



Michael G. Murphy

Principal

mmurphy@bdlaw.com

+1.212.702.5436

477 Madison Avenue, 15th Floor, New York, NY, 10022-5835

Michael provides concrete, pragmatic advice that helps clients solve problems and achieve their goals in matters involving energy, land use, permitting, compliance, contracts, and litigation.

He worked for several years in construction before earning his undergraduate degree in Environmental Science and making a decision to enter the practice of environmental law. Today, he follows a similar non-traditional path in advising his clients—eschewing cookie-cutter approaches. He dives into the factual and legal issues, learning what is unique about his client, and tailors his advice to serve their best interests.

Michael has represented private clients in a variety of regulatory matters, including federal, state, and local permit applications, review under New York’s State Environmental Quality Review Act (SEQRA), contaminated site remediation programs in New York and New Jersey, administrative enforcement actions, and other compliance matters, such as major power plant project proposals. His litigation experience on behalf of private clients includes contract disputes, Superfund, SEQRA, and common law claims based on negligence, trespass, nuisance, fraud, and misrepresentation.

Michael also represents municipal clients on a variety of matters, for example, governmental remediation cost reimbursement applications, solid waste disposal programs; contract negotiations and interpretation, including long-term solid waste management and disposal agreements, inter-municipal solid waste agreements and municipal property lease agreements; and litigation concerning real estate, contract, and takings disputes.

In addition to traditional power plant projects, Michael's experience, on behalf of private or municipal clients has involved micro-grid, with renewable energy components, waste-to-energy, and waste gasification-to-energy projects.

When working on a case, Michael looks for angles that aren’t always obvious. For example, when a client was sued by another entity that asserted a continuing trespass claim, he convinced the court that, because his client was a municipality, the court was required to treat the continuing trespass claim as a different type of claim that was time-barred. In another matter, Michael defended a municipality in an arbitration suit that, if successful, would have bankrupted the municipality. Despite there being hundreds of exhibits in the record, he focused on a single key email to secure a favorable ruling for his client.

Education

- State University of New York - Purchase (B.A., *summa cum laude*, 1993)
- Pace University (J.D., *summa cum laude*, 1997)
 - Pace Environmental Law Review, Articles Editor

Bar Admissions

- New York
- New Jersey
- District of Columbia

Court Admissions

- U.S. District Court – Southern District of New York
- U.S. District Court – Eastern District of New York
- U.S. District Court - New Jersey

Professional Affiliations

- New York State Bar Association
- Association of the Bar of the City of New York

Honors & Awards

- *The Best Lawyers in America*®, a Best Lawyers® publication, recognition in Environmental Law (2017-2021)
- *Chambers and Partners – USA*, ranked Band 4 in Environmental Law (2014-2020)
- *Super Lawyers, part of Thomson Reuters*, New York Super Lawyer (2011-2019)

Representative Matters

Michael's experience includes:

- Representing a private company, including a successful motion to dismiss, against a challenge to a long-term solid waste facility operating agreement between the company and an upstate New York municipality.
- Representing private clients concerning contaminated sites in New Jersey under its Licensed Site Remediation Professional (LSRP) program and in New York under its inactive hazardous waste site program.

- Obtaining complete dismissal on behalf of a municipal client of all claims in arbitration where the claimant sought more than \$300 million in damages and to enforce a series of agreements concerning a proposed waste-to-ethanol facility.
- Representing a developer of the first major power plant on Long Island in four decades to shepherd the project through a comprehensive State Environmental Quality Review Act (SEQRA) review and to obtain environmental regulatory permits and local zoning approvals, including special permit, site plan approvals, variances, and waivers.
- Representing a municipal client concerning a future long-term solid waste disposal contract, and disputes that arose under the existing solid waste disposal contract with a waste-to-energy facility.
- Representing a municipal client in litigation matters against other municipalities seeking to enforce contract rights against other municipalities under an inter-municipal agreement concerning solid waste disposal.
- Representing clients in several cases relating to contaminated properties.
- Defending clients in administrative enforcement proceedings relating to compliance issues at a variety of facilities such as landfills and power plants.
- Representing a client to secure a favorable settlement that ensured performance by a contractor of an agreement to provide certain recycling services to the municipality.

Outside the Office

Outside of work, Michael is involved in a local community softball organization that he assisted in getting formal non-profit status. He has also coached softball at recreational and travel team levels, including a tournament team.