Holland & Hart



PRACTICES

Environmental
Environmental Litigation
Water Resources
Environmental Health and Safety
Wildlife and Protected Species
Congressional Oversight and Investigations

INDUSTRIES

Energy and Resources
Mining
Oil and Gas
Conventional Power

EDUCATION

George Washington University School of Law, J.D., 2005
With Honors

University of Texas at Austin, B.A., 2002
Plan II Honors Program

BAR ADMISSIONS

District of Columbia
Maryland

COURT ADMISSIONS

United States Supreme Court
U.S. Court of Appeals for the Third Circuit
U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Fifth Circuit
U.S. Court of Appeals for the Sixth Circuit
U.S. Court of Appeals for the Seventh Circuit
U.S. Court of Appeals for the Eighth Circuit
U.S. Court of Appeals for the Ninth

David Chung

Partner

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An experienced environmental litigator and regulatory strategist, David defends and advances clients' interests in federal courts and before administrative agencies.

David draws on a broad command of federal environmental law—with specialized experience in Clean Water Act, Toxic Substances Control Act, and National Environmental Policy Act matters—to litigate on behalf of companies, national trade associations, and industry coalitions. His experience includes challenges to rulemakings and other agency actions, regulatory advocacy, compliance counseling, and enforcement defense.

David has litigated in numerous federal district courts and in most federal courts of appeals. He has also handled administrative appeals and other proceedings before agencies, including the Environmental Protection Agency, Department of Agriculture, Department of Energy, Consumer Product Safety Commission, and Surface Transportation Board.

As federal agencies propose and finalize rules and policy changes that affect regulated industries, David advises clients on rulemaking strategy, crafts comments and advocacy positions before federal agencies, and counsels clients on compliance with evolving regulatory requirements. David currently advises the Waters Advocacy Coalition—a multi-industry coalition of national trade associations—on regulatory, legislative, and litigation developments involving the geographic scope of federal regulatory authority under the Clean Water Act. He also represents numerous other national trade associations and industry groups on chemical regulation, water quality, PFAS, nutrient management, and pesticide regulation matters.

Through close coordination with the firm's federal affairs professionals, David helps clients engage strategically with the legislative and executive branches on issues that affect their operations.

Before joining Holland & Hart, David was a partner at Crowell & Moring in Washington, D.C., where he co-chaired the firm's Environmental group.

EXPERIENCE

Environmental Litigation and Enforcement

- Challenge or intervene in defense of federal agency rulemakings, permits, licenses, and other agency actions arising under the CWA,

Circuit
U.S. Court of Appeals for the Tenth Circuit
U.S. Court of Appeals for the Eleventh Circuit
U.S. Court of Appeals for the District of Columbia Circuit
U.S. Court of Appeals for the Federal Circuit
U.S. Court of Appeals for Veterans Claims
U.S. District Court for the District of Colorado
U.S. District Court for the District of Columbia
U.S. District Court for the Northern District of Florida

TSCA, CAA, FIFRA, ESA, NEPA, EPCRA, CERCLA, and other statutes in federal district and appellate courts
- Citizen suit defense
- Assist clients in responding to information requests, notices of violation, and compliance orders under the CWA, CAA, RCRA, CERCLA, and SDWA
- Represent industry coalitions as amici

Regulatory Advocacy & Counseling

- Advocacy before federal agencies (EPA, Corps, USDA, DOI, DOE, CPSC, STB) and EOP entities
- Prepare comments on proposed rules and guidance documents
- Environmental compliance counseling and permitting strategy
- NEPA, ESA, and other environmental reviews

Clean Water Act & Water Quality

- Waters of the United States (WOTUS) rulemaking, guidance, and litigation
- Water quality standards and Total Maximum Daily Loads
- NPDES permitting and enforcement
- 404 permitting and enforcement
- Effluent limitations guidelines advocacy, counseling, and litigation
- Emerging contaminants

Chemical Regulation

- Toxic Substances Control Act (TSCA) risk management, risk evaluation, and reporting
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Endangered Species Act (ESA) litigation involving pesticide registrations
- PFAS investigations, enforcement, and federal regulatory developments
- Emergency Planning and Community Right-to-Know Act (EPCRA) reporting

CLIENT RESULTS

Industry and Trade Association Representation

Represents national trade associations in challenges to EPA rules issued under the Toxic Substances Control Act, including risk management rules and risk evaluation framework regulations.

Represents the Waters Advocacy Coalition on regulatory, legislative, and litigation developments involving federal regulatory authority under the Clean Water Act.

Represents national trade associations in CWA regulatory advocacy (agriculture, forestry, manufacturing, electric utilities, mining).

Serves as counsel to the Agricultural Nutrient Policy Council on regulatory, litigation, and policy matters involving nutrient regulation and water quality issues.

Federal Court Litigation

Represented a national agricultural association in district court and appellate litigation challenging USDA's National Bioengineered Food Disclosure Standard.

Represents crop protection companies and national trade associations in litigation challenging pesticide registrations under the Federal Insecticide, Fungicide, and Rodenticide Act, the Endangered Species Act, and the California Environmental Quality Act in federal and state courts.

Represented national and state agricultural associations in litigation challenging EPA approval of Ohio's Maumee Watershed Nutrient TMDL.

Represented a coalition of national agricultural associations in litigation challenging EPA reporting requirements related to air emissions from animal waste at farms.

Represents public wastewater and stormwater agencies and municipalities as amici in the Supreme Court and the Ninth Circuit (*City and County of San Francisco v. EPA*).

Enforcement Defense

Represents a major chemical manufacturer in a PFAS-related investigation and enforcement action involving the Clean Water Act, Safe Drinking Water Act, and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Defended a large agricultural producer in EPA and Department of Justice enforcement actions arising under the Clean Water Act and Clean Air Act.

Represents a land developer in an EPA enforcement action under the Clean Water Act.

Represents an energy company in responding to an EPA compliance order under the Clean Water Act.

PUBLICATIONS

"New WOTUS Proposal Would Further Shrink Federal Jurisdiction Over Streams and Wetlands," *Water Law Update*, September 15, 2026

"Fast-Tracking Megaprojects: Balancing Speed, Feasibility, and Dispute Risks," *Real Estate Finance Journal*, May 1, 2025

"Sackett: Back On The WOTUS Carousel," *ABA Trends*, March 11, 2024

"Dueling Navigable Waters Protection Rule Decisions Leave Uncertainty in Their Wake," *ABA Trends*, October 30, 2020

"How Environmental NGOs Are Targeting Plastic Pollution," *Law360*, March 2, 2020

"The Clean (Ground) Water Act?," *ABA Trends*, January 18, 2019

"Environmental Law and Practice in the United States: Overview," *Thomson Reuters Practical Law*, October 1, 2017

"What's Next for Clean Water Act Jurisdiction: Implications and Options That Flow from the Clean Water Rule Executive Order and EPA-Corps Notice," *Westlaw Journal Environmental*, March 29, 2017

"Practitioner Insights: Citizen Suits Under Trump—What to Expect," *Bloomberg BNA Daily Environment Report*, March 14, 2017

SPEAKING ENGAGEMENTS

"To 'Cause or Contribute' or Not To 'Cause or Contribute,' That Is the Que…Wait, You Can NOT 'Cause or Contribute?,' How Do We Do That?! We Choose That One!," *National Clean Water Law & Enforcement Seminar*, November 9, 2025

"Hot Takes from the Experts," *Pioneering Environmental Law in the Space Industry, Space Beach Law Lab*, November 4, 2025

"The Changing Definition of Waters of the United States," *The Associated General Contractors of America, 2025 Environmental & Sustainability Meetings*, July 30, 2025

"Water Quality and Wetlands: Recent Developments," *ALI CLE and Environmental Law Institute's Environmental Law 2025: Tackling the Issues in a Pivotal Year*, February 20, 2025

"Incorporating ESA Offsets Into FIFRA Registrations," *ABA Section of Environment, Energy and Resources and CropLife America Annual Event: New Developments in Pesticide Law and Policy*, November 8, 2022

"Here We Go Again: WOTUS Developments Before the Agencies and the Supreme Court," *National Association of Clean Water Agencies Webinar*, February 22, 2022

"Definition of 'Waters of the United States': More Clarity or Confusion on the Horizon?," *National Association of State Departments of Agriculture Winter Policy Conference*, February 15, 2022

"WOTUS: Clarity and Predictability at Last or Just Another Swing of the Pendulum?," *Environmental Business Council of New England (EBC) Water Resources Webinar*, December 8, 2020

"The Supreme Court Has Created a New CWA Permitting Test…Now What?," *National Association of Clean Water Agencies 2020 National*

Clean Water Law & Enforcement Virtual Event, November 19, 2020

"Conversation with CEQ Chairman Mary Neumayr," *Edison Electric Institute Webinar*, September 15, 2020

"What the WOTUS? The Latest and Greatest on the 'Waters of the US' Definition," *National Association of Clean Water Agencies Legal Hot Topics Webinar*, March 18, 2020

"WOTUS 2020: Will We Ever Have Clarity?," *ABA Section of Environment, Energy, and Resources Webinar*, February 26, 2020

"The Next Battlegrounds: How the Composition of the Federal Courts Will Shape the Future of Environmental, Energy and Resources Law," *ABA Section of Environment, Energy, and Resources 48th Spring Conference*, Denver, Colorado, March 29, 2019

"The Clean Water Act: Water Quality, Water Resources, and Wetlands Under the Microscope," *ALI CLE/ELI Environmental Law 2019*, Washington, DC, February 8, 2019

"Legal Roundtable," *2018 NASDA Annual Meeting*, Hartford, Connecticut, September 10, 2018

"What's in the Water? Understanding Toxic Tort Litigation Arising from Water-Borne Pathogens," *DRI Annual Toxic Torts and Environmental Law Seminar*, Nashville, March 1, 2018

"Keeping States Active in the Driver's Seat-Water Quality," *American Farm Bureau Federation, Environmental Issues Conference*, June 7, 2017

"CAFOs Regulatory & Litigation Strategy," *American Farm Bureau Federation, Legal Information and Networking Committee (LINC) Conference*, June 6, 2017

"Clean Water Act Regulatory & Litigation Strategy," *American Farm Bureau Federation, Legal Information and Networking Committee (LINC) Conference*, June 6, 2017

"A New Frontier of Climate Change Litigation?," *Association of American Railroads Spring EWC Meeting*, Washington, DC, April 21, 2017

"Clean Water Act Citizen Suits: Defense and Litigation Strategies," *Strafford Webinar*, March 14, 2017

"Regulatory Reform: What to Expect from the Trump Administration," *National Council of Farmer Cooperatives, 88th Annual Meeting*, February 15, 2017

RECOGNITION

- *Chambers USA*, Environment, 2019-2026
- *Law360*, Environmental MVP, 2025

- *The Washingtonian*, DC's Top Environmental Lawyers, 2024

PROFESSIONAL AND CIVIC AFFILIATIONS

- American Bar Association, Section of Environment, Energy, and Resources, Water Quality and Wetlands Committee, Former Co-Chair