

Stephen E. O'Day

Partner | Atlanta

Stephen E. O'Day is Partner and head of the Environmental Law, and Sustainability Practices at Smith, Gambrell & Russell, LLP.

The Environmental Practice Group handles all aspects of traditional environmental legal issues and OSHA compliance. SGR's Sustainability Practice Group provides focused legal advice and representation to companies and entities regarding sustainability initiative, sustainable businesses and business practices, renewable energy, business issues, planning, and litigation.

Mr. O'Day has handled environmental litigation, consultation and negotiations for over 37 years. He advises clients in connection with the full range of environmental issues, including National Pollutant Discharge Elimination System (NPDES) permits and Clean Water Act compliance, Clean Air permits and compliance, Resource Conservation and Recovery Act permitting and compliance including solid and hazardous waste treatment, disposal and cleanups, Superfund cleanups and litigation, toxic tort claims, Federal Insecticide, Fungicide and Rodenticide Act permitting and compliance, Toxic Substances Control Act compliance, OSHA compliance, water law and other environmental matters. He handles administrative proceedings at state and federal levels in connection with issues ranging from usage of real property to compliance with federal and state environmental and safety laws. He represents clients in litigation across the country involving environmental matters such as toxic tort litigation, nuisance litigation, hazardous waste cleanups, including sites both on and off the NPL, Clean Water Act citizen suits and compliance litigation, facilities compliance with the Resource, Conservation and Recovery Act, mold litigation, landfill issues and OSHA citation appeals and whistleblower proceedings. He also assists clients in environmental issues in real property acquisition and development and the acquisition and sale of operating manufacturing, renewable energy, solar, wind, landfill gas, biomass and hydro, and other entities and projects.

Mr. O'Day is a frequent speaker at seminars concerning sustainability, environmental liability and compliance and risk management. He has been selected for inclusion in *Georgia Super Lawyers* and



Contact Information

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Areas of Practice

Environmental/Natural Resources Law
Sustainability Practice
Worker Safety and OSHA
Litigation/Trial Practice
Appellate Practice
Mediation
Energy Law
Arbitration
Insurance Law
Cannabis Law

Bar Admissions

Georgia, and numerous trial and appellate courts across the country, including the U.S. Supreme Court

Chambers USA: America's Leading Lawyers for Business in the area of environmental law since the inception of those lists. He has been named as a Best Environmental Lawyer in *Corporate Counsel* magazine and recognized as one of *The Best Lawyers in America*® in environmental law.

Mr. O'Day has received the Award for Service to the Profession of Environmental Law presented by the State Bar of Georgia, Environmental Law Section; has received the Chattahoochee Riverkeeper's highest honor, the River Guardian Award, for years of community service in protecting the river that provides Metropolitan Atlanta's water supply, as well as the James S. Dockery, Jr. Southern Environmental Leadership Award, and the Ogden Doremus Award for Excellence in Environmental Law.

Mr. O'Day is now serving on the Boards of the Southeast Energy Efficiency Alliance, the Green Chamber of the South Foundation Board, the Southern Environmental Law Center, the Chattahoochee Riverkeeper, and the Southern Property Rights Council. He is active in the Litigation, Environment, Energy and Resources, and Tort Trial and Insurance Practice Sections of the American Bar Association.

Mr. O'Day served as Chairman of the Environmental Advisory Council for Georgia's Lieutenant Governor for eight years and on an Advisory Committee to the Georgia Pollution Prevention Assistance Division, and the Governor's Rivercare 2000 Task Force. He also served on the State of Georgia's Solid Waste Planning Task Force, on the Atlanta Chamber of Commerce's Water Quality Task Force and as Chairman of the Solid Waste Task Force. He led the Environmental Collaborative of the Atlanta Regional Commission's award-winning Vision 2020 long term planning effort. He teaches environmental law as a part-time instructor at the Georgia Institute of Technology.

He studied Civil Engineering at the Georgia Institute of Technology and earned a B.A. degree, summa cum laude, in Political Science from Furman University in 1976. He received his J.D. degree, cum laude, from Harvard Law School in 1979. While at Harvard, Mr. O'Day served as Chairman of the Harvard Environmental Law Society.

Representative Experience:

- Representation of company as alleged PRP at Superfund site in Texas
- Representation of company in connection with information request for hazardous site in Texas
- Removal and conveyance of potential waste materials from rental tanks in New York rented by bankrupt company
- Representation of company regarding alleged air pollution issues

Recognitions

Georgia Super Lawyers - Environmental Law
 The Best Lawyers in America®, Energy Law; Environmental Law; Litigation - Environmental
 Chambers USA, Leading Business Lawyers - Environment (2009-2020)
 Upper Chattahoochee Riverkeeper River Guardian Award
 Southern Environmental Law Center James S. Dockery, Jr. Southern Environmental Leadership Award
 Ogden Doremus Award for Excellence in Environmental Law
 Award for Service to the Profession of Environmental Law presented by the State Bar of Georgia, Environmental Law Section
 Georgia Trend Magazine, Legal Elite
 Best Environmental Lawyer, Corporate Counsel

- at facility in Virginia
- Acquisition of brownfield facility in Georgia and enrollment in State Brownfield program
- Defense of alleged labeling violations by Consumer Product Safety Commission
- Acquisition and development of utility scale solar project in North Carolina, including acquisition agreement, consulting and EPC, PPA and Interconnection agreements with utility
- Numerous electricity, natural gas, and fuel supply agreements across the country
- Representation of golf club in Johns Creek, Georgia concerning acquisition of irrigation water
- Acquisition and development of landfill gas to energy project in West Virginia, including agreements relating to consulting, EPC, interconnection with utility, and sale of power

Memberships:

- Metropolitan Atlanta Chamber of Commerce
- Southern Environmental Law Center
- Leadership Atlanta
- Midtown Alliance - Greenprint Midtown, Executive Advisory Council
- Southeast Rainwater Harvesting Systems Association Board
- Green Chamber of the South Foundation Board
- Litigation, Environment, Energy and Resources, and Tort Trial and Insurance Practice Sections, American Bar Association
- Georgia Property Rights Council
- Recognitions
- Georgia Super Lawyers - Environmental Law
- The Best Lawyers in America - Environmental Law
- Chambers USA, Leading Business Lawyers - Environment (2009-2016)
- Upper Chattahoochee Riverkeeper River Guardian Award
- Southern Environmental Law Center James S. Dockery, Jr. Southern Environmental Leadership Award
- Ogden Doremus Award for Excellence in Environmental Law Award for Service to the Profession of Environmental Law presented by the State Bar of Georgia, Environmental Law Section
- Georgia Trend magazine - Legal Elite Best Environmental Lawyer - Corporate Counsel

Publications:

Quoted, "Georgia Power Getting Into Solar Panel Financing Business," Atlanta Progressive News, June 26, 2015

Quoted, "Updated: Georgia Power Moving Into Rooftop Solar Market This Summer," IndustryDive, May 28, 2015

Presenter - "Beyond Compliance: How Businesses Address Environmental Compliance Through Sustainability," Georgia Tech Business School's class: Business Strategies on Sustainability, January 23, 2013.

"Georgia Gets More Time to Work On Water Conservation, But Water Wars Not Over," Atlanta Business Chronicle's "Saporta Report."

"Managing the Transition under OSHA's Updated Hazard Communication Standard," Georgia Forestry Today, June 2014.

Presenter - 2012 Healthcare Design Conference, November 2-6, 2012
Presenter - GAWP 2012 Annual Conference & Expo, Savannah, Georgia, July 16, 2012