Kevin N. McMurray

Partner

kmcmurray@fbtgibbons.com | 513.651.6160

Great American Tower
301 East Fourth Street, Suite 3300
Cincinnati, OH 45202

Industries

Energy

Manufacturing

Oil, Gas & Minerals

Utilities

Practice Areas

Acquisitions & Divestitures

Environmental

Private Equity & Venture

Bar Memberships

Ohio

Kevin is co-leader of the Environmental Practice Group and is experienced in a broad range of federal, state, and local environmental programs. His practice focuses on environmental litigation, defense of civil and criminal environmental enforcement actions, and counseling on a wide range of environmental issues arising in business transactions, and regulatory matters. Kevin has very substantial experience with state Brownfield programs, particularly Ohio's Voluntary Action Program (VAP).

Kevin has defended a number of state and federal civil and criminal enforcement actions and private party litigations involving the Clean Air Act; the Clean Water Act; the Resource Conservation and Recovery Act; the Oil Pollution Act, the Toxic Substances Control Act; the Underground Storage Tank Act; the Comprehensive Environmental Response, Compensation, and Liability Act; and various common law claims under state law.

Kevin has substantial experience involving the investigation and cleanup of contaminated sites under state brownfield programs and pursuant to federal and state administrative and judicial consent orders. He regularly counsels buyers, sellers, and lenders on environmental considerations in real estate transactions and business acquisitions and divestitures, and has significant experience in structuring and financing "Brownfields" transactions. Kevin conducts environmental compliance audits and assists businesses in the development and implementation of corporate environmental management systems and procedures.

Kevin is experienced in assisting businesses in responding to environmental incidents involving significant spills, releases, and non-compliance, including conducting root cause analyses,

developing, and implementing corrective measures, and coordinating the response to government inquiries of the incident.

Kevin's Relevant Experience

Litigation & Dispute Resolution

Defense of state and federal air pollution enforcement actions, including Title V and state air permit, stack testing, emissions, and reporting violations.

Defense of state and federal enforcement actions against power plants for alleged Title V permit and air emission violations, and violations related to operation of continuous emission monitoring systems (CEMS) and Leak Detection and Repair (LDAR) requirements.

Defense of state and federal enforcement actions involving hazardous waste management at industrial, healthcare, retail, and other facilities.

Defense of nationwide EPCRA, SPCC and UST federal enforcement action against a telecommunications company and use of U.S. EPA's Audit Policy to mitigate civil penalties.

Defense of state and federal civil and criminal enforcement investigations and actions involving oil and chemical spills, air emissions, wastewater discharges, data reporting, and waste management practices.

Defense of Clean Air Act Risk Management Program (RMP) enforcement actions involving commercial refrigeration and other industrial operations.

Defense of nationwide federal Clean Air Act enforcement action involving refrigerant management leak repair and recordkeeping requirements.

Defense of state EPA investigation and enforcement action against regional hospital system relating to management of waste pharmaceuticals and other hazardous waste.

Defense of U.S. Army Corps action involving wetland and stream permitting requirements related to a major hospital construction project and negotiation of acceptable conditions in required permits.

Defense and prosecution of cost recovery actions involving former gasoline service stations, petroleum bulk storage facilities, and dry cleaners, including successful cost recovery actions under Ohio's Voluntary Action Program (VAP).

Defense of state-wide enforcement actions involving management and disposal of hazardous waste at multiple optical manufacturing establishments in California.

Appeal of air emissions and wastewater discharge permits and other final agency actions to the Ohio Environmental Review Appeals Commission.

Defense of enforcement actions by sewer districts alleging violations of pretreatment requirements by industrial users and claims for damage to and interference with operation of the POTW.

Defense of state and federal Natural Resource Damage (NRD) claims involving major release from oil pipeline.

Defense of PRPs and pursuit of contribution actions in multi-party Superfund sites across the country.

Real Estate & Corporate Transactions

Negotiation of purchase/sale agreements and managed environmental due diligence in acquisition of numerous industrial facilities, including chemical manufacturing and petroleum refining, food and beverage production, metal plating, hospital and other health care systems, bulk terminals, casket manufacturing, flavor and fragrance manufacturing, and building products across the United States.

Assist clients in acquisition and redevelopment of contaminated properties in various states, including Ohio, Indiana, Kentucky, Michigan, Tennessee, and Pennsylvania.

Advise lenders on financing and distressed property work out considerations involving contaminated properties.

Experienced with use of environmental insurance and other risk mitigation tools in real estate and corporate transactional processes.

Environmental Cleanup & Remediation

Substantial experience with investigation and remediation of industrial and drycleaner chlorinated solvent contaminated sites, involving on-site and off-site impacts.

Substantial experience with investigation and remediation of former gasoline station, bulk terminal and other petroleum hydrocarbon contaminated sites, involving on-site and off-site impacts.

Served as legal counsel on numerous Voluntary Action Program (VAP) projects resulting in covenants not to sue (CNS) issued by Ohio EPA.

Expertise in state and federal brownfield funding and tax abatements associated with successful completion of work under the VAP.

Substantial experience in the investigation and remediation of former manufactured gas plant (MGP) sites.

Legal support on successful recovery of environmental remediation costs through state public utilities rider process.

Substantial experience with remediation and redevelopment of contaminated sites across the United States, including use of state brownfield or voluntary cleanup programs and under negotiated agreements with state and federal EPAs.

Compliance Counseling

Regular counseling on local, state and federal environmental permitting and regulatory matters involving wide range of businesses, particularly in the manufacturing and energy sectors.

Conducted multi-media environmental audits of various industrial facilities, including hospitals, steel mills, chemical manufacturing, bulk terminals, metal finishing and plating, building products, marine terminal, food and beverage production, and wood and metal casket manufacturing facilities.

Assisted clients in structuring and performing compliance evaluations, audits and making voluntary disclosures under U.S. EPA's Audit Policy, New Owner Audit Policy, and similar state immunity laws and policies for potential violations of EPCRA, CAAClean Air Act, Clean Water Act, Resource Conservation and Recovery ActCWA and RCRA, and other programs to minimize potential enforcement and assessment of civil penalties.

Crisis Response & Internal Investigations

Provided legal support for immediate response to a major spill of diesel fuel to a navigable river and communications with federal, state, and local response agencies, including press releases and updates to the public. Conducted root cause analysis investigations of spill incidents and significant non-compliance, including evaluation of systems, operational documents, practices, employee interviews and development of corrective measures.

Provided legal support for initial response and reporting of a propane release in an urban area, including conducting a root cause analysis and internal ethics investigation associated with the incident and managed the integrity evaluation of the propane facilities.

Led internal investigation of allegations of noncompliance and bypass of vapor control system involving product handling at a marine terminal, including addressing issues with regulatory agencies.

Conducted internal investigations of alleged improper disposal of hazardous waste at major hospital system, wire manufacturing and recycling businesses.

Other Info About Kevin

Education

University of Cincinnati College of Law, J.D., 1989
Order of the Coif

University of Cincinnati, B.S. Ch.E., 1986

Courts

Supreme Court of Ohio

Southern District of Ohio

Sixth Circuit Court of Appeals

Recognition

The Best Lawyers in America®: Environmental, 2003-2027, "Lawyer of the Year," 2011; Litigation – Environmental, 2011-2027, "Lawyer of the Year," 2013

Selected to Ohio Super Lawyers, 2005-2026

Chambers USA, Natural Resources & Environment, 2008-2023; Environment, 2024-2026

Cincinnati Environmental Lawyer of the Year, 2011

Professional Affiliations

Cincinnati Bar Association, Environmental Law Committee, Past Chair

Ohio State Bar Association, Environmental Law Section

American Bar Association, Section of Environment, Energy and Resources

American Institute of Chemical Engineers

Civic Activities

Playhouse in the Park, Board Trustee

Greater Cincinnati Behavioral Health Services, former Board Member

The First Tee of Greater Cincinnati & Northern Kentucky, former Officer and Board Member

Firm Committees

Strategic Planning Committee

Presentations

"Update on Environmental Issues Facing Hospitals," Greater Healthcare Safety Committee Presentation

"Staying on Top of Environmental Considerations in Land Use," National Business Institute

"Working Your Way Through Environmental Issues," Ohio ICSC Conference

"Evaluating Your Investment: Environmental Due Diligence," Ohio Chamber of Commerce

"The EPA's At My Door?," Cincinnati Bar Association

Featured Articles

U.S. EPA Announces Retainment of MCLs for PFOA and PFOS and Intent to Rescind and Reconsider MCLs for Other PFAS

U.S. EPA Announces Nine-Month Delay for PFAS Reporting Period Under the Toxic Substances Control Act

Managing Uncertainty: Regulatory Impacts on the Manufacturing Industry

U.S. EPA Announces Major Actions to Combat PFAS Contamination

Nine New PFAS Added to Toxic Release Inventory (TRI) Reporting by U.S. EPA

U.S. EPA Requests Comment on Adding Quarterly PFAS Monitoring and Reporting Requirements in 2026 NPDES Multi-Sector General Permit

U.S. EPA Delays TSCA PFAS Reporting Deadline to January 2026

Canada Announces Mandatory PFAS Reporting Rule

U.S. EPA Urges States to Consider Including PFAS Monitoring in Power Plant Wastewater Discharge Permits

Congress Following States' Lead to Phase Out PFAS

Seven More PFAS Added to Toxic Release Inventory (TRI) Reporting by U.S. EPA

U.S. EPA Finalizes Drinking Water Limits for PFAS

Ohio Bona Fide Prospective Purchaser Defense is Here

Environmental Compliance During the COVID-19 Pandemic

U.S. EPA Continues its Focus on Chemical Risks

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.