



## Kevin S. Minoli

Partner

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### *Related Services*

Environment, Land Use & Natural Resources ■ Environmental Compliance, Permitting & Transactions ■ Air Quality ■ Chemical & Product Regulation ■ Climate Change / Carbon Management ■ Environmental, Social & Governance (ESG) ■ Pesticide Law & Regulation, Enforcement & Registration ■ Toxic Substances Control Act (TSCA) ■ Water Resources ■ Environmental Enforcement Defense ■ Environmental Crisis Management ■ Internal Investigations & Environmental Audits ■ Environmental Litigation ■ Perfluoroalkyl & Polyfluoroalkyl Substances (PFAS) ■ Administrative Law

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*Drawing on his experience as the EPA's acting general counsel, Kevin designs creative solutions to deliver results for his clients. His strategic guidance in complex matters related to climate impacts, environmental compliance and enforcement, clean transportation, ESG, and chemicals and pesticides proves invaluable to clients navigating government regulations and programs.*

Kevin Minoli leads Alston & Bird's Environment, Land Use & Natural Resources Washington, D.C. practice. Kevin spent 18 years with the Environmental Protection Agency (EPA), ultimately holding the highest-ranking career attorney position at the agency and serving as the EPA's acting general counsel. As legal counsel on the EPA's programs nationwide, he worked extensively with the EPA's regional offices. Through knowledge, relationships, and experience gained during his tenure at the EPA, Kevin effectively advocates for his clients before the EPA and across federal and state government agencies, including the Department of Justice, the Department of Energy, the Department of Interior, the Advisory Council for Historic Preservation, offices of Inspectors General, the White House Office of Management and Budget, and the White House Council on Environmental Quality.

At the firm, Kevin has guided clients through bet-the-company environmental enforcement matters, using his understanding of government enforcement policies and practices to help clients return to compliance, address past noncompliance, and reduce the risk that they will face large penalties.

In addition to regulatory advocacy, Kevin has helped his clients secure more than \$5.5 billion in federal funding under the Bipartisan Infrastructure Law and the Inflation Reduction Act.

An out gay man, Kevin has been a leader within the LGBTQ+ community and a champion for equal opportunity in the workplace.

### *Representative Experience*

#### ***Climate Regulations and Solutions***

- Represented a client before the Department of Energy regarding energy efficiency standards for consumer products, including counseling on requirements for certifying products and defending against alleged non-compliance.
- Defended a company in litigation from a competitor alleging false marketing claims related to a product's energy efficiency.
- Helped secure more than \$5 billion in funding for a client under the Greenhouse Gas Reduction Fund.

- Drafted comment letters advocating on behalf of clients in response to Department of Energy proposals for updating energy efficiency standards.
- Advised a client regarding the generation, registration, and sale of carbon offsets.
- Provided a nonprofit with legal and strategic counsel regarding the capitalization of the national green bank through grants from the U.S. government.
- Resolved all past potential noncompliance for a heavy-duty equipment and vehicle manufacturer within the limited time allowed by EPA, and certified that the client complied with the relevant Clean Air Act requirements.
- Provided environmental legal support for an electric vehicle battery materials manufacturer for permitting and regulatory compliance relating to the construction and operation of its battery recycling facilities.
- Counseled a client on the EPA's Renewable Fuels Standard Program and the proposed inclusion of electric vehicle in that Program.
- Provided a private equity client with expert analysis regarding the U.S. government's permitting of an oil transmission pipeline.

## ***Chemicals and Pesticides***

- Counseled multiple companies regarding regulatory requirements for adding antimicrobial protection to consumer goods.
- Defending a chemical company in response to a letter from the EPA alleging numerous violations of the Toxic Substances Control Act (TSCA).
- Advising a client in response to a notice of intent to sue sent under the TSCA's citizen suit provision
- Advised companies bringing disinfectant products to market for the first time on compliance with EPA regulations.
- Defended a client against an EPA enforcement action alleging unauthorized import of consumer goods that made public health claims. Negotiated a novel resolution with federal regulators.
- Counseled clients on compliance with TSCA §5(e) Consent Orders.
- Advised several clients on the requirements for importing pesticides and pesticidal devices into the United States, including being called on to represent companies whose products have been held at the border by EPA.
- Counseled clients on the requirements imposed by the Toxic Substances Control Act (TSCA), including on chemical data reporting and trade secrets for existing chemicals, the pre-manufacture notice and significant new use provisions for new chemicals, and the requirements for importing existing or new chemicals into the United States.
- Representing clients in enforcement investigations and actions taken by the California Department of Pesticide Regulation.
- Filed a voluntary disclosure of potential TSCA non-compliance related to polychlorinated biphenyls (PCB).
- Counseled electric vehicle battery companies on TSCA compliance.
- Advised a pesticide company on standard registration requirements and on a broad range of less-common pesticide issues, including requirements for exporting pesticides, minimum risk pesticides, and emergency exemptions under Section 18, as well as international and state regulation of pesticides.
- Counseled a client on how international law impacts the ability to import material designated as a waste or as a hazardous waste into the United States.

- Advised a chemical company on complex environmental law issues in relation to its sale of a portion of its business to a partner company.
- Counseled a client throughout the voluntary disclosure of potential non-compliance with the reporting requirements of the Emergency Planning and Community Right-to-know Act and the development and executive of a corrective action plan to return to compliance.
- Advising clients on EPA's PFAS reporting rule implementing TSCA § 8(a)(7).

## ***Clean Water Act (CWA) and Safe Drinking Water***

- Represented a client in a judicial proceeding in support of the continued enforcement of a long-standing Clean Water Act (CWA) consent decree.
- Representing a water utility client regarding environmental compliance.
- Representing a federally recognized Indian tribe in a lawsuit against the EPA over matters involving the CWA.
- Defended a telephone company in litigation alleging a CWA violation in relation to the client's cellular telephone towers.
- Counseled a drinking water provider on requirements related to Consumer Confidence Reports.
- Advised clients on matters related to the scope of Clean Water Act jurisdiction, the need to obtain a permit under Clean Water Act § 404 for the discharge of dredge and fill material.

## ***Clean Air Act***

- Represented a client in resolving prior Clean Air Act non-compliance at two newly acquired facilities.
- Counseled a client in a multimillion-dollar judicial Clean Air Act enforcement matter brought by the Department of Justice and EPA.
- Advised clients on multiple issues related to importing vehicles and engines and EPA requirements for certificates of conformity.
- Filed voluntary self-disclosures with the EPA related to potential non-compliance related to the Clean Air Act and advised clients regarding the corrective action requirements of EPA's Audit Policy.
- Advised a company on regulatory requirements related to emissions during start up, shut down, and malfunction.

## ***Other***

- Advised an investment firm regarding the significance of EPA enforcement actions and regulatory programs.
- Represented a client in a government-to-government consultation involving the requirements of the Endangered Species Act and the interagency consultation process.
- Represented a client throughout the resolution of alleged noncompliance with the requirement to file a biannual report under the Resource Conservation and Recovery Act (RCRA).
- Counseled a private equity client regarding the purchase of property with historic contamination.
- Counseled a client on compliance with RCRA hazardous waste requirements.
- Advised a green bank on both high-level overviews and in-depth legal and strategic analyses of two potential multibillion dollar programs for solar and clean energy projects.

- Providing environmental compliance counseling and strategic advice to medical waste company regarding its compliance with environmental law for its US operations and facilities.
- Counseled automakers on EPA's eRINs proposal as part of the Renewable Fuels Standard.
- Advised an automaker on climate and ESG matters such as eRINs and the Renewable Fuel Standard, RECs, and Scope 3 emissions.

## ***Publications & Presentations***

### ***Publications***

- "Trump's Navigable Waters Rule Might Save the Clean Water Act," *Bloomberg Law*, October 7, 2022.
- "How Much Impact Does a Presidential Election Have on EPA Work?" *Bloomberg Law*, November 2, 2020.
- "INSIGHT: Past Is Future for SCOTUS Groundwater Decision," *Bloomberg Law*, June 3, 2020.

### ***Presentations***

- "Challenges in Chemical Product Stewardship and Emerging Chemicals of Concern," 39th Annual Conference, Chemical Counsel of New Jersey, Atlantic City, NJ, April 29–30, 2024.
- "Clean Water Act – Forward to the Past?" The Federalist Society, webinar, January 25, 2023.
- "EPA Enforcement on Imports and Devices," Household & Consumer Products Association's XPAND 2022 Annual Meeting, Fort Lauderdale, FL, December 4-7, 2022.
- "A Changed Climate: The Strong Headwinds the EPA Faces at the Supreme Court," 2022 Virtual Hawaii State Bar Convention and Annual Meeting, webinar, October 14, 2022.

## ***Professional & Community Engagement***

- EPA Alumni Association Board of Directors (2019-present)

### ***Accolades***

- *Chambers USA*, Environment – District of Columbia (2021–present)
- *The Best Lawyers in America*®, Litigation – Environmental (2023–present)
- *National Law Journal* – Energy & Environmental Trailblazer (2021)
- Lewis and Clark Law School, Distinguished Environmental Law Graduate (2022)

### ***Education***

- Lewis & Clark College (J.D., 2000)
- Stonehill College (B.A., 1997)

### ***Admitted to Practice***

- District of Columbia
- Oregon