

David A. Rockman

MEMBER
CHAIR, ENVIRONMENTAL PRACTICE GROUP

David Rockman helps clients to manage environmental compliance and environmental risks and to understand and meet their legal obligations with respect to federal, state, and local environmental laws, regulations, and permits. David also defends clients facing enforcement actions, represents clients involved in environmental litigation, and provides representation with respect to environmental issues in the purchase and sale of businesses and property.

David has experience with all of the major environmental programs governing air, water, waste, and land issues, across a broad spectrum of industries and activities. Environmental compliance requires attention to the broad range of statutory and regulatory requirements, as well as negotiation of appropriate permit requirements, and accounting for government guidance and policies. Managing compliance risks involves attention to government agency inspections, information requests, and violation notices, as well as strategic use of auditing and environmental management systems. Even the best-intentioned and managed companies can find themselves the target of government enforcement or citizen suit litigation. Such situations require an unflinching assessment of the validity of the charges, an evaluation of available defenses, and a strategy that balances litigation, liability, and penalty risks.

David believes that an effective environmental compliance approach requires not only interaction with external elements such as government enforcement agencies and the public, but also with internal stakeholders at both the management and operational levels to help ensure understanding and appreciation of environmental obligations, opportunities, and consequences. A comprehensive approach to environmental management requires attention not only to today's concerns but recognition of new and emerging issues and development of strategies to adapt and adjust. David helps clients manage developing issues from PFAS and PFOA to climate resiliency and sustainability.

Environmental concerns must also be managed in the purchase and sale of properties and businesses. Strategic due diligence, with the context of the deal, is necessary for both buyers and sellers. David has experience advising both small and large businesses in the transactional context. Environmental legal issues often have significant scientific and technical components. David is experienced in retaining and working with environmental engineering consultants, expert witnesses, and auditors, in order to provide the best guidance to clients on the range of

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PRACTICE AREAS:

Environmental

Energy

Litigation

Shale Gas

Artificial Intelligence, Robotics, and Autonomous Transportation Systems

PFAS Chemicals

Infrastructure and Transportation

Data Centers

STATE ADMISSIONS:

New Jersey

Pennsylvania

Michigan

COURT ADMISSIONS:

U.S. District Court for the Western District of Pennsylvania

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of Michigan

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Sixth Circuit

EDUCATION:

J.D., University of Virginia School of Law, 1993

B.A., with high honors, Rutgers College, Rutgers University, 1990;

issues that they face.

Phi Beta Kappa

REPRESENTATIVE MATTERS

Air:

- Provided counseling to a major manufacturing facility in connection with the revision and updating of Prevention of Significant Deterioration (PSD) permit limits.
- Helped numerous clients evaluate the potential applicability of New Source Review requirements.
- Defended government and citizen suit actions for alleged violations of Clean Air Act requirements on behalf of industrial and commercial clients.
- Participated in detailed compliance auditing of all Clean Air Act compliance requirements for a large manufacturing facility.
- Assisted several manufacturing, material handling, and energy sector clients evaluate and challenge source aggregation determinations.
- Assisted multiple clients in the negotiation of Title V permit conditions and in the development of Title V compliance certifications and deviation reports.
- Helped several manufacturing facilities determine major source status under the Title V and Maximum Achievable Control Technology Standards (MACT) air programs.
- Represented a manufacturing client in a court challenge to U.S. EPA MACT standard, and successfully obtained revisions to the standard.
- Assisted multiple clients in responding to Clean Air Act Section 114 information requests.
- Assisted clients in evaluating compliance requirements under Pennsylvania Department of Environmental Protection (DEP) regulations targeting the oil and natural gas sector.
- Assisted manufacturing and retail sector clients address indoor air and vapor intrusion issues.

Water and Drinking Water:

- Counseled drinking water authorities in connection with PFAS sampling and in litigation to prevent potential harmful impacts to its drinking water supply.
- Successfully defended a large manufacturing facility in a Clean Water Act citizen suit.
- Negotiation and implementation of a complex federal consent decree for a facility with significant water discharge violations.
- Helped several manufacturing clients negotiate and appeal National Pollutant Discharge Elimination System (NPDES) permits and win changes to proposed permit limits.
- Provided counseling to manufacturing client related to assessment of appropriate analytic methods for measuring wastewater compliance.
- Assisted clients in commenting on proposed Pennsylvania DEP regulations.
- Assisted energy sector clients in evaluating compliance

obligations under existing and evolving Pennsylvania DEP regulations.

Waste Management:

- Helped several very large manufacturing facilities conduct Resource Conservation and Recovery Act (RCRA) corrective action investigation and remediation.
- Routinely provides counseling to clients regarding the application of hazardous and solid waste regulations to ongoing and contemplated future activities, including compliance with hazardous waste generator requirements.
- Performed detailed analysis of hazardous waste applicability and exclusion regulations for industrial processes.
  Assisted client manage response and compliance activities for a U.S. EPA RCRA order requiring emergency measures to protect wildlife from exposure to solid wastes

Cost Recovery Litigation and Brownfields:

- Defended numerous environmental cost recovery actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and analogous state laws for recovery of investigation and cleanup costs.
- Assisted clients manage activities under Pennsylvania Act 2 and similar state program voluntary cleanup/brownfields programs.
- Defeated CERCLA cost recovery action by property owner adjacent to former industrial facility, avoiding any imposition of remediation costs on the client.
- Negotiated Consent Orders and Decrees with federal and state regulatory agencies for the conduct of site investigation and remediation projects.
- Responded to agency information requests and notices of intent to sue with evidence and defenses sufficient to deter agency from litigation or assertion of further claims.
- Prosecuted cost recovery claims against parties responsible for the contamination of clients' properties.
- Evaluated and addressed National Contingency Plan (NCP) compliance on behalf of both plaintiffs and defendants.
- Guided several clients through various large multi-party cleanup projects, including negotiations with regulatory agencies and PRP groups.
- Helped clients negotiate and maintain compliance with environmental covenants and deed restrictions.
- Assisted clients with community relations and public outreach programs associated with contaminated properties and remediation projects..

EPCRA:

- Assisted numerous clients evaluate compliance and application of Tier II and Toxics Release Inventory (TRI) reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA).

Due Diligence, Transactional and Financing:

- Provided counseling to multiple clients in connection with the purchase of real estate, including the applicability of the All Appropriate Inquiries defense, the use of Phase I and Phase II environmental site assessments, and the negotiation of purchase and sale terms and conditions and indemnities.
- Assisted clients evaluate the compliance and liability risks associated with the purchase of manufacturing facilities and equipment.
- Represented numerous clients in negotiation of lease terms pertaining to environmental issues and hazardous substance use and handling.
- Negotiation of environmental terms and conditions for financing and refinancing of loans.
- Counseled clients with respect to asbestos management obligations and development of asbestos management plans.
- Assisted several clients manage indemnity rights in connection with the purchase of manufacturing facilities with a history of contamination.

Auditing and Self Disclosure:

- Represented clients in multi-facility and multi-jurisdictional audits under the US EPA voluntary audit self-disclosure program for Clean Air Act and Toxics Reduction Inventory compliance.
- Assisted numerous clients conduct self-audits and voluntary disclosures for single facility audits under the Emergency Planning and Community Right to Know Act.

PROFESSIONAL AFFILIATIONS

- Past Chair, Allegheny County Bar Association Environmental and Energy Law Section
- Air & Waste Management Association
- American Iron and Steel Institute, Environment Committee
- ASTM, Environmental Assessment, Risk Management and Corrective Action Section

COMMUNITY INVOLVEMENT

- Reading is FUNdamental Pittsburgh, elementary school reading mentor

AWARDS AND RECOGNITION

- Selected for inclusion in The Best Lawyers in America 2027 as “Lawyer of the Year” for Environmental Law
- Selected for inclusion as The Best Lawyers in America 2024 – 2026 for Environmental Law and Litigation – Environmental
- Selected for inclusion in *Pennsylvania Super Lawyers – Rising Star*

NEWS AND INSIGHTS

PUBLICATIONS

- "US EPA Issues New Facility Response Plan Requirements for Worst-Case Discharges of Hazardous Substances," Eckert Seamans' Environmental Update, April 2024.
- "Regulatory Alert: Spent Lithium-Ion Batteries Likely Hazardous Waste Under RCRA," Eckert Seamans' Environmental Alert, August 2023.
- "Summary of Treasury Proposed Rules on Monetization of Energy Tax Credits," Eckert Seamans' Infrastructure Update, June 15, 2023.
- "Anticipating Increased Enforcement by U.S. EPA in Central Pennsylvania for Municipal Separate Stormwater Systems (MS4) and Wastewater Dischargers," Eckert Seamans' Environmental Update, May 2023.
- "Pennsylvania DEP issues new PAG-03 industrial stormwater general permit. Affected facilities must submit a Notice of Intent by March 23, 2023." Eckert Seamans' Environmental Update, February 13, 2023.
- "EPA to Consider Designating PVC as Hazardous Waste," co-author, Construction Executive Magazine, October 2022.
- "EPA Considers Designating PVC as Hazardous Waste: Potential Impacts to the Construction Industry," co-author, Roofing Elements Magazine, Fall 2022.
- "PVC Materials as Hazardous Waste: An Unwelcome Complication," Retrofit Magazine, August 2022.
- "Regulatory alert: EPA to consider designating PVC as hazardous waste and its potential impact on the construction industry," Eckert Seamans' Construction Law Update, June 2022.
- "SEC Proposes New Rules for Climate-Related Disclosures," Eckert Seamans' Environmental Alert, April 2022.
- "What every lawyer needs to know about a Phase I," co-author, ACBA Lawyers Journal, April 23, 2021.
- "What Airports Need To Know About PFAS Risks," Law360, February 2021.
- "2020 Uptick In PFAS Regs And Suits Heralds More Next Year," co-author, Law360, December 2020.
- "United States Environmental Protection Agency Seeks to Tighten Dust-Lead Clearance Levels," Eckert Seamans' Environmental Alert, September 8, 2020.
- "United States Environmental Protection Agency Adds PFAS Chemicals to TRI Reporting," Eckert Seamans' Environmental Alert, June 23, 2020.
- "New Ruling Exempts Facilities with Air Permits from CERCLA Release Reporting," Eckert Seamans' Environmental Alert, June 1, 2020.
- "Reopening Closed Buildings: Legionella and Other Health Risks," Hospitality Lawyers' Converge Blog, June 2020.
- "Reopening Closed Buildings: Legionella and Other Health Risks," Eckert Seamans' Environmental Alert, May 12, 2020.
- "U.S. Environmental Protection Agency Enforcement Guidance

Regarding COVID-19 Impacts on Compliance," Eckert Seamans' Environmental Alert, March 31, 2020.

- "INSIGHT: Boomerang Properties—Avoiding Dark Waters Risks," Bloomberg Environment, January 2020.
- "How Artificial Intelligence Will Change Environmental Compliance," Bloomberg Environment, October 2018.
- "Protecting Surface Water Supplies From Commercial and Industrial Dischargers," Journal of the American Water Works Association, October 2017.
- "PA PROPOSES NEW OIL AND GAS AIR PERMIT (GP-5A) THAT EXCEEDS FEDERAL REQUIREMENTS," Eckert Seamans' Environmental/Energy Alert, February 6, 2017.
- Insider Source for "Limit Liability in Lease with Environmentally Risky Tenant" in Commercial Lease Law Insider, August 2015.
- "Tenants Now Eligible for Environmental Liability Protection Under New U.S. EPA Policy," Eckert Seamans' Environmental Alert, January 2013; Joule, the Duquesne Energy & Environmental Law Journal.
- "EPA Proposes Revised Cooling Water Intake Rules For Existing Power Plants And Manufacturing Facilities," Eckert Seamans' Environmental Alert, April, 2011.
- "Climate Change Impacts Financial Disclosure, Reporting Obligations," Eckert Seamans' Legal Update, Fall 2010.
- "Climate Change Impacts Financial Disclosure, Reporting Obligations," The Legal Intelligencer, May 2010.
- "Common Law Claims For Greenhouse Gas Emissions Allowed To Proceed," Eckert Seamans' Environmental Alert, November, 2009.
- "EPA Announces Proposed Rule Requiring Permitting For Major Sources Of Greenhouse Gas Emissions," Eckert Seamans' Environmental Alert, October, 2009.
- "Federal Greenhouse Gas Reporting Rules Issued," Eckert Seamans' Environmental Alert, September, 2009.
- "U.S. EPA Proposes Amendments To New Source Performance Standards Subparts OOO and Y," Eckert Seamans' Environmental Alert, June, 2008.
- "Nanotechnology: Environmental And Health Risks May Not Be Small," The Legal Intelligencer, April, 2006.
- "New EPA Boiler And Process Heater Regulations To Affect Thousands Of Facilities," Eckert Seamans' Environmental Alert, September, 2004.
- "EPA To Increase Enforcement Of Stormwater Rules For Construction Sites," Eckert Seamans' Environmental Alert, July, 2004.
- "What To Do When The Inspector Calls," Eckert Seamans' Environmental Alert, March, 2003.
- "Release Reporting For Air Emissions: EPA's New Guidance," Eckert Seamans' Environmental Alert, October, 2002.
- "EPA Compliance Initiative For The Baking Industry," Eckert Seamans' Environmental Alert, March, 2002.

MEDIA COVERAGE

- "EPA's particulate matter regulations may create more permit complication," SNL Coal.

SPEAKING ENGAGEMENTS

- "Issues with AI in Environmental Permitting and Compliance," presented for the Air & Waste Management Association Allegheny Mountain Section Environmental Update Workshop, November 5, 2026.
- "A Download on Data Centers," co-presented at Eckert Seamans' 2026 Joel Lennen Legal Primer, August 6, 2026.
- "AI and Automation as New Source Review Triggers?" presented for the Air & Waste Management Association 2026 Annual Conference, June 24, 2026.
- "Using the Attorney Client Privilege to Protect Stack Testing Data: Gimmick or Strategic Tool?" presented for the Air & Waste Management Association 2026 Annual Conference, June 23, 2026.
- "AI and Compliance Certifications: What is the Risk?", presented for the Air & Waste Management Association 2026 Annual Conference, June 22, 2026.
- "Current and Future Enforcement Priorities – US EPA Enforcement," presenter, Air & Waste Management Association workshop, October 2025.
- "Environmental Policy under Trump 2.0," presented at Eckert Seamans' 2025 Joel Lennen Legal Primer, August 14, 2025.
- "Navigating Environmental Due Diligence for In-Houe Counsel," presenter, In-House Connect CLE program, April 29, 2025.
- "Environmental Hot Topics: PFAS and the Demise of *Chevron*," co-presented at Eckert Seamans' 2024 Joel Lennen Legal Primer, August 7, 2024.
- "Current and Future Enforcement Priorities," presenter, Air & Waste Management Association workshop, June 2024.
- "CERCLA Statute of Limitations, Preemption, and Allocation," panel presentation, Strafford CLE program, March 19, 2024.
- "CCUS Legal Landscape," presenter to the Marcellus Shale Coalition's *Carbon Capture, Utilization, and Storage + Hydrogen Hub* seminar, November 16, 2023.
- "Boomerang Properties: Emerging Contaminants and Other Things that Will Keep You Awake at Night," co-presenter, PA Chamber of Business and Industry's 2023 Annual Environmental Conference, November 15, 2023.
- "Practical and Legal Considerations for Community Outreach and Stakeholder Involvement," presenter for the Air & Waste Management Association program, *Environmental Justice*, October 24, 2023.
- "EPA's Alphabet Soup of Current and Future Enforcement Priorities: PFAS, HAPs, and SNCs, plus RMP/GDC to stop things from going boom!" presented as part of the Air & Waste Management Association (A&WMA) Allegheny Mountain Section's Environmental Update Workshop, May 2023.
- "Boomerang Properties: Emerging Contaminants and Other

Things That Will Keep You Awake at Night," presenter, 2022 National Brownfields Training Conference, August 2022.

- "Practical Considerations in Navigating Environmental Justice," presenter, Air & Waste Management Association webinar, December 2021.
- "Site Remediation" and "Legal Trends in Environmental Law," panel presenter, The Atlantic Builders Convention Conference & Expo, October 2021.
- "Advanced Real Estate Legal Issues: Title, 1031 Exchanges and More," presenter, National Business Institute, May 2021.
- "Environmental Policy and Regulation in 2021: The New Biden Administration and More," presenter, Eckert Seamans' Legal Primer Series (Part 1), April 14, 2021. (recording)
- "Destruction and Disposal of PFAS Substances: Regulations and Guidance," presented to the Allegheny County Bar Association Environment and Energy Law Section, March 30, 2021.
- "What to expect from the Biden Administration and the 117th Congress relating to environmental regulation and legislation," presenter to The New England Council's 2021 Environmental Policy Outlook panel discussion, February 2, 2021.
- "Reopening Closed Buildings: Legionella and Other Environmental Risks," presentation to the Hospitality Law Conference, October 2020.
- "Reopening Closed Buildings: Legionella and Other Environmental Risks," Deeper Dive presentation with Stephen Barth of HopitalityLawer.com, October 2020.
- "Boomerang Properties: When "Clean Enough" Suddenly Isn't," presenter, Eckert Seamans' Continuing Legal Education Seminar, August 2019.
- "Emerging Technology and the Future of EHS Compliance, Enforcement and Risk Management," webinar presentation for Bloomberg Environment, June 2019.
- "Environmental Sampling 101: Water Sampling and Analysis," organizer and moderator, Allegheny County Bar Associated Environmental & Energy Law Section, March 2018.
- "Manufacturing Law: Environmental Health & Safety and OSHA Issues," presented for the National Business Institute, August 2017.
- "Agency Ethics, Overreach, Sue and Settle and the Misuse of Science," Air and Waste Management Association Annual Conference, June 2017.
- "Environmental Considerations in Real Estate Transactions," presented at the National Business Institute program *Real Estate Transactions From A to Z*, March 2016.
- "Ethical Issues in Environmental and Energy Law," moderator, Allegheny County Bar Associated Environmental & Energy Law Section, April 22, 2015.
- "Environmental Law 102: Latest Developments, Practice Pointers and Strategy Tips for Regulatory Compliance and Due Diligence," co-presenter, Western Pennsylvania Chapter of the Association of Corporate Counsel, April 10, 2014.
- "Legal Ethics in Energy Law," *Fracking Law*, National Business

Institute, August 13, 2012.

- "Environmental Regulatory Issues," *Marcellus 101*, Pennsylvania Council of Professional Geologists, June 27, 2012.
- "Clean Air Law And Emerging Developments," National Business Institute, July 27, 2010.
- "Air Quality Issues & Marcellus Shale Development," Air & Waste Management Association, May 12, 2010.
- "Air Quality Issues," *2010 Technical & Environmental Issues*, Pennsylvania Independent Oil and Gas Association, April 7, 2010.
- "Environmental Due Diligence In Real Estate," National Business Institute, June 9, 2009.
- "Fundamentals Of Real Estate Due Diligence: Environmental Issues," National Business Institute, December 10, 2008.
- "Business Succession: Buy Sell Agreements," Westmoreland Chamber of Commerce Small Business Round Table, February 1, 2008.
- "The Heat Is On: Emerging Issues For Global Warming And Greenhouse Gases," co-presenter, Eckert Seamans' Continuing Legal Education (CLE), August 16, 2007; co-presenter, Western Pennsylvania Chapter of the Association of Corporate Counsel, January, 2008.
- "Environmental Issues," Pennsylvania Bar Institute's CLE, "Fundamentals of Real Estate Practice," August, 2006.
- "Homeland Security and Hazardous Materials," August 11, 2005.
- "MS4 Update," The Building Industry Trade Show Residential Construction Management Conference, February 23, 2005.
- "Nine Steps To Avoiding Legal Pitfalls For Small And Medium Sized Businesses," *Navigating The Legal Highway: Avoiding Major Potholes*, Westmoreland County Chamber of Commerce, October 19, 2004.