



## **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, Renewable Energy, Traditional Power, Chemical, Crisis Management, Energy Transition, Advertising, Marketing, and Promotional Law, Hydrogen

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Now in his fifth decade of practice, Jeff Civins continues to enjoy 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, from groundwater hydrology to air dispersion modeling to toxicology. He's also passionate about understanding the ins and outs of his clients' businesses—from oil and gas exploration and development, power plants, refineries, chemical plants, and other manufacturing facilities, to real estate sales, leasing, development, and financing.

Jeff's experience includes many diverse and high-profile matters, including representing:

- A major multinational energy company in connection with regulatory issues associated with its proposed development of a multi-billion-dollar gas-to-liquids project on the Gulf Coast
- American Airlines in its settlement with United Airlines 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 conducting 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
- The State of Texas, working with the Department of Justice and EPA, in Clean Water Act enforcement litigation against an independent oil company involving numerous oil spills in six different states
- Crystal Lagoons in plotting a regulatory path for, and in obtaining, authorizations for the construction and operation of man-made lagoons powered by their technology in Texas

# HAYNES BOONE

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, teaching a seminar on Environmental Law Concerns to Business, and then, each spring since 1992, has taught a seminar on Environmental Litigation.

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. 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 36th year, and as organizer and co-editor of the Thomson Reuters Texas Practice two-volume treatise on *Texas Environmental Law*. In recognition of these and other contributions to the Environmental and Natural Resources Law Section of the State Bar of Texas, including having been a former chair, the Section recognized Jeff in 2023 with the creation of the "Jeff Civins Volunteer of the Year Award." Jeff is also a fellow of the select American College of Environmental Lawyers, a member of the Advisory Council of the Kay Bailey Hutchison Center for Energy, Law & Business, a member of the practicalESG.com Advisory Board, and chair of the EarthxLaw Advisory Council.

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.

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## QUALIFICATIONS

### EDUCATION

- J.D., The University of Texas 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 District of Columbia Circuit
  - U.S. Court of Appeals for the Fifth Circuit
  - U.S. Court of Appeals for the Fourth Circuit
  - U.S. Court of Appeals for the Ninth Circuit
  - U.S. District Court for the Northern District of Texas
  - U.S. District Court for the Southern District of Texas
  - U.S. District Court for the Western District of Texas
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## PUBLICATIONS AND SPEAKING ENGAGEMENTS

- 35th Annual Texas Environmental Superconference, emcee, August 3-4, 2023.
  - "Control of Methane in the Oil Patch: Low Hanging Regulatory Fruit?" co-author, *Thomson Reuters Practical Law*, June 2, 2023.
  - "[Is 'All Appropriate Inquiries' Appropriate?](#)" author, ACOEL blog post, March 16, 2023.
  - Emcee, 34th Annual Texas Environmental Superconference, August 4-5, 2022.
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- “What Are PFAS and What Actions Are Being Taken in the US to Regulate Them,” co-author, *Chemical Watch*, March 3, 2022.
- “ESG Decision-Making - What are the Alternatives?” author, ACOEL blog post, November 17, 2021.
- [“Repurposing the Environmental Impact Statements Process for ESG — A Holistic, Alternatives Analysis,”](#) author, Environment + Energy Leader, October 1, 2021 and Practical ESG, October 13, 2021.
- Emcee, 33rd Annual Texas Environmental Superconference, August 5-6, 2021.
- “Law & Nature special: Leaders Summit on Climate Commentary,” program introduction, EarthX, April 28, 2021.
- “Fracking: Facts, Fallacies, and Future,” presenter, American College of Environmental Lawyers, April 15, 2021.
- “Ethical Issues for Environmental Lawyers,” presenter, Texas Environmental Law Journal’s 10th Annual Symposium, March 5, 2021.
- “Environmental Issues Associated with Disaster Planning and Response,” presenter, Dallas Bar Association’s Environmental Section’s Monthly Meeting, February 25, 2021.
- “Supreme Court Update,” program introduction, EarthX, January 27, 2021.
- “Law & Nature – Ep. 04: Celebrating EPA’s 50th Birthday – Ch. 1,” interview, EarthX, December 9, 2020.
- “Pathways to a Sustainable Future: Lessons from A BETTER PLANET,” interview, EarthX, November 25, 2020.
- “Energy & the Environment: An insight into the synergy between Oil, Gas, & Environmental Compliance,” panelist, Environmental Law Society (ELS) and the Oil and Gas Society (OGLS) of South Texas College of Law’s Program, November 4, 2020.
- “Election 2020 & The Future of Environmental Law,” program introduction, EarthX, October 27, 2020.
- Emcee, 32nd Annual Texas Environmental Superconference, August 6-7, 2020.
- Emcee, EarthX Law Symposium, April 22, 2020.
- “Texas Environmental Law,” Volumes 45-46, Thomson Reuters, 2019-2020, Treatise co-editor and co-author of chapter on Environmental Aspects of Business Transactions.
- “2002: PFAS: the Fast-Changing Regulatory and Litigation Landscape,” presenter, SOCMA Week 2019, New Orleans, LA, December 5, 2019.
- [“Becoming a Master of Disasters: Environmental Issues Associated with Disaster Planning and Response,”](#) co-author, ABA Section of Environment, Energy and Resources Trends, October 25, 2019.
- “PFAS Forward: Regulatory and Common Law Risks Posed by the Manufacture, Use and Presence of PFAS and How to Address Them,” panelist, Environmental Federation of Oklahoma’s Annual Meeting & Trade Show, Midwest City, OK, October 8, 2019.
- “Identifying and Indemnifying Against Environmental Risks,” co-author, republished by American College of Mortgage Attorneys, Annual Meeting, Monterey, California, September 5, 2019.
- [“Environmental Issues Associated with Disaster Planning and Response,”](#) co-author, Key Environmental Issues in U.S. Environmental Protection Agency Region 4 Conference of ABA Section on Environment, Energy, and Resources, Atlanta, Georgia, June 11, 2019.
- “Water, Water Everywhere...,” speaker, EarthX Law Symposium, Dallas, Texas, April 26, 2019.
- “Environmental Disaster Recovery – Help Please?” speaker, 5th annual National Summit on Homeland Security Law (in conjunction with ACOEL’s regional meeting), Oklahoma City, Oklahoma, April 18, 2019.
- “Per- and Polyfluoroalkyl Substances (PFAS): Latest Developments in Analysis, Risk Evaluation, Remediation, and Regulations,” speaker, 4C HSE Conference, Austin, Texas, February 7, 2019.
- Chair, 30th Annual Texas Environmental Superconference, Austin, Texas, August 2, 2018.
- “The Future for Sustainable and Ethical Corporate Decision-Making,” moderator, EarthX 2018 Law and Policy Symposium, Dallas, Texas, April 20, 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.
- "EPA Clean Power Plan Review," panelist, UT Law CLE Renewable Energy Law Conference, Austin, Texas, February 9, 2016.
- "Clean Air Act Developments of Concern to the Power Industry," 14th Annual Gas and Power Institute, Houston, Texas, September 10-11, 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 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 BFPF 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.
- "Ethical Issues in Environmental Law—It's Not Easy Being Green," with M. Mendoza, presentation, Ethical Principles for Corporate Counsel, Haynes and Boone, LLP Seminar, Houston, TX, October 4, 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.
- "Global Warming, Climate Change, and Carbon -- Doing Business in a Carbon Conscious World," UT Odyssey's Word for Word Speaker Series, Austin, Texas, April 6, 2010
- "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.

## PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Member of the College of the State Bar of Texas
  - Fellow, American College of Environmental Lawyers (2011-present)
  - Fellow, American, Texas, and Austin Bar Foundations
  - Member and Former Chair, Environmental and Natural Resources Law Section, State Bar of Texas
  - Standing Chair, Annual Texas Environmental Superconference (1988-present)
  - Chair, Earthx Law Advisory Council
  - Member, Advisory Council of the Kay Bailey Hutchison Center for Energy, Law & Business
  - Member, Advisory Board, practicalESG.com
  - 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
  - Former Member, University of Texas Law School Alumni Association Executive Board
  - Former Chair, Leadership Circle and former Board member and President, Communities-In-Schools, Central Texas Chapter
  - Member, Leadership Circle, Communities-In-Schools, Central Texas Chapter
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## SELECTED CLIENT REPRESENTATIONS

- A number of companies in litigating and settling claims involving the USOR Superfund site.
- 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 number of gas-fired peaking plants in 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.

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## AWARDS AND RECOGNITIONS

- Recognized by the State Bar of Texas—Environmental & Natural Resources Law Section with the creation of the “Jeff Civins Volunteer of the Year Award” for many years of outstanding dedication to the section, 2023
- Recognized in *Who's Who Legal*, Law Business Research Limited, for Environment, 2007-2023; Climate change, 2022-2023; recognized as a Thought Leader for Environment & Climate in 2023
- Recognized in *Lawdragon 500 Leading Environmental and Energy Lawyers* listing, Lawdragon Inc., 2021, 2023, 2024
- *The Best Lawyers in America*, Woodward/White, Inc. - Environmental Law, 1989-2024; Litigation - Environmental, 2011-2024; Water Law, 2007-2024
- *Chambers USA*, Chambers and Partners - Environmental Lawyers in Texas, 2003-2023; Star Individual, 2003-2015; Senior Statesman, 2016-2023
- Recognized as a Stand-out Lawyer, Acritas Stars, 2019-2021
- Recognized in 2018 for having been included in *Super Lawyers*, Thomson Reuters, top-attorney lists for 10 years or more
- *Texas Super Lawyers*, Thomson Reuters, 2003-2023; 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™
- Recognized in Austin's Top Attorneys “Legacy Award”, *Austin Monthly*, Open Sky Media, 2021-2022
- Recipient of the 2019 Larry F. York Mentoring Award by the Austin Bar Association