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March 18, 2002

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Re: Consent Order Between WV and DuPont (Order No. GWR-2001-019): DuPont's
January 2002 Report Entitled "Compilation of Historical **C-8** Data DuPont
Washington Works Main Plant and Landfills"

Gentlemen:

As we mentioned previously, our law firm and two Charleston, West Virginia, law firms are currently representing a group of individuals in connection with claims against DuPont and the Lubeck Public Service District relating to contamination of human drinking water supplies with ammonium ~~perfluorooctanoate~~ (a/k/a "C-8") attributable to releases of **C-8** from DuPont's Washington Works facility in Wood County, West Virginia. We understand that, under the terms of the referenced Consent Order entered between the State of West Virginia and DuPont on November 14, 2001, DuPont is required to submit to the Groundwater Investigation Steering Team ("GIST") a Report providing a "compilation of all available ground water/surface water monitoring and hydrogeologic characterization data for" DuPont's Washington Works facility and Local, Letart, and Dry Run Landfills, **as** described in Table A-1.a of the Consent Order. We have reviewed a copy of a **January** 2002 document made available to us by WVDEP on March 7, 2002, prepared by DuPont entitled "Compilation of Historical **C-8** Data DuPont Washington Works Main Plant and Landfills," which we **assume** is the report that DuPont was required to prepare in **this** regard. Upon review of the data summarized in that Report, it becomes evident that the Report inexplicably **omits** references to a substantial amount of **C-8** data within DuPont's possession.

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For example, in connection with DuPont's discussion of available data regarding historical sampling of C-8 in surface water, DuPont only refers to levels of C-8 detected in surface water during 2000 and 2001. DuPont has, however, substantial documentation referring to levels of C-8 in surface water, including the Ohio River, dating back to at least 1984 (see, e.g., Exh. A). No explanation is provided anywhere in DuPont's Report as to why all of the data prior to the year 2001 has been inexplicably ignored. Likewise, with respect to available data relating to levels of C-8 detected in the drinking water at the Washington Works, DuPont possesses data c o d i n g C-8 levels in its drinking water wells (wells 331, 332, and 336) dating back to at least 1991 (see, e.g., Exh. B), but inexplicably fails to reference that data in either the text of its Report or in the table allegedly summarizing the available water results (Table 2.1(C)). Further, with respect to groundwater data provided in connection with the Washington Works, Table A-1 of the Consent Order requires DuPont to provide data with respect to, not only levels of C-8 in wells at the Washington Works plant itself, but also all data relating to C-8 in "residential groundwater wells and public water supply within a one-mile radius [of] the" plant. DuPont has failed to provide any information whatsoever with respect to levels of C-8 detected in either residential groundwater wells or public water supplies within a one-mile radius of the Washington Works, despite information within DuPont's possession that at least one adjacent residential water well contained "high C-8" levels in 1993, (see Exhibit C), and information within DuPont's possession confirming C-8 in public drinking water supplies as far back as at least 1984 (see Exh. A). DuPont also inexplicably fails to reference the confirmed exposure of those consuming this water.

With respect to C-8 data relating to the Letart Landfill, DuPont possesses data confirming the presence of C-8 in several private residential wells near that Landfill, but has not referenced the results of those tests anywhere in the Report or in any of the tables submitted in connection with the Letart Landfill, even though the results are expressly referenced on Page 3 of DuPont's March 7, 2002, Consent Order with the United States. As with the Washington Works, the Consent Order expressly requires DuPont to include within the Report all historical data within DuPont's possession relating to levels of C-8 detected in any residential groundwater wells or public water supply within a one-mile radius of the Letart Landfill. (See Consent Order, at Table A-1.a.) DuPont also inexplicably fails to reference the confirmed exposure to those who are consuming the water from these private residential wells containing C-8.

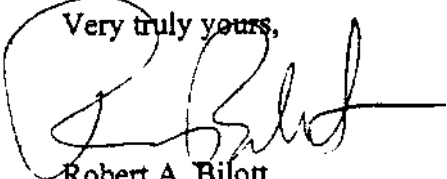
With respect to data presented by DuPont in connection with C-8 at the Dry Run Landfill, it appears that DuPont also has failed to provide all information within its possession relating to historical detections of C-8 in water impacted by that Landfill. For example, documents within DuPont's possession confirm that DuPont began sampling for and confirmed the presence of C-8 in Dry Run Creek dating back to at least 1990 (see Exh. D), and that DuPont possesses documentation confirming the presence of C-8 in several residential water wells near the Dry

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Run Landfill. (See Exh. E.) As with the other **C-8 data** referenced above, DuPont inexplicably fails to mention any of this information in its Report. The Report also inexplicably omits any reference to potential exposure to **C-8** being discharged ~~from~~ the Dry Run Landfill among those drinking contaminated ground water or by **animals** consuming contaminated water ~~from~~ the **Dry** Run Creek.

Based upon the foregoing omissions of data within DuPont's possession relating to historical confirmation of **C-8** in various surface and drinking water samples, DuPont's Report is incomplete and substantially flawed. We hereby request, on behalf of **our** clients, that DuPont be required to supplement the Report with *all* information within its possession relating to *all* historical detections of **C-8** in *all* surface water and drinking water samples taken in connection with its Washington Works, Dry Run Landfill, and Letart Landfill, **as** expressly required under the Consent Order.

Very truly yours,

Robert A. Bilott

RAB/itc
Enclosures

cc: R Edison Hill, **Esq.**
Larry **A.** Winter, **Esq.**
Gerald J. Rapien, **Esq.**

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