



JEFF CIVINS

Senior Counsel
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PRACTICES: Environmental, Environmental Due Diligence, Remediation and Brownfields Developments, Permitting, Regulatory Counseling, and Compliance, Energy, Power and Natural Resources, Energy Regulatory, Litigation, Climate Change and Corporate Sustainability, Environmental Crimes, Environmental Litigation, Greenhouse Gases (GHG), Corporate, Project Finance and Development, Downstream, Midstream, Oilfield Services, Oil and Gas Litigation, Power and Renewables, Indian Law; **TRENDING ISSUES:** Water

AUSTIN

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EDUCATION AND CLERKSHIPS

- J.D., University of Texas at Austin School of Law, 1975, *with honors*; Order of the Coif
- M.S., Chemistry, Pennsylvania State University, 1970
- A.B., Chemistry, Brandeis University, 1967

ADMISSIONS

- Texas

COURT ADMISSIONS

- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Southern District of Texas

For more than 40 years, Jeff Civins has enjoyed helping clients find pragmatic solutions to tough problems involving all aspects of environmental law, including counseling them on regulatory issues, helping them manage environmental risks in business transactions, and advocating on their behalf before agencies and courts. Having begun his professional career as a scientist and teacher, Jeff loves the challenge of making difficult things easy to understand and the opportunity to learn about technical topics—from groundwater hydrology to air dispersion modeling to toxicology—and about clients' businesses—from oil and gas exploration and development, power plants, refineries, and chemical plants and other manufacturing facilities, to real estate sales, leasing, development, and financing.

Following a summer as an analytical chemist for a predecessor agency of EPA, Jeff began his teaching career as a graduate assistant at Penn State, teaching organic chemistry lab to undergraduates. He then taught science, chemistry, and earth science in New York City public and private schools before attending the University of Texas School of Law. Jeff resumed his teaching career as an adjunct professor at UT Law School in 1987, leading a seminar on Environmental Law Concerns to Business, and each spring since 1992 has taught a class on Environmental Litigation.

Jeff's experience includes many diverse and high profile matters. For example, Jeff assisted a major multinational energy company address regulatory issues associated with its proposed development of a multi-billion dollar gas-to-liquids project on the Gulf Coast. He has also represented: American Airlines in its settlement with another airline in a bankruptcy proceeding regarding contamination at JFK Airport; a consortium of underwriters in counseling on environmental risks associated with the TXU buyout; the U.S. Department of Treasury in environmental due diligence of new General Motors; Penn Central Corporation in its settlement of a Superfund case involving a former battery manufacturing facility on the banks of the Hudson River; and the State of Texas in Clean Water Act enforcement litigation against an independent oil company involving numerous oil spills in six different states. Jeff also recently served as an expert witness for a major multinational energy company in a federal citizen suit regarding air quality compliance and for a leading power company in an administrative proceeding regarding environmental litigation related to its recently constructed coal-fired power plant.

Jeff's love of learning and teaching is reflected in his many speaking engagements and articles and in his being frequently called on by media for his views on developing topics.

- U.S. District Court for the Northern District of Texas

Jeff is particularly well known for his roles as standing chair and organizer of the Texas Environmental Superconference, the premier environmental program in Texas, now in its 29th year, and as organizer and co-editor of the Thomson Reuters Texas Practice 2-volume treatise on *Texas Environmental Law*.

Jeff is a fellow and on the board of regents of the select American College of Environmental Lawyers, a former chair of the Environmental and Natural Resources Law Section of the State Bar of Texas, and a member of the Advisory Board of UT's Kay Bailey Hutchison Center for Energy, Law, and Business. In the community, Jeff's passion for education has carried over to his commitment to the Central Texas Chapter of Communities In Schools, a non-profit that helps keep at-risk kids in school.

Selected Client Representations

- An oil and gas company in obtaining a dismissal of an EPA Clean Air Act general duty clause enforcement action regarding a release of air emissions.
- ExxonMobil as a designated expert on state air quality enforcement in a federal Clean Air Act citizen suit involving its Baytown Complex.
- SWEPCO as an expert witness before The Texas Public Utility Commission on prudence in resolving environmental litigation regarding its pulverized coal-fired power plant in Arkansas.
- A multinational energy company in environmental counseling regarding its proposed multi-billion dollar gas to liquids facility on the Gulf Coast.
- Consolidated Graphics in environmental due diligence, counseling, and contract drafting relating to its merger with RR Donnelly and in its own acquisitions of various other printing companies and assets.
- EOG in environmental counseling in its negotiations with ExxonMobil regarding a joint venture to conduct oil and gas exploration and production activities at the King Ranch.
- Deutsche Bank in environmental counseling regarding its loan to fund construction of a \$7.5 M biomass-to-energy facility on the island of Kaua'i.
- A manufacturer in negotiating a settlement for de minimis PRPs in the Malone Services Company Superfund Site.
- An energy company in negotiating a settlement for de minimis PRPs in the SESCO State Superfund Site.
- An oil and gas company in environmental counseling and in settlements of TCEQ administrative and State of Texas judicial air quality enforcement actions involving gas exploration and development.
- An oil and gas company in environmental counseling and settlement of EPA Clean Water Act wetlands administrative enforcement action involving pipeline construction.
- An oil and gas company in working with EPA and TCEQ in "deflexing" its air quality permits.
- An investment firm in evaluating potential environmental risks associated with hydraulic fracturing.
- A metals recycler in negotiating settlement of a state Superfund enforcement action.
- The Department of Treasury in environmental due diligence of General Motors

Company assets.

- Lenders on environmental issues with the TXU Buyout and with issuance of a series of new notes.
- Asarco, Inc. in a series of environmental estimation hearings in bankruptcy court involving historical operations in Coeur D'Alene, Omaha, and Tacoma.
- American Airlines in settling litigation in bankruptcy court with United Airlines regarding contamination at JFK Airport.
- An energy company in the air quality permitting of a gas-fired power plant in Madisonville, Texas.
- El Paso Corporation in negotiating a RCRA/CERCLA consent order with EPA Region 6 and a comparable order with TCEQ and as a plaintiff in related private party Superfund litigation in federal district court in Houston.
- A national real estate company on environmental issues relating to the sale of its national portfolio of commercial properties.
- A state medical school in NEPA issues associated with the development of a level 4 bio-containment facility in Galveston.
- An energy trade association with regard to NEPA issues associated with oil and gas development in New Mexico.
- The State of Texas in litigating and settling federal Clean Water Act enforcement cases in federal district courts in Houston and Tulsa against an independent energy company for more than 300 pipeline oil spills in six states.
- Chemical Waste Management in permitting a hazardous waste incinerator facility in Port Arthur, Texas.
- Marathon Battery in settling claims regarding the Marathon Battery NPL Superfund site involving contamination of the Hudson River and an adjacent cove, marsh, and former battery manufacturing facility.

Professional Recognition

- *Chambers USA*, Chambers & Partners. - Environmental Lawyers in Texas, 2003-2018; Star Individual, 2003-2015; Senior Statesman, 2016-2018
- *The Best Lawyers in America*, Woodward/White, Inc. - Environmental Law, 1989-2018; Litigation-Environmental, 2012-2018; Water Law, 2012-2018
- *The International Who's Who of Environment Lawyers*, Law Business Research Ltd., 2006-2010; 2012-2018

- *Texas Super Lawyers*, Thomson Reuters, 2003-2017; Top 50 Lawyers in Central and West Texas, Thomson Reuters, 2003-2012; Top 100 Lawyers in the State, Thomson Reuters, 2008-2009
- *Martindale Hubbell® Law Directory* with a Peer Review Rating of AV® Preeminent™
- Selected for inclusion in *Austin Business Journal's* list of Who's Who in Energy, American City Business Journals, 2013
- *The Best Lawyers in America*, Woodward/White, Inc., Austin, Environmental Lawyer of the Year, 2010
- Top-Notch Environmental Lawyer - *Texas Lawyer*, ALM Media Properties, LLC., 2007
- *Austin Business Journal*, American City Business Journals, Best of Business Attorneys - Environmental, 2005

Professional and Community Activities

- Fellow, American Bar Foundation
- Fellow, American College of Environmental Lawyers (2011-present); Board of Regents; Co-chair, Task Force on Disaster Planning
- Member and Former Chair, Environmental and Natural Resources Law Section, State Bar of Texas
- Standing Chair, Annual Texas Environmental Superconference (1990-present)
- Member, Advisory Board, University of Texas Kay Bailey Hutchison Center for Energy, Law and Business
- Member, Administrative Law and Litigation Sections, State Bar of Texas
- Member, American Bar Association, Sections of Environment, Energy, and Resources, and of Litigation and Administrative Law
- Member and Former Chair, Air and Waste Management Association, Central Texas Chapter
- Texas Bar Foundation
- Former Member, University of Texas Law School Alumni Association Executive Board
- Former Chair, Leadership Circle, Former Board Member and President, Communities-In-Schools, Central Texas Chapter

Selected Publications and Speeches

- “To Count or Not to Count, That is the Question,” author, American College of Environmental Lawyers Blog, June 28, 2018.
- “The Future for Sustainable and Ethical Corporate Decision-Making,” moderator, EarthX 2018 Law and Policy Symposium, Dallas, Texas, April 20, 2018.
- “Assessing Climate Legal Risks,” panelist, 2nd National Young Energy Professionals’ Law Conference, New Orleans, Louisiana, April 6, 2018.
- “Texas Environmental Law,” co-editor and co-author, Volumes 45-46, Thomson Reuters, 2017 and 2018.
- “Barriers to Growth: Human Capital, Technology and Environment,” presenter, Beyond NAFTA Renegotiation: What’s Next for North American Trade, Houston, Texas, October 18, 2017.
- “The Annual Texas Environmental Superconference- Austin In August?” author, American College of Environmental Lawyers Blog, June 26, 2017.
- Opening and Closing Remarks, Environmental Law & Policy Legal Symposium - Earth Day TX 2017, Dallas Texas, April 21, 2017.
- “Environmental Law as an Administrative Practice,” presenter, Austin Bar Admin Law Nuts-and-Bolts CLE, March 31, 2017.
- “Wanted: Dead or Alive? An Update on the Status of EPA’s Clean Power Plan,” 2017 Renewable Energy Law Conference, February 1, 2017.
- “Ethical Issues in Environmental Law,” speaker, Air & Waste Management (A&WMA) Central Texas Chapter, October 19, 2016.
- “[Environmental Claims and Regulations Awareness](#),” panelist, Bloomberg BNA Conference on Essential Power Sources, Houston, Texas, October 4, 2016.
- “Nuisance is a Legal Injury, Not a Cause of Action - A Waltz Across Texas Nuisance Law,” co-author, *Lexology*, July 22, 2016.
- “Viva La Deference—Chevron Deference That Is,” author, *American College of Environmental Lawyers Blog*, June 5, 2016.
- “Managing Environmental Risks in Spin-Offs and Other Complex Transactions,” panelist, 45th Spring Conference of ABA Section on Energy Environment and Resources, Austin, Texas, April 1, 2016.
- “EPA Clean Power Plan Review,” panelist, UT Law CLE Renewable Energy Law Conference, Austin, Texas, February 9, 2016.
- “Identifying and Indemnifying Against Environmental Risk,” Jeff Civins and Mary Mendoza, The University of Texas School of Law, 49th Annual William W. Gibson, Jr. Mortgage Lending Institute, Austin, Texas, September 17 and November 6, 2015. See the presentation [here](#), and the CLE paper [here](#).
- “Clean Air Act Developments of Concern to the Power Industry,” 14th Annual Gas and Power Institute, Houston, Texas, September 10-11, 2015.
- “Corporate Sustainability: A Legal Perspective,” ABA Section of Environmental, Energy, and Resources In-House Counsel Newsletter, Vol. 16, No. 3, August 2015.
- “Fracking Ban Banned,” Blog Post, American College of Environmental Lawyers, June 24, 2014.
- “Virtual RoundTable - Environmental Law 2015,” *Corporate LiveWire*, 2015
- “Ethical Issues in Environmental Law: It’s Not Easy Being Green,” with Mary Mendoza, 5th Annual Texas Environmental Law Journal Symposium at UT Law, April 24, 2015.
- “Managing Real Estate Related Environmental Risk,” Austin Bar Association Real Estate Law Section Meeting, April 14, 2015.
- “Corporate Social Responsibility - Corporate Sustainability, Protecting Water Resources: Are Corporations Responsible?” JECE 2015 Symposium, Washington and Lee Journal of Energy, Climate and the Environment, Legal Ramifications of Corporate Social Responsibility, panel, Lexington, VA, February 13, 2015.
- “External Forces Impacting Generation Development” panel, Gulf Coast Power Association, Fall Conference 2014, October 1, 2014.
- “Loan Arrangers - Hi Yo, Silver,” University of Texas School of Law CLE, AT&T Conference Center, Austin, TX, September 18-19, 2014.
- “Minimizing Exposure for Brownfields Liability,” Brownfields Panel, International Municipal Lawyers Association Fall Conference, September 9-10, 2014.
- “Texas Railroad Commission on Track to Address Quakes,” Blog Post, American College of Environmental Lawyers, August 28, 2014.
- “Virtual RoundTable - Environmental Law

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- 2014," *Corporate LiveWire*, 2014.
 - "Has the Standard for Performing a Phase I Environmental Site Assessment Changed? Yes and No," Blog Post, American College of Environmental Lawyers, December 17, 2013.
 - "Temporary contamination - Ain't that a non-compensable shame?" Blog Post, American College of Environmental Lawyers, December 12, 2013.
 - "Environmental Aspects of Business Transactions," with B. Phillippi, Chapter 33, Volumes 45-46, Thomson Reuters Texas Practice, Environmental Law, 2013 and 2014.
 - "Impacts of Federal Environmental Laws on Oil and Gas Production," with M. Mendoza, National Oil and Gas Royalty Conference, Houston, Texas, October 22, 2013.
 - "Corporate Sustainability," with C. Davis, P. Braddock, and L. Burt, American College of Environmental Lawyers, Annual Meeting, Boston, MA, October 10-12, 2013.
 - "Less Lessee Liability – A Critique of EPA's New Superfund BFPP Guidance," Blog Post, American College of Environmental Lawyers, March 14, 2013.
 - "Ethics for Energy Lawyers," with M. Mendoza, UTCLE Renewable Energy Institute, Austin, Texas, January 29-30, 2013.
 - "The Expanding Controversy Over Shale Oil and Gas Development: Is It All It's Cracked Up To Be--Regulatory Overview and Responses to Fracing," with K. Golemon and K. Warren, American College of Environmental Lawyers, Annual Meeting, Washington, D.C., October 18-20, 2012.
 - "Shale Gas: Lessons and Implications of the American Experience for Europe - Perceived Environmental Concerns and U.S. Regulatory Responses," Webinar with Lawrence Graham, September 7, 2012.
 - "Do states have an independent, fiduciary obligation under the 'Public Trust Doctrine' to protect air quality and to do so by regulating greenhouse gases?" Blog Post, American College of Environmental Lawyers, July 30, 2012.
 - "Base fracking regulations on facts," Guest Commentary, *Houston Business Journal*, April 20, 2011, and *Austin Business Journal*, March 30, 2012.
 - "Sack(ing)ett To The EPA," with M. Mendoza, *Law 360*, March 22, 2012.
 - "Ground(water)-Breaking Decision," *Law360*, March 9, 2012.
 - "Superfund's Transactional Defenses and the No Affiliation Prerequisite," with M. Mendoza, 239 *Envtl. Due Diligence Guide (BNA)* 231:2321, Jan. 2012 and *Daily Env'tl Report (BNA)* March 9, 2012.
 - "Drafting Real Estate Contracts to Address Environmental Concerns," with M. Mendoza, State Bar of Texas Advanced Real Estate Drafting Course, Irving, Texas, March 1, 2012.
 - "Environmental Due Diligence and CERCLA All Appropriate Inquiry ("AAI") - The Three Bear Paradigm," Tarrant County Bar Association, March 25, 2011, presentation.
 - "Environmental Laws Pertaining to Offshore Oil and Gas Operations," SMU Dedman School of Law, Dallas, Texas, March 11, 2011, presentation to representatives from Vietnamese Ministry of Justice.
 - "Framework for the Environmental Regulation of the Use of Fossil Fuels for Energy Environmental Federalism: Background and Overview," Essential Administrative and Environmental Law for Energy Projects Conference, University of Texas School of Law CLE program, November 18, 2010, Austin, TX, article and presentation.
 - "The Practical Impacts of Burlington Northern," with M. Mendoza, American Bar Association Section of Environment, Energy, and Resources as part of "Environmental Issues in Region 6: Recent Developments and Hot Topics" June 14-15, 2010, presentation and paper.
 - "Ethics and Sustainability," Air & Waste Management (A&WMA) Spring Environmental Law and Regulatory Symposium, Austin, Texas, April 15, 2010, presentation.
 - "Public Participation, in the Development of Carbon-Related Projects, from Inception, through Transport to Injection," University of Texas CLE, Carbon and Climate Change, Austin, Texas (Feb. 17-18), panelist presentation and article.
 - "Acquiring, Developing, and Disposing of Brownfields Sites," Environmental Regulation & Enforcement Conference, Washington D.C., January 21-22, 2010, panelist presentation and article - "Transactional Environmental Due Diligence - What diligence is due?" with M. Mendoza, January 5, 2010.