



Chris Locke

Of Counsel

clocke@fbm.com

San Francisco: 415.954.4486

Chris Locke, a former chair of the environmental law practice at Farella, has more than 35 years of experience counseling and representing clients in all aspects of environmental law, environmental litigation, and enforcement defense. He is a Fellow of the American College of Environmental Lawyers (ACOEL), a former Director of the Environment Law Institute (ELI), and is recognized by Chambers USA as a leading California lawyer in environmental law.

Chris' practice includes defense of federal and state enforcement actions, representation in actions involving CERCLA, RCRA, the Clean Water Act, the Clean Air Act, the Endangered Species Act, and other federal and state statutory and common law claims, as well as cost recovery litigation and citizen suit defense. Drawing on his experience as a former federal prosecutor, Chris' practice includes internal investigations, grand jury representation, and defense of criminal enforcement actions. Chris also assists clients with regulatory compliance, permitting and representation, project development strategies, and NEPA/CEQA/land use proceedings and related litigation.

Chris' clients span a broad range of representation of both public and private interests, including energy, manufacturing, mining, real estate development, scientific research, technology, telecommunications, transportation, and wine businesses. Throughout his career, he has been recognized by clients for his strategic approach, whether in trial or appellate courts, regulatory or land use proceedings, or long-term business planning and risk management.

Chris is described by clients as a "master strategist and exceptional litigator," and has been commended for his skill and efficiency in understanding and achieving clients' goals. His experience is summarized [here](#) and includes:

- Defense judgment for transportation company following month-long trial of state Superfund contribution action relating to former wood treating site, in federal District Court in Washington.
- Successful challenge to Air District permit conditions for renewable energy project which, following evidentiary hearings by review board, were found not supported by BACT criteria.
- Dismissal with prejudice, affirmed on appeal, of claims against wineries for alleged failure to warn of arsenic, in Los Angeles Superior Court and the California Court of Appeal.
- Representation of geothermal energy company in federal and state lease and license renewals, including CX determinations under NEPA and CEQA, in California.
- Dismissal of Clean Water Act citizen suit for alleged storm water discharge violations at university construction and industrial sites, in federal District Court in California.
- Decline of prosecution by District Attorney for alleged hazardous waste and water quality violations at surface mining facility in Alameda County, California.
- Favorable settlement following partial summary judgment for transportation company in 230-plaintiff action relating to alleged groundwater contamination and vapor intrusion.
- Successful defense, resulting in judgment on the pleadings, in defending Supervisors' approval of EIR for expansion of Skywalker Ranch in Marin County, California.

Chris began his career as a Legislative Assistant to then-Congressman Christopher Dodd, and as a Research Analyst/Investigator for the U.S. House of Representatives' Select Committee on Assassinations, evaluating the circumstances surrounding the assassination of Dr. Martin Luther King, Jr. and recommending legislative reforms. Prior to private practice, Chris served in the Attorney General's Honor Law Graduate Program, as a federal prosecutor with the Criminal Division of the U.S. Department of Justice in Washington,

Services

- Air Quality and Climate Change
- Appellate Litigation
- Environmental Law
- Environmental Litigation
- Environmental Regulatory / Compliance
- Energy + Infrastructure
- Land Use / Development
- Natural Resource Protection
- White Collar Criminal Defense and Internal Corporate Investigations

Education

- University of California, Berkeley, School of Law (J.D., 1981)
- University of Massachusetts, Amherst (B.A., 1975)

Bar Admissions

- California

Court Admissions

- U.S. District Court (C.D. Cal.)
- U.S. District Court (E.D. Cal.)
- U.S. District Court (S.D. Cal.)
- U.S. District Court (N.D. Cal.)
- 1st U.S. Circuit Court of Appeals
- 5th U.S. Circuit Court of Appeals
- 9th U.S. Circuit Court of Appeals
- 11th U.S. Circuit Court of Appeals
- U.S. Supreme Court
- All California Courts

D.C., assigned to the Appellate Section and the Organized Crime Strike Force; and later as an Assistant U.S. Attorney for the Northern District of California, in San Francisco.

Chris is a frequent lecturer and author on developments in environmental law, renewable energy, criminal enforcement and defense, trial strategy, and evidence. He is also a member of ELI's Leadership Council, and formerly served on the boards of directors of ELI, the Marin County Bar Association and Legal Aid of Marin, and was a co-chair of Farella's Diversity Committee.

Distinctions

- *Chambers USA*, Environment - California, Band 3 (2011-Present)
- *Best Lawyers in America*, Environmental Law; Litigation—Environmental; Mass Tort Litigation / Class Actions - Defendants (2011-Present)
- The Lawdragon Green 500: Leaders in Environmental Law (2023-Present)
- *Who's Who Legal: Environment* (2017-Present)
- Northern California *Super Lawyers*, Environmental Litigation (2004-2008, 2010-Present)

Memberships and Affiliations

- Fellow, American College of Environmental Lawyers (2017-present)
- Member, Leadership Council, Environmental Law Institute (2002-present)
- Section on Energy, Environment and Resources, American Bar Association
- Environmental Litigation Committee, Section on Litigation, American Bar Association
- Member, Board of Directors, Marin County Bar Association (2020-2022)
- Member and Past President, Board of Directors, Legal Aid of Marin (1996-2003, 2010-2017)
- Member, Board of Directors, Executive Committee, Environmental Law Institute (2002-2010)
- Assistant U.S. Attorney, Northern District of California (1983-1986)
- Trial Attorney, Criminal Division, U.S. Department of Justice (1981-1983)
- Research Analyst/Investigator, Select Committee on Assassinations, U.S. House of Representatives (1976-1978)
- Legislative Assistant, Congressman Christopher J. Dodd, U.S. House of Representatives (1975-1976)

Experience

Representative Cases and Matters for Chris Locke

Air Quality Counseling and Representation

Represented energy company in successfully challenging permit conditions imposed by BAAQMD for renewable energy project which, following three days of evidentiary hearings by review board, were found not to be supported by BACT criteria.

Represented quarry operator in litigation involving alleged failure to warn of exposure to diesel emissions, resulting in voluntary dismissal of plaintiff's lawsuit and formal withdrawal of claims in CEQA proceedings for renewal of mining permit.

Representation of asphalt plant owners in administrative enforcement by BAAQMD, resulting in favorable resolution of claims for alleged violations of permitting requirements at facilities in Sonoma County and Contra Costa County, California.

Representation of major refiners in CARB rulemaking proceedings involving reformulation requirements for

gasoline and diesel fuels for distribution in California.

Representation of major refiner in successful defense and civil resolution of alleged criminal violations relating to failure to prevent and correct unpermitted air releases and related issues at petroleum refinery in Contra Costa County, California.

Representation of contractor in successful civil resolution of alleged criminal violations involving fugitive dust emissions during blasting and grading activities in subdivision under development in El Dorado County, California.

Civil and Criminal Enforcement Defense

Representation of major telecommunications provider in successful civil resolution of enforcement action by the California Attorney General and 23 District Attorneys' offices concerning alleged underground storage tank and hazardous waste violations at more than 400 facilities.

Representation of commercial grading contractor in civil resolution of enforcement action for alleged storm water violations in highway construction in Placer County and subdivision development in El Dorado County, California.

Representation of construction material manufacturer in successful defense and resolution of criminal prosecution by District Attorney for alleged unlawful disposal of hazardous materials and wastes in Alameda County, California.

Representation and defense of consumer product manufacturer resulting in decline of prosecution by the United States Attorney for alleged criminal violations of Endangered Species Act and other statutes in the importation and distribution of medicinal products.

Representation of major metal recycling company in successful civil resolution of alleged criminal violations resulting from alleged unpermitted discharge of industrial materials in storm water at facility in San Bernardino, California.

Representation and defense of corporation resulting in decline of prosecution by District Attorney for alleged hazardous waste and water quality violations at surface mining facility in Alameda County, California.

Representation of winery management company in successful civil resolution of alleged Fish & Game Code and water quality violations by the District Attorney relating to application of pesticides at vineyard in Sonoma County, California.

Representation of contractor in successful civil resolution of USEPA and federal grand jury investigation of alleged criminal violations of Clean Air Act for alleged failure to comply with NESHAPs for asbestos abatement during demolition and remodeling of school.

Representation of clients in several ongoing CERCLA Superfund actions by EPA and/or private parties for response costs and contribution in northern and southern California.

Citizen Suit Defense

Representation of transportation company in response to Clean Water Act citizen suit claims for alleged storm water violations in Butte County, California, resulting in citizen group's voluntary abandonment of claims.

Representation of university in litigation and favorable settlement in citizen suit for alleged Clean Water Act violations involving storm water discharges from campus construction and industrial sites, in federal District Court for the Northern District of California.

Representation of major refiners in litigation resulting in favorable settlements that included denial of award of attorneys' fees to co-plaintiff, in Clean Water Act citizen suits involving discharge from wastewater treatment

plant at refineries in Contra Costa County, California.

Representation of railroad in litigation and favorable settlement, imposing no financial or other obligations, in citizen suit for alleged Clean Water Act and Resource Conservation and Recovery Act violations, in federal District Court for the Northern District of California.

Representation of owner and developer of residential subdivision in litigation and favorable settlement in citizen suit for alleged Clean Water Act violations involving storm water discharges from construction site, in federal District Court for the Northern District of California.

Representation of asphalt plant operator in responding to Clean Water Act citizen suit claims involving alleged discharge of industrial materials at facility in Alameda County, California.

Representation of public utility in litigation and favorable settlement in citizen suit for alleged Clean Water Act violations involving alleged discharge of pollutants in storm water during utility pipeline construction, in federal District Court for the Northern District of California.

Toxic Tort Defense

Representation of railroad in litigation, resulting in favorable settlement following partial summary judgment, for property damage, personal injury and fear of future illness relating to groundwater contamination and vapor intrusion, in Contra Costa County Superior Court.

Representation of major petroleum company in litigation and favorable settlement in action for property damage, personal injury and fear of future illness claims by 18,000 plaintiffs relating to air releases from refinery, in Contra Costa County Superior Court.

Representation of group of major manufacturers in litigation and favorable "cost of defense" settlement following successful pretrial motions to exclude evidence in 3,900 plaintiff litigation for property damage, personal injury and fear of future illness in Riverside County Superior Court.

Representation of tire manufacturer in litigation and favorable settlement, and "cost of defense" pretrial settlement, in 2,000 plaintiff toxic tort action in Stark County (Ohio) Court of Common Pleas.

Representation of major refineries in litigation for alleged personal injuries and business losses, resulting in judgment on the pleadings for the defense and an award of sanctions against plaintiffs and their counsel, in United States District Court for the Northern District of California.

Prosecution of Cost Recovery Actions

Successful prosecution of claims resulting in \$4.6 million settlement for commercial landowner following favorable rulings on pretrial motions in environmental cost recovery litigation against former tenants at marine refueling facility in Monterey County, California.

Successful prosecution of claims resulting in \$9.95 million settlement for commercial landowner upon commencement of trial in environmental/construction defect cost recovery litigation against contractors for releases from refueling system at recycling facility in Orange County, California.

Successful prosecution of claims resulting in \$2.3 million settlement for commercial landowner following successful motions on key CERCLA and RCRA liability issues in environmental cost recovery litigation against former tenants at wood treating facility in Multnomah County, Oregon.

Successful prosecution of claims resulting in favorable settlement for vehicle manufacturer and commercial landowner in environmental cost recovery litigation against former tenant at industrial manufacturing facility in Santa Clara County, California.

CERCLA/Natural Resource Damage Defense

Representation of transportation company in obtaining defense judgment and dismissal with prejudice

following trial of state Superfund contribution action relating to former wood treating site, in federal District Court in Washington.

Representation of PRP group and successful "ability to pay" settlement with USEPA for less than allocated shares in CERCLA/Superfund action involving the Baldwin Park Operable Unit, Los Angeles County, California.

Representation of metals manufacturer and successful opposition to discovery and third party complaint resulting in avoidance of CERCLA natural resource damage and Clean Water Act claims relating to New Bedford Harbor, in federal District Court in Massachusetts.

Representation of mining company in successful defense and favorable settlement of CERCLA natural resource damage and Clean Water Act claims relating to tailings at former cobalt mine, in federal District Court in Idaho and in the Ninth Circuit Court of Appeal.

NEPA, CEQA and Land Use

Representation of geothermal energy company in obtaining categorical exclusions for federal lease and license renewals under NEPA and categorical exemptions under for state lease renewals under CEQA, and representation in other land use/permitting proceedings.

Representation of quarry owner in obtaining unanimous EIR certification, approval of reclamation plan and renewal of mining permit by County Supervisors, and favorably resolving CEQA challenge to County approval, for surface mining and related operations in Marin County, California.

Representation of commercial landowner in obtaining County Supervisors' approval for proposed construction of asphalt plant and barge off-loading facility in Sonoma County, California, and in challenging reclamation requirements imposed for facility in Contra Costa County, California.

Representation of commercial landowner in successful defense and settlement of nuisance litigation by homeowners group seeking to end surface mining and asphalt production operations at facility in Marin County, California.

Representation of landowner/lessor in development strategies, agency negotiations, air and water permitting and CEQA review relating to development of surface mining and asphalt production facilities in Alameda County, California.

Water Quality Counseling and Representation

Representation of owner and developer of residential subdivision in addressing Clean Water Act 401/404 issues, developing strategies and documentation, and negotiations with agencies and homeowners' representatives for project in Alameda County, California.

Representation of quarry owner in addressing water quality issues, developing strategies and documentation, and negotiations with agencies for continued surface mining and related operations in Marin County, California.

Representation of asphalt plant operator in addressing water rights and water quality issues, developing strategies and documentation, and negotiations with agencies, for project in Sonoma County, California.

Representation of telecommunications company in responding to Fish & Game Code and water quality issues, including successful agency negotiations and response actions, following discharge to surface water during horizontal drilling activities, in Mendocino County, California.

Representation of wine-related business in responding to Clean Water Act and Fish & Game Code issues, including successful negotiations with Water Board and citizen group, concerning alleged discharge of pollutants to surface water in Sonoma County, California.

Hazardous Waste Counseling and Representation

Representation of construction company and developer in evaluating hazardous waste compliance issues and strategies at facilities and projects in several California counties.

Representation of owner of gasoline stations in addressing releases from underground tanks, coordinating remedial and risk evaluations, developing action plans, and related negotiations with USEPA, on Native American lands in Arizona.

Representation of owner of former uranium mine in coordinating remedial and risk evaluations, developing action plans, and related negotiations with USEPA, at facility in New Mexico.

Representation of railroad in litigation and favorable settlement, imposing no financial or other obligations, in citizen suit for alleged Resource Conservation and Recovery Act violations, in federal District Court for the Northern District of California.

Representation of numerous manufacturers, landowners, and commercial and industrial businesses in evaluating hazardous waste compliance issues, conducting internal investigations and compliance audits, and interfacing with regulatory agencies.

Product Stewardship/Liability Defense

Representation of major wineries in obtaining dismissal with prejudice, affirmed on appeal, of claims of failure to warn of trace amounts of arsenic, in Los Angeles Superior Court and the California Court of Appeal for the Second District.

Representation of pipe and fitting manufacturer in successful defense and settlement of class action for alleged defects in fire extinguisher sprinkler systems, in United States District Court for the Northern District of California.

Representation of manufacturer of leather care and cleaning products in successful defense and favorable resolution of alleged FIFRA, TSCA and toxic tort claims by USEPA and private litigants, in United States District Court for the Eastern District of California.

Representation of health care provider in successfully seeking reimbursement from pharmaceutical device manufacturer for costs incurred for additional medical services required by defective hip implants, in Alameda County Superior Court, California.

Representation of baby shampoo manufacturer in responding to Proposition 65 claims of failure to warn of exposure to listed chemicals, resulting in voluntary dismissal of action with no requirement for warnings, reformulation or settlement payment.

Representation of university in successfully prosecuting claims and obtaining an injunction against ENRON for failure to provide electric service as required by contract for campuses throughout the state, in United States District Court for the Northern District of California.

Representation of facility operator in wrongful death litigation against equipment manufacturers for alleged malfunction of metal shredder at recycling facility.

Representation of numerous manufacturers, distributors and commercial facility owners in responding to Proposition 65 claims relating to alleged failure to warn of listed chemicals in consumer products and air emissions, and alleged discharges to drinking water.

Representation of numerous manufacturers, distributors and commercial facility owners in evaluating regulatory compliance requirements, developing sustainable practice and renewable energy programs, and coordinating legislative representation and public relations.

Publications

June 2, 2020

Batteries, Bankruptcies and the Future of Renewable Energy

Marin Lawyer

1/25/2017

Troubled Waters at the High Court

Daily Journal

1/9/2017

Utility-Scale Battery Storage Systems: Legal Issues and Opportunities

6/1/2016

U.S. Supreme Court Issues Landmark Decision Authorizing Review of Wetland Jurisdictional Determinations

12/21/2015

California Supreme Court Rejects CEQA Guideline Requiring Analysis of the Existing Environment's Impacts on a Proposed Project

12/17/2015

U.S. Supreme Court Agrees to Decide Important Case Affecting Development in Wetlands

December 3, 2015

New Challenges for CEQA Review of Development Projects After California Supreme Court Invalidates Greenhouse Gas Analysis and Species Mitigation Measures

6/1/2015

Troubled Waters: Clean Water Act Jurisdiction Remains Muddled After New Rule Issued

3/31/2015

Court Of Appeal Upholds "Safe Harbor" Exemption From Prop 65 Warnings For Lead In Fruit Products

3/24/2015

Arsenic in Wine: What You Need to Know About the Class Action Claims

3/4/2015

California Supreme Court Strengthens CEQA's Categorical Exemptions

3/3/2015

Prop 65 Amendment Would Limit Frivolous Claims and "Overwarning"

1/16/2015

Proposition 65 Plaintiff Group Seeks to Rescind "Safe Harbor" Standard for Lead

Outside the Office

When he is not practicing law, Chris may be found hiking or biking on Bay Area trails; travelling and trekking to destinations of cultural, historical and natural interest, recently including Bhutan, Peru, Botswana and Morocco; or indulging his life-long passion for motorsports, competing at historic racing events at legendary circuits throughout the world.

