



David P. Flynn

Partner

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DAVID P FLYNN

Mr. Flynn is the Practice Team Leader for the firm’s Energy, Environment, and Nanotechnology Practice Teams. Mr. Flynn’s practice is concentrated in the areas of environmental law and energy. With respect to environmental law, Mr. Flynn concentrates on regulatory compliance consultations and brownfield redevelopment. He has written extensively on environmental topics including environmental issues related to nanotechnology development. He was involved in the first successful conversion of a former industrial brownfield into a modern manufacturing facility in New York State. In addition, Mr. Flynn advises clients on business development issues and the regulation of energy before state and federal authorities. He also advises clients on the development and siting of renewable energy, merchant power generating facilities, licensing of hydropower projects, and drafting and negotiating Payment in Lieu of Taxes (PILOT) agreements associated with solar and wind projects and related advice regarding the New York Real Property Tax Law 487 tax exemption.

PRACTICE AREAS

Canadian Cross Border

Energy Law

Environmental Law

- Brownfields & Brownfield Redevelopment
- Contaminated Sediment Management
- Regulatory
- Transactional Due Diligence

Nanotechnology

Real Estate

- Real Estate Development

Steel and Specialty Metals

HONORS & AWARDS

- Listed as a Leading Individual in *Chambers USA: America’s Leading Lawyers for Business*, 2010-2018
- Selected for the *Upstate New York Super Lawyers*[®] list, 2013-2018
- Listed in *Who’s Who In Law*, *Business First of Buffalo* and *Buffalo Law Journal*

EDUCATION

- State University of New York at Buffalo Law School, J.D., *cum laude*, 1987
- State University of New York at Buffalo, B.A., 1983

ADMITTED TO PRACTICE

- New York
- U.S. District Court, Northern District of New York
- U.S. District Court, Western District of New York
- U.S. Court of Appeals, Third Circuit

PROFESSIONAL ASSOCIATIONS

- American Bar Association
 - Environment, Energy, and Resources Section
 - Environmental Transactions and Brownfields Committee
 - Energy Infrastructure and Siting Section, Vice Chair 2009-2010
 - Science and Technology Law Section
- Bar Association of Erie County
- Buffalo Law Review, Member, Publications Editor – 1987
- Independent Oil & Gas Association
- New York State Bar Association
 - Environmental Law Section

SPEAKING ENGAGEMENTS

- Moderator, “How Energy Infrastructure Can Further Rochester Economic Development,” *Rochester Business Journal* State of the Region Breakfast, June 2018
- Moderator, “How Will Energy Infrastructure Advance Albany Economic Development?” *Albany Business Review* State of the Region Breakfast, June 2018
- Moderator, “Is New York’s Brownfield Redevelopment Program Meeting Its Objectives?” The Business Council’s 2017 Annual Environment Conference, November 2017
- Panelist, “What is REV and the CES? An Update on State Energy Policy,” Business Council of New York 2016 Annual Environment Conference, November 2016
- Moderator, “North American Renewable Energy, Infrastructure and Climate Policies,” ACORE U.S.-Canada Renewable Energy Forum, September 2016
- Keynote Speaker, Eighth Annual Student Forum on Sustainable Development: Inclusive Economic, Environmental and Social Growth, April 2016
- Speaker, “The Growing Unmanned Aerial Vehicle (UAV) Market,” Rochester Regional Photonics Cluster Event, December 2015
- Moderator, “The Clean Power Plan,” The Business Council of New York State’s 2015 Annual Environment Conference, October 2015
- Moderator, “Renewable Energy Manufacturing Opportunities in Upstate NY,” Upstate Venture Association of New York (UVANY) Event, May 2015
- Moderator, “Financing Renewable Energy Deals,” Upstate Venture Association of New York (UVANY) Event, May 2015
- Speaker, “New York’s Green Bank: Funding The Renewable Energy Future,” “Environmental Policy: Who’s Driving the Bus?” The Air & Waste Management Association Seminar, February 2015

ARTICLES

- Co-Author, “Solar Energy Shines for NY Higher Education,” *Buffalo Law Journal*, October 2015

PRESENT ACTIVITIES

- ACORE, Member
 - Leadership Council Member
 - Northeast Regional Council
- Incubators for Collaborating & Leveraging Energy And Nanotechnology (iCLEAN), Advisory Board Member
- Amherst Chamber of Commerce
 - Immediate Past Chairman (2011-2012)
 - Board of Directors (2005-Present)
- Burchfield Penney Art Center, Board of Trustees, Treasurer
- Amherst Conservation, Recreation and Parks Foundation, Chairman (2004-2007) and Board Member (2003-2007)
- Nativity of Mary Home School Association, Member, Past President (2001-2003)
- State University of New York at Buffalo Law Alumni Association, Member (2005-Present)
- Buffalo Regional Board of Review, Member
- New York State Business Council Marcellus Shale Working Group, Member
- Western New York Regional Economic Development Council
 - Energy Committee, Co-Chair
- Zoological Society of Buffalo, Board of Directors, Secretary
- The Business Council of New York State, Member
 - Environmental Committee
 - Energy Committee

PAST ACTIVITIES

- Contributing Editor and Chairman of the Editorial Advisory Board, *RCRA Corrective Action Manual*
- Environmental Law Columnist, *Business First of Buffalo*

CORE COMPETENCIES

New York State Brownfield Cleanup Program – Counsel clients on the benefits of participating in the Brownfield Cleanup Program, including liability release and tax credits. Assist clients in the preparation of applications for participation in the Brownfield Cleanup Program. Participate in meetings with the New York State Department of Environmental Conservation to discuss application requirements, citizen participation, brownfield agreements, remedial investigation work plan, and remedy selection.

Energy – Counsel clients on applicability of NYSERDA and Department of Energy funding programs and tax-based incentives to renewable energy and energy efficiency projects and project development work related to such projects. Counsel clients on integrating sustainability and energy conservation measures into residential, commercial and industrial projects. Publication of articles on the legal issues related to carbon sequestration projects.

Solid and Hazardous Waste – Counsel clients on management of solid and hazardous waste to comply with federal and state statutes and regulations. Represent clients in state and federal administrative enforcement actions and voluntary remedial programs. Assist clients in the preparation and submittal of Beneficial Use Determination petitions to the New York State Department of Environmental Conservation for the beneficial reuse of solid waste materials. Counsel clients on potential liabilities associated with asbestos, lead-based paint, and PCBs.

Underground Storage Tank Regulations – Counsel clients on compliance with federal and state underground storage tank regulations, including registration, overfill protection, release detection, inventory monitoring, and testing requirements. Advise clients on potential liabilities associated with redevelopment of gasoline stations and other sites with existing and removed underground storage tanks.

Other Areas of Expertise

New Jersey Environmental Regulations – Counsel clients on potential liabilities associated with New Jersey’s Industrial Site Recovery Act and Site Remediation Reform Act.

Occupational Safety and Health Administration Defense – Assist clients in preparing defenses and negotiating settlements to OSHA citations.

ADDITIONAL AREAS OF FOCUS

START-UP NY Program