

ALASKA PRACTICE

Babst Calland attorneys are trusted, business-savvy counselors to companies developing and operating projects in Alaska. The Firm routinely supports clients on challenging regulatory and environmental issues that arise in energy, mining and other industrial operations. Our multidisciplinary team includes former EPA and PHMSA regulators with decades of experience in Alaska and the lower 48.



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Representative Matters

Energy Regulatory

- Worked with federal regulators to obtain approval of alternative facility testing protocols for two multibillion-dollar LNG export terminals, reducing compliance risk and preventing significant project cost impacts.
- Successfully advised Alaska energy companies on obtaining PHMSA Special Permits to authorize advanced technologies and novel design approaches for arctic pipeline and LNG facility.
- Designed self-disclosure strategy regarding regulatory compliance issues for national pipeline operator, successfully preserving internal control and schedule for several \$ hundred million in capital projects.
- Successfully represent pipeline operators in Alaska and the lower 48 in pipeline safety enforcement cases, achieving success on the merits and through novel settlement agreements that maintained safety, reduced compliance risk and provided capital and operating cost certainty.
- Successfully represented Alaska pipeline operator in D.C. Circuit petition for review of a PHMSA finding regarding pipeline safety jurisdiction over Cook Inlet area pipelines, resulting in a global settlement in *Hilcorp v. Alaska v. PHMSA*, No. 19-016.
- Prompted change to the Pipeline Safety Act to create Petition for Declaratory Order (PDO) mechanism and prepared first-of-a-kind PDO before PHMSA (*Mifflin Energy Corp.*, Docket No. PHMSA-2023-0080). Prepared additional PDOs in other proceedings, creating leverage for resolving long-standing regulatory ambiguities.
- Advised national trade associations in multiple appeals of PHMSA final rules in the U.S. Court of Appeals for the D.C. Circuit, including a successful outcome in *GPA Midstream Ass'n and API v. PHMSA*, No. 22-1148 (May 16, 2023).
- Counsel to the American Petroleum Institute and Liquid Energy Pipeline Association in an amicus curiae brief on an appeal of county land use ordinances restricting CO₂ pipelines. *Summit Carbon Solutions v. Shelby County, Iowa, et al.*, Nos. 23-3758 and 23-3760 (8th Cir. Jul 8, 2024).
- Counsel to developers of proposed hydrogen and CO₂ pipelines and related geologic sequestration (Class VI) facilities on infrastructure development, mitigating regulatory risk, development of state regulatory frameworks and federal policy.
- Prepared comments for numerous national trade associations and individual operators in all major, recent PHMSA pipeline safety rulemakings, including LNG, Mega Rule (RIN-1, 2, and 3), gas distribution, periodic standards updates, class location, valves and rupture mitigation, gas pipeline LDAR, repair criteria, regulatory reform, among others.

* Mr. Hoidal is our Senior Director of Safety and not an attorney.

Environmental

- Permitting and compliance matters related to all environmental regulatory programs (air emissions and GHG reporting, UIC, industrial wastewater and stormwater, hazardous waste and hazardous materials regulatory requirements, and site remediation.)
- Environmental enforcement defense matters involving EPA Region 10, U.S. DOJ, Alaska Department of Law, Alaska Department of Environmental Conservation, and other state and federal agencies in Alaska.
- Defended Alaska oil exploration company in civil and criminal claims under RCRA, CERCLA and EPCRA release reporting, and Safe Drinking Water Act UIC enforcement action on North Slope related to alleged improper disposal of drilling fluids, including negotiating with U.S. DOJ environmental crimes and civil enforcement attorneys and U.S. EPA Region 10.
- Advised Alaska oil company on Clean Water Act jurisdictional issues associated with tundra on the North Slope.
- Represented oil companies in RCRA corrective action of railroad properties in Alaska.
- Represented multiple Alaska seafood processors in negotiating settlements of EPA Region 10 Risk Management Program enforcement actions.
- Represented Alaska telecommunications company in voluntary disclosure under U.S. EPA Self Disclosure Policy involving alleged violations of EPCRA.
- Represented Alaska pulp mill in defense of Clean Water Act citizen suit.
- Defended federal contractor regarding alleged hazardous waste management violations in connection with construction operations at Alaska military base.
- Advised Alaska hard rock mine on various compliance programs including dust management and related air emissions, site remediation, material site reclamation, water supply permitting, stormwater management, and hazardous waste management.
- Negotiated settlement of federal and state natural resource damages claims resulting from 150,000-gal diesel spill on remote Aleutian Island, including implementation of restoration plan for salmon habitat and consent decree termination.
- Represented federal contractor in defense of alleged illegal dumping and SDWA violations involving management and disposal of firefighting foam from Alaska military base.
- Represented Alaska cruise ship terminal in negotiations with EPA Region 10 regarding redevelopment of shuttered pulp mill at former Superfund Site.
- Conducted privileged audits of corporate environmental programs, with particular emphasis on RCRA and hazardous waste management programs at remote Alaska facilities.

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