



David B. Van Slyke

Managing Partner

dvanslyke@preti.com

207.791.3000

David is Preti Flaherty's Managing Partner. In that role, David oversees all aspects of the firm's operations and, along with the Management Committee and Chief Operating Officer, sets strategic goals and operational objectives for the firm. A nationally recognized environmental lawyer with a distinguished career at the U.S. Environmental Protection Agency (EPA) in Washington, D.C., David joined Preti Flaherty in 1991 and became chair of the firm's Environmental Practice Group in 1995.

He is an [active participant](#) in all aspects of the firm's environmental practice, including litigation, compliance counseling, liability allocations, environmental audits, defense of enforcement actions, project permitting, due diligence in business and lending transactions and environmental risk management.

David also has testified in U.S. District Court as an expert witness related to EPA policy and procedures and managed CERCLA liability allocation efforts at several significant Superfund sites.

EPA Experience

David represented the EPA at the negotiating table and participated at the highest levels of the agency's compliance and policy-making efforts. He now offers clients a unique, insider's view of Federal environmental law based on his extensive EPA experiences:

- As Acting Associate Enforcement Counsel for Superfund and, prior to that, as Deputy Associate Enforcement Counsel for Hazardous Waste, David managed the nationwide implementation of the EPA's civil judicial enforcement programs under CERCLA and RCRA.
- As Chair of the CERCLA Lender Liability Rule Task Force, David supervised the development of the agency's lender liability rule and the issuance of the agency's first prospective purchaser guidance, approving the initial brownfields-type settlements. Upon joining Preti Flaherty, David was instrumental in the passage of Maine legislation creating liability protections for lenders and establishing Maine's brownfield VRAP program.
- As the EPA's lead headquarters attorney litigating the precedent-setting *U.S. v. Conservation Chemical* Superfund cleanup case, involving more than 200 defendants and third-party defendants, David pushed the case to a successful conclusion. The case was one of the first to be litigated under Superfund.

Services

- [CERCLA Allocation](#)
- [Cleantech & Renewable Energy](#)
- [Climate Strategy](#)
- [Environmental](#)
- [Environmental Litigation](#)
- [Land Use & Permitting](#)
- [Municipal Law and Finance](#)
- [Natural Resource Damages](#)
- [Offshore & Onshore Wind Power](#)
- [Real Estate](#)
- [Stormwater](#)

- David's awards while at the EPA included the Department of Justice Commendation for Outstanding Service; the Assistant Administrator's Enforcement Award for Excellence; a Silver Medal; two Bronze Medals; and numerous Superior Performance and Outstanding Achievement Awards.

Prior to joining the EPA, David was a legal policy analyst for Booz-Allen and Hamilton, Inc., in Washington, D.C., where he helped develop policy on civil judicial and administrative enforcement for the EPA's hazardous waste programs. He also worked for Environmental Research and Technology in Washington as a legislative and policy analyst, focusing on legislative initiatives under the Clean Air Act and Clean Water Act.

Admissions

- Maine
- U.S. District Court, District of Maine
- U.S. District Court, District of Columbia
- U.S. Court of Appeals, First Circuit

Education

- St. Lawrence University (B.S., 1976)
- Syracuse University College of Law (J.D., 1981)

Professional Activities

- New England Interstate Water Pollution Control Commission
 - Commissioner, 2013-Present
- Maine State Bar Association
 - Member, Environmental and Energy Law Section
- American Bar Association
 - Member, Section of Environment, Energy, and Resources
- Cumberland County Bar Association

Honors & Recognition

- Chambers USA, Band 1 Environment Lawyer, 2006-Present
- Listed in *Best Lawyers in America* 2005-Present
 - 2020 Lawyer of the Year, Environmental Law
- Martindale-Hubbell® AV Preeminent™ Peer Review Rating
- Listed in *New England Super Lawyers*
- Fellow – American College of Environmental Lawyers
- Fellow – American Bar Foundation; Maine Bar Foundation

Civic and Charitable Activities

- Maine Adaptive Sports and Recreation
 - President and Chair of Board, 2014-2016
 - General Counsel, 2018-Present
 - Executive Committee, 2005-2010, 2012-2014, 2016-2018

- Vice President, 2005-2010, 2012-2014
- Board Member, 1999-2018
- Board Governance Committee, 2007-2018
- Volunteer/Fundraiser, 1991-Present
- Royal River Conservation Trust
- Royal River Recreation Authority, Development Task Force
- Volunteer Lawyers Project
- Soccer Maine Licensed Soccer Coach
- U.S. Youth Soccer Association Certified Referee
- Leadership Maine, Mu Class, Maine Development Foundation
- Maine State Chamber of Commerce, Environment and Energy Committee Member

Representative Matters

General

- David has had significant involvement at more than 100 Superfund and RCRA sites across the country. His efforts have ranged from leading PRP Groups, to negotiating consent decrees regarding NPL sites, to litigating cases in various U.S. District Courts and the First Circuit Court of Appeals, to representing creditors and debtors on environmental matters in U.S. Bankruptcy Courts.

Allocation

- David was part of the team selected by the Cooperating Parties Group to perform an allocation relative to the Lower Passaic River Study Area CERCLA site (dioxins, mercury, PCBs and other contaminants of concern).

Litigation / Enforcement Actions

- David is co-lead counsel in the defense of a RCRA imminent and substantial endangerment citizen suit case concerning mercury contamination in Maine's tidally influenced Penobscot River. The case is currently in the remedial options evaluation phase, with court-appointed experts (supervised by a Special Master) pursuing additional investigatory efforts prior to remedy recommendation. (*Natural Resources Defense Council et al v. HoltraChem et al.*, USDC - Maine).
- Co-counsel in defense of state enforcement action seeking a \$250 million remedy to address mercury contaminated soils, sediments and groundwater at RCRA and Maine Uncontrolled Hazardous Substances site. Two-week state administrative hearing resulted in a significantly modified order delineating a refined remedy at a vastly reduced cost (\$100 million). (*United States Surgical and Mallinckrodt US LLC v. Maine Department of Environmental Protection*)
- David was co-lead counsel for the PRP Group that orchestrated the first large multi-party (4,000 PRPs) CERCLA / uncontrolled site liability risk transfer settlement in the country. (*State of Maine v. United States, Settling Non-Federal Defendants et al*).
- David negotiated the settlement of a first-in-the-nation enforcement action brought by the U.S. EPA concerning alleged liability of a Maine landowner under the Toxic Substances Control Act's Renovation, Repair and Painting Rule. EPA's complaint sought up to \$225,000, but the alleged liability (relating to scraping and sanding of the exterior of a pre-1978 rental housing unit) was fully resolved via consent order requiring a \$10,000 penalty payable in installments over a two year period. This case presented novel evidentiary proof issues. The alleged violations were

captured on video by an unknown individual that was posted on YouTube. The website address for the YouTube posting was then forwarded to the EPA. While the posting was subsequently removed from YouTube, EPA had interviewed the individual who posted the video but refused to disclose the identity of that person to the Respondent. (*In Re Wentworth*)

- David was lead counsel to a major third-party defendant in U.S. District Court litigation involving a manufactured gas plant site. The litigation involved two different lawsuits, one of which went through a 12-day liability and allocation trial. Other aspects of the case, including challenge to a consent decree, were pursued through the First Circuit Court of Appeals. (*Bangor v. Citizens Communication v. Barrett Paving*)
- David was lead counsel to a Fortune 500 consumer products corporation wrestling with a two-decade long RCRA corrective action groundwater remediation effort at a formerly owned facility. He crafted an innovative approach to resolve the matter through a natural resource damage settlement and long-term monitoring. Through a first-of-its-kind set of agreements involving the client, the state, the current owner and a well-established environmental organization, the environmental group purchased alternative resources for public use (funded by grants from the client) and the matter reached a global settlement. (*In Re Kimberly-Clark Corporation*)

Due Diligence / Mergers & Acquisitions

- Leading a team of Preti Flaherty environmental attorneys, David managed the organization and packaging of all environmental and health/safety aspects of a large manufacturing business (including wastewater and air permitting and compliance histories, historical contamination, clean-up requirements and interactions with former owners and regulators) prior to auction sale. The sale was ultimately consummated in a significant nine-figure transaction.
- David and his team assembled environmental permits, prepared environmental histories, and the managed Phase 1 environmental site assessments for 113 different gas stations/convenience stores and fuel oil storage/delivery sites in three states prior to initiation of an auction sale process.
- David was lead environmental lawyer for Brookfield Renewable Energy Partners on its [purchase of 26 hydropower projects](#) in Maine and New Hampshire (\$760 million enterprise value) on three different rivers, including two that USF&W Service had designated as critical habitat for endangered species.
- For Granite Shore Power, a joint venture comprised of Atlas Holdings LLC and Continental Commodities Inc., David lead Preti's environmental team in due diligence, purchase offer preparation, negotiation and related matters associated with the auction purchase of Public Service Company of New Hampshire's five stations fleet of thermal assets comprising over 1130 MW of nameplate capacity.

Permitting

- David was lead environmental counsel to Calais LNG, a project that sought to bring a \$1B liquefied natural gas (LNG) regasification terminal and accompanying send-out pipeline to Downeast Maine. The project required complex consultation processes and permitting efforts under the Clean Water Act, the Coastal Zone Management Act and various state statutes involving numerous federal and state agencies, including FERC, DOI, USCG, Army Corps, Maine DEP and the Maine State Planning Office, as well as local governments.

Expert Testimony

- In *ASARCO v. Union Pacific Rail Road*, a CERCLA contribution action, David

provided a declaration and expert trial testimony regarding the background on EPA information requests, policies and procedures related to such requests, and the Agency's enforcement process related to failure to adequately respond.

Publications

May 16, 2019

Dave Van Slyke Authors Blog for American College of Environmental Lawyers
American College of Environmental Lawyers

August 21, 2018

Environmental Alert: EPA Announces Availability of Draft General Permits for Hydroelectric Facilities in NH and MA
Environmental Alert

September 18, 2017

Environmental Alert: Bona Fide Prospective Purchaser Escapes CERCLA Liability
Environmental Alert

May 25, 2017

Environmental Alert: EPA Reconsidering Obama-Era Water Quality Standards It Set for Maine
Environmental Alert

May 2, 2017

David Van Slyke Authors Blog for American College of Environmental Lawyers
American College of Environmental Lawyers

February 16, 2017

Environmental Alert: Court Finds Consultant Not Liable to Prospective Purchaser Regarding ESA Performed for Lender
Environmental Alert

April 19, 2016

David Van Slyke Authors Blog for American College of Environmental Lawyers

June 20, 2014

David Van Slyke Authors Blog for American College of Environmental Lawyers

July 28, 2013

Court Creates Uncertainty for Construction Projects With Army Corps Permits
Environmental Alert

July 25, 2013

EPA Reduces Regulatory Burden for Industrial Facilities Using Solvent Wipes
Environmental Alert

January 1, 1994

David Van Slyke Provides Insight on CERCLA and Allocating the Cost of Municipal Solid Waste Disposal
The Villanova Environmental Law Journal

News

April 1, 2021

Maine Justice Foundation Makes Inaugural Grants to Six Maine Groups Working for Racial Justice and Equity

March 19, 2021

Van Slyke and Thaler Named to 2021 Lawdragon 500 Leading U.S. Environmental and Energy Lawyers

February 24, 2021

Racial Justice Fund Seeks Applications for Inaugural Round of Grants

December 8, 2020

2021 Maine Diversity Summer Associate Program Expands to Include Additional Law Firms and Corporate Partners

October 13, 2020

Twenty-Two Preti Flaherty Attorneys Selected for Inclusion in 2020 Super Lawyers

August 20, 2020

47 Preti Flaherty Attorneys Selected by Peers for Inclusion in Best Lawyers in America 2021, Including 4 “Lawyers of the Year”

April 24, 2020

Seventeen Preti Flaherty Attorneys Selected as Chambers USA Leaders in Their Field

January 1, 2020

David B. Van Slyke Named Preti Flaherty Managing Partner

October 17, 2019

Twenty-One Preti Flaherty Attorneys Selected for Inclusion in 2019 Super Lawyers

August 15, 2019

45 Preti Flaherty Attorneys Selected by Peers for Inclusion in Best Lawyers in America 2020, Including 3 “Lawyers of the Year”

August 15, 2019

Attorney David Van Slyke Selected by Peers as “Lawyer of the Year” in Best Lawyers in America 2020

May 16, 2019

Twenty Preti Flaherty Attorneys Selected as Chambers USA Leaders in Their Field

October 18, 2018

Twenty-Three Preti Flaherty Attorneys Selected for Inclusion in 2018 Super Lawyers

August 15, 2018

45 Preti Flaherty Attorneys Selected by Peers for Inclusion in Best Lawyers in America 2019, Including 3 “Lawyers of the Year”

May 3, 2018

Twenty-two Preti Flaherty Attorneys Selected as Chambers USA Leaders in Their Field

October 17, 2017

Nineteen Preti Flaherty attorneys selected for inclusion in 2017 Super Lawyers

August 15, 2017

41 Preti Flaherty Attorneys Selected by Peers for Inclusion in Best Lawyers in America 2018

May 26, 2017

Twenty-three Preti Flaherty Attorneys Selected as Chambers USA Leaders in Their Field

October 21, 2016

17 Preti Flaherty Attorneys Recognized by Super Lawyers

August 15, 2016

36 Preti Flaherty Attorneys Selected by Peers for Inclusion in Best Lawyers in America 2017

May 27, 2016

Nineteen Preti Flaherty Attorneys Selected as Chambers USA Leaders in their Field

May 23, 2016

Town of Litchfield, NH Selects Preti Flaherty as Legal Counsel

October 19, 2015

16 Preti Flaherty Attorneys Recognized by New England Super Lawyers

August 17, 2015

35 Attorneys Selected by Peers for Inclusion in The Best Lawyers in America® 2016

May 28, 2015

Twenty Preti Flaherty Attorneys Selected as Chambers USA Leaders in their Field

October 28, 2014

David Van Slyke Elected President of Maine Adaptive Sports & Recreation Board of Directors

October 27, 2014

14 Preti Flaherty Attorneys Recognized by New England Super Lawyers

August 22, 2014

35 Preti Flaherty Attorneys Named to Best Lawyers 2015

May 23, 2014

Twenty Preti Flaherty Attorneys Selected as Chambers USA Leaders in their Field

February 17, 2014

Twenty Preti Flaherty Attorneys Selected as Chambers USA Leaders in Their Field

November 1, 2013

10 Preti Flaherty Attorneys Recognized by New England Super Lawyers

September 3, 2013

Preti Flaherty Attorney Named Best Lawyers' 2014 Lawyer of the Year

August 28, 2013

36 Preti Flaherty Attorneys Selected for Inclusion in Best Lawyers 2014

May 29, 2013

Preti Flaherty Earns Top Rankings by Chambers USA

May 2, 2013

David Van Slyke Appointed by Governor LePage to NEIWPC

October 2, 2012

Three Preti Attorneys Named "Lawyers of the Year" by Best Lawyers 2013

September 18, 2009

Preti Flaherty Creates Climate Strategy Group to Assist Clients with Climate Change Initiatives