**Address:** 161 Lakeview Dr, Suite B
Noblesville, IN 46060
**Tel:** 888.510.3526

TheELAMGroup

**Email:** james.hogan@elamusa.com
**Website:** www.elamusa.com

# James P. Hogan, LPG, RG

## M.S., STRUCTURAL GEOLOGY

James P. Hogan is the President and Chief Executive Officer (CEO) of The Environmental Liability & Asset Management Group, LLC (dba The ELAM Group). James is responsible for the direction and success of The ELAM Group. In this capacity, he works closely with The ELAM Group's clients on matters involving claim origin and causation, loss allocation and subrogation. He is actively engaged in assessing compliance strategies, negotiating investigation and cleanup agreements with regulators and developing technical proposals.

Mr. Hogan also manages The ELAM Group's Remediation Estimating Practice; advising insurers regarding costs, prospective time-frames and statistical probabilities for completing claim-specific environmental actions at sites throughout the U.S.

In addition to his principal duties, Mr. Hogan is responsible for developing scopes of work and overseeing remedial service providers. He also frequently negotiates with environmental authorities on behalf of the firm's carrier clients and provides litigation support to insurers and their counsel in defense.

Mr. Hogan is a Licensed Professional Geologist (LPG) in the State of Indiana and a Registered Geologist (RG) in Oregon and Washington State. He has extensive experience in environmental forensics, ASTM Risk Based Corrective Action assessments and indoor air contamination abatement. He is also expert in modeling groundwater dynamics, decommissioning USTs and designing vapor mitigation and sub-slab depressurization systems.

Mr. Hogan has designed, operated and modified a range of remediation systems and has directed numerous cleanup projects. He has managed large portfolios of projects, assessing environmental liabilities at more than 800 sites throughout the Midwest. His experience includes directing operations at Indiana's largest groundwater treatment system involving over 100 acres of contamination. Mr. Hogan has assessed and remediated a wide range of sites including industrial wood preservation facilities, metal recycling establishments, UST sites, gas stations, dry cleaners, landfills and sites used for other purposes.

Mr. Hogan is a member of the National Groundwater Association, the Geological Society of America and the Midwest States Environmental Consultants Association. He has published technical papers and abstracts, delivered technical presentations at international conferences and served on the Indiana Department of Environmental Management's Vapor Intrusion (VI) Workgroup. Mr. Hogan received a B.S. degree in Geology from the University of Dayton in 1996, and an M.S. degree in Structural Geology from the University of Tennessee in 2000.

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# Qualification Highlights

- > 12 yrs of experience as an environmental expert
- M.S., Structural Geology, University of Tennessee, 2000
- B.S., Geology, University of Dayton, 1996
- Licensed Professional Geologist, Indiana
- Registered Geologist, Oregon
- Registered Geologist, Washington
- 40-Hr. OSHA Hazardous Waste Operations & Emergency Response (HAZWOPER) Training
- 8-Hr. OSHA HAZOPER Supervisor Training
- 13 8-Hr. OSHA HAZWOPER Annual Refresher Trainings
- Qualified Inspector for Illegal Drug Lab Cleanups
- Environmental Forensics Training and Expertise

# Litigation Support and Subrogation Analyses

Electric Motor Facility, Evansville, IN – Provided litigation defense support in a publicized case involving chlorinated solvent vapors entering a daycare center from a nearby manufacturing facility. Identified subrogation opportunities, found contamination sources and multiple pollutant pathways.

Metal Fabricating & Electroplating Facility, Indianapolis, IN – Provided litigation defense support involving a co-mingled chlorinated solvent plume with multiple potentially responsible parties. Identified additional subrogation opportunities and provided expert opinions regarding multiple technical issues.

Dry Cleaner, Indianapolis, IN – Provided litigation defense support involving a dry cleaning facility previously operated by multiple tenants. In this case, the owner of the contaminated site funded the remedial activities while subrogating for cost recovery. Extensive technical support was provided, including life-cycle cost analyses as well as in-situ chemical oxidation and vapor mitigation remediation strategies.

# Reserve Estimating and Settlement Support

Reserve Estimation, Major Petroleum Company – Estimated cost reserves for completing tasks associated with petroleum USTs as well as fuel terminal and bulk plant facilities. Developed cost forecasting tools to assess future costs and provided systems for comparing budgets to actual spending. Established life-cycle spending and cleanup time-frames for property portfolios containing up to 650 sites with liabilities exceeding $40 million.

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Settlement Support, Whiting, IN – Assessed a $2.6 million settlement demand for cleaning up impacts at three petroleum UST sites. In the course of evaluating the demand, inflated cost estimates, inaccurate technical representations and alternate funding sources were found. A resulting favorable settlement was secured for 7% of the demand amount.

Municipal Landfill, Waupaca County, WI – Evaluated the effectiveness of remediating chlorinated solvent impacts through monitored natural attenuation. Claim involved 71 domestic wells. Through extensive technical analysis, the claim was reportedly resolved at 50% of the demand amount.

## Technical Oversight

Dry Cleaning Facility, Indianapolis, IN – Retained to oversee investigation and remediation activities involving chlorinated solvent impacts. Audited and adjusted costs to ensure that compliance services were necessary, properly rendered and appropriately charged. Assessed vapor intrusion data to identify alternative sources of pollution. Worked with the insured's remedial service provider and attorney to obtain favorable decisions from the regulatory agency. Conducted life-cycle analyses to assess reserves for use in settlement negotiations.

Former Gasoline Station, Rensselaer, IN – Assessed costs to remediate petroleum contamination and managed the insured's contractor to assure regulatory compliance. Developed appropriate corrective action plans for obtaining partial reimbursement from government funding sources. Adjusted previous closure strategies to reduce the original $500,000 life-cycle estimate by more than 60%.

Metals Fabricating Facility, Anderson, IN – Supervised the investigation and remediation of off-site impacts, including chlorinated solvents, polychlorinated biphenyls, heavy metals, petroleum, semi-volatile organic compounds, as well as herbicides and pesticides. Negotiated a testing plan and advised stakeholders regarding cost-effective compliance strategies for remediating soil, groundwater and air impacts. Developed communication plans for interacting with government agencies and identified subrogation opportunities.

Metal Recycling Facility, Wabash, IN – Advised regarding strategies for avoiding regulatory fines and provided cost control services in this claim involving numerous compliance violations.

Landfill Facility, Town of Pines, IN – Evaluated prior investigations regarding leaching contaminants from a coal ash landfill. Advised regarding the economic impact of pending regulatory changes. Evaluated remedial strategies and developed an estimate of total project costs to assess the financial demands of adverse parties.

Wood Treating Facility, Brownville, AL – Served as a technical and cost oversight expert in this case involving creosote, pentachlorophenol and chromated copper arsenate contamination. Evaluated the cost effectiveness

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of operating an on-site water treatment facility, conducted active in-situ remediations, prepared regulatory reports and negotiated for regulatory relief from government agencies.

Rebound Study, IDEM, Granger, IN – Assessed a ten year old petroleum vapor recovery system using membrane interface probe technology to identify residual impacts within the site. The study found that the system had outlived its effectiveness, allowing the remedial action to progress into its final phase of work.

## Direct Remediation Services

Retail Service Stations – For a major oil company, directed the investigation of hydrocarbon releases at more than 80 gas stations, including well known sites involving impacts to private and public drinking water systems, bedrock aquifers and other sensitive receptors. Assisted in designing and implementing soil and groundwater treatment technologies including carbon filtration, air-sparging, soil vapor extraction, bio-sparging and in-situ injections.

Dry Cleaning Facilities – Directed the investigation, remediation and closure activities at various facilities impacted by chlorinated solvents.

- Tested occupied structures to evaluate potential impacts of chlorinated groundwater plumes on indoor air quality. Identified alternative sources of indoor air contamination for subrogation purposes. Directed emergency response communications and indoor air sampling in matters involving educational centers, churches, residences and workplaces.
- Successfully resolved cases by using vapor mitigation systems to eliminate chemical exposure pathways. Also negotiated property deed restrictions and applied city ordinance restrictions where practicable. Worked with legal counsel to develop institutional controls to reduce contaminant exposures. Where active remediation was required, directed air-sparging, soil vapor extraction, in-situ bioremediation, in-situ chemical oxidation and excavation remedial strategies where appropriate.

Metals Recycling Facility, Evansville, IN – Remediated a recycling facility impacted by heavy metals including arsenic and lead, PCBs, volatile and semi-volatile organic compounds and petroleum. Successfully obtained regulatory relief from the most restrictive cleanup requirements. Developed a strategy allowing the property buyer to secure funding and purchase the property before obtaining regulatory closure.

Liquid Fertilizer Truck Spill, Boonville, IN – Provided emergency services involving a liquid fertilizer spill. Developed and executed a plan to characterize, delineate and excavate the soil impacts. Successfully closed the matter after achieving full compliance.

Project Management, USEPA Project, Granger, IN – Managed the remediation of this USEPA case involving

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petroleum and chlorinated impacts to a sole-source aquifer. Also served as lead geologist, directing all regulatory compliance activities, developing life-cycle costs and increasing project efficiency. Directed a multidisciplinary team involved in various activities, including groundwater sampling, operation and maintenance, mechanical and electrical engineering, data management, technical reporting, public relations, litigation support and financial management.

Groundwater Monitoring Program, IDEM Project, Granger, IN – Improved the performance of a complex groundwater monitoring program by developing an efficient schedule for sampling 192 monitoring and recovery wells. Also established regular schedules for collecting quarterly water samples from 105 wells, as well as maintaining more than 100 pumps and carbon-filtration water systems for 74 wells.

Carbon Filtration System, IDEM, Granger, IN – Increased the operating effectiveness of a 14-well groundwater system processing 2.2 million gallons per day. Also increased the efficiency of a 9well, free-product recovery system. Following review, terminated an ineffective air-sparging/soil vapor extraction system, reducing operating and maintenance costs by $200,000 annually.

Emergency Remediation, IDEM, Granger, IN – Directed the containment of a 4,000-gallon gasoline release that occurred during the project. Designed the connection of an additional groundwater recovery well into a 2.2-million gallon per day system. Updated Federally Enforceable State Operating Permit and National Pollutant Discharge Elimination System permits, as required. Directed all regulatory interactions, electrical modifications, trenching and drilling operations and system integrations.

Product Recovery System Optimization, IDEM, Granger, IN – Assessed petroleum hydrocarbon impacts within a 100 acre subsurface contaminant plume. This site's remedial system was intended to operate for 9 years but had been functioning instead for 25 years without achieving its remedial objectives. Services included reconfiguring the system, which subsequently removed all free-phase product within 2 years, thus advancing case progress to the next remedial phase.

Petroleum Pipeline Release, Granger, IN – Directed the cleanup of a 1,000-gallon gasoline release located over a sole-source aquifer used for drinking water. A contaminant plume was found near subsurface potable water pumps, requiring immediate action to prevent cross-contamination. Initiated emergency remediation while soliciting regulatory approval and organizing public meetings, as required.

Remote Control Systems Development, Granger, IN – Directed the design and installation of a telemetry and software program to monitor and remotely control 2 large remediation systems. The program used automated email alarms and text messaging, and allowed the treatment systems to be shut-down during emergencies. By reducing the need for frequent travel to the site and manual repair, the program's span-of-control efficiencies reduced annual remedial costs by over $100,000.

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**Data Management, IDEM, Granger, IN** –Directed a 2-year project consolidating thousands of disparate data points into a single database. Data sources included: (1) 30 years of historic information as well as continuing input from more than 350 sites, (2) quarterly groundwater data produced by more than 190 wells, (3) weekly recovery well gauging data, and (4) operational and maintenance information produced by a 2.2-million-gallon-per-day pumping system driving 75 carbon filters.

## Presentations/Publications

Hogan, J.P., and Mustafaga, D.B. 2003. Analysis of Lifecycle Costs for Petroleum UST Sites in Ohio: Lessons Learned on How to Reduce Environmental Cleanup Expenditures. Proceedings: NGWA Conference on Remediation: Site Closure and the Total Cost of Cleanup, November 13-14, 2003/Convention Center Hampton Inn/New Orleans, Louisiana: New Orleans, LA, pp. 249-262.

Hull, J.H., Mustafaga, D.B., and Hogan J.P. 2003. Evaluating Lifecycle Costs and Meeting Clean-up Goals at Petroleum-Release Corrective Action Sites. UST Pipeline Newsletter, April 2003, Petroleum Underground Storage Tank Release Compensation Board , http://www.petroboard.com/newsletter.htm.

Hogan, J.P., and Dunne, W.M. 2001. Calculation of shortening due to outcrop-scale deformation and its relation to regional deformation patterns. Journal of Structural Geology, 23, 1507-1529.

Hogan, J.P. 2000. Calculation of Shortening Due to Outcrop-scale Deformation and Its Relation to Regional Deformation Patterns, A Thesis Presented for the Master of Science Degree, The University of Tennessee, Knoxville.

Hogan, J.P., and Dunne, W.M. 1999. Using outcrop-scale deformation to complete the shortening ‘picture’ and detect regional deformation patterns. GSA Abstracts with Programs, 31, 7.

Hogan, J.P., and McGrew, A.J. 1997. Synkinematic deformation and evolution of 29 Ma monzogranite in the East Humboldt Range, Elko County, Nevada: GSA Abstracts with Bulletins, 29, 4.