



## Raymond N. ("Rusty") Pomeroy II

Of Counsel

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### **Rusty employs a commercial and pragmatic approach to resolving environmental issues in transactions and litigation that reduces risks without losing deals.**

He advises clients on the identification and management of environmental issues in commercial transactions, such as real estate acquisitions, sales, and leases; corporate mergers and acquisitions; loans and loan foreclosures; remediation and development of contaminated sites; environmental insurance coverage review and placement; project and facility permitting and land use issues; and environmental litigation.

Clients like working with Rusty because he provides prompt, actionable advice delivered in a manner that's understandable to non-environmental experts. The practice of environmental law keeps him close to the outdoors and affords him the opportunity to help clients do great things, such as transforming a brownfield site into something new and beautiful.

Rusty has used his legal experience and business acumen to help broker numerous high-stakes deals with environmental components. For example, when a developer was seeking \$100 million in financing for the mixed-use redevelopment of a former copper smelter Superfund site, Rusty engaged with the developer, as well as federal, state, and local environmental agencies, to help the lender assess that the development was protective of human health and the environment. He also led the environmental deal team and negotiated the purchase and sale agreement for a client's successful sale of a \$26 billion portfolio of commercial real estate assets under a very tight timeframe.

Rusty rejoined Beveridge & Diamond in 2016 following eight years as Global Environmental, Health & Safety Leader and Environmental Counsel for the commercial real estate unit of an American multinational conglomerate.

Prior to originally joining Beveridge & Diamond in 2003, Rusty served four terms as the Chief Elected Official for Sullivan County, New York, and was a New York State licensed realtor and insurance broker.

## Education

- State University of New York - Albany (B.A., 1989)
  - Political Science
- Pace University (J.D., *cum laude*, 2003)
  - Executive Articles Editor, Pace Law Review

## Bar Admissions

- New York
- New Jersey

## 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, Environmental Law Section

## Honors & Awards

- *Super Lawyers, part of Thomson Reuters, New York Super Lawyer (2017-2018)*

## Representative Matters

*Prior results do not guarantee future outcomes.*

Rusty's corporate experience includes:

- Helping the seller of a railcar leasing business negotiate language limiting the buyer's potential for environmental indemnity claims against the seller and obtained \$60 million stack of environmental insurance coverage to cover the seller's long-term indemnity exposure.
- Assisting a Fortune 100 tech company with negotiations related to its sale of a former manufacturing facility.
- Managing a portfolio of 40 legacy remediation sites for a large multinational conglomerate.
- Working with a large national insurance company to develop policies and procedures for commercial real estate lease and acquisition due diligence protocols, and asbestos compliance programs.

- Advising corporate clients concerning SEC disclosure obligations related to environmental loss contingencies.
- Leading a team of seven legal and technical environmental professionals in four countries overseeing due diligence and environmental risk for a \$90 billion global commercial real estate business.
- Managing a broad range of projects including site remediation, Brownfields, litigation, and environmental insurance matters.
- Analyzing and advising a company's risk and business leaders on environmental risks attendant to complex commercial real estate equity and debt transactions, as well as related to mergers and acquisitions, and drafting and negotiating related purchase and sale agreements, leases, loan agreements, guarantees, and indemnities.
- Providing legal, technical, financial, and regulatory advice to key stakeholders to ensure compliance with applicable laws and regulation.
- Reviewing and placing environmental insurance policies for buyers, sellers, and lenders to mitigate environmental risks.
- Developing and implementing corporate environmental risk management policies and procedures.

## Publications

July 5, 2017

**EPA Revises All Appropriate Inquiry Rule**

Beveridge & Diamond