

MICHAEL J. NASI

- **Partner, Austin, Texas**



- www.jw.com/mnasi

Mike Nasi is a partner with Jackson Walker LLP where he practices environmental and energy law. Mike attended the University of New Mexico, the University of Texas (BA 1991), the University of Texas School of Law, and the University of Houston Law School (JD 1994). For over 28 years, Mr. Nasi has appeared before state and federal regulatory agencies and appellate courts working on energy and infrastructure project development issues. His clients have ranged from small governmental bodies to state governments; multi-state compacts to state and national industry associations; and small, privately-held companies to multi-national publically-traded corporations.

OVERVIEW OF LEGAL EXPERIENCE:

Mr. Nasi's law practice spans across numerous federal and related state environmental, natural resource and utility regulatory programs with a focus on regulatory compliance counseling and litigation as well as project development incentives and market reforms. His practice spans the following subject matter:

- Carbon Trading and Carbon Capture and Utilization (CCUS)
- State/Federal Clean Air Act issues & Preconstruction & Operating Permits
- Clean Water Act (CWA) permitting, including NPDES discharge permits
- Underground Injection Control (UIC) Well Permitting
- Endangered Species Act Issues, including incidental take permitting
- State and Federal Solid Waste Disposal Act Permitting & Remediation
- State and Federal Environmental Enforcement
- Environmental Audits
- Brownfields Redevelopment, including risk-based remediation

ELECTRIC POWER-SPECIFIC EXPERIENCE:

Mike is counsel for energy and infrastructure interests in state, regional and national litigation and policy initiatives including matters pending before several state and federal agencies and multiple Federal Circuit Courts of Appeals and the Supreme Court of the United States and on energy policy debate in state legislatures across the country.

Mike has been an expert witness and speaker at docketed hearings, legislative proceedings, energy policy events, and classrooms across the country, including invited briefings at the White House and the United Nations, and is published in several trade, law, and business journals on environmental and energy law.

Mr. Nasi participates on advisory boards or as counsel for several state and regional energy research initiatives including the Wyoming Energy Agency (WEA), the Energy Policy Network (EPN), the University of North Dakota's Energy & Environmental Research Center (EERC) Foundation Board, the Southern States Energy Board (SSEB), and the Energy Council Public Advisory Board (PAB).

Mike is a past Chairman of the State Bar of Texas Environmental and Natural Resources Law Section and served on the adjunct faculty for Rice University's "Leadership & Decision Making in the Energy Industry" course and as a guest lecturer in the "Energy Law & Policy" course at the University of Texas Law School. Most recently, Mr. Nasi has assisted in an adjunct role in the University of Houston Center for Carbon Management in Energy (CCME), including as faculty for the Symposium entitled "Managing CCUS: Risks and Financing," UH Energy 2022-2023 Critical Issues in Energy Symposium Series (December 2022).

Initially as an Assistant Attorney General on behalf of the State of Texas, and subsequently in the private sector both as a utility regulatory and environmental attorney, Mike's entire legal career has involved electric generation issues. In addition to managing an extensive regulatory practice, Mike helps coordinate multi-state outreach efforts regarding regulatory policies and market rules impacting the electric power and mining sectors. It is based on this extensive industry and legal experience that Mike has been relied upon as an expert witness in legislative and regulatory proceedings across the country and in Washington D.C. relating to regulatory matters facing electric generation facilities.

CCUS-SPECIFIC LEGAL EXPERIENCE:

- In Texas, Mike has served as the General Counsel of the Clean Carbon Technology of Texas (CCTFT) for nearly 20 years. In that role, they have worked with world-leading CCUS technology companies, power generators, and oil and gas and carbon sequestration experts to compile an extensive understanding of the policies that are needed to make CCUS achievable and developed, supported passage, and coordinated implementation of over 10 separate pieces of major CCUS legislation in Texas. This work led to the most comprehensive CCUS incentive package in the nation and the successful development and operation of the largest CCUS EOR project in the world – the Petra Nova Project in Thompsons, Texas, who Mike also represented as part of the regulatory team that paved the way to successful commissioning of the project. Mr. Nasi's extensive experience gained in his work for the above-referenced Texas entities led to him being a multi-term appointment to the legislatively created Texas Commission on Environmental Quality (TCEQ) Pollution Control Technology Tax Exemption Advisory Committee.
- In Wyoming, Mike has been active in the development of CCUS and EOR policy with state officials, including the WEA and its predecessor, the Wyoming Infrastructure Authority (WIA), including at their Integrated Test Center (ITC) and as a member of the Policy Advisory Board of the Energy Council's Center for Legislative Energy & Environmental Research. Mr. Nasi also represents individual companies pursuing CCUS projects in Wyoming.
- In North Dakota, Jackson Walker has played a significant role in the development of law and policy relating to CCUS and EOR in its capacity as counsel to the Lignite Energy Council (LEC) and with Mike Nasi's appointment to the Advisory Board of the Energy and Environmental Research Center (EERC) Foundation. Mike also represents individual companies pursuing CCUS projects in North Dakota.
- In Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia, in his role as Special Counsel to the Southern States Energy Board (SSEB) (of which all these states are members), Mike Nasi has participated in briefings, legislative hearings, and regulatory proceedings in support of CCUS policy and technological development. SSEB, in conjunction with the Southeastern Regional Carbon Sequestration Partnership (a.k.a. SECARB), facilitated the Plant Barry pilot scale development of the amine-based carbon capture technology later deployed at commercial scale at Petra Nova. This also involved close coordination of the 10-year carbon sequestration measuring, monitoring, and verification (MMV) pilot project

administered by SSEB and SECARB, which further enhanced Mr. Nasi's expertise as it relates to technical and legal issues associated with the Section 45Q tax credit.

- In Washington D.C., Jackson Walker has an active and ongoing practice before the EPA, DOE, and DOI, and Mike Nasi has often served as a resource expert in policy briefings in the West Wing, on Capitol Hill, at the DOE and in his capacity as a member of the National Rural Electric Cooperative Association (NRECA) Environmental Policy Council (EPC) and as Secretary of Energy-appointee to the National Coal Council (NCC). His leadership on CCUS EOR policy development includes his participation in senior DOE policy retreats and his active role in the drafting of a series of reports on both CCUS and grid reliability issues.
- Mr. Nasi was awarded Law 360's "Energy & Environmental Trailblazer Award" for his early work on carbon capture utilization and storage (CCUS) policy and projects.

RECOGNITIONS:

- *Chambers USA: America's Leading Lawyers for Business*, Ranked for Environment – Texas
- *The Best Lawyers in America* (Woodward/White Inc.) Awards:
 - Lawyer of the Year – Austin, Environmental Law, 2021
 - Energy Law, 2006-2023
 - Energy Regulatory Law, 2006-2023
 - Environmental Law, 2006-2023
 - Mining Law, 2021-2023
- *Lawdragon* 500 Leading Energy Lawyers, Environment & Energy
- *Who's Who Legal: Texas*, Environment
- Energy & Environmental Trailblazer, *National Law Journal*
- Featured in the *National Law Journal*
- Who's Who in Energy, *Austin Business Journal*
- Top 10 Environmental Attorneys in America Under 40, Environmental Law 360
- Who's Who Texas – Environmental Law
- "Super Lawyer," *Super Lawyers* (Thomson Reuters)
- "Rising Star," *Super Lawyers* (Thomson Reuters)

CIVIC INVOLVEMENT:

- The Salvation Army – Central Texas Advisory Board, Chairman
- West Austin Youth Association, Board Member
- Sustainable Biodiesel Alliance, Board Member
- Lone Star Clean Fuels Alliance, Board Member