



Ashley Peck

Partner

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Ashley provides strategic counsel to clients ranging from Fortune 100 companies to municipalities and special service districts on complex environmental compliance, litigation, and enforcement issues.

She has significant experience helping clients navigate complex water discharge and wetland permitting processes, defending Clean Water Act citizen suits, and defending civil and criminal enforcement actions brought under the Clean Water Act and related state statutes.

Water Quality Advisor: Ashley's water quality experience includes advising industrial and municipal clients on National Pollutant Discharge Elimination System (NPDES) and Section 404 wetland permitting matters. She has also represented dischargers in complex Section 401 water quality certifications, development of total maximum daily loads (TMDLs) and in water quality standards and policy development.

Environmental Litigator: Ashley litigates environmental disputes concerning claims under the Clean Water Act, Oil Pollution Act, Clean Air Act, Comprehensive Environmental Response Compensation and Liability Act and other environmental statutes. Ashley has substantial experience resolving environmental citizen suits, appealing or defending agency decisions before administrative tribunals, and in complex federal court litigation concerning common law claims.

Prior to practicing in Utah and joining Holland & Hart, Ashley was an associate at K&L Gates LLP in Seattle, Washington. She is admitted to practice in Utah, Utah Federal District Courts, Washington, and Washington Federal District Courts.

PRACTICES

Climate Change
Environmental
Environmental Litigation
Site Remediation
Environmental Health and Safety
Environmental Transactions

INDUSTRIES

Conventional Power
Mining
Oil and Gas
Oil and Gas Litigation
Oil and Gas Regulatory
Renewable Energy and Storage

EDUCATION

University of Washington, J.D., 2007
Washington Law Review
Berman Environmental Law Clinic
Colorado State University, B.A., 2002
magna cum laude

BAR ADMISSIONS

Utah

EXPERIENCE

Environmental Compliance Law

Clients look to Ashley for assistance meeting the ever-changing regulatory standards:

- Permitting and licensing processes and subsequent litigation for complex waste and energy facilities
- Obtaining or amending NPDES and groundwater discharge permits
- Obtaining Section 404 wetland permits and implementing mitigation
- Negotiating cost allocation agreements for cleanup of contaminated

sites

- Negotiating agreements for cleanup with regulatory agencies

Environmental Litigation

Ashley litigates federal court cases concerning claims under regulations affecting a variety of industries:

- Defending statutory citizen suits
- Appealing or defending permits and other administrative decisions
- Defending criminal and civil enforcement actions
- Pursuing cost recovery and contribution actions

CLIENT RESULTS

Environmental Compliance Law

Representation of multiple clients, including railroad, municipalities and manufacturers in Clean Water Act citizen suits regarding stormwater and wastewater discharges.

Representation of fuel supply and refining company in responding to oil spill, including in state and federal enforcement actions and coordination of public response plan.

Representation of pipeline company in action to recover costs associated with environmental cleanup and restoration following oil spill.

Representation of manufacturers in Clean Water Act criminal investigations.

Representation of municipalities in preparing and responding to agency audits of stormwater and pretreatment programs.

Representation of manufacturer in resolving multiple Clean Water Act enforcement matters in various regions and implementing company-wide environmental compliance program.

Representation of radioactive waste disposal facility in administrative appeals before state environmental agency regarding financial assurance and groundwater monitoring.

Representation coalition of sewer districts in advocacy efforts before Utah Department of Environmental Quality and Utah State Legislature.

Representation of various mining clients in large-scale cleanup of legacy contamination, including natural resource damages and cost recovery claims, and in managing legacy liability and compliance.

Representation of mining and chemical company in efforts to address legacy compliance issues related to water quality and waste management.

Representation of major power plant in implementation of coal combustion

residuals rule requirements.

Representation of railroad client in negotiations and litigation with state agencies, potentially responsible parties, and local residents and landowners on cleanup of multiple contaminated sites in Washington and Montana.

Representation developers and property owners in cleanup and cost-recovery actions related to perchloroethylene (PCE) contamination from former dry cleaners.

Representation of utility in relicensing hydropower dam before FERC, involving Federal Power Act, NEPA, CWA 401 certification and TMDL, ESA, and water rights matters.

PUBLICATIONS

"Groundbreaking Lawsuit Challenges Utah's Management of Great Salt Lake," *Holland & Hart Legal Update*, September 7, 2023

"New WOTUS Rule Significantly Narrows Federal Jurisdiction under Clean Water Act," *Holland & Hart Legal Update*, September 1, 2023

"US Supreme Court Upends Wetlands Regulatory Regime ," *Holland & Hart Client Alert*, May 26, 2023

"Back to the Future: The Biden Administration Releases Final WOTUS Rule," *Holland & Hart Client Alert*, January 5, 2023

"Podcast: SCOTUS Takes on WOTUS as Oil, Gas Industry Clamors for Regulatory Clarity," *S&P Global Commodity Insights Capitol Crude: The US Energy Policy Podcast*, October 24, 2022

"More Uncertainty Ahead – WOTUS, SCOTUS and What it Means for Your Project," *Holland & Hart News Update*, February 4, 2022

"Is Regulatory Limbo the New Normal For WOTUS? ," *Holland & Hart News Update*, 06/01/2021

"Policy Review Heats Up Under New EPA Administrator Regan ," *Holland & Hart News Update*, 03/29/2021

"EPA Under Biden Signals Continuing Importance of Self-Disclosure," *Holland & Hart News Update*, 02/23/2021

"EPA Draft Guidance on *County of Maui, Hawaii v. Hawaii Wildlife Decision* ," *Holland & Hart News Update*, 12/10/2020

"Keep Calm and Carry On - Self-Audits Under UDEQ's Agreement with EPA," *Holland & Hart News Update*, 08/31/2020

"Update on PFAS Developments and Enforcement," *Holland & Hart News Update*, 06/11/2020

"EPA Issues Final Rule Revising CWA Section 401 Regulation," *Holland &*

Hart News Update, June 8, 2020

"WOTUS Debacle Likely to Continue With New Rule," *Bloomberg Law*, 05/21/2020

"SCOTUS Decision Provides Narrower Test for Discharges to Groundwater," *Holland & Hart News Update*, 04/28/2020

"EPA Issues Temporary Policy for Violations Caused By COVID-19," *Holland & Hart News Update*, March 27, 2020

"Justices Seek Balance In Clean Water Act Case Arguments," *Law360*, 11/12/2019

"CWA Waters of the United States Remain Murky ," *Holland & Hart News Update*, 09/20/2019

SPEAKING ENGAGEMENTS

"CWA UPDATE – Sackett Implementation and "Worst case" Spill Rule," *Essential Minerals Association Annual Conference*, May 8, 2024

"Update on the 2023 Revised Definition of WOTUS," *SWCA Environmental Consultants*, February 8, 2023

"Water Quality Update: Murky Waters Ahead," *Industrial Minerals Association – North America Webinar*, June 30, 2020

RECOGNITION

- *The Best Lawyers in America*®, Environmental Law, 2021-2024; Litigation - Environmental, 2024
- *Chambers USA*, Environment, Natural Resources & Regulatory Industries, 2017; Natural Resources & Environment, 2021-2024
- Utah Bar, Dorathy Merrill Brothers Award, 2023
- *Utah Business Magazine*, Utah Legal Elite, 2014-2021; Environmental, 2022
- *Utah Business Magazine*, 30 Women to Watch, 2021
- Mountain States Super Lawyers®, Environmental, 2022-2023
- Mountain States Super Lawyers® Rising Stars, Environmental, 2014-2020
- Washington Super Lawyers® Rising Stars, Environmental, 2010

PROFESSIONAL AND CIVIC AFFILIATIONS

- Women Lawyers of Utah, President, 2019-2020
- Wasatch Community Gardens, Board Member, 2018-present
- ABA, Environment, Energy, and Resources Section, Member
- Utah State Bar, Energy, Natural Resources, and Environmental Law Sections, Member

- ABA, Superfund and Natural Resource Damages Litigation Committee, Vice Chair, 2011-2014
- The Foundation for Natural Resources and Energy Law, Member