



D. Bart Turner

Partner

Bart's primary practice areas are environmental and toxic tort litigation, as well as regulatory compliance. He practices in all areas of environmental law and routinely handles toxic tort, hazardous waste, and Superfund litigation along with state and federal enforcement actions. In addition, he has substantial experience in defending citizen suits brought under the Clean Water Act, Clean Air Act and the Resource Conservation and Recovery Act. He also regularly advises multiple industries on environmental compliance, work place exposure, permitting issues before the U.S. EPA, OSHA and the various state and local regulatory agencies. Bart has handled numerous compliance and enforcement matters before EPA, OSHA, state and local environmental agencies including administrative litigation and the negotiations of administrative consent orders. In addition, Bart routinely assists clients in the course of transactions concerning environmental risk allocation, post-closing corrective actions, permitting requirements and related regulatory approvals.

Representative Experience:

Litigation and Enforcement

- Defending the Alabama Department of Transportation (by Deputy Attorney General appointment) and its proposed highway project challenged by private parties pursuant to NEPA.
- Represented wastewater treatment technology company in two companion toxic tort cases alleging surface water and real property contamination.
- Obtained early settlement for developer client in case filed by Alabama Department of Environmental Management alleging unpermitted stormwater discharges and related permit violations.
- Obtained favorable settlement for manufacturing client through negotiated Consent Decree with Department of Justice, thus resolving Superfund liability and obtaining contribution protection.
- Represented State of Alabama in groundwater contamination plume case with alleged toxic tort claims.
- Represented municipal water board entity in superfund groundwater plume administrative enforcement matter.
- Successfully negotiated an Ability-to-Pay EPA CERCLA Settlement Agreement for a client in North Carolina, resolving alleged CERCLA liability.
- Obtained summary judgment for two defendants in private-party superfund cost recovery action brought by historic PCB manufacturers seeking over \$30 million in past costs, as well as undefined future costs.

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Kazmarek Mowrey Cloud Laseter LLP
3008 7th Avenue South
Birmingham, AL 35233
bturner@kmclaw.com

Education

Vermont School of Law (2000, J.D., Vermont Law Review, Articles Editor; Dean's Fellow)

University of Alabama at Birmingham
(1997, M.S.P.H., School of Public Health; Environmental Toxicology)

Rhodes College (1994, B.S.)

Admitted to Practice

State Bar: Alabama

U.S. Court of Appeals: Eleventh Circuit

U.S. District Court: Alabama (Middle, Northern, Southern)

Awards

The Best Lawyers in America[®], Environmental Law, Litigation - Environmental, 2011-2016

Alabama Super Lawyers[®] - Rising Star, Environmental, 2010-2012; Environmental, 2013-2015

- Served as common counsel to a group of potentially responsible parties (“PRPs”) for a CERCLA site, including the negotiations of a consent agreement, which served the basis of contribution protection asserted in the litigation in the underlying cost recovery action.
- Achieved favorable settlement for pyrotechnics manufacturing facility involving facility explosion and two fatalities after a six-month investigation by OSHA, ATF, and Chemical Safety Board.
- Represented a pipe manufacturer in six-month OSHA investigation and successfully negotiated an informal settlement agreement, including favorable abatement terms and an infrequently-granted fall protection variance.
- Routinely represented various clients with negotiating and/or contesting OSHA citations before the area office or OSHA Review Commission.
- Successfully negotiated with ADEM to reduce civil enforcement penalties associated with an administrative enforcement order for a mining company and metal plating companies concerning wastewater discharge and hazardous waste disposal practices.
- Successfully defended issuance of air emissions and water discharge permits to limestone quarry client that were challenged at the Alabama Department of Environmental Management level and proper issuance was upheld on appeal.
- Represented petroleum pipeline company in property damage and personal injury case alleging groundwater and vapor contamination.
- Represented environmental consulting/technical services firm in personal injury and property damage case alleging surface water and soil contamination associated with xylene pipeline release and subsequent remediation.

Regulatory Compliance and Transactional Matters

- Representing multiple saw mill owners in their sale of their operating businesses (Alabama, Mississippi, Georgia) and negotiating environmental indemnifications, post-closing remedial action plans and permit transfer requirements.
- Routinely work with clients to address contamination issues arising in real property transactions through the Voluntary Cleanup Program (Brownfields) in Alabama, Florida, and Tennessee and negotiated related environmental covenants, as required.
- Routinely advise various steel manufacturing and industrial manufacturing clients concerning stormwater discharge permit and air permit emission, compliance, recordkeeping and reporting issues.
- Represented various municipal wastewater treatment facilities and water boards regarding water discharge compliance, recordkeeping, licensing, and related regulatory issues.
- Assisted in and coordinated with various pipe manufacturing and industrial manufacturing facilities in conducting workplace safety, exposure, and remedial monitoring assessments and related OSHA audits.
- Advised a publicly-traded Fortune 500 energy company in all permitting aspects, obtaining financing, and issued an environmental opinion for three separate co-generation facilities throughout Alabama.

- Assisted client in developing remedial action plan and requirements associated with a 10-acre assemblage located in Key West, Florida. Further assisted client in directly negotiating clean-up standards and requirements with Florida Department of Environmental Protection consistent with the development needs of the project and coordinated all aspects of environmental remediation, permitting and site development with environmental and civil engineers.
 - Advised various metal plating companies related to the solid and hazardous waste permitting and compliance needs based on the manufacturing process and waste streams generated. Negotiated with Alabama Department of Environmental Management to assist client in obtaining necessary permits.
 - Advised and assisted client in seeking an attorney general opinion and lobbying legislature concerning inter-basin water transfers.
 - Routinely advise clients concerning U.S. Corps of Engineers wetlands permitting, mitigation and restoration requirements associated with potential impacts in real estate developments.
 - Routinely advise investors, funds and entities in various coal mine transactions concerning Alabama Surface Mining Commission (ASMC), USACE, and ADEM permitting, licensing, reclamation and mitigation requirements and related compliance and operational issues.
 - Frequently represent banks and financial institutions concerning all aspects of environmental due diligence and all appropriate inquiry issues associated with real estate transactions, including negotiating representation, warranties, and indemnifications associated with the environmental liabilities at issue as well as potential foreclosure scenarios.
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