



## **Brittany M. Pemberton**

Partner

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### **About Brittany**

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 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.

## **Recent Notable Matters**

**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 FOGRMA relating to the payment of royalties

## **Publications and Speeches**

"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.

## **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*

## **Noteworthy**

*The Legal 500 United States*, Environment: Litigation, 2019, 2023; Environment: Regulatory, 2023

BL Rankings, *Best Lawyers*, Ones to Watch, Energy Law, 2021 - 2023; Environmental Law, 2021 - 2023; Oil and Gas Law, 2022 - 2023

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

## **Affiliations**

Women's Energy Network DC Chapter, Co-Vice President, 2020

Women's Energy Network DC Chapter, Director of Events

Women's Energy Network National Conference, Marketing Committee Member, 2019

## **Bar Admissions**

District of Columbia  
Virginia