

MCKENNA LONG & ALDRIDGE, LLP
Multiple Sites

Environmental Litigation Support for Environmental Insurance Claims at Sixty Seven Underground Storage Tank (UST) Sites

McKenna Long & Aldridge, LLP, on behalf of their client La Salle National Bank, retained Geolex, Inc. (Geolex) to assess existing information and data regarding the history of UST operations, subsurface contamination, past regulatory activities and investigation, and to evaluate remediation costs at approximately 67 sites in various states. These sites, owned and operated by approximately 13 separate companies, were typically convenience store/gas station operations in the following states: Alabama, Arkansas, Florida, Georgia, Kentucky, Minnesota, Mississippi, Missouri, Ohio, South Carolina, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

In support of the Insured's claim for coverage on these sites, Geolex was tasked with characterizing the investigation/remediation activities that would be required to restore these 67 sites to an unimpaired condition. To begin this effort, Geolex analyzed the existing data and information regarding conditions at the sites at the time when estimates of the costs to remediate or close the sites were made. We also reviewed the available information on surface and subsurface soil conditions, the hydrogeology of the area, history of releases, actual or potential groundwater impairment and potential remedial strategies consistent with applicable state regulations and guidelines. Geolex also evaluated the "Cost to Closure" estimates developed by ATC Associates, Inc. in terms of their appropriateness and adequacy in reflecting the range of likely costs that would be incurred to restore sites to an unimpaired condition. Geolex evaluated and quantified the associated risks and uncertainties inherent in these estimates and presented our conclusions in an expert report.

As a part of this project, Geolex also reviewed significant material available within the environmental consulting profession about contamination associated with UST sites and costs associated with conducting remedial investigations and remediation at similar sites throughout the United States. These data were used to compare the costs for each of these 67 sites to national averages as a measure of reasonableness.

Mr. Gutiérrez provided deposition testimony on two occasions and testified for three days at the arbitration proceeding for this case.

Major Project Elements:

- Hydrogeology and regulatory analysis
- Environmental litigation support
- Remedial investigation/ Remedial cost analysis
- Expert witness testimony

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