



**AIRROC & EECMA Present
Mega-Superfund Site Symposium
September 7, 2017**

Convene at Cira Centre, 30th Street Station
2929 Arch Street, Philadelphia, PA

This one-day symposium will address the many challenges that arise from Mega Superfund Sites, such as the Portland Harbor, the Lower Passaic River and other similar contaminated sediment sites, with remediation costs estimated in the billions. The conference will cover the regulatory climate governing such sites under the current Administration, a discussion of a proposed expansion of the Great Lakes Legacy Act scheme, the unique challenges concerning the remediation of these sites, the Natural Resource Damage components of these sites, how the complex legal liability allocation process works and defenses to liability, and the insurance coverage implications. It will bring together thought leaders from industry, the legal profession, the scientific community, environmental consulting firms, academia, government regulators, and the insurance industry. This is an essential conference for all stakeholders involved with these sites and is intended to be a launching pad for further discussion, learning and networking around these issues.

Schedule

9:00 AM **Arrival and Registration**

9:30 AM **Welcome**
Carolyn Fahey, Executive Director, AIRROC
Gregory Kelder, Executive Director, EECMA

9:40 AM **Keynote Address**

10:00 AM **Characteristics of Mega-Superfund Sites and Remediation Challenges**
This panel will discuss key developments at Superfund mega-sites, including the technical and legal concerns associated with the longer-term wrap up and closure of large, complex sites. Our speakers will address a host of emerging issues, including EPA Administrator Scott Pruitt's recently announced set of Task Force recommendations that are aimed at improving the Superfund program. This interactive session will explore EPA's support of increased use of adaptive management strategies for major sites, especially when focusing on early action remedies to reduce quickly the risks at a site. The panel will conclude with a discussion of key takeaways on the technical and practical issues, which

consultants and lawyers must consider in counseling clients at Superfund mega-sites.

Panelists:

Peter Alvey, P.E., Vice President & Principal Engineer, Roux Associates, Inc.
Kieran Purcell, P.E., LEED AP, Principal Consultant, Rimkus Consulting Group, Inc.
David C. Weber, Principal, Beveridge & Diamond, P.C.

11:00 AM Networking Break

11:10 AM **Liability Defenses and Natural Resource Damages**

The second component of the CERCLA liability scheme addresses liable parties paying for damages caused to natural resources. Compensation paid is generally restricted in its use to paying for restoration of the damaged resources. This panel will discuss emerging issues in natural resource damages liability claims and defenses. It will consider the state of the art in damages assessment proceedings, discuss trends in litigation initiated by tribes and other trustees, and will evaluate federal efforts to innovate with respect to settlement mechanisms and to stimulate early restoration efforts at mega-sites.

Panelists:

Loren Dunn, Partner, Beveridge & Diamond, P.C.
Ira Gottlieb, Partner, McCarter & English, LLP
Mark Laska, Founder and President, Great Ecology

12:10 PM **Networking Luncheon**

1:00 PM **Challenging Issues in Allocation of Liability**

Allocating CERCLA liability at Mega-Superfund Sites, often among hundreds of PRPs and involving many decades of disposal, requires creativity in science, history, law and deal-making. What works and doesn't work in these settings will be the subject of the panel-members: Court or ADR? Binding or Nonbinding? EPA's involvement – a facilitator or hindrance? We will consider the benefit of detailed "fact-based" approaches to allocation v. "broad-brush" industry/time-on-site/pathway assumptions? The panel will explore who are the winners and losers in various resolution models and approaches. There is much to explore.

Panelists:

Larry Silver, Partner, Langsam Stevens Silver & Hollaender LLP
Bill Hengemihle, Senior Managing Director, FTI Consulting
Teresa C. Michelsen, Principal Environmental Scientist, Farallon Consulting, L.L.C.

2:15 PM **Networking Break**

2:25 PM **Great Lakes Legacy Act, Superfund Reform and Lessons Learned from the Hudson River**

Mega Site remediation is one of the most complex, intractable and difficult challenges facing USEPA. This panel will focus on USEPA's highly successful and environmentally sound implementation of cost effective sediment site cleanup

under the Great Lakes Legacy Act (GLLA); discuss the complementary pilot program developed by the U.S Army Corps of Engineers (USACE) and enacted by Congress in the Water Resources Development Act (WRDA) for the clean-up of contaminated sediment sites and the economic development of our nation's rivers and harbors; and explore how these programs can be combined to provide the framework for USEPA and USACE to break the current Mega Site gridlock to achieve the new administration's goals of fiscal restraint, infrastructure development, job creation, private sector investment and innovation – while remaining true to the longstanding commitment of both of these agencies to environmental excellence and the protection of human health. Lessons learned from the Hudson River remediation project will also be discussed.

Panelists:

George Rusk, Vice President, Ecology & Environment, Inc.
John Morris, P.E., Global Remediation Director, Honeywell

3:25 PM Networking Break

3:35 PM Insurance Coverage Implications

This discussion will cover key coverage issues that arise under legacy primary and excess CGL policies at mega- superfund sites, including: "Expected or intended" and related "known loss" Issues, pollution Exclusion Issues, Timing of PD, Allocation v. "all sums", Number of occurrences (big issue), Non-cumulation clauses and "stacking" issues, Contribution claims among insurers; claim bar orders

Panelists:

Aidan M. McCormack, Partner, DLA Piper LLP
Peter Mintzer, Partner, Selman Breitman
Lind Stapley, Shareholder, Soha & Lang, P.S.
Adam Krauss, Partner, Traub Lieberman Straus & Shrewsbury LLP
Eliot R. Hudson, Senior Counsel, DLA Piper LLP
Frank Cordell, Partner, Gordon Tilden Thomas Cordell LLP

4:35 PM Final Questions, Wrap Up, Adjourn to Networking Reception

6:00 PM Symposium Ends