

Robert D. Cox, Jr.

Bowditch & Dewey, LLP
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EXPERIENCE

Suffolk University Law School – Visting Assistant Clinical Professor of Law, Environmental Law & Policy Clinic (July 2023 – present).

I am charged the design, launch and direction of this new clinical program. The clinic focuses on environmental policy/legislative work and project matters in collaboration with local organizations on matters typical to the environmental bar: air, water, waste, contaminated properties and climate resiliency.

Casework in the clinic's inaugural year has included management of contaminated soil at urban sites, regulation of water and sewerage, solid waste disposal, resiliency of agriculture, renewable energy, and the effects of climate change.

Student attorneys interact with engineers, scientists, and other experts. Students also participate in a weekly seminar covering substantive environmental and energy law and lawyering skills.

Bowditch & Dewey, LLP - Of Counsel (July 2023 – present), Associate and Partner (1985 – 2023), Managing Partner (2017 - 2021)

I am an environmental lawyer with over 35 years of experience helping clients solve complex, technically challenging environmental compliance and enforcement matters. I counsel primarily the regulated community: property owners, builders, developers, business, colleges and universities, and public utilities and municipal authorities on water, air, hazardous waste, and solid waste matters before EPA, MassDEP, and other regulatory boards.

I have significant experience in cost recovery claims under Chapter 21E and CERCLA, and in counseling landowners and developers on brownfields development, environmental use restrictions or limitations, and risks associated with emerging contaminants.

I defend clients in actions brought by government environmental enforcement agencies. I represent parties on administrative hearings and appeals on MassDEP-issued permits, and on NPDES (National Pollutant Discharge Elimination System) water permits and appeals of NPDES permits to EPA's Environmental Appeals Board and to the courts. I also practice before local boards, on licenses and permits.

I am a Fellow of the *American College of Environmental Lawyers*. I am ranked among the top environmental lawyers in Massachusetts by *Chambers USA, America's Leading Lawyers for Business*, and I am listed among *The Best Lawyers in America*, and *Massachusetts Super Lawyers*.

I am a frequent speaker on environmental law and have authored many publications on current topics in the practice of environmental law.

RECOGNITION | AFFILIATIONS

- Fellow, *American College of Environmental Lawyers* (since 2019) - Membership, by invitation only, to those recognized by their peers as preeminent in their field for distinguished experience, high standards of practice, and substantial contributions to the field of environmental law.
- Recipient of the 2022 *Joseph J. Superneau Leadership Award*, presented by the Massachusetts Coalition for Water Resources Stewardship - This award recognizes outstanding leaders who embody the principles of the Coalition - applying sound science, a holistic approach, and cost/benefit analysis to the management of water resources in Massachusetts.
- Recipient of the 2020 *Stephen G. Lewis Merit Award for Service to the Environmental Industry*, presented by the Environmental Business Council of New England - This award recognizes individuals for their leadership, meritorious service, and dedication to the environmental industry in New England and to environmental quality.
- *Chambers USA, America's Leading Lawyers for Business* - recognized as one of the top environmental lawyers in Massachusetts (since 2004)
- *Best Lawyers in America* - selected by peers for inclusion in the fields of Environmental Law and Litigation - Environmental (since 2006)
- *Massachusetts Super Lawyers* (since 2004)
- Named to Top 10 Powerhouse Environmental Lawyers Shaping Massachusetts' Future in 2023 by *Business Today*
- Member, Environmental Business Council of New England
- Member, Massachusetts Coalition for Water Resources Stewardship
- Member, NAIOP Massachusetts Brownfields Redevelopment sub-committee
- Associate Member, Licensed Site Professional Association
- Member, MassDEP Fees Advisory Committee

PREVIOUS

- Chair, Worcester Regional Chamber of Commerce (2019 - 2021), and Director and Clerk (2018 - 2022)
- Chair, Environmental Business Council of New England (2018 - 2020), Vice Chair, Programming, Vice Chair, Strategic Planning, and Board Member (2003 - 2022)
- Member, MassDEP Advisory Committee on NPDES Authorization in Massachusetts (2015)
- Chair, Mayor's Brownfields Task Force, City of Worcester (2003 - 2020)
- Town Counsel, Town of Oakham, Massachusetts (1989 - 2004)
- Member and Chair, Zoning Board of Appeals, Town of Rutland (1987 - 2002)
- Member and Vice Chair, By-Law Study Subcommittee, Town of Rutland (1998 - 2002)
- Member, Conservation Commission, Town of Webster (1985 - 1986)
- Founding Chair, Environmental Law Section, Worcester County Bar Association
- Member, Executive Committee, Worcester County Bar Association
- Member, Property Law Section Council, Massachusetts Bar Association
- Co-Chair, Clean Air Committee, Environmental Law Section, Boston Bar Association
- Member, MCLE Real Estate and Environmental Curriculum Advisory Committee
- Member, Hazardous Waste Advisory Committee, MassDEP
- Chair, Massachusetts Audubon Society, Worcester Advisory Board

ARTICLES

- "Water infrastructure funding will provide boost to Mass. water utilities," Massachusetts Municipal Association, March 24, 2022
- "The Worcester renaissance," Worcester Business Journal, December 20, 2021
- "Bowditch and Dewey lawyer Bob Cox addresses legal issues of PFAS contamination," Worcester Telegram, June 4, 2021
- "PFAS continue to be a concern in 2021," The Beacon, March 3, 2021
- "What Are We to Do When We Find PFAS in Private Water Supply Wells? (And We Will...)," ACOEL, February 19, 2021

- “Broader State authorization, municipal flexibility needed to help businesses survive,” Worcester Telegram, June 4, 2020
- “MassDEP Should Run the NPDES Program,” Banker & Tradesman, March 1, 2016
- “D&O Insurance for Environmental Liability Exposures,” Corporate Counsel, May 5, 2015
- “Why We Rarely Hear About New Superfund Sites,” Banker & Tradesman, April 27, 2015
- “Cleanup at WRTA Site is Right,” Worcester Telegram & Gazette, March 17, 2015
- “Brownfields Tax Credits Extended (Finally!),” Worcester Telegram & Gazette, July 24, 2013
- “State Needs Soil Disposal Options,” Worcester Telegram & Gazette, July 30, 2013
- “Supreme Court to Review Unilateral Administrative Orders Issued Under the Clean Water Act,” November 8, 2011
- “Ambiguous Environmental Indemnification Fails to Protect Seller from Claims for Cleanup Costs,” July 14, 2011
- “Strong DEP Key to Growth,” Worcester Telegram & Gazette, April 26, 2011
- MCLE, *Massachusetts Environmental Law*, Chapter 28 “Environmental Issues in Real Estate Practice” (2002, supplements 2016, 2019 and 2021)
- Cox & Bachrach, “Damages for Contaminated Property,” *37 Boston Bar Journal* 19 (Aug. 1993).
- Cox, “Environmental Liabilities of Fiduciaries,” *Boston Bar Journal* (March - April 1991)

TALKS

- “Legal and Regulatory Update,” 13th Annual Water Resources Strategies Symposium, Massachusetts Coalition for Water Resources Stewardship, September 28, 2023
- “Do You Have Your [Regulatory] Bases Covered?,” Massachusetts Chemistry & Technology Alliance Members Meeting & Program, Marlborough, MA, June 15, 2023 (Moderator)
- “PFAS Litigation Update: Exploring the Range of Potential PFAS Claims in Massachusetts,” Boston Bar Association, May 18, 2023
- “The MCP for Everyone: A Practical Understanding of the Massachusetts Contingency Plan,” LSP Association, May 9, 2023

- “Construction & Real Estate Roundtable: Brownfields Roundtable,” Worcester Regional Chamber of Commerce, March 15, 2023 (Moderator)
- “A Legal and Regulatory Update,” 12th Annual Water Resources Strategies Symposium, Massachusetts Coalition for Water Resources Stewardship, June 10, 2022
- “EBC Leadership Program with U.S. EPA Regional Administrator Dr. David Cash,” Environmental Business Council of New England, May 19, 2022 (Moderator)
- “A Review of MassDEP Program & Enforcement Priorities for 2022 with Commissioner Suuberg,” Environmental Business Council of New England webinar, March 16, 2022 (Moderator)
- “Spotlight Series: Central Region Spotlight,” MassEcon, Worcester, Massachusetts, August 4, 2021 (Moderator)
- “EBC Leadership Webinar with Massachusetts Department of Environmental Protection Commissioner Martin Suuberg,” Environmental Business Council of New England Webinar, March 17, 2021 (Moderator)
- “EBC Leadership Webinar: Briefing from NAIOP Massachusetts on Developments in Commercial Real Estate,” Environmental Business Council of New England Webinar, December 15, 2020 (Moderator)
- “EBC Virtual Lunch Time Conversation: The Impact of COVID-19 on the Environmental Industry in New England,” Environmental Business Council of New England Webinar, June 3, 2020
- “Business & Government Forum: Congestion, Commerce and Concern,” Worcester Regional Chamber of Commerce/Marlborough Regional Chamber of Commerce, Marlborough, Massachusetts, February 27, 2020 (Moderator)
- Voice of Business Podcast #14, Worcester Regional Chamber of Commerce, Worcester, Massachusetts, December 18, 2019
- LSP Association’s Western MA December Membership Meeting: Environmental Law – Part 3, Springfield, Massachusetts, December 12, 2019
- EBC Leadership Series: MassDEP Deputy Commissioner Moran and the Central Region Leadership Team, Environmental Business Council of New England, Worcester, Massachusetts, September 12, 2019
- EBC Evening Program: Environmental, Energy and Climate Programs for the Commonwealth of Massachusetts, Environmental Business Council of New England, Boston, Massachusetts, May 23, 2019

- EBC Solid Waste Management Program: Organics in Massachusetts – Where is it All Going? Environmental Business Council of New England, Framingham, Massachusetts, May 21, 2019
- “Legal and Regulatory Update for Region 1,” 10th Annual Water Resources Strategies Symposium, Massachusetts Coalition for Water Resources Stewardship, Marlboro, Massachusetts, May 13, 2019
- “PFAS: A Legal Perspective,” EBC Emerging Contaminants Program: Understanding the Science and Toxicity of PFAS – A Deeper Dive, Environmental Business Council of New England, Framingham, Massachusetts, May 2, 2019
- “What’s New in the Woo,” NAIOP, Boston, Massachusetts, April 9, 2019
- “EBC Annual Evening Program with MassDEP Commissioner Suuberg,” Environmental Business Council of New England, March 27, 2019
- LSP Association Continuing Education Seminar: The MCP for Everyone: A Practical Understanding of the Massachusetts Contingency Plan, Environmental Business Council of New England, Natick, Massachusetts, February 27, 2019 (Instructor)
- “The Brownfields Act at 20 Years,” EBC Site Remediation and Redevelopment Program: Brownfields Financing, Environmental Business Council of New England, Framingham, Massachusetts, October 10, 2018
- “Water Legal & Regulatory Matters in New England (EPA Region 1),” 9th Annual Water Resources Strategies Symposium, Massachusetts Coalition for Water Resources Stewardship, May 18, 2018
- “Environmental Law for LSPs,” Licensed Site Professionals Association, April 11, 2018
- “EBC Annual Evening Program with MassDEP Commissioner Suuberg: A Review of MassDEP Programs and Priorities for 2018,” Environmental Business Council of New England, March 14, 2018
- 8th Annual Water Resources Strategies Symposium, Massachusetts Coalition for Water Resources Stewardship, Marlborough, Massachusetts, May 17, 2017
- “The New MCP for Everyone: A Practical Understanding of the Massachusetts Contingency Plan,” Licensed Site Professionals Association, March 2, 2017
- “Site Remediation and Redevelopment Program Series – Part One – Transaction, Funding Aids and Project Set-Up,” Environmental Business Council of New England, January 17, 2017
- “Implementation of Governor Baker’s New Climate Change Strategy Executive Order,” Environmental Business Council of New England, November 15, 2016

- “When Oil Really Just Means Oil: The Peterborough Oil Company v. DEP Decision,” Boston Bar Association Environmental Law Section, Boston, Massachusetts, October 24, 2016
- “Design It, Make It, Ship It,” Worcester Regional Chamber of Commerce’s Game Changers Business Conference & Expo, Worcester, Massachusetts, October 14, 2016
- “Evening Program with MA EOEEA Secretary Matthew Beaton,” Environmental Business Council of New England, Boston, Massachusetts, January 26, 2016
- “EPA’s Draft MS4 Permit: Challenges to EPA’s Legal Authority?” 495/MetroWest Partnership’s Water Resources Committee Meeting, Westborough, Massachusetts, June 30, 2015
- “Program Series with MassDEP Regional Offices: Commissioner Marty Suuberg and the Central Region Leadership,” Environmental Business Council of New England, Worcester, Massachusetts, May 19, 2015
- “Design and Construction Projects: Legal, Contracting, Procurement, and Risk Management Literacy,” Bowditch & Dewey College and University Roundtable, Worcester/South Hadley, March 2015
- “The New MCP for Everyone,” Licensed Site Professionals Association, Waltham, Massachusetts, February 26, 2015
- “LNAPL and VI Sites: Using AULs for Site Closure Under the New MCP,” Licensed Site Professional Association, Westborough, Massachusetts, December 9, 2014
- “Clean Water Act Requirements and Limited Dollars: Is Integrated Planning the Answer?” Environmental Business Council of New England Water Resource Management Program, Boston, Massachusetts, October 10, 2014
- Massachusetts Coalition for Water Resources Stewardship’s 5th Annual Water Resources Strategies Symposium, Marlborough, Massachusetts, May 16, 2014
- “Management of Urban Soil,” Environmental Business Council of New England Site Remediation & Redevelopment Committee and Solid Waste Committee Program, Boston, Massachusetts, May 7, 2014
- “The Crisis of Soil Management for Development Projects in Massachusetts,” Licensed Site Professionals Association/Environmental Business Council of New England, Waltham, Massachusetts, November 14, 2013
- Massachusetts Coalition for Water Resources Stewardship’s 4th Annual Water Resources Strategies Symposium, Marlborough, Massachusetts, May 20, 2013
- Licensed Site Professionals Association seminar, Westford, Massachusetts, April 23, 2013

- “Stormwater Management in New England,” Law Seminars International, Boston, Massachusetts, April 19, 2013
- “Updates on Brownfields Covenants Not to Sue Program,” Boston Bar Association, Boston, Massachusetts, March 14, 2013
- “Environmental Law for LSPs,” Licensing Site Professionals Association, Westford, Massachusetts, March 10, 2011

BAR ADMISSIONS

- Massachusetts
- United States District Court for the District of Massachusetts
- First Circuit Court of Appeals
- D.C. Circuit Court of Appeals
- United States Supreme Court

EDUCATION

- J.D., Suffolk University Law School
- B.A., *summa cum laude*, University of Massachusetts