

Patrick J. Larkin

Member

Pat Larkin practices exclusively in environmental law, including regulatory compliance, litigation, administrative law, and environmental counseling in business transactions. Pat regularly represents industrial, transportation, real estate and retail clients in air, water and waste permitting, compliance counseling and audits, voluntary site cleanups, government enforcement actions, and in agency rulemaking and associated stakeholder and guidance writing work groups.

His 30 years of experience includes corporate in-house, agency and private practice. He was in-house environmental counsel for a Fortune 50 airline company with over 300 U.S. and international operating sites and subsidiaries. Pat was a Regional Enforcement Attorney with the U.S. Environmental Protection Agency.

Pat has prosecuted and defended administrative and judicial enforcement actions brought under the Resource Conservation and Recovery Act, the Clean Air Act, the Clean Water Act, and the Toxic Substances Control Act.

EXPERIENCE

ENFORCEMENT DEFENSE

- Defended favorable settlement of EPA/DOJ fuel additive judicial enforcement case.
- Coordinated defense of Texas air and toxic release reporting, enforcement action with multi-state compliance audits to secure penalty immunity for potentially related violations at sister facilities.
- Hazardous waste generator compliance counseling and defense of government claims against pharmacy, medical services and laboratory service providers.
- Defended multiple EPA stormwater permitting enforcement cases (conservation and MSGP).
- Defense of state criminal environmental charges against manufacturing facilities and managers arising from surface water spill events.
- Defended Texas POTW in civil judicial case by the US Department of Justice and US EPA.
- Represented Fortune 50 aviation company in US EPA industry-wide enforcement initiative, resulting in an administrative settlement and nominal penalty.
- Led internal investigation of fuel-related Clean Air Act violations by national transportation company; negotiated multi-State compliance audit and penalty immunity, including settlement with Cal-EPA and US DOJ.
- Emergency release event investigations and defense of EPA and OSHA administrative penalty actions under Risk Management Plan/Process Safety Management programs.

COUNSELING, REMEDIATION AND TRANSACTIONAL

- Represented furniture and office equipment manufacturer in environmental diligence for portfolio of industrial facilities, including merger agreement negotiations, pre-purchase compliance audits, post-Closing penalty immunity disclosures and negotiation of permits and operational corrections.
- Permit counseling and contested cases challenge to agency BACT determination for glass furnace combustion emissions.
- Permit counseling for power plant cooling water lagoons.
- Compliance counseling and defense of government claims related to retail, distribution and food manufacturing refrigeration systems.
- Compliance counseling and defense of government claims alleging violations of chemical inventory and release reporting requirements. (e.g., backup power systems, refrigerants)
- Designed retail-returns/hazardous waste disposal program for national waste disposal company.
- Designed and executed environmental diligence for portfolio of industrial facilities, including pre-purchase compliance audits, post-Closing penalty immunity disclosures and negotiation of permits and operational corrections.
- Directed pre-purchase vapor intrusion risk analysis and post-closing mitigation for portfolio of industrial facilities.
- Obtained city ordinance institutional controls, ie., Municipal Setting Designations (MSDs), for solvent and petroleum-contaminated facilities, including participation agreements and trespass settlements with adjacent properties.



Office

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Education

J.D., cum laude, University of Iowa
College of Law, Iowa City, Iowa,
1988

B.A., with Honors, University of Iowa,
Iowa City, Iowa, 1985

State Bar Licenses

Texas

- Represented industry stakeholder groups in negotiation and comment on agency-proposed regulations and policies.
- Designed and executed audits of environmental management systems (EMS) for chemical and plastics manufacturing facilities in the U.S., Mexico and Europe.
- Obtained expedited issuance of various media permits for purchaser of steel foundry.
- Release event/process upset reporting and permit compliance counseling.

REAL ESTATE DEVELOPMENT & CONSTRUCTION

- Environmental diligence, risk assessment and indemnity negotiations for acquisitions of real property portfolios for national REIT, consisting of several to hundreds of free-standing retail properties (restaurants, 'dollar' stores, 'C-stores').
- Remediation and retail redevelopment of industrial "Brownfields" sites.
- Designed and supervised environmental due diligence for acquisition of portfolios of auto-body repair facilities.
- Counsels on Wetlands permitting and mitigation requirements, Clean Water Act Jurisdictional Determinations.
- Stormwater permitting and defense of construction-related stormwater permit enforcement cases, including EPA National Initiative cases.

Presentations

- *Railroad Operations & Environmental Issues: How to Remain in Compliance and Manage the Problem When Things Go Very Wrong*, American Short Line and Regional Railroad Association General Counsel Symposium (December 2013)
- *Oil and Gas E&P Evtl. Issues to Track in 2013: Air, Waste, Data and Due Diligence*, Gulf Coast Environmental Affairs Group (January 2013)
- *Loopholes, End-Runs and Planning Ahead: EPA Initiatives to Narrow E&P Environmental Exemptions*, Gulf Coast Environmental Affairs Group (January 2012)
- *U.S. Greenhouse Gas Legislation: Transforming Risks Into Opportunities* (January 2010)
- *Climate Change Regulation: Risks, Opportunities and Mitigation Strategies*, Dallas Bar Association Environmental Section (December 2009)
- *Environmental Legislation and Its Impact on Business: Have you Ever Wondered Exactly What "Carbon Cap" Means?* Texas Association of Business (May 2009)
- *Environmental Programs That Help Redevelopment*, 11th Annual Land Use Planning Law Conference (April 2007)
- *Municipal Setting Designations and Texas Land Use Planning*, University of Texas Land Use Planning Law Conference (April 2006)
- *Financial Reporting Requirements for Environmental Requirements, Claims and Asset Retirement Obligations*, Strasburger Corporate Counsel Series (May 2006)
- *Municipal Setting Designations: Siting Criteria, Risk Management and Implementation*, Industry Council on the Environment (May 2005)
- *Purchase and Sale Agreements for Environmentally Distressed Facilities: Buyer's Perspectives*, Environmental Superconference, Texas Bar Association (August 2004)
- *Reporting of Historical Contamination: TCEQ's New Policy Statements*, Texas Association of Business' Annual Environmental Regulatory Conference (October 2003)
- *State, Local and Federal Storm Water Permit Enforcement*, American Bar Association Journal of Environmental Enforcement and Litigation (September 2002)
- *Air Emission Permitting for Grandfathered Electric Generating Facilities and non-EGF Grandfathered Facilities*, Gulf Coast Power Association (April 2002)

Publications

- *Clean Air, Jobs, and Power Reliability*, Power Magazine (February 2012)
- Co-author. *Institutional Controls, TCEQ Regulatory Guidance under Texas Risk Reduction Program*, RG-366/TRRP (April 2002)

Practices, Industries & Services

Administrative Law
Aerospace

Areas of Emphasis

Brownfields Redevelopment
Environmental Assessments, Due Diligence & Audits

Agriculture
Automotive & Manufacturing
Energy & Utilities
Environment, Energy & Natural Resources
Food, Beverage & Hospitality
Healthcare
International Legal Services
Litigation
Mining
Municipal Law
Oil & Gas
Per- and Polyfluoroalkyl Substances ("PFAS") Issues
Real Estate
Retail
Transportation & Logistics

Opportunity Zones
Permits & Licenses
Remediation & Natural Resource Restoration
Solid & Hazardous Waste Management

Memberships

- Dallas County Local Emergency Planning Committee, Member
- Texas Association of Business, Dallas Chapter, Environmental Committee, former Chairman (2001-2004)
- City of Dallas - Environmental Health Commission, Appointee, Brownfields Committee Chair (2000-2003)
- Greater Dallas Chamber of Commerce, Environmental Committee
- Air and Waste Management Association, Member
- North Texas Association of Environmental Professionals, Member
- Industry Council on the Environment, Member

Honors

- Named in Best Lawyers in America - Environmental Law, Litigation-Environmental by Best Lawyers (2008-2021)
- Named among Best Lawyers in Dallas by D Magazine (2016)
- Rated AV Preeminent by Martindale-Hubbell