

Mr. Hicks is a nationally certified professional geologist with over 26 years of experience in hydrogeology, geochemistry, soil and groundwater restoration and site characterization. He implements projects throughout North America, and is a registered geologist in three states. He has served as an expert witness and project manager in numerous environmental matters ranging from cost allocation issues on Superfund sites to due diligence for the oil and gas industries. He assists the legal, real estate and oil and gas industry in the acquisition, financing, permitting and rehabilitation of properties with environmental issues.

He previously served as a supervising hydrogeologist in the permitting section of the New Mexico Environment Department. For BDM Environmental, he managed Environmental Protection Agency (EPA) enforcement support projects. He employs his knowledge and experience in regulatory matters to develop strategies consistent with the risks at a site, the budget of the client, and the mandates of the regulations and laws. Mr. Hicks has written a number of professional papers and presented seminars on waste management, phased remedial actions, geochemistry, and groundwater contamination. Some of Mr. Hicks' projects are described below.

- In late 1996, Mr. Hicks was an expert witness for a foreclosure case in California. The cost of mitigating the documented environmental liabilities associated with this hotel site were an integral part of determining the value of the property. The hotel site was formerly a service station with leaking underground storage tanks. In re Emeryville Days Limited Partnership, U.S. Bankruptcy Court, Sacramento Division, Case No. 96-26528-C-11.
- Working for a plaintiff, Mr. Hicks provided expert reports regarding impairment of property values at a site impacted from a nearby leaking underground storage tank. Petroleum hydrocarbons and MTBE were released from a service station site into a fractured bedrock aquifer. The case settled in early 1997, immediately after depositions. Massey and Botarelli V. Wolf, CV 94-08474, Bernalillo County District Court.

Education:

M.S., Geology, University of New Mexico, 1981

B.S., Geology, Beloit College, 1975

Registrations and Certifications:

AIPG Certified Professional  
Geological Scientist,  
No. 6777

Arizona Professional Geologist,  
No. 19483

California Registered Geologist,  
No. 4468

Wyoming Professional Geologist,  
No. PG-2147

New Mexico Certified Scientist  
(Underground Storage Tank  
Bureau)  
#245

New Mexico Certified Radiation  
Safety Consultant, No. 411-6

Relevant Experience:

Uranium exploration geologist,  
1975-1977, 1979

State environmental regulator,  
1980-1983

Founder and Vice President of  
Geoscience Consultants (later  
BDM Environmental), 1983-1996

Publications:

Natural Attenuation of Petroleum  
Hydrocarbons: 12 Years of Data  
Fourth Annual Conference on  
Natural Attenuation, Pasadena,  
California, 1998

- Mr. Hicks was named as an expert witness for Maverik Oil Company in a case involving a former service station. Migration of hydrocarbons to an adjoining property caused a local bank to deny a loan to the adjacent landowner. Mr. Hicks presented evidence supporting the environmental initiatives taken by Maverik and showed that the hydrocarbons would degrade naturally over time, posing no threat to human health or the environment. The case settled in 1998.
- He served as a technical member of Sandia National Laboratories' Independent Review Team (Red Team) who evaluated the Lawrence Livermore National Laboratory groundwater restoration program and DOE's UMTRA groundwater restoration program. These projects required expertise in the contaminant hydrogeology of solvent and radioactive waste. The panel of experts reviewed the contaminant hydrology, risk profile and costs of the projects.
- In 1996, a Seattle law firm retained Mr. Hicks as an expert witness to determine the appropriate standard of care for environmental due diligence associated with the purchase of commercial property. The site in question once housed several leaking underground storage tanks. An environmental consultant arrived at a cost estimate to remove hydrocarbon-impacted soil, permitting construction of a subsurface parking structure. Mr. Hicks evaluated the data and provided an expert report indicating that the previous environmental work did not meet the industry standards prevalent at the time. *Recreational Equipment, Inc. v. GeoTech Engineers*, King Country Superior Court, Case No. 95-2-30163-1 SEA.
- In 1995, Mr. Hicks was an expert witness for a Miami law firm for a site in the U.S. Virgin Islands. This leaking underground storage tank site was located within a Federal CERCLA site. A release from the USTs resulted in a localized zone of petroleum hydrocarbons over a large groundwater plume composed of industrial solvents. Mr. Hicks' expert reports and deposition showed that the petroleum hydrocarbons did not endanger the plaintiff's water supply wells. *In re Tutu Wells Litigation*, District Court, U.S. Virgin Islands, Case No. 1989-107-1227.

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City

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The Role of Soil Flushing in the  
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Vegas, Nevada, May, pp. 299-310.

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Three low cost pumping systems for  
hydrocarbon contaminated ground  
water: Proceedings of Petroleum  
Hydrocarbons and Organic  
Chemicals in Ground Water:  
Prevention, Detection and  
Restoration, Houston, Texas,  
November. pp 43-54

- As the Expert Witness for the Four Corners Gas Producers Association, he presented testimony before the New Mexico Oil Conservation Commission 1993 hearing on produced water disposal.
- Mr. Hicks provided expert reports for litigation to recover the cost of environmental restoration of a shopping center in California. Mr. Hicks developed a restoration plan for solvents in groundwater that met the needs of all parties. The strategy called for intrinsic remediation after completion of an active soil vapor extraction program. The case settled in mediation before calling experts.
- An oil and gas concern sought compensation from Mr. Hicks' client, a small independent oil company. The dispute involved environmental costs expended to remedy petroleum hydrocarbon impairment of groundwater at a well site near Farmington, New Mexico. Mr. Hicks prepared expert testimony and expert opinions regarding the division of responsibility. *El Paso Natural Gas Company v. Manana Natural Gas Company*, Eleventh Judicial District, CV 92-396-1.
- Rice Operating Company of Hobbs, NM retained Hicks Consultants to develop an program to address environmental issues associated with a produced water spill. Mr. Hicks is the principal in charge of this project and is responsible for developing a plan for soil restoration, re-vegetation and evaluation of any groundwater quality impacts.
- Duke Energy retained Hicks Consultants to prepare various environmental permits for their southwestern New Mexico operations. As the project manager, Mr. Hicks not only prepared the permit documents but also developed a Pollution Prevention/Best Management Practices Plan for implementation by Duke personnel.

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Hicks, R.T., Hawley, J.W. and Longmire, P.A., 1984. Suitability of Sanitary Landfills for disposal of Small Quantities of Hazardous Waste, New Mexico, NMEID Open File Report.

Raymondi, R., Conrad, R. and Hicks, R., 1982. Nitrate contamination of groundwater from septic tanks and livestock waste lagoons: a literature review: New Mexico Environmental Improvement Division publication EID/WPC-82-9, 62 pp.

Hicks, R.T. and Brookins, D.G., 1981. Diagenesis of the Westwater Canyon Member, Morrison Formation, East Chaco Canyon Drilling Project, New Mexico (abs): American Association of Petroleum Geologists Bulletin.

Longmire, P.A., Hicks, R.T. and Brookins, D.G., 1981. Aqueous geochemical interactions between ground-water and uranium minestope backfilling – Grants Mineral Belt, New Mexico: Proceedings of the Forth Conference on Uranium Mill Tailings Management, Fort Collins, Colorado, October, pp. 389-414.

Hicks, R.T., Della Valle, R., Lowy, R. and Brookins, D.G., 1980. Petrology of Westwater Canyon member, Morrison Formation, East Chaco Canyon Drilling Project, New Mexico, Comparison with Grants Mineral Belt: New Mexico Bureau of Mines and Mineral Resources, Memoir 38, pp. 208-214.