

Kate Heller

Director

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Kate Heller is an environmental lawyer and engineer. She advises developers, owners, tenants, corporations and lenders on a wide range of environmental matters, including those related to contaminated property, indoor environmental pollution, regulatory compliance and green building strategies.

Chambers USA notes that people recognize Kate as a "true asset on complex environmental issues," and a "practical and client-focused attorney" known for her "fantastic technical knowledge."

Kate helps purchasers, prospective tenants, owners and operators of buildings throughout the U.S. in connection with environmental due diligence activities, remediation programs and indoor environmental pollution issues. Her experience extends to issues involving indoor air quality, lead paint and asbestos, and operations and maintenance programs. She also advises clients in connection with regulatory compliance matters and enforcement actions.

Prior to joining the firm, Kate worked as a civil/environmental engineer, performing site remediation, construction and assessment services for private and public clients, including large corporations, major utility providers and the US Military.

She also interned with the Office of Regional Counsel at the US Environmental Protection Agency. Kate is a Registered Professional Engineer in the Commonwealth of Massachusetts.

Accolades

- *Massachusetts Lawyers Weekly*, Go To Environmental Lawyer, 2023
- The Lawdragon Green 500: Leaders in Environmental Law, 2023-2024
- *Best Lawyers in America*® (2023-2025): Environmental Law
- Chambers USA, Environment, Massachusetts, 2019, 2020 (Up-and-Coming), 2021-2025 (Band 3)
- Chambers USA, "America's Leading Business Lawyers," 2010-2013, 2016-2017

- Massachusetts Super Lawyers, 2013 - 2015
- Massachusetts Super Lawyers Rising Stars, 2009 - 2012
- Banker & Tradesman's 2008 Class of New Leaders

Affiliations

- Pro Bono environmental work for non-profit organizations
- American Society of Civil Engineers
- Boston Bar Association
- Chi Epsilon Civil Engineering Honor Society

Admissions

- Massachusetts

Education

- Cornell University, College of Engineering (B.S., 1999)
- Northeastern University School of Law (J.D., 2007)

From Environmental Engineer to Environmental Lawyer

Kate majored in civil/environmental engineering at Cornell and focused her studies on the design of remedial programs. In college, she designed her own independent studies for a semester in Botswana, getting her first taste of field work, assessing the impacts of various conservation efforts.

After graduation, Kate started out doing a different type of field work as an engineer, directing soil removal, the installation of wells and borings, and designing and building remedial treatment systems and programs. Through this experience, Kate became acutely aware of the importance of working with environmental regulators to meet a project's end goals.

Inspired to make a larger impact, Kate became an environmental lawyer so that she could collaboratively work with parties performing cleanups/redevelopment projects and regulatory agencies to further efficient and effective cleanup strategies.

Representative Matters

DivcoWest Environmental Matters

Representation of DivcoWest nationwide for environmental matters, including the purchase, cleanup and leasing of Cambridge Crossing ("CX"), a 45-acre, transit-oriented neighborhood "megadevelopment" located on a former railroad yard in the municipalities of Cambridge, Boston, and Somerville, MA. The project includes 20 new blocks, a new MBTA station, 10 acres of green space with a large central park, an extension to the Minuteman Trail, new roadway and utility infrastructure, and a wide range of public amenities.

Brownfield Counsel for Major Multi-Family and Real Estate Developers

Counsel to several major multi-family and real estate developers in connection with a wide variety of brownfield property acquisitions, dispositions, development projects and regulatory matters. Assist these clients with due diligence, remedial plans, contracting, insurance, regulatory matters and the management of environmental risk often acting to "pressure test" or translate the recommendations of environmental consultants or regulators.

Environmental Counsel to Major Universities and Hospitals

Ongoing environmental advice to major universities and hospitals, such as Harvard University and Children's Hospital Boston, in connection with site remediation, waste management, environmental compliance and green construction projects.

Real Estate Investment Environmental Counsel

Representation of borrowers and lenders in connection with the environmental aspects of traditional real estate lending as well as REIT financing, private equity funding and strategic joint ventures for real estate investment. Also advise clients in connection with obtaining environmental insurance to mitigate risks associated with the environmental indemnifications generally required by lenders.

Purchase and Remediation of Former Pesticide Manufacturing Facility

Counseled developer in connection with the purchase and remediation/redevelopment of a former pesticide manufacturing facility and the subsequent sale of the redeveloped property. Assisted the client with environmental due diligence, negotiating environmental provisions of purchase and sale agreements, remedial plans, regulatory compliance issues and cost recovery through Massachusetts Brownfields tax credits.

Advice Regarding Environmental Insurance Policies and Claims

Provide advice to companies in connection with procuring environmental insurance as well as environmental claims (e.g., cost recovery actions for environmental cleanup costs). This often involves drafting and responding to demand letters and assisting clients with settlement negotiations.

AXA IM Alts and its Affiliates in one of the Largest Industrial Portfolio Acquisitions of 2020

Representation of AXA IM Alts and its affiliates in one of the largest industrial portfolio acquisitions of 2020. The portfolio consists of 27 assets in Chicago, Houston, Los Angeles, Central New Jersey, Dallas, South Florida, Southern New Jersey and Atlanta. In a significant step in its strategy to grow

a U.S. wide logistics platform, AXA IM Alts, on behalf of clients and through a joint venture with Cabot Properties, Inc., acquired the 7,984,000 s/f portfolio for approximately \$875 million, through a share purchase of a REIT previously managed by Cabot Properties. Representation included all matters related to property diligence, structuring, joint venture, purchase, financing, tax and environmental considerations of the property, including tax and structuring issues relating to cross-border investments.

Atlas Capital Group Acquisition and Financing of 15 Park Row, New York City

Representation of Atlas Capital Group, LLC in the acquisition and financing of 15 Park Row, a 31 story, 335-unit apartment building with ground-floor commercial space in New York City. The building was completed in 1899 and until 1908 it was New York City's tallest building and the tallest office building in the world.