

# Environment & Natural Resources

**Many of our planet's most pressing issues involve the environment and natural resources. ZAG-S&W assists clients with navigating the environmental challenges that we face and the related government regulations.**

Drawing on our deep industry, regulatory, transactional and litigation expertise, the firm brings a sophisticated understanding not only of the environmental legal framework but also the practical business implications directly impacting our clients.

Our environmental lawyers have prior experience from the U.S. Environmental Protection Agency and U.S. Department of Justice's Environment and Natural Resources Division. As a result, we are able to guide clients through all stages of environmental matters, including regulation, project development, remediation and corporate transactions, and litigation. To help devise innovative, tailored solutions, we also leverage the firm's broader expertise, drawing on our real estate, tax, corporate, securities and energy practices.

Our intimate knowledge of and connections with the state agencies ensure clients receive the most cutting-edge advice regarding compliance with the federal Clean Air Act and State Implementation Plans. The sale of carbon credits remains a hot issue, and we have advised a California forest trust in negotiating one of the country's first contracts for the sale of carbon credits from a forest trust. We have also represented a project sponsor in the aggregation and sale of carbon credits to help fund water treatment initiatives in Kenya. Given the global nature of our practice, we have represented generic agricultural chemical companies entering the U.S. market, including the first Indian and Korean companies to be awarded a technical registration by the U.S. Environmental Protection Agency.

The breadth of our expertise and cost structure of our

platform allows us to partner with our clients to strategically and comprehensively manage environmental risks and to capitalize on the business opportunities before them.

## **Representative Client Work - Environmental Compliance, Litigation & Contamination**

- Advised clients on various compliance issues under the federal Clean Air Act and State Implementation Plans
- Represented a coal company in negotiations with state agency to address environmental impacts from legacy mining operations
- Represented a real estate developer in connection with indemnity dispute regarding costs to address legacy site contamination
- Negotiated a substantially reduced settlement payment by auto parts manufacturer to resolve environmental cost recovery litigation with EPA and private entities by demonstrating remedy selected and performed by the agency was based on faulty conceptual site model

## **Representative Client Work - Environmental Transactions**

- Represented an affiliate of Cube Hydro Partners in its acquisition of four hydropower stations in North Carolina totaling 215 MWs.
- Represented a seller in the \$890 million sale of its sulfuric acid virgin production and regeneration business
- Represented a buyer in a \$435 million acquisition of a large-scale cobalt refinery
- Represented a lender in connection with asset-based

revolving credit facility for manufacturing business

- Counseled buyer on bankruptcy protections applicable to a target company for legacy site contamination and asbestos exposure claims, including the interaction of an asbestos trust and related channeling injunction
- Represented a private equity investor in connection with the development of a greenfield 869-megawatt combined-cycle natural gas-fired generation facility

### **Representative Client Work - Pesticide & Chemical Regulation**

- Represented generic agricultural chemical companies entering the U.S. market (including the first Indian and Korean companies to be awarded a technical registration by the U.S. EPA), involving data compensation negotiations and arbitrations, business strategy, and product defense
- Represented numerous clients in multi-million dollar negotiations and arbitrations addressing the compensation due for reliance upon pesticide data previously filed with EPA
- Represented clients in federal and state pesticide enforcement matters, including negotiation of state consent order providing for a significantly reduced penalty and establishing a precedential environmental benefit project to underwrite the collection and environmentally sound disposal of waste pesticides
- Designed and supervised audit of pesticide compliance for client holding in excess of 100 pesticide registrations
- Obtained for clients the first registration of insect-repellent fabric for use in commercially-available outdoor activity apparel
- On behalf of the phosphate fertilizer industry along the lower Mississippi River, obtained one of the few rulings from U.S. EPA that withdrew a water pollution effluent guideline, thus allowing for a tailored solution to

discharges of gypsum

### **Representative Client Work - Water Law & Resource Management**

- Representing client at complex aquatic site involving investigation, remediation and redevelopment of significant river watershed
- For major financial institution and national labor unions, developed an innovative framework for structuring public-private water infrastructure finance projects
- Developed “Go-to-Market” program to assist Israeli water technology companies seeking to access capital markets, license their technologies, and commercialize their products and services in the United States

### **Representative Client Work - Climate-Related Business & Technology**

- Advised a California forest trust in negotiating one of the country’s first contracts for the sale of carbon credits from a forest trust
- Represented a new casino in the development of thermal and retail power supply agreements, including provisions to address potential effect of future climate-change legislation and to require that contractors fulfill LEED green building standards
- Gained inclusion in LEED for homes credits for a manufacturer of energy-efficient faucets and shower heads
- Gained inclusion in LEED for existing buildings credits in the operations and maintenance category for a manufacturer of battery-powered, non-greenhouse gas- or particulate-emitting outdoor power equipment
- Advised the City of New Orleans in establishing its energy efficiency program (“Energy Smart New Orleans”) by helping to evaluate the feasibility of options including renewable credits, distributed

generation from local solar and other renewable energy sources, green-building initiatives, consumer education and incentives, and the full range of available funding mechanisms, while working closely with the Department of Energy's National Renewable Energy Laboratory

- Advised regarding the structuring of a financing by Cambridge Energy Alliance (CEA), a city-sponsored non-profit organization in the creation of a program to significantly reduce energy and water use and carbon emissions in Cambridge, Massachusetts
- Advised a manufacturer of new energy-efficiency and conservation products regarding opportunities to enhance product marketing through existing incentive and consumer-education programs, and regarding legislative and regulatory opportunities to gain marketplace advantages
- Advised a project sponsor on the aggregation and sale of carbon credits to help fund water treatment initiatives in Kenya

**For further information about our Environment & Natural Resources practice, please visit our website at [www.zag-sw.com](http://www.zag-sw.com) or contact:**