

OVERVIEW

Jeffrey Zelikson's more than 35 years of experience in environmental policy and implementation issues span the private sector, state and federal government arenas. Before joining Gnarus Advisors in February 2010, he had been engaged in private-sector consulting at LECG (from 2001) and Putnam, Hayes & Bartlett, Inc. (from 1995). He left the US Environmental Protection Agency (USEPA) in 1995 after completing a distinguished 25-year career with the Agency.

Mr. Zelikson has been involved in environmental policy, regulatory, and program development, and management and implementation of environmental programs since the initiation of such activities in the nation. He specialized in water resources issues from the early 1970s and hazardous waste site policy making and remediation activities since the discovery of the nation's first such sites in the late 1970s. His direct field and decision-making experiences at hundreds of sites has provided significant value to clients involved in matters related to disputes with government regulatory agencies, insurance coverage for environmental damage, Superfund cost recovery and contribution actions, and other environmentally-related disputes dealing with water pollution, waste management, and remediation matters. Mr. Zelikson has also been involved in strategic consulting, advising clients in a variety of environmental compliance and remediation matters.

Mr. Zelikson is also using his more than 35 years of experience and expertise to provide his clients with services as an environmental mediator involving complex environmental disputes. His extensive experience as a USEPA decision maker and in complex litigation as a private sector consultant enables him to bring a unique and broad perspective to assist parties in resolution of disputes involving environmental issues and significant costs. Mr. Zelikson's unique broad perspective enables him to work effectively with all parties, including government agencies, community representatives, citizen environmental organizations, and private sector parties, to find common solutions and to mediate amongst disputing parties to resolve issues and to reduce or to narrow the scope of further litigation.

EXPERIENCE

EXPERT TESTIMONY

Mr. Zelikson has been retained to provide expert testimony in more than 75 cases since 1995, since leaving USEPA.

- For more than 40 private party cost-recovery actions for both plaintiffs and defendants, Mr. Zelikson has provided expert opinions and testimony on the cleanup actions' consistency with the National Contingency Plan (NCP), the adequacy of cost documentation, and the reasonableness of response actions and costs.

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- Mr. Zelikson has provided expert testimony in one of the largest environmental bankruptcy case in the US. His testimony utilized probabilistic modeling and decision trees to estimate future environmental liabilities at more than 22 sites for ASARCO, LLC. The government claims in the bankruptcy exceeded \$6 billion.
- In six separate insurance recovery cases, Mr. Zelikson has provided expert opinions about the companies' compliance with state and federal environmental laws and regulations.
- Mr. Zelikson provided expert testimony in an insurance recovery case, involving the issue of prejudice based on when the insurance carriers were notified. This involved a detailed assessment of the regulatory actions affecting nine sites in the case.
- Mr. Zelikson provided expert testimony in an insurance recovery case involving more than 30 sites and a determination of remediation costs versus the costs of doing business.
- For six Fortune 500 companies' insurance recovery cases, Mr. Zelikson provided expert opinions about the reasonableness of past remediation activities and/or costs.
- Mr. Zelikson has provided expert testimony regarding the appropriateness of USEPA regulatory actions at major hazardous waste sites.
- Mr. Zelikson provided expert testimony in two separate matters supporting the reasonableness of the company's action as a government contractor in defense of a fraudulent claim brought by an ex-employee and the government and in a contract dispute with the government.
- Mr. Zelikson's extensive experience with hazardous waste site cleanup costs and decisions has also enabled him to provide valuable input to the development of future cleanup costs.
- Mr. Zelikson has developed and managed project teams in several matters involving the production of settlement documents for use in client negotiations with their insurance carriers, with total claims exceeding \$1.5 billion.
- Mr. Zelikson has been retained to provide expert testimony involving matters related to compliance with NPDES permits for a Fortune 100 company.

SITE REMEDIATION

Mr. Zelikson has also assisted clients in developing strategic site remediation approaches and with transactions and disputes associated with major hazardous

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waste sites.

- For a Fortune 100 company, Mr. Zelikson developed a comprehensive strategy that identified cost drivers at major sites. He also developed a management implementation plan to achieve the company's site remediation objectives.
- For a Fortune 5 company, Mr. Zelikson provided expertise in critiquing USEPA actions and costs in a government cost-recovery action.
- For a group of insurance carriers, Mr. Zelikson provided expert analysis and testimony on the reasonableness of site oversight costs.
- For several clients, Mr. Zelikson was retained to assist in negotiations with USEPA regarding appropriate penalty amounts and actions.
- Mr. Zelikson was retained by a Fortune 100 company to assist in negotiations with another potentially responsible party (PRP) and to provide expertise in damage assessment and cost allocation.
- Mr. Zelikson was retained to advise a group of 150 parties in their negotiations with USEPA connected with a *de minimis* settlement at a major hazardous waste site.
- Mr. Zelikson was retained to assist a major corporation in the development of a negotiation strategy with USEPA regarding the appropriate remedy at a large and complex NPL site.

OTHER

- Mr. Zelikson has been the featured speaker at numerous seminars and conferences related to hazardous waste cleanup and management issues. He has also lectured at the University of California at Berkeley and Davis.
- Mr. Zelikson has testified on several occasions before the US Congress and state legislative bodies.
- Mr. Zelikson also has extensive experience with the nation's water permit and enforcement programs. Beginning in 1971, he helped develop USEPA's initial permit program for discharges to the nation's waterways. He had direct and first-hand experience in developing permit conditions for industrial and municipal permits and issued and enforced the first such permits in the nation beginning in 1972 under the National Pollutant Discharge Elimination System (NPDES) program under the federal Water Pollution Control Amendments of 1972. From 1972 to 1975, he supervised the NPDES program for industrial dischargers for USEPA Region II. From 1975 to 1979, he served in a variety of positions with the state of New Jersey, starting as the manager of the permit and enforcement program for the state's

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NPDES program. He became the state's chief water resource official as the Director of the Water Resources Division. He continued to have executive level responsibility for New Jersey's NPDES program until 1979. In 1979, when Mr. Zelikson returned to USEPA, and continuing until 1983, he maintained involvement in the management of the NPDES program for USEPA as the Deputy Director of the Water and Waste Division and Deputy Director of the Environmental Services Division for USEPA Region.

PREVIOUS EXPERIENCE

Mr. Zelikson held various positions with USEPA in both San Francisco and New York and with the New Jersey Department of Environmental Protection and Esso Research and Engineering Company (now Exxon).

- Mr. Zelikson provided executive level direction for Superfund, hazardous waste compliance/enforcement/permitting, polychlorinated biphenyl (PCB) and asbestos compliance and enforcement activities, underground storage tanks (USTs), emergency response, and municipal solid waste and pollution prevention activities for USEPA's Western Region, encompassing California, Arizona, Nevada and Hawaii. He led a staff of more than 300 with a budget in excess of \$100 million/year.
- His team consistently led the nation in the percentage of Superfund sites cleaned up by private parties.
- He developed the largest and most effective program in the nation for managing cleanup activities at operating and closing military bases. This program effectively balanced cleanup and economic/transition issues to allow for productive nonmilitary uses of the closing bases.
- He organized and provided direction to achieve the greatest success in the nation for cleanup of a cluster of Superfund sites in Silicon Valley, California. The cleanups were carried out with a minimum of transaction costs, as well as unprecedented cooperation among USEPA, the state of California regulatory agencies, and the private companies involved.
- In USEPA's New York Regional Office, Mr. Zelikson was responsible for day-to-day management and direction of field inspection and laboratory services for air, water, and hazardous waste activities including emergency response. He also managed an effective ocean-sampling program using helicopters.
- As Director of New Jersey's Water Resources Division, Mr. Zelikson was responsible for directing a staff of 750 engaged in sewerage facilities planning and

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construction, water supply planning and operations, water enforcement and permitting, drinking water protection, wetlands and floodplain management activities.

- Mr. Zelikson directed the construction of more than \$3 billion in sewerage facilities, which restored water quality to New Jersey shoreline previously degraded from sewage outfalls.
- He served as spokesperson before the state legislature, media, and communities.
- Mr. Zelikson designed petrochemical facilities for the foreign affiliates of the Exxon Corp., the world's largest oil company, which included:
 - The design of product loading and blending facilities for a refinery in Argentina.
 - The design of tankage and oil recovery facilities for a refinery in Thailand.
 - On-site project management assignments in the Netherlands and in Aruba.
- For a major Southwest utility company, Mr. Zelikson assisted in negotiations and settlement of a civil penalty action with USEPA.

EDUCATION AND PROFESSIONAL

City University of New York
B.S., Mechanical Engineering
Stevens Institute of Technology
Graduate studies in Mechanical Engineering
Professional Engineering Licenses from the States of New York and New Jersey

PREVIOUS EMPLOYMENT

LECG, LLC
Putnam, Hayes & Bartlett, Inc.
US Environmental Protection Agency (USEPA)

PUBLICATIONS

"CERCLA Quality Over CERCLA Quantity: The Sensible Path for Assessing NCP Consistency," with Robert P. Dahlquist and Lisa A. Fitzgibbon, *Chemical Waste Litigation Reporter* (June 1997).

"The Price of Clean Drinking Water", with Lisa Decker of Snell & Wilmer, *Environmental Law 360* (August 2011).