



## David L. Rieser

### Of Counsel

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## OVERVIEW

David Rieser has more than three decades of experience advising clients in all areas of environmental law, including legislative, regulatory, compliance and law enforcement matters, corporate, commercial and real estate transactions, governmental and private cost-recovery actions, environmental insurance coverage, and remediation of contaminated sites. David serves Fortune 100 and mid-sized companies operating in a broad range of industries, including power generation, chemicals, petroleum, steel, food and consumer products, financial services, and waste management.

In the legislative and regulatory arena, David has represented trade associations, industry groups, and individual companies in numerous matters involving the U.S. Environmental Protection Agency (EPA) and the Illinois Environmental Protection Agency (IEPA). He also represented power generating companies in permitting and administrative proceedings, and prepared responses to agency requests for information regarding Clean Air Act (CAA) issues.

David has served as a voice for clients in drafting and negotiating regulations in Illinois, won site-specific regulatory relief from the Illinois Pollution Control Board (IPCB), negotiated federal corrective action orders for hazardous waste facilities under the Resource Conservation and Recovery Act (RCRA), served as common counsel for potentially responsible parties in actions under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), and obtained no further remediation letters (NFR) under the Illinois Site remediation Program (SRP) for a number of developer and industrial clients with contaminated properties. David also represents clients in matters involving the Chicago Metropolitan Water Reclamation District (MWRD), including enforcement issues and lease negotiations.

David regularly counsels buyers and sellers of commercial and industrial property and businesses as well as their lenders on the assessment and allocation of environmental risks of the transactions, including acquisitions and dispositions of assets valued in the hundreds of millions of dollars. Recent transactions have involved assets located in Europe and the United States, and include deals for contaminated and other properties requiring environmental remediation.

An experienced litigator, David has argued cases in federal and state courts, including a recent victory in the U.S. Circuit Court of Appeals for the Seventh Circuit, in which he represented a coalition seeking to preserve

commercial navigation in the Chicago waterways. Other matters have included cost recovery and enforcement actions.

## PROFESSIONAL BACKGROUND

David serves on the Illinois Site Remediation Advisory Committee, a stakeholder group that works with the Illinois Environmental Protection Agency on the development of regulations for the remediation of contaminated sites. He is currently Chairman of the Board of Directors of the Lake Michigan Section of the A&WMA, and was chairman of the local host committee for the A&WMA Annual Conference and Exhibition held in Chicago in 2013.

David serves as an adjunct professor in the Loyola University Chicago School of Law. He is regularly sought as a speaker before trade associations and industry groups, where he lectures on a broad range of environmental topics. Recent presentations have described current developments relating to the Resource Conservation and Recovery Act (RCRA), the Clean Air Act (CAA), the Comprehensive Environmental Response Compensation, and Liability Act (CERCLA), the use and protection of waterways and water resources, as well as wastewater discharges, climate change, EPA regulations, and carbon and other greenhouse gases.

Similarly, David is the author of numerous published articles, book chapters, and client alerts that analyze and discuss recent legislative, judicial, and regulatory trends. In these publications, David has helped clients and others better understand issues such as protection of trade secrets in greenhouse gas reporting, EPA waste rules involving biomass and other alternative fuels, Supreme Court and federal appellate court decisions, pharmaceutical waste management, brownfield remediation, ozone standards, coal ash rules, and environmental due diligence requirements.

## ACHIEVEMENTS

- Recognized by *Chambers USA* as a top environmental lawyer since 2008
- Named an Illinois Super Lawyer six times
- Listed as a Leading Lawyer in environmental law by the Leading Lawyers Network
- Received the Regulatory Affairs Award from the Chemical Industry Council of Illinois in 2009
- Received 2012 Perry Fisher Outstanding Service Award presented by the Lake Michigan Section of the Air & Waste Management Association (A&WMA)

## PROFESSIONAL / CIVIC ACTIVITIES

- Illinois Site Remediation Advisory Committee
- Chairman, Board of Directors of the Lake Michigan Section of the A&WMA
- Chairman, local host committee for the A&WMA Annual Conference and Exhibition held in Chicago in 2013

## SPEAKING ENGAGEMENTS

- “The Future of Citizen Suits: After *Sierra Club v. Dominion* and Before Justice Gorsuch,” American Association of Railroads EWC Spring Meeting, April 21, 2017
- “Paved with Good Intentions: EPA’s Definition of Solid Waste,” Chemical Industry Council of Illinois RCRA Training Seminar, March 16, 2017
- “Dirt and Water: Environmental Risk and Stormwater Issues in Construction Contracts,” Society of Illinois Construction Attorneys, Insurance Subcommittee, March 15, 2017
- Moderated a panel on legal issues and a panel of industry experts at a conference on the Environmental Evaluation of Real Property: Purpose, Perils and Pitfalls program at the Union League Club of Chicago sponsored by the Lake Michigan Section of the Air and Waste management Association and the Union League Club, January 17, 2017
- “Law Firm Beware: Environmental Due Diligence in Corporate Transactions,” firm speakers panel in CLE videoconference, September 26, 2016
- “Case Study: Remote Monitoring Issues,” Lake Michigan States Section, Air and Waste Monitoring Association Air Quality Management Conference, November 4, 2015 (Moderator)
- “Chill Spills: Release Reporting for RCRA Facilities,” Chemical Industry Council of Illinois, RCRA Refresher Course, June 17, 2015
- “Uncertain Ground - Dealing with Environmental Risk in Demolition and Construction Contracts,” Chicago Bar Association Construction Law and Mechanics Lien Subcommittee, May 4, 2015
- “Addition by Redaction: Protection of CBI under FOIA,” Illinois State Bar Association Environmental Law Conference, April 1, 2015
- “Bad Relief - Federal Issues with Variances and Provisional Variances,” Chemical Industry Council of Illinois Water Issues Seminar, March 25, 2015
- “Uncertain Ground - Dealing with Environmental Risk in Demolition and Construction Contracts,” Society of Illinois Construction Attorneys, March 17, 2015
- “Bells and Whistles: EPA Amends the Definition of Solid Waste,” Chemical Industry Council of Illinois RCRA Hot Topics Seminar, January 29, 2015
- “Doing Diligence: Changes in ASTM Standards and USEPA Regulations,” Chicagoland Health and Safety Environmental Conference, September 22, 2014
- “SWMU Lagoons: Federal and State Regulation of Coal Ash Impoundments,” Chemical Industry Council of Illinois RCRA Training Seminar, September 18, 2014
- “Environmental Law for Transactional Professionals,” MB Financial Presentation, May 5, 2014

- “Vapor Intrusion in the Real Estate World,” MuchShelist Vapor Intrusion Seminar, February 19, 2014 (Moderator)
- “Not so Fast: The Impact of New Phase I Guidelines and Vapor Intrusion Rules on Transactions,” January 13, 2014
- “Still Steaming: Area Source Boiler MACT,” Illinois Auditing Roundtable, November 15, 2013

## EDUCATION

- J.D., Washington University School of Law, 1980
- A.B., The University of Chicago, 1977 (*General Honors*)

## ADMISSIONS

- Bar of Illinois
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the Central District of Illinois
- United States District Court for the Northern District of Illinois
- United States District Court for the Western District of Michigan

## THOUGHT LEADERSHIP POWERED BY HUB

- 26 July 2021, Ethylene Oxide: The Litigation Risks and Regulatory Issues Ahead (*Alerts/Updates*)
- June 2020, COVID-19: Paved With Good Intentions – Regulatory Pitfalls to Manufacturing and Marketing COVID-Related Consumer Products (*Webinar*)
- 9 June 2020, COVID-19: President Trump's Invocation of Emergency Authority to Streamline Environmental Review for Infrastructure Projects (*Alerts/Updates*)
- 28 April 2020, Muddied Groundwater: New Supreme Court Test Adds Confusion and Uncertainty to Clean Water Act Permitting Jurisdiction (*Alerts/Updates*)
- 24 April 2020, COVID-19: Environmental Agency Responses to Virus Mitigation Measures (*Alerts/Updates*)
- 24 March 2020, COVID-19: Illinois Executive Order in Response to COVID-19 (*Alerts/Updates*)
- 16 November 2018, Don't Dump Stuff in the River (*BlogPost*)
- 10 July 2018, Manifestly Different (*Alerts/Updates*)
- 9 May 2018, Tax Buyers Beware: Court Finds CERCLA Liability Following Tax Sale (*Alerts/Updates*)
- February 2018, Patent Law for Environmental Professionals (*Webinar*)

- 1 August 2017, Less Waste, More Recycling - The D.C. Circuit Cleans Up EPA's Definition of Solid Waste (*Alerts/Updates*)
- 1 June 2017, A Not-So-Silver Lining: The Ninth Circuit Vacates EPA's Conditional Approval of a Nanosilver Pesticide Used in Manufacturing "Antimicrobial" Consumer Products (*Alerts/Updates*)
- 30 May 2017, Administrator Pruitt Seeks Superfund Overhaul (*Alerts/Updates*)
- 6 February 2017, Coal Ash Backfill: Congress Authorizes EPA to Approve State Coal Combustion Residue Programs (*Alerts/Updates*)
- 24 August 2016, Air Dud: Emitters of Hazardous Substances Not Liable Under CERCLA (*Alerts/Updates*)
- 13 July 2016, Federal Government Rewrites the Rules on Getting and Using Chemicals in the Marketplace (*Alerts/Updates*)
- 14 June 2016, EPA Proposes to Further Complicate CERCLA and RCRA Remediation by Requiring Compliance with the Site Remediation NESHAPs (*Alerts/Updates*)

## OTHER PUBLICATIONS

- "Time keeps on slipping, slipping: Seventh Circuit rules RCRA settlement triggers CERCLA statute of limitations," *ABA's SEER Environmental Digest*, March 2, 2020
- "For Sure: Indemnity Claim Triggered by EPA Notice Letter, Not State Negotiations," *ABA's SEER Environmental Digest*, January 3, 2020
- "Boiler Plate: Disclaiming liability in a settlement is not the same thing as not settling," *ABA's SEER Environmental Digest*, October 24, 2019
- "Don't Mention It: Seventh Circuit Rules RCRA Settlement Triggers CERCLA Statute of Limitations," *ABA's SEER Environmental Digest*, September 17, 2019
- Illinois Editor, *Brownfields Law and Practice: The Cleanup and Redevelopment of Contaminated Land*, Matthew Bender
- Illinois Editor, *Brownfields Law and Practice: The Cleanup and Redevelopment of Contaminated Land*, Matthew Bender
- "Illinois" (Chapter 27), *Implementing Institutional Controls at Brownfields and Other Contaminated Sites*, Second Edition, ABA Books
- "Fish Yourself out of Asian Carp Scare." *Law360*, March 28, 2013
- "Not so Full Disclosure: Protecting Trade Secrets in Greenhouse Gas Reporting," *The Legal Impact of Climate Change*, Aspatore Books, 2012

## NEWS & EVENTS

- 21 May 2021, K&L Gates Policy and Regulatory Practice, Lawyers Ranked Among Leaders in 2021 Chambers USA Guide (*Rankings & Recognitions*)
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide (*Rankings & Recognitions*)
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders (*Press Release*)
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide (*Press Release*)
- 28 January 2016, K&L Gates Adds to Environmental Practice with Chicago Addition (*Press Release*)

## AREAS OF FOCUS

- Environment, Land, and Natural Resources
- Corporate Energy Sourcing and Sustainability
- Maritime
- Mergers and Acquisitions
- Oil and Gas
- Renewables

## EMERGING ISSUES

- Opportunity Zones (OZs)