



**Lippes
Mathias**
Wexler Friedman LLP



Environment & Energy

Lippes Mathias' Environment & Energy Practice Team is made up of attorneys, advisors and professionals with legal and policy expertise spanning the entire spectrum of environmental and energy law. We utilize a comprehensive and strategic approach to deliver innovative, common sense and business-minded solutions to the challenges facing our clients. We succeed because of our team, which includes environmental, regulatory and commercial attorneys; lobbyists; litigators; a former environmental consultant and a Professional Engineer who managed the Superfund and Brownfield program as a regulator for over 30 years with the New York State Department of Environmental Conservation. Our clients include:

- Developers
- Parties to Real Estate and Corporate Transactions
- Financial Institutions
- Energy Companies
- Manufacturers
- Private Equity Funds
- State Agencies, Authorities and Municipalities
- Indian Tribes

We regularly work with and represent our clients before Congress and federal and state agencies, including, among others, the Environmental Protection Agency (EPA); New York State Department of Environmental Conservation (NYSDEC); U.S. Fish and Wildlife Service (USFWS); U.S. Army Corps of Engineers (USACE); Department of the Interior (DOI); and State Historic Preservation Offices (SHPO).

Advancing Controversial Projects

We have particular expertise in helping our clients develop and advance controversial projects, where we position projects to succeed by navigating the myriad regulatory and political hurdles and public relations issues that are ever-present in such major project developments. We are successful because we:

- Understand and have deep experience advising on the laws and permitting requirements that govern major

TEAM LEADER



IAN A. SHAVITZ
Partner | Team Leader -
Environment & Energy

projects, including oil and natural gas pipelines, power plants, major highways, bridges, transportation and transit facilities, mines, and transmission lines.

- Complement and support our regulatory efforts through direct advocacy with government decision-makers and elected officials to achieve specific legislative, policy or regulatory results.
- Assemble and team with other professionals (e.g., media relations specialists, public opinion polling organizations, grass roots consultants and other outside experts) as needed.
- Identify and mobilize third-party groups and organizations to support our efforts.

Contamination, Environmental Investigations and Cleanups and Brownfields

We work with our clients to assess and address potential risks and liabilities associated with hazardous wastes and other environmental contaminants, based upon our experience with the federal and state laws and regulations that govern investigation, evaluation, and remediation of contaminants in the environment, and our technical environmental knowledge.

We also help our clients navigate the legal issues and other challenges presented by redeveloping brownfields. We have significant expertise on the laws and regulations that govern brownfield redevelopment, including state voluntary cleanup programs. And with a former NYSDEC Regional Remediation Engineer as part of our team, we can support our legal advice with technical and practical advice on necessary levels of environmental due diligence, liability issues, cleanup requirements, the feasibility of remediating property to standards appropriate for future site uses and cost-effective remedial strategies under state and federal brownfields programs. We also negotiate and draft the agreements that make a brownfields redevelopment

Environmental Aspects of Corporate and Real Estate Transactions

We advise buyers, sellers, lenders, borrowers and investors on environmental aspects of commercial and real estate transactions, including evaluating and structuring transactions to minimize our clients' environmental liabilities and risks. In doing this, we work hand-in-hand with the Firm's real estate, corporate and finance attorneys, which provides us with a full picture and understanding of the transactional issues at play. Having a former NYSDEC Regional Remediation Engineer as part of our team makes us particularly adept at advising on transactions involving brownfields, manufacturing and industrial facilities, or other contaminated properties, where we combine our knowledge of substantive environmental laws with our technical, scientific, and engineering expertise to provide our clients with a "complete picture" of the issues and risks associated with a transaction. Our services include:

- **Due Diligence.** We provide all levels of environmental due diligence for our clients, from high-level red flag analyses to in-depth reviews of permits, regulatory correspondence, and environmental studies.
- **Evaluating, Managing and Allocating Risk.** We identify and evaluate risks posed by environmental liabilities, and develop and implement strategies to manage these risks through contractual allocation of liability, drafting meaningful indemnification provisions, and utilizing environmental insurance. We also review and negotiate environmental provisions in transaction documents (e.g., definitions, representations and warranties, conditions precedent, indemnity provisions, etc.) to ensure that our clients' interests are adequately protected.
- **Legal Opinions.** When required by a particular transaction, we provide legal opinions addressing whether a business or facility has all of the environmental permits and approvals necessary for project construction and operations.

Environmental Litigation

Our practice team is staffed with seasoned environmental litigators who have experience representing public and private sector clients in bringing and defending environmental challenges in state and federal court and before administrative agencies. We have broad environmental litigation experience, including the following:

- **Administrative Appeals and Challenges to Permitting Decisions and Environmental Reviews.** We have

experience working with administrative agencies to defend agency permitting decisions and environmental reviews against third-party challenges, often in situations involving controversial energy or other infrastructure development projects. Our experience includes bringing and defending challenges under NEPA and SEQRA, as well as related claims arising under laws such as the Endangered Species Act, Section 404 of the Clean Water Act (and analogous state laws), and Section 106 of the National Historic Preservation Act.

- Defense of Regulatory Enforcement Actions. We also have experience defending clients against enforcement actions brought by state and federal regulators for alleged violations of environmental laws.
- Toxic Tort Defense. We have experience defending clients against toxic tort lawsuits and class-actions relating to hazardous materials and other environmental matters.
- Citizen Suits. We have successfully defended clients against citizen suits brought under state and federal law, including the federal Clean Water Act and state equivalents.
- Cost-Recovery Actions. Our litigators have experience bringing and defending against cost-recovery lawsuits for environmental cleanups under CERCLA and analogous state laws.

Environmental Policy

Our attorneys and advisors have extensive experience advocating before Congress, the executive branch, and other federal, state and local government officials to address client needs across the broad spectrum of environmental and energy issues. Our effectiveness comes from our understanding of the environmental and energy issues that face our clients, our ability to develop strategies to achieve our clients' objectives, and our deep understanding of the legislative and regulatory processes. We take a holistic approach in advocating for our clients to meet their objectives, starting with assessing relevant legal and policy issues, developing a strategy, and then implementing that strategy at the federal, state and local levels, as needed.

With a team that includes a former counselor to the Secretary of the Department of the Interior; a former New York State Attorney General; a former deputy chief of staff to a senior member of the House of Representatives, and an environmental attorney and lobbyist that has represented clients before Congress and executive agencies for more than 10 years, we are able to achieve our clients' objectives through direct congressional and executive branch policy advocacy, legal and regulatory analyses, and participation in rulemakings.

Project Development, Permitting and Environmental Reviews

Our team has extensive experience with regulatory compliance and permitting of wetlands, wastewater discharges, air emissions, protected species and habitat, contaminated properties, and historic and cultural resources. We regularly assist our clients in navigating and securing permits and approvals under the laws that are critical for a project to succeed, including, among others, the National Environmental Policy Act (NEPA), the New York State Environmental Quality Review Act (SEQRA), the Clean Water Act, New York's Protection of Waters and Freshwater Wetlands laws, the Endangered Species Act, and the National Historic Preservation Act.

FOCUS AREAS

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Environmental Aspects of Corporate and Real Estate Transactions

Environmental Litigation

Environmental Policy

Project Development, Permitting and Environmental Reviews

Renewable Energy



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