

Counsel, Washington, D.C.

Environmental



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Education

J.D., Harvard Law School, 1985
(*cum laude*)

B.A., Wesleyan University, 1981
(Phi Beta Kappa)

Bar Admissions

District of Columbia
Massachusetts

Henry Eisenberg counsels clients in connection with all aspects of environmental law. He has represented clients with respect to remediation cost claims and indemnification disputes and in defense of actions brought by federal and state environmental agencies. Mr. Eisenberg provides general regulatory and compliance advice and assistance on a wide range of matters that arise under U.S. environmental laws. He also has an active transactional practice, advising with respect to environmental issues in corporate transactions, real estate transactions, and private and public financings. Additionally, Mr. Eisenberg is a member of Skadden's climate change practice.

Mr. Eisenberg's dispute resolution experience includes a wide variety of contested matters, including governmental investigations; cost recovery under the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) and state clean-up statutes; indemnification disputes; and property damage claims. Specific examples of his dispute resolution experience include:

- a major fertilizer manufacturer in a successful challenge to numeric nutrient water quality criteria promulgated by Environmental Protection Agency (EPA) for the state of Florida;
- parties involved in multiparty Superfund and state law remediation matters;
- a packaging company in Clean Air Act enforcement relating to alleged violations of hazardous air pollutant regulations and permit limits;
- a major fertilizer manufacturer in connection with EPA, Resource Conservation and Recovery Act, and Clean Air Act enforcement initiatives;
- a waste-to-energy power project developer in defense of a Clean Air Act Prevention of Significant Deterioration permit before the EPA Administrative Appeals Board; and
- a real estate developer in connection with tort claims brought by neighboring property developers related to petroleum contamination.

Mr. Eisenberg has advised hundreds of clients in connection with environmental issues arising from mergers and acquisitions, real estate transactions, energy investments and transaction financing. He has performed or supervised environmental due diligence in such transactions and has extensive experience in the identification and analysis of environmental liabilities and compliance issues; the negotiation of representations and warranties, covenants, indemnities, insurance policies and other contractual provisions to allocate and manage environmental liabilities; the management of post-closing cleanup and compliance obligations; compliance with transaction-triggered cleanup statutes; the negotiation of environmental provisions in credit agreements; and the drafting and evaluation of disclosures relating to environmental liabilities and compliance for private offering memoranda and public securities filings.

Mr. Eisenberg also has extensive experience with environmental issues in the electric power sector. He has represented clients in connection with the deregulation of the electric power generation industry and in connection with the development, purchase and sale, and financing of renewable power projects. He also advises clients with respect to investments in renewable fuel projects designed to take advantage of the federal Renewable Fuel Standard and the California Low Carbon Fuel Standard. Mr. Eisenberg has been selected for inclusion in *Chambers USA* for his work on environmental matters.