

**SUSAN G. ZACHOS**

Law Offices of Susan G. Zachos  
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***Nature of Experience:***

Ms. Zachos has incorporated her experience as a professional geologist into a private law practice representing public and private entities on a broad range of environmental, regulatory and contract issues, including water and sewer utility planning and regulation (wholesale and retail service contracts, rates and impact fees, and certificates of convenience and necessity); wastewater (permitting, compliance and enforcement); solid and hazardous waste management (enforcement, compliance, remediation and rulemaking); oil field cleanup and enforcement; state and federal Superfund negotiations; and environmental issues related to the purchase and sale of real property and corporate assets.<sup>1</sup> Ms. Zachos' experience includes contract drafting, administrative litigation, arbitration, appeals of administrative decisions to the courts, client counseling, and negotiations with administrative agencies and adverse parties. She is a frequent speaker and writer on environmental and administrative law topics and, in a recent state-wide bar poll, was listed among "Top 50 Female Super Lawyers" in Texas and "Top 50 Central & West Texas Region Super Lawyers" by *Texas Monthly*.

***Education:***

J.D. *Magna cum Laude*, University of Houston Law Center, May 1988; Order of the Coif, Order of the Barons, Phi Delta Phi Legal Fraternity; Deaton Briggs & McCain Award for Best Oil & Gas Law Review Article, March 1987; American Jurisprudence Awards in Criminal Law (Fall 1985), Contracts (Spring 1986), Marital Property Rights (Spring 1987), and Environmental Law, Estate Tax Planning and Trial Advocacy (Spring 1988)  
M.S. in Geology with honors, University of Florida - Gainesville, June 1978; Fellowship for Women in Non-Traditional Fields, 1977-78; American Institute of Mining Engineers ("AIME") National Scholarship, 1978; Graduate Council Fellowship, 1976-77  
B.S. in Geology with high honors, University of Florida - Gainesville, August 1976

***Professional Experience:***

Law Offices of Susan G. Zachos, Austin, Texas 2006 to present.  
Kelly Hart & Hallman LLP, Austin, Texas, 1991 to 2006 (Austin Managing Partner 1996-2006)  
Graves, Dougherty, Hearon & Moody, P.C., Austin, Texas, 1988-91.  
Intern for Judge David Hittner, Federal District Court, Southern Dist. of Texas, Jan.-Apr. 1987.  
Exploration Geologist for Exxon Co., U.S.A., Oklahoma City, Oklahoma, 1981-84 and Esso Inter-America (South American affiliate of Exxon Corp.), Coral Gables Florida, 1978-81.  
Assignments included geologic, geochemical and economic evaluation of Midcontinent prospects and of South American wildcat basins and prospects.

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<sup>1</sup> Not Certified by Texas Board of Legal Specialization.

**Professional Licenses:**

Admitted to Practice in the Courts of the State of Texas (1988) and  
U.S. Court of Appeals, Fifth Circuit (1997).  
Licensed by the Texas Board of Professional Geoscientists as a "Professional Geoscientist"  
License No. 1975 (Geology)

**Professional Activities and Honors:**

State Bar of Texas  
Texas Bar Foundation Fellow  
College of the State Bar of Texas (since 1991)  
Environmental and Natural Resource Law Section  
Oil, Gas & Mineral Law Section – Council Member (1993-96)  
Listed among "Top 50 Female Super Lawyers" in Texas and "Top 50 Central & West Texas  
Region Super Lawyers" by *Texas Monthly* (Nov. 2003).  
Listed by *Texas Monthly* as a Texas Super Lawyer every year since 2003  
Region Super Lawyers" by *Texas Monthly* (Nov. 2003).  
Listed in *Best Lawyers in America* since 1995.  
Listed in *Chambers USA Client's Guide* among "Texas Leaders" and "recommended" in  
environmental law (2006).  
Texas Water Conservation Association  
Member; Nutrient Criteria Committee Participant (2001 to 2007)  
Texas Oil and Gas Association ("TxOGA")  
Environmental Law Committee Participant (1994-2001)  
Texas Independent Producers and Royalty Owners Association ("TIPRO")  
Chair, Environmental Committee Technical Task Force (1993-96)  
Travis County Bar Association  
Board of Directors (1991-92)  
Chair – Oil, Gas and Mineral Law Section (1991-92)

**Community Activities and Service:**

Texas Advocacy Project, Inc., (formerly The Women's Advocacy Project, a statewide nonprofit  
providing free legal services to victims of domestic violence; recipient of State Bar of Texas  
2003 Pro Bono Award) Board of Directors (2000-2007); Chair (2003-2005)  
Austin Families, Inc (nonprofit childcare resource and referral agency)  
Board of Directors (1999-2002)  
University of Texas Center for Women's Studies  
Community Service Award (1997-98)  
Volunteer Legal Services of Central Texas, formerly Austin Lawyers Care  
Pro Bono Award for Debt Counseling Intake & Advice (May 1997)

***Presentations and Articles:***

*From Application to Annexation: How Municipalities Deal with Special Purpose Entities*, 11th Annual Land Use Planning Law Conference, sponsored by the University of Texas, Austin, Texas, April 13 2007.

*Ethics for Environmental Professionals*, Air and Waste Management Association of Texas (Austin Chapter) March 22, 2007).

*Should TCEQ Set the Price for Water: TCEQ Appellate Review of Wholesale Water Rates – Its Basis in Law and Policy*, Texas Rural Water Association/Texas Water Conservation Association Water Law Seminar, January 18-19, 2007.

*Ethics for Environmental Professionals*, Industry Council on the Environment, October 19, 2006.

*Environmental Issues Affecting the Oil & Gas*, 24<sup>th</sup> Annual Advanced Oil, Gas & Energy Resources Law Course, sponsored by the Oil, Gas and Energy Resources Law Section of the State Bar of Texas and TexasBar CLE, Texas, October 5-6, 2006

*Wholesale Water Rate Cases – Viable or Not?* Texas Water Law Conference, sponsored by the University of Texas, Austin, Texas, November 4-5, 2004

*Environmental Issues Affecting Oil and Gas Properties*; co-authored with Cynthia C. Smiley and Brenda L. Clayton, NALTA 2004 Conference, Austin, Texas, September 22-24, 2004.

*Wholesale Rates – the Law and the Rules Behind TCEQ’s Rate Review Authority*, Texas Water Conservation Association Mid-Year Conference, Galveston, Texas, June 2-4, 2004.

*The Fundamentals: State of the Art Negotiating of Environmental Provisions in Energy Industry Purchase and Sale Agreements*, co-authored with Brenda L. Clayton and Al Cummings; Institute for Energy Law (formerly Southwestern Legal Foundation) 55th Annual Program on Oil & Gas Law, Houston, Texas Feb. 19-20, 2004.

*Oil and Gas Environmental Law – Recent Developments*, Advanced Oil, Gas & Energy Resources Conference, sponsored by State Bar of Texas, Houston, Texas, October 16-17, 2003.

*Case Law Update*, 13th Annual Texas Water Law Conference, sponsored by CLE International, Austin, Texas, October 2-3, 2003.

*Water Service and Certificates of Convenience and Necessity – What’s New*, The Changing Face of Water Rights in Texas 2002, sponsored by State Bar of Texas, San Antonio, Texas, February 14-15, 2002.

*Regionalization of CCNs by Municipalities – Cities’ Perspective*, 11th Annual Texas Water Law Conference, sponsored by CLE International, Austin, Texas, October 15-16, 2001.

*Access to Water in the ETJ – City and Developer Perspectives*, 5th Annual Conference on Land Use Planning Law, sponsored by University of Texas School of Law, Austin, Texas, February 22-23, 2001.

*Environmental Concerns in Transactions*, 12th Annual Texas Environmental Superconference, Austin, Texas, August 3-4, 2000.

*Negotiating and Drafting Environmental Provisions in Purchase and Sale Agreements – Issues and Solutions*, Annual Meeting and Conference, sponsored by American Association of Professional Landmen, New Orleans, Louisiana, June 21-23, 2000.

*Environmental Defects: How to Draft and Negotiate Purchase and Sale Agreements that Minimize Confusion and Avoid Disputes*, 17th Annual Advanced Oil, Gas & Mineral Law Course, sponsored by State Bar of Texas, Dallas, Texas, September 23-24, 1999.

*Negotiating and Drafting Purchase and Sale Agreements to Address Environmental Issues*, An Environmental Law Primer for the Oil and Gas Lawyer and Landman, Baton Rouge, Louisiana, August 26-27, 1999.

*Current Environmental and Regulatory Issues Affecting Oil and Gas Operations*, co-authored with Brenda L. Clayton, Houston Bar Association, Oil, Gas & Mineral Law Section, Houston, Texas, March 23, 1999.

*Environmental Issues: Update on Environmental Regulation of Oil & Gas Activities and Related Litigation*, 16th Annual Advanced Oil, Gas & Mineral Law Course, Houston, Texas, October 8-9, 1998.

*Judicial Deference to an Agency's Interpretation of its Statute: The Doctrine's Rationale and Limits*, co-authored with Judge Bea Ann Smith, 1997 Advanced Administrative Law Conference, sponsored by State Bar of Texas, Austin, Texas, September 25-26, 1997 (nominated for Eighth Annual College of the State Bar Outstanding CLE Article Award).

Open Forum (Moderator), Environmental Litigation in the Petroleum Industry, sponsored by Strategic Research Institute, San Antonio, Texas, October 21-22, 1996.

*Liabilities Arising From Ownership or Operation of Dead and Dying Oil Fields*, 42nd Annual Rocky Mountain Mineral Law Institute, Santa Fe, New Mexico, July 18-20, 1996.

*Environmental Surface Damages*, 22nd Annual Oil, Gas & Mineral Law Institute, sponsored by University of Texas School of Law, Houston, Texas, March 22, 1996.

*RCRA Citizen Suits*, co-authored with Mary Mendoza, 7th Annual Environmental Law Institute, sponsored by South Texas College of Law, Houston, Texas, February 29-March 1, 1996.

Course Director, Advanced Oil, Gas & Mineral Law Course, sponsored by State Bar of Texas, Austin, Texas, September 21-22, 1995.

*Environmental Concerns in Oil and Gas Transactions*, co-authored with Jeff Civins, 1995 PLS Deal-Makers Exposition & Conference, Houston, Texas, August 28-30, 1995.

*SPCC Plans, NPDES Permits and Environmental Issues Related to Purchase and Sale Agreements*, Recent Changes in State and Federal Environmental Regulations, sponsored by Texas Independent Producers & Royalty Owners Association, Houston, Texas, June 28, 1995 and Dallas, Texas, June 30, 1995.

*Structuring Oil and Gas Transactions to Allocate Environmental Risks*, co-authored with Jeff Civins, Oil, Gas & Mineral Law Section of the Houston Bar Association 1994-95 Luncheon Program, Houston, Texas, February 28, 1995.

*Wholesale Rate Regulation and the Public Interest Issue*, Texas Water Law Conference, sponsored by CLE International, Austin, Texas, November 3-4, 1994 (presentation only).

*Environmental Update*, co-authored with Jim Braddock, 12th Annual Advanced Oil, Gas and Mineral Law Course, sponsored by State Bar of Texas, Houston, Texas, October 6-7, 1994.

Course Director, 6th Annual Hazardous and Solid Waste Management Institute, sponsored by University of Texas (Fall 1994)

*Environmental Risks in Oil and Gas Transactions and Suggested Approaches to Contract Drafting*, co-authored with Jeff Civins, National Association of Royalty Owners (NARO) Meeting, San Angelo, Texas, May 21, 1994.

*Oil and Gas Injection Well Regulation*, International Petroleum Environmental Conference, sponsored by University of Tulsa, College of Engineering and Applied Sciences, Houston, Texas, March 2, 1994.

*Overview of Class II Underground Injection Control Program, Environmental Regulation of the Oil and Gas Industry*, sponsored by Rocky Mountain Mineral Law Foundation, Houston, Texas, February 10, 1994.

*Oil and Gas Exploration and Production: Federal Regulation*, Advanced Environmental Law Course, sponsored by State Bar of Texas, San Antonio, Texas, January 20-21, 1994.

*Storm Water Permitting*, Texas Association of Environmental Professionals 5th Annual Environmental Regulatory Workshop, Houston, Texas, October 21, 1993.

*Structuring Oil and Gas Transactions to Allocate Environmental Risks*, co-authored with Jeff Civins, 11th Annual Advanced Oil, Gas and Mineral Law Course, sponsored by State Bar of Texas, Dallas, Texas, October 14-15, 1993 (paper was among the top three finalists for College of the State Bar Outstanding CLE Writing Award for 1993).

*Disposal of Produced Water: Regulation of Surface and Subsurface Disposal Practices*, 6th Annual Advanced Oil & Gas Law Institute, sponsored by South Texas College of Law, Houston, Texas, July 23, 1993.

*Oil Pollution Act of 1990*, Environmental Issues for Oil & Gas Operators, sponsored by Gas Daily, Houston, Texas, June 22-23, 1993.

*Environmental Compliance Issues - Planning Ahead*, 19th Annual Oil, Gas & Mineral Law Institute, sponsored by University of Texas School of Law, Houston, Texas, March 26, 1993.

*Texas Oil Spill Prevention and Response Act (OSPR) - Recent Developments*, Oil, Gas & Mineral Law Section of the Travis County Bar Association Monthly Meeting, March 10, 1993 (presentation only).

*Emerging Regulations: Texas Oil Spill Prevention and Response Act*, PETRO-SAFE – 4th Annual Environmental & Safety Conference and Exhibition, sponsored by PennWell, Houston, Texas, January 27, 1993.

*Doing the Deal: Allocation of Environmental Risk in Oil and Gas Transactions*, PETRO-SAFE – 4th Annual Environmental & Safety Conference and Exhibition, sponsored by PennWell, Houston, Texas, January 27, 1993 (presentation only).

*Class II Injection Wells: Current Regulatory Developments*, Symposium on Class II Injection Well Management and Practices, sponsored by United States Department of Energy and the Underground Injection Practices Research Foundation, Houston, Texas, November 18-20, 1992.

*Employment Opportunities in the Field of Environmental Law*, 1992 NAELS (National Association of Environmental Law Societies) Conference, sponsored by The Environmental Law Societies of the University of Texas School of Law and the University of Houston Law Center, Austin, Texas, January 30-February 1, 1992 (presentation only).

*Emerging Oilfield Regulations for Class II Injection Wells*, PETRO-SAFE '92 – 3rd Annual Environmental & Safety Conference and Exhibition, sponsored by PennWell, Houston, Texas, January 27-29, 1992.

*Agency Jurisdiction in the New Texas: The Texas Natural Resource Conservation Commission and Other State Agencies*, co-authored with Jeff Civins, sponsored by International Oil and Gas Educational Center of The Southwestern Legal Foundation, Dallas, Texas, January 15-17, 1992.

*Federal Storm Water Discharge Regulation or "Pulling in the Rains,"* 3rd Annual Texas Environmental Superconference, sponsored by the Environmental and Natural Resources Law Section of the State Bar of Texas, the Texas Water Pollution Control Association, the Air and Waste Management Association-Southwest Section, and the Texas and Central Texas Hazardous Waste Management Societies, Austin, Texas, August 2, 1992.

*Environmental Compliance Auditing*, co-authored with Jeff Civins (also served as Program Moderator), Environmental Regulation Course, sponsored by Executive Enterprises, Dallas, Texas, July 17-19, 1992.

*Land Ban Issues*, Seminar on Texas Environmental Regulation, sponsored by the Institute of Business Law, Dallas, Texas, June 25-26, 1991.

*Summary of Texas Oil and Gas Law*, to Soviet Delegation (Visiting Minister of Justice of the Russian Federation, Member of the Supreme Soviet of the USSR, Guests of the State Bar of Texas) sponsored by the International Law Section of the Travis County Bar Association, Austin, Texas, June 18, 1991 (presentation only).

*Environmental Hotline*, 17th Annual Oil, Gas & Mineral Law Institute, sponsored by University of Texas School of Law, Houston, Texas, March 22, 1991.

***Publications:***

*Underground Injection Control* (Chapter 9, co-authored with John Vay and Stephen Dickman), 45 Texas Practice – Environmental Law (Jeff Civins, Jimmy Alan Hall & Mary K. Sahs, eds., 1997).

*Liabilities Arising from Ownership or Operation of Dead & Dying Oil Fields*, 42 Rocky Mtn. Min. L. Inst. 17-1 (1996).

*NPDES Permits* (Chapter 15) and *SPCC Plans* (Chapter 16), Buyer Beware: Evaluating Environmental Liabilities in Oil and Gas Transactions (Geo. L. Robertson ed., PennWell Books 1995).

*Gas Purchase Contracts: Equitable Remedies for Breach*, 24 Hous. Law Rev. 991 (1987).