

Thomas S. Burack

Shareholder | Manchester, NH

A leading practitioner of environmental law, Tom's 35 years in the field include more than a decade as Commissioner of the New Hampshire Department of Environmental Services. He combines an in-depth understanding of how government agencies work and strong problem solving skills to help achieve efficient resolutions across a broad range of regulatory, compliance, enforcement, litigation, permitting, contracting, liability, and other business matters. Tom represents manufacturers, energy suppliers and generators, real estate and housing developers, property owners, small and large businesses, nonprofits, municipalities, family trusts, and individuals in the environmental, energy, and climate arenas.

Tom also practices in the areas of real estate, nonprofit and charitable organizations, as well as political committees and campaign finance, and frequently coordinates teams of attorneys in addressing complex matters involving the intersection of different areas of the law.

Tom's environmental practice covers groundwater contamination, site investigation and remediation, brownfields, facility construction and permitting (alteration of terrain, wetlands, air, water, waste, endangered species), water supply development and operations, transactional due diligence, management systems, and sustainability. He has substantial experience representing clients before regulatory agencies under federal and state programs, including the Resource Conservation and Recovery Act, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act, as well as laws and regulations governing abatement of structural hazards (e.g., PCBs, asbestos and lead paint), dams, wetlands, shoreland protection, and shorefront structures of all kinds (including docks, beaches, marinas, and boat launches). Tom also advises clients on emergency preparedness, response and recovery issues, and has experience in helping to lead governmental responses to natural and manmade disasters.

In the energy sector, Tom works with project developers and host communities and has deep insights into energy facility siting strategies and processes based upon his prior service on the State of New Hampshire's Energy Facility Site Evaluation Committee.

Tom also consults with organizations on a diverse set of environmental, energy, and organizational management and governance issues. A skilled group facilitator, he guides clients through comprehensive scenario thinking and strategic planning processes to develop living strategic plans that are regularly monitored and updated.

Tom grew up in New Hampshire's White Mountains, and loves to hike, ski, and canoe. As a professional raconteur, he is known for calling moose,

SHEEHAN PHINNEY

performing as Daniel Webster, and regaling many an audience with tales of the North Country. He is a Harry S. Truman Scholar, served as Law Clerk to the Honorable David H. Souter on the Supreme Court of New Hampshire, and as Legislative Assistant for Environmental Matters to U.S. Senator Gordon J. Humphrey (R-NH) in Washington, DC. Tom is a Fellow in the American College of Environmental Lawyers (ACOEL).



Contact Information

Phone: 603.627.8387

Fax: 603.641.2376

Email: tburack@sheehan.com

Key Cases

- Assists manufacturing facilities in complex regulatory proceedings involving production processes and waste streams. Secured the first contained-in determination ever issued by the NH Department of Environmental Services pursuant to the Resource Conservation and Recovery Act (RCRA) for a liquid waste stream.
- Conducts environmental due diligence in support of acquisition of facilities and product lines, including manufacturing, solid waste and energy generation facilities. Secured process compliance concurrence letter from the NH Department of Environmental Services for a transaction.
- Counsel to energy development and other companies in acquisition and brownfields redevelopment of contaminated properties, including former industrial and commercial sites, as well as municipal landfills.
- Counsel to owners of dams regarding compliance and rehabilitation of dam structures determined to have deficiencies by the NH Department of Environmental Services.
- Advised a family trust on successful process of repairing a dam and transferring ownership to a nonprofit organization.
- Counsel to Potentially Responsible Parties (PRPs) in Superfund Site matters, including settlement negotiations.
- Co-Counsel to PRP in complex Superfund cost recovery and liability matter in US District Court.
- Counsel to nonprofit corporations on full suite of needs, including obtaining and maintaining tax exempt status under state laws and the Internal Revenue Code, policy development, board governance, charitable contributions, and conservation and historic preservation easements.
- Facilitates and guides organizations' scenario thinking processes and development of living strategic plans that support substantial future growth and service opportunities.

SHEEHAN PHINNEY

Practice Areas

- Environment & Energy
- Non-Profit, Charitable & Religious Institutions
- Real Estate & Development

Admissions and Certifications

- State of New Hampshire
- State of Maine
- State of Vermont
- Lean Green Belt - Bureau of Education and Training, NH Dept. of Administrative Services
- National Incident Management System/Incident Command System (NIMS/ICS)

Education

- J.D., University of Virginia School of Law
- B.A., Dartmouth College, *magna cum laude*

Industry & Civic Involvement

- Clean Energy NH: Chair, Board of Directors
- Environmental Business Council of New England: Co-Chair, Advisory Council, and NH Leadership Council
- American College of Environmental Lawyers: Former Co-Chair, Education Committee, and Former Member, Executive Committee
- E-Enterprise for the Environment: Former State Co-Chair of E-Enterprise Leadership Council
- Environmental Council of the States: Former President, Vice President and Secretary/Treasurer
- Regional Greenhouse Gas Initiative, Inc.: Former Member, Board of Directors and Executive Committee; Secretary, and Chairman of Audit Committee
- Northeast Regional Ocean Planning Body: Former Member
- New Hampshire Climate Change Policy Task Force: Chairman

SHEEHAN PHINNEY

- New Hampshire Water Sustainability Commission: Member
- New Hampshire Lives on Water: Former Steering Committee Member
- Conference of New England Governors and Eastern Canadian Premiers: Former Co-Chair of Regional Climate Change Action Plan Development Workgroup
- Leadership New Hampshire (Class of 1997) and Leadership Greater Manchester (Class of 1993)
- Business & Industry Association of New Hampshire; Former Chairman of the Institute for Community, Business and the NH Economy; Former Chairman of the WasteCap Resource Recovery Network
- NH Land & Community Heritage Investment Program: Former Chairman, Board of Directors
- Audubon Society of New Hampshire: Former Chairman, Board of Trustees
- Truman Scholars Association: Founding President
- George C. Marshall Foundation: Former Member, Board of Trustees; Member, Council of Advisors
- Dartmouth Environmental Network, Dartmouth College: Founder and First President
- St. Andrew's Episcopal Church, Hopkinton, NH: Former Vestry Member

Awards

- Chambers USA, Environmental
- 2019 Dartmouth College Perkins Bass Distinguished Visitor
- Joseph E. Stevens Award, Harry S. Truman Scholarship Foundation
- President's Award, Environmental Council of the States
- Paul G. Keough Award, Environmental Business Council of New England
- Cotton Mather Cleveland Leadership Award for Exemplary Leadership, Leadership New Hampshire
- Environmental Excellence Award, Resource Conservation Network
- EPA New England's 2017 Ira Leighton "In Service to States" Annual Award

Publications

- New Emergency Order – New Hampshire Agencies Temporarily Extend Some Compliance Deadlines and Requirements, Starting with Environmental Programs
- Environmental Compliance and Enforcement Discretion During the COVID-19 Pandemic
- Loving that PFAS: Does EPA's Valentine's Day PFAS Action Plan Portend a Change of Heart?
- Acronymic Acrobatics: Why Poly- and Perfluoroalkyl Substances (PFAS) are becoming a Problem For All States
- Not so Crazy Talk: Net-Zero Energy Buildings
- NH Legal Perspective: If you heat with oil, pay attention or pay the price
- Clean Tech Corner: When clean technology meets policy
- Q&A with former DES Commissioner Tom Burack
- “

SHEEHAN PHINNEY

Collaborative Federalism

,” with A. Stanley Meiburg, *The Environmental Forum*, May/June 2016, pp. 22-27

- “Of Reliable Science: Scientific Peer Review, Federal Regulatory Agencies, and the Courts,” *7 Virginia Journal of Natural Resources Law* 27 (1988)