ArentFox Schiff LLP
Attorneys

David M. Loring

PARTNER

David concentrates his practice in complex Clean Air Act regulatory compliance, permitting and enforcement.



Industries

Energy & Cleantech
Public Finance
— Infrastructure

Practices

Environmental
— Citizen Suits & Environmental Activism
— Compliance Counseling & Permitting
— Corporate Sustainability, Renewables & Climate Change Law
— Due Diligence, Audits & Transactional Support
— Environmental Enforcement Defense
— Remediation & Superfund
— Rulemaking & Legislative Support

Education

University of Wisconsin Law School, JD, cum laude; Wisconsin Law Review, Managing Editor, 2006

University of Wisconsin-Madison, BS, 2002

Offices

Chicago

Phone

312.258.5603

Email

david.loring@afslaw.com

David is an experienced regulatory and compliance attorney, with a particular focus on Clean Air Act regulatory and enforcement matters for large industrial clients. David has spent more than 15 years representing electric generation, biofuels, manufacturing and large industrial clients on a variety of federal, state and administrative litigation and regulatory matters. He has significant experience and technical expertise working with environmental modelers and engineers to help clients navigate the complexities of the Clean Air Act affecting stationary and mobile sources, and compliance with New Source Review (NSR) and Title V permitting and National Ambient Air Quality Standards (NAAQS). This work has included:

Representing multiple large electric generation and metallurgical clients before federal and state agencies to demonstrate compliance with NAAQS

Representing ethanol producers through Clean Air Act compliance and permitting issues, including responding to Clean Air Act investigations and enforcement actions

Assist in the evaluation, investigation, and Class VI permitting of carbon sequestration for electric generation and ethanol clients

Representing coke calcining operations in regulatory and compliance matters, including rulemakings before the Illinois Pollution Control Board

Assisting mobile sources, both automobile and trucking companies, respond to investigations and and enforcement associated with the Environmental Protection Agency's (EPA) after-market defeat device enforcement initiative

Assist in the evaluation, investigation, and permitting of carbon sequestration for electric generation and ethanol clients

Assisted in negotiations between a municipality and a landfill operator for the development and permitting of a renewable natural gas facility

Negotiation of a multi-facility Clean Air Act NSR settlement agreement between an electric generating utility and the United States

- Defense of an NSR enforcement action brought by the United States against an electric generating utility
- Representation of an electric generating utility's petition for a facility-specific multi-pollutant rulemaking before the Illinois Pollution Control Board
- Responding to EPA investigations under Section 114 of the Clean Air Act on behalf of multiple electric generating utilities
- Represented municipalities impacted by the release of ethylene oxide in the investigation and negotiation of the health and environmental impacts on private citizens

In addition to drafting and negotiating environmental provisions and overseeing environmental due diligence in corporate transactions, David has counseled clients on numerous environmental compliance matters, including:

- Compliance with NSR settlement agreement provisions
- National Pollutant Discharge Elimination System (NPDES) permitting
- Hazardous materials transportation compliance issues at large industrial facilities
- Emergency Planning and Community Right to Know Act (EPCRA) compliance
- Remediation of contaminated former manufactured gas plant sites
- Voluntary site remediations under state and federal cleanup programs, including the federal Superfund and Superfund Alternative Sites programs

Professional Activities

- Air & Waste Management Association - Lake Michigan States Section, Board Member

Publications, Presentations & Recognitions

Publications

- "Sixth Circuit Court of Appeals Rules that USEPA May Proceed with an Enforcement Action against DTE Energy," *Schiff Hardin LLP Environmental Update* (Mar. 29, 2013)
- "The Bar to Citizen Suits: Preclusive Effect of a Settlement between the Government and Violator on Citizen Suits following *Friends of Milwaukee's Rivers v. Milwaukee Metropolitan Sewerage District*," *Wisconsin Law Review* (2005)

Presentations

- "Navigating the Future of Federal and State Enforcement," 2021 Annual Air Conference, Air & Waste Management Association Lake Michigan States Section (Oct. 28, 2021)
- "The Promises and Potential Pitfalls of the Deregulatory Agenda," 2019 Annual Air Quality Management Conference, Air & Waste Management Association Lake Michigan States Section, Oakbrook Terrace, Ill. (Nov. 5, 2019)
- "Controversy and Challenges with EPA's New Source Performance Standards (NSPS) for Oil and Gas" American Bar Association, Center for Professional Development and Section of Litigation Webinar (Feb. 22, 2017)
- "Challenges for Modeling Compliance with SO2, NO2, PM2.5, and Ozone Ambient Standards," 2017 Energy, Utility & Environment Conference, San Diego, Calif. (Feb. 7, 2017)
- "The Proliferation of Battery Storage – a Mega-Environmental Risk?," Air & Waste Management Association's Conference on Addressing Climate Change: Emerging Policies, Strategies, and Technological Solutions, Oak Brook, Ill. (Sep. 10, 2015)
- "Mock Trial: Examination of Witnesses Regarding the Use and Basis of Demonstrative Exhibits in a Case Involving a Refinery's Alleged Violation of the Clean Air Act's NSR/PSD Regulations," (co-presenter) 18th Annual International Petroleum & BioFuels Environmental Conference (Nov. 9, 2011)
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"EPA Activism," Chicago Bar Association Environmental Law Section Meeting, Chicago, Ill. (Nov. 1, 2011)

Recognitions

— Emerging Lawyer, Law Bulletin Publishing Company's *Leading Lawyers* (2016-2020)

Bar Admissions

Illinois

Court Admissions

US Court of Appeals, District of Columbia Circuit
US District Court, Northern District of Illinois
US District Court, Central District of Illinois
US District Court, Northern District of Indiana
US District Court, Eastern District of Wisconsin