

Brittany M. Pemberton

Partner

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Brittany Pemberton advises energy, oil and gas, and industrial clients in environmental regulatory compliance and enforcement matters, including handling stationary source enforcement and compliance matters under the Clean Air Act (CAA) before the U.S. Environmental Protection Agency (EPA) and state agencies. She also represents companies and trade associations participating in the federal rulemaking process, including developing comments on a variety of EPA, U.S. Department of Energy (DOE) and U.S. Department of Interior (DOI) proposals and challenging final agency rules in federal court. Her practice also regularly includes representing companies in administrative appeals before federal agencies, such as the DOI. In particular, Brittany's experience includes extensive Administrative Procedure Act litigation and rulemaking comments surrounding cap-and-trade regulatory regimes and research regarding the permitting process for deep geologic sequestration of carbon dioxide. Additionally, Brittany has experience obtaining federal and state authorizations for major projects and transactions and in defending these government authorizations in court.

Brittany also has significant experience advising refiners, importers and terminals and other midstream companies regarding strategic planning and compliance with federal fuel quality standards. She also regularly advises project developers, investors, and operators of facilities producing biofuels from waste feedstocks regarding project development, regulatory compliance, supply and offtake agreements, carbon capture and sequestration, and monetizing carbon reductions under the federal and state programs.

Brittany's pro bono work has included representations in immigration-related matters, such as representing unaccompanied minors in removal proceedings and assisting them in attaining legal status. She has also actively contributed to

Industries

[Energy](#)

Practices

[Energy Regulatory](#)

[Environment, Lands and
Resources](#)

[Government Relations](#)

[Litigation](#)

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[Incident Prevention & Response](#)

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[Downstream Transactions](#)

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[Oil & Gas Regulatory](#)

[Environmental Litigation &](#)

[Enforcement Defense](#)

[Environmental Permitting &](#)

[Regulation](#)

[Renewable Natural Gas](#)

[Wind](#)

[Biomass](#)

several appeals related to veterans benefits before the U.S. Court of Veterans Claims.

While in law school, Brittany worked as a law clerk for the U.S. Senate Committee on the Judiciary's Subcommittee on Antitrust, Competition Policy and Consumer Rights; the EPA Office of General Counsel's Water Law Office; and the Division of Mineral Resources within DOI's Office of the Solicitor. She also served as a judicial intern for the Honorable Robert N. Davis of the U.S. Court of Appeals for Veteran Claims.

Experience

Multinational energy company

- advise on registration, regulatory compliance, and policy developments related to renewable fuels

Various midstream companies and waste disposal companies

- provide regulatory compliance and policy advice related to RNG

Major power generation company

- advise on interpreting EPA's GHG New Source Performance Standards for power plants

Midstream company

- assist with compliance matters relating to EPA fuel quality regulations

Owner of natural gas processing facility

- lead all matters related to Environment, Health and Safety compliance, advising on state and federal regulations, and interfacing with the relevant agencies

Major upstream natural gas producer

- lead the development of comments on EPA's New Source Performance Standards for the oil and gas industry

Valero Energy Corporation

- litigation in the DC Circuit related to multiple federal agency rules and actions that act as an unlawful, de facto mandate for electric vehicles

REH Company (formerly Sinclair Oil Corporation)

- litigation in the DC and Tenth Circuits related to EPA's administration of small refinery exemptions from the Renewable Fuel Standard program

LNG company

- advise on EPA policy and regulatory developments related to regulating hazardous air pollutants from the LNG industry

Major terminal operation

- defended against EPA flaring and tank emission enforcement using advance monitoring devices such as IR cameras

Major natural gas pipeline project

- assisted with obtaining U.S. Army Corps and Fish & Wildlife Service authorizations and defending the project in federal court litigation

Various terminals and industrial clients

- assisted with responding to EPA information requests issued for regulatory and enforcement proceedings

Various refining companies

- assisted with policy and compliance issues regarding EPA's Renewable Fuel Standard (RFS) program and small refinery exemptions

Multinational LNG export facility

- conducted comprehensive review of compliance with local, state, and federal permits and approvals

Texas chemical plant

- assisted in evaluating and developing permitting, compliance, and defense strategy in response to TCEQ Enforcement Division investigation under Clean Air Act

Various companies throughout the oil and gas industry

- assisted with administrative appeals before the Department of Interior's Office of Hearings and Appeals and Interior Board of Land of Appeals

Industrial trade association

- assisted with legal challenges to EPA air toxics regulations under the Clean Air Act and with drafting comments on various EPA policy and regulatory initiatives

Cabot Oil & Gas Corporation

- defended against the Department of Interior's Office of Natural Resources Revenue allegations of knowing or willful violations of FOGDIA relating to the payment of royalties

Credentials

Education

- The George Washington University Law School, J.D., 2013, *with honors*
- James Madison University, M.M., 2004
- University of Cincinnati College-Conservatory of Music, B.M., 2002, *summa cum laude*

Bar Admissions

- Virginia
- District of Columbia

Affiliations

- Women's Energy Network DC Chapter, Executive Membership Coordinator, 2024
- Women's Energy Network DC Chapter, President, 2023
- Women's Energy Network DC Chapter, Board of Directors, 2018 – 2023
- Women's Energy Network National Conference, Marketing Committee Member, 2019

Recognition

The Legal 500 United States

- Environment: Litigation, 2019, 2023 – 2024
- Environment: Regulatory, 2023 – 2024

BL Rankings

- *Best Lawyers*, Ones to Watch, Energy Law, 2021 – 2025
- *Best Lawyers*, Ones to Watch, Environmental Law, 2021 – 2025
- *Best Lawyers*, Ones to Watch, Oil and Gas Law, 2022 – 2025
- *Best Lawyers*, Ones to Watch, Natural Resources Law, 2024 – 2025

Lawdragon Inc.

- *Lawdragon Green 500*: Leaders in Environmental Law, Environmental Compliance, Regulatory & Enforcement, 2024

Thomson Reuters

- *Washington, DC Super Lawyers*, Rising Star, 2018 – 2023

The George Washington University Law School

- The George Washington Journal of Energy and Environmental Law, Senior Managing Editor, 2012 – 2013

Resources

Demystifying The Good Neighbor Rule: Summary and Litigation Update

Podcast

WOTUS, the ESA, and Permitting Through Changing Regulations With Ann Navaro and Brittany Pemberton

Podcast

Methane Rule Changes Add Complexity for Oil and Gas Cos.

Article

Will Congress Rollback Trump Regulatory Actions to Advance the Biden Policy Agenda?

Blog Post

The Air Up There: SCOTUS Grants Cert in <i>West Virginia v. EPA</i>

Podcast

After West Virginia, What's Next at EPA?

Video

The Methane Rule: What's Going On?

Video

The Biden Executive Orders: Implementation at the Agencies

Video

Women in Environmental Law: Practical Advice You'll Actually Use

Podcast

Madam Policy Featuring Allyson Anderson Book

Podcast

After ‘Chevron’ Deference, “Respect”: ‘Loper Bright’ and Agency Policymaking

Article

EPA Announces Forthcoming Regulations to Curb Methane Emissions from Oil and Gas Sources

Update

Congressional Review Act Resolution Changes both Scope and Effect of EPA’s Methane Rule

Update

Clean Energy Transition, Part 7: Executive Order Implementation at the Agencies

Podcast

The Future Is <i>Loper Bright</i>

Podcast

Environmental Essentials Webinar Series – Loper Bright Enterprises: Deference, Respect, and Early Impacts

Video

Publications & Speeches

- "EPA's Methane Emissions Reduction Agenda and the Challenging Regulatory and Policy Road Ahead," American Gas Association's 47th Annual Legal Forum, July 21, 2024.
- "After 'Chevron' Deference, 'Respect': 'Loper Bright' and Agency Policymaking," *Reuters Legal News and Westlaw Today*, July 9, 2024.
- "The Biden Administration's Environmental Agenda," American Gas Association Legal Forum, July 2022.
- "Air Quality/Climate Change Panel," Texas Environmental Superconference, August 2022.
- "*West Virginia v. EPA*," Coalition for Responsible Waste Incineration, August 2022.
- "Federal District Court Vacates BLM's Postponement of the Waste Prevention Rule," *The National Law Review*, October 6, 2017.
- "EPA's Authority to Postpone Implementation of Existing Rules," 29th Annual Texas Environmental Superconference Air Quality Panel paper, August 3-4, 2017.

- "Environmental Litigation Update," 2017 Industrial Emission Control Technology XV Conference, Portland, Maine, August 1, 2017.
- "Court vacates EPA's stay of methane rule," *Oil & Gas Financial Journal*, August 2017.
- "EPA Hazardous Air Pollutant Standards Risk And Technology Reviews: Tight Deadlines and (Some) DC Circuit Guidance," *Environmental Quarterly*, Summer 2017 edition.
- "EPA's Regional Consistency Regs Tilt The Playing Field," *Law360*, October 28, 2016.
- "Air Issues Update," 2016 Industrial Emission Control Technology XIV Conference, Portland, Maine, August 2, 2016.
- "From Shale to Sail: Production, Transportation and Export of U.S. Oil & Gas," ABA SEER Spring Conference, March 31, 2016 - April 1, 2016.
- "Environmental Enforcement and Crimes," ABA Environment, Energy, and Resources Law: The Year in Review, 2014.