

Akerman Practice Update

ENVIRONMENT AND NATURAL RESOURCES

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Akerman Team Provides Environmental Due Diligence for the Largest Industrial Services Sector Deal of 2008

By Robert E. Fabricant
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Akerman Senterfitt served as lead counsel to Republic Services, Inc. (NYSE: RSG) in the December 2008 merger of Republic and Allied Waste Industries, creating the second largest waste management and environmental services company in the United States. The combined company has an enterprise value of approximately \$16 billion and operates under the Republic name.

Lawyers from Akerman's Environment and Natural Resources Practice Group in Los Angeles, Florida, and Washington, D.C. spearheaded the environmental due diligence and compliance review necessitated by the multi-jurisdictional transaction, which included more than 200 landfills, 250 transfer stations, almost 100 recycling facilities, and over 400 waste hauling operations, located in over 40 different states and territories.

The senior environmental attorneys who led the effort were Robert Fabricant, a former General Counsel of the U.S. Environmental Protection Agency and Chair of Akerman's Environment and Natural Resources practice; Gregory McClintock, a former General Counsel to the Western States Petroleum Association; and Robert Andersen, a former Chief Counsel of the U.S. Army Corps of Engineers.

Robert Fabricant is the Chair of the Environment and Natural Resources Practice Group and a resident Shareholder in the Los Angeles, CA and New York, NY offices. He is also a former General Counsel to the United States Environmental Protection Agency.

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National Practice Builds Premier Team of Former General Counsels and Recognized Environmental Leaders

By Gregory R. McClintock
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Akerman is the only firm in the United States that offers the services and insights of a former EPA General Counsel and former Chief Counsel to the Army Corps of Engineers. Comprised of more than 30 attorneys throughout the U.S., our team also includes the former General Counsel of the New York City DEP, the former Deputy General Counsel at Florida DEP, the former

Deputy Assistant Secretary for Water and Science at the U.S. Department of the Interior, as well as several other recognized leaders in Brownfields and Infrastructure development. Our team is recognized nationally for its broad range of experience in all facets of environmental counseling, permitting, and litigation, including civil and criminal enforcement defense, arising out of the major federal environmental statutes, including the Clean Air Act, Clean Water Act, Safe Drinking Water Act, CERCLA (“Super-

fund”), FIFRA, RCRA, TSCA, and EPCRA (“Right-to-Know”) as well as climate change regulation, renewable energy, and project development. We also assist our clients in identifying legal, policy, and political trends in environmental law and regulation.

Gregory McClintock is a Shareholder in the Los Angeles, CA office. He is a former General Counsel to the Western States Petroleum Association.

Brownfield Projects Provide Meaningful Benefits to Developers and Local Communities

By Michael R. Goldstein
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“Akerman has been on the cutting edge of reuse and development of contaminated sites.”

Throughout the U.S., Akerman played an active role in 2008 in Brownfield redevelopment projects that have already injected hundreds of millions of dollars into local economies. Recent Brownfield work includes a California project where Akerman attorneys assisted a national developer with its proposal to acquire and construct a regional shopping center on a portion of a formerly hazardous waste landfill. In Florida, Akerman assisted with the redevelopment of a former Naval incinerator and dump for a mixed-use project. And in New York, Akerman is helping to redevelop a Brownfield, located along the Hudson River, as the site for a hotel and conference center that is expected to meet the standards for USGBC LEED Gold certification. Akerman was also instrumental in 2008 in passing Florida legislation addressing Brownfield and voluntary cleanup tax credit issues that offer a range of economic, environmental, and public health benefits to communities in which Brownfields and contaminated sites are located.

Akerman's Environment and Natural Resources team has been on the cutting edge of reuse and development of contaminated sites. Members of the team were responsible for drafting the Brownfields Revitalization Act of 2001, the only major revision to the Superfund liability standard in the last decade, as well as EPA's development of the "All Appropriate Inquiry" standards. The firm's attorneys have extensive experience evaluating and managing contaminated property portfolios, obtaining Brownfields designation for contaminated properties, and maximizing the associated liability protection benefits for a broad range of property types, including those sites formerly utilized for landfilling, industrial manufacturing, and gas and electricity generation.

Michael Goldstein is a Shareholder in the Miami, FL office. He is the founding Chairman and President of the Florida Brownfields Association.

Akerman Assists Clients With Green Energy Projects

By **Robert M. Andersen**
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"Akerman has assisted companies pioneering offshore renewable energy projects."

Akerman assists a wide range of clients throughout the United States with the challenges and opportunities emerging from developments in climate change and renewable energy. Our team is comprised of lawyers and governmental affairs professionals with extensive experience in all facets of environmental counseling, transactional, permitting, and regulatory matters related to energy, industrial and natural resources projects, renewable energy and fuels, climate change regulation, and carbon trading, as well as in environmental infrastructure and project development. Using a multi-disciplinary approach, Akerman attorneys also deliver comprehensive regulatory and contracting advice in connection with major environmental infrastructure projects, including solar, wind, hydroelectric, co-gen, and biofuel projects, as well as with environmental air pollution control and upgrade retrofit projects.

Recently, Akerman assisted a biofuels manufacturer with the development of one of the first manufacturing and distribution facilities for bio-diesel fuel in the Northeastern U.S. Our team has also assisted companies pioneering offshore renewable energy projects and represented them before federal, state, and local governmental entities during the approval process. One such project included the representation of companies seeking preliminary approval of lease sites for wind testing facilities on the outer continental shelf during Mineral Management Services' very first leasing action of such sites under the Energy Policy Act of 2005. Subsequently, Akerman helped draft and provided legal advice during the development of a successful offshore wind farm proposal for Winergy Power, LLC, now Deepwater Wind, which became one of the first proposals ever approved by any state.

Robert Andersen is a Shareholder in the Washington, D.C. office. He is a former Chief Counsel of the U.S. Army Corps of Engineers and is co-authoring a book about how to develop offshore energy projects.

Sustainable Development Attorneys Achieve Coveted LEED AP Status

By Cecelia Bonifay
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Fewer than 1% of all attorneys in the U.S. have earned the green building industry's coveted "LEED AP" status. Akerman is proud to be one of the top 5 legal teams in the U.S. in number of LEED accredited attorneys according to the Green Building Certification Institute. With federal agen-

cies and many state and local jurisdictions now requiring LEED certification, or a comparable green building certification, Akerman attorneys are able to assist clients with virtually every aspect of a green development project.

Akerman's attorneys regularly advise clients on green building practices, providing counsel on the sustainability issues

impacting real estate and infrastructure projects throughout the United States. Our team offers significant experience with a range of green development and redevelopment projects, including some of the first projects certified by the U.S. Green Building Council. With more than 140 lawyers who focus on the needs of clients in the real estate industry, our attorneys provide assistance in the areas of land use and environmental law, construction, infrastructure development, procurement law and government contracts, financing and economic development incentives, green leasing, dispute resolution, and governmental affairs and public policy.

Cecelia Bonifay is the Chair of the Green and Sustainable Development Practice Group and a Shareholder in the Orlando, FL office.

Environmental Team Prepares for Anticipated Policy Changes by Obama Administration

By Silvia M. Alderman
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With a new Administration in office, Akerman attorneys are advising clients on anticipated regulatory changes that will likely impact both public and private sector clients. Akerman's team includes nationally known environmental permitting and compliance attorneys with substantial governmental regulatory experience. Our attorneys are able to assist clients facing environmental permitting or compliance challenges at the state and federal level. While we can address regulatory problems at any phase, early entry into the process allows us to provide planning focus and problem prevention to yield faster and more satisfactory results for our clients.

Akerman's team also has extensive experience working with states, the U.S. Congress, Department of the Interior, EPA, OMB, and the White House on environment and natural resources matters, such as NEPA and Safe Drinking Water Act compliance, water supply permitting, Central Valley Project water supply, tribal water settlements, Indian gaming, Colorado River/Endangered Species Act, and Bureau of Reclamation water facility title transfers.

Silvia Alderman is a Shareholder in the Tallahassee, FL office. She is a former Deputy General Counsel of the Florida Department of Environmental Regulation (now DEP).

Who's Who Legal USA
Listed for Environmental Law, 2008

Florida Trend's Legal Elite
Recognized for Environmental law,
2006-2008

Chambers & Partners USA
Recognized for Environmental law
in Florida, 2008

Best Lawyers in America
74 Akerman lawyers listed in 2008

Akerman is ranked among the top 100 law firms in the U.S. by *The National Law Journal NLJ 250* (2008) in number of lawyers and is one of the largest law firms in Florida. Our team serves clients worldwide from the major commercial centers in Florida and international business centers in the United States, including Los Angeles, Miami, New York, and Washington, D.C. Akerman is a member of Lex Mundi, the world's leading association of independent law firms with a presence in more than 100 countries.

For more information, please contact a member of our Environment and Natural Resources practice group.

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