

## Todd C. Fracassi

Partner

Detroit

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Todd is a go-to resource for comprehensive advice on environmental issues. Drawing from environmental consulting experience and a technical background, he provides efficient, practical solutions that enable clients to focus on their business objectives.

### OVERVIEW

Todd helps clients navigate the impact of environmental issues on day-to-day operations and key business decisions. From due diligence to post-closing obligations, he guides clients through transactions such as mergers and acquisitions, commercial real estate deals, as well as matters such as licensing, permitting, and state and federal regulatory compliance. Todd's background as both an environmental attorney and consultant has exposed him to all media, though he is particularly experienced in water and waste, including regulatory enforcement and investigation, and remediation of the emerging contaminants such as PFAS.

Clients across the automotive, energy, manufacturing, and health care sectors, as well as unsecured creditors, municipalities, school districts, and redevelopment authorities, also rely on Todd for guidance on remedial and cleanup obligations pursuant to the Clean Water Act, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Part 201 of the Michigan Natural Resources and Environmental Protection Act (Part 201), and other state remediation statutes and regulations.

Todd is nationally recognized for his dispute resolution work in administrative venues, courts, and in reaching multiparty negotiated settlements and allocation/joint defense agreements. He applies his vast experience working with various stakeholders in public and private settings to quickly identify likely outcomes and create a plan to achieve the best possible results. Through proactive strategies and planning, his holistic advice helps clients effectively navigate their immediate needs while mitigating future risk and liability.

Prior to practicing law, Todd was an environmental consultant who advised public and private clients on environmental and land use planning matters.

### REPRESENTATIVE MATTERS

- Represented an international glass manufacturing company in connection with remedial obligations arising from current and former operating sites, including state and federal enforcement matters and nature resource damage claims.
- Represented a national ride-hailing platform in connection with site assessments and environmental due

diligence for its expansion efforts throughout 20 states and Washington, D.C.

- Represented a national wholesaler in connection with the Great Lakes Water Authority and various compliance issues.
- Represented aircraft manufacturing and automotive companies at CERCLA and RCRA sites, and sites involving parallel state statutes.
- Served as common counsel for multiple PRPs in the automotive and chemical manufacturing industries at Superfund sites in Michigan, including an assessment of the potential presence of per- and polyfluoroalkyl substances (PFAS), particularly perfluorooctane sulfate (PFOS) and perfluorooctanic acid (PFOA).
- Advised an automotive supplier with PFAS assessment of industrial and stormwater discharge, including negotiations related to an administrative order.
- Represented a paper manufacturing company in connection with a state information request and investigation of potential sources of PFAS at a former operating facility.
- Represented a metal finisher in environmental regulatory, enforcement, and site cleanup matters, including an evaluation for the potential presence of PFOA, PFOS, and other PFAS.
- Represented a major utility at former manufactured gas plant sites and former gas storage fields, including potential clean up under Part 201.
- Represented individual clients and trade associations in advocating environmental policies and commenting on proposed state and federal rulemaking, including proposed changes to Part 201.
- Advised a municipal public operated treatment works (POTW) facility on the evaluation and identification of potential contamination sources.
- Served as common counsel for PRPs in the defense of USEPA CERCLA cost-recovery suit.
- Advised a school district related to the closure of its wastewater treatment facility, potential groundwater impacts, and fees related to municipal service connection.
- Advised a municipality with regard to demolition program and NESHAP implications.
- Assisted clients in purchasing a RCRA corrective action site out of bankruptcy, while limiting potential liabilities.

## **Clean Water Act**

- Served as common counsel for multiple PRPs at Superfund and Part 201 sites in Michigan, including issues related to discharges to surface water and groundwater surface water interface.
- Advised an automotive supplier with PFAS assessment of industrial and storm water discharge, including issues related to infiltration of groundwater into sanitary and storm sewers, and negotiations related to an administrative order.
- Represented clients in negotiating NPDES permits and resolution of alleged violations under the Clean Water Act.
- Represented a client in the defense of USEPA enforcement action under the Clean Water Act.
- Represented a municipality in Administrative Consent Order with regard to sanitary and stormwater overflows and NPDES permit.
- Represented an industrial client in multimedia Consent Decree negotiations, including alleged violations of Clean Water Act and illicit discharges.
- Represented an industrial client in a deferred NPDES permit compliance obligation program.

## **AWARDS**

- *Best Lawyers in America*®: “Lawyer of the Year” in Litigation – Environmental (2021, 2024)
- *Best Lawyers in America*®: Environmental Law (2010-2026); Litigation – Environmental (2011-2026)
- *Legal 500 United States* or Environment: Environment: Transactional (2025)

- Named Detroit Litigation – Environmental “Lawyer of the Year” (2018, 2019)
- Selected for inclusion on the 2008-2011 “Michigan Rising Stars” list
- Listed in *DBusiness Magazine* 2016 Top Lawyers list in Metro Detroit for Environmental Law

## TOP AREAS OF FOCUS

- Automotive
- Environmental + Natural Resources
- PFAS + Emerging Contaminants

## ALL AREAS OF FOCUS

- Air Quality + Climate Change
- Automotive
- Environmental + Natural Resources
- Environmental Due Diligence
- Environmental Litigation + Enforcement Defense
- International
- Litigation + Trial
- PFAS + Emerging Contaminants
- Private Equity
- Water Quality + Water Resources

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Michigan Bar Association, Environmental Law Section
- Member, American Bar Association, Environmental Law Section; Smart Growth Committee
- Member, Michigan Manufacturers Association, Environmental Policy Committee and PFAS Working Group
- Member, Michigan Association of Environmental Professionals.

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- Wayne State University Law School, J.D., 2000
- State University of New York at Syracuse College of Environmental Science and Forestry, M.S., 1995, environmental policy
- University of Michigan, B.A., 1993

### BAR ADMISSIONS

- Michigan

## SPEAKING ENGAGEMENTS

Todd presents on emerging contaminants, brownfield development, CERCLA and Resource Conservation and

Recovery Act (RCRA), environmental issues arising out of bankruptcy and foreclosure, environmental insurance, and the Uniform Environmental Covenants Act.

Recent speaking engagements include:

- Speaker, “Managing PFAS Risk in M&A and Asset Transactions, Ensuring Due Diligence, Risk Allocation and Deal Impact,” American Conference Institute 3rd Annual Summit on PFAS Regulation, Compliance, and Litigation, April 28, 2026.
- Speaker, “PFAS Litigation and Dispute Resolution Webinar Series: Evaluation and Mitigation of PFAS Risk,” American Bar Association, November 9, 2023.
- Speaker, “PFAS Webinar Series,” Troutman Pepper, May 2020-January 2021.
- Speaker, “PFAS Presentation – Great Lakes Environmental Remediation and Redevelopment Conference,” Troutman Pepper, October 16-18, 2019.
- Speaker, “PFAS: Developing Regulatory Climate,” Troutman Pepper, October 31, 2018.
- Speaker, “Emerging Contaminants & Pathways: Discovery, Risks, Management & Policy: Experts in the Field,” AIPG Michigan Section Technical Workshop, June 12, 2018.
- Speaker, “PFAS,” OESA Environmental Health & Safety Council Meeting, May 8, 2018.

## **PUBLICATIONS**

- Co-author, “Keeping Track of the Trump Executive Actions,” *Troutman Pepper Locke*, February 13, 2025.
- Co-author, “Recent Executive Action May Impact PFAS Regulation,” *Troutman Pepper Locke*, February 3, 2025.