STITES & HARBISON PLLC



W. Patrick Stallard

Title: Retired Member

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Pat Stallard is a member of the Environmental, Energy & Sustainability Service Group in the Louisville office. His practice concentrates in the air, water and waste programs, with substantial experience in programmatic permitting at both the agency level and on appeal, enforcement actions, counseling, rulemaking, advocacy, and legislative actions. Pat has considerable experience in remediation matters under the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) and similar state statutes imposing liability for hazardous substance releases, representing clients at a number of nationally significant contaminated sites across the country. Pat's work focuses on helping clients proactively prepare for and cost-effectively address environmental requirements in a manner that is, to the greatest degree practicable, consistent with the client's business plan and available financial resources.

CAPABILITIES

Practice Areas

- Environmental, Energy & Sustainability
- Environmental Litigation
- Sustainability & Emerging Technology
- Health Care – Environmental
- Administrative Law
- Airport Law
- Aviation

RECENT ASSIGNMENTS

- Represented an international construction firm in the post-construction phase of a very large inner-city commercial building following discovery that in excess of 65,000 tons of contaminated soils excavated from the building site had been mistakenly disposed by a project subcontractor at a landfill permitted to accept only clean fill. At the time of discovery of the contaminated soils, a year after completion of construction, it was determined that the soils were disbursed throughout the 100 acre disposal site and at varying depths. The client elected to remove all contaminated soils rather than cap/manage in place due to the location of the disposal site in an area of frequent flooding from a nearby river. A clean closure was accomplished and settlement among several parties for the remediation costs was achieved without resort to litigation.
- Represented a large manufacturer of chemical additives for the rubber and plastics industries in complying with the requirements of the RCRA program, including RFA/RFI, corrective action and the preparation of a comprehensive risk management plan.
- Represented two large bourbon distillery companies that had releases into adjoining waters of hundreds of thousands of gallons of bourbon resulting from warehouse fires; assisted with immediate response actions and negotiations with state and federal enforcement agencies.
- Represented several potentially responsible parties (PRPs), including two of the largest contributors, in a Superfund removal action initiated by USEPA, at a former hazardous waste incinerator site that had operated from the 1950’s through 2003. The removal action consisted of removal and disposal of containerized chemical waste, and demolition and disposal of the large commercial incinerators and incinerator buildings. Stites & Harbison served on the Negotiating Committee, the Steering Committee, and the Allocation Committee for various PRPs from the initial negotiations with USEPA leading to a consent decree for the removal, through the takeover of removal work by the PRPs at the site, through negotiations with the state agency regarding a permanent remedy.
- Represented a large bulk chemical transporter named as a generator at a Superfund site that was formerly a recycling, storage and disposal facility covering 150 acres that operated from 1964 through 1997. Contaminants of concern include acid and caustic compounds, solvents, and gasoline and crude oil tank bottoms. The remedial investigation and feasibility study have been completed, as well as a treatability study documenting solidification and landfilling of the source material can be an effective remedy.
- Represented several companies among 87 Superfund PRPs named as generators at a site that was purportedly a nonhazardous waste transfer facility covering nine acres that operated from late 2002 to April 2004 when the operator abandoned approximately 13,000 drums and totes, tanker trucks and other containers at the site. Initial removal activity by USEPA included hazard categorization sampling that indicated that much of the containerized waste was hazardous. The PRPs entered into a consent decree and completed the removal action in 2008. In 2010, USEPA named additional PRPs, including other Stites & Harbison clients, in an effort to collect its past costs that were not charged to

the initial PRP group.

BAR ADMISSIONS

- 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 Western District of Kentucky

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- Four Important Environmental Law Changes Since You've Been Home
  ,with William T. Gorton III, W. Blaine Early III, Jennifer J. Cave and Mary Lucille Noah (Mary Lu) Stites & Harbison Client Alert, May 5, 2020

MEMBERSHIPS

- Greater Louisville, Inc.,
  - Environmental Committee
- American Bar Association
- Kentucky Bar Association
- Louisville Bar Association

COMMUNITY INVOLVEMENT

- Louisville/Metro Solid Waste Advisory Committee, Member, Former Chairman
- Greater Louisville, Inc., Environmental Committee, Air Toxics Task Force
- Brightside Foundation, Board Member and Treasurer
- Louisville Legal Aid Society, Project H.E.L.P.
- KMAC Museum, Donors Circle

EDUCATION

- University of Kentucky College of Law J.D., 1974
- University of Kentucky B.A., 1971

MORE THAN STITES & HARBISON

Prior to joining Stites & Harbison in 1983, Pat had an active general civil practice beginning in 1978 with an emphasis on litigation in the Frankfort, Kentucky, law firm of Prichard, Stallard & Shepherd. From 1974 to 1978, he was an Assistant Attorney General in the Office of the Attorney General of Kentucky handling environmental, anti-trust and consumer protection litigation. Civic and community involvement includes the Speed Art Museum, Steering Committee of the New Art Collectors, 1998 - 2009; House of Ruth, Board of Directors, 2004 - 2008; and The New Center for Contemporary Art Board of Directors, 2004 - 2008.

ACCOLADES

- *Chambers USA*, *"America's Leading Lawyers for Business*," Environment, Natural Resources & Utilities: Environment (2008-25)
- *Martindale-Hubbell*® AV-Preeminent® Peer Review Rated
- *Best Lawyers in America*®, Environmental Law (2001-26)
- *Best Lawyers in America*®, Louisville Area Lawyer of the Year in Environmental Law (2012, 2017, 2019)
- *Kentucky Super Lawyers*® (2010, 2013-17)
- *Who's Who Legal*, Environment (2015)
- *Louisville Magazine's* "Top Lawyers" for Environmental Law (2013, 2014, 2016)