SpencerFane®

Jessica Merrigan

Partner

Contact

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Overview

Jessica Merrigan is a partner in the Kansas City and Overland Park offices of Spencer Fane. She counsels clients on environmental matters regarding regulatory requirements and represents them in litigation of environmental claims, including contribution claims under the federal Superfund law.

Jessica has significant experience helping clients in administrative negotiations with both the Environmental Protection Agency and state agencies, advises them on additional or equivalent state law requirements, and assists clients with facility audits, compliance initiatives, and waste reduction programs.

Throughout her career, Jessica has worked with clients to monitor the ongoing changes in chemical regulations and implement programs to manage evolving state, local, and federal requirements for chemical management, disclosure, and research.

Jessica advises clients in the complex permitting, operations, and reporting processes of federal and state regulatory programs. This includes obtaining, defending, and modifying Clean Air Act permits to support companies through changing operations and changing legal requirements.

Jessica also helps clients with environmental issues involved in property redevelopment and real estate transactions. Her work includes review of environmental assessments, evaluation of potential environmental liabilities associated with real estate transactions including those created by CERCLA, and evaluation of eligibility for federal and state Brownfields assistance programs. In addition, she works with clients to transfer and maintain permits, through the completion of appropriate plans and applications and coordination with responsible agencies. Her experience has included national, regional and local projects ranging from single-site sales to transactions involving hundreds of millions and up to $2 billion in assets.

Education

- Washington University School of Law, 2003 (J.D.)

- University of San Diego, 2000 (B.A., Chemistry)

Bar Admissions

- Kansas
- Missouri

Court Admissions

- U.S. District Court for the District of Kansas
- U.S. District Court for the Eastern District of Missouri
- U.S. District Court for the Western District of Missouri

Community Involvement

- Kansas City Women's Public Service Network, 2020-present
- The Surplus Exchange, Board Co-Chair 2018-2020; Board Member 2016-2020
- MARC Head Start Advisory Board, 2011-2017

Distinctions

- American College of Environmental Lawyers, President
- *Chambers USA*, Environmental, 2016-2026
- *Missouri Lawyers Media,* POWER List, Environmental Law, 2022-2026
  - Law Firm Leader, 2024
  - Women's Justice Award, Litigation Practitioner, 2023
- *Best Lawyers in America,* Administrative / Regulatory Law; Environmental Law; Mass Tort Litigation / Class Actions – Defendants; Water Law, 2016-2027
  - Lawyer of the Year, Environmental Law, 2022, 2025
- *Business Today,* Top 10 Most Influential Environment Lawyers in Kansas City 2023
- *National Law Journal*, Energy & Environmental Trailblazer, 2015
- *KC Business Magazine,* Rising Star, 2015
- *Missouri & Kansas Super Lawyers,* 2025-2026
- *Missouri & Kansas Super Lawyers,* Rising Star, 2008-2017
- *Missouri Lawyers Weekly,* Up & Coming, 2012
- *Kansas City Business Journal,* Best of the Bar, 2010-2012

Memberships

- American Law Institute Continuing Legal Education, Advisor
- Kansas City Metropolitan Bar Association, Environmental Committee, Vice-Chair, 2010-2012
- Kansas City Metropolitan Bar Association, Blue Ribbon Panel on Civility in Legal Practice
- Missouri Waste Control Coalition, Advisory Board 2010-2011; Director, 2011-2013
- American Bar Association, Section of Environment, Energy and Resources, Steering Committee, Fall 2020 Conference
- Association of Women Lawyers, Kansas City

Presentations and Publications

- "Considerations for Superfund and Brownfield Site Development for Data Centers," Midwest Environmental Compliance Conference, September 2026
- "PFAS and More: Managing Risk Outpacing Regulation," REGFORM Water Conference, July 2026
- From Superfund to Server Hall: Considerations for Superfund and Brownfield Site Development for Data Centers," Midwest Air & Waste Management Association Technical Conference, April 2026
- "What's Changed In Army Corps' Reissued Nationwide Permits," *Law360*, March 2026
- "Strengthening Cooperative Federalism and the Impact of the Criminal Enforcement Executive Order," REGFORM Missouri Water Seminar, July 2025
- "Navigating the Complexities of Today's Legal Landscape: A Federal Executive Order Update," Spencer Fane Advantage CLE, June 2025
- "Administration Change Regulatory Update Presentation," Alliance of Hazardous Materials Professionals – Heartland Chapter, April 2025
- "Presidential Transition Legal Overview Presentation," A&WMA Midwest Annual Technical Conference, April 2025
- "Reducing Risk in Your Risk Communications, A&WMA Midwest Annual Technical Conference," April 2025
- "Is this a Do-able Deal? – Considerations for Environmental Lawyers," ABA SEER Environmental Transactions Masterclass: Hot Topics and Emerging Issues for 2023 and Beyond, September 2023
- "Environmental Justice and its Impact on EHS Management," Midwest Environmental Compliance Conference, September 2023
- "PFAS – Legal Update and Environmental Forensics," A&WMA Midwest Section Environmental Technical Conference, May 2023
- "Update on Proposed Changes to RMP (the Proposed Safer Communities by Chemical Accident Prevention)," Missouri Air Compliance Seminar, November 2022
- "Local NGO and Air Monitoring," Missouri Air Compliance Seminar, November 2022
- "Impact of Environmental Justice on Siting, Permitting, Operations, Citizen Monitoring, Enforcement and Remediation," Missouri Air Compliance Seminar, November 2022
- "Emerging Contaminants: PFAS/PFOA, 1,4 dioxane, and Beyond," Midwest Environmental Compliance Conference, September 2022
- "Parts per WHAT?! Grappling with EPA's Reduced PFAS Health Advisory Levels," Missouri Water Seminar, July 2022
- "The Long Winding Road(Map) to PFAS Regulation," Air and Waste Management Association, February 2022
- "PFAS – The (Rapidly) Evolving Technical and Legal Landscape," Missouri Environmental Compliance Conference, October 2021
- "Regulatory Review and Forecast," Air and Waste Management Association, Midwest Section, Annual Conference, October 2019
- "The Five Million Dollar Comma Mistake," 2019 Midwest Environmental Compliance Conference, April 2019
- "The Long Road to Superfund Reform," 2018 ABA Section of Energy & Environment Resources Annual Conference, San Diego, CA, October 2018
- Moderator, Environmental Health & Safety Best Practices," 2018 Midwest Environmental Compliance Conference, Kansas City, MO, April 2018
- "Safe(r) Communications in the Age of Transparency," *Power Engineering Magazine*, August 2016
- "EPA Inspections," 2016 Storm Water Seminar, July 2016
- "Safe(r) Communications in the Age of Transparency, Midwest Environmental Compliance Conference, May 2016
- "TSCA Reform, Midwest Environmental Compliance Conference, May 2015
- "Current Issues in Storm Water Regulation, presented by Lorman Education Services, November 2012
- "CERCLA Private Cost Recovery: How Courts are Directing Traffic Five Years After Atlantic Research," ALI-ABA, April 2012
- "Environmental Issues in the Foreclosure Process, Missouri Foreclosures and Workouts," NBI, April 2012

- Author, "Green Chemistry and Beyond: The Changing World of Chemical Regulation," Associate Industries of Missouri, October 2010
- *Environmental Insurance*, New Appleman on Insurance Law Library Edition, Chapter 27, October 2010
- "Landfill Gas Migration," 2009 Missouri Waste Control Coalition Conference, June 2009
- "Going Beyond Due Diligence," Kansas Environmental Conference, August 2008
- "RCRA Compliance and Waste Reduction," Missouri Chamber Conference at the Lake of the Ozarks, July 2008
- "Industrial Storm Water Compliance," Missouri Waste Control Coalition Conference, June 2008
- "Environmental Risk Management," Associated Industries of Missouri Midwest Region Conference, April 2008
- *Understanding Environmental Insurance*, Appleman on Insurance Law and Practice, 2nd ed. Matthew Bender & Company, Inc., 2008
- "Environmental Issues in Property Development, Mastering Land Use and Planning Processes," National Business Institute, January 2008

Related Experience

- Represented participant in multiparty Superfund site during negotiations of remedy change with EPA Region VII and MDNR, including National Remedy Review Board review process. This included coordination with private and public co-PRPs and management of substantial public interest in remedial selection process.
- Negotiated revised RCRA post-closure permit to facilitate full transfer of site authority to MDNR (from shared EPA Region VII / MDNR approach) and implement corrective action objectives for 1,4-dioxane plume extending on and off site.
- Represent purchaser of portion of closed Kansas City industrial facility, including negotiations with EPA Region VII to remove parcel from RCRA Corrective Action permit. Successfully confirmed limited groundwater monitoring as extent of future remedial obligations to MDNR.
- Significant multi-party Superfund experience representing clients at all stages, from start of information request and site investigation, through allocation, and through management of long-term O&M. This has included coordination of PRP groups and agency negotiations, resolution of Natural Resource Damage Claims and negotiation of settlements providing for participation and cash-out funding.
- Advising party in coordinated RCRA Corrective Action at industrial facility, where Region VII has agreed to delineate corrective action responsibilities in accordance with negotiated terms of current and past owner.
- Negotiated Prospective Purchaser Agreement and RCRA Consent Agreement with EPA Region VII to resolve liability for on-site and off-site groundwater contamination.
- Represent participant in state led multi-party voluntary cleanup project with oversight by EPA Region VII and Headquarters. Negotiating investigation and remedial framework, including permitting process, for emerging contaminants at project garnering significant public interest and subject to multiple public hearing requirements.
- Serve as PRP group coordinating counsel for site undergoing remediation under CERCLA and RCRA consent agreements, including work with EPA Region VII on scope and application of technical impracticability waiver, remedy adjustment and ROD amendment.
- Negotiated Consent Decree resolving company-wide enforcement by U.S. Department of Justice under Clean Air Act Risk Management Program, including negotiation of Supplemental Environmental Project and limited audit program.
- Guiding multi-state air permitting strategy to support client implementation of technology upgrades, including support of variance and waiver applications.
- Representing a client in resolution of environmental liability to support wrap up of multi-state oil recycling business, including management of RCRA closure and corrective action, permitted remediation, state tank, and voluntary cleanup program processes and negotiation of property sales.
- Represented client in successful allocation to support the performance of $50+ million Superfund cleanup including cash-out settlements and negotiation of performing party agreements.

- Obtained summary judgment defeating third party challenge under the National Environmental Policy Act (NEPA) to client's Clean Water Act permit.
- Represented agribusiness client in the transfer and modification of state water rights and land application permits to support increase in water extraction, change in water use and expansion of water discharge through land application.
- Successfully defended industrial facility in administrative hearing challenge to industrial wastewater and storm water discharge permit.
- Managed nationwide compliance disclosure filings pursuant to state and local environmental permits for industrial client, coordinating more than 100 filings annually.
- Obtained summary judgment for client barring contribution claims following a de minimis settlement with the U.S. Environmental Protection Agency.
- Defended utility Clean Air Act construction permit from challenge by Sierra Club through administrative hearing, and represented numerous industrial sources in response to challenges to Part 70 Permits.
- Advise clients on evolving requirements applicable to management of coal combustion residuals and worked with industrial and waste management clients to prepare comments to state draft rules.
- Negotiated industrial water discharge permits with state and federal agencies as well as local wastewater treatment authorities, including incorporation of compliance schedules, variances and toxicity compliance demonstrations.
- Negotiated allocation of environmental liabilities and water rights to support transfer of defense property to private operator.
- Supporting clients in management of water rights including transfer, modification and division of water rights administered by the Kansas Department of Agriculture.
- Represented builders and developers in resolution of storm water enforcement.
- Negotiated settlements including supplemental environmental projects to resolve enforcement of a wide variety of environmental claims including TSCA, FIFRA, RCRA and EPCRA.