



## Adam P. Kahn

Co-Managing Partner

Boston

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Adam has almost 20 years of broad experience in environmental and energy law matters with exceptional proficiency in renewable and conventional energy, project permitting, land use/development, and Brownfields redevelopment. Corporate, institutional, and government clients have benefited from Adam's considerable experience in environmental disputes; compliance and transactions; siting, permitting, and development of complex energy facilities and other commercial and industrial operations; and the remediation and reuse of contaminated property.

Adam is a lead member of the firm's Energy Technology & Renewables practice group. He frequently counsels clients on emerging issues from climate change and greenhouse gas regulation to environmental sustainability and corporate social responsibility. Along with his extensive national practice, Adam actively works in the arena of international environmental law, including representing clients on environmental matters before the International Court of Justice.

In addition to maintaining an active practice, Adam serves as Co-Managing Partner of the firm and is a member of Foley Hoag's Executive Committee. He is the immediate past coordinator of Foley Hoag's environmental practice group and chair of the firm's Administrative Law Department, which includes environmental, energy and regulated industries, health care, government strategies and public law practice groups.

### INDUSTRIES

Energy Technology and  
Renewables

Energy and Regulated Industries

Healthcare

Real Estate/Land Use &  
Development

### SERVICES

Environmental Compliance

Environmental Litigation

Environmental Corporate  
Responsibility

Corporate Social Responsibility

International

### HONORS/AWARDS

Listed in THE BEST LAWYERS IN  
AMERICA

Ranked by CHAMBERS USA:  
AMERICA'S LEADING LAWYERS  
FOR BUSINESS as one of  
Massachusetts' Leading  
Environmental Lawyers

Ranked in THE GUIDE TO THE  
WORLD'S LEADING  
ENVIRONMENTAL LAWYERS

Ranked in WHO'S WHO IN THE  
WORLD

Listed in MASSACHUSETTS  
SUPER LAWYERS

"Leading" practitioner in  
PRACTICAL LAW COMPANY,  
PLC CROSS-BORDER  
ENVIRONMENTAL HANDBOOK  
2009/10 (4th ed.)

### RELATED PROFESSIONAL EXPERIENCE

Worked as a scientist at Environ  
Corporation prior to law school

### EDUCATION

Harvard University, J.D., magna

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### BAR AND COURT ADMISSIONS

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Y Massachusetts

Y U.S. District Court for the District of Massachusetts

Y U.S. Court of Appeals, First Circuit

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### REPRESENTATIVE EXPERIENCE

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The following is a brief summary of Adam's experience and accomplishments:

#### Y Litigation and Enforcement Experience

- w Successfully defended the Republic of Uruguay in an environmental challenge brought by Argentina in the International Court of Justice regarding the construction of pulp mills on the River Uruguay. Pulp Mills on the River Uruguay (Argentina v. Uruguay) (International Court of Justice, 2010)
- w Represents the Republic of Ecuador in an action pending in the International Court of Justice regarding aerial spraying of herbicide without adequate precautions. Case Concerning Aerial Herbicide Spraying (Ecuador v. Columbia)
- w Represents a party in an enforcement action brought by the Department of Justice involving air emissions from two biomass plants in California
- w Represented a municipality in defending its wastewater discharge permit at the Federal EPA Environmental Appeals Board
- w Defended operators of institutions and industrial facilities, including recycle and virgin paper mills; asphalt, aggregate and concrete manufacturers; power plants; communications facilities; electronics manufacturers; medical device manufacturers; and others against enforcement actions brought by state, federal and environmental agencies, the Attorney General, and the United States Department of Justice
- w Successfully appealed Title V operating permit conditions for two industrial and electric power generating facilities in New York State
- w Obtained the dismissal of claims against the owner of a 300 MW cogeneration facility relating to alleged violations of air emissions permits
- w Successfully challenged the denial of air emission reduction credits by a state agency

cum laude, 1992

Brown University, A.B., magna  
cum laude, 1987

- w Obtained a favorable decision on behalf of a chemical manufacturer in defense of environmental remediation cost recovery and property damage claims. *Mystic Landing v. Pharmacia, Inc.*, 417 F. Supp. 2d 120 (D. Mass. 2006)
  - w Secured the disputed tax exempt status for a regional land bank commission. *Martha's Vineyard Land Bank Comm'n v. Bd. of W. Tisbury*, 62 Mass. App. Ct. 25 (Mass. Appeals Court, 2004)
  - w Successfully defended local and state approvals allowing the construction of such projects as a controversial public high school, a high technology corporate campus and a private golf club. *Clifford v. City of Everett*, No. 03-4339 (Mass. Super. Ct. 2004), *White Pine, LLC v. Massachusetts DEP*, No. 99-5758 (Mass. Super. Ct. 2001), and *Fitzgerald v. Vincent*, No. 2001-02 (Mass. Super. Ct. 2001)
  - w Represents numerous clients in multi-party superfund enforcement and litigation actions
- Y Permitting, Compliance, and Brownfields Redevelopment
- w Prepared environmental policies and supervised compliance and "beyond compliance" audits for industrial, energy, academic, and institutional clients
  - w Advised clients on strategies for compliance with the International Finance Corporation's Environmental and Social Standards, a benchmark for sustainable industrial and infrastructure projects in the developing world
  - w Represented Massachusetts Development Finance Agency with respect to remediation and redevelopment of the former Fort Devens
  - w Represented development authorities in Chelsea, Worcester, Springfield and Malden, Massachusetts in the acquisition, remediation, sale and redevelopment of former industrial properties for school, medical, residential, commercial, park and industrial use
  - w Advised the Massachusetts Bay Transportation Authority with respect to the permitting of the Greenbush Commuter Rail Line in metropolitan Boston
  - w Represented the Massachusetts Development Finance Agency in the siting of a \$1.1 billion pharmaceutical manufacturing facility at the former Fort Devens
  - w Obtained permits for construction of a new recycle paper mill and for a significant expansion of a major textile manufacturing facility in New Hampshire
  - w Assisted developer of a 900,000 sq. ft. high tech office complex and recreational facility obtain needed endangered species, MEPA, and wetlands approvals
  - w Obtained environmental permits for Vineyard Golf Club (Edgartown, MA) and The Bay Club of Mattapoisett (MA)
  - w Represented the City of Everett, Massachusetts with respect to the permitting and construction of a controversial new high school
  - w Represents owners of commercial and industrial property and businesses with respect to due diligence and transactional matters associated with environmental compliance, environmental remediation, and related matters
  - w Represented municipalities, manufacturers, and institutions with respect to regulatory closure of solid waste facilities
  - w Counseled energy and industrial corporations with respect to sustainability, environmental corporate social responsibility
- Y Energy Facility Experience
- w Represents Pioneer Renewable Energy in siting, permitting, and related litigation for a proposed 47 MW biomass facility
  - w Successfully represented the developer of a 360 MW combined cycle-electric generating plant in obtaining all required approvals; regularly advise owners and operators of numerous other power plants in compliance and enforcement matters
  - w Advised owners of approximately 25 coal, oil and natural gas fired electric power generating stations in nine states of obligations under state and federal air pollution requirements, including acid rain, New Source Review and Title V
  - w Successfully represented a Canadian owner of hydroelectric facilities obtain approvals for a major expansion of a 600 MW pumped storage generating facility
  - w Represent owners of a power plant in the northeastern United States with regard to an EPA review of thermal emissions and entrainment/impingement issues under the Clean Water Act
  - w Successfully appealed a Title V air permit issued to 345 MW cogeneration facility located in New York State
  - w Represented multiple power plants in New Source Review related investigations and enforcement

actions

- w Represents operator of waste-to-energy facilities in environmental compliance matters
- w Represents developers of renewable energy facilities fueled by landfill gas in acquisition, development, and enforcement actions
- w Provides siting and permitting advice to facility converting food waste into biofuels
- w Represents clients with respect to the creation and sale of carbon and emission-related credits
- w Represents owners of distributed generating, emergency backup, small hydroelectric, and cogeneration facilities in permitting, compliance and enforcement actions

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**PROFESSIONAL / CIVIC INVOLVEMENT**

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- Y Boston Bar Association: International Environmental Law Committee, Chair (2009 - 2011); Hazardous and Solid Waste Committee, Chair (1999-2000); Clean Air Committee, Chair (2000-2003); Steering Committee of Environmental Law Section (1999-2004)
- Y Lex Mundi, Environmental Law Group, Firm Representative
- Y Massachusetts Bar Association, Member
- Y American Bar Association, Member
- Y Brookline Conservation Commission, Commissioner (1999 to 2007)

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**SPEECHES AND CONFERENCES**

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- Y Speaker at Environmental Business Council on Greenhouse Gas Emissions and Global Warming Solutions Act (June 2009)
- Y Speaker at Boston Bar Association on "Understanding Mandatory Reporting Under The Global Warming Solutions Act" (March 2009)
- Y Speaker at 47th Annual Corporate Counsel Institute, Northwestern University School of Law (Chicago) on environmental corporate social responsibility (September 2008)
- Y Speaker at Law School for the CFO Conference on "Environmental Liability Opportunities in a Climate Challenged World" (September 2008)
- Y Speaker at Boston Bar Association Conference on Chapter 21E (hazardous materials) litigation (June 2008)
- Y Speaker at Boston Society of Civil Engineers on emerging land use permitting issues in Massachusetts (May 2007)
- Y Speaker at EPA's National Brownfields Conference on legal aspects of redevelopment of closed military bases and other former federal facilities (October 2006)
- Y Speaker at CLE International Conference on compliance with the Massachusetts Environmental Policy Act (May 2006)
- Y Presentations to biotechnology and health care industry groups on environmental compliance, self-audit and enforcement issues (2004-2005)
- Y Speaker to the Massachusetts Hospital Association on environmental compliance, self-audit and enforcement issues (2004)
- Y Frequent speaker at Massachusetts Continuing Legal Education (MCLE) on topics such as environmental due diligence and risk allocation, endangered species act issues, and environmental permitting (1997-2005)
- Y Speaker on real estate tax assessments, abatements and appeals, Massachusetts Continuing Legal Education (MCLE) (April 2003)
- Y Presentation on environmental considerations to National Association of Housing and Redevelopment Officials (May 2002)