



## Susan H. Richardson

### Counsel

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#### Services

Environment & Product Regulation  
Government & Regulatory  
Litigation

#### Industries

Consumer Goods  
Food, Restaurant & Beverage  
Retail & Consumer Goods

Susan Hearne Richardson concentrates her practice in the area of environmental law, including regulatory and compliance counseling, due diligence for real estate and corporate transactions, permitting, enforcement and hazardous site remediation. Ms. Richardson has significant experience in advising clients with regard to wastewater permitting and enforcement issues, particularly as applicable to municipal governments.

Ms. Richardson was recognized in *The Best Lawyers in America*<sup>®</sup> for Environmental Law in 2021 and the 13 years immediately preceding. She is listed in the 2020 and the 11 years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* for Environmental Law. Ms. Richardson was recognized in the 2009 *Legal 500 US* and named to *The International Who's Who of Business Lawyers* for 2009. She was named a Georgia "Super Lawyer" in Environmental Law in 2016 and the seven years immediately preceding by *Super Lawyers* magazine. Ms. Richardson has been named as one of *Georgia Trend's* 2012, 2016, 2017, and 2018 "Legal Elite" for Environmental Law and is AV<sup>®</sup> rated by Martindale-Hubbell.\*

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#### Experience

Represent City of Atlanta with regard to implementation and issues presented by two federal consent decrees and related wastewater issues regarding the City's separate and combined sewer systems. This work included negotiation of a 13-year extension to the compliance schedule under the Consent Decree pertaining to the City's separate sewer system, the longest extension ever granted for municipal wastewater consent decree (there are more than 100 of these consent decrees across the country). Ms. Richardson was a member of the original team that served as lead counsel to the City of Atlanta regarding negotiation of the federal Consent Decrees with the U.S. Environmental Protection Agency, Department of Justice and the State of Georgia to settle a



citizen suit filed by a citizen activist group. She has continued to work with the City with regard to U.S. EPA and Georgia Environmental Protection Division oversight of the federal Consent Decrees. More recent work includes counseling the City with regard to a recent EPA Office of Inspector General Audit of the City's compliance with its Consent Decrees.

Assisted the City of Atlanta with negotiation of terms and conditions of National Pollutant Discharge Elimination System (NPDES) permits for the City's Combined Sewer System Facilities.

Defended City of Atlanta with regard to an action brought by an environmental organization challenging issue of the City of Atlanta's NPDES permits for its Combined Sewer Overflow facilities. The environmental group dropped its challenge following filing of motions for summary determination.

Represented City of Atlanta with regard to the challenge to construction of a potential new reservoir, which would have the effect of removing the City's existing water customers. Although the reservoir was not constructed, this work has transitioned to challenge of a direct withdrawal permit and drinking water system that could similarly have the effect of removing the City's water customers. This work includes drafting extensive public comments in opposition to the water withdrawal permit.

Represent the City of Atlanta with regard to the development of a water reservoir in a former rock quarry and the management of potential risks and adverse impacts to the future reservoir.

Represent the City of Jackson, Mississippi with regard to a potential modification of a federal Consent Decree with regard to improvements needed with regard to Jackson's wastewater treatment and collection system and in reaction to severe financial constraints in meeting the requirements of the Federal Consent Decree. This work involves continuous interface with the U.S. Environmental Protection Agency and the Mississippi Department of Environmental Quality, including monthly environmental compliance calls, development of financial models and analyses, and development of a new compliance schedule.

Represent Knoxville Utilities Board with regard to wastewater compliance issues including negotiation of a comprehensive federal consent decree resolving EPA, Tennessee and citizen suit enforcement actions against KUB's wastewater collection, transmission, and treatment system and ongoing issues related to implementation of the Consent Decree.

Represented Orange County, Florida with regard to a potential U.S. EPA enforcement action regarding Orange County's compliance with its National Pollutant Discharge Elimination System Permits and operation of its wastewater treatment, collection and transmission system. Ms. Richardson successfully helped Orange County avoid imposition of injunctive relief and civil penalties through a federal consent decree and no additional enforcement action was taken by U.S. EPA and the State of Florida.



Represented Durham, North Carolina with regard to a potential U.S. EPA enforcement action regarding Durham's compliance with its NPDES Permits and operation of its wastewater treatment, collection, and transmission system. Successfully helped Durham avoid imposition of injunctive relief and civil penalties through a federal consent decree and no additional enforcement action was taken by U.S. EPA and the State of North Carolina.

Represented Raleigh, North Carolina with regard to a potential U.S. EPA enforcement action regarding Raleigh's compliance with its National Pollutant Discharge Elimination System Permits and operation of its wastewater treatment, collection and transmission system. Ms. Richardson successfully helped Raleigh avoid imposition of injunctive relief and civil penalties through a federal consent decree and no additional enforcement action was taken by U.S. EPA and the State of North Carolina.

Represented Cauley Creek Water Reclamation LLC in negotiation of a settlement agreement with numerous citizen-activists regarding the challenge of a newly-issued NPDES permit.

Represented Pharr Yarns, a North Carolina-based textile manufacturer, with regard to settlement of a wastewater enforcement action brought by Region IV of the United States Environmental Protection Agency.

Represented Forterra Building Products with respect to a U.S. Environmental Protection Agency enforcement action regarding Forterra Building Products' compliance with its NPDES Stormwater Permit. Successfully assisted Forterra in negotiating a reduction of penalty and a Supplemental Environmental Project.

Represented Water & Sewer Authority of Cabarrus County, North Carolina with respect to a U.S. Environmental Protection Agency enforcement action regarding WSACC's alleged violations of CERCLA emergency reporting requirements. Successfully assisted WSACC in negotiating a minimal civil penalty regarding the alleged noncompliance.

Represent Georgia Ports Authority with regard to a significant federal project – the Savannah Harbor Deepening Project. Advised GPA with regard to NEPA issues and ongoing compliance issues, including conformance with a Settlement Agreement negotiated with the State of South Carolina and numerous non-governmental organizations. Member of the team who negotiated this Settlement Agreement several years ago on behalf of GPA in order to address environmental concerns and hurdles raised by the State of South Carolina and the non-governmental organizations.

Represents Eastman Chemical with regard to a variety of environmental issues, including NPDES permitting, CERCLA Release Reporting, RCRA issues and evaluation of removal of restrictions to boating along the Holston River.

Represent Sibelco North America, a high quality quartz mining and recovery company located in North Carolina,



with regard to public comments in support of a draft NPDES permit issued by the North Carolina Department of Environmental Quality regarding Sibelco North America's operations. The public comments were submitted in response to comments submitted in opposition of the NPDES permit by the citizen activist group.

Represented major chemical company with regard to development of a highly contentious titanium mine in Georgia. Kilpatrick Townsend was brought in to assist with a county and environmental activist community effort to regulate mining in the county, which would have had the effect of substantially reducing or eliminating the opportunity for mining on the subject land. Kilpatrick Townsend effectively stopped the County ordinance from being passed and was able to negotiate a more acceptable agreement with the County, which will allow mining to continue while addressing many of the citizen concerns.

Represent a group of scrap metal recyclers that have been named as Potentially Responsible Parties for the Chemetco Superfund Site in Illinois. This work includes oversight of steering committee activities, negotiation of an Administrative Order on Consent, assessment of liability issues, and other related environmental issues.

Represent Glynn County, Georgia with regard to the purchase of a major brownfields property, which currently is listed on the federal Superfund list. This work involved negotiation of a purchase agreement with a Fortune 100 company and obtaining other Brownfields protection, including a "Ready for Reuse" determination from U.S. EPA.

Represent Avanti Investments with regard to providing environmental advice regarding its anticipated investments in real property throughout the country.

Represent Caterpillar Financial Services Corporation with regard to environmental due diligence related to the finance of Caterpillar retail/repair locations.

Prepared and submitted a Brownfields application for the purchaser of a former industrial facility in Chamblee, Georgia. Responsibilities included negotiation of the corrective action requirements with the Georgia EPD, assistance with the design and implementation of the corrective action plan, and advice regarding redevelopment for residential use.

Assisted client with removal of a legacy brownfields property from the Georgia Hazardous Site Inventory through new protections provided under the Georgia Voluntary Remediation Program.

Kilpatrick Townsend's quartz mining client contacted us when its non-controversial NPDES permit application suddenly became controversial when opposed by an environmental organization on the eve of the end of the public comment period and public hearing. With less than three weeks to prepare, the Environmental and Product Regulation attorneys harnessed its resources to take a deep dive into the science and law supporting



the NPDES permits to develop a successful multi-layered response to the environmental organizations opposition, which included both detailed written comments in support of the permit and comments delivered at a packed-house public hearing.

### **Education**

Tulane University Law School, J.D. (1991) *magna cum laude*, *Order of the Coif*

University of Tulsa, B.S., Biology (1988) *cum laude*

### **Admissions**

Georgia (1994)

Texas (1991)

### **Court Admissions**

U.S. District Court for the Northern District of Georgia (1994)

U.S. District Court for the Northern District of Texas (1991)

U.S. Court of Appeals for the Eleventh Circuit (1994)

### **Professional & Community Activities**

YWCA of Greater Atlanta, Former Board Member

Institute for Georgia Environmental Leadership, 2009 Class Member, Board of Directors, Former Chair

State Bar of Georgia, Environmental Law Section, Past Chair and Former Secretary

*Tulane Law Review*, Former Member

St. Martin's Episcopal School, Board of Trustees

### **Insights**

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Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2021  
August 20, 2020

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Kilpatrick Townsend Achieves Top-Tier Recognition from *Chambers USA 2020*  
April 24, 2020

#### [Alerts](#)



United States Supreme Court Announces Functional Equivalent Test to Require Permits for Discharges to Groundwater (County of Maui v. Hawaii Wildlife Fund)

April 24, 2020

#### [Alerts](#)

U.S. EPA Issues Temporary Enforcement Policy to Address COVID-19 Pandemic Impacts

March 31, 2020

#### [News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020

August 15, 2019

#### [News Releases](#)

Kilpatrick Townsend Achieves Top-Tier Recognition from Chambers USA 2019

May 2, 2019

#### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2018 "Legal Elite"

December 31, 2018

#### [In The News](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2019

August 20, 2018

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Kilpatrick Townsend Achieves Recognition From Chambers USA 2018

May 11, 2018

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Kilpatrick Townsend Attorneys Named 2017 "Legal Elite"

December 7, 2017

#### [Events](#)

Clean Water Act: Enforcement Developments

November 16, 2017



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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018

August 15, 2017

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Clean Water Act: The Permit Shield, The Conduit Theory and Emerging CWA Issues

July 1, 2017

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Kilpatrick Townsend Achieves Recognition From Chambers USA 2017

May 30, 2017

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Kilpatrick Townsend Attorneys Named 2016 “Legal Elite”

January 23, 2017

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Consent Decrees: What Happens Next

November 30, 2016

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017

August 16, 2016

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Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2016

May 31, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report March 24 - April 14, 2016

April 15, 2016

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016

August 19, 2015



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Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2015

May 22, 2015

### [Events](#)

Living With Your Decree Part II Addressing Implementation Challenges and Considering Modification

April 29, 2015

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Kilpatrick Townsends Susan Richardson Featured Panelist at the National Association of Clean Water Agencies' 2015 Wet Weather Consent Decree Workshop

April 29, 2015

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Kilpatrick Townsend Once Again Achieves Recognition for 2015 Georgia Super Lawyers

February 26, 2015