

Environment, Energy & Natural Resources

Clark Hill's attorneys combine many decades of counseling and litigation experience with deep substantive knowledge in all areas of environmental law.

Practicing preventive law is a cost-effective means for clients to achieve compliance with environmental, energy and natural resources (EENR) laws. With Clark Hill's skilled guidance, our clients have the ability to interpret and comply with the broad range of complex and inter-related EENR laws and regulations. For example, we provide regulatory counseling, handle EENR issues in corporate and real estate transactions, defend and prosecute federal and state Superfund cost recovery actions, and defend environmental remediation and enforcement actions.

We represent a wide range of manufacturing, transportation, retail, utility, oil and gas, chemical, and recycling companies, as well as financial institutions, insurance companies, real estate management firms and municipalities. Our attorneys provide day-to-day regulatory advice to clients in all major industrial and commercial sectors.

In the energy sector, Clark Hill attorneys have been representing industrial and large institutional clients before state and federal energy regulators for decades, covering such diverse matters as energy acquisitions, utility strategies, and nuclear waste disposition, enjoying an excellent track record for reducing the energy costs for businesses. We are positioned to assist where energy and environmental law intersect on such issues as greenhouse gas emissions, climate change regulation, and environmental and natural resource assessments of energy infrastructure projects. Attorneys on our team have assisted clients in negotiating natural gas supply and transportation contracts, transfer of nuclear and hydropower licenses, obtaining permits for renewable energy facilities, and resolving issues related to traditional fossil fuel power plants.

Our extensive and varied environmental, energy, and natural resources experience includes:

- Transactional work in connection with corporate mergers and acquisitions, real estate sales and financing: performing EENR due diligence reviews and audits; structuring corporate sales and energy acquisitions to minimize environmental liabilities; negotiating environmental contract provisions; and assisting in Phase I/Phase II Environmental Site Assessments. During their collective careers, EENR attorneys have handled federal EENR issues in all fifty states.
- Environmental cleanups, natural resource restorations, and Brownfield redevelopment: Negotiating consultant contracts, negotiating remediation and closure plans with governmental agencies, and assisting in remediation protocols. Serving as lead counsel for potentially responsible parties during Superfund remediations, cost recovery actions, and in Natural Resource Damage ("NRD") proceedings; preparing and reviewing Brownfield plans, and assisting in obtaining Brownfield funding through tax increment financing and single business tax credits.
- Energy and utilities: Providing strategic legal, government and regulatory analysis and representation to energy and utility sector clients in both the retail and wholesale market in state and federal jurisdictions across the country. Developing renewable energy projects and new initiatives including advanced metering, demand response and development of a smart grid.
- Regulatory compliance and permitting: Advising clients in the navigation of complex regulatory compliance and defending Notices of Violation. Assisting clients in obtaining National Pollutant Discharge Elimination System ("NPDES") and pretreatment permits, with underground storage tanks, air permits, and spill reporting requirements, and with solid and hazardous (including nuclear) waste compliance and during governmental inspections and environmental audits.
- Licensing: Assisting clients in securing Federal Energy Regulatory Commission ("FERC"), Nuclear Regulatory Commission ("NRC"), and related federal licenses and approvals for power plants and electrical distribution systems.
- Litigation and Appellate: Environmental defense of administrative and judicial actions under the Clean Water Act, the Clean Air Act, nuclear waste statutes, the Endangered Species Act, and toxic substance laws such as the Toxic Substances Control Act ("TSCA") and the Federal Insecticide Fungicide, and Rodenticide Act ("FIFRA") (PCB, pesticide, and asbestos abatement). Defending environmental citizen suits and civil and criminal enforcement cases, representing both plaintiffs and defendants in state and federal Superfund cost recovery and contribution actions, litigating insurance coverage for pollution claims, defending toxic tort claims (including class actions and MDL proceedings) and handling related appeals. Prosecuting environmental claims on behalf of state and environmental agencies.
- Legislative and administrative proceedings: Providing comments on rulemakings and testimony before



Environment, Energy & Natural Resources Leaders

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Environment, Energy & Natural Resources Areas of Practice

Alternative/Renewable Energy
Brownfields Redevelopment
Combined Sewer Overflow
Energy Management
Energy Technology & Innovation
Environment, Energy & Natural Resources Litigation
Environmental Assessments, Due Diligence & Audits
Green Building & Development
Permits & Licenses
Proposition 65
Public Utility Litigation, Regulatory Intervention & Counseling
Remediation & Natural Resource Restoration
Riparian (Water) Rights
Solid & Hazardous Waste Management

legislative bodies, and representing clients in administrative proceedings. Challenging agency actions in federal court.

Tax Incentives & Grants

- Wetlands and riparian rights: Assisting clients in obtaining wetlands jurisdictional determination and Clean Water Act permits, developing wetlands and protected habitats, representing parties in wetlands enforcement action, replacement and restoration matters, and representing property owners in riparian rights disputes.