



Stephen J. Matzura

Shareholder and Chair, Environmental, Workplace Safety and Utilities

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Services and Industries

- Environmental, Workplace Safety and Utilities
- Regulatory and Government Affairs
- Labor and Employment
- Litigation

Education

Widener University Commonwealth Law School, J.D., *magna cum laude*, 2010

- Environmental Law Certificate

Bucknell University, B.A. in political science and geography, *cum laude*, 2007

Admissions

Pennsylvania

U.S. District Court for the Middle District of Pennsylvania

U.S. Court of Appeals for the Third Circuit

Stephen J. Matzura, Esq. is Chair of Saxton & Stump's Environmental, Workplace Safety and Utilities Group. He advises and advocates for industrial, commercial and municipal clients on a broad range of environmental, health, and safety (EHS) issues, including water quality, stormwater and stormwater fees, water use, wastewater and sewage, wetlands, hazardous waste, storage tanks, hazardous building materials, air quality and airborne contaminants. His work with clients has spanned various industry sectors, such as energy, oil and gas, manufacturing, food and beverage, metals, construction and land development, auto dealerships, education and healthcare.

Specifically, Steve helps clients with EHS compliance, permitting, auditing, self-disclosures and defending enforcement actions, including addressing issues with agencies and river basin commissions (e.g., EPA, DEP, OSHA, SRBC, DRBC). He advises clients on the environmental implications of business and real estate transactions, including liability protection and remediation. Steve also litigates matters before state and federal courts and administrative hearing boards, including the Pennsylvania Environmental Hearing Board (EHB) and Occupational Safety and Health Review Commission (OSHRC). He also actively writes and speaks about environmental law and workplace safety, including as co-author for a chapter titled "Water Quality" in the Pennsylvania Bar Institute's authoritative desk reference, *Pennsylvania Environmental Law and Practice* (10th edition) and as contributing author for the "Soil and Groundwater" chapter in the Environmental Law Institute's multi-volume treatise, *Law of Environmental Protection* (next edition forthcoming 2022).

Steve was previously a member at a Harrisburg-based law firm. Before that, he was an associate at K&L Gates LLP in Harrisburg. He earned his J.D. from Widener University Commonwealth Law School in 2010, magna cum laude, receiving an Environmental Law Certificate from the Law and Government Institute and serving as Internal Managing Editor of the Widener Law Journal. While studying at Widener University, Steve received a number of awards including Outstanding Law and Government Student Award, Outstanding Service Award, Outstanding Student Article and the Pro Bono Internship and Scholarship from the Pennsylvania Bar Association for Environmental and Energy Law. Steve earned his B.A. from Bucknell University in 2007, cum laude, majoring in both political science and geography and achieving The Bucknell Prize in Geography as well as the Patriot League Football Academic Honor Roll in 2004 and 2005.

Experience

Litigation and Advocacy

- Successfully argued for waiver at a Susquehanna River Basin Commission (SRBC) hearing to avoid expensive requirements for municipality's grandfathered water wells upon a change of ownership, reversing SRBC staff recommendation, enabling grandfathering exemptions to continue after sale of water system and changing federal law to allow similar future waivers for municipal water systems
- Drafted motion to dismiss, which the Pennsylvania Environmental Hearing Board (EHB) granted, resulting in dismissal of third-party challenge to developer client's construction stormwater permitting, enabling developer's \$120+ million project to proceed to a timely completion
- Filed motion to dismiss, and achieved dismissal, for a defendant in a federal case where plaintiff sought contribution for \$5+ million in response costs from defendants under the Comprehensive Environmental Response, Compensation and Liability Act (known as CERCLA or Superfund)
- Crafted complaint to assert statutory and common-law claims on behalf of landowner against adjacent

property owner for contamination, resulting in monetary and injunctive settlement for approximately \$750,000+ for client related to remediation and damages

- Filed pending complaints and appeals in courts of common pleas alleging certain municipal stormwater fees are unconstitutional taxes in cases of first impression in Pennsylvania

Defending and Negotiating Enforcement Actions

- Negotiated and mitigated penalties proposed by the Pennsylvania Department of Environmental Protection (PADEP) and U.S. Environmental Protection Agency (EPA) under various environmental programs
- Successfully argued for reduced penalties and mitigated abatement in response to several Occupational Safety and Health Administration (OSHA) citations and Department of Labor complaints before the Occupational Safety and Health Review Commission (OSHRC)
- Negotiated consent orders, consent decrees and other settlement agreements to resolve alleged violations against clients by EPA, PADEP and OSHA
- Defended and negotiated citizen suit claims under environmental statutes
- Responded to and defended against OSHA and employee complaints under OSHA standards
- Advised clients regarding California Proposition 65 (Prop 65) compliance and applicability to non-California entities, including defending and resolving disputes with third-party private enforcers
- Managed and promptly responded to workplace emergencies, agency investigations, information requests, inspections and subpoenas
- Responded to and defended against subpoena concerning Per- and Polyfluoroalkyl Substances (PFAS)

Comprehensive Permitting and Compliance Advice

- Developed workplace-specific programs and policies for various environmental, OSHA and California Prop 65 requirements to enhance compliance
- Performed comprehensive EHS audits and self-disclosures under agency audit policies to remove excessive obligations and mitigate noncompliance
- Worked with facility personnel to self-disclose potential violations to minimize and eliminate penalties and gain credibility using agency audit policies
- Commented on draft permits to reduce future compliance burdens in final permits, including NPDES and air operating permits
- Advised permittees and municipalities regarding implications of the Pennsylvania Environmental Rights Amendment (ERA)
- Provided advice regarding compliance, abatement and best practices for hazardous building materials and workplace exposures, including for asbestos, lead-based paint, volatile organic compounds (VOCs), mold and radiation
- Planned and coordinated environmental permitting, abatement, waste characterization and disposal for demolition and renovation of structures containing hazardous building materials
- Worked with clients and agencies to terminate permitting and compliance obligations, including construction stormwater permitting obligations
- Assisted clients in obtaining timely permitting, plan approvals and exemptions for projects
- Advised clients regarding environmental obligations and OSHA standards to clarify and ensure compliance for various regulatory programs, including:
 - NPDES permitting and compliance under the Clean Water Act (CWA) and Pennsylvania Clean Streams

- Law (CSL) and potential liability for unlawful discharges regarding streams and wetlands
- Permitting and compliance for surface and groundwater withdrawals and water rights, including water use regulated by the SRBC and Delaware River Basin Commission (DRBC)
- Wastewater management and disposal issues, including for industrial dischargers, municipalities and publicly owned treatment works (POTWs) under pretreatment programs
- Interplay between industrial stormwater permitting, municipal separate storm sewer systems (MS4s), combined sewer systems and implications for stormwater fees
- Air permitting and plan approvals, air emissions and airborne exposures in the workplace, including from volatile organic compounds (VOCs)
- Hazardous waste, residual waste, recycling of wastes and compliance with the Resource Conservation and Recovery Act (RCRA) and Pennsylvania Solid Waste Management Act
- Compliance and remediation for storage tanks and transportation of hazardous materials
- Chemical safety in the workplace, the Hazard Communication Standard, the Globally Harmonized System of Classification and Labeling of Chemicals (GHS), safety data sheets (SDSs) and labels, California Prop 65 scope and warnings and Tier II and Toxics Release Inventory (TRI) reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA)

Transactions, Remediation, and Property Disputes

- Served as environmental counsel for several multimillion-dollar transactions, including sales and privatization of municipal assets
- Obtained half-million-dollar reduction in \$6 million purchase price for buyer in negotiation regarding environmental site conditions
- Negotiated transactions and remediation disputes to account for environmental conditions on properties, scope of cleanups and allocation of responsibility
- Performed environmental due diligence for properties, including by working with consultants on Phase I and Phase II environmental site assessments
- Worked with clients and agencies to retain exemptions upon changes of ownership and facilitate transition of permitting obligations
- Determined ownership rights in streambeds and navigability for title purposes, including for oil-and-gas rights
- Worked with consultants to advise clients regarding environmental remediation and obtain site closures for cleanups, including under Pennsylvania's Land Recycling and Environmental Remediation Standards Act (Act 2) and One Cleanup Program

Publications

- "Water Quality," Chapter 4 in the Pennsylvania Bar Institute's authoritative desk reference, *Pennsylvania Environmental Law and Practice* (10th ed.)
- "Soil and Groundwater," Chapter 14 in the Environmental Law Institute's multi-volume treatise, *Law of Environmental Protection* (next ed. forthcoming 2022)
- "Overview of EPCRA and Important Changes for Pennsylvania Agriculture," *The Legal Intelligencer*, July 27, 2019
- "MS4 Requirements and the Impact to (and Upside for?) Developers," *The Legal Intelligencer*, July 26, 2018
- "Stormwater Regulation and Fees Will Impact Businesses and Development," *Corporate Counsel Business Journal*, January 26, 2018

- “Cybersecurity in the Era of Unconventional Development: Is the Energy Sector Ready for Cyber Attacks?,” Chapter 28 in *Energy & Mineral Law Foundation 36th Annual Institute*, June 2015
- “Acquisition of Water for Energy and Mineral Development in the Eastern United States,” *The Water-Energy Nexus*, Paper No. 2A (Rocky Mt. Min. L. Fdn. 2012)

Speaking Engagements

- “COVID-19: Workplace Considerations and Compliance,” *Lancaster Chamber of Commerce*, April 27, 2020
- “Stormwater & Wastewater Update: Recent Developments Impacting Municipalities,” *International Municipal Lawyers Association, 2018 Annual Conference*, Houston, Texas, October 19, 2018
- “Pennsylvania Environmental Rights Amendment,” *Pennsylvania State Association of Boroughs, Leader in Municipal Training Webinar Series*, March 15, 2018
- “Environmental Audits and Response Prioritization,” *University & College Insurance Consortium, 2017 Safety Leadership 7th Annual Conference*, June 20, 2017
- “Stormwater Surges On - Regulations, Municipal Compliance & the Role of Land Trusts,” *2017 Pennsylvania Land Conservation Conference*, May 5, 2017
- “Demand Response Program Update & New EPA Emissions Rules,” *The Pennsylvania Society for Health Facility Engineering’s 2017 Spring Conference*, April 27, 2017
- “The New Normal in Municipal Stormwater Permitting,” *The Pennsylvania State Association of Township Supervisors 95th Annual Educational Conference & Trade Show*, April 24, 2017

Professional Affiliations

- Water Environment Federation (WEF)
- Pennsylvania Bar Association, Environmental and Energy Law Section
- Dauphin County Bar Association
- Knights of Columbus (Fourth Degree)
- Lancaster Chamber, Energy, Environmental, Health & Safety Roundtable, Co-Chair