



## Brendan J. Mooney

### Partner

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Brendan J. Mooney is a partner in the firm's Environmental and Energy, Renewables and Utilities departments. Brendan's energy practice is focused on siting and permitting of major utility facilities and he also routinely advises clients on environmental and land use development issues, permitting, electric and natural gas regulations, facility operational compliance, and general regulatory compliance.

Brendan's environmental practice includes representing clients in matters involving state and federal clean water and air laws, hazardous waste regulations, petroleum storage and discharge laws, environmental due diligence, permit compliance, spill response cost recovery, environmental insurance coverage, and facility permitting.

Brendan also regularly advises clients regarding the sale, purchase, leasing and subleasing of commercial property, as well as the purchase and sale of ownership interests in corporations and limited liability companies.

#### **Areas of Concentration:**

- Corporate
- Energy, Utilities, Water, and Telecommunications
- Energy Transactions
- Siting and Permitting
- Environmental
- Corporate Environmental Issues

## Practices

- Environmental
- Corporate

- Energy, Renewables and Utilities
- Energy Transactions
- Siting and Permitting
- Formations and Governance
- Mergers and Acquisitions
- Environmental Assessment
- Environmental Evaluations Review
- Environmental Permitting and Regulatory Compliance
- Municipal, Zoning, Land Use and Permitting
- Environmental Litigation

## Industries

- Energy and Utilities

## Bar Admissions

- New Jersey
- New York

## Education

- J.D., Maurice A. Deane School of Law at Hofstra University, 2008
- B.A., Boston University, 2000

## Representative Experience

- Represented interstate natural gas pipeline company with respect to a proposed compression enhancement project, which involved obtaining air discharge permits from the New York State Department of Environmental Conservation (“NYSDEC”). Assisted in the preparation of the project’s permit applications, environmental review documentation, and Climate Leadership and Community Protection Act (“CLCPA”) consistency assessment, all of which were integral to NYSDEC’s review and ultimate decision to approve the project permits.
- Successfully represented corporate client to avoid potential liability under New York State Superfund Program, enter contaminated property into the New York State Brownfield Cleanup Program, negotiate settlement with prospective purchaser and NYSDEC to facilitate the sale of property in Brooklyn, NY.
- Represented interstate natural gas pipeline company regarding local, state and federal environmental permitting requirements for natural gas pipeline lateral to serve power plant located in Dover, NY. Negotiated complex agreements and easements with power plant operator and third-party property owners.
- Successfully represented public utility company with respect to New York Public Service Law Article VII Certificate amendment applications seeking authorization for the construction of transmission substations in the Towns of Ballston, New York and Humphrey, New York. Counseled client regarding Article VII

proceeding requirements, evidentiary hearing, and phased implementation of EM&CPs so that substation projects could be timely constructed and placed in service.

- Counseled public utility company with regard to Part 102 Report, PSL Section 68 Petition for Certificate of Public Convenience and Necessity, compliance with SEQRA, municipal site plan, and variance requirements associated with the permitting of 115 kV transmission lines, 115/34.5 kV substation, and distribution lines in the Towns of Ghent and Stockport, NY.
- Represented public utility company regarding PSC petition for declaratory ruling, SEQRA compliance, NYSDEC permitting and municipal land use permitting requirements for 345 kV transmission line reconductoring project in the Towns of Delhi, Camden, Colchester and Rockland, NY. Obtained project permits and approvals so that construction could be coordinated with third party utility developer.
- Counseled construction company with respect to alleged violations of the Environmental Conservation Law associated with discharges to Jamaica Bay to reduce potential liability to NYSDEC and third party.
- Advised interstate natural gas company with respect to Title V air permit application, Natural Gas Act appellate remedies and litigation with NYSDEC regarding the permitting of a proposed interstate natural gas pipeline compressor station in the Town of Wright, NY.
- Successfully counseled numerous clients with regard to alleged SPDES permit violations. Negotiated terms of NYSDEC consent orders and corrective action plans to minimize potential environmental liability.
- Represented not-for-profit corporation with respect to SEQRA compliance, Village and Suffolk County subdivision permitting, and Suffolk County Department of Health Services sewer and water permitting requirements associated with the subdivision of an approximately 26-acre parcel of land in the Village of Amityville, NY. Land subdivision allowed client to transfer parcel consistent with its business objectives.
- Successfully represented various clients with respect to local law requirements, right to build issues, site plan, special permit, and variance applications before various municipal boards.
- Represented numerous clients with respect to environmental due diligence and environmental liability in the acquisition and transfer of interests in real property and corporate assets and securities.
- Represented various clients regarding cost recovery and liability allocation for petroleum and hazardous waste spills.
- Represented numerous clients regarding the sale, acquisition, leasing and subleasing of commercial property.
- Successfully represented numerous clients regarding the sale and acquisition of ownership interests in various corporate entities.

## Professional and Community Activities

- Member, New York State Bar Association, Energy and Environmental Law Section, 2008—present
- Member, NAIOP, 2018—present
- Member, Long Island Real Estate Group, 2018—present
- Member, Brownfield Coalition of the Northeast, 2018—present
- Member, Garden City Real Estate Professionals Foundation, 2019—present