

Deborah Goldberg is the Managing Attorney of Earthjustice's northeast office, located in New York City. Since 2008, she has been conducting litigation and other advocacy to protect public health and the environment from the adverse effects of shale gas development and to defend the right of local communities to exclude industry operations. Currently, she is representing the Town of Dryden, New York, in defense of a zoning provision clarifying that oil and gas activities are not permitted uses within the town borders. Following graduation from Harvard Law School in 1986, Ms. Goldberg served as a law clerk for then-Judge Stephen Breyer of the First Circuit Court of Appeals and the late Constance Baker Motley of the Southern District of New York. She then spent a decade in private practice, concentrating on environmental impact review, historic preservation, and hazardous waste litigation. Before joining Earthjustice, Ms. Goldberg was the Democracy Program Director of the Brennan Center for Justice at NYU Law School. She also holds a Ph.D. in philosophy and taught for three years at Columbia University.

## ALAN J. KNAUF

Alan J. Knauf is a partner in the law firm of Knauf Shaw LLP, located at 1400 Crossroads Building, 2 State Street, Rochester, New York 14614. He concentrates his law practice in environmental, municipal, land use and real estate law, and civil litigation and appeals, representing municipalities, citizens, landowners and businesses in issues including hazardous waste and petroleum spill cleanup, brownfield development, environmental impact review, water pollution and wetlands, zoning and planning, project siting, alternative energy, municipal law, and commercial real estate. Knauf is attorney for the Towns of Ontario and Huron in Wayne County, New York. He is listed in *Best Lawyers in America*, where he was designated as “Lawyer of the Year” in Rochester for both Environmental Litigation and Land Use and Zoning Litigation, and as a *Superlawyer* in the areas of Environmental Law, Land Use/Zoning and Real Estate Law. Knauf has been counsel on over 100 reported decisions. Some of the notable precedents he helped establish include:

- § *Norse Energy Corp. USA v Town of Dryden*, 108 A.D.3d 25, 964 N.Y.S.2d 714 (3d Dep’t 2013), where he represented Dryden Resources Awareness Coalition, and the Third Department upheld local zoning legislation banning hydrofracking. This case is on appeal to the Court of Appeals.
- § *Lighthouse Pointe Property Associates LLC v. New York State Department of Environmental Conservation*, 14 N.Y.3d 161, 897 N.Y.S.2d 693 (2010), where the Court of Appeals overruled DEC’s interpretation of the definition of “brownfield site,” allowing the Lighthouse sites to enter the Brownfield Cleanup Program, and opening up the program to voluntary remediation of sites across the state.
- § *Concerned Area Residents of the Environment v. Southview Farm*, 34 F.3d 114 (2d Cir. 1994), *cert. den’d* 514 U.S. 1082, 115 S.Ct. 1793 (1995), establishing that concentrated animal feeding operations required permits for manure discharges under the Clean Water Act, resulting in widespread implementation of comprehensive nutrient management plans at farms across America, and reduced water pollution.
- § *Snyder v. Newcomb*, 194 A.D.2d 53, 603 N.Y.S.2d 1010 (4th Dep’t 1993), which established a private right of action to bring a direct action against the insurer of a petroleum discharger under the New York Oil Spill Act.

Mr. Knauf is a former Chair of the Environmental Law Section of the New York State Bar Association, and a member of the Section on Environment, Energy and Resources of the American Bar Association. He was founding Chairperson of the Environmental Law Committee of the Monroe County Bar Association and has returned as Co-Chair this year, and is former Chairman of the Real Estate Council of the Monroe County Bar Association. He has also served as Chairman of the Center for Environmental Information, Inc. Mr. Knauf has taught Environmental Law at the Rochester Institute of Technology and the University of Rochester, and is a frequent lecturer at continuing education programs.

Mr. Knauf received a B.S.C.E. in Environmental Engineering from M.I.T. in 1977, and a J.D. from the University of Michigan in 1980, where he was President of the Law School Student Senate. He is admitted to the bars of New York, Florida, the U.S. Supreme Court, and various other federal courts.

Sam Laniado  
Read and Laniado, LLP

Sam Laniado graduated from the New York University School of Law in 1976. From 1976 to 1983, he served as Staff Counsel with the New York State Public Service Commission. He represented Staff in Article VIII (generation siting) and Article VII (transmission siting) proceedings, in utility rate cases and other investigative proceedings. In addition, he represented the Commission and Siting Board in court challenges to their respective orders and decisions.

In 1983, Mr. Laniado and Howard J. Read resigned from their respective positions in Counsel's Office at the Commission and established the law firm of Read and Laniado. The firm represents clients in many phases of the electric and gas industries. Mr. Laniado and other members of the firm represent clients before the Siting Board, Public Service Commission, the Department of Environmental Conservation, the New York Independent System Operator, the Federal Energy Regulatory Commission, the U.S. Army Corps of Engineers, local planning boards, and in state and federal courts. Matters include power plant and transmission line certification, mergers and acquisitions, contract negotiations, gas transportation, project finance and development and eminent domain matters.

Read and Laniado also serves as outside counsel to the Independent Power Producers of New York, Inc.

## **Edward F. McTiernan**

**Edward F. McTiernan** is Deputy Commissioner and General Counsel with the New York State Department of Environmental Conservation. He joined the Department in 2011 as deputy Counsel and in his present position he coordinates DEC activities and enforcement programs with State and Federal agencies including with the Office of the Attorney General; USEPA and the Justice Department. Along with the Office of General Counsel's leadership team he manages approximately 90 attorneys and 30 support staff in central office and nine regional offices. Mr. McTiernan is involved in New York's Brownfield Program and Voluntary Cleanup Program as well as policies governing audits and self-disclosure. He served as the Department's principal representative on environmental impact analysis and permit coordination for \$3.2 billion dollar Tappan Zee Bridge replacement project; has extensive involvement in administrative enforcement activities on major hazardous waste and water pollution control matters and he directly coordinate Superfund; RCRA and brownfield activities for 1,200 acre Eastman Business Park including negotiating innovative prospective purchaser agreement.

Prior to joining DEC in 2011, he spent 25 years in private practice including 17 years as a partner with Gibbons P.C. in Newark, NJ and New York, NY where he was a member of the firm's Environmental Law Department and where he represented clients before state and federal administrative agencies in all aspects of environmental matters.

Mr. McTiernan graduated from Fordham University (B.S., Biology 1978); the State University of New York (M.S., Environmental Science 1980); and Seton Hall Law School (J.D., 1987). Prior to becoming an attorney, Mr. McTiernan spent over five years as an Environmental Consultant. He managed projects for private industrial clients involving hazardous site mitigation, permitting new development and natural resource planning.

Jim Muscato is a partner with Young/Sommer and his practice focuses on environmental and energy law and litigation. Jim assists clients in environmental permitting, State Environmental Quality Review Act issues, alternative energy project development, pollution cleanup and litigation. Jim's practice involves land-use permitting and development issues for energy projects, including State Environmental Quality Review Act review, Article 10 siting review and energy regulation before the State Public Service Commission. Jim has been involved with the permitting and siting of the largest wind farm project in the Northeast and a number of other wind projects throughout New York State. More recently, he has been involved in siting and permitting issues involving solar, hydro, biomass and other renewable energy facilities.

In addition to working with clients on siting and permitting, Jim counsels clients on complex liability issues and has successfully assisted clients with resolving potential claims and proceedings under state and federal environmental laws, including the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA), the State Superfund Law and State Navigation Law. He has substantial experience negotiating resolution of CERCLA cleanups, cost recovery and allocation matters. Jim regularly advises small and large petroleum companies, gasoline station owners, and other entities with pollution cleanup, compliance and re-development issues. He has argued cases at both the state and federal level, including argument at the U.S. Court of Appeals for the Second Circuit. He has been practicing environmental law with the firm since 2002.

Jim is a frequent speaker on issues involving environmental law, including a recent conference on Article 10 and New York State's Brownfields program. He is a member of the New York State Bar Association and is actively involved with the Environmental Law section and the Committee on Hazardous Waste and Enforcement.

## Practices

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## Education

## Bar Admissions

## Government Service

## Court Admissions

## Memberships

## Other Distinctions

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## Gail S Port

Senior Counsel

Environmental

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Gail S. Port is head of the interdepartmental Environmental Group, resident in the New York office. Gail has been practicing environmental law, land use and litigation for over 35 years. Her practice at Proskauer is concentrated in counseling clients, nationally and internationally, respecting environmental risks in mergers and acquisitions, real estate transactions and financings; environmental compliance; Superfund and RCRA cases; federal and state enforcement proceedings; sustainability and climate change issues; remediation; environmental litigation and administrative proceedings; land use matters; and historic preservation.

Prior to joining Proskauer, from 1984-1989, Gail was the Deputy General Counsel, and Acting General Counsel, and the chief environmental advisor to the New York State Urban Development Corporation, where she was involved in the environmental law aspects of high visibility large-scale land use and development projects and related financing transactions. Before her public service, Gail was an associate at a prominent environmental boutique law firm.

Gail recently was honored by being invited by her peers to become a Fellow of the American College of Environmental Lawyers, a professional association of preeminent environmental lawyers with distinguished careers. The induction will take place in the Fall 2012. In addition, from June 1992, following her appointment by Governor Mario Cuomo (and State Senate confirmation), Gail served for the past 20 years as one of only five citizen members on the New York State Environmental Board. She had been reappointed to the Board twice by Governor Pataki and then served at the pleasure of Governors Spitzer, Paterson and Andrew Cuomo).

Gail has lectured and written widely on a broad spectrum of environmental topics. She also was an adjunct faculty member of Pace University School of Law, where she taught "Commercial Environmental Law."

**Steven C. Russo**  
**Greenberg Traurig LLP**

Chair, New York Environmental Practice

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Steven C. Russo chairs the firm's New York Environmental Practice. He focuses his practice on environmental law and litigation, environmental permitting, National Environmental Policy Act (NEPA), State Environmental Quality Review Act (SEQRA) review, toxic tort litigation, environmental crimes, Brownfields redevelopment, government, energy and the environmental aspects of land use and real estate law. Steven is equally experienced litigating in federal and state courts, as well as counseling his clients with regard to environmental liability risk and due diligence, permitting, Brownfields, and impact assessment and review. He also practices election and campaign finance law.

Prior to joining the firm, Steven was the Chief Legal Officer of the New York State Department of Environmental Conservation. There, he supervised approximately 90 attorneys in Albany as well as the agency's nine regional offices. He also supervised the agency's legislative affairs department and Office of Environmental Justice. At the agency, Steven initiated a reform of the state's environmental review regulations and assessment forms, completed the issuance of new power plant siting regulations pertaining to environmental justice and carbon emissions and revised the agency's environmental audit policy. He also was a key member of the executive team supervising the preparation of the Supplemental Generic Environmental Impact Statement and regulations relating to unconventional natural gas drilling in New York State.

Steven has more than 15 years of experience at a New York-based environmental law firm (with ten as a principal), where, among other things, he served as either lead or co-counsel in several trials before federal and state courts, as well as state administrative agencies. He also served as election law counsel to a number of New York State and federal campaigns.

**Education**

J.D., Columbia Law School, 1989

Chief Articles Editor, *Columbia Journal of Environmental Law*

B.A., *summa cum laude*, State University of New York at Albany, 1985

## Joel H. Sachs

Senior Counsel



### Professional Experience

Joel H. Sachs represents private entities and governmental agencies in a wide variety of environmental, real estate, land development and zoning matters. A significant portion of his practice is devoted to representing municipal boards, municipalities and private clients before municipal boards and agencies throughout the State of New York in land use, zoning and environmental disputes. He serves as Construction Arbitrator for the American Arbitration Association. Widely recognized as a leader in Environmental Law, Mr. Sachs has received a number of awards, which are listed below. Mr. Sachs has enjoyed the rare privilege of serving as Chair of two Sections of the New York State Bar Association, the Environmental Law Section and the Real Estate Law Section.

Mr. Sachs manages the firm's role as Town Attorney of the Town of Bedford, NY and Village Attorney of the Village of Pleasantville, NY. On behalf of the firm, he also serves as Special Land Use and Environmental Counsel to municipalities in Westchester, Putnam, Dutchess, Rockland, Orange and Ulster Counties.

Mr. Sachs previously clerked for a federal judge in the Southern District of New York and served as an Assistant Attorney General of the State of New York and Deputy Chief of its Environmental Protection Bureau for five years. Mr. Sachs also served as the former Town Attorney of the Town of Greenburgh, the largest Town in Westchester County. He joined Keane & Beane in 1993 with many years of experience practicing environmental law, municipal law and land development and zoning.

### Awards & Recognition

- Metro *Super Lawyers* List, one of the 25 best attorneys in Westchester County (2010-2013)
- *The New York Times Magazine*, *Westchester Magazine* and *New York Magazine* (2008-2013) one of the best environmental attorneys in the New York Metropolitan area
- Best Lawyers in America (Environmental), 2009-2013, presented by ALM publications
- Distinguished Teaching Award, presented by Pace University School of Law (2010)
- Above the Bar Award for Leading Environmental Attorney awarded by Citrin Cooperman, the *Westchester County Business Journal*, Pace University School of Law and Mahopac Bank (2007)
- Business Leadership Award presented by Yeshiva Ohr Hameir (2002)
- Lawyer of the Year presented by Institute for Jewish Humanities (1997)
- Henry Heissenbuttel Award for excellence in land use planning given by the New York State Planning Federation (1986)
- Pioneer of New York Environmental Law - George W. Perkins Award (NY Parks and Trails Association) (2012)
- Has received a peer review rating of "AV<sup>®</sup> Preeminent<sup>™</sup>" on Martindale-Hubbell<sup>®</sup>

### Admissions

- State and Federal Courts of New York
- Federal Courts of Connecticut



- State and Federal Courts of Florida
- United States Supreme Court
- United States Tax Court

## **Professional Associations**

- American Arbitration Association (Construction Industry Panel)
- Federal Bar Council
- National Institute of Municipal Law Officers (Past Chairman of the Committee on Environmental Protection)
- New York State Bar Association (Member, House of Delegates; Past Chair, Real Property Law Section; Past Chair, Environmental Law Section; Member, Task Force on Eminent Domain; Member, Continuing Education Legal Committee)
- Westchester County Bar Association
- White Plains Bar Association (Past President)

## **Professional Activities/Publications**

Mr. Sachs serves as an Adjunct Professor at Pace University School of Law, where for over 30 years he has taught courses on state and municipal environmental law, land use and construction law. He is also a frequent lecturer before bar association groups on environmental and land use topics.

## **Community Service**

Mr. Sachs is a Former President of the Westchester County Legal Aid Society and continues to serve on its Board of Directors. He also was a member of the Board of Trustees of Lyndhurst.

## **Education**

- 1970, LL.M., New York University
- 1966, LL.B., University of Pennsylvania
- 1963, B.A., Cornell University

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## **Practice Areas**

- Construction Law
- Environmental Law
- Land Development & Zoning
- Litigation & Dispute Resolution
- Municipal Law
- Real Estate

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NYSBA 2014 Annual Meeting  
Environmental Law Section Meeting  
Biography for Adam Schultz

Mr. Schultz has more than 20 years' experience providing strategic planning, regulatory permitting, environmental compliance, land use, and litigation advice to national, regional and local clients, including infrastructure and natural resource extraction companies throughout the Northeast. He appears regularly before federal and state agencies, as well as local jurisdictions to secure and defend the approvals required for commercial and industrial development.

Mr. Schultz has spoken frequently throughout New York, and at national conferences on the issues surrounding the safe and environmentally responsible development of New York's natural gas resources for the benefit of all New York citizens.

Adam has recently joined Couch White, LLP as a partner and works in both their Albany and Syracuse area offices.

David F. Slottje is a co-founder of and an Attorney at Community Environmental Defense Council, Inc., based in Ithaca, NY. CEDC is a not-for-profit, public interest law firm dedicated to helping municipalities and citizens obtain the benefits of environmental and land-use laws.

In his prior, law firm life, Mr. Slottje was an associate at Gardere & Wynne (now Gardere Wynne Sewell) in Dallas, and a partner at Choate, Hall & Stewart in Boston. He is a graduate of Syracuse University (1978) and of Emory University School of Law (1981). He is admitted in Texas, Massachusetts, and New York.

### Executive Biography – David Vandor

**David Vandor** is the Co-Founder & Chief Technology Officer of **Expansion Energy LLC**, which develops and owns innovative, patented and patent-pending energy-related technologies. David is the inventor or co-inventor of each of Expansion Energy's technologies. His Bachelor of Science degree was obtained from the City College of New York (CUNY) in 1969, followed by a Bachelor of Architecture in 1970. Through 1985, he achieved positions of increasing responsibility at the New York City Planning Commission, dealing with public policy and environmental issues. That was followed by several years of consulting, including for entities seeking cost-effective solutions for deploying alternative fuel vehicles (AFVs). By the mid-1990's, David's work focused exclusively on energy-related matters, through which he developed extensive expertise in the science of cryogenics, which is at the core of many of Expansion Energy's innovative energy & environmental technologies. His work during this period has included the following:

- Co-wrote the New York State “**Alternative Fuel Vehicle Act of 1997**”, establishing incentives for the production and deployment of AFVs in New York State.
- Through 1998, was a member of the **New York State Energy Research and Development Authority's (NYSERDA) LNG Study Group**.
- In 1999, completed a study for **US DOE's Brookhaven National Lab** regarding the technical and economic issues associated with producing **Liquid Natural Gas (LNG) from Landfill Gas (LFG)**.
- In 2001, completed NYSERDA PON 559, which offered “**An Innovative Liquid Natural Gas (LNG) Storage Model**.”
- In 2002, completed NYSERDA PON 519-99, which focused on off-pipeline uses of LNG for heating and refrigeration; and quantified the value of “**cold recovery**” where LNG is vaporized prior to its use as a fuel.
- Also in 2002, with NYSERDA and **Praxair** co-funding, co-wrote a “**Technology Evaluation of Small-Scale LNG Plants**.”
- From 2002 through 2005, served as a consultant to **NYSEG** and **KeySpan Energy (now National Grid)**, regarding protocols for LNG systems.
- Through 2006, was a member of NYSERDA's **LNG Steering Committee**, helping to frame policy for LNG production, storage, transport, and dispensing in New York State.
- Also in 2006, began work on the invention of a cost-effective Small-Scale LNG Production System, which became Expansion Energy's patented “**VX Cycle**” technology.
- From 2004 through 2006, David completed “**The Storage of Cold Compressed Natural Gas (CCNG) in Solution-Mined Salt Caverns**,” an in-depth R&D study which was co-funded by NYSERDA. The team included **Geocomp**, a world-renowned geotechnical consulting firm, which confirmed David's hypothesis that solution-mined salt caverns can be used to store cryogenic natural gas.

- Project Director for NYSERDA Contract #18814, examining the feasibility of deploying Expansion Energy’s patented utility-scale power storage system, called the “VPS Cycle” at a steam-generating facility operated by **Con Edison** in New York City. The project team also includes equipment suppliers such as **Dresser-Rand, Cameron** and **Chart Industries** as contributors and peer reviewers.

David’s R&D work focuses on developing innovative, patentable technologies that have demonstrable commercial value and address a known market need. The following is a sampling of Expansion Energy’s patented technologies invented or co-invented by David Vandor:

U.S. Patent No. 7,464,557 B2, a “**System and Method for Cold Recovery**”, granted on December 16, 2008. -- Cold Compressed Natural Gas (CCNG) is a supercritical phase of natural gas, achieved by moderate refrigeration (-116° F and colder), and moderate pressures (700 psig and greater), achieving approximately 85% of the density of LNG. The invention focuses on “cold recovery” during the “shift” from CCNG to CNG.

U.S. Patent 8,020,406, for a “**Method and System for the Small-Scale Production of Liquid Natural Gas from Low-Pressure Pipeline Gas**” (Granted in the U.S. and in Australia, and pending in other international jurisdictions.) A method and system (called the “VX Cycle”) for the small-scale production of LNG using an innovative version of a methane expansion cycle, which does not require a high-pressure feed gas stream or a low-pressure outflow gas “sink”. The VX Cycle uses natural gas as both the “product” and the “refrigerant”.

U.S. Patent No. 7,821,158 B2, a “**System and Method for Power Storage and Release**”, the “**VPS Cycle**”, granted October 26, 2010. -- The VPS Cycle stores off-peak, low-value electricity as dense, liquid air (L-Air) in aboveground cryogenic vessels. The energy is released by pumping the L-Air to pressure, warming the now-compressed air by waste exhaust heat, and sending the hot, high-pressure air to the combustion chamber of a generator-loaded hot gas expander. During “send-out” the cold energy of the stored L-Air is recovered in a smaller “power loop(s)” that drives one or more additional generators.

U.S. Patent Application No. 12/247,902, for a “**System and Method of Carbon Capture and Sequestration**”, the “**VCCS Cycle**”. (Patented under “fast track” review by USPTO, per its Green Technology Pilot Program.) The VCCS Cycle captures CO<sub>2</sub> in a non-aqueous solvent to which an alkali has been added. That alkali can include the alkaline ash (fly ash) that is produced at coal-fired power plants. The reaction between the acidic CO<sub>2</sub> (as carbonic acid) and the alkali yields carbonates, water and heat. The non-aqueous solvent allows the carbonates to precipitate out of solution, yielding a dry powder that is non-toxic and has many post-production uses, while avoiding the need for energy intensive water removal (drying) of the carbonate. VCCS also provides for the recovery of valuable rare earth elements, other minerals, and bulk construction materials, while “detoxifying” the fly ash.

U.S. Patent 8,342,246, for “**Fracturing Systems and Methods Utilizing Metacritical Phase Natural Gas**” (Granted in the U.S. on 1/1/13, and pending internationally.) Vandor’s Refrigerated Gas Extraction (VRGE) process uses locally available natural gas to fracture shales and tight hydrocarbon formations and to deliver the proppants used to allow the released hydrocarbons to flow to the surface. The core concept of VRGE is to use “like with like,” i.e., to use natural gas (NG) to release and bring to the surface the hydrocarbons trapped in the formation, avoiding the use of large quantities of water “imported” to the well site and avoiding the need to bring costly fracturing fluids such as nitrogen, carbon dioxide or propane to the well site.

## Biography

Lawrence H. Weintraub is an Assistant Counsel for the New York State Department of Environmental Conservation (DEC), Office of General Counsel. He is the program counsel for the Division of Environmental Permits which administers the State Environmental Quality Review Act and the Uniform Procedures Act for the agency. Larry also represents the Department in proceedings before the Public Service Commission. Before joining the DEC in September 2007, he worked in both private practice and as a municipal attorney. He graduated from Antioch School of Law (David C. Clark School of Law at the University of the District of Columbia), and also received a Bachelor of Arts degree in geology from the State University of New York at Binghamton. He is admitted to the New York Bar and several Federal Courts.



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## Profiles

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Thomas S. West, founder and managing partner of The West Firm, PLLC, is recognized for his distinguished accomplishments in the oil and gas and environmental fields by the Best Lawyers in America®, Super Lawyers, Corporate Counsel Top Lawyers, and Strathmore's Who's Who. He is rated AV, Preeminent, by Martindale Hubbell. At The West Firm, Tom represents clients in the oil and gas sector on a broad variety of issues involving legislation, compulsory integration, administrative adjudication, civil litigation, and investigations by the New York Attorney General's office. In 2010, he and his firm launched a title practice in New York and Pennsylvania and they are actively writing title opinions in both states for the oil and gas industry.

In his more than 30 years of practice, Tom has represented the oil and gas industry on many issues. He was one of the principal authors of the spacing and compulsory integration legislation that overhauled New York's oil and gas program in 2005. He was also at the forefront of the 2008 amendments to New York law to accommodate the development of the shale resources in New York State. That law authorized spacing units up to 640 acres in size and multiple wells on a common well pad. Since the passage of that law, he has been actively involved with the environmental review process being conducted by the New York State Department of Environmental Conservation ("DEC") to prepare a Supplemental Generic Environmental Impact Statement ("SGEIS") relative to high-volume hydraulic fracturing. He has been working closely with industry on their comments to the DEC relative to the SGEIS and recently represented an industry working group in responding to technical comments from the DEC. He is also currently counseling several clients concerning the steps that must be taken to defend against the highly anticipated litigation that will be brought challenging the SGEIS and is working with multiple operators in developing

the strategy for permitting that will comply with the high environmental standards being set by the SGEIS. Those projects include representation of clients relative to road use agreements and water supply issues, including permitting before the Susquehanna River Basin Commission and the Delaware River Basin Commission.

Tom also regularly represents clients relative to state legislation and currently represents one major operator before the New York State Legislature and the Governor's office relative to oil and gas issues.

Tom is frequently called upon to assist industry with mineral lease interpretation issues, which sometimes involves representing operators in associated litigation and dispute resolution procedures. In that capacity, he has represented operators in cases involving lease extensions, site access for seismic testing, site access for pipeline routing, trespass claims, and top lease disputes, and is currently representing several operators in litigation concerning force majeure lease extensions. Through the title practice, Tom and his firm offer integrated land services to the operator, providing operators title information for permitting and the proper and timely notification of uncontrolled mineral interest owners of their rights under the compulsory integration program. The firm also prepares and sends compulsory



integration notices and represents operator interest at the compulsory integration hearing. Tom has represented a number of operators in the disputes referred to adjudication due to issues raised by uncontrolled owners at the compulsory integration hearing.

Tom has also represented clients on a variety of pipeline certification and construction issues. He was active in the legislation streamlining the pipeline certification process before the New York State Public Service Commission and regularly counsels clients concerning midstream strategies and transactions associated with midstream development. Also, he has represented major interstate pipelines on environmental issues and is currently working with one large interstate pipeline company to help streamline the review process before the United States Army Corps of Engineers.

Outside of the oil and gas area, Tom has an extensive environmental practice, representing a broad variety of clients on environmental issues involving counseling, civil litigation, administrative practice, and criminal defense. He represented industry groups in litigation successfully challenging overzealous regulations relative to the State Superfund and pesticide programs in New York State. He also has extensive experience assisting clients in obtaining permits in all of the regulatory programs, including air quality, water quality, water quantity, solid waste, hazardous waste and low-level radioactive waste. He is currently involved in one permitting matter where he is defending the right of a landfill operator in New York State to accept drill cutting waste despite allegations of NORM contamination.

## Representative Matters

- Presently represents oil and gas companies on a broad variety of legislative, regulatory and commercial issues, including well spacing, compulsory integration, and pipeline siting.
- Presently is involved with the siting of a major interstate gas pipeline project and the permitting of expansion projects at several landfills.
- Presently represents major ski areas in connection with water withdrawal and related environmental issues.
- Successfully represented several large power producers in connection with complex air quality and other permitting issues in the metropolitan New York City area.
- Successfully represented a client in a hazardous materials cost recovery action, absolving the client of all liability at the site and leading to full recovery for the client and attorneys' fees.
- Successfully represented a major manufacturing client in a criminal investigation, leading to a decision by the New York Attorney General not to pursue charges against that client.
- Successfully represented a client in the New York State Court of Appeals on a novel Martin Act issue.
- Obtained a declaration that a portion of New York's Subdivided Lands Act is unconstitutional.
- Handled a case which is cited as leading authority for establishing the grounds for "grandfathering" under the State Environmental Quality Review Act (SEQRA).
- Successfully served as the lead counsel in litigation brought by certain New York industries, resulting in a declaration that New York's inactive hazardous waste disposal site regulations are invalid on substantive grounds.
- Successfully served as lead counsel in a challenge to New York's pesticide notification regulations.

## Selected Activities

- Speaker, Energy & Mineral Law Foundation 31st Annual Institute May 9-11, 2010, Amelia Island, Florida.
- Panelist, State Oil and Gas Conservation Agency Issues, Rocky Mountain Mineral Law Foundation Conference, December 6-7, 2010, Pittsburgh, PA.
- Chair, LeBoeuf, Lamb, Greene & MacRae, LLP Environmental Practice Group, 1992-96.
- Member, American, New York State and Albany County Bar Associations
- Member of the Executive Committee of the Environmental Law Section of the New York State Bar Association.
- Co-Chair of the Mining and Oil & Gas Exploration Committee.
- Listed in *Best Lawyers in America*® in the field of Environmental Law 2006 - 2012.



- Listed in Upstate New York *Super Lawyers* 2007-2012.
- Listed in Strathmore's *Who's Who*.
- Listed in *Corporate Counsel* @ Top Lawyers 2009, 2010.
- Rated AV, Preeminent, by Martindale Hubbell 2011-2012

Education	Bar Admissions
Albany Law School of Union University, J.D. 1977 National Moot Court Team 1976-77 (Captain 1977) St. Lawrence University, B.A. 1974	New York Pennsylvania

Court Admissions
U.S. Supreme Court U.S. Court of Appeals for the Second Circuit U.S. District Court for the Eastern District of New York U.S. District Court for the Northern District of New York U.S. District Court for the Southern District of New York U.S. District Court for the Western District of New York

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