

DAVIS GRAHAM & STUBBS, LLP
Denver, Colorado

Environmental Consulting and Litigation Support

Davis Graham and Stubbs, LLP on behalf of their client, Brown Retail Group, retained Geolex, Inc. (Geolex) and Alberto A. Gutiérrez as principal in charge to provide technical and litigation support for a class action toxic tort and property damage suits arising from operations at the Redfield Site in Denver, Colorado.

As part of this project, Geolex evaluated soil, groundwater, and indoor air contamination data from various operations using solvents on the Redfield Site and other adjacent sites. Geolex conducted detailed investigations and modeling to evaluate the time required to flush existing 1,1,1-TCA and 1,1-DCE contamination from the alluvial aquifer downgradient of the sites. As part of this effort, Geolex evaluated the relationship between observed 1,1-DCE contamination in groundwater and indoor air contamination of overlying residences. In addition, Geolex evaluated the contribution of similar contaminants arising from discharges at an adjacent Colorado Department of Transportation (CDOT) site, as well as other chlorinated solvent and petroleum hydrocarbon sources. The work at this site involved the analysis of the complex relationships between chlorinated organic solvents discharged at the CDOT facility, which flowed onto the Redfield facility and blended with existing contamination prior to migrating downgradient into groundwater underlying a residential area.

Mr. Gutiérrez evaluated the currently operating groundwater and indoor air remedial systems, both on-site and off-site, to evaluate their effectiveness. In addition to performing detailed evaluation of the effectiveness of remedial systems, Geolex conducted groundwater modeling and calculations to support the determination of estimated cleanup times for existing groundwater contamination using the remedial system in place, as well as the proposed enhancements to that system.

As part of this effort, Mr. Gutiérrez provided testimony in several depositions and in a 6-week long trial to present the results of the investigations that supported an allocation between the various on-site and off-site sources of contamination. The plaintiffs in this case were seeking over 380 million dollars in damages. After an extensive trial, in which Mr. Gutiérrez provided testimony for three days, the jury awarded a total of less than three million dollars, of which only about half was allocated to Brown Retail Group, consistent with the allocation models developed and presented by Mr. Gutiérrez and Geolex on this project.

Major Project Elements:

- Technical and litigation support
- Groundwater modeling
- Indoor air contamination
- Expert witness testimony
- Hydrology/hydrogeology
- Remedial Investigation
- Remedial design for groundwater and indoor air
- Evaluation of remedial design performance

