



James F. Van Orden

Member

Philadelphia, New York

jvanorden@cozen.com | (215) 665-4625

James focuses his practice on environmental and energy law. In addition, James draws on his 11 years of prior government service to advise clients on a variety of general regulatory and strategic matters.

Prior to joining the firm, James worked at the Environmental Protection Agency (EPA) in a few different capacities. Most recently he acted as senior assistant regional counsel, where he was responsible for environmental counseling and enforcement matters under various statutes, including CERCLA, CWA, RCRA, and CAA in both the federal administrative and judicial contexts. He handled complex judicial enforcement matters in the Marcellus Shale sector, oil spill response, accident prevention, and multimedia context. As the EPA Region 3 lead oil enforcement lawyer, James was responsible for the Federal Response Plan (FRP) and Spill Prevention, Control, and Countermeasure (SPCC) counseling and enforcement, representing the EPA in seeking penalties, ensuring compliance, and advising on questions of federal jurisdiction. James acted as one of the Agency's national experts on FRP and SPCC legal matters and handled a variety of oil enforcement cases, including the BP Curtis Bay FRP consent decree, which established a national corporate spill prevention compliance program across BP's inland operations in the aftermath of the offshore Deepwater Horizon oil spill. He also served as special counsel for enforcement and permitting in the Air Protection Division and began his career at the EPA during law school as a paralegal specialist.

James earned his bachelor's degree, *cum laude* and with honors, from Franklin and Marshall College. James earned his Masters of Environmental Management from Duke University and he earned his law degree, with honors, from the University of North Carolina at Chapel Hill. While attending law school, he was the notes editor for the *Journal of Law and Technology*, president of the Environmental Law Project, and a member of the Holderness Moot Court, Environmental Appellate Advocacy Team.

Experience

Represented a publicly traded waste management company in the sale of substantially all of its assets, valued at approximately \$80 million, to a private equity fund. This complex transaction drew on the experience of the firm's corporate, tax, employee benefits and executive compensation, labor and employment, commercial litigation, real estate, and utilities, energy, and environmental attorneys.

Represented Spell Capital Partners, LLC, a private equity firm, and its portfolio company, Viking Plastics, in connection with the acquisition of Genesis Plastics and Engineering, LLC and Genesis Plastics Solutions, LLC. Viking Plastics is an injection molding and value-added assembly service provider. With facilities in Jeffersonville and Scottsburg, Ind., Genesis manufactures injection molded parts for the automotive industry. This transaction drew on the experience of the firm's corporate, tax, real estate, intellectual property, labor and employment, employee benefits and executive compensation, and utilities, environmental, and energy attorneys.

Represented Spell Capital Partners, LLC, a private equity firm, in connection with its acquisition of Polar Plastics Inc., a manufacturer of plastic film and low-density polyethylene packaging products based in Minnesota. This transaction drew on the experience of the firm's corporate, tax, real estate, intellectual property, employee benefits and executive compensation, labor and employment, and environmental attorneys.

Practice Areas

- Environmental Litigation & Enforcement
- Environmental Regulatory & Due Diligence
- Environmental, Social & Governance
- Government & Regulatory

Industry Sectors

- Climate Change
- Real Estate & Construction
- Renewable Energy

Education

- University of North Carolina - Chapel Hill, J.D., 2006
- Duke University, M.E.M., 2003
- Franklin and Marshall College, B.S., 2001

Bar Admissions

- New Jersey
- New York
- Pennsylvania

James F. Van Orden

jvanorden@cozen.com

P: (215) 665-4625 | F: (215) 665-2013

P: (212) 883-4920 | F: (917) 521-5862

©2024 Cozen O'Connor. All rights reserved.



Assisted Ocean Wind, a subsidiary of the Danish company Ørsted, in the preparation and prosecution of its application to the New Jersey Board of Public Utilities for the rights to build up to 1,100 megawatts of offshore wind power off the coast of New Jersey, resulting in an award of all 1,100 megawatts of capacity. This was the first offshore project of that scale to be awarded to any one offshore wind bidder in the United States (Ocean Wind I).

Acted as Special Counsel for Enforcement and Permitting for EPA Region 3, Air Protection Division, including federal Clean Air Act permit review and enforcement.

Served as lead attorney for EPA Region 3 on a Title V Clean Air Act permit defense for a Maryland facility.

Served as lead environmental counsel for due diligence and multimedia permit viability and transfer analysis in connection with the acquisition of multiple natural gas power plants in Pennsylvania and Delaware.

Served as lead counsel to Norfolk Southern Railway Company in connection with its acquisition of an Army Corps of Engineers Section 408 permit.

Represented a business owner in a matter involving Pennsylvania stormwater permitting enforcement.

Represented the plaintiff in a Clean Water Act Citizen Suit Action related to New Jersey Clean Water Act permit noncompliance.

Served as lead counsel for a real estate client in connection with the renewal of its Pennsylvania Minor Source Air permit.

Represented United Hydrogen Group, Inc., a Pittsburgh-based, vertically integrated supplier of hydrogen to the automotive fuel cell and industrial markets throughout the United States, in its sale to Plug Power, Inc. (NYSE: PLUG), a provider of hydrogen engines and fueling solutions enabling e-mobility. The transaction involved the sale of a manufacturing plant in southeast Tennessee, corporate headquarters in Pennsylvania, and property in California. The majority of UHG's shareholders are Czech Republic individuals and corporations. The transaction drew on the experience of the firm's corporate, real estate, tax, commercial litigation, and environmental attorneys.

Represented Hydrofarm Holdings Group, Inc. (NASDAQ: HYFM), a leading hydroponic equipment and supplies manufacturer, in its \$78 million acquisition of all of the membership interests of Field 16, LLC, a manufacturer and distributor of plant nutrients under the Heavy 16 brand, as well as in its acquisition of House & Garden, Inc., Humboldt Wholesale, Inc., Allied Imports & Logistics, Inc., and South Coast Horticultural Supply, Inc. (collectively House & Garden), for \$125 million. House & Garden manufactures and distributes plant nutrients under the House & Garden and Mad Farmer brands. These transactions drew on the experience of the firm's corporate, tax, employee benefits and executive compensation, labor and employment, environmental, commercial litigation, intellectual property, and data security attorneys.

Represented Shank's Extracts, Inc., a privately held specialty ingredient, flavoring, and food company with bottling and packaging capabilities, in its \$100 million sale to Universal Corporation, a multinational tobacco and other agricultural products processing company, and the sale by a related party of certain real estate to Universal for an additional \$13 million. Shank's has a strong presence within the flavoring, extracts, and bottling marketplace, with significant vanilla expertise. In addition to pure vanilla extract products, Shank's offers a robust portfolio of more than 2,400 other extracts, distillates, natural flavors, and colors for industrial and private label customers worldwide. This transaction drew on the experience of the firm's corporate; tax; environmental; intellectual property;

James F. Van Orden

jvanorden@cozen.com

P: (215) 665-4625 | F: (215) 665-2013

P: (212) 883-4920 | F: (917) 521-5862

©2024 Cozen O'Connor. All rights reserved.



employee benefits and executive compensation; business litigation; antitrust; labor and employment; and technology, privacy, and data security attorneys.

Represented a corporate parent that oversees all of the investments across an insurance platform in its acquisition of a firm specializing in yacht insurance. This transaction drew on the experience of the firm's corporate, tax, intellectual property, employee benefits and executive compensation, and environmental attorneys.

Represented J&J Snack Foods Corporation, a snack foods and frozen beverages company, in its \$222 million acquisition of the equity securities of Dippin' Dots Holding, L.L.C., the owner of Dippin' Dots, LLC, maker of flash-frozen and beaded ice cream, and Doc Popcorn, L.L.C., the maker of the Doc Popcorn brand of popcorn. This transaction drew on the experience of the firm's corporate, tax, real estate, commercial litigation, intellectual property, labor and employment, employee benefits and executive compensation, environmental, and antitrust attorneys.

Represented the equity investment partner in a joint venture transaction with a development partner in connection with the demolition of an industrial building in Los Angeles that also involved the rezoning, entitlement, development, and construction financing of 376 low-income housing units as well as 6,500 sq. ft. of retail space. With the project subject to Housing Authority of the City of Los Angeles vouchers, Los Angeles land use restrictive covenants, and California Revenue and Taxation Code (Section 214(g)) real estate tax exemption criteria, the representation involved negotiating real estate tax exemption documentation, a guaranteed maximum price construction contract, not-for-profit welfare asset management participation, public sector welfare subsidy investment, environmental remediation, and construction loan documentation.

Represented Presbyterian Senior Living and its subsidiary, Pine Run Village, Inc., in the \$80.6 million acquisition from Doylestown Hospital of substantially all of the assets of a continuing care retirement community that included Pine Run Retirement Community and Pine Run Lakeview. This transaction drew on the experience of the firm's corporate, business litigation, health law, environmental, employee benefits, labor and employment, public and project finance, tax, and real estate attorneys.

James F. Van Orden

jvanorden@cozen.com

P: (215) 665-4625 | F: (215) 665-2013

P: (212) 883-4920 | F: (917) 521-5862

©2024 Cozen O'Connor. All rights reserved.

