Danielle Mettler-LaFeir

Partner

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Education

- Vermont Law School, *Cum Laude*, JD
- Vermont Law School, *Magna Cum Laude*, MSEL
- Rochester Institute of Technology, *High Honors*, BS

Practices & Industries

- Environmental
- Energy
- Nuclear Energy
- Data Center & Digital Infrastructure

Admitted to Practice

- New York

Court Admissions

- US District Court for the Eastern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

Biography

A former environmental and safety staff member at Johnson & Johnson's Ortho-Clinical Diagnostics, Danielle primarily concentrates her practice on environmental law. She advises energy utilities on complex state and federal environmental laws related to the development of energy resources and operations involving electrical generation. She also counsels businesses on project development and operations as well as applicable environmental laws. Danielle's practice involves compliance, permitting, transactional, and litigation work under various environmental statutes, with a concentration on the Clean Air Act, climate change; the Clean Water Act, especially 316(a) and (b); and environmental remediation (CERCLA). The independent research company *Chambers & Partners* highlights Danielle's deep knowledge of “Clean Air Act and Clean Water Act permitting and compliance, alongside capabilities in wider environmental matters.” A client told *Chambers*, “She is an absolute rock star!”

Danielle has extensive experience handling Clean Air Act permitting and compliance at the state and federal levels, counseling clients that include energy and utility, gas-transmission and distribution, and manufacturing companies on Clean Air Act and Clean Water Act legal solutions to existing, new, and proposed regulations impacting these industries. She also assists clients with other environmental laws and regulations, including remediation issues pursuant to CERCLA and voluntary clean-up programs.

Danielle routinely represents clients in enforcement actions initiated by the NYS Department of Environmental Conservation and the US Environmental Protection Agency, particularly with regards to the Clean Air Act, including New Source Review, hazardous air pollutants, and Title V and state facility permitting. She negotiates orders on consent, represents clients in administrative proceedings and mediations, and responds to intervening parties and state and federal agencies. Danielle has also been involved in private cost-recovery actions associated

with the allocation and reimbursement of remedial costs, including litigation, mediation, and participation in potentially responsible party groups.

In addition to her own practice, Danielle serves as a member at large of the firm's Opportunity, Inclusion & Belonging Partner Committee.

Bar Associations

- American Bar Association
- Monroe County Bar Association
- New York State Bar Association

Selected Memberships & Affiliations

- Barclay Damon's Women's Forum
- Air & Waste Management Association
- YWCA of Rochester & Monroe County

Representative Experience

- Counseled parties in federal pipeline proceedings with the Federal Energy Regulatory Commission related to required environmental approvals and conditions, including 401 Water Quality Certifications and Clean Air Act General Conformity.
- Provided environmental counsel in Article 7 proceedings with the NYS Public Service Commission and NYS Department of Environmental Conservation.
- Counseled utilities and pipeline companies regarding environmental impact reviews with the NYS Public Service Commission pursuant to Article 7 and Article 10.
- Represented utilities on issues associated with stationary air emissions, including New Source Review (NSR)/Prevention of Significant Deterioration (PSD) Review, emission trading, general conformity, and hazardous air pollutants.
- Represented electric generators in obtaining new, modified, and renewed Clean Air Act preconstruction and Title V operating permits.
- Represented electric generators in the renewal of State Pollution Discharge Elimination System (SPDES) permits for electric-generating facilities. related to Best Technology Available (BTA) for cooling water intake structures required by 316(b) of the Clean Water Act and 6 NYCRR 704.5.
- Counseled a client in preparing for obtaining an industrial hemp growing license, including citing, materials, and an agriculture application.
- Successfully negotiated an industrial hemp agricultural forward agreement involving the purchase of over $1 million

of NY-grown hemp biomass cultivated during the 2019 growing season.

- Represents an interstate-pipeline company proposing an approximate $1 billion expansion of its existing infrastructure in Pennsylvania, New York, and New Jersey.
- Providing strategic advice to an energy storage projects developer on the replacement of more efficient and cleaner turbines at an existing generating facility, including securing the necessary permit modifications to enable the project to go forward and interfacing with NYSDEC and other state and local agencies to secure the necessary permits and approvals in a timely manner.
- Represents an energy storage projects developer in handling all aspects of the projects, including counseling on all siting and permitting issues to ensure the most efficient and successful project development while preserving the in-service dates as well as interfacing with key regulators.

Prior Experience

- Hiscock & Barclay, LLP, Associate
- Vermont Office of the Defender General, Appellate Division, Law Clerk
- Ortho-Clinical Diagnostics, Environmental and Safety Staff

Selected Honors

- *The Best Lawyers in America*®: Energy Law, 2024–2027; Environmental Law, 2024–2027
- *Chambers USA*, Upstate New York: Environment, 2023–2026
- New York State Bar Association, Empire State Counsel Honoree, 2013 and 2018
- Selected to *Super Lawyers* Upstate New York Rising Stars: Environmental, 2015–2017
- *The Daily Record*, Excellence in Law Awards: Up & Coming Attorney, 2014

Selected Speaking Engagements

- IOGANY Annual Meeting, “Aggregation of Air Emissions: What Does Adjacency Really Mean?”
- Air & Waste Management Association and New York Water Environment Association Conference, “Green Is Good: The New Business Paradigm”
- New York State Bar Association, “Clean Air & Climate Change Law & Policy” CLE
- Business Counsel of New York Environment Conference, “Change is in the Air: Climate Change and the Clean Air Act”
- International Environmental Management Leadership Symposium, “The Role of Environmental Ethics in Decision-Making”

Selected Media

- Law360, “NY Needs Policy Alignment to Meet Energy Storage Goals”
- Law360, "A Path to New York's Energy Storage Goal"
- *The Electricity Journal*, "New EPA Carbon Rules Change Outlook for Future Mix of Fuels"
- Law360, "EPA Rule Set To Cap Growth Of Power Plant Emissions"
- *The Legal Impact of Climate Change: Leading Lawyers on Preparing for New Environmental Legislation, Assessing Green Programs for Clients, and Working with Government Agencies on Climate Change Issues (Inside the Minds)*, "Climate Change Issues Affect Corporate Risks and Opportunities," 2008

Selected Alerts & Blog Posts

- CLCPA Overhaul Met With Enforcement Letters, Not Regulatory Action
- Effective Immediately: NYS 2027 Budget Bill Amends State Climate Law
- NYSDEC Declines to Challenge Wetlands Decision
- NYSDEC Proposes a Mandatory Greenhouse Gas Reporting Program
- NYSDEC Finalizes Two Policies on Air Pollution Control Enforcement Actions