



## Steven J. Levitas

### Retired

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#### Services

Government Contracting & Public  
Procurement  
Government Relations  
Environment & Product Regulation  
Government & Regulatory

#### Industries

Energy Investment  
Project Development & Finance  
Energy  
Energy Procurement

Steve Levitas is one of the leading renewable energy lawyers in the Southeast, representing solar and biomass developers as well as commercial and industrial energy users. He also represents a wide range of corporate and governmental clients on environmental regulatory matters, with an emphasis on wastewater permitting and compliance, wetland and stream permitting and mitigation, water quality policy, and remediation and redevelopment of contaminated property.

From 1993 through 1996, Mr. Levitas served as Deputy Secretary of the North Carolina Department of Environment, Health and Natural Resources. Prior to his tenure as Deputy Secretary, he served as Director and Senior Attorney of the North Carolina Environmental Defense Fund, which he helped found in 1987.

Mr. Levitas has been recognized in *The Best Lawyers in America*® for Environmental Law since 2003; listed in *Chambers USA: America's Leading Lawyers for Business* every year since 2004; listed as #1 in the area of Environmental Law in the 2016 and the five years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business*; named one of the Triad area's "Movers and Shakers" for 2010 by *Business Leader Magazine*; named to *Business North Carolina* magazine's "Legal Elite" list since 2003; recognized in *The International Who's Who of Business Lawyers* for 2009, 2011, 2013 and 2014; and listed as a North Carolina "Super Lawyer" in Environmental law by *Super Lawyers* magazine since 2006. He is AV® rated by Martindale-Hubbell.\*

#### Experience

Local counsel representation for international renewable energy developer in purchase of portfolio of eight solar



projects in North Carolina, including consulting regarding tax, tax-equity, construction financing, environmental laws and regulations, permits and construction approvals, endangered species act, and enforceability issues.

Have negotiated dozens of PPA and REC agreements on behalf of renewable energy project developers for projects totaling more than 300 MW of capacity.

Assist renewable energy project developers in obtaining required regulatory approvals, including representation in administrative hearings where necessary.

Negotiated the first Brownfields agreement in North Carolina that allowed for transfer of a RCRA-permitted facility to the state Brownfields Program.

Represent numerous buyers and sellers of renewable energy projects in purchase and sale transactions.

Have represented numerous mitigation bankers and other parties in connection with wetland and stream mitigation projects. Helped found and represented state association of mitigation service providers.

Successfully represented solar developer in litigation with electric utility concerning the utility's obligation under PURPA to purchase energy from the developer's proposed facilities.

Obtained complex waste water permit for food processing facility and successfully resolved numerous compliance matters.

Represented the City of Durham and the City of Greensboro in obtaining modifications to the Jordan Lake Nutrient Management Strategy by the North Carolina General Assembly. Also represented the City of Durham in negotiating a consensus among diverse parties on nutrient management strategy for Falls Lake.

Represented private landowner in litigation to block condemnation of an electric transmission line right-of-way-across high-value conservation lands. In December 2015, after a three-year dispute, the power company agreed to accept an alternative route for its power line that avoids the natural heritage property.

Currently lead policy, regulatory and government affairs team for Cypress Creek Renewables, the second largest solar developer in the country. Responsible nationwide for all aspects of policy development, management of regulatory proceedings, and legislative strategy.

Favorably settled sub-contractor's dispute with prime contractor involving geothermal heat pump installation.

Obtained state Utility Commission's approval of refuse-derived fuel and synthesis gas as certified renewable energy resources.



Negotiated the first Brownfields agreement in North Carolina that allowed for transfer of a RCRA-permitted facility to the state Brownfields Program.

Obtained first South Carolina waste water discharge permit allowing nutrient trading and effluent limitations based on limits of technology.

Represent managers in the formation of a \$100 million private equity fund for acquisition of energy storage projects.

Have been involved in dozens of administrative challenges to state agency actions relating to environmental permitting and enforcement.

Have been involved in dozens of matters involving the remediation of underground storage tank, hazardous chemical, and other environmental contamination and the handling of such contamination in the context of commercial transactions.

On behalf of a water and sewer authority, led successful rulemaking effort to modify unachievable water quality standard.

Have represented dozens of clients in obtaining Section 404 discharge permits and associated 401 water quality certifications and in resolving enforcement actions arising from permit violations or unpermitted discharges.

Successfully obtained 404 permit and 401 certification for 700 acres of wetland impacts for the North Carolina Global Transpark Authority and favorably resolved citizen group challenge.

Served as regulatory counsel for The Fund for Sandy Point North Carolina LLC. The firm secured the passage of enabling legislation and obtained all required regulatory approvals for North Carolina's first New Urban Waterfront community, a 930-acre mixed use project on Albermarle Sound.

Obtained complex variance for the City of Raleigh allowing the use of monitored natural attenuation to remediate groundwater and resulting in savings to the City of \$70 million.

Assisted a national convenience store chain in reaching and implementing a global settlement to resolve underground storage regulatory violations and release at 100 store locations.

Assist biomass client with all aspects of project development, including feedstock purchase agreements, negotiations with fuel and power purchasers, project finance strategy and regulatory approvals.

Represented biomass project developer in negotiating Renewable Energy Credit Purchase and Sale Agreement



with utility consortium.

Have assisted several renewable energy project developers in resolving disputes arising under power purchase and joint venture agreements.

Represented community college in lease of rooftop for solar PV and solar thermal panels and the purchase of solar thermal energy.

Represented solar developer in leasing space from the City of Raleigh on its convention center roof for the installation of solar PV electric panels.

Represented insured in resolving substantial insurance coverage dispute associated with the remediation of an 85-acre former chemical manufacturing site.

Have represented a number of commercial and industrial clients in the development of renewable energy projects or the purchase of renewable energy from third-party providers.

Serve as regulatory counsel for a leading manufacturer of septic drainfield systems.

Negotiated covenant not to sue at hazardous waste site limiting responsible party's post-closure obligation to creating a trust fund for long-term inspection and maintenance.

Successfully defended three private lawsuits brought against municipal client for alleged groundwater contamination from biosolids land application.

Local counsel representation for international renewable energy developer in purchase of portfolio of eight solar projects in North Carolina, including consulting regarding tax, tax-equity, construction financing, environmental laws and regulations, permits and construction approvals, endangered species act, and enforceability issues.

## **Education**

Harvard Law School J.D. (1982) *cum laude*

University of North Carolina at Chapel Hill B.A. (1976)

## **Admissions**

North Carolina (1983)

## **Court Admissions**

U.S. Court of Appeals for the Fourth Circuit (1985)

U.S. District Court for the Eastern District of North Carolina (1983)



U.S. Supreme Court (1986)

## Clerkships

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## Professional & Community Activities

North Carolina Bar Association Environmental Law Section, Member

American Bar Association Standing Committee on Environmental Law, Past Member

Biofuels Center of North Carolina Board of Directors, Past Member

University of North Carolina at Chapel Hill Institute for the Environment Board of Visitors, Member and Past Chairman

Opera Company of North Carolina Board of Directors, Past Member and Past Chairman

Triangle Land Conservancy Board of Directors, Past Member

Southeast Energy Alliance Board of Directors, Member and Secretary

Cradle to Cradle Products Innovation Institute Board of Directors, Member

Center for Energy Education Board of Directors, Member

## Insights

### [News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2021  
August 20, 2020

### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2020 North Carolina Super Lawyers  
February 27, 2020

### [News Releases](#)

*Best Lawyers in America*® 2020 Names Kilpatrick Townsend Attorneys "Lawyers of the Year"  
August 15, 2019

### [News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020  
August 15, 2019



### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2019 North Carolina Super Lawyers

January 28, 2019

### [In The News](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019

August 20, 2018

### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2018 North Carolina Super Lawyers

February 6, 2018

### [News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018

August 15, 2017

### [News Releases](#)

KT Client Success: Environmental Team Helps Protect Lake Erie and Ohio's Economy

June 1, 2017

### [News Releases](#)

Kilpatrick Townsend Achieves Recognition From Chambers USA 2017

May 30, 2017

### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2017 North Carolina Super Lawyers

January 30, 2017

### [In The News](#)

Kilpatrick Townsend's Media Report, October 22 - November 4, 2016

November 7, 2016

### [News Releases](#)

Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017

August 16, 2016



### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2016

May 31, 2016

### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2016 North Carolina Super Lawyers

January 15, 2016

### [Publications](#)

EPA Issues Clean Power Plan Final Rule

December 1, 2015

### [Alerts](#)

EPA Issues Clean Power Plan Final Rule: Rule Includes New Incentives For Early Renewables Projects

November 3, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report September 25 - October 1, 2015

October 2, 2015

### [News Releases](#)

Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016

August 19, 2015

### [Alerts](#)

USDA Makes Substantial Changes To Its Section 9003 Biorefinery Assistance Loan Guarantee Program For Advanced Biofuels Including Qualifying Renewable Chemical And Biobased Manufacturing Projects

July 17, 2015

### [In The News](#)

Charlotte Business Journal Awards Steve Levitas Prestigious 2015 Energy Leadership Award

June 3, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report May 22-28, 2015

May 29, 2015



### [News Releases](#)

Kilpatrick Townsend's Steve Levitas Receives Prestigious Charlotte Business Journal 2015 Energy Leadership Award

May 26, 2015

### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2015

May 22, 2015

### [Alerts](#)

DOE'S Advanced Research Projects Agency - Energy Announced A \$125 Million Open Funding Opportunity To Support Disruptive New Technologies

February 23, 2015

### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2015 North Carolina Super Lawyers

January 28, 2015

### [News Releases](#)

Kilpatrick Townsend Attorneys Selected To Business North Carolina Magazine's 2015 "Legal Elite"

January 19, 2015