



Zachary Gerson

Counsel

Boston

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Clients rely on Zach Gerson for his experience providing regulatory and strategic advice on environmental, cleantech, and energy matters. Zach advises developers of renewable and conventional energy projects and owners of existing generation facilities on the opportunities and obligations that flow from the dynamic legal and regulatory landscape in the energy and cleantech space. He also regularly represents clients before administrative bodies, including public utility commissions, and in litigation in state and federal courts. Zach is a member of the firm's Energy, Cleantech & Climate practice group and a regular contributor to the Energy & Cleantech Counsel blog.

Zach has an active environmental litigation practice. In addition to representing energy and cleantech clients in proceedings before regulatory agencies and commissions, he also represents clients in hazardous waste related litigation, including under federal and state Superfund laws. Zach defends clients against environmental claims, counsels plaintiffs seeking recovery of response costs from private parties, and advises clients seeking defense and indemnification from their insurers for environmental liabilities.

Prior to attending law school, Zach worked as a high school mathematics teacher in the School District of Philadelphia as a Teach For America corps member. During law school, he was a managing editor of the *Harvard Environmental Law Review*, where he organized a symposium titled "Climate Change and Global Justice: Crafting Fair Solutions for Nations and Peoples" that focused on issues of international equity and human rights, and an active member of the Harvard Environmental Law Society. He also worked as an intern at the Environmental Protection Agency, Region 1 Office of Regional Counsel and an intern for the Conservation Law Foundation in Boston.

BAR ADMISSIONS

- Massachusetts

REPRESENTATIVE EXPERIENCE

- Represented leading independent power producer Soltage, LLC in a \$250 million partnership with investment management firm Harrison Street to fund solar and other clean energy infrastructure assets developed by Soltage.
- Mediated an urgent interconnection dispute on behalf of the owner of distributed generation resources, obtaining authorization to interconnect in time to avoid significant financial consequences.

INDUSTRIES

Energy & Climate

PRACTICES

Energy

Energy & Climate

Environmental Compliance

Environmental Litigation

Litigation

Real Estate & Development

Pro Bono

EDUCATION

Harvard Law School, J.D., *cum laude*, 2009

University of Pennsylvania, M.S. Ed., 2006

Stanford University, B.A., *with honors*, 2004

- Represented the Massachusetts Department of Energy Resources before the Massachusetts Department of Public Utilities in the adjudicatory proceedings wherein the Department of Public Utilities approved utilities' long-term contracts to purchase energy from the Cape Wind project.
- Represents an electronics component manufacturer in litigation against numerous insurers arising out of environmental contamination at numerous sites in multiple states.
- Represented the U.S. Department of Energy in assessing litigation risks associated with a potential loan guarantee to a renewable energy project.
- Represents a chemical manufacturer in claims against a prior owner arising out of PCB contamination found at a manufacturing facility in West Virginia.
- Successfully represented the owner of a combined cycle cogeneration facility in obtaining approvals necessary to modify that facility and implement new cooling technology.
- Represents the owner of a Massachusetts manufacturing facility seeking recovery of environmental remediation costs under M.G.L. c. 21E.
- Represents solar PV installers in adjudicatory proceedings before the Massachusetts Board of State Examiners of Electricians.
- Represents a developer of wind energy projects with respect to noise disputes.
- Represented the proponent of a generation alternative to a proposed, new transmission line in proceedings before the Massachusetts Energy Facilities Siting Board.
- Successfully defended a non-profit social justice organization against defamation lawsuit arising out of that organization's social justice advocacy.
- Successfully defended a non-profit organization in an arbitration dispute brought under the Commercial Rules of the American Arbitration Association.

HONORS & INVOLVEMENT

Honors

- Managing Editor, Harvard Environmental Law Review
- Article Editor, Civil Rights-Civil Liberties Law Review

Involvement

- Boston Bar Association, Environmental Section
- American Bar Association, Section of Environment, Energy, and Resources

PUBLICATIONS

- *The Unrealized Authority of the Fish and Wildlife Service to Protect National Wildlife Refuges from Surface Disturbance due to Private Mineral Rights*, 29 STAN. ENVTL. L.J. 181 (2010)

Foley Hoag Alerts and Updates

- Eversource Proposes Rate Increases and \$400 Million in Grid Modernization Investments (January 26, 2017)

- Massachusetts DOER Releases Draft SREC II Regulations (January 10, 2014)
- Renewable Energy Developers Stand to Benefit from MassDEP's Efforts to Streamline Regulatory Requirements (October 27, 2011)
- FDA Releases Proposed Medical Device Reforms (January 20, 2011)

SPEAKING ENGAGEMENTS

- Panelist, "Navigating Net Metering in Massachusetts: Practical Advice for Lawyers," Boston Bar Association CLE Program (June 2013)