

Constance C. Westfall

Member

Connie Westfall concentrates her practice in the environmental area. She represents industrial and institutional clients on a wide range of environmental matters. She has advised clients on environmental issues arising from the acquisition/sale of business enterprises and improved and unimproved real property, including contracts, environmental site assessments and other environmental due diligence. Connie has defended clients in administration enforcement actions before federal and state agencies involving the Toxic Substances Control Act, Texas Solid Waste Disposal Act, Clean Water Act, Resource Conservation and Recovery Act and Texas Water Code. She has assisted companies in the development of their permitting strategies (including major petroleum refineries, steel manufacturing facilities, and a commercial hazardous waste facility), and represented companies with permitting issues before the federal and state agencies, including an appeal to the United States Court of Appeals. Connie also has extensive experience in counseling industrial facilities on the investigation and remediation of contaminated soil and groundwater. Prior to joining Strasburger, Connie served as Judicial Clerk for Jerre S. Williams, United States Court of Appeals, Fifth Circuit (1985-1986).

EXPERIENCE

- Obtained 2/3rd reduction of penalty in federal hazardous waste enforcement action against commercial waste facility
- Developed and implemented a strategy for a major oil company in connection with soil and groundwater contamination from historic refinery operations
- Handled environmental aspects of major banking acquisitions
- Obtained an acquittal within an hour in a federal criminal water and hazardous waste prosecution
- Developed and implemented an RCRA audit program for a major oil company refinery
- Obtained a receiver for a federal Superfund site, novel solution for obtaining access and cooperation from the owner/operator
- Developed and implemented an multi-media audit program for a major daily newspaper
- Defended multiple state and federal Superfund claims for potentially responsible parties from the transportation, recycling, aviation, construction, commercial waste and manufacturing industries.
- Resolved comprehensive water and solid waste enforcement action brought against steel manufacturing facility
- Lead counsel for Goodner Brothers in United States v. Goodner Brothers Aircraft , 966 F.2d 380 (8th Cir. 1992) where criminal convictions based on RCRA mixture and derived from rules were overturned

Presentations

- *Disruption at Superfund and RCRA Facilities*, Texas Environmental Superconference (August 2018)
- *Air Quality Hot Topics: Environmental Impacts of Oil and Gas Production*, State Bar of Texas Conference (January 2014)
- Moderator. *Hydraulic Fracturing Panel*, Texas Environmental Superconference (August 2012)
- *Hazardous Wastes/RCRA: What You Have to Do With Your Wastes*, U.S. Environmental Laws & Regulations Compliance Course (1997)
- *The Science of Environmental Crimes and Challenges to It: Examination of a RCRA and Clean Water Act Case, The Nuts and Bolts of Defending Environmental Crime Cases*, The National Association of Criminal Defense Lawyers Conference (1996)
- *Clean Air Act Exercise*, ABA Section of the Natural Resources, Energy, Environmental Law Conference (1995)
- *The Science of Environmental Crimes - Who Tests For What and How? The Use of Experts, The Nuts and Bolts of Defending an Environmental Criminal Case*, National Association of Criminal Defense Lawyers Conference (1994)

Publications

- *Texas Lawyer Beats Police at Fifth Circuit After Her Alleged False Arrest*, Texas Lawyer (October 2018)
- Chapter Author. *Water Resource Jurisdiction - State and Federal Governmental Entities*, Essentials of Texas Water Resources, TexasBarBooks (May 2016)
- Co-author. *Navigating Water Use and Pollution Laws: Leading Lawyers on Federal and State Regulations of*



Offices

Austin

720 Brazos Street
Suite 700
Austin, TX 78701

Houston

909 Fannin Street
Suite 2300
Houston, TX 77010

(512) 499-3616 (phone)

(512) 539-5724 (fax)

cwestfall@clarkhill.com

Education

J.D., with Honors, University of Texas School of Law, Austin, Texas, 1985, Order of the Coif; Texas Law Review, Research Editor; Chancellors

B.S., The University of Texas at Austin, Austin, Texas, 1982, with highest honors

State Bar Licenses

Texas

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- *Consumption and Contamination*, Thomson Reuters (2014)
 - Co-author. *Essentials of Texas Water Resources*, State Bar of Texas-Environmental & Natural Resources Law Section (2014)
 - Co-author. *Texas Environmental Laws*, Thomson West Texas Practice Series (2014-2015)
 - Co-author. *Environmental Compliance in the Oil Patch*, Society of Independent Professional Earth Scientists Quarterly (November 2012)
 - *The Long and Winding Road: The EPA's Amendments to the Oil Spill Prevention, Control, and Countermeasure Rules*, Texas Bar Journal (May 2011)
 - Co-author. *EPA and Range Resource May Decide Constitutionality of Penalties for Violations of Unilateral Administrative Orders*, Strasburger Environmental Blog (April 2011)
 - *Environmental and Natural Resources Law: Top 10 Developments in 2003*, Texas Bar Journal (January 2004)
 - *The Science of Environmental Crimes*. 9 Toxics Law Reporter 846 (1995)
 - Author. *Joint and Several Liability: A New Day for Environmental Counsel*, The Texas Lawyer (August 1995)
 - Co-author. *What to Do When the Environmental Client Calls*, ABA Section of Natural Resources, Energy, and Environmental Law (1994)
 - *Fearing Competition From Other States, Texas Changes Law For Pollution Permits*, Houston Public Media (July 2015)

Practices, Industries & Services

Environment, Energy & Natural Resources
Transportation & Logistics

Memberships

- American Bar Association, Member
- State Bar of Texas, Environmental and Natural Resources Section, Chair
- Dallas Bar Association, Member
- Texas Bar Foundation, Fellow
- U.S. Oil Recovery Federal Superfund Site Potentially Responsible Party Group, Co-Chair