



Arthur J. Harrington

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Practice Areas

Environmental Strategies

Energy Strategies

Indian Nations

Admissions

Wisconsin

Education

Juris Doctor, University of Wisconsin Law School, Order of the Coif

Bachelor of Arts, University of Wisconsin-Madison, Economics, Phi Beta Kappa



Art Harrington is a shareholder in the firm's Environmental and Energy Strategies Practice Groups. He has more than twenty five years of experience in environmental and energy legal matters and extensive experience in litigation relating to these practice areas. Art also serves as mediator in environmental disputes.

Art is well-versed in all major state and federal environmental and energy programs. He has authored numerous articles on environmental and energy law and has spoken at more than 70 seminars on environmental and energy topics. Art is a co-author of *A Brownfield Primer*, a 250-page summary of environmental laws in Wisconsin that impact the redevelopment of contaminated property (published by the University of Wisconsin Law School). He also serves as an adjunct professor at Marquette University Law and Engineering Schools where he teaches renewable energy law courses.

Art has experience in federal and state environmental law, including advising clients on emerging contaminants such as PFAS/PFOS compounds as well as representation in important waste water and Clean Air Act permitting. He also represents clients involved in Superfund sites and related insurance issues. He has experience in toxic tort litigation, remediation issues and permitting and enforcement matters involving hazardous waste, the Clean Air Act and the Clean Water Act.

Art has been appointed by the DNR Secretary to serve as a member of DNR advisory groups regarding recommendations for changes in state environmental laws. These DNR advisory groups include the Air Management Study Group, Phosphorus Advisory Committee, the DNR Brownfield Advisory Committee and the Green Tier Advisory Group. Art is a founding member of the Brownfields Study Group, which was created in 1998 to evaluate Wisconsin's current brownfields initiatives and recommend changes, as well as propose additional incentives for the cleanup and reuse of abandoned or underused properties with real or perceived former contamination.

Art also serves on the Board of Directors for [WI ACES](#), a trade association devoted to educating members of the public and government about the need for policies and infrastructure to support electric and autonomous vehicles as well as the development of shared mobility services in Wisconsin.

Art also serves as the co-chair of the Public Policy Committee of the Midwest Energy Research Consortium.

Art has represented purchasers and body plant industrial facilities in numerous significant Brownfields transactions including the former Kenosha/Chrysler engine plant, 250 acres of former industrial property located along Lake Michigan in Oak Creek, Wis. and Quad/Graphics/City of West Allis transactions. These transactions are three of the most significant Brownfields transactions that have been subject to the Wisconsin Land Recycling Act. In addition, he has experience in siting renewable energy projects and providing advice to equity investors in independent power projects.

Art has been selected for inclusion in every edition of Best Lawyers in the environmental law category since 1988. He is the inaugural past chair of the Environmental Law Section of the State Bar of Wisconsin and a past president of the Milwaukee Bar Association. He is also the inaugural chair of the Energy/Telecommunications Section of the State Bar of Wisconsin (1998-present). Art is a member of the Milwaukee Bar Association, American Bar Association, State Bar of Wisconsin, Seventh Circuit Bar Association, Federation of Environmental Technologists and Wisconsin Mortgage Bankers Association. Art has also been recognized by Chambers and Partners as a Band 1 attorney, the highest level of recognition, for the Natural Resources and Environment category in Wisconsin. Clients say: "His strengths are his vast knowledge, calm demeanor and communication skills," and add that "he also has extreme diligence and great networking skills."

After graduating from the University of Wisconsin with a degree in Economics, Art received his law degree from the University of Wisconsin Law School. He is a member of Phi Beta Kappa, Order of the Coif, and was the note and comment editor for the Wisconsin Law Review.

Representative Experience

Environmental Matters

Art has experience in literally all of the subjects covered by the practice of environmental law including air, water, wetlands and solid and hazardous waste permitting under federal and state environmental laws. He has provided lead responsibility for many major environmental land use disputes as well as transactions involving contaminated property. His experience also includes counseling and, where necessary, defense to targets in civil and criminal environmental enforcement actions.

A list of representative environmental projects in which Art has lead responsibility includes the following:

The Former Chrysler Engine Plant Property. Represents the City in the successful negotiation, with the Liquidation Trust, lenders, state of Wisconsin and United States Department of Justice to obtain the right for the City of Kenosha to acquire the 104 acre former Chrysler Engine Plant in a complex agreement approved by the Bankruptcy Court in the Chrysler Bankruptcy proceedings.

Oak Creek, Wisconsin. Represented the City of Oak Creek in two multi-million dollar transactions involving remediation and redevelopment of former manufacturing plants. These included the 120 acre former DuPont chemical plant property located on Lake Michigan and the former 90 acre Delco Manufacturing plant. The latter is now a \$180 million commercial/residential development.

Kenosha HarborPark. Represented the City of Kenosha on the redevelopment of the 45-acre former Chrysler Lakefront Manufacturing plant property that was redeveloped into a multi-use museum, commercial, and residential development project. HarborPark has received numerous state and national awards for its innovative Brownfield/urban features.

Oshkosh/WPS Site. Represented the City of Oshkosh in the acquisition of a former manufactured gas site located on the Fox River. The site has been redeveloped as a multi-use park featuring an outdoor amphitheater.

Emerald Park Landfill. Represented the City of Muskego in a contested case hearing opposing one of the largest proposed expansions of a municipal solid waste facility in the State of Wisconsin. At the conclusion of the 18-day contested case hearing, the matter was resolved by a negotiated agreement which awarded the City the largest fee/ton payment for municipal waste negotiated to date in the State of Wisconsin.

American Brass Site. Represented the City of Kenosha on the acquisition of the former 28-acre American Brass manufacturing site. This transaction involved the complete liability transfer of all responsibilities for demolition and remediation to a third party contractor and the use of an innovative 30-years cost cap and PLL insurance policy underwritten by AIG.

Representative Experience

Environmental Matters

Quad/Graphics. West Allis. Represented Quad/Graphics on the first Brownfield development project under the Wisconsin Land Recycling Act. This project featured the acquisition and re-use of the former, vacant 30-acre Giddings and Lewis facility located in West Allis, Wisconsin. Quad/Graphics now employs more than 1,000 employees at this location.

By-Pass and Overflow Enforcement Action. Lead counsel for the 28 communities named in an enforcement action commenced by Wisconsin Attorney General in 2005 in the case entitled Wisconsin vs. MMSD, et al. Negotiated the settlement with the Attorney General involving all 28 communities resulting in no fines and a settlement shield for all the communities.

Oshkosh Wastewater Issue. Represent the city in a number of challenging issues involving the regulation of phosphorus in the Upper Fox Watershed.

Green Bay Metropolitan Sewage District. Members of our practice group in Green Bay, Wisconsin currently represent the Green Bay Metropolitan Sewage District on environmental matters associated with the operation of one of the largest publicly owned wastewater treatment facilities in the state. This work includes complex air permitting legal strategies applicable to the only municipal sludge incinerator in the state of Wisconsin

Energy Matters

Art has a diverse background on representing clients in a variety of energy-related projects. These projects have spanned the broad energy spectrum and include renewable energy projects, bids for base-load generation facilities, power plant facilities, coal-fired power plant projects, hydro-electric projects, negotiation of power purchase contracts and the certification and sale of renewable energy credits. A representative list of his energy projects include the following:

GreenWhey Energy Inc. Project. Represented Geo-Investors Fund on an energy project that will entail the construction and operation of an innovative anaerobic digester facility in Turtle Lake, Wisconsin. It will be one of the largest facilities of its kind in the United States. The digester will process wastewater from local food companies, creating electricity as well as process feed and fertilizer that may be used in local farming operations.

Independent Power Project in Wisconsin. Acted as local counsel representing the equity investors in a co-generation project located in Whitewater, Wisconsin. He had primary legal responsibility for ensuring that all state agency permit and authorizations were required for this facility. This was the first independent power project authorized in Wisconsin. It was a co-generation facility and the host was the University of Wisconsin-Whitewater.

Bio-Mass Facility. Provided all of the legal services to Minergy-Neenah, LLC, the owner operator of a bio-mass, Co-Gen facility located in Neenah, Wisconsin. The fuel source for this facility included dewatered paper mill sludge generated from four area paper mills. The host was a paper mill located adjacent to the facility. His legal services included the negotiation of the power purchase contracts for Minergy in the sale of the green energy generated from the facility to Alliant Energy.

Renewable Energy Credits. Represented a large independent energy producer in the sale of credits from the "Top of the Iowa" wind project in Iowa. The Renewable Energy Credits associated with this project were the first ever certified in Wisconsin under the new Renewable Energy Credit program.

Fluidized Bed Project. Acted as local counsel for the contractor for a new fluidized bed, coal-fired facility for Manitowoc Public Utilities.

Representative Experience

Energy Matters

Bid for Base-Load Generation Facility. Acted as local counsel for all due diligence matters for a confidential client in connection with the bid process for purchasing an existing based-load, natural gas powered merchant plant.

Hydro-Facility. Represented an investor-owned, regulated utility on the proposed purchase of a hydro-electric facility.

Bio-Mass Project. Represents a group of investors in a proposed 100 MW bio-fuel generation facility.

Helios USA, LLC. Godfrey & Kahn represents Helios USA, LLC, a manufacturer of photovoltaic crystalline solar modules, in connection with the company's formation and initial capital-raising activities. Godfrey & Kahn's representation has included assisting Helios USA with a private placement of preferred securities and obtaining debt financing, along with organizational, real estate, employment and contract matters.

U.S. Department of Energy High-Level Waste Repository. Godfrey & Kahn is counsel to a Native American tribe in a proceeding before the Nuclear Regulatory Commission to consider the DOE's application to license the Yucca Mountain high-level waste geologic repository. We petitioned and successfully obtained intervener status for client. An interlocutory appeal of a dispositive issue is currently pending before the Nuclear Regulatory Commission.

Reforestation and Conservation Project, Osa, Costa Rica. As part of its pro bono program, Godfrey & Kahn represented the Natural Resources Foundation of Wisconsin (NRF) in drafting a three-party agreement with NRF, Neenah Paper, Inc. and Friends of the Osa. This innovative agreement covered an annual donation from Neenah Paper in an amount equal to their greenhouse gas offsets from its Wisconsin facilities, as determined by the Chicago Climate Exchange. The annual donation will be used to support a reforestation project on Costa Rica's Osa Peninsula.

Section 48C Credit Applications. Godfrey & Kahn assisted clients in the preparation of various detailed and highly technical applications for allocations of the new Advanced Energy Project tax credits.

Waste to Energy. Godfrey & Kahn was retained by developers of a proposed \$150 million waste to energy facility. The proposed facility would use plasma technology to generate renewable energy from municipal solid waste that is currently landfilled.

Tribal Matters

Art has the privilege to represent tribal interests in a broad array of cutting edge environmental and energy projects. He brings his strong background in other non-tribal environmental and energy projects as one of his qualifications for such tribal projects. However, most importantly, his previous tribal client experience has afforded him the privilege to appreciate the role that strong cultural beliefs play in formulating the goals of tribal clients in environmental/energy projects. A representative list of Art's tribal environmental and energy projects include the following:

Tribal Class I PSD Area Designation. Art was part of a professional team representing the Forest County Potawatomi Community ("FCPC"), a federally recognized Tribe in Wisconsin, in its legal effort to obtain Class I designation for its Reservation under the Federal Clean Air Act Prevention of Significant Deterioration ("PSD") program. In 2008, the United States Environmental Protection Agency ("EPA") promulgated a final rule granting the FCPC Class I status for its Reservation in Wisconsin. This was the first Class I designation by EPA for a Tribe granted under the PSD program since 1992.

Representative Experience

Tribal Matters

Crandon Mine Project. Represented the Forest County Potawatomi Community in the Tribe's effort to oppose the application for mining permits under state and federal laws. The proposal involved one of the most significant zinc and copper underground ore deposits in North America. This proposed mining operation precipitated one of the most controversial environmental disputes in the history of Wisconsin. The matter was successfully concluded by the Tribe's innovative buy-out of the applicant's interest in surface and mineral rights associated with the proposed mining project.

Forest County Potawatomi Community. Represented the Forest County Potawatomi Community in the preparation of joint written comments with the National Tribal Environmental Council for filing with the United States Environmental Protection Agency regarding that agency's guidelines for Prevention of Significant Deterioration New Source Review, Refinement of Increment Modeling Procedures (Proposed Rule, 72 F.Reg. 31372-99 (June 6, 2007)).

Represented a federally recognized tribe in a confidential engagement to provide an assessment of that tribe's energy/carbon footprint generated by human activities at all of its facilities and mobile sources and provided recommendations for reducing the footprint through a combination of conservation, capital improvements and renewable energy strategies.

Court Admissions

United States Court of Appeals, Seventh Circuit
United States District Court, Eastern District of Wisconsin
United States District Court, Western District of Wisconsin

Professional Association Memberships

Milwaukee Bar Association

Activities

Adjunct Law Professor at Marquette Law School teaching Energy Law Workshop (2012 - present)

President of the Milwaukee Bar Association from 1992 to 1993

Inaugural Chairperson of the State Bar Environmental Section from 1988 to 1989

State Bar of Wisconsin - Board of Governors (2007 - 2013)

Inaugural Chairperson of the State Bar Energy/Telecommunications Section from 1998 to 2000

Serves on five Wisconsin Department of Natural Resources task forces as a result of appointments made by the Secretary of the Department of Natural Resources: DNR Brownfield Advisory Committee, Air Management Study Group, Phosphorus Rule Advisory Committee and the Green Tier Advisory Committee

Served in the Wisconsin Department of Agriculture, Trade and Consumer Protection Task Force establishing lead and arsenic standards

Co-chair of the 2016 ABA Region 5 Environmental Law Seminar in Chicago on June 14, 2016

Board of Directors for the Milwaukee Public Library Foundation, and Immediate Past President and past member of Board of Trustees and Past President of the Milwaukee Public Library.

Activities

Gathering Waters (a trade association for land trust located in the State of Wisconsin), Past President of the Board of Directors (2006 - 2010)

Ozaukee Washington Land Trust (1995 to 1998), Board of Directors

City of Mequon Alderman (1991 to 1993)

Village of Grafton Police and Fire Commission member (1985 to 1986)

Legal Aid Society of Milwaukee, Board of Directors member (2001 to 2005)

Public Policy Forum - Board of Directors and member of the Executive Committee

Served on the Water Policy Advisory Panel for the Public Policy Forum that was responsible for the February, 2006 report entitled "Clean Water, Healthy Future, Asset Management the Regional Prosperity"

Mid-West Energy Research Consortium (MWERC) - Co-chair of the Public Policy Committee

Wisconsin Academy of Science, Arts and Letters - Board of Directors (2012 - 2013)

Wisconsin Equal Justice Foundation – President Elect and member of the Board of Directors

Honors

Recipient of the Wisconsin Law Journal's Lifetime Achievement Award in 2017

Listed among the top 100 most influential people in the Milwaukee area in the *Business Journal 2010 Power Book*

Listed among the top 50 lawyers in the State of Wisconsin as a result of a lawyer survey conducted by *Wisconsin Super Lawyers*

Recognized as a *Wisconsin Super Lawyer* (2005 - 2019)

Received *Wisconsin Law Journal's* Leaders in the Law award in March 2004 for his professional efforts to assist client in successful opposition to the Crandon Mine Development

Named among the top environmental lawyers in each of the last six surveys conducted by *Milwaukee Magazine*

Listed in the *Best Lawyers* (Energy Law, Environmental Law, Litigation - Environmental, 1989 - present)

Recognized by *Chambers USA* and rated as Band 1 in his practice area (Natural Resources & Environment, 2010 – 2018)

AV Preeminent® Peer Review Rated by *Martindale-Hubbell®*