

## Thomas P. McElligott

### *Retired Partner*

Tom McElligott was a partner in the firm's Energy, Environment & Natural Resources Practice Group. He had significant experience in all aspects of environmental law, including negotiating air and water discharge permits, administrative and judicial litigation regarding air and water permits, defense of governmental and third-party enforcement actions, represented private and municipal clients in real estate and commercial transactions (with a particular emphasis in "Brownfield" transactions), and represented private and municipal clients in remedial projects involving state and federal authorities.

Mr. McElligott's experience included:

- Served on numerous governmental technical and advisory committees, included committees that developed Wisconsin rules implementing the federal Great Lakes Water Quality Initiative and the state's mercury strategy.
- Advised clients in connection with water withdrawals and diversions, included issues arising under the Great Lakes-St. Lawrence River Basin Water Resources Compact and implemented state legislation.
- Represented a client in successfully obtaining a "§316(a)" alternative effluent limitation for a thermal discharge to Lake Michigan. The case included a demonstration that the alternative thermal effluent limitation was protective of a balanced indigenous aquatic community and involved the successful defense of that demonstration from a third-party challenge.
- Represented clients in obtaining regulatory approval of "§316(b)" compliance alternatives for cooling water intake structures (Best Technology Available determinations) at both new and existing facilities, included extensive interaction with federal and state authorities. In one case, the regulatory approval was the subject of extensive administrative and judicial litigation.
- Obtained a favorable "antidegradation" determination for increased mercury discharges from a state NPDES authority and successfully defended that determination from a third party challenge.
- Successfully defended a third-party attack on an air pollution control permit for a major expansion of a client's facility. The case involved complex issues regarding disputed emissions factors, control efficiencies, and the applicability of categorical emission standards.
- Represented a municipal client in the first-ever use of Wisconsin's



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"Brownfield" law, which led to the redevelopment of an old industrial site and the creation of over 1,000 jobs.

- Advised clients regarding environmental and regulatory issues relating to the construction and operation of renewable energy projects, including biomass and biogas.

### **Education and Honors**

- Marquette University Law School (J.D., *cum laude*, 1983)
- Marquette University (B.A., 1976)

### **Bar Admissions**

- Wisconsin

### **Court Admissions**

- U.S. District Court, Western District of Wisconsin, 1983
- U.S. District Court, Eastern District of Wisconsin, 1983

### **Professional and Civic Activities**

- Marquette University Law School – Clean Water Act Workshop (Adjunct Professor of Law)
- State Bar of Wisconsin (Member)
- American Bar Association (Member)
- Federation of Environmental Technologists (Member)
- Metropolitan Milwaukee Association of Commerce (Chair, Environmental Committee)
- Cystic Fibrosis Foundation (Member, Wisconsin Chapter)

### **Professional Recognition**

- Recognized as Best Lawyers® 2011, 2016, 2019 Milwaukee Environmental Law "Lawyer of the Year"
- Named the Best Lawyers' "2012 Milwaukee Litigation – Environmental Law Lawyer of the Year"
- Listed in Chambers USA® (2010–present: Natural Resources & Environment)
- Selected for inclusion in the 2005–present Wisconsin Super Lawyers® lists (Environmental)
- Listed in *The Best Lawyers In America*® (1995–present: Environmental Law; Litigation – Environmental)
- Martindale-Hubbell AV® Peer Review Rated