

Mark Turnbough, PhD
Land Use Assessment
Environmental Planning/ Permitting / Regulatory Compliance
Litigation Support

SUMMARY OF RECENT EXPERIENCE

INTRODUCTION

Mr. Turnbough has managed and provided work product on several significant multi-disciplinary site selection, characterization, environmental assessment and permitting projects. Those projects range from controversial, high-visibility, large-scale water resource development and management programs along the U.S./Mexico boundary to the permitting and licensing of critical environmental facilities, e.g. nuclear power plants (HL&P South Texas Project and Texas Utilities Comanche Peak), major transmission line rights of way (ROW), hazardous/infectious waste treatment systems, waste disposal facilities, experimental energy storage systems at White Sands Missile Range and the U.S. Department of Energy (DOE) WIPP facility near Carlsbad, New Mexico.

More recently, he has served as Chairman (Tri-Chair) of New Mexico Governor-Elect Bill Richardson's Transition Team for the New Mexico Environment Department (November, 2002-January, 2003) and has been retained to provide environmental guidance to the New Mexico State Land Office.

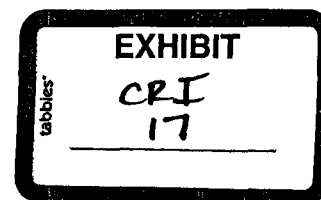
PROJECT SUMMARIES

In 1987 he managed the third party environmental assessment that was used by the U.S. Bureau of Reclamation to allow the re-assignment of agricultural water rights in the Rio Grande Valley of El Paso County, Texas to municipal and industrial uses. The model he developed for making water resource re-allocation decisions in El Paso County (USBR Rio Grande Project) was subsequently utilized to provide a justification for converting agricultural water diversions in the Lower Rio Grande (south Texas). The value of the approach is that it eliminates the need for lengthy and expensive Environmental Impact Statements (EIS) to re-distribute water appropriations within existing water projects. Ultimately, Mr. Turnbough was asked to describe the approach to the Committee on Energy and Natural Resources of the United States Senate (May 10, 1994).

During the same general time frame (1986 to 1994) he prepared the environmental assessments and environmental information documents required for the opening of the Santa Teresa International Border Crossing (New Mexico / Mexico). Concurrently, he worked with the owners to master plan the original Santa Teresa industrial and residential complex (26,000 acres).

On behalf of El Paso and Hudspeth Counties, from 1988 to 1991 he recruited and managed the technical team that evaluated the proposed Texas Low Level Radioactive Waste Disposal site at Ft Hancock, Texas. The results of that evaluation were used in District Court to prevent the state of Texas from designating an unsuitable site.

In 1997 and 1998 Mr. Turnbough provided consulting expertise to Phillips Petroleum Company in litigation regarding pipeline leaks near Borger, Texas. Phillips was able to negotiate mutually acceptable settlements with neighboring landowners.



Also in 1997 and 1998, he provided expertise to the Richey Oil Company which was opposed the development of a 27,000 acre sludge project adjacent to the historic Eagle Mountain Ranch in Hudspeth County, Texas. The Texas Natural Resources Conservation Commission withdrew its prior approval of the project.

From 1992 through the present, Mr. Turnbough has managed the permitting and re-permitting of the controversial Camino Real Landfill in Sunland Park (the largest facility of its kind in New Mexico). Under Mr. Turnbough's direction, Camino Real ultimately received the Solid Waste Association of North America (SWANA) Landfill Excellence Award for the best landfill in North America (1997).

From 1994 through 1999, Mr. Turnbough also managed the site selection, characterization, design, permitting, construction and regulatory compliance for three additional regional landfills in New Mexico; Sand Point (Carlsbad), Tri-Sect (Valencia County) and Lea County Regional Landfill. In the process of permitting the Lea County facility, Mr. Turnbough was able to secure a ground water monitoring exemption based on the geologic qualities of the site selected for Lea County. Since 1991, Mr. Turnbough has coordinated the permitting of over half of the total solid waste disposal capacity in the state of New Mexico.

From 1995 to 2000 and from February of 2003 to the present, Mr. Turnbough has served as a regulatory and environmental consultant to the Waste Control Specialists facility in Andrews County, Texas. It was the first hazardous (RCRA) / toxic (TSCA) and radioactive waste management facility of its kind in the United States (permitted under post LDR regulations). He is working with WCS to plan and develop a license application for the disposal of mixed Low Level Radioactive Waste generated by the Texas Compact and the DOE complex.

He continues to serve as the primary consultant for Camino Real in the development of Title V and NSPS Air Quality permits for the parent company, Waste Connections, Inc. He is also a consultant for Chandler and Associates in the assessment of a large and complex set of oilfield contamination cases in Johnson and Lawrence Counties, Kentucky. In June of 2000, Mr. Turnbough was retained by the law firm of Kemp-Smith as a water resource development consultant for projects in the El Paso, Texas region.

From September of 2000 to December 2001, he was retained as a consultant for Westinghouse and Westinghouse Safety Management Solutions (WSMS) to provide regulatory guidance to the U.S. Department of Energy (DOE) regarding the modification of the RCRA permit (issued by the state of New Mexico) under which the DOE Waste Isolation Pilot Plant (WIPP) Facility operates.

During the same time frame, he was retained as a consultant to (CRI), an oilfield waste recycling and disposal facility. On behalf of CRI, Mr. Turnbough provided expert testimony and coordinated technical input regarding an established New Mexico Environment Department (NMED) policy. The NMED hearing officer ruled against an established Department policy position (the only instance of that ever happening in the history of NMED).

In February, 2000, he was retained to provide regulatory impact assessments (RIA) for the Edwards Aquifer Authority in San Antonio, Texas.

In August 2001, he was retained by Moncrief Oil Co. to provide highly specialized regulatory consulting regarding the disposition of sulfur generated by natural gas processing plants located in the Madden Field (Wind River Basin) of central Wyoming.

Beginning in January 2002, the work done under contract to WSMS was shifted to CTAC, the technical assistance arm of DOE at WIPP, and expanded to include permitting issues associated with the U.S. EPA jurisdiction over WIPP.

In February 2002, he was retained by American 3CI, to do permitting and compliance work for infectious waste management facilities.

In September 2002, he was retained by Cogema, Inc. to conduct regulatory and technical feasibility studies for a range of North American projects.

In June 2003, he was retained by the New Mexico State Land Office to prepare policy guidelines for oil and gas leases/rights of way permits to enhance the protection of surface resources on land owned/managed by the State of New Mexico.

In July 2003, he was retained by Aquila/Canberra to produce specialized regulatory and policy analyses for ongoing North American projects.

POLICY DEVELOPMENT AND ADVISORY ACTIVITIES

As indicated in the Introduction of this summary, Mr. Turnbough was selected to chair (Tri-Chair) the Transition Team for the New Mexico Environment Department by New Mexico Governor-Elect Bill Richardson. Under Mr. Turnbough's leadership, the Transition Task Force interviewed a significant number of individuals representing the regulated community, public interest groups and the entire management team, from the Secretary of the Department down to the bureau chief level, to document strengths and weaknesses of the NMED. That exercise led to the drafting of a report in December, 2002 that is currently being used to significantly re-organize the entire Department.

Mr. Turnbough was appointed on May 1, 2000 to serve on the New Mexico Environment Department's Radioactive Materials Advisory Committee which was tasked to write new radioactive materials license, inspection and administrative fee regulations. Mr. Turnbough also participated in the writing of the New Mexico Solid Waste Management Regulations (EPA Sub-title D) and the New Mexico Recycling Rules. During the writing of the Sub-title D regulations Mr. Turnbough provided a direct interface with EPA Region 6 to facilitate changes required for New Mexico to achieve primacy over the program. In addition, he has provided NMED with detailed impact assessments of its proposed rules.

Moreover, he has coordinated the development and passage of several environmental / economic development packages in the New Mexico Legislature. In 1998, for example, he coordinated the passage of a \$500,000,000.00 incentive package to help recruit uranium enrichment industries to a site located in eastern Lea County, New Mexico.

SUMMARY

Essentially, Mr. Turnbough provides task definition / management and regulatory / political interface for clients whose projects require multi-disciplinary expertise. The interface fills a gap for law firms and other clients with complex task requirements in that it provides technical support that ranges well beyond "engineering functions."