

Scott H. Thomas

Of Counsel

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Scott Thomas helps mining, industrial, and real estate clients navigate the demands of environmental permitting and compliance so their projects get built.

Scott Thomas has spent his career at the intersection of water quality law and project development, where regulatory obstacles can stop a mine expansion or a master-planned community before it breaks ground. Working primarily in Arizona and the broader Southwest, Scott advises clients on the full arc of environmental compliance — from securing the right permits at the outset to resolving enforcement actions when regulators come knocking.

Scott's practice centers on water quality regulation under the Clean Water Act (CWA) and its state analogues. He represents clients in obtaining and complying with National Pollutant Discharge Elimination System (NPDES) or their state counterparts (including Arizona Pollutant Discharge Elimination System (AZPDES) permits), Section 404 dredge and fill permits and associated section 401 certifications, and Arizona Aquifer Protection Permits (APP). When the U.S. Army Corps of Engineers' jurisdiction over a project site is in question, Scott works to obtain formal jurisdictional determinations that can eliminate the need for federal permitting altogether — a result that meaningfully accelerates project timelines.

Beyond water quality, Scott counsels clients on impaired water issues, solid and hazardous waste regulation, Safe Drinking Water Act (SDWA) matters (including the underground injection control program), environmental due diligence, National Environmental Policy Act (NEPA) compliance, Endangered Species Act (ESA) compliance, environmental auditing, cleanups under Arizona's voluntary remediation program, recycled water permitting, and Toxics Release Inventory and Emergency Planning and Community Right-to-Know Act (TRI/EPCRA) reporting and compliance. That breadth reflects the reality his clients face: environmental risk rarely arrives through a single regulatory channel.

Education

- University of Virginia School of Law (J.D.)
- University of Virginia (B.A.)
 - with high distinction
 - Notes Editor, *Virginia Law Review*
 - Phi Beta Kappa

Bar Admissions

- Arizona

Scott's clients include mining companies, industrial operators, and real estate developers — industries where environmental permitting is not a peripheral concern but a threshold condition for doing business. Many of those clients have worked with Scott for decades, returning to him as projects evolve and regulatory landscapes shift. That continuity allows Scott to provide counsel that is grounded in deep institutional knowledge of a client's operations, not just the applicable regulations.

For clients facing environmental permitting and compliance issues, especially in Arizona, Scott brings a practice built on decades of hands-on engagement with the agencies and legal frameworks that govern those industries.

Select Experience

- Secured a Section 404 permit for a mining activity with one of the greatest impacts (by acreage) to regulated waters of the United States ever issued in Arizona.
- Negotiated terms of AZPDES permits for several highly controversial mining projects that survived administrative and/or judicial appeal without change.
- Advised numerous mining clients in obtaining and complying with Arizona Aquifer Protection Permits (and amendments thereto) for new or expanded mining, industrial, or domestic wastewater treatment operations.
- Assisted in securing a determination from EPA that large scale paste backfill at a proposed underground mining operation was authorized by rule and did not require an Underground Injection Control permit under the SDWA.

Accolades

- *Best Lawyers in America*®, Environmental Law, Natural Resources Law, Mining Law, 2016 – 2026
- *Best Lawyers in America*®, Lawyer of the Year, Mining Law, Phoenix, 2026
- *Best Lawyers in America*®, Lawyer of the Year, Environmental Law, Phoenix, 2023
- *Best Lawyers in America*®, Lawyer of the Year, Natural Resources Law, Phoenix, 2023

Court Admissions

- U.S. District Court for the District of Arizona
- U.S. Court of Appeals for the Ninth Circuit

Professional Affiliations

- Vice-Chair, Arizona Mining Association Environment Committee, 2015-present
- Member, Executive Council, Environmental and Natural Resources Law Section, State Bar of Arizona, 2007 – 2013
- Chair, Environmental and Natural Resources Law Section, State Bar of Arizona, 2011 – 2012
- Member, Arizona Department of Environmental Quality Review Committee, Governor's Office, 2010
- Past Vice-Chair for Publications, American Bar Association, Section of Environment, Energy and Resources

Additional Information

- Co-Author, "EPA and Army Corps Finalize Latest Rule Attempting to Define "Waters of the United States" Under the Clean Water Act," Fennemore Client Alert, 2022
- Speaker, "Environmental Law Update," State Bar of Arizona 2018 Annual Convention, June 27, 2018
- Speaker, "2017 Environmental Law Update," 2017 State Bar of Arizona Annual Convention, June 14, 2017
- Speaker, State Bar of Arizona Annual Convention, 2013-2019