



## **Benjamin L. Snowden**

### **Counsel**

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### **Services**

Environment & Product Regulation  
Government & Regulatory  
Product Liability  
Litigation

### **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 renewable energy policy, 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**



Represent solar developers on matters related to Power Purchase Agreements, interconnection, and regulatory issues for projects in multiple states, including North Carolina, South Carolina, Virginia, Montana, and Michigan.

Represent utility-scale solar industry association in multiple regulatory dockets in South Carolina. Represented solar industry in obtaining first-ever decision from the South Carolina Public Service Commission rejecting utility's proposed avoided cost calculations.

Represent utility-scale solar industry association in multiple regulatory matters and disputes in North Carolina.

Represented landfill gas-to-RNG project developer in becoming one of the first projects to obtain regulatory approval to put renewable natural gas on the Piedmont Natural Gas distribution system in North Carolina.

Successfully represented solar developer in precedent-setting ruling supporting right of independent developers to obtain power purchase agreements in Montana. *FLS Energy*, 157 FERC ¶ 61,211 (Dec. 15, 2016).

Represented solar project developers in obtaining some of the first regulatory approvals for merchant solar facilities in North Carolina.

Provide regulatory counsel to compliance aggregator for municipal utilities under North Carolina Renewable Energy and Efficiency Portfolio Standard (REPS) program.

Served as regulatory and real estate counsel for Canadian Solar in acquisition, \$100 MM tax equity and debt financing, and construction of 75 MW solar facility in North Carolina. Successfully represented project in resolving land use and regulatory challenges related to project approvals.

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

Represented 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.

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.

## **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**

District of Columbia (2010)

Georgia (2006)

North Carolina (2017)

Virginia (2004)

## **Court Admissions**

U.S. Court of Federal Claims

U.S. District Court for the District of Columbia

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



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

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

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

## **Clerkships**

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## **Professional & Community Activities**

American Bar Association Section of Environment, Energy and Resources, Environmental Litigation and Toxic Torts Committee, Chair (2014-2015)

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 (2013-2014)

## **Insights**

### [Events](#)

South Carolina Energy Law: Changes in the Year Ahead – Interconnection Standards and Legal Issues  
November 8, 2019

### [Events](#)

The State of Renewable Energy Law in North Carolina - North Carolina Regulatory Issues Related to Energy Storage  
February 12, 2019

### [Events](#)

Renewable Energy Policy in NC: The Future Beyond HB 589  
March 2, 2018

### [Events](#)

Clean Energy Project Development in North Carolina, Virginia, South Carolina & Georgia - South Carolina Legal Considerations  
February 6, 2018

### [News Releases](#)



Kilpatrick Townsend Elevates New Counsel  
April 20, 2017

### [News Releases](#)

Kilpatrick Townsend Announces 2016 Kilpatrick Townsend Pro Bono Awards  
April 12, 2017

### [Events](#)

North Carolina Renewable Energy Project Development - Federal & State Regulatory Filings & Proceedings  
February 8, 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

### [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

### [News Releases](#)

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

April 29, 2015