



MICHAEL J. HECKER

Partner; Real Estate, Environment, Energy & Finance
Practice Area Leader; Co-Leader Brownfield
Redevelopment Practice

mhecker@hodgsonruss.com 716.848.1599

Mike is the leader of the firm's Real Estate, Environment, Energy & Finance Practice Area, and has a broad-based environmental and energy-based practice, with a focus on addressing environmental issues in business transactions, regulatory compliance counseling and permitting, administrative, civil, and criminal environmental defense, and remediation-based project oversight and assistance.

A large part of Mike's practice focuses on assisting regional, national, and international clients with regulatory compliance and remedial matters. His experience includes counseling corporate and facility-based management on operational compliance programs and permitting pursuant to local, State and Federal requirements and disclosure obligations, including the Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act ("RCRA"), Emergency Planning and Community Right-to-Know Act, and other environmental statutes and regulations. In addition, Mike has substantial experience in overseeing small to large-scale, multi-faceted remedial projects, including those pursuant to the New York State ("NYS") Spills Program, the NYS Brownfields Program, the NYS Inactive Hazardous Waste Disposal Site Remedial Program, RCRA, and the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). As part of these representations, Mike has negotiated a number of State and Federal Orders and Decrees with various agencies, including the NYS Department of Environmental Conservation, United States Environmental Protection Agency and the United States Department of Justice.

As part of his involvement in business transactions, Mike counsels strategic and financial parties on a wide range of issues, including due diligence matters; legacy impairment and compliance liabilities and considerations; Environmental, Social and Governance ("ESG") matters; the negotiation of sophisticated environmental-related provisions and requirements in purchase and acquisition agreements, distributor and supplier agreements, leases and other contractual arrangements; the use of environmental insurance and risk transfer products; compliance with State transfer act program requirements; the use of tax-credit based programs, including

The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202

New York City
605 Third Avenue
Suite 2300
New York City, NY 10158
212.751.4300

Toronto
Practice restricted to U.S. law
22 Adelaide Street West, Suite 2050
Toronto, ON M5H 4E3
416.595.5100

Practices & Industries

Environmental
Renewable Energy
Cleantech
Brownfield Redevelopment
Business Litigation
Canada-U.S. Cross-Border
Land Use & Economic Development
Manufacturing
Occupational Safety & Health Act (OSHA)

Admissions

New York

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the USEPA's Brownfields Program and the NYS Brownfields Program; and, sustainability-based initiatives and requirements.

Mike regularly assists renewable project developers on a wide range of permitting, regulatory compliance, and risk assessment issues. In particular, he has assisted a number of clients on the siting of projects on brownfield and former landfill sites, providing counsel on the wide range of issues to be addressed and considered in doing so.

Mike also has significant experience representing clients during State and Federal administrative, civil, and criminal investigations and proceedings regarding alleged violations of environmental statutes and regulations. His experience defending enforcement actions includes assisting clients with internal investigations and audits, directing and overseeing sophisticated third-party environmental professionals, legal and regulatory application and analysis, and interaction with regulatory authorities.

Mike is a member of the Board of Directors of Hodgson Russ.

Honors

- Listed, *Best Lawyers in America* (Environmental Law) 2024
- Listed, *Chambers USA: America's Leading Lawyers for Business - Band 1* (Environment) 2020 - 2023
- Listed, *New York Metro Super Lawyers* (Environmental) 2022 - 2023
- Listed, *Upstate New York Super Lawyers* (Environmental) 2021 - 2023
- Listed, *Upstate New York Super Lawyers Rising Stars* (Environmental) 2014 - 2020
- Listed, *New York Metro Super Lawyers Rising Stars* (Environmental) 2013 - 2020

Experience

Mike regularly represents clients regarding environmental regulatory issues and disputes before the New York State Department of Environmental Conservation and the U.S. Environmental Protection Agency; advises clients on interpretation of federal and state environmental provisions, regulations, and statutes; and advises clients on environmental provisions in transaction agreements, including indemnity provisions, supplier agreements, and other associated corporate documents. Specifically, Mike has played a significant role in the following representative matters:

U.S. District Court, Western District of New York

Education

State University of New York at Geneseo, B.A., cum laude

University at Buffalo School of Law, J.D., cum laude

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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.

Ongoing representation of an international agricultural chemical company in a multiple operable unit RCRA corrective action matter with the NYSDEC and USEPA, including the cleanup and management of a number of off-site locations.

Ongoing representation of an industrial manufacturer with the negotiation of, and compliance with, numerous Federal and State Consent Orders, as well as a Consent Decree filed in Federal District Court involving the United States Department of Justice and the New York State Attorney Generals' Office. Responsibilities have included regular interaction with government agency representatives, the client, and the engaged third-party consultants in managing compliance with all applicable obligations.

Ongoing representation of an industrial manufacturer in the New York State Brownfields Cleanup Program, including investigatory and remedial activities for both on-site and off-site groundwater and soil vapor intrusion matters. Responsibilities have included interaction with government agency representatives, the client, and the engaged third-party consultant in managing compliance with all applicable obligations.

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 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.

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

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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.

A team of Hodgson Russ attorneys led by John J. Zak represented long-time client, Integer Holdings Corporation (NYSE: ITGR), in a \$1.7 billion acquisition of Lake Region Medical, a privately held portfolio company of KKR. The purchase price consisted of cash (including assumed debt) and unregistered shares of common stock. Financing was through a bank/bond package, consisting of a \$1.6 billion credit facility (TLA/TLB/revolver) and \$360 million of senior notes offered under Rule 144A. Hodgson Russ counseled on every aspect of the transaction, performing U.S. and supervising international due diligence; negotiating the merger agreement and related acquisition documentation; advising on U.S. competition law matters, including preparing Hart-Scott-Rodino and related foreign filings; negotiating the bank credit facility and leading the high-yield note offering; and advising on executive compensation and employment law aspects of the transaction. The Hodgson Russ team consisted of attorneys Craig M. Fischer, Cristin L. Murray, Matthew R. Scherer, and David G. Reed (securities regulation and corporate compliance); Robert B. Fleming, Jr. (antitrust and trade regulation); Christofer C. Fattay and Timothy Ho; Ryan M. Murphy and Richard W. Kaiser (employee benefits); Peter C. Godfrey (labor and employment); and Michael J. Hecker (environmental); and paralegals Courtney Scanlon, Deborah Kalstek, and Betsy Mills.

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.

A team of Hodgson Russ attorneys led by John J. Zak represented long-time client, Integer Holdings Corporation, in a \$600 million disposition of its Orthopedics and Advanced Surgical business lines to Viant Group. The transaction involved the sale of stock and assets representing operations in several countries, including the United States, Mexico, Germany and France. Hodgson Russ advised on all aspects of the transaction, including preparation of a transition services agreement, coordinated with local counsel and handled the company's subsequent early redemption of its outstanding high-yield bonds. The Hodgson Russ team consisted of Craig M. Fischer, Cristin L. Murray, Matthew R. Scherer (securities regulations and corporate), Andrew D. Oppenheimer (international and business tax); Ryan M. Murphy and Richard W. Kaiser (employee benefits), Christofer C. Fattay (banking and finance), Michael J. Hecker (environmental), and Valerie E. Stevens (antitrust and trade regulation).

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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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 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.

In the News

Cadence Bank Announces Agreement to Sell the Insurance Operations of Cadence Insurance to Arthur J. Gallagher & Co.
Cadence Bank (Press Release), October 24, 2023

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

Thought Leaders: Development
Buffalo Business First, November 29, 2019

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

Peak Resorts Completes Acquisition Of Hunter Mountain For \$36.8 Million
The Street, January 7, 2016

Among the Top Student Advocates in the World
SUNY Buffalo Law School Forum, Spring 2014

SUNY Buffalo Law Wins Moot Court Competition
Daily Record, February 27, 2014

Three New Attorneys Join Hodgson Russ's Buffalo Office
December 20, 2010

Press Releases

Hodgson Russ LLP Names Michael J. Hecker Real Estate, Environment, Energy & Finance Practice Area Leader
October 19, 2023

Three Hodgson Russ LLP Attorneys Named to 2023 *New York Metro Super Lawyers* List
September 22, 2023

55 Hodgson Russ LLP Attorneys Named to 2023 *Upstate New York Super Lawyers* List
August 23, 2023

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83 Hodgson Russ LLP Attorneys Ranked in 2024 Edition of *Best Lawyers in America*
August 17, 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

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

Fifty-Four Hodgson Russ Attorneys Ranked in 2021 Edition of Upstate New York Super Lawyers
Hodgson Russ Press Release, August 20, 2021

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

Publications

OSHA Alters the Balance on Employee Representation During Walkaround Inspections- Opening the Door to Union Organizing and Leaving Many Practical Questions Unanswered
Hodgson Russ Occupational Safety & Health Act Alert, May 3, 2024

New York Public Service Commission Commences Grid of the Future Proceeding
Hodgson Russ Renewable Energy Alert, April 23, 2024

Appellate Court Clarifies Scope of Required CLCPA Compliance and Confirms Ripeness Under SAPA for Challenges to Agency Declaratory Rulings
Hodgson Russ Renewable Energy Alert, April 3, 2024

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

Inter-Agency Fire Safety Working Group Releases Proposed Revisions to NYS Fire Code Related to Battery Energy Storage Systems
Hodgson Russ Renewable Energy Alert, February 22, 2024

Applicant's Partial Loss of Site Control Results in First ORES Denial of Section 94-c Permit Application
Hodgson Russ Renewable Energy Alert, February 20, 2024

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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

FY 2025 Executive Budget: Governor Hochul Proposes to Expedite and Consolidate Environmental Review and Permitting for Major Renewable Electric Generation and Transmission Facilities

Hodgson Russ Renewable Energy Alert, January 23, 2024

National Grid Petition Seeks Retroactive Cost Increases From Multiple Solar Projects, Ability to Increase Costs on Future Projects

Hodgson Russ Renewable Energy Alert, January 16, 2024

NYSERDA Reports on the Impacts of the Inflation Reduction Act and Submits Proposal Stretching Funding for Additional Solar Capacity

Hodgson Russ Renewable Energy Alert, January 11, 2024

Presentations & Events

SOAR (Sustainability, Operations, Action, Resources) - Technical Solutions for Resource Management Conference
Phoenix, AZ, April 16, 2024

University at Buffalo School of Law's New York City Alumni Luncheon
Union League Club, NYC, NY, February 7, 2024

2024 Annual Enrichment Seminar

Ethical Considerations for the Private and Public Engineer

Air & Waste Management Association - NFS, Templeton Landing, 2 Templeton Landing, Buffalo, NY 14202, January 25, 2024

Mohawk Valley Brownfields Developer Summit

MVEDD, Herkimer College, Herkimer, NY, April 25, 2023 - April 26, 2023

Superfund/Brownfield Program Update 2022

NYSBA, December 7, 2022

Impact22 Sustainability Impact Quarterly Series

Preparing for the Future of Business Accountability

National Association for EHS&S Management, December 1, 2022

2022 NYSBA Environmental and Energy Law Section Fall Meeting

October 19, 2022

Environmental & Energy Law Section Fall Meeting 2022

NYSBA, Excelsior Springs Event Center, October 18 - October 19, 2022

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Emerging Trends in Environmental Diligence - What You Need to Know, and Why You Need to Know It
May 17, 2022

Air & Waste Management Association 2021 Annual Enrichment Seminar
Air & Waste Management Association - Niagara Frontier Sector, June 8-9, 2021

Professional Affiliations

- President, UB Law School Alumni Association
- National Association of Environmental Management
- Air & Waste Management Association - Niagara Frontier Section - Co-Chair of the Annual Seminar Committee
- New York State Bar Association - Environmental & Energy Law Section- Second Vice Chair and Member of the Executive Committee and Cabinet
- New York League of Conservation Voters- Central & Western NY Chapter Board Member

Community & Pro Bono

- Adjunct faculty member, University at Buffalo School of Law, International Legal Advocacy, 2013 - 2016
- American Lung Association of the Northeast's Buffalo Leadership Board, Immediate Past Chair and Chair of the Nomination Committee
- Legal Aid Bureau of Buffalo, Inc., former member of the Board of Directors