

Environment and natural resources

Environmental and related natural resource issues are truly global in nature, transcending borders and requiring multinational responses. Dentons is ready to listen and respond to all your environmental needs wherever and whatever they may be.

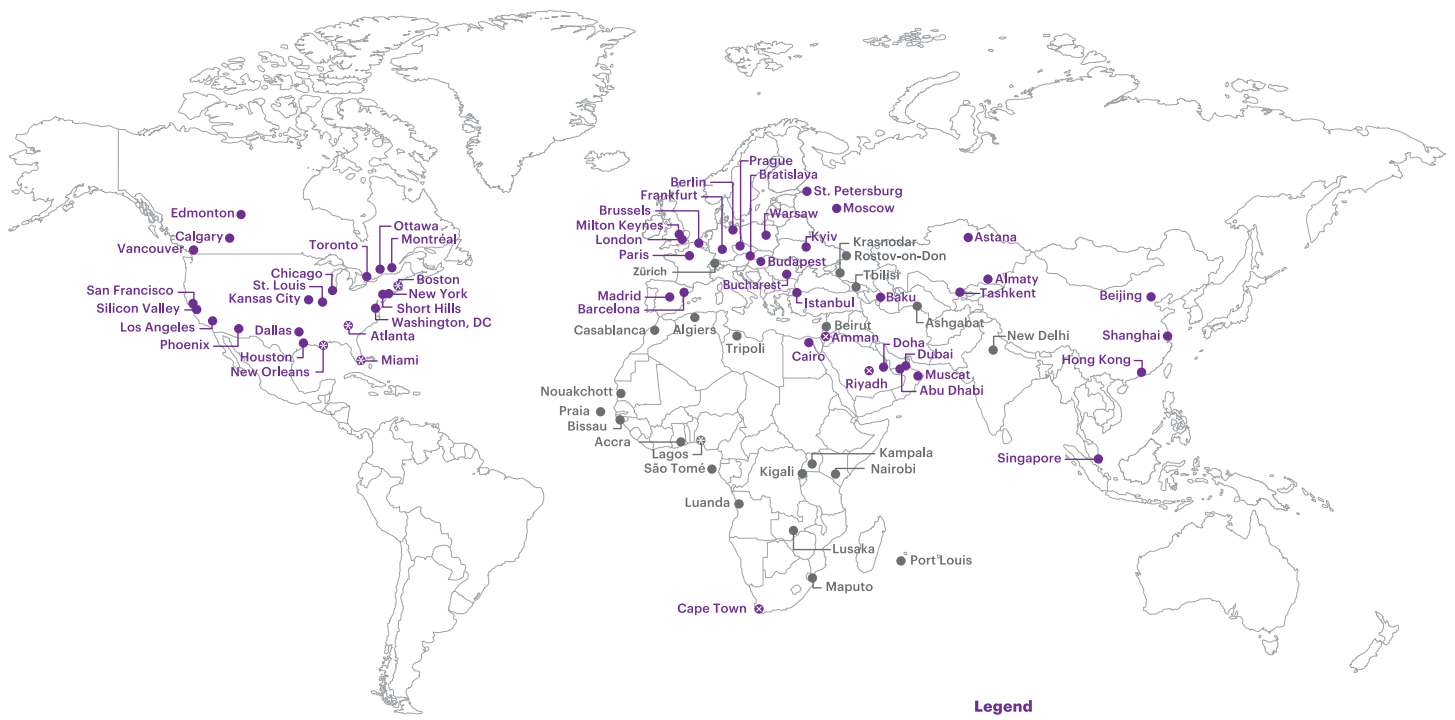
Our global Environmental and Natural Resources practice adds significant value to clients' businesses by offering environmental law expertise of the highest quality which reaches across international borders and jurisdictions.

About Dentons

We are now a truly global firm. Dentons' clients now benefit from more than 2,600 lawyers and professionals in more than 75 locations in over 50 countries.

Our office network extends across frontier and emerging markets in Central and Eastern Europe, Middle East, Africa, Central Asia, Russia and the CIS and Asia Pacific as well as established markets across Europe,

the US, Canada and the UK. We are committed to challenge the status quo and offer creative, dynamic business and legal solutions.



Legend
 Offices, associate offices* and facilities*
 Associate firms and special alliances*

Our environment team

Internationally, Dentons boasts more than 80 specialist environmental lawyers and policy advisors.

We are experienced in delivering environmental advice not only in the highly developed environmental law jurisdictions of the US, UK, and EU, but also across Dentons' global footprint in Africa, the Middle East, Russia and the CIS, and Asia. Our international team coordinates closely across multiple jurisdictions and business sectors, providing effective and efficient representation of clients with international needs.

Where multijurisdictional or comparative law expertise is required in the environmental field, we can provide it. Where specialist environmental law advice is needed from an unfamiliar jurisdiction, we can provide the right guidance in the right language. Where a situation calls for an understanding of the global direction of environmental law, we can provide an unparalleled level of knowledge and insight.

Dentons has grown substantially over the last three years.

We regularly advise on the development of new and changing legal requirements in jurisdictions across the world. Because members of our global team have drafted a broad range of environmental legislation, regulations, and guidance documents in numerous jurisdictions, we can deliver unique and timely insights on the impact of new

environmental requirements on the planning, development, construction and operation of our clients' facilities.

"Dentons is recognised for its "strong capabilities" and "wide experience" in the environmental sphere" - Chambers UK 2013

Nineteen of our environmental partners worldwide are individually ranked in leading international directories. Chambers has recognized our US environmental team for excellence in multiple jurisdictions, and the head of our US practice recently won the American Bar Association's Award for Distinguished Achievement in Environmental Law and Policy. Our UK environment team is ranked in the top 10 environmental teams in the UK by both major legal directories, and the UK team includes three individual lawyers who are ranked as leading environmental practitioners by Chambers UK. Our Canada environmental team has been recognized nationally and internationally by Chambers, Best Lawyers, and Lexpert.

This statement provides just a few examples of our experience which demonstrate the quality and range of our global environmental law practice.



Environmental liability, pollution control and waste regulation

Pollution liability and the regulation of industry is one of the core elements of our environmental practice

Our lawyers and policy professionals have written significant laws and regulatory guidance in this field, and have been at the forefront of new and developing environmental liability regimes across a wide range of jurisdictions and industry sectors.

Examples of our work include the following:

- Advising a range of clients on EU, UK and US waste regulations including regulation and permitting of waste facilities (landfills, incinerators, waste to energy plants and others); definitions of waste and recycling; and distinctions between waste and non-waste products.
- Representing a Canadian waste management company in negotiating the environmental requirements needed to build a landfill in the US.
- Drafting practical guidance for and provided national training programme for UK Government enforcement officers in England and Wales of the main legal regime in the UK for the identification and remediation of historically contaminated land, the Contaminated Land Regime.
- Advising specialist US environmental insurance providers on environmental law coverage issues in the UK and Europe, with a focus on new and developing liability regimes such as that established by the EU Environmental Liability Directive.
- Counselling major Canadian transportation and petroleum companies on regulatory and liability issues associated with transportation of petroleum products by rail and pipeline.
- Advising European oil major in connection with environmental compliance across its portfolio of assets in African jurisdiction.
- Advising a major international oil company on the special restrictions governing exploration and production operations in the State of California.
- Assisting numerous local governments in their efforts to recover the cost of cleaning up contaminated properties.
- Advising European oil major in connection with remediation of contaminated site in UAE.
- Serving as defence council for a large Canadian mining company in successful resolution of environmental prosecution on the eve of public announcement.
- Advising a US manufacturing client on the regulatory and permitting implications of the UK-wide deployment of small scale on-site hazardous waste treatment and disposal units. Work included detailed report on UK environmental law and permitting issues and meetings with the UK Environment Agency to discuss requirements.
- Successfully arbitrating on behalf of a major Canadian energy company in respect of a \$1 billion environmental claim.
- Advising major international oil company on potential environmental liabilities for owners of hydrocarbon products in terminal facilities in the Middle East.
- Drafting local and regional requirements to address environment, health and safety concerns about pipelines.
- Advising middle eastern oil & gas company in connection with the transfrontier shipment of wastes.
- Advising international oil and gas client on environmental obligations and liabilities associated with a range of downstream oil and gas assets in Africa. Work included co-ordinated multi-jurisdictional

advice on environmental law in a range of African jurisdictions.

- Defending against natural resource damage claims arising from an oil spill on the outer continental shelf of the Pacific coast of the US.
- Advising a major international oil company and tanker owner concerning the reach of the US Oil Pollution Act.
- Advising a project developer with respect to deployment of waste-to-energy technology (both biomass and municipal solid waste) in developing countries.
- Representing utilities and other power generators in negotiations and litigation over air emissions and permits across the United States.
- Advising multinational industrial facilities (including oil refineries, manufacturing facilities, and power plants) on American water quality standards and enforcement issues, including clean-up of contaminated waterways.
- Successfully defending a local government against significant charges related to alleged contamination of storm water.
- Advising a former manufacturer of railroad ties (sleepers) in efforts to recover millions of dollars of clean-up costs from the owners of nearby industrial facilities.
- Represent regional Alaska government in US Coast Guard rule-making process with respect to Oil Pollution Act.
- Advising a Polish oil transportation company in administrative proceedings to remove liability for contaminated land, including litigation in the administrative court and enforcement of a favourable judgment.
- Advising on environment restoration legislation in the context of mines closing in Romania.
- Advising on environmental liability issues in the context of supply to Russian nuclear stations.

The UK environment team is recognised for its “strong capabilities” and “wide experience” in the environmental sphere, providing a “high level of expertise to an enviable list of clients from the waste, insolvency, oil and gas and environmental insurance sectors”

Chambers UK 2013

Major incidents

Liability risks associated with major industrial accidents are developing across the world following a number of high profile incidents of global significance

Our experience in this area ranges from drafting incident response policies and procedures, through to advising companies on reacting to actual incidents, and defending companies and individuals in regulatory prosecutions. Examples include the following:

- Advising European upstream oil & gas company with operations in multiple African jurisdictions on its corporate crisis response policies and procedures.
- Drafting a major UK waste management company's internal policies for responding to environmental and safety regulatory investigations.
- Advising a European oil major in connection with a review of its environmental and safety liability exposure under its joint venture and other contractual documentation for upstream and downstream activities.
- Directing and managing an environmental audit of more than 1500 facilities (located throughout the US) for a publicly-held retail chain, recommending changes to the company's environmental protocols, and obtaining all needed permits. We were able to complete this time-sensitive project in just 6 months.
- Providing external counsel support to oil major in connection with oil spill in Norway in 2007. We advised on accident investigation report and co-ordination of the post-incident regulatory investigation.
- Supervising a multi-disciplinary team in an environmental audit of airport facilities for a major airline client at locations throughout the US.
- Providing bespoke training to 15 oil & gas operators and a UK regulator in connection with offshore environmental liability risk and regulation in the aftermath of the Deepwater Horizon incident.
- Advising an international building products company on an assessment of ten manufacturing plants located across the US. We subsequently assisted the company in making significant revisions to its environmental management systems.
- Assisting a Japanese chemical manufacturer with facilities in the US in conducting an audit, self-disclosure, and settlement of potential penalties related to its handling of toxic substances.

The UK environment team is a “highly capable, experienced, team has a keen grasp of regulatory work, emissions trading and, increasingly, carbon capture and storage matters”

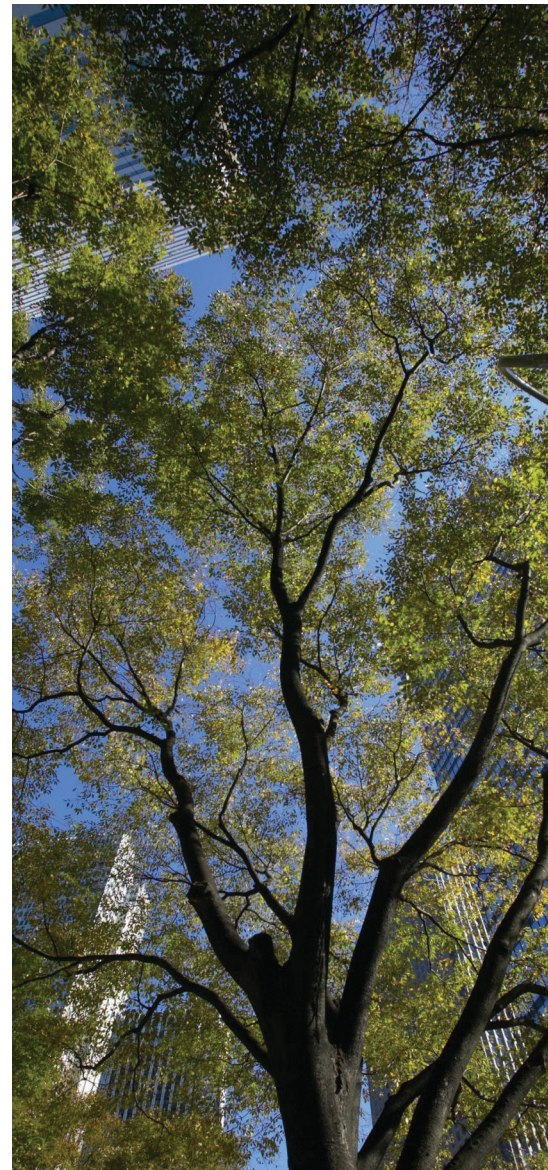
Chambers UK 2014

New and developing technologies

We advise governments, regulators and private sector clients at the highest level on the regulation of new and developing environmental technologies

Examples of this work include the following:

- Acting for UK government in relation to the Carbon Capture and Storage (CCS) Commercialisation Programme;
- Advising oil and gas companies based outside the U.S. on American regulatory developments impacting hydraulic fracturing and the use of unconventional hydrocarbon sources.
- Counselling a major South African energy company on its \$1.05 billion acquisition of shale gas assets in British Columbia.
- Acting for major UK solar operator in the development of multiple solar commercial solar generation projects in the UK
- Acting for major British retailer on permitting requirements relating to innovative fuel cell project for installation at retail sites.
- Representing a multi-national investor in the acquisition of a portfolio of biomass power plants in California.
- Advising Middle Eastern state owned oil company on the legal and regulatory framework for carbon capture and storage in Middle East jurisdiction.
- Advising an energy finance group on the structure and availability of incentives for distributed solar projects in California and Arizona.
- Acting for numerous petroleum producers and oilfield services companies on issues relating to multi-stage hydraulic fracturing operations.
- Advising an industrial waste management company on an industrial waste logistics center in Turkey, which recycles waste and converts it to electrical energy using an 8 MW integrated energy production plant.



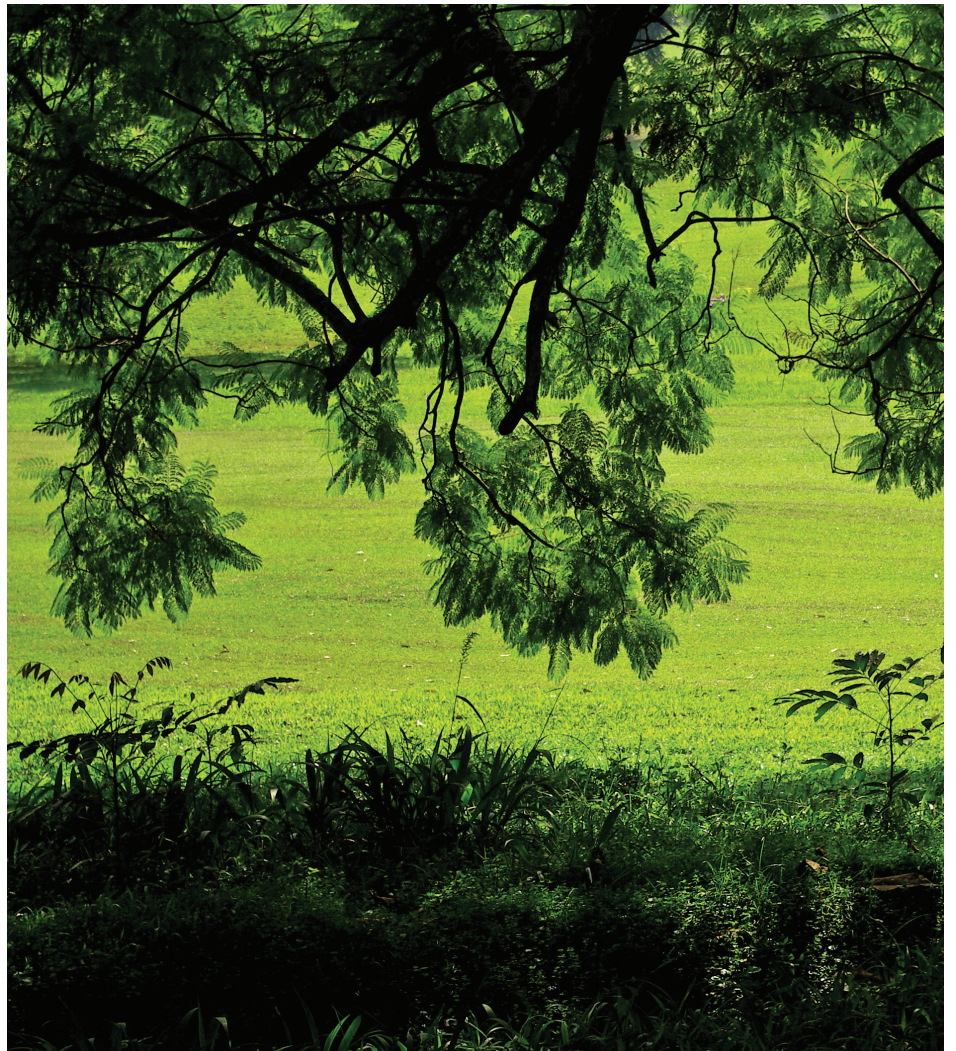
Emissions trading and other market mechanisms

Dentons is at the forefront of this area of law, advising on emissions trading and other market mechanisms to address climate change and other environmental issues

Our clients in this field range from major government clients to institutional investors, and our experience spans a wide range of jurisdictions across the globe. Examples include the following:

- Acting for UK environmental regulator in connection with UK Carbon Reduction Commitment (CRC) Energy Efficiency Scheme. This is a national emissions trading scheme applicable to non-energy intensive businesses.
- Advising the Northern Ireland government in connection with implementing renewables legislation in Northern Ireland, including advising on the drafting of a range of renewables regimes, including the Renewables Obligation regime, the Feed-in Tariff, Guarantees of Origin and the Renewable Heat Incentive.
- Representing the Forestry Administration of the Government of Cambodia in marketing carbon credits from an avoided deforestation program.
- Advising the UK government in connection with the Green Deal, a scheme for the incentivisation of investment in energy efficiency in UK households and businesses.
- Advising European state-owned power company on national legislation requiring the abatement of GHG emissions. Work included analysis of whether proposals by the EU Commission (in particular in relation to the practice referred to as “backloading”) and associated national implementing legislation was compatible with EU requirements.
- Advising a Eurasian government on a framework renewable energy law. Advice included review of existing legal regimes in six EU countries, an assessment of appropriate price support mechanisms and additional measures to encourage the generation of renewable energy including capital grants and fiscal measures.
- Acting for a European government on the drafting of and risks associated with the sale of Assigned Amount Units (AAUs) under the Kyoto Protocol by way of Verified Emission Reduction Purchase Agreements (VERPAs).
- Advising French utility on the application of the EU Emissions Trading Directive in another EU jurisdiction.
- Providing a full range of advice on projects designed to destroy Ozone Depleting Substances, including efforts for regulatory recognition of such projects under California’s cap-and-trade program.
- Acting for a South African institutional investor in connection with drafting of Emissions Reduction Purchase Agreements (ERPAs) and monetizing carbon offsets from REDD projects within the State of California’s cap-and-trade system.

- Advising a North American building products trade association on challenges and opportunities associated with the development of California's greenhouse gas cap-and-trade market.
- Advising an international financial valuation firm on issues related to the valuation of funds with investments in carbon credits, allowances, and certificates.
- Representing investors in carbon credits issued by the Chicago Climate Exchange in efforts to have those credits recognized in California's greenhouse gas cap-and-trade market.
- Advising an international carbon offset credit developer on specialty work involving projects on lands held in trust for indigenous groups.



Product liability, chemicals regulation and supply chain sustainability

Our team includes specialist environmental lawyers with experience in product liability, chemicals regulation, and supply chain sustainability

This is a particular strength when it comes to advising on the manufacture and subsequent import / export of regulated products. We also have considerable experience with the environmental laws governing issues such as sustainability of raw material sources, product specification, requirements for packaging and labelling, notification and registration of certain substances, and producer / importer liability for packaging and product recycling. Examples of this work include the following:

- Advising on a high profile greenfield ethanol production project in Africa. Our work included advising on environmental compliance issues at source within the African jurisdiction, as well as application of REACH and other environmental regimes to subsequent international distribution of the product for sale.
- Advising a pharmaceutical industry organization in working with the US government to rewrite and streamline environmental regulations governing the introduction of new drugs into the American market.
- Drafting bespoke contractual provisions for palm oil supply contract to cover the sustainability required from plantations, the certification of sustainability, auditing of sustainability and traceability of fuel supplies to approved plantations.
- Advising major international bank in relation to REACH in the context of physical oil trading into the European market, including registration requirements, counterparty obligations, liability risks, and contractual drafting.
- Advising British construction company in relation to sustainability provisions for contracts in the UAE where the British company was acting as project developer.
- Advising oil trading company on obligations in relation to REACH registration (including assistance with the pre-registration of over 300 substances) for import of hydrocarbons into European market.
- Advising a North American trade association on environmental issues related to life cycle analyses, regulatory requirements affecting product inputs, carbon intensity of manufacturing processes, and international chemical registration issues.
- Advising major European retailer in connection with the application of the UK packaging waste regulations to the import of goods (both wholesale imports and direct e-sales) from European jurisdictions into the UK market.
- Advising an American wood products importer on endangered species and illegal trafficking issues.
- Advising major UK retailer in connection with the product liability, labelling and consumer protection requirements under European jurisdiction relating to internet sales of a range of consumer goods from the UK market into the European market.



Environmental impact assessment and project development

Most jurisdictions now require environmental impact assessments (EIAs) as part of major project approval process

EIAs have become central parts of project planning, financing, and development, particularly for large energy and infrastructure projects. Navigating the EIA process is a Dentons specialty. One of our partners was the lead draftsman of the regulations implementing the US National Environmental Policy Act (known as NEPA), which forms the starting point for the EIA requirements of many national governments and financial institutions around the world. Our global team of environmental lawyers have an impressive depth and range of experience in this field and in assessing best global practices. Many of our assessment projects and related work also implicate concerns over impacts to protected species from development and trade. Examples of our EIA work include the following:

Energy Projects

- Successfully representing the developers of numerous large-scale wind and solar projects (including projects located on public, private, and indigenous lands) on compliance with EIA requirements and securing needed permits and consents.
- Representing proponent of \$7.9 billion project involving construction and operation of pipelines and an ocean terminal to transport oil products and

condensate between the Alberta oil sands and the coast of British Columbia.

- Acting for an international consortium for the development of a 350-mile cross-border gas pipeline, a portion of which is sited on the ocean floor.
- Representing purchaser of undivided 50% interest in 300 MW Canadian wind project.
- Advising a large international energy client on local EIA requirements and international “best practices” for a natural gas project in a biologically-sensitive area of the Middle East.
- Advising on the environmental impacts of offshore oil field in West African waters.
- Representing a major electric utility with respect to EIA and regulatory issues related to a proposal to develop an undersea cable linking the Bahamas to the US.
- Advising ethanol and biodiesel refinery developers in African jurisdiction on financing, siting, construction and permitting issues, representing investments in excess of \$1 billion.

- Advising on EIA aspects of photovoltaic power plants in the Czech Republic.

Transportation and Infrastructure

- Advising government authorities overseeing a new light rail system in St. Louis on EIA issues.
- Successfully representing a coalition of business, government, and environmental groups in litigation over a \$6.5 billion transportation project on the island of Hawaii.
- Assisting several North American airport authorities with EIA processes associated with their proposals for expansion.
- Advising an international environmental consulting firm on the adequacy of EIA documentation related to a \$2.5 billion bridge project linking two American states.



Water

- Advising on the successful development of water treatment plants in Kuwait, Turkey, Poland, Mexico, Colombia, and the United States.
- Securing rights to water for a new 100,000-acre development in the United States.

Mining and Natural Resource Development

- Advising a fishing industry organization with respect to fishing quotas, both domestically and on the high seas.
- Representing an international consortium in developing and exporting Mexican iron ore resources.
- Acting for a coalition of governments and NGOs in litigation against US government with respect to the environmental impacts of off-shore dredging in the Gulf of Mexico.
- Representing the US subsidiary of a major international mining company with respect to multiple EIA litigation matters in US courts.

- Advising lenders to Australasian mining company developing major European tungsten mine. Work included detailed advise on interaction between European environmental permitting and EIA regimes.

Major Land Development Projects

- Advising UK planning authority in respect of judicial proceedings seeking to require the authority to take enforcement action in relation to a particular industrial development. The case involved a review of leading case law on retrospective consent without environmental impact assessment.
- Advising on a \$1 billion North American land development project designed by Philip Johnson.
- Working alongside environmental consultants in preparing the environmental statement to accompany an application to regenerate a large part of a UK regional city centre.
- Advising the developers of a series of major Native American casino and resort facilities on EIA issues.

- Advising a London Borough on determining a planning application for a 10,800 dwellings settlement in the Thames Gateway.

Expert Counsel and Advice

- Serving as expert witnesses on a variety of EIA matters, including issues arising from hurricane-induced flooding in the Gulf of Mexico and the aerial application of pesticides on large agricultural operations.
- Representing a major international environmental consulting firm in “bullet proofing” its EIA documents.

Dentons USA was named in the Best Law Firm list in Environmental Finance magazine's Market Survey 2011

US Emissions



Capacity building and global engagement

One of the distinguishing features of our global team is its ability to provide comparative legal analyses based on US and EU law

Many of our attorneys, throughout their careers and at Dentons, have been called upon to help develop and enhance legal frameworks and compliance and enforcement capacity in other countries. Others have participated as private attorneys or government officials in negotiations of major environmental and trade and investment treaties and agreements. Similarly, our attorneys have provided to clients valuable information about their domestic legal regimes to help the clients work within their own countries to develop new laws and approaches. One of the distinguishing features of our global team is its ability to provide comparative legal analyses based on US and EU law, so as to provide international clients and governments with best practices and lessons learned. Examples include the following:

- Advising the organizers of water entities throughout the world, including India, Poland, the Philippines, Colombia, Montenegro, Guyana, and Belize.
- Developing and presenting capacity-building training courses on environmental regulation, enforcement, and judicial techniques in Brazil, Chile, the Czech Republic, Guatemala, Mexico, Morocco, Poland, South Africa, and Uganda.
- Advising international institutions, including the US Agency for International Development, the European Bank for Rehabilitation and Development, and the InterAmerican Development Bank on matters related to the development and financing of water and wastewater infrastructure.
- Advising a confidential group of international investors in connection with the establishment of an African fund specialising in investments in African environmental projects.
- Advising Northern Ireland Government in its development of renewables legislation, including in its discussions with English, Welsh and Scottish administrations on cross border aspects of the legislation.
- Serving as a US State Department envoy to meet with Japanese leaders (including the Prime Minister of Japan) with respect to Japan's adoption of an environmental impact assessment law.
- Making detailed presentations to a major international oil company on comparative law issues related to hazardous substances, oil spill liability, air pollution, and hydraulic fracturing.
- Participating in major global negotiations on sustainable development, climate change, and trade/investment, including the 1992 Rio Earth Summit
- Representing the American Bar Association in chairing environmental law conferences with counterparts in Asia and the EU.
- Training the US National Park Service on its compliance with American environmental laws.
- Representing the US Government to advise on the environmental requirements incident to transforming a major military base into a park.

Your key contacts

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