

## OVERVIEW

Mr. Simon is an environmental consultant with over 26 years of broad-based experience in assessing, managing, and mitigating issues associated with hazardous substances and petroleum constituents. As a Director of Gnarus Advisors he is responsible for directing environmental projects throughout the United States. Mr. Simon's areas of expertise include remediation, due diligence, environmental insurance, liability risk transfer, and environmental management. He also routinely provides litigation support and expert testimony.

## EXPERIENCE

### REMEDIATION

Mr. Simon has evaluated and conducted thousands of remediation projects. Serving as Editor-in-Chief of the Remediation Journal since 1996, he is considered a thought leader in the remediation industry. He has direct experience with most remediation technologies and has implemented projects under CERCLA, RCRA, state orders, and voluntary cleanup programs. Mr. Simon is also involved with the green and sustainable remediation arena and, in this respect, is leading the development of ASTM's Green Remediation portion of its upcoming Standard Guide for Greener Cleanups, is an active member of the Sustainable Remediation Forum ("SURF"), and leads the Sustainable Remediation Panel's quarterly publication in the Remediation Journal.

### ENVIRONMENTAL INSURANCE

Mr. Simon has unique experience in the environmental insurance industry. He helped develop underwriting models and programs for several major insurers, directed the technical aspects of underwriting for over 1,000 insurance submissions, and provided technical advice related to more than 50 environmental insurance claims.

### DUE DILIGENCE

Mr. Simon routinely directs environmental due diligence programs on behalf of private equity firms, banks, and corporations. He understands the business aspects of transactions and often provides assistance in the structure of environmental aspects of acquisition agreements. These transactions have ranged from single sites to corporate transactions valued above \$1 billion. He routinely models environmental liabilities to support due diligence negotiations. For one client, he is routinely retained as an outsourced corporate environmental manager in supporting due diligence projects.

## ENVIRONMENTAL MANAGEMENT

Mr. Simon routinely provides strategic advice to various corporations, including several Fortune 500 companies, related to environmental management structures. He has helped structure environmental management systems, liability reporting programs, and training. He has trained environmental managers on various aspects of regulations and best management practices. In addition, he was intimately involved in developing sophisticated liability estimating, tracking, and reporting structures for three large corporations with total liabilities as high as \$100 million.

## LITIGATION SUPPORT AND TESTIMONY

City of San Diego v. Kinder Morgan Energy Partners et al., U.S. District Court, Southern District of California, Case No. 07-CV-1883 W (AJB) - Mr. Simon provided expert opinions related to the timing and adequacy of remediation related to petroleum contamination migrating from an oil terminal onto the San Diego Chargers' stadium property. Mr. Simon was deposed in this case in 2012. The matter is ongoing.

Arkema, Inc. v. Commerce and Industry Insurance Company, U.S. District Court, Eastern District of Pennsylvania, Civil Action No. 2:11-cv-04251-JA. – In this matter, Mr. Simon provided expert opinions regarding the source and timing of contamination related to fluorspar mill tailings. In addition, Mr. Simon provided an opinion regarding the remediation costs incurred by the U.S. Government in a CERCLA action. Mr. Simon was deposed in this case in 2012 and the matter was subsequently settled.

Ryan Environmental, Inc. v. Hess Oil Company, Inc., AIG Domestic Claims, Inc. (Division of AIU Holdings), and Commerce and Industry Insurance Company. Circuit Court of Harrison County West Virginia, Case No. Civil Action No. 10□C□20 - This matter was related to the source and timing of pollutants at a former service station in Mt. Storm, West Virginia. Mr. Simon provided expert testimony, including his expert opinions, at a jury trial in 2011. He was qualified as an expert by the court.

BVT Institutional Investments, Inc. and U.S. Retail Income Fund, VIII-D L.P., v. LandAmerica Assessment Corporation d/b/a National Assessment Corporation and National Assessment Corporation. Case No. 30-192-Y-00882-07. American Arbitration Association, Atlanta, Georgia – Mr. Simon provided an expert opinion on whether the investigation and remediation at a former dry cleaner site with chlorinated solvent contamination was reasonable and necessary. Mr. Simon's opinion included an evaluation of the cost incurred for the site remediation. Mr. Simon was deposed in this matter and also appeared before an arbitration board at the American Arbitration Association in Atlanta, Georgia in 2009.

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JBG/JER Shady Grove, L.L.C., v. Eastman Kodak Company, Civil Action No. 214877, Circuit Court for Montgomery County, Maryland, 2001 (arbitration) and 2004 (trial), Rockville, Maryland – Mr. Simon provided an expert opinion on sources and extent of releases of hazardous substances, including chlorinated solvents, from a former photographic facility. Mr. Simon evaluated the investigation and planned remediation relative to the Maryland Voluntary Cleanup Program requirements. Mr. Simon also testified regarding the adequacy of Phase I environmental site assessments relative to the ASTM and industry standard practices.

Fisher Controls International, Inc., v. Bolin Oil Company, Civil Action No. 4:96-CV29, U.S. District Court of the Eastern District of Texas, Sherman Division, McKinney, Texas - Mr. Simon provided an expert opinion on the source of soil and groundwater contamination and the associated remediation cost.

F.L. Smidth & Co. v. The Travelers Insurance Company, et al. Hunterdon County, New Jersey, Docket No. HNT-L-21-94, Superior Court of New Jersey, Hunterdon County Law Division, Lebanon, New Jersey – Mr. Simon is providing an expert opinion on the timing and sources of chlorinated solvent and petroleum contamination in soil and groundwater. Mr. Simon evaluated investigation and remediation reports prepared by others, reviewed employee depositions, and prepared affidavits submitted to the court. As part of the expert opinion, Mr. Simon directed the computer simulation of contaminant migration.

Michael Magruder, *et ux.*, vs. M. Elaine Mielke. *et al*, Civil Action No. 03ca000646, Superior Court of the District of Columbia, 2004, Washington, DC – Mr. Simon provided an expert opinion on the potential necessity and cost of remediating soil containing arsenic. The alleged sources of the arsenic contamination were World War I-era U.S. Army testing excavations on the Spring Valley neighborhood in Washington, DC.

Timex Corporation v. The Home Insurance Company, et al. 1998. - Mr. Simon provided expert litigation support by evaluating technical consultants' reports and strategies related to a RCRA response at a manufacturing site contaminated with chlorinated solvents in soil and a fractured bedrock aquifer. Mr. Simon evaluated the distribution of contaminants, remedial technologies, and cost. Mr. Simon was deposed in this matter; however, it was settled before trial.

Emerson Electric Co., Alco Controls Division, v. Cook & Co., a Georgia Limited Partnership, and Claude P. Cook, Sr., Civil Action No. CV296-131, U.S. District Court for the Southern District of Georgia, Brunswick Division, 1998, Hazlehurst, Georgia – Mr. Simon directed soil and groundwater investigation activities at this property and adjacent properties. He then served as an expert regarding the source and extent of

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chlorinated solvent contamination. Mr. Simon was also deposed in this matter; however, it was settled before trial.

Desoto Associates Limited Partnership v. Arundel Fuel Injection Corporation, Case No. 0101000243197, in the District Court of Maryland for Baltimore City, 1998, Baltimore, Maryland – Mr. Simon directed soil investigation and remediation activities and then served as an expert trial witness regarding the source of petroleum and chlorinated solvent contamination.

Youngs Rubber Corporation Stockholders' Liquidating Trust v. The Aetna Casualty and Surety Company, Insurance Company of North America and New Jersey Property Liability Insurance Guaranty Association, Docket No. MREL00108395, New Jersey Judicial District of Mercer County, 1996, Trenton, New Jersey - Mr. Simon directed soil and groundwater remediation activities at this site and then served as an expert regarding the cost incurred and future costs related to the remediation activities for purposes of settlement negotiations.

US Bankruptcy Court, 1900 Connecticut Avenue Associates Limited Partnership, d/b/a Quality Hotel Central, District of Columbia, 1991, Washington, D.C. - Mr. Simon provided expert witness testimony related to pollution abatement costs related to asbestos-containing materials present at a hotel.

## SELECTED PUBLICATIONS

Mr. Simon is Editor in Chief of *Remediation, The Journal of Environmental Cleanup Costs, Technologies & Techniques*, which is published by John Wiley & Sons. This is a technical journal directed to members of the scientific and engineering community who specialize in the application of remediation technologies at contaminated sites. As editor in chief, Mr. Simon is responsible for overseeing the overall quality of the journal's articles. He has personally reviewed and provided comments on hundreds of articles. He has been on the editorial advisory board of this journal since it was first published in 1991 and Editor in Chief since 1996.

Mr. Simon has published over 50 technical articles, columns, and book chapters focusing on elements of remediation technologies, emerging chemicals, and environmental regulations. Selected publications include:

Simon, J. 2010. An analysis of the Battelle Remediation Conference as a bellwether for treatment technology trends – Part 4. *Remediation Journal* (Autumn).

Simon, J. 2010. The controversy surrounding screening levels for trichloroethane and other chlorinated solvents. *Remediation Journal* (Spring).

- Simon, J. 2009. Atrazine becomes important regulatory issue. Remediation Journal (Winter).
- Simon, J. 2009. State of *in situ* remediation technology. Remediation Journal (Autumn).
- Simon, J. 2009. Sustainable remediation gains momentum as SURF publishes groundbreaking white paper. (Summer).
- Simon, J. 2008. New accounting standards require expertise from remediation professionals. Remediation Journal (Winter).
- Simon, J. and Ferguson, S. 2008. An analysis of the Battelle Remediation Conference as a bellwether for treatment technology trends – Part 3. Remediation Journal (Autumn).
- Simon, J. 2008. Novel methods of identifying contaminants and monitoring remediation. Remediation Journal (Spring).
- Simon, J. 2007. Survey reveals trends in remediation selection. Remediation Journal (Winter).
- Simon, J. 2007. Managing sites with offsite groundwater contamination. Remediation Journal (Autumn).
- Simon, J. 2007. Climate-change effects on the remediation industry. Remediation Journal (Spring).
- Simon, J. and Sobieraj, J. 2006. Contributions of common sources of polycyclic aromatic hydrocarbons to soil contamination. Remediation Journal (Summer).
- Simon, J., Burns, M., and Bonner, C. 1999. Recent Developments in Cleanup Technologies: Update on Monitored Natural Attenuation Advancements and Products. Remediation Journal (Winter).
- Simon, J. and Carlson, R. 1999. Recent Developments in Cleanup Technologies: Removing Lingering LNAPL Through Enhanced Product Recovery. Remediation Journal.
- Accame, G. and Simon, J. 1998. Recent Development in Cleanup Technologies: Remediation Cost Trends, a Market Analysis. Remediation Journal (Winter).
- Simon, J. 1997. Recent Developments in Cleanup Technologies: Iron as a Catalyst: the Next Frontier in Groundwater Remediation. Remediation Journal.

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Simon, J. 1997. State Voluntary Cleanup Programs: A Comparison of Three Different State Programs. Environmental Regulation and Permitting.

Simon, J. 1996. Eliminating Environmental Liabilities by Transferring Ownership of Contaminated Properties. Remediation Journal.

Simon, J. and Crider, S. 1996. Recent Developments in Cleanup Technologies/Brownfields: A Status Report on Recent Developments. Remediation Journal.

Simon, J. and Doherty, C. 1996. Recent Developments in Cleanup Technologies/EPA's Proposed "HWIR" Regulation: An Analysis from the Remedial Perspective. Remediation Journal.

Simon, J. and Sobieraj, J. 1995. Survey: Bioremediation Contractors Guarantee Performance. Remediation Journal.

Simon, J. and Gibson, K. 1995. Recent Developments in cleanup Technologies/New Brownfields Initiative Eases Site Cleanups. Remediation Journal.

Simon, J. and Bryda, L. 1994/95. Recent Developments in Clean-up Technologies/Funnel-and-Gate Systems Offer Innovative Solution to Ineffective Groundwater Pump-and-Treat Technology. Remediation Journal.

Murphy, M., Simon, J., and Sellman, C. 1994. Bioremediation of Contaminated Soil and Groundwater: How and Why Does It Work? Journal of Environmental Law & Practice.

Simon, J. and Thiell, J. 1993/94. Progression of EPA's Policy on the Remediation of Groundwater. Remediation Journal.

Simon, J. and Crider, S. 1993. New EPA Administrative Improvements Affect Superfund Cleanup Process. Environmental Claims Journal.

Simon, J. and Murphy, M. 1993. EPA Changes Could Alter Risk Mgt. Strategies. National Underwriter.

Romano, A. and Simon, J. 1993. Superfund Accelerated Cleanup Model: EPA Tests Streamlining the Superfund Program. Remediation Journal.

Simon, J. 1992/93. A Technical View: New EPA Developments to Streamline Site Cleanups. Environmental Permitting.

Simon, J. and Johns, K. 1992/93. In-Situ Air Sparging: An Innovative Saturated Zone Remediation Technology. Remediation Journal (Winter).

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Simon, J. and Turtz, E. 1992. A Technical View: EPA Proposals Redefine RCRA Treatment Requirements. Environmental Permitting.

Wyckoff, J. and Simon, J. 1992. In-Situ Sampling Surveys Analyzed Onsite in Mobile Laboratories. Remediation Journal.

Simon, J., Romano, A., and Dolan, K. 1992. Developing an Underground Storage Tank Closure Strategy. Environmental Permitting.

Simon, J. 1991. The Proposed RCRA Corrective Action Rule and Its Effect on Remediation Technologies. Remediation Journal.

Simon, J. 1988/89. Soil Treatment Technologies--Alternatives to Land Disposal. Environmental Claims Journal.

Simon, J. 1984. Comparison of the Fate of Heptachlor in a Laboratory Stream and Computer Simulation Using the EXAMS Model. Conference of the Biosphere, Proceedings.

## EDUCATION

Stanford University

M.S., Environmental Engineering and Science

Vanderbilt University

B.E., Civil and Environmental Engineering, *magna cum laude*

## PROFESSIONAL CREDENTIALS

Occupational Safety and Health Administration 40-hour hazardous site worker training and 8-hour supervisor training

Ohio EPA Voluntary Action Program Certified Professional #152

North Carolina Registered Environmental Consultant

## PREVIOUS EMPLOYMENT

WSP Environment & Energy

John Wiley & Sons (Editor-in-Chief, *Remediation Journal*)

Post, Buckley, Schuh & Jernigan