

Oklahoma Association of Municipal Attorneys (OAMA)
Environmental Considerations for Municipalities

May 10, 2024

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School & Work History:

- Undergrad – M.I.S.:
 - Andersen Consulting (1988 – 1990) – Systems design

- Law School (Goal – Environmental Law):
 - Oklahoma Department of Environmental Quality (1994 – 2004):
 - Air Quality Enforcement/Compliance Attorney
 - Private Practice (2004 – Present):
 - McKinney Stringer – Hall Estill – McAfee & Taft
 - Licensed:
 - Oklahoma
 - Texas

- Air Quality Advisory Council (AQAC) – Vice-Chair

- Typical Clients:
 - Banks / Insurance Companies
 - Chemical processing-production
 - Developers (Phase I/II's, Voluntary Cleanup Program, Brownfields)
 - Electrical generation (Thermal, Wind, Solar, Hydro)
 - Industrial Business Parks
 - Manufacturing
 - Municipalities / Industrial Authorities / Tribes
 - O&G (Production, Transportation, Processing)
 - Waste disposal / Materials Recycling

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Environmental Agencies:

- United States Environmental Protection Agency (EPA)
- Oklahoma Department of Environmental Quality (ODEQ)
- Oklahoma Department of Labor (ODOL)
- Oklahoma Corporation Commission (OCC)
- United States Army Corps of Engineers (USACE)

Environmental Programs:

- Clean Air Act (CAA):
 - Asbestos
 - Lead Based Paint
 - Open Burning
 - Municipal Waste Combustion
 - Non-Attainment
- Resource Conservation and Recovery Act (RCRA) (Solid / Haz. Materials):
 - Landfills
 - Waste Transfer Stations
 - Chemical Storage / Disposal
 - Illegal Dumping
- Clean Water Act (CWA):
 - Stormwater
 - Water Supply
 - Wastewater / Publicly Owned Treatment Works (POTWs)
 - Per- and polyfluoroalkyl substances (PFAS) (forever chemicals)
 - 01/2024 – EPA approved Method 1633
 - 03/2024 – EPA published notice of pending Request for Information from certain POTWs

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Environmental Law Assistance:

- Regulatory (air, water, waste, & environmental justice):
 - Permitting Actions:
 - Permit Applications
 - Notices of Deficiency
 - Applicability Determinations
 - Compliance Evaluations:
 - Inspections / Complaints
 - Internal Audits / Self-Reports
 - Environmental Audit Act
 - Corrective measure implementation
 - Enforcement Actions:
 - Civil:
 - Notices of Violation
 - Requests for Information
 - Consent Orders
 - Administrative Compliance Orders
 - Criminal (Can be in parallel to Civil Action):
 - Inspection, Complaint, or Whistle Blower
 - Evaluation and Corrective Measures
 - Grand Jury

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- Rulemaking:
 - Federal
 - State
 - Evaluation & Commenting

- Litigation:
 - Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, a.k.a., Superfund)

- Property Acquisition:
 - Phase I / Phase II
 - “All Appropriate Inquiry”
 - Condemnation

- Litigation:
 - Typically, within the confines of the regulatory process, but sometimes court:
 - Administrative – Permitting matter, Administrative Law Judge
 - District Court – Comprehensive Environmental Response, Compensation, & Liability Act (CERCLA, or Superfund)

Questions?