

KING & SPALDING

Energy Newsletter



May 2018

LITIGATION, ENVIRONMENTAL U.S./Canada

Courts Hold Clean Water Act Regulates Discharges through Groundwater, as Congress and Regulators Consider Responses

John Fortuna, Ilana Saltzbart, Lewis Jones, Adam Sowatzka and Bradford Ramsdell

In decisions affecting energy companies whose operations can result in releases to groundwater through spills, accidental discharges, and seepage from ash and other retention ponds, the Ninth and Fourth Circuit Courts of Appeals recently found that the Clean Water Act regulates discharges to groundwater that serves as a conduit between a point source and waters of the United States. [More »](#)

LITIGATION

Oil & Gas-U.S./Canada

Fifth Circuit Issues Decision Concerning Overriding Royalty Interests and Louisiana Oil Well Lien Act Claims

Ed Ripley

A recent Fifth Circuit decision concerning the ATP Oil & Gas Corporation bankruptcy makes clear that absent notice by Louisiana Oil Well Lien Act lien creditors, a party purchasing an overriding royalty interest, or a production payment, should be protected from those lien claims. [More »](#)

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Upcoming Events

Merrick White to speak

ENVIRONMENTAL, REGULATORY

U.S./Canada

Federal Agencies Agree to Streamline Environmental Review and Approval of Infrastructure Projects

Patricia T. Barmeyer, Lewis Jones, Cynthia AM Stroman and Kathleen L. Benner

On April 9, 2018, the White House released a Memorandum of Understanding between twelve federal agencies that is intended to increase the speed and reliability with which the federal government reviews and approves infrastructure projects under the National Environmental Policy Act by centralizing review in one agency that will issue a single Environmental Impact Statement within two years.

More »

What's Next For GHG And Fuel Economy Regulation?

Jackie Glassman and Rachel Tennis

EPA announced that it will reconsider greenhouse gas standards for vehicle model years 2022-2025. The findings made and the administrator's other public comments suggest that the EPA has already concluded that some rollback of the standards is likely appropriate, but the agencies involved should also consider whether and how the programs should change to respond to the adaptations in the way light-duty vehicles are being used in the U.S. and to incorporate technologies that can simultaneously reduce crashes, congestion and emissions. This article first appeared in Law360. **More »**

CONSTRUCTION

U.S./Canada

Carefully Review Your Insurance Policies to Confirm "Additional Insured" Status

Jack Fontham

The recent decision of the Court of Appeals of New York in *Gilbane Building Co./TDX Constr. Corp. v. St. Paul Fire & Marine Ins. Co.*, underscores that construction project owners and contractors must carefully review insurance policy language to make certain that additional insured coverages will be extended in the manner intended by the parties. **More »**

CONSTRUCTION, PROJECT DEVELOPMENT & FINANCE

Mexico

Mexico – Implementing Energy Infrastructure Projects –

at K&S conference, Emerging Markets' Gas Sales Agreements – Avoiding the Common Pitfalls

When: May 17, 2018

Where: Singapore

More Information »

Convergence of Enforcement and Compliance: What You Need To Know Now

When: May 23, 2018

Where: Webinar

More Information »

Richard Nelson, Merrick White to Host Workshop at Platts LNG & Natural Gas Markets Asia Conference

When: May 30, 2018

Where: Singapore

More Information »

In The News

Legal 500 Recognizes King & Spalding with Top Rankings in 2018 EMEA Guide **More »**

Oil and Gas Investor

Transportation, Storage and Terminals

Vera De Brito de Gyarfas, Evan Korngold

On April 12, 2018, King & Spalding, alongside the Mexican law firm Gonzalez Calvillo, hosted its quarterly Energy Forum in Houston, Texas. Expert panels discussed challenges and opportunities for successfully implementing transport, storage and terminal projects in the Mexican energy infrastructure market. [More »](#)

U.S./Canada

Rebuilding Infrastructure in America: The Impact of U.S. Government Infrastructure Spending on the Private Funds Industry

Drew Chapman, Josh Kamin, Tim Burbury and Chris McCoy

The Trump administration's infrastructure proposal could lead to a more integrated partnership between private investment funds and the U.S. Government, encouraging fund managers to pool assets together in an effort to take advantage of a more investor-friendly regulatory environment. [More »](#)

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profiles the key developments and insights coming from K&S's Mexico Energy Forum in Houston [More »](#)

Financier Worldwide Magazine interviews Vera De Brito de Gyarfas on the 2018 outlook for Latin America infrastructure [More »](#)

John Bowman receives the University of Kansas School of Law's 2018 Distinguished Alumni Award [More »](#)

Tracie Renfroe, Carol Wood, Megan Nishikawa, George Morris, Nicholas Miller-Stratton and Justin Torres gain support from a myriad of Republican attorney generals while they defend ConocoPhillips against claims by Oakland and San Francisco that the company is liable for climate change-related infrastructure damage [More »](#)

Vera de Gyarfas to Speak at Latin Lawyer 9th Annual Oil & Gas Conference in Mexico City on May 9 [More »](#)

Merrick White speaks at Asia Refining Technology

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