

## Tommy Lavender

### MEMBER

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### Practices

Farm Credit Services  
Economic Development  
Government Contracts  
Legislative & Regulatory  
Environmental Law

### Industries

Agribusiness  
Energy  
Public Sector and Government  
Life Sciences  
Pharmaceuticals

### Education

- University of South Carolina, J.D., 1976
- Clemson University, B.S., 1973

### Admissions

- South Carolina
- U.S. District Court, District of South Carolina

South Carolina's deep roots in agriculture and industry date back to its founding as one of America's original Thirteen Colonies in the late 1600s. Tommy Lavender recognizes how that history, combined with the state's abundant natural resources, and the regulation of them, can create complex problems.

### Helping businesses find solutions

To understand how he can help executives see through the weeds, consider his background. Tommy studied Mechanical Engineering at Clemson and after law school went to work for the South Carolina Department of Health and Environmental Control as an Environmental Engineer. A year and a half later, he was promoted to Assistant General Counsel of the state regulatory agency.

From there, he went on to work for a capital corporation where he worked the legal side of multifamily resort development projects -- issues such as land acquisition, permitting, zoning, and other entitlements.

He's been in private practice now for over 40 years and is the Chair of Nexsen Pruet's Environmental, Administrative and Regulatory Law Group. In that role, he leads and coordinates attorney teams to ensure that the firm's business and professional clients receive high quality legal services.

- U.S. Court of Appeals, Fourth Circuit
- U.S. Supreme Court

## Experience

### SC Jurisprudence Experience:

- Court of Appeals of South Carolina. GLASSCOCK COMPANY, INC., Waste Industries, Inc. and Wilson MacEwen, Appellants, v. SUMTER COUNTY, Frank Williams, Jr., Naomi Sanders, Carol Burr, Charles Edens, Louis Fleming, James Campbell, Rudy Singleton (members of the County Council) and Waste Management, Inc., Respondents, 361 S. C. 483, 604 S.E.2d (Ct. App. 2004).
- Supreme Court of South Carolina. SOUTHEAST RESOURCE RECOVERY, INC., Appellant, v. SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, Involved Citizens of the Helena Community, Rev. Nura Ray Matthews, Chairman, Little Beaver Dam Baptist Church, John L. Hunter, Paul Herbert, Eugene Maybin, Jr., John and Jessie Reeder, Lillie May Washington, William W. Parr, Sr., Eliza M. Parr and Bill Parr, Jr., Respondents, 397 S.C. 217, 723 S.E.2d 255 (Ct. App. 2012).
- Northeast Sanitary Landfill, Inc., and Container Corp. of Columbia v. South Carolina Department of Health and Environmental Control, 843 F. Supp. 100 (D.S.C. 1992).
- York County v. South Carolina Department of Health and Environmental Control and C&D Management Company, LLC, 397 S.C. 217, S.E.2d 255 (Ct. App. 2012).
- Town of Arcadia Lakes, et al. v. South Carolina Department of Health and Environmental Control and Roper Pond, LLC, 404 S.C. 515, 745 S. E.2d 385 (Ct. App. 2013).

## Recognitions

- *Columbia Business Monthly's* Legal Elite of the Midlands, 2018 - 2020, 2022
- Fellow, American College of Environmental Lawyers
- Included in the South Carolina *Super Lawyers* list in the area of Environmental Law, Environmental Litigation, Administrative Law 2008-2010, 2012-2018
- Listed in *Best Lawyers in America* for Environmental Law since 1995
- Recognized by *Chambers USA*, Environmental Law, South Carolina Star Individual 2016-2020, Leading Individual 2014-2015
- Martindale-Hubbell Peer Review Rated, AV Preeminent

## Community & Professional

- Urban Land Institute SC Midlands Executive Committee
- ULI SC Sustainable Leadership Institute
- Environmental Law Institute, Member
- South Carolina Bar - Administrative and Regulatory Law Committee; Environmental and Natural Resources Section Chair; House of Delegates, Former Member; Government Law Section, Former Chairman
- American Bar Association - Energy, Environment and Resources Section, Administrative and Regulatory Law Section
- South Carolina Chamber of Commerce - Former Director, Legislative Agenda Task Force Member

## Writing

### Seminar Materials - Legislative Update

These presentations and materials are from the Nexsen Pruet Economic Development Seminar held on June 21, 2013, "Legislative Update".

### Practical Guide to Commercial Real Estate in South Carolina

Nexsen Pruet attorneys Ed Menzie, Tommy Lavender and Joan Hartley are contributing authors for the newly published book.

### Client Alert: South Carolina Legislature Acts to Protect Businesses from Citizens Lawsuits

On June 6, 2012 South Carolina's General Assembly ratified and Governor Nikki Halley signed into law a bill that repeals a 2011 ruling from the State Supreme Court. In *Georgetown County League of Women Voters v. Smith Land Co.*, 393 S.C. 350 (2011), the court ruled that private citizens are allowed to file lawsuits to enforce the Pollution Control Act. That ruling was a big concern for businesses that anticipated a spate of new, perhaps frivolous, lawsuits.

### South Carolina Certifies Corps' Nationwide Permits

The people of South Carolina now have certainty about the availability of 2012 Nationwide Permits ("NWPs"). On April 23, 2012, the South Carolina Department of Health and Environmental Control ("DHEC") issued its 401 Water Quality Certification and Certification of Consistency with the South Carolina Coastal Zone Management Act for each of the Corps of Engineers' 2012 Nationwide Permits. Those became effective March 19, 2012.

### Ashley II and beyond...

In cases of first and second impression, federal district courts in South Carolina and California have now ruled on the bona fide prospective purchase ("BFPP") defense following its enactment in 2002 and EPA's subsequent "all appropriate inquiries" ("AAI") implementing regulations in 2006.

## Speaking

"Updates on Current Environmental Issues: Self-Disclosure, Energy Reforms in Mexico, and Traps," Mackrell International Webinar, October 29, 2015.

"Industrial Site Selection Issues and Environmental Due Diligence" - "The County Attorney Law Update" South Carolina Association of County Attorneys' Continuing Legal Education, August 2014 in Hilton Head Island, SC

Presentation with Joan Hartley to commercial brokers and property managers on Environmental Due Diligence, March 2014

"Practice & Procedure: When Representing a Client Before DHEC" - South Carolina Bar Seminars Direct Online, May 2011

"Doing the Deal: Attracting Developer & Investors to Municipal Brownfield Projects" - NBA, September 2008.

"View from the Dark Side" - SCAARLA, September 2008.

"Administration and Enforcement of the Wetlands" LORMAN, January 30, 2008 "South Carolina Civil Engineers and Land Surveyors Land Law" Half-Moon, LLC, January 21, 2008

"New Developments in Administrative Law Practice" - SCAARLA Educational Seminar, December 8, 2006

"New Developments in Administrative Law Practice", SCAARLA Educational Seminar, December 8, 2006

"Administrative Law Court Update", by Judge Marvin F. Kittrell and W. Thomas Lavender, Jr., 2006 Local Government Attorneys' Institute, December 8, 2006

"DHEC Appeals Process," Special Environmental Issues Briefing, November 2006

Experiences with Previous Contracts," South Carolina Voluntary Cleanup Program Workshop, September 2006

"Understanding and Avoiding Environmental Pitfalls," Real Estate Intensive Workshop, July 21-22, 2006

"Environmental Update", Attorney and CEO Clinic, December 7, 2005

"Current Developments in Commercial Real Estate" SC Bar CLE, October 10, 2003

"Environmental Law Update, 2003

"Environmental Issues in Commercial Real Estate Transactions in South Carolina", May 3, 2003

## News

08.17.2021 | News from Nexsen Pruet

39 Nexsen Pruet Attorneys Listed in 2021 Legal Elite of South Carolina