




## F. Joseph Ullo Jr.

SHAREHOLDER

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## Overview

Joe Ullo counsels large and small business owners, landowners, private companies, and county and municipal governments statewide in all aspects of federal, state, and local environmental law, regulations, and processes that govern the consideration and usage of land, management of waste, and real property rights.

Joe has more than 25 years of experience serving clients throughout Florida in environmental matters, including representing clients in administrative enforcement proceedings and related civil actions, assisting in the completion of institutional controls and negotiating cleanup requirements for sites subject to state and local cleanup rules, and negotiating property transactions involving land contamination and environmental liabilities and permits.

Previously, Joe served as the director of the Florida Department of Environmental Protection's Division of Waste Management (DWM). In this role, Joe directed the policy and the programmatic management of solid and hazardous waste generated and disposed of throughout the state. Joe also advised the deputy secretary of regulatory affairs on DWM policy and activities.

Before practicing law, Joe worked as a registered professional engineer for almost 10 years. He managed hazardous waste, petroleum, and dry cleaning cleanups in the southeastern United States, oversaw environmental compliance for private manufacturers, and assisted with wastewater infrastructure evaluations at federal facilities. Joe also led the environmental cleanup for various military bases, particularly in Jacksonville and Orlando, which now serve as incredible reuse examples for both industrial and residential mixed uses in Florida. This hands-on experience helps Joe coordinate expert analysis to best express a client's position to reach favorable outcomes.

Since 2009, Joe is also a registered patent attorney and assists clients on intellectual property matters especially where those matters relate to green energy technologies, water treatment, or remedial technologies.

## Experience

### Environmental

- Represented a county airport authority in the closing and relocation of its airport facility, which included the issuance of “no further action” determinations on more than 50 identified sites with environmental impacts. Certain sites were closed based on background conditions relating to industrial land uses, but overall real-time communications were maintained throughout the process between the airport authority’s consultants and counsel and the department’s district office and office of general counsel, and counsel and consultants for the end user of the former airport facility.
- Represents clients, including seaports and airports, in the negotiation of memoranda of agreement to allow for facilitywide conditional closures and commercial/industrial consideration under the department rules.
- Represented the interest of federal governmental agencies, including the U.S. Department of Energy and the Department of Veterans Affairs in completing institutional controls for various facilities in Florida.
- Negotiated the issuance of a record of decision for no further action for a manufactured gas plant site under current use as a city park. Responsible parties included the state and city governments.
- Coordinated the initial state of Florida response to emerging contaminants such as PFAS and 1,4-dioxane.
- Advises clients and works with consultants/experts on the consideration of PFAS and the latest ASTM E1527-21 due diligence standard.
- Represents clients in CERCLA cost recovery actions and toxic tort litigation involving determination and appropriation of liability.
- Assisted in the transfer of regulatory oversight from federal to state purview for a Superfund alternative site to allow for more streamlined remediation and reuse consideration.
- Represents clients on hazardous waste management matters and general industrial regulatory compliance and advises clients in the event of regulatory enforcement.
- Represents clients in the application for hazardous waste, solid waste, and other environmental resource permit needs, including defending permits in the event of a challenge.
- Represents clients in compliance assurance relating to water treatment to meet industrial pretreatment or NPDES requirements.
- Negotiates consent orders and memoranda of agreement or understanding between clients and agencies relating to environmental obligations.

## Land Development

- Represented an affordable housing developer in obtaining a brownfield area designation for an affordable housing project in Tallahassee during the COVID-19 pandemic. The team coordinated an in-person and virtual community meeting that included a team of consultants and members of the public as well as two virtual public hearings to obtain the brownfield area designation. The designation allowed the developer to take advantage of both state environmental cleanup programs and financial incentives.
- Represents brownfield redevelopment clients assisting with brownfield designations, site rehabilitation agreement negotiation, brownfield tax credit applications, and other brownfield incentive and grant programs working effectively with all six FDEP regulatory districts and Miami-Dade (DERM), Broward, and Hillsborough counties.
- Represents private clients in the site rehabilitation of petroleum cleanup sites where Inland Protection Trust Funds (IPTF) are available or historic petroleum contamination creates development challenges.
- Part of the team that wrote the law for the Advanced Cleanup for Redevelopment program, which was added to the state's petroleum restoration program.
- Helped negotiate the use of the IPTF for projects of great public concern and interest in the state. Examples include hurricane evacuation routes being constructed by FDOT, port expansions, and positioning county-owned facilities and lands for public/private reuse.
- Represented governmental clients, private clients, and boards in defending decisions where development rights are affected. Specific examples include rezoning, grandfathered/non-conforming uses, and architectural review board decisions affecting historic building demolition.
- Represented church organization in a federal land use challenge raising religious land use and Section 1983 claims.
- Represented private developer in the mixed-use redevelopment of a former golf course property including the brownfield designation, rehabilitation plan development, and tax credit applications.
- Represents clients on the recording of institutional controls or determining the sufficiency of non-recorded institutional controls needed to achieve regulatory compliance.

## Real Estate

- Assists in the due diligence phase, especially where recognized environmental conditions create challenges for the transaction.
- Represented clients in the sale of a large manufacturing facility where environmental liability matters required reconciliation.
- Represented clients in the sale of agricultural lands including the farming operations, equipment, and business.

- Represented various clients acquiring golf course properties, former mines, or former landfills, and other situations in which historic land use (permitted or otherwise) create development challenges.

## **Government Affairs**

- Advises clients on the necessary audience within the Department of Environmental Protection to ensure the right decision-maker is fully apprised of critical factors.
- Advises clients on potential regulatory pathways to achieve end goals most efficiently.
- Advises clients on potential opportunities for governmental grants or other funding that may be available under certain circumstances.
- Appeared before the Florida Legislature as a technical expert in the fields of waste management and brownfields and negotiated legislation, which combined the state taxpayer and stakeholder business needs.
- Possesses comprehensive experience in all facets of environmental federal, state, and local governmental laws and rules and coordinates with federal and local governments on mutual benefit agreements to affect innovative environmental policies.
- Counseled local governments on real property and environmental matters involving the government property sale, purchase or reuse, contamination cleanup, and property tax collection.

## **Administrative Proceedings**

- Represented an intergovernmental agency in the defense of its environmental resource permit, which was required for the ongoing expansion construction of a state highway connecting interstate traffic with an international airport.
- Challenged the issuance of a site rehabilitation consent order issued by the Florida Department of Environmental Protection when the scope of the order neglected to include key contaminants of concern identified on the client's property.
- Challenged the Florida Department of Revenue's determination of ineligibility of a client's building materials sales tax refund application.
- Directed the Division of Waste Management for the Department of Environmental Protection in response to administrative challenges relating to brownfield voluntary cleanup tax credit orders and bid protests.
- Negotiated consent orders following hazardous waste discharge discoveries, surface water discharges, industrial wastewater discharges, Title V permit violations, solid waste facility permit violations, and institutional control failures.
- Analyzed and granted variances from rule requirements upon the proper demonstration of equivalent environmental protection.
- Assisted clients in alternate procedure requests and variances from rule requirements for landfill closures pursuant to Rule 62-701, FAC.

- Oversaw rulemaking for multiple sections of the Department of Environmental Protection's Chapter 62, including the latest updates to Rules 62-701, 62-711, 62-730, 62-761, 62-762, 62-780 of the Florida Administrative Code. Rule 62-701, FAC was heard before the Environmental Regulation Commission.
- As director of the Division of Waste Management, worked with administrators to develop the division's annual regulatory plan for presentation to the secretary of the Florida Department of Environmental Protection.
- Assisted clients holding agency contracts in bid challenges where agency failed to apply proposal criteria properly.

## Intellectual Property

- As a registered patent attorney with the U.S. Patent and Trademark Office and a licensed professional civil engineer, represented a small business and assisted with patenting and the overseas manufacture of device with patent protection in the United States and in six other countries.
- Assisted clients in their branding and rebranding efforts, including the launch of a new corporate name and identity online and at the corporate annual convention.
- Negotiated license and consent of use agreements for clients relating to trademark and copyright usage.
- Conducted intellectual property audits for clients as part of corporate M&A due diligence.

## Areas of Focus

### Practices

- [Government Law & Consulting](#)
- [Construction](#)
- [Development](#)
- [Intellectual Property](#)

### Industries

- [Construction](#)

## News

09.06.2022

F. Joseph Ullo Jr. Joins Carlton Fields in Tallahassee

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# Recognition

- *Chambers USA*, Environment (2023)
- *The Best Lawyers in America*
  - Environmental Law, Environmental Litigation (2021–2022, 2024)
  - Tallahassee "Lawyer of the Year," Environmental Litigation (2024)
- Florida Super Lawyers, *Super Lawyers Magazine* (2021–2023)
- Florida Bar Leadership Academy, Class II (2014–2015)
- Florida Rising Stars, *Super Lawyers Magazine* (2009–2015)

# Professional & Community Involvement

- Ronald McDonald House Charities of Tallahassee
  - Board of Directors
- Hinkley Center for Solid and Hazardous Waste Management
  - Advisory Board
- Georgia Tech Alumni Association, Tallahassee/Thomasville Network
  - President (2012–present)
  - Northeast Florida Network, Board of Directors (2010–2011)
  - Presidential Scholarship Program Committee (2010–2011)
- Air and Waste Management Association, Coastal Plains Chapter
  - Board of Directors
- Florida Brownfields Association
  - Co-Chair, Legislative Committee (2007–2010, 2021–2022)
  - Board of Directors (2013–2015)
  - President (2010–2011)
  - Co-Chair, Conference Committee (2010)
- Tallahassee Area Association of Environmental Professionals
  - Board of Directors (2013–2015, 2021–2022)

# Speaking Engagements

- "New Tools, Old Rules: Ethics and Technology for Environmental Professionals - Using Technology to Work Effectively In and Out of the Office" and "Waste Management Programs Overview," 37th Annual Environmental Permitting Summer School, Marco Island, FL (July 18–19, 2023)
- "Brownfields and VCTC – Their History and Future in Florida," 2020 Brownfields Conference (November 6, 2020)
- "Roundtable Discussion of Waste Management Industry's Most Pressing Issues," AWMA 2020 Joint Florida Section, Coastal Plains and Alabama Chapters Virtual Technical Conference (October 29, 2020)
- "Waste Management Programs Overview," 34th Annual Environmental Permitting Summer School (July 22, 2020)
- "Managing the Regulatory and Transactional Risks of Emerging Contaminants Such as PFAS," 34th Annual Environmental Permitting Summer School (July 22, 2020)
- "Something Old, Something New - Ethics and Technology for Environmental Professionals on the Go," 34th Annual Environmental Permitting Summer School (July 22, 2020)
- "Joint U.S. EPA / State Representatives Roundtable Discussion and Q&A," Southeast Brownfields Conference (October 27, 2019)
- "Waste Management Programs Overview," 33rd Annual Environmental Permitting Summer School (July 16, 2019)

## Credentials

### Education

- Florida State University College of Law (J.D., 2006)
  - Associate Editor, *Florida State University Law Review*
- Florida State University (M.S., 1998)
- Georgia Institute of Technology (B.S., with honors, 1993)
- Spring Hill College (B.S., magna cum laude, 1993)

### Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida

### Bar Admissions

- Florida

# Industry Specialization Certifications

- Professional Engineer

## Background

- Shareholder, Stearns Weaver Miller, Tallahassee, FL (2018–2022)
- Director, Division of Waste Management, Florida Department of Environmental Protection, Tallahassee, FL (2015–2018)
- Of Counsel, Hollimon, P.A., Tallahassee, FL (2015–2018)
- Shareholder, Lewis, Longman & Walker, P.A., Jacksonville & Tallahassee, FL (2006–2015)
- Chief Engineer, Ecology and Environment Inc., Tallahassee, FL (1999–2003)
- Project Technical Lead, Harding Lawson Associates/Asea Brown and Boveri Inc., Tallahassee, FL (1994–1999)