



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 21, 2016

SENT VIA EMAIL AND REGULAR MAIL

Christopher R. Gibson, Esquire
Archer & Grenier, P.C.
One Centennial Square
Haddonfield, NJ 08033

Re: PFOA Matters in Southern New Hampshire

Dear Attorney Gibson:

Thank you for your letter dated April 13, 2016 on behalf of Saint-Gobain Performance Plastics (Saint-Gobain). The NH Department of Environmental Services (NHDES) accepts the offers made within your letter subject to the clarifications herein in order to allow us to move forward cooperatively and to most effectively address the problems that have arisen due to elevated levels of PFOA in groundwater in a number of communities in southern New Hampshire.

NHDES interprets the 2nd paragraph of your letter as merely reserving the right of Saint-Gobain to discuss potential treatment options with NHDES with respect to concentrations above "100 ppt, or any other duly enacted standard" without specifically agreeing to what options should be implemented. We do not interpret this paragraph as requiring NHDES to waive or forego any remedy it may have with respect to any such standard or to request actions in the absence of a duly enacted or promulgated standard.

Based on its analysis to date, and as outlined in the NHDES April 1, 2016 letter to Saint-Gobain, NHDES seeks to implement an overall approach to protection and restoration of the environment and public health that through the site investigation and remediation process focuses on the end goals as rapidly as possible. In furtherance of this approach, NHDES anticipates employing a comprehensive hierarchy of measures to address the drinking water contamination issues involving private wells. The first step is to provide bottled water (Items 1.a and 1.b in the NHDES April 1, 2016 letter), which Saint-Gobain has agreed to do. With this measure in place the immediate exposure risks to private well users have been substantially alleviated and the parties can focus on implementing the applicable longer-term steps in this overall strategy. The next step is to connect affected properties to public drinking water systems (Items 4.a and 4.b). As a general matter, at sites involving wide-scale groundwater

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Christopher R. Gibson, Esquire
April 21, 2016
Page 2

contamination, point-of-entry treatment systems (POETS) at individual residences or businesses most often serve best as interim measures, and are not effective long-term solutions. Moreover, their use typically must be limited in order to avoid complications with the overall groundwater remediation efforts at a site. Accordingly, only after determinations are made regarding extensions of and connections to public drinking water supplies does NHDES currently anticipate being in a position to designate (per Item 5) which properties should be considered for installation of POETS, at least on a permanent or long-term basis.

With this as background, NHDES notes that in response to Item 5, on page 3 of your letter, you state, in pertinent part, "Saint-Gobain agrees to fund the installation of POETS on private wells within a 1 mile radius of the Facility..." And while that paragraph describes a willingness to install POETS on private wells, it does not mention the possibility of water line extensions, whereas, in your response to Item 4 on page 3 of your letter, Saint-Gobain acknowledges that water line extensions may be more practical than POETS for residences under some circumstances.

We sincerely appreciate Saint-Gobain's willingness to immediately install POETS, and acknowledge that Saint-Gobain is at liberty, with property owners' consent, to install and maintain such systems as it determines appropriate at this time. NHDES notes, consistent with the overall strategy described above, that NHDES specifically requested that these systems be installed at locations "to be designated" by NHDES. NHDES reserves the right to recommend that POETS be installed on only a temporary basis or that they not be installed at all to the extent that NHDES determines that other approaches, including but not limited to public water system extensions and connections, will provide the best long-term resolution or that such installations would impede or interfere with an effective long-term remediation strategy for the site.

NHDES also notes that the request for water treatment systems to treat and remove PFC contamination from public water systems (Items 3.a. and 3.b. in the NHDES April 1, 2016 letter) is a concern of equal importance to those involving private drinking water wells. NHDES expects to have additional information in the near future on strategies that could be implemented to address this vital need.

NHDES proposes to meet with Saint-Gobain in the near future to continue to explore the range and full scope of the potential combinations of strategies that may most appropriately address the short-term and long-term contamination and drinking water issues at this site. We do so with the understanding that Saint-Gobain has not yet committed to funding either public water system line extensions and connections or the installation and operation of treatment systems

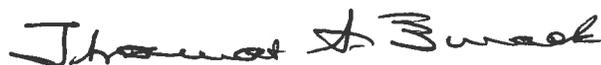
Christopher R. Gibson, Esquire
April 21, 2016
Page 3

on public water systems, but has expressed an interest in engaging in further discussions with NHDES of these and related topics.

Although, as noted in your letter, we do not yet have agreement as to certain future items, the agreements that we have reached so far will allow us to best address the short-term needs related to the PFOA contamination currently identified. We appreciate your willingness to work

with us cooperatively to ensure that New Hampshire residents have drinking water free of elevated levels of PFOA.

Sincerely,

A handwritten signature in black ink that reads "Thomas S. Burack". The signature is written in a cursive style with a large, stylized initial "T".

Thomas S. Burack
Commissioner

TSB/sb

cc: Clark Freise, Assistant Commissioner, NHDES
Edward J. Canning, Saint-Gobain