



Kevin D. Johnson

PARTNER

MINNEAPOLIS, MN

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OVERVIEW

Kevin works with clients to resolve environmental, energy and natural resource legal issues in project development, transactions, and regulatory compliance matters.

For nearly three decades, Kevin has helped clients resolve environmental, energy and natural resource legal issues. He has a particular focus on renewable energy projects and businesses -- including those involving bioenergy (waste-to-energy) and biofuels (ethanol and biodiesel) -- as well as waste management projects and redevelopment of contaminated sites.

His practice is comprehensive in scope, and he is routinely called on by clients to develop solutions to address:

- Siting and development of major facilities
- Regulatory compliance and response to enforcement actions
- Federal, state, and local permitting
- Due diligence in transactions
- Property contamination issues

Kevin is a frequent author and speaker on the legal and regulatory landscape for the energy, agribusiness, brownfields redevelopment, and waste management industries. He is a longtime member of the environmental law sections of both local and national bar associations and is active in several industry trade associations.

Industry

Energy & Natural Resources

Services

Biofuels, Biomass, & Landfill Gas

Environmental

Solar Energy

Wind Energy

Experience

- Represented Ramsey/Washington Recycling and Energy Board in negotiation of \$200 million organic waste feedstock supply agreement for 70,000 ton per year anaerobic digestion facility to be developed by Dem-Con/Hitachi Zosen joint venture in Shakopee, Minnesota.
- Represented Ramsey/Washington Recycling and Energy Board in negotiation of major amendment to biomass feedstock supply agreement with Xcel Energy to address new PFAS regulations at Xcel's facilities in Red Wing and Mankato, Minnesota.
- Represented First District Association dairy/cheese facility in resolving wastewater treatment issues and construction of new treatment facility with City of Litchfield, MN and the Minnesota Pollution Control Agency.
- Represented TransLine 49 Environmental Services, a US subsidiary of White Owl Family Office Group, in negotiation of service agreements with U.S. customers for management of hazardous waste at facility in Winnipeg, Manitoba.
- Represented Koch Companies in resolving environmental contamination issues in sale transaction of warehouse property in Minneapolis, Minnesota.
- Assisted Ramsey/Washington Recycling and Energy Board in participating in Minnesota Public Utilities Commission dockets related to Xcel Energy waste-to-energy facilities in Red Wing and Mankato, Minnesota.
- Assisted St. Louis County, Minnesota Environmental Services Department on environmental issues related to County landfill and overall solid waste management programs.
- Represented St. Louis County, Minnesota in leasing closed landfill owned by the County and managed by the Minnesota Pollution Control Agency for development of a 10MW solar project.
- Represented Standard Solar in resolving environmental issues related to acquisition of 6 MW solar project to be developed on closed landfill owned by Pennsville Township.

Experience

- Represented O'Day Equipment in resolving above-ground petroleum storage tank environmental enforcement action brought by the Wisconsin Department of Justice on behalf of state regulatory agency.
- Works with clients to address legal issues associated with new and existing energy generation and production facilities, with a particular focus on facilities designed to recover energy and resources from municipal solid waste. For example, he assisted the Ramsey/Washington Recycling & Energy Board in acquiring a privately-owned refuse-derived fuel facility in Newport, MN, including assistance in negotiating multiple agreements and addressing permitting and other transactional issues. He also advises many other local governments on solid waste management legal issues.
- Assists clients in overcoming permitting and other regulatory challenges. Kevin assisted one of the largest egg production operations in the U.S. in overcoming state and federal regulatory and permitting issues in the siting and development of their largest facility in Iowa.
- Helps clients to resolve soil and groundwater contamination issues. He has assisted some of the largest agribusiness companies in the U.S. in addressing past environmental contamination at multiple sites around the country. He also assisted a Twin Cities district energy project in expanding its underground piping infrastructure through a former Superfund site with multiple owners.
- Helps clients in resolving enforcement actions brought by federal, state and local regulators. Kevin has handled major environmental enforcement cases brought against clients by the U.S. EPA as well as state agencies, such as the Minnesota Pollution Control Agency. He helps clients negotiate resolutions to enforcement actions that meet their needs and are acceptable to regulators.
- Provides guidance on environmental due diligence matters in mergers and acquisition transactions.

Education

- J.D., Mitchell Hamline School of Law
 - Environmental Law focus
- M.A., Hamline University
 - Public Administration
- B.A., University of Minnesota
 - Journalism

Admissions

- Minnesota
- U.S. District Court, District of Minnesota

Community Leadership

- Past board member, Great River Greening, a Minnesota non-profit habitat restoration organization
- Past president, Bryn Mawr Neighborhood Association, Minneapolis, Minnesota