

# Snell & Wilmer

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## **Patrick J. Paul, P.C.**

Partner | Phoenix

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### **Main Bio**

Patrick Paul is a practical problem solver with more than 25 years of experience developing meaningful relationships with critical decision makers. With notable land use, environmental due diligence, zoning, regulatory, renewable energy and litigation experience, Patrick assists both large and small clients in traditional and developing industries manage regulatory compliance issues associated with the construction and development of manufacturing, distribution, renewable and fossil fuel power production facilities, hospitality venues, and the management of related complex land use, environmental and regulatory issues. He also provides land use and zoning counseling and assists new and expanding businesses maximize available economic incentives to facilitate relocation and growth.

Patrick consistently represents clients before a bevy of regulatory agencies on environmental permitting matters, including air emissions, water utilization, wastewater discharge, and energy storage matters. He also represents clients in connection with the use of drones and unmanned aerial vehicles. In addition, Patrick regularly counsels clients with respect to the acquisition of food safety and liquor licenses regarding the production, importation and distribution of spiritous liquors for alcohol beverage companies, brewers, hotels, management companies, golf courses, restaurants and bars. He is a frequent author and speaker on these issues to various industry, legislative and legal education organizations, including as an adjunct professor in the Master of Real Estate Development (MRED) program at the W.P. Carey School of Business at Arizona State University.

### **Representative Experience**

#### **Environmental and Land Use Litigation**

- Defended manufacturer of polyfluorinated alkyl substances (PFAs) in connection with personal injury claims associated with alleged exposure
- Defended numerous construction trades, property owners and management companies against claims for damages associated with alleged exposure to various toxic substances
- Represented NBA franchise related to the zoning and redevelopment of urban property near team arena
- Represented manufacturer of military, law enforcement and personal safety equipment in connection with lease obligations and compliance with local zoning and environmental requirements
- Defended energy, defense, development, health care, hospitality and industrial companies against claims from federal, state and local agencies regarding compliance with land use, development, water and air permit limitations under laws including the Clean Air Act, Clean Water Act, Resource

- Conservation and Recovery Act, and the Federal Insecticide Fungicide and Rodenticide Act
- Federal and state Superfund defense of various publicly traded, privately held and smaller companies.
- Represented Fortune 100 beverage producer in defense of Clean Water Act, Superfund and Underground Storage Tank claims
- Assisted publicly traded oil company on claims for reimbursement associated with remediation of various UST sites throughout Arizona
- Defended international mining company against Superfund reimbursement claims

### **Hospitality, Liquor Licenses, Food & Health Safety**

- Provided liquor license and related food handling regulatory compliance guidance associated with the merger of two publicly traded hospitality companies, including the transfer of certain existing permits and acquisition of new ones to facilitate merger and uninterrupted continuity of business operations
- Assisted privately held brewery with the acquisition of liquor licenses and related regulatory compliance matters associated with the construction and development of state-of-the-art seltzer brewing and packaging facility in Arizona
- Represented grocery store chain in the acquisition of 140 stores in the western United States, including the transfer of existing liquor licenses, expansion of liquor sale privileges and the procurement of relevant state and federal environmental, health, food handling and safety permits
- Assisted start-up in connection with the acquisition and development of hotel properties, including acquisition of liquor licenses and various local compliance obligations
- Provided liquor license and regulatory compliance assistance to numerous privately owned restaurant and bar operations associated with both entry into local markets and expansion of existing presence, including land use and zoning matters impacting the expansion of premise
- Represented international restaurant chain in connection with menu compliance with local health code requirements

### **Renewable Energy**

- Provided land use, zoning and regulatory compliance counseling to international renewable energy producer regarding the acquisition of solar assets in the western United States
- Represented renewable energy company in connection with acquisition and development of high BTU anaerobic digester project
- Assisted wind energy company in connection with regulatory compliance issues associated with the acquisition of related assets in northern Arizona
- Represented clients in connection with lithium battery storage and compliance matters
- Represented electric vehicle manufacturer in connection with acquisition and development of facility in Arizona and management of prospective environmental liabilities
- Provided legal opinions to numerous financial institutions in connection with financing wind and solar projects

### **Environmental Compliance and Land Use Due Diligence**

- Represented publicly traded retail beverage producer in connection with identification of hundreds of new locations to facilitate drive-through access and manage environmental risk associated with historic operations
- Represented international nonprofit healthcare organization in the acquisition, development and

- expansion of health care facilities including managing disposal of medical waste, compliance with Clean Water Act §404 requirements, and general risk management for environmental matters
- Counsel to international hotel chain in connection with environmental liabilities associated with portfolio expansion
  - Assisted numerous hard-rock mining companies on various environmental and land use compliance matters
  - Represented public university with respect to land disposition and management of asbestos disposal
  - Provided compliance counsel to health care facilities in connection with facility demolition and renovation activities and related asbestos management requirements
  - Represented produce growers, packagers and sellers associated with USDA, FDA and related state and local environmental compliance issues
  - Represented western municipality regarding EPA non-compliance allegations associated with discharges from Publicly Owned Treatment Works facility
  - Lender liability counseling to numerous financial institutions related to loans associated with brownfield and contaminated properties

### **Zoning and Land Use**

- Assisted publicly traded athletic shoe manufacturer in connection with acquisition of manufacturing and distribution facility
- Represented asphalt producer focused on environmentally sustainable products from recycled rubber in the acquisition of land and development of manufacturing facility, including environmental due diligence and compliance with state and local zoning, land use and air quality requirements
- Provided land use, environmental and zoning counseling to milk company associated with land acquisition, development and construction of 300,000sf production and distribution facility, including economic development incentives from state and local commerce agencies
- Advocated for zoning and land use changes and permits on behalf of various development companies before numerous state and local zoning authorities
- Represented privately held telecommunications infrastructure company associated with the expansion of wireless capabilities utilizing existing state and local infrastructure, including the negotiation of numerous right-of-way master license agreements with local municipalities throughout Arizona

### **Government Relations**

- Negotiated economic incentive and employment commitment agreements on behalf of numerous clients seeking to expand industrial, commercial and manufacturing operations within Arizona.
- Represented numerous clients in connection with development agreements with various Arizona governmental agencies
- Advocated for legislative and regulatory changes to facilitate business relocation to Arizona and expansion within Arizona
- Represented silicon wafer facility related to the situs and development of manufacturing facility
- Represented foundry in connection with expansion of facility challenged by residential growth
- Provided counseling regarding odor concerns associated with aggregate operations near residential area
- Assisted national consumer fireworks retailer expand presence in state
- Member, Arizona Chamber of Commerce Public Affairs Committee and advocate for legislative and

regulatory adaptations to new and expanding businesses to facilitate growth and employment within Arizona

### **Cannabis**

- Provided zoning, land use, licensing and related regulatory compliance counsel associated with dispensary, cultivation and growing concerns under the Arizona Medical Marijuana Act, the Smart and Safe Arizona Act and the Adult Use Marijuana Program

### **Drones and UAS**

- Provided privacy counseling associated with operation of unmanned aerial systems
- Collaborated with state legislators on the development of legislation impacting the use and operation of drones
- Counseled clients in the evaluation of drone deployment programs for facility and project inspection

### **Education**

- Vanderbilt University, School of Law (J.D., 1992)
  - Managing Editor, Vanderbilt Journal of Transnational Law
- State University of New York at Albany (B.A., magna cum laude, 1988)
- Institute of Public Administration, Dublin, Ireland, (1987)

### **Professional Memberships & Activities**

- American Bar Association
  - Editorial Board, Natural Resources & Environment Magazine
- Arizona Manufacturers Council, Member
- Arizona Mining Association, Member
- Arizona Chamber of Commerce & Industry
  - Public Affairs Committee
- The Federation of Defense and Corporate Counsel, Member
- International Association of Defense Counsel, Member
- Defense Research Institute
  - Pacific Region Director
- Valley Partnership
- State Law Resources, Inc., Board of Directors, Past President
- State Bar of Arizona, Environmental Section, Past Chair
- Arizona Association of Defense Counsel, Past President
- Vanderbilt Law School National Council, Past Member
- Air & Waste Management Association
  - Grand Canyon Section, Past President, Board of Directors
- NAATBaat, Regulatory and Policy Committee Member

### **Representative Presentations & Publications**

- ["Faith and Begorrah! Arizona's Open Again! Or Is It?"](#) Author, Snell & Wilmer Legal Alert (March 12,

2021)

- "[Corps Announces Changes to Clean Water Act Permit Program](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (January 25, 2021)
- "[Arizona Governor Doug Ducey Funds Wastewater Study to Stop Pandemic Spread](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (January 6, 2021)
- "[More Help For Arizona's Restaurant & Hospitality Industry On The Way](#)," Author, Snell & Wilmer Legal Alert (January 6, 2021)
- "[Upward for Children and Families: Helping the Most Vulnerable](#)," Author, Attorney at Law Magazine (September 12, 2020)
- "[Arizona Water Improvement District Sues for PFAS Damages](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (September 11, 2020)
- "[EPA Announces New Office of Mountains, Deserts, and Plains](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (September 11, 2020)
- "[Arizona Supreme Court Rules Every County Gets Medical Marijuana License](#)," Author, Snell & Wilmer Legal Alert (September 9, 2020)
- "[When Tracking the Pandemic, the Scoop May Be in the . . . Well, Sewer](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (September 8, 2020)
- "[TMG Introduces a Due Diligence Interview Series](#)," Featured, The McGovern Group Blog (September 8, 2020)
- "[Wastewater Flows Can Predict COVID-19 Spread](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (June 4, 2020)
- "[States Challenge EPA's COVID-19 Enforcement Policy](#)," Co-Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (June 2, 2020)
- "[FAA Issues Emergency Waiver Allowing Drone Delivery of Medical Supplies](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (June 2, 2020)
- "[FAA Issues Drone Guidance for COVID-19 Response](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (April 17, 2020)
- "[EPA Announces COVID-19 Interim Field Work Guidance](#)," Co-Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (April 14, 2020)
- "[Drone Delivery Systems Can Aid Coronavirus Relief](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (April 6, 2020)
- "[Sewage Surveillance to Assess Possible COVID-19 Spread in Tempe Wastewater](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (April 3, 2020)
- "[ADEQ Issues COVID-19 Memo of Compliance & Enforcement](#)," Co-Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (April 3, 2020)
- "[Arizona Bars & Restaurants Can Delay License Payments, Continue Sales](#)," Co-Author, Snell & Wilmer Legal Alert (April 1, 2020)
- "[PFAS Gaining Legislative and Regulatory Traction](#)," Author, American Bar Association Spring 2020 Natural Resources & Environment Magazine (April 1, 2020)
- "[COVID-19 Drone Use Cases May Hasten Regulatory Approvals](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (March 26, 2020)
- "[The COVID-19 Impact on Renewable Energy Projects](#)," Author, Snell & Wilmer Environmental,

Natural Resources, Oil and Gas Law Blog (March 25, 2020)

- "[Drone Deployment to Combat COVID-19](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (March 24, 2020)
- DRI Annual Toxic Tort & Environmental Law Conference, Event Chair, Point Hilton Tapatio Cliffs, Phoenix, AZ (February 20, 2020)
- "[Cooperative Federalism and the Clean Water Act: The States Finally Get their Due](#)," Co-Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (February 14, 2020)
- "[Forever Chemicals \(PFAS\) Start New Decade With Flurry of Scrutiny](#)," Co-Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (January 24, 2020)
- "[Trump Proposes Rules to Expedite Infrastructure Projects](#)," Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (January 22, 2020)
- International Association of Defense Counsel Regional Meeting, Co-Host, Talking Stick Resort Arena, Phoenix, AZ (January 22, 2020)
- "[Ninth Circuit Dismisses Youth Climate Change Suit](#)," Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (January 21, 2020)
- "Future-Proofing Your Business: Advance Planning for Inevitable Market Fluctuations," Panelist, Business Development Guild, National Bank of Arizona (January 21, 2020)
- "[EPA Seeks Comment on Further PFAS Regulation](#)," Co-Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (December 9, 2019)
- "[PFAS: The Forever Chemicals Gaining Regulatory Attention](#)," Co-Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (December 3, 2019)
- "[Airbnb Declares End to Party!](#)" Author, Snell & Wilmer Real Estate Litigation Blog (November 4, 2019)
- "[Log It or Lose It: New Economic Opportunities Open as the Forest Service Changes Its Management Tactics in Northern Arizona](#)," Co-Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (October 22, 2019)
- "[Federal Law to Prohibit Low Flying Drones Proposed](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (October 17, 2019)
- "[UPS Wins Race to Become First FAA Certified Drone Airline Operator](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (October 18, 2019)
- "[Museum Fire Impact: \\$12M+ and That's Just the Money!](#)" Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (September 4, 2019)
- "[FAA to Limit Restrictions on Drone Use Near Federal Facilities](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (September 3, 2019)
- "[Short-Term Rental Legislation & Litigation On the Way](#)," Author, Snell & Wilmer Real Estate Litigation blog (September 3, 2019)
- "[Drones and Forest Fires - Leave It to the Pros](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (July 20, 2019)
- "[Arizona Slashes Medical Marijuana Card Cost in Half, Requires Testing](#)," Author, Snell & Wilmer Legal Alert (June 25, 2019)
- "[9th Circ. Deems EPA Pesticide Action Sufficient, For Now](#)," Author, Law360 (August 24, 2017)
- "[State Law Resources: An Interesting Perspective on Law Firm Networks](#)," Interviewed by Ari Kaplan,

Author of Reinventing Professional Services (February 19, 2016)

- "[Future Regulation of 'Waters of the United States'](#)," Co-Author, ABA Natural Resources and Environment, Vol. 29, No. 2 (Fall 2014)
- "[EPA Issues Proposed Rule to Significantly Reduce Carbon Dioxide Emissions](#)," Co-Author, Snell & Wilmer Legal Alert (July 10, 2014)
- "Handbook of Environmental Fluid Dynamics: Overview and Fundamentals," Contributing Author, CRC Press (2013)
- "[Environmental Due Diligence Standards: Present and Future](#)," Author, Westlaw Journal Environmental, Vol. 33, Issue 25 (June 26, 2013)
- "[Current Developments in U.S. Food Regulation](#)," Author, ABA Natural Resources and Environment, Vol. 27, No. 4 (Spring 2013)
- "[Toward More Rational Environmental Enforcement](#)," Author, ABA National Resources & Environment, Vol. 26, No.4 (Spring 2012)
- "The Maricopa County PM-10 5% Plan: An Overview of EPA's Proposed Disapproval," Co-Author, Arizona State Law Journal, 43 Ariz. St. L.J. 879 (2011)
- "[Lender Liability for Clean Water Compliance](#)," Co-Author, ABA Natural Resources and Environment, Vol. 25, No. 4 (Spring 2011)
- "[GHG Regulation Is Here to Stay](#)," Author, ABA Natural Resources and Environment, Vol. 24, No. 4 (Spring 2010)
- "Incentives for New Owners Under EPA's Audit Policy," Author, ABA Natural Resources and Environment (Winter 2009)
- "Practical Ideas to Limit Exposure in a Litigious, Moldy World," Cavco Industries, Inc. (May 2005)
- "Frye or Daubert in Arizona: A Case Study," Author, Arizona Association of Defense Council (January 2005)
- "Environmental Liability & Commercial Lending," Author, First National Bank of Arizona (December 2004)
- "Mold and Legal Liabilities in Arizona," Author, Long Realty Company and Hogan School of Real Estate (January 2003)
- "Litigating the Mold Case," Construction Defect Seminar, Arizona Association of Defense Counsel (November 2001)
- "Bill of Rights, A New Arizona Law Affects Regulatory Agency Inspections," Arizona Journal (1998)
- "Hazardous Waste, Superfund and Reporting Chapters," Maricopa County Bar Association Environmental Handbook, Maricopa County Bar Association (1997)

## **Professional Recognition & Awards**

- JD Supra Readers' Choice Award, Airlines/Aviation (2020)
- Outstanding Mentor of the Year, ASU Sandra Day O'Connor College of Law, Mentorship Initiative in Sustainability Law (2017)
- The Best Lawyers in America®, Environmental Law, Government Relations Practice, Environmental Litigation (2006-2021)
- Chambers USA: America's Leading Lawyers for Business®, Environment (including water rights) (2009-2020)



- Southwest Super Lawyers®, Environmental Litigation (2007-2020)
- Arizona's Finest Lawyers (2013)
- Best of the Bar, The Phoenix Business Journal
- Who's Who Legal - Environment, Global Leader (2019-2020)

## **Community Involvement**

- Arizona Diamondbacks Foundation, Board of Directors
- Folds of Honor, Board of Directors
- Human Services Campus, Board of Directors
- UPWARD for Children & Families, Board of Directors, Treasurer
- St. Joseph the Worker, Board of Directors
- City of Phoenix
  - Former Zoning Adjustment Hearing Officer
  - Board of Adjustment, Past-Chairman
- Arizona Celtic Bar Association, Founding Member and President
- Irish Cultural & Learning Foundation, Board Member
- Central Phoenix / East Valley Light Rail Transit Project, Citizen Member
- Benevolent & Protective Order of Elks, Member
- Former Valley Big Brother
- City of Phoenix Bond Committee, Arts and Culture Subcommittee, Past Member
- Marathon Runner - Chicago (2013, 2015, 2019); New York (2014); Boston (2017, 2019); Richmond (2016, 2017); Mesa (2020)

## **Previous Professional Experience**

- Gallagher & Kennedy, Phoenix, AZ (1992-1996)
- Gould & Wilkie, New York, NY (1988-1990)

## **Bar Admissions**

- Arizona
- Colorado

## **Court Admissions**

- Supreme Court of Arizona
- Supreme Court of Colorado
- United States District Court, District of Arizona
- United States Court of Appeals, Ninth Circuit