



## Emily Schilling

Partner

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**Emily Schilling specializes in assisting clients of all sizes with complex air quality matters.**

### PRACTICES

Environmental Compliance and Enforcement  
 Environmental and Natural Resources  
 Zoning and Land Use  
 Mining  
 Oil and Gas

### EDUCATION

Duke University School of Law, J.D., 2003

*cum laude*

*Alaska Law Review*, Editor

Duke University, Terry Sanford Institute of Public Policy, Master of Public Policy, 2003

Bowdoin College, B.A., 1997

*magna cum laude*

*Bowdoin Orient*, Editor in Chief

### BAR ADMISSIONS

District of Columbia  
 Utah  
 Maine

### COURT ADMISSIONS

U.S. Court of Appeals for the District of Columbia  
 U.S. Court of Appeals for the Tenth Circuit  
 U.S. District Court for the District of Utah  
 U.S. District Court for the District of Columbia

She applies technical skills honed through strategic partnerships with industrial, mining, and oil and gas companies to advise clients seeking to permit new projects and develop air quality compliance strategies, and to represent clients in enforcement actions before state agencies and the federal Environmental Protection Agency.

Emily has worked extensively with major source permitting in attainment and nonattainment areas, Clean Air Act (CAA) section 111 New Source Performance Standards, section 112 hazardous air pollutant ("HAP") and Risk Management Plan ("RMP") provisions, and the prohibitions on the manufacture and sale of mobile source defeat devices.

Emily also has substantial experience drafting comments and petitions for reconsideration on behalf of clients in federal Clean Air Act (CAA) rulemakings, and represents clients in challenges to federal rulemakings in the U.S. Courts of Appeal, including the D.C. Circuit.

Prior to joining Holland and Hart, Emily was in private practice in Washington D.C. where she advised clients on a range of environmental compliance issues. She also participated in complex environmental litigation in both state and federal courts and counseled clients on strategy for congressional hearings.

Emily is a part of the air quality team and frequently works with [Eric Waeckerlin](#), [Jill Van Noord](#), and [Kelly Johnson](#).

### EXPERIENCE

- Advises clients on compliance and strategy related to minor source and major source permitting, including triggers for permitting in both attainment and nonattainment areas on state, federal, and tribal lands.
- Counsels clients on New Source Performance Standards (NSPS) and Maximum Achievable Control Technology (MACT) standards for hazardous air pollutants (HAP).
- Represents clients in state and federal air enforcement matters, including advising clients in mining, oil and gas, industrial, and mobile source sectors on responding to CAA section 114 and section 208 information requests.
- Counsels clients in developing strategies in federal and state air

quality rulemakings, from pre-proposal meetings with regulators through drafting comprehensive comments on proposed rules to representation of clients in challenges to rulemakings in state and federal courts.

## **CLIENT RESULTS**

### **Representative Matters**

Represent utility client in administrative resolution of CAA section 114 request for information and related New Source Review enforcement action.

Counsel mining, oil and gas, industrial, and mobile source clients in responding to CAA section 114 and section 208 requests for information and represent them in related EPA enforcement actions.

Represent client in related state and federal enforcement actions related to compliance with state air permits and CAA section 112(r) RMP requirements.

Counsel oil services company in strategy associated with RMP compliance.

Represent client in Clean Air Act citizen suit action involving triggers for permitting under State Implementation Plan.

Develop strategy for client engagement in EPA development of lime and gold mining MACT standards.

Develop comments on the Clean Power Plan, the Particulate Matter and Ozone NAAQS and related implementation rules, secondary NAAQS for SO<sub>2</sub> and NO<sub>x</sub>, Utility MACT standards, gold mining MACT standards, implementation of permitting for GHGs, and regional haze State Implementation Plan disapprovals.

Represent clients in D.C. Circuit challenges to the Clean Power Plan, NAAQS and related implementation rules, nonattainment designations, MACT standards, and NSPS.

Counsel clients on compliance with gold mining MACT, Boiler MACT, Reciprocating Internal Combustion Engine MACT, and Utility MACT standards.

Represent oil and gas and mining clients in enforcement actions before the Utah Division of Air Quality (UDAQ), and advise clients regarding strategy in air quality enforcement actions before the Wyoming Air Quality Division and the Nevada Division of Environmental Protection.

Counsel oil and gas client on air issues associated with National Environmental Policy Act review.

Counsel mining client on comprehensive permitting strategy before UDAQ and implications of related NEPA air quality assessment.

Represent client in development of advocacy and compliance strategies associated with State Implementation Plan development in PM<sub>2.5</sub> and ozone nonattainment areas.

Counsel natural resource clients on implications of air regulatory developments on their operations, including federal and state initiatives related to GHG standards, regional haze, NAAQS, and initiatives to curb interstate air pollution.

Represent mining client in EPA inspections related to compliance with TRI reporting requirements, which resulted in no further action by EPA.

Advise mining clients on TRI compliance.

## **PUBLICATIONS**

"The Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)," *Environmental Regulation, excerpted from the Second Edition of the American Law of Mining, Chapter 171*, Co-Author, 2018

"Air Quality Control," *Environmental Regulation, excerpted from the Second Edition of the American Law of Mining, Chapter 168*, Co-Author, 2018

"Proposed Utah Designation Recommendations for NAAQS," *Holland & Hart News Update*, Co-Author, 01/11/2018

"Trumping Obama-Era Environmental Policy—What's Next?," *Holland & Hart News Update*, Co-Author, 03/30/2017

"EPA Proposes to Require Natural Gas Processing Facilities to Comply with Annual Toxic Release Inventory Reporting Requirements," *Holland & Hart News Update*, Co-Author, 01/12/2017

"Wyoming Environmental Compliance and Public Land News ," Co-Author, December 2016

"EPA Issues Proposed Rule on Regulation of GHGs in PSD and Title V Permits," *Holland & Hart News Update*, Co-Author, 10/21/2016

"Utah Division of Air Quality Recommends to Governor Designation of Wasatch Front and the Uinta Basin as Nonattainment with 2015 Ozone Standard," 9/8/2016

"Utah Air Quality Board Rejects Three Petitions For Rulemaking, Filed In Anticipation Of Development Of PM<sub>2.5</sub> Serious Nonattainment SIP," *Holland & Hart News Update*, 4/20/2016

"New Ozone Standard Will Disproportionately Impact the Intermountain West," *Holland & Hart News Update*, Co-Author, 11/06/2015

"EPA's Lower Ozone Standard Will Disproportionately Impact the Intermountain West," *Holland & Hart News Update*, Co-Author, 10/05/2015

"EPA Proposes to Regulate Greenhouse Gas Emissions from Aircraft," *Holland & Hart News Update*, Co-Author, 6/25/2015

"EPA Issues New Proposed Ozone NAAQS of 65-70 ppb," *Holland & Hart News Update*, Co-Author, 12/3/2014

"EPA Proposes More Stringent Ozone NAAQS of 65-70 ppb," *Holland & Hart News Update*, Co-Author, 11/26/2014

## **SPEAKING ENGAGEMENTS**

"The Interplay Between EPA, OSHA, and State Enforcement," *Rocky Mountain Mineral Law Foundation Special Institute*, December 2018

"The Potential to Trump Obama's Environmental Agenda: A Preview of the First 100 Days of the Trump Administration and the 115th Congress," Salt Lake City, UT, January 2017

"Greenhouse Gas Regulation and the Politics of Climate Change in the Oil & Gas Industry," *Panel Participant, Rocky Mountain Mineral Law Foundation Annual Institute*, July 2015

"Federal Regulation of GHG Emissions: Implications for the Power Market," *Speaker, Leadership Conference for Women in Energy*, presented by EUCI, June 2015

"EPA's Proposed Ozone NAAQS: Challenges for the Mountain West," *Co-Speaker, Holland & Hart Briefing*, February 2015

"Recognizing Climate Change Permitting Triggers," *Rocky Mountain Mineral Law Foundation Special Institute on Climate Change Law and Regulations: Planning for a Carbon-Constrained Regulatory Environment*, January 2015

## **RECOGNITION**

- *The Best Lawyers in America*© Environmental Law, 2018-2020
- *Utah Business Magazine*, Utah Legal Elite, Environmental, 2015-2019
- *Chambers USA: America's Leading Lawyers for Business*, Environment, Natural Resources & Regulatory Industries, 2017-2019, Up and Coming, 2017-2018

## **PROFESSIONAL AND CIVIC AFFILIATIONS**

- Utah Manufacturers' Association, Air Quality Subcommittee of Environment Committee, Co-chair