



## W. Blaine Early III

**Title:** Senior Member

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Blaine's science background and experience as a college professor help set him apart as an environmental lawyer, where technical expertise is an important complement to the practice of law. His legal practice is a broad approach to environmental law that includes a focus on water and land issues, agriculture, natural resources and energy, and the intersection of surety law and environmental regulatory matters. He counsels clients on environmental compliance and environmental considerations in real estate and business transactions and is active in civil and administrative litigation.

## CAPABILITIES

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### Practice Areas

- Regulatory Counseling, Permitting, Compliance & Enforcement
- Environmental Transactions
- Environmental, Energy & Sustainability
- Environmental Surety Law
- Environmental Litigation
- Sustainability & Emerging Technology
- Health Care – Environmental
- Manufacturing
- Renewable Energy Development

## RECENT ASSIGNMENTS

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- Advising on documenting limitations on resource use to meet requirements for providing carbon emissions credits.
- Advising on structure of corporate transactions to mitigate potential liability for contaminated properties.
- Advising manufacturing clients on complex issues of stormwater pollution compliance.
- Advising surety on risks and compliance obligations associated with completing coal mine reclamation to avoid bond forfeiture
- Advising materials recycler on compliance with state and local water quality laws and ordinances
- Representing landowner in dispute over payment of mining royalties
- Defending mineral mining operations against citizens' suits alleging unauthorized water pollution
- Advising investor/purchaser of mining and mineral interests from bankruptcy estate
- Defending waste facility permit against citizens' challenge
- Defending power plant's wastewater discharge permit against citizens' challenge
- Counseling clients on the validity of permit requirements and challenging permits when necessary
- Part of the legal team for surety companies addressing bankruptcy, mine reclamation, black lung and workers compensation issues
- Led the legal team on behalf of a major metropolitan area to challenge a wastewater discharge permit upstream of the city's drinking water intake and to protect upstream source water
- Counsel to major animal agriculture producers in litigation and compliance with environmental laws including Clean Water Act, CERCLA, EPCRA, waste and common law nuisance
- Counsel for real estate and business transactions and mineral, natural gas and oil development
- Represented parties in litigation involving water intrusion and mold growth in buildings
- Defending manufacturers in actions alleging exposure to toxic materials such as lead in the workplace and homes

## BAR ADMISSIONS

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- Kentucky
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky

## RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

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- **Age is an asset for UK's Donovan Scholars**

by Kim Kobersmith, *KentuckyLiving*, August 3, 2024

- **Know Your Obligations: A Survey of Environmental Permitting and Reporting Requirements**

Speaker, 27th Annual Kentucky Environmental Permitting and Reporting Conference, Lexington, Ky., July 23, 2024 ,with [Jennifer J. Cave](#)

- **What You Need to Know About Reclamation Bonds**

Speaker, National Association of Surety Bond Producers (NASBP), February 28, 2023 ,with [William T. Gorton III](#)

- **Develop a Sustainability Plan**

with Shane Tedder, David DeVore and Emily Ladouceur, Bluegrass Forever Green Summer Conference 2022, July 2022

- **Chapter 7: Reclamation Bonds**

co author with Robert L. Scanlon and Laura M. Murphy, *The Law of Commercial Surety and Miscellaneous Bonds*, Third Edition, ABA Tort Trial and Insurance Practice Section, 2022 ,with [William T. Gorton III](#)

- **Can My Business Take the 100% Clean Energy by 2030 Pledge?**

20th Annual Kentucky Environmental Conference, Kentucky Chamber of Commerce, March 10-11, 2022

- **Four Important Environmental Law Changes Since You've Been Home**

,with [William T. Gorton III](#), [Jennifer J. Cave](#), [Mary Lucille Noah \(Mary Lu\)](#) and [W. Patrick Stallard](#) Stites & Harbison Client Alert, May 5, 2020

- **Stormwater Management and Green Infrastructure**

Kentuckiana Chapter of Hazardous Materials Managers, Louisville, KY, March 11, 2020

- **Use Energy Star Portfolio Manager to Monitor Energy Use and Boost Profits**

9th Annual Kentucky Energy Management Conference, January 30, 2020

- **Stormwater Management System Objectives and Design Considerations**

Stormwater Basins and Underground Systems, HalfMoon Seminars, Louisville, KY, November 1, 2019

- **Corporate Sustainability Best Practices...Using the Energy Star Portfolio Manager to Boost Profits and Promote Sustainability**

28th Annual Business & Industry's Sustainability & Environmental, Health and Safety Symposium, Cincinnati, OH, March 26, 2019

- **Overview of Water Laws in Kentucky**

HalfMoon Seminars on Kentucky Water Laws and Regulation, Lexington, KY, October 23, 2018

- **Compliance With Industrial Wastewater Pretreatment Regulations and Unusual Stormwater Conditions**  
27th Annual Business and Industry's Sustainability and Environmental, Health & Safety Symposium, Cincinnati, OH, March 27-28, 2018
- **Reporting Sustainability: Zero Waste, Cradle-to-Cradle, and Life Cycle Assessment**  
Kentucky Chapter of Air & Waste Management Association, Louisville, Kentucky, November 10, 2017
- **Genetic Editing in Ag Biotech**  
American Agricultural Law Association Symposium, Louisville, KY, October 27, 2017
- **The Remains of Water Quality Regulation**  
20th Annual Kentucky Environmental Permitting and Reporting Conference, Lexington, KY, August 10-11, 2017
- **Regulatory Climate Under the Trump Administration**  
, with [Dustyn B. Jones](#) and [Richard A. Vance](#) Creditors' Rights & Bankruptcy Seminar, Keeneland Race Track, Lexington, KY, April 13, 2017
- **Best Practices in Sustainability: Prove Your Success, in Zero Waste, Cradle-to-Cradle, and Life Cycle Assessment**  
Annual Sustainability and Environmental, Health & Safety Symposium, Cincinnati, OH, March 21, 2017
- **Current Issues and Perspectives on SMCRA Reclamation Bonding**  
presented before U.S. Dept. of Interior, Office of Surface Mining, Washington, DC, February 11, 2016 , with [William T. Gorton III](#)
- **Managing the Risks of Climate Change**  
14th Annual Kentucky Environmental Conference, Kentucky Chamber of Commerce, Lexington, Ky., February 10, 2016 , with [Kenneth J. Gish Jr.](#)
- **Complying with your KPDES Permit Part 2: Details**  
*The Goods*, Kentucky Association of Manufacturers, May 2015
- **Hot Topics in Banking and Real Estate Litigation**  
, with [Brian R. Pollock](#), [Chrisandrea L. Turner](#) and [Richard A. Vance](#) Keeneland, April 23, 2015
- **Bond What You Know and Insure What You Don't: A Comment on A Market Approach to Regulating the Energy Revolution**  
*45 Environmental Law Reporter* 10756, 2015
- **Stormwater is Everyone's Challenge**  
13th Annual Kentucky Environmental Conference, Kentucky Chamber of Commerce, February 10, 2015
- **Read It, Do It, Document It: Complying with your KPDES Permit, Part 1: Implementing Plans**  
*The Goods*, Kentucky Association of Manufacturers, January 2015
- **Water Programs and HazMat Management**  
25-Year Retrospective for Kentuckiana Chapter of Hazardous Materials Managers, Louisville, KY, January 14, 2015
- **Sustainability and Biofuels**

- **Waters, waters everywhere: Does the proposed definition of waters of the United States expand the Clean Water Act's reach?**

*Trends*, Vol. 46 No. 2, published by the American Bar Association's Section of Environment, Energy and Resources, November/December 2014

- **Facing High-Tide Successfully: Getting Stormwater Policies Put into Practice**

participant in a Committee Program Call sponsored by three committees of the American Bar Association's Section of Environment, Energy and Resources, October 2014

- **Environmental Compliance and Drinking Water Protection: The Roles of Permits, Plans, and Reports**

17th Annual Kentucky Environmental Permitting & Reporting Conference, Kentucky Chamber of Commerce, August 20, 2014

- **You Thought You Had a Permit for That Discharge?**

17th Annual Kentucky Environmental Permitting & Reporting Conference, Kentucky Chamber of Commerce, August 19, 2014

- **From Production to Market**

Oil and Gas Rights in Kentucky, Lorman Education Services, Louisville (May 16, 2014) and Lexington, Ky. (May 21, 2014)

- **Kentucky Regulatory Changes in Water Quality Standards**

Environmental Law CLE, Kentucky Bar Association, April 2014

- **Development of Kentucky Water Laws**

and "Complying with Water Quality Laws and Regulations, Kentucky Waters Laws and Regulations, HalfMoon Seminars, Louisville, Ky., January 2014

- **Stormwater Regulation, It's Time to Get Serious**

2013 Kentucky Chamber of Commerce 16th Annual Environmental Permitting & Reporting Conference, August 21, 2013 , with [Kenneth J. Gish Jr.](#)

- **Legal and tax issues for energy generation in Kentucky**

Kentucky Association of Manufacturers, May 2013

- **Natural resources law update: Issues in surface mining**

Kentucky Bar Association, April 2013

- **Water-related initiatives concerning central Appalachian coal mining**

Key Environmental Issues in U.S. Region 4, U.S. Environmental Protection Agency Region 4 and American Bar Association Section on Environment, Energy and Resources, February 2013

- **What do you do with an old power plant?**

Stites & Harbison, PLLC, Client Alert, December 14, 2012

- **You don't miss it until it's gone: Drought highlights the importance of water management**

*Water Quality and Wetlands Committee Newsletter*, American Bar Association, Vol. 10, No. 2, August 1, 2012

- **Reclamation Bonds, The Law of Commercial Surety and Miscellaneous Bonds**

Second Edition, American Bar Association Fidelity & Surety Law Committee (with George Thompson), May 2012 , with [William T. Gorton III](#)

- **Trends in Water Quality Issues for Appalachian Mining**

Kentucky Water Resources Annual Symposium, March 19, 2012

- **Current and Emerging Legal Issues on Mountaintop Removal Coal Mining**

, with [William T. Gorton III](#) Webinar presented by BloombergBNA, February 28, 2012

- **Court says the EPA and Corps of Engineers must follow the law**

Stites & Harbison, PLLC, Client Alert, October 19, 2011

- **The Balancing Act of Biofuels**

presented at the Louisville Bar Association, June 8, 2011

- **Intergovernmental Cooperating and Coercion in Environmental Law**

presented at the CLE Seminar sponsored by the Kentucky Legislative Research Commission, Frankfort, Ky., June 1, 2011

- **Kentucky Water Laws and Regulations**

author and presenter, HalfMoon Seminars, Lexington, Ky., March 31, 2011

- **Environmental/Reclamation Financial Assurances: Back to the Future**

56th Annual Rocky Mountain Mineral Law Annual Institute, Banff, Alberta, Canada, July 22-24, 2010 , with [William T. Gorton III](#)

- **Not All Biofuels are Green**

Kentucky Bar Association, *Bench & Bar*, March 2010

- **SEC Describes Disclosure Requirements on Climate Change**

Stites & Harbison, PLLC, Client Alert, February 5, 2010

- **Big Waters: Everyone's Resource but Whose Responsibility?**

presented as introduction to panel discussion on water quality in the Chesapeake Bay, Fall 2009 meeting of the American Bar Association Section on Environmental, Energy, and Resources, Baltimore, Md., September 2009

- **Property Rights in a Sustainable World: More than Minerals and Surface**

Energy & Mineral Law Foundation, presented at the Annual Institute, Hilton Head, S.C., May 2009

- **Biofuel Production and Water Quality**

Newsletter of the Water Quality and Wetlands Committee, American Bar Association Section on Environment, Energy, and Resources, July 2008

- **Toilet to Tap and the Clean Water Act**

*Newsletter of the Water Quality and Wetlands Committee*, American Bar Association Section on Environment, Energy, and Resources, April 2008

- **Carbon Concerns: Law, Policy, and Business**

*Environmental Law Update*, Kentucky Bar Association, August 2007

- **Something Old, Something New, Something Borrowed: The Marriage of Nuisance and Environmental Regulation**

presented as part of the panel on CAFO Litigation: Anticipatory Nuisance and CERCLA/EPCRA Liability, American Bar Association Section of Environment, Energy and Resources, Thirteenth Section Fall Meeting, Nashville, Tenn.,

September 21-25, 2005

- **Mold Litigation & Risk Management**

presented at Concurring Tomorrow Together, hosted by Park Supply at Caesar's Indiana, January 29, 2005

- **Surety's Rights and Obligations Under SMCRA**

, with [William T. Gorton III](#) Energy and Mineral Law Foundation's 29th Mineral Law Conference, October 14-15, 2004

- **The Blending of Bankruptcy and Environmental Law Issues**

19th Annual Environmental Law Institute, University of Kentucky College of Law, November 14, 2003

- **Managing Risks of Mold**

Center for Higher Education Law, Morehead State University October 3, 2003

- **Mold Fundamentals and the Law**

Seminar presentation: Solving Water Intrusion and Mold Problems in Kentucky

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## FIRM LEADERSHIP

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- Office of General Counsel, Ethics Subcommittee, Member

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## MEMBERSHIPS

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- American Bar Association
- Kentucky Bar Association
- Fayette County Bar Association
- Kentucky Academy of Science,
  - President, 1991

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## COMMUNITY INVOLVEMENT

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- Lexington-Fayette County Urban Government, Environmental Commission, Chair
- Upper Cumberland River Watershed Watch, Secretary and Board Member
- Watershed Watch in Kentucky, Inc., former Chair and Board Member
- Vital Habitats Foundation, Inc. (formerly Conservation and Research Initiatives, Inc.), Board Member
- Lexington Fayette County Emergency Operations Center, Volunteer Communications Coordinator

## EDUCATION

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- University of Kentucky College of Law J.D., *cum laude* 1996
- University of Louisville Ph.D., Biology, 1988
- DePauw University B.A., Zoology, 1976

## MORE THAN STITES & HARBISON

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Law is Blaine's second career. He served on the biology faculty of Cumberland College (now the University of the Cumberlands) in Williamsburg, Ky., from 1979 until 1993, chairing the department (1984 to 1993) and earning the rank of full professor. His research focused on insect/plant interactions, and he continues those interests. Prior to joining the firm in September 1998, Blaine was Judicial Law Clerk to Hon. Jennifer B. Coffman, United States District Judge for the Eastern and Western Districts of Kentucky, in London, Kentucky. Blaine is current Chair of the Lexington-Fayette County Urban Government Environmental Commission and was a board member and chair of the Board of Bluegrass Tomorrow. He is a member of the board for the Upper Cumberland River Watershed Watch and is a former chair and board member of the board of the state-wide organization Watershed Watch in Kentucky, Inc. Blaine is a former Chair of the Kentucky Chamber Energy and Environmental Council, a former member of the Board of Trustees of the Energy and Mineral Law Foundation, former chair of the Water Quality and Wetlands Committee of the American Bar Association's Section on Environment, Energy, and Resources and co-chair of the Section's Virtual Learning Committee; former chair of the Natural Resources Section of the Kentucky Bar Association; and, a former president of the Kentucky Academy of Science. He is an amateur radio "ham" extra class radio operator, is active in regional emergency communications efforts, and delights in remote, solar-power communications activities.

## ACCOLADES

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- *Best Lawyers in America*®, Energy Law, Environmental Law; Water Law (2007-26)
- *Kentucky Super Lawyers*® (2016-26)
- International Law Office and Lexology, Client Choice Award for Excellence in Client Service (2015)
- Robert N. Clay President's Award, Bluegrass Tomorrow Awards Breakfast (2010, 2023)