

BENJAMIN COSTELLO

President

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BACKGROUND SUMMARY

Over thirty-four years of experience in designing and conducting hydrologic and environmental studies and acquisition of environmental and land use permits for a variety of major projects and CERCLA/SARA sites across the United States. Mr. Costello is currently the owner of Nationwide Environmental Services, Inc., a multi-disciplinary hydrology and environmental management firm. His specific client responsibilities include:

- Serving as an expert for Transcontinental Gas Pipeline Corporation (Transco) to provide expert opinions in the matter of Transcontinental Gas Pipeline Corporation v. United States of America, et. al., Case No. 05-CV-2247 (HB) U.S. District Court for the Eastern District of Pennsylvania. This work is focused on evaluating the nature and extent of damage to three Transco natural gas pipelines that have been subjected to free-phase and concentrated dissolved phase jet-fuel contamination from an adjacent U.S. Air Force installation; what remedial actions are appropriate for use in the vicinity of the pipelines; the efficacy of the past remedial efforts; and the need for additional jet fuel remediation.
- Served as an expert witness for Dover Resources in the matter of Tulsa Pipe Plant v. Dover Resources, Inc. et.al. (Case Number CJ-2005-4241). The work in this matter dealt with evaluating the nature and extent of contamination on the client's property, the on-going and planned remedial efforts and the off-site effects, if any, of the releases. This matter settled before an expert report was prepared.
- Served as an expert retained by the City of Tulsa and the Tulsa Metropolitan Utility Authority to provide expert opinions in the matter of City of Tulsa and Tulsa Metropolitan Utility Authority v. Peterson Farms, Tyson Foods, George's, Cobb-Vantress, Cargill, Simmons Foods, Hudson Foods; Case Number 01CV0900B(C). This work was focused on evaluating the work performed by the City of Tulsa and The Tulsa Metropolitan Utility authority to determine whether the costs incurred by the City of Tulsa and the Tulsa Metropolitan Utility Authority to investigate and carry out response actions to correct the taste and odor problems in the Eucha/Spavinaw drinking water supply constitute necessary costs of response that were performed consistent with the National Contingency Plan (NCP) 40 C.F.R. §300. An additional assignment was to evaluate the effect on the watershed and the lakes of the waste water treatment system at the Peterson Industries' poultry processing facility (Peterson's) in Decatur, Arkansas and the Decatur, Arkansas sewage treatment plant, to evaluate necessary remedial components in the watershed to maintain the viability of the City of Tulsa's water supply, to evaluate allegations that the sewage treatment lagoons at the City of Tulsa's Lake Eucha Park are leaking, to evaluate the impact, if any, of the phosphorous content of minor historic releases of treated water from the sewage treatment lagoons at the City of Tulsa's Lake Eucha Park on Lake Eucha, to evaluate the effect, if any, of the application of treated sewage

to the spray irrigation application area at the City of Tulsa's Lake Eucha Park on Lake Eucha, evaluate the operation of its sewage treatment plant by the City of Decatur, Arkansas (Decatur).

- Served as an expert retained by the City of Waco, Texas to provide expert opinions in the matter of City of Waco versus a number of dairy farms. This work was focused on evaluating the work performed by the City of Waco to determine whether the costs incurred by the City of Waco to identify, investigate and carry out response actions to correct the taste and odor problems in Waco's drinking water supply constitute necessary costs of response that were performed consistent with the National Contingency Plan (NCP) 40 C.F.R. §300.
- Served as an expert in a case between an adjacent landowner and the U. S. EPA regarding the failure of EPA's remedy and subsequent off-site contamination of adjacent property at the Eagle-Picher Smelter Superfund Site in Henryetta, Oklahoma. I was asked to determine if the work performed by the U.S. EPA was done in a manner not inconsistent with the National Contingency Plan (NCP) 40 C.F.R. §300.
- Served as an expert for a Federal Magistrate on a ground water contamination case involving alleged interstate migration of contaminants from poultry operations in Missouri that were alleged to have resulted in detrimental health effects on downstream water users in Oklahoma.
- Serving, for two years, as Project Manager for the Calcasieu Estuary Environmental Action Group (CEEAG), managing the investigation of the Calcasieu River and tributary bayous in the vicinity of Lake Charles, Louisiana. Assisted the potentially responsible parties (PRPs) in all aspects of site investigation, project management and allocation, including making sure that the work performed was necessary and done in a manner consistent with the National Contingency Plan (NCP) 40 C.F.R. §300.
- Serving, since January 1989, as Technical Issues Manager at the Hardage-Criner NPL Site, responsible for management of all technical work for an RI/FS, litigation with EPA and design construction and operation of a \$72 million remedy. Testified regarding the fact that the work performed was necessary and done in a manner consistent with the National Contingency Plan (NCP) 40 C.F.R. §300. Each year I review EPA and ODEQ cost recovery claims to make sure that the cost recover is for work performed in a manner not inconsistent with the National Contingency Plan (NCP) 40 C.F.R. §300. I served on the Allocation Committee in 1987 to 1989 as the interim Site-wide allocation was being developed. Successfully defended the Hardage Site PRPs against a multi-million dollar EPA cost claim that was settled for \$0.46 (forty six cents) on the dollar.
- Serving, since June 1991, as Technical Manager for the Acme Solvents Reclaiming NPL Site, responsible for management of remedy design, implementation and operation and maintenance for a \$17 million remedy. It is my responsibility to make certain that the work performed is necessary and done in a manner consistent with the National Contingency Plan (NCP) 40 C.F.R. §300. Each year I review EPA cost recovery claims to make sure that the cost claim is for work performed in a manner not inconsistent with the National Contingency Plan (NCP) 40 C.F.R. §300. NES administers the Site-wide allocation of costs among the members of the Acme Solvents RD/RA Group.
- Serving, since January 2003, as Project Manager and Chairman of the Hassayampa Steering Committee for the Hassayampa Landfill Superfund Site near Buckeye, Arizona. I am responsible

for management of a detailed review of the current Site conceptual model for contaminant migration, the current remedy design, and all ongoing operation and maintenance. It is my responsibility to make certain that the work performed is necessary and done in a manner consistent with the National Contingency Plan (NCP) 40 C.F.R. §300. Each year I review EPA and ADEQ cost recovery claims to make sure that the cost recover is for work performed in a manner not inconsistent with the National Contingency Plan (NCP) 40 C.F.R. §300. NES administers the Site-wide allocation of costs among the members of the Hassayampa Steering Committee.

- Serving, for six years, as Project Manager for the Bay Drums PRPs for all technical matters related to the Bay Drums NPL site near Tampa, Florida. Assisted the PRPs on initial allocation issues and contracting for services to search for additional PRPs. Performed field oversight of EPA's work on the Site to make sure its work was performed in a manner not inconsistent with the National Contingency Plan (NCP) 40 C.F.R. §300.
- Performed an evaluation of a multi million dollar EPA cost claim against the PRPs at the Talache Mine Superfund Site in Idaho. I was able to show that EPA had acted in a manner inconsistent with the National Contingency Plan (NCP) 40 C.F.R. §300 leading to a settlement for \$0.50 (fifty cents) on the dollar.
- Reviewed and analyzed a \$44 million cost claim for the PRPs at the Stringfellow Superfund Site, Riverside, California in their third-party cost recovery action. My assignment was to evaluate the costs to determine if the costs incurred were necessary costs of response and that the work was performed in a manner consistent with the National Contingency Plan (NCP) 40 C.F.R. §300. I was deposed prior to settlement.
- Represented the PRPs at the Combustion, Inc. Superfund Site as an expert to review the cost allocation system developed by the Combustion Inc. PRP Group, that had been utilized by the PRPs for allocation of all past costs, and determine its appropriateness for utilization in allocation of response costs to third parties and the owners and operators of the site.
- Performed an evaluation of a multi million dollar EPA cost claim against Solutia at the Anniston, Alabama PCB Site. As a result of my work, EPA reduced its cost claim by \$500,000.
- Represented Atlantic Richfield at the Maxey Flats Superfund Site, Maxey Flats, Kentucky, and served as the Chairman of the Interim Allocation Committee.
- Represented Atlantic Richfield at the Compass Industries Superfund Site, Tulsa Oklahoma and worked on developing the interim allocation formula for the PRPs.
- Successfully defended Northrop and Rockwell against a special allocation based on the nature of the wastes these two companies sent to the Stringfellow Superfund Site.
- Served, for two years, as Project Manager representing Adolph Coors Company at the Lowry Landfill Superfund Site, Denver, Colorado. Managed Coors' allocation consultant and represented Coors in allocation negotiations with the other PRPs at the Lowry Landfill Site.

Before founding Nationwide Environmental Services (NES), Mr. Costello also founded Applied Hydrology Associates, Inc. (AHA), a multi-disciplinary hydrology and environmental management firm.

Prior to founding AHA, Mr. Costello was employed as Senior Consultant on water-related issues reporting to the senior management of Atlantic Richfield Company and its subsidiaries. Other positions held at Atlantic Richfield were Environmental Coordinator, Senior Hydrologist, and Manager of Permits and Compliance for ARCO Coal Company with responsibilities that included hydrologic and environmental baseline studies, alluvial valley floor studies, wetlands and essential hydrologic function studies, as well as general environmental monitoring, compliance and permitting activities for active operations in 11 states and prospective projects in 5 additional states.

EDUCATION

M.S. - University of Arizona (1974) - Watershed Management/Hydrology

B.S. - West Virginia University (1972) - Forest Management

West Virginia University, School of Mines (1965-67)

PROFESSIONAL EXPERIENCE

September 1991 to Present, Principal, Nationwide Environmental Services, Inc.

January 1986 to September 1991, Principal, Applied Hydrology Associates, Inc., Denver, Colorado

As a Principal of Nationwide Environmental Services, and formerly of Applied Hydrology Associates, Mr. Costello is responsible for managing various projects for several clients and the business activities of the company. Currently he serves as the Technical Issues Manager for the Hardage Steering Committee at the Hardage-Criner Superfund Site in Oklahoma. Responsibilities include technical oversight of all on-going site operation and maintenance (O&M) activities, interaction and negotiation with all local, state and federal regulatory agencies and citizens, day-to-day management of the Site and proposed modifications to the remedial design with a \$1.1 million annual budget. One particularly rewarding experience was participating as a member of a three-person negotiating team trying to reach a settlement to the lawsuit between the PRPs and US EPA. These negotiations led US EPA to completely change their approach to remediating the site and saved the PRPs over \$100 million. Mr. Costello has reviewed well over \$10 million in U.S. EPA cost recovery claims for the Hardage Site alone and was successful in negotiating a settlement on one EPA multi-million dollar cost recovery claim for only 46 cents on the dollar.

Currently Mr. Costello serves as the Project Manager and Chairman of the Hassayampa Steering Committee for the PRPs at the Hassayampa Landfill Superfund Site near Buckeye, Arizona. Responsibilities include technical oversight of all on-going site operation and maintenance (O&M) activities, management of site-related investigative work, interaction and negotiation with all local, state and federal regulatory agencies and citizens, day-to-day management of the site and proposed modifications to the remedial design with a \$1 million annual budget. Annually, Mr. Costello reviews U. S. EPA and ADEQ cost recovery claims for work performed by these agencies on the Hassayampa Site.

Mr. Costello is currently serving as a consultant to the litigation team for a class-action lawsuit between landowners along the shore-line of the Grand Lake of the Cherokees in Oklahoma and agricultural operations in Arkansas, Missouri, Kansas and Oklahoma. Mr. Costello's role is as a project manager for the various field studies undertaken by the experts working on the case.

In 2001 and 2002, Mr. Costello was retained by Solutia, Inc. to review the response cost claim of the U.S. Environmental Protection Agency against Solutia at the Anniston, Alabama PCB Site to determine if any of the work was performed in a manner inconsistent with the NCP. NES successfully reviewed the

complex cost recovery claim under a very strict time schedule and identified several million dollars in questionable costs.

In 1989, Mr. Costello served as project manager for the field implementation of a detailed, interdisciplinary geologic/hydrogeologic investigation of the Hardage-Criner Site in Oklahoma. Field programs included drilling, sampling, and geophysical testing of vertical and slant boreholes. The field program lasted for approximately three months and had an overall budget in excess of \$2 million.

Currently, Mr. Costello serves as the Technical Manager for remedial design and implementation at the Acme Solvent Reclaiming Site near Rockford, Illinois. The Acme Site remedy involves soil and bedrock vapor extraction, ground water pumping and treatment; low temperature thermal stripping of VOC and PCB contaminated soils and installation of a cap and cover. The estimated remedy cost is \$17 million.

Mr. Costello was the Project Manager for the technical oversight activities for the Bay Drums PRPs at the Bay Drums Superfund Site outside Tampa, Florida. The key issues at this site were the potential cross-contamination of shallow and deeper aquifers, the hydrologic impact of an adjacent sinkhole, and the effect of the site on adjacent wetlands.

Mr. Costello was the Project Manager for the technical work and negotiations with U.S. EPA and Louisiana Department of Environmental Quality for the Calcasieu Estuary Environmental Action Group (CEEAG) a group of alleged industrial contributors to the Calcasieu Estuary Superfund Site in the vicinity of Lake Charles, Louisiana. The Site covered approximately 14 square miles of the Calcasieu River, Lake Charles, Moss Lake, Bayou D'Inde, Bayou Verdine and all adjacent wetlands, urban and industrial areas and tributaries. The key issues at this site were identification and quantification of:

- Current water quality, sediment quality and biological resources in the 14 square mile study area.
- Historic and current contributions from industrial operations on various bayous tributary to the Calcasieu River.
- Historic and current contributions from POTWs on bayous tributary to the Calcasieu River.
- Historic and current contributions from upstream agricultural operations.
- Historic and current contributions from general urban runoff and storm drain systems that emptied into the Calcasieu River.
- Effects of dredging operations on conditions in the Calcasieu River.
- Contributions to current conditions from existing CERCLA sites and as well as active and inactive disposal operations within the 14 square mile study area.

Mr. Costello previously served as the Project Manager for technical and allocation support for Coors at the Lowry Landfill NPL site and was responsible for administering and managing a budget of over \$2 million.

Mr. Costello has served as an expert and fact witness on several occasions.

Mr. Costello served as an expert witness in the matter of the City of Tulsa v. Tyson Foods, Inc. et. al. for surface water contamination involving alleged interstate migration of contaminants from poultry operations that were alleged to have resulted in detrimental effects on downstream water users and the reasonableness, necessity and consistency of the City of Tulsa's response costs with the NCP.

In the matter of *Jones, et al. v. Simmons Foods, Inc.* (Southwest City, Missouri), Mr. Costello served as an Expert for the U.S. District Court for the Northern District of Oklahoma. This matter centered on

ground water contamination involving alleged interstate migration of contaminants from poultry operations that were alleged to have resulted in detrimental health effects on downstream water users.

In the matter of *Unit Parts Company v. Borg Warner Automotive, Inc.* (Oklahoma City, Oklahoma) Mr. Costello was retained by the plaintiff to review the reasonableness, necessity and consistency with the NCP of the work and costs of the RI/FS and remedial design work, evaluate alternate remedial opportunities and work on settling the case. Following settlement, Mr. Costello was retained by both parties, and continues to serve, to oversee the proposed remedial action and monitor project costs.

In the matter of *McDonnell Douglas v. Chester Engineers* (Tulsa, Oklahoma), Mr. Costello was retained as an expert on the failure to properly perform an in situ sludge stabilization remediation of a water treatment plant sludge lagoon and the costs to excavate and stabilize the unstabilized water treatment sludge.

In the matter of *United States of America, et al c. J.B. Stringfellow, Jr., et al*, (Riverside, California), Mr. Costello served as an Expert for the Stringfellow PRPs on the costs and effectiveness of the overall remedy for the site and the reasonableness, necessity and consistency with the NCP of the over \$40 million of RI/FS and RD/RA work done at the site.

In the matter of *William Whitehead v. Allied Signal, Inc., et al*, (Criner, Oklahoma), Mr. Costello was retained as an expert on the valuation of a claim for damages from a landowner adjacent to a Superfund site in Oklahoma. This claim centered on the loss of the use of a portion of the plaintiff's property.

In the matter of *Ozark-Mahoning Company v. Deere & Company*, (Tulsa, Oklahoma) Mr. Costello was retained as an expert to defend our client against a cost recovery claim and determine whether the selected response action and measures taken to implement the response action at the Property were in substantial compliance with the implementing regulations of CERCLA for cost recovery and whether the costs incurred or planned to be incurred to implement the response action at the Property were reasonable and necessary and satisfy cost recovery provisions under CERCLA.

At the *Operating Industries Superfund Site* (OII), (Monterey Park, California), Mr. Costello was retained to provide expert services to determine PRP liabilities and development and review of possible settlement opportunities.

In the matter of *Burrell Industries, Inc. fka Ohio River Sand & Gravel v. Burrell Group Inc., and Burrell Trucking, Inc.*, (Pittsburgh, Pennsylvania) Mr. Costello was retained by the defendant as an Expert to defend against a cost recovery claim under CERCLA. This involved a review of work previously performed by the plaintiff for reasonableness, necessity and consistency with the NCP.

In the matter of *Combustion Inc. - Cost Recovery Allocation* (Baton Rouge, Louisiana) Mr. Costello was retained as an Expert to review the cost allocation system developed by the Combustion Inc. PRP Group and utilized for allocation of all past costs and determine it's appropriateness for utilization in allocation of response costs to third parties and the owners and operators of the site.

In the matter of *William H. Hawks, et al v. Halliburton Company* (Coffeyville, Kansas) Mr. Costello was retained by the defendant as an Expert to analyze the existing site conditions versus historic operations at the site, possible contributions to existing conditions as a result of our client's historic activities, review the RI/FS, review the proposed remedial action and negotiate a settlement.

April 1984 to December 1985, Senior Consultant, Issues and Planning, Atlantic Richfield Company, Los Angeles, California

As Senior Consultant on hydrology and general environmental issues in the Public Affairs Department of Atlantic Richfield Company, Mr. Costello provided technical, legislative and regulatory expertise to the operating divisions of Atlantic Richfield Company (ARCO Oil and Gas Company, ARCO Exploration Company, ARCO Petroleum Products Company, Anaconda Minerals Company, ARCO Solar, ARCO Chemical Company and ARCO Transportation Company). He served as Atlantic Richfield's representative to the California Water Forum, a multi-disciplinary working group trying to develop solutions to California's overall water supply problems. He coordinated and monitored corporate-wide RCRA-related hazardous waste disposal activities including updating the hazardous waste disposal program for oil and gas activities on the North Slope of Alaska. Mr. Costello analyzed all federal and state legislation and regulations related to RCRA, water, and general environmental issues and determined their possible impacts on ARCO operations. He developed a corporate-wide program to bring all operations up to speed on recent RCRA amendments regarding leaking underground storage tanks (LUST). He also coordinated preparation of lobbying materials and lobbying efforts.

January 1980 to March 1984, Manager of Permits and Compliance, ARCO Coal Company, a Division of Atlantic Richfield, Denver, Colorado

Mr. Costello managed all aspects of ARCO Coal Company's national permitting and environmental compliance activities. The responsibilities of this position covered the company's interest in 16 states and active operations in 11 of those states. He was responsible for permitting and environmental compliance for all local, state and federal agencies and worked on numerous wetlands and 404 permitting problems. He personally managed preparation of and provided expert testimony for the Mt. Gunnison Coal Mine in Gunnison County, Colorado in support of a legal challenge mounted by the Natural Resources Defense Council against the issuance of federal and state permits to mine.

October 1978 to January 1980, Environmental Coordinator and Senior Hydrologist, ARCO Coal Company, a Division of Atlantic Richfield, Denver, Colorado

Mr. Costello designed and conducted detailed hydrologic baseline studies and impact predictions for the Coal Creek Mine and Black Thunder Mine in Campbell County, Wyoming, the Mt. Gunnison Mine in Gunnison County, Colorado, the Blackhawk and Greenup mine projects in southern Illinois, as well as other projects in the Appalachian, Rocky Mountain, and Northern Great Plains coal provinces. He designed, conducted, and carried through the regulatory approval process for alluvial valley floor and essential hydrologic function studies for the Coal Creek Mine and Black Thunder mine in Campbell County, Wyoming and the Mt. Gunnison Mine in Gunnison County, Colorado. He also designed, conducted and managed permitting activities for coal mines, international coal terminals, coal transshipping facilities and related projects in 11 states.

January 1976 to October 1978, Manager of Western Operations, Skelly and Loy, Consulting Engineers, Denver, Colorado

Mr. Costello was responsible for establishing and running the western regional office for Skelly & Loy, a national mining and environmental engineering company. Duties ranged from client acquisition and preparation of bids to contract negotiations, field work, report preparation and all personnel matters. He participated in project management as well as project team work efforts, and provided field work and expert witness testimony on a fire-caused pesticide soil and ground water contamination case.

June 1974 to January 1976, Reclamation Director, Imperial Colliery Company, Burnwell, West Virginia

Mr. Costello was responsible for all environmental and hydrology aspects of the company's mining, coal handling and shipping operations. He was responsible for interaction with local, state and federal regulatory agencies, filling out and submitting all permit applications and negotiating terms and conditions of permits.

PUBLICATIONS/PRESENTATIONS

The Hardage Superfund Site: A Remedial Design/Remedial Action Case Study, Benjamin Costello, Karen Wogsland (Manuscript -July 1997). Presentation - 12th Conference on Hazardous Waste Research, May 20-22, 1997

Remedy Optimization and Cost Control for the Remedial Design, and Remedial Action at Acme Solvents NPL Site, Ben Costello, Bill Dotterrer (Manuscript -July 1997). Presentation - 12th Conference on Hazardous Waste Research, May 20-22, 1997