Environmental & Energy

Glaser Weil’s Environmental and Energy Department has the depth of experience and demonstrated capability to successfully represent clients on the wide array of environmental and energy issues that can impact commercial endeavors. In today’s complex regulatory and legal business climate, it’s no surprise, that our lawyers have received widespread recognition for their work. In its annual Best Lawyers® “Best Law Firms” survey, U.S. News and World Report named our Energy and Environmental Department as a Tier One practice group in the energy sector.

With high-stakes and shifting legal conditions now dominating the environmental and energy arenas, it is more vital than ever that clients can count on the powerful combination of expertise, responsiveness, market savvy and in-depth analysis that Glaser Weil consistently brings to the table. Our broad spectrum of clients includes: developers, construction professionals, major oil companies, regulated utilities, alternative energy providers, banks, investment firms, industrial concerns and manufacturers. The Department’s attorneys have handled matters that range from overseeing the environmental and energy aspects of the CityCenter project in Las Vegas — the largest privately-funded construction project in history — to litigating a number of precedent-setting cases that have established defining legal principles under the Clean Air Act, CERCLA, RCRA and the Public Utilities Code.

The Department’s attorneys were recently tasked with developing cutting-edge legal mechanisms for confronting critical issues in the emerging arenas of climate regulation and green building law, including the creation of insurance-related products to insure the validity of carbon credit transactions and LEED certifications for sustainable development. The group has also recently advised clients concerning Demand Response Auction Mechanisms and related programs. Of course, we are very familiar with compliance with CalGreen, California’s statewide green building code.

### REPRESENTATIVE PRACTICE AREAS

The following list highlights some of our specialized practice areas that reach into all corners of environmental and energy law:

- Government Regulation Advice and Advocacy
- Development and Construction Counseling
- Superfund and Cost Recovery Litigation
- Contaminated Property and Natural Resources Litigation
- Carbon Finance and Regulation
- Climate Change Law
- Administrative Law and Government Affairs
- Environmental Compliance Counseling
- Traditional Energy, including Oil and Gas
- Environmental Insurance Coverage and Litigation
- Water Rights and Quality, including Wetlands
- Natural Resources
- Waste Management
- Environmental Remediation
- Toxic Torts
- Air Quality
- Proposition 65 Compliance and Litigation
- Purchase and Sale of Environmentally Contaminated Assets
- CEQA, NEPA and Land Use
- White Collar Environmental Issues
- Negotiations with Federal and State Agencies
- Land Use, Entitlements and Environmental Compliance
- Government Contracts

### ENVIRONMENTAL & ENERGY SUB PRACTICES

Environmental and Energy Litigation
Transactional
Regulatory
Glaser Weil’s long, undisputed history as a powerhouse in high-stakes litigation — both in the courtroom and at the negotiating table — infuses our Environmental and Energy Department’s robust litigation practice. The Department’s attorneys are among the most seasoned and accomplished in the country, and have prosecuted and defended countless actions in both state and federal court. As a result, Glaser Weil has played an integral role in a number of high-profile cases, many of which have established key legal precedents under CERCLA, RCRA and the Clean Air Act.

True to the Glaser Weil name, every move this Department makes on behalf of its clients is geared to protect and advance their interests in a creative, aggressive, yet efficient and practical, fashion. While we never shy from taking a case to trial, clients rely on our proven sound judgment to know when negotiating will ultimately ensure their best outcome.

To ensure trial readiness, our lawyers become steeped in the most intricate details of each case — a modus operandi that allows us to devise optimal strategies to handle the knotty, and at times groundbreaking, matters, that often arise in the turbulent area of environmental and energy law.

As a result, our Environmental and Energy Litigation Practice extends to a broad array of other areas. The group’s attorneys have successfully represented clients in major CERCLA, cost recovery, RCRA, environmental insurance and toxic tort litigation, to name a few. Recently, our lawyers were selected to represent a water utility in a lawsuit alleging delivery of contaminated water, to defend a former shareholder of an aerospace concern in an environmental cleanup indemnity action, and to handle complex litigation relating to contamination of a major groundwater aquifer in the Los Angeles Basin. The Firm also handles major white-collar criminal matters related to environmental issues.

In addition, members of the Environmental and Energy Litigation team have advised clients in a number of actions centering on challenges as to the legitimacy of regulatory programs — from cases involving state waste laws to administrative agency adoption of emission standards for new motor vehicles.

The Department’s representation of a utility in a wrongful death action alleging the delivery of contaminated drinking water, highlights Glaser Weil’s experience with regulated water utilities, including the application of Hartwell v. Superior Court, the seminal California Supreme Court decision that limits the ability of plaintiffs to use Superior Courts as a venue to assert drinking water contamination claims against such utilities. One of our lawyers litigated the Hartwell case and briefed the California Supreme Court on behalf of one of the prevailing regulated water utilities.

Furthermore, the Firm has prosecuted and defended claims for environmental contamination of real property, including precedent-setting actions seeking to allocate liability among potentially responsible parties at state and federal Superfund sites.

Our record in recovering millions of dollars in cleanup costs for clients — from both responsible parties and insurance providers — has led some of the largest companies in the U.S. to turn to Glaser Weil’s Environmental and Energy litigators to defend them against environmental claims.
Our clients trust Glaser Weil’s collective experience, legal acumen and deep market understanding to steer them through the full range of transactions that can present environmental issues and are encountered in the energy industries. The Environmental and Energy Department maintains an acclaimed deal practice that encompasses major transactions of national significance. Buyers, sellers, lenders, investors and others turn to our lawyers for counsel regarding the transfer of properties and corporate interests, as well as for more specialized projects, including the development of alternative energy projects and innovative energy endeavors.

We facilitate deals for our clients in a number of different, inventive ways. Businesses need to understand how transferring real properties and corporate interests will impact their environmental liability exposure. Consequently, the Glaser Weil Environmental and Energy Transaction team performs due diligence, drafts agreements and negotiates matters to help proffer solutions with respect to the allocation of these liabilities.

Our lawyers were recently retained to conduct all the deal work, including the allocation of responsibility for environmental issues, for a major client in the leasing of more than 200 service stations. We have also advised a private equity company regarding the acquisition of several contaminated paper mill sites, and we found creative solutions for a bank that foreclosed on a number of significantly impacted Brownfield properties. Also of note, our attorneys played a lead role in the environmental due diligence associated with the 2008 Republic Services, Inc. and Allied Waste Industries merger, and handled the acquisition of a national portfolio of electrical generating facilities.

The list of the Department’s transactions in cutting edge areas of both the law and commerce is long and impressive. Indeed, much of the Department’s transactional work has focused on the transfer of clean energy companies and properties or the construction and development of alternative energy facilities—including solar, wind and geothermal projects. Such efforts have ranged from coordinating the pre-transaction environmental due diligence to crafting the environmental indemnification obligations that will outlive the transaction. We recently advised clients on the development of a landfill gas-to-energy project, a large-scale geothermal project, and the nation’s largest biofuel facility. Not long ago, our attorneys helped a major client generate a product that allows interested parties to obtain reliable LEED project information.

In order to make this happen, the Department established a positive working relationship with the U.S. Green Building Council (USGBC) and the Green Building Certification Institute (GBCI)—which will no doubt benefit our clients in the future, as they seek to establish new ventures and opportunities in the energy conservation field. Glaser Weil has also assisted an insurance client with the development of a product to insure the validity of instruments used to comply with climate change regulations, including carbon credits and offsets. That the Department is well versed in similar transferable energy products—including renewable energy certificates and emissions allowances—can give our clients a distinct competitive edge.
ENVIRONMENTAL AND ENERGY REGULATORY

In today's complex and fast moving regulatory climate, clients need a creative and nimble legal team that intimately understands the often arcane rules that can impact the future of their businesses. Glaser Weil is that firm.

Our ability to foresee and sidestep problems, as well as identify opportunities, has allowed us to wisely advise our clients on virtually every aspect of environmental and energy regulatory law. We help clients navigate a vast array of complex compliance obligations relating to waste, air and water pollution and many other environmental and energy issues. These include: spill reporting requirements, oil lease regulatory provisions, wetlands regulations, solid and hazardous waste management, air and water quality requirements and refinery regulation and decommissioning. Our attorneys command substantial skill and experience in managing and crafting compliance strategies for environmental cleanups.

The matters we handle are vast and eclectic. In fact, one of our attorneys has spent decades advising a petroleum trade association regarding a host of issues relating to producing, refining, transporting and marketing petroleum and petroleum products. Other recent engagements include assisting a developer in the hospitality industry with respect to air permitting issues for one of the largest hotel developments in the world, representing a drum recycling company accused of criminal conduct and exposed to civil statutory penalties for violating environmental laws and handling the commissioning of a refinery.

Consistent with the depth and breadth of our practice, the Firm's longstanding, productive relationships with many players in the regulatory arena are invaluable to our clients. The Environmental and Energy Department frequently interfaces with regulatory authorities in negotiation of reasonable abatement and cleanup requirements and the procurement of permits and approvals. Our lawyers also have substantial experience working with environmental consultants and managing large-scale remediation.

Glaser Weil represents numerous enterprises charged with regulatory violations, and often defends them before such administrative agencies as the U.S. Environmental Protection Agency, Federal Energy Regulatory Commission, California Water Resources Control Board, the U.S. Fish & Wildlife Service and the state Public Utility Commission and Department of Toxic Substances Control.

The Department's range of experience further includes emergent programs, such as climate change regulation, and has provided counsel on the impact of regulatory programs relating to greenhouse gas restrictions, including AB32 and California's proposed cap-and-trade program.

In this complicated regulatory environment, clients routinely trust Glaser Weil's Environmental and Energy Regulatory team to guide them in ways that protect their ability not only to safely and effectively conduct business, but also to thrive.