

# ENVIRONMENTAL

Hodgson Russ's Environmental Practice has significant experience representing a diverse client base in a wide-range of environmental matters. From regulatory compliance, complex litigation, and enforcement defense, to permitting, environmental review, and due diligence in large-scale corporate and real estate transactions, our attorneys focus on their clients' objectives and adding value to their businesses.

## Due Diligence and Transaction Services

Our attorneys provide environmental due diligence and transactional services for a broad range of banking, real estate, corporate, and energy-related matters for local, national, and international clients. As part of these services, our attorneys have assessed a wide variety of environmental compliance and impairment, energy, and health and safety issues. We regularly advise clients as to the risk associated with these issues, and provide strategies to manage the risk in a manner that meets the client's ultimate goals. Some of the tasks often addressed in this capacity include the following:

- Providing detailed risk analyses of site and business-related compliance and impairment concerns, including for large, multi-sited domestic and overseas operations;
- Assessing lender liability issues associated with conditions affecting collateralized assets;
- Drafting of various types of complex provisions and agreements, including representations and warranties, covenants, indemnifications, escrow arrangements, and many others;
- Identifying and negotiating risk management and transfer tools that can be used by our clients, including environmental liability transfers and insurance products designed to address risk management in the unique context of a particular transaction;
- Directing site-remedial obligations in conjunction with the client and other third-party professionals;
- Advising on compliance with State transfer programs, such as New Jersey's Industrial Site Recovery Act and Connecticut's Transfer Act program; and
- Utilizing State-related programs to obtain tax credits and other liability mitigation opportunities, including use of the New York State Brownfields program.

## Contact

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## Professionals

### Attorneys

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Charles Malcomb  
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Joseph Reynolds  
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### Regulatory Compliance Counseling and Risk Management

Our attorneys work with clients on a daily basis to assess environmental statutory and regulatory obligations applicable to their business operations, assets, and real property, and do so in a manner that allows them to maintain their competitiveness, while still protecting the public health and environment. Our attorneys have significant experience assisting clients with:

- Assessing regulatory obligations tied to all types of regulated environmental media, including air emissions, water discharges, bulk chemical and petroleum-based use and storage, and solid and hazardous waste management and disposal requirements;
- Counseling and advising clients throughout local, State and Federal permitting processes for small to large-scale business operations;
- Overseeing State and Federal regulatory corrective action and remedial projects, including those undertaken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and related State analogs, the Resource Conservation and Recovery Act (RCRA) and State analogs, the New York State spills program, and the New York State Brownfield program, to name a few;
- Negotiating with local, State, and Federal agencies regarding alleged circumstances of non-compliance or legal liability; and
- Challenging administrative determinations by local, State, and Federal agencies through regulatory and statutory processes, including through formal written submissions and quasi-judicial proceedings held in front of Administrative Law Judges, through to appeals to the courts.

### Administrative, Civil, and Criminal Enforcement Defense

Our attorneys have successfully represented both industry and governmental entities in a wide-range of environmental enforcement actions in administrative, civil, and criminal forums. This experience involves allegations related to the release, management of, or reporting obligations associated with petroleum or other hazardous substances, violations of permit conditions and requirements, water and air quality issues, and other alleged violations of statutes or regulations across every Federal and State regulatory program. Our client-focused representation leverages Hodgson Russ's experience to provide the client with the information necessary to make critical decisions to obtain the best possible outcome. Some circumstances warrant exploring negotiation with the enforcing agencies, while others require marshalling a defense in an administrative or civil forum to drive a successful resolution of the matter. We have the experience upon which our clients rely to obtain the best possible outcome.

In addition, our firm has significant expertise representing individuals and businesses subject to State and Federal criminal environmental investigations and prosecutions through a multi-disciplinary process. As part of this expertise, our attorneys have conducted internal investigations to assess potential legal risk and the need for self-reporting. They have also handled criminal environmental prosecutions from initial contact all the way through trial, managing and directing the entire process and strategy on behalf of the client. The substantial experience our attorneys have garnered at the trial level have made them extremely effective appellate advocates, where they have handled many criminal environmental appeals in State and Federal courts.

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### Land Use, Sustainable Development, and Environmental Impact Review

Hodgson Russ has a wide-range of experience representing both public and private clients through the planning, permitting, and environmental review stages for development projects, including large-scale warehouses, residential and commercial buildings, hotels and hospitality centers, entertainment complexes, casinos, utility-scale wind, solar, co-generation and biomass energy projects, shopping centers and student-housing developments, to name a few. Hodgson Russ provides expertise in navigating environmental impact review obligations under the National Environmental Policy Act (NEPA) and the State Environmental Quality Review Act (SEQRA), Federal, State, and local permitting processes, archeological and historic resource compliance, and coastal zone management review.

Our attorneys also assist clients in obtaining project financing and incentives, including historic and New York State Brownfields tax credits, tax abatement through industrial development agencies, and tax-exempt bond issuances. We have successfully represented clients in State and Federal administrative forums on all phases of project development. Our experience begins at project inception and planning, runs through the acquisition of land control and the permitting processes, and continues to project construction. Our representation in this regard also includes the successful defense of any litigation brought challenging the underlying approvals associated with the projects and post-construction litigation. Our multi-disciplinary land-use team includes experienced litigators who understand how to develop a record at the administrative level to withstand judicial scrutiny of permitting decisions, mitigating client risk.

Our attorneys also assist clients in achieving their sustainable development goals and objectives, including matters related to green buildings, energy efficiency project development and financing, drafting of contracts that address the unique requirements of sustainable structures, and representing clients in contract disputes and other litigation involving green buildings. Additionally, we are experienced in helping companies draft and negotiate business agreements that help reduce each party's carbon footprint.

### Brownfields Redevelopment Projects

Hodgson Russ assists municipalities, financial institutions, and real estate developers in reclaiming contaminated properties for private and public uses. Through our comprehensive knowledge of the New York State Brownfield program and other federal, state, and local tax credit and financial incentive programs, coupled with real world experience in developing and implementing voluntary cleanup programs, we craft solutions to the most complex brownfield redevelopment issues while minimizing environmental risks. Additionally, with our knowledge of the practical realities of owning and maintaining impacted sites, from land use controls imposed as part of remediation efforts to the precise regulatory requirements, we have been able to assist clients in the complicated financing of brownfield projects.

### Environmental Litigation

Our attorneys regularly represent clients in a wide-range of environmental litigation matters in front of State and Federal courts across the country. Some of the types of matters that our attorneys have handled include the following:

- Government recovery and third-party New York State Navigation Law actions associated with the release of petroleum-related products at a site;

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- Toxic tort litigation matters ranging from single party defense to significant State and Federal class-action matters;
- Sophisticated, multi-party CERCLA litigation matters;
- State and Federal proceedings brought against administrative agencies for exceeding their statutory authority and rights, including in circumstances with bet-the-company implications;
- Defending private attorney general and citizen suit litigation brought by local community members against individual business concerns; and
- Article 78 proceedings in New York State court for all range of administrative decisions, including permitting decisions and compliance with SEQRA

### **Environmental Insurance Coverage Issues**

Environmental insurance coverage issues present complex questions, frequently involving claims and losses stemming from the activities of predecessor companies that ceased years ago. We provide comprehensive assistance to clients facing these challenges – from making claims on legacy insurance policies or obtaining business-related coverage, to minimizing exposure to environmental liabilities and cleanup-cost overruns. At Hodgson Russ, we understand our clients' business needs just as well as we understand the applicable law. Our understanding allows us to craft unique solutions tailored to an individual client's needs and circumstances in a timely and cost-efficient manner.

Hodgson Russ offers insurance coverage counseling to help clients resolve coverage disputes before they turn costly, or better yet, avoid them before they arise. We work with our clients to select appropriate coverage for specific exposures and potential liabilities. When they arise, we address claims in the context of available insurance portfolios, then devise a strategy to maximize coverage in as cost effective a manner as possible. When appropriate, we employ alternative dispute resolution solutions to this end. Where these options are not available, however, we zealously prosecute and defend coverage litigation in state and federal court and in arbitration. With our comprehensive litigation experience, Hodgson Russ can readily meet the challenges of complex coverage litigation, and its often extensive discovery requirements, at fair and reasonable costs. Hodgson Russ LLP has been awarded a prestigious "Best Law Firms" Metropolitan Tier 1 ranking by *Best Lawyers/U.S. News & World Report* in the Environmental Law category.

Our Environmental Practice is also recognized by *Chambers USA: America's Leading Lawyers for Business*.

### **Experience**

A Hodgson Russ team led by Terrence M. Gilbride served as counsel to a private development team hired by the City of Niagara Falls in conjunction with the development, construction, and financing of its \$45 million public safety complex. This transaction involved utilization of a first-of-its-kind public-private partnership and required procurement of special state legislation to allow for private development and construction of a municipal facility.

Hodgson Russ represented an independent oil and gas company in the acquisition of approximately 100 miles of pipelines and associated rights of way in New York.

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Lead counsel for public authority in complex environmental and construction litigation involving multiple contractors and insurers, successfully achieved multi-million dollar settlement in mediation.

Hodgson Russ represented a specialty chemical manufacturer in connection with the acquisition of a manufacturing plant in Europe. The transactions involved international tax planning, senior and subordinated debt financing, environmental issues, and responding to a governmental investigation of the effects of the transaction on competition in the marketplace.

Hodgson Russ has been critical to the extensive expansion and growth of a large commercial bank. Working closely with our client, Hodgson Russ assisted in the acquisition of both owned and leased properties, resulting in the addition of more than 500 new branches in New York, Connecticut, Massachusetts, and Pennsylvania. As part of the transactions, Hodgson Russ attorneys assisted the bank with environmental due diligence for each site. The work included coordination with environmental consultants in evaluation of site-specific risks and the identification and resolution of issues involved in transferring some sites to other parties after the initial acquisitions. The acquired branches totaled more than 2.3 million square feet and carried a purchase price of more than \$130 million. By virtue of these acquisitions, our client added an estimated \$6.5 billion in deposits.

A Hodgson Russ team represented the Buffalo Sabres and its affiliate, HARBORCENTER, in conjunction with the development of HARBORCENTER, an approximately \$200 million, 600,000-square-foot sports, retail, entertainment, parking, and hospitality complex. This first-of-its-kind mixed-used facility includes two ice rinks; a 19-story, full-service Marriott hotel; a sports-themed nightclub and restaurant; retail space; and an 800-car parking facility, all of which are connected to the existing Key Bank Center via skywalk. Hodgson Russ has worked with the Sabres on all aspects of this project from its inception, including environmental review, contract negotiations, permitting, construction, economic development incentives, financing, and tax planning.

Acted as local counsel to an international wind energy company in the closing of building and project loans on two separate windfarms in upstate NY. The aggregate building and project loans were approximately \$194 million and \$13 million, respectively.

A Hodgson Russ team led by Mr. Gilbride has served as counsel to the program provider for the \$1 billion City of Buffalo public school refurbishment, renovation, and modernization project. This project, which required seven separate special pieces of state legislature resulted in the renovation of more than 48 antiquated public school buildings. Hodgson Russ's representation extends to all aspects of this unique public-private partnership project, including procurement of state legislation, assistance in securing state education department SED approvals on construction and financing, assistance with development of strategies and funding sources for the city's portion of the project costs, assistance in procurement of tax-exempt bonding, assistance with the State Environmental Quality Review Act review process, counsel regarding MBE/WBE compliance and workforce development, and procurement of all necessary architectural and construction services.

Working with environmental consultants, Hodgson Russ attorneys have represented clients navigating liability and clean-up issues under state and federal remedial programs, such as the New York State Department of Environmental Conservation's Brownfield Cleanup Program. One example of our work in this area is the successful closure of a large, historic industrial landfill and the investigation of a former manufacturing site for consideration of remedial action.

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Hodgson Russ represented the owner and operator of a cogeneration power plant facility in Western New York. The facility generated electricity through a steam turbine and generator. Waste steam from the turbine was captured and piped to a greenhouse facility. As part of its maintenance program, our client initiated a planned major outage to overhaul its steam turbine and related equipment. When the turbine was restarted after the overhaul, it exhibited high levels of vibration and poor operational efficiency. These problems forced an unscheduled outage and another teardown and internal inspection of the turbine. That inspection revealed that the mechanical contractor made numerous technical, engineering, and mechanical errors while rebuilding the turbine, which resulted in internal rubbing of components, vibration, and damage to newly installed or rebuilt parts. We sued the case on behalf of our client to recover the rebuild costs and other actual and consequential damages that resulted from our client's inability to generate electricity during the unscheduled outage and the secondary impact upon the greenhouse operation. As the trial date became imminent in the court, the parties agreed to submit the matter to binding arbitration. Our client prevailed in arbitration and recovered a substantial award from the mechanical contractor.

Mr. Gilbride led a team of Hodgson Russ lawyers in representing a State University of New York university center on a major legislative initiative that ultimately became the basis for the NYSUNY 2020 legislation enacted into law by Governor Andrew Cuomo. This engagement included development of comprehensive public-private partnership legislation to facilitate a multibillion-dollar expansion of the university center's campuses. We also served as State Environmental Quality Review Act (SEQRA) counsel to the university center for the three campus capital project related to this legislative initiative.

Defense of environmental contamination claims against Oil & Gas clients. We obtained the judge's dismissal of contamination claims against our clients.

Hodgson Russ represents several oil and gas companies in defending lawsuits alleging pollution resulting from drilling activities.

Hodgson Russ is defending a large, multinational wood treatment corporation in a multi-party Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) litigation situated in the U.S. District Court for the Eastern District of Texas. The causes of action pending in the litigation include both federal and state law claims.

Hodgson Russ drafted a municipality's Waterfront Planned Development District Law. We represented the town in reviewing the application to create a new plan for development, including the environmental review and coastal zone consistency review under the Local Waterfront Revitalization Plan.

Hodgson Russ represents a large life sciences manufacturer in multiple environmental and development matters, including wetlands work, real estate transactions, and project development, as the facility has expanded and provided jobs in Western New York. This work has included obtaining public assistance from state and local agencies such as the county industrial development agency and state development agency, and associated environmental reviews. Partner Paul D. Meosky played an instrumental role in the establishment of an Empire Zone to provide significant economic benefits to the facility.

Hodgson Russ has represented major industrial manufacturers in transferring environmental liabilities and related legal exposures and obligations to financially sound third parties for a fixed sum. In such cases, the client has monetized the large and uncertain risks arising from the need to remediate legacy contamination and the associated tort, reuse, and

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redevelopment risks. Each transfer involved the use of sophisticated environmental insurance products and other risk transfer assessments, allowed the client to remove the reserves established for those liabilities and exposures, and ultimately resulted in the successful redevelopment of the contaminated property.

Hodgson Russ represents a private manufacturer of raw materials against claims asserted by the New York State Department of Environmental Conservation and U.S. Environmental Protection Agency regarding various environmental requirements and statutes.

A victory in federal court by a team of Hodgson Russ attorneys put an end to a seven-year lawsuit and extinguished the risk of our client paying millions in damages and other costs arising from claims of federal and state environmental law violations. The matter involved a facility owned and operated by our client, a manufacturer. Over the course of decades of operation, our client's facility became heavily contaminated with chemical residues. Some of those residues migrated off site into the surrounding community. Hodgson Russ represented this manufacturer in connection with an administrative order on consent entered into with the U.S. Environmental Protection Agency (EPA) and the State Department of Environmental Conservation under the Resource Conservation and Recovery Act (RCRA). Our client is performing the work required by the administrative order and is making extensive efforts to benefit the community. Despite our client's efforts, four families from the surrounding community sued the manufacturer in federal court under the citizen suit provisions of several federal statutes, claiming that our client was not complying with the requirements of various environmental statutes and that EPA was not effectively enforcing them. The families asked the federal court to intervene and to order our client to do more remediation faster. They also asserted claims for personal injury and property damage. The Hodgson Russ team successfully defeated the plaintiffs' claims in court. In his decision, the presiding judge granted our motion to disqualify the plaintiffs' expert and for summary judgment. The case was dismissed entirely — freeing our client to focus on completing the corrective action program without judicial intervention and to remove a substantial liability reserve from its books. Subsequent efforts by the plaintiffs to revive the suit have also been defeated.

Hodgson Russ advised an educational institution with respect to the federal tax issues upon the sale of a building with outstanding tax-exempt bonds. The advice involved an analysis of available IRS remedial actions to preserve the tax-exempt status of the bonds, including a redemption of the bonds and use of the disposition proceeds for an alternative qualifying use.

Hodgson Russ attorneys represented an industrial development agency in all aspects of a financing transaction for the development of a major renewable energy facility in northern New York State. The scope of this more than \$490 million project included three wind farm projects involving more than 100 sites scattered over 5,000 acres of land. The project was named North American Renewables Deal of the Year by *Project Finance* magazine, Renewables Deal of the Year by *Infrastructure Journal*, and Environmental Deal of the Year in the Americas by *Project Finance International*.

The Hodgson Russ team of Daniel Spitzer, Alicia Legland, Meredith Morgan, and David Stark acted as counsel on regulatory and zoning matters for a joint venture between two of the nation's leading energy solutions companies. The two businesses, a Mid-Atlantic owner-operator of commercial renewable energy projects and a renewable and a natural gas company in the Southwest, entered into a financing arrangement with a commercial bank supporting four energy storage projects in the City of New York. Energy storage is an essential element in the State's aggressive plan for reducing reliance on fossil fuel facilities.

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After GE closed its Lufkin operations in Wellsville, N.Y., a HR team led by Daniel Spitzer helped the Allegany County Industrial Development Agency acquire the building and bring in as a replacement an advanced manufacturing firm. Elizabeth Holden undertook aspects of the real estate transaction, including negotiating the terms of the transfer from GE and the new lease. Michael Hecker directed the environmental review and drafting of the environmental covenant governing the transfer and reuse of the building, and protecting the IDA from any preexisting site concerns. Joseph Scott assisted the IDA in arranging financial incentives to bring about the expansion of a local hi-tech manufacturer, including a PILOT which deviated from the IDA's Uniform Tax Exemption Policy.

Hodgson Russ represented independent oil and gas companies in the acquisition of leasehold interests and negotiation of area of mutual interest and operating agreements for properties in Pennsylvania, Texas, Oklahoma, Kansas, and North Dakota.

Hodgson Russ advised the developer on all legal aspects of the permitting and IDA financing of multiple wind energy projects in Western New York providing power for more than 50,000 homes. The projects include over a hundred turbines, over 20 miles of access roads, electric collection systems, an operations and maintenance building, and a substation. Our work included guiding the environmental impact review processes, representing the company at public hearings, obtaining land use permits, defending the company in lawsuits from opposing neighbors, and negotiating road use and host community agreements. We served as local finance counsel in obtaining benefits from the IDA, and all real estate matters related to the project, including survey due diligence and acting as the title examiner for the projects.

Hodgson Russ assists a manufacturing client with the listing and associated cleanup of a site included in the New York State Inactive Hazardous Waste Registry.

Hodgson Russ successfully litigated at the appellate level a case of first impression concerning permit determinations involving municipal permitting authority over a biomass facility on the basis of greenhouse gas emissions. The matter involved an attempt to convert a former fossil fuel to a wood burning plant. Hodgson Russ led the environmental inquiry that determined that the project was not carbon neutral and would in fact result in significant increases in hazardous air emissions. The decision upheld the right of a municipality to use the State Environmental Quality Review Act and the local zoning code to deny a permit on the basis of harmful emissions.

Litigated and obtained favorable settlements for a Fortune 500 manufacturer client in hundreds of high exposure asbestos litigation matters across New York State.

Hodgson Russ represented an independent oil and gas company in the acquisition of various leasehold interests and existing oil and gas wells, including negotiation of operating and related agreements for properties in Texas and Oklahoma.

On an annual basis, Hodgson Russ attorneys prepare private placement memoranda, including tax opinions, for an independent oil and gas company to offer units to accredited investors in limited partnerships that will invest in the drilling of oil and natural gas wells.

Hodgson Russ successfully represented a village in setting up a unique public-private partnership for a landfill gas-to-energy project, including negotiating and drafting the joint venture agreements, obtaining required land use rights, negotiating upgrades to local and regional transmission system, drafting the interconnection and financing agreements, and guiding the



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environmental evaluation. Our firm also assisted the village in obtaining a debt-exclusion certification from the New York State Comptroller's Office based on the self-liquidating nature of the debt incurred, so that the village's debt statement was not affected by the financing of this project.

Representation of business and owner in federal environmental and tax investigation, including conducting internal investigation. Matter resolved with favorable, reduced plea resolution, global resolution of all issues and administrative litigation.

Representation of employees of recycling facility in federal environmental grand jury investigation. Clients not charged.

Hodgson Russ represented a Fortune 1000 company in the acquisition of the interests and real property of a privately held specialty parts manufacturer with locations on four continents. Our responsibilities included environmental due diligence review, the management of various environmental consultants, risk analyses related to various acquired properties, and contract drafting and negotiation.

Hodgson Russ represented a premier U.S. hardwood lumber company in its acquisition of a privately held hardwood company with 11 saw mills in four mid-Atlantic and southern states. The acquisition involved extensive environmental, real estate, tax, and zoning issues at all locations. Our attorneys successfully structured the complex deal, including determining the type of purchase to pursue and its implementation. This acquisition required the client to obtain a new credit facility to finance the transaction. For this same client, Hodgson Russ performs five to six acquisitions of varying size and complexity every year. Hodgson Russ represented the family-owned specialty chemical manufacturer in connection with the sale of the company to a large private-equity fund. The transition included the sale in both the U.S. and Europe and included the use of representation and warranty insurance in connection with the purchase agreement.

Daniel Spitzer led the Hodgson Russ team representing the City of Lockport and the Greater Lockport Development Corporation (GLDC) throughout the Richmond Avenue Redevelopment Project. Richmond Avenue is a triangular-shaped block in Lockport, New York facing the Erie Canal. The buildings on the property were built in the 1870's, some with stone from the original Erie Canal. The mercantile buildings on the block had been in decline for a number of years when the City and its local development agency undertook the redevelopment project, which is located in the City's Historic District. Our tasks included...

- obtaining approval of the redevelopment project from the State Office of Historic Preservation.
- leading the brownfield remediation process through drafting grant documents, assisting with engineering contracts, and reporting required by the state brownfield development regulations.
- assisting in acquiring property interests in the block, including condemnation of some properties.
- preparing documents for the partnership between the GLDC and a private developer for redevelopment of Richmond Avenue post-remediation, including developer agreement, master lease, management agreement, and loan documents.

Hodgson Russ represented a large, multinational wood treatment corporation in its sale to certain funds managed by a large global investment private equity fund. Responsibilities included overseeing seller-side environmental due diligence, the management of various environmental consultants, contract drafting and negotiation, and other related responsibilities.

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Litigated and secured dismissals or nominal settlements for various manufacturer clients in high exposure asbestos litigation matters pending in Delaware, Rhode Island, Pennsylvania, New Jersey, Illinois, Missouri and West Virginia.

Hodgson represented a trucking industry manufacturer with the negotiation and settlement of certain claims alleged by the U.S. Environmental Protection Agency regarding various provisions of the Resource Conservation and Recovery Act.

Hodgson Russ attorneys work with wetlands consultants in the identification of state and federal wetlands and associated permitting requirements in conjunction with facility expansions and transactions. Our work in this area has included a successful challenge to the state's initial determination of the existence of state wetlands on a client's property, allowing the development of a portion of the client's site.

Hodgson Russ represented a publicly traded manufacturer of advanced technologies for the global aerospace and defense industries in its acquisition of the stock and real property interests in privately held corporation. The transaction included the acquisition of real property already subject to a state voluntary cleanup program remediation and required intensive due diligence and negotiation for specific provisions in the purchase agreement.

Hodgson Russ attorneys represented a New York municipality in all phases of land use and environmental review for a senior housing facility in a sensitive environmental area. Using sustainable design techniques, the project was sited to avoid wetlands impacts and preserve important open space. Drainage improvements for the subdivision also alleviated problems in adjoining areas. Habitats of species of concern were preserved, and the area's supply of affordable senior housing significantly increased. Our work included a successful defense of the project in a lawsuit brought in New York State Supreme Court.

Hodgson Russ provided title opinions to several oil and gas companies for the drilling of oil and gas wells at locations in New York and Pennsylvania.

### **In the News**

Hodgson Russ Taps Head of New Real Estate, Enviro Practice  
*Law360*, October 20, 2023

Stravino Co-Presents UB Law's Highest Award to Judge in Washington, D.C.  
*University at Buffalo School of Law*, September 15, 2022

Coronavirus Resource Center

Managing Compliance in an Era of Shifting EPA Priorities  
*The Green Tie, NAEM's blog for EHS and Sustainability leaders*, August 10, 2018

Court Halts Construction of New York Casino  
*GamblingCompliance*, July 15, 2015

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Critics Hope Court Ruling Dooms Proposed Casino in Finger Lakes Region  
*Buffalo News*, July 13, 2015

Brownfield Program Fuels Buffalo Growth  
*Buffalo Business First*, May 25, 2015

ECC Seeks Dismissal of 'Frivolous' Giambra Lawsuit  
*Buffalo News*, December 23, 2014

Hodgson Russ Listed in *Chambers USA: America's Leading Lawyers for Business*  
May 30, 2013

Environment and Health Law Practices, Carole Aciman, Bethany Hills Trachtenberg, and Ellen V. Weissman Listed in  
2012 *Chambers USA*  
June 11, 2012

**Press Releases**

Hodgson Russ LLP Adds Two Attorneys  
July 6, 2023

Hodgson Russ LLP Receives Multiple Top Marks from *Chambers USA Guide 2023*  
June 6, 2023

Three Hodgson Russ Attorneys Ranked in 2022 Edition of New York Metro Super Lawyers  
September 29, 2022

Fifty-Nine Hodgson Russ Attorneys Ranked in 2022 Edition of Upstate New York Super Lawyers  
*Hodgson Russ Press Release*, August 23, 2022

71 Hodgson Russ Attorneys Ranked in 2023 Edition of *Best Lawyers in America*  
*Hodgson Russ Press Release*, August 19, 2022

Hodgson Russ Receives Top Marks for *Chambers USA 2022 Guide*  
*Hodgson Russ Press Release*, June 2, 2022

Hodgson Russ Receives Top Tier National and Metropolitan Rankings in 2022 Best Law Firms Listings  
*Hodgson Russ Press Release*, November 15, 2021

Henry Zomerfeld Appointed Chair of the Environmental Law Committee of the Bar Association of Erie County  
*Hodgson Russ Press Release*, June 23, 2021

Hodgson Russ Receives Top Marks for *Chambers USA 2021 Directory*  
*Hodgson Russ Press Release*, May 26, 2021

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Daniel Spitzer and Charles Malcomb Honored by JD Supra  
*Hodgson Russ Press Release*, March 31, 2021

### **Publications**

EPA Finalizes Standards Impacting Hazardous Air Pollution Emissions at Gasoline Distribution Facilities  
*Hodgson Russ Environment & Energy Alert*, March 29, 2024

NYSDEC Releases New Draft Guidance Related to Discharges of PFOA, PFOS and 1,4-Dioxane for Public Review and Comment  
*Hodgson Russ Environmental Alert*, January 25, 2024

Updated Alert on Revised ASTM Standard  
*Hodgson Russ Environmental Alert*, March 22, 2022

On the Horizon: A Revised ASTM Standard for Conducting Phase I Environmental Site Assessments  
*Hodgson Russ Environmental Alert*, November 5, 2021

EPA Announces Two Proposed Rulemakings to Regulate PFAS Under RCRA  
*Hodgson Russ Environmental Alert*, November 2, 2021

EPA Announces a Multifaceted Approach to Regulating PFAS  
*Hodgson Russ Environmental Alert*, October 20, 2021

New York City Adopts Climate Resiliency Law  
*Hodgson Russ Environmental and Renewable Energy Alert*, March 24, 2021

Top 10 Things to Know About New York State's New Proposed Large-Scale Renewable Project Siting Regulations  
*Hodgson Russ Renewable Energy Alert*, September 17, 2020

New York State Department of Environmental Conservation Proposes Regulations for Reducing Statewide Greenhouse Gas Emissions Through 2050  
*Hodgson Russ Environmental and Renewable Energy Alert*, August 20, 2020

U.S. Department of Justice to Utilize Enforcement Discretion on "Overfiling" Authority for State-led Clean Water Act Civil Enforcement Matters  
*Hodgson Russ Environmental Alert*, August 12, 2020

### **Presentations & Events**

2024 Wall Street Green Summit  
The Cornell Club, NYC, March 12 - 13, 2024

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2024 Annual Enrichment Seminar

Ethical Considerations for the Private and Public Engineer

Templeton Landing, 2 Templeton Landing, Buffalo, NY 14202, January 25, 2024

Superfund/Brownfield Program Update 2023

December 5, 2023

Environmental & Energy Law Section Oil Spill Symposium 2023

Albany, NY, May 10, 2023

Ontario Legal Conference - Cross Borders

Ontario Bar Association, May 4, 2023

Emerging Trends in Environmental Diligence - What You Need to Know, and Why You Need to Know It

May 17, 2022

Energize New York: Renewable Energy Project Development and Taxation Update

April 7, 2022

Air & Waste Management Association 2021 Annual Enrichment Seminar

June 8-9, 2021

Local And State Government Law Section Spring 2021 Forum (Part 1): Enacted State Budget 2021-2022 & SEQRA  
Overview/CLCPA

April 19, 2021

All Is Not Quiet In WNY – The Latest Environmental Legal Issues

February 25, 2021