



DAVIS GRAHAM

JOHN R. JACUS PARTNER

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303.892.7305

EXPERTISE

Air Quality, Audit Privilege & Disclosure, Climate Change, Energy Industry, Environmental Law, Greenhouse Gas Regulation, Insurance Litigation, Mining, Natural Resources, Oil & Gas Industry, Renewable Energy, Reuse & Recycling, Safety & Health, Solid & Hazardous Waste, Sustainability, Voluntary Cleanup, and Water Quality

EDUCATION

University of Colorado Law School, J.D.,
1984
Stanford University, B.A., 1979

ADMITTED IN

Colorado

John R. Jacus has more than 30 years of experience representing clients under all major federal and state environmental laws and regulatory programs, including the Clean Air Act, Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Clean Water Act, and Toxic Substances Control Act (TSCA). His practice includes environmental regulatory counseling, administrative proceedings, litigation, and environmental aspects of complex business transactions. He routinely handles rulemaking and adjudicatory proceedings, permitting, litigation for cost recovery, citizen suits, environmental insurance coverage, and the judicial appeal of adverse agency actions, among other matters.

John's environmental practice has emphasized the unique legal and operational requirements applicable to the oil and gas, mining, and other natural resources industries, including new and innovative projects on public lands. He has been heavily involved in permitting, rulemaking, and enforcement defense proceedings involving air

quality regulation of stationary sources in multiple industry sectors, including manufacturing, as well as oil and gas exploration, production, gathering, and processing. He also has substantial transactional due diligence and compliance counseling experience with oil and gas, mining, and other industries' facilities. He has particular expertise in the regulation of special wastes under RCRA and related state laws, including oil and gas exploration and production wastes; so-called "Bevill" mining wastes exempt from RCRA hazardous waste regulation; other special wastes, including sludges, NORM, and TENORM; as well as municipal solid waste.

John has represented clients at Superfund and RCRA sites in the Rocky Mountain region and around the country and has negotiated the favorable resolution of many disputes, including multi-party negotiations on administrative orders, alleged stipulated penalties, substantial response cost demands, and complex cost allocations. He is also well-versed in environmental auditing and voluntary disclosure, as well as in voluntary cleanup under

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various state programs. He has represented both developers and lenders in connection with permitting and other environmental issues for different major energy projects in Colorado, including wind power and solar projects.

John has authored numerous articles on diverse environmental subjects, including Clean Air Act development, the transport of hazardous waste, the adoption of corporate environmental policies, TSCA enforcement, and methane regulation in various legal publications, including those of the American Bar Association (ABA), Colorado Bar Association (CBA), and The Foundation for Natural Resources and Energy Law.

John currently serves as an Environmental Law subject matter expert and vice chair of The Foundation for Natural Resources and Energy Law's Virtual Education Committee.

He is former chair of the Environmental Group at Davis Graham, the former chair of the CBA Environmental Law Section (1996-1997), and a member of the ABA Section of Environment, Energy & Resources (SEER). John is SEER's liaison to The Foundation for Natural Resources and Energy Law and as a trustee of the foundation. He also served on SEER's Council from 1995-1998 and in 2009-2010. John currently serves as the Supreme Court Reporter for "Trends," SEER's bimonthly newsletter. He formerly served on the editorial board as a contributing editor and author of "In John was co-chair of SEER's Annual Conference on Environmental Law (Keystone Conference) from 1993 to 1996, served as the Environmental Program chair of the 44th Annual FNREL Institute in 1998, and chaired SEER's 22nd Annual Fall Conference in 2014. John has chaired the Colorado Chamber of Commerce's Energy and Environment Policy

since 2011. In 2018, John joined the Colorado Chamber of Commerce as a member of the Board of Directors. In 2013, he was inducted as a fellow of the American College of Environmental Lawyers (ACOEL).

John has been listed in the International Who's Who of Environmental Lawyers since 2004 (1st Edition, Who's Who Legal); recognized by *Chambers USA* as a Leader in Their Field in Natural Resources & Environment since 2009; recognized since 2006 by *The Best Lawyers in America*®; selected for inclusion in *Colorado Super Lawyers* by Thompson Reuters; selected for inclusion and environmental in *5280's Top Lawyers*; and awarded an AV® Preeminent™ Peer Review Rating from Martindale-AVVO.

John is past chair of the University of Colorado at Boulder Alumni Association's Board of Directors (2003-2005) and is a former member of the University of Colorado Foundation's Board of Trustees (2003-2007). He also has served on various school, arts, and athletic organization nonprofit boards, including Summit Middle Charter School (2001-2003).

PRESENTATIONS & PUBLICATIONS

- "Dodd-Frank Wall Street Reform and Consumer Protection Act - Right to Jury Trial, Separation of Powers, and Removal Protection of Administrative Law Judges," ABA-SEER Trends newsletter (January–February 2024)
- "Carbon Capture, Utilization, and Sequestration," Davis Graham Webinar, (2021) (with Kathleen Schroder & Kathleen Pritchard)

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- “EPA Imposes Largest Ever TSCA Penalty for Violation of Lead Paint Regulations” DGS Legal Alert (December 21, 2020)
- “The North Dakota Department of Environmental Quality Compliance Alert” DGS Legal Alert (October 26, 2020)
- Serious Ozone Update: DGS Live Webinar (May 2020)
- Air Quality Issues Impacting Midstream Operations (April 2018)
- This Old (Pre-1978) House: Lead Based Paint Regulation and Enforcement Under TSCA (Summer 2017)
- Methane Regulation and Flaring Reduction Developments Affecting Oil and Gas Activities (Aug. 2014)
- Developments and Trends in Clean Air Act Source “Aggregation” (Feb. 2013)
- Transport of Hazardous Waste Ch. 6, The RCRA Manual (3rd. Ed. 2013)
- Environmental Impact of Oil and Gas Production, State Bar of Texas and Texas Tech University School of Law (January 2012)
- Go West Young Man? Air Quality Developments Affecting Western Oil & Gas Exploration and Development (March 2010)
- The Many Implications of GHG Reporting and Regulation (Control of VOCs)
- Hazed and Confused: Clean Air Act Developments Affecting the Oil and Gas Industry
- Mineral Processing Under the EPA Spotlight
- At Odds -- Colorado and the EPA Struggle Over the State’s Newly Reaffirmed Environmental Audit Law
- Coming Full CERCLA: An Update on Superfund Developments
- RCRA Compliance Orders In the Oil Patch: Sleeping Giant or Paper Tiger?
- Environmental Law: New Cases Control Recovery of Costs for Cleanup
- Environmental Issues in Redevelopment
- An Array of Issues: The Legal Climate is Conducive to an Environmental Management Overhaul
- The Law of Mine Waste