



## DANIEL T. MCKILLOP

### COUNSEL

ENVIRONMENTAL & LAND USE | LITIGATION  
COMMERCIAL REAL ESTATE & DEVELOPMENT  
RENEWABLE ENERGY & SUSTAINABILITY

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### BIOGRAPHY

Dan McKillop has more than fifteen years of experience representing corporate and individual clients in complex environmental litigations and regulatory proceedings before state and federal courts and environmental agencies arising under numerous state and federal statutes, including ISRA, the Spill Act, RCRA, CERCLA/Superfund, the Clean Air Act and the Clean Water Act. Dan also leads Scarinci Hollenbeck's Cannabis Law practice group, which counsels clients regarding all aspects of the emerging legal cannabis industry.

Dan's expertise within the environmental field also includes federal and state Hazard Communication and Right-to-Know requirements, occupational safety and health issues, asbestos requirements, and underground storage tank regulations. Dan is also well versed in issues pertaining to environmental permitting, environmental auditing, environmental insurance, and the environmental aspects of commercial real estate and business transactions. Dan has served on a variety of committees and boards related to the environmental legal field, including the New Jersey Commerce and Industry Association's Environmental Business Council steering committee, and he is currently Vice-Chair of the New Jersey State Bar Association Environmental Law Section.

Dan is Chair of the Firm's Cannabis Law group, which is comprised of more than a dozen attorneys from each of our practice areas. Dan represents entities seeking to obtain medical and adult-use cannabis licenses, and he has a thorough knowledge of current Federal and state medical and adult-use cannabis law and proposed legislation. Dan regularly authors articles and presents at business events regarding the emerging cannabis industry, and he is a member of the New Jersey CannaBusiness Association and an Editor of the Cannabis Law Journal. Most recently, Dan was selected by the National Law Journal as a 2018 Cannabis Law Trailblazer.

Dan was selected as a New Jersey Super Lawyer Rising Star each year from 2011-2015.\* Dan graduated cum laude from Pace University School of Law in 2001, where he earned certificates in both Environmental Law and International Law. During law school, he worked in the Office of the Staff Judge Advocate General at the United States Military Academy at West Point and also practiced law as a student attorney in the Pace Law School Environmental Litigation Clinic. In addition, he was

a member of the law school's Environmental Law Review, chaired Pace University's 2001 National Environmental Moot Court Competition, and led the law school's team in the 2001 International Environmental Moot Court Competition. Dan previously earned his Bachelor's degree in Government and International Studies from the University of Notre Dame, and he is an Eagle Scout.

### BAR ADMISSIONS

- New Jersey (2002)
- United States District Court, District of New Jersey (2002)
- District of Columbia (2011)
- New York (2013)

### REPRESENTATIVE MATTERS

#### LITIGATION

- Represented estate of former company shareholder in multi-party New Jersey federal environmental litigation initiated by governmental and private entities.
- Represented former corporate officer in New Jersey state litigation pertaining to dry cleaner contamination of commercial property.
- Represented private landowner plaintiff in New Jersey state environmental and eminent domain litigation involving State and national private entities.
- Represented major New Jersey construction contractor and managed complex multi-party litigation initiated by NJDEP regarding contaminated property and wetland claims.
- Represented global personal products company regarding investigation of its 19th and 20th century New Jersey manufacturing operations by U.S. EPA.
- Represented commercial waste hauler in concurrent matters before New Jersey Office of Administrative Law, the Appellate Division of the New Jersey Superior Court and the New Jersey Supreme Court.
- Represented national insurance carrier in complex environmental litigation venued in the Central District of California. Coordinated mediation efforts among parties, insurance carriers and dozens of third-party defendants.

- Represented national insurance carrier and achieved favorable settlement in complex, multi-party groundwater contamination suit venued in the Northern District of Illinois.
- Represented home heating oil provider in multi-party leaking underground storage tank litigation. Authored dispositive motions and served as discovery coordinator.
- Represented Pennsylvania specialty gas company in successful settlement of multi-party environmental and real estate litigation.

#### TRANSACTIONAL

- Represented international supermarket chain regarding environmental aspects of property acquisition within New Jersey.
- Represented national car rental company with respect to environmental matters pertaining to divestiture, acquisition or leasing of commercial properties.
- Represented national luxury department store chain regarding environmental aspects of acquisition or leasing of commercial properties.
- Represented privately held New Jersey corporation with respect to remediation, lease and sale of tenanted gas station property.
- Represented India-based global communications company and coordinated domestic and foreign environmental counsel and consultants in due diligence investigations of 50 worldwide telecommunication sites in **successful \$130 million corporate acquisition**.
- Represented global communications company and coordinated domestic and international discovery proceedings in successful defense of \$92 million contract claim.

#### REGULATORY ADMINISTRATIVE, PERMITTING, AND COMPLIANCE COUNSELING

- Represented multiple business and industry organizations in defense of the validity of the NJDEP “Waiver Rule.” Draftsman of legal arguments within prevailing brief filed with the Appellate Division of the New Jersey Superior Court and within brief opposing certiorari filed with the New Jersey Supreme Court.
- Represented Class II freight railway operating over 500 miles of track within New York, Pennsylvania and New Jersey with respect to notices of environmental violations pertaining to the transloading and rail transport of hazardous materials.
- Represented industrial client operating a waste-to-energy facility in effort to stay the revocation of air emission operating permits. Coordinated effort with client, technical consultants, and corporate counsel and obtained stays of permit revocations.
- Advised Fortune 200 energy utility client regarding Federal, New Jersey and Pennsylvania wetland and flood hazard area permit issues impacting client’s infrastructure expansion efforts, including anticipated Federal regulations

regarding installation of cooling water structures at electricity generating stations.

- Advised New Jersey senior care company with respect to installation and benefits of solar power systems at company facilities located within New Jersey and nationwide.

#### ARTICLES

- “New Jersey Site Remediation Professional Licensing Board Adopts New LSRP Regulations,” Commerce Magazine/Free Thinking Business Blog, February 2016
- “EPA Proposes Revisions To Hazardous Waste Generator Regulations,” Commerce Magazine/Free Thinking Business Blog, November 2015
- “Timing is Key in Spill Act Contribution Claims,” Meadowlands USA Magazine, October 2013
- “Surviving The Next Sandy,” Meadowlands USA Magazine, August 2013

#### PRESENTATIONS

- POST-SANDY RESILIENCY PROJECTS IN NJ - REBUILD BY DESIGN AND BEYOND, NJSBA, ANNUAL MEETING, MAY, 2017
- Pipelines and Eminent Domain, NJ Environmental Law Forum, 2015
- Overview of Federal Environmental Law, CBIZ Inc., April 2013

#### AFFILIATIONS

- Cannabis Law Committee, New Jersey State Bar Association, Member
- **Currently**, Vice-Chair of the NJSBA Environmental Law Section
- **Secretary**, New Jersey State Bar Association, Environmental Law Section, 2017-2018
- **Treasurer**, NJSBA Environmental Law Section, 2016-2017
- Environmental Business Council **Steering Committee Member**, Commerce and Industry Association of New Jersey (CIANJ) 2016-2018
- **Editorial Board**, Cannabis Law Journal

#### EDUCATION

- University of Notre Dame, B.A. (1997)
- Pace University School of Law, J.D. (*Cum Laude*, 2001)