Industries

Consumable Goods

Industrials

Manufacturing

Practice Areas

Environmental

Litigation

Product, Tort & Insurance Litigation

Toxic Tort & Chemical Exposure

Bar Memberships

Ohio

Stephen N. Haughey

Partner

shaughey@fbtgibbons.com | 513.651.6127

Great American Tower
301 East Fourth Street, Suite 3300
Cincinnati, OH 45202

Steve represents clients across the country in regulatory compliance counseling, permit negotiations, wetlands disputes, rulemaking challenges, and in defense of civil enforcement litigation, citizen suits, criminal prosecutions and claims related to contaminated property.

Steve has particular proficiency in representing governmental entities and industry in all aspects of stormwater and wastewater regulations, including permitting, compliance counseling, rulemaking challenges and enforcement defense, and in local water, sewer and stormwater planning and CSO/SSO control plans. His practice also concentrates in the defense of heavily regulated industries, such as iron and steel mills, pulp and paper mills, titanium mills, chemical plants, landfills and food manufacturers.

Steve's Relevant Experience

General Environmental Experience

Hobart Corporation v. Dayton Power & Light Company, 2017 WL 5956911 (S.D. OH November 30, 2017) – Summary judgment granted against all CERCLA cost-recovery and contribution claims involving the S. Dayton Dump site.

City of Sidney, Ohio v. Spring Creek Corporation et al., 2017-Ohio-8785 (3rd App. Dist. 2017) – Affirmance of summary judgment for City in wellfield appropriation case against defense of conservation easement.

City of Marion, Ohio (2016) – Negotiation of revised LTCP and integrated, adaptive management-based schedule using EPA's

revised affordability matrix.

City of Anderson, Indiana (2015) – Assist City in proposed LTCP schedule extension using EPA's revised affordability matrix.

Fairfield Cty. Bd. Com'rs v. Nally, 2015-Ohio-991 (Ohio Sup. Ct. 3/24/15) 5-2 decision holding that TMDLs are rules subject to APA rulemaking procedures, and declaring phosphorus standards in a guidance document to be null and void.

Hobart Corporation, et al. v. Coca-Cola Enterprises, et al., No 13-3273/3276, 2014 WL 3397147, 07/14/2014 – Affirmance of dismissal of CERCLA claims on statute of limitations and resolution of liability grounds.

Fairfield County Board of Commissioners v. Ohio EPA, No 13-1085 (Ohio Sup. Ct. 06/25/2014) – Oral argument to the Court regarding TMDLs as rules and standard of review for TMDLs (available at http://www.ohiochannel.org/MediaLibrary/Media.aspx?fileId=144070).

State of Ohio v. City of Washington Courthouse, No. 06CVH00352, 11/15/2013 – Memorandum Decision denying contempt charges and extending SSO compliance schedule 17 years in consent decree using EPA's interim, revised affordability guidance.

Fairfield County Board of Commissioners v. Ohio EPA, No. 13-1085, (Ohio Sup. Ct., 07/08/2013) – Representation of Ohio Municipal League and County Sanitary Engineers Association as amicus parties in appeal of adverse decision affecting phosphorus and TDS limits for Ohio's POTWs.

City of Cincinnati v. City of Harrison, No A0900755 (Hamilton County, 03/01/2013) – Trial counsel in successful prosecution of Cincinnati and Hamilton County's water service rights against encroachment by Harrison.

Hobart Corporation, et al. v. Coca-Cola Enterprises, et al., No. 12CV00213 (S.D. OH, 2/8/2013) – Trial counsel in successful motion to dismiss CERCLA cost-recovery/contribution claims based on expiration of statutes of limitation.

Trumbull County Board of Commissioners v. Village of Lordstown, et al., No. 4:09CV249 (N.D. Ohio, 02/21/13) – Trial counsel in prosecution of sewer service rights under Ohio law against encroaching local governments.

Village of Camden v. Preble County Board of Commissioners, et al., No. 12CV29351 (Preble County) – Trial counsel in joint village taxpayer suit/bid challenge against award of leachate contracts.

Starlink Logistics, Inc. v. ACC, LLC, No. 1:12-CV-00011 (M.D. Tenn., 6/25/2012) – Trial counsel in memorandum opinion denying defendant's motion to dismiss citizen suit filed under CWA, RCRA, CERCLA, and Tenn. common law.

Miami Valley Paper v. Lebbing Engineering GmbH, No. 1:05CV702 (S.D. Ohio) – Defense jury verdict and counterclaim judgment for Lebbing in contract dispute over sale of paper winding equipment under the Convention for International Sale of Goods (CISG) Treaty.

Cities of Englewood and Union, Ohio v. Ohio EPA, Nos. 575984 – 576198, (ERAC) – First ever agreement by Ohio EPA to remove TMDL-driven phosphorus limits from discharge permits issued to Ohio POTWs.

State of Ohio v. Holmes County Board of Commissioners, No. 97CV049 (Holmes County) – Judgment denying civil contempt and penalties for alleged violations of earlier CWA Consent Order.

State of Ohio v. The Champion Company, No. 3:06CV210 (S.D. Ohio) – Decision allowing Jury Demand in CERCLA cost recovery case, with eventual settlement at less than 50% of alleged response costs.

Dow Chemical et al. v. Acme Wrecking, No. C-97-307 (S.D. Ohio) – Successful defense of 11 clients against joint U.S.EPA/private CERCLA contribution action, resulting in total de minimis contribution of less than $20,000 out of projected site clean-up costs of $16 million, including a settlement under U.S. EPA's new CERCLA municipal waste policy.

City of Franklin v. Miami Valley Paper et al., No. 03CV61129 (Warren County) – $750,000 judgment entry for the City in prosecution of

chronic pretreatment violations by an industrial user.

In re Eagle–Pitcher-Holdings, Inc., No. 05-12601 (S.D. Ohio Bankruptcy Court) – Representation of unsecured creditors committee to secure confirmation of debtor's joint plan for funding of sites over U.S. EPA and Ohio EPA objections.

State of Ohio v. Titanium Metals Corporation, No 02CV526 (Jefferson County) – Successful defense of multimedia enforcement action, resulting in minor fine and no injunctive relief.

State of Ohio v. Mahoning County Board of Commissioners, No. 94CV239 (Mahoning County) – Successful termination of CWA consent order injunctive relief despite strong opposition.

State of Ohio v. AK Steel Corporation, No. CA200202042 (12th App. Dist.) – Successful prosecution of CAA declaratory judgment action declaring a series of NOV letters invalid.

Helter v. AK Steel Corporation, No C196527 (S.D. Ohio) – Successful dismissal on the pleadings of a multimedia citizen suit under all of the major federal environmental statutes and common law nuisance.

United States v. Atlas Lederer Company, No. C-3-91-309 (S.D. Ohio) – Successful assertion of divisibility argument against CERCLA motion for summary judgment.

Martin v. Miami Industries, Inc., No. 91-4045 (6th Circuit) – Upholding assertion of the "fair notice" defense against an OSHA citation under the general guarding standard.

Secretary of Labor v. Sawbrook Steel Castings Co., No. 89-686 (DOL ALJ) – Defense of OSHA citation under the hazard communication standard, resulting in non-serious classification and de minimis fines.

In re Lazarus, Inc., (EAB TSCA Appeal No. 95-2) – Defense of PCB enforcement action, resulting in 80% reduction in fines and first successful assertion of the Paperwork Reduction Act "defense" in an environmental case.

United States v. Lawrence County Board of Commissioners, No. C-1-91-302 (S.D. of Ohio) – Successful defense of joint state-federal CWA enforcement, resulting in $15,000 fine and 7-year compliance schedule.

In the matter of GCA Chemical Corporation, (TSCA-4-2000-0130, EPA ALJ) – Defense of TSCA inventory update rule enforcement action, resulting in 82% reduction in fines and ALJ's agreement to deviate from U.S. EPA's rigid enforcement policy.

Clean Water Act antidegradation and water quality standards rulemaking commenting, negotiations, and successful appeals in several midwestern states.

CSO and SSO control plan and financial capability analysis-based negotiations for many Ohio and other midwestern cities.

Counseling, permitting and strategic MS4 planning for several midwestern counties and cities.

Successful defense of two-year joint federal/state criminal grand jury wastewater investigation of an Ohio County with no indictments returned.

Successful challenge before KY legislative committee of new groundwater rule on behalf of large trade association, and before Ohio legislative committee of new stream use designation rule on behalf of large paper mill.

More than 100 successful NPDES permit negotiations, appeals and enforcement defenses for industrial and governmental clients ranging from small villages to Fortune 100 manufacturers.

Wastewater Experience

Steve has extensive experience representing Ohio and other midwestern governmental entities and the industry in the fields of wastewater, stormwater, drinking water and solid waste counseling, litigation, administrative appeals, strategic planning, and civil and criminal enforcement defense. His wastewater practice focuses, in particular, on all aspects of planning, service, treatment and regulation as they apply to owners and operators of POTWs and

sewer collection systems. In Ohio alone, Steve represents more than a dozen counties, cities, villages and regional sewer districts, ranging from small satellite sanitary sewer systems to large combined sewer systems.

Steve has commented on, negotiated, and, as necessary, appealed more than 100 NPDES permits to various state and federal administrative boards, including the Ohio Environmental Review Appeals Commission and its predecessor, the Ohio Environmental Board of Review, the Pennsylvania Environmental Hearing Board, the Kentucky Environmental Protection Cabinet, the Indiana Department of Environmental Management, the Illinois EPA, the Michigan Department of Environmental Quality, U.S. EPA administrative law judges and the federal Environmental Appeals Board in Washington, DC. In the permitting process, Steve's expertise in water quality standards, wasteload allocation, antidegradation and antibacksliding procedures and stream use designations has enabled him to save owners of POTWs and industrial facilities tens of millions of dollars of unnecessary capital expenditures and annual compliance costs.

Steve has been a member of several state wastewater rulemaking advisory committees. He has commented on numerous draft rules for clients and governmental trade associations, and has prosecuted more than a dozen administrative appeals of wastewater-related rules and policies, covering such areas as state water quality standards and stream use designations, TMDL procedures, listings and implementation, CWA 304(l) listings, state antidegradation procedures, stormwater and pretreatment requirements, whole effluent toxicity, wasteload allocation procedures, implementation of the federal GLI, and CSO/SSO control strategies and related CMOM requirements.

Steve has been lead counsel in the defense of numerous state and federal (including both separate and joint prosecutions) civil enforcement actions in several midwestern states in the areas of wastewater and stormwater compliance. He has negotiated consent orders for alleged SSO and CSO violations for collection systems and for more than two dozen consent orders for alleged violations

of NPDES permits, and he regularly represents local governments and businesses in state and federal landfill cleanup litigation. In response to difficult financial times facing many local governments today, Steve has focused his counseling of POTWs on strategic planning, use of adaptive management principles, intergovernmental agreements for sharing of services, CWA 208 planning and protecting water and sewer service rights.

Steve also represents owners of POTWs and individual operators during criminal investigations of alleged falsification of monthly reports. He successfully defended the largest joint state-federal criminal investigation of an Ohio POTW for alleged falsification of monthly reports. In the aftermath of that investigation, Steve conducts confidential audits of public utilities as a preventive measure, and is a frequent speaker on the issues of criminal liability, defensible data and the defensible exercise of professional judgment to certified operators in Ohio and other states.

Steve has a B.S. in environmental health and a minor in chemistry, and he interned at an Ohio POTW while in college. He is a frequent speaker on wastewater and stormwater topics to midwestern operators and regularly presents a clinic to managers of POTWs on the basics of water quality-based permitting and negotiation. Steve is a member of the Water Environment Federation and the Ohio Water Environment Association, and is also an affiliate member of the Ohio County Commissioners Association, the Ohio Sanitary Engineers Association and a speaker for the Operator Training Committee of Ohio.

Other Info About Steve

Education

University of Dayton School of Law, J.D.
Recipient Outstanding Moot Competition Award
National Securities Team
Moot Court Board Advisor

University of Cincinnati, M.S. Program, Industrial Hygiene

Wright State University, B.S., Environmental Health, Minor, Chemistry

Courts

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Southern District of Ohio

U.S. Sixth Circuit Court of Appeals

Recognition

Named Top 10 Natural Resources and Environmental Lawyers – Ohio, *Business Today*, 2023

Selected for inclusion in *Ohio Super Lawyers®*, 2004-2022

The Best Lawyers in America®, Environmental Law, 2003-2027; Litigation – Environmental 2011-2027; Water Law, 2012-2027

Chambers USA, Natural Resources & Environment, 2005-2022; Environment, 2023-2026

Cambridge Forums: Participation in Invitation-Only Clean Water Act Forum in Washington, DC for Leading Practitioners, 2010-2011

Professional Affiliations

American Bar Association

Ohio State Bar Association, Environmental Law Committee

Cincinnati Bar Association, Environmental Law Committee

Water Environment Federation, Member

Ohio Water Environment Association, Member

Ohio County Commissioners Association, Affiliate Member

Ohio Sanitary Engineers Association, Affiliate Member

Operator Training Committee of Ohio, Speakers Bureau Member

Civic Activities

N. KY Chamber of Commerce, Environmental Affairs Committee

Cincinnati USA Regional Chamber of Commerce, Environmental Committee

Past Villa Hills/Crescent Springs Soccer Club, Board Member

Past Northern Kentucky Soccer Officials Association, High School Referee

Past United States Soccer Federation, Referee

Past Cincinnati Area Knothole League, District 29 Coach

Past Northern Kentucky AAU Association, Basketball Coach

Major Publications

"Supreme Court Halts Expansive Test for Wetlands," *Cincinnati Bar Association Report*, July/August 2023: 5-6

"Legislature addresses statewide housing challenges," *Indiana Builder News*, Indiana Builders Association, Quarter 2, 2023: 1

"Marathon 'Ping-Pong' Game Continues at EPA/Army Corps: Latest 'Waters of the U.S.' Rule Confounds the Ability to Advise Clients Whether an Army Corps Permit is Required," *Columbus Bar Lawyers Quarterly*, Spring 2023: 61-64

"Working in a PFAS world: What you need to know," *The Indiana Lawyer*, February 15, 2023

Featured Articles

Bill Introduced in Ohio to Prohibit Sale or Distribution of Products Containing Intentionally Added PFAS

U.S. EPA Announces Retainment of MCLs for PFOA and PFOS and Intent to Rescind and Reconsider MCLs for Other PFAS

Supreme Court Strikes Down EPA's Use of Narrative "End-Result" Limitations in Discharge Permits

United We Stand, Divided We Fall: Local Sewer Authorities and Biosolids Management Companies Need to Work Together

POTW Alert! U.S. EPA's Upcoming Information "Request" for PFAS Information and Potential Sampling Warrants Careful Review and

Consultation with Legal Counsel

U.S. EPA Surges Forward with Its "PFAS Strategic Roadmap" in the First Quarter, Changing the Scope of PFAS Regulation in Several Ways

U.S. EPA Issues 'Game Changing' Listing of PFOA and PFOS Under CERCLA

Proposed Revocation of Army Corps' Rule Addressing Scope of Historic Preservation Review for Section 404 Permits Will Impact Developments Across the U.S.

Preliminary Approval of PFAS Settlements for Dupont and 3M Triggers Important Deadlines for Public Water Systems

Supreme Court Narrows Clean Water Act's Jurisdictional Scope in Sackett v. EPA

Supreme Court Ends Marathon 'Ping-Pong' Game at EPA/Army Corps Over Definition of 'Waters of the U.S.,' at Least for Now

Working in a PFAS world: What you need to know

Now is a Good Time for Ohio's Local Governments to Invest in Solar Projects

Prepare for a Post-Pandemic World by Reviewing and Improving Your Company's Inspection Procedures

10 Takeaways for Developers After Publication of the New "WOTUS" Rule

Supreme Court Creates New Standard for Clean Water Act Jurisdiction Over Discharges to Groundwater

Delay Issuing "Dredge and Fill" Certification under the Clean Water Act Ruled Fatal to Ohio EPA's Enforcement Authority

Massachusetts District Court Provides Potential Pathway to Resolve Clean Water Act Groundwater Dispute

Governor DeWine Issues Order to Address PFAS in Ohio's Drinking Water

Staffing Rules Add Strain to Ohio's Water and Sewer Utilities

Ruling in Orchard Hill Building Warrants Additional Due Diligence for Developers of Farmland

Ohio Supreme Court holds that Ohio EPA's TMDLs and Phosphorus Target Values must go through rulemaking

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.