# Timothy J. Hagerty

Partner

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**Industries**

Energy

Finance

Manufacturing

Multifamily Housing

Oil, Gas & Minerals

Renewables

Utilities

**Practice Areas**

Environmental

**Bar Memberships**

Kentucky

Washington, D.C.

Tim has spent three decades advising clients in Kentucky and across the nation on a wide variety of environmental compliance, liability, and litigation issues arising under federal, state, and local laws. Tim's experience includes providing advice and counsel on complex permitting and compliance matters arising under the Clean Water Act, helping clients navigate the requirements of the National Environmental Policy Act and related resource review laws, and interpreting and complying with RCRA's Coal Combustion Residuals rule. Tim most enjoys helping clients find creative solutions that allow them to accomplish their business objectives while maintaining their commitment to environmental sustainability.

## Tim's Relevant Experience

### Clean Water Act Section 402

Tim has extensive experience assisting clients with permitting and compliance issues arising under the Clean Water Act. That experience includes obtaining, defending, and complying with NPDES wastewater discharge permits for facilities in the electric utility industry and in the iron and steel, chemicals, and metals manufacturing sectors, among others. Tim has broad experience interpreting and applying the federal Effluent Limitations Guidelines as well as the water-quality based permitting requirements of the Clean Water Act.

### Clean Water Act Section 404

Tim has spent decades assisting clients in obtaining Clean Water Act Section 404 "wetlands" permits and related approvals under

federal, state and local laws. This work has led Tim to spend considerable time evaluating and advising clients on the ever-changing definition of "waters of the United States," a topic on which he has lectured frequently for many years.

### National Environmental Policy Act (NEPA)

Tim has extensive experience assisting public and private sector clients in complying with NEPA and related resource review requirements arising under the Clean Air Act, the Endangered Species Act, and the National Historic Preservation Act. Tim's NEPA experience includes major highway and bridge projects, electric generation and transmission line projects, pipelines, private commercial and residential developments, public transit, and even riverboat casinos.

### Coal Combustion Residuals

In recent years, Tim has spent countless hours assisting clients in the electric generation sector in interpreting and complying with the requirements of the federal Coal Combustion Residuals (CCR) rule and related state waste management laws. Tim has advised on issues ranging from groundwater monitoring and analysis requirements to the closure of CCR surface impoundments. He continues to actively advise multiple clients on the ever-evolving CCR regulatory regime.

### Litigation

As a litigator, Tim has represented clients in disputes concerning major electric transmission line and petroleum pipeline projects, large-scale residential and commercial developments, and major highway and transit projects throughout the country, as well as permit appeals for a variety of industrial facilities. He also has counseled the firm's mining industry clients in various matters arising under federal environmental laws and has represented them in litigation arising under both the Surface Mining Control and Reclamation Act and the Clean Water Act.

### Transactions

Tim assists clients in conducting environmental due diligence, negotiating environmental provisions in complex corporate and real estate transactions, and addressing property contamination issues.

## Other Info About Tim

### Education

Yale Law School, J.D., 1994
Senior Editor, *Yale Law Journal*

University of Louisville, B.A., 1991, *summa cum laude*
Woodcock Medalist (Top graduate in College of Arts & Sciences)

### Courts

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

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

U.S. Courts of Appeals for the Fourth and Sixth Circuits

### Recognition

*Chambers USA,* Environment, Natural Resources & Utilities: Environment, 2011-2026

*The Best Lawyers in America®* 2015, 2022 and 2026 Environmental "Lawyer of the Year" in Louisville, KY

*The Best Lawyers in America®* 2020 and 2024 Litigation – Environmental Law "Lawyer of the Year" in Louisville, KY

*The Best Lawyers in America®*: Environmental Law, 2007-2027; Litigation – Environmental Law, 2011-2027; Mining Law, 2008-2027; Oil and Gas Law, 2010-2027

*Kentucky Super Lawyers®,* Environmental, 2013-2016, 2020

*Louisville Business First,* "Forty Under 40" Honoree, 2002

### Professional Affiliations

American College of Environmental Lawyers, Fellow, 2024

Energy and Mineral Law Foundation, President, 2019-2020; Vice President/President-Elect, 2018-2019; Treasurer, 2016-2018; Executive Committee, 2012-2022; Board of Trustees, present; Chair, Alternate Energy Task Force, 2022-present

US Law Firm Group, Environmental Committee, Chair, 2023-2025; Member, 2015-present

Kentucky Chamber of Commerce, Board of Directors 2007-2013; Environmental Policy Committee, 2007-present

Greater Louisville, Inc., Chair, Public Policy Council, 2017-2023; Chair, Environmental Affairs Committee, 2005-2017

Louisville Bar Association, Environmental Law Section, Member

Kentucky Bar Association, Environment, Energy and Natural Resources Section, Member

District of Columbia Bar Association, Member

## Civic Activities

Leadership Kentucky, Class of 2004

Leadership Louisville, Class of 2008; Bingham Fellows, Classes of 2011 (infrastructure), 2019 (K-12 education), and 2023 (talent/workforce)

The Bridges Coalition, Secretary and General Counsel, 2007-2010

Nativity Academy of Louisville, Board of Directors, Chair, 2017-2020; Member, 2005-2010, 2015-2021, 2022-present; Finance Committee; Advancement Committee

Central Louisville Community Ministries, Board of Directors, President, 2009-2013; Member, 2006-2016

Louisville Metro Air Quality Task Force, Vice Chair, 2003-2005

Louisville Metro Fine Particle Air Quality Task Force, 2007

Louisville Metro STAR (Air Toxics) Regulation 5.30 Stakeholder Group, 2006-2007

21st Century Society of the Louisville Orchestra, Founding President, 2002-2004

Committee to Elect Angela McCormick Bisig, Campaign Treasurer, 2002, 2006, 2012, 2022

Dolly Wisman Berry for Judge, Campaign Treasurer, 2004, 2006

ABA Endangered Species Committee, Vice Chair, 1998-2000

## Featured Articles

Supreme Court Creates New Standard for Clean Water Act Jurisdiction Over Discharges to Groundwater

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

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