Elizabeth E. Mack

Partner

Dallas Boston

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Elizabeth offers clients award-winning practical experience, technical and scientific knowledge, down-to-earth explanations, and a reasonable, business-oriented approach to environmental issues.

OVERVIEW

Elizabeth is a nationally acclaimed environmental attorney who has been routinely recognized in *The Best Lawyers in America*® and *Chambers USA*, and was named 'Lawyer of the Year in Environmental Law' in the 2022 edition of *The Best Lawyers in America*®. Clients say "Overall, [Elizabeth is] one of the most intelligent and solution-oriented attorneys with whom I have had the pleasure of working. She is reliable and creative, with a focus on getting the job done in a constructive way" (*Chambers USA 2024*).

Elizabeth represents developers, manufacturing concerns, energy companies, and other institutions in a variety of transactions with a focus on analyzing and managing environmental risks and liabilities. Known for practicality and keeping business interests in mind, she also advises clients regarding the environmental issues associated with the purchase, sale, and development of all types of real estate, including contaminated brownfield sites. Elizabeth works on all aspects of contaminated property ownership, from identifying environmental issues to assessing risks, developing methods to manage risk, addressing environmental issues and achieving regulatory closure, to developing and implementing transactional structures to mitigate the potential for environmental liability.

As part of her client work, she regularly analyzes environmental insurance policies and secures appropriate insurance. During ownership, clients also turn to Elizabeth to oversee remediation, work with regulatory agencies, manage environmental audits, and assist in resolving property conditions issues from PCBs to LBP to radon.

Elizabeth regularly works with the USEPA and environmental agencies (and licensed site professionals in privatized states) across the U.S. to resolve clients' environmental issues. She assists clients with pursuing brownfield tax credits and similar incentives, where available and desired. Elizabeth also advises clients and works with resource agencies regarding protected waters permitting and endangered species issues.

Elizabeth is equally at home in the courtroom, in arbitration, and in dispute resolution. Among other matters, she resolved a major pipeline jet fuel sub-surface release on Cape Cod, MA, against the U.S. Department of Justice and private parties. She was lead counsel for an electric co-generator company in the appeal of the TCEQ's negative use determination denying a pollution control exemption for heat recovery steam generators in electricity production, obtaining a unanimous decision to overturn the determination. Following a USEPA-issued emergency order under the Safe Drinking Water Act and subsequent appeals to the U.S. Courts of Appeals for the Third and

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Tenth Circuits, Elizabeth negotiated a resolution of alleged impacts from oil field operations on drinking water sources in Native American tribal lands. She also was co-lead counsel for Fina in *Fina, Inc. v Arco*, 200 F.3d 266 (5th Cir. 2000), which established the standards for environmental indemnities in the Fifth Circuit. Elizabeth was co-lead counsel for Cooper Industries in the federal district court and Fifth Circuit (including *en banc*) for Cooper Industries, Inc., in *Cooper Industries, Inc. v. Aviall Services, Inc.*, 543 U.S. 157 (2004), which is a seminal case associated with CERCLA Sections 107 and 113 liability.

Elizabeth regularly represents clients on NEPA issues. She has represented gas pipeline owners, transportation authorities, and airlines in preparing and/or consulting on environmental assessments and environmental impact statements. She also works with consultants, federal and state resource agencies, and citizens groups to bring consensus, order, and speed to the NEPA process.

REPRESENTATIVE MATTERS

- **Suffolk Downs Redevelopment, Boston and Revere, MA:** Elizabeth has led all environmental legal aspects of this large-scale, mixed-use redevelopment project, transforming a former horse racing track into a vibrant community. Her work includes decommissioning the concentrated animal feeding operation (CAFO), managing permitting processes, handling pollution liability claims, and collaborating with lenders and equity partners.
- **60 Olympia, Woburn, MA:** As part of the Wells G & H Superfund Site, Elizabeth negotiated a prospective purchaser agreement with the US EPA Region 1 prior to her client's acquisition of the 60 Olympia Site. She is currently overseeing the removal action to address chlorinated volatile organic compounds (CVOCs) in soil and groundwater.
- **Dallas Global Industrial Center, Grand Prairie and Dallas, TX:** Elizabeth and her team have served as environmental counsel since 2011 for this 315-acre site, the largest manufacturing site of its kind in Texas. Under a Consent Order with the Texas Commission on Environmental Quality (TCEQ), they manage agency and regulatory interactions, address remedial issues, and ensure stakeholders understand environmental obligations.
- **National Environmental Counsel for Multifamily Residential Builders:** Elizabeth acts as national environmental counsel for several of the largest multifamily residential builders and owners in the U.S., managing environmental challenges in purchasing, financing, developing, and operating urban infill sites. Her work spans remediation projects in more than 40 states.
- **Major Oil Tank Farm, Fairfax, VA:** Elizabeth negotiated the environmental aspects of a purchase agreement and collaborated with the Virginia Department of Environmental Protection on remedial obligations. She will oversee the ongoing remedial efforts.
- **Oil-Field Valve Manufacturer:** Elizabeth manages a $950 million environmental indemnity associated with a corporate spinoff, covering more than 60 sites worldwide with significant releases of chlorinated solvents, metals, petroleum, and PCBs.
- Resolved a major pipeline jet fuel sub-surface release on Cape Cod, MA, against the U.S. Department of Justice and private parties.
- Lead counsel for an electric co-generator company in the appeal of the TCEQ's negative use determination denying a pollution control exemption for heat recovery steam generators in electricity production, obtaining a unanimous decision to overturn the determination.
- Following a USEPA-issued emergency order under the Safe Drinking Water Act and subsequent appeals to the U.S. Courts of Appeals for the Third and Tenth Circuits, negotiated a resolution of alleged impacts from oil field operations on drinking water sources in Native American tribal lands.
- Co-lead counsel for Fina in *Fina, Inc. v Arco*, 200 F.3d 266 (5th Cir. 2000), which established the standards for environmental indemnities in the Fifth Circuit.
- Co-lead counsel for Cooper Industries in the federal district court and Fifth Circuit (including *en banc*) for *Cooper Industries, Inc.,* in *Cooper Industries, Inc. v. Aviall Services, Inc*., 543 U.S. 157 (2004), which is a seminal case associated with CERCLA Sections 107 and 113 liability.
- Regularly represents clients on NEPA issues.
- Represented gas pipeline owners, transportation authorities, and airlines in preparing and/or consulting on

environmental assessments and environmental impact statements.

- Works with consultants, federal and state resource agencies, and citizens groups to bring consensus, order, and speed to the NEPA process.

AWARDS

- *Legal 500 United States:* Environment: Environment: Transactional (2026)
- Pro Bono Honor Roll, Massachusetts Supreme Court (2025)
- *D CEO*, Dallas 500 (2022-2024)
- *Lawdragon,* 500 Leading Environmental Lawyers – The Green 500 (2023-2026)
- *The Best Lawyers in America*®, Environmental Law (2013-2027)
- *Chambers USA*, Environmental Law, Texas (2009-2026); Environment: Mainly Transactional, Texas (2026)
- *Texas Super Lawyers*®, Environmental Law (2010-2024)
- *D Magazine*, Best Lawyers in Dallas, Environmental Law (2012-2021, 2023-2026) (*D Magazine* did not rank environmental lawyers in 2022)
- *Dallas Business Journal,* Women in Business (2022)
- *The Best Lawyers in America*®, Lawyer of the Year, Environmental Law (2022)
- *Who's Who Legal*, Environment (2016-2020)
- *Texas Super Lawyers*®, Corporate Counsel Edition, Environmental Law (2005-2020)
- *Corporate Counsel*, Top Rated Lawyers Guide to Energy, Environmental & Natural Resources Law

TOP AREAS OF FOCUS

- Contaminated Sites + Waste Management
- Environmental + Natural Resources
- Environmental Litigation + Enforcement Defense

ALL AREAS OF FOCUS

- Air Quality + Climate Change
- Contaminated Sites + Waste Management
- Environmental + Natural Resources
- Environmental Due Diligence
- Environmental Insurance Coverage
- Environmental Litigation + Enforcement Defense
- Environmental, Social + Governance (ESG)
- Natural Resources
- Real Estate
- Transactions + Planning
- Water Quality + Water Resources

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Chair, executive committee member, Harvard Alumni Real Estate Board (2024-present)
- Executive committee member, Dallas Regional Chamber (2021-present)

- Board member, Visiting Nurse Association (VNA) of Texas
- Board member, University of Texas College of Fine Arts, Advisory Council
- Board member, Texas Appleseed (2007-present)
- Former board chair (2016-2018)
- Former member, Texas Supreme Court Task Force, Expanding Legal Services to the Poor (2006-2017)
- Former chair, State Bar of Texas Litigation Section (2008-2009)

EDUCATION AND CERTIFICATIONS

EDUCATION

- Harvard Law School, J.D.
- Northwestern University, B.A., *with honors*

BAR ADMISSIONS

- Texas
- Massachusetts

COURT ADMISSIONS

- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Third Circuit
- Supreme Court of the United States
- U.S. Court of Appeals, Eleventh Circuit

CLERKSHIPS

- Hon. Sidney A. Fitzwater, U.S. District Court, Northern District of Texas, Dallas Division

SPEAKING ENGAGEMENTS

- Speaker, "Developers Don't Need To Shy Away From Contaminated Sites," Roux, November 12, 2026.
- Speaker, "PFAS for Decision Makers: Managing PFAS Risk in Today's Deals – While Preparing for What's Next," Terracon, August 27, 2026.
- Speaker, Fireside Chat Series, "When All Else Fails," The Ohio State University for Real Estate: Fireside Chat Series, February 22, 2024.
- Speaker, "PFAS Impacts on CRE: Practical Tips for Navigating Environmental Due Diligence," Environmental Risk Information Services Webinar, September 27, 2022.
- Speaker, "Texas Wetlands Conference," January 20-21, 2022.
- Speaker, "Who Calls the Shots? Enforcement in the Midst of Federal Deregulation," ABA Environmental Conference, October 8, 2020.

- Speaker, “Wetlands and Private Property: Regulatory Takings, Inverse Condemnation, and Flooding Issues,” Annual Texas Wetlands Conference, March 28, 2019.

PUBLICATIONS

- Co-author, “Keeping Track of the Trump Executive Actions,” *Troutman Pepper Locke*, February 13, 2025.
- Co-author, “Supreme Court Limits the Scope of ‘Waters of the U.S.’: What Developers Need to Know,” Locke Lord QuickStudy, May 31, 2023.
- Co-author, “Tale of Two States: Changes in Environmental Cleanup Regulations in Connecticut and New Jersey,” Locke Lord QuickStudy, July 29, 2021.

MEDIA COMMENTARY

- Interviewed, “Developers Don’t Need To Shy Away From Contaminated Sites, They Just Need The Right Team ,” *Bisnow*, December 9, 2025.