips for Efficiently Responding and Avoiding Pitfalls," ArentFox Schiff Webinar, (Dec. 14, 2022)
- "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)
- "2018 Annual Air Quality Management Conference," Air & Waste Management Association Lake Michigan States Section, Oakbrook Terrace, Ill. (Oct. 30, 2018)
- "Roles of the Client/Attorney/Consultant/Insurance in Managing Environmental Issues," Air & Waste Management Association, 2018 Annual Waste Conference, Chicago, Ill. (May 23, 2018)
- "Clean Air Act Issues Arising under EPA's Next Generation Compliance Initiative and Fence-Line Monitoring Rules," Illinois State Bar Association's 15th Annual Environmental Law Conference, Chicago, Ill. (May 5, 2016)
- "Case Study – Remote Monitoring Issues," Air & Waste Management Association 2015 Air Quality Management Conference, Oakbrook Terrace, Ill. (Nov. 4, 2015)
- "In the Age of Transparency – NGO Influence on Environmental Regulation and Public Perception," RMEL's 112th Annual Executive Leadership and Management Fall Convention, Kansas City, Mo. (Sep. 22, 2015)
- "Environmental Enforcement Litigation and the Rise of the NGO," 20th Annual FERC Briefing, Chicago, Ill. (May 15, 2014)
- "Identifying Plant Closure & DDD Risks – Avoiding Environmental and Real Property Liabilities and Legal Pitfalls," Primer: Risk Management and Mitigation in Power Plant Closures, Chicago, Ill. (May 14, 2014)
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"Hot Issues for Power Purchase Agreements in 2014," 20th Annual FERC Briefing, Electric Cooperative Edition, Westminster, Colo. (May 9, 2014)

- "NSR Appellate Decisions – What the Recent Third, Sixth and Seventh Circuit Decisions Mean for the NSR Program," (moderator) ABA Section of Litigation Roundtable Teleconference (Mar. 17, 2014)
- "Electric Generation at a Crossroads: Environmental Drivers," 19th Annual FERC Briefing, Electric Cooperatives and Public Power Edition, Westminster, Colo. (May 22, 2013)
- "Legal Issues in Decommissioning: Dealing with Environmental and Real Property Obligations," Plant Decommissioning, Decontamination and Demolition Summit, New Orleans, La. (May 8, 2013)

Bar Admissions

Illinois

Court Admissions

US Court of Appeals, 3rd Circuit
US Court of Appeals, 7th Circuit
US District Court, Central District of Illinois
US District Court, Northern District of Illinois
US District Court, Northern District of Indiana