

# Law360

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## **Q&A With Hunton & Williams' Bill Wehrum**

Bill Wehrum is a partner with the law firm of Hunton & Williams LLP. His practice focuses on all aspects of clean air law, including enforcement, compliance counseling, permitting and regulatory and legislative development. He is the head of the firm's administrative law group and co-chairman of the environmental team. Prior to joining Hunton & Williams, Bill served for two years as the acting assistant administrator of the Office of Air and Radiation at the U.S. Environmental Protection Agency.

### **Q: What is the most challenging case you have worked on and what made it challenging?**

A: Without a doubt, it would be Massachusetts v. EPA. I was at the EPA at the time, working as counsel to the assistant administrator for air, Jeff Holmstead. When Jeff and I arrived at the air office at the beginning of the Bush administration, we learned that a petition to regulate greenhouse gas emissions from cars and trucks had been received but not yet acted on.

We believed, and continue to believe, that Congress never intended the EPA to address an issue such as climate change under the Clean Air Act. The act clearly is designed to deal with very different kinds of pollution and very different kinds of health and environmental effects. The U.S. Supreme Court, of course, ultimately decided otherwise. I think this is the most profound environmental law case of our generation because of the vast authority it bestows on the EPA to regulate the energy infrastructure of the nation.

### **Q: What aspects of your practice area are in need of reform and why?**

A: The Clean Air Act has numerous obvious flaws that simply cannot get corrected in today's fractured political environment. A perfect example is the requirement for the EPA to review and revise (as necessary) each National Ambient Air Quality Standard every five years. This requirement puts undue pressure on the EPA to make decisions for the sake of making decisions, rather than allowing the agency to act when warranted by the state of the science or other relevant factors.

Unfortunately, it is difficult to even have a rational discussion about fixing such problems, which is frustrating to all involved and perpetuates bad public policy.

### **Q: What is an important issue or case relevant to your practice area and why?**

A: The Clean Air Act was designed to split responsibility for achieving good air quality between the federal government and the states. Intentionally or not, I believe that the EPA has recently been acting to shift authority and responsibility away from the states and significantly toward the agency. This is happening in many areas — visibility and regional haze, interstate transport, startup/shutdown/malfunction and greenhouse gases (just to name a few).

In two recent cases, involving the Cross-State Air Pollution Rule and an Alabama state implementation plan issue related to opacity, courts have rebuffed the agency's efforts. I expect much more litigation on this issue and more decisions curtailing the EPA's efforts in this regard.

**Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.**

A: Chuck Knauss at Katten Muchin. I will always be grateful to Chuck because he got me started in this business. He swept into my office one day when I was a brand new lawyer at Swidler & Berlin looking for help on a number of pressing air issues. At that time, the 1990 Clean Air Act Amendments were still very new, and a flood of important rules was coming from the EPA. I have done little but air and climate work ever since.

He is a great guy and a terrific attorney. He is energetic, enthusiastic, extremely creative and a master of clean air law.

**Q: What is a mistake you made early in your career and what did you learn from it?**

A: I started my career as an engineer in the chemical industry. After a few years, I enrolled in the night program at the Widener University School of Law in Wilmington, Del. I got my law degree while still working at a local chemical plant. At the time, I was very focused on getting through law school and then getting a job at a firm. As a result, I failed to take advantage of many opportunities that would have broadened my perspective and improved my skills as a lawyer.

For example, I never explored the possibility of clerking with a law firm during my time in law school. I also never considered seeking a judicial clerkship at the beginning of my law career. As a result, soon after starting to practice, I quickly learned just how much I did not know about the legal profession. Since that time, I have tried not to miss good opportunities to expand my horizons.