

CITY OF WICHITA, KANSAS, AND COLEMAN COMPANY, INC.
Gilbert & Mosley Site -- Wichita, Kansas

Technical Consulting, Dispute Resolution and Arbitration

Alberto A. Gutiérrez, R.G. was selected as a Dispute Resolution Officer (DRO) and Geolex Inc., (Geolex) was selected to provide technical and cost analysis services in the settlement of a dispute regarding the allocation of RI/FS and RD/RA costs at the Gilbert Mosley Site in Wichita, Kansas.

The two parties in this case, the City of Wichita, Kansas, (City) and Coleman Company, Inc. (Coleman), reached an agreement in 1994 to share costs associated with remedial investigation and portions of the remedial actions at a large site with a significant TCE plume in the groundwater. The agreement called for the use of an allocation formula to determine relative responsibilities for remedial investigation and remediation costs. When the two parties could not agree on the appropriate application of the formula, they retained Geolex and Mr. Gutiérrez as the DRO in the case. Geolex conducted independent groundwater modeling and analysis of groundwater models provided by Camp Dresser & McKee on behalf of the City and by Hydrogeologic on behalf of Coleman. The DRO was aided by a legal advisor selected in the process when decisions required interpretation of Kansas or Federal law.

The dispute resolution process lasted approximately three years, during which reports, briefs, replies, and technical analyses submitted by Coleman and the City were evaluated by the DRO and Geolex. Based on independent technical and financial analysis, the DRO made a determination of the relative responsibilities for actual expended and future remedial investigation, remedial design and remediation costs at the Site. This assignment also involved the detailed application of various modeled remedial scenarios, and their associated net present value, in order to derive the factors in the allocation formula used to determine the appropriate cost allocation between the City and Coleman. Over ten million dollars of costs expended to date were audited, analyzed, and allocated by the DRO according to his interpretation of the agreement between the City and Coleman, and the technical data submitted through the arbitration process.

Major Project Elements:

- Hydrogeology
- CERCLA
- Remedial design/
Remedial action cost analysis
- Groundwater modeling
- Fate & transport of chlorinated organics
- Financial analysis
- Remedial design and costing
- Integration of legal opinions
- Arbitration and resolution of disputes

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