



# Mary Volcko

*Project Specialist*

*Syracuse*

*P: 315.413.7281*

*mvolcko@barclaydamon.com*

## Education

- Syracuse University, BA
- University College, ABA-Credited Legal Assistant Certification

## Practices & Industries

- Cannabis
- Commercial Litigation & Complex Trials
- Corporate
- Energy
- Environmental
- Land Use & Zoning
- Project Development
- Property Tax & Condemnation
- Regulatory

## Biography

Mary offers over 25 years of legal support and deep knowledge in matters related to energy, mining, project development, regulatory and environmental law. Mary coordinates and assists in managing a wide array of projects and engagements related to, permitting, regulatory matters, and contested matters including project applications, discovery management and review; factual development; matter intake and technical analysis; dispositive motions; agency-level hearings, trials, and settlements; and obtaining agency approvals and permits. She is routinely involved with complex commercial and environmental litigation in state and federal courts, including appeals; Article 78 actions; and permitting and regulatory matters involving SEQRA compliance, CERCLA, Navigation Law, environmental permits, development, land use, zoning approvals, and other regulatory approvals before federal, state, and local agencies.

As part of the firm's Cannabis Team, she assists potential hemp, medical, and adult-use licensees in the application process and with regulatory compliance. She also has significant experience with environmental review, permitting, and regulatory compliance matters involving a wide range of industries and complex development projects, including hot-mix asphalt and construction aggregate processing and mining facilities as well as energy generation and transmission projects.

Mary additionally assists with applications for certifications under New York State and local diversity certification programs. She also acts as liaison between clients, consultants, the courts, and others for investigative and preparation purposes. Mary is proficient in numerous legal-industry software programs and practice-specific programs, including Concordance and Relativity, and is experienced in filing through e-court systems.

## Bar Associations

- Onondaga County Bar Association

## Selected Memberships & Affiliations

- Barclay Damon's Women's Forum

## Representative Experience

- Assisted the legal team representing a major interstate oil-pipeline company seeking to develop an interstate oil pipeline between New York and New Jersey, analyzing issues related to NYS environmental regulatory regimes and the State Environmental Quality Review Act (SEQRA).
- Regularly provides support concerning underlying scientific findings and related regulatory requirements to lawyers in negotiations with the NYS Department of Environmental Conservation on behalf of clients in enforcement proceedings and in support of administrative permitting processes.
- Acted as lead document manager in numerous pieces of high-profile litigation in both federal and state courts, including CERCLA matters and actions challenging state and local agency determinations.
- Assisted a legal team in successfully obtaining summary judgment in a CERCLA action brought in the Northern District of New York. The court also found sanctions were appropriate due to the plaintiff's spoliation of relevant site-related documents that the team uncovered during routine discovery.
- Prepared applications for and successfully obtained licenses from the New York State Liquor Authority.
- Successfully obtained highly competitive state Municipal Restructuring Fund (MRF) grants for clients.
- Successfully assisted a team with the negotiation of an industrial hemp agricultural forward agreement involving the purchase of over \$1 million of NY-grown hemp biomass cultivated during the 2019 growing season.
- Assisted with defending a manufacturer of magnetic ferrous powders in a NYS Department of Environmental Conservation (NYSDEC) enforcement action where the agency alleged multiple violations of state air permitting regulations and violations of conditions of the facility's state facility air permit. The violations could've resulted in criminal penalties against the company and company principals. The client was also in the midst of transferring a controlling interest to another company, potentially impacting the sale, including seamlessly transferring all NYSDEC-issued permits to the new entity to continue the operations.

- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel, Barclay Damon has prepared and filed an Article VII application for a part of the offshore wind project, is responding to a deficiency letter from DPS staff, and is answering questions from DPS staff to ensure the completion of the application. We have also assisted the client with the posting of security in the NYISO Class Year Facilities Study for the offshore wind project as well as the negotiation of support services agreements with another energy company and the negotiation of the interconnection agreement for that facility. Barclay Damon also filed a petition with FERC seeking an extension in the period for achieving commercial operation to be stated in that interconnection agreement.
- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel on environmental issues, Barclay Damon is developing the Article VII application materials for the offshore wind project. We are also assisting in its participation in the NYISO Class Year facilities study process.
- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel on environmental issues, Barclay Damon is working with the client to develop Article VII application materials for its offshore wind project.
- Successfully assisted a team that defended an appeal of the siting board's approval for a 340-megawatt, 83-turbine wind farm project.

## Prior Experience

- Gilberti Stinziano Heintz & Smith, P.C., Case Manager
- Law Offices of Kevin J. Brown, Case Manager
- Devorsetz Stinziano Heintz & Smith, P.C., Case Manager
- Syracuse Research Corporation, Analytical Chemist

## Selected Speaking Engagements

- New York State Bar Association Bridging the Gap Program, "Cannabis Update: Understanding CBD Oil, Hemp, and Practical Implications of Decriminalized Marijuana"

## Selected Alerts & Blog Posts

- New Administration and Majority in Congress Forecast Changes for Cannabis Legalization
- NYS Extends Hemp Program
- NYS Office of Renewable Energy Siting Proposes New Rules Implementing the Major Renewable Energy Development Program
- No State Hemp Plan for New York: Next Steps for NYS Hemp Businesses
- New York's Proposed Cannabis Regulation and Taxation Act