



Morgan G. Graham

Counsel
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Mr. Graham has been with the firm since 1984 and concentrates his practice in environmental law, energy and land use. With a knowledge of all major federal and New York environmental laws, he counsels on environmental compliance, regulations, litigation, natural resources, renewable energy, greenhouse gas emissions, and environmental due diligence with respect to real property use, redevelopment and other commercial transactions. Mr. Graham also focuses on brownfield redevelopment and related project development, Great Lakes Basin regulations, as well as defense of government civil and criminal enforcement of environmental laws. One aspect of Mr. Graham’s land use practice includes zoning and land use permitting (and related litigation) associated with construction, modification and operation of cell tower and other communications facilities. He was the firm’s Managing Partner from 2001-2007.

PRACTICE AREAS

Crisis Response & Management

Energy Law

Environmental Law

- Brownfields & Brownfield Redevelopment
- Contaminated Sediment Management
- Environment Litigation
- Land Use & Zoning
- Regulatory
- SEQRA/Environmental Impact Review
- Transactional Due Diligence

Food

Nanotechnology

HONORS & AWARDS

- Listed as a Leading Individual in *Chambers USA: America’s Leading Lawyers for Business*, 2010-2018
- Listed in *The Best Lawyers in America*[®]
 - Named the *Best Lawyers*[®] Litigation – Land Use and Zoning “Lawyer of the Year” in Buffalo, 2012, 2015, 2017
 - Named the *Best Lawyers*[®] Litigation – Environmental “Lawyer of the Year” in Buffalo, 2014
- Selected for the *Upstate New York Super Lawyers*[®] list, 2007, 2011-2018
- Listed in *Legal Elite of WNY*, *Business First of Buffalo* and *Buffalo Law Journal*, 2013-2014

EDUCATION

- Indiana School of Law Bloomington, J.D., 1984
- University of North Carolina at Chapel Hill, B.A., 1979

ADMITTED TO PRACTICE

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

PROFESSIONAL ASSOCIATIONS

- American Bar Association
 - Environment, Energy, and Resources Section
 - Litigation Section
- Bar Association of Erie County
 - Environmental Law Committee
- New York State Bar Association
 - Environmental Law Section
 - Senior Lawyers Section

PRESENT ACTIVITIES

- The Buffalo History Museum
 - Volunteer
 - Strategic Planning Committee
- Dean's Advisory Council, University at Buffalo Law School, Member

CORE COMPETENCIES

Litigation – Represent clients in enforcement proceedings and cost recovery actions brought by EPA and DEC, and in citizen suits and private cost recovery claims, commenced under CERCLA, RCRA, CWA and CAA.

Environmental Transactional Due Diligence – Counsel clients involved in transactions, both purchasers and sellers, on potential liabilities identified in Phase I and Phase II Environmental Site Assessments, Regulatory Compliance Audits, and Asbestos, Lead Paint, Vapor Intrusion, and Mold Assessments. Assist clients in analyzing CERCLA All Appropriate Inquiries defenses and potential successor liabilities. Clients include publicly-held corporations, private and family-owned businesses, lenders, developers, property owners, and commercial landlords and tenants.

Clean Air Act – Assist clients in determining Clean Air Act permit requirements for industrial facilities and counsel clients on compliance and enforcement issues.

Greenhouse Gas Regulation – Counsel clients on compliance issues related to RGGI and proposed greenhouse gas regulations, including EPA's greenhouse gas emissions monitoring program and proposed tailoring rule, and legislation related to a federal cap-and-trade program.

Solid and Hazardous Waste – Counsel clients on management of solid and hazardous waste to comply with federal and state statutes and regulations. Represent clients in state and federal administrative enforcement actions and voluntary remedial programs. Assist clients in the preparation and submittal of Beneficial Use Determination petitions to the New York State Department of Environmental Conservation for the beneficial reuse of solid waste materials. Counsel clients on potential liabilities associated with asbestos, lead-based paint, and PCBs.

Underground Storage Tank Regulations – Counsel clients on compliance with federal and state underground storage tank regulations, including registration, overfill protection, release detection, inventory monitoring, and testing requirements. Advise clients on potential liabilities associated with redevelopment of gasoline stations and other sites with existing and removed underground storage tanks.

New York State Brownfield Cleanup Program – Counsel clients on the benefits of participating in the Brownfield Cleanup Program, including liability release and tax credits. Assist clients in the preparation of applications for participation in the Brownfield Cleanup Program. Participate in meetings with the New York State Department of Environmental Conservation to discuss application requirements, citizen participation, brownfield agreements, remedial investigation work plan, and remedy selection.

Other Areas of Expertise

Telecommunications – Assist clients in analyzing zoning requirements for telecommunications facilities. Prepare letters of intent and applications to obtain necessary approvals, such as special permits, use variances and architectural review approvals from Town Boards, Planning Boards and Zoning Boards of Appeal. Assist clients with general project coordination and development. Review leases and lease amendments for telecommunications facilities, including new construction, collocations on existing towers, and structure agreements to locate on rooftops or other existing structures. Assist clients in resolving permit fee and zoning-related disputes arising from the unlawful application of zoning requirements to telecommunications facilities.