



Environmental

Winston's Environmental Practice brings decades of experience to our clients. Chaired by Eleni Kouimelis, former assistant regional counsel with USEPA Region 5, our Environmental Practice provides comprehensive services to clients around the globe.

Our Environmental Practice consists of seasoned litigators, veterans in handling a wide array of work, including enforcement actions, compliance counseling, permitting actions and brownfield redevelopment; attorneys adept at rulemaking; and practitioners who routinely provide support with respect to identifying, quantifying, and allocating environmental risk in transacts—making Winston's environmental practice one of the most experienced legal teams among our peer firms.

Key Contacts

[Eleni Kouimelis](#)

[Jonathan D. Brightbill](#)

Areas of Focus

Environmental Litigation & Enforcement

Winston's Environmental Litigation & Enforcement attorneys bring extensive courtroom experience to every matter, helping us spot outcome-determinative legal issues. Our Environmental attorneys have extensive experience defending clients against agency and citizen enforcement of environmental laws. We also handle actions brought by the U.S. EPA and the DOJ, and we litigate against and negotiate with state and local agencies, citizen groups, and private parties across the country.

Permitting

Winston assist clients with a wide range of permitting matters at both the state and federal levels, involving all environmental media and many different industries. We work with each client to prepare a permit application that will meet the facility's current and future needs, will avoid undue burdens, and that also meets all applicable regulatory requirements. For new facilities, we coordinate the permitting for all media, including air, water, and waste disposal, and provide a legal opinion to lenders regarding environmental. We also advise clients regarding facility construction, major source modification, and operation under the Clean Air Act, ranging from state preconstruction permits to Title V operating permits; wastewater discharge, storm water discharge, and wetland dredge-and-fill permits under the Clean Water Act; solid waste and hazardous waste disposal, treatment, storage, and recycling permits under the Resource Conservation and Recovery Act; and other environmental licensing programs such as groundwater use. We have also successfully defended against challenges by citizens groups to permits issued to our clients and, where necessary, appealed unfavorable permit terms.

Environmental Audits

To help clients reduce the risk of enforcement by federal and state agencies, we conduct thorough reviews of our clients' environmental and worker health and safety compliance programs. We support the design and development of these audits, counsel clients throughout the implementation of their audit programs, and help clients address audit findings. In addition, we draw from our decades of experience to review and enhance our clients' environmental management systems and assist with preventative measures such as strategic planning for the implementation of new regulations.

Transactions & Due Diligence

Our environmental attorneys counsel buyers, sellers, developers, underwriters, and lenders on all aspects of transactional work, including managing the environmental due diligence process, identifying any environmental risks and issues, quantifying the identified risks and issues, recommending an allocation for environmental risks, identifying risk mitigation options including rep & warranty and pollution legal liability policies, and drafting appropriate and precise contractual terms to document the parties' intentions.

Regulatory Compliance

In the counseling area, our environmental lawyers assist clients in strategically evaluating and overcoming environmental regulatory compliance challenges in all environmental media and in jurisdictions throughout the U.S. We assist clients with meeting their business goals, from permitting facility expansions, to completing complex environmental cleanups, to developing compliance strategies for evolving regulatory requirements. Our environmental attorneys are adept at responding to information requests from regulators, participating in notice-and-comment rulemaking, navigating regulatory investigations, assisting clients with complying with regulatory orders, and assisting our clients with environmental, health, and safety compliance inspections and audits. In addition, through our [Environmental, Social, and Governance \(ESG\) Advisory Team](#), we provide strategic counseling and advice to help clients create, implement, and maximize sustainability initiatives and opportunities while managing reputational legal risks related to such efforts.

Rulemaking & Legislation

Our attorneys participate in the legislative and rulemaking process. We draft a wide range of environmental and other legislation for consideration by Congress and state legislatures, submit comments on proposed regulations, and confer with federal and state executive and administrative officials concerning the applicability and interpretation of existing rules and the development of exceptions and variances sought on behalf of our clients. Our team includes Jonathan Brightbill, a former Acting Assistant Attorney General for the Environment & Natural Resources Division (ENRD) of the U.S. Department of Justice. Jonathan brings a unique perspective to our client engagements from his first-hand knowledge of Capitol Hill, rulemaking and regulatory bodies, and relationships with key players.

Climate Change & Sustainability

Winston attorneys help clients understand the risks and opportunities presented by today’s political, regulatory, and corporate responses to climate change initiatives. Our seasoned and interdisciplinary team represents clients in many complex climate change and sustainability matters, including counseling clients with regard to disclosure obligations. We work with clients to draft and implement sustainability policies and programs reflecting our clients’ strategic goals in such contexts as energy conservation, renewable power production, tax benefits analysis and planning, and green buildings.

National Environmental Policy Act (NEPA)

For both private and public entities engaged in major infrastructure projects, Winston attorneys have provided advice on National Environmental Policy Act , including those that arise under statutes such as the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and the Clear Air Act (CAA), as well as state-law versions of NEPA. The types of projects on which our attorneys have provided such advice range from electric-generation facilities, to geological waste storage and disposal facilities, to railroads.

Per- & Polyfluorinated Substances (PFAS)

As regulatory scrutiny of and public interest related to PFAS increases, Winston’s experience is particularly relevant. Our environmental practitioners are diligently tracking emerging legal and regulatory issues related to PFAS and have worked on numerous transactions and counseling matters advising clients on how to mitigate risks associated with PFAS.

Related Capabilities

Environmental Litigation & Enforcement		Environmental, Social & Governance (ESG)	
Mergers & Acquisitions	Energy	Infrastructure	Maritime & Admiralty

Recent Experience

Chart Industries Acquisition of Howden

Resources

[Environmental Law Update Blog](#)

Related Insights & News

BLOG

EPA Issues New Civil and Criminal Environmental Enforcement Policy

APRIL 23, 2024

ARTICLE

Pushing Pause on Liquefied Natural Gas Exports: Can the Department of Energy Halt LNG Exports to Save the Planet?

APRIL 1, 2024

BLOG

Louisiana Decision Undercuts EPA Title VI Efforts on Environmental Justice

MARCH 7, 2024

BLOG

SEC Adopts Final Climate-Related Disclosure Rules

MARCH 6, 2024

RECOGNITIONS

Winston Attorneys Featured on *Lawdragon's* Green 500: The 2024 Leaders in Environmental Law List

FEBRUARY 2, 2024

BLOG

EPA Revises Guidance on Assessing Environmental Justice in Regulatory Analysis

DECEMBER 4, 2023

BLOG

New Actions to Reduce Greenhouse Gas Emissions May Cost Contractors

NOVEMBER 2, 2023

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IN THE MEDIA

Jonathan Brightbill's Oral Arguments in D.C. Circuit Covered by Law360

OCTOBER 18, 2023

BLOG

Newly Enacted California Climate Bills Create Sweeping Disclosure Requirements for Companies Across the Country

OCTOBER 17, 2023

ARTICLE

What New EPA Enforcement Initiatives Mean For Industry

SEPTEMBER 18, 2023

IN THE MEDIA

Jonathan Brightbill Discusses Challenges to Regulations in Biden Administration's Climate Pledge with *Politico*

SEPTEMBER 13, 2023