



J. KEVIN HEALY

Senior Counsel

New York

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BIOGRAPHY

Kevin Healy is a member of the Energy, Environment and Infrastructure Practice Group. He was a member of Bryan Cave LLP's Executive Committee from 2002 to 2005.

Mr. Healy has practiced environmental and land use law for 50 years. Twelve of those years were devoted to public service. Among other positions, he served as General Counsel to the New York City Department of Environmental Protection, and in that capacity was responsible for handling all legal issues arising in connection with the planning and implementation of a massive infrastructure construction program that included completion of the North River and Red Hook Sewage Treatment Plants, as well as the Third Water Tunnel. He also served as the General Counsel of the New York State public benefit corporation that constructed the Javits Convention Center in New York City.

Mr. Healy represents parties in regulatory and permitting matters under the Clean Air Act, the National Environmental Policy Act, the State Environmental Quality Review Act, the Clean Water Act and numerous other federal, state and city environmental statutory programs; and provides counsel on the environmental aspects of real estate developments. He represents a wide range of clients, including industrial and commercial corporations, major New York utilities, railroads, public authorities and municipalities.

Mr. Healy has served as environmental counsel on numerous major infrastructure projects in the course of his career in private practice. Among those projects are: the Second Avenue Subway; the East Side Access Project (recently completed to connect the Long Island Railroad with a major new railway station beneath Grand Central Terminal); the Moynihan Station Project (also recently completed to transform the landmark Farley Post Office Building into an iconic inter-city rail terminal); the East River Repowering Project (a 360 MW gas-fired combined cycle cogeneration project constructed by Consolidated Edison Company of New York, Inc. in Manhattan); installation of electronic toll collection at the Triborough Bridge and Tunnel Authority's New York City facilities, reconstruction of the Main Terminal and Delta Terminal at LaGuardia Airport and construction of the new Terminal One at John F. Kennedy International Airport.

Mr. Healy has served as Special Master in two federal cases: *Seggos, et al v. Datre et al*, 2:17-cv-02684 (E.D.N.Y.) and *USA and State of New York v. County of Westchester*, 89 Civ. 5274, (S.D.N.Y.), in which he oversaw compliance with the provisions of a federal court order requiring the cessation by the County of the practice of ocean dumping. He also has served as a member of the panel of mediators for the U.S. District Court, Eastern District of New York and has mediated the resolution of multi-party CERCLA actions.

Mr. Healy served on the New York State Climate Change Task Force that led to the Regional Greenhouse Gas Initiative. He co-chairs the Global Climate Change subcommittee of the Environmental and Energy Law Section of the New York State Bar Association and has lectured and written extensively on the subject of climate change over the last several years. He is a past co-chair of the Environmental Law Committee of the New York City Bar Association and an elected fellow of the American College of Environmental Lawyers.

CIVIC INVOLVEMENT & HONORS

- USEPA, Region II, – Enforcement Attorney, 1974-1978 (Water Enforcement/Marine Protection, 1974-1976; Air Enforcement, 1976-1978)
- New York City Department of Environmental Protection – General Counsel, 1978-1982
- New York Convention Center Development Corporation – General Counsel, 1982-1984

- Member of Board of Directors, New York City Climate Action Alliance
- Past Member of Board of Directors, New Partners for Community Revitalization
- American College of Environmental Lawyers, Elected Fellow, Class of 2019
- *The Best Lawyers in America*®, 2019-2023
- Listed in the 2005-2023 editions of *Chambers USA: America's Leading Lawyers for Business* (Band 1, 2010-2023)
- *Super Lawyers*, 2006-2023
- *Who's Who* of Environment Lawyers, 2010-2019
- District Court, Eastern District of New York – Mediation Panel (1997-2002)

PROFESSIONAL AFFILIATIONS

- The Association of the Bar of the City of New York – Special Task Force on Climate Change Adaptation; Environmental Law Committee (Co-chair, 2018-2021)
- New York State Bar Association – Executive Committee, Environmental Law Section; Co Chair, Committee on Global Climate Change, 1992-present

ADMISSIONS

- New York, 1974

EDUCATION

Fordham University, J.D., 1973

St. Joseph's University, B.S., 1970

RELATED PRACTICE AREAS

- Eminent Domain
- Energy Transition
- Zero Emission Vehicles & Charging Infrastructure
- Redevelopment
- Ethylene Oxide Team

- Renewables
- Environment
- Commercial Real Estate
- ESG & Energy Transition
- Sustainable Real Estate
- Financial Institutions
- Real Estate
- Litigation & Dispute Resolution
- Finance
- Brownfields
- Citizen Suits/NIMBY
- Clean Air Act
- Clean Water Law
- Compliance Audits and Internal Investigations
- Cost Recovery Litigation (Superfund/CERCLA and State equivalents)
- Criminal Enforcement
- Endangered Species (ESA)
- Environmental Review (NEPA and State EIS laws)
- Hazardous Materials Transportation (HMTA)
- Hazardous Waste (RCRA)
- Insurance Counseling
- Oil Spills
- Pesticides (FIFRA)
- Reporting Requirements (EPCRA, CERCLA, Prop 65 and other state laws)
- Safe Drinking Water (SDWA)
- Solid Waste and Landfills
- Toxic Substances Regulation (TSCA)
- Transactional Work, Including SEC Disclosures
- Underground Injection Control (UIC)
- Water Rights
- Wetlands
- Mobile Source Emissions and Fleet Management

EXPERIENCE

Mr. Healy has provided environmental counsel on a number of major infrastructure and development projects in New York City, including:

- The conversion of the landmark Farley Post Office Building into a major inter-city railway facility called Moynihan Station, which is now under construction in Manhattan.
- The East Side Access project, which will connect the Long Island Railroad to a major new rail station now under construction beneath Grand Central Terminal.
- The Second Avenue subway now under construction in Manhattan.
- A major electric and steam generating facility in Manhattan.
- The reconstruction of the Main Terminal and the Delta Terminal at LaGuardia Airport.
- The retirement and sale of the Waterside Generating Station, a major power plant in Manhattan.
- The East River Repowering Project, a state-of-the-art 360 MW electric generating facility in Manhattan, which cogenerates 3 million pounds of steam per hour.
- The Atlantic Yards Project, including the Barclay Center and 7 million square feet of development in downtown Brooklyn.
- The Penn Station Land Use Improvement and Civic Project, which would transform the area around Penn Station in Manhattan with 18 million square feet of new mixed-use development.

Over the course of his career, Mr. Healy also has:

- Provided counsel in the settlement among the U.S. Environmental Protection Agency (“USEPA”), the New York State Department of Environmental Conservation (“NYSDEC”) and the City of New York, which created the framework for construction of the Red Hook and North River Sewage Treatment Plants, as well as Riverbank Park in New York City.
- Provided counsel in the settlement between MetroNorth Commuter Railroad and NYSDEC for the environmental remediation of major rail storage and service yards in Port Jervis and Croton-on-Hudson New York.
- Provided counsel on the “Good Faith Agreement” among the Delaware River Basin states, and the Cities of New York and Philadelphia, which resolved a long-standing dispute over New York City’s water withdrawals during times of drought.

RESOURCES

PUBLICATIONS

- Co-Author, "The Case for Corporate Action on Climate Change," *Environmental Law Reporter*, May 2018
- Co-Author, "Scallops vs. Wind Energy: Consideration of Alternative Sites for Off-Shore Wind Farms," *New York Law Journal*, May 2017
- Co-Author, "Whatever the Political Climate May be, Corporate America Is Stepping Up to the Challenge of Climate Change," *Pratt's Energy law Report*, March 2017
- Co-author, "The Proposed Wind Farm Off The Shore Of Long Island," *Environmental Law in New York*, September 2016
- Co-author, "Report of the New York City Bar Association Climate Change Adaption Task Force," 2015
- Contributing Author, *Global Climate Change and U.S. Law*, American Bar Association (2007); Second Edition published in 2014
- "Environmental Review of Climate Change Adaptation After Sandy," *New York Law Journal*, Jan. 9, 2013
- Contributing Author, *The Law of Green Development*, American Bar Association, 2010
- Guest Editor, *Government Law and Policy Journal*, New York State Bar Association and Albany School of Law, 2008 edition (this edition is focused on climate change)
- Contributing Author, "Global Climate Change and U.S. Law," American Bar Association, 2007
- Co-author, "Climate Change: It's Not Just a Policy Issue for Corporate Counsel - It's a Legal Problem," *Columbia Journal of Environmental Law*, Fall 2003
- Co-author, "It's Now a Legal Problem," *The Environmental Forum*, *Environmental Law Institute*, Nov. 2003
- "New York Set to Address Climate Change Issues," *New York Law Journal*, April 20, 1998
- "Making Environmental Mediation a Reality in New York," *New York Law Journal*, Feb. 6, 1995

SPEAKING ENGAGEMENTS

- Moderator, "Creating An Alliance to Achieve 80x50 - Panel Discussion," NYC Climate Action Alliance and Gabelli School of Business, Fordham University, September 2017
- "Why Corporations are Stepping Up to Address the Problem of Climate Change," Practising Law Institute, June 9, 2017

- Moderator, "The Role of Lawyers in Addressing Climate Change: Past, Present, and Future," Environmental Law Institute Seminar, April 28, 2017
- Speaker, Climate Change Summit, New York City Bar Association, Columbia Law School, June 2016
- Speaker, Public Utility Law Institute, "EPA's Clean Power Plan," New York, NY, April 2016
- Speaker and organizer, Climate Change Conference, New York City Bar Association, "Opportunities to Raise Public Awareness About Climate Change and the Need for Action," March 2016
- Moderator, "Brownfield Cleanup Program Renewal and Reform," New York City Bar Association, February 2015
- Moderator, Conference on Implementing Post-Sandy Resiliency Plans, Columbia Law School, May 2014
- Moderator, Conference on Key Environmental Issues in U.S. EPA Region 2, Panel on Contaminated Site Cleanup and Redevelopment, Columbia Law School, 2014
- "Environmental and Land Use Law," a presentation in program titled "Catastrophe and the Law: What Lawyers Need to Know to Advise Clients to Prepare and Respond to Disasters in 2013," Practising Law Institute, April 2013
- "The Role of the Corporate Sector in Climate Change Mitigation," Fordham Environmental Law Review Symposium, February 2013
- "The Environmental Impact Review of Energy Facilities under NEPA and Its State-Law Counterparts," Infocast Webinar, 2010
- "The Environmental Review of Climate Change," New York State Bar Association, Real Estate Section Annual Meeting, July 2010
- "The Breadth and Depth of SEQRA," Lorman Seminar, 2009
- "Climate Change Impacts on Land Use Planning and Project Approvals," Tarrytown, NY, May 2008

RELATED INSIGHTS

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Dec 30, 2020

New York State Establishes GHG Emission Caps Under the Climate Leadership and Community Protection Act

Insights

Sep 01, 2020

New York State Is Moving Forward to Implement the Climate Leadership and Community Protection Act

The State of New York is mobilizing to implement the economy-wide greenhouse gas (“GHG”) emission reductions required by the New York Climate Leadership and Community Protection Act (“CLCPA”). This landmark statute, which went into effect on January 1, 2020, requires extraordinary reductions in statewide GHG emissions. If its mandates are achieved, as of 2030 statewide GHG emissions in New York will be 40 percent lower than they were in 1990, and by 2050 emissions will be 85 percent lower than baseline 1990 emissions. This Client Alert summarizes the steps that the State has taken to implement the CLCPA.

Awards

Aug 20, 2020

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