



Wayne J. D'Angelo

Partner

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About

Co-chair of the firm's national Environmental Law practice group, Wayne D'Angelo blends his expansive environmental law and policy knowledge with a sophisticated understanding of his clients' operations to develop credible, well-informed, and effective advocacy strategies on regulatory compliance, natural resource extraction, and land-use matters.

Wayne leverages his diverse experience, including government-side insights, to counsel energy companies, trade associations, and heavily regulated industrial clients on all aspects of environmental law and compliance in order to help them navigate costly and complicated regulatory obligations and agency scrutiny.

Wayne approaches each new matter with enthusiasm, disciplined analytical skills, and a fanatical focus on details, deadlines, and client communication. He brings this mindset to every aspect of his practice, crafting holistic environmental compliance and dispute resolution approaches that incorporate legal, financial, reputational, and policy considerations.

Wayne routinely works with clients on regulatory, rulemaking, permitting, compliance, and enforcement matters arising under the Clean Air Act (CAA), Clean Water Act (CWA), Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Occupational Safety and Health Act (OSH Act). He represents a wide range of industrial and energy industry clients, including upstream and stationary source oil and gas interests, metal, chemical, and manufacturing companies, and trade associations.

If a client finds itself in the crosshairs of federal or state regulators, Wayne is an effective, credible, and persuasive advocate in regulatory and enforcement proceedings before the U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), U.S. Department of Interior (DOI), U.S. Fish & Wildlife Service (FWS), U.S. Department of Justice (DOJ), and myriad other federal, state, and local agencies.

Wayne is frequently involved in coordinating the firm's legal, government relations, public relations, and economics teams to develop effective, multifaceted responses to proposed regulations. He also counsels clients regarding their strategic planning and compliance matters and advises on multiple federal and state environmental health and safety laws and regulations.

Wayne is known for consistently providing a multidimensional understanding of the current and future regulatory pressures that face industry through insights gained working at a trade association, a federal agency, and on Capitol Hill.

Wayne previously served as counsel to the American Petroleum Institute, where he managed the organization's most critical issues, including climate change and greenhouse gas regulatory matters and litigation, energy access and leasing challenges, NEPA reviews, agency determinations under the ESA, occupational safety and health issues, and waste and remediation matters under the RCRA and CERCLA.

Wayne also served as a presidential appointee at the EPA, working directly for the EPA administrator and general counsel. He started his career in Washington, D.C., as a legislative assistant to Congressman Bob Franks of New Jersey, handling transportation, infrastructure, and environmental issues.

Frequently recognized by his peers for his professional excellence and industry knowledge, Wayne was selected as a member of *Law360's* 2022 and 2023 Environmental Editorial Advisory Board.

Experience

Clean Air Act and Climate Change

Counseling steel industry clients on Clean Air Act regulatory matters and permitting issues, including determinations under the New Source Review (NSR) and Prevention of Significant Deterioration (PSD) programs.

Representing major industry associations before EPA in the development of sector-specific New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAP).

Representing multiple industries in various regulatory proceedings regarding EPA promulgation of, and determinations regarding, National Ambient Air Quality Standards (NAAQS).

Representing industrial facilities in various CAA enforcement matters and in responding to information requests under CAA Section 114.

Challenged on behalf of the oil and gas industry EPA's manner of regulating GHGs through the Clean Air Act.

Managed the oil and gas industry's regulatory advocacy and litigation of the mandatory reporting rules for GHG emissions.

Conducted multiple environmental compliance audits at industrial facilities with significant focus on ascertaining compliance with the CAA and the facilities' Title V permits.

Represented a major industrial facility in a high-stakes state carbon-tax proceeding.

Counseled a major bioenergy company on GHG reporting, and obtained expedited EPA approval of an amended report to avoid an unnecessary overpayment under RGGI.

Counseled multiple industries on the Commonwealth of Massachusetts' proceedings to change the estimated cost of complying with GHG abatement programs.

Clean Water Act

Represented multiple trade associations in various agency rulemaking efforts regarding “Waters of the United States” under the CWA.

Represented various industry sectors’ responses to EPA’s development of effluent limitation guidelines (ELGs).

Represented energy groups in advocacy related to state water quality certifications under CWA Section 401.

Drafted extensive multi-industry comments regarding the scope of NPDES permitting under Section 402 of the CWA.

Counseled energy clients on CWA Section 404 dredge-and-fill permitting, nationwide permits, and state assumption of Section 404 permitting authority.

Represented industry sectors and individual facilities in negotiating and interpreting terms in facility-specific CWA permits and multisector general permits.

Defended industrial facility in enforcement regarding Spill Prevention Control and Countermeasures (SPCC).

Represented multiple trade associations in agency rulemaking efforts related to SPCC plan requirements, CWA permitting, water reuse plans, monitoring requirements, and use of the CWA to address ocean acidification.

Frequent speaker on water management issues in the oil and gas industry.

Environmental Review and Permitting

Represented trade associations in challenges to federal public land, management, and access decisions under NEPA, the ESA, and other statutes.

Counseled major energy trade association on the Council for Environmental Quality’s NEPA reform efforts.

Testified as expert witness at House Subcommittee on Interior, Energy, & Environment hearing on the need for NEPA reform.

Testified as expert witness at House Natural Resources Subcommittee on Water, Oceans, and Wildlife hearing on need to reform Migratory Bird Treaty Act.

Managed the oil and gas industry’s Endangered Species Act, Marine Mammal Protection Act and Migratory Bird Treaty Act regulatory advocacy and litigation.

Successfully led a multiparty intervention in support of the FWS’s withdrawal of its proposal to list the dunes sagebrush lizard under the ESA.

Lead counsel on a multi-industry challenge to the listing of the lesser prairie chicken under the ESA and intervention in support of the Sec. 4(d) special rule.

Lead oil and gas industry counsel intervening in the Fish & Wildlife Service’s decision to withdraw its prior proposed listing of the North American wolverine.

Drafting of comments for multiple industries and industry groups on dozens of the Fish & Wildlife Service's and National Marine Fisheries Service's most significant proposed listings and critical habitat designations.

Drafted comments and provided strategic advice on ESA regulatory changes to voluntary conservation programs, incidental take analysis, critical habitat designation requirements, and requirements to mitigate potential impacts to species, habitat, and resources.

Helped service company develop training and best practices guidelines for employees working in environmentally sensitive areas.

Provide strategic counsel to multiple land-use industries on how to structure their advocacy on ESA issues.

Provided strategic advice on the impacts of the designation of structures as Essential Fish Habitat.

Waste Management and Remediation

Representing corporate clients on CERCLA and RCRA actions.

Representing corporate clients in actions under the New Jersey Spill Act and other DEP actions.

Representing a metals recycling coalition in the development of regulations to prevent radioactively contaminated scrap metal from entering the commercial scrap supply.

Counseling multiple industries about RCRA compliance, permitting, transportation; manifesting, planning, training, recordkeeping, and export.

Successfully defended company and favorably settled a RCRA enforcement action, through which EPA was originally seeking over \$150 million in penalties.

Successfully represented metals reclamation industries in multiple D.C. Court of Appeals challenges to EPA's Definition of Solid Waste (DSW).

Represented manufacturer group as amicus in challenge to EPA's listing of a site on the National Priorities List under CERCLA.

On behalf of multiple industries, challenged the EPA's Nonhazardous Secondary Materials rule.

Successfully defended a major pet supply company in a challenge to the scope of an indemnity for environmental liability in a stock purchase agreement.

Represented a group of leather tannery PRPs in negotiating with other PRPs and the U.S. EPA over CERCLA responsibility and allocation issues for multiple Superfund sites in upstate New York.

Conducted multiple environmental compliance audits at industrial facilities with significant focus on ascertaining compliance with RCRA and CERCLA.

Occupational Health and Safety

Advising manufacturing, health care, and academic institutions on hazard communication issues, recordkeeping and reporting obligations, PPE use, confined space entry, lockout/tag out, machine guarding, ergonomics, and other workplace safety issues.

Counseled surface mining company regarding jurisdiction of OSHA and the Mine Safety and Health Administration (MSHA).

Providing environmental and occupational health & safety due diligence for large-scale corporate and real estate transactions.

Counseling oil and gas industry clients on occupational safety and health issues impacting the upstream sector.

Providing “top-to-bottom” environmental health and safety auditing for heavily regulated industrial facilities.

Represented the steel industry in regulatory development and litigation of the proposed and final rules on occupational exposures to hexavalent chromium.

Drafted comments and testified before OSHA on behalf of two energy trade associations in response to OSHA’s proposed standard for respirable crystalline silica.

Represented a soft drink company in numerous administrative citations, including general duty clause citations pertaining to ergonomics issues.

Represented multiple companies following workplace accidents and in response to OSHA investigations and enforcement.

Honors

Wayne received the JD Supra Readers' Choice Award in both 2017 and 2018 for his scholarship on environmental health and safety issues. A description of the selection methodology can be found [here](#).

He was selected for inclusion in the 2014-2015 Washington, D.C. *Super Lawyers'* Rising Stars list, issued by Thomson Reuters. A description of the selection methodology can be found [here](#).

Wayne was selected for inclusion by *Law360* as a Rising Star in the Environmental Law area in 2013-2014. A description of the selection methodology can be found [here](#).

No aspect of these advertisements have been approved by the Supreme Court of New Jersey.

Affiliations

Institute for Energy Law, advisory board member

Related Services

Environmental

Environmental Litigation

Environmental Regulation

Energy

Environmental, Social and Governance (ESG)

Land Use

Occupational Safety and Health Regulation

Manufacturing

Government Relations and Public Policy

Blockchain and Cryptocurrency

Amicus

Animals

Education

George Mason University Antonin Scalia Law School, J.D.
The University of Scranton, B.A.

Admissions

District of Columbia
New Jersey

Courts

U.S. Supreme Court
U.S. Court of Appeals–District of Columbia
U.S. Court of Appeals–Third Circuit
U.S. District Court–District of Columbia