



## Emily Tabak

Associate

222 South Main Street, Suite 2200, Salt Lake City, UT 84101

P 801.799.5878

[estabak@hollandhart.com](mailto:estabak@hollandhart.com)

**Emily identifies strategic solutions for clients in environmental regulatory 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

Utah  
New Jersey  
New York

### 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 in industrial, mining, chemical, energy, manufacturing and retail sectors navigate regulatory and permitting requirements involving solid and hazardous waste, site remediation, water quality, and air quality. She counsels clients negotiating civil and criminal enforcement actions, prepares submissions to federal and state authorities and insurers, manages information request responses and investigations, and advises on regulatory developments under the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and other statutory schemes.

Prior to joining Holland & Hart, Emily practiced at K&L Gates LLP and Kramer Levin Naftalis & Frankel LLP in the New York metropolitan area, advising clients on a range of environmental compliance issues, as well as assisting with litigation in a high-profile insider trading trial, bankruptcy proceedings, and regulatory investigations. Emily also served as a judicial clerk to the Honorable Robert Kirsch on The Superior Court of New Jersey.

### EXPERIENCE

#### Land, Waste and Cleanup

#### **Resource Conservation and Recovery Act (RCRA) and state corollaries**

- Counsels on compliance with waste management, disposal and recycling regulations applicable to hazardous waste generators (Large, Small, and Very Small Quantity Generators), Transporters, and Treatment, Storage, and Disposal Facilities, including analyzing rule proposal impacts, consulting on permitting, preparing submissions to federal and state authorities, and assisting with enforcement actions
- Advises on 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

#### **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Emergency Planning and Community Right-**

### **to-Know Act (EPCRA)**

- Counsels clients with ongoing site remediation plans and issues arising out of agreements with state and federal regulators, site owners, and adjacent landowners
- Responds to internal and external information requests on behalf of clients with federal agencies and insurers
- Analyzes legacy contamination liability and options before and after site acquisitions
- Advises on notification and reporting requirements and enforcement actions

### **Air and Water**

#### **Clean Water Act (CWA) and Clean Air Act (CAA) and state corollaries**

- Responds to internal and external information requests on behalf of clients with federal agencies and insurers
- Advises clients and negotiates with agencies regarding groundwater contamination, remediation and cost recovery efforts
- Conducts internal investigations and provides defense support in insurance litigation involving citizen groups and federal and state agencies regarding air and water issues, including asbestos cleanup and evolving perfluorinated compounds (PFAS) issues
- Represents clients on proposed permit modifications in preparation for pre-application meetings with state agencies
- Advises clients regarding legal exposure to natural resource damages, regulatory requirements, and potential penalties related to discharges/releases

### **Chemicals and Toxics**

- Advises on Toxic Substances Control Act (TSCA) certification, inventory and reporting requirements, analyzes impact of Confidential Business Information procedures related to filing a significant new use rule
- Reviews regulatory proposals and enforcement trends, including related to PFAS

### **CLIENT RESULTS**

- Representation of mining clients in legacy contamination cleanup, counseling on related liability and compliance requirements
- Representation of mining and chemical company in efforts to address legacy compliance issues related to waste management and water quality
- Representation of major power plant in implementation of generator regulations and coal combustion residuals rule requirements
- Representation of fuel supply and refining company in responding

to oil spill, including in state and federal enforcement actions and insurance recovery

- Represented chemical and aluminum manufacturers negotiating Potentially Responsible Party status at Superfund sites
- Represented chemical manufacturer responding to insurer information requests related to citizen suits over PFAS found in groundwater and drinking water
- Obtained a beneficial use determination designation (solid waste definition exemption) for product used as fuel from state agency on behalf of aggregates manufacturer
- Represented defense contractor obtaining state agency utility construction permission prior to permit issuance and advising on waste permit compliance advisories, including negotiation of compliance orders involving Supplemental Environmental Projects
- Represented major cosmetics retailer (advising dozens of Very Small Quantity Generators) on RCRA regulations in multiple states, including implementation of new disposal and recycling policies

## PUBLICATIONS

"[Update on PFAS Developments and Enforcement](#)," *Holland & Hart News Update*, Co-Author, 06/11/2020

"[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

## RECOGNITION

- Mountain States Super Lawyers® Rising Stars, Environmental, 2020
- New Jersey Super Lawyers® Rising Star, Environmental, 2019
- *Utah Business Magazine*, Utah Legal Elite, Up & Coming, 2020

## PROFESSIONAL AND CIVIC AFFILIATIONS

Women Lawyers of Utah, Board Member, 2018-present; Retreat Chair,

2020-present

Women's Energy Network, Utah Chapter, Member 2019-present;  
Mentoring Committee, Member, 2020-present

Utah State Bar, Environmental Law Section and  
Government/Administrative Law Section, Member, 2018-present

Salt Lake County Bar, Member, 2018-present