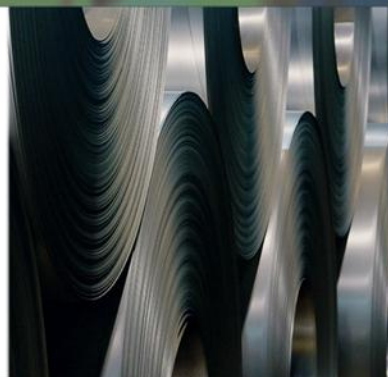




Aggressive Action Avoids CERCLA Liability

Dan Dyer - CSX

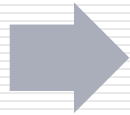
Tyler McNabb, Leroy Leonard, Duane Graves, Ph.D. – Geosyntec



Geosyntec 
consultants

Outline for Avoiding CERCLA Liability

Why it's
important



What can be
done



How this
works in real
life



Avoiding
CERCLA
liability



Take home
message



Project
example

Why It's Important

- Reduce liability
- Reduce or eliminate accruals
- Minimize long term O&M

Environmental liability
(lease to 3rd party)



Health and safety
(non-railroad infrastructure)



Environmental exposure
(operational interruption)



What Can Be Done

Due diligence

- Who's involved
- Site history

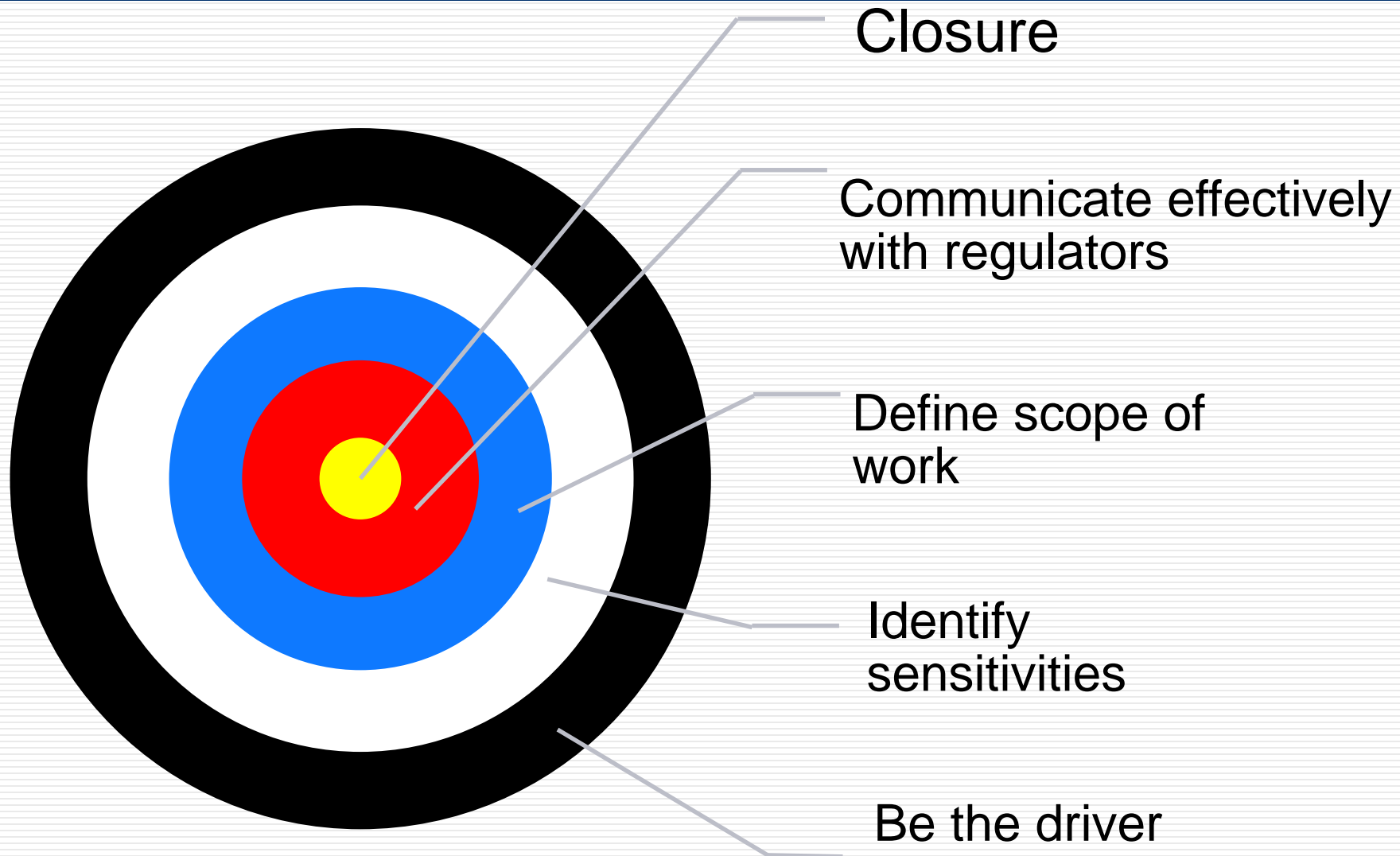
Big picture thinking

- Cost allocations
- Early development of closure strategy
- Dissociation from other parties

Business risk mitigation

- Remediation
- Multimedia exposure management

How this Works in Real Life



Project Example



Profile | Notices

POWELL LEAD

BIG STONE GAP, VA - REGION III



- Impacts to railroad property caused by adjacent property owner
- Worked with 4 regulatory agencies
- Developed closure strategy to satisfy all



Project Example



Scrap yard
property
fenced in
by EPA

Railroad
property

Project Example Results

- Early property survey excluded impacted area belonging to adjacent scrap yard
- Timely communications with various regulatory agencies and actions taken resulted in a streamlined remedial approach and implementation and avoided costly regulatory programs
- Exposure risks managed throughout the project and eliminated upon completion of remediation
- Long term O&M not required
- Final Site closure options being evaluated since the project was never entered into a state regulatory program

Value Proposition

- Drop out of CERCLA and associated time and cost issues
- No EPA cost recovery
- Eliminate PRP liability
- Reduce or eliminate accruals
- Provide flexibility in long term property management
- Provide options for property re-use

How tomorrow moves

