

OF COUNSEL

Robert D. Cox, Jr.

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OVERVIEW

Bob Cox is an environmental lawyer with over 35 years of experience helping clients facing complex, technically challenging environmental compliance and enforcement actions throughout Massachusetts. Bob counsels primarily businesses, public utilities and municipal authorities in water, air, hazardous waste and solid waste matters before the U.S. Environmental Protection Agency, Massachusetts Department of Environmental Protection and municipal regulatory boards. “I represent the regulated community,” Bob explains, “including owners, builders, developers, manufacturers, and schools and colleges, looking at potential high-cost compliance with government regulations. My clients turn to me because I’m practical and hands-on and because I’ve worked directly with the regulators, some for many years.”

Clients rely on Bob in cost recovery claims and private party litigation under Chapter 21E and CERCLA in state and federal courts. He represents and counsels clients involved in issues of concern to land owners and developers, such as clean-up cost uncertainties, environmental use restrictions or limitations, and risks associated with emerging contaminants.

In addition, Bob regularly advises businesses, municipalities and other clients on brownfields development activities and on strategies to limit or shift environmental liability risks in real estate or business transfers. He has extensive experience advising and defending clients before local boards involving license and permitting issues as well as in NPDES (National Pollutant Discharge Elimination System) water permitting. This includes appeals of NPDES permits to the EPA’s Environmental Appeals Board and administrative appeals and hearings on MassDEP-issued permits. He also defends claims and actions brought by government environmental enforcement agencies.

Bob is also the immediate past Managing Partner at Bowditch and a current member of the firm’s Diversity Committee.

Over the summer, Bob took on a new role as “Visiting Assistant Clinical Professor of Law” to design and launch, and is now directing, [Suffolk University Law School’s new Environmental Law and Policy Clinic](#). This is Suffolk Law’s 13th in-house clinical program. He is also teaching an environmental law survey course at Suffolk Law during spring semesters.

Besides work

Bob is a runner, cyclist and downhill, cross-country and (sometime) backcountry skier, and well-known gym rat.

EXPERIENCE

Litigation

- Declaratory judgment action contesting MassDEP's interpretation of the term "oil" as used in the Massachusetts Contingency Plan. Reported as *Peterborough Oil Company, LLC v. Department of Environmental Protection*, 474 Mass. 443 (2016).
- Former property owner on claims for reimbursement of clean-up costs for petroleum-contaminated soil, under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and G.L. c. 21E. Reported as *Cariddi v. Consolidated Aluminum Corp.*, 478 F.Supp.2d 150 (D. Mass 2007).
- Defense of claims by property owners for alleged property damages and personal injuries associated with groundwater contamination from oil releases at service areas along the MassPike in Charlton. Reported as *Scavone v. Massachusetts Turnpike Authority*, Worcester Superior Court (No. 94- 1098,) 1994WL 902896; *Kempinski v. Massachusetts Turnpike Authority*, Worcester Superior Court (No. 99-1277B), 11 Mass. L. Rptr. 435; *Zagloba v. Massachusetts Turnpike Authority*, Worcester Superior Court, 11 Mass. L Rept. 414.
- Claims brought against a municipality for damages and personal injury arising out of the release of gasoline from underground storage tanks. Reported as *Gleason v. Town of Bolton*, Worcester Superior Court (No. 99- 01194), 14 Mass L. Rptr. 678.
- Former manufacturer in the defense of claims for response action costs. *Sanitoy Inc. v. Ilco Unican Corporation*, 413 Mass. 627 (1992).

Permitting and regulatory compliance

- Municipalities on appeals of NPDES permits to the Environmental Appeals Board: *Town of Concord, DPW*, NPDES 13-8, 16 E.A.D. (09/09/13); *Charles River Pollution Control District*, NPDES 14-1, 16 E.A.D. (08/27/14) (contesting EPA's authority to regulate the Towns of Franklin, Medway, Bellingham and Millis as "co-permittees").
- Municipality concerning need for a special permit to expand a sand and gravel operation. *Oakham Sand & Gravel Corporation v. Town of Oakham*, 54 Mass. App Ct. 80 (2002).
- Routinely represent parties on penalty assessments sought by Massachusetts Attorney General's Office and MassDEP for alleged MCP, air, solid waste, wastewater, and hazardous waste management violations.
- Advise businesses and negotiate penalties on claims brought by the EPA in connection with air emissions, hazardous waste management, and wastewater discharges.
- Party in administrative appeals brought by a citizens group concerning a MassDEP Chapter 91 license and wetlands approval: *In the Matter of Webster Ventures, LLC*, DEP OADR Docket No. 2015-014 (Final Decision 08/15/16) and OADR DocketWET-2014-016 (Final Decision 03/26/15).
- District Counsel for the Upper Blackstone Water Pollution Abatement District (UBWPAD) and representation of the UBWPAD in connection with EPA NPDES permitting and appeal of UBWPAD's 2008 NPDES permit to the Environmental Appeals Board and First Circuit Court of Appeals. Reported as *Upper Blackstone Water Pollution Abatement Dist. v. S. Env'tl. Prot. Agency*, 690 F.3d 9, 15 (1st Cir. 2012), cert. denied, 133 S. Ct. 2382 (2013).

Transactional

- Parties in obtaining a Brownfields Covenant Not to Sue to address liability issues associated with pre-existing contamination.
- Regularly advise private businesses and negotiate settlement agreements in connection with completion of response actions under Chapter 21E and MCP.
- Routinely advise property owners on appropriate terms for Activity and Use Limitations under Chapter 21E and MCP.

AFFILIATIONS

- Visiting Assistant Clinical Professor of Law, Suffolk University Law School – Environmental Law and Policy Clinic
- [Fellow, American College of Environmental Lawyers \(ACOEL\)](#)
- Executive Committee, Worcester Regional Chamber of Commerce
- Chair, Mayor’s Brownfields Task Force, City of Worcester
- Adjunct Faculty, Suffolk University Law School
- Member, NAIOP Massachusetts Brownfields Redevelopment sub-committee
- Member, Women’s Bar Association

PREVIOUS

- Former Vice Chair, Strategic Planning, Environmental Business Council of New England
- Immediate Past Chair, Worcester Regional Chamber of Commerce
- Immediate Past Chair, Environmental Business Council of New England
- Director and Clerk, Worcester Regional Chamber of Commerce
- Vice Chair, Programming, and Board Member, Environmental Business Council of New England (2003 – present)
- Member, MassDEP Advisory Committee on NPDES Authorization in Massachusetts (2015)
- Town Counsel, Oakham (1989-2004)
- Member and Chairman, Zoning Board of Appeals, Town of Rutland (1987-2002)
- Member and Vice Chairman, By-Law Study Subcommittee, Town of Rutland (1998-2002)
- Conservation Commission, Town of Webster (1985-1986)
- Former Chair, Environmental Law Section, Worcester County Bar Association
- Former Member, Executive Committee, Worcester County Bar Association
- Former Member, Property Law Section Council, Massachusetts Bar Association
- Former Co-Chair, Clean Air Committee, Environmental Law Section, Boston Bar Association
- Former Member, MCLE Real Estate and Environmental Curriculum Advisory Committee
- Former Chair, Massachusetts Audubon Society, Worcester Advisory Board

HONORS

- Named a Go To Environmental Lawyer by *Massachusetts Lawyers Weekly* (2023)
- Named to Top 10 Powerhouse Environmental Lawyers Shaping Massachusetts’ Future in 2023 by *Business Today*
- Recipient of the 2022 Joseph J. Superneau Leadership Award from the Massachusetts Coalition for Water Resources Stewardship
- *Chambers USA, America’s Leading Lawyers for Business*, recognized as one of the top environmental lawyers in

Massachusetts

- *Best Lawyers in America*, selected by his peers for inclusion in the fields of Environmental Law (since 2006), Litigation – Environmental (since 2011) and Real Estate Law (since 2022)
- *Massachusetts Super Lawyers*, selected for inclusion since 2004

ARTICLES & TALKS

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
- [“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 \(Finally!\),”](#) Bowditch & Dewey, July 30, 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,”](#) Bowditch & Dewey, November 8, 2011
- [“Ambiguous Environmental Indemnification Fails to Protect Seller from Claims for Cleanup Costs,”](#) Bowditch & Dewey, July 14, 2011
- [“Strong DEP Key to Growth,”](#) *Worcester Telegram & Gazette*, April 26, 2011

TALKS

- [“Legal and Regulatory Update,”](#) 14th Annual Water Resources Strategies Symposium, Massachusetts Coalition for Water Resources Stewardship, 2024
- [“Legal and Regulatory Update,”](#) 13th Annual Water Resources Strategies Symposium, Massachusetts Coalition for Water Resources Stewardship, 2023
- [“Do You Have Your \[Regulatory\] Bases Covered?,”](#) Massachusetts Chemistry & Technology Alliance Members Meeting & Program, Marlborough, MA, 2023 (Moderator)
- [“PFAS Litigation Update: Exploring the Range of Potential PFAS Claims in Massachusetts,”](#) Boston Bar Association, 2023
- [“The MCP for Everyone: A Practical Understanding of the Massachusetts Contingency Plan,”](#) LSP Association, 2023
- [“Construction & Real Estate Roundtable: Brownfields Roundtable,”](#) Worcester Regional Chamber of Commerce, 2023 (Moderator)

- [“Legal and Regulatory Update,”](#) 12th Annual Water Resources Strategies Symposium, Massachusetts Coalition for Water Resources Stewardship, 2022
- [“EBC Leadership Program with U.S. EPA Regional Administrator Dr. David Cash,”](#) Environmental Business Council of New England, 2022 (Moderator)
- [“A Review of MassDEP Program & Enforcement Priorities for 2022 with Commissioner Suuberg,”](#) Environmental Business Council of New England, 2022 (Moderator)
- [“A Review of MassDEP Program & Enforcement Priorities for 2022 with Commissioner Suuberg,”](#) Environmental Business Council of New England, 2022 (Moderator)
- [“Spotlight Series: Central Region Spotlight,”](#) MassEcon, Worcester, Massachusetts, 2021 (Moderator)
- [“EBC Leadership Webinar with Massachusetts Department of Environmental Protection Commissioner Martin Suuberg,”](#) Environmental Business Council of New England, 2021 (Moderator)
- [“EBC Leadership Webinar: Briefing from NAIOP Massachusetts on Developments in Commercial Real Estate,”](#) Environmental Business Council of New England, 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, 2020
- [“The Impact of COVID-19 on the Environmental Industry in New England,”](#) Environmental Business Council of New England Virtual Lunch Time Conversation, 2020
- [“Business & Government Forum: Congestion, Commerce and Concern,”](#) Worcester Regional Chamber of Commerce/Marlborough Regional Chamber of Commerce, 2020 (Moderator)
- [Voice of Business Podcast #14,](#) Worcester Regional Chamber of Commerce, 2019
- [LSP Association’s Western MA December Membership Meeting: Environmental Law – Part 3,](#) 2019
- [EBC Leadership Series: MassDEP Deputy Commissioner Moran and the Central Region Leadership Team,](#) Environmental Business Council of New England, 2019
- [EBC Evening Program: Environmental, Energy and Climate Programs for the Commonwealth of Massachusetts,](#) Environmental Business Council of New England, 2019
- [EBC Solid Waste Management Program: Organics in Massachusetts – Where is it All Going?](#) Environmental Business Council of New England, 2019
- [“Legal and Regulatory Update for Region 1,”](#) 10th Annual Water Resources Strategies Symposium, Massachusetts Coalition for Water Resources Stewardship, 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, 2019
- [What’s New in the Woo,](#) NAIOP, 2019
- [“EBC Annual Evening Program with MassDEP Commissioner Suuberg,”](#) Environmental Business Council of New England, 2019
- [LSP Association Continuing Education Seminar: The MCP for Everyone: A Practical Understanding of the Massachusetts Contingency Plan,](#) Environmental Business Council of New England, 2019 (Instructor)
- [“The Brownfields Act at 20 Years,”](#) [EBC Site Remediation and Redevelopment Program: Brownfields Financing,](#) Environmental Business Council of New England, 2018
- [“Water Legal & Regulatory Matters in New England \(EPA Region 1\),”](#) 9th Annual Water Resources Strategies Symposium,

Massachusetts Coalition for Water Resources Stewardship, 2018

- “Environmental Law for LSPs,” Licensed Site Professionals Association, 2018
- “EBC Annual Evening Program with MassDEP Commissioner Suuberg: A Review of MassDEP Programs and Priorities for 2018,” Environmental Business Council of New England, 2018
- 8th Annual Water Resources Strategies Symposium, Massachusetts Coalition for Water Resources Stewardship, 2017
- “The New MCP for Everyone: A Practical Understanding of the Massachusetts Contingency Plan,” Licensed Site Professionals Association, 2017
- “Site Remediation and Redevelopment Program Series – Part One – Transaction, Funding Aids and Project Set-Up,” Environmental Business Council of New England, 2017
- “Implementation of Governor Baker’s New Climate Change Strategy Executive Order,” Environmental Business Council of New England, 2016
- “When Oil Really Just Means Oil: The *Peterborough Oil Company v. DEP Decision*,” Boston Bar Association Environmental Law Section, 2016
- “Design It, Make It, Ship It,” Worcester Regional Chamber of Commerce’s Game Changers Business Conference & Expo, 2016
- “Evening Program with MA EOEEA Secretary Matthew Beaton,” Environmental Business Council of New England, 2016
- “EPA’s Draft MS4 Permit: Challenges to EPA’s Legal Authority?” 495/MetroWest Partnership’s Water Resources Committee Meeting, 2015
- “Program Series with MassDEP Regional Offices: Commissioner Marty Suuberg and the Central Region Leadership,” Environmental Business Council of New England, 2015
- “Design and Construction Projects: Legal, Contracting, Procurement, and Risk Management Literacy,” Bowditch College and University Roundtable, 2015
- “The New MCP for Everyone,” Licensed Site Professionals Association, 2015
- “LNAPL and VI Sites: Using AULs for Site Closure Under the New MCP,” Licensed Site Professional Association, 2014
- “Clean Water Act Requirements and Limited Dollars: Is Integrated Planning the Answer?” Environmental Business Council of New England Water Resource Management Program, 2014
- Massachusetts Coalition for Water Resources Stewardship’s 5th Annual Water Resources Strategies Symposium, 2014
- “Management of Urban Soil,” Environmental Business Council of New England Site Remediation & Redevelopment Committee and Solid Waste Committee Program, 2014
- “The Crisis of Soil Management for Development Projects in Massachusetts,” Licensed Site Professionals Association/Environmental Business Council of New England, 2013
- Massachusetts Coalition for Water Resources Stewardship’s 4th Annual Water Resources Strategies Symposium, 2013
- Licensed Site Professionals Association seminar, 2013
- “Stormwater Management in New England,” Law Seminars International, 2013
- “Updates on Brownfields Covenants Not to Sue Program,” Boston Bar Association, 2013
- “Environmental Law for LSPs,” Licensing Site Professionals Association, 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