



## Eric Waeckerlin

Partner

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**Eric Waeckerlin brings over a decade of experience representing clients throughout the country on complex environmental litigation, enforcement, and regulatory matters.**

### PRACTICES

Environmental Compliance and Enforcement  
 Water Law  
 Environmental and Natural Resources  
 Environmental and Natural Resources Litigation  
 Oil and Gas  
 Mining  
 NEPA, Public Lands, and Cultural Resources

### EDUCATION

University of Montana, J.D., 2005  
 Duke University, M.S., 2001  
 University of Wyoming, B.S., 1998

### BAR ADMISSIONS

Montana  
 Wyoming  
 District of Columbia  
 Colorado

He has established a reputation as a nationally respected environmental lawyer, representing clients in major litigation in federal and state courts over critical air quality and other environmental issues affecting numerous industries. Clients turn to him for his deep understanding of their businesses and operations, and recognized expertise across a wide range of state and federal environmental regulatory programs. These include the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, Comprehensive Environmental Response, Compensation, and Liability Act, National Environmental Policy Act, and all of their state equivalents. Eric also frequently represents oil and natural gas clients on a range of environmental and regulatory compliance issues before the Bureau of Land Management as well as state oil and gas conservation commissions.

Eric is solution-oriented in his approach toward resolving complex, high-stakes environmental matters affecting permitting, project development, compliance, and enforcement. In addition to his litigation and administrative regulatory practice, he is often tapped to develop technical and legal comments on numerous state and federal regulatory initiatives, with a particular focus on Clean Air Act issues.

Prior to joining Holland & Hart, Eric clerked in the United States District Court for the District of Montana and then practiced in Denver and in Washington, D.C. where he advised energy and industrial clients on a wide range of environmental compliance and enforcement matters.

Eric frequently works with [Emily Schilling](#), [Ashley Peck](#), [Walter Eggers](#), and [Chris Chrisman](#).

### EXPERIENCE

- Advises clients on a wide range of Clean Air Act issues affecting the energy industry, including development and compliance with federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Reasonably Available Control Technologies (RACT), and Maximum Achievable Control Technology (MACT) standards.
- Represents national and regional trade associations in complex litigation challenging national air quality and waste conservation

rules promulgated by the Environmental Protection Agency (EPA) and the Bureau of Land Management (BLM).

- Counsels clients on project development and permitting strategies under various federal and state minor and major source programs, including the Clean Air Act Title V and Prevention of Significant Deterioration (PSD) programs.
- Advises and represents clients on a wide range of issues under the Resource Conservation and Recovery Act (RCRA), including related to the characterization, treatment, storage, disposal, and hazardous secondary material recycling of solid and hazardous wastes consistent with EPA's Definition of Solid Waste rules and regulations.
- Represents clients in responding to information requests, including under section 114 of the Clean Air Act, section 308 of the Clean Water Act, and section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- Counsels oil and gas clients on compliance with state and federal air quality regulations, including implementation of Colorado's new methane regulations and other greenhouse gas- and climate change-related regulations.
- Advises clients affected by mobile source engine laws under Title II of the Clean Air Act, including related certification, import, export, and enforcement matters.
- Counsels clients related to voluntary multi-media and air-quality audits, including self-disclosure under federal and state audit policy laws.
- Counsel oil and gas clients on regulatory and compliance issues related to enhanced hydrocarbon recovery, including compliance with state water law requirements.
- Counsels up- and mid-stream oil and gas sector clients on compliance and enforcement issues related to flares and flaring of natural gas.
- Represented clients in criminal environmental matters.
- Performs environmental due diligence on a range of transactional matters.
- Represents clients before the U.S. Army Corps of Engineers and EPA in connection with compliance and enforcement matters under section 404 of the Clean Water Act.

## **PUBLICATIONS**

"RCRA's Definition of Solid Waste – The DC Circuit Brings Clarity to a Core Element of RCRA," Co-Author, 07/16/2019

"Colorado's SB 181: What to Think About as the State Embarks on a Number of Significant New Oil and Gas Rulemakings," *Holland & Hart News Update*, Co-Author, 04/29/2019

"Spring Cleaning: Trump Administration Announces Further Changes to

Clean Water Act Regulation," *Holland & Hart News Update*, Co-Author, 04/23/2019

"New EPA Pharmaceutical Hazardous Waste Rule Finalized," *Holland & Hart News Update*, Co-Author, 03/15/2019

"Target and Whole Foods Settle Over Hazardous Waste Mismanagement," *Holland & Hart News Update*, Co-Author, 12/11/2018

"Legal Quagmire Over WOTUS Persists," *Holland & Hart News Update*, Co-Author, 09/12/2018

"Important Changes to EPA's RCRA Program," *Holland & Hart News Update*, Co-Author, 07/24/2018

"NYC Climate Change Suit Defeated," *Holland & Hart News Update*, Co-Author, 07/20/2018

"Climate Change Suit Defeated," *Holland & Hart News Update*, Co-Author, 06/26/2018

"Time to Clean House? EPA's Renewed Emphasis on Self Audits and Disclosures," *Holland & Hart News Update*, Co-Author, 06/22/2018

"Colorado Energy Companies Sued for Climate Change Impacts," *Holland & Hart News Update*, Co-Author, 04/20/2018

"Oil & Gas Industry Challenge Halts Core Provisions of BLM's Venting and Flaring Rule," *Holland & Hart News Update*, 04/09/2018

"Feeling Underwater? A Brief Look at Recent Clean Water Act Developments," *Holland & Hart News Update*, Co-Author, 02/14/2018

"Coming to Colorado – Climate Change Nuisance Suits," *Holland & Hart News Update*, Co-Author, 01/29/2018

"Air Quality Still a Concern for Colorado Oil and Gas Industry," *Law Week Colorado*, August 21, 2017

"The WOTUS Rule: The More Things Change, The More They Stay the Same," *Holland & Hart News Update*, Co-Author, 07/26/2017

"The Legal Controversy Surrounding EPA's Clean Power Plan," *Law Week Colorado*, August 24, 2015

## **SPEAKING ENGAGEMENTS**

"The OOOO's of Air Quality Compliance," *Rocky Mountain Association of Environmental Professionals*, September 7, 2016

"Waters of the U.S.," *2016 ENR Section Summit*, July 28, 2016

"The New BLM Proposed Rules for Venting & Flaring," *2016 ENR Section Summit*, July 28, 2016

"Endangered Species Act, Wetlands, Stormwater & Floodplain Regulatory Compliance for Energy and Utilities," *EUIC Course*, July 18, 2016

"Energy M&A and Financing Forum," *Davis Graham & Stubbs LLP*, April 20, 2016

"Considerations in Handling Information Requests Under Environmental Statutes & Environmental Audits," *Rocky Mountain EHS Peer Group Meeting*, October 13, 2015

"Environmental Self-Audits and Self-Disclosure," *DGS Environmental Enforcement Seminar Series*, October 1, 2015

"Controlling Methane from the Upstream Oil and Gas Sector: Lessons from the Colorado Experience," *Air & Waste Management Association's International Specialty Conference Addressing Climate Change*, September 10, 2015

"Clean Water Act and Endangered Species Act Compliance: Section 404 Overview," *EUIC Course*, July 21, 2015

"Federal & State Greenhouse Gas Regulation – Implications for the Western Oil & Gas Industry," *Rocky Mountain EHS Peer Group Meeting*, January 15, 2015

## RECOGNITION

- *The Best Lawyers in America*© Environmental Law, 2018-2020
- *Denver Business Journal*, *Who's Who in Energy*, 2017

## PROFESSIONAL AND CIVIC AFFILIATIONS

- American Bar Association  
Climate Change, Sustainable Development, and Ecosystems  
Committee, Vice Chair  
Superfund and Natural Resources Damages Litigation Committee,  
Vice Chair