

WATER AND RELATED INFRASTRUCTURE

Water is elemental. Our work is fundamental.

The attorneys in Ballard Spahr's P3/Infrastructure Group have helped municipalities complete the water and related infrastructure projects they need to turn promising futures into reality.

Ballard Spahr attorneys have shepherded water, wastewater, stormwater, combined facilities, water recycling, and coastal resiliency matters, in greenfield and brownfield contexts, independently, and as part of broader, more complex infrastructure projects. Whether it's retaining, moving, deflecting, or purifying water, clients trust us with their futures.

Multidimensional Partnership

Our attorneys have counseled clients on every side of complex, long-term infrastructure projects—giving us the depth, range, and perspective to steer even the largest and most challenging projects from concept to completion quickly and cost-effectively.

And, with our Client Value and Innovation Program, we can design a custom level of service that is tailored to each client's unique circumstances. We strive to understand each client's goals and business objectives and provide efficient and innovative solutions that meet their specific needs.

Select Water and Sewer Project Experience:

Ports/Inland Waterways

City/Port of Nome, Alaska. Our team served as P3 counsel to the City/Port of Nome in developing port expansion and negotiation of landside and seaside developments, cost participation with interested parties, and coordination with U.S. Army Corps of Engineers' projects, all in connection with federal mandates to fortify strategic port facilities and presence in the Arctic.

Seagirt Marine Terminal. Ballard Spahr served as placement agent's counsel to the underwriter in connection with the refinancing of the existing debt issued to finance the Seagirt Marine Terminal in Baltimore. Ballard Spahr drafted and participated in the structuring and negotiation of the applicable security and financing documents.

The New York State Canal System Capital Upgrades. A Ballard Spahr attorney served as general counsel to this system, which received state and federal funding, including FEMA funds, to maintain navigation through the locks, lift bridges, guard gates, and dams along its 524-mile waterway.

Flood Control / Dams and Reservoirs / Hydropower

Fargo Flood Diversion Project. Ballard Spahr served as lender's counsel to one of the shortlisted proposers for the DBFOM development of the Fargo-Moorhead Metropolitan Area Flood Risk Management Project.

Hinckley Dam (Utica, New York). A Ballard Spahr attorney represented a New York State entity in the negotiation of a contract concerning water releases from the reservoir to power a 9MW hydroelectric facility.

Financings / Public & Private Water and Sewer Acquisitions

Philadelphia Water Infrastructure Project. Ballard Spahr served as the City of Philadelphia's bond counsel for its Water and Wastewater Revenue Bond program and assisted in its first of a series of Water Infrastructure Finance and Innovation Act (WIFIA) loans from the EPA. The WIFIA loans are on parity in payment and security with the city's Water and Wastewater Revenue Bonds.

Sewer System Acquisition (Long Island, New York). A Ballard Spahr attorney represented Nassau County in the negotiation of an inter-municipal agreement to transfer ownership of the City of Long Beach's collection, treatment and distribution systems to a Nassau County authority in order to divert wastewater discharges from a channel to a County treatment plant.

Drinking / Wastewater System Acquisition (Connecticut, Maine). A Ballard Spahr attorney served as local regulatory counsel to a utility in its acquisition of a drinking and wastewater system serving 450,000 people in two states.

Allentown Water and Sewer Project. Ballard Spahr represented Goldman Sachs, which served as underwriter to Lehigh County Authority, the winning bidder in the Allentown Water and Sewer Project. The City of Allentown entered into a public-public partnership with the Lehigh County Authority to lease its water and sewer system in exchange for an initial up-front payment of approximately \$212 million and annual rental payments.

Borough of Shenandoah Water Project (Pennsylvania). Ballard Spahr served as P3 counsel to the Borough of Shenandoah, Pennsylvania in connection with the potential privatization of the Borough's water system.

York Sewer Project (Pennsylvania). Ballard Spahr served as lender's counsel to a shortlisted bidder for the proposed privatization of the City of York's sewer system. Ballard Spahr reviewed and prepared comments to the Concession Agreement, other project documents, and inter-municipal agreements.

Lake Havasu. Ballard Spahr served as counsel to Lake Havasu City, Arizona in connection with the possible privatization of the city's water and sewer system. Ballard Spahr lawyers drafted the RFI and participated in multiple calls and meetings with the city to evaluate possible scenarios for its system.

Reading Water Project (Pennsylvania). Ballard Spahr previously served as P3 counsel to the City of Reading in connection with its potential privatization of the city's water system and water treatment plant.

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