



Bracewell’s lawyers, government relations and strategic communications professionals possess a deep understanding of biomass issues. We have worked with industry leaders for decades, contributing to the evolution of biomass into a critical renewable energy source and key component to the energy transition.

We utilize this robust background to advocate for clients across the regulatory landscape, from “first-of-a-kind” transactions to the implementation of key tax credits.

Leveraging technical and legal expertise with knowledge of working with Congress and federal agencies, our team has shaped legislative and regulatory language around key tax incentives for biomass. Bracewell, for example, was at the forefront of negotiations between the private and public sectors on the implementation of several Inflation Reduction Act tax credits for biomass.

Our lawyers have significant and broad experience representing sponsors, developers and lenders on the development and financing of biomass projects in the United States and the United Kingdom. From commercial agreements to regulatory issues, we guide clients in navigating the logistical and operational complexities inherent in biomass projects, including engineering, procurement and construction (EPC) matters.

Areas of Focus

[Renewable Energy](#)

Experience

Phillips 66

- in its investment in a minority ownership stake in Shell Rock Soy Processing LLC, which is developing a soybean oil processing facility in Shell Rock, Iowa

Kinder Morgan, Inc.

- in its acquisition of landfill assets from MAS CanAm, LLC, consisting of a renewable natural gas facility in Arlington, Texas, and medium Btu facilities in Shreveport, Louisiana, and Victoria, Texas, for consideration of \$355 million

Kinder Morgan, Inc.

- In its acquisition of North American Natural Resources, Inc. and its sister companies, North American Biofuels, LLC and North American-Central, LLC, for a combined purchase price and related transaction costs of \$135 million

Waste-to-renewable energy projects company

- local counsel on several anaerobic digester and renewable natural gas projects in Texas, including economic development incentive agreements and related property tax issues in connection with the construction of a proposed renewable natural gas facility

Waste-to-renewable energy projects company

- on the design, construction and operational issues associated with food and farm waste RNG facilities across the United States, including those arising under pipeline safety and environmental laws, and negotiation of interconnect agreements with third parties

Abengoa Bioenergy

- on the financing of the combined cellulosic ethanol production facility and related biomass-fired power plant in Hugoton, Kansas

Sacyr Industrial USA

- in negotiating the EPC contracts of two biomass power plants in North Carolina

Investec

- in commercial lending under an EKF guaranteed project finance facility to Evermore Renewable Energy, a portfolio company backed by Gravis and Foresight Group private equity, on the construction and development of an 18-MW biomass power plant in Northern Ireland

Multinational investment bank and financial services corporation

- in the \$68 million remarketing in aggregate principal amount of “green bonds,” the original proceeds of which were utilized to finance the

construction of a renewable natural gas project in Northwest Iowa that generates RNG captured from dairy cow manure

Large US landfill owner

- in the establishment of 50/50 joint ventures for development of RNG and electric generation projects at owned landfills and related landfill gas rights agreements and financing activity

National trade association

- on tax issues associated with making consumer goods from biomass feedstocks and drafting legislation to provide tax incentives for using bio-based materials

National agricultural group

- in working with Congress to draft a refundable excise tax credit for biofuels used in trucks and buses

National trade association of renewable electricity generation facility owners and operators

- in working with Congress to expand the tax credit for renewable electricity to include new and existing open-loop biomass facilities

National trade association

- on the amendment of federal tax incentives for biofuel blending to prescribe rules for coprocessing petroleum with biomass

Ethanol sector national trade group

- on tax issues associated with cellulosic ethanol incentives

National trade association

- on tax incentives for investment in property used to capture biogas feedstocks for transportation fuel

Biofuels project developer

- in advising on commercial agreements and regulatory issues related to a potential wood waste biorefinery

Major sustainable aviation fuel producer

- in working with Congress and the Biden administration on tax incentives related to the production of sustainable aviation fuel made from biomass feedstocks

Biomass project developer

- on the development of biomass-fired projects in California

Large renewable natural gas producer

- on tax incentives under the Inflation Reduction Act, including Section 45V, Section 45Z and Section 48, and in developing and implementing a Congressional engagement strategy to build support and awareness for client's renewable natural gas projects

Large producer of wood pellets

- in working with Congress and the Biden administration to recognize biomass as a greenhouse gas reduction strategy

Biogas producers

- in advising on projects to produce clean fuel and/or generate clean electricity, including their strategy to qualify for certain federal income tax credits and incentives

Lenders

- on EPC and operation and maintenance (O&M) aspects of a proposed 50-MW biomass power plant project in Wales to be project financed

Lenders

- on construction and O&M aspects of proposed biomass facilities in the UK

Sponsors

- on the EPC contract and O&M aspects of a proposed 300-MW biomass facility in the UK, including tendering documentation, and the documentation for the two-stage contracting from the FEED to EPC stage and the EPC contract and ancillary documentation