

RICHARD H. ALLAN
PARTNER, ENVIRONMENTAL
TRANSACTIONS & GREENTECH**CONTACT**

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AREAS OF FOCUS

Energy
Alternative Energy and Renewables
Greentech and Sustainability
Oil, Gas, and Biofuel
Permitting and Environmental Review
Project and Property Development Rate
Making and Power Sales

ELECTION & CLERKSHIP

J.D., University of California, Berkeley
(1988), Order of the Coif
(Editor-in-Chief, Ecology Law Quarterly)
B.A., with Highest Honors, Phi Beta
Kappa, University of California, Berkeley
(1982)

ADMISSIONS & MEMBERSHIPS

State Bars of Oregon and Washington
U.S. District Court for Oregon
U.S. Court of Appeals for the Ninth Circuit

RECOGNITION & ACTIVITIES

Member, Oregon Bar Association
Sections on Environment and Natural
Resources, and Real Estate and Land Use
Member, Washington State Bar
Association Environmental and Land Use
Law Section
Martindale Hubbell AV Preeminent Rated
Chambers USA Industry Leader,
Environment -- Oregon
Super Lawyer in Energy Law
Best Lawyers in Energy Law
Member and Chair, City of Portland
Adjustment Committee (1998-2006)

Leveraging over 25 years of experience at the intersection of energy and environmental law and complex business and commercial transactions, Richard Allan excels at shepherding complex deals to conclusion across a broad range of industries, from energy facility siting, to the transactional and regulatory aspects of redeveloping contaminated property.

Richard Allan represents developers in the acquisition, siting, expansion and operation of major projects, with an emphasis on energy facilities. He also regularly advises clients on the environmental aspects of real estate and business transactions, including: due diligence; negotiation of indemnities, prospective purchaser agreements and insurance coverage; and development of strategies for remediation to facilitate cost-effective and protective site redevelopment.

Richard has represented developers on the environmental, land use and natural resource issues arising in all phases of project development, including site selection and acquisition, permitting, construction and operation. His experience includes over 2,000 megawatts of wind, solar and natural gas-fired generating facilities, as well as transmission lines and pipelines. Richard also has assisted clients with siting and expansion of many other types of facilities, including residential development, industrial facilities, ski areas, and destination resorts. His experience in adversarial proceedings ranges from numerous local land use hearings and appeals, to administrative contested cases before state agencies concerning energy facilities, wetlands, water rights and environmental enforcement, to trial court and appellate proceedings in state and federal courts.

Richard helps property owners and developers to define, understand and limit environmental liability in real estate transactions and redevelopment. He has decades of experience using a wide range of tools to address the concerns of buyers, sellers, lenders and regulators on sites as small as former gas stations and dry cleaners and as large as railyards, lumber mills and manufacturing plants

REPRESENTATIVE MATTERS

- Counsel for over 20 years to the owner of 40-acre former railyard in settlement of claims against railroad for past contamination and in negotiation and ongoing implementation of multi-party consent decree with Oregon DEQ for redevelopment of site as a new, mixed-use urban neighborhood.
- Represented developers of two former quarry sites in addressing environmental issues related to presence of methane, including participation in Environmental Quality Commission rulemaking proceeding and negotiation of consent orders with Department of Environmental Quality facilitating mixed use redevelopment of the sites.
- Represented developer of former Central Oregon lumber mill site in formulating and implementing strategy for phased investigation and remediation to facilitate redevelopment of site into new neighborhood with residential and commercial uses, a retail village, and an outdoor entertainment amphitheater.
- Represented purchasers of contaminated sites in the negotiation of over a dozen Prospective Purchaser Agreements with the Oregon Department of Environmental Quality, limiting the liability of the purchasers for existing releases of hazardous substances.
- Counsel to investor-owned electric utility for fifteen years in the permitting of multiple generating facilities, including over 1400 MW of natural gas-fired generating capacity in Oregon and over 700 MW of wind capacity in Oregon and Washington. Initiated successful rulemaking proceeding to address carbon dioxide offset obligations of facilities operating at variable loads; advised client on more than a dozen amendments to facility site certificates from the Oregon Energy Facility Siting Council (EFSC).
- Counsel to independent power producer in permitting of new 415 MW natural gas-fired generating facility in Umatilla County, Oregon.
- Represented pipeline developer in Oregon land use proceedings for a new 230-mile natural gas pipeline crossing four counties.
- Represented independent project developer in obtaining site certificate from EFSC for wind farm with peak capacity of approximately 200 MW in Wasco County, Oregon.
- Provided due diligence advice to investment group for purchase of partially constructed gas-fired generating facility in Washington through bankruptcy proceeding of project developer.
- Represented developer of 5,000-acre destination resort in local legislative proceedings for adoption of destination resort map and development ordinance, approval of resort master plan, resolution of cultural resource and wildlife habitat issues, and approval of plans for multiple phases of development.
- Assisted clients with Section 404 and ESA Section 7 consultation for development of dock facility for new manufacturing facility on Columbia River, as well as land use permitting for associated natural gas pipeline.
- Represented ski area located on U.S. Forest Service land in the defense of administrative appeal, U.S. District Court and Ninth Circuit challenges to new ski area master plan under NEPA, NFMA and Ski Area Permitting Act, culminating in negotiated settlement with plaintiff environmental groups to establish framework for future development.
- Counsel to a large Pacific Northwest timber company on environmental issues related to the acquisition, operation and sale of its mill facilities, including Clean Air Act, NPDES, spill response, site remediation and water rights issues in Washington, Oregon, Idaho and Montana.
- Advised homebuilders regarding compliance with NPDES stormwater permit requirements; represented national homebuilder as Oregon counsel in EPA enforcement case; negotiated settlement of potential citizen suit claims against homebuilder for alleged construction-related stormwater violations.