



THOMAS K. PREVAS

PARTNER

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SERVICES

Environment and Natural
Resources
Appellate
Litigation
Commercial Litigation
Real Estate Services
Utilities

INDUSTRIES

Energy
Renewable Energy
Energy Transmission /
Pipelines
Construction
Infrastructure
Water and Wastewater
Utilities

Tom is a leader in environmental litigation and regulatory compliance with experience in contract, tort, enforcement and construction litigation involving solid waste, hazardous waste, petroleum, biosolids, wastewater, land contamination and climate change. Tom has significant experience navigating solid and water waste controversies for solid waste and recycling companies, utilities, cities and contractors, and gasoline contamination controversies emanating from stations and underground storage tanks.

In addition to experience with superfund litigation, Tom has extensive experience on brownfields redevelopment and cleanup under CERCLA, RCRA and state voluntary cleanup and brownfields programs. Tom has served as environmental counsel to the largest brownfield redevelopment project in Maryland—the redevelopment of the former Bethlehem Steel site. Tom speaks nationally on effective reuse and development of Brownfields.

Tom has broad experience with large and complex projects involving traditional energy, renewable energy and infrastructure matters. In 2017, he played a critical role in litigation pertaining to the application for offshore wind renewable energy credits and advises on Maryland Certificate of Public Use and Necessity applications, particularly for solar. He served as 2018-2019 Chairperson of the Maryland State Bar Association Environmental and Energy Law Section, during which time the Section focused on challenges posed by Maryland's increased renewable energy portfolio standards when considering available land after accounting for zoning and interconnectivity.

Tom also has substantial experience on federal preemption of state environmental laws. By way of a few examples, Tom represents a petroleum company in climate change tort litigation brought by the City of Baltimore, advancing arguments that local torts are preempted by federal law when applied to climate change policy and liability. Tom was involved in fighting Maryland's attempt to veto the relicensing of a hydroelectric dam under Section 401 of the Clean Water Act—an issue recently addressed by the Supreme Court of the United States that involves statutory interpretation with preemption themes. This work also provided in-depth experience with the Chesapeake Bay basin total maximum daily load requirements and segmented state implementation plans, particularly as related to sediment, nitrogen and phosphorous. Tom's preemption experience extends to natural gas pipelines

and electric transmission.

Through his National Environmental Policy Act ("NEPA") and brownfield experience, as well as through his role as a Baltimore City Planning Commissioner, Tom deeply understands the art of public engagement and messaging to avoid controversy, cost and delay. Tom has advised clients on NEPA compliance and effective public engagement and has also counseled clients on how to bring a NEPA (or state equivalent) challenge.

Tom is an adjunct law professor at the University of Maryland Francis King Carey School of Law in the Environmental Certificate Program and teaches state and local environmental law. Through his class, Tom provides students with environmental practice skills, including exposure to experts on fate and transport, toxicology and causation and the operations of critical facilities, such as power plants, wastewater treatment plants and landfills. Tom has written on the use and admissibility of expert evidence, particularly in the environmental, land use and property valuation contexts and played a critical role in two leading Maryland cases on the admissibility of expert testimony. Tom also has lectured on lesser known environmental torts and damages, such as fear of contracting future disease, medical monitoring, loss of use and enjoyment and stigma damages.

Tom played a key role in the trial and appeal of the largest mass tort environmental case in Maryland history—a \$1.5 billion dollar verdict relating to the release of 26,000 gallons of gasoline from a station in Baltimore County. Based on experience in Washington, D.C. working for the former head of the Office of Foreign Asset Control (OFAC), Tom also counsels clients on OFAC/trade sanctions compliance.

EXPERIENCE

Select representative matters include:

- Advise clients on limiting environmental risk in real estate transactions involving contaminated property through due diligence, corporate structuring, statutory defenses, brownfields programs and other relevant strategies.
- Represented engineering firm in negotiating with a local municipality over the construction of a wastewater treatment plant.
- Represented large company in litigation/arbitration over wastewater treatment plant waste hauling and disposal.
- Represented clients going through Maryland's Voluntary Cleanup Program.
- Represented clients in numerous litigations involving gas station releases.
- Provided environmental counseling to companies relating to the purchase or sale of environmentally contaminated properties.
- Represented large company on issues pertaining to assessment of CERCLA liability at large National Priority List site.
- Represented large company in responding to EPA potentially responsible party inquiry under CERCLA.
- Represented large company to prevent the taking of its property by the U.S. Department of Transportation by highlighting NEPA and Department of Transportation Section 4f compliance issues.
- Negotiated consent decree between EPA and Local Education Agency in an enforcement action under TSCA-AHERA, relating to asbestos in schools, and counseled Local Education Agency on AHERA compliance.
- Represented client to oppose stormwater management fine imposed by Maryland Department of Environment for construction runoff.
- Represented large corporation on a fats, oil and grease notice of violation

filed by a local wastewater treatment agency.

- Represented power company on environmental compliance, siting and permitting of power plants.
- Represented gas station in challenge to a zoning board decision on a special exception.
- Represented students in cases involving significant disclosures to local private schools regarding teacher misconduct.
- Represented coal fired power plant in litigation on water permit exceedances relating to mandated flue scrubbers.
- Frequently represents clients in environment enforcement litigation brought by federal, state and local environmental agencies

HONORS

Recipient of the Maryland State Bar Association's Maryland Pro Bono Service Award, 2019

Named to the Baltimore Business Journal's "40 Under 40" list, 2018

Named to *The Daily Record's* "VIP List," 2018

Recipient of *The Daily Record's* Generation J.D. Leadership in Law Award, 2018

Member of *U.S. News - Best Lawyers®* "Best Law Firms" National Tier 1 ranked Environmental Law Practice

2014 Best Event Award, Maryland State Bar Association Young Lawyers Section

2011 DLA Piper National Pro Bono Award

Selected to Rising Stars list, Maryland *Super Lawyers*, 2013 - present

MEMBERSHIPS AND AFFILIATIONS

Member, Alumni Board, Gilman School, 2017-present

Baltimore City Planning Commissioner, 2017-present

Board Secretary, House of Ruth Maryland (intimate partner violence charity)

Counsel, HCPI Development Fund (North Central Baltimore Urban Development Charity)

Board Member, Win in Life Community Development Corporation (West Baltimore urban development charity)

Board Member, Charles Street Development Corporation

Secretary and Treasurer, Seize the Days (cancer charity)

Maryland State Bar Association

- Baltimore City Judicial Nominating Committee
- Special Committee on Law School Graduates
- Young Lawyers Section Council
- 2018-2019 Chair, Environmental Law Section

Baltimore City Bar Association

- Co-chair, Membership Committee
- Executive Council

Wrangler's Law Club

EDUCATION

J.D., *magna cum laude*, University of Maryland School of Law, 2008

- Associate Editor, *Maryland Law Review*
- Order of the Coif
- Roger Howell Graduation Award
- Chairman, Honor Board
- Certificate of Concentration in Environmental Law
- Captain, Softball Team

B.A., The Johns Hopkins University, 2002

BAR ADMISSION

District of Columbia

Maryland

FIRM MANAGEMENT POSITIONS

Pro Bono Committee

Government Involvement Committee

CLERKSHIPS

Judge Lynne A. Battaglia, Court of Appeals of Maryland