

Keith Courtney

Shareholder

Practices: Environmental Law; Public & Regulatory Law; Environmental Regulatory

Industries: Energy

Keith Courtney has significant experience representing industrial and business clients in various environmental matters, including:

- permitting, enforcement, and counseling relating to air quality, hazardous and solid waste, and stormwater and wastewater
- environmental auditing and due diligence
- preparation and presentation of comments regarding Texas Commission on Environmental Quality (TCEQ) (and predecessor agency) and U.S. Environmental Protection Agency (EPA) rulemakings
- development of, and lobbying regarding, state legislation
- air emissions release and spill counseling and enforcement
- litigation involving environmental permitting, rulemaking, and enforcement
- climate change
- environmental issues associated with transactions
- site assessment and remediation

Unique Lawyer Experience

- Keith has represented the trade association of the major electric companies in Texas on various environmental regulatory, legislative, and litigation matters since 1999. Because of that long-time representation, he is usually viewed by the TCEQ Commissioners and high level managers as the trade association's representative, and in some cases, as the representative of the electric generation industry as a whole.
- For several years while working at a private law firm, Keith was acting as what was effectively the "in house" environmental counsel for a large chemical company, which involved participating in and leading portions of monthly meetings of the client's environmental personnel at its various sites

Representative Experience

- Representation of clients from multiple industries, including electricity generation, chemical manufacturing, petroleum refining, aggregate and mineral mining and processing, cement production, lime production, fiberglass and steel tank production, ferrous metals and nonferrous metals smelting, and commercial hazardous waste treatment and disposal
- Assisted numerous clients determine most efficient method for obtaining air permit authorization for a project, and implement that method, including providing guidance regarding the content of the permit application, working with client personnel and TCEQ staff to



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Education

University of Texas School of Law

– J.D., 1987

University of Texas at Austin

– B.S., Chemical Engineering, 1984

– *with highest honors*

– Valedictorian of Chemical Engineering class

– Recipient of University of Texas Presidential Scholarship (a merit-based scholarship given to only about 50 students)

resolve questions that arise during TCEQ's review of the application, and otherwise assisting the client obtain the desired permit authorization as quickly and cheaply as possible

- Representation of clients in large number of TCEQ enforcement actions, which has included large enforcement orders that included involvement of the Texas Attorney General's Office
- Assistance of a large number of clients on audits conducted under the Texas Audit Act
- Represented client in seminal litigation relating to TCEQ decision to deny a contested hearing request regarding the client's air permit application
- Represented an electric generation client on TCEQ permitting and enforcement matters that resulted from false claims about compliance made by a former employee, and teamed with another firm to represent that client on a related Clean Air Act citizen suit
- Created a coalition of chemical manufacturing companies and represented that coalition on emissions banking and trading program issues that required convincing high level TCEQ managers to accept the coalition's position both prior to, and through, rulemaking
- Led a multiyear effort on behalf of the trade association of the major electric companies in Texas and other electric generating companies to help TCEQ develop a permitting program for planned maintenance, startup, and shutdown (MSS) emissions from electric generating units that would be acceptable to those companies
- Representation of a client, along with another firm, in a Clean Air Act citizen suit regarding alleged violations associated with a very large number of episodic events at a complex that includes a refinery and two chemical plants, in which Plaintiffs asked the district court to impose very significant penalty and injunctive relief
- Representation of an electric generation client with respect to petitions filed by national environmental groups regarding one of the client's Title V federal operating permits, including working with TCEQ to develop acceptable responses to the petitions and to EPA's order and other responses to the petitions

Professional & Community Service

- State Bar of Texas
- American Bar Association
- Austin Bar Association
- Air and Waste Management Association (Central Texas Chapter)
- Virtuous Reality Ministries, a non-profit organization (Board member and Officer)
- The Church at Canyon Creek, Elder (past Chairman), teacher of Bible Study, weekly men's group leader, and leader of other lay ministries

Awards & Recognition

- Chambers and Partners USA Guide: America's Leading Business Lawyers (Environmental Law), 2009-2018
- *Chambers USA Guide to America*, Chambers & Partners Publishing, 2019
- Highest Martindale-Hubbell rating

Admissions

- Texas, 1987