

Thomas G. Fiore

Of Counsel

With more than 30 years of experience in environmental law, Tom is a distinguished attorney in the field. From Preti Flaherty's Boston office, he advises national and international companies with operations in New England—as well as insurers, small businesses, individuals, and municipalities—on a variety of business and operational issues arising in the context of land use and environmental law, such as site investigations and remedial actions under the National Contingency Plan and the Massachusetts Contingency Plan. The focus of Tom's practice is on matters involving hazardous materials and oil in the environment, including the lease, sale, and development of environmentally impacted commercial property (brownfields); regulatory compliance; risk management; insurance coverage; and contract review, drafting, and negotiation, and multi-party negotiations for the resolution of potential liability at Superfund sites across the region.

As an attorney in the Office of Enforcement & Compliance Monitoring at the U.S. Environmental Protection Agency in Washington, DC, Tom provided legal support to EPA regional offices in the development and prosecution of enforcement actions under the Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation, and Liability Act, and participated in developing and implementing related policies.

He is a graduate of Wesleyan University and Northeastern University School of Law. Following law school, he served as a clerk to the Hon. A. Franklin Burgess, Jr., in the Superior Court of the District of Columbia and was an Associate at a DC law firm before moving over to the EPA. Prior to joining Preti Flaherty, Tom served for more than two decades as a Partner and Of Counsel at notable law firms in Boston.

Tom lives in Lexington, Massachusetts.

Practice Areas

- Environmental
- Environmental Litigation
- Land Use & Permitting

Education

- Northeastern University School of Law (J.D., 1984)
- Wesleyan University (B.A., 1979)
 - Psychology

Admissions

- Massachusetts
- U.S. District Court, District of Massachusetts



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Professional Affiliations

- Boston Bar Association
- Massachusetts Licensed Site Professional Association, Regulations Committee
- Environmental Business Council of New England

Civic Involvement

- Middlesex County Beekeepers Association, President 2009-Present

Representative Matters

- Assisted prospective redeveloper of a former barrel reconditioning facility with evaluation of environmental risks and quantification of necessary cleanup costs. Identified appropriate purchase terms and incentives under state law to offset potential liabilities associated with future property ownership.
- Successfully challenged denial of \$698,000 Massachusetts brownfields tax credit through certiorari action on behalf of a developer of a former oil storage facility for commercial/residential use.
- Obtained high six-figure recovery of response costs under M.G.L. c. 21E from former owner of a solvent-contaminated property on behalf of non-profit community health center.
- As local counsel to a national hotel chain redeveloping a former wire mill property, negotiated allocation of environmental risk and drafted related documents on behalf of purchaser, and served as liaison between Massachusetts DEP and seller regarding scope of remedial measures during construction and the implementation of post-construction activity and use limitations.
- Assisted a developer with environmental due diligence and subsequent formation of an LLC in which another member was to contribute impacted property for mixed use development. Drafted terms of the Operating Agreement to define LLC members' obligations for existing conditions during future development.
- Oversaw \$1.1 million cleanup of gasoline contamination of sole-source aquifer on behalf of former gasoline station owner and operator. Hired and oversaw consultants and remediation contractors, communicated with statewide media and public officials, secured financial benefits of state's underground storage tank cleanup fund, and negotiated settlement with Office of the Attorney General and Massachusetts DEP to resolve \$270,000 penalty claim.
- Successfully challenged EPA volumetric ranking and secured Superfund de minimis status for a fiberboard manufacturer as part of a \$7.8 million multi-party settlement for the closure of a landfill. Synthesized and presented extensive manufacturing process data that demonstrated client's minimal contribution of hazardous substances to site.
- Advised municipal officials on potential environmental compliance issues raised by purchase of former industrial property for open space and recreation.
- Represented a non-profit organization seeking to come into voluntary compliance with state solid waste disposal site closure requirements.
- Achieved high six-figure mediated settlement on behalf of homeowners whose groundwater and indoor air had been contaminated by a neighboring chemical recycling facility. Claims included property damage, emotional distress and response costs under M.G.L. c. 21E. Extensively reviewed and commented on site investigations and remedial measures. Advocated to the Massachusetts DEP for scientifically defensible, timely and protective cleanup measures.