

Environmental

温斯顿拥有近百名能源与环境事务律师，通过所内全球办事处网络紧密合作，为国内和全球客户提供全面整合的创新服务平台，在行内独树一帜。逾35年来，本所团队服务能源与环境领域各类客户，涵盖公用事业公司、独立电厂、能源合作社、项目开发商、融资方、电力买家，乃至制造商、石油和天然气公司、零售商、承包商、贷款人、借款人、投资者、贸易商和政府等。与同行相比，本所可实现多个法律部门无缝整合，为客户提供特色服务。

本所为能源行业提供全面服务，加上丰富的执业经验，自然创造了深受认可的业绩。不论是就新能源政策和监管合规事务提供法律建议，还是就各类开发协议提供咨询，乃至代表客户处理能源项目和组合的构建、融资、收购和处置——均在本所能源律师的业务范围。本所提供咨询服务，更覆盖融资、税务等方面的前沿市场趋势，并且在能源诉讼中维护客户权益。此外，本所的执业经验涵盖绝大多数类型的能源项目，包括常规化石燃料、燃气、燃煤、热电联产、可再生能源和替代能源（风能、太阳能、生物质能和地热能）以及核电厂，还善于协助客户处理运输、石油和天然气管道，以及天然气储存设施等方面的事务。

温斯顿环境事务律师同样提供全面法律服务，应对各类环境介质所涉及的一些列问题，服务众多司法管辖区的多种不同行业。团队成员具备不同专长，包括各类资深顾问，可针对空气、水、废物处理等领域，处理各类执法、合规和许可问题，并且就公司交易的环境合规方面，提供相关法律意见。团队也包括熟悉规章制定、立法事务和监管事务的律师，以及经验丰富的诉讼专才，妥善应对民刑事执法程序、超级基金诉讼、私人费用追讨诉讼、有毒物侵权索偿、选址和许可证听证等程序。本所律师还就气候变化和可持续发展等问题提供重要资讯。此外，本所为客户端定期详细审核合规方案，除协助设计和开发审核程序外，更协助实施有关程序。

Our Environmental Practice consists of seasoned litigators, veterans in handling a wide array of work, including enforcement actions, compliance counseling, permitting actions and brownfield redevelopment; attorneys adept at rulemaking; and practitioners who routinely provide support with respect to identifying, quantifying, and allocating environmental risk in transacts—making Winston’s environmental practice one of the most experienced legal teams among our peer firms.

Key Contacts

Eleni Kouimelis

Jonathan D. Brightbill

Areas of Focus

Environmental Litigation & Enforcement

Winston's [Environmental Litigation & Enforcement](#) attorneys bring extensive courtroom experience to every matter, helping us spot outcome-determinative legal issues. Our Environmental attorneys have extensive experience defending clients against agency and citizen enforcement of environmental laws. We also handle actions brought by the U.S. EPA and the DOJ, and we litigate against and negotiate with state and local agencies, citizen groups, and private parties across the country.

Permitting

Winston assist clients with a wide range of permitting matters at both the state and federal levels, involving all environmental media and many different industries. We work with each client to prepare a permit application that will meet the facility's current and future needs, will avoid undue burdens, and that also meets all applicable regulatory requirements. For new facilities, we coordinate the permitting for all media, including air, water, and waste disposal, and provide a legal opinion to lenders regarding environmental. We also advise clients regarding facility construction, major source modification, and operation under the Clean Air Act, ranging from state preconstruction permits to Title V operating permits; wastewater discharge, storm water discharge, and wetland dredge-and-fill permits under the Clean Water Act; solid waste and hazardous waste disposal, treatment, storage, and recycling permits under the Resource Conservation and Recovery Act; and other environmental licensing programs such as groundwater use. We have also successfully defended against challenges by citizens groups to permits issued to our clients and, where necessary, appealed unfavorable permit terms.

Environmental Audits

To help clients reduce the risk of enforcement by federal and state agencies, we conduct thorough reviews of our clients' environmental and worker health and safety compliance programs. We support the design and development of these audits, counsel clients throughout the implementation of their audit programs, and help clients address audit findings. In addition, we draw from our decades of experience to review and enhance our clients' environmental management systems and assist with preventative measures such as strategic planning for the implementation of new regulations.

Transactions & Due Diligence

Our environmental attorneys counsel buyers, sellers, developers, underwriters, and lenders on all aspects of transactional work, including managing the environmental due diligence process, identifying any environmental risks and issues, quantifying the identified risks and issues, recommending an allocation for environmental risks, identifying risk mitigation options including rep & warranty and pollution legal liability policies, and drafting appropriate and precise contractual terms to document the parties' intentions.

Regulatory Compliance

In the counseling area, our environmental lawyers assist clients in strategically evaluating and overcoming environmental regulatory compliance challenges in all environmental media and in jurisdictions throughout the U.S. We assist clients with meeting their business goals, from permitting facility expansions, to completing complex environmental cleanups, to developing compliance strategies for evolving regulatory requirements. Our environmental attorneys are adept at responding to information requests from regulators, participating in notice-and-comment rulemaking, navigating regulatory investigations, assisting clients with complying with regulatory orders, and assisting our clients with environmental, health, and safety compliance inspections and audits. In addition, through our [Environmental, Social, and Governance \(ESG\) Advisory Team](#), we provide strategic counseling and advice to help clients create, implement, and maximize sustainability initiatives and opportunities while managing reputational legal risks related to such efforts.

Rulemaking & Legislation

Our attorneys participate in the legislative and rulemaking process. We draft a wide range of environmental and other legislation for consideration by Congress and state legislatures, submit comments on proposed regulations, and confer with federal and state executive and administrative officials concerning the applicability and interpretation of existing rules and the development of exceptions and variances sought on behalf of our clients. Our team includes Jonathan Brightbill, a former Acting Assistant Attorney General for the Environment & Natural Resources Division (ENRD) of the U.S. Department of Justice. Jonathan brings a unique perspective to our client engagements from his first-hand knowledge of Capitol Hill, rulemaking and regulatory bodies, and relationships with key players.

Climate Change & Sustainability

Winston attorneys help clients understand the risks and opportunities presented by today's political, regulatory, and corporate responses to climate change initiatives. Our seasoned and interdisciplinary team represents clients in many complex climate change and sustainability matters, including counseling clients with regard to disclosure obligations. We work with clients to draft and implement sustainability policies and programs reflecting our clients' strategic goals in such contexts as energy conservation, renewable power production, tax benefits analysis and planning, and green buildings.

National Environmental Policy Act (NEPA)

For both private and public entities engaged in major infrastructure projects, Winston attorneys have provided advice on National Environmental Policy Act, including those that arise under statutes such as the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and the Clean Air Act (CAA), as well as state-law versions of NEPA. The types of projects on which our attorneys have provided such advice range from electric-generation facilities, to geological waste storage and disposal facilities, to railroads.

Per- & Polyfluorinated Substances (PFAS)

As regulatory scrutiny of and public interest related to PFAS increases, Winston's experience is particularly relevant. Our environmental practitioners are diligently tracking emerging legal and regulatory issues related to PFAS and have worked on numerous transactions and counseling matters advising clients on how to mitigate risks associated with PFAS.

Related Capabilities

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