

# CLAIMS Solutions

## Landfill Odor Complaints

When a pollution release, spill or other incident occurs, you want to make sure you have the carrier with the most experienced environmental claims counsel and technical consultants handling your claim. XL's Environmental group has 25+ years of environmental expertise. Our environmental claims staff has experience responding to and remediating pollution incidents as well as expertise in managing environmental litigation and interacting with regulators.

*The information contained herein is intended for informational purposes only. Insurance coverage in any particular case will depend upon the type of policy in effect, the terms, conditions and exclusions in any such policy, and the facts of each unique situation. No representation is made that any specific insurance coverage would apply in the circumstances outlined herein. Please refer to the individual policy forms for specific coverage details.*

*"XL Insurance" is the global brand used by XL Group plc's (NYSE: XL) insurance companies. Coverages underwritten by Greenwich Insurance Company, Indian Harbor Insurance Company, XL Insurance America, Inc., XL Specialty Insurance Company and XL Insurance Company Limited—Canadian Branch. Coverages not available in all jurisdictions*

0-154-4\_5/2010

### THE CLAIM

An XL insured landfill was issued violations by the state regulatory agency for an alleged failure to maintain their landfill gas collection system. The insured also received odor complaints from neighboring residents. A lawsuit was filed by the neighboring hotel claiming significant loss of business due to customer odor complaints. A second lawsuit was filed by the town itself alleging the odors had detrimentally affected a planned residential/commercial development. The local water authority also filed a cease and desist order against the landfill for methane vapors in off-site manholes.

### THE RESPONSE

XL's environmental claims counsel and a technical consultant worked with the insured through the maze of claims facing them. XL's claims counsel retained local defense counsel to represent the insured. The insured entered into a consent order with the state requiring the installation of new landfill gas extraction wells and related equipment. An additional order was issued to remediate conditions that caused off-site migration of odor and gas.

Repairs were made to the system and it was determined that the odors were caused by a subsurface fire. The fire was extinguished. An impermeable liner was installed over a section of the landfill to better control odors. Additional upgrades were made to the gas collection system including installation of a flare system.

### THE SOLUTION

XL paid over \$1,000,000 under the insured's Pollution and Remediation Legal Liability Policy for the installation of a perimeter gas extraction system/off-site subsurface gas migration and temporary odor control measures. As a result, the town dismissed its lawsuit. XL paid over \$8,000,000 under the same policy to settle the lawsuit with the hotel.

For more information on how XL can help you manage your exposures, please contact your environmental underwriter or Sales & Marketing at:

**800-327-1414**

[www.xlinsurance.com/environmental](http://www.xlinsurance.com/environmental)

**25+** Years Environmental  
Insurance Expertise

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