



## Keith Courtney

*Partner*

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## PRACTICE AREAS

*Environmental*

Keith Courtney represents industrial and business clients on various environmental matters, with an emphasis on air quality. Throughout his career, Keith has represented clients in many different industries, including chemical manufacturing, aggregate and mineral mining and processing, electricity generation, lime production, petroleum refining, midstream oil and gas operations, upstream oil and gas operations, cement production, fiberglass and steel tank production, ferrous and nonferrous metal smelting, and commercial hazardous waste treatment and disposal. Keith has experience with environmental permitting, enforcement, counseling, auditing and due diligence, air emissions events and spill reporting, contested case hearings, litigation, evaluating and revising state legislative bills, climate change, transactional environmental issues, and site assessment and remediation.

## Representative Experience

Since 1999, Keith has represented the trade association of the investor-owned electric companies in Texas on environmental regulatory, legislative, and litigation matters. Such representation has caused him to be viewed by many at the Texas Commission on Environmental Quality (TCEQ) as the main representative of the electric industry on environmental matters.

Keith previously served as interim in-house environmental counsel for a large chemical company. In that role, he participated in and led monthly meetings of that client's environmental personnel.

Keith has represented clients in the following matters:

- Determining the most efficient methods for obtaining air permit authorization for clients' projects and helping clients implement those methods
- Providing guidance regarding content of clients' air permit authorization applications, working with clients and TCEQ staff to resolve questions that arise during TCEQ's review of those applications, and helping clients obtain air permit authorizations in a timely and cost-effective manner
- Representing clients in TCEQ enforcement actions, including large enforcement orders with involvement from the Texas Attorney General's Office, and in EPA enforcement actions
- Assisting clients on audits conducted under the Texas Audit Act
- Representing an aggregates client in its effort to obtain an air permit, which involved a contested case hearing, and in the subsequent appeal of the TCEQ's issuance of the permit to the state district court brought by two Plaintiffs' groups
- Representing an aggregates client in its effort to obtain a standard air permit, and in the

subsequent appeals of the TCEQ's approval of that permit to the state district court and later to the court of appeals

- Representing an electric generation client on a petition filed by national environmental groups regarding one of the client's Title V federal operating air permits, including collaborating with the TCEQ to develop acceptable responses to the petition, to the EPA's order in response to the petition, and to other responses to the petition
- Co-representing a client in a Clean Air Act citizen suit regarding alleged violations associated with a very large number of episodic emissions events at a very large complex that includes a refinery and two chemical plants, in which Plaintiffs asked the district court to impose very significant penalty and injunctive relief
- Leading a multiyear effort on behalf of the trade association of investor-owned electric companies in Texas to work with TCEQ to develop an air permitting program for planned maintenance, startup, and shutdown (MSS) emissions from electric generating units that would be acceptable to the members of that trade association client and other major electric generating companies in Texas
- Creating a coalition of chemical manufacturing companies and representing the coalition on emissions banking and trading program issues that required persuading high-level TCEQ managers to accept the coalition's positions both prior to, and through, rulemaking
- Representing an electric generation client on TCEQ permitting and enforcement matters resulting from false compliance claims made by a former employee, and co-representing the client in a related Clean Air Act citizen suit
- Representing a client in seminal litigation related to TCEQ's decision to deny a contested hearing request regarding the client's air permit application

## **Professional Associations & Community Involvement**

- American Bar Association
- Air and Waste Management Association, Central Texas Chapter
- Austin Bar Association
- The Church at Canyon Creek (recently became The Austin Stone Northwest), serving as Elder, Bible Study teacher, weekly men's group leader, and leader of other lay ministries
- Vicki Courtney Ministries (formerly Virtuous Reality Ministries), serving as Board Member and Vice President

## **Professional Recognition**

- *Chambers and Partners USA* Guide: America's Leading Business Lawyers – Environmental Law 2009-2020
- Recognized by Martindale-Hubbell as an AV® Preeminent™ rated attorney
- Fellow of Texas Bar Foundation

## **Bar Admissions**

- Texas

## **Education/Professional Background**

- University of Texas School of Law, J.D., 1987
- University of Texas at Austin, B.S., 1984 (with highest honors, Valedictorian of Chemical Engineering class)