



## James W. Beers, Jr.

Director

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James is a Director with the firm's Environmental and Litigation practice groups in its Washington, DC, office. James handles a wide variety of matters arising under all of the major environmental statutes with a focus on high-stakes environmental litigation, strategic regulatory counseling, permitting, and remediation.

Prior to joining PreTi Flaherty, James served for more than 13 years with the Environmental Enforcement Section of the U.S. Department of Justice. As Senior Counsel for the Department of Justice, James played a leading role in the most extensive enforcement initiative ever undertaken under the Clean Air Act. In that capacity, he was lead counsel on several of the largest and most high-profile enforcement actions in the nation during the past decade. James has managed every aspect of complex environmental litigation and led large teams through successful, multi-week trials with billions of dollars in relief at stake.

In addition to his litigation experience, James has extensive experience addressing compliance issues and negotiating settlements relating to a wide array of manufacturing industries throughout the country. His experience covers the Clean Air Act, the Clean Water Act, RCRA, CERCLA, and the Park System Resource Protection Act. During his public service career, James earned more than a dozen awards for his case work, including numerous Department of Justice special achievement awards, as well as Bronze and Silver Medals from EPA.

James is a graduate of William and Mary Law School. Following law school, he held a judicial clerkship with the Honorable James C. Fox of the U.S. District Court for the Eastern District of North Carolina and was an associate at a notable law firm in Washington, DC, where he was co-counsel on a number of high-profile commercial disputes arising in the beer industry.

James lives in Alexandria, Virginia, with his wife and two children.

### Admissions

- Virginia
- District of Columbia

### Services

- [Cleantech & Renewable Energy](#)
- [Climate Strategy](#)
- [Environmental](#)
- [Environmental Litigation](#)
- [Litigation](#)

## Education

- College of William and Mary Marshall Wythe School of Law (J.D., 2001)
  - William and Mary Law Review
- University of Virginia (B.A., 1996)
  - Economics
  - Latin American Studies

## Languages

- Spanish

## Civic and Charitable Activities

- Gunston Soccer Club, Vice President and Coach

## Representative Matters

James's experience extends to state and federal matters throughout the country, including the following representative examples:

- *United States v. Ameren Missouri* (E.D. Mo.). James was lead counsel in a multi-billion-dollar Clean Air Act enforcement action against a Fortune 500 energy company located in St. Louis, Missouri. In total, the case involved more than 100 depositions, 25 summary judgment and *Daubert* motions, and the trial testimony of more than 35 witnesses, including 20 experts. After trials in 2016 and 2019, judgment was granted in favor of the government with an award of approximately \$2 billion in injunctive relief. *United States v. Ameren Missouri*, 229 F. Supp. 3d 906 (E.D. Mo. 2017); 421 F. Supp. 3d 729 (E.D. Mo. 2019).
- *United States v. Asarco* (D. Ariz.). James was lead counsel for the government in complex settlement negotiations relating to the operation of a copper smelter in Arizona. The settlement addressed a number of novel compliance issues arising under the NESHAP and Title V provisions of the Clean Air Act. After extensive negotiations, a consent decree was entered that resulted in more than \$150 million in injunctive relief, a \$4.5 million civil penalty, and \$9 million in additional environmental projects.
- *United States v. Alabama Power Co.* (N.D. Ala.). James was lead counsel for a significant enforcement action that addressed multiple power plants in Alabama. He managed all aspects of the case from discovery through oral arguments and was instrumental in obtaining a landmark decision from the Eleventh Circuit on appeal. *United States v. Alabama Power Co.*, 730 F.3d 1278 (11th Cir. 2013).
- *United States v. Kentucky Utilities* (E.D. Ky.). James negotiated a first of its kind settlement for Clean Air Act claims based on the collateral emissions impact of installing scrubbers and other pollution control equipment at the Ghent power station in Kentucky. The settlement resolved claims alleged under state and federal law, including NSPS, NSR, and Title V, and required the installation of a state-of-the-art sulfuric acid mist control system at the plant.
- *United States v. Cemex California* (C.D. Cal.). James played a significant role in the litigation of the first Clean Air Act/NSR case filed by the government as part of its cement industry enforcement initiative. After the close of fact and expert discovery, the parties reached a settlement agreement that was the largest to date in the initiative.
- *City of Colton v. American Promotional Events, Inc.-West, et al.* (C.D. Cal.). James

led the government's affirmative case in complex CERCLA litigation relating to perchlorate and TCE contamination of groundwater in the communities of Rialto and Colton, California. The B.F. Goodrich Superfund Site had been used to store, test, and manufacture fireworks, munitions, and rocket motors and was placed on the NPL in 2009. After extensive litigation, the parties entered into several consent decrees to complete remediation of the Site at a cost of \$100 million.

- *United States v. Nouryon f/k/a Akzo Nobel* (S.D. Ala.). James was lead counsel in negotiating a settlement relating to alleged Clean Air Act violations (NSPS, NSR and Title V) at a sulfuric acid plant located near Mobile, Alabama.
- *In re Onondaga Lake* (N.D.N.Y.). James was lead counsel for the government during initial investigatory and allocation phases of multi-party CERCLA negotiations relating to the contamination of Onondaga Lake from historic industrial operations near Syracuse, New York.
- *United States v. Anderson and M/V Freedom* (S.D. Fla.). James was lead counsel for the government in a natural resource damage case relating to the grounding of a vessel within the boundaries of the Dry Tortugas National Park in Florida. The settlement resolved the defendant's alleged liability for damage to seagrass and other sensitive ecosystems within the park.
- *United States v. Clariant LSM (Weylchem)* (D.S.C.). James was co-counsel for the government during complex multi-media settlement negotiations relating to a specialty chemical manufacturing facility and wastewater treatment plant in Elgin, South Carolina. The case was one of the first involving alleged violations of the Pharmaceutical and Pesticide MACT provisions of the Clean Air Act, as well as RCRA and Clean Water Act claims relating to the treatment and disposal of wastewater from the facility. After extensive, highly technical negotiations, the parties entered into a consent decree resolving all of the alleged violations.
- *Atlantic Richfield v. U.S. et al.* (D.N.M.). James was co-counsel in CERCLA litigation filed by Atlantic Richfield seeking cost recovery and declaratory relief relating to the allocation of costs for the future remediation of a former uranium mine located on Pueblo lands in New Mexico.
- *Maris Distributing v. Anheuser Busch, Inc.* (Fla. 1<sup>st</sup> DCA). James was a member of the litigation team representing Anheuser-Busch in a high-profile dispute with Roger Maris's family relating to termination of a Florida beer distributorship.
- *Badillo v. Playboy Enterprises et al.* (M.D. Fla.). James helped secure the dismissal at summary judgment of more than a dozen state and federal common law and statutory claims filed by plaintiffs against Anheuser-Busch.

## News

March 2, 2020

**Preti Flaherty Welcomes Attorneys James W. Beers, Jr., and Alan E. Topalian to the Firm**