



Mary Katherine H. Stukes

Partner

marykatherinestukes@parkerpoe.com

t 704.335.9495



Mary Katherine Stukes leads Parker Poe's Environmental Group. She advises clients on environmental issues involved in all types of business transactions and represents clients in environmental litigation and regulatory compliance issues.

A major part of Mary Katherine's practice is leading developers, nonprofits, and governmental entities through the process of obtaining Brownfields agreements for redevelopment of contaminated properties. She provides guidance on eligibility, assessment, tax benefits, negotiating agreements, and effective structuring of associated real estate and financing transactions. Her recent projects include agreements for the redevelopment of a craft brewery, a free-standing emergency department, a large-scale youth soccer complex, and multifamily residential, hotel, office, and industrial park projects.

In addition, Mary Katherine helps manufacturers, real estate developers, utilities, renewable energy companies, automotive dealerships, local governments, and other clients find creative solutions in property and corporate transactions involving environmental risk. She has significant experience negotiating contracts to allocate environmental responsibility and risk between multiple parties and also provides support in due diligence reviews and assistance with permit transfers.

"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."

She also counsels lenders, manufacturers, and other corporate clients on a broad range of environmental risk and compliance issues. Her work in this area includes oversight of remedial activities, incident closure, permitting, 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, landfills, water and air quality, and other environmental issues.



CHARLOTTE OFFICE



PRACTICE AREAS

Environmental
Governance, Risk &
Compliance



EDUCATION

Duke University
BA, 2004
University of North Carolina
at Chapel Hill
JD, with honors, 2007



ADMISSIONS

North Carolina, 2007
South Carolina, 2008



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She maintains an active pro bono practice as well. She represents abused and neglected children through North Carolina's Guardian ad Litem program, and she helps pro bono clients expunge criminal records.

REPRESENTATIVE EXPERIENCE

- Obtained numerous Brownfields agreements and associated tax credits on behalf of clients redeveloping contaminated sites, including high-density commercial sites in the downtown cores of Charlotte, Raleigh, and Durham, each valued between \$50 million and more than \$100 million.
- Advised lenders on environmental aspects of loan initiation, foreclosure, and bank-owned property portfolios.
- Assisted manufacturing and commercial clients on a variety of counseling and compliance matters that include environmental permitting, reporting and self-disclosure, release investigation and remediation oversight, responses to CERCLA (Superfund) Section 104 information requests, participation in CERCLA potentially responsible party (PRP) negotiations, appeals of agency orders, and defense of notices of violation and enforcement actions, startup and shutdown requirements, and materials handling practices.
- 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."
- Assisted a manufacturer in the purchase of a World War I-era manufacturing site with numerous Solid Waste Management Units (SWMUs) and ongoing remediation.
- Counseled clients on a broad variety of environmental subjects, including endangered species and wetlands issues, Section 401 water quality certifications, wastewater discharge 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, and statutory environmental property transfer requirements.
- Negotiated numerous complex indemnity agreements, access agreements, tolling agreements, beneficial reuse agreements, escrow and



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remediation agreements, land-based and subaqueous easements, and settlement agreements and releases.

- Represented a county in a hotly contested and highly publicized dispute concerning water quality, water rights, and the relicensing of hydropower operations during six-week trial that ended in the county's favor.
- Represented a national waste services company in several odor litigation matters concerning a municipal solid waste landfill. As part of the litigation, the South Carolina Supreme Court handed down an opinion that fundamentally changed the legal landscape for environmental torts in South Carolina, severely limiting claims and damages that may be asserted against industries in the state and holding that South Carolina does not recognize a trespass or negligence claim for odors.

PUBLICATIONS

- "Navigating Evolving Regulations for Emerging Contaminants," Industry Today, June 2019

SPEAKING ENGAGEMENTS

- "Brownfields Development in the Region," Moderator, Joint Program of Environmental Law Sections of N.C., S.C., and Ga., May 2018
- "Vapor Intrusion: Legal Aspects," Charlotte Area Environmental Breakfast Club, March 2018
- "DEQ's Risk Calculator: What It Is and How You Can Use It at Contaminated Sites," N.C. Chamber Environmental Compliance Conference, Durham, N.C., February 2018
- "When Things Go Wrong," South Carolina Association of Special Purpose Districts (SCSPD) Conference, October 2017
- "The Use of Legal Privileges to Protect Important and Sensitive Documents From Disclosure," Air & Waste Management Association Annual Conference, Raleigh, N.C., June 2015



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- "Odor Nuisance Lawsuits: The Next Wave of Litigation Against Manufacturers," Air & Waste Management Association Annual Conference, Raleigh, N.C., June 2015

HONORS

- *The Best Lawyers in America* in Environmental Law, 2020
- *Chambers USA: America's Leading Lawyers* in Environmental Law, 2017-2019
- *Business North Carolina* magazine's "Legal Elite" in Environmental Law, 2015-2016, 2018-2019

MEMBERSHIPS

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