

# **RICHARD J. BRICKWEDDE**

**211 W. JEFFERSON ST. STE 26**

**SYRACUSE, NY 13202-2460**

**315-423-3302**

**rbrickwedde@brickwedde.com**

## **PROFESSIONAL EMPLOYMENT**

BRICKWEDDE LAW FIRM, 2003 to Present.

Transactional, litigation and regulatory practice representing individuals (including estate practice) and businesses, directly and of counsel to other attorneys, with an environmental emphasis.

GREEN & SEIFTER, ATTORNEYS, PLLC, 1992 to 2003.

Created and headed proactive environmental practice. Practice included superfund litigation, remediation, tax assessment challenges and development of contaminated property, regulatory permitting and compliance defense work; also, some estate practice.

SYRACUSE UNIVERSITY, UNIVERSITY COLLEGE, Adjunct Professor of Environmental Law in Legal Certificate Program Fall 2002 -2009.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION 1980-1991. Regional Attorney, Acting Regional Director 1984.

NEW YORK STATE MOTOR TRUCK ASSOCIATION, Environmental Counsel, 1992 to Present.

Assistant Counsel to the Speaker, including legal liaison to the Assembly Environmental Conservation Committee (1976-77), Agriculture Committee (1976) and Labor Committee (1977), and Associate Counsel to the Majority Leader of the New York State Assembly, 1975.

General Business Private Practice of Law, 1977-1980; Lowery, Carrigan and Keough, 1975-1977; Love, Balducci and Scaccia, 1971-1975.

Pre law school: Staff Assistant Syracuse Office of Senator Robert F. Kennedy. Congressional Desk, US Post Office, Washington, DC. OEO VISTA in its first year set up procedures for extending/re-upping and departing volunteers; then Assistant to Associate Commissioner facilitating interviewing and screening of potential senior staff for VISTA.

## **EDUCATION**

Fordham University School of Law, J.D., 1969

Syracuse University, A.B., 1966

SUNY College of Forestry (now Environmental Science & Forestry) 1962-1963

Managing New York State, Level One and various Level Two Courses  
30 Hour Appellate Division Attorney-Client Grievance Mediation Training 1999

### **PAPERS AND PRESENTATIONS**

*Annual Review of New York Environmental Law*, SYRACUSE LAW REVIEW Vol. 56 No. 4  
2006  
*Annual Review of the Law: Recent Developments: Solid Waste*, THE URBAN LAWYER Vol. 38  
No. 3, 2006  
*Interstate Garbage: The Carbone Case and the Commerce Clause*, ABA State and Local  
Government News, Vol. 18, No. 2, 1995  
*Superfund Equity Recycling Act of 1999*, ABA Solid Waste News Vol. 2, No. 2, 2000.  
*The Small Business Liability Relief and Brownfields Revitalization Act of 2002* OCBA 2002  
*New York Environmental Law Practical Skills NYSBA 1999*  
*The Environmental Aspects of a Real Estate Transaction - Voluntary Cleanups and  
Compliance Issues: A Case Study*, OCBA 1999  
*Brownfields and Voluntary Cleanups*, William Morris Associates, Binghamton, NY, 1996  
*The Environmental Aspects of a Real Estate Transaction*, OCBA, 1996  
*Voluntary Cleanup Agreements and Brownfields*, OCBA, 1998  
*A Survey of Land Survey Issues and New Environmental Due Diligence Requirements in Real  
Estate Transactions* OCBA 2003  
Contributor, Various professional publications including THE URBAN LAWYER  
Annual Solid Waste updates  
Contributor, CENTRAL NEW YORK BUSINESS JOURNAL, 1992  
Contributor, BUILDER/ARCHITECT Magazine, Central New York  
and Greater Rochester editions, 1992  
Contributing Editor, NETWORK, 1975-1976  
Author: *The Student's Right to Vote*, Washington, DC, 1971  
*DUKE'S TALE*, 1991

### **PROFESSIONAL MEMBERSHIPS**

American Bar Association, SEER (former Vice Chairman, Special Committee on  
Solid Waste) and State and Local Government (Chair for Solid Waste sub committee of  
Environmental Committee) Sections.  
New York State Bar Association, Environmental Law Section, Co chair Transportation  
Committee 2010 to present.  
Onondaga County Bar Association, Environmental Law Committee, Continuing Legal Education  
Committee, (CLE Co-Chair 1998-2000) Board of Directors 2002-2004.  
Member, Steering Committee, New York Chapter National Solid Waste Management Association  
1992-2001.

### **COMMUNITY SERVICE**

Board Member, Onondaga Child Care Council, Inc., 1978-1980

Board Member, Legal Services of Central New York (formerly, Onondaga Neighborhood Legal Services, Inc.), 1978-1982; Treasurer, 1979-1980; President, 1980-1981  
Board Member, Salt City Performing Arts Center, Inc., 1975-1976  
Board Member, Huntington Family Center, Inc., 1972-1989  
Board Member, International Center of Syracuse, 1992 to 2000; President, 1997–1999  
Board Member, New York Alpha Tau Omega Student Aid Fund, Inc., 1972 to 2000  
Board Member, Appleseed Trust, 2001 to 2008; Executive Committee 2002  
Board Member, The Nature Conservancy of Central and Western New York, 2001- 2007  
Member, Franklin Industrial Advisory Board, Syracuse University School of Management 1998 to 2004  
Board Member Central New York Land Trust, 2011 to present  
Board Member Housing Visions Unlimited, Inc. 2012 to present

## LEGAL EXPERIENCE

1. **Presidential Plaza.** Worked with environmental auditors/engineers and DEC to successfully remediate site contamination of large three-building complex involving multi-million dollar acquisition. Worked on other voluntary cleanups of both hazardous and non-hazardous sites.
2. **Department of Environmental Conservation.** Represented the Department in the following matters:
  - (a) The permitting, re-permitting and closure of various landfills, 1980-1991.
  - (b) **Onondaga County Resource Recovery Proceeding.** 1981, 1989-91 Hearings for major resource recovery facilities; the second of which is now operating. In the first hearing, also represented department staff in the related landfill permit hearing. The first Onondaga County resource recovery hearing was the most extensive resource recovery hearing in the United States to that point in time and established the time and temperature parameters for combustion in resource recovery facilities which have generally been adopted by regulation across the United States. Also represented the DEC in Oswego County resource recovery and Bristol Hill Landfill permitting proceedings.
  - (c) **Broome County Resource Recovery Hearing, 1989-1991.** This hearing broke new ground in the area of mercury emission control technology which, collaterally, substantially reduces other organic emissions from resource recovery plants.
  - (d) Compliance related matters with most major corporations in greater Central New York from 1980 through 1991 in all environmental programs, including administrative, civil and criminal dispositions.
  - (e) Negotiated consent orders for the Town of Dewitt, Onondaga County, New York landfill, and the closure of two Allied Chemical hazardous waste sites, the closure of the Allied waste beds, and participated with the Attorney General in the negotiation of the initial order with regard to the remediation of Onondaga Lake.
  - (f) Cited by name in Supreme Court decision in **Town of Dryden v. Tompkins County**, 144 Misc.2d 873, Affirmed 157 AD 316, Affirmed 78 NY2d 331, as one reason for upholding the Tompkins County landfill siting process.

(g) **Flacke v. Onondaga Landfill Systems, Inc.** Led DEC effort in concert with Attorney General to have receiver appointed to fund and properly close a substantial private landfill. This appeared to be the first time a court ordered the appointment of a receiver to close a non-hazardous waste landfill.

3. **Wetlands Litigation.** Represented a corporation which was developing a site for a wholesale/retail business, involving Army wetland issues. After a stop work order was issued, negotiated a compromise which allowed work to continue while an after-the-fact permit was obtained.

4. **Superfund Litigation Gould, Inc. v. A&M Battery, et al. numerous decisions.** Liaison Counsel representing twenty parties in one action in Federal Court in the Middle District of Pennsylvania. Represented various auto dealers, scrap dealers and other clients from New York, New Jersey, North Carolina and Pennsylvania in superfund litigation.

5. **Fingerlakes Outlet Center.** Worked on 400,000 square foot outlet center; moved project through environmental planning/review process in timely fashion and successfully survived court challenge.

6. **Solid Waste.** Steering Committee, New York Chapter, National Solid Waste Management Association. Represent a number of hazardous and non-hazardous waste haulers, transfer and material recycling center and landfill operators.

7. **Canastota v. Queensboro 44 AD2d 278, Affirmed 36 NY2d 793.** In Appellate Division and Court of Appeals, successfully broke sewer rent agreement to the advantage of municipal client, allowing sewer rents to rise.

8. **Scriven v. Maple Knoll Apts 48 A.D.2d 210.** Represented property owner in Appellate Division which reversed a lower court decision in a complex mechanic's lien case.

9. **Service Industry.** With great difficulty, persuaded client to self-report environmental violation and guided client through cleanup, all without regulatory agency knowing an attorney was involved. One regulatory agency later referred to the client as an example of how things should be done. The client was neither fined nor required to sign any order.

10. **Waste Recovery Enterprises, LLC v. Town of Unadilla 294 A.D.2nd 766.** Represented landfill operator in striking down two local laws and part of a third on Commerce Clause grounds. After the NY Court of Appeals dismissed the appeal as of right and denied leave to appeal, a Petition for Certiorari was filed with the US Supreme Court with regard to the 3<sup>rd</sup> law which was denied.

11. **Mtr. Of Grady v. NYS Office of Children and Family Services 39 A.D.3d 1157.** Represented indigent Group Family Day Care operator whose license was suspended and revoked. In

a case with racial overtones, obtained unanimous modification of the Order revoking Petitioner's license and obtained Order that the license be reinstated.

**12. Ruth Matson v. Betty O. Muka.** Appointed as Temporary Receiver to recover property of Ruth Matson titled to Betty Muka by Betty Muka pursuant to an invalid power of attorney. Also managed the finances of Ruth Matson while other issues were resolved and a permanent guardian appointed.

**13. Mtr. of Heinlein v. NYS Office of Children and Family Services 60 A.D.3d 1472 (4<sup>th</sup> Dept. 2009).** Represented indigent Group Family Day Care operator whose license was suspended and revoked. Obtained unanimous reversal of the Order of Revocation with a finding that the agency's interpretation of its own regulation was invalid and not entitled to deference.

**14. Mtr. of Shenika Jones v. NYS Office of Children and Family Services. Bench Decision.** Represented indigent Group Family Day Care operator whose license OCFS proposed to revoke in an administrative proceeding. When the ALJ refused to sign a subpoena for agency records because it was against Agency practice, over the strenuous objection of the Agency and Attorney General, Supreme Court so ordered a subpoena for the records. The Agency then stipulated to discontinue the administrative proceeding with prejudice rather than produce the records.