

Edward Roggenkamp

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Ed is an associate in the Firm's Environment & Land Use Group. He is a seasoned litigator focused on resolving complex environmental matters. Ed uses his skills as a former professional actor and teacher to help his clients win environmental cases, by explaining complex technical concepts so that they are easy to understand, and crafting a compelling narrative for the judge or jury. His practice has included cost recovery actions under the Comprehensive Environmental Response, Compensation and Liability Act, toxic tort claims, challenges to environmental impact reviews under NEPA and its state equivalents, and enforcement actions and citizen suits under the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, Surface Mining Control and Reclamation Act, and other environmental statutes. He has also defended clients in both formal and informal enforcement actions by the federal EPA and state and local regulators.

Ed has worked extensively with technical and scientific experts to understand and remediate sites contaminated by historic industrial operations including manufactured gas plants, oil refineries, and manufacturers of various products including automobiles, pharmaceuticals, textiles, and dyes. In the litigation context, this has included both affirmative and defensive work with environmental experts such as engineers and toxicologists, and non-environmental experts such as property appraisers and commercial leasing experts. Outside of litigation, Ed has worked alongside environmental engineers to guide the remediation of contaminated properties. By engaging with environmental professionals early in the remediation life cycle, Ed has not only helped his clients avoid liability, but also assisted owners of contaminated sites to minimize health risks and remediation costs, and proactively take steps to increase the likelihood of recovering expenses from government incentives, insurers, and other liable parties.

Ed advises clients on the environmental aspects of corporate transactions and real estate development, such as pre-purchase environmental investigations, contractual indemnity provisions, hazardous waste remediation, permitting, and post-transaction environmental compliance. He has been involved in various aspects of renewable energy development including proposed offshore wind development on the East Coast, transactions involving traditional fossil-fuel-fired power plants, and climate change regulation. His litigation experience allows him to understand and minimize environmental risk for his transactional clients.

Following law school, Ed served as a judicial law clerk to The Honorable Michael H. Dolinger, U.S.M.J., S.D.N.Y., and was a Law Fellow at the Environmental Law and Policy Center in Chicago, Illinois. Ed regularly volunteers as an election observer; his *pro bono* work has also included advising nonprofits on environmental due diligence related to real estate purchases and the Constitutional implications of state-law incentives for renewable energy development.

EXPERIENCE

- **Next Millennium Realty v. Adchem Corp.** Lead associate on complex CERCLA cost-recovery litigation seeking recovery of over \$12 million in remediation costs, and the related case *State of New York v. Next Millennium Realty*. Responsible for every aspect of the case from pleadings through discovery, summary judgment and appeal. Obtained dismissal of all claims against Adchem Corporation and related family-owned corporations. Assisted in negotiation of favorable settlements in related state and federal enforcement actions.
- **United States v. CMS Energy Corp.** Senior associate responsible for expert discovery and summary judgment briefing defending against CERCLA cost-recovery litigation by the federal government against owners and developers of former limestone mine and cement processing plant. Case settled after summary judgment briefing.
- **HLP Properties, Inc. v. Consolidated Edison Corp.** Member of team seeking recovery of multimillion-dollar cleanup expenses relating to historic industrial operations. Responsible for depositions of technical witnesses and expert discovery.
- Extensive experience with hazardous waste sites and related litigation, including supervision of environmental consultants, compliance with state brownfield cleanup regulations and transaction trigger laws, negotiation of cost-sharing and indemnity agreements with private parties and insurers.
- Performed due diligence on numerous energy transactions involving traditional fossil-fuel fired power plants and a proposed offshore wind farm (Cape Wind).
- Served as counsel to local governments defending challenges to land-use actions.
- Worked directly with clients on responses to environmental enforcement actions, citizen suits, and compliance audits, in order to resolve issues that could lead to environmental liability.

INSIGHTS

SPEAKING ENGAGEMENTS

Speaker, "The Emerging PFAS Framework: Testing, Reporting, and Response Obligations for Public Water Systems," Nossaman's 2019 Water Webinar Series, 10.30.2019

Presenter, "Renewable Energy: Law, Politics & Practice," Lawline CLE Seminar, 07.2017

Presenter, "A Lawyer's Guide to Power Purchase Agreements for Renewable Energy," Lawline CLE Seminar, 05.2017

Presenter, "Renewable Energy: Law, Politics & Practice," Lawline CLE Seminar, 02.2016

PUBLICATIONS

Editor, "Environmental Enforcement: Civil and Criminal," *Ch. 10, Clean Air Act & Climate Change (2012-2016 updates)*

HONORS & RECOGNITIONS

SAFE Energy Security Fellow, 2018-2019

COMMUNITY & PROFESSIONAL

Securing America's Future Energy (SAFE)
American Bar Association
New York State Bar Association
American Constitution Society

PRACTICES

Environment & Land Use
Litigation

INDUSTRIES

Energy & Utilities

EDUCATION

Harvard Law School, J.D., 2009, *cum laude*; Semifinalist and Team Leader, National Environmental Law Moot Court;
Article Editor, *Harvard Environmental Law Review*
Yale University, B.A., 2000

ADMISSIONS

District of Columbia
New York
Connecticut
U.S. Court of Appeals, Second Circuit
U.S. District Court, District of Columbia
U.S. District Court, Eastern District of New York
U.S. District Court, Southern District of New York
U.S. District Court, Western District of Michigan