



Kevin J. Garber
Shareholder

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Area of Emphasis

Kevin Garber is a shareholder in the Environmental and Energy and Natural Resources groups of Babst Calland, practicing out of the firm's Pittsburgh and State College offices. Mr. Garber concentrates much of his practice in the areas of natural resources law and water law. He represents mining and oil and gas companies, including those developing unconventional gas reserves, on a broad range of environmental issues including permitting, water supply and treatment and resource development. Mr. Garber has extensive environmental litigation experience representing clients before the Environmental Hearing Board in Pennsylvania and in trial and appellate courts. In administrative proceedings, he has represented clients challenging permits, contesting civil penalties and compliance orders, and defending against challenges brought by citizens' groups, among other matters. Mr. Garber regularly counsels oil and gas production, midstream, storage and transportation companies on federal, state and local environmental regulations affecting their operations, and he negotiates environmental provisions in transactions involving natural resources. He counsels mining clients on a wide range of environmental matters affecting the mining industry, such as water and air permits, bonding and treatment trusts. Mr. Garber also regularly handles NPDES permitting matters and appeals; defends citizens' suits under the federal Clean Water Act and similar state laws; and represents landowners and others with respect to groundwater protection issues. He leads the firm's municipal environmental services practice area in which a substantial part of his practice concentrates on sewage facility planning and permitting, storm water management and related development issues facing developers, municipalities and municipal authorities. He serves as special environmental counsel to many municipalities, authorities and developers in western Pennsylvania.

Mr. Garber's practice also covers the cleanup and redevelopment of industrial sites under federal and state hazardous waste and brownfields laws. In Pennsylvania, for example, he regularly counsels clients in the purchase, sale and cleanup of property using Act 2 to address environmental concerns. He also conducts and reviews environmental audits of various types of industrial, commercial and mining properties for buyers, sellers, lenders and trustees, and negotiates environmental provisions of transactions, contracts and deeds.

In addition, Mr. Garber also practices intellectual property law. He is a registered patent attorney and prosecutes trademark applications before the U.S. Patent and Trademark Office.

Background

Mr. Garber graduated with Distinction from The Pennsylvania State University with a B.S. in Biology, took his M.S. in Oceanography and Limnology from the University of Wisconsin, his Ph.D. in Ecology from the University of Pittsburgh, and his law degree from the Duquesne University School of Law, where he was a member of the Duquesne University Law Review. Mr. Garber's graduate and doctoral work researched point and non-point source pollutant loadings to lakes and the development of remedial alternatives.

Memberships and Affiliations

Mr. Garber is admitted to practice in Pennsylvania and various federal courts and before the United States Patent and Trademark Office. He is a member of the Allegheny County, Pennsylvania and American Bar Associations, and has served on the Council of the Pennsylvania Bar Association's Environmental, Mineral and Natural Resources Law Section. Mr. Garber is a past Chairman of the Environmental Section of the Allegheny County Bar Association.

Mr. Garber has been ranked among Pennsylvania's top environmental lawyers in Chambers USA's America's Leading Business Lawyers since 2004. He has been listed in *The Best Lawyers in America*® in the Environmental Law Section since 2005 and is also listed in the Water Law, Energy Law, Natural Resources Law and Litigation – Environmental sections. Mr. Garber was named the *Best Lawyers*® 2014, 2017 and 2020 Energy Law “Lawyer of the Year,” 2015, 2018 and 2021 Environmental Law “Lawyer of the Year,” and 2016 and 2019 Natural Resources Law “Lawyer of the Year” in Pittsburgh, Pa. He was selected to the 2005-2020 *Pennsylvania Super Lawyers* lists (Thomson Reuters).

Mr. Garber is an adjunct professor of law at the Duquesne University School of Law where he teaches courses in environmental law and litigation and is an adjunct faculty member in the Bayer School of Natural and Environmental Sciences at Duquesne University where he teaches courses on environmental law and policy in the graduate school. He serves on the Advisory Committee to the Duquesne University Center for Environmental Research and Education.

Mr. Garber serves on the boards of directors of the Greater Pittsburgh Chamber of Commerce, the Pennsylvania Environmental Council and the 3 Rivers Wet Weather Demonstration Program, an Allegheny County non-profit entity which is helping to coordinate a regional response to wet weather water quality issues in the County. He is a former board member and past chairman and president of the Board of Directors of the Allegheny Land Trust, and a former board member of the Local Government Academy.

Publications/Presentations

Mr. Garber is a frequent lecturer on environmental law and published articles on environmental law and environmental science in various journals, newsletters and other publications. A recent listing includes the following:

Co-Author, “Legal Issues Impact Appalachian Gas,” The American Oil & Gas Reporter, March 2018.

Presenter, *The Pennsylvania Environmental Rights Amendment; Implications for All Attorneys*, Pennsylvania Bar Institute CLE program, December 2017.

Presenter, *Municipal & DEP Issues in Oil & Gas Law*, Pennsylvania Bar Institute CLE program, November 2017.

Author and Presenter “Update on RCRA and CERCLA New Developments,” CHWMEG Fall Meeting, Austin, TX, November 2017.

Author and Presenter, “Sorting out the Issues on the Environmental Rights Amendment after PEDF,” Annual Meeting of the Pennsylvania Aggregates and Concrete Association, November 2017.

Co-Author, “Federal and State Permitting of Underground Injection Wells in Pennsylvania,” The PIOGA Press, September 2017.

Moderator, “2017 Environmental Regulatory Updates” panel, Marcellus Shale Coalition’s Shale Insight conference, September 2017.

Presenter, “Environmental Enforcement Update” presented at the Pennsylvania Bar Institute, Oil and Gas Law Colloquium, June 2017.

Author, *Environmental Regulations and Litigation*, included in *The Law of Oil and Gas in Pennsylvania*, professional treatise published by the Pennsylvania Bar Institute, 2017.

Presenter, “Environmental Enforcement Update” presented at the Pennsylvania Bar Institute, Oil and Gas Law Colloquium, June 2017.

Author, “Permitting and Environmental Regulation” chapter in *The Law of Oil and Gas in Pennsylvania*, published by the Pennsylvania Bar Institute, No. 7610, September 2014.

Author and Presenter, “Conventional Oil and Gas Well Regulation,” Pennsylvania Bar Institute Oil and Gas Law Colloquium, September 2014.

Author and Presenter, “Update on Superfund Arranger Liability and Implications for Recycling,” CHWMEG Fall Meeting, Scottsdale, AZ, November 2014.

Course Planner and Speaker, Pennsylvania Environmental Law Forum, Pennsylvania Bar Institute, Harrisburg, PA, annually in April.

Course Planner and Presenter, “The Environmental Impacts of Hydraulic Fracturing – Dispelling the Myths,” Pennsylvania Bar Institute, February 2013.

Author and Presenter, “Hazardous Waste Regulation Update and Implications for Generators,” CHWMEG Fall Meeting, Seattle, WA, November 2013.

Author and Presenter, “Hot Topics in Pennsylvania Oil and Gas Law,” Pennsylvania Bar Institute, July 2012.

Co-Author, “Pennsylvania Department of Conservation and Natural Resources Proposes Revised Guidelines for the Administration of Oil and Gas Operations on State Lands,” The PIOGA Press, April 2012.

Co-Author, “More details about Act 13. The new law’s environmental and municipal regulation provisions,” The PIOGA Press, March 2012.

Co-Author, “New Policy to Address Spills and Releases from Oil and Gas Wells and Related Operations,” The PIOGA Press, December 2011.

Author and Presenter, “Comparing Water Supply Challenges of the Major U.S. Shale Plays Posed by Hydraulic Fracturing,” American Law Institute-American Bar Association Conference, December 2011.

Co-Author and Presenter, “Water Sourcing of Wastewater Disposal for Marcellus Shale Development in Pennsylvania,” *Energy and Mineral Law Institute*, Volume 32, August 2011.

Co-Author, “Water Sourcing and Wastewater Disposal,” Duquesne University Business Law Journal, Volume 13, Summer 2011.

Co-Author and Presenter, “Environmental Issues Affecting Oil and Gas Development,” Pennsylvania Bar Association seminar, March 15, 2011.

Co-Author, “Pennsylvania Marcellus Shale Play,” *Environmental Transactions and Brownfields Committee Newsletter*, American Bar Association, Vol. 13 No. 1, January 2011.

Author, “Pennsylvania Oil and Gas Law,” chapter in *Pennsylvania Environmental Law and Practice*, published by the Pennsylvania Bar Institute, No. 6045, August 2010 (biannual update in press for 2015).

Panelist and Presenter, “Marcellus Shale Development,” presentation to the Centre County Chamber of Business and Industry, June 2010.

Author and Presenter, “Regulatory Developments Affecting Marcellus Shale Development,” Pennsylvania Environmental Conference Symposium at Duquesne University, May 2010.

Presenter, Panelist and Moderator, “New Developments in Marcellus Shale,” Pittsburgh Business Times’ *Energy Inc.* Conference, September 2009, 2010 and 2011.

Author and Presenter, “Water Law Update and TMDLs in Pennsylvania,” Pennsylvania Bar Institute Environmental Law Forum, Harrisburg, April 2010.