



PRACTICE CONTACTS

Kyle W. Danish
Partner
kwd@vnf.com
202.298.1876

Terese (T.C.) Richmond
Partner
ter@vnf.com
206.623.9372

Stephen C. Fotis
Partner
scf@vnf.com
202.298.1908

ENVIRONMENT

CLIMATE CHANGE

Consistently ranked as one of the premier Climate Change practices in the world, Van Ness Feldman's attorneys, technical consultants, and policy professionals provide a full suite of policy, regulatory, project development, permitting, transactional, and strategic services to a diverse cross-section of clients and industries most likely to be directly and significantly affected by current and potential greenhouse gas regulation and other climate-change policies.

Since its formation in the 1990s, Van Ness Feldman's Climate Change practice has assisted a range of clients on evolving international, federal, and state climate policies and markets. The firm's professionals are leaders in the rapidly developing regulatory and policy arenas associated with climate change, and have experience in all aspects of climate change law and policy, including:

- Transactional, regulatory and compliance counseling;
- Emission trading, carbon markets and transactions;
- Litigation and administrative proceedings;
- Renewable energy and clean technologies; and
- Policy and thought leadership.

REGULATORY & COMPLIANCE COUNSELING

Federal Climate Programs. The firm advises clients on the Environmental Protection Agency's development of greenhouse gas emission standards under the Clean Air Act for power plants and motor vehicles. Van Ness Feldman provides clients with policy analysis, assistance in developing comments, and advocacy with the agency. The firm also represents clients in rulemaking-related litigation.

For EPA's power plant regulations under sections 111(b) and 111(d) of the Clean Air Act, the firm advises individual power companies and associations including the Edison Electric Institute, the American Coalition for Clean Coal Electricity, and the Large Public Power Council. The firm also has worked with a coalition of six multinational energy efficiency companies seeking to ensure that energy efficiency is an available means of compliance in state plans submitted in response to the Section 111(d) regulations. Van Ness Feldman also counsels myriad industry clients, including Toyota, on EPA's motor vehicle regulations.

Greenhouse Gas Permitting. EPA and the states require many major energy and industrial projects to obtain Clean Air Act Prevention of Significant Deterioration (PSD) permits for their greenhouse gas emissions. The firm provides legal counsel to owners and developers of power plant and chemical plant projects on obtaining such PSD greenhouse gas permits, as well as advising a local air agency in issuing such permits to greenhouse gas emitting industries. Van Ness Feldman also serves as general counsel to the FutureGen Industrial Alliance, an alliance of energy companies that is the private partner to the federal government in the public-private partnership to construct the FutureGen 2.0 project – a coal-fired power plant that will utilize carbon capture and sequestration technologies. From its unique position of advising both private entities and public-private partnerships in seeking and obtaining permits, as well as counseling one of the government's energy partners, Van Ness Feldman provides problem-solving advice to its clients with a wide spectrum of perspectives and solutions.

State Climate Programs. Increasingly, states are at the forefront of climate policies, and Van Ness

Feldman has played a key role for clients in various state climate programs. In California, Van Ness Feldman has advised out-of-state power entities subject to the state's cap-and-trade program as regulated "electricity importers." In addition, the firm represented a coalition of energy companies and offset providers advocating with the California Air Resources Board on the development of offsets regulations. Finally, Van Ness Feldman has provided legal counsel on offset credit transactions under the California program.

EMISSIONS TRADING, CARBON MARKETS & PLANNING

Emissions Trading & Carbon Markets. Van Ness Feldman has been a top emissions trading law firm since the earliest days of carbon markets. *Environmental Finance* magazine's annual market survey regularly recognizes Van Ness Feldman as a top law firm in both California's carbon markets and the U.S. environmental markets more generally. The magazine identified Van Ness Feldman climate practice leader [Kyle Danish](#) as a "California carbon market mover."

Van Ness Feldman's emissions trading practice works with energy companies, project developers, financials, and carbon funds. The firm has advised on a broad range of project types, including methane digester projects; afforestation, reforestation, forest management, and avoided deforestation projects; and coal mine methane projects. Van Ness Feldman has provided counsel to transactions structured to comply with a variety of rules and protocols, including California's cap-and-trade program, the Verified Carbon Standard, and the Kyoto Protocol's Clean Development Mechanism.

Integrating decades of environmental, energy, and transactional experience, Van Ness Feldman has advised on environmental markets transactions for tens of millions of credits. The firm drafts Emission Reduction Purchase Agreements; advises on joint ventures, funds, and other financial structures for carbon finance; and has provided legal counsel on disputes and litigation arising from transactions in the carbon markets.

Integrating Climate Impacts into Project Planning & Permitting. Van Ness Feldman advises a wide array of public and private clients on how to build consideration of climate change into their decision-making processes. Environmental analysis for actions at all levels of government increasingly requires examining potential impacts of a proposed action on climate change and the potential effect of climate change on the proposed action. Van Ness Feldman advises private and public agency clients proposing development, as well as public agencies that are asked to consider impacts and mitigation measures as part of their decision-making processes. Van Ness Feldman advises on compliance with the National Environmental Policy Act (NEPA) as well as analogous state laws, and assists in the drafting of policies used by decision-makers.

RENEWABLE ENERGY & CLEAN TECHNOLOGIES

Renewable Energy. Van Ness Feldman's professionals have advised companies on the development and financing of renewable energy projects (including, biomass, waste-to-energy, land based and offshore wind, solar, tidal, wave, geothermal, hydropower, and natural gas) and of transmission projects. We counsel clients about the options for delivery of renewable energy to their load or consumer, whether interconnecting to the electric grid and obtaining transmission rights or establishing a micro-grid that is separate from, in whole or in part, the rest of the electric grid. We negotiate and develop power sales/purchase agreements and counsel consumers of power on their supply options, provide strategies on reducing power costs, and review supply agreements.

Clean Technologies. Technological advances are creating new forms of renewable energy and regulatory changes are imposing stricter requirements on carbon. Van Ness Feldman counsels clients developing and working with these new technologies including:

- Enzymes for biofuel production,

- Hydrogen fuel cells,
- Advanced electric metering infrastructure,
- Clean coal and carbon sequestration,
- Green buildings and materials,
- Renewable electricity generation,
- Synfuel development,
- Energy efficient products,
- Enhanced yield feedstock crops, and
- High-output LED lighting.

POLICY & THOUGHT LEADERSHIP

Legislation. Van Ness Feldman represents individual clients and coalitions on climate-related legislation in a host of capacities, including providing analysis, drafting proposed legislative language, and undertaking advocacy. The firm has worked with clients on legislative initiatives related to carbon capture and sequestration, allowance allocations, and offsets.

Thought Leadership & Research. Think tanks, foundations, and others regularly call on Van Ness Feldman to provide research and innovative ideas on climate change policies. Attorneys and other professionals from the firm have written policy papers and provided analysis for organizations such as the Bipartisan Policy Center, the Center for Climate & Energy Solutions, the Energy Future Coalition, and the Electric Power Research Institute. Since 2011, partner [T.C. Richmond](#) has served as Vice-Chair of the federal government's National Climate Assessment that assesses the state of climate change and its impacts, as well as mitigation and adaptation efforts.

© 2018 Van Ness Feldman, LLP, All Rights Reserved. This document has been prepared by Van Ness Feldman for informational purposes only and is not a legal opinion, does not provide legal advice for any purpose, and neither creates nor constitutes evidence of an attorney-client relationship.