

MARY KATHERINE H. STUKES

Co-head of Environmental

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Mary Katherine Stukes is co-head of the firm's Environmental practice. She advises clients on environmental issues involved in all types of business transactions, as well as regulatory compliance issues and environmental litigation. Ranked in Chambers Partners USA since 2017, clients describe her as a "zealous but practical advocate."

Mary Katherine regularly leads real estate developers, governmental entities, and non-profit corporations through the process of obtaining Brownfields agreements for redevelopment of contaminated properties. She negotiates agreements with environmental agencies and counsels clients on eligibility, assessment, tax benefits, and effective structuring of associated real estate and financing transactions. Her projects include agreements for the development of various multifamily residential, hotel, office, governmental, hospitality, community development and industrial projects, including the transformation of former landfills, drycleaners, and gas stations into high-density developments in the urban cores of the major cities in the Carolinas, a minor league baseball stadium, a free-standing emergency department, a police station, a large-scale youth soccer complex, a national craft brewery, and other adaptive reuse projects.

In addition, Mary Katherine helps manufacturers, real estate developers, lenders, renewable energy companies, automotive dealerships, local governments, and other clients find creative solutions in real estate, financing, and corporate transactions involving environmental risk. She routinely negotiates agreements to allocate environmental responsibility and risk between multiple parties and also provides support in due diligence reviews and assistance with permit transfers on such transactions.

She also counsels manufacturers, lenders, and other corporate clients on a broad range of environmental risk and compliance issues. Her work in this area includes release investigation and remediation oversight, incident closure, environmental permitting, audits, reporting, and self-disclosure,

Capabilities

Civil Litigation

Environmental

Environmental, Social & Corporate Governance

Litigation, Regulatory & White Collar

Transportation, Infrastructure & Logistics

Education

J.D., University of North Carolina at Chapel Hill, 2007, with honors

B.A., Duke University, 2004

Admissions

South Carolina, 2008

North Carolina, 2007

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responses to CERCLA (Superfund) Section 104 information requests, participation in CERCLA potentially responsible party (PRP) negotiations, appeals of agency orders, defense of notices of violation and enforcement actions, waste and materials handling and disposal practices, stormwater and wastewater management issues, state and federal wetlands and other natural resource issues, and other aspects of regulatory compliance across a variety of state and federal regulatory programs.

Mary Katherine is an experienced litigator in federal, state, and administrative courts. She has represented clients in disputes over contamination, asbestos-containing materials, underground storage tanks, landfills, water quality, and other environmental issues.

"She's practical, knows the substance very well, and could get down to the issues quickly," one of Mary Katherine's clients told Chambers USA, which develops rankings using in-depth interviews and objective research. Another client praised her ability to navigate what can be a complex regulatory landscape: "Mary Katherine helped break down the walls and get the process moving."

Notable

- *Chambers USA* - North Carolina, Environmental Law, 2017-2021
- *Best Lawyers in America*, Environmental Law, 2020-2022
- *Business North Carolina's*, Legal Elite, 2015-2016, 2018-2021

Affiliations

- North Carolina Bar Association Environment, Energy and Natural Resources Law Section, Council Member, Newsletter Co-Editor, Annual Meeting CLE Co-Planner, Treasurer
- Community Link, Board of Directors; Marketing & Development Committee, Former Co-Chair
- Myers Park Presbyterian Church, Stewardship Committee & Former Annual Campaign Co-Chair
- Mint Museum Auxiliary
- Board of Directors Member, NAIOP, Charlotte Chapter, 2021
- Member, Association of Vapor Intrusion Professionals, 2021

Representative Experience

- Obtained numerous Brownfields agreements and associated tax incentives on behalf of clients redeveloping contaminated sites, including high-density commercial sites in the downtown cores of Charlotte, Raleigh, Durham, and Greensboro, each valued between \$50 million and more than \$400 million
- Advised lenders on environmental aspects of loan initiation, foreclosure, and bank-owned property portfolios
- Guided a manufacturer in the acquisition of a company subject to an EPA consent order in connection with its use of certain Toxic Substances Control Act (TSCA) "new chemicals"

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- Counseled manufacturers in managing environmental risk associated with legacy assets
- Assisted a manufacturer in the purchase of a World War I-era manufacturing site with numerous Solid Waste Management Units (SWMUs) and ongoing remediation
- Guided renewable energy developers and investors on environmental issues in connection with large-scale renewable energy project portfolios
- Counseled clients on a broad variety of environmental subjects, including endangered species and wetlands issues, National Environmental Policy Act (NEPA) reviews, Section 401 water quality certifications, wastewater and stormwater discharge issues, hazardous and solid waste management, vapor intrusion issues, requests for Coastal Area Management Act (CAMA) variances, administration of North Carolina's Dry Cleaning Solvent Cleanup Act Program, issues involving underground and aboveground storage tanks and pre-regulatory landfills, environmental insurance and statutory environmental property transfer requirements
- Negotiated numerous complex indemnity agreements, access agreements, tolling agreements, beneficial reuse agreements, escrow and remediation agreements, land-based and subaqueous easements, water withdrawal agreements, restrictive covenants, and settlement agreements and releases
- Represented a county in a dispute concerning water quality, water rights, and the relicensing of hydropower operations
- Represented a national waste services company in several odor litigation matters concerning a municipal solid waste landfill