

# Patricia T. Barmeyer

Partner

*Environmental, Health and Safety*



Atlanta: +1 404 572 3563

[pbarmeyer@kslaw.com](mailto:pbarmeyer@kslaw.com)



Patricia Barmeyer specializes in the environmental permitting of controversial projects and the litigation that is often part of the process of bringing those projects to completion. Patricia has handled matters in all environmental media, but her recent work has focused on cases involving water and air permits and coastal development projects. Patricia has been ranked by *Chambers USA Leading Lawyers for Business* as the top environmental lawyer in Georgia since 2006.

Patricia combines a depth of environmental law expertise with substantial courtroom prowess, representing clients in many types of environmental matters, from rule making, to permitting, to permit appeals, to compliance issues — always seeking to resolve issues without litigation, but ready to litigate if necessary. She has worked on major infrastructure projects including roads, airports, water supply reservoirs, power plants, docks and pipelines.

Patricia is part of the team of K&S attorneys that represents the Atlanta Regional Commission and the metropolitan Atlanta local governments that supply drinking water to the metro area in the protracted tri-state “water wars” litigation. This multifaceted representation has included litigation in multiple courts, including in the Eleventh Circuit, which upheld the use of Lake Lanier for drinking water purposes. *In re MDL Tri-State Water Rights Litigation*, 644 F.3d 1160 (11th Cir. 2011).

King & Spalding's environmental practice was recognized by *Law 360* as Practice Group of the Year in 2012, 2015 and 2016. Patricia was named *Best Lawyers' Atlanta Environmental Lawyer of the Year* in 2010 and again in 2014.

*Chambers USA Leading Lawyers for Business 2016* reports that clients describe Patricia as “an excellent litigator” who is “great with the various agencies in an administrative context,” and in 2014 quoted a client as saying: “She’s extraordinarily smart and intuitive. She has the gift that only really good lawyers have of imagination.”

Before joining King & Spalding, Patricia was a senior assistant attorney general for the state of Georgia where she litigated landmark environmental cases.

## Matters

Represented **Rayonier Performance Fibers, LLC**, in securing renewal of the NPDES discharge permit for its Jesup pulp mill, the world's largest producer of cellulose specialty products. The permit had been reversed by the administrative law judge, who imposed a novel and unreasonable construction of the narrative water quality standard. That erroneous decision, which threatened the permitting program for all industrial and municipal dischargers in Georgia, was reversed by the Superior Court in March, 2017, which resulted in affirmance of the renewed permit.

Represented **Sea Island Company** in securing, and successfully defending to an Administrative Law Judge and then to Superior Court, the state Shore Protection Act permit for a controversial beach nourishment, dune construction and groin project for its beach.

Successfully defended **Rayonier Performance Fibers, LLC, and Rayonier, Inc.** in a citizens suit alleging that the world's largest cellulose specialty products pulp mill was violating its NPDES discharge permit. *Altamaha Riverkeeper, Inc. v. Rayonier, Inc.*, No. CV 214-44, 2015 U.S. Dist. LEXIS 42849 (S.D. Ga. Mar. 31, 2015). Summary judgment was granted on all counts and the appeal of that decision was voluntarily dismissed.

Has successfully defended the ability of **the Atlanta Regional Commission, the City of Atlanta and other local water supply providers** to continue to provide drinking water to the metro area, in the protracted and multifaceted, tristate “water wars” litigation in multiple federal courts. A significant win was achieved when the U.S. Court of Appeals for the Eleventh Circuit reversed the order of the district court that would have severely curtailed the water supply available for the metropolitan Atlanta area. *In re MDL Tri-State Water Rights Litigation*, 644 F.3d 1160 (11th Cir. 2011). Another accomplishment in this case is the successful defense against requests for injunctive relief on endangered species claims brought by Florida.

Represented **Longleaf Energy Associates, LLC and a consortium of electric membership cooperatives** in securing and defending all permits required for the construction and operation of two \$2 billion+ coal-fired power plants, in the face of multiple challenges by local and national environmental groups and additional regulatory hurdles imposed by U.S. EPA. *See, e.g., Longleaf Energy Associates, LLC v. Friends of the Chattahoochee, Inc.*, 2009 Ga. App. LEXIS 787 (2009).

For a **Fortune 50 company**, handled the internal investigation of a systematic failure to report discharge permit violations, and negotiated a very reasonable civil penalty with the environmental regulatory agency.

Successfully defended in state and federal court challenges based on NEPA and other issues to the § 401 water quality certification and § 404 dredge and fill permit issued to the **Henry County Water & Sewerage Authority** for construction of a water supply reservoir.

Represented a **coastal developer** in a landmark case establishing the limited jurisdictional scope of the Georgia Coastal Marshlands Protection Act, after lower courts and administrative tribunals had misinterpreted the statute, causing uncertainty and delay for landowners developing property on the Georgia coast. *Coastal Marshlands Protection Committee v. Center for a Sustainable Coast*, 286 Ga. App. 518 (2007), *affd.* 284 Ga. 736 (2008).

Obtained summary judgment for **National Service Industries, Inc.** in a Superfund case brought by the State of New York, by persuading the U.S. Court of Appeals for the Second Circuit to correct its own precedent and to apply traditional common law principles to determine that an asset purchaser had no liability under Superfund for the pollution caused by the seller, since it was an arms-length transaction of assets only, with no continuity of ownership between seller and buyer. *State of New*

## Credentials

### EDUCATION

J.D., Harvard University, cum laude

B.A., Hollins University

### ADMISSIONS

Supreme Court of the United States

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court for the Middle District of Georgia

U.S. District Court for the Northern District of Georgia

U.S. District Court for the Southern District of Georgia  
Georgia

### ASSOCIATIONS

Best Lawyers In America

State Bar of Georgia

Atlanta Bar Association

American Bar Association (Member, Section on Natural Resources, Energy and Environmental Law)

Fellow, American Bar Foundation

## Recognition

The top environmental lawyer in Georgia and ranked as a "Star Individual," reserved for those "far ahead of the pack"

CHAMBERS USA LEADING LAWYERS FOR BUSINESS

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Clients note Patricia as "an excellent litigator" and "great with the various agencies in an administrative context"

CHAMBERS USA LEADING LAWYERS FOR BUSINESS, 2016

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Clients: "She's extraordinarily smart and intuitive... has the gift that only really good lawyers have of imagination"

CHAMBERS USA LEADING LAWYERS FOR BUSINESS, 2014

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Atlanta Environmental Lawyer of the Year

THE BEST LAWYERS IN AMERICA, 2010 AND 2014

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Listed in Who's Who Legal: The International Who's Who of Business Lawyers

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King & Spalding's environmental litigation practice was named "Practice Group of the Year"

LAW 360, 2012, 2015, 2016

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Georgia Super Lawyer

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Fellow of the American College of Environmental Lawyers

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Lifetime Achievement Award  
FULTON COUNTY DAILY REPORT, 2015

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## Insights

### CLIENT ALERT

*May 4, 2018*

Fish and Wildlife Service Issues Guidance Limiting Agency Authority Under Endangered Species and Migratory Bird Acts

### NEWSLETTER

*June 4, 2018*

Energy Newsletter - June 2018

*May 1, 2018*

Energy Newsletter – May 2018

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## News

### RECOGNITION

*May 3, 2018*

Chambers USA 2018 Recognizes King & Spalding as a Preeminent U.S. Law Firm

*May 31, 2017*

Chambers USA 2017 Recognizes King & Spalding as a Leading U.S. Law Firm

*July 8, 2016*

Legal 500 U.S. Ranks King & Spalding Practices and Lawyers Among the Best in 2016

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