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STEPHEN C. FOTIS

PARTNER



CONTACT

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PRACTICES

Air
Climate Change
Energy Transition
Government Advocacy & Public Policy
Waste & Hazardous Substances
Water

EDUCATION

American University, Washington College of Law
Dartmouth College

BAR AND COURT ADMISSIONS

District of Columbia Bar
Maryland State Bar

Professional Background

Stephen Fotis specializes in federal and state environmental regulation. His work focuses on matters relating to the Clean Air Act, global climate change, as well as the Clean Water Act, Resource Conservation and Recovery Act, and other environmental statutes. Stephen provides advice and representation in legislative matters (including legislative drafting), agency rulemakings, appellate litigation, air permitting, environmental regulatory compliance, and advancement of emerging electric generation, and pollution control technologies. He represents electric utilities, independent power producers, automobile manufacturers, petroleum refineries, governmental entities, and labor unions. He also provides counsel to numerous trade associations representing these industries.

With respect to the Clean Air Act, Stephen has worked extensively on air policy, regulatory, and transactional matters for over 25 years. He is a leading authority on the regulation of stationary sources under the Clean Air Act, including the New Source Review program. He regularly advises clients on federal policy development through legislation and administrative rulemakings. This work has included the development of major Clean Air Act amendments and national rulemakings for implementing federal air regulatory programs as well as the implementation of the National Ambient Air Quality Standards, including the 8-hour ozone standard and the fine particulate matter standard. In addition, Stephen assists clients in the permitting of new facilities, a wide range of transactional matters, compliance assurance of federal and state air requirements, and the resolution of major enforcement actions.

Representative Experience

- Represented electric utility companies in the D.C. Circuit on matters relating to various Environmental Protection Agency rulemakings, including the Clean Air Interstate Rule, Nitrogen Oxide (NOx) State Implementation Plan (SIP) Call, and the greenhouse gas permitting rules.
- Represented clients in petitions for reconsideration of Environmental Protection Agency's regulations, including Mercury and Air Toxics Standards Rule and Clean Air Interstate Rule.
- Represented electric utilities on a wide-range of enforcement compliance matters, including providing litigation risk assessments and successful settlement negotiations to resolve alleged violations of New Source Review requirements under the Clean Air Act.
- Negotiated settlement to resolve environmental enforcement compliance matters against eight domestic refineries of a major petroleum refiner.
- Assisted companies in obtaining Clean Air Act permits for the construction, modification, and operation of major stationary sources, including obtaining construction permits for new coal- and gas-fired electric generating units.
- Advises clients on federal and state legislative matters, including providing analysis of proposed legislation, strategic counsel, and legislative drafting assistance.
- Advises and provides legal counsel to several industry associations on energy and environmental policies, including preparation of legal analysis and comments on major federal environmental regulations.
- Advises clients on corporate climate change strategies, greenhouse gas emissions trading, and the development of federal climate change policies, including the development of greenhouse gas standards for new and existing power plants under the Clean Air Act.

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Government Service

Maryland Court of Special Appeals

Law Clerk for the Honorable Judge John J. Bishop, 1986-1987

Awards and Honors

Chambers Global

Climate Change, 2010-2015

"Best Lawyers in America" by *Best Lawyers*

Litigation-Environmental, 2013-2027

Legal 500

Environment - Transactional and Regulatory 2014

Chambers USA

Climate Change, 2013-2021

Super Lawyers

2017-2020, 2022-2025

Legal 500 - Recommended Attorney

Environment - Regulatory, 2019-2021

Washingtonian's Top Lawyers

Environment, 2009, 2011

Articles and Presentations

- Proposed Air Quality Rules May Pose Challenge to Offshore Oil and Gas Industry, Law360.com, 03/24/2016
- Climate Power Play: Financial, Legislative, and Regulatory Moves Toward a New Energy Enconomy, Washington DC, 11/18/2013
- Greenhouse Gas Regulation: EPA Takes Center Stage (Webinar), Van Ness Feldman, 09/30/2010

Alerts

- EPA Rescinds 2009 Endangerment Finding and Repeals Vehicle GHG Standards, 02/18/2026
- Trump Administration Proposes to Repeal 2009 Endangerment Finding, 08/01/2025
- EPA Proposes Repeal of Greenhouse Gas Emissions Standards and Update to Toxic Emission Standards for Power Plants, 06/16/2025
- EPA Finalizes Major Power Plant Rules, 04/26/2024
- EPA Tightens the Fine Particulate Matter Standard, 03/07/2024
- EPA Strengthens Risk Planning and Management Requirements for Industry, 03/05/2024
- EPA Releases Landmark Greenhouse Gas Standards for Power Plants, 05/12/2023
- Reducing Smog in Downwind States: EPA Finalizes "Good Neighbor Plan", 03/21/2023
- EPA Proposes Tighter Wastewater Discharge Standards for Coal-Fired Power Plants, 03/13/2023
- EPA Proposes More Stringent Methane Regulations for Oil and Gas Facilities, 11/15/2022
- Supreme Court Limits EPA's Authority to Regulate Greenhouse Gas Emissions, 06/30/2022
- EPA Finalizes Affordable Clean Energy Rule, 06/24/2019
- EPA Reconsiders Cost Justification for MATS and Proposes No Additional Requirements for Power

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Plants, 01/09/2019

- EPA Proposes Affordable Clean Energy Rule, 08/22/2018
- Trump Order Sets Up Rollback of Obama Energy and Climate Action, 03/30/2017
- EPA Takes Actions to Reduce Methane Emissions from the Oil and Gas Sector , 05/16/2016
- Proposed Air Quality Rules May Pose Challenge to Offshore Oil and Gas Industry, 03/18/2016
- EPA Issues Package of Proposed Rules to Reduce Methane Emissions from the Oil and Gas Sector , 08/19/2015
- Caught "Short": Are You Better Off Under the Clean Power Plan than You Were 14 Months Ago?, 08/17/2015
- EPA Issues Regulations to Control Carbon Dioxide Emissions from the Power Sector, 08/05/2015
- After Michigan v. EPA: What Comes Next for EPA's Power Plant Mercury Rule?, 07/01/2015
- Supreme Court Rejects Extending Clean Air Act Permitting Authority Based Solely on GHGs but Upholds GHG Limitations on Otherwise Regulated Stationary Sources, 06/24/2014
- EPA Proposal for Regulating CO_2 Emissions from Modified Power Plants Would Require Efficiency Improvements, But Not CCS, 06/05/2014
- EPA Issues Proposed Clean Power Plan to Limit Greenhouse Gas Emissions from Existing Power Plants, 06/02/2014
- EPA Releases Final Standards for Cooling Water Intake Structures at Power Plants and Other Facilities, 05/22/2014
- Supreme Court Rejects D.C. Circuit Vacatur of Cross-State Air Pollution Rule, 05/05/2014
- Supreme Court Will Review Whether EPA Clean Air Act Permitting Authority Extends to Greenhouse Gases, 10/23/2013
- EPA Proposes New Standards to Regulate Carbon Dioxide Emissions from New Power Plants, 09/24/2013
- EPA Regulation of Greenhouse Gas Emissions from Existing Power Plants: Issues and Options, 06/27/2013
- EPA Proposes New Standards to Regulate Water Discharges from Power Plants, 04/26/2013
- EPA Proposes Greenhouse Gas Emission Limits for New Electric Generating Units, 03/29/2012
- EPA Expands Climate Agenda to the Current Fleet of Power Plants and Refineries, 01/19/2011
- EPA Finalizes Endangerment Finding for Greenhouse Gases, 12/09/2009