

# Gregory T. Dutton

## Partner

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**Industries**

Energy

Consumable Goods

Finance

Industrials

Manufacturing

Mobility

Multifamily Housing

Oil, Gas & Minerals

Renewables

Utilities

**Practice Areas**

Environmental

Business & Commercial Litigation

Fund Formation & Management

Litigation

**Bar Memberships**

Kentucky

New York

Washington, D.C.

Greg has broad experience in environmental and administrative law and co-leads the firm's Renewables Energy Industry Team. His practice focuses on environmental compliance and litigation and energy law. He has represented clients in federal and state litigation involving the Clean Water Act (CWA), Clean Air Act (CAA), Resource and Conservation Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Greg is particularly experienced in matters concerning wastewater discharge, Louisville Metro Air Pollution Control District (APCD) permitting and enforcement defense, and the cleanup/sale/purchase of contaminated/Brownfield sites.

Greg has practiced extensively before the Kentucky Electric Generation and Transmission Siting Board (Siting Board) and the Kentucky Public Service Commission (PSC). Greg's experience includes securing approval for Kentucky's first solar and Battery Energy Storage Systems (BESS) projects sited on a reclaimed coal mine, which was discussed at length in a *New York Times* cover story, development and permitting strategy for numerous data centers, state and local permitting of Kentucky's first utility-scale wind project, and siting of Kentucky's first two standalone BESS projects. Greg was recently shortlisted by the Financial Times for Innovative Lawyers North America 2025 as an Innovative Lawyer in Infrastructure for his work on a Kentucky-based solar project. He now represents renewable energy projects in every corner of Kentucky and Ohio, Indiana, and Pennsylvania. Greg has developed particular expertise in developing energy projects (including data centers fed by natural gas or solar generation) on brownfield sites and reclaimed coalmine sites.

## Greg's Relevant Experience

### Landfills Permitting & Negotiations

Greg represents landfills throughout the Commonwealth. His experience includes:

- Negotiation of host agreements with local 109 boards.
- Oversees local and state negotiations and permitting processes for development and siting of new special waste landfill.
- Negotiates and processes local and state applications to modify applicable permits to allow for landfill expansion.
- Environmental enforcement defense originating from governmental and third-party organizations related to odors, surface water discharge, air emissions, and accidental disposal of radioactive material (including TENORM).

### Data Centers

Greg has advised on the following areas of data center development:

- State/local/federal environmental permitting, including on brownfield and reclaimed mine sites.
- Corporate structure to avoid regulation by the Kentucky Public Service Commission and/or violation of the Kentucky Energy Territory Act.
- Strategy for de-risking energy projects that may ultimately sell energy into wholesale energy markets, such as PJM/MISO/TVA.
- State and local siting approvals, including strategy for securing zoning approvals for data centers and supporting energy generation facilities (including solar, wind, natural gas, combined-cycle natural gas).

### Manufactured Housing

Greg also advises and represents the manufactured housing industry on a wide range of issues. This includes community and/or portfolio transactions, interactions with various Kentucky regulators, such as those from the Kentucky Public Protection Cabinet's Division of Housing, Buildings, and Codes; the Kentucky Department for Environmental Protection (KDEP); the Kentucky Human Rights Commission; and various Planning and Zoning Commissions across the Commonwealth.

### KDEP Permitting Negotiation, Appeals & Enforcement Defense

Greg has represented clients in disputes with KDEP over a variety of issues, including:

- Appeal of KDEP decision to require industrial facility to secure general stormwater permit coverage where the facility held an individual permit for many years.
- Appeal of final stormwater permits containing arbitrary discharge limits and monitoring requirements.
- Defense of enforcement action concerning lapse of permit effectiveness.
- Negotiation of settlement and agreed order on wide variety of issues.
- Negotiation of agreed order to allow flexible operations white facility comes into compliance with permit limits.
- Termination of long-term Corrective Action Plans or Agreed Orders.

### Louisville Metro Air Pollution Control District

Greg has extensive experience dealing with APCD regulations, permitting, and enforcement defense. He is a regular attendee at the monthly APCD Board of Directors Meetings in order to stay abreast of any developments within the APCD. Examples of his experience with APCD include:

- Revisions to Title V permits and Construction Permits.

- Enforcement defense for issues related to odors, PSM, excess emissions, monitoring and recordkeeping violations, and a wide variety of other issues.
- Administrative appeals against APCD concerning permitting and enforcement issues.
- Negotiation of Agreed Board Orders on penalties and other issues.

### Environmental Due Diligence & Kentucky Brownfields Program

Greg has assisted developers, buyers, sellers, public and private companies, and private equity groups on transactions involving properties, companies, or portfolios where environmental concerns are present. Representative experience includes:

- Assist both sellers and buyers in transactions involving property historically utilized by heavy industry.
- Negotiating contract provisions concerning environmental liability and indemnity.
- Coordinating the transfer of environmental permits in both private and public company transactions.
- Assist developers in investigating brownfield properties and securing all available environmental liability protections, including those available through the Kentucky Brownfields program.
- Collaboration with other FBT attorneys to assist developers and investors in purchasing or refinancing and developing/renovating blighted properties in opportunity zones.

### Other Representative Matters

- Successful appeal of Clean Water Act enforcement decision to U.S. Court of Appeals for the Second Circuit.
- Successful representation of superfund site owner in avoiding enforcement action while negotiating preferred remediation plan.

- Representation of Kentucky League of Cities in numerous cases before the Kentucky PSC, resulting in millions of dollars in savings for Kentucky Municipalities and new city-centric cooperative programs with local energy utilities.
- Representation of City of Louisville before Kentucky PSC in a challenge to the long-standing interpretation of Kentucky Constitution provisions dealing with municipal franchise fees.

## Other Info About Greg

### Work History

Prior to joining Frost Brown Todd, Greg started the environmental and energy practice at a mid-size Louisville law firm. Before that, he held an appointed position within the Kentucky Attorney General's Office where he represented Kentucky in numerous federal lawsuits concerning environmental issues, and before the Kentucky PSC on a variety of utility matters. He has also worked for the U.S. Environmental Protection Agency in Washington D.C., where he focused on water permitting and policy issues.

### Education

Pace Law School, J.D., 2009, Certificate in Environmental Law

Miami University, B. Phil, Environmental Science, 2004

### Recognition

Shortlisted in Infrastructure in the *Financial Times*, Innovative Lawyers North America, 2025

Selected for inclusion in *Chambers USA*, Environment, Natural Resources and Utilities: Environment, 2025-2026

*Louisville Business First,* "Forty Under 40" Honoree, 2018

### Professional Affiliations

Louisville Bar Foundation – Board of Directors, 2017-present; President, 2026

Kentucky Bar Association, Section on Energy, Environment, and Natural Resources – Member 2012-present; Chair, 2018-2019

Louisville Bar Association, Environmental Law Section – Member

American Bar Association, Section of Environment, Energy and Resources – Member

**Civic Activities**

Louisville Fund for the Arts – Board of Directors, 2023-present

Frost Brown Todd Fund for the Arts Workplace Campaign – Chair, 2018-present; Chair of the Year, 2021

Olmstead Parks Conservancy – External Relations Committee, 2019-2022

Leadership Louisville Ignite Program – Graduate, 2021

KMAC Museum – Board of Directors, 2017-2021

Fund for the Arts NeXt! Leadership Program – Graduate, 2017

## Featured Articles

FBT Gibbons Secures Victory for Solar Development at Court of Appeals

Another Year, Another Round of Changes to Renewable Energy Siting and Battery Storage (BESS) Regulation in Kentucky

Kentucky General Assembly Lends Support for Nuclear Development with Senate Bill 57

Kentucky Overhauls Public Service Commission and Siting Board, Expanding Utilities Oversight

Court of Appeals Confirms Procedure for Securing Right-to-Farm Exemption from Local Zoning for Agrivoltaics Projects

One Big Beautiful Bill Act Cuts the Power: Phase-Outs, Foreign-Entity Restrictions, and Domestic Content in Clean-Energy Credits

Bill Proposes to Expand the Kentucky Public Service Commission and Siting Board

Kentucky Bill to Create Minimum Setbacks for Solar in Counties Without Zoning and Require Transparency in Project Financing

Kentucky Legislature Creates New Agency to Review Proposed Retirement of Utility Generation Facilities

State Legislature Sparks Nuclear Energy Development in Kentucky with SB 198

New Regulations Proposed for Kentucky Merchant Electric Generation Facilities

The Future of Kentucky's Solar Industry Is Bright Following Recent Legislative Changes

Kentucky Legislature Passes Bill to Protect Coal-Fired Energy Generation Fleet

Inflation Reduction Act – Clean Energy Tax Credits

Kentucky PSC Chairman Comments on Solar Development Siting Issues

Kentucky Energy and Environment Cabinet Grants Compliance Flexibility in Response to Coronavirus

Environmental Compliance During the COVID-19 Pandemic

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