



**Jennifer J. Cave**

Title: Member

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Jennifer Cave is a member of the firm's Environmental, Natural Resources & Energy Service Group. She works closely with businesses to ensure compliance with state and federal environmental laws and regulations. Her experience includes assisting and advising clients on the Clean Air Act and state air pollution laws as well as applying for, negotiating the terms of, and complying with air permits, including Title V and Prevention of Significant Deterioration (PSD) permits, NPDES wastewater permits, and solid waste landfill permits. She has significant experience defending clients in administrative and civil enforcement actions and citizen suit litigation. Jennifer also counsels domestic and international manufacturers on the importation and sale of mobile sources, including non-road engines, vehicles and equipment under the Clean Air Act.

Jennifer guides clients through transactions involving the purchase and sale of contaminated properties and she has experience evaluating environmental due diligence investigations including Phase I Environmental Site Assessments and Phase II Subsurface investigations. She frequently works with clients and their consultants to perform facility or programmatic environmental audits and helps prepare for facility inspections and to develop regulatory response. Jennifer also provides compliance advice on new regulatory proposals and drafts public comments on these rules.

Jennifer also has extensive experience evaluating and litigating coverage for complex and long-tail environmental contamination claims under general liability and pollution liability policies written by both domestic and foreign insurers.

# CAPABILITIES

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## Practice Areas

- Administrative Law
- Airport Law
- Aviation
- Environmental Litigation
- Environmental Surety Law
- Environmental Transactions & Due Diligence
- Environmental, Natural Resources, & Energy
- Health Care - Environmental
- Manufacturing
- Natural Resources & Energy
- Regulatory Counseling / Permitting
- Sustainability & Emerging Technology

## RECENT ASSIGNMENTS

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- Negotiated a coverage settlement on behalf of an excess insurance carrier in a matter involving claims made in connection with contaminated sediments at the Portland Harbor Superfund site.
- Conducted a Clean Air Act audit and negotiated penalty amnesty with state air agency for a large, coal-fired power plant.
- Obtained hardship relief from U.S. EPA for a manufacturer of non-road equipment following supply chain shortages of compliant engines resulting from the 2011 tsunami in Japan.
- Evaluated state and local air permitting requirements for a nationwide product recall by a Japanese automotive manufacturer.
- Prepared a combined PSD/Title V Permit Application for a proposed coal-fired power plant.
- Counseled museum with respect to assessment for possible toxic mold growth inside museum building.
- Defended a major oil company against CERCLA liability in federal court relating to an accidental release of product from a rail car.
- Advised telecommunications company regarding state air permitting requirements for emergency generators at cell tower sites.
- Defended an insurance company in coverage action resulting from the release of radioactive materials into a city sewer system by a manufacturer of aircraft engine parts.
- Advised client with respect to assessment, remediation, and potential sale of a former electric transformer manufacturing facility.

## BAR ADMISSIONS

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- Kentucky
- U.S. Court of Appeals for the 6th Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Eastern District of Washington
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Western District of Washington
- Washington

## RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

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- EPA Suspends Enforcement Activities at Regulated Entities Impacted by COVID-19 Stites & Harbison Client Alert, March 27, 2020
- New and Emerging Issues: Chemical Regulatory Developments, U.S. EPA's Implementation of the Amended Toxic Substances Control Act (TSCA) and Coping with California Proposition 65 29th Annual Business & Industry's Sustainability & Environmental, Health and Safety Symposium, Cincinnati, Ohio, March 24-25, 2020
- Best Practices to Avoid Environmental Enforcement . . . Tips, Tools & Strategies 29th Annual Business & Industry's Sustainability & Environmental, Health and Safety Symposium, Cincinnati, OH, March 24-25, 2020ca
- Expansions and New Facilities - Permit Planning and Strategies to Stay on Track 22nd Annual Kentucky Environmental Permitting and Reporting Conference, Kentucky Chamber, Lexington, KY, August 14-15, 2019
- Odors - Air Quality Issues Beyond the Four Corners of Your Permit 22nd Annual Kentucky Environmental Permitting and Reporting Conference, Kentucky Chamber, Lexington, KY, August 14-15, 2019
- Best Practices to Avoid Environmental Enforcement in an U.S. EPA Era of Power Rebalance 28th Annual Business & Industry's Sustainability & Environmental, Health and Safety Symposium, Cincinnati, OH, March 26, 2019
- Environmental Enforcement - What You Need to Know in 2019 17th Annual Kentucky Environmental Conference, Kentucky Chamber of Commerce, Lexington, KY, March 14-15, 2019
- The X Factor . . . Pathways to Plant Security in the New Millennium 27th Annual Business and Industry's Sustainability and Environmental, Health & Safety Symposium, Cincinnati, OH, March 27-28, 2018
- Caveat Emptor? Strategies to Avoid Environmental Enforcement in a New U.S. EPA Era 27th Annual Business and Industry's Sustainability and Environmental, Health & Safety Symposium, Cincinnati, OH, March 27-28, 2018
- Developments in Federal and Kentucky Environmental Law Engineering Law and Ethics, HalfMoon Seminars, Lexington, KY, January 18, 2018

- New U.S. EPA Rules to Place Restrictions on Health Care Industry Wastes  
*Bar Briefs*, Louisville Bar Association, November 2017
- New guidelines for dental offices  
*Medical News*, August 22, 2017
- United States EPA Reinstates Effluent Limitations Guidelines for Dental Offices Stites & Harbison Legal Update, August 16, 2017
- Shaking the Dust Off Air Toxics in Kentucky  
20th Annual Kentucky Environmental Permitting and Reporting Conference, Lexington, KY, August 10-11, 2017
- What's New for the Environment? - A Peek at the 2017 Regular Session The Goods, a publication of the Kentucky Association of Manufacturers, March 2017
- (DO Not) Go Directly to Jail . . . Strategies for Avoiding State and Federal Environmental Enforcement  
28th Annual Sustainability and Environmental, Health & Safety Symposium, Cincinnati, OH, March 2017
- New EPA Risk Management Plan Amendments Face 'Trumped' Future The Goods, Kentucky Association of Manufacturers, January 2017
- Sustainability Best Practices: Sustainable Materials Management in Manufacturing  
28th Annual Sustainability and Environmental, Health & Safety Symposium, Cincinnati, OH, March 2017
- EHS Basics 101: Environmental Regulatory Updates & Compliance Strategies  
28th Annual Sustainability and Environmental, Health & Safety Symposium, Cincinnati, OH, March 2017
- EPA delays issuance of final hazardous waste pharmaceuticals rule *Medical News*, November 2016
- The Drone Wars: Environmental Edition *with J. Clarke Keller* The Goods, Kentucky Association of Manufacturers, November 2016
- Lions and Tigers and Bears, Oh My! (Forms and Portals and Demand Response, Oh My!)  
Kentucky Chamber of Commerce 19th Annual Kentucky Environmental Permitting and Reporting Conference, Lexington, KY August 10-11, 2016

- Use of EPA's eDisclosure Portal in Environmental Audits  
Kentucky Chamber of Commerce 19th Annual Kentucky Environmental Permitting and Reporting Conference, Lexington, KY, August 10-11, 2016
- Current Trends in Federal and Ohio Environmental Enforcement  
Manufacturers' Education Council 25th Annual Business and Industry's Sustainability and Environmental, Health and Safety Symposium, Cincinnati, OH, March 22, 2016
- Decoding the Hazardous Waste Generator Improvements Rule  
Kentucky Chamber of Commerce 14th Annual Kentucky Environmental Conference, Lexington, KY, February 9, 2016
- Waste Not; Want Not  
Kentucky Chamber of Commerce 18th Annual Kentucky Environmental Permitting and Reporting Conference, Lexington, KY, August 26, 2015
- Basics: Environmental Regulations, Regulatory Updates & Compliance Strategies  
Manufacturers' Education Council 24th Annual Business and Industry's Sustainability and Environmental, Health and Safety Symposium, Cincinnati, OH, March 24, 2015
- Current Trends in Indiana & Kentucky Environmental Enforcement  
Manufacturers' Education Council 24th Annual Business and Industry's Sustainability and Environmental, Health and Safety Symposium, Cincinnati, OH, March 24, 2015
- The End of Life: Coal-Fired Power Plant Closure Factors & Implementation  
18th Annual Energy, Utility, and Environment Conference, San Diego, CA, February 16, 2015
- Trends in Environmental Enforcement and Startup, Shutdown, Malfunction Update  
Kentucky Chamber of Commerce 13th Annual Kentucky Environmental Conference, Lexington, KY, February 10, 2015
- Current Trends in Federal Indiana, Kentucky and Ohio Environmental Enforcement  
Manufacturer's Education Council 23rd Annual Business and Industry's Sustainability and Environmental, Health and Safety Symposium, Cincinnati, OH, March 18, 2014
- Environmental Implications for Plant Shutdowns  
Kentucky Chamber of Commerce 17th Annual Kentucky Environmental Permitting and Reporting Conference, Lexington, KY, August 19, 2014

- SCOTUS 13-14 Environmental Case Review  
Kentucky Chamber of Commerce 12th Annual Kentucky Environmental Conference, Lexington, KY, February 21, 2014

## FIRM LEADERSHIP

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- Louisville Office Recruiting Committee, Member

## MEMBERSHIPS

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- Kentucky Bar Association
- Louisville Bar Association

## COMMUNITY INVOLVEMENT

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- Louisville Air District's Multi-Pollutant Stakeholder Group
- Louisville Regional Science and Engineering Fair, Board of Directors, Vice President of Legal & Business Affairs (2018-21)
- Greater Louisville, Inc., Environment and Energy Committee, Chair; Public Policy Committee, Member (2018-present)
- Kentucky Air and Waste Management Association, Board of Directors (2017-19)
- Women Environmental Leaders of Louisville (WELL), Co-Founder
- KMAC Museum, Board of Directors (2017-20)
- Louisville Energy Alliance, Board of Directors (2017-19)
- Leadership Louisville, Class of 2019



## EDUCATION

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Seattle University School of Law J.D. *magna cum laude* 2004

- Environmental Law Society
- Faculty Scholar Award Nominee

University of Kentucky B.S., Biology *cum laude* 1997

- Equestrian Team
- Alpha Omicron Pi

## MORE THAN STITES & HARBISON

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Prior to law school, Ms. Cave was an environmental consultant specializing in environmental contamination assessment and remediation, asbestos abatement, and hazardous waste compliance across the United States. During law school, she interned with the Office of Regional Counsel for the United States Environmental Protection Agency in Seattle (2002). Ms. Cave is an avid horsewoman who enjoys competing in the sport of eventing. When she's not at the barn, she can be found spending time outside with her two rescue dogs, Mason and Malcolm, and cheering on Louisville Collegiate lacrosse.

## ACCOLADES

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- *Martindale-Hubbell*<sup>®</sup> AV-Preeminent<sup>®</sup> Peer Review Rated
- *Best Lawyers in America*<sup>®</sup>, Environmental Law (2017-20)
- *Best Lawyers in America*<sup>®</sup>, Louisville Area Lawyer of the Year for Environmental Law (2020)
- *Kentucky Super Lawyers*<sup>®</sup>, Rising Stars (2013-16)
- Leadership Lexington Distinguished Leader Award (2013)
- Kentucky Bar Association Continuing Legal Education Awards (2012-16)