Mack McGuffey

Partner

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Mack focuses his practice on the Clean Air Act, helping clients obtain necessary permits, solve compliance challenges, and minimize enforcement risk by bridging the gap often found between technical realities and regulatory terminology.

OVERVIEW

Mack focuses his practice on all aspects of the Clean Air Act. He helps clients obtain needed permits, solve compliance challenges, participate in rule and policy making activities, and minimize enforcement risk. In doing so, he helps bridge the gap often found between legal requirements and technical realities. Mack has practiced almost exclusively in the area of air law since starting his practice in 2003.

For more than 20 years, Mack has represented electric utility, landfill, manufacturing, and other industrial clients in connection with important air quality issues arising out of federal and state regulations governing the construction and operation of stationary sources of air emissions. He also has extensive experience in litigation over air regulations. Mack has represented his clients' interests in many of the most significant air law cases over the last decade, including successful challenges to the New Source Review Tailoring Rule, the Mercury and Air Toxics Standards, and the Clean Power Plan.

Mack has direct and extensive experience with the most controversial Clean Air Act programs, including:

- New Source Review/Prevention of Significant Deterioration (NSR/PSD)
- National Ambient Air Quality Standards (NAAQS)
- Title V Operating Permits and Petitions to Object
- Regional Haze/Best Available Retrofit Technology (BART)
- New Source Performance Standards (NSPS)
- National Emission Standards for Hazardous Air Pollutants (NESHAP) & Maximum Achievable Control Technology (MACT) Standards

In addition, Mack has assisted numerous clients with lesser-known Clean Air Act programs, including those that regulate ozone-depleting substances used in refrigerant appliances, hazardous air pollutants emitted by reciprocating internal combustion engines, and nonhazardous secondary materials combustion.

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REPRESENTATIVE MATTERS

- Represented a trade association in litigation over the Clean Power Plan repeal and adoption of the Affordable Clean Energy (ACE) rule in the D.C. Circuit.
- Conducted independent investigation of the Colorado minor source air permitting program in response to whistleblower complaints about air dispersion modeling practices.
- Advised ethylene oxide manufacturers and users in air permitting and enforcement actions arising out of EPA's decision to issue new risk values for ethylene oxide in 2016.
- Litigated an EPA action to disapprove a southwestern state's implementation plan for regional haze and adopt a federal plan, which included making oral argument on behalf of the state to the U.S. Court of Appeals for the Ninth Circuit.
- Assisted coal and utility interests in successful petitions for certiorari to the U.S. Supreme Court challenging EPA's mercury and climate change regulations for the electric utility sector.
- Advised numerous large electric utility companies across the U.S. on potential NSR implications for all capital and significant maintenance projects.
- Assisted a glass manufacturer in obtaining a PSD permit for a new facility.
- Represented a biomass power facility in responding to an objection to its Title V permit granted by EPA, including coordination with the state permitting authority to resolve that objection through permit revisions.
- Advised a large landfill company regarding the potential permitting implications of purchasing, installing, modifying, or reconstructing landfill gas flares and landfill gas-to-energy projects.
- Advised numerous clients in response to EPA information requests issued under Section 114 of the Clean Air Act.
- Assisted coal and utility interests in commenting on EPA's Clean Power Plan and represented those interests in challenging the rule in the D.C. Circuit.

AWARDS

- *Chambers USA:* Environment, Georgia (2023-2026)
- *Legal 500 United* States: Environment: Litigation and Environment: Regulatory (2021-2026)
- Rising Star in Environmental, *Law & Politics'* Georgia Super Lawyers and *Atlanta Magazine* (2007, 2009, 2011-2016)
- *Best Lawyers in America*®: Environmental Law (2016-2027)

TOP AREAS OF FOCUS

- Air Quality + Climate Change
- Artificial Intelligence
- Conventional Power
- Data Centers
- Energy Transition
- Environmental + Natural Resources
- Environmental Litigation + Enforcement Defense
- Renewable Energy

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Chairman, Environmental Law Section, State Bar of Georgia (2012)

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Georgia School of Law, J.D., *magna cum laude, Order of the Coif, Talmadge Moot Court Competition Winner*, 2003, National Moot Court Team (2001-2003)
- University of Georgia, B.B.A., 1998

BAR ADMISSIONS

- Georgia

COURT ADMISSIONS

- Court of Appeals of Georgia
- Supreme Court of Georgia
- U.S. Court of Appeals, District of Columbia Circuit
- Supreme Court of the United States

SPEAKING ENGAGEMENTS

- "Data Center Permitting Challenges," Annual Georgia Environmental Conference 2026, August 19, 2026.
- "Permitting and Regulatory Challenges and Uncertainty," Troutman Pepper Locke Webinar Series: Navigating the Data Center Boom: Rethinking Contracts, Risk, and Regulatory Strategy for 2026 and Beyond, April 21, 2026.
- "Clean Air Act Legal Updates," AAPCA 2026 Spring Meeting, April 8, 2026.
- "Legal and Practical Implications from New and Anticipated Air Regulations," Annual Georgia Environmental Conference 2025, August 20, 2025.
- "EPA Region 4 Air Update and Upcoming Changes: Legal Perspective," 16th Annual Georgia Environmental Conference, August 23, 2023.
- "The State of Air: NC DEQ Division Director Discussion," North Carolina Chamber Environmental Conference, February 2022.
- "Environmental Cost Determination: Improving and Modernizing Cost-Benefit Analysis in Rulemaking Process," Strafford Webinar, February 2022.
- "Managing Environmental Compliance," Georgia Institute of Technology, semiannually March 2007 through March 2021.
- "The State of Air: NC DEQ Division Director Discussion," North Carolina Chamber Environmental Conference, February 5, 2020.
- "Municipal Solid Waste (MSW) Landfill Air Rules: Transitioning from Old to New," Air & Waste Management Association Webinar, December 11, 2019.
- "Two Air Topics: Ozone and SSM," Georgia Association of Manufacturers, August 28, 2019.
- "NSR Changes," Georgia Environmental Conference, August 2, 2019.
- "The State of Air: NC DEQ Division Director Discussion," North Carolina Chamber Environmental Conference, February 6, 2019.
- "Clean Air Act Compliance & Enforcement," Strafford Webinar, February 27, 2018.
- "Can Trump Turn the Battleship?," Energy, Utility and Environment Conference (EUEC), March 6, 2018.
- "Clean Air Act Legal Update," Association of Air Pollution Control Agencies (AAPCA), September 21, 2017.

- “Regional Haze: Round 2 Is Just Around the Corner,” Electric Utility & Environment Conference, February 2017.
- “Air Regulations for Asphalt Companies,” Virginia Asphalt Association, January 2017.
- “Compliance With the Clean Power Plan,” Electric Utility & Environment Conference, February 2016.
- “EPA’s Clean Power Plan: A Climate Game Changer,” Bloomberg BNA Webinar, September 3, 2015.
- “EPA Issues ‘SIP Call’ Requiring New Rules for Startup, Shutdown, and Malfunction Emissions,” Bloomberg BNA Webinar, July 23, 2015.
- “Regulatory Update: The Clean Air Act,” Southern States Energy Board 2015 Briefing to Southern Legislators, July 18, 2015.

PUBLICATIONS

- Co-author, “EPA May Redefine ‘Begin Actual Construction’ in Permit Reform Intended to Expedite Construction of Emissions-Generating Developments,” *Troutman Pepper Locke*, January 6, 2026.
- Co-author, “Are We There Yet? The Challenges of Litigating Clean Air Act Rules,” American Bar Association’s *Natural Resources & Environment*, Summer 2021.
- Co-author, “Montana District Court Vacates EPA’s ‘Secret Science’ Rule,” *POWER Magazine*, February 4, 2021.
- Author, “Reforming New Source Review: What Project Emissions Accounting Really Means, and Why It Should Survive,” American Bar Association’s *Natural Resources & Environment*, July 27, 2020.
- Author, “How the Affordable Clean Energy Rule Impacts Oil and Gas,” *Law360*, October 17, 2018.
- Author, “Look Out—EPA Is Repowering Its Hazy Visibility Program,” *Natural Gas & Electricity*, September 2016.
- Author, “2016 to Be Litigation-Heavy, as Obama EPA Wraps Up Its Air Agenda,” *Natural Gas & Electricity*, February 2016.
- Co-author, “Regulating Greenhouse Gases Under the Clean Air Act: Is the Bubble About to Burst?,” *George Washington University Law School Journal of Energy and Environmental Law*, Winter 2016.
- Author, “Supreme Court Rules EPA Must Consider Cost,” *Terralex Connections*, September 2015.
- Author, “2015 to Be the Year of Final Air-Quality Regulations,” *Natural Gas & Electricity*, February 2015.
- Co-author, “Global Warming Solutions: Regulatory Challenges and Common Law Liabilities Associated With the Geologic Sequestration of Carbon Dioxide,” 6 *Geo. J. L. & Pub. Pol’y* 429 (2008).

MEDIA COMMENTARY

- Quoted, “Biggest Environmental Policy Actions of 2021,” *Law360*, December 21, 2021.
- Quoted, “Politics, Strict Interpretation Infuse EPA Methane Reg Rollback,” *Law360*, August 14, 2020.
- Quoted, “Is Biomass Dead?,” *Power Mag*, February 3, 2020.