

Legal Connections



LEGAL EXPERTISE FOR THE BUSINESS COMMUNITY

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Congratulations to the new attorneys who just passed the Bar Exam. Welcome to the Central Ohio legal community.

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ENVIRONMENTAL DUE DILIGENCE IN THE WAKE OF NEW CHIP MANUFACTURING

Recently, the country has been racing full tilt towards the goal of reclaiming dominance of the semiconductor manufacturing industry. Intel's plan to build a \$20 billion manufacturing "mega site" in New Albany has generated considerable excitement in Central Ohio, and it also plans to build facilities in Arizona and New Mexico. Several other chip manufacturers like Micron, Global Foundry, Samsung, TSMC and Texas Instruments are likewise planning large new production facilities across the U.S.

It is no coincidence that so many of these projects are happening now. This new manufacturing is due in large part to the availability of new economic incentives. The CHIPS and Science Act of 2022 (i.e. "Creating Helpful Incentives to Produce Semiconductors") that President Biden signed into law on August 9, 2022, channels more than



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\$52 billion into semiconductor R&D with a goal of countering Chinese chip manufacturing. This legislation was enacted with bipartisan support and calls for sizeable investment in "strategically important" semiconductor chips, improved supplies of older generation chips, and the building of a robust manufacturing infrastructure.

These manufacturing projects will trigger a host of environmental due diligence considerations starting with the engagement of an environmental professional early on to conduct a Phase I environmental site assessment of the manufacturing site. The professional will visit the site and perform a detailed review of the history of the property and nearby properties. If "Recognized Environmental Conditions," or "RECs," are identified due to the release (or potential release) of hazardous substances on the property,

then soil and groundwater sampling or other investigations may be warranted. The confirmed presence of hazardous substances can result in expensive cleanup obligations that could possibly delay the deal and affect financial negotiations and the structuring of post-Closing indemnification.

From a regulatory perspective, wastewater and stormwater permits are needed to address construction activities and future operations and water use, as well as permits related to any streams and wetlands impacts. Such impacts may need to be offset through the purchase of mitigation credits from an authorized mitigation bank. These activities are highly regulated by state and federal agencies and careful planning is necessary to avoid extensive project delays.

Chip manufacturing processes can generate emissions of regulated pollutants such as nitrogen oxides, carbon monoxide/dioxide, particulate matter and volatile organic compounds.

Air pollution permits-to-install and operate are typically required prior to construction and are likely to involve more onerous "major source" permits. The installation permit will place limits on these compounds, require the use of control equipment, and include monitoring and reporting requirements. Semiconductor manufacturing facilities must also comply with federal emission standards for hazardous air pollutants such as hydrochloric acid, hydrogen fluoride, glycol ethers, methanol, and xylene. Facilities will also need to plan for the treatment, storage or disposal of solid and hazardous wastes generated by the facility.

In the case of the large-scale chip manufacturing encouraged by the CHIPS & Science Act, the environmental due diligence needed for these projects is sizeable, but not unmanageable with the right planning and expertise.

Gary Pashelich is a Shareholder with Roetzel & Andress whose practice is focused on environmental, health and safety law.

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VIDEO PRODUCTION AND YOUR BUSINESS: TIPS FOR SUCCESS

Video makes everything more interesting, right? So, when you are thinking about sharing your company story with potential and current customers, it's tempting to fire up that iPhone and create content for your website, social media platforms and emails. Before you venture into the world of video production, keep in mind that failed advertising will cost your business on multiple levels. It's important to know where to start when you're thinking about video production. Here are some tips to keep you on track and ensure a successful product.



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1. Research

First and foremost, do your research. See what your competition is doing. Spend time on the internet (Google, YouTube, websites, etc.) to gather ideas.

2. Plan Your Shoot

Set aside enough time to devote to your project. Many people underestimate the amount of time quality video production can take. Decide if you want to do it in

a studio, at a particular venue, or in your office.

3. Define Your Story

One of the main reasons viewers lose interest in a video is a lack of storytelling. A single image or a short video clip can make a profound statement.

4. Show, Don't Tell

Video storytelling is, by definition, a visual medium. To use it to its full capacity, you must immerse the viewer into the world as if they are the ones witnessing the action. Don't get lost in the weeds trying to cram too much content into a short video.

5. Your Talent

It is crucial to choose the right talent for your video. Remember that good talent will cost money, so be sure to budget for it. You'll want someone who can portray a range of emotions from excitement to sadness and everything in between. If you want to do it yourself...practice, practice, practice.

Don't expect to show up and wing it. This approach fails time after time.

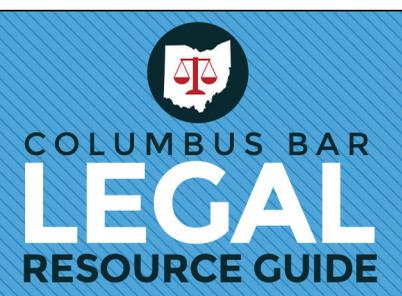
6. Plan for Audio

Have you ever seen a YouTube video with bad audio? Of course you have! It's unbearable to watch. In many ways, one can argue that audio is more important than video for a variety of content.

7. Listen to your Producer

Why would you hire a professional and not listen to their advice? Your input is crucial. No one knows your product better than you, but video production is a collaborative process. The final product will be much more effective if you work with the creative team instead of against them.

If you need video production for your website, social media or other advertising vehicles, contact the Columbus Bar Association Media Center at 614-221-4112 for a quote. We'll help you create content that will make an impact. ■



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