

Karl R Heisler

Partner
*Environmental, Health and Safety /
Government Matters*

Chicago: +1 312 764 6927
kheisler@kslaw.com



Karl Heisler is an environmental lawyer specializing in enforcement defense and incident response. Karl has managed the legal fallout from a wide array of environmental and workplace safety incidents, ranging from fires and explosions to pipeline releases and the abandonment of hazardous waste. He has 18 years of experience responding to governmental investigations involving the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Occupational Safety and Health Act. He is a prolific speaker on environmental law and incident response.

Legal 500 USA distinguished Karl as having a "singular ability to clarify the inordinately opaque and confusing nature of environmental laws for the uninitiated." *Benchmark Litigation* recognized him as having an "unparalleled ability to master the facts and an encyclopedic mastery of environmental law." *Law 360* identified him as one of five "Rising Stars" in environmental law nationwide.

Karl dedicates a significant portion of his practice to environmental transactions. He provides advice and counsel on due diligence and the availability of transactional defenses, and he routinely negotiates representations, warranties and indemnifications. He has assisted with acquisitions and divestitures of several entities subject to government investigations arising out of environmental and workplace safety incidents. For the past 9 years, Karl has taught the environmental transactions course for the Environmental Law Institute, a leader in non-partisan research and environmental law education.

As a respected thought leader, Karl is frequently called upon to comment, write or speak about environmental enforcement and incident response for publications and organizations including Law360, Thomson Reuters, Resource Recycling, Inc., American Fuel and Petrochemical Manufacturers, the American Bar Association, the Rocky Mountain Mineral Law Foundation, the Association of Corporate Counsel, Lawline, the Environmental Law Institute, the Practising Law Institute and the American Law Institute. He has written or spoken about managing the first 48 hours of an incident, incident response for public information officers, responding to hazardous waste abandonments, hurricane readiness and response, climate risk disclosure, environmental due diligence, the environmental aspects of commercial and real estate transactions, the design and implementation of environmental compliance programs, the regulation of electronic waste, cybersecurity in the energy and transportation sectors, electronic discovery in civil and criminal cases, evidence preservation, and preparing for a government inspection. He wrote the introductory

chapter for *Inside the Minds: Environmental Law Enforcement and Compliance*, published in 2011 by Thomson Reuters/Aspatore.

His clients include public and private entities in the energy, chemical manufacturing, construction and waste management industries, as well as lenders, private equity and real estate firms with interests in these industries.

Matters

Clean Air Act

Representation of a Fortune 50 energy company in connection with federal civil and criminal investigations arising out of the Clean Air Act's risk management plan RAGAGEP provision, as well as the application of API standards and recommended practices.

Representation of a Fortune 50 energy company in connection with a federal criminal investigation arising out of the application of NSPS Subpart J to flaring operations at an oil refinery.

Representation of a Fortune 50 energy company in connection with federal and state civil, criminal and administrative investigations arising out of the application of NSPS Subpart Kb to alleged storage vessels at upstream production facilities.

Representation of a Fortune 50 energy company in connection with a variety of Title V regulatory concerns affecting Alaska offshore drilling platforms.

Representation of a global investment trading company in connection with a federal criminal investigation arising out of the application of NESHAP asbestos work practice standards to the renovation of a 450+-unit residential complex.

Representation of a trade association for the ethanol industry in connection with government inspection readiness.

Clean Water Act

Representation of one of the largest pipeline companies in the United States as standby incident response counsel, including in connection with multiple EPA, PHMSA, NTSB and state environmental investigations into releases from underground petroleum pipelines.

Representation of one of the world's largest providers of wastewater management solutions in connection with a federal criminal investigation and prosecution arising out of a chlorine release. Served on the team that secured an across-the-board acquittal of a 26-count criminal indictment in *United States v. United Water Services, Inc.* (N.D. Ind. 2012).

Representation of a global leader in the manufacture and distribution of water treatment chemicals in connection with a post-Deepwater federal criminal investigation into alleged violations of the Clean Water Act on an offshore oil and gas platform in the Gulf of Mexico.

Representation of a Fortune 200 leading processor and marketer of fresh pork and packaged meats in connection with a federal criminal investigation into allegations of unpermitted discharges of process wastewater. Provided advice and counsel in connection with the design and construction of a state-of-the-art wastewater treatment system and associated NPDES permitting concerns.

Representation of a global leader in specialty chemicals in connection with federal civil and criminal investigations arising out of an alleged failure to operate pollution control equipment at a

wastewater treatment facility.

Representation of a leading lawn and garden manufacturer in connection with a pilot study relating to the design and construction of a wastewater treatment system and associated NPDES permitting concerns, including the applicability of the RCRA wastewater treatment unit exemption.

Representation of one of the largest independent midstream energy companies in North America in connection with a federal criminal investigation into the alleged dumping of hazardous materials down a storm drain as part of a scheme involving the false production of biodiesel.

Representation of a leading construction materials and services company in connection with a federal criminal investigation into stormwater management practices at multiple facilities located throughout the Northeast.

Resource Conservation and Recovery Act

Representation of a leading credit and asset-based investor group in connection with a state environmental investigation arising out of a tenant's abandonment of millions of pounds of cathode ray tubes and related e-waste.

Representation of a Fortune 500 natural gas utility in connection with a federal criminal investigation into the alleged release of a natural gas odorant.

Representation of one of the world's largest integrated producers of polymers and fibers in connection with a federal criminal investigation into shipments of byproducts, co-products and co-products used as fuels.

Representation of a leading lawn and garden manufacturer in connection with federal civil investigations at a packaging facility.

Representation of a global leader in the manufacture and distribution of water treatment chemicals in connection with a federal criminal investigation into the alleged storage of hazardous waste for more than 90 days without a permit.

Comprehensive Environmental Response, Compensation, and Liability Act

Representation of a leading credit and asset-based investor group in connection with ongoing CERCLA litigation in Ohio federal court arising out of a tenant's abandonment of millions of pounds of cathode ray tubes and related e-waste.

Representation of one of the world's largest automobile manufacturers in connection with threatened CERCLA litigation in Indiana arising out of metals recycling.

Federal Insecticide, Fungicide and Rodenticide Act

Representation of a leading lawn and garden manufacturer in connection with the largest federal civil and criminal investigations in the history of the FIFRA program. Representation of a specialty chemical manufacturer in connection with FIFRA pesticide registration issues.

Maritime

Representation of a senior crew member of the F/V Pacific Breeze, a fishing vessel operating in the South Pacific, in connection with allegations arising under MARPOL and the Act to Prevent Pollution from Ships by failing to maintain an accurate Oil Record Book.

Workplace Safety

Representation of one of the world's largest natural resource companies in connection with a near-miss incident arising from a major fire at a U.S. zinc recycling facility.

Representation of a Fortune 50 energy company in connection with civil, criminal and administrative investigations by the CSB and various state and local agencies into an explosion and fire at an oil refinery.

Representation of a Fortune 50 energy company in connection with a mechanical integrity review of fixed equipment inspection and maintenance programs for oil refineries located throughout the United States, Canada and South Africa.

Representation of one of the largest independent midstream energy companies in North America in connection with a federal criminal investigation into an explosion and fire at a hazardous materials recycling center.

Representation of one of the world's largest integrated producers of polymers and fibers in connection with an internal investigation into the OSHA recordability of alleged exposure to a chemical manufactured by less than 10 facilities in the world.

Environmental Transactions

Representation of a Fortune 50 energy company in connection with the divestiture of \$600 million in oil and gas assets subject to pending administrative, civil and criminal investigations.

Representation of a global leader in specialty chemicals in connection with the divestiture of a specialty-batch chemical manufacturing facility subject to pending federal civil and criminal investigations.

Representation of a leading lawn and garden manufacturer in connection with the potential acquisition of a fertilizer manufacturing facility.

Representation of a leading lawn and garden manufacturer in connection with the divestiture of product lines subject to pending federal civil and criminal investigations.

Representation of an aerospace conglomerate in connection with the provision of engineering consulting services to offshore oil and gas platforms.

Representation of one of the largest pipeline companies in the United States in connection with multiple access and indemnity agreements, due diligence efforts, and real estate acquisitions.

Representation of one of the world's largest asset managers in connection with lender liability issues associated with term loans secured by real estate.

Representation of a financial services firm with an energy focus in connection with institutional controls necessary to maintain bona fide prospective purchaser protections following the acquisition of a Superfund site.

Representation of a commercial real estate investment firm in connection with a lender's request for an environmental opinion relating to a utility's obligations to remediate a transformer leak on the acquired property.

Credentials

EDUCATION

J.D., University of Virginia, Editorial Board, Virginia Journal of International Law
B.A., English, University of Virginia, Dean's List, Phi Alpha Theta International History Honor Society, Order of the Omega Greek Honor Society, Theta Chi Fraternity (President)

ADMISSIONS

U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Seventh Circuit
U.S. Court of Appeals for the D.C. Circuit
U.S. District Court for the Eastern District of Virginia
U.S. District Court for the Northern District of Illinois
U.S. District Court for the District of Columbia
District of Columbia
Illinois
Virginia

ASSOCIATIONS

Illinois State Bar Association
ABA, Section of Environment, Energy, and Resources and Criminal Justice Section
Virginia Bar Association, Environment, Natural Resources, and Energy Law Section
Virginia State Bar, Environmental Law Section
District of Columbia Bar, Environment, Energy and Natural Resources Section
The Chicago Bar Association

LANGUAGES

English

Recognition

Lawdragon 500 Leading Environmental and Energy Lawyers
LAWDRAGON INC. (2021)

Recommended Practitioner
LEGAL 500 USA (2018-2020)

Recognized Practitioner
BENCHMARK LITIGATION (2016)

Rising Star - Washington, DC
SUPER LAWYERS (2013)

Rising Star - Environmental
LAW360 (2013)

Insights

ARTICLE

January 25, 2021

Environmental Aspects of Real Estate and Commercial Transactions: Acquisition, Development,

and Liability Management, Fifth Edition

FEATURE

February 10, 2021

General Counsel Internal Investigations Decision Tree for the Automotive Industry

January 22, 2021

General Counsel Internal Investigations Decision Tree for the Energy Industry

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Events

SPEAKING ENGAGEMENT

February 11, 2021

Karl Heisler, Peter Hsiao, Jim Vines to Speak at Texas General Counsel Forum About Environmental and Workplace Safety Law Under the Biden Administration

January 21, 2021

Karl Heisler to Speak on Lawline Webcast About Environmental and Workplace Safety Law Under the Biden Administration

November 19, 2020

Karl Heisler to Teach at 29th Annual Eastern Boot Camp on Environmental Law

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News

IN THE NEWS

January 14, 2021 • Source: E-Scrap News

Karl Heisler, as counsel for Garrison Southfield Park, provides comment on \$6 million CERCLA settlement

November 19, 2020 • Source: E-Scrap News

Karl Heisler quoted, as counsel for Garrison Southfield, about Sony Electronics CERCLA settlement

August 12, 2020 • Source: Bloomberg Law

K&S counsels Garrison Southfield Park before an Ohio federal court, which affirmed that the e-waste-related settlement agreements reached by the property management company were fair

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