



# West Coast Air Law Roundtable

Speaker Biographies | Federal and West Coast Update



## David Friedland

Principal (Washington, DC), *Beveridge & Diamond*

David's practice touches every aspect of the regulation of air pollution under the Clean Air Act and state and local air pollution statutes and regulations.

On the regulatory side, he has helped companies and trade associations prepare comments on scores of proposed rules including revisions to the ozone and particulate matter NAAQS, several rounds of PSD/NSR regulations (e.g., the WEPCO rule in 1992, the NSR Reform rule in 2002, the equipment replacement rule in 2003, and the Duke hourly rate rule in 2006), numerous MACT standards (e.g., the boiler, commercial and industrial solid waste incinerator, aerospace, coil coating, site remediation, medical waste incinerator, off-site waste and recovery (OSWRO), wool fiberglass, hazardous waste combustors, and MON rules), the credible evidence rule, federal and state Title V rules, and state and local rules (e.g., CARB rules for off-road diesel engines and large spark-ignition engines). He has litigated many of these rules in the D.C. Circuit and elsewhere either as an industry petitioner or as an intervenor in suits brought by environmental groups. Most of these cases have resulted in favorable settlements (e.g., litigation relating to the MON, the OSWRO residual risk and technology (RTR) rule, the reciprocating internal combustion engine (RICE) NESHAP, the organic liquids distribution MACT, the aerospace MACT), while others have resulted in published opinions. See, e.g. *U.S. Sugar Corp. v. EPA*, 830 F.3d 579 (D.C. Cir. 2016), *Sierra Club v. EPA*, 167 F.3d 658 (D.C. Cir. 1999); *Cement Kiln Recycling Coalition v. EPA*, 255 F.3d 855 (D.C. Cir. 2001).

Once the rules are in place, he counsels a wide range of companies on compliance. His clients include petroleum refineries, chemical manufacturers, cement and glass manufacturers, pharmaceutical producers, consumer products manufacturers, waste management entities such as landfills and waste to energy facilities, can manufacturers, wastewater treatment plants, real estate developers, communications companies, and trade associations representing numerous industries such as lime manufacturers, the airlines, road and home building, and chemical companies. Day to day counseling issues include compliance with the complicated preconstruction permitting requirements of the federal and state PSD/NSR programs; compliance with the plethora of MACT/NESHAP and NSPS standards; responses to over fifty Section 114 requests for a diverse group of companies; and counseling on a wide range of Title V questions, including the application for, amendment and appeal of, and certification of compliance with, these permits that are often hundreds of pages long.

David has chaired the firm's Air & Climate Change Practice Group and the firm's Environmental Practice Group. He formerly served as chair of the Air Quality Committee of the ABA's Section on Environment, Energy and Resources.

Read More: <https://www.bdlaw.com/david-m-friedland>



## Felicia Barnes

Associate (Seattle, WA), *Beveridge & Diamond PC*

Felicia has advocated for clients on landmark issues in administrative rulemakings and related litigation, particularly in the oil and natural gas sector. Felicia has substantial litigation experience, including appellate litigation and especially before the D.C. Circuit. As part of her regulatory practice, Felicia advises on complex environmental compliance issues, assists with internal investigations and enforcement defense, and evaluates the environmental aspects of complex transactions.

Felicia has represented companies and trade associations across several sectors of the US economy. Her clients have included oil and gas companies, electric utilities, automotive companies, manufacturers, and small family businesses. She has significant experience with Clean Air Act rulemaking and administrative proceedings before the US EPA. She also has substantial D.C. Circuit litigation experience both challenging and defending major Clean Air Act rules that are critical to her clients. For example, she helped convince the Environmental Appeals Board (EAB) to dismiss a citizen's petition to review the permit with minimal cost and effort that greatly reduced the delay the client experienced before it could begin construction and operation of the project.

In addition to her work involving the Clean Air Act, she has experience with several major federal environmental statutes, including Clean Water Act, National Environmental Policy Act, Endangered Species Act, Migratory Bird Protection Act and the Bald and Golden Eagle Protection Act. Felicia has conducted internal investigations and defended administrative, civil, and criminal enforcement actions involving these and other federal environmental statutes. In these matters, Felicia draws from her deep and varied regulatory and administrative experience. She performed an internal audit for a major U.S. company to investigate potential non-compliance. After discovering the relevant issue, she assisted the company with preparing a voluntary disclosure to the U.S. Environmental Protection Agency (EPA), to which EPA sent back a "no enforcement" letter. To reduce the risk of future violations, she also assisted the implementation of compliance strategy addressing the root causes of the non-compliance issue. She also advises on the environmental risks of complex financial transactions, including investing in wind projects.

Prior to joining the firm, Felicia was part of the environmental team at a major international law firm. She also held two clerkships. The first was for the Honorable Joseph R. Goodwin, Chief Judge, in the Southern District of West Virginia, and the second was for the Honorable Mary Beck Briscoe, Chief Judge, in the Tenth Circuit Court of Appeals. She is admitted to practice before the US Court of Appeals for the DC Circuit and the US Court of Appeals for the Second Circuit.

Read More: <https://www.bdlaw.com/felicia-h-barnes>



### **Jacob (Jake) Duginski**

Associate (San Francisco, CA), *Beveridge & Diamond PC*

Jake maintains a diverse regulatory and litigation practice providing client-centered, solution-driven advice. He litigates before California's trial and appellate courts, advises on regulatory compliance with a focus on California-specific issues, and represents clients in various administrative enforcement settings. His practice philosophy is to provide sound, timely, actionable advice with sensitivity to each individual client's business needs.

Clients who operate in California routinely find themselves with California-specific questions – Jake helps clients navigate this difficult sphere of regulatory compliance. This includes Clean Air Act permitting and compliance strategy before California's various air quality management districts, rulemaking development and advocacy regarding California's various climate change programs, and California Environmental Quality Act compliance.

The core of Jake's litigation and administrative enforcement practice is disputes with governmental entities, representing and advising clients in the courts of California as well as local administrative agencies. Examples of his work include a successful interlocutory appeal of a crushing pre-judgment trial court order and successful defense of a \$5 million administrative enforcement order.

Read More: <https://www.bdlaw.com/jacob-p-duginski>