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## EXPERIENCE

**OVERVIEW** Environmental professional with 20 years of direct experience in the evaluation, appraisal and mitigation of environmental conditions and associated liabilities. Mr. Wittenbrink represents clients under major federal and state environmental laws in the areas of environmental litigation, commercial transactions, compliance and environmental audits. His professional services include litigation support, expert testimony, discovery assistance and analysis, and due diligence. Mr. Wittenbrink has proven business management skills and experience with direct oversight of business, employee and financial management issues.

**Attorney** **Baird Hanson Williams LLP. Morrison, Colorado April 2007 - present**  
Advise clients addressing environmental issues including permitting and compliance services. Oversight and advise clients during compliance testing and inspections under federal CAA and related state laws. Meet with regulatory agencies on behalf of clients regarding compliance related issues. Strategize responses to non-governmental organizations' actions and legal claims. Historical and forensic research of corporate histories and related environmental impacts. Extensive experience with environmental laws including CERCLA and CAA.

**Consultant** **CR Consulting, Inc., 2002 – present**  
Founder and president of environmental litigation consulting company specializing in the resolution of complex environmental disputes. Client base includes industry groups and Fortune 100 companies. Expert witness at trial and deposition addressing the apportionment of environmental costs and damages at environmentally impaired site. Litigation support services including potentially responsible party investigations, waste-in database development, allocation modeling, cause/effect analyses, damages assessment, litigation support, and alternative dispute resolution.

Representative Clients - Center Point Energy, Chevron/Texaco, DuPont, Halliburton, Occidental Chemical Company, TXU

**Advanced Analytical Solutions, Inc., 1992 – 2002**  
Vice President/Principal. Same professional services as above. Management of corporate office including business development, personnel management and mentoring, computer, financial and business modeling for a small consulting business.

**Kellogg Corporation, 1990 – 1992.**

Environmental dispute services.

**Havelick & Associates, 1989 – 1990.**

Industrial Hygienist -Provided traditional industrial hygiene services including worker health and safety evaluation, employee exposure monitoring, indoor air quality and asbestos services. Established asbestos air sampling laboratory and associated accreditations to enhance capabilities of existing business lines.

**Field Experience, 1988 – 1985.**

Worked in a number of environments to evaluate, sample and assess conditions including industrial systems startup, chemical treatment process evaluations, industrial air emissions regulatory compliance, and aquatic biological systems.

**EDUCATION**

**Law**

**University of Denver, Sturm College of Law**

Juris Doctorate, May 2006

Academic Awards

Order of St. Ives (Class Rank 5<sup>th</sup>, Top 10%)

Water Law Review

Reese Persuasive Writing Award

Scholastic Excellence Awards, Water Law; Lawyering Process

**College**

**University of Colorado, Denver, Colorado**

Graduate Studies, Env. Science, 1989 – 1990

**University of Colorado, Boulder, Colorado**

Bachelor of Arts (Environmental Biology), May 1985

**ADMITTED TO PRACTICE**

Colorado

**ADDITIONAL PROFESSIONAL ACTIVITIES**

Governor's Blue Ribbon Task Force – Mobil Emissions/Carbon Monoxide Maintenance.

Denver Metro Chamber of Commerce Env. Committee 1997 – 1998.

**PUBLICATIONS**

Wittenbrink, C.M. Cost Allocation Principles Applied at Environmental Cleanup Sites, EMCON Reporter, Vol. 5, No. 4, August 1998.

## **EXPERT EXPERIENCE - ENVIRONMENTAL LIABILITY**

SESCO Transformer Site, San Angelo, Texas. Comprehensive PRP search including document reviews and interviews of former employees, database development and de minimis settlement performed on behalf of a PRP Group. This assignment included the review of approximately 750 boxes of operational records for relevant PRP-specific data. In addition, interviews of former site employees were conducted to better define site operations, customers and other potential PRPs. Based on the document review and interviews, information found in 250 boxes identifying about 500 parties was utilized to create a waste-in database and successful de minimis settlement with hundreds of small site contributors. Developed allocation for non-de minimis parties which was adopted by all participating parties.

Action Manufacturing Co., Inc., et al., v. Simon Wrecking Company, et al. Developed a database and corresponding waste-in compilation on behalf of a PRP that transported materials to the site. The database formed the basis of evaluating multiple parties relative role in contribution to site contamination. Mr. Wittenbrink provided both deposition and trial testimony.

Gulf Nuclear Sites, Texas. On behalf of a large generator group, developed a complex waste tracking and disposal database for multiple related sites contaminated with various forms and types of radioactive isotopes and the supporting allocation. The database recorded shipment information such as activity level, shipping container, source information, etc. This project is currently ongoing.

Lyondell Chemical Corporation, et al., v. Albemarle Corporation, et al. Developed an allocation for of a group of generators whose waste was allegedly transported to the Turtle Bayou site. The allocation analysis included the forensic review of historical records identifying company payments for disposal services and use of that information in the development of an allocation. Mr. Wittenbrink provided deposition testimony in 2004.

United States of America v. Pharmacia Corporation and Solutia, Inc. On behalf of a site owner and operator, developed an allocation incorporating an analysis of contaminant pathways from multiple facilities to a common surface-water drainage area. The allocation analysis also considered contaminant inputs via site landfills and industrial waste water discharge via sewers.

Ninth Avenue Remedial Group v. Allis Chalmers, et al. For a group of waste generators, a waste-in database was developed to assess and support an allocation analysis. Database criteria included time period of operations, volume extrapolation, and waste type characterization. Mr. Wittenbrink testified at trial in April 2001.

Gibson Refining Site. On behalf of a large and diverse group of waste generators, developed a large database of waste oil and contaminated soil shipments. This PRP

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investigation included the interviews of the former site owner and operator. The database has been designed to support the development of an allocation model that will be implemented for purposes of obtaining financial contribution toward site cleanup costs.

Talache and St. Joe Tailings Site. On behalf of the current site owner, developed an expert report on allocation. The allocation report apportions liability and costs to the parties based on their PRP class, ore production levels, time period of operations. Mr. Wittenbrink provided trial testimony in Federal District court in September 2002 regarding the allocation of costs for the site.

White Rock North Dump Site. On behalf of a site transporter in connection with a mediation proceeding, developed an allocation report apportioning responsibility among several classes of parties. The allocation methodology considered time period of operations, waste-in volume extrapolations and analyses, cost causation and PRP class. This matter was settled successfully in the mediation process.

MRE Waste Disposal Site. On behalf of a diverse PRP group, developed a waste-in database and volume-based allocation on historical disposal records. Served as a neutral to the PRP group to hear and review PRP challenges to volume information and database issues.

Coeur d'Alene Mining District. On behalf of a current and former owner and operator of various mining and mineral processing facilities, developed database and facts to support a basis for demonstrating the divisibility of harm and apportioning liability in a government cost recovery case. The apportionment methodology considers ore production, type and location of discharge, and time period of alleged discharge to the Coeur D'Alene River in Northern Idaho.

Chevron Chemical Corporation v. Aceto Corporation. On behalf of a former site owner/operator, an allocation was developed based upon the time period of site operations and the contribution to contamination resulting in the incurrence of response costs. The allocation apportioned costs among formulators and suppliers of a pesticide manufacturing facility.

Chesapeake Utilities, Inc., v. GPU, Inc. For a former owner and operator developed an allocation and expert report addressing operations and contributions to contamination among successive site owner/operators for a former manufactured gas plant site.

In Re: Combustion, Inc. For a former waste oil-processing site in Denham Springs, Louisiana, an allocation was developed among successive site owner/operators and generators based upon the cause and effect relationships of PCB-bearing materials and other "traceable" wastes at the site. An expert report was developed and submitted to the court. The case was settled prior to trial and deposition.

Andritz-Sprout Bauer v. Beazer East, Inc. On behalf a former owner/operator, an allocation among successive owner/operators for an active industrial manufacturing

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complex in Muncy, Pennsylvania was developed. An expert report was prepared and testimony was provided at deposition regarding an allocation among multiple owner/operators that considered: the economic benefits derived from site remediation; the relative time periods of operation; material usage rates; production levels and various cause/effect relationships for distinct areas of site contamination. The case settled during a subsequent mediation process that incorporated the allocation developed by Mr. Wittenbrink.

Niagara Mohawk Power Corporation v. Jones Chemicals, Inc., et al. On behalf of a former site owner/operator, Mr. Wittenbrink developed an allocation among site owner/operators and arrangers. This site operated from the mid 1800's to present day resulting in PAH and BTEX contamination of river and harbor sediments. Potential contaminant pathways include site runoff, sewer outfalls and spill events related to the transport of petroleum and related products via barge.

Cabot Carbon v. Beazer East, Inc. For a former wood treatment and pine tar manufacturing facility in the Southeastern United States, Mr. Wittenbrink developed a rebuttal report concerning an allocation of groundwater remediation costs among multiple owner/operators. The expert report addressed the proper methodology for developing a weighing factors matrix for using CERCLA §113 equitable factors.

In Re: Tulalip Landfill Superfund Site. On behalf of a diverse PRP group, an extensive analysis of an EPA-prepared database was conducted for purposes of developing an allocation among the parties. The project results provided the basis for the development of a de minimis settlement with over 500 parties utilizing the de minimis evidence packages. Mr. Wittenbrink and his staff played a key role in providing allocation-based information to the EPA. This cooperative relationship ultimately led to a final allocation and settlement.

Other sites for which Mr. Wittenbrink has conducted cost allocation analyses include:

Western Processing, WA	Murray Smelter, UT	Cinn.GW Site, NJ
Stringfellow Acid Pits, CA	Estes Landfill, AZ	Liberty Industrial, NY
SCRDI, SC	Midway Landfill, WA	Pasco Landfill, WA
Lowry Landfill, CO	River Road Landfill, PA	Cameron-Yak. WA
Weld County Waste Oil, CO	L&D Landfill, NJ	Sigma Coatings, TX
Krejci Dump Site, OH	Independent LF, MI	BHP Copper, AZ
Summitville Mine, CO		

Expert testimony within the last four years including deposition and/or trial in the following matters:

Robert M. Friedland v. TIC – The Industrial Company, et al.  
U.S. District Court, District of Colorado  
Case No. 04-cv-1263  
(deposition, October, 2006)

Action Manufacturing Co., Inc., et al., v. Simon Wrecking Company, et al.  
U.S. District Court, Eastern District of Pennsylvania  
Case No. 02-8964  
(deposition, November, 2004; trial, January 2006)

Lyondell Chemical Corporation, et al., v. Albemarle Corporation, et al.  
U.S. District Court, Eastern District of Texas  
Case No. 01:01-CV-890  
(deposition, June, 2004; deposition, December, 2006 )

United States of America v. Pharmacia Corporation and Solutia, Inc.  
U.S. District Court, Southern District of Illinois  
Case No. 99-63-DRH(deposition, May, 2003)