

# R. Todd Silliman

## Atlanta Office Managing Partner and US Environmental Practice Co-Chair



Atlanta Office Managing Partner and US Environmental Practice Co-Chair

Atlanta

D +1 404 527 4914

todd.silliman@dentons.com

## Overview

R. Todd Silliman leads Dentons' US Environment and Natural Resources practice. He represents clients in environmental litigation and regulatory compliance matters under a wide array of federal, state and local environmental laws. He also counsels clients on environmental liability and risk management in corporate and real estate transactions. He has litigated high-profile cases involving water, wetlands, endangered species, NEPA and CERCLA, and has been involved in major brownfield redevelopment projects throughout the country. Todd is recognized as a leading environmental lawyer in *Chambers*, *Best Lawyers in America*, *Georgia Super Lawyers*, and *Georgia's Legal Elite*.

## Experience

### Notable Engagements

#### Water/Wetlands/Coastal Marshlands

- Represented the State of Georgia in litigation, interstate negotiations, and regulatory matters in so-called "Tri-State Water Wars" with Alabama, Florida, and the United States Government. Cases involved claims under Administrative Procedure Act, Clean Water Act, Endangered Species Act, and National Environmental Policy Act.
- Represented a paper manufacturer in state enforcement actions regarding industrial stormwater permit.
- Represented a chemical company in investigation of violations of industrial pretreatment permit.
- Counseled a county government in its acquisition, financing, and permitting of water and wastewater infrastructure.
- Counseled underwriters in compliance reviews of water and wastewater facilities for bond financings.
- Represented developers in regulatory enforcement actions under the Clean Water Act, Georgia Water Quality Control Act, Erosion and Sedimentation Act, and Coastal Marshlands Protection Act.

- Represented landowners in negotiation of partnership in wetlands mitigation bank.

## Air

- Represented chemical manufacturer in federal court litigation by non-governmental organization challenging manufacturer's Clean Air Act Title V permit.
- Assisted independent power producer in obtaining federal and state air permits.
- Represented food manufacturer in obtaining Title V and state SIP operating air permits.
- Counseled lender on potential air quality compliance issues associated with industrial borrower.
- Counseled independent power producer in Clean Air Act rulemaking.

## Endangered Species

- Represented the State of Georgia as intervenor in litigation challenging effect of federal reservoirs on federally-protected species.
- Counseled a developer in creation of endangered species protection plan.

## Landfills

- Served as environmental counsel to major waste management company in acquisition and permitting of new landfill.
- Represented a developer in negotiation of lease of landfill for construction of golf course.

## Contaminated Sites

- Represented industrial clients in SARA Title III (EPCRA) enforcement actions concerning allegedly inadequate Form R filings.
- Counseled client on SARA Title III reporting of spills.
- Represented potentially responsible parties in litigation and mediation related to Superfund sites throughout the United States and on properties subject to listing under the Georgia Hazardous Site Response Act.
- Represented clients on environmental liabilities in acquisition of BRAC (former military) sites.
- Represented clients in negotiation of Brownfield agreements and environmental insurance policies.

## Chemicals

- Represented the world's leading manufacturer of conveyor belts in regulatory issues associated with manufacture and marketing of antimicrobial belts.
- Represented chemicals manufacturer in contract disputes and ongoing regulatory issues.
- Represented industrial clients in SARA Title III (EPCRA) enforcement actions.

# Recognition

- *Chambers USA* named Mr. Silliman as one of "America's Leading Business Lawyers." *Chambers* reports, "Todd Silliman is a talented all-around environmental expert...clients appreciate his accessibility and speed of response, and the way he 'gives nice detailed answers at the right level.'"

- Todd is listed in *Best Lawyers in America* in the areas of Environmental Law, Water Law, and Natural Resources Law.
- *Atlanta Magazine* has recognized him as a “Georgia Super Lawyer” in the area of Environmental Litigation, and he also has been named in *Georgia Trend’s* Legal Elite.
- *Lawdragon* 500 Leading Environmental & Energy Lawyers 2021

## Honors and Awards

- *Best Lawyers in America*
  - Environmental Law (2015-2022)
  - Government Contracts (2015-2022)
  - Natural Resources Law (2015-2022)
  - Water Law (2015-2022)

## Insights

- "Supreme Court Creates "Functional Equivalency" Test for Discharges to Groundwater," Dentons client alert, April 29, 2020
- "US EPA announces COVID-19 enforcement discretion policy," Dentons client alert, March 27, 2020
- “Trump administration proposes sweeping changes to National Environmental Policy Act regulations,” Dentons client alert, January 24, 2020
- "Ninth Circuit Rulings yield changes to Endangered Species Act rules and polices," *ABA Section of Environment, Energy, and Resources*, September/October 2015
- "Seeking clearer waters? EPA aims to clarify federal jurisdiction in the new 'Waters of the United States' rule," Dentons client alert, May 29, 2015
- "Appeal of Jurisdictional Wetland Determinations Unsettled After Recent Ruling," Dentons client alert, May 19, 2015
- "How Proposed 'Waters of the U.S.' Rule May Affect Businesses and Landowners," Dentons client alert, June 4, 2014
- "What You Need to Know About New Nationwide Permits for Construction in Wetlands," March 15, 2012
- “Eleventh Circuit Decides Key Issue in Three-State Water Basin Dispute,” *ABA Section of Environment, Energy, and Resources Newsletter Trends*, September/October 2011
- "Special Report: Outlook for the Tri-State 'Water Wars,'" *Georgia County Government Magazine*, February 2010
- Co-author, *The TSCA Handbook*, 4th Edition, Government Institutes, 2006
- "The Multi-Sector Approach to Regulating Storm Water Discharges from Industrial Activities," *State Bar of Georgia Environmental Law Section Newsletter*, 1997
- "De Facto Lender Liability: Secured Creditors and Environmental Liabilities in Chapter 11," *Virginia Environmental Law Journal*, 1993
- "Seeking clearer waters? EPA aims to clarify federal jurisdiction in the new "Waters of the United States" rule," Dentons client alert, May 29, 2015

# Activities and Affiliations

## Community Involvement and Pro Bono

- All Saints' Episcopal Church, Vestry, 2017-present; Executive Committee, 2018-2020; Senior Warden, 2019-2020
- Leadership Atlanta, Class of 2014
- Atlanta Shakespeare Company, Board of Directors, 2012-2018; Chair, 2015-2018
- Georgia Environmental Conference, Steering Committee, 2007-2010
- Chair, Board of Directors, Institute for Georgia Environmental Leadership, 2004-2010
- Board of Trustees, Georgia Conservancy, 2002-2007
- Pro bono environmental Counsel, Habitat for Humanity in Atlanta, Inc.,
- Metro Atlanta Chamber, Environmental Committee

## Presentations

- "Trans-Boundary Water Disputes," Red Clay Conference, University of Georgia Law School, 2017
- "Environmental Management and Risk," Association of Defense Communities Installation, Reuse Conference, October 2016
- "Clean Water Act Requirements and the States," National Council of State Legislators Legislative Summit, 2013
- "Water Wars: Lessons from the Front," Tulane Law School Summit on Environmental Law & Policy, 2010
- "Resolving Environmental Conflicts," Georgia Environmental Conference, 2009
- "Interbasin Transfers," Georgia Association of Water Professionals, Interstate Water Issues Conference, 2009
- "Water Litigation Perspectives," Georgia Wetlands & Water Law Conference, 2009
- "Water and Wastewater Infrastructure Focus," Georgia Environmental Conference, 2008
- "Interstate Water Disputes," Georgia Environmental Conference, 2008
- "Strategic Water Management for the Future," West Georgia University, 2008
- "Interstate Water Disputes and Statewide Water Planning," Georgia Association of Water Professionals Annual Conference, 2007, and Southeast Wetlands and Water Law Seminar, 2007
- "Status of ACF and ACT Basin Disputes," Georgia Water Resources Conference, University of Georgia, 2007
- "Interstate Water Issues and Plans," Southeast Wetlands Permitting & Water Law Conference, Atlanta, February 2006
- "Reflections on the ACF and ACT Basin Compacts," Georgia Water Resources Conference, University of Georgia, April 2005
- "Status of Interstate Water Disputes," Southeast Wetlands and Water Law Conference, Atlanta, February 2005
- "Interstate Battles Over Water," *Water Wars in the East*, Seminar of ABA Standing Committee on Environmental Law, Baltimore, Maryland, May 2003

- “Interstate Water Compacts,” Red Clay Conference, University of Georgia, 2003, 2002
- “Potential Conflicts of Interest in CERCLA/HSRA Matters,” Environmental Law Summer Seminar, State Bar of Georgia, August 1999
- “Recent Toxic Tort Developments,” Environmental Law Summer Seminar, State Bar of Georgia, July 1998

## Memberships

- American Bar Association, Natural Resources, Energy and Environmental Law Section
- State Bar of Georgia, Past Chair of the Environmental Law Section
- American Arbitration Association

## Areas of focus

### Practices

- Real Estate
- Litigation and Dispute Resolution
- Public Policy and Regulation
- Environment and Natural Resources
- Environmental Regulation
- Clean Up of Contaminated Land (North America)
- Government Contracts - US
- Chemicals, Pesticides and Product Regulation
- State and Local Government Contracts

### Industry sectors

- Chemicals and Petrochemicals
- Construction
- Energy
- Financial Institutions
- Forest Products and Agribusiness
- Government
- Infrastructure and PPP
- Insurance
- Manufacturing
- State, Regional, Provincial, Municipal and Local Government Bodies
- Transportation

## Issues and opportunities

- Global Smart Cities & Connected Communities Initiative and Think Tank
- ESG: Global Solutions

## Education

- University of Virginia School of Law, 1993, JD
- University of North Carolina, 1990, BA, with honors and highest distinction

## Admissions and qualifications

- Georgia