



## Joshua H. Van Eaton

Principal

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### **Josh helps clients resolve high-stakes enforcement and litigation matters and advises on proactive environmental compliance strategies.**

He brings the perspective gained from a distinguished U.S. government service career as a DOJ environmental enforcement attorney to provide clients with strategic counsel on air, water, and waste issues with a focus on mobile source emissions. Prior to joining Beveridge & Diamond, Josh served as Senior Trial Attorney in the Environmental Enforcement Section of the Environment and Natural Resources Division of the U.S. Department of Justice (DOJ). During his DOJ career, he litigated cases and negotiated settlements under all of the major environmental statutes. Josh was DOJ's Lead Counsel in the *United States v. Volkswagen AG, et al.* ("Dieselgate") civil Clean Air Act enforcement litigation, where he negotiated a complex settlement worth nearly \$17.5 billion, including a \$1.45 billion civil penalty. He received the prestigious Samuel J. Heyman Service to America Medal and was named Federal Employee of the Year in 2017 in recognition of his work. Clients benefit from the experience he gained advising senior officials across agencies and at corporations.

At Beveridge & Diamond, Josh co-leads the Firm's Mobile Source Team. Josh focuses on high-stakes environmental, health and safety litigation and strategic counseling, assisting clients with government enforcement actions and internal investigations. Josh's clients include heavy-duty truck and engine manufacturers; major auto manufacturers; electric vehicle manufacturers; non-road mobile source manufacturers of large and small engines and equipment; auto parts manufacturers, wholesalers, retailers, and installers; major energy companies; waste management companies; chemical manufacturers; trade associations; utilities and municipalities. In the auto and engine sectors, Josh represents companies before EPA, CARB, and DOJ on investigations, audits, diligence reviews, compliance and enforcement matters over alleged defeat devices, tampering, AECDS, IUVP and IUCP, OBD, GHG compliance, and other Title II issues.

Josh also represents clients in environmental litigation matters, including disputes over contaminated sites, contaminated groundwater, and permitting issues. Josh also secured a notable preemption decision striking down a Baltimore air ordinance. *Wheelabrator Baltimore v. City of Baltimore*, 449 F.Supp.3d 549 (D.Md. 2020).

Josh's public service also included a distinguished military career. Josh recently retired from service in the U.S. Army Reserve, Judge Advocate General's Corps. Josh served over six years on active duty as a criminal prosecutor and legal advisor in one of the army's largest criminal jurisdictions

then subsequently as a litigation attorney in the Army's Environmental Law Division. His other former assignments include Senior Administrative Law Attorney in the Army's Administrative Law Division in the Pentagon; Associate Professor of Administrative and Civil Law at the Army Judge Advocate General's School in Charlottesville, Virginia; Associate General Counsel in the Office of General Counsel, Defense Logistics Agency, where he also served as Co-Chair of the Installation and Environmental Law Practice Group.

## **Education**

- Seattle Pacific University (B.A., 1997)
  - Business Administration
- Baylor University (J.D., 2001)

## **Bar Admissions**

- District of Columbia
- Texas
- Washington

## **Honors & Awards**

- Samuel J. Heyman Service to America Medal, Federal Employee of the Year 2017
- Assistant Attorney General's Award for Excellence
- EPA Administrator's Award for Excellence
- DOJ Special Achievement Award (multiple awards)
- DOJ Special Recognition Award (multiple awards)
- DOJ Special Commendation Award
- Defense Meritorious Service Medal
- Army Meritorious Service Medal (multiple awards)
- Army Commendation Medal

## **Representative Matters**

Josh's representative matters include:

In the auto and engine sectors, representing companies before EPA, CARB, NHTSA and DOJ on investigations, audits, diligence reviews, compliance and enforcement matters over alleged defeat devices, tampering, AECDS, IUVP and IUCP, OBD, fuel economy and TPEM issues. Josh provides

Clean Air Act regulatory advice and compliance counseling about emissions and GHG compliance to auto, heavy-duty truck, engine and equipment manufacturers, and electric vehicle manufacturers.

In the energy sector, representing major energy companies in state and federal enforcement actions, including a multi-refinery RMP and CAA 112(r) matter.

Josh's litigation matters include defending a manufacturer facing contaminated groundwater claims, pursuing cost recovery under CERCLA and state law claims for a school district, and representing a major waste management company, successfully striking down an illegal municipal air ordinance.

Josh's Department of Justice experience includes:

- Serving as lead DOJ counsel in *United States v. Volkswagen AG, et al.* ("Clean Diesel"), a complex CAA mobile source case arising from the alleged illegal use of defeat devices in light-duty diesel engines in which the relief obtained includes the largest consumer recall in American history (\$11 billion vehicle buyback program), a \$3 billion environmental mitigation trust, a \$2 billion zero-emission vehicle infrastructure investment, and a \$1.45 billion civil penalty, the largest ever under the CAA.
- Serving as lead counsel in a suit to remedy dangerous and illegal storage of hazardous waste at a chemical manufacturing facility and to recover past clean-up costs, where he also prevailed in post-trial contested motions practice with a third party over lien priority to ultimately effectuate property sale.
- Serving as lead counsel in a case against a regional construction company alleging over 600 violations of the Clean Water Act NPDES permit program at various construction sites, ending in a settlement that included civil penalty and injunctive relief requiring a company-wide stormwater training and compliance program.
- Serving as lead U.S. counsel in a case to recover remedial costs in a \$400 million nuclear waste site cleanup matter.
- Serving as co-counsel in a \$30 million case brought on behalf of the Department of Defense against multiple petroleum companies to recover environmental cleanup costs at a defense site adjacent to an oil refinery.
- Serving as lead counsel in an action to collect Superfund responses costs from recalcitrant CERCLA judgment debtors and a third party insurance company, ending in a settlement in favor of the United States for \$2.225 million.
- Serving as lead counsel in a Safe Drinking Water Act matter to address the threat of imminent and substantial endangerment to a potential underground source of drinking water posed by an improperly plugged oil well, ending in the successful negotiation of a resolution where the well owner agreed to implement a long-term aquifer remediation system.
- Serving as lead counsel in the negotiation of a CERCLA Remedial Design/Remedial Action Consent Decree with a major petroleum company for a multi-million dollar cleanup of a legacy coking operation.

