

Partner

225.248.2134 *tel*
225.248.3134 *fax*
bbryan@joneswalker.com

Practice Areas

Business & Commercial Litigation
Energy
Environmental & Toxic Torts

Bar Admissions

Louisiana, 1987

Education

Paul M. Hebert Law Center,
Louisiana State University, J.D.,
1987

University of Southwestern
Louisiana, B.S., 1984



Boyd Bryan represents clients in a wide array of issues, including environmental issues in transactions, environmental litigation, and regulatory issues from permitting to compliance advice. More specifically, his environmental law experience includes:

- Handling and closing of purchases and sales of business and assets and other transactions involving environmental issues, including performance of environmental due diligence, negotiation and drafting of letters of intent, option agreements, purchase agreements, sale agreements, servitudes/easements, and related representations and warranties and indemnity provisions and transfers of environmental permits
- Obtaining “bona fide prospective purchaser” letters, “comfort” letters, lien waivers, and related agreements from regulatory agencies in connection with transactions; wetlands issues; development of “brownfields”
- Advice regarding property remediation activities, including those involving state voluntary cleanup and risk assessment programs
- Regulatory compliance advice, including advice regarding reporting and emergency response requirements
- Permitting under the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Clean Water Act, Louisiana Department of Natural Resources regulations, and other environmental laws
- Coordination and oversight of environmental consultants and other experts in environmental permitting, assessment, and remediation projects
- Defense of lawsuits challenging the issuance of environmental permits
- Defense of agency enforcement actions, including negotiations with the United States Environmental Protection Agency (EPA), the U.S. Department of Justice (DOJ), and state agencies regarding compliance orders, penalty assessments, regulatory interpretations, and settlements (including consent decrees)

- Oilfield site restoration litigation
- NORM litigation
- Superfund actions (including sites involving oil and gas wastes)
- Litigation under RCRA, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and other environmental laws
- Prosecution and defense of lawsuits seeking remediation of property, recovery of response costs, and related damages
- Toxic tort litigation
- Negotiation and drafting of contracts for environmental contractors and other businesses
- Environmental insurance coverage issues.

Representative Matters

- Defense of landowner lawsuits seeking remediation or restoration of oil and gas exploration and production properties
- NORM litigation
- Representation of company in settlement of alleged liability for cleanup of the PAB Oil & Chemical and Gulf Coast Vacuum Superfund Sites in Vermilion Parish, Louisiana.
- Advice regarding obtaining permits from LDNR, Office of Conservation, for facility to treat and dispose of oilfield exploration and production wastes in Jefferson Davis Parish, Louisiana
- Advice regarding environmental due diligence, negotiation of purchase price, permitting, development issues, and related matters, for \$300 million storage tank facility for crude oil, petroleum products, and other liquid fuels on the Mississippi River in St. John the Baptist Parish, Louisiana
- Environmental due diligence, permitting, and related advice to company regarding purchase of property and construction and operation \$100 million manufacturing facility near Alexandria, Louisiana
- Negotiation and handling of environmental due diligence, representations, warranties, indemnity provisions, and environmental permit transfers in \$8 million purchase of assets of manufacturing businesses in Houston, Texas
- Negotiation and handling of purchase of portion of environmentally-affected property in Vermilion Parish, Louisiana, including obtaining of “comfort” letter and waiver of lien rights from Louisiana Department of Environmental Quality (LDEQ).
- Negotiation and handling of purchase of property bordering

- environmentally-affected water body in Baton Rouge, Louisiana
- Advice to owners of former Superfund site regarding future sale, lease, or use of property
 - Representation of customer of commercial hazardous waste incineration facility as intervenor in federal litigation brought by EPA, LDEQ, and DOJ. After jury trial, judgment rendered in favor of client holding that its material processed separately was a “product” and no longer subject to regulation as a hazardous waste. Judgment in favor of client reversed and remanded by Fifth Circuit Court of Appeal, and thereafter settlement reached with all parties.
 - Representation of company with option to purchase a commercial hazardous waste incineration facility, in negotiation of Consent Decree in federal litigation and related matters.
 - Lead permitting attorney in obtaining RCRA, Clean Air Act, and Clean Water Act permits for former commercial hazardous waste incineration facility. Responsibilities included management, coordination, supervision, and cost control of permit team (including numerous environmental consultants and engineers and other attorneys), negotiations with LDEQ and EPA, preparation and revision of permit applications and related plans, responses to agency inquiries and notices, advice regarding risk assessment, environmental justice, and public relations issues, representation at evidentiary and public hearings, defense of appeals of permits, and related litigation. Permits issued and upheld on appeal despite challenges by citizens groups, industry groups, and competitors.
 - Supervision of risk assessment of alleged hazardous waste disposal site, and negotiation of settlement with DOJ, EPA, and LDEQ regarding client’s potential liability for response costs
 - Defense of enforcement actions by U.S. Army Corps of Engineers and EPA based on alleged violations of Clean Water Act wetlands regulations and Swampbuster regulations

Presentations

- "Environmental Due Diligence in Commercial Transactions"
Paul M. Hebert Law Center, Louisiana State University; Baton Rouge, Louisiana, April 18, 2008
- "The Development Approval Process in Louisiana"
Lorman Education Services, New Orleans, Louisiana, December 13, 2007

- "Federal Jurisdiction Over Wetlands—What Has Changed? And How Might You Be Affected?"
Breakfast Briefing, Baton Rouge, Louisiana, September 18, 2007
- "Legacy Suit Developments – An Examination of the 2006 Legislation and Proposed DNR Regulations"
Professional Landmen's Association of New Orleans Executive Night Seminar, New Orleans, Louisiana, February 2007
- "Selected Environmental Issues – The New Requirements for Environmental Assessments; Wetlands Regulation and Mitigation; and Related Issues"
2006 Bank Counsel Conference, New Orleans, Louisiana, November 2006
- "Environmental Due Diligence in Mineral Property Transactions: Emerging Risks, Requirements, and Strategies"
51st Annual Rocky Mountain Mineral Law Institute in Portland, Oregon, July 23, 2005
- "Selected Environmental Issues Affecting the Oil and Gas Industry: Restoration Obligations, EPA's Proposed 'All Appropriate Inquiries' Regulations, and Isolated Wetlands"
Gulf Coast Land Institute, Lafayette, Louisiana, November 2004
- "Managing Environmental Liability When Acquiring Oil and Gas Properties"
The American Association of Petroleum Landmen 50th Annual Meeting, Austin, TX, June 2004; Occidental Oil & Gas Corporation Technology Conference, Houston, TX, May 2004; Lafayette Association of Petroleum Landmen seminar, Lafayette, LA, October 2003, 2003
- "Fundamentals of Louisiana Environmental Law Compliance"
Release Reporting, Government Institutes seminar, New Orleans, Louisiana, December 2000

Publications

- "EPA Proposes Reissuance of NPDES General Permit (GMG290000) for the Western Portion of the Gulf of Mexico"
E*Lert, January 11, 2007
- "New Act Extends and Expands Brownfields Tax Incentives"
E*Lert, January 11, 2007
- "Rapanos, Carabell and Where Do We Go From Here?"
E*Lert, June 26, 2006

- "Environmental Due Diligence in Mineral Property Transactions: Emerging Risks, Requirements, and Strategies"
January 1, 2006
 - "The Obligation to Restore Oil and Gas Properties: The View from Louisiana and Other States"
American Bar Association Section on Environment, Energy, and Resources' *Energy Committees Newsletter* Vol. 3, No. 1, October 2005
 - "Managing Environmental Liability When Acquiring Oil and Gas Properties"
Landman Magazine, the national publication of the American Association of Professional Landmen September/October 2004; Reprinted in Volume 42, No. 1 of the *Rocky Mountain Mineral Law Foundation Journal*, July 2005
 - "From *Corbello* to *Castex*: The Mineral Lessee's Obligation to Restore in Louisiana"
Landman magazine, March/April issue, 2005
 - "Environmental Law Update, Confronting *Corbello*: Strategies for Addressing the *Corbello v. Iowa* Production Decision"
August 2003
-

Memberships

- American Bar Association (Member, Section on Environment, Energy and Resources)
- Baton Rouge Bar Association
- Louisiana State Bar Association (Council Member, Section on Environmental Law)