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Scott R. Dismukes

OF COUNSEL

Scott Dismukes has nearly 30 years of experience in environmental litigation and counseling. He provides litigation compliance and environmental business counseling to industrial, municipal, and manufacturing clients under all federal and numerous state environmental laws. Scott also provides non-utility regulatory counsel and defense for a number of energy and energy-related companies.

Scott helps companies with strategic business planning as it relates to meeting their environmental obligations. He takes pleasure in working on some of the more complex matters in environmental law and the balance between science and law in his practice. He often works with national science and engineering experts to find creative, effective, and practical solutions to compliance and permitting challenges. Scott also has significant experience in oil and gas pipelines and environmental due diligence in support of mergers and acquisitions and has done extensive work on economic benefit and ability to pay issues.

Previously, Scott was an assistant regional counsel for the U.S. Environmental Protection Agency (EPA), Region V, where he conducted enforcement actions pursuant to numerous federal regulatory agencies. He was the region's primary liaison for Emergency Planning and Community Right-to-Know Act (EPCRA) litigation enforcement and redrafted various penalty policies as a member of EPA's National Workgroup. Prior to serving the EPA, Scott clerked for the Honorable Justin M. Johnson of the Superior Court of Pennsylvania.

REPRESENTATIVE MATTERS

- Has extensive experience under the Clean Air Act (CAA); Clean Water Act (CWA); Emergency Planning and Community Right-to-Know Act (EPCRA); Resource Conservation and Recovery Act (RCRA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); and Toxic Substances Control Act (TSCA), for which he worked extensively on the Natural Gas Compliance Monitoring Program concerning Polychlorinated Biphenyls (PCBs).
- Advises clients on self-disclosure under U.S. EPA and various state policies.
- Represents clients on environmental and energy issues before the U.S. EPA and state governmental agencies.
- Defends clients in federal and state enforcement actions.

PRACTICE AREAS:

Environmental
Litigation
Energy
Shale Gas
Artificial Intelligence, Robotics, and Autonomous Transportation Systems
Data Centers

STATE ADMISSIONS:

Pennsylvania
Ohio

EDUCATION:

J.D., University of Pittsburgh School of Law, 1985
B.A., Michigan State University, 1979

- Represents clients in the negotiation, prosecution, and defense of permit and regulatory challenges.
- Represents clients in removal, remedial, and corrective action matters under Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and Oil Pollution Act (OPA).
- Advises clients regarding various state brownfield programs.
- Advises clients regarding environmental considerations in business transactions.
- Advises clients regarding Renewable Portfolio Standards; Renewable Energy Credits; and the development, verification, sale, and trading of carbon credits.
- Advises clients regarding the extraction, processing, and transmission of natural resources.
- Works extensively with experts and consultants from many disciplines including engineering, analytic and applied chemistry, geology and hydro-geology, biology, limnology, toxicology, dispersion modeling, and meteorology.

PROFESSIONAL AFFILIATIONS

- Michigan Bar Association
- Missouri Bar Association
- Ohio Bar Association
- Pennsylvania Bar Association
- American Bar Association
- Pennsylvania Water Environment Association
- Pennsylvania Chamber of Business and Industry, Environmental, and Energy Committees
- Air and Waste Management Association
- Water Environment Federation
- Marcellus Shale Coalition

COMMUNITY INVOLVEMENT

- Pennsylvania Resources Council, Board Member
- Ben Avon Heights Borough, Mayor
- Avonworth Municipal Authority, Former Chairman

AWARDS AND RECOGNITION

- Selected for inclusion as The Best Lawyers in America 2024 – 2027 for Energy Law and Litigation – Environmental
- Recipient of the U.S. EPA's bronze medal service award for his work under the Clean Water Act

NEWS AND INSIGHTS

PUBLICATIONS

- "Commercial Property Assessed Clean Energy ("C-PACE") Gaining Momentum in Pennsylvania for Financing Improvements to Commercial Real Estate," Co-author, Eckert Seamans' Legal Update, August 22, 2022, also appeared in the Fall 2022 Construction Law Update.
- "EPA Finalizes Rule Tightening Dust-Lead Clearance Levels," Construction Executive Magazine, June 22, 2021.
- "IRS Clarifies the Deductibility of Settlement and Court Ordered Payments," Eckert Seamans' Environmental Alert, March 10, 2021.
- "United States Environmental Protection Agency seeks to tighten dust-lead clearance levels," Eckert Seamans' Construction Law Update, Fall 2020.
- "Don't Overlook Asbestos Inspections Before Demolition or Renovation: What May Frequently Be Overlooked Can Result in Large Penalties," Construction Executive Magazine, October 2020.
- "United States Environmental Protection Agency Seeks to Tighten Dust-Lead Clearance Levels," Eckert Seamans' Environmental Alert, September 8, 2020.
- "United States Environmental Protection Agency Adds PFAS Chemicals to TRI Reporting," Eckert Seamans' Environmental Alert, June 23, 2020.
- "Construction, Demolition, and Renovation: Asbestos Inspections – What May Frequently Be Overlooked Can Cost You," Eckert Seamans' Construction Law Update, Summer 2020.
- "U.S. Environmental Protection Agency Enforcement Guidance Regarding COVID-19 Impacts on Compliance," Eckert Seamans' Environmental Alert, March 31, 2020.
- "Tips to Properly Mitigate Lead Paint," co-authored, Construction Executive Magazine, January 2019.
- "Do I need to worry about lead paint?" Eckert Seamans' Construction Law Update, Fall 2018.
- "Important Federal NSR Guidance and its Impact on State Run Preconstruction Permitting Programs," published in Currents, POWER's quarterly environmental newsletter, August 2018.
- "IMPORTANT FEDERAL NEW SOURCE REVIEW ("NSR") GUIDANCE AND ITS IMPACT ON STATE RUN PRECONSTRUCTION PERMITTING PROGRAMS," Eckert Seamans' Environmental Alert, May 2018.
- "PA PROPOSES NEW OIL AND GAS AIR PERMIT (GP-5A) THAT EXCEEDS FEDERAL REQUIREMENTS," Eckert Seamans' Environmental/Energy Alert, February 6, 2017.
- "Marcellus Shale Impact Fee Alert – If You Drill It, You Will Pay," Eckert Seamans' Energy Alert, February 2012.
- "PCBs are still considered a hazardous material," Eckert Seamans' Construction Law Update, Fall 2012.
- "Climate change impacts financial disclosure, reporting obligations," Eckert Seamans' Legal Update, Fall 2010.
- "Climate Change Impacts Financial Disclosure, Reporting Obligations," The Legal Intelligencer, May 2010.

MEDIA COVERAGE

- "Legal Nature, Part 1: Perspectives of An Environmental Attorney," guest on the Liberty Environmental podcast, "Environmental Experts Radio", May 13, 2021.

SPEAKING ENGAGEMENTS

- "Stormwater Permits in Pennsylvania: Industrial, Construction and Municipal Sources" co-presented during the Pa Chamber of Business and Industry 2022 Annual Environmental Conference held in Lancaster PA, October 2022.
- "The Attorney's Guide to Stormwater Runoff," presenter, National Business Institute, June 2022.
- "Stormwater Runoff Law and Disputes: The Complete Guide," presenter, National Business Institute, December 2021.
- "The Inspector is Not Your Friend; What to Expect When the Inspector Calls," co-presented for the PA Chamber of Business and Industry's 2021 Annual Environmental Conference. October 2021.
- "Complying with Industrial Stormwater Regulations," presenter during the PA Chamber of Business and Industry 2021 Environmental Issues Update, April 2021.
- "CAA 112(r) RMP Program: Unpacking the Transportation Exemption and Fuels Exclusion," presented at the Marcellus Shale Coalition Annual Meeting, December 2020.
- "Environmental Laws and Liability," presented as part of the National Business Institute's Real Estate Law Boot Camp program, December 2019.
- "Latest Developments at the Department of Environmental Protection," presented to committee members of the Marcellus Shale Coalition, March 2019.
- "Environmental Issues in Real Estate Transactions and Development" video webcast presented for the National Business Institute, December 2018.
- "Clean Air Act – 2018 Recent Developments Pre-Project NSR Applicability Analysis" presented to the National Lime Association Environmental Committee, November 2018.
- "Breakout Session on Air Toxics," presented for the Marcellus Shale Coalition Shale Insight Conference, October 2018.
- "Charting the Future; Environmental, Energy & Health," presented at the Air and Waste Management Annual Conference, June 2018.
- "Clear Air Act Recent Developments," presented at the PA Chamber Environmental Conference and Trade Show, April 2018.
- "Key Environmental Laws and How They Affect Your Clients" and "Conducting Environmental Due Diligence: How to Get Results While Saving Money" presented at the National Business Institute program *Real Estate Development: Environmental Permitting and Due Diligence*, March 21, 2018.
- "Clear Air Act Recent Developments," presenter, Environmental Platform Team Meeting, March 2018.
- "Current Environmental Enforcement in the Ferroalloy Industry,"

presented at the CRU Ryans Notes Ferroalloys Conference in Scottsdale, Arizona, October 22nd – 24th, 2017.

- "Current Environmental Enforcement in the Ferroalloy Industry," presented to the 2nd North American Ferroalloys Conference in Chicago, Illinois, September 6-8, 2017.
- "Greenhouse Gas Best Available Control Technology / How Did We Get Here?" presented for the Air and Waste Management Association at their annual conference in Pittsburgh, PA June 5-8, 2017.
- "Agency Ethics, Overreach, Sue and Settle and the Misuse of Science," presented for the Air and Waste Management Association at their Annual Conference in Pittsburgh, PA June 5-8, 2017.
- "A New EPA? (election of Donald Trump and appointment of Scott Pruitt)," Kennesaw, GA, March 2017.
- "Environmental Issues in Real Estate Transactions," presented at the National Business Institute Webinar, January 2017.
- "Recent Changes to PA DEP's Industrial Stormwater NPDES Permit" presented at the Pennsylvania Chamber of Business and Industry's Fall Energy & Environmental Compliance Conference in Canonsburg, PA on October 5, 2016.
- "Admissibility of Air Modeling Testimony," presented to the PBA Environmental Law Forum, Harrisburg, PA, April 2016.
- "Impact of U.S. EPA's Pursuit of Next Gen?" presented to Clorox Company, March 2016.
- "Environmental Issues in Real Estate Transactions," presented at the National Business Institute program *Real Estate Transactions: Key Pitfalls to Avoid*, March 2016.
- "Information Requests; Has EPA Gone Too Far in Pursuing Next Gen?" webinar, Air and Waste Management Association, December 2015.
- "Information Requests; Has EPA Gone Too Far in Pursuing Next Gen?" National Lime Association Meeting, November 2015.
- "Next Generation Compliance Assurance," Client Health and Safety Meeting, October 2015.
- "Overview: Clean Water Act," webcast, Environmental Law from Start to Finish, National Business Institute CLE; November 19, 2015.
- "Pennsylvania's Land Recycling Program – Act 2 Regulatory Update," Pennsylvania Chamber of Business and Industry, October 2015.
- "Waste Compliance—Act 2 and Clean Fill Update," Environmental Compliance Issues Conference — Pennsylvania Chamber of Business and Industry's 2015 Core Energy and Environmental Conference Series; October 8, 2015.
- "Information Requests; Again, U.S. EPA Has Gone Too Far," Presented to Board of Directors of NLA, June 2015.
- "Startup, Shutdown and Malfunction" presented to Clorox Company; March 25, 2015.
- "Prevention of Significant Deterioration Exclusions Capable of Accommodating Demand Growth" presented for Clorox Company; March 25, 2015.

- “Environmental Law 102: Latest Developments, Practice Pointers and Strategy Tips for Regulatory Compliance and Due Diligence,” co-presenter, Western Pennsylvania Chapter of the Association of Corporate Counsel; April 10, 2014.
- “Data Acquisition for Environmental Air Programs and Operations: What are the Reporting Requirements,” March 6, 2013.
- “Legal Ethics in a Changing World,” What You Need to Know About Mineral Law NOW, National Business Institute, February 2013.
- “Legal Status of Produced Water in the Marcellus” panelist, EUCI’s Produced Water Management Conference, May 2012.
- “Regulatory Aspects of Marcellus Shale (water),” panelist, PennTec 2011— the Pennsylvania Water Environment Association’s 83rd Annual Technical Conference & Exhibition, June 2011.
- “Water Regulations: Pennsylvania Current Direction,” Pennsylvania Chamber of Business & Industry, October 2010.
- “Recent CAA Permitting Developments – Where to Now?” presented for undisclosed clients, June 2010.
- “Air Toxic MACT Standards – Impacts of Court Decisions,” 2010 Mid-Atlantic Annual Environmental & Energy Conference, Pennsylvania Chamber of Business & Industry, April 2010.
- “Environmental Regulatory and Legal Issues,” 2010 Environmental Platform Team Meeting, February 2010.
- “The Clean Air Act: New Source Review Reform and Major Source Permitting Revised Ambient Air Standards and Visibility,” presented for undisclosed clients, May 2006 and Winter 2008.
- “Environmental Issues in Land Use and Planning Process,” National Business Institute Mastering Land Use and Planning Processes Seminar, December 2008.
- “EPA Inspections and Document Retention,” National Lime Association, November 2008.
- “Managing OSHA and EPA Inspections, or, What to do When the Inspector Calls?” Eckert Seamans’ Continuing Legal Education Seminar, August 2008.
- “Ensuring Compliance With Environmental and Special Use Regulations,” Complying With Land Use Laws and Regulations, National Business Institute, December 2007.
- “Environmental Issues In Real Estate Transactions,” Real Estate Law: Advanced Issues and Answers, National Business Institute, September 2007.
- “The Heat is On: Emerging Issues for Global Warming and Greenhouse Gases,” co-presenter, Eckert Seamans’ Continuing Legal Education Seminar, August 2007.
- “PM2.5 Regulatory Development and Implementation Issues,” Air & Waste Management Association Annual Meeting, June 2007.
- “Managing Environmental Agency Relationships” presented for undisclosed client, May 2007.
- “Impact of Environmental Regulations on Development and Land

Use," Land Use Development Rights, National Business Institute, December 2006.

- "Spill Prevention, Control and Countermeasure (SPCC) Planning," Pennsylvania Chamber of Business and Industry Key Environmental Compliance Issues Fall Conference, October 2006.
- "The Clean Air Act: New Source Review Reform and Major Source Permitting Revised Ambient Air Standards and Visibility," presented for undisclosed client, January 2006.
- "PM2.5 Implementation, Proposed Revisions and Haze," Air Quality Issues Workshop, Allegheny Mountain Section of the Air & Waste Management Association, May 2006.
- "The Clean Air Act: New Source Review Reform and Major Source Permitting Revised Ambient Air Standards and Visibility," presented for undisclosed client, March 2006.
- "New Source Review Reform," presented for undisclosed client, March 2006.
- "Preserving Land Use Development Rights Through Subdivision, Annexation, and Zoning Laws in Pennsylvania," National Business Institute, December 2005.
- "Homeland Security and Hazardous Materials," August 2005.
- "Stormwater Control: Pennsylvania Draft Best Management Practices Manual," The Building Industry Trade Show Residential Construction Management Conference, February 2005.
- "Environmental and Commercial Real Estate Legal Issues Surrounding Economic Development and Act 2 Issues," Basic Economic Development Course in Pennsylvania, November 2004.