



Christopher E. Erker

PARTNER

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OVERVIEW

Chris is a nationally ranked environmental lawyer who provides deep experience on a range of business, legal and regulatory issues.

For two decades, Chris has advised corporations on virtually all matters pertaining to environmental law. He has counseled clients on developing and implementing regulatory compliance programs, particularly in industries with complex manufacturing processes. He assists with the permitting of manufacturing and waste treatment facilities, counseling on hazardous waste regulation, conducting due diligence in mergers and acquisitions, and federal and state reporting and remediation requirements relating to the release of hazardous substances. He also advises on regulation of underground storage tanks, asbestos, lead, MTBE, and mold abatement, as well as handling the related litigation and regulatory aspects of the manufacture, sale and distribution of toxic materials.

Chris also has assisted clients in complying with permits, recovering cleanup costs, obtaining environmental insurance coverage, and analyzing the impact of conservation laws and wetlands on real estate development. He has litigation experience in the areas of federal and state government investigations and enforcement actions and private-party cost recovery actions under state and federal law.

In the transactional setting, Chris advises financial and strategic buyers on the environmental risks associated with mergers and acquisitions and is capable of executing timely and comprehensive due diligence assessments to support deal teams.

Industries

Technology
Manufacturing
Transportation

Services

Environmental
Environmental & Chemical
Regulation
Environmental Due Diligence
Environmental Remediation &
Superfund

Experience

- Spearheaded the historic resources issues associated with a large scale development of property in eastern Kansas that had Native American resources on it. This matter involves interpretation and application of the National Historic Preservation Act and its underlying regulations. We worked with the National Park Service, Tribal Historic Preservation Officers, and the State of Kansas on acceptable historic preservation and mitigation measures for an historic homestead site for the Delaware Tribe.
- Assisted a large manufacturer with the sale of its contaminated manufacturing facility in northeast Arkansas. The site had varying degrees of environmental concerns, both interior and exterior. The deal involved the negotiation of the environmental conditions at the site, indemnity provisions for same, and environmental insurance coverage issues.
- Assisted with the purchase of a large multifamily property in Southwest Missouri that contained arsenic and other hazardous substances that migrated from an adjacent site. He negotiated the purchase agreement and environmental provisions therein and is in the process of taking the site to the Missouri Department of Natural Resources Voluntary Cleanup Program.
- Spearheaded for a risk-transfer company the purchase/environmental risk transfer of a former coal plant in southern Illinois. The site had decades of environmental remedial issues and our client worked with the neighbor/seller to remediate and/or sell its property as part of a risk transfer deal.
- Assisted with related CERCLA litigation, deal-making, and remedial work at both sites.
- Spearheaded the environmental issues associated with the sale of a former oil refinery in northern Illinois. The site has decades of environmental and related environmental deed restrictions. The site was a very large former industrial site with numerous creative future uses proposed for developers.
- Assisted with the procurement of environmental and excess indemnity insurance coverage for the site.

Experience

- Assisted with a large developer client's environmental permitting of the development of a site in eastern Kansas. U.S. Army Corps of Engineers has issued a Jurisdictional Determination (JD) of the site and determined that certain waterways are jurisdictional "intermittent tributaries" requiring mitigation under the new water law under the Clean Water Act. Mr. Erker successfully challenged that determination, arguing that the waterway is a non-jurisdictional "ephemeral stream" that does not require mitigation. It was one of the first such challenges under the new water law under the Clean Water Act in the United States. The Corps' later determined that the "intermittent tributaries" to be a non-jurisdiction stream.
- Negotiated settlement with Illinois EPA the remediation and removal of buried asbestos from former nursery operation in Central Illinois. Mr. Erker spearheaded the cleanup of the site, as well as the negotiation with the Illinois Environmental Protection Agency.
- Assisted an electric utility with the environmental and easement issues associated with the development of a utility line through Missouri Department of Conservation Property.

Recognition

- *Missouri Lawyers Media*, POWER List for Environmental and Energy Law, 2022-2024
- *Chambers USA*, Environment, 2012-2024
- The Best Lawyers in America®, Environmental Law, 2021-2023

Education

- J.D., Saint Louis University School of Law
- B.A., Marquette University

Admissions

- Missouri

Community Leadership

- The Leukemia & Lymphoma Society, Gateway Chapter, Board of Directors
- Forest ReLeaf of Missouri, Board Member
- Headwaters Conservancy



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Chambers USA 2024 -
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