



Rodman C. Johnson

Member

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Rod Johnson has extensive experience in environmental, health, and safety matters related to permitting, compliance, enforcement, auditing, due diligence, rulemaking, and legislative initiatives. He addresses air quality new source review and Title V operating permit issues before the Texas Commission on Environmental Quality and the U.S. Environmental Protection Agency, and has represented clients on compliance and enforcement activities before the Occupational Safety and Health Administration.

Professional Experience

- Represented client in application and administrative contested case hearing on an application for all necessary air quality pre-construction permits for a green-field, 800-megawatt, coal-fired electric generating facility with a CO₂ capture unit
- Obtained necessary air quality pre-construction permits for a green-field chemical manufacturing plant including state new source review (NSR); federal prevention of significant deterioration review; federal non-attainment NSR; and case-by-case MACT hazardous air pollutant determination permit
- Obtained draft pre-construction air quality permits for green-field, natural-gas-fired, combined-cycle electric generating plants
- Obtained necessary pre-construction air quality permit from TCEQ for frac sand mining operation
- Successfully negotiated favorable settlement with OSHA involving willful violations resulting in significant reduction in penalty and abatement requirements
- Defended against numerous TCEQ and EPA enforcement actions and activities for various clients, including complete withdrawal of allegation for failure to obtain pre-construction permit
- Developed successful strategies to shorten permitting time frame and address outstanding compliance obligations for modifications to existing facilities
- Successfully represented clients in obtaining Single Property Designations from the TCEQ for air quality regulatory purposes
- Represented client in PSD review for major production increase at steel manufacturing plant

Practice Areas

- Environmental
- Regulatory Compliance
- Regulatory Litigation
- Administrative

Awards & Recognitions

- *Best Lawyers in America*, Environmental Law, 2009–present
- *Texas Super Lawyers*, Environmental Law, 2012–2019
- *Best Lawyers in Texas*, Environmental, 2009-2019
- *Chambers USA Guide*, 2010–2018

Education

- University of Houston Law Center, Houston, Texas
- J.D., 1991
- Rice University, Houston, Texas
- B.A., Geology and Geophysics, 1986

Admissions

- Texas

- Represented multiple clients in retroactive PSD reviews and permitting for modifications at manufacturing facilities and associated state and federal enforcement actions
- Represented clients on site-specific revisions to Texas State Implementation Plan
- Represented client on Clean Air Act general conformity determination for federally funded port project
- Represented multiple clients on voluntary environmental compliance self-audits and disclosures to regulatory agencies

Publications & Presentations

- Clean Air Act Update, Texas Environmental Superconference, 2011
- What to Do if You Don't Like Your Air Permit Language, Texas Chemical Counsel and Associated Chemical Industries of Texas, Environmental, Health & Safety Seminar, June 2009
- The Impact of Environmental Regulation on the Siting of New U.S. Petroleum Refineries, American Bar Association Section of Environment, Energy, and Resources Newsletter, July/August 2008
- Current Directions in Regulating Nanotechnology, Zephyr Currents, January 2007
- Ethical Considerations When Attorneys Submit and Certify Complex Factual Statements: How Much Diligence Is Due?, University of Texas Advanced Administrative Law Conference, July 2006
- Air Quality Panel, Texas Environmental Superconference, Moderator, 2004
- American Bar Association Air Quality Committee Newsletter, Regional Reporter, 2000–2001
- Environment, Energy and Resource Law Year in Review, American Bar Association, Reviewer, 1999–2000
- Clean Air Act Primer, Government Institutes, July 1999

Professional & Community Activities

- State Bar of Texas
 - Administrative & Public Law Section
 - Environmental & Natural Resources Section
- Austin Bar Association
 - Administrative Law Section
 - Oil, Gas & Mineral Section
 - Environmental Law Section
- American Bar Association
 - Administrative Law & Regulatory Practice Section
 - Environment, Energy & Natural Resources Section
 - Vice-Chair Air Quality Newsletter 2016-2018
- Air & Waste Management Association
- Front Steps, Board Member
 - Chair/President 2016-2018
- Volunteer Legal Services of Central Texas, Volunteer