

While local governments have long faced the challenge of complying with federal and state environmental laws, the growing consensus that the country must confront and address the issue of climate change is forcing communities to focus on how they can minimize their carbon footprint and invest in sustainable, energy efficient and affordable development. Spiegel & McDiarmid can assist communities in all of these areas.

Locally-owned utilities in particular face specific problems with looming federal legislation (most likely a cap and trade program) that must mesh with existing state or regional programs, renewable portfolio requirements and the inevitable contracting, financing and litigation issues that will arise (and are already arising) from evolving programs. The firm's experience working with utility clients on climate change and renewables issues are discussed in greater detail in the Climate and Renewables section describing the Energy Practice.

However, the simple fact is that communities all over the country are already confronting climate change and associated issues, whether or not they happen to operate electric utilities. Climate change is entwined through all aspects of municipal or community operations, including water and wastewater operations, solid waste disposal, airport and transit operations, land use planning, contracting for renewable power or energy efficiency and sustainable remediation of brownfields. A community might seek to reduce its carbon footprint by changing operations or altering planning to generate saleable carbon credits, purchasing or generating renewable energy (perhaps from a solid waste landfill), or by seeking federal funding for a sustainability project.



Spiegel has represented communities in contract negotiations, legislative efforts and litigation involving these and similar issues, and expects to continue providing services in this area as the legal requirements evolve, likely in new and complex ways. Spiegel also represents NALGEP—the National Association

of Local Government Environmental Professionals—a national organization devoted exclusively to environmental and sustainability issues facing communities. NALGEP has obtained federal funding to work on brownfields and sustainability projects to educate and benefit local communities, and it is also a network where local professionals can exchange information about successful projects and solutions to common compliance problems.

While climate change and sustainability are understandably a current focus for all communities, it is also important not to overlook compliance with existing environmental statutes. The firm has experience with a wide range of compliance questions and federal enforcement litigation, including successful advocacy before the Environmental Protection Agency, the Department of Energy, the Department of Interior, the Department of Agriculture, the Department of Housing and Urban Development, the Department of Transportation

and the Army Corps of Engineers. The firm has also enjoyed success with NEPA litigation.

In addition to its experience drafting contracts for wind, solar and geothermal power, the firm also has a hydroelectric practice representing communities, tribes and others in FERC licensing proceedings involving this traditional renewable resource.

Our hydroelectric practice involves counseling, negotiation, legislative representation, and, when necessary, litigation to resolve virtually all aspects of hydropower licensing. These include, but are not limited to, issues involving licensing, relicensing, enforcement, compliance, annual charges, shoreline management plans, representation of stakeholders in relicensing cases, and surrender and transfers of licenses. Spiegel & McDiarmid has long been

involved in assisting clients in hydroelectric issues throughout the US, and this involvement has led us into areas where water supply for municipal and rural water systems arises. We have worked with clients to assure protection of their own water supply and other interests as federal licenses are transferred or modified. These other related issues have been quite diverse, including the acquisition by clients of transportation systems, as well as protection of parkland and municipal amenities. As is the case for other practice areas, we have argued hydro issues on behalf of our clients in the federal appellate courts.

The Climate Change, Renewables and Environment Group is prepared to assist with contracting, legislative, litigation and enforcement issues in all of these evolving areas.

1333 New Hampshire Avenue, NW | Washington, DC 20036
Phone: 202.879.4000 | Fax: 202.393.2866 | info@spiegelmc.com
www.spiegelmc.com