

# TECHNICAL QUALIFICATION NARRATIVES

## ALEXANDRA M. CHEN | SES Candidate — Senior Environmental Legal Counsel

D.C. Bar Active • Virginia Bar Active • Secret Clearance (Active)

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The following Technical Qualification (TQ) narratives are submitted in support of Alexandra M. Chen's Senior Executive Service application. Each narrative is structured using the Challenge-Context-Action-Result (CCAR) framework and draws directly on 22 years of demonstrated experience in federal environmental law, regulatory development, civil enforcement litigation, and executive-level legal counsel at the U.S. Environmental Protection Agency and the U.S. Department of Justice, Environment and Natural Resources Division.

### TQ Competency Coverage at a Glance

<b>TQ 1: Federal Environmental Law &amp; Regulatory Development</b>	<b>TQ 2: Federal Enforcement Strategy &amp; Litigation Leadership</b>
<b>TQ 3: Executive Legal Counsel &amp; Agency Advisory</b>	<b>TQ 4: Interagency Legal Coordination &amp; Enforcement Policy</b>

## **TECHNICAL QUALIFICATION 1: FEDERAL ENVIRONMENTAL LAW AND REGULATORY DEVELOPMENT**

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*Demonstrated expertise in federal environmental statutes, administrative law, and agency rulemaking — including developing, reviewing, and defending major regulations under the Clean Air Act, Clean Water Act, RCRA, NEPA, and the Administrative Procedure Act.*

### **Story 1: Serving as Lead Legal Counsel for Three Simultaneous Major Clean Air Act Rulemakings**

#### **CHALLENGE**

EPA's Office of Air and Radiation faced one of the most demanding regulatory periods in its recent history — three simultaneous major Clean Air Act rulemakings, each of national consequence, each legally contested, and each subject to statutory deadlines that could not be extended. Among them was the National Ambient Air Quality Standards update for particulate matter, a regulation affecting more than 300 million Americans and certain to draw consolidated industry challenge in the D.C. Circuit. Managing the legal development of three such rulemakings simultaneously — while also meeting the agency's enforcement and day-to-day regulatory counsel obligations — required a level of sustained legal leadership that OGC's existing support structure was not fully equipped to provide.

#### **CONTEXT**

As Senior Regulatory Counsel and Deputy Division Director at EPA's Office of General Counsel, I served as the senior legal advisor to both the Office of Air and Radiation and the Office of Water, overseeing a docket of more than 80 active regulatory and enforcement matters. The three simultaneous Clean Air Act rulemakings fell within my direct advisory responsibility, and I provided lead legal counsel from initial regulatory development through D.C. Circuit defense — advising the EPA Administrator and Deputy Administrator on regulatory authority, statutory interpretation, and constitutional exposure at each significant decision point.

#### **ACTION**

I provided comprehensive legal counsel across the full lifecycle of each rulemaking — from the statutory authority analysis that grounded each rule's legal foundation through the APA-compliant notice-and-comment process, record development, and final rule promulgation. I personally analyzed and resolved novel questions of Clean Air Act statutory interpretation arising in each proceeding, coordinating with DOJ to ensure consistency between the agency's regulatory record and the litigation positions that would eventually be required to defend the rules in court. I advised the Administrator and Deputy Administrator on 18 significant rulemaking and enforcement decisions during this period — including two reviewed by the White House Office of Management and Budget — providing the executive-level legal counsel that shaped the agency's most consequential regulatory actions. I simultaneously redesigned OGC's rulemaking legal clearance process to reduce average review time from 47 days to 19 days, enabling the office to support three simultaneous major rulemakings without degrading legal rigor or missing statutory deadlines.

#### **RESULT**

All three major Clean Air Act rulemakings were successfully promulgated and defended in the D.C. Circuit against 12 consolidated industry challenges — a record of legal durability that reflects the quality of the underlying regulatory development and the strength of the administrative record I helped build. The rulemaking process redesign I implemented enabled OGC to manage this unprecedented concurrent workload without additional staff resources and was adopted as OGC's standard legal clearance framework.

### **Story 2: First-Chair Litigation Across Seven Federal Circuit Courts in Environmental Defense Section**

#### **CHALLENGE**

DOJ ENRD's Environmental Defense Section represented EPA, the Army Corps of Engineers, and the Department of the Interior in complex federal environmental litigation spanning seven circuit courts — cases involving novel questions of statutory interpretation under RCRA, the Clean Air Act, the Clean Water Act, and CERCLA that would shape the legal landscape for federal environmental enforcement for years. Providing first-chair litigation leadership in these proceedings required not merely technical legal skill but the ability to make real-time strategic judgments about how to present the government's legal positions in ways that would build durable, consistent records across multiple simultaneous appellate proceedings.

## **CONTEXT**

As Senior Trial Attorney and Section Supervisor in DOJ ENRD's Environmental Defense Section, I served as first-chair litigator in federal environmental cases across the D.C., 4th, and 5th Circuits, argued before the D.C. Circuit on three occasions involving questions of first impression under RCRA and the Clean Air Act, and served as second chair or sole counsel across an additional 23 administrative and federal court proceedings earlier in my career. My litigation practice spanned the full range of environmental enforcement and regulatory defense — from APA judicial review of major rulemakings to direct enforcement actions under citizen suit provisions and government-initiated civil penalty proceedings.

## **ACTION**

I developed and executed litigation strategy across a portfolio of 23 first-chair federal cases during my period of senior trial attorney responsibility, making independent judgments about briefing strategy, oral argument approach, and settlement posture that required deep expertise in both the substantive environmental law and the procedural dynamics of each circuit. I drafted the government's brief in a landmark RCRA citizen suit preemption case that was subsequently cited in 27 federal decisions and leading environmental law treatises — an outcome that required not only technical legal precision but an understanding of how the government's legal arguments would shape the broader development of environmental law. I completed a six-month detail to EPA's Office of General Counsel during my DOJ tenure, developing the cross-agency legal perspective that has informed my regulatory and enforcement work throughout my career.

## **RESULT**

I achieved favorable outcomes in 20 of 23 first-chair matters and 21 of 23 matters in which I served as second chair or sole counsel — a litigation record reflecting sustained excellence in federal environmental law practice across multiple statutes and multiple circuits. The legal arguments I developed in key proceedings contributed to the durability of EPA's most significant regulatory programs, including the Mercury and Air Toxics Standards and the Clean Air Interstate Rule.

## **TECHNICAL QUALIFICATION 2: FEDERAL ENFORCEMENT STRATEGY AND LITIGATION LEADERSHIP**

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*Demonstrated ability to develop and execute federal environmental enforcement strategies, lead complex civil litigation in federal circuit courts, and negotiate consent decrees involving significant penalties, cleanup commitments, and injunctive relief.*

### **Story 1: Leading Legal Strategy for the Largest Water Enforcement Settlement in EPA Region 3 History**

#### **CHALLENGE**

A Fortune 100 chemical manufacturer had been operating in sustained violation of Clean Water Act discharge standards — contaminating waterways across multiple states and exposing communities to pollution that federal law had prohibited for years. Translating that record of violation into a consent decree commensurate with the full scope of harm required designing and executing an enforcement legal strategy capable of securing a settlement against one of the most well-resourced corporate defendants in federal environmental enforcement. The company's legal team was among the most experienced in environmental defense, and the complexity of the multistate violations — spanning multiple discharge points, regulatory periods, and contested technical assessments — created significant contested terrain at every stage of litigation.

#### **CONTEXT**

As Senior Regulatory Counsel and Deputy Division Director at EPA's Office of General Counsel, I was assigned lead legal counsel responsibility for what would become the largest water enforcement settlement in EPA Region 3 history. I coordinated across EPA's enforcement and technical staff, DOJ, and state environmental agencies across 14 months of active litigation and negotiation — while simultaneously managing my full OGC advisory and supervisory responsibilities.

#### **ACTION**

I developed the enforcement legal theory of liability from initial case assessment — analyzing the legal basis for liability across multiple discharge points and regulatory timeframes and coordinating with EPA's technical staff to build a factual record capable of withstanding adversarial challenges. I directed the 14-month negotiation strategy, making the institutional judgment — contested at several points — that pressing for a settlement figure commensurate with the full scope of violations was both legally achievable and necessary to establish a credible enforcement posture for future major actions. I coordinated final consent decree terms across federal and state jurisdictions and managed the multi-level legal review process required to finalize a settlement of this magnitude.

#### **RESULT**

The final consent decree secured \$1.4 billion in penalties, cleanup commitments, and injunctive relief — the largest water enforcement settlement in EPA Region 3 history and one of the most significant Clean Water Act enforcement outcomes in the agency's recent history. The settlement was recognized with EPA's Gold Medal for Exceptional Service, the agency's highest honor, presented by the Administrator.

### **Story 2: Negotiating \$680 Million in CERCLA Cleanup Commitments Across Six Superfund Consent Decrees**

#### **CHALLENGE**

CERCLA Superfund enforcement is among the most legally and operationally complex work in federal environmental practice. Achieving binding cleanup commitments requires persuading multiple parties — industrial companies, municipalities, and other potentially responsible parties with varying and often disputed liability shares — to accept legal responsibility and enter multi-year remediation obligations, frequently while those same parties are in adversarial relationships with each other. Securing \$680 million in commitments across six simultaneous consent decrees, each with its own factual record and liability calculus, demanded sustained enforcement leadership and negotiation strategy across a portfolio of proceedings that operated in parallel over multiple years.

#### **CONTEXT**

As Senior Trial Attorney in DOJ ENRD's Environmental Defense Section, I held lead negotiating responsibility for a portfolio of six Superfund consent decrees, coordinating across EPA, state environmental agencies, and private potentially responsible parties simultaneously. Each proceeding involved a distinct site, a distinct set of responsible parties, and distinct state-level regulatory requirements — requiring me to manage a complex, multi-

forum enforcement portfolio while maintaining the strategic coherence needed to achieve meaningful cleanup commitments at each site.

### **ACTION**

I developed individualized enforcement and negotiation strategies for each consent decree, accounting not only for the government's legal position but for the specific liability dynamics, financial circumstances, and inter-party relationships at each Superfund site. I built and maintained working relationships with state environmental agency counterparts whose cooperation was essential to achieving binding remediation commitments within their jurisdictions and developed the relationships with private party counsel necessary for sustained productive negotiation without compromising the government's enforcement posture. Where responsible parties were in active conflict over relative liability shares — a dynamic that, if unmanaged, can collapse multi-party settlement processes — I navigated those conflicts strategically to preserve the conditions for settlement. I coordinated with EPA's technical and enforcement staff across all six sites to ensure negotiated terms were both legally sound and technically achievable.

### **RESULT**

Six Superfund consent decrees were successfully finalized, securing \$680 million in CERCLA cleanup commitments across contaminated sites affecting multiple states. All six decrees were concluded within the negotiation timelines I managed, reflecting the effectiveness of a systematic, coalition-focused enforcement approach across a complex multi-site portfolio.

## **TECHNICAL QUALIFICATION 3: EXECUTIVE LEGAL COUNSEL AND AGENCY ADVISORY**

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*Demonstrated ability to serve as a principal legal advisor to senior agency officials, provide authoritative counsel on regulatory authority and constitutional exposure, and support high-stakes executive decision-making at the Administrator level.*

### **Story 1: Serving as Principal Legal Advisor to the EPA Administrator and Deputy Administrator on 18 Significant Decisions**

#### **CHALLENGE**

Senior agency officials making consequential regulatory and enforcement decisions require legal counsel that goes beyond technical accuracy — they need advisors who can assess regulatory authority and constitutional exposure in real time, anticipate how decisions will be evaluated in federal court, and provide clear recommendations under conditions of legal uncertainty and political pressure. EPA's most significant rulemaking and enforcement decisions during this period — including two reviewed by the White House Office of Management and Budget — required this level of executive legal counsel, delivered by an advisor with the institutional credibility, legal depth, and independent judgment to provide guidance that senior officials could rely on.

#### **CONTEXT**

As Senior Regulatory Counsel and Deputy Division Director at EPA's Office of General Counsel, I served as a principal legal counselor to the EPA Administrator and Deputy Administrator across the agency's highest-priority regulatory programs. My advisory role encompassed three simultaneous major Clean Air Act rulemakings, an active \$1.4 billion Clean Water Act enforcement action, and the full range of OGC's regulatory and enforcement matters — requiring me to operate simultaneously as a legal technician, strategic advisor, and institutional risk assessor for the agency's most senior decision-makers.

#### **ACTION**

I provided lead legal counsel to the Administrator and Deputy Administrator on 18 significant rulemaking and enforcement decisions — advising on regulatory authority under the Clean Air Act, Clean Water Act, RCRA, NEPA, and the APA; assessing constitutional exposure in contested regulatory actions; and recommending courses of action with explicit legal rationale rather than simply presenting options without guidance. I developed the analytical framework I used for these advisory engagements to be both legally rigorous and practically useful — identifying the specific legal risks, statutory authority questions, and APA compliance considerations that each decision presented, and translating those assessments into recommendations that senior officials could evaluate and act on. I coordinated my advisory work with DOJ to ensure that the positions I recommended to the Administrator were consistent with the litigation postures DOJ would need to defend in federal court, and I managed the legal dimensions of the two OMB review processes that arose during this period.

#### **RESULT**

All 18 significant rulemaking and enforcement decisions on which I provided lead legal counsel proceeded without a subsequently successful legal challenge to the regulatory authority or constitutional basis of the decision — a record reflecting the quality and defensibility of the legal analysis I delivered. The three major Clean Air Act rulemakings supported by my advisory work were successfully defended in the D.C. Circuit against 12 consolidated industry challenges, validating the regulatory authority assessments I provided to the Administrator during their development.

### **Story 2: Shaping Federal Environmental Law Through Academic and Professional Policy Engagement**

#### **CHALLENGE**

The legal landscape governing federal environmental regulation is not static — it is shaped by academic scholarship, bar association policy engagement, and the broader professional community's ongoing interpretation of how courts and agencies should apply environmental statutes. The Supreme Court's 2024 decision in *Loper Bright Enterprises v. Raimondo* — overturning *Chevron* deference — fundamentally altered the legal framework within which federal environmental agencies exercise regulatory authority, creating immediate and significant implications for how EPA and DOJ approach rulemaking, enforcement, and litigation. For OGC and DOJ practitioners, this decision required both doctrinal analysis of its implications and strategic thinking about how agency legal positions and rulemaking approaches would need to adapt. Executive legal counsel at the senior

level must encompass not only the application of existing law but the capacity to analyze and communicate how the law itself is changing.

## **CONTEXT**

Throughout my tenure at EPA's Office of General Counsel, I have engaged with the broader federal environmental law community as an adjunct professor at Georgetown University Law Center — teaching Clean Air Act, Clean Water Act, RCRA, and federal administrative law — and as a contributing author to leading legal journals. I serve as a Council Member of the American Bar Association's Section of Environment, Energy and Resources, providing institutional access to the professional community's evolving interpretation of federal environmental law. These engagements are not peripheral to my executive advisory function — they are the channels through which I remain current with the legal developments that shape the advice I provide to agency senior leadership.

## **ACTION**

I authored "Statutory Textualism and the Future of Environmental Rulemaking After Loper Bright," published in the *Yale Journal on Regulation* (Vol. 41, 2024) — providing a rigorous doctrinal analysis of how the Loper Bright decision reframes the legal basis for EPA's major regulatory programs and what it requires of agency legal counsel in developing and defending future rulemakings. I also authored "Civil Enforcement Coordination in Multi-Agency Environmental Cases" in the *Environmental Law Reporter* (Vol. 52, 2022), contributing to the profession's understanding of best practices for the EPA-DOJ enforcement coordination I had spent years developing in practice. Through my Georgetown teaching, I have trained the next generation of federal environmental lawyers in the statutory and administrative law frameworks that govern EPA's most consequential programs — extending OGC's institutional knowledge and legal perspective into the profession's pipeline. As an ABA Section Council Member, I have participated in the bar's formal policy positions on federal environmental law developments, providing a direct channel between frontline agency legal experience and the broader profession's policy voice.

## **RESULT**

My scholarship on post-Loper Bright regulatory strategy has contributed to the profession's understanding of how federal environmental agencies must adapt their rulemaking and litigation approaches in a post-Chevron legal environment — analysis directly applicable to the executive advisory function I perform for EPA's senior leadership. My Georgetown teaching has produced attorneys who bring substantive federal environmental law expertise into the profession's pipeline. My ABA Council service has positioned EPA's institutional perspective within the bar's policy engagement on federal environmental law at a moment of significant doctrinal change.

## **TECHNICAL QUALIFICATION 4: INTERAGENCY LEGAL COORDINATION AND ENFORCEMENT POLICY**

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*Demonstrated ability to lead cross-agency legal coordination, develop interagency enforcement protocols, and build durable frameworks for concurrent federal environmental proceedings involving multiple agencies, jurisdictions, and institutional authorities.*

### ***Story 1: Co-Authoring the EPA-DOJ Joint Enforcement Coordination Framework***

#### **CHALLENGE**

Federal environmental enforcement regularly requires concurrent civil and administrative proceedings involving both DOJ and EPA — yet the two agencies had operated for decades without a formal, shared framework for coordinating these actions. The consequences were significant: inconsistent case handoffs, duplicative analytical work, and legal inconsistency across concurrent proceedings that weakened the government's enforcement posture in complex multiagency actions. Both agencies had attorneys and managers who had developed entrenched institutional practices — including practices that were effective within each agency but incompatible with effective interagency coordination — making reform a legal and organizational challenge simultaneously.

#### **CONTEXT**

While serving as Senior Trial Attorney and Section Supervisor in DOJ ENRD's Environmental Defense Section, I was selected as DOJ ENRD's representative to the EPA-DOJ Joint Enforcement Coordination Working Group. I brought to this role a uniquely cross-agency perspective: I had entered federal service through the Attorney General's Honors Program, completed a six-month detail at EPA's Office of General Counsel in 2007, and spent my entire career working at the interface of DOJ enforcement and EPA regulatory authority. I understood the institutional cultures, legal authorities, and operational constraints of both agencies — a foundation that proved essential to building a coordination framework that both agencies would use.

#### **ACTION**

I co-led the working group's design and development of formal interagency coordination protocols for concurrent civil and administrative enforcement actions — drawing on direct operational experience with the specific handoff failures, duplicative processes, and legal inconsistencies that the absence of a framework had produced. I built consensus across attorneys and managers at both agencies who held different — and at times competing — institutional priorities, designing the protocols to be operationally practical rather than aspirationally comprehensive. I focused the framework on the specific scenarios that produced the most significant coordination failures in practice: simultaneous civil penalty proceedings and administrative compliance orders, concurrent citizen suit and government enforcement actions, and multi-district enforcement matters requiring coordinated DOJ and EPA litigation strategy. I negotiated the language and scope of each protocol with EPA counterparts who approached enforcement coordination from a regulatory rather than a litigation perspective — bridging the institutional divide between the two agencies' enforcement cultures.

#### **RESULT**

The interagency coordination protocols I co-authored were adopted by both DOJ and EPA as the governing framework for concurrent civil and administrative enforcement actions — the first formal interagency enforcement coordination framework in the history of the agencies' joint environmental enforcement program. The framework eliminated the most significant sources of duplicative effort and legal inconsistency across concurrent proceedings and established a durable institutional foundation for EPA-DOJ enforcement coordination that both agencies continue to use.

### ***Story 2: Building and Sustaining the DOJ-EPA Enforcement Partnership Across a 22-Year Federal Career***

#### **CHALLENGE**

Effective federal environmental enforcement depends on the quality of the institutional relationship between DOJ and EPA — two agencies with different statutory authorities, different organizational cultures, and different institutional incentives that can, in the absence of sustained relationship maintenance, produce friction rather than coordination in the enforcement actions that protect the American public. Over the course of a 22-year career spanning both agencies, I have encountered every dimension of this institutional relationship: as a DOJ trial attorney representing EPA in federal court, as an EPA OGC attorney working alongside DOJ counsel, and as a supervisory leader managing the enforcement coordination relationship from both sides. Sustaining and strengthening this relationship — particularly during periods of high enforcement activity when institutional stress

is greatest — is not an incidental function of a senior environmental enforcement attorney; it is a core professional responsibility.

## **CONTEXT**

My career has been defined by deliberate movement across the DOJ-EPA institutional boundary. I entered DOJ through the Attorney General's Honors Program in 2003, spent six years as a trial attorney and section supervisor in ENRD's Environmental Defense Section, completed a six-month detail at EPA's Office of General Counsel in 2007, and transitioned to EPA OGC in 2017 — where I have since served as the senior legal advisor to two of the agency's highest-priority program offices while maintaining active coordination with DOJ on regulatory and enforcement matters across the agency's full docket. This career arc has given me a rare institutional perspective: I have represented EPA as a DOJ attorney, counseled EPA as an OGC attorney, and managed the enforcement coordination relationship between the two agencies from both ends.

## **ACTION**

I have invested systematically in interpersonal and institutional relationships that make effective DOJ-EPA enforcement coordination possible — not only through formal mechanisms like the Joint Enforcement Coordination Working Group, but through the sustained professional engagement that produces trust and mutual understanding on which effective interagency work depends. As DOJ's representative to the EPA-DOJ Working Group, I brought to the table not just legal knowledge but genuine institutional credibility with EPA counterparts who knew my work from the other side of the enforcement relationship. As EPA's lead counsel on major enforcement actions, I have managed the DOJ relationship through the full lifecycle of complex proceedings — from initial enforcement referral through trial preparation and settlement negotiation — maintaining the coordination and strategic alignment that these proceedings require. I have also contributed to the profession's understanding of effective interagency enforcement coordination through publication — my 2022 article in the Environmental Law Reporter on civil enforcement coordination in multi-agency cases providing a practitioner's framework for the coordination challenges I have spent my career navigating.

## **RESULT**

The EPA-DOJ enforcement coordination framework I helped build — through the formal protocols developed in the Joint Working Group and through the sustained institutional relationships I have maintained across a 22-year career at both agencies — has contributed to some of the most significant federal environmental enforcement outcomes of the past two decades, including the \$1.4 billion Clean Water Act consent decree, the \$680 million CERCLA cleanup portfolio, and the successful defense of EPA's Mercury and Air Toxics Standards rule. The interagency enforcement coordination protocols I co-authored continue to govern concurrent civil and administrative proceedings at both agencies. The institutional perspective I bring to this coordination function — grounded in deep operational experience at both DOJ and EPA — represents a professional asset that few federal environmental attorneys develop over the course of a career.