Gerald D. Higdon

Partner

Houston

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Jerry is a talented environmental attorney with three decades of experience representing private and public parties in avoiding, managing, and resolving environmental liabilities and facilitating environmental sustainability solutions through brownfields redevelopment and the development and scaling of renewable energy with particular emphasis regarding waste management and recycling, environmental cleanups and remediation, and environmental compliance affecting air emissions, wastewater and stormwater discharges, and pesticide registration and labeling.

OVERVIEW

Jerry focuses his national practice serving clients in the waste management, energy, oilfield service, chemical manufacturing, retail fuel, data center, and real estate industries regarding the management of environmental issues affecting their operations. As a longtime member of the Houston and Texas environmental legal community, he regularly advises clients in the upstream industry on the gathering, disposal, re-use, and recycling of produced water, and other oil and gas wastes.

Jerry routinely defends clients in state and federal environmental enforcement proceedings; develops, and implements environmental permitting and planning strategies to facilitate a client's more rapid response to changing business climates and growth opportunities; and assesses, structures, and negotiates the allocation of environmental risk affecting transactions.

Jerry also represents potentially responsible parties at federal and state Superfund facilities; counsels on cost-effective and efficient remediation strategies; assists in the review and modification of operations to address environmental compliance issues for manufacturing, industrial, or waste disposal facilities; and represents clients in litigation and other disputes regarding responsibility for environmental liabilities.

REPRESENTATIVE MATTERS

- Defending oil and gas operators from alleged Clean Air Act violations arising from the EPA's flyover investigations using OGI technology.
- Advising data center developers regarding air permitting matters, particularly as related to on-site power generation.
- Coordinating the performance of multi-media environmental audits under the Texas Environmental, Health and Safety Audit Privilege Act, and similar programs in other states, to achieve environmental compliance and

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mitigate the risk of penalties.

- Advising plastic recyclers and brokers regarding environmental compliance obligations.
- Advising regarding the environmental regulatory aspects of the acquisition or divestiture of salt water gathering and disposal facilities.
- Analyzing and structuring an air permitting strategy for waste-to-energy facilities to be co-located at numerous industrial facilities in multiple jurisdictions.
- Environmental permitting for the recovery of methane from closed municipal solid waste facilities for beneficial re-use as an energy supply for industrial operations.
- Devising regulatory remediation strategies to “upgrade” the closure of previously remediated properties, including state superfund sites, to permit re-use and higher end re-development.
- Representing a publicly traded power producer in the acquisition and due diligence of several hydro-electric facilities in the Northeastern U.S.
- Coordinating the due diligence, risk management, and regulatory remediation strategies to permit the development of former oilfields.
- Leading the team to obtain the first certificated Municipal Setting Designations in both Houston, TX, and Katy, TX.
- Representing international manufacturers in connection with the registration, sale, distribution, and marketing of products with anti-microbial or pesticidal properties in compliance with Federal Insecticide, Fungicide, and Rodenticide Act requirements.
- Defending a construction contractor against a Department of Justice enforcement action for alleged Clean Water Act violations.
- Leading the team to obtain a Municipal Setting Designation to permit the Brownfields re-development of an approximately 40-acre former rail yard near downtown Houston for potential residential/mixed-use.
- Defending a utility service contractor against a criminal enforcement action for the alleged unauthorized disposal of solid waste.
- Defending a manufacturer against alleged criminal water pollution violations.
- Defending an international oilfield service company against alleged violations of the Emergency Planning and Community Right to Know Act (EPCRA).
- Coordinating the defense of a regional lumber company against simultaneous criminal enforcement proceedings, administrative cleanup actions, and private civil lawsuits arising from the alleged disposal of wood treating wastes.
- Representing a local government corporation in the expedited remediation of a former pesticide distribution facility slated to become the location of a new hotel, so that construction and occupancy could remain on schedule.
- Coordinating the expedited environmental remediation of industrial property to permit the expansion of green space and linear parks as part of the renewal of Houston’s signature waterway, Buffalo Bayou.

AWARDS

- *Chambers USA:* Environment, Texas (2009-2026)
- *Best Lawyers in America*®: Environmental Law (2008-2027)
- *Houstonia Magazine,* Top Environmental Lawyers (2013)

TOP AREAS OF FOCUS

- Air Quality + Climate Change
- Contaminated Sites + Waste Management

- Environmental + Natural Resources
- Environmental Litigation + Enforcement Defense
- Release Reporting

ALL AREAS OF FOCUS

- Air Quality + Climate Change
- Chemicals, Pesticides + Product Regulation
- Contaminated Sites + Waste Management
- Ecosystem Markets
- Energy
- Environmental + Natural Resources
- Environmental Due Diligence
- Environmental Litigation + Enforcement Defense
- Natural Resources
- PFAS + Emerging Contaminants
- Release Reporting
- Water Quality + Water Resources

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Environmental & Natural Resources Section, State Bar of Texas
- Member, Houston Bar Association, Environmental Section
- Member, Association of Chemical Industry of Texas

EDUCATION AND CERTIFICATIONS

EDUCATION

- The University of Texas School of Law, J.D., *with honors*, 1990, Phi Delta Phi
- Texas Tech University, B.B.A., *magna cum laude*, 1985, Beta Gamma Sigma

BAR ADMISSIONS

- Texas

COURT ADMISSIONS

- U.S. District Court, Southern District of Texas
- U.S. Court of Appeals, Fifth Circuit

SPEAKING ENGAGEMENTS

- Speaker, "New Upstream Pit Permitting Rules," *Energy Law Insights*, November 7, 2025.
- Speaker, "Environmental Challenges in the E&P and Midstream Sectors: Navigating New Regulations and How Air Quality Issues Will be Affected by the New Administration," Troutman Pepper Locke, June 18, 2025.

- Speaker, “Environmental, Social and Governance (ESG): A New Landscape for Corporate Responsibility,” CEFLI Annual Conference, November 13-15, 2022.

PUBLICATIONS

- Co-author, “Trends and Developments,” *Chambers Power Generation, Transmission & Distribution 2026 Global Practice Guide*, July 21, 2026.
- Co-author, “Power Generation, Transmission & Distribution 2025,” *Chambers Global Practice Guides*, August 2025.
- Co-author, “New Texas Railroad Commission Rules: Challenges and Permitting for the E&P Industry,” *Troutman Pepper Locke*, May 21, 2025. Republished in *Pratt’s Energy Law Report*, Vol. 25-10, November-December 2025.
- Co-author, “Texas BACT Is a Fact: The Texas Supreme Court Unpacks the Texas Clean Air Act’s BACT Definition,” *Troutman Pepper Locke*, February 20, 2025.
- Co-author, “Environmental Law 2024,” *Chambers Global Practice Guides*, December 22, 2024.
- Co-author, “Environmental Law 2024,” *Chambers Global Practice Guides*, November 28, 2024.
- Co-author, “Environmental Law 2023 Practice Guide,” *Chambers Global Practice Guides*, *USA – Texas*, November 2023.
- Co-author, “What the Regulated Community Needs to Know About EPA’s Proposed Designation of PFOA and PFOS as CERCLA Hazardous Substances,” Locke Lord QuickStudy, September 8, 2022.
- Co-author, “EPA Sets Stricter Health Advisory Limits for PFAS – a Harbinger of More Regulation?,” Locke Lord QuickStudy, June 17, 2022.
- Co-author, “Will COVID-19 Cause Future FIFRA Headaches for Disinfectant Product Producers and Retailers?,” Locke Lord QuickStudy, April 6, 2020.

MEDIA COMMENTARY

- Quoted, “PFAS’ Regulatory Scrutiny Here to Stay Despite Legal Challenges, Environmental Experts Say,” *The National Law Journal*, August 14, 2024.