

KENDALL L. PICKETT, P.G.

RAM Group, Inc.
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AREAS OF EXPERTISE

Professional Geologist with over 23 years of industry experience
Litigation support / expert testimony
Regulatory interaction / negotiation
Regulatory closures
Project management
Environmental site assessments
Site characterization and remediation
Geologic surface fault surveys
NORM surveys
Training

EDUCATION

1985 M.S., Geology, Texas A&M University, College Station, Texas
1977 B.S., Oceanographic Technology, Lamar University, Beaumont, Texas

EMPLOYMENT

2003-Present Senior Environmental Geologist, RAM Group; Houston, Texas
2003 Senior Environmental Geologist, Othon, Inc., Consulting Engineers, Houston, Texas (Part time)
2002-2003 Environmental Manager, Raba-Kistner Consultants, Inc., Houston, Texas
1987-2003 Principal Environmental Geologist, Law Engineering and Environmental Services, Inc., Houston, Texas
1980-1986 Senior Geologist, Exxon Company, USA, Kingsville and Houston, Texas
1977-1980 Teaching and Research Assistant, Texas A&M University, College Station, Texas

U.S. Air Force Veteran

AFFILIATIONS

Association of Groundwater Scientists and Engineers
Houston Geological Society

CURRENT REGISTRATIONS/CERTIFICATIONS

Professional Geoscientist, Texas #3310
Professional Geologist, Arkansas #777
Professional Geologist, Florida #897
Professional Geologist, Tennessee #530
Professional Geologist, Alabama #1109
LPST CAPM #42 - Texas
40-Hour OSHA Hazwoper
8-Hour OSHA Supervisor
8-Hour OSHA Hazwoper Refresher

PROFILE OF PROFESSIONAL ACTIVITIES

Kendall L. Pickett is the Senior Environmental Geologist for the Risk Assessment & Management Group, Inc. (RAM Group) in Houston, Texas office. Mr. Pickett's responsibilities include project execution, project management, client management, senior technical review, training and development of junior staff, marketing and proposal development, contracting, and recruiting. He has been involved technically in several projects since joining the RAM Group in July 2003. These projects have primarily consisted of environmental risk assessment services for a pipeline compressor station in Iowa under an EPA Administrative Consent Order (closure obtained February 2004), pesticide manufacturing facility in Missouri, pesticide packaging facility in Alabama, pipeline release in East Texas, aircraft manufacturing facility in Missouri, U.S. Air Force base in New Mexico, nuclear weapons component manufacturing site in Missouri, service stations sites in Arizona and Washington, DC, and assisting with development of state risk-based corrective action regulatory programs including pilot projects and training.

Mr. Pickett has been professionally employed as a geologist since 1980. He worked six years in the petroleum industry in exploration and production (E&P) assignments for Exxon Company, U.S.A. Mr. Pickett has worked in the environmental consulting industry since 1987. He has gained extensive experience in environmental assessments, regulatory closures, negotiations on behalf of clients with regulatory agencies and third parties, risk assessments, and remedial actions. Mr. Pickett has provided expert witness and fact witness testimony. He has performed and managed several hundred environmental projects on a variety of properties throughout the United States, Mexico, and Russia. Properties have included commercial, industrial, oil & gas, pipeline, wireless towers, and government facilities including transportation rights-of-way.

In Texas, Mr. Pickett has evaluated contaminated properties under the Texas Commission on Environmental Quality (TCEQ), formerly TNRCC and TWC, Petroleum Storage Tank (PST) rules, Risk Reduction Rules, Texas Risk Reduction Program (TRRP), and Railroad Commission of Texas Statewide Rules. He has been involved with TCEQ closures through the PST-RPR section, the Industrial and Hazardous Waste division, the Voluntary Cleanup Program (VCP), and the Innocent Owner/Operator Program (IOP).

Mr. Pickett's responsibilities have included technical quality control, training, management and marketing of environmental services primarily in Texas.

Mr. Pickett has performed assessments that were designed to evaluate the risk associated with potential or actual surficial and subsurface contamination of properties. These assessments have

been performed for a variety of clients associated with acquisitions, divestiture, leasing, financing and insuring of properties. The assessments have ranged from initial assessments evaluating the potential for environmental contamination to identifying the presence and general levels of contaminants; determining the degree and extent of contamination; and assisting in the design and implementation of remedial actions to rid properties of contaminants and their sources. Mr. Pickett has been involved with negotiations between various parties and regulatory agencies to bring projects to a successful conclusion. Assessed properties have been primarily commercial and industrial facilities including multi-family residential, office buildings, retail shopping centers and malls, underground storage tank facilities, trucking and railroad facilities, gas plants, raw land, oil and gas production, and hazardous and non-hazardous treatment facilities.

Mr. Pickett has performed and managed environmental site assessment projects for the petroleum industry. These projects have included pipe yards, gas plants, abandoned refineries, oil gathering facilities, pipelines, service companies, and oil and gas production properties for acquisition and divestiture of surface rights and production.

Mr. Pickett has performed hundreds of projects using the ASTM E 1527 and ASTM E 1528 procedures, and has received and provided extensive training in the performance of environmental site assessments using these and other client provided protocols.

Mr. Pickett's interests also include projects involving assessments for radioactivity in ground water, Naturally Occurring Radioactive Materials (NORM) associated with petroleum production, radon surveys, and control of contaminants associated with tailings from open pit and underground uranium mining and fugitive leachate plumes associated with in-situ leaching of uranium deposits.

Mr. Pickett has been involved with the stratigraphic interpretation of overburden deposits utilizing borehole geophysical logs and subsurface cores to assist with slope stability studies of future mining areas at major East Texas lignite strip-mining operations.

Mr. Pickett's relevant experience includes the following:

Oil & Gas Industry

- **Olin, Coon Island, Westlake, Calcasieu Parish, La. – Oil and Gas Production Facilities**

Olin, the owner of the Coon Island property received a letter from the EPA regarding Notice of Federal Interest in a Pollution Incident, due to the oil and gas operations at Coon Island, which are not operated by Olin. Olin requested that specific information be obtained regarding the oil and gas production activities at Coon Island and make recommendations regarding follow-up actions.

A site reconnaissance was performed to document the facilities present, which included approximately 13 oil and gas wells, flow/gathering lines, a tank battery with 4 above ground storage tanks, a heater-treater, and a small boat dock. The general conditions of the facilities were noted as well as surficial soil and vegetation conditions. Specific production information was also gathered regarding the operators, the types of wells, the current status of the wells, the depths and production intervals, and a brief summary of the production history of each well. A Memorandum was prepared that provided written documentation of our findings including a map of the well locations, photographic documentation of the conditions observed during our site reconnaissance, and recommendations for follow-up

actions. Mr. Pickett assisted in the collection and evaluation of the Coon Island production history, development of recommended actions, and preparation of the Memorandum.

- **D R Horton, Conroe, Texas – Residential Development**

D R Horton considering acquisition of a section of a planned single-family residential development near Lake Conroe found that past oil and gas production activities had occurred in the area. The scope of services included determining if oil and gas activities occurred on the specific portions of the development planned for acquisition by D R Horton. A Phase I Environmental Site Assessment was performed for the property and follow-up services to determine the location of two past oil wells that appeared to be on or very close to the section that D R Horton was acquiring. Follow-up services included researching the Railroad Commission of Texas files and performing subsequent site visits to look for evidence of the past well locations. One well pump jack base and two pits were found. No field evidence of the second well was noted. It was determined that the two well locations and existing equipment/pits did not lie specifically on properties that D R Horton was acquiring for residential development. Mr. Pickett assisted with the collection and evaluation of the historical oil and gas operations at the site, performed site visits to locate the past well sites, and prepared written documentation of the findings and recommendations.

- **CURA – Mobil, Louisiana – Oil and Gas Fields Divestiture**

As a subconsultant to CURA, Mr. Pickett assisted in performing Phase I Environmental Site Assessments of several oil and gas production properties that Mobil was considering for divestiture. His role was to assist the CURA team with the Louisiana properties, which included onshore fields and some coastal waters fields and an offshore Gulf of Mexico field. Mr. Pickett accompanied CURA personnel with site reconnaissances, gathered production and compliance information at Mobil's New Orleans offices, and technical 3rd-party review of CURA's reports prior to issuance to Mobil.

- **Former Refinery Site, Exxon Co., U.S.A., McCamey, Texas – Site Assessment, Asbestos Waste Disposal, and Conceptual Plan for Pond Closures**

Mr. Kendall Pickett served as Principal Geologist and Project Manager on this project. The scope of work included conducting an environmental assessment and asbestos survey at an abandoned refinery that contained five disposal ponds varying in size from one-half acre to seven acres located in West Texas. Based on information obtained in the preliminary survey work, the firm continued with a follow-up site characterization, including delineation of waste quantity estimates, asbestos remediation specifications and a detailed site safety analysis of chemical and asbestos hazards. The consulting services included monitoring removal and disposal of asbestos-containing materials. The project scope included characterization of petrochemical waste products deposited in ponds on the site and development of laboratory analytical techniques to detect low levels of specific toxic constituents. Monitoring wells were installed to assess the impact of possible releases from waste ponds on shallow ground-water sources. Netting was installed around large waste ponds to prevent harm to migratory birds. Follow-up services included design and monitoring of the removal and disposal of asbestos containing materials. A Conceptual Closure Plan, Design, and Post Closure Plan were developed for five abandoned hydrocarbon waste ponds including FML closure cap with a native soil final cover. Environmental soil and ground-water sampling and analysis, and risk assessment were

performed. Site and closure cap design and construction documents were developed, and negotiations with regulatory agencies were handled.

Approval of the conceptual closure and post closure plans for of the five disposal ponds are pending with the TNRCC. Extensive interactions with the state regulatory agencies on behalf of the client were provided. Follow-up services will include landowner interactions on behalf of the client, closure design specifications, bid solicitation, contractor selection, closure monitoring and sampling, closure reporting, regulatory interaction and initiation of post closure care requirements.

- **Major Oil Company, Channelview, Texas - Real Estate Transaction**

Consulting services included a preliminary environmental site assessment (Phase I/Phase II/NORM Survey) for an abandoned oilfield pipe yard with an onsite man-made pond, gas well and dumping areas with potential asbestos-containing materials. Mr. Kendall Pickett served as Project Manager and Principal on this project.

- **Carlton & Taylor, South Texas - Oilfield Environmental Site Assessment**

The scope of services included technical management for a Phase I environmental site assessment of oilfield properties involving 23 oil and gas production wells throughout a three-county area. The production had been placed as collateral for a loan and was scheduled for foreclosure. The assessment included Texas Railroad Commission and operators records searches and site reconnaissance. Mr. Kendall Pickett served as Project Principal on this project.

- **Major Oil Company, Liberty, Texas - Oilfield Environmental Site Assessment**

Consulting services included technical management for a preliminary environmental site assessment of surface facilities on multiple parcels of land along the Trinity River, totaling approximately 2,500 acres. The assessment included a helicopter survey and four-wheel drive reconnaissance of the property, and sampling of soils, surface impoundment waters and sediments in several large stressed vegetation areas. Texas Railroad Commission records were searched for violations. Mr. Kendall Pickett served as Project Manager and Principal on this project.

- **Tyumen Task Force, Former Soviet Union - Environmental Impact Assessment & Feasibility Study**

Mr. Kendall Pickett served as Project Principal on this project. This was a European Commission funded project in Western Siberia, Russia for the Second Oil Rehabilitation Project of the World Bank. Mr. Pickett assisted a team of geologists, engineers and other scientists in performing a Feasibility Study (FS) and Environmental Impact Assessment (EIA) of eight oilfields in the Tyumen and Tomsk Regions of Western Siberia. Mr. Pickett was the key technical person involved in the development of the EIA, assisted with the FS, and interacted with federal, regional and local governmental agencies in Moscow, Russia, the Khanty-Mansiysk Okrug, and the Tyumen and Tomsk Oblasts, as well as, representatives of national minorities, Russian Research Institutes, financial institutions, productions associations (oil and gas companies) and the World Bank.

- **Property Acquisition, Phillips Petroleum, Cut and Shoot, Texas**

The scope of services consisted of a preliminary environmental site assessment of a small chemical plant in an industrial area. The client was evaluating risk associated with an adjacent 31.5-acre tract, which was planned for acquisition to expand the plant facilities. Primary concerns were onsite dump areas, and onsite and adjacent pesticide/herbicide contamination due to a previous adjacent chemical manufacturing facility. Mr. Kendall Pickett served as Project Geologist on this project.

- **McLean Gas Plant Divestiture, Warren Petroleum Company, Wheeler County, Texas**

Services performed included Phase I and II field activities designed to assess soils and ground water at a natural gas facility and related booster stations. Representation of client and presentation of laboratory data to regulatory agencies was provided to determine potential agency requirements. The primary concerns were the onsite operations, leak/spill locations, PCB contaminated soils, and several dump and drum areas. Mr. Kendall Pickett served as Project Geologist on this project.

- **NORM Surveys, Confidential Client, Texas and Kansas**

NORM (Naturally Occurring Radioactive Materials) surveys were performed for nine gas processing and compressor facilities in East Texas, South Texas, North Texas and Kansas. Mr. Kendall Pickett served as Project Manager and Principal on this project.

- **Environmental Services for Halliburton Property Divestiture**

Environmental services were provided for Halliburton in support of its program divestiture of a variety of properties as required as a result of its merger with Dresser. Phase I Environmental Site Assessments and NORM Surveys were performed for oil field support facilities in Thelma, Kentucky, Helenwood, Tennessee, Corpus Christi, Texas, Freeport, Texas, Kingsville, Texas, Monohans, Texas, Port Lavaca, Texas, and Rosenberg, Texas. Phase I assessments were conducted in general accordance with ASTM Standards as modified by Halliburton's site and project specific requirements. Based on Halliburton's guidelines, Phase II assessments for potential soil and ground-water contamination were recommended and conducted at several of the sites. Based on the results of the Phase II studies, recommendations were made concerning the need for additional assessment, remedial action, and/or regulatory interaction. Mr. Kendall Pickett provided principal review and technical guidance for Phase I, Phase II, and NORM surveys for some of the properties.

Chlorinated Solvents

- **Confidential Client – Major Aircraft Manufacturing Facility – Petroleum Hydrocarbons, Chlorinated Solvents, Metals – Risk-Based Assessment and Regulatory Closure**

Mr. Kendall Pickett is currently serving as Project Manager for the risk-based assessment and assisting the client with closure through the state environmental regulatory agency. A RCRA Facility Investigation (RFI) has recently been performed by another consultant, and is currently pending approval by the state. Mr. Pickett is working with the other consultant to utilize the RFI data to perform the risk-based assessment. The risk-based

assessment has been submitted to the client in draft form for review, prior to finalizing and subsequent submittal to the state.

The facility covers about 230 acres and approximately 70 USTs, 32 SWMUs, and several ASTs have been identified which have contained a variety of products and wastes related to aircraft manufacturing, power plant and industrial water treatment plant operations, and a gun range. The products and wastes consist of fuels (gasoline, diesel, fuel oil, JP-4, JP-5, other jet fuels, and aviation gasoline), thinners, solvents, waste oils, paint wastes, acids, alcohols, sludges, hydraulic oils, and metal plating chemicals. The long history of the site operations has caused impacts to soils and shallow ground water by chemicals that can be categorized as petroleum hydrocarbons, chlorinated solvents, and metals.

Approximately, one-half of the site has been leased and the lease is nearing its term; after which, the property will return to the owner. Approximately, one-quarter of the property has been sold to another aerospace manufacturer, and about one-quarter of the site will be retained by the client for its operations. As part of the sale and lease agreements, the client has agreed to address environmental contamination issues and obtain closures from the state.

Due the size of the site and the many different manufacturing operational areas, the risk-based assessment has subdivided the site into eight more manageable areas. The risk-based assessment has been performed to evaluate potential exposures and risks to human health and environmental receptors.

The risk-based assessment will be used to identify those areas that can be closed with the state, and those areas, which will need additional actions prior to obtaining closure. The objectives are to expedite closure where possible for areas of the site that are related to the lease and sale agreements, and to efficiently obtain closure from the state in a cost effective manner.

- **Confidential Client – Major Weapons Manufacturing Facility – Chlorinated Solvents, PCBs, Petroleum Hydrocarbons – Risk-Based Assessment and Management**

Mr. Kendall Pickett is currently serving as Project Manager for the risk-based assessment and assisting the client with the state environmental regulatory agency.

The facility is a major portion of a 300-acre federal complex. The facility manufactures non-nuclear components for nuclear weapons, and was previously used for the manufacture of military aircraft. Several USTs, ASTs, and 43 SWMUs have been identified.

Two chlorinated solvent plumes have been characterized in upper and lower shallow ground water intervals. The plumes consist of mostly TCE, DCE, and vinyl chloride with some PCE and other minor constituents including PCBs and petroleum hydrocarbons. The primary sources have been removed and accessible impacted soils in the source areas have been removed from the soil interval above the ground water table. Residual VOC, PCB, and petroleum hydrocarbon concentrations are present in inaccessible soils below building footprints, and DNAPL is present on the bedrock at the base of the second ground water interval. Exposure to contaminated soils and groundwater is addressed through institutional and engineering controls.

Both plumes are currently being addressed under RCRA permit requirements by containment and removal of hot spots using a network of recovery wells to keep the plumes from migrating offsite above regulatory limits. Recovered ground water is treated using a hydrogen peroxide/ultra-violet (UV) process, and then discharged into the sanitary sewer under permit.

Periodic violations to the NPDES permit occur due to exceedances of PCBs in the storm water discharge into the nearby creek.

The purpose of the risk-based assessment and management is to maintain compliance with the RCRA and NPDES permits, but evaluate opportunities to reduce costs. In particular, regarding the two chlorinated solvent plumes, the objective is to determine if risk-based concentrations can be established as the regulatory target limits for the ground water plumes, rather than the current drinking water standards. Also, determine if the number of samples, sampling points, frequency of sampling, and types of analyses required by the permit can be reduced.

Determine if the storm water discharge limits can be changed to risk-based concentrations. Determine if the number of samples, sampling points, frequency of sampling, and types of analyses required by the permit can be reduced.

- **Confidential Client – Shopping Center Dry Cleaner Release – PCE Plume Assessment, Delineation, and Remediation**

Mr. Kendall Pickett served as Project Principal and Project Manager on the environmental site assessment and delineation. Initial services were to implement a site assessment at this retail shopping center to investigate potential soil and ground-water impacts associated with a former on-site dry cleaning facility. The primary contaminant was tetrachloroethylene (perchloroethylene, Perc, PCE), a Dense Non-Aqueous Phase Liquid (DNAPL), which is heavier than water and requires unique assessment, containment, and remediation approaches specific to its physical and chemical characteristics. In addition, several DNAPL solvent degradation products and impurities were present including trichloroethylene (TCE), dichloroethylenes (DCEs), and vinyl chloride (VC) that were addressed during this project. Assessment activities included soil and ground-water sampling using direct push technology (DPT) equipment, monitoring well installation, ground-water sampling, and aquifer testing. The results indicated the presence of soil and ground-water impacts, which extended vertically affecting two ground-water zones, and laterally affecting the subject property and an adjacent property. The site assessment activities indicated that ground-water remediation was necessary to comply with the Texas Natural Resource Conservation Commission (TNRCC) Risk Reduction Rules. A remedial alternatives analysis was subsequently performed to evaluate potential ground-water remediation techniques, based on achieving closure in accordance with the TNRCC Risk Reduction Standards through the TNRCC Voluntary Clean-up Program (VCP). A site remedy was selected. Design drawings, technical specifications and bidding documents were prepared, as well as, necessary discharge permits. Assistance with the contractor selection was provided and construction monitoring was performed during implementation of the selected ground-water remediation system. The remediation system is currently active, and additional consulting services included providing operations and maintenance, periodic monitoring, data collection and

evaluation, reporting, and interaction with the regulatory agency and affected property owners.

- **Southwest Business Properties – Chlorinated Solvent Release - Solvent Plume Assessment, Delineation and Remediation**

Mr. Kendall Pickett served as Principal Geologist and Project Manager on this project. Consulting services for the property owner included conducting additional site assessment at the property based on the results of previous Phase I and preliminary Phase II assessments to determine the degree and extent of impact and confirm the source. Soil borings and monitoring wells were installed to obtain soil and ground-water samples and performed laboratory analyses. Meetings with tenant representatives were scheduled to determine the specific processes used, the process areas, the raw materials and chemicals used in their processes, the wastes generated, and waste storage and handling areas. MSDS of the chemicals used were also reviewed. Soils and shallow ground water were found to be impacted with chlorinated solvents and petroleum based products utilized by a former tenant, a printed circuit board manufacturer. Mr. Kendall Pickett served as Project Principal during the assessment and delineation. Mr. Pickett also served as an expert witness, and was deposed during litigation between the owner and tenant. The assessments indicated that the ground water had been impacted with chlorinated volatile organic compounds (CVOCs) at levels in excess of the Texas Natural Resource Conservation Commission (TNRCC) Risk Reduction Rules. A preliminary health-based risk assessment and remedial alternatives analysis was performed based on achieving closure in accordance with the various TNRCC Risk Reduction Standards. Representing the owner's interests included overseeing the former tenant's environmental consultants during additional consulting services and negotiations during the current pilot project and verification performance testing to evaluate the effectiveness of a dual remediation approach utilizing air sparging and bioremediation techniques, and to complete the Response Action Work Plan (RAWP), construct and implement the remediation system, and reach closure to levels acceptable to the owner and TNRCC. Several documents prepared by the former tenant's consultant were reviewed including a Health & Safety Plan, Work Plan, Site Investigation Report, Risk Assessment Report, Preliminary Response Action Work Plan, and Modified Alternative Remediation Plan, as well as, their field activities. The former tenant is pursuing closure through the TNRCC Voluntary Cleanup Program (VCP).

- **Montclair Corporation – Wesleyan Plaza Shopping Center Dry Cleaner Release - PCE Plume Assessment, Delineation and Remediation**

Mr. Kendall Pickett served as Project Principal and Project Manager on the environmental site assessment and delineation. A site assessment was performed at this retail shopping center to investigate potential soil and ground-water impacts associated with two former and one current on-site dry cleaning facilities. The primary contaminant was tetrachloroethylene (perchloroethylene, Perc, PCE), a Dense Non-Aqueous Phase Liquid (DNAPL), which is heavier than water and requires unique assessment, containment, and remediation approaches specific to its physical and chemical characteristics. In addition, several DNAPL solvent degradation products and impurities were present including trichloroethylene (TCE), dichloroethylenes (DCEs), and vinyl chloride (VC). Assessment activities included soil and ground-water sampling using Cone Penetrometer Testing (CPT), monitoring well installation, ground-water sampling, and aquifer testing. The Site Investigation Report (SIR) and Conceptual Environmental Assessment Model (CEAM) were prepared, and the Response Action Work Plan was

approved. Ground-water remediation was necessary to comply with the Texas Natural Resource Conservation Commission (TNRCC) Risk Reduction Rules. Two ground-water zones were impacted, each with differing physical characteristics. A remedial alternatives analysis was performed to evaluate potential ground-water remediation techniques, based on achieving closure in accordance with the TNRCC Risk Reduction Standards through the TNRCC Voluntary Clean-up Program (VCP). The site remedy selected was a dual approach, using passive capture sumps in the upper low permeability zone, and pumping the lower more permeable zone. Impacted waters were to be treated by carbon absorption prior to discharge into the municipal sanitary sewer system under permit. Subsequently the design drawings, technical specifications and bid documents were prepared, as well as, necessary discharge permits for the remediation system. The shopping center has since been sold by the client, and responsibility for implementing the remediation system was transferred to the new owner.

Litigation Support

- **Dorothy Adams, et al. vs. Chevron U.S.A., Inc., et al.; No. H-96-1462 (commonly known as the Kennedy Heights lawsuit)**

Mr. Kendall L. Pickett was subpoenaed by the plaintiffs' counsel to testify in the case based on a previous environmental assessment project performed within the Kennedy Heights subdivision. After giving deposition, Mr. Pickett was retained by both the plaintiffs and defendants counsels to provide testimony at the trial as a fact witness. However, the case was settled out of court before testimony by Mr. Pickett. The case essentially involved the claim of detrimental health effects and property damage to the residents of Kennedy Heights due to past surface impoundments, which were previously used to store crude oil. The impoundments were subsequently filled-in and a portion of the subdivision was constructed over one or more of the pits.

- **J. W. Brougher vs. Life Insurance Company of the Southwest, Inc.; No. 96-32892**

The counsel for the defendant designated Mr. Kendall L. Pickett as an expert witness of the defendant in a case where the defendant was pursuing foreclosure of an industrial property in Harris County, Texas due to non-payment by the plaintiff. The plaintiff had purchased the property from the defendant. The dispute involved the nature of environmental impacts to the property and who was responsible for those impacts, the current owner/operator or previous owners/operators. An environmental assessment was performed for the property and documents were reviewed related to several past environmental assessments performed for several parties. Mr. Pickett gave deposition in the case, which was subsequently settled out of court.

- **Southwest Business Properties, Inc. vs. Telxon Corporation; No. 98-07469**

The counsel for the plaintiff designated Mr. Kendall L. Pickett as an expert witness. Mr. Pickett gave deposition in the case. The case was settled out of court. According to the plaintiff's counsel, the plaintiff was able to negotiate a very favorable settlement due in large part to Mr. Pickett's deposition. The case involved impacted shallow ground water due to past tenant (defendant) operations, and the owner (plaintiff) filed suit for damages. An environmental assessment of the property was performed for the plaintiff to determine the degree and extent of impact, the probable source of impact. Additional associated environmental consulting services were provided including review of previous environmental assessment documents, negotiation with the defendant and its

environmental consultant, regulatory assistance, assisted the plaintiff's attorney, reviewed defendant's environmental consultant's assessments, remedial action design, and associated documentation and evaluated the appropriateness and costs of the proposed remedial actions for the specific conditions. Oversight on the behalf of the plaintiff of the remedial action being implemented by the defendant was provided to ensure its compliance to meet regulatory requirements for obtaining closure under the Texas Natural Resource Conservation Commission (TNRCC) Risk Reduction Rules and the TNRCC Voluntary Cleanup Program (VCP).

- **S.M. Brell II, LP vs. Lakewood Forest Center, et al; CA No. H99-1333**

The counsel for the defendant designated Mr. Kendall L. Pickett as an expert witness of the defendant in a case where the defendant had been the previous owner/manager of a commercial shopping center that included a dry cleaning establishment. The plaintiff had purchased the shopping center from the defendant and was claiming non-disclosure of impacts due to releases of dry cleaning solvents into the environment (soils and ground water). Mr. Pickett was hired by the defendant's counsel to offer an expert opinion regarding the adequacy of the environmental due diligence performed by the plaintiff's environmental consultant prior to acquisition of the shopping center and the timing of events considering the real estate transaction, the American Society for Testing and Materials (ASTM) Designation E 1527-97 Standard Practice of Environmental Site Assessments: Phase I Environmental Site Assessment Process, the Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended including amendments by the Superfund Amendments and Reauthorization Act (SARA); 42 U.S.C. §9601 et seq. (1986), the Texas Natural Resource Conservation Commission (TNRCC) Risk Reduction Rules (30 TAC Chapter 335 Subchapter S), and the TNRCC Voluntary Cleanup Program (VCP) Section (30 TAC Chapter 333 Subchapter A), which were in effect at the time of the due diligence and real estate transaction.

As part of this effort, Mr. Pickett reviewed various documents, which included reports, work plans, memos, facsimiles, letters and other correspondence prepared by the defendant's environmental consultant and the TNRCC, legal documents and copies of depositions produced for the above referenced Civil Case, and additional materials made available during this effort.

Mr. Pickett prepared a report of expert opinion that was submitted to the court. It was reported that the parties eventually settled out-of-court.

Government

- **Harris County Underground Storage Tank Program – Various Locations within four Precincts – Assessment, Delineation, Risk Assessment, UST Removals, Remediation, Monitoring, Replacement, Retrofit, Permitting, Construction Document Preparation, Construction Oversight, Operation and Maintenance, Site Closure, Regulatory Interaction, Cost Recovery (LPST reimbursement applications).**

Kendall Pickett has served as Project Principal and Project Manager on this project. From 1990 to 2002 environmental services were provided to Harris County at several maintenance and service centers located within four precincts. Services have included

coordinating activities for each facility, producing project status updates regularly for the county, performing initial tank-hold assessments, subsurface contamination delineation, monitoring UST removal and closure activities, UST system replacements and retrofits, and TNRCC interaction on behalf of Harris County. Site assessments including the installation of soil and ground-water wells have been carried out at 14 sites. Remedial Action Plans and/or risk-based assessments were developed for those facilities requiring further environmental characterization. Some sites required remedial action and/or replacement or retrofitting of UST systems. Consulting services included providing design services, bid documents, and assisting Harris County with contractor selection. Construction activities were monitored, closure samples were obtained, if needed, and closure documentation was prepared for regulatory submittal. For those sites, which qualified, LPST reimbursement submittals were prepared for cost recovery from the TNRCC. The projects are in the final stages and nearing completion.

- **Offatts Bayou Crossing, Galveston, Texas - Preliminary Environmental Assessment**

As a subconsultant to Wilbur Smith Associates environmental consulting services were provided to obtain and summarize information for the Feasibility Study of Offatts Bayou Crossing and Other Reasonable Alternatives. Available information was obtained from federal, state and local resource agencies, through computer literature searches, review of available reports and documents applicable to Galveston Bay and Galveston Island, and previous transportation studies. Mr. Kendall Pickett served as Project Manager and Principal for the evaluation of hazardous and toxic waste sites for the project.

Available information and data were reviewed to gain an understanding of existing environmental conditions on Galveston Island and the surrounding West Bay area where earlier conceptual and feasibility studies had evaluated transportation alternatives. The focus of the review was on the environmental setting from 61st Street in the City of Galveston to the west-end of the island.

The compiled information and data obtained were used to evaluate a universe of 31 alternatives. The environmental review focused on issues typically associated with transportation projects and that are normally required to be documented during the environmental review process conducted by the Texas Department of Transportation (TxDOT) and the Federal Highway Administration (FHWA). Those reviews were done under the National Environmental Policy Act (NEPA) and the Council of Environmental Quality (CEQ) regulations for implementing NEPA.

The resource areas reviewed for the Feasibility Study of Offatts Bayou Crossing and Other Reasonable Alternatives included air quality, noise, cultural resources (archeological and historical sites), hazardous and toxic waste sites, surface water quality, and natural resources. The natural resources review included protected species, sensitive habitats (including wetlands, colonial nesting sites, and oyster reefs), aquatic resources, and terrestrial resources. The existing environmental conditions could influence the selection of alternatives based on a variety of factors including financial, legal, and environmental impacts.

Data was summarized in a format that depicted the location of each alternative relative to water features including Offatts Bayou and West Bay, wetlands, and other sensitive habitats. Wetland impacts were estimated by measurement of wetland acreage by type as shown on the National Wetland Inventory Maps. The potential for affecting other

sensitive habitats, protected species, and species of special concern were evaluated based on published maps.

Results from the record reviews for hazardous and underground storage tank (UST) sites and the cultural resources (archeological and historical sites) file search were used to determine if the short-listed alternatives would impact or be impacted by the location of known sites. Potential displacements and impacts to recreational areas were evaluated from site visits and review of maps and aerial photographs.

Each alternative was evaluated for the environmental resource areas and a ranking was applied using a Scale of 1 through 5. Those rankings were then incorporated into the engineering feasibility evaluation. Consulting services included participation at public meetings held during the study.

- **Beltway 8 Toll Road, Harris County Toll Road Authority and Wayne Smith & Associates, Multisite Toll Booths, Harris County, Texas.**

Principal Geologist providing technical supervision and review for three toll booth sites and a flood mitigation site along the southwest leg of the Beltway 8 Toll Road. Services included Phase I environmental site assessments, detailed historical research, archaeological surveys and wetland delineations and permitting services.

- **Doss Park, Harris County Precinct 3, Houston, Texas.**

Principal Geologist responsible for Phase I and Phase II environmental site assessments, wetlands assessments, and surface fault study prior to acquisition and development for a county park expansion.

Commercial

- **Confidential Client – Pesticide Impacted Site**

This project involved a major developer that is redeveloping a downtown property in a major U.S. city with a high-rise hotel development. The past uses of concern at the site, which spans three city blocks, were primarily fueling facilities, which had underground storage tanks, and one facility that had a 40-year history of pesticide storage and distribution.

Phase I and Phase II Environmental Site Assessment services were provided on a short schedule. The site was found to have minor petroleum hydrocarbon impacts and major pesticide impacts to soils. Ground water was not impacted above acceptable regulatory limits. Since the site was planned for excavation and removal of soils to an approximate depth of 20 feet to facilitate construction of the hotel complex, it was decided that the preferred method of cleanup of the impacted soils was to excavate and dispose impacted materials at offsite permitted facilities. Subsequent services during cleanup of the site included monitoring contractor field services, closure sampling at the limits of excavated areas, stockpile sampling for waste characterization for disposal, and preparation of closure documentation to provide to the State regulatory agency.

Approximately 1,500 tons of pesticide impacted soils that exceeded UTS levels were sent to a biotreatment facility as hazardous waste, approximately 1,850 tons below UTS levels were disposed directly into a hazardous waste landfill, and approximately 2,700 cubic yards were disposed as non-hazardous waste. Significant money was saved by the client through successful negotiation with the State agency, which allowed the characterization

of the wastes using RCRA hazardous waste characterization methods rather than as listed wastes. Mr. Pickett served as Project Manager and Principal on this project.

- **Bank of America, Multiple Sites in Texas – Phase I Environmental Site Assessments and Limited Asbestos Surveys**

The purpose of this project was to evaluate Bank of America facilities in Texas considered for divestiture as part of the Bank of America - NationsBank merger. Environmental consulting services were performed for due diligence of 71 sites in Texas.

The initial schedule was very short. Once issues were identified, follow-up services were performed on a limited number of sites. Services were performed by personnel from Houston, Dallas, Ft. Worth, Austin, San Antonio, and Little Rock offices. The project was managed by Houston office personnel with a single point of contact, who interacted with the client contact in California. Mr. Kendall Pickett served as Project Manager and Principal, and was the single point of contact that interacted with the client.

Phase I ESAs were performed on all properties. Limited asbestos surveys were performed on selected properties based on age of construction. In addition, previous reports, which consisted of one or more Phase I & II ESAs and asbestos surveys, were reviewed for most of the properties. Based on issues identified follow-up services were performed.

- **Mall Site, Katy, Texas – Site Assessment, Remediation, and Disposal**

Services provided to the client included environmental and geotechnical consulting as part of the property acquisition, predevelopment and development process. The property consisted of approximately 650 acres of undeveloped, partially wooded, former agricultural land located in Katy, Texas. The environmental services provided consisted of a Phase I ESA and subsequent update, limited Phase II ESAs of several discrete areas, site remedial activities and general site development environmental consulting. Mr. Kendall Pickett was Principal and Project Manger for the environmental services.

A Phase I ESA was initially performed, which identified potential on-site sources of contamination, which may have impacted the property including discarded drums, tires and domestic debris. Phase II assessment activities identified the presence of metals, pesticides and total petroleum hydrocarbons in surficial soils above the Texas Natural Resource Conservation Commission (TNRCC) Risk Reduction Rules (RRR) Criteria for non-residential sites.

Site remedial activities included removing debris and vegetation from the impacted areas and performing additional surficial soil sampling to accurately delineate the impacted areas and establish baseline background contaminant levels. Subsequently, surficial soils to a depth of one foot in the impacted areas were excavated and disposed offsite.

Field activities were compared with the TNRCC health-based cleanup criteria for non-residential sites and the background contaminant levels. Subsequent site closure was obtained without requiring additional soil or ground-water remediation. The property was subsequently developed with a retail mall.

- **Major Developer, Moscow, Russia – Drinking Water Assessment**

Mr. Pickett was Project Manager and Principal for an assessment project to evaluate the drinking water quality for a multi-tenant residential complex in Moscow, Russia. Mr. Pickett's role was to evaluate laboratory analysis results for samples analyzed by laboratories in Moscow and determine the need for onsite treatment of the drinking water.