Holland & Hart



PRACTICES

Environmental
Climate Change
Environmental Health and Safety
Environmental Transactions
Congressional Oversight and Investigations

INDUSTRIES

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

EDUCATION

Duke University School of Law, J.D., 2003
cum laude
Alaska Law Review, Editor

Duke University, Terry Sanford Institute of Public Policy, Master of Public Policy, 2003

Bowdoin College, B.A., 1997
magna cum laude
Bowdoin Orient, Editor in Chief

BAR ADMISSIONS

Utah
Wyoming
District of Columbia
Maine

COURT ADMISSIONS

U.S. Court of Appeals for the District of Columbia Circuit
U.S. Court of Appeals for the Tenth

Emily Schilling

Partner

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Emily delivers strategic air quality counsel that helps companies navigate complex regulatory challenges and advance critical business objectives.

A nationally recognized environmental attorney, Emily draws on decades of air quality experience to advise clients across industry sectors in the development of air quality permitting and compliance strategies amidst shifting federal and state regulatory environments.

Emily leads precedent-setting air quality litigation on behalf of industry coalitions and companies in federal courts nationwide. By crafting thoughtful and pragmatic litigation strategies, she has helped secure landmark rulings that reshape regulatory frameworks and protect entire industry sectors from burdensome regulations, including successful challenges to Clean Air Act (CAA) rulemakings and petitions for reconsideration in federal court and before the D.C. Circuit Court of Appeals. She combines deep technical knowledge with sophisticated advocacy to work toward outcomes that preserve clients' operational flexibility and competitive positioning.

Emily also defends companies in high-stakes enforcement proceedings involving alleged environmental violations, working to minimize penalties, negotiate practical compliance solutions, and protect client operations from disruption. She leverages a deep understanding of agency policy and enforcement priorities to secure settlements that allow companies to continue operations while addressing regulatory concerns through cost-effective remedial measures.

As a sought-after strategic counselor, Emily guides clients through consequential federal and state rulemaking where proposed regulations can fundamentally impact industry operations and profitability. She helps companies understand potential impacts early in the process and develops compelling responses to position clients advantageously before new rules take effect.

Emily leads the firm’s Environmental and Natural Resources practice group, one of the largest in the country at over 100 lawyers.

EXPERIENCE

- Counsel clients in developing strategies in federal and state air quality rulemakings, from pre-proposal meetings with regulators through drafting comprehensive comments on proposed rules to representation of clients in challenges to rulemakings in state and

Circuit
U.S. Court of Appeals for the Eighth Circuit
U.S. District Court for the District of Utah
U.S. District Court for the District of Columbia

federal courts.

- Advise industrial clients on minor source and major source permitting, including strategies for siting power generation for data centers.
- Represent clients in mining, oil and gas, industrial, and mobile source sectors in responding to CAA section 114 and section 208 information requests issued by EPA pursuant to federal enforcement initiatives.
- Negotiate consent decrees and administrative consent agreements with EPA on behalf of clients in electricity, oil and gas, and mobile source sectors.
- Represent clients in resolution of state enforcement proceedings across the Mountain West.
- Represent refineries and power plants in CAA Risk Management Plan compliance and inspections.

CLIENT RESULTS

Representative Rulemaking & Litigation Matters

Represent State of Utah in challenge to EPA denial of Utah's interstate ozone state implementation plan, including successful writ of certiorari to the U.S. Supreme Court and 9-0 decision in favor of Utah and Oklahoma in Oklahoma v. EPA (605 U.S. 198).

Represent client in successful request to the D.C. Circuit for a judicial stay of a federal Clean Air Act rulemaking limiting hazardous air pollutants from refineries, allowing client to avoid hundreds of millions of dollars in compliance costs pending EPA administrative reconsideration proceedings.

Represent Utah Petroleum Association in successful requests to the 10th Circuit for judicial stays of EPA nonattainment classifications for the Wasatch Front and the Uinta Basin, allowing sources to avoid hundreds of millions of dollars in compliance costs pending EPA administrative reconsideration proceedings.

Represent utility client in challenges to EPA interstate transport and regional haze state implementation plan disapprovals in 10th Circuit and 8th Circuit Courts of Appeal.

Represent Essential Minerals Association in D.C. Circuit challenge to EPA's fine particulate matter National Ambient Air Quality Standard.

Represent Minnesota Pollution Control Agency in challenges to air quality permit issued to PolyMet for the NorthMet mining project, including representation of the agency before the Minnesota Supreme Court.

Represent clients in D.C. Circuit challenges to various Clean Air Act rulemakings, including EPA greenhouse gas endangerment finding, Clean Power Plan and Affordable Clean Energy rulemakings, organic liquids

distribution, and gold mining National Emission Standards for Hazardous Air Pollutants. Represent client in challenge to EPA sulfur dioxide (SO2) nonattainment area designation in the D.C. Circuit.

Provide strategic counsel on EPA Risk and Technology Review for National Emission Standard for Hazardous Air Pollutants, including use of new federal policy and rulemaking allowing facilities to take area source status.

Develop comments on the Clean Power Plan, the Particulate Matter and Ozone NAAQS and related implementation rules, secondary NAAQS for SO2 and oxides of nitrogen (NOx), Utility MACT standards, gold mining MACT standards, implementation of permitting for GHGs, interstate transport, and regional haze State Implementation Plan disapprovals.

Representative Compliance & Enforcement Matters

Negotiated EPA consent decrees for oil and gas companies and counseled clients through consent decree compliance and termination.

Counsel data center clients on permitting strategies for power generation in Utah, Wyoming, and Nevada.

Advise industrial source on permitting expansion project in Utah nonattainment area.

Negotiated expedited resolution of state enforcement action against transload facility faced with stop work order, allowing the facility to restart operations within a week.

Represent Title V mining facility in resolving Utah enforcement action and associated development of comprehensive permitting package.

Represent client in resolution of largest enforcement action in history of Wyoming Air Quality Division.

Counsel client in strategy for challenging permits before Wyoming's Environmental Quality Council, including successful motion to stay permit conditions pending completion of EQC proceedings.

Represent utility client in administrative resolution of CAA section 114 request for information and related New Source Review enforcement action.

Represent industrial client in responding to CAA section 114 information request issued as part of national enforcement initiative, resulting in determination by EPA not to proceed with enforcement.

Counsel oil services client in compliance with CAA section 112(r) Risk Management Plan requirements.

PUBLICATIONS

"EPA Proposes Broad Revisions to 2024 Oil and Gas Methane Rule,"

Environmental Law Update , November 11, 2026

"Oversight Edge: Preparing for Congressional Scrutiny in the New Congress," *Congressional Oversight Update*, November 9, 2026

"FERC Streamlines Energy Infrastructure Approvals: What Companies Need to Know," *Environmental Law Update*, November 4, 2026

"EPA Proposes to Hand Utah the Keys to Class VI Carbon Storage Permitting," *Environmental Law Update*, October 23, 2026

"New PM2.5 Designations Could Shape Economic Development Across the West," *Air Quality Update*, October 20, 2026

"EPA Eases Clean Air Rules for Faster Construction and Data Center Development," *Air Quality Update*, May 14, 2026

"EPA's Retreat On GHGs Reshapes Preemption Debate," *Law360*, April 13, 2026

"The Trump Administration Dismantles the Foundation of Federal Climate Regulation," *Environmental Law Update*, February 13, 2026

"EPA Proposes Sweeping Rollback of Greenhouse Gas Reporting Program," *Air Quality Update*, September 19, 2025

"EPA Loosens Air Permitting Requirement to Speed Energy and Data Center Construction ," *Air Quality Update*, September 12, 2025

"EPA Formalizes Robust Civil and Criminal Enforcement Program Coordination," *Environmental Law Update*, April 30, 2024

"EPA Imposes Stringent Greenhouse Gas Rule for Fossil Fuel-Fired Power Plants," *Air Quality Update*, April 25, 2024

"EPA Tightens the Annual $PM_{2.5}$ Standard, Creating Compliance Challenges Across the West," *Air Quality Update*, February 9, 2024

"New Mexico Announces New Crack Down on O&G Operations," *Oil and Gas Legal Update*, October 26, 2023

"EPA Doubles Down on Enforcement to Address Climate Change," *Holland & Hart Environmental Update*, October 19, 2023

"Tenth Circuit Ruling on Temporary Emissions in Colorado Will Have Widespread Impacts on Air Permitting in Western States," *Holland & Hart Legal Update*, September 22, 2023

"GHG Standards for the Power Sector: Is Third Time the Charm or Is It Déjà Vu?," *Holland & Hart Legal Update*, May 15, 2023

"Impacts on the Western US from EPA Proposed Strengthening of Annual PM2.5 NAAQS," *Holland & Hart Client Alert*, January 11, 2023

"EPA Super Sizes Proposal to Crack Down on Methane from Oil and Gas Sector," *Holland & Hart Client Alert*, December 7, 2022

"EPA Applies More Rigorous Emission Controls on Uintah and Ouray Indian Reservation Lands," *Holland & Hart Client Alert*, November 29, 2022

"EPA Proposes Reversal on Fugitives in Major Source Permitting," *Holland & Hart Client Alert*, November 10, 2022

"The Future of Federal Agency Rulemakings After *West Virginia v. Environmental Protection Agency*," *Holland & Hart News Update*, July 15, 2022

"Buckle Up for the SEC's Mandatory Climate Change Reporting Ride," *Holland & Hart News Update*, March 25, 2022

"Legal Storm Clouds Gather As New Climate Change Policies Are Released," *Holland & Hart News Update*, December 1, 2021

SPEAKING ENGAGEMENTS

"EPA Information Request Letters: Response Strategies, Protecting Privilege/Confidentiality, Mitigating Further Scrutiny," Co-Presenter, *Strafford* | *CLE*, Webinar, August 29, 2024

"Responding to EPA Information Request Letters: Mitigating Further Agency Scrutiny," *Strafford CLE Webinar, Panelist*, May 23, 2023

RECOGNITION

- American College of Environmental Lawyers, Fellow, 2025
- *The Best Lawyers in America*®, Environmental Law, 2018-2027; Litigation - Environmental, 2026-2027; Natural Resources Law, 2027
- *Chambers USA*, Environment, Natural Resources & Regulatory Industries, 2017-2020; Up and Coming, 2017-2018; Natural Resources & Environment, 2021-2024, 2026
- Legal 500 US City Elite - Salt Lake City, Energy and Natural Resources, 2026
- Mountain States Super Lawyers®, Environmental, 2026
- *Utah Business Magazine*, Utah Legal Elite, Environmental, 2015-2024; Environmental & Natural Resources, 2026

PROFESSIONAL AND CIVIC AFFILIATIONS

- Utah Manufacturers' Association, Air Quality Subcommittee of Environment Committee, Co-chair
- Essential Minerals Association, Environmental Committee, Co-chair
- Utah Clean Air (UCAIR) Partnership
    - Chair, 2021-2022

- Board Member, 2019-2024