



Lloyd "Rusty" R. Cress, Jr.

Partner
rusty.cress@dinsmore.com

Frankfort, KY
Tel: (502) 352-4612

Rusty primarily practices environmental law and government relations. He has extensive experience with respect to compliance with state and federal environmental and natural resource laws and regulations. He provides advice on applicable environmental requirements, spearheads issuance of environmental permits, defends enforcement actions, and assists in transactions.

Based out of the Kentucky capital city, he is the office managing partner and focuses his government relations practice on the needs of manufacturing, industrial, municipal, natural resource, insurance and trade association clients.

Rusty also serves as the executive director of the Kentucky Chemical Industry Council within the Kentucky Association of Manufacturers.

Services

- Litigation
- Environmental Law
- Air Permitting, Counseling & Enforcement Defense
- Clean Water Act Permitting, Counseling & Enforcement Defense
- Commercial Transactions & Land Development
- Emergency Planning & Response
- Energy & Natural Resource Development
- Product Stewardship
- Site Characterization, Cleanup & Remediation
- Waste
- Government Relations
- Natural Resources Industry

- Health Care Industry
- Public Utilities Industry
- Insurance Industry

Education

- University of Kentucky College of Law (J.D., 1991)
- University of Kentucky (B.G.S., 1988)

Bar Admissions

- Kentucky

Court Admissions

- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky

Affiliations/Memberships

- Kentucky Bar Association
- Kentucky Association of Manufacturers, Chemical Industry Council, executive director
- Kentucky General Assembly, Federal Environmental Regulation Impact Assessment Task Force
- Kentucky Energy and Environment Cabinet, Oil and Gas Workgroup
- Kentucky Water Resources, board member

Distinctions

- Peer Review Rated AV in *Martindale-Hubbell*
- *Best Lawyers*®
 - "Lawyer of the Year" in Lexington for Environmental Law (2016, 2017, 2020)
 - "Lawyer of the Year" in Lexington for Natural Resources Law (2019)
 - "Lawyer of the Year" in Lexington for Government Relations Law (2021)
 - Environmental, Government Relations, Natural Resources Law (2022)
- Kentucky *Super Lawyers*®

Experience

Represented the Lessee/Purchaser In Negotiations Over a Manufacturing Site

We represented the lessee in the negotiations of the lease of a 15-acre manufacturing site in Kentucky, and then represented that client through the closing when it exercised its option to purchase the property.

Advice and Assistance Related to Kentucky Consumer Protection Laws

Dinsmore represented an out of state company that was unable to justify conducting business in the Commonwealth due to overly broad restrictions placed upon that type of business under Kentucky's consumer protection laws. We were successful in explaining to the implementing agency that amendments to the law were necessary and would not harm consumer protection efforts. We were further able to pass amendments to existing laws that opened the door for the company to conduct its business in Kentucky.

Advice and Assistance Related to Statutorily-Imposed Fee

Dinsmore represented a client that was concerned that a fee imposed upon its activities by the Commonwealth of Kentucky served to reduce the Kentucky facility's competitiveness with others in the market, as well as its competitiveness for expansion possibilities within the company. We were able to draft and pass legislation that substantially reduced the statutorily-imposed fee and allowed the facility to enhance its competitiveness, while not significantly depriving the state agency of funding.

Implementation of the Kentucky Health Care Exchange

We are currently representing a national trade organization on the legislative and policy issues impacting implementation of the Kentucky Health Benefit Exchange, a program under the federal Patient Protection and Affordable Care Act.

Lobbying For Legislation Regarding Brownfield Redevelopment and Property Revitalization

In an effort to redevelop and revitalize properties under the Brownfield Redevelopment Program across the state of Kentucky, we were enlisted by our clients to expedite the passage of multiple bills to address issues that have delayed cleanup initiatives. We worked on behalf of our clients to draft incentives within the legislation to address, and in some cases remove, liability for those who clean up brownfield sites and prepare them for redevelopment. Our role included working with state legislators, securing bill sponsors, conducting extensive research, testifying before committee hearings and interfacing with various government offices, boards and commissions. The passage of these bills has served to help the state's economy through redevelopment of unnecessarily underused properties.

Promoting Legislation Addressing Blighted Property Enforcement Strategies

When a municipal client sought legislation to help them address foreclosed and blighted properties, they turned to our professionals. With our assistance, multiple bills have passed that expedite the foreclosure process and provide more authority for cities to address or maintain properties that have gone into foreclosure. Our role included coordinating the efforts and missions of the client, as well as promoting the passage of the bills through testifying at committee hearings, lobbying legislators and providing research and analysis regarding the impact of the bills.

Promoting Legislations Addressing the Appropriate Siting Of Merchant Power Plants

When the Kentucky Public Service Commission looked to promote legislation that addressed the siting of merchant power plants in the state, we were called upon to conduct research, prepare testimony and work with sponsors on a bill that enabled the Commission to oversee the siting strategy and process. Property boundaries, access control, noise levels, utilities, traffic impact and compatibility with surroundings were key factors. Our efforts ensured that the plants are properly regulated, but not in an over-burdensome manner.

Removing Legislative Roadblock to Economic Development

When a national home product sales organization wanted to conduct business in Kentucky, it was realized that Kentucky's laws were overly-restrictive on that type of business. We were called upon to rectify the situation. After conducting extensive research and building solid support for a change in the law, we were able to shepherd legislation through the legislative process to allow the company to conduct operations in Kentucky within six months of passage.

Supported Legislation That Addressed Regional Water Infrastructure Planning

When the Kentucky Infrastructure Authority sought to implement a regional planning strategy to improve the delivery of water to rural areas in Kentucky, we were enlisted by interested clients to guide them through the legislation process. We organized efforts to manage the regional aspect of the planning, working with local legislators to secure their cooperation. We also conducted research into regional planning strategies, offered testimony at committee hearings and worked with both the Authority and state legislators to coordinate efforts. The legislation was eventually passed, and significant efforts have been made on improving and upgrading the state's water infrastructure to improve the delivery of water to designated areas.

Supporting Anti-Counterfeiting and Consumer Protection Legislation

When a well-respected coalition of businesses wanted to address the practice of selling fraudulently-marketed items, they asked us to lobby for legislation that increased penalties for vendors who market and sell items that are fraudulently presented as popular name-brand items. We worked to secure a sponsor for the bill, presented research and testimony on behalf of the Coalition, and negotiated policy within the legislation. The legislation was passed, providing a victory for our client in their efforts to protect consumers and their products.

Supporting Legislation Addressing Contractor Fraud and Abuse

We represented property and casualty insurance groups in their lobbying efforts toward the passage of a bill that provides consumer protection as it relates to contractor fraud and abuse. The bill addresses contractors who solicit business through questionable tactics following severe weather events, putting in place a number of provisions that contractors must meet before soliciting business and performing a project. We conducted extensive research regarding the matter, and lobbied throughout the bill's journey to passage to ensure that both our clients' and the consumers' interests were protected.

Updating Legislation for Building and Engineering Standards

Dinsmore worked closely with representatives from the Boiler and Pressure Vessel Board, as well as the Department for Housing, Buildings and Construction and labor interests to lobby for updated legislation related to building and engineering standards for the replacement of boilers, pressure vessels and associated piping in Kentucky. We conducted exhaustive research into updated standards, and incorporated modern standards developed by the American Society for Mechanical Engineers into the legislation to update the Code, which had not seen major revisions since being enacted in the 1960s. The new legislation enables Kentucky businesses to operate in accordance with modern standards, and also provides the Department the authority to regulate and audit the equipment.

Publications

August 7, 2020

State Legislative Procedural Updates as a Result of COVID-19 Pandemic

December 23, 2016

EPA Continues With Rulemaking Through the End of the Administration

October 17, 2016

EPA Publishes Civil Penalty Inflation Adjustment Rule

July 13, 2015

NGOs Push EPA on Residual Risk Rules