



## 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, with an emphasis on water quality, contaminated sites and waste 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

Environmental and Natural Resources  
 Environmental and Natural Resources  
 Litigation  
 Environmental Compliance and  
 Enforcement  
 American Indian Law

### 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.

Perform environmental due diligence for mergers, acquisitions, and other transactions for national and international energy companies.

## **PUBLICATIONS**

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

"EPA Issues Final Rule Revising CWA Section 401 Regulation," *Holland & Hart News Update*, Co-Author, 06/08/2020

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

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

"EPA Issues Temporary Policy for Violations Caused By COVID-19," *Holland & Hart News Update*, Co-Author, 03/27/2020

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

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

"Spring Cleaning: Trump Administration Announces Further Changes to Clean Water Act Regulation," *Holland & Hart News Update*, Co-Author, 04/23/2019

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

"Legal Quagmire Over WOTUS Persists," *Holland & Hart News Update*, Co-Author, 09/12/2018

"Water Quality," *Environmental Regulation*, excerpted from the Second Edition of the American Law of Mining, Chapter 169, Co-Author, 2018

"Corps of Engineers to Streamline Section 408 Permitting Process," *Holland & Hart News Update*, Co-Author, 03/14/2018

"Feeling Underwater? A Brief Look at Recent Clean Water Act Developments," *Holland & Hart News Update*, Co-Author, 02/14/2018

"The WOTUS Rule: The More Things Change, The More They Stay the Same," *Holland & Hart News Update*, Co-Author, 07/26/2017

"Clean Water Act Update," *Holland & Hart News Update*, Co-Author, 3/21/2017

"What You Need to Know About the Supreme Court's Clean Water Act Decision in *Hawkes*," *Holland & Hart News Update*, Co-Author, 06/14/2016

"Salt Lake County Stormwater Settlement: A Sign of Things to Come for Other Utah Municipalities?," *Holland & Hart News Update*, 4/20/2016

### **SPEAKING ENGAGEMENTS**

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

"Lessons from the Rocky Mountain West Experience: Hot Topics in the Oil and Gas Industry," *Panelist, Women's Energy Network Annual Conference*, Denver, CO, March 28, 2019

"Operating in Uncertain Times: Staying on Top of Shifting Environmental Regulations," *Industrial Minerals Association – North America*, Napa, CA, September 26, 2018

"Litigating Contribution Claims Under the Oil Pollution Act," *Energy Industry Environmental Law Conference*, Houston, TX, May 18, 2018

"Developing a Defensible Permit Record in the Age of Citizen Suits," Salt Lake City, UT, October 2017

"The Potential to Trump Obama's Environmental Agenda: A Preview of the First 100 Days of the Trump Administration and the 115th Congress," Salt Lake City, UT, January 2017

"Municipal Stormwater in Utah: Enforcement Trends, Compliance Challenges, and Practical Solutions," *Holland & Hart Seminar*, May 2016

"Industrial Stormwater: Legal Overview," *Industrial Minerals Association – North America*, December 2015

### **RECOGNITION**

- *Chambers USA: America's Leading Lawyers for Business*, Environment, Natural Resources & Regulatory Industries, 2017
- *Utah Business Magazine*, Utah Legal Elite, 2014-2020
- 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
- Wasatch Community Gardens, Board Member
- 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
- Commercial Real Estate Women (CREW) Utah, Member
- Association of Clean Water Administrators, Legal Member
- Rocky Mountain Mineral Law Foundation, Member