

David C. Batson, Esq.

PROFESSIONAL EXPERIENCE	Years of Relevant Experience: 40.0 Years with TechLaw: 5
EDUCATION	JD, Law, Cumberland School of Law, 1979 BA, History, East Carolina University, 1975
BASIC QUALIFICATIONS	
<p>Mr. Batson has 40 years of professional experience assisting private and government parties resolve complex hazardous waste and environmental disputes. This includes over 30 years as an ADR neutral and consulting expert with service in 500+ environmental, natural resource, public policy, organization, and business disputes. He has served as an allocation specialist, convening neutral, and mediator at more than 100 hazardous waste sites, including contaminated riverine/estuarine sediment and groundwater sites, landfills, abandoned mines, and commercial/manufacturing facilities.</p> <p>Over the past three decades, his practice has specialized in assisting PRPs involved in Superfund sites involving remediation of landfills, facility sites, and sediments and groundwater contaminated by diverse sources. His activities in these cases involve mediation and the design and implementation of effective allocation processes including, as requested by the parties, the submittal of an allocation report based upon analysis of relevant evidence that may include no records, only oral testimony, or a vast quantity of records requiring establishment of an interactive document repository. His allocation activities routinely involve determinations of legal and equitable considerations as required to address issues of divisibility of harm pursuant to CERCLA and other authorities, search of public and private records, identification of PRPs, and determination of party nexus regarding comingled waste streams providing little or no basis for association of contamination with individual sources.</p> <p>As a nationally recognized expert in ADR and allocation practice, Mr. Batson is often called upon to provide testimony and consultation services in support of litigation in federal and state courts, including several of national significance. His services have involved consulting on negotiation strategy, preparation of expert reports, and depositional and trial testimony.</p> <p>Mr. Batson also has extensive experience facilitating formation and effectiveness of PRP Groups, including mediation of organizational agreements, consultation on negotiation with regulatory agencies, and conduct of PRP searches. In his former position as Senior Counsel with the EPA Office of Enforcement, he dealt with both legal and technical issues arising in the settlement of numerous hazardous waste sites. He also obtained substantial experience in enforcement procedures and policy regarding regulation of pollution of water, air, toxic substances, and solid and hazardous wastes pursuant to RCRA, CWA, SDWA, CAA, EPCRA, FIFRA, and TSCA.</p>	



SELECTED EXPERIENCE**Mediation / Allocation**

- Diamond Alkali Sediment OU2 Superfund Site, New Jersey – Served as mediator for the design and conduct of a unique allocation process to establish relative responsibility among PRPs for \$1.5 Billion remediation of major urban river settlement site.
- Vermiculite Products Superfund Site, Texas – Served as mediator for successful negotiations among and between insurance companies and insured PRP entities, and between US EPA and PRPs, regarding remediation of asbestos manufacturing facility.
- San Fernando Valley Groundwater Contamination Site, California – Served as mediator and allocation expert in support of litigation and negotiations by municipal water supplier for contribution to remedial costs by industrial facilities contaminating major groundwater aquifer. Innovative allocation approach provided basis for determination of equitable allocation despite diverse history of contamination leading to pre-litigation settlements.
- USOR Landfill Superfund Site, Texas – Served as mediator and allocation consultant for waste transportation companies in support of negotiations with members of PRP Group. Efforts resulted in substantial reduction in equitable share of site costs assigned client.
- Superior Barrel & Drum Site – Served as mediator and allocation expert in support of negotiations among PRPs at major landfill site. Provided expert analysis and organization of site data to establish allocation matrix leading to settlement of all issues.
- Tennessee Products Site, Tennessee – Mediated PRP Group organization and funding agreements for landfill site involving multiple corporate, private, municipal, and federal agency PRPs. Designed and conducted allocation of cost recovery claims and future site costs. Mediated RD/RA settlement between PRP Group and EPA resolving all issues.
- Yosemite Slough Superfund Site, California – Served as mediator for allocation of interim funding of sediment contamination site involving PCB and heavy metal contamination of San Francisco Bay, primarily from historic municipal sewer system discharges. Mediated PRP Group organization agreement. PRPs included federal government agency, former industrial and drum recycling facilities, and City of San Francisco. Designed final allocation protocol and mediated allocation agreement. Conducted PRP search leading to substantial increase in group membership.
- Tittabawsee River/Saginaw Bay Superfund Site, Michigan – Mediated RD/RA and natural resource damages negotiations for sediment site involving dioxin and metals contamination of river and wildlife refuge. Parties included EPA, Michigan DEQ, Saginaw Chippewa Tribe, Fish & Wildlife Service, NOAA, and Dow Chemical Co.
- Kalamazoo River Superfund Site, Michigan – Mediated RI/FS and natural resource damages negotiations between EPA, Michigan DEQ, and industrial PRPs for sediment site involving dioxin and heavy metal contamination of river system. Designed and facilitated public meetings regarding selected remedy.



- Metlakatla Reservation Site, Alaska - Mediated agreement on remedy design and performance of RI/FS for abandoned US Air Force airfield site involving disbursed hazardous waste and groundwater contamination from airfield operations, maintenance facilities, and fuel pipeline systems. Parties included Metlakatla Tribe, BIA, EPA and DOD.
- Kelly Air Force Base, Texas - Mediated settlement discussions regarding soil and groundwater contamination resulting from historic operations of closed US Air Force Base. Negotiations involving local community leaders, national environmental justice group, EPA, DOD, CDC and state officials resulted in remediation of contamination, provision of health services, and establishment of regional planning process for future redevelopment of base.
- Baton Rouge SIP Agreement, Louisiana – Mediated settlement discussions over nonattainment by the City of Baton Rouge of air pollution standards in state implementation plan. Deliberations between EPA, State environmental officials, and Tulane Environmental Law Clinic representing locally impacted communities resulted in compliance with requirements and installation of regional air monitoring to provide otherwise unavailable information to members of public.
- Barrick Cortez Mine – Mediated negotiations between EPA and corporation resulting in innovative settlement regarding gold mining operation in violation of RCRA permit and EPCRA notification requirements.

Testimonial Expert

- EPNG vs United States, Arizona – Served as allocation testimonial expert in support of litigation by mining company regarding equitable responsibility of United States and private parties pursuant to CERCLA for contamination due to historic federal uranium mining program. Provided negotiation strategy consultation, expert report, deposition, and trial testimony.
- CFAC v ARCO, Montana – Served as allocation testimonial expert in support of litigation by current owner of aluminum smelting facility regarding equitable responsibility of former owner of facility pursuant to CERCLA for contamination due to historic facility operations. Provided expert and rebuttal reports and deposition testimony (trial testimony pending).
- Industrial Site Natural Resource Damages, New Jersey – Served as allocation testimonial expert in support of litigation between current and former owner of industrial site to establish responsibility for off-site contamination of natural resources. Provided negotiation strategy consultation and expert report. Efforts lead to favorable pre-litigation settlement for client.

Regulatory Compliance Monitor

- Electrolux Corporation – Served as Independent Monitor of corporate compliance with Consent Decree with USEPA resolving noncompliance with TSCA requirements. Six month effort independently confirmed compliance in rework of over 600,000 AC and dehumidification units at multiple facilities throughout Nation.



RELATED EXPERIENCE			
EMPLOYMENT	Company	Title	Date Range
	AlterEcho, Inc.	Expert Consultant	2015 - Present
	Georgetown Law School	Adjunct Faculty	2013 - Present
	U.S. EPA Office of General Counsel	Senior Collaboration & ADR Specialist, ADR Counsel	2002 - 2015
	Center for Environmental Training, University of MD	Adjunct Faculty	2010 - 2015
	Coastal America Partnership	Deputy Director	2010 - 2011
	Vermont Law School	Adjunct Faculty	1990 - 2000
	U.S. EPA Office of the Administrator	Senior ADR Specialist/Deputy Dispute Resolution Specialist	1987 - 2002
	Office of Enforcement, U.S. EPA	Senior Counsel	1979 - 1989
	Self-Employed	Owner/Manager of Utility and Residential Construction firms	1975 - 1986
CERTIFICATIONS	<ul style="list-style-type: none"> ➤ Licensed to practice law in North Carolina and Maryland ➤ Advanced Certifications in ADR and Public Participation 		
MEMBERSHIPS	<ul style="list-style-type: none"> ➤ Vice Chair, Superfund & NRD Litigation Committee, Section on Environment, Energy & Resources, American Bar Association ➤ ADR Committee, Section on Environment, Energy & Resources, American Bar Association ➤ Dispute Resolution Section, American Bar Association ➤ ADR Committee, Maryland State Bar Association ➤ Environmental & Public Policy Section, Association for Conflict Resolution 		

