



## Timothy M. Sullivan

Office Managing Principal

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### **Tim's practice focuses primarily on environmental and natural resources litigation before federal and state courts and adjudicatory bodies.**

He represents and advises public and private clients in regulatory, litigation, and other matters involving many federal and state environmental and natural resources laws, with a particular emphasis on Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Endangered Species Act (ESA), and the Clean Water Act. Tim is the Managing Principal of Beveridge & Diamond's Baltimore office.

In addition to his work for clients, Tim is also active in state and federal professional activities. He is an adjunct Professor of Law in the Environmental Law Program at the University of Maryland School of Law where he teaches a seminar in Federal Public Lands and Natural Resources Law. He has also served as the Chair of the Environmental Law Section of the Maryland State Bar Association and as a Vice-Chair of the Endangered Species Committee of the ABA's Section on Environment, Energy, and Resources.

Tim came to B&D in 2006 from Portland, Oregon, where he represented clients in matters involving environmental and natural resources law and litigation for five years with a regional Pacific Northwest law firm.

### **Education**

- Fairfield University (B.A., 1993)
  - History
- Lewis & Clark (J.D., *magna cum laude*, 2000)
  - Certificate in Environmental and Natural Resources Law
  - Cornelius Honor Society
  - Environmental Law Review 1998-2000, Managing Editor 1999-2000

### **Bar Admissions**

- District of Columbia
- Maryland

- Oregon
- Washington

### **Court Admissions**

- U.S. Supreme Court
- U.S. Court of Appeals - Ninth Circuit
- U.S. District Court – Colorado
- U.S. District Court - Maryland
- U.S. District Court – Oregon
- U.S. District Court – Eastern District of Washington
- U.S. District Court – Western District of Washington

### **Professional Affiliations**

- American Bar Association Section of Environment, Energy, and Resources Endangered Species Committee, Vice-Chair (2003-2010)
- Maryland State Bar Association Environmental Law Section, Member (2006-present), Chair (2010-11), Section Council (2006-2012)
- Oregon State Bar Administrative Law Section, Executive Committee (2003-2005)
- Oregon State Bar Environmental and Natural Resources Law Section (2001-present)

### **Honors & Awards**

- *The Best Lawyers in America*®, a Best Lawyers® publication, recognition in Environmental Litigation (2020-2022)

### **Presentations**

- "CWA Citizen Suits: Notice, Standing & Interpleading Third Parties," webinar (March 2018)
- "The Water Quantity-Water Quality Nexus: Two Sides of the Same Coin or Zero-Sum Game?" presented at National Association of Clean Water Agencies (NACWA) National Clean Water Law Seminar, Savannah, GA (November 2017)
- "NEPA and Other Environmental Implications for Upstream Oil and Gas Operations," presented at EUCI Oil and Gas Production on Federal Lands Conference, Denver, CO (March 2013)

## **Representative Matters**

Tim's recent experience includes:

- Representing through trial a Class I railroad in a Clean Water Act (CWA) citizen suit in Washington State.
- Representing a major water and sewer utility in a CWA citizen suit in Maryland.
- Negotiating a Clean Water Act Sanitary Sewer Overflow Consent Decree extension for a major water and sewer utility in Maryland.
- Counseling a major water and sewer utility with respect to CWA compliance and enforcement issues.
- Representing a petroleum exploration and production company in litigation arising from an operator's use of the company's platform on the Outer Continental Shelf of the Gulf of Mexico.
- Representing a petroleum refining company in CERCLA litigation in the Eastern District of New York.
- Representing petroleum refining company in litigation with the United States under the Pennsylvania Tank Act, Clean Streams Law, and Uniform Contribution Among Tortfeasors Act.
- Representing an equipment supplier in construction disputes involving wastewater treatment plants.
- Representing a group of ports and other navigation interests on the Columbia River in ESA citizen suit litigation challenging the federal operation of the Federal Columbia River Power System.
- Representing a Columbia River port in a complex land and water property development project challenged by a citizen's group in an area containing wetlands and ESA-listed and state-protected species, including development of National Environmental Policy Act and Washington State Environmental Policy Act analyses.
- Representing timber company in an administrative dispute with the Washington Department of Forestry involving logging in areas constituting potential habitat of ESA-protected marbled murrelet.
- Representing an Oregon county in federal permitting, enforcement, and litigation, related to the construction of a 60-mile natural gas pipeline with almost 200 CWA jurisdictional water and wetlands crossings, many of which involved habitat for ESA-listed salmonids.
- Representing an industry group in CWA and ESA citizen suit litigation challenging Oregon's water quality standards.
- Representing a mushroom producer in Oregon in enforcement action arising from wet weather discharges of stormwater.

## Publications

May 4, 2021

**Oregon Adopts a Significantly Modified (and Legally Vulnerable) Industrial Stormwater General Permit**

Beveridge & Diamond

February 26, 2021

**Reducing the Flood of Changes—EPA Issues a More Tempered Final 2021 Multi-Sector General Permit than Originally Proposed**

Beveridge & Diamond

December 11, 2020

**EPA's CWA Groundwater Guidance Says Little, Will Likely Be Rescinded**

Beveridge & Diamond

September 17, 2020

**EPA Proposes New, More Flexible Clean Water Act Affordability Guidance for Public Utilities**

Beveridge & Diamond

April 23, 2020

**SCOTUS: Clean Water Act Permits Required for Some Releases into Groundwater**

April 16, 2020

**Federal Court Nullifies Clean Water Act General Permit for Pipelines and Other Linear Projects**

Beveridge & Diamond

April 14, 2020

**EPA Issues Interim COVID-19 Guidance for Superfund Sites and Other Cleanup Actions**

March 2, 2020

**EPA Releases 2020 Multi-Sector General Permit for Comment**

Beveridge & Diamond

December 3, 2019

**Ruling in First CWA Case to Rely on EPA's Interpretive Statement on Groundwater Releases**

Beveridge & Diamond

November 7, 2019

**Justices Wrestle with Scope of the CWA's Permitting Requirement**

Beveridge & Diamond

February 19, 2019

**Supreme Court to Decide Whether “Indirect” Discharges Require NPDES Permits**

Beveridge & Diamond

December 5, 2018

**Justices Request the Government’s Views on CWA Discharge Cases**

Beveridge & Diamond

September 26, 2018

**“WOTUS”: A Tale of Two Rules While Litigation and Rulemaking Continue**

Beveridge & Diamond

September 25, 2018

**Pair of Clean Water Act Decisions Creates Circuit Split over Discharges to Groundwater**

Beveridge & Diamond

September 6, 2018

**Petitions Seek Supreme Court Review of Fourth and Ninth Circuit Decisions That Could Expand the CWA’s NPDES Program**

Beveridge & Diamond

August 17, 2018

**Environmental Groups Score First Victory to Expand Regulation of Stormwater Under the NPDES Program**

Beveridge & Diamond

April 13, 2018

**Fourth Circuit Joins Ninth In Holding That “Indirect” Discharges May Violate the CWA**

Beveridge & Diamond

February 27, 2018

**Discharges and Hydrologic Connection to Groundwater: EPA Seeking Comment as Courts Weigh In**

Beveridge & Diamond

February 2, 2018

**Ninth Circuit Holds That Indirect Discharges Require NPDES Permits**

Beveridge & Diamond

January 29, 2018

**First Circuit Shuts Down Use of TMDLs to Expand NPDES Stormwater Permitting**

Beveridge & Diamond

January 29, 2018

**DOJ Clarifies Limits on Third Party Payments in Environmental Settlements**

Beveridge & Diamond

January 22, 2018

**Unanimous Supreme Court: WOTUS Rule Challenges Belong in Federal District Courts**

Beveridge & Diamond

June 28, 2017

**Replacement of the Clean Water Rule to Be a Two-Step Process**

Beveridge & Diamond

March 17, 2015

**Coal and Transportation Companies Challenge Ninth Circuit Decision Limiting CWA Permit Shield Defense**

Beveridge & Diamond