



WILLIAM C.B. UNDERWOOD

Shareholder

Gallagher & Kennedy
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My Practice

ENVIRONMENTAL - Environmental Assessment, Environmental Counseling, Environmental Natural Resources, Environmental Regulatory Enforcement, Environmental Regulatory Permitting, Environmental Rulemaking

NATURAL RESOURCES - Air Quality

PROFESSIONAL SUMMARY

With nearly two decades of experience with federal, state, and local air quality laws and representing clients across the U.S. in a variety of industries, Bill is uniquely adept at providing effective counsel and working toward solutions that best serve his client's needs. An emphasis of his practice is to help clients understand their compliance obligations under the myriad of air quality programs, regulations, and agency guidance so that these obligations can be managed as effectively and efficiently as possible. Given the multi-disciplinary nature of air quality matters, Bill prefers a team approach and works closely with management, technical and operational personnel, consultants, and regulators to achieve successful results for his clients.

A hallmark of his practice has been assisting clients obtain air quality permits or permit revisions to authorize new facilities or changes at existing facilities in a timely manner. Bill helps clients identify applicable requirements, prepare applications, and negotiate with permitting authorities to establish permit terms that clearly and accurately reflect underlying legal obligations, impose conditions that are least burdensome as possible, and provide necessary operational flexibility. He also regularly assists clients develop systems to ensure compliance after permit issuance and prepare compliance certification, monitoring, and other reports required by the permit.

While Bill counsels clients to take a proactive approach to air quality regulatory compliance, even the best run facilities can experience problems. When problems occur, Bill helps clients take appropriate corrective action and provide applicable notifications to regulators. He also has substantial experience assisting clients respond to agency requests for information, notices of violations, and enforcement actions. With his unique insight, Bill has helped clients successfully resolve compliance issues and, when necessary, negotiate orders or other settlement agreements with enforcement authorities.

REPRESENTATIVE EXPERIENCE

- Representing major industrial, manufacturing, mining, oil and gas, and utility clients in obtaining county, state, and federal air quality permits, including Prevention of Significant Deterioration (PSD), Nonattainment Area New Source Review (NSR), and Title V operating permits.
- Conducting environmental compliance audits at major industrial, manufacturing, and mining facilities and assisting clients obtain protections afforded under state and federal self-disclosure, audit privilege, and immunity provisions.
- Counseling major industrial, manufacturing, mining, oil and gas, rock products, and utility clients on compliance with county, state, and federal air quality regulations, including New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Asbestos.
- Assisting major industrial, manufacturing, and mining clients with the development of environmental management systems and compliance management strategies.

- Defending major industrial, manufacturing, mining, oil and gas, rock products, and utility clients against county, state, and federal enforcement actions alleging violations of air quality regulations and permit conditions.
- Representing industry and trade group organizations in county, state, and federal rulemaking and legislative actions, including comprehensive revisions to the Arizona Department of Environmental Quality air permitting program in 2012.

EDUCATION

Indiana University
J.D., 1997
Editor, Law Journal

Arizona State University
M.B.A., 1994

University of Nevada, Las Vegas
B.S., 1991

BAR & COURT ADMISSIONS

- Arizona, 1997
- U.S. District Court, District of Arizona, 1997
- U.S. Court of Appeals, Ninth Circuit, 1998

ASSOCIATIONS & MEMBERSHIPS

- State Bar of Arizona, Member
- State Bar of Arizona, Environmental and Natural Resources Law Section, Member
- Maricopa County Bar Association, Environmental and Natural Resources Law Section, Member
- Arizona State University, Center for Environmental Studies, Past Adjunct Faculty

PUBLISHED WORKS

- The Common Law Impetus for Advanced Control of Air Toxics, 29 ELR 10,003 (1999)
- Unreviewable Discretionary Justice: the New Extreme Hardship in Cancellation of Deportation Cases, 72 Ind. L.J. 885 (1997)

SPEAKING ENGAGEMENTS

- Environmental Professionals of Arizona, 2012 Gatekeepers Regulatory Roundup – “ADEQ NSR Rule Revisions” March, 2012
- Southern Arizona Environmental Management Society, 1st Annual Regulatory Roundup – “ADEQ NSR Rule Revisions” February, 2011
- Arizona State University, College of Technology and Innovation – “Climate Change: Regulation of Greenhouse Gases Under the Clean Air Act” September, 2010
- Maricopa County Bar Association, Environmental Law 101 – “Air Quality Regulation” September 2010
- Arizona State University, College of Technology and Innovation – “Air Quality Regulation” October, 2008
- Arizona Chamber of Commerce and Industry, Arizona Chamber Environmental Summit – “Arizona Air Quality Regulatory Developments” August, 2008
- Arizona Chamber of Commerce and Industry, Environmental Issues Breakfast Meeting – “Arizona HAPs Rule Litigation Update” May, 2008