



Helping Businesses
Minimize High Risk
Environmental Exposures
for:

- Mergers & Acquisitions
- Bankruptcy & Restructuring
- Insurance & Risk Transfer
- Litigation & ADR Support



Douglas C. Allen

President & Managing Principal
DOUGLAS C. ALLEN, P.A.

Douglas Allen provides consulting services to businesses and their legal and financial counsel, investors, and insurers to help them define, quantify and manage their high risk exposures to environmental liabilities. Mr. Allen serves as a consulting expert, neutral expert and co-mediator in environmental matters and disputes involving due diligence and valuations for business transactions, insurance coverage for property damage, Superfund and private party cost allocation and cost recovery actions, and environmental mass and toxic torts.

Mr. Allen has over twenty-five years of environmental consulting experience ranging from conducting due diligence assessments for commercial property transfers to managing and directing multi-million dollar, multi-disciplinary investigations and remediation activities at U.S. EPA CERCLA "Superfund" sites.

Representative Environmental Experience:

- **Environmental Due Diligence & Valuation.** Consulting expert for environmental due diligence and valuation activities involving bankruptcy, mergers and acquisitions, remedy selection, and commercial property transactions.
 - Valuation of Environmental Liabilities for Bankruptcy of a Global Supplier of Specialty Chemicals. Prepared environmental liability valuations for a global supplier of specialty chemicals for over 30 of their formerly owned or leased and third-party sites located throughout the U.S. These valuations were prepared in accordance with ASTM E 2137-06 standards for estimating environmental costs and liabilities. The company was seeking to discharge these liabilities in the bankruptcy process.
 - Due Diligence for Acquisition of a U.S. Manufacturing Firm. Conducted environmental due diligence on behalf of an offshore private equity fund buyer seeking to acquire an electronics manufacturing firm. The environmental liabilities of the electronics firm originated from over 500 sites that included open/active sites with ongoing investigation and/or remediation; closed sites with and without potential re-openers; sites with potential toxic tort issues; and sites with no currently known liability. The results of this assessment indicated potential environmental liabilities for the buyer could be up to two times the \$90 million estimate developed by the manufacturing firm's own consultants.
 - Due Diligence for Bankruptcy of a Global Automotive Parts Manufacturing Firm. Conducted environmental and insurance due diligence on a global supplier of automotive parts that had filed for bankruptcy because of asbestos liabilities. The environmental due diligence identified contingent environmental liabilities and evaluated claims brought against the company during bankruptcy proceedings from federal and state environmental agencies seeking cost recovery and from private



parties asserting cost contribution claims. The insurance due diligence focused on identifying and quantifying the available insurance assets of the company which were to be used, in part, to fund multiple trust funds for future asbestos claimants. A plan of reorganization was approved by the court and trust funds were established.

- Valuation of Final Remedy Costs for a Former Chlor-Alkali Facility. Conducted a preliminary evaluation of projected future costs for the RCRA-driven cleanup of mercury contamination at a former chlor-alkali facility. The Corrective Measures Study projected costs for different cleanup scenarios ranging from approximately \$30 million, favored by the former site owner, to over \$200 million ordered by the regulatory agency. The focus of this valuation was to develop a cleanup scenario within this cost range that would be acceptable to both parties and would meet applicable environmental cleanup standards and requirements.
- Environmental Site Assessments. Conducted assessments (including Phase I ESAs) on commercial and industrial properties as part of environmental due diligence for property transactions and re-development.
- **Environmental Insurance Coverage Claims.** Consulting expert, testifying expert, and neutral expert in litigation, arbitration, mediation and settlement negotiations of first-party and third-party claims for property damage, caused by environmental contamination, brought by insureds to their domestic and London Market insurers.
- Evaluation of Property Damage Claims of a U.S. Power Utility. Retained by The London Market as a consulting expert to evaluate environmental property damage claims brought by a major U.S. utility to this insurer. The utility claimed nearly \$450 million for past and future costs at thirty-two former manufactured gas plant sites and one site contaminated with polychlorinated biphenyls (PCBs). DCA's evaluation of past and future costs totaling \$295 million (66%) for eleven of these sites indicated past and future costs of approximately \$90 million were potentially recoverable prior to legal analysis. The insurer and the insured settled.
- Evaluation of Property Damage Claims of a U.S. Aviation Manufacturer. Served as one of two testifying damages experts in a litigated case involving a major aviation manufacturer and its domestic insurer. The insured sought recovery for environmental property damages totaling \$450 million in past and projected future costs at 17 individual sites owned or leased by the company. Case settled prior to trial.
- Other Insurance Claim Evaluations. Evaluated over three dozen claims brought by insureds representing a broad range of industries and facilities including: aviation manufacturing, electrical utilities, electronic component manufacturing, manufactured gas plants (MGPs), metallurgical manufacturing, natural gas pipelines, petrochemical refining and distribution, transportation infrastructure (e.g., ports & harbors, railways, and airports), and wood treating facilities.



- **Cost Allocation & Cost Recovery.** Consulting and neutral expert for allocation and recovery of response costs from U.S. EPA enforcement actions and third-party contribution claims.
 - PRP Cost Allocation at a U.S. EPA Region II Superfund Site. Prepared an allocation of past and future response costs as part of a mediated settlement among three plaintiff parties seeking cost contribution from multiple defendant parties at an abandoned municipal landfill site. Developed a factor weighting matrix model to assign shares to the three PRP groups: owner/operator, transporter, and generator. For the generator group, comprising the largest number of PRPs, a cost allocation model was developed using estimates of waste volumes produced at the generator's facilities, factoring in deposition testimony of the waste transporters, and applying a series of litigation risk factors to compute an allocated share for each of the generator parties. The results of the model were used in subsequent mediation sessions to achieve a global settlement among all parties.
 - PRP Contribution Action for a U.S. EPA Region IV CERCLA Site. Served as consulting expert in the litigation of a contribution action for cleanup costs at a U.S. EPA Region IV Superfund Site brought by a plaintiff group against multiple defendants. Worked with legal counsel retained by one defendant to develop an argument that the evidence cited by the plaintiff's technical expert was insufficient to link this defendant to the site and that the defendant's allocated share derived by the plaintiff's allocation expert was based on erroneous methods and information. Case settled.
 - Other Cost Allocations. Prepared allocations of response costs among multiple parties at seven U.S. EPA CERCLA and private party sites. Potentially responsible parties (PRPs) for whom these allocations were conducted included owner/operators, transporters, and generators. Mediated settlements of these allocations were achieved in the majority of these cases.
- **Environmental Mass and Toxic Torts.** Neutral expert/co-mediator for mediated settlements of environmental mass and toxic tort cases.
 - Toms River, New Jersey. Residents in this community were exposed to multiple chemical contaminants through the municipal drinking water supply resulting in an alleged increase in child and adult cancers observed in their community. The parties included a residents' group, two chemical companies, and a local water supply company. A mediated settlement among all parties was achieved.
 - U.S. Semiconductor Manufacturer. Private drinking water wells in a large residential neighborhood were contaminated from uncontrolled releases from an up gradient semiconductor manufacturing facility. The residents' claims included alleged injuries from drinking contaminated water, fear of future injuries and diseases, and property diminution. A mediated settlement was achieved.



- **Environmental Investigation & Remediation.** Project engineer and project manager for remedial investigations, feasibility studies and construction at U.S. EPA CERCLA and RCRA sites.
- Massachusetts Military Reservation/Otis Air Force Base. Senior Project Manager and Technical Director for remedial studies and cleanup activities at this U.S. DoD Installation Restoration Program (IRP) and U.S. EPA Superfund Site. Work was conducted to address contamination of soil and groundwater by chlorinated solvents and petroleum-based hydrocarbons at 77 individual areas. Directly responsible for the following activities during a three and a half year tenure in this position: 21 Site Investigations; 9 Remedial Investigations; 2 Feasibility Studies; 2 Proposed Plans & Records of Decision (RODs); Engineering Evaluation and Cost Assessment (EE/CA), and Design Specifications for remediating solvent and PAH contaminated soil at multiple sites; Design and construction oversight of a 100 acre landfill cap; Design and construction oversight of a groundwater extraction and treatment system to treat groundwater contaminated with chlorinated solvents; Preparation of an annual cost allocation for the distribution of remedial investigation and cleanup costs among branches of the armed services resident at the base; Served as a technical expert to the U.S. DoD for the negotiation of a Federal Facility Agreement (FFA) among government and state agencies.
- New Bedford (MA) Harbor Superfund Site. Project Manager and Technical Director for two feasibility studies of remedial alternatives prepared to address PCB and metal contaminated sediments in New Bedford Harbor and Upper Buzzards Bay. During this four and one half year project responsibilities included technical direction of the two feasibility studies and coordination with and integration into the feasibility studies of numerous supporting studies including: human health and ecological risk assessment; treatment technology bench and pilot scale tests; sediment-contaminant transport and food-web modeling; and dredging and disposal engineering feasibility studies and pilot scale tests. Provided technical support to U.S. EPA Region I and U.S. DoD in PRP cost recovery activities.
- Other CERCLA & RCRA Investigations, Feasibility Studies & Remedial Actions. Conducted, managed or evaluated investigation, feasibility study and remedial activities at CERCLA and RCRA sites throughout the U.S. Activities included: field sampling of soils, sediments, groundwater and surface water; development of contaminant fate and transport models; human health and ecological risk assessment; evaluation of treatment technologies and remedial alternatives; preparation of decision documents for regulatory agencies.



Positions Held:

President & Managing Principal
DOUGLAS C. ALLEN, P.A.
East Montpelier, Vermont 05651
1994 - Present

Project Engineer, Project Manager, Senior Project Manager
ABB Environmental Services, Inc.
Portland, Maine
1983 - 1994

Education & Certifications:

- Registered Professional Engineer (MA, VT)
- *Master of Engineering*
Dartmouth College
- *Bachelor of Engineering*
Dartmouth College
- *Bachelor of Arts, Biological Sciences*
University of Vermont

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References available upon request