

# Snell & Wilmer

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## **Michael C. Ford**

Counsel | Phoenix

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### **Main Bio**

Mike Ford has more than 25 years of experience working with clients ranging from religious orders to global corporations in navigating the complex web of environmental and workplace safety issues impacting industrial operations and commercial transactions. Mike has worked with businesses including miners, manufacturers, recyclers, metal platers, developers and retailers on regulatory compliance, enforcement defense and mitigating liability risks associated with corporate and real estate transactions. He has handled matters under all of the major federal environmental, health and safety statutes, including the CAA, CWA, CERCLA, EPCRA, FIFRA, MSHA, OSHA, and RCRA, as well as many key state environmental laws, including Arizona's APP and California's Prop 65.

Mike has helped clients efficiently resolve their government enforcement issues using voluntary disclosures, administrative settlement agreements and judicial consent decrees. He has managed environmental due diligence and negotiations in deals involving everything from mom-and-pop drycleaners to large scale mining facilities. Mike has worked extensively on issues impacting the mining industry, including groundwater and surface water permitting and compliance, chemical reporting, release response, closure operations and public land use issues, including mineral rights issues, and working with federal and state surface owners. He also has considerable experience in mobile source emissions compliance and enforcement defense, particularly regarding Chinese engine and vehicle imports. His experience in Brownfields development includes project feasibility analysis and due diligence, contract negotiation, voluntary cleanup programs, tax credit qualification, remediation oversight and consultant management, environmental insurance and obtaining regulatory closure approval.

Mike is a Missouri transplant, and has lived in Arizona for over 20 years. Mike is a lucky parent of triplets (plus one!) and spends his free time on the ice playing hockey, hiking throughout the state and skiing whenever possible.

### **Representative Matters**

- Defended client against agency enforcement actions and completed a multimillion dollar cleanup project involving contamination by historic mining operations
- Represented client in one of the largest Clean Air Act enforcement actions of its kind involving imported engines
- Represented global mining company in its divestiture of a large operational copper mine in Arizona, including bidder presentation, term negotiation and permit transfers

- Represented client in Clear Air Act enforcement action relating to products containing imported engines where the government sought a multimillion dollar penalty
- Represented copper mine against a state agency enforcement action alleging violations of groundwater protection, air emissions and hazardous waste regulations
- Represented global metal recycler in EPA enforcement action relating to refrigerant recycling regulations — also assisted the client in improving its compliance procedures nationally in order to meet regulatory requirements and avoid future liability

## Education

- Washington University School of Law (J.D.)
- Washington University in St. Louis (M.S.)
- Brown University (B.A.)

## Professional Memberships & Activities

- Academy of Certified Hazardous Materials Managers
  - President
- Arizona Chamber of Commerce and Industry
- Arizona Mining Association
- Environmental Professionals of Arizona
  - President (2011-2013)
  - Gatekeeper Regulatory Roundup Planning Committee, Chairperson (2012-2013)
  - Chairman of the Board

## Representative Presentations & Publications

- "[Supreme Court curtails Clean Water Act wetlands protections](#)," Quoted, American Society of Civil Engineers (July 3, 2023)
- "[Two Idaho Homeowners Finally Clarify Scope of Clean Water Act](#)," Co-Author, Snell & Wilmer Legal Alert (May 30, 2023)
- "[ADEQ Providing Assistance for Small Rural Water Systems](#)," Co-Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (January 11, 2023)
- "[Mining Industry on the Losing End of Two Clean Water Act Cases](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil & Gas Law Blog (November 21, 2022)
- "[EPA's Clean Power Plan Struck Down by SCOTUS](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil & Gas Law Blog (July 5, 2022)
- "[Will the Sackett Test Clarify the Reach of Clean Water Act Jurisdiction?](#)" Author, Snell & Wilmer Environmental, Natural Resources, Oil & Gas Law Blog (January 29, 2022)
- "Back to the Future on WOTUS," Presenter, Environmental Professionals of Arizona (EPAZ) Webinar (October 14, 2021)
- "Changes Coming to a Due Diligence Project Near You!" Author, Maricopa Lawyer Newsletter (May 2021)

- ["Changes Coming Soon to a Due Diligence Project Near You!"](#) Author, Snell & Wilmer Environmental, Natural Resources, Oil & Gas Law Blog (March 31, 2021)
- "Environmental Issues Breakfast Hour - Air Quality Panel," Speaker, Arizona Manufacturers Council Webinar (March 10, 2021)
- ["States Challenge EPA's COVID-19 Enforcement Policy,"](#) Co-Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (June 2, 2020)
- ["Maintaining Environmental Compliance During COVID-19,"](#) Presenter, State Bar of Arizona Environmental and Natural Resources Law Section Webinar (April 21, 2020)
- ["EPA Announces COVID-19 Interim Field Work Guidance,"](#) Co-Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (April 14, 2020)
- ["ADEQ Issues COVID-19 Memo of Compliance & Enforcement,"](#) Co-Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (April 3, 2020)
- ["EPA Announces Enforcement Discretion Policy for Noncompliance Caused by COVID-19,"](#) Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (March 27, 2020)
- ["OSHA Provides Guidance and Resources in Wake of COVID-19 Pandemic,"](#) Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (March 18, 2020)
- ["Cooperative Federalism and the Clean Water Act: The States Finally Get their Due,"](#) Co-Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (February 14, 2020)
- ["Forever Chemicals \(PFAS\) Start New Decade With Flurry of Scrutiny,"](#) Co-Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (January 24, 2020)
- ["'Shocking,' 'Blockbuster' Rosemont Mine Ruling has National Implications, Experts Say,"](#) Quoted, Arizona Daily Star (August 10, 2019)
- ["Rosemont Project FEIS, ROD and Unpatented Mining Claims Dealt Blow by Arizona District Court,"](#) Co-Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (August 2, 2019)
- "Water Quality Law Update," Presenter, Environmental and Natural Resources Law Section, State Bar of Arizona Annual Convention (June 26, 2019)
- "Water Quality Law Update," Presenter, Environmental Professionals of Arizona Monthly Meeting (April 11, 2019)
- ["Double Trouble for Vehicle and Equipment Imports: EPA and Customs Continue Vigorous Port Inspection and Enforcement Program,"](#) S&W Environmental, Natural Resources, Oil and Gas Law Blog (March 19, 2019)
- "Water Quality Law Update," Presenter, 15th Annual Environmental Professionals of Arizona Conference (March 7, 2019)
- ["EPA Catches Up On PFAS,"](#) Co-Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (February 14, 2019)
- ["Shutdown Reflections on WOTUS,"](#) Author, JD Supra (January 24, 2019)
- ["Trump's Regulatory Reform Initiatives Meet the Endangered Species Act,"](#) Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (July 20, 2018)
- ["Epic WOTUS Thriller for your Summer Reading List,"](#) Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (July 6, 2018)

- "Environmental Considerations in Real Estate Transactions," Speaker, National Business Institute, Real Estate Transactions from A to Z, Phoenix, AZ (May 21, 2018)
- "Clean Water Act Update - 2018 Gatekeeper Regulatory Roundup," Speaker, Phoenix, AZ (March 22, 2018)
- "ADEQ Considers Seeking Primacy for the Clean Water Act 404 and Safe Drinking Water Act Underground Injection Control Programs," S&W Environmental, Natural Resources, Oil and Gas Law Blog (December 5, 2017)
- "True Crime Stories in Environmental Law," Keynote Speaker, Southern Arizona Management Society, Tucson, AZ (November 29, 2017)
- "Up to the Minute Synopsis of Clean Water Act Jurisdiction Developments," S&W Environmental, Natural Resources, Oil and Gas Law Blog (November 20, 2017)
- "Environmental Due Diligence for Real Estate Transactions," Speaker, National Business Institute, Real Estate Boot Camp (June 6, 2017)
- "Regulatory Burdens On Retailers Continue to Evolve," S&W Environmental, Natural Resources, Oil and Gas Law Blog (November 17, 2016)
- "Industry, NGOs, Republicans, and Democrats Bond over Chemistry," S&W Environmental, Natural Resources, Oil and Gas Law Blog (June 24, 2016)
- "EPA Revs Up Engine Emissions Enforcement Program," S&W Environmental, Natural Resources, Oil and Gas Law Blog (October 12, 2015)
- "Essentials of Hazardous Materials Management (EHMM)," Presenter, Alliance of Hazardous Materials Professionals (AHMP) (August 28, 2015)
- "[Gibson Mine: A historic restoration by the Friars](#)," Co-Author, Mining Engineering Magazine, Volume 67 Issue 8 (August 2015)
- "EPA's Proposed Navigable Waters Rule," Presenter, Environmental Professionals of Arizona Monthly Luncheon Meeting (September 11, 2014)
- "[Proposed Rule Expands Scope of Waters Covered by Clean Water Act](#)," Author, Journal of Environmental Management, Volume 12, Number 3, page 7 (June/July 2014)
- "California's Proposition 65 (Safe Drinking Water and Toxic Enforcement Act of 1986)," Speaker, Arizona Manufacturers Council and Arizona Chamber of Commerce and Industry, Environmental & Sustainability Summit, Prescott, Arizona (August 2012)
- "Chemical Release Reporting Requirements," The Most Frequently Asked Questions in Environmental Law – American Bar Association, 2nd edition, Co-Author (2011)
- "The Environmental Appeals Process: What You Should Know," Speaker, EPA Appeals Issues: What All Lawyers Should Know About the Environmental Appeals Process, Maricopa County Bar Association (May 2011)
- "CERCLA's Bona Fide Prospective Purchaser Defense," Speaker, Strafford Webinar, Environmental Bankers Association, Arizona Chamber of Commerce (March-May 2011)
- "Environmental Law 101," Conference Chair and Speaker, Seventh Annual Gatekeepers Regulatory Roundup (February 2011)
- "Alumni Profile - Due Diligence: Attorney Counsels Clients on Environmental Compliance," Washington University Law Magazine (Fall 2009)

- "The Ninth Circuit's Impairment of Arizona Water Quality," Arizona Hydrological Society Surface Water Session, Arizona Department of Water Resources (May 2008)
- "Renewable Energy Incentives - The Business Impacts and Opportunities of Climate Change Initiatives," National Business Institute, Phoenix, Arizona (April 2008)
- "Friars Who Owned Polluted Mine Get All Sorts of Help: They Risked Costly Fines over Arizona Toxic Waste; Prayer and a Good Lawyer," Quoted, The Wall Street Journal (April 2007)
- "Arizona NPDES Program Update," Arizona Association of Industries, Phoenix, Arizona (2007)
- "Working With Environmental Attorneys and Consultants," Gatekeeper Regulatory Roundup, Phoenix, Arizona (2007)
- "Accidental Spill Reporting Requirements," Gatekeeper Regulatory Roundup Phoenix, Arizona (2005-2007)
- "New Aquifer Protection Permit Requirements," Arizona Association of Industries , 14th Annual AAI Environmental Summit, Tucson, Arizona (August 2005)
- "Redevelopment of Contaminated Property," Presenter, Lorman Education Services, Conference on Brownfields Redevelopment and City of Phoenix Brownfields University, Phoenix, Arizona (2004-2005)
- "New Real Estate Due Diligence Standards," Presenter, State Bar of Arizona Conference, Tucson, Arizona (June 2004)
- ACHMM Overview Course, multiple presentations on topics including the Clean Water Act, Instructor, CERCLA and FIFRA, Phoenix, Arizona (2003-2006)
- "Pre-Acquisition Coverage for Environmental Liabilities: An Analysis of the Ongoing Dispute," Environmental Law Reporter (May 2002)
- "The Small Business Liability Relief and Brownfields Revitalization Act: Real Relief or Prolonged Pain?" Environmental Law Reporter (April 2002)
- "Transactions Update - The New Bona Fide Prospective Purchaser Defense Under CERCLA," State Bar of Arizona Environmental and Natural Resources Law Section Newsletter (April 2002)
- "Superfund Recycling Equity Act - CERCLA Liability Protection for Generators of Recyclable Materials," Arizona Association of Industries Environmental Summit, Prescott, Arizona (August 2001)
- "Ethical Duties of Attorneys and Consultants," CLE International Environmental Seminars, Phoenix, Tucson, Albuquerque (1999-2003)
- "Reconciling Environmental Liability Standards after Iverson and Bestfoods," Environmental Law Reporter (1999)
- "The Most Commonly Asked Questions in Environmental Law," Maricopa County Bar Association, Co-Editor (Spring 1999)
- "The Continuing Evolution of Parent and Successor Corporation," Liability Under CERCLA, St. Louis Bar Journal (Summer 1998)

## **Professional Recognition & Awards**

- The Best Lawyers in America<sup>®</sup>, Environmental Law (2013-2024)
- Arizona's Top Lawyers, Arizona Business Magazine (2012)
- Ranking Arizona: The Best of Arizona Attorneys, Environmental Law (2012)
- Environmental Excellence Award Gibson Mine Project, Valley Forward Association (2007)

## **Community Involvement**

- Knights of Columbus
- Brown Alumni Schools Committee
- Starry Night Gala Committee
- APS Wills for Heroes

## **Previous Professional Experience**

- Polsinelli PC, Shareholder
- Bryan Cave LLP, Partner

## **Bar Admissions**

- Arizona

## **Court Admissions**

- Supreme Court of Arizona