



Gallagher&Kennedy



DALVA L. MOELLENBERG

Shareholder

Gallagher & Kennedy
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My Practice

ENVIRONMENTAL - Environmental Assessment, Environmental Counseling, Environmental Due Diligence, Environmental Litigation, Environmental Lobbying/Legislation/Advocacy, Environmental Natural Resources, Environmental Regulatory Enforcement, Environmental Regulatory Permitting, Environmental Remediation, Environmental Rulemaking, Pollution Prevention and Mitigation

ADMINISTRATIVE LAW - Environmental Regulation and Compliance, Natural Resources Regulation and Compliance

NATURAL RESOURCES - Agriculture, Mined Land Reclamation, Mining, Native American Natural Resources, Natural Resources Lobbying/Legislation/Advocacy, Natural Resources Regulation and Compliance, Oil and Gas, Public Lands, Water Quality, Water Rights, Wildlife and Endangered Species

GOVERNMENT AFFAIRS & LOBBYING - Environmental Lobbying/Legislation/Advocacy, Natural Resources Lobbying/Legislation/Advocacy

PROFESSIONAL SUMMARY

Dal manages Gallagher & Kennedy's Santa Fe office, practicing primarily with regulated industries, particularly environmental and natural resources law and administrative law and litigation. He concentrates his practice on water quality and water rights, Superfund, hazardous waste, mining law and mined land reclamation, and oil and gas law. His experience includes all types of administrative proceedings, including rulemaking, permitting and licensing, defense of regulatory enforcement actions, appeals of agency actions, and settlement, alternative dispute resolution and litigation concerning environmental and other regulatory matters.

For over 30 years, Dal has represented businesses in environmental, natural resources and other sophisticated regulatory matters, working with legislative and regulatory bodies at the federal level, in both Arizona and New Mexico and in the local markets of his clients.

Dal has been named a Southwest Super Lawyer since 2007, recognized among the Best Lawyers in America since 1999, and is ranked in Chambers USA.

REPRESENTATIVE EXPERIENCE

- Acted as the lead industry attorney in proceedings before the New Mexico Water Quality Control Commission regarding the adoption of water quality control regulations for copper mines and dairies in accordance with 2009 amendments to the New Mexico Water Quality Act. These matters included development of industry strategy and representation in rule development proceedings conducted by the New Mexico Environment Department, public hearings before the Commission, and appeals to

the New Mexico Court of Appeals and Supreme Court.

- Representing mining clients in New Mexico and Arizona in obtaining and maintaining mining claims on public lands and obtaining permits needed for mining operations, including federal and state water quality permits, air quality permits, mined land reclamation permits, and authorization for mining on state and federal public lands.
- Representing businesses in defending and settling compliance and enforcement actions brought by federal and state agencies under various environmental laws, including the federal Clean Water Act, Toxic Substances Control Act, Endangered Species Act, and Migratory Bird Treaty Act, and state water quality, air quality, and other environmental laws.
- Representing business conducting due diligence and negotiating contract terms concerning the acquisition of businesses and real estate, particularly relating to compliance with environmental laws and assessment of liability under Superfund and other environmental cleanup laws, particularly in the mining and oil and gas industries.
- Representing industries in the assessment, negotiation, settlement and litigation relating to response actions under federal and state Superfund and other cleanup laws and natural resource damage claims, including negotiation of numerous consent decrees filed in federal and state courts.
- Government relations advocacy before legislatures and federal and state agencies on behalf of various regulated entities, including the mining, oil and gas, chemical, agriculture, and telecommunications industries.

EDUCATION

Arizona State University
J.D., *magna cum laude*, 1985
Order of the Coif
Editor, Law Journal

University of Colorado, Boulder
B.A., 1982

BAR & COURT ADMISSIONS

- Arizona, 1985
- New Mexico, 1993
- U.S. District Court, District of Arizona, 1985
- U.S. Court of Appeals, Ninth Circuit, 1991
- U.S. District Court, District of Colorado, 2000

ASSOCIATIONS & MEMBERSHIPS

- State Bar of New Mexico, Member
- State Bar of Arizona, Member
- State Bar of New Mexico, Environmental Law and Natural Resources Law Section, Member
- New Mexico Mining Association, Environment Committee, Chairman

HONORS & AWARDS

- AV Preeminent Peer Review Rating, *Martindale-Hubbell*
- *The Best Lawyers in America*®, Environmental Law and Litigation - Environmental, 1999-2020; Natural Resources Law, 2016-2020
- *The Best Lawyers in America*®, Lawyer of the Year in Santa Fe, Environmental Law, 2016, 2020
- *Chambers USA*®, 2004-2008, 2013-2019
- *Southwest Super Lawyers*®, Environmental Law, 2007-2019
- ALM Media Legal Leaders, Arizona's Top Rated Lawyers, 2018
- Doc Weiler/Marvin Watts Award for Professionalism, New Mexico Mining Association, 2012
- Arizona's Finest Lawyers, 2011

PUBLISHED WORKS

- *RCRA Regulation of Mining and State and Federal Mined Land Reclamation Programs*, Society for Mining, Metallurgy & Exploration, 1990 and 1994
- *Turning Gold into Solid Waste: RCRA Regulation of Industrial Processes*, Arizona State Law Journal, 1991

SPEAKING ENGAGEMENTS

- New Mexico Water Law Conference, CLE International (Multiple Topics)
- WQARF Reform, Continuing Legal Education, State Bar of Arizona
- WQARF Reform, Continuing Legal Education, Arizona Chamber of Commerce
- Environmental Regulation of Mining, Continuing Legal Education, State Bar of New Mexico
- Water Quality and Toxic Substances, Continuing Legal Education, Arizona State University, Center for Environmental Studies
- Environmental Law Concerns for Developers, National Business Institute
- Preservation of Cultural Resources on Federal Public Lands in Arizona, National Business Institute
- Endangered Species and Wildlife Protection, National Business Institute
- Mineral Resource Management Issues, National Business Institute