Todd S. Roessler

Partner



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Services

Environment & Product Regulation

Litigation

Environmental, Social and Governance (ESG) Solutions

Industries

Energy

Todd Roessler focuses his practice on a wide range of matters related to environmental litigation, regulatory counseling, and transactions. Todd has nearly 30 years of diverse environmental experience. Since 2002, Todd has practiced environmental law and before that he was an environmental consultant and coastal geologist. In these capacities, he has represented national and international companies in the manufacturing, energy, and environmental sectors. His experience covers a broad spectrum of environmental matters, ranging from environmental permitting of large, complex industrial facilities to remediation of contaminated sites. In particular, Todd has extensive experience in coastal law and issues and environmental and administrative litigation.

Todd counsels clients relating to environmental aspects of a variety of transactions, including redevelopment of contaminated property, real estate development projects, asset deals, stock deals and lending transactions.

Todd also counsels clients concerning environmental compliance matters, including determining whether the client's operations or activities are subject to statutory and/or regulatory requirements under CERCLA, RCRA, the Clean Water Act, and

Clean Air Act, as well as state law counterparts.

Todd has represented clients in a variety of litigation matters before federal courts, state courts and administrative tribunals, including matters involving the Coastal Zone Management Act, NEPA, cost recovery and contribution claims related to Superfund sites, management of hazardous waste under RCRA, the Clean Water Act, the Clean Air Act, and California's Safe Drinking Water and Toxic Enforcement Act (Proposition 65).

Todd frequently speaks at state and national conferences concerning coastal issues, including dredged material management, property rights and access issues, as well as Endangered Species Act issues.

Prior to joining the firm, Todd worked as a geologist at an environmental consulting firm focusing on groundwater investigation and remediation and resource development and management issues.

Todd is listed in the 2026 and the 12 immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* for Environmental Law. He was named a North Carolina "Super Lawyer" for Environmental Law in 2027 and the six years immediately preceding by *Super Lawyers* magazine. Todd has been recognized as a 2016 "Legal Elite" by *Business North Carolina* magazine in the area of Environmental Law.

Experience

Represent North Carolina State University in connection with polychlorinated biphenyls (PCBs) detected in building materials at Poe Hall. In response to a concern raised in August 2023 about indoor air quality, NC State initiated an internal environmental assessment of Poe Hall, which included preliminary testing for asbestos, heavy metals, and PCBs. Based on the preliminary results suggesting the presence of PCBs in building materials, NC State made the voluntary, proactive decision to close Poe Hall in November 2023. NC State retained Kilpatrick to provide legal advice to NC State in connection with consulting with regulatory agencies, including the U.S. Environmental Protection Agency, concerning a comprehensive environmental assessment of Poe Hall and potential remediation to ensure the safety of faculty, staff, and students. Kilpatrick is also providing litigation support to NC State for existing and threatened litigation against NC State.

Represent GFL Environmental in connection with a broad range of environmental matters at its landfill facilities. Our representation includes advising GFL on regulatory compliance, permitting, and ongoing operational issues under federal, state, and local environmental laws. We provide strategic counsel regarding the implementation of a consent decree at the Sampson County Landfill, assisting with the development and execution of compliance plans, reporting obligations, and remedial measures required by the decree.

Represent NCR Voyix in a federal lawsuit in which NCR and other plaintiffs have asserted claims under the Comprehensive Environmental Response and Liability Act (CERCLA) seeking contribution for costs associated with performing an RI/FS at the South Dayton Dump site (No. 3:13-cv-00115, S.D. Ohio).

Represent Fayetteville Public Works Commission, Cape Fear Public Utilities Authority, and Brunswick County advocating for the regulation of 1,4-dioxane in the Cape Fear River Basin. Our representation involves providing legal counsel, regulatory analysis, and strategic guidance as these utilities seek to ensure the protection of public health and water quality in their service areas.

Represent Fayetteville Public Works Commission, Cape Fear Public Utilities Authority, and Brunswick County opposing a proposed interbasin transfer of 6 million gallons per day from the Cape Fear River Basin to the Neuse River Basin. Our representation includes providing legal counsel and strategic advocacy to protect the interests of our clients and their customers. We assist these utilities in analyzing the potential impacts of the proposed transfer on water supply reliability, water quality, and long-term resource sustainability within the Cape Fear River Basin.

Represent a renewable energy company in defending against allegations that the application of herbicides at its solar farm resulted in damage to a neighboring commercial nursery.

Represented Town of Ocean Isle Beach, North Carolina with respect to defending federal lawsuit in connection with permitting and environmental study related to proposed storm damage reduction project (terminal groin) (*National Audubon Society v. U.S. Army Corps of Engineers and Ocean Isle Beach*, Case No. 17-cv-00162, E.D.N.C.). Plaintiff National Audubon Society asserted claims under the National Environmental Policy Act and the Clean Water Act alleging that the project would destroy critical bird habitat at the end of the island. The Fourth Circuit Court of Appeals affirmed the District Court's decision to uphold the environmental review and federal permit. *Nat'l Audubon Soc'y v. U.S. Army Corps of Eng'rs* , No. 19-2151 (4th Cir. Mar. 26, 2021) In its decision, the Fourth Circuit emphasized that modeling results showed that the beach east of the groin would stabilize after the first year and the accretion of sand west of the groin would increase habitat acreage and improve wildlife for birds and sea turtles.

Represent R.J. Reynolds Tobacco Holdings, Inc. in a federal lawsuit in which The Goodyear Tire & Rubber Company asserted claims under the Comprehensive Environmental Response and Liability Act (CERCLA) alleging that a predecessor food production company of R.J. Reynolds Tobacco Holdings, Inc. and other defendants arranged for the disposal of waste containing hazardous substances at a former landfill in Jackson County, Ohio. (No. 2:20-cv-06347-JLG-EPD, S.D. Ohio).

Since 2013, provide strategic and legal advice to private mitigation banking firm (2013 to present). Represent private mitigation banking firm in connection with permitting, development, construction and sale of mitigation credits of privately-funded 550-acre marsh restoration project in coastal Louisiana utilizing sediment dredged from a permitted Mississippi River borrow site. Permitting included preparation of National Environmental Policy Act (NEPA) document and ongoing representation including compensatory mitigation related to the State of Louisiana's proposed $2 billion Mid-Barataria Diversion Project that proposes to divert the Mississippi River to create and restore thousands of acres of wetlands. Provide further strategic and legal advice in connection with dam removal and mitigation strategy.

Represented the Northern Arapaho Tribe in a matter before the American Arbitration Association involving the dispute of an oil and gas lease on the Wind River Association. In November 2020, AAA issued a decision in favor of the Northern Arapaho Tribe terminating the oil and gas lease and giving the Tribe full control of its resources.

Represent solar development company in dispute with engineering, construction and procurement (EPC) contractor before the American Arbitration Association involving the development of 75 MWac solar farm in North Carolina and millions of dollars in alleged damages.

Represent Kane Realty Corporation in a $350 million Brownfields project involving the redevelopment and expansion of the North Hills, Raleigh, North Carolina area (300,000 square feet of office space, about 150,000 of additional retail, and 450 residential units).

Represent Duke University Health System, Inc. in a Brownfields project involving plans to redevelop the site of a former Macy's department store at a shopping mall in Durham, North Carolina into a large new medical office complex.

Represent a compliance company that specializes in collecting and disposing regulated substance in an administrative lawsuit against the North Carolina Division of Air Quality in the Office of Administrative Hearings (20 EHR 00968) challenging company's ability to assert the startup, shutdown and malfunction defense during bypass events. Provide ongoing counsel regarding environmental issues associated with medical waste management.

Represented a manufacturer of commodity, industrial grade and specialty adhesives tapes regarding a wide range of environmental issues, including environmental due diligence, waste management, product stewardship and air quality issues.

Represent commercial fishery trade group in lawsuit filed against the North Carolina Division of Marine Fisheries and the North Carolina Marine Fisheries Commission alleging that supplement to Southern Flounder Fishery Management Plan is unlawful.

Represent a pelletized wood products manufacturer in connection with siting, permitting and regulatory compliance of new terminal facility located at North Carolina State Ports Authority property.

Assist in the representation of the Town of Emerald Isle, North Carolina in a case before the North

Carolina Supreme Court (*Nies v. Town of Emerald Isle*, No. 409PA15) relating to the public's right to use the dry sand beaches of North Carolina. Provide legal advice to the Town in support of their case and develop and implement amicus brief strategy.

Represent Town of Holden Beach with respect to permitting and environmental study related to proposed terminal groin.

Assisted in lawsuit filed by North Carolina Fisheries Association, Inc. alleging that federal agency's authorization, control and regulation of the recreational fishing industry that results in injuries and death to listed sea turtles is a take of listed sea turtles in violation of the Endangered Species Act.

Represents a multinational manufacturer of chemicals, glass, fiberglass and coatings by providing environmental legal services. We provide environmental counseling to the client in many areas of environmental law, including water quality, waste management, and in particular on air quality matters. Most recently, we have assisted with its response to several significant EPA Clean Air Act Section 114 requests related to their glass and fiber glass manufacturing operations.

Represented an international specialty chemical manufacturer on a variety of air quality issues, including legal advice regarding a major enforcement action under the Pharmaceutical MACT.

Represent local governments in connection with beach management issues and development of DMMPs for federal navigation projects to protect clients' interests, including negotiations with the U.S. Army Corps of Engineers, National Park Service and adjacent barrier islands related to beneficial reuse of dredged material.

Represent international forest products company in connection with Portland Harbor Superfund Site.

Represented Georgia Ports Authority with respect to environmental issues, including wetlands mitigation, water quality, dredged material management, endangered species, and coastal erosion, in connection with proposed deepening of Savannah Harbor.

Represent property owners in lawsuit filed against coastal town seeking to avoid destruction of oceanfront dunes.

Represent Carteret County in connection with development of a DMMP for the Morehead City Harbor Project, including negotiations with the Corps and National Park Service related to proposed beach renourishment at Shackleford Banks.

Negotiated favorable settlement in suit filed by Carteret County against the Corps' alleging that dredged material management practices associated with a federal navigation project violated the National Environmental Policy Act and the Coastal Zone Management Act. Currently representing local government intervenors in a similar federal lawsuit.

Represent Melrose Property Owners Association with respect to developing legal and strategic plan to remove Daufuskie Island from Coastal Barrier Resources System.

Stakeholder group supported placement of dredged material on developed barrier island where it would protect valuable infrastructure and property and provide recreational benefits.

As local counsel, represent organization in connection with federal lawsuit against National Park Service in connection with off-road vehicle access to National Seashore alleging violations of Organic Act, Enabling Act and National Environmental Policy Act.

Negotiated complicated transaction involving a former pulp and paper mill, including liability transfer, underwriting of environmental insurance and regulatory agreements with the Environmental Protection Agency and the North Carolina Department of Environment and Natural Resources.

Successfully represented large landowner intervenor in administrative proceeding in support of proposed 300-megawatt wind energy facility.

Represent coastal local governments related to permitting, leasing and environmental studies.

Assist with amending Fiji's Mineral Act to protect the island nation's tourism industry while providing economic opportunities related to its natural resources.

Represent local government coalition with respect to listing of and/or proposed designation of critical habitat for listed or proposed species, including the loggerhead sea turtle, red knot rufa and Atlantic sturgeon.

Provide strategic and legal advice to the State in connection with federal lawsuit against the U.S. Army Corps of Engineers' proposal to dispose contaminated dredged material in Lake Erie.

Represent furniture manufacturer in connection with claims by EPA for environmental contamination resulting from operations at a former transformer repair site, including negotiations with EPA and assisting in a CERCLA lawsuit filed against over 140 other potentially responsible parties for cost recovery and contribution.

Assist renewable energy project developers in obtaining required regulatory approvals, including representation in administrative hearings where necessary.

Local counsel representation for international renewable energy developer in purchase of portfolio of eight solar projects in North Carolina, including consulting regarding tax, tax-equity, construction financing, environmental laws and regulations, permits and construction approvals, endangered species act, and enforceability issues.

Education

University of North Carolina School of Law J.D. (2001) *with honors; Order of the Coif*

University of North Carolina at Chapel Hill M.S. (1998) Marine Sciences

University of North Carolina at Chapel Hill B.S. (1992) Geology

Admissions

North Carolina

Pennsylvania (inactive)

Court Admissions

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the Eastern District of North Carolina

U.S. District Court for the Middle District of North Carolina

U.S. District Court for the Western District of Pennsylvania

Clerkships

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Professional & Community Activities

University of North Carolina at Chapel Hill, Ocean and Coastal Law, Adjunct Professor of Law

Coastal Resources Advisory Council, Former Member

North Carolina Bar Association, Coastal Concerns and Resources Committee, Co-Chair

North Carolina Coastal Resources Law, Planning and Policy Center, Board of Advisors

Insights

JUNE 5, 2026 **NEWS RELEASES**

Kilpatrick Attorneys Earn 101 Rankings in 2026 Chambers USA and Global Guides

NOVEMBER 25, 2025 NEWS RELEASES

Over 100 Kilpatrick Attorneys Named 2025 Super Lawyers and Rising Stars

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JUNE 6, 2025 NEWS RELEASES

Kilpatrick Attorneys Earn a Record 100 Recognitions in 2025 Chambers USA

MAY 7, 2025 ALERT

Federal Government Continues Climate Change Rollbacks Under Executive Order 14260

FEBRUARY 28, 2025 ALERT

New York Introduces Climate Disclosure Legislation Signaling Growing Trend of State-Level Climate Regulation

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