



Kevin Murray

Partner

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Clients turn to Kevin for his ability to identify creative solutions for routine and landmark hazardous substances, remediation, and redevelopment matters.

PRACTICES

Environmental and Natural Resources
 Environmental Compliance and Enforcement
 Zoning and Land Use
 Real Estate Development and Finance

INDUSTRIES

Energy and Resources
 Mining
 Electric Power

EDUCATION

Brigham Young University, J. Reuben Clark Law School, J.D., 1984
cum laude

Brigham Young University, B.A., 1981
cum laude

OTHER NOTEWORTHY

American College of Environmental Lawyers, Treasurer

American College of Environmental Lawyers Foundation, Treasurer

Environmental Law Institute Leadership Council

Editor, SEER, N&RE Journal

BAR ADMISSIONS

Utah
 Texas
 Idaho

Kevin is known for his innovative and unique resolutions to complex contamination issues, especially involving multi-jurisdictional and multi-agency matters (particularly EPA and NRC) in the mining, real estate, energy, petroleum, nuclear, and manufacturing industries. His practice focuses on managing environmental liabilities, repurposing real estate assets, and creating value through property remediation and planning. Kevin is respected for his strategic approach to crafting cutting-edge solutions that deliver maximum value for his clients, that range from the largest international corporations to individual landowners. He has been the lead attorney for billions of dollars of acquisition and development of environmentally-challenged assets worldwide, including many Superfund sites. Kevin has significant experience with CERCLA, RCRA, state hazardous waste laws, and related programs, and substantial experience with uranium mine and mill remediation and decommissioning. His practice expertise also includes the Clean Water Act, where he counsels clients on compliance and water quality matters.

EXPERIENCE

Negotiates federal Consent Decrees, Administrative Orders on Consent, and related agreements for matters related to:

- CERCLA
- RCRA
- Brownfields development
- Clean Water Act (CWA)

CLIENT RESULTS

Strategist behind the highly innovative and successful Midvale Slag Site, which recently was deleted from the U.S. Environmental Protection Agency's National Priorities List of Superfund Sites 50 years ahead of schedule.

Played a key role in the Richardson Flats remediation, which was recognized by the Department of the Interior as the site of the year for its effective combination of Natural Resource Damages Restoration and CERCLA remediation.

Led the remediation and redevelopment of a 450-acre smelter site through the innovative use of special account and private funds. It was the first time EPA had agreed to use the approach. The former smelter site is now a thriving multi-use project.

Led the development of innovative protocols for the reclamation and redevelopment of 2000-plus acres of mining land in a leading resort area. Continued development of estate lots, residential, commercial and hotels.

Lead counsel on one of the first projects to successfully utilize the EPA ER3 pilot Superfund initiative.

Negotiated a Prospective Lessee Agreement, a liability relief mechanism reportedly used by EPA only one other time in CERCLA history.

Led the environmental team of a utility cooperative in permitting a large wind farm.

Counsel to potentially responsible parties in the remediation of seven miles of petroleum contaminated canal sediments.

Counsel to numerous parties in the negotiation of dozens of consent decrees for NPL site remediation.

Due diligence counsel in a \$3.2 billion acquisition of a Fortune 50 company.

Due diligence counsel in a bid to acquire a 1500 mile portion of a gas pipeline system, as well as an 8000 mile gulf natural gas pipeline and its associated 68.5 billion cubic feet storage system.

Due diligence counsel to acquire the production, gathering, transmission, and distribution assets of a large gas company, including more than 12,000 miles of pipeline and 90 compressor stations.

PUBLICATIONS

"Environmental Aspects of Real Estate and Commercial Transactions: Acquisition, Development, and Liability Management, 5th Edition," *American Bar Association*, Editor, 2021

"[EPA Issues Interim Guidance on PFAS Destruction and Disposal](#)," Co-Author, 01/26/2021

"[Recent EPA Guidance Spells Out Superfund Liability Protections Available to Local Governments](#)," *Holland & Hart News Update*, Co-Author, 09/23/2020

"[The Future Is As We Now See It – Environmental Development Resiliency and Disaster Planning](#)," *American College of Environmental Lawyers (ACOEL)*, 06/17/2020

"California Pushes the Environmental Envelope - Sets in Motion Stricter Vapor Intrusion Regime," *Holland & Hart News Update*, Co-Author, 06/02/2020

"Developing for Extreme Weather Events," *Utah Business*, Co-Author, 03/09/2020

"Developing Sites for Sea-Level-Rise and Climate-Change Resiliency," *Trends, American Bar Association's Section of Environment, Energy, and Resources*, March/April 2020

"Good Sam: A Base Hit Not a Grand Slam," *American College of Environmental Lawyers (ACOEL)*, 09/30/2019

"Potential Impacts of EPA's Draft Recommendations on PFAS," *Holland & Hart News Update*, Co-Author, 06/03/2019

"The Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)," *Environmental Regulation, excerpted from the Second Edition of the American Law of Mining, Chapter 171*, Co-Author, 2018

"Toxic Substances Control Act," *Environmental Regulation, excerpted from the Second Edition of the American Law of Mining, Chapter 178*, Co-Author, 2018

"A Fresh Air Look at CERCLA Acquisition Structures," *Natural Resources & Environment, American Bar Association's Section of Environment, Energy, and Resources*, Summer 2017

"A Property Purchaser's Tool Box – Part Two," *Utah Business Magazine*, June 2017

"A Property Mechanic's Tool Box," *Holland & Hart News Update*, 9/22/2016

"A Property Purchaser's Tool Box," *Utah Business Magazine*, August 2016

"Water Quality," *Environmental Regulation, excerpted from the Second Edition of the American Law of Mining, Chapter 169*, Co-Author, 2015

"The Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)," *Environmental Regulation, excerpted from the Second Edition of the American Law of Mining, Chapter 171*, Co-Author, 2015

SPEAKING ENGAGEMENTS

"Don't Go Chasing Ephemeral Streams and Isolated Wetlands: EPA's Navigable Waters Protection Rule Sticks to More Jurisdictional Waters," *ABA Virtual SEER 28th Fall Conference (Panel Discussion)*, October 21, 2020

"Impacts on Transactions - Ubiquity and Uncertainty: Unusual Challenges of Per- and Polyfluoroalkyl Substances (PFAS) Bring Unorthodox Challenges to Environmental Law (Panel 1)," *The American College of Environmental Lawyers*, September 12, 2020

"PFAs: Laws and Litigation," *Northwest Environmental Business Council, PFAS Workshop: Focus on Idaho Understanding the Scope and Scale of the Emerging Challenge*, August 19, 2020

"Environmental Disaster Recovery - Help Please?," *The American College of Environmental Lawyers and the Murrah Center for Homeland Security and Policy National Summit*, Oklahoma City, Oklahoma, April 18-19, 2019

"Response & Recovery - The National Disaster Response and Recovery Framework in Action," *The American College of Environmental Lawyers and the Murrah Center for Homeland Security and Policy National Summit*, Oklahoma City, Oklahoma, April 18-19, 2019

"Environmental Law Update," *Utah Municipal Attorneys Association Spring Conference*, May 2011

RECOGNITION

- *Chambers USA: America's Leading Lawyers for Business*, Environment, Natural Resources & Regulated Industries, 2010-2020
- *The Best Lawyers in America*® Energy Law, Environment Law, 1995-2021
- American College of Environmental Lawyers, Fellow
- Martindale-Hubbell®, AV Preeminent® Rating
- *Utah Business Magazine*, Utah Legal Elite, 1998-2015; Environmental, 2017, 2018, 2020
- Mountain States Super Lawyers®, Environmental, 2007-2016, 2018-2020
- Mountain States Super Lawyers®, "Top 100 Lawyers," Environmental, 2012
- Peter W. Billings Excellence in Teaching Award, May 2016

PROFESSIONAL AND CIVIC AFFILIATIONS

- American College of Environmental Lawyers, Treasurer, 2020-present
- University of Utah, Adjunct Professor of Law, 2007-present
- Brigham Young University, Adjunct Professor of Law, 1990-present
- Utah Solid and Hazardous Waste Control Board, Member, 2011-2016, Chair 2010-2016
- Pioneer Theatre Company, Chair, 2014-2016, Executive Board and Director of Development, 2006-2014

- Davis Education Foundation, Davis County School District, Board of Trustees, 2006-2011, Chair 2008-2009
- Lakeview Hospital, Board Member, 2000-2005, Chair 2003-2005
- Boy Scout of America, Council Executive Board, 2015-present