

Partner

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Practice Areas

Business & Commercial
Litigation

Disaster Preparedness &
Recovery

Energy

Energy, Environment &
Natural Resources

Environmental & Toxic Torts

Green Law & Sustainability

Real Estate: Land Use,
Development & Finance

Water Law

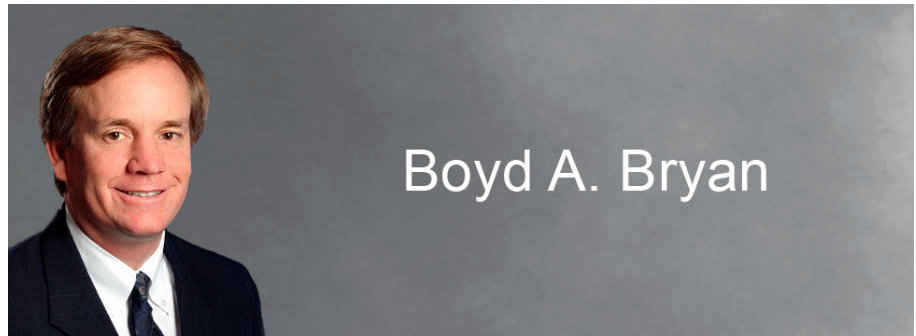
Bar Admissions

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:

- Permitting under the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Clean Water Act, Louisiana Department of Natural Resources (LDNR), and Louisiana Department of Environmental Quality (LDEQ) regulations, and other environmental laws
- Defense of lawsuits challenging the issuance of environmental permits
- Regulatory compliance advice, including advice regarding reporting and emergency response requirements
- Handling and closing of transactions involving environmental issues, including environmental due diligence, wetlands, and transfers of environmental permits
- Advice regarding property remediation, including state voluntary cleanup and risk assessment programs
- 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)
- Superfund actions
- 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
- Environmental insurance coverage issues

- Oilfield site restoration litigation
- NORM litigation

Noteworthy

- Recognized in "*Chambers USA – America's Leading Lawyers for Business*" in the area of Environment (also listed in 2010)

Representative Matters

- Advice regarding obtaining of air, water, and other permits for \$600-million storage tank facility for crude oil, petroleum products, and other liquid fuels on the Mississippi River in St. James, Louisiana. Successful defense of litigation seeking reversal of LDEQ's issuance of air permit. *In the Matter Of: Louisiana Department of Environmental Quality Permitting Decision Regarding State (Synthetic Minor Source) Permit No. 2560-00292-00 to Petroplex International, L.L.C.*, Docket No. 582,187, 19th Judicial District Court, East Baton Rouge Parish, Louisiana.
- Advise regarding environmental transactional issues, wetlands, and permitting in connection with purchase and reopening of automobile manufacturing facility in northern Louisiana.
- Advise regarding environmental transactional issues, permit transfers, and obtaining of bona fide prospective purchaser letters from LDEQ in connection with purchase of poultry facilities in northern Louisiana.
- Air permitting advice to company proposing to construct new petroleum refinery in St. James 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, 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. Successful settlement of litigation seeking reversal of LDEQ's issuance of air and water permits. *In the Matter of: Louisiana Department of Environmental Quality Permitting Decision: Regarding State (Synthetic Minor Source) Permit No. 2580-00051-00 and Louisiana Pollutant Discharge Elimination System (LPDES) Permit to Safelands Storage, LLC D/B/A Angelina Tank Farm, Docket No. 563,770, 19th Judicial District Court, East Baton Rouge 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 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.
- Lead permitting attorney in obtaining RCRA, Clean Air Act, and Clean Water Act permits for former commercial hazardous waste incineration facility. Permits issued and upheld on appeal despite challenges by citizens groups, industry groups, and competitors, *Coalition for a Good Environment, et al v. Louisiana Department of Environmental Quality*, 99-2843 (La. App. 1st Cir. 10/18/00), 772 So.2d 715, writ denied, 2001-0129 (La. 4/12/01), 789 So.2d 589 and 2001-0130 (La. 4/12/04), 789 So.2d 590.
- Supervision of risk assessment of alleged hazardous waste disposal site, and negotiation of consent decree with DOJ, EPA, and LDEQ regarding client's potential liability for response costs.

- 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. *United States v. Marine Shale Processors, Inc., et al*, CV90-1240, U.S. District Court, Western District of La. (transferred to the Eastern District of La.). Judgment in favor of client reversed and remanded by Fifth Circuit Court of Appeal, and thereafter settlement reached with all parties, *United States v. Marine Shale Processors, Inc.*, 81 F.3d 1361 (5th Cir. 1996).
- 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

- "Greenwashing & Green Remediation—Alternatives and Evaluations"
Green Legal Matters Conference, New Orleans, Louisiana, October 14, 2010
- "How Will Cap & Trade and Green Legislation Affect My Plant?"
New Solutions to Industry's Greatest Challenges Conference & Exposition Program, Greater Baton Rouge Industry Alliance, Baton Rouge, Louisiana, January 27, 2010
- "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

Publications

- Louisiana and Texas Lay the Groundwork for Enhanced Oil Recovery Through Carbon Sequestration: A Possible Win-Win for Energy and the Environment
Jones Walker Environmental & Toxic Torts E*Lert, April 28, 2009
- "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
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Memberships

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