

Environment & Energy Strategic Counseling

Clients rely on our environment and energy team to anticipate and advise them on the strategic implications of their business and litigation decisions and emerging challenges. Our lawyers advise our clients from a strong understanding of each client, the client's business, and the key issues that drive their businesses.

Environmental Counseling

Environmental impacts, including from legacy liabilities, are a key consideration in today's business arena, and costly proceedings can result when companies overlook addressing environmental factors, or are not prepared to respond to these challenges. McCarter's environmental team develops sound strategies to avoid, minimize, or respond to past and future environmental liabilities. Our group provides innovative and cost-effective legal representation covering civil litigation, regulatory administrative matters, and counseling on all kinds of transactions, as well as compliance counseling, and permitting.

Energy Strategic Counseling

Our energy clients look to us to assist and counsel them in industries in which essential transactions are negotiated and entered into against a backdrop of federal and state regulation and where the best of business plans can be buffeted by outside economic forces, technical advances, and environmental considerations. Our energy lawyers assist clients in navigating the legal and regulatory complexities of regional energy markets and selecting and acquiring portfolios of resources to reliably, responsibly, and economically meet the energy demands of their customers and communities. We help guide clients toward business rather than litigation solutions wherever possible.

We assist clients in executing their plans, ranging from negotiating transactional agreements to investing in or siting and installing renewable energy projects to pursuing energy efficiency programs, including those covering demand response programs and renewable energy credits.

Representative Matters

Connecticut Health and Educational Facilities Authority—Special counsel

Serve as special counsel to CHEFA since 2006, advising on environmental issues related to bond issuances supporting the construction or renovation of hospitals and private schools.

C&S Wholesale Grocers—Environmental counseling

Serve as environmental counsel to one of the country's largest grocery supply companies, advising the company on acquisition issues, material handling and transportation, insurance coverage, permitting, and other operational issues. Successfully resolved an enforcement matter in Massachusetts and disputes involving remediation of a warehouse facility in Connecticut.

Patriots Energy—Natural gas pipeline

Represented Patriots Energy regarding a publicly financed, 42-mile high-pressure intrastate natural gas pipeline. We also serve as general counsel to Patriots Energy.

International mining company—Environmental site remediation, regulatory compliance
Advising a publicly traded international metals mining company in connection with the remediation and redevelopment of a large former copper smelting facility. Our work includes handling the defense and settlement of a threatened Resource Conservation and Recovery Act claim and the defense of a class action toxic tort lawsuit; assisting the client in addressing regulatory requirements for the on-site and off-site investigation and remediation of legacy contamination issues, including in residential areas in the surrounding community and in certain tidal wetlands and surface water bodies; and addressing regulatory issues arising from the divestiture and redevelopment of the property.

Rail transport company—Site remediation for redevelopment

Represent a commercial rail transport company in environmental matters associated with the redevelopment of environmentally impacted property located in northern New Jersey, for critical commercial rail transportation purposes. Our representation includes overseeing and resolving legal issues related to the remediation of the property in advance of redevelopment and counseling concerning site remediation cost allocation matters.

Multinational construction company—Site investigation, remediation

Advise a multinational infrastructure construction company on the investigation and remediation of soil and groundwater contamination at, and emanating from, a legacy site in New Jersey. The representation includes interfacing with a licensed site remediation professional, resolving issues associated with the investigation and remediation of substantial groundwater plume and vapor intrusion issues, negotiating off-site access agreements, and assisting the client with recoupment of site remediation costs under an existing settlement agreement with a major insurance carrier.

Real estate investment trust—Acquisition

Represented a real estate investment trust in its acquisition and redevelopment—with its joint venture partner—of a former ship demolition and salvaging facility bordering the Delaware River. The representation included conducting an environmental due diligence investigation; evaluating site remediation status; and counseling regarding brownfield redevelopment, remediation reimbursement, and available brownfield grant and loan options.

Louisiana municipal utility—MISO integration

Assisted a Louisiana municipality in integrating its electric utility system and generation and transmission assets into the Midcontinent Independent System Operator (MISO) marketplace and assists the municipality with its ongoing participation in the MISO capacity, energy and ancillary services markets, and with its compliance with MISO market rules. We also represent the municipality's interests in administrative litigation before FERC.

Town of Greenwich, Connecticut—Environmental matters

Advise the Town of Greenwich, Connecticut on myriad environmental issues related to the historical use of town properties. Negotiated two Consent Decrees for the Town related to sewer issues and are handling complex remediation issues at Town properties. These matters involve complicated negotiations with federal, state and local regulators and sensitive communications with Town residents.