

Benjamin L. Snowden

Counsel

4208 Six Forks Road
Suite 1400 , Raleigh , NC USA 27609
t 919.420.1719 | f 919.510.6151
607 14th Street, NW
Suite 900 , Washington , DC USA 20005
t 202.824.1423 | f 202.403.3815
bsnowden@kilpatricktownsend.com



Services

Environment & Product Regulation
Government & Regulatory
Litigation
Product Liability

Industries

Energy

Ben Snowden is a clean energy and environmental lawyer. His energy practice focuses on representing companies developing or acquiring energy projects, in particular PURPA qualifying facilities. He has helped these companies to negotiate power purchase agreements with utilities and other offtakers, address interconnection issues, and resolve regulatory disputes before state utilities commissions and the Federal Energy Regulatory Commission.

Mr. Snowden also advises clients in the energy and manufacturing sectors on environmental permitting, compliance, and enforcement matters, with a particular emphasis on the Clean Air Act and related state programs. His enforcement experience includes internal investigations, agency information requests, and enforcement defense before state agencies and in federal court. He has also represented clients in environmental litigation in federal and state courts, including products liability, contaminated site, citizen suit, and natural resource damage cases.

Mr. Snowden has published widely on energy and environmental topics including EPA enforcement policy, greenhouse gas regulation, and toxic tort litigation. He co-authored chapters on civil enforcement and the regulation of hazardous air pollutants in the 2011 and 2016 editions of the ABA's Clean Air Act Handbook.

Mr. Snowden was recognized as a 2013, 2014 and 2015 Washington, D.C. "Rising Star" in the area of Environmental Law by Super Lawyers magazine. Mr. Snowden was a 2007 recipient of the Southern Center for Human Rights' Frederick Douglass Human Rights Award for his pro bono representation of detainees at



Guantanamo Bay, Cuba.

Experience

Successfully represented solar developer in obtaining FERC order declaring Montana state implementation of PURPA renewable energy statute to violate federal requirements. FLS Energy, Inc., 157 FERC ¶ 61,211 (Dec. 15, 2016)

Represented solar developer in FERC and North Carolina Utilities Commission proceedings successfully opposing utility request for relief from energy and capacity purchase obligation under PURPA Section 210(m).

Represent North Carolina renewable energy industry association in disputes with incumbent utility related to interconnection of independent solar projects.

Represent South Carolina solar developers and renewable industry association in rate proceedings before South Carolina Public Service Commission.

Represent independent power producers in disputes with utilities related to interconnection of solar qualifying facilities.

Advise international chemical manufacturing company on Clean Air Act and other environmental permitting and compliance matters.

Represent developer of new 500 MW natural gas-fired power plant in environmental permitting and compliance issues related to project development, including obtaining Clean Air Act New Source Review permit for facility and Clean Water Act authorizations for site construction.

On behalf of Solar power industry association, provided testimony on legal issues related to PURPA and solar development in allowable ex parte hearing before South Carolina Public Service Commission.

Represented renewable industry advocacy organization in biennial avoided cost proceeding before the North Carolina Utilities Commission.

Obtained favorable settlement in a contract dispute between client, a paper manufacturer and producer of biomass RECs, and an agent retained by client to market RECs. The agent had pretextually terminated its marketing agreement with the client in an apparent effort to coopt a valuable business opportunity. Kilpatrick Townsend initiated an arbitration petition and also obtained a TRO in state court to prevent the agent from appropriating the opportunity. The agent immediately agreed to a settlement that allowed the client to take advantage of the opportunity with no financial loss.



Represented Murphy Oil USA, Inc., which owned two oil refineries in the United States, located in Superior, Wisconsin and Meraux, St. Bernard Parish, Louisiana. Under the U.S. Environmental Protection Agency's Petroleum Refinery Enforcement Initiative, Murphy negotiated with EPA and the states of Wisconsin and Louisiana, to reach a settlement of Clean Air Act allegations. Pursuant to the settlement, which was entered by the Court in February 2011, the refineries will implement a number of emission reduction approaches through 2019, and complete supplemental environmental projects in St. Bernard Parish, Louisiana. Subsequent to finalizing the settlement with the governments, Murphy sold the two refineries to two parties, and we represented Murphy Oil in negotiating the revisions to the consent decree to reflect the new ownership of the facilities. Those amendments were entered by the Court on April 27, 2012. *United States of America, et al. v. Murphy Oil USA, Inc.*, No. 3:10-cv-00563 (W.D. Wis. 2011).

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.

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.

Represented international solar development company in acquisition and financing of 75 MW solar photovoltaic generation project in North Carolina.

Education

New York University School of Law, J.D. (2004) *cum laude*
Developments Editor, *NYU Environmental Law Journal*

Vanderbilt University, B.A. (1997) *cum laude*

Admissions

North Carolina (2017)

District of Columbia (2010)

Georgia (2006)

Virginia (2004)

Court Admissions

U.S. District Court for the District of Columbia

U.S. District Court for the Northern District of Georgia

U.S. District Court for the Middle District of Georgia



U.S. District Court for the Eastern District of Virginia

U.S. District Court for the Western District of Virginia

U.S. Court of Federal Claims

Clerkships

U.S. District Court for the District of Columbia - Paul L. Friedman

Professional & Community Activities

American Bar Association Section of Environment, Energy and Resources, Environmental Litigation and Toxic Torts Committee, Chair (2014-Present)

American Bar Association Section of Environment, Energy and Resources, Air Quality Committee, Vice-Chair (2012-2013)

Montgomery County, Maryland Energy and Air Quality Advisory Council, Co-Chair (2013-2014)

District of Columbia Bar, Environment, Energy & Natural Resources Section, Chair of Standing Committee on Sustainability (2013-Present)

Insights

[News Releases](#)

Kilpatrick Townsend Elevates New Counsel

April 20, 2017

[News Releases](#)

Kilpatrick Townsend Announces 2016 Kilpatrick Townsend Pro Bono Awards

April 12, 2017

[Alerts](#)

FERC Proposes Rule to Open Up Wholesale Markets to Energy Storage and Distributed Energy Resource Aggregations

December 20, 2016

[Alerts](#)

The EPA Gets a First Big Win at the Supreme Court in the Post-Scalia Era

April 4, 2016

[Alerts](#)

An Unexpected Supreme Court Decision Slows the Implementation of the Clean Power Plan

March 11, 2016

[Alerts](#)

Supreme Court Ruling Spurs Energy Storage Possibilities
February 23, 2016

[In The News](#)

Kilpatrick Townsend's Media Report December 3-10, 2015
December 11, 2015

[Publications](#)

EPA Issues Clean Power Plan Final Rule
December 1, 2015

[In The News](#)

Kilpatrick Townsend's Media Report November 6-19, 2015
November 20, 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

[Publications](#)

USDA Makes Substantial Changes To Its Section 9003 Biorefinery Assistance Loan Guarantee Program For Advanced Biofuels Including Qualifying Renewable Chemical And Biobased Manufacturing Projects
October 1, 2015

[In The News](#)

Kilpatrick Townsend's Media Report July 17-23, 2015
July 24, 2015



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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

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2015 Washington, D.C. Super Lawyers

April 29, 2015