



JOEL R. BURCAT OF COUNSEL

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SERVICES

Brownfields
Environmental Transactional
Counseling
Eminent Domain
Environment and Natural
Resources
Environmental Administrative
Appeals
Litigation
Environmental Civil Litigation
Utilities
Site Remediation

INDUSTRIES

Energy
Energy Extraction
Energy Transmission /
Pipelines

Joel Burcat has more than 30 years of experience assisting clients who are at odds with the government and neighbors in environmental and oil and gas enforcement cases, permitting disputes, and environmental crises. When the stakes are high, he conducts internal investigations and provides legal counsel on issues spanning from understanding the regulatory parameters, to initial response, to negotiations, and litigation of cases. His deep knowledge of the challenges his clients face to comply with state and federal environmental regulations extends across many industries, including manufacturing, land development, petroleum and chemical companies, oil and gas producers, and pipelines. Joel also supports these industries by handling transactions involving the change of ownership of contaminated properties and natural resources (including coal, non-coal minerals and oil and gas).

Joel's previous role in what is now the Pennsylvania Department of Environmental Protection contributes to his insight about the process behind government decisions. Prior to entering private practice, Joel served as assistant attorney general, which involved litigating the types of environmental enforcement cases his clients now face. This past experience and his present work as a mediator helps Joel understand why clients need speedy and cost-effective resolutions to permitting and enforcement disputes.

Joel's deep knowledge of environmental law, including laws affecting the oil and gas industry, is also demonstrated by his editing work. He served as the co-editor of *Pennsylvania Environmental Law and Practice*, from the first edition published in 1994 through the seventh edition published in 2012. He was also co-editor of the first edition and the 2016 edition of *The Law of Oil and Gas in Pennsylvania*. Both books are published by the Pennsylvania Bar Institute Press.

EXPERIENCE

Environmental and oil and gas enforcement cases

Joel has deep experience responding to environmental enforcement proceedings set in motion by the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, U.S. Department of Justice and state environmental agencies,

particularly in Pennsylvania. He both represents clients before these agencies and negotiates with the agencies to set terms in consent decrees and determine penalties and corrective actions that take into account the financial impact on his clients.

Select representative matters include:

- A municipality in its response to an enforcement proceeding brought by state environmental regulators and the attorney general from allegations of multiple releases of untreated sewage into state waters. The matters involved negotiation of a consent order and agreement that provided for payment of penalties along with obligations to undertake certain corrective actions.
- A major North American energy company in an enforcement proceeding involving the alleged release of ethanol into a state waterway from a storage tank along the riverbanks. The matter involved negotiations with state regulators that resulted in a more than 70 percent reduction of the penalty.
- A hospitality company in an enforcement proceeding brought by state environmental regulators from allegations of a release of untreated sewage into "high quality" state waters. Successful negotiations preserved the company's ability to operate its sewage treatment and, later, additional negotiations enabled the client to hook into a municipal sewage system.
- A pipeline company in a federal court litigation over whether it or another pipeline company was responsible for environmental contamination. After years of litigation, a favorable settlement was achieved for the client.
- A petroleum terminal facility in negotiations with state environmental regulators over contaminations caused by predecessor owners
- An oil and gas exploration company facing charges of civil and criminal violations from the Pennsylvania Department of Environmental Protection and the Pennsylvania Attorney General. The representation resulted in a reduction of charges and a favorable outcome for the client.

Permit approvals and permitting disputes

Joel helps companies navigate federal and state environmental agencies in their quest for permits to build projects that are regulated by the government and/or require considerations involving the impact on the environment. He also provides counsel on permitting disputes with these agencies.

Select representative matters include:

- A petroleum and natural gas exploration and production company in defense of its permit for a produced water storage facility and in negotiations with state environmental regulators for permits for well pad sites.
- A petrochemical company in negotiations with state agencies in regulatory compliance matters involving air permitting and emissions testing at a petroleum distribution facility.

Environmental crisis counseling

Joel draws on his experience in dealing with environmental crises and his deep knowledge of the regulatory environment to help companies understand and navigate these unexpected events. He is also actively involved in conducting internal investigations regarding the cause of violations of state and federal environmental laws.

Select representative matters include:

- A natural gas exploration and production company in a matter involving the alleged migration of gas out of a borehole at a well site and into the homes of nearby residents.
- A municipality facing allegations that its officials had illegally dumped raw sewage into streams.

Transactions

Joel helps clients in the purchase and sale of properties that have environmental contamination. His work has supported clients through site acquisitions/sales, as well as corporate mergers. Joel has also handled due diligence on a number of transactions, including the sale of a large regional gas producer to a national company.

Select representative matters include:

- A leading independent power producer in the United States in an approximately \$1 billion financing of a power plant, including negotiations with state regulators over the existence of natural gas wells on the property and the disposal of a pre-existing coal refuse pile.
- A real estate investment trust in the sale of a property involving disclosure of possible environmental contamination to the buyer and securing approval from state regulators.
- A national power producer in its purchase of a wind farm.

HONORS

Member of *U.S. News - Best Lawyers*® "Best Law Firms" National Tier 1 ranked Environmental Law Practice

Recipient, Outstanding Achievement in Publications Award, *The Law of Oil and Gas in Pennsylvania*, Association for Continuing Legal Education, 2015

Named to *The Best Lawyers in America* list, Environmental Litigation, Environmental Law and Oil and Gas Law, 2013 to present

Named to *The Best Lawyers in America* list, Environmental Law, 2011 to present

Named one of "America's Leading Lawyers Environmental Law" by *Chambers USA*, 2007 to present

Recipient, Distinguished Service Award, Environmental, Mineral and Natural Resources Law Section, Pennsylvania Bar Association, 2007

Named to the *Pennsylvania Super Lawyers* List for Environmental , 2004 to present

Award in Recognition of Outstanding Service to the Profession, Pennsylvania Bar Institute, 1999

Award for Best Publication, International Association of Continuing Legal Education, 1999

Featured in *Who's Who in America*, 1997 to present

Featured in *Who's Who in American Law*, 1994 to present

Service Award, Environmental Law Section, Pennsylvania Bar Association, 1994

Special Achievement Award, Pennsylvania Bar Association, 1993

MEMBERSHIPS AND AFFILIATIONS

Member, Environmental Law Advisory Panel, American Law Institute-Continuing Legal Education

Dauphin County Bar Association

Pennsylvania Bar Association

American Bar Association

Federal Bar Association

Marcellus Shale Coalition

Pennsylvania Petroleum Association

Pennsylvania Aggregates and Concrete Association

Environmental Law Institute

The Federalist Society

Past Chairman, Environmental, Mineral and Natural Resources Law Section, Pennsylvania Bar Association

Past Member, Legal Ethics and Professional Responsibility Committee, Pennsylvania Bar Association

EDUCATION

J.D., Vermont Law School, 1980

B.S., Pennsylvania State University, 1976, *cum laude*

BAR ADMISSION

Pennsylvania

FIRM MANAGEMENT POSITIONS

Environmental Administrative Appeals, Chair

Energy Extraction, Chair

Brownfields, Chair