

Tom Walsh

He | Him | His

Partner

Rochester

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Education

- University of Michigan Law School, JD
- State University of New York College of Environmental Science and Forestry, *Summa Cum Laude*, BS

Practices & Industries

- Environmental
- Project Development
- Land Use & Zoning
- Tax Credits

Admitted to Practice

- New York

Court Admissions

- US District Court for the Eastern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

Biography

In his practice, Tom focuses on all facets of environmental law, providing insight to clients since the seminal statutes in his field were passed in the 1970s and 1980s. Tom leads an experienced legal team. They handle brownfield cleanups, consent orders, and cost recovery under federal and state Superfund and oil-spill laws; the purchase and sale of companies and properties with substantial environmental exposure; and the permitting, planning, and zoning of projects with significant environmental impacts.

Tom has represented clients before state and federal agencies on matters as varied as brownfield redevelopment and tax credits; oil-spill and hazardous-substance remediation; NEPA and SEQRA matters; historic-preservation matters under federal NHPA Section 106 and NYS Section 14.09; coastal-zone consistency, dock licensing, and environmental-restoration projects; and matters involving solid and hazardous-waste regulations, petroleum and chemical bulk storage, release and spill reporting, and Form R and toxic release inventory reporting and defense.

His clients span industries, including utilities, a transportation corporation, several Fortune 500 corporations, mid-cap manufacturers, and numerous small businesses as well as developers, municipalities, and individuals.

Tom formerly served as the managing director of Barclay Damon's Rochester office and as a member of the firm's Management Committee.

Bar Associations

- New York State Bar Association

Selected Memberships & Affiliations

- Monroe County Bar Association, Academy of Law Past Member
- Monroe County Bar Association, Environmental Committee Past Chair
- New York State Business Council, Environmental Committee Member
- Monroe County Local Emergency Planning Committee Chair
- New York State Superfund Management Board, Past Member

Representative Experience

- At the former Cascade Laundry site, in Brooklyn, New York, we are advising on a project that involves a $135 million development that we put back on track toward year end certificate of completion, where $8 million in refundable state tax credits are at stake.
- At the former AB Dick site, in Rochester, New York, we advised on a $2 million cleanup that was stalled for two-and-a-half years over access issues. We negotiated the purchase of a contaminated strip of land to allow access and achieved a certificate of completion by shifting monitoring into the site management phase.
- At the former Brockport Manufactured Gas Plant, in Brockport, New York, we advised on a voluntary cleanup and negotiated a settlement, access, and mitigation agreement with New York State Canal Corporation and Department of Environmental Conservation.
- In *Anchor v. Diaz Intermediates Corp. et al.*, we successfully defended and settled a $60 million cost-recovery and personal injury suit against a corporate officer resulting from an accidental release of a chlorinated chemical intermediate.
- In *New York State Superfund Coalition, Inc. v. NYS Department of Environmental Conservation et al.*, we successfully challenged an attempted incorporation by referencing a federal strict liability standard in a state regulation, and obtaining judicial constraints on an otherwise open-ended state cleanup standard.
- Represented an individual in his $2 million sale of interest in a car dealership franchise that involved sensitive environmental issues and took over three years to complete, including negotiating all transaction documents.
- Represented a purchaser in its $70 million acquisition of the business assets of a California designer and manufacturer of dynamic instrumentation for vibration, shock, and pressure measurements.

Prior Experience

- Hiscock & Barclay, LLP, Partner
- Jaeckle, Fleischmann & Mugel, LLP, Rochester Office Managing Partner
- Nixon Peabody, LLP, Of Counsel
- A.E. Bye & Associates, Landscape Architect
- Rochester Institute of Technology, Adjunct Professor of Environmental Law and Regulation

Selected Community Activities

- Rochester Yacht Club, Fleet Captain and Past Board Member
- Genesee Valley Club, New Member and New Member Orientation Committees
- Brighton Park Land Trust, Founding and Past Board Member
- GEVA Theatre Center, Past Board Member and Vice Chair
- Brighton Department of Parks and Recreation, Advisory Board Past Chair

Selected Honors

- *The Best Lawyers in America*®: Environmental Law, 2010–2027; Litigation – Environmental, 2011–2027
- *Rochester Business Journal*, Power 50 Law List, 2022; Power List for Environmental Leaders, 2025
- *The Best Lawyers in America*®: Rochester "Lawyer of the Year": Environmental, 2012, 2013, 2019
- ALM Top-Rated in the Field of Energy, Environmental, and Natural Resources for Environmental Law and Litigation: Environmental
- New York State Business Council Award, Outstanding Leadership on Superfund Reform/Brownfields Incentive Project
- Martindale-Hubbell AV Preeminent Peer Review Rated for Very High to Preeminent Ethical Standards and Legal Ability

Selected Speaking Engagements

- New York State Senate's Legislative Committee on Toxic Substances and Hazardous Waste, Statement on Reformation of Superfund Program
- Business Council of New York State Industry-Environment Conference, New York State Brownfield Cleanup Program

Selected Media

- *Buffalo Business First*, "Brownfield Billions: Once a Bane, Polluted Land Has Led to a Development Boom"
- GLI's *NYS Environmental Law Handbook*, "State Superfund Law" and "SEQRA," Chapter Editor

Selected Alerts & Blog Posts

- NYS Maximum Contaminant Limits for PFOA, PFAS, and 1,4 Dioxane Are Imminent
- COVID-19: NYSDEC DER Hits Play on Limited Essential Environmental Remediation, New York State Remains on PAUSE
- Governor Cuomo Proposes Significantly Increased Regulation of Organic Food Waste
- Governor Vetoes Brownfield State Tax Credit Extender; Sets Stage For Negotiations With Legislature To Amend Brownfield Cleanup Program
- Residuary Trusts and Cost Recovery Contribution Actions Under Superfund: The Implications of Asarco v. Goodwin