



Timothy A. Wilkins

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About Tim

Tim's clients rely on him for the defense of environmental enforcement actions and assistance with the environmental aspects of major transactions and project development matters, including siting and permitting. Tim has also overseen environmental compliance audits involving thousands of locations, handled hundreds of environmental audit disclosures and pioneered the development and use of US EPA's audit policy for new owners. Although he undertakes matters in all environmental media, Tim has special depth in issues involving hazardous waste.

His clients report in *Chambers USA* that "he's the premier lawyer in Texas," "the best on all environmental matters," and "the rare outside counsel who combines subject-matter expertise with outstanding commercial judgment" (2023). They have said that "one of Tim's chief strengths is his ability to explain the law in a way that anyone can understand" (2019). They have also described him as "a very astute lawyer, liked for his quickness and thorough responses" (2007); as having "a good blend of scientific knowledge and legal acumen that helps navigate challenging regulatory issues" (2021); as having "great business acumen and amazing negotiation skills" (2009); and as capable of delivering "practical, cost-effective solutions for his clients" (2011). Tim was also recognized by *Law360* as a 2023 Environmental MVP.

In addition to his duties at Bracewell, Tim periodically teaches the course in Corporate Environmental Law at The University of Texas School of Law. Before joining Bracewell, Tim was research assistant to Professor Laurence H. Tribe of Harvard Law School, editor-in-chief of the *Harvard Environmental Law Review*, and a judicial clerk for the Honorable Henry A. Politz, Chief Judge of the United States Court of Appeals for the Fifth Circuit.

Recent Notable Matters

Environmental Audits and Transactions

Par Pacific — environmental aspects of Par's \$310 million acquisition of ExxonMobil's Billings, Montana petroleum refinery

Phillips 66 — environmental aspects of agreement to sell the Belle Chasse Terminal, formerly the Alliance Refinery, to Harvest Midstream

King Ranch, Inc. — negotiation of a pore space lease and surface use agreement covering approximately 106,000 acres for the development of an industrial scale direct air capture carbon sequestration project in Kleburg County, Texas

Sixth Street — environmental aspects of a \$700 million acquisition of equity interests in joint venture owning various energy products pipelines and related logistics assets

Major chemical manufacturer — overseeing a five-year company-wide program of privileged environmental compliance audits

Halcón Resources Corporation — environmental aspects of a \$325 million divestiture of water infrastructure assets across the Delaware Basin to a subsidiary of WaterBridge Resources LLC

AP Energy Holdings Inc and South Field Energy LLC — environmental aspects of \$1.3 billion project financing and equity arrangements for the construction of the South Field Energy project, a 1,182 megawatt combined-cycle natural gas electric generating facility located near Wellsville, Ohio

Multiple industrial companies — including new owners of upstream oil and gas, midstream, refineries, chemical manufacturing and distribution, and industrial construction facilities following tens of billions of dollars in acquisitions, in negotiating new owner environmental compliance audit agreements with U.S. EPA, overseeing and administering those compliance audits, preparing extensive audit disclosures to EPA with respect to environmental violations originating pre-acquisition, and resolving those disclosures with EPA without penalty

Various companies — advised on the environmental aspects of numerous acquisitions, divestitures and financing transactions in the energy, refining, electric power, chemicals, telecommunications, real estate, waste handling and municipal sectors

Enforcement Defense

RCRA Enforcement Defense — defended to favorable settlement or dismissal fifteen federal Resource Conservation and Recovery Act ("RCRA") civil and administrative enforcement actions and noticed RCRA citizen suits since 2018, applying deep knowledge of EPA and State hazardous waste regulations and guidance, as well as the applicable penalty policies

Midstream Energy Company — represented a major pipeline company in connection with the defense of federal environmental citizen suits and tort claims as well as state agency enforcement and remediation actions arising from a release of drilling fluid to groundwater during pipeline construction

Specialty chemicals manufacturer — successfully defended a sizeable EPA RMP enforcement action involving a newly acquired facility, resulting in the dropping of multiple counts and no penalties; currently

defending two EPA RMP enforcement actions at another chemical company's facilities

Large chemical manufacturing facility — defended a major hazardous waste, clean water, RMP and TRI enforcement action led by U.S. EPA's National Enforcement Investigations Center and Region 6

Houston-area heavy industrial manufacturer — secured the dismissal of all charges against client that had been indicted on three counts of felony water pollution

International terminal company — defended in connection with a stormwater discharge incident that had been referred for criminal prosecution by the Harris County District Attorney, achieving its successful de-referral

Environmental, Social, and Governance (“ESG”) Disclosure and Counseling

Midstream Energy Company — advise liquids pipeline and terminal company on the development of its inaugural ESG report

Numerous Publicly-Traded Companies — advise on climate change- and environmental-related disclosure obligations in connection with required ‘34 Act disclosures incorporating significant and ongoing developments in SEC guidance, shareholder activism, and other relevant inputs on disclosure respecting those issues

Regulated Electric Utility — issues associated with initial and subsequent sustainability reports including consistency and interplay with required securities disclosures

Texas Upstream Oil and Gas Company — internal ESG information gathering and reporting in support of disclosures to private equity investor as part investor’s global ESG review

National Upstream Oil and Gas Company — publicly-traded oil and gas company’s voluntary emissions monitoring program and its interplay with voluntary ESG disclosures, mandatory securities disclosures, and regulatory reporting obligations

Multiple Industrial Companies — environmental management systems and overseeing privileged environmental compliance audits and audit disclosures as part of overall governance, compliance assurance, and disclosure validation efforts

Publications and Speeches

“The ESG Movement and Its Impacts,” State Bar of Texas Business Law and Corporate Counsel Section Annual Meeting, Houston, Texas, June 9, 2022.

“Environment, Social, and Governance – The Three Letters (ESG) Transforming Business,” APFM international Petrochemical Conference, March 27-29, 2022.

“Environmental Considerations for Real Estate Lawyers,” Dallas Bar Association Real Estate Section, November 8, 2021.

“New EPA Compliance Audit Guidance: New Owner, Voluntary Disclosure, Admission of Liability, Penalty Mitigation,” Strafford Seminar, October 26, 2021.

“Working with Lawyers: The Intersection of EHS Auditing Professionals and Legal Counsel,” The Auditing Alliance, September 14, 2021.

“State Regulators Panel,” with Denise Brimley of Pennsylvania and Jim Wright of Texas, Institute for Energy Law, Environmental Conference, March 24, 2021.

“Auditing in the New Decade: Creating Value by Reducing Environmental Liabilities and Risks,” 4C Conference, Austin, Texas, February 20, 2020.

Co-author, “Co-Located Facilities: Untangling Environmental Compliance, Liability and Accountability Issues,” *Chemical Engineering*, September 2018.

“Transactional Ethics Concerns,” Texas Environmental Superconference, August 3, 2018.

Co-author, “Practitioner Insights: Environmental Auditing in a New Regulatory Era,” *Bloomberg Environment & Energy Report*, February 5, 2018.

Co-presenter, “Environmental Law's Not Dead Yet: Optics Versus Reality in the New Administration's Regulatory Reform Project,” Association of Corporate Counsel South/Central Texas Chapter, July 12, 2017.

Co-presenter, “What to Expect When You Don't Know What to Expect: Working the EHS Regulatory Crystal Ball,” Young Professionals in Energy Austin Chapter, May 5, 2017.

Presenter, “Regulatory Update,” Environmental Health and Safety Audit Center, April 7, 2017.

“The Desktop Regulator: A Closer Look at the Future of Environmental Enforcement,” *Bracewell's Fall 2016 Environmental Law Seminar*, November 15, 2016.

“Preparing for and Defending Environmental Enforcement Actions,” *Association of Corporate Counsel South/Central Texas Chapter*, San Antonio, July 6, 2016.

“Recent Environmental Enforcement Trends in the Energy Industry,” *Association of Corporate Counsel South Central Texas Chapter's Oil & Gas Law Lunch and Learn*, San Antonio, April 28, 2016.

“A Regulator's Reach Exceeds its Grasp: The Quiet Expansion of the TCEQ's Water Code Jurisdiction,” *Texas Environmental Law Journal*, Vol. 46, No. 1, March 2016.

“Key Environmental Enforcement Trends for the Energy Industry,” *Texas Oil and Gas Association*, Austin, Texas, April 14, 2016.

“EPA’s ‘Next Generation’ Enforcement Initiative – and What it Means for the Next Generation of Environmental Auditing,” *The Auditing Roundtable’s 2016 National Meeting*, Tempe, Arizona, April 11, 2016.

“Next Generation Enforcement and Its Implications for Auditing,” *The Auditing Roundtable’s South Central Regional Meeting*, Houston, February 29, 2016.

Education

Harvard Law School, J.D.
1993 – *cum laude*

Harvard University, Master of Public Policy
1993

Trinity University, Bachelor of Arts
1988 – *magna cum laude*

Noteworthy

Chambers USA, Texas Environment, 2006 - 2023 (Band 1, 2021 - 2023)

The Legal 500 United States, Environment: Regulatory, 2017 - 2023 (Leading Lawyer, 2022 - 2023);
Environment: Transactional, 2016 - 2023; Environment: Litigation, 2011 - 2016, 2018 - 2019, 2023; Energy:
Transactions, 2014

Portfolio Media, Inc., *Law360*, Environmental MVP (2023)

BL Rankings, *Best Lawyers*, 2009 - 2010, 2012 - 2024; Austin Lawyer of the Year, Environmental Law, 2019;
Austin Lawyer of the Year, Litigation - Environmental, 2020

Delinian Limited, *IFLR1000 Financial & Corporate and M&A Guide*, 2021 - 2023

Euromoney Institutional Investor PLC, *IFLR1000 United States*, Texas: Project Development, 2019

Thomson Reuters, *Texas Super Lawyers*, 2004, 2006 - 2020

Globe Business Publishing Ltd, *Lexology Client Choice Awards*, Environment, Texas, 2012 - 2013

Internet Brands, Inc., *Martindale-Hubbell® AV® Preeminent™ Rating*

ALM Media Properties, *National Law Journal*, Energy & Environmental Trailblazer, 2017

Lawdragon Inc., *Lawdragon 500 Leading Lawyers in America*, 2021

Lawdragon Inc., *Lawdragon 500 Leading US Energy Lawyers*, Environmental Transactions, Especially
Hazardous Waste, 2023 - 2024

Lawdragon Inc., *Lawdragon Green 500: Leaders in Environmental Law*, Environmental Law, 2024

Affiliations

American Bar Association, Section of Environment, Energy, and Resources

State Bar of Texas, Environmental and Natural Resources Law Section

Austin Bar Association, Environmental Law Section

Bar Admissions

Texas