

Jeffrey M. Karp



Senior Counsel

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About

Jeff's practice focuses on assisting clients in resolving complex regulatory matters and high-stakes business disputes, and engaging in cutting-edge technology transactions. He represents clients on the full range of environmental compliance issues under federal and state laws, including government investigations and enforcement actions. He also has extensive litigation experience, both on the government side and in private practice, and has an impressive track record of resolving disputes short of litigation, both with respect to claims arising under a wide range of federal and state laws, and those involving complex transactions.

Jeff advises corporations, developers, financiers and individuals seeking to participate in water, renewable energy, and clean technology transactions and project development worldwide, with an emphasis on assisting Israeli companies seeking to commercialize their products, services, and technologies. He also has substantial experience assisting clients in addressing legal, contractual, and regulatory issues arising during the development of large-scale infrastructure projects, including obtaining government authorizations and negotiating project agreements.

Before entering private practice in 1990, Jeff served as an environmental prosecutor at the U.S. Department of Justice, where he litigated and later also supervised enforcement cases involving a variety of environmental laws.

Jeff is a regular contributor to the [Energy Finance Report](#).

Education

- J.D., Antioch School of Law, 1977
- B.A., *magna cum laude*, Brandeis University, 1974

Bar Admissions

- District of Columbia, 1977
- U.S. District Court, District of Columbia
- U.S. District Court, Western District of Michigan

Practices

- Environment & Natural Resources
- Energy
- High-Tech
- Trade & Export Finance
- Litigation
- Litigation In The U.S.A
- Real Estate
- Real Estate In The U.S.A

- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- Supreme Court of the United States

Representative Client Work

Transactional

- Prepared joint portfolio development and finance agreement for solar developer with a tax equity investor to fund multiple solar projects
- Negotiating commercial contracts for EPC in export credit finance transaction to purchase, provide and operate power plant for mining project in East Africa
- Representing property owners and developers in negotiating agreements for placement, construction and operation of solar energy facilities and sale of power
- Advising manufacturer regarding regulatory and indemnity issues in negotiating agreement for sale of brownfield property
- Assisting clients to conduct due diligence for transactions involving the siting or purchase of power from solar energy generating facilities
- Established Go-to-Market team to assist Israeli clean and water technology, renewable energy, and energy efficiency companies in accessing capital markets, and engaging in license and joint venture agreements to commercialize in the United States
- Led team that provided transactional and regulatory advice to, and performed due diligence for, international energy client considering joint venture with Israeli company to place utility-scale solar thermal plant in Negev Desert
- Counseled private equity firm on environmental laws in developing exit strategy from waste recovery facility investment
- Advised county solid waste commission regarding potential approaches to monetize landfill gas assets, and prepared contract terms to facilitate transaction with renewable energy developer
- Assisted Canadian company to negotiate sale of carbon credits to U.S. company from landfill gas emission reduction project
- Developed due diligence plan for venture capital company and clean-fuel technology developer for transaction with electric utility company

Regulatory

- Advising client, a provider of radiological services, on complying with California's radiation control law and regulations
- Counseling client on regulatory issues under TSCA and state law concerning

demolition of military facility

- Assisted construction company in responding to U.S. EPA Show Cause Order and Notice of Non-Compliance regarding TSCA Lead-Based Paint Renovation, Repair and Painting Rule
- Counseling clients on impacts of new Administration's environmental and energy priorities and policies
- Assisted building owner in responding to tenant's indoor air concerns, including oversight of consultant's investigational assessment
- Advised manufacturer on compliance with NPDES permit
- Defended clients in U.S. EPA and state enforcement proceedings
- Successfully directed client's conduct of vapor intrusion study required by U.S. EPA in environmental justice matter, including negotiating work scope with Agency and supervising consultant
- Defended client against U.S. EPA's liability claims in CERCLA administrative proceedings, including preparing public comments submitted at the various administrative milestones, challenging the Agency's issuance of Order requiring performance of selected site remedy, and advising on remediation and risk mitigation strategies
- Advised client on regulatory issues involving sale in the U.S. of eco-credits developed from carbon sequestration and biodiversity projects in the Amazon rainforest
- Advised and provided regulatory support to solar energy developers in states with renewable energy credit programs
- Advised international consumer products manufacturer regarding U.S. federal and state requirements governing marketing of "green" products
- Evaluated "green" product claims of client's competitors, and sought action by U.S. federal and state regulatory authorities for unsubstantiated claims
- Advised manufacturer of energy efficiency and conservation products of opportunities to gain marketplace advantage through U.S. and state government incentive and consumer education programs, and by supporting pending federal and state legislative and regulatory programs

Litigation

- Defending client against lawsuit by California Department of Public Health, Radiologic Health Branch, seeking to require decontamination and decommissioning of property under radiation control law and regulations
- Advising client regarding legacy liabilities, remediation implementation and oversight at multi-party sites in New England and Midwest under CERCLA and state law

- Settled U.S. District Court litigation on behalf of landowner against lessee to recover costs incurred to remediate PCB contamination
- Based on administrative record developed for client in underlying CERCLA proceeding, federal district court refused to enforce EPA's remedial order, or require that client pay civil penalties or treble damages
- Developed strategy and drafting of amicus curiae brief for coalition of sustainability conscious companies in U.S. Court of Appeals for D.C. Circuit lawsuit challenging U.S. EPA's Clean Power Plan
- Advised indemnitor in developing defense strategy, answering complaints, and fulfilling disclosure requirements in homeowners' property damage cases
- Negotiated interim remedy for chemical company challenging U.S. EPA and state demands to clean-up contaminated watershed and surrounding property, reducing projected cost of selected remedy by an estimated \$30 million
- Favorably resolved U.S. EPA's environmental cost recovery claim against trust based on "Ability to Pay" analysis performed under the Agency's guidance documents
- Negotiated substantially reduced settlement payment by auto parts manufacturer to resolve cost recovery litigation with U.S. EPA and private entities by demonstrating remedy selected and performed by Agency was based on faulty conceptual site model
- Successfully enforced environmental indemnities in purchase and sale agreements resulting in payments to clients and performance of remedial measures by counterparties totaling millions of dollars
- Obtained dismissal of environmental "whistleblower" complaints filed with federal and state environmental and labor agencies and departments by disgruntled former employee of equipment components manufacturer

Awards & Recognition

- *Best Lawyers in America*, recognized in Environmental Law (2016-2020)
- *Chambers USA*, Recognized Practitioner in Environment, District of Columbia (2015)
- *Super Lawyers*, Environmental Litigation, Washington, D.C. (2013-2019)
- *The Legal 500 U.S.*, Finance: Project Finance - advice to sponsor; (2018) Industry Focus: Environment - Transactional (2018-2019)
- United States Department of Justice, Special Achievement Award (October 1989)