SQUIRE PATTON BOGGS

D. Rees Alexander

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About D. Rees

D. Rees Alexander uses a thoughtful and creative approach to advance his clients' objectives on matters involving environmental, safety and health issues. He has been recognized in Chambers USA for Natural Resources & Environmental Law in Ohio and other publications for his work in environmental law, and in litigation generally.

With broad experience in litigation, transactional matters and regulatory/policy advocacy, his practice includes all facets of environmental law, including matters under the Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), Safe Drinking Water Act and Toxic Substances Control Act (TSCA), as well as common law toxic tort matters.

Rees is a former Ohio assistant attorney general. He served as the lead environmental counsel in the state's challenges to the rulemaking that addressed the definition of "waters of the United States" under the Clean Water Act.

Rees is active in the community and serves as chair of the Ohio State Bar Association's Environmental Law Section. He is a past chair of the Columbus Bar Association's Environmental Law Committee. He also mentors new lawyers through programs at The Ohio State University Moritz College of Law and the Ohio State Bar Association.

Experience

Litigation

- Lead environmental counsel for a Fortune 500 global science company in natural resource damages matter related to perfluorinated compounds.
- Counsel for a nonprofit electric utility associated with federal advocacy related to new RCRA rulemaking associated with Coal Combustion Residuals.

- Representing international power management company as CERCLA plaintiff in cost recovery litigation, serving as lead author in defeating summary judgment motions filed by defendants and prevailing on cross-motion for summary judgment. Serving as second chair trial counsel before case settled after a week of proceedings.
- Serving as lead counsel for Ohio municipality in negotiated resolution of enforcement matter referred to the Ohio Attorney General's Office related to Total Phosphorus and other parameters, and obtaining significantly reduced civil penalty based on improved performance of the operation and system.
- Representing North American energy company in negotiated resolution of enforcement matters related to oil and gas production wells.
- Representing international power management company as CERCLA defendant and obtaining negotiated resolution of cost recovery litigation.
- Representing mining company at appellate level in case addressing alleged diminution of water supply, providing successful briefing and oral arguments, and securing decision from the Supreme Court declining to exercise discretionary jurisdiction.
- Representing an international chemical supplier in a citizen suit regarding alleged National Pollutant Discharge Elimination System (NPDES) permit violations associated with nutrient concentrations in industrial wastewater, and negotiating a favorable settlement with the state agency.
- Representing the state of Ohio in litigation regarding the federal rulemaking concerning the definition of "waters of the United States," which identifies waters subject to federal jurisdiction.
- Advising regarding effect of RCRA corrective action consent order on competing request for injunctive relief based on common law claims.
- Serving as lead counsel in negotiated resolution of state enforcement litigation involving alleged wastewater treatment and drinking water violations.
- Serving as lead counsel in negotiated resolution of state enforcement litigation involving alleged drinking water violations.
- Serving as trial counsel and obtaining favorable trial court judgment in a bench trial in a state enforcement case involving alleged water pollution violations related to construction stormwater.
- Serving as trial counsel and obtaining favorable trial court judgment in a bench trial in a drinking water enforcement case.
- Serving as counsel in negotiated resolution of state enforcement litigation involving impacts to streams and wetlands.
- Serving as counsel in several matters pertaining to construction and maintenance of centralized sewage treatment systems.
- Counseling regarding parallel civil and criminal investigations in environmental enforcement context.
- Negotiating and appealing NPDES and Title V permits.

Compliance Counseling

- Advising major oil refinery regarding significant RCRA compliance matters.
- Advising military contractor regarding hydrofluorocarbon (HFC) phasedown rules under AIM Act.

- Monitoring new legislative and regulatory developments on behalf of municipal wastewater treatment systems, providing advice regarding strategic responses to these developments.
- Providing advice to engine and vehicle manufacturers regarding disclosures of auxiliary emission control devices.
- Providing advice to engine and vehicle manufacturers regarding new environmental regulations, including the greenhouse gas averaging, banking and trading program.
- Providing advice to international vehicle manufacturer in securing contract to protect credits for averaging, banking and trading program from use by supplying engine manufacturer.
- Providing advice to international vehicle manufacturer regarding potential impact of onboard diagnostic approval on ultimate vehicle certification.
- Providing advice to international engine manufacturer regarding potential intervention in pending litigation to protect confidential business information.
- Providing advice to international non-road and marine engine manufacturer regarding required content in owners' manuals.
- Providing advice regarding repurposing obsolete marine and non-road engines for a beneficial use using replacement and rebuilding engine provisions.
- Advising foreign manufacturer regarding import-export provisions under US law.
- Advising multinational automotive manufacturer regarding ground and air transportation of lithium batteries under US Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) and International Air Transportation (IATA) regulations.
- Advising electronics manufacturer regarding ground and air transportation of lithium batteries.
- Advising employers regarding workplace safety statutes and regulations governing the Occupational Health and Safety Administration (OSHA).

Due Diligence and Transactional Work

- Advising investors, developers and lenders regarding due diligence related to affordable housing development and military housing.
- Providing strategic counseling to real estate developers regarding environmental due diligence issues involving brownfield redevelopment through state Voluntary Action Programs.
- Counseling regarding transaction involving military property with on-site RCRA SWMU under investigation.
- Representing the developer of a medical campus in northeast Ohio in obtaining authorizations under Sections 401 and 404 of the Clean Water Act for impacts to 15.85 acres of wetlands and 1,608 linear feet of stream involving significant compensatory mitigation.
- Advising public-private partnership regarding environmental due diligence in support of complex real estate transaction involving covenant not to sue due to historic soil contamination.
- Counseling regarding permitting associated with impacts to streams and wetlands and the definition of “waters of the United States.”

Rulemaking

- Counseling municipalities regarding regulatory and legislative developments affecting drinking and wastewater treatment systems.

- Representing the state of Ohio in the comment stage and litigation regarding the federal rulemaking concerning the definition of "waters of the United States," which identifies waters subject to federal jurisdiction.

Credentials

Education

- The Ohio State University, J.D., *cum laude*, editor-in-chief, *Ohio State Journal of Criminal Law*, 2013
- Miami University, B.A., *cum laude*, 2008

Admissions

- Ohio, 2013
- U.S. Dist. Ct., S. Dist. of Ohio
- U.S. Dist. Ct., N. Dist. of Ohio

Recognitions

- Named Up and Coming for Environment Law in Ohio by *Chambers USA* 2026
- Named an Associate to Watch for Environmental Law in Ohio by *Chambers USA* 2023 – 2025
- Recognized as a Rising Star for Environmental law, Environmental Litigation and Class Action & Mass Torts in Ohio by *Super Lawyers* 2020-2025
- Recognized by *Best Lawyers: Ones to Watch in America* 2021-2025 for Commercial Litigation and Environmental Law in Columbus
- Recognized in *Columbus CEO* as a 2022 and 2023 Best Lawyer for Environmental Law.
- George R. Beneman Award for Outstanding Performance in the Moot Court Program, 2013
- Regional Best Oral Advocate Award, National Moot Court Competition Regional, 2012
- First-place Team, National Moot Court Competition Regional, 2012

Expertise

Services

- Public Policy
- Environmental, Safety & Health

Media

- Quoted, "US EPA and Ohio EPA at odds over how much phosphorus Euclid can discharge into Lake Erie," *columbus.com*, July 23, 2022.

Publications & Speaking Engagements

- Speaker, "An Ephemeral Stream Runs Through It: WOTUS Developments and Ramifications for Ohio," Ohio State Bar Association, March 2022.
- Co-author, "US EPA Announces Drinking Water Health Advisories for Certain PFAS Chemicals," *FrESH Law Blog*, June 22, 2022.
- Speaker, "Waters of the United States – Where Are We Now on WOTUS," National Association of Clean Water Agencies, October 6, 2021.
- Author, "Are You 'Essential'? Ohio Guidance for Environmental Industries Regarding COVID-19," *FrESH Law Blog*, March 23, 2020.
- Author, "Four Things to Know About U.S. EPA's Draft WOTUS Rule," *FrESH Law Blog*, March 21, 2019.
- Speaker, "Update on Waters of the U.S. Developments," Columbus Bar Association, March 6, 2019.
- Speaker, "Update on Waters of the U.S. Developments," Ohio Manufacturers Association, December 2018.
- Author, "Two Federal Courts Issue Decisions Against EPA 'Suspension' Rule, Reviving and Protecting Obama-era Waters Rule," *FrESH Law Blog*, December 11, 2018.
- Author, "Criminal Prosecutions for Environmental, Safety and Health Violations: An Eventful Year Reviewed," 14 Ohio St. J. Crim. L. Amici Briefs 27, 2017.
- Author, "D.C. Circuit Declines Review of US EPA Practices on Blending and Mixing Zones," *FrESH Law Blog*, March 16, 2017.
- Author, "New Ohio Law Increases Protections from Lead Contamination in Drinking Water," *FrESH Law Blog*, July 8, 2016.
- Author, "After Flint: New Ohio Bill Seeks Change Regarding Contaminated Drinking Water," *FrESH Law Blog*, April 15, 2016.
- Moderator, "Troubled Waters? The Fight over the Definition of 'Waters of the United States,'" 31st Annual Ohio Environment, Energy, and Resources Law Seminar, April 2016.
- Author, "US Senate Falls Short in Attempt to Override Obama's Veto of 'Waters of the United States' Resolution," *FrESH Law Blog*, February 1, 2016.
- Author, "Still Waters: Sixth Circuit Issues Nationwide Stay Against 'Waters of the US' Rule," *FrESH Law Blog*, October 14, 2015.
- Co-author, "Hot Air Rises through the Courts," 39 Colum. J. Envtl. L. Field Rep. 1, 2014.
- Author and presenter, "State and Federal Case Law Update: Case Summaries", 29th Annual Ohio Environment, Energy and Resources Law Seminar 19.1, 2014.
- Guest lecturer, The Ohio State University College of Food, Agriculture and Environmental Sciences graduate courses, 2014 and 2015.

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.