ArentFox Schiff LLP
Attorneys

Amy Antoniolli

PARTNER AND ENERGY & CLEANTECH INDUSTRY GROUP CO-LEADER

Amy advises clients on issues ranging from project siting, permitting, and regulatory approvals to project acquisition or equity funding and related due diligence to zoning, land use, and environmental regulation, as well as related legislative drafting.



Industries

Energy & Cleantech
— State Energy Regulatory & Advocacy
Public Finance
— Infrastructure
— Energy Regulatory

Practices

Environmental
— Citizen Suits & Environmental Activism
— Coal Combustion Residuals (Coal Ash)
— Compliance Counseling & Permitting
— Corporate Sustainability, Renewables & Climate Change Law
— Environmental Enforcement Defense
— Rulemaking & Legislative Support
Environmental, Social & Governance (ESG)
— Land Use & Infrastructure Litigation

Languages

Italian

Education

Università degli Studi di Trento, Certificate, Italian and European Community Law, 2001

Chicago-Kent College of Law, Illinois Institute of Technology, JD, 2000

University of Illinois at Urbana-Champaign, BS, Ecology, Ethology and Evolution, Dean's List, 1997

Offices

Chicago

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Amy is an environmental, energy, and ESG lawyer with broad experience in compliance counseling, due diligence in energy transactions, and administrative and enforcement-related issues.

Amy advises energy clients by reviewing siting and operating requirements for wind, solar, and waste-to-energy facilities, performing due diligence for energy transactions, and advising on day-to-day compliance issues. She regularly represents clients in administrative proceedings in the environmental and energy space, including before the Illinois Pollution Control Board, the Illinois Commerce Commission (ICC), and local government permitting and siting hearings. She also advises clients on zoning and land use issues, as well as compliance with the Clean Air Act, Clean Water Act, RCRA, CERCLA, and the Illinois Environmental Protection Act. She also works on property remediation projects pursued under state and federal cleanup programs. She advises on participating in Illinois utility scale wind and solar renewable energy credit procurements and developing community solar projects under the Illinois Adjustable Block Program.

Environmental, social, and governance (ESG) is a growing area of focus for her practice. She co-leads the firm's ESG Working Group and counsels clients on ESG-related regulatory and public disclosure matters, setting and meeting greenhouse gas reduction goals, and ESG compliance strategies.

Client Work

- Represents electric vehicle service provider in ICC proceeding to evaluate and approve utility beneficial electrification plan.
- Represented clients in applications for certificates of authority before the ICC.
- Reviewed and advised on ESG-related public disclosures.
- Secured a special use permit for a wind energy client to site a wind farm in Illinois after a lengthy hearing process before the county zoning board of appeals. Opponents objected based on issues related to noise, wildlife, and insufficient turbine-to-residences setback requirements.
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Served as local counsel in performing environmental due diligence for transactions involving the purchase and sale of wind farms.

- Drafted community solar subscriber and master services agreements.
- In connection with recent Superfund remediation project, advised client through vapor intrusion investigation involving extensive outreach to local, county, and state stakeholders.
- Carefully crafted company-specific technical and legally based public comments for various clients in the groundbreaking USEPA federal rulemaking proposal establishing carbon dioxide (CO2) emission guidelines for power plants, known as the Clean Power Plan.
- Worked closely with client and technical experts to draft rulemaking proposal adding a new section to the Illinois solid waste disposal regulations for the site-specific closure of a coal ash impoundment that reached its life expectancy. The proposal became a joint proposal supported by IEPA's legal and technical teams, and is now part of the Illinois regulations. The ash pond closure scenario was the first of its kind and is now being used as a protocol for other surface impoundment closures in the state.
- Analyzed federal and state environmental approvals, consultations, and permits necessary for oil pipeline company seeking to construct a pipeline interconnection in Illinois.
- Assisted coal-fired power plant in seeking a beneficial use determination for on-site reuse of coal combustion byproducts.
- Successfully obtained modification to thermal effluent limits applicable to power company's cooling water discharge from the Illinois Pollution Control Board at one of its power plants.
- Represented Illinois county in municipal solid waste landfill siting appeal brought by local citizen's group before the Illinois Pollution Control Board.
- Sought and obtained variance relief for client, allowing more time to comply with stringent state multi-pollutant air emissions standards.
- Handled National Pollutant Discharge Elimination System (NPDES) permit appeals before the Illinois Pollution Control Board and obtained the dismissal of a unique enforcement action brought against a power plant pursuant to a seldom-used provision of the Illinois NPDES regulations.
- Represented a company in a rulemaking before the Illinois Pollution Control Board proposing to establish a statewide approach for the closure of Illinois ash ponds and coal combustion residual surface impoundments.
- Drafted legislation and negotiated regulatory language in various areas of environmental law to achieve clients' goals.

Highlights of Amy's experience at the Illinois Pollution Control Board include the following:

- Acted as hearing officer in rulemakings establishing new radium water quality standards, the Brownfields Site Restoration Program, new exemptions from state air permitting requirements, and regulations governing the use of clean construction and demolition debris as fill material.
- Drafted legal opinions in adjusted standard proceedings that included requests for relief from the solid waste regulations, hazardous waste delistings under Illinois regulations, and requests for relief from the general use water quality standards.
- Drafted legal opinions in landfill siting appeals and underground storage tank appeals.

Previous Work

Before joining ArentFox Schiff, Amy was an assistant attorney for the Illinois Pollution Control Board. Amy advised board members on interpretations of Illinois environmental statutes and regulations. A former adviser to the Illinois Pollution Control Board, Amy understands the ins and outs of the multitude of matters falling under the Board's jurisdiction. Because Amy served as a hearing officer, she knows how to make her clients' perspectives heard—and often favorably acted upon. She also served as a hearing officer in regulatory matters and drafted legal opinions in quasi-adjudicatory enforcement cases, permit appeals, and requests for relief from Illinois environmental laws.

Earlier in her career, Amy served as assistant counsel for the Illinois House of Representatives, where she drafted legislation, interacted with various stakeholders and lobbyists, and advised representatives on proposed legislation. Now, when her clients' site-specific situations clearly fall outside the rules,

Amy seizes the opportunity, working quickly and creatively under pressure to craft site-specific new rule proposals. Many of those rules have been adopted and, more importantly, have helped her clients sidestep the costly standstill of regulatory non-compliance.

Publications, Presentations & Recognitions

Publications

- "Chapter 4 – Selected States," (co-author) *Distributed Generation Law: A Guide to Regulations, Policies, and Programs* (Aug. 25, 2020)
- "The Chicago-Area Waterway System: How Do We Get Over Separation Anxiety?" *Illinois State Bar Association Newsletter* (Jul. 2011)
- "Could it Happen in Illinois? California Court Holds MS4 Operator Accountable for Non-Compliance with NPDES Storm Water Permit" (co-author) *Illinois Municipal Review* (Jul. 2011)

Presentations

- "Illinois Renewable Energy Permitting and REC Procurement Developments," ArentFox Schiff Webinar (Jan. 18, 2024)
- "Renewing Energy Zoning & Permitting Essential Principles," EUCI Webinar (Jan. 11, 2024)
- "Discussion on Environmental Social Governance," Illinois Chamber's Environmental Affairs Committee Quarterly Meeting, Virtual Meeting (Dec. 15, 2021)
- "One Size Does Not Fit All: A look at ESG practices from across the legal profession," Legal ESG Summit (Oct. 26, 2021)
- "ESG Spotlight: Focus on the 'E'," Webinar (Apr. 22, 2021)
- "Deep in the Challenges of Coal Ash," (co-presenter) Illinois State Bar Association, 17th Annual Environmental Law Conference, Chicago, Ill. (May 3, 2018)
- "Climate Change: Local, State, and Federal Updates," Chicago Bar Association (Mar. 21, 2018)
- "We're in Hot Water: Alternate Thermal Effluent Limits Under the CWA" 2017 Energy, Utility & Environment Conference, San Diego, Calif. (Feb. 9, 2017)
- "Introduction to the Clean Power Plan," Chicago Bar Association Environmental Law Section Meeting, Chicago, Ill. (Oct. 23, 2014)
- "Tightening the Squeeze on Power Plant Waste Streams," McIlvaine Company Fly Ash Pond and Wastewater Treatment Issues Hot Topic Hour Webinar (May 2, 2013)
- "EPA Activism," Chicago Bar Association Environmental Law Section Meeting, Chicago, Ill. (Nov. 1, 2011)
- "Thermal Effluent Limits and Variance Practices in Illinois," Chemical Industry Council of Illinois Water Issues Seminar, Willowbrook, Ill. (Jun. 14, 2011)

Recognitions

- The Best Lawyers in America, *Best Lawyers* (2023-2027)
- *The Legal 500 United States* – Energy Transactions: Conventional Power (2021-2023)

Boards, Memberships & Certifications

Amy is a member of the Chicago Bar Association and the Illinois Solar Energy Association. She is also on the Friends of Audubon Elementary School Grant Writing Committee and the Board of Directors of Seven Generations Ahead, and is a member of Roscoe Village Neighbors. Amy is professionally certified in Sustainable Capitalism & ESG Online.

Bar Admissions

Illinois