The water, wastewater and waste-to-energy sector operates within an intricate statutory, regulatory, environmental and political landscape. It is also an industry in flux. Climate change raises the possibility of water scarcity in many critical regions, putting pressure on water supplies and infrastructure. At the same time, governments in developing countries and high-growth regions are embarking on ambitious, large-scale PPP projects to service the increasing demand for water and wastewater treatment plants, sewage sludge composting and drying facilities and waste-to-energy facilities. Investors are also turning to the sector, with entrepreneurs, investors, academics and nonprofits seeking to break through barriers to innovation. Whatever their involvement, entities in the water and wastewater industry can rely on DLA Piper to promote their interests, preserve their rights and protect them from potential liability. We provide the comprehensive legal knowledge and awareness of the commercial aspects of the business that are key to success in this multifaceted and heavily regulated sector. Our targeted representation is informed by extensive experience advising sponsors, lenders, developers, contractors, operators, technology providers, consortia and governments on all aspects of the water business. Our global network gives us extensive insight into opportunities and resources worldwide, as well as access to key contacts, sponsors and decision-makers.

We are involved in some of the largest, most complex water projects in the world, from a US$900 million IWPP in Oman to an AUS$1 billion 250 mld desalination plant in Sydney, Australia, that is the centerpiece of the New South Wales government’s water strategy. In addition to project development and finance, we have advised on mergers and acquisitions, project bids, procurement, sovereign immunity, contracting authority, environmental and other regulatory matters, commercial agreements, intellectual property and dispute resolution. Our wide range of representation gives us insight into every facet of a transaction and helps us advocate the unique perspective of each of our clients.

**OUR ADVICE**

- Financing and refinancing at every stage of the funding cycle
- Construction and engineering
- Procurement
- Real estate matters
- Planning and development
- Mergers, acquisitions and divestitures of assets and companies
- Joint ventures and other strategic alliances
- Environmental and other regulatory issues
- Protection and licensing of technology
- Use, supply and distribution agreements
- Tax planning
- Litigation, international arbitration and ADR
OUR EXPERIENCE

Public Private Partnerships

- Representing a US-based company in responding to a RFP and negotiating contracts for the construction and operation of a wastewater treatment facility in Fulton County, Georgia, under a design-build-operate structure
- Representing a US-based company in responding to a RFP and negotiating contracts for the operation of wastewater treatment facilities in North Brunswick and Orange, New Jersey
- Counseling a major international company in developing, constructing, operating and financing a US$250 million 50 mgd desalination facility in Carlsbad, California
- Representing a US-based company as subcontractor for operations in responding to a RFP and negotiating contracts to construct and operate a water treatment facility in Houston, Texas
- Representing a government agency in procuring, financing and constructing a power plant, liquefied natural gas terminal and desalination plant in Puerto Rico
- Preparing a study for the US Department of Defense on the options for PPPs for the Washington, DC water system
- Counseling a government-related entity on potable water and wastewater concessions in the Waterfront and Palm Jebel Ali in Dubai, including advising on procurement strategy, drafting evaluation procedures, preparing a risk matrix, reviewing legislation, preparing project documents and negotiating with bidders
- Acting for a master developer in Dubai on the Jumeirah Golf Estates and International City wastewater concessions
- Advising Dubai Maritime City Authority on all aspects of an industrial and domestic wastewater treatment concession
- Advising Degrémont and Morganti on the development and financing of a wastewater treatment facility in Amman, Jordan. This deal received the 2003 Middle East Water & PPP Deal of the Year Award from Project Finance magazine
- Advising the Oman Power and Water Procurement Company on the implementation of the US$900 million Al Ghubrah IWPP, a brownfield power and water plant with a capacity of 500 MW of power and 25 mgd of desalinated water
- Advising Aqualia Infraestructuras as a member of Orasqualia, the winning consortium for the New Cairo Wastewater PPP project in Egypt
- Representing a master developer in Dubai on The World’s potable water concession
- Representing a master developer in Dubai on the Mina Rashid wastewater concession
- Advising the Asian Development Bank and commercial bank lenders in financing the Thu Duc BOT water treatment plant in Vietnam. DLA Piper was named Legal Adviser of the Year for Water by Infrastructure Journal for our work on this deal, and the transaction was named the 2001 Asia-Pacific Water Deal of the Year by Project Finance
- Advising BNP Paribas as project advisers to CPG (formerly a Singapore public utility) in its bid to build and operate the Ulu Pandan Newater water treatment project in Singapore
- Advising the lenders supporting an unsuccessful bidder and acting for the lenders on the financing of the successful bidder, SingSpring, on the Singapore Desalination Project
- Advising the Inter-American Development Bank on the financing of San Pedro Sula municipal water project in Honduras
- Acting for the Australian National Water Commission, Western Australia Water Corporation, Sydney Water, Melbourne Water, Queensland water entities and regulators, City West Water, Central Highlands Water Authority, Gippsland Water Authority and a number of other Victorian and interstate water authorities and NSW Councils with water and wastewater treatment and distribution responsibilities, including:
  - Sydney Desalination Project
  - Gold Coast Desalination Project
  - Southern Seawater Desalination joint venture in Perth
  - South Australian Desalination PPP
- Representing Thames Water Plc in its bid to privatize the water system for Birmingham, Alabama
- Preparing bid responses and negotiating contracts on behalf of a major US-based publicly traded company for PPPs for water and wastewater treatment plants in Camden, New Jersey; Springfield, Massachusetts; and Wilmington, Delaware
- Counseling the National Industries Company throughout every stage of the Sulabiya wastewater PPP for the Ministry of Public Works of Kuwait
- Acting as lead Saudi legal advisor to the Saudi Saline Water Conversion Corporation on its PPP, including advice on Islamic financing
- Advising the Government of Oman in a PPP arrangement for Al Masarrat and Ash'sharqiya Sands Water Supply Schemes, two major potable water schemes with transaction values of US$120 million and US$150 million respectively
- Advising the Muscat Municipality in a PPP arrangement for the Muscat, Oman sewage and wastewater system with a transaction value of US$300 million
- Advising the Ministry of National Economy on the privatization of the sewage and wastewater system in Salalah, Oman
- Advising the Oman Ministry of National Economy on all legal aspects of the Sultanate of Oman’s intention to reform and privatize water and wastewater services throughout the Sultanate. The representation included reviewing existing law, drafting new water sector legislation, advising on the commercial terms on which the private sector could be engaged and advising on industry regulation
- Representing the investors and municipalities in various water and wastewater privatization projects in Manta, Duran, Quito and Quayaquil, Ecuador
- Representing the Inter-American Development Bank as lender in the proposed privatization and development of water and wastewater treatment systems in Acuna, Mexico

**Mergers and Acquisitions**
- Advising a public water utility on its acquisition of a distressed water utility in the Mid-Atlantic
- Representing a major European water company in acquiring one of the largest US water utilities
- Advising Heckmann Corporation on its acquisition of all the assets of Greer and Silversword, a saltwater disposal, treatment and transportation company
- Representing Southwest Water Company in its acquisition by institutional investors managed by J.P. Morgan Asset Management and Water Asset Management LLC
- Acting on behalf of a mezzanine fund as lender and Erste Bank of Austria as senior lender in the acquisition and financing of a mineral water conglomerate in Romania

**Bidding**
- Representing a major US contractor in responding to a RFP for a desalination plant in Tampa
- Representing Thames Water Plc. in its bid to buy the US water supply assets of Aquarion Corporation
- Representing a US-based company in responding to a RFP for the construction and operation of water treatment facilities in New Brunswick and Ontario, Canada
- Counseling a bidder on project documentation for the Ras Az Zour IWPP project in Saudi Arabia
- Advising a bidder on project documentation for the Al Dur IWPP project in Bahrain
- Advising Australian Water Technologies as the developer of the Fort Bonifacio water project in the Philippines and as the bidder for the Dungan water supply project in Malaysia

**Regulatory/Environmental**
- Representing Cadiz, Inc. in joint preparation with the Metropolitan Water District of Southern California of an EIR/EIS for a large conjunctive use project for storage and transport of Colorado River Aqueduct water and indigenous groundwater
Conducting a full regulatory review of the water sector for the Government of Egypt, including providing advice on options for maximizing private sector participation and drafting recommended legislation

**Joint Ventures and Commercial Agreements**

- Representing a water and wastewater services company in its joint venture with a solid waste pelletization facility operator in the US
- Drafting agreements for a highly publicized water conservation program in California’s Central Valley, involving land management, crop rotation and fallowing
- Acting for a leading global entity as operation and maintenance contractor on water and wastewater utilities in Tripoli and Benghazi, Libya
- Representing a joint venture for a water supply and sewerage project in the Philippines

**Litigation and Dispute Resolution**

- Drafting the settlement of a lawsuit between the largest provider of public drinking water in the US and 20+ local water districts over the operation of the California State Water Project (the primary distribution system for drinking water in Southern California) and public agency compliance with the California Environmental Quality Act (CEQA)
- Acting as lead counsel for one of the world’s largest chemical companies in several cases involving allegations of failure of plastic pipe in several Texas cities and water districts. At issue was the replacement of the pipes at a cost of tens of millions of dollars
- Winning a trial-level victory for a public water utility on whether electricity used to power the pumps was subject to sales and use tax
- Representing an electric power provider in a successful arbitration involving US$4 million in claims arising from construction of a 110 mgd drinking water production facility
- Representing a Maryland sewer and water utility in a dispute over the value of 46 acres of property it sought to acquire for the construction of rapid infiltration sewage ponds
- Successfully representing Zenon Environmental in a patent litigation suit against United States Filter Corp. involving water and wastewater treatment systems
- Defending Stafford County, Virginia against multimillion-dollar changes and delay claims by a general contractor, its subcontractor and the architect involving the construction of a water treatment plant

**Waste-to-Energy**

- Representing a non-regulated utility affiliate in the development of a project for municipal solid waste treatment and waste-to-energy power production in Michigan
- Representing a political subdivision in the development and financing of two waste-to-energy projects in Virginia
- Representing a public authority in the development and financing of two waste-to-energy projects in Maryland
- Representing a political subdivision in the development and financing of a 500-tons-per-day waste-to-energy project in Florida
- Representing a political subdivision in the development and financing of a 500-tons-per-day waste-to-energy project in Connecticut

**ABOUT US**

DLA Piper is a global law firm with lawyers across the Americas, Asia Pacific, Europe and the Middle East.

From the quality of our legal advice and business insight to the efficiency of our legal teams, we believe that when it comes to the way we serve and interact with our clients, everything matters.

**FOR MORE INFORMATION**

To learn more about DLA Piper, visit www.dlapiper.com or contact:

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