

Chris Habel

Member-in-Charge of the Cincinnati Office of Frost Brown Todd

Chris is the Member-in-Charge of the Cincinnati Office of Frost Brown Todd. In that role he leads over 150 attorneys in the execution of the firm's strategy in this key Middle American market while also leading his hometown on numerous civic and charitable initiatives. Chris leverages his engineering background in his environmental, construction and DOT hazardous materials transportation law practice. He counsels clients on a wide variety of environmental issues and represents them in federal and state environmental litigation. As an engineer, he is as comfortable and confident in the courtroom as he is on the plant floor and brownfield sites. With a passion for manufacturing and technology, he conducts regulatory compliance audits to proactively help manufacturing clients avoid much greater liability. He is also involved on deal teams where he advises buyers, sellers, and lenders on environmental considerations in real estate transactions and business acquisitions and divestitures. He has extensive technical and legal expertise in the investigation, remediation and redevelopment of contaminated properties. He applies his civil engineering and construction background to provide sound legal and technically-feasible solutions to client problems.

Representative Matters

Representing two separate large cap publicly-traded international manufacturing clients in management of numerous contaminated legacy sites and third-party sites throughout the United States. This involves near daily interaction with the clients, environmental consultants and regulatory agencies on the development and execution of 8-figure environmental investigations and remedial actions, use of state brownfield programs, citizen suits and Superfund litigation. At one site, Chris is working extensively with the client and local community to return nearly 1,500 acres with a century of industrial activity into a conservation, recreation and education center that will benefit the local community and region.

Representing large company as plaintiff in action against a neighboring landfill that is continuously discharging leachate into streams and groundwater that is migrating and polluting client's property and 60-acre lake. The case has proceedings in federal and state court, including briefs and argument before the Tennessee Supreme Court.

Representing City of Cincinnati and its Greater Cincinnati Water Works in a water service area dispute with the City of Harrison in which Cincinnati won every issue in the case on a motion for summary judgement.

Represented a national homebuilder in a subdivision that was constructed on a former skeet shooting range contaminated with lead and arsenic. This high profile case with national media

coverage became a U.S. EPA Superfund site where homes were repurchased and 23,000 tons of soil was removed. Chris was involved in all aspects of the investigation of the site, remedial design and remedial action, negotiated the settlement with U.S. EPA and assisted in the federal court cost recovery litigation against third parties.

Assisted in the representation of construction clients on geotechnical and structural engineering issues in major construction disputes. The issues have involved bad topographic surveys resulting in faulty soil quantity volumes in contract documents, catastrophic foundation system failure on a school building, landslides, differential settlement and slope stability problems, faulty concrete and storm drainage system failures.

Successfully represented the National Solid Wastes Management Association in its challenge to a rule enacted by a Canton-area solid waste management district that would disrupt the management of solid waste throughout much of northeast Ohio. The rule attempted to ban waste generated in numerous Ohio Counties from private landfills in the Canton area. The case went to the Ohio Supreme Court. He represents the solid waste industry in disputes with local governments over solid waste flow control and disposal fee ordinances that cause disruption to the efficient management of solid waste.

Completed air emissions calculations, performed complex computer dispersion modeling of air emissions and obtained minor, synthetic minor and major source Title V air permits for numerous air emissions sources throughout the Midwest. Representative facilities and sources include metal fabricating and coating, wood products manufacturing and coating, synthetic marble manufacturing, bulk liquid and dry products river terminals, plating operations, chemical manufacturing, flavoring manufacturing and large coal and wood-fired industrial boilers.

On behalf of a potential buyer, led the environmental due diligence on a bankrupt oil refinery and associated gas stations prior to the auction sale. On behalf of a bankruptcy trustee, handled the environmental aspects on the liquidation of nearly 75 convenience stores with fuel islands.

Led the environmental compliance audit of more than 750 facilities in 39 states for a nationwide telecommunications client. Through use of U.S. EPA's Environmental Audit Policy and state equivalents, more than \$2 million in penalties were waived. Headed a similar audit of 450 facilities in three states that resulted in waiver of over \$900,000 in penalties.

Assisted in the audit of a regional hospital system and negotiated purchase agreement to address compliance issues.

Assisted in the successful challenge of a surface mining permit issued in a prime agriculture area and successfully defended a surface mining permit issued near a historic civil war battlefield.

Assisted in the successful defense of an above-ground storage tank construction contractor on a multi-million dollar federal case involving an alleged 38,000-gallon gasoline leak to soil and groundwater.

Provided support and oversight on the closure of more than 60 underground storage tanks in Ohio and Kentucky including corrective actions and state UST fund reimbursement claims.

Represented numerous landlords and a large metropolitan school district on lead-based paint concerns and enforcement actions brought by local health departments, U.S. EPA and HUD.

Representative Experience

- **Judge Luebbers Issues a “Watershed” Win for Cincinnati Waterworks**
- **Chemical Manufacturing: Brownfield Redevelopment and Sustainability**
- **Public School: Asbestos Release and Abatement**

Highlights & Recognitions

- **Selected for inclusion in *Ohio Super Lawyers*®, 2010 - 2016 and *Rising Stars*®, 2005-2007**
- ***The Best Lawyers in America*®, 2005-2017**
- ***Chambers USA*, Natural Resources & Environment, 2006-2016**
- **AV® Rated, *Martindale-Hubbell*®**
- ***Cincy Magazine* Power 100, 2016**
- **League of Ohio Sportsmen State Conservationist of the Year 2014**

Memberships & Affiliations

- **American Bar Association**
- **Ohio State Bar Association, Environmental Law Section**
- **Cincinnati Bar Association, Environmental Law Committee, Past Chair**