



## Emily Tabak

Associate

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**Emily Tabak advises clients on various environmental compliance, permitting, and litigation matters at state and federal levels.**

### PRACTICES

Environmental and Natural Resources  
Environmental Compliance and Enforcement  
Environmental and Natural Resources Litigation

### EDUCATION

New York University School of Law, J.D., 2011

Journal of Legislation and Public Policy,  
Executive Board Senior Notes Editor

The Ohio State University, B.A., 2007  
summa cum laude

### BAR ADMISSIONS

New York  
Utah  
New Jersey

### COURT ADMISSIONS

U.S. District Court for the District of Utah  
U.S. District Court for the District of New Jersey

U.S. District Court for the Southern District of New York

U.S. District Court for the Eastern District of New York

Emily has extensive experience helping clients navigate permitting and regulatory requirements involving air quality (CAA), water quality (CWA), and solid and hazardous waste (RCRA). She advises clients on environmental matters associated with Superfund sites, including internal and external information requests and investigations.

After graduating from law school, Emily served as a judicial clerk to the Honorable Robert Kirsch on The Superior Court of New Jersey. Prior to joining Holland & Hart, Emily was an associate at K&L Gates LLP in Newark, New Jersey, where she advised clients on a range of environmental compliance issues. She also practiced at Kramer Levin Naftalis & Frankel LLP in New York, New York, where she assisted in the defense of individuals and corporations in a variety of regulatory inquiries and investigations, including as a member of a trial team for a high-profile insider trading case.

### EXPERIENCE

#### Hazardous Waste

- Compliance with waste disposal and recycling regulations under the Resource Conservation and Recovery Act and state regimes
- Implementation of hazardous waste disposal, recycling, and emergency incident policies in multiple states, including preparation of company policies, inspection talking points, and employee training materials

#### Superfund

- Counsel clients with ongoing site remediation plans and issues arising out of agreements with state and federal regulators, site owners, and adjacent land owners
- Respond to internal and external information requests on behalf of clients

#### Clean Air Act and Clean Water Act

- Represent clients on proposed permit modifications in preparation for pre-application meetings with state agencies
- Advise clients regarding legal exposure to natural resource damages, regulatory requirements, and potential penalties related

to discharges

- Conduct internal investigations and provide defense support in litigation involving citizen groups and state agencies regarding air and water issues

## **CLIENT RESULTS**

Before joining Holland & Hart, Emily's work included these matters:

### **Clean Air Act**

- Represented a manufacturer related to a facility's proposed permit modification in preparation for a pre-application meeting with the state agency
- Advised a client on proposed positions related to negotiations with federal agency in an enforcement context regarding installation of Best Available Control Technology and the routine maintenance, repair, and replacement exception to the New Source Review and Prevention of Significant Deterioration program requirements

### **Clean Water Act/Natural Resource Damages**

- Advised a concrete producer regarding exposure to natural resource damages, regulatory requirements, and potential penalties related to the discharge of sediment to a stream leading to a drinking and recreational water source
- Represented a manufacturer following a bypass of its stormwater management system in connection with its State Pollutant Discharge Elimination System permit and advising on reporting requirements
- Conducted an internal investigation and provided a response to information requests received from a chemical company's insurer related to the defense of lawsuits by citizen groups and state agencies regarding perfluorinated compounds in groundwater and drinking water

### **Hazardous Waste Management/Recycling/Regulatory Analysis**

- Advised a major cosmetics retailer on hazardous waste disposal and recycling regulations under the Resource Conservation and Recovery Act and state regimes
- Assisted with implementation of hazardous waste disposal, recycling, and emergency incident policy for generators in multiple states, including preparation of company policy, inspection talking points and employee training materials
- Drafted memoranda on regulatory requirements and rulemakings promulgated by USEPA, the Occupational Safety and Health Administration, and the Department of Transportation
- Assisted a non-profit nature preserve on issues related to the Migratory Bird Treaty Act and state statutory and regulatory regimes

### **Superfund**

- Advised an aluminum manufacturer regarding its response to

USEPA's Special Notice Letter

- Advised a chemical manufacturer regarding negotiation of a de minimis settlement
- Prepared a directive regarding adaptive management at Superfund sites on behalf of PRP Groups
- Responded to internal and external information requests on behalf of manufacturing clients
- Represented clients as members of PRP Groups regarding ongoing site remedies and issues arising out of agreements with state and federal regulators, site owners, and adjacent landowners
- Advised a PRP Group on filings in bankruptcy proceedings related to administrative expense claims and general unsecured claims for contract rejection damages and anticipated clean-up costs
- Prepared an expert report on the reasonableness of attorneys' fees incurred for work at a number of Superfund sites in an insurance liability case

**Transactional**

- Advised a client on whether certain states' transfer laws would apply to a merger involving the client's warehouse and distribution centers
- Represented a manufacturer in an acquisition regarding environmental site investigation reports, due diligence, leases and purchase agreements, and clean-up or closure and reporting responsibilities

**PUBLICATIONS**

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

"New Proposed Changes to Ignitable Waste Regulations May Expand Definition of Hazardous Waste," *Holland & Hart News Update*, Co-Author, 04/17/2019

"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

"Key Environmental Liability Considerations in Bankruptcy Actions," *New Jersey Lawyer*, Co-Author, October 2016

"Environmental Obligations in United States Bankruptcy Actions: An Analysis of Two Key Issues," *INSOL International News Update*, Co-Author, April 2018

"Defining the Scope of Extortion Liability after *Scheidler v. NOW*," *N.Y.U. Journal of Legislation and Public Policy*, 2011

**RECOGNITION**

New Jersey Super Lawyers® Rising Star, Environmental, 2019

**PROFESSIONAL AND CIVIC AFFILIATIONS**

Utah State Bar, Environmental Law Section and  
Government/Administrative Law Section

Women Lawyers of Utah

Salt Lake County Bar

New Jersey State Bar Association, Environmental Law Section