

FOULSTON

ATTORNEYS AT LAW



DAVID M. TRASTER

SPECIAL COUNSEL

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PROFILE

Mr. Traster works with clients on a wide range of environmental, water rights, and natural resource challenges. He handles administrative matters before the Division of Water Resources of the Kansas Department of Agriculture, the Kansas Department of Health and Environment, and the U.S. EPA. His practice includes litigation and facilitating transactions where water and environmental resource issues are of concern. Mr. Traster enjoys Martindale-Hubbell Law Directory's highest "AV" rating for lawyers and has been selected by his peers for inclusion in *The Best Lawyers in America*® and the *Missouri & Kansas Super Lawyers*® list. He was recognized by *Best Lawyers*® as the 2013, 2017, 2019, and 2021 Wichita Environmental Law "Lawyer of the Year," the 2020 Wichita Energy Law "Lawyer of the Year," and the 2022 Wichita Litigation - Environmental "Lawyer of the Year."

Education

- Washburn University (J.D., 1981)
- Oral Roberts University (B.A., 1978)

Admissions

- Kansas (1981)

PRACTICE AREAS

- Environmental Law
- Water Rights
- Litigation & Disputes
- Energy
- Oil, Gas & Minerals
- Administrative/Regulatory
- Native American Law

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- Renewable Energy, Electric Storage & Transmission
- Real Estate

INDUSTRIES

- Agribusiness
- Energy & Natural Resources
- Real Estate

COMMUNITY INVOLVEMENT

- Wichita Regional Chamber of Commerce, Environmental Resources Committee, Chairman
- Leadership Kansas, Class of 1996
- Wichita River Festival – Operations Committee
- Wichita Wagonmasters
- Wichita Bar Association, Legislative Committee

RELEVANT EXPERIENCE

- Mr. Traster works with numerous clients with water supply issues and concerns. He helps clients acquire, preserve and change existing water rights, create new water rights and handles water rights enforcement proceedings.
- Mr. Traster is a successful litigator and has negotiated numerous PRP allocation agreements and consent orders at superfund or superfund-type sites in Kansas and Nebraska. He has expertise with all of the major federal environmental statutes and their state counterparts, including CERCLA, RCRA, the CWA, the CAA, the SDWA and other statutes. He is presently working on several matters involving radium contamination.
- Mr. Traster was the principle draftsman and strategist for passage of the 1995 Kansas Drycleaner Environmental Response Act. He worked on behalf of the Kansas Drycleaner's to create a regulatory program and a cleanup fund for historic solvent releases from drycleaner facilities. He has successfully worked on several other legislative efforts as well.
- Concannon, Traster & Concannon, Hugoton, Kansas, General Litigation Practice, 1981-1986 Hiatt & Traster, Topeka, Kansas, General Litigation Practice, 1987-1988 General Counsel, Kansas Department of Health & Environment ("KDHE"), 1988-1990 Assistant Secretary and General Counsel, KDHE, 1990-1991

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- City of Wichita Water Utilities Advisory Committee - member
- Recognized by Best Lawyers® as the 2013, 2017, 2019, and 2021 Wichita Environmental Law "Lawyer of the Year," as the 2020 Wichita Energy Law "Lawyer of the Year," and as the 2022 Wichita Litigation - Environmental "Lawyer of the Year"

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- Selected by peers for inclusion in *The Best Lawyers in America*® in the areas of Energy Law, Environmental Law, Litigation – Environmental, and Water Law, 2003-2024
- Selected for inclusion in Missouri & Kansas Super Lawyers® List, 2005, 2006 (a Thomson Reuters business)
- Kansas Bar Association Section Leadership - Former president of the Administrative Law section; current president of the Agriculture Law section
- Wichita Bar Association - Bar-O-Meter and Legislative Committee member
- Kansas Bar Foundation - member

PRESENTATIONS

2014

- Attaining the 50 year Vision: What are the Roles of Government, Industry and Agriculture? What Partnerships and Opportunities Exist? (REAP, Regional Water Conference)
- Kansas Water Law (Annual Ellis County Bar Association, Gene F. Anderson Memorial CLE)
- Kansas Water Law – Strategies for Dealing with Increasing Demand and Dwindling Supplies (The University of Kansas, 64th Annual Environmental Engineering Conference)
- The Endangered Species Act-Lesser Prairie Chickens and other dangerous critters (Kansas Bar Association, KBA Agricultural Law CLE, Manhattan, Kansas)

2009

- Water 101: Water Rights in Kansas (REAP, Regional Water Conference)

2008

- Oxford Style Debate: Use of Market or Regulatory Mechanisms for Distribution of Water Resources (Kansas Water Office Water and Energy Conference, Wichita and Hays, Kansas)
- Environmental Issues in Real Estate Transactions (Real Estate Law: Advanced Issues and Answers, Wichita, Kansas)
- Water Rights Basics: Understanding How Your Client May - Get One, Change One, Use One, Lose One (Wichita Bar Association Real Estate Seminar, Wichita, Kansas)

PUBLICATIONS

2022

- Water Transfers in Kansas
-The Water Report #216

2014

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- Kansas Case Law Update
-KBA Agricultural Law Section

1996

- Underground Storage Tanks
-Kansas Environmental Law Handbook
- The Clean Air Act
-Kansas Environmental Law Handbook
- Kansas Environmental Law Handbook
-Co-Editor. Kansas Bar Association
- Clean Air Act
-Kansas Environmental Law Handbook
- Underground Storage Tanks
-Kansas Environmental Law Handbook

1993

- Environmental Law
-Complex Choices: Economic Development and Environmental Quality

1992

- The Kansas Storage Tank Act
-Journal of the Kansas Bar Association

ISSUE ALERTS

2022

- Proposed Kansas House Bill Would Consolidate Water Agencies and Address Depletion

2014

- Why did the Lesser Prairie-Chicken cross the road?