



Megan P. Caldwell

PARTNER

DENVER, CO

PHONE: 303.749.7204

EMAIL: MEGAN.CALDWELL@HUSCHBLACKWELL.COM

OVERVIEW

As the head of the firm's Environmental practice group and a renewable energy attorney, Megan delivers resourceful solutions and helps power the future.

Megan represents clients in connection with renewable energy projects across the country, with her prior experience spanning 42 states, as well as the District of Columbia. She serves as the team lead for local counsel representations for the financings and purchases of wind, solar, battery storage, hydrogen, biogas, and carbon capture projects, both utility-scale and small-scale. The clients she serves are not only developers, but also construction lenders and tax equity investors, allowing her to employ a well-rounded understanding of the priorities and concerns of parties on all sides of the deal. She regularly liaises with national/deal counsel; prepares and negotiates legal opinion letters; and negotiates financing, equity, and purchase agreements.

In addition to leading local counsel work on renewable energy deals, Megan's area of focus on those projects is environmental and permitting, ensuring the proper permits and studies are in place for projects in areas such as air, water, waste, species, transportation, and aviation and helping energy clients manage their environmental risks.

Along with her renewable energy work, Megan maintains an active traditional environmental practice. She guides clients through regulatory compliance issues they encounter in daily operations, such as environmental permitting, release reporting, internal compliance audits, inspections, and enforcement actions. She also counsels clients on environmental issues that arise in real estate transactions, analyzing site

Industries

Energy & Natural Resources
Manufacturing

Services

Carbon Capture & Sequestration
Chemistry & Biotech
Climate Change & Sustainability
Energy Storage
Environmental
Environmental & Chemical Regulation
Environmental Due Diligence
Environmental Remediation & Superfund
ESG Strategy & Compliance
Hydrogen
Product Safety
Proposition 65
Solar Energy
Wind Energy

assessments, and negotiating environmental contractual provisions. Businesses also look to Megan to defend them against California Proposition 65 (Prop 65) notices and lawsuits, coordinate preventative audits, and implement Prop 65 warning label programs.

Megan's technical background – an undergraduate degree in chemistry and research internships at Monterey Bay Aquarium Research Institute and NASA – allows her to weigh in on complex technical issues.

Experience

ENERGY PRACTICE

- Led team serving as local counsel for a tax equity investor and construction lenders in connection with the 90-MW repowering and 144-MW expansion of a wind project in Guadalupe County, New Mexico.
- Served as environmental and permitting counsel for lender group closing construction loans totaling \$2 billion for three Oklahoma wind projects, 999 MW, 288 MW, and 199 MW in size.
- Led team's representation of a solar developer in connection with the development and financing of a 300-MW solar project in Pueblo, Colorado in order to operate an adjacent steel mill facility, making it the largest on-site solar facility dedicated to a single customer in the U.S. at the time.
- Led team's representation of a hedge provider in connection with a 100-MW battery storage project under development in Williamson County, Texas.
- Served as project counsel in connection with a wind developer's partial sale of its company to investors, leading environmental and permitting efforts in connection with the 18 renewable energy projects in 8 states involved in the transaction. Those projects – in Arkansas, Illinois, Kentucky, Maine, Michigan, Missouri, Pennsylvania and Texas – represent a pipeline of over 6-GW of wind and solar energy.
- Served as environmental and permitting counsel for a renewable energy developer in their development, financing and sale of a 525-MW wind power project in Coke County, Texas, which at the time was the largest single-site onshore wind farm to be developed in the U.S. in a single phase.

Experience

- Served as environmental and permitting counsel for a developer constructing an 1,800 MMBtu per day anaerobic digester facility located in Brown County, Wisconsin, which collects biogas from the fermentation of organic farm waste.
- Served as environmental and permitting counsel for a lender in connection with the financing of four gas peaker plants – two operating and two under construction – in Harris and Victoria Counties, Texas.
- Served as environmental and permitting counsel for a construction lender in connection with two carbon capture projects involving the capture of carbon dioxide (CO²) from two ethanol plants in Hale and Deaf Smith Counties, Texas, and the transportation of purified CO² via pipelines to delivery points in Hale County, Texas, and Curry County, New Mexico. The projects were designed to capture 95% of CO² produced at the ethanol facilities, which is currently vented to the atmosphere, for an estimated capture of 1,084 metric tons per day from each facility.
- Leading team's local counsel work for a global green energy company in connection with the world's largest renewable energy storage hub, located in Utah, which will produce utility-scale green hydrogen from renewable energy sources, store the hydrogen in underground salt dome caverns, and deliver the hydrogen to a 840 MW hydrogen-capable gas turbine combined cycle power plant that will eventually run on 100% green hydrogen by 2045.
- Led team serving as local counsel for a developer seeking tax equity financing for a portfolio of community solar projects in Maryland and Washington, D.C.
- Served on developer's counsel team for Swift Current in bringing a 260 MW solar project located in Southeast Texas online.

GENERAL ENVIRONMENTAL PRACTICE

- Coordinated environmental due diligence efforts for national self-storage client purchasing a \$1.3 billion portfolio of 112 self-storage properties nationwide.

Experience

- Represents a leading industrial technology company in connection with its predecessor's historical involvement in the Diamond Alkali Superfund (CERCLA) site, which includes the 17-mile tidal stretch of the Passaic River upstream of Newark Bay, New Jersey. The site is one of the largest and most expensive cleanup projects in the Superfund program's history.
- Represented two international companies as plaintiffs in a high-profile CERCLA contribution and cost recovery lawsuit involving PCB and lead contamination in Anniston, Alabama.
- Assisted a Fortune 500 company operating the only elemental phosphorus production facility in the United States in updating its comprehensive RCRA strategy for operations and wastes.
- Assisted an oil company in managing its environmental liabilities associated with the sale of seven convenience and gas station facilities in Wisconsin, along with coordinating the removal and agency closure of underground storage tanks at the sites.
- Represented a hospitality corporation in responding to and implementing corrective actions to address a Colorado Department of Public Health and Environment enforcement action concerning unpermitted groundwater discharges from a Denver attraction owned by the company, allegedly in violation of the state's water quality law.
- Achieved withdrawal of a California Proposition 65 notice of violation targeting a manufacturer allegedly producing consumer products containing significant lead levels.
- Coordinated a tool manufacturer's comprehensive California Proposition 65 product audit to inform decisions on labeling strategy.

Recognition

- Thomson Reuters Stand-out Lawyer, 2024
- *The Legal 500 United States*, Recommended Attorney, 2023

Education

- J.D., Saint Louis University School of Law
 - *cum laude*
 - Environmental Law Society, Co-president
- B.A., Saint Louis University
 - Chemistry
 - *summa cum laude*

Admissions

- Colorado
- Illinois
- Missouri

Community Leadership

Megan has represented Colorado nonprofit organizations on a pro bono basis, helping them with issues related to formation, dissolution, contracts and liability.

Thomson Reuters®
STAND-OUT LAWYERS 2024

Thomson Reuters Stand-Out
Lawyer 2024