



Henry R. "Speaker" Pollard, V

Partner

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With three decades of experience in environmental law, Henry "Speaker" Pollard, V can help clients sort through the vast range of environmental and regulatory issues, including those related to water quality, wastewater, sewage, stormwater management, wetlands, water rights, solid and hazardous waste, Superfund, petroleum and chemical storage, air pollution, cultural resources and species protection at federal, state and local levels.

Speaker has assisted his clients with a broad range of representations, including enforcement defense (administrative, civil, criminal), permitting, real estate and corporate transactions, due diligence investigations, financing risk management, litigated matters and regulatory and legislative affairs. In particular, Speaker has responded to the mounting concerns associated with greater frequency and severity of flooding in coastal communities and has increased his focus on coastal flooding and resiliency planning issues.

His clients have ranged from financial institutions to power plants, from the government to the private sector, as well as trade groups and individuals. He also has experience working for the Virginia Department of Waste Management/Environmental Quality as an enforcement specialist, where he led and coordinated statewide hazardous waste enforcement actions, developed administrative cases and conducted administrative enforcement proceedings, prepared enforcement policy and assisted with civil litigation and criminal enforcement and prosecution of environmental cases.

Speaker has been recognized as a leading environmental attorney in the U.S. by *Chambers USA* (2016-present). He is listed in *The Best Lawyers in America* © for Environmental Law (2018-present), and he has been named among Virginia's "Legal Elite" for Environmental Law by *Virginia Business* (2015-present).

Speaker earned an M.B.A. and J.D. from the University of Richmond. He also participated in a summer studies program in marine policy at the Duke University Marine Lab. In addition, he has a B.S. in chemistry from Hampden-Sydney College.

Practice Areas

- Environment & Natural Resources
- Infrastructure
- Government Relations
- Economic Development
- Coastal Flooding & Resiliency
- Community Banks
- Solar & Energy Storage
- Renewable Energy
- Wind Energy

Experience

- Assisted and represented growing regional airport in a variety of environmental matters, including a major petroleum storage tank closure and remediation and tank fund reimbursement; stormwater discharge permitting, compliance, and enforcement defense; drafting and negotiation of wetland mitigation banking agreement; and groundwater remediation from past military uses of site.
- Assisted and represented growing solid waste business in the acquisition and operation of a construction debris landfill, including environmental due diligence; amendments to local land use permits and transfers of all related permits; negotiation of environmental insurance coverage; application for permit modifications to expand landfill area; and providing ongoing assistance regarding compliance and permitting matters.
- Assisted and represented publicly traded real estate investment trust in environmental issues associated with several large-scale acquisitions of convenience store/gas station chain locations, including drafting and negotiating purchase agreement terms; performing large-scale multi-site due diligence review; negotiating environmental insurance coverage; and drafting and negotiating leases.
- Assisted and represented European-based company in acquisition of older and dormant rubber product manufacturing facility, including negotiation of environmental terms of purchase agreement; coordinating environmental and occupational safety due diligence and agency

issuance of “Bona Fide Prospective Purchaser” letter; and transfers of environmental permits.

- Assisted and represented major city as local sponsor of navigation channel dredging project in historically contaminated river bottom, including negotiation with U.S. Army Corps of Engineers concerning scope of project and environmental protective measures for dredging operations; negotiation of acquisition of and land use and environmental permitting for a very large dredged materials placement site; ongoing environmental compliance and permitting assistance and representation with federal and state agencies; and lobbying before members of General Assembly and Congress and their staff for support and appropriate funding of project.
- Assisted and represented energy company in acquisition of fuel and chemical bulk storage and marine/rail/truck terminal facility, including coordinating and reviewing due diligence efforts; drafting and negotiating complex purchase agreement; transfers of environmental permits; and ongoing environmental compliance and permitting issues.
- Assisted independent power producers in various environmental issues, including development of application for and negotiation of Title V air pollution permit and amendment of river water withdrawal permit to account for drought conditions.
- Assisted and represented business in major asbestos abatement project at third party disposal site.
- Assisted and represented landowners regarding impacts of petroleum releases to their property and use thereof.
- Assisted homebuilder regarding environmental and lot development issues affecting viability of underlying development project.
- Assisted developer and homebuilder regarding potential residual effects of historical agricultural pesticide applications to development property.
- Assisted and represented construction companies regarding contractual and regulatory liability for hazardous wastes discovered onsite and a stormwater retention facility failure.
- Assisted lenders with various environmental liability issues posed by financing and crafting loan documents to address same and with liability issues associated with petroleum products abandoned on defaulting borrower’s properties.
- Assisted a city in defense of federal investigation of indoor environmental and design matters related to city jail operations.

Representative Water Supply Matters

- Assisted and/or represented major municipal public water supplier in water supply and contract issues; sale of reservoir property; water supply planning regulatory issues; permitting for groundwater supplies; and compliance concerning water treatment plant discharges.

Representative Municipal Wastewater Matters

- Assisted and represented large city in defense of agency enforcement actions related to sewer overflows, including the negotiation of two multi-party consent orders with agency and regional

wastewater service district; the coordination of engineering consultants as to system investigation and reporting of results pursuant to consent order; the defense of city for EPA inspection of city's sanitary sewer system; and ongoing counsel concerning compliance with current consent order.

- Assisted and represented small business in compliance and enforcement defense related to industrial discharge to municipal wastewater sewer system.

Education

- University of Richmond (M.B.A.), 1993
- University of Richmond School of Law (J.D.), 1992
Member, *University of Richmond Law Review*
- Duke University Marine Lab (Summer Studies Program, Marine Policy), 1988
- Hampden-Sydney College (B.S., Chemistry), 1988
cum laude

Professional Affiliations

- Virginia State Bar ? Environmental and Business Law Sections
- Virginia Bar Association ? Environment, Natural Resources and Energy Law Section, Vice Chair (2019), Council (2011-present); Administrative Law Section
- The Bar Association of the City of Richmond - Environmental Law Section, Past Chair; Real Estate Law Section
- Greater Richmond Area Commercial Real Estate
- Virginia Water and Waste Authorities Association
- Virginia Chamber of Commerce - Environment Committee
- Virginia Maritime Association - Chair, Environmental Affairs Committee

Awards

- *Chambers USA* ? Environmental Law (2016-present)
- *The Best Lawyers in America*© ? Environmental Law (2018-present)
- *Virginia Business* - "Legal Elite," Environmental Law (2015-present)