

**TAFT, STETTINIUS & HOLLISTER L.L.**

NORTHERN KENTUCKY OFFICE  
SUITE 340  
1717 DIXIE HIGHWAY  
COVINGTON KENTUCKY 41011-4704  
606-331-2838  
513-381-2838  
FAX 513-381-6613

1800 FIRST STAR TOWER  
425 WALNUT STREET

CINCINNATI, OHIO 45202-3957

513-381-2838  
FAX: 513-381-0205

www.taftlaw.com

CLEVELAND OHIO OFFICE  
3500 BP TOWER  
200 PUBLIC SQUARE  
CLEVELAND OHIO 44114-2302  
216-241-2838  
FAX 216-241-3707

COLUMBUS OHIO OFFICE  
21 EAST STATE STREET  
COLUMBUS, OHIO 432154221  
614-221-2838  
FAX 614-221-2007

AR 226 - 1178

ROBERT A. BILOTT  
(513) 357-9638  
bilott@taftlaw.com

April 19, 2002

**TELECOPY**

Christopher D. Negley, Esq.  
Associate Counsel  
West Virginia Department Of  
Environmental Protection  
Office Of Legal Services  
1356 Hansford Street  
Charleston, WV 25301

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Re: C-8 Assessment Of Toxicity Team Work Under November 14, 2001  
Consent Order Between DuPont And State Of West Virginia  
(Order No. GRW-2001-019)

Dear Mr. Negley:

This letter responds to your letter of April 15, 2002, responding to my letters of March 26 and March 29, 2002. Based upon your letter, we understand that the State of West Virginia does not intend to take any steps to independently verify any of the C-8 results obtained by DuPont's contractor, Exygen. Thus, we understand that the State of West Virginia does not intend to implement any mechanism through which any member of the public can independently verify any of the C-8 results obtained by DuPont's contractor, even though we understand that the sampling methodology that currently is being used by Exygen has been made available to the State, and that the State could take those steps necessary to arrange for independent verification of Exygen's results.

Second, with respect to our request to appoint a representative to participate as a member of the C-8 Assessment of Toxicity Team ("CAT Team") under the referenced Consent Order, this confirms our understanding that our request has been denied. Rather than being offered any opportunity to participate in any substantive aspect of the C-8 CAT Team proceedings, we understand that we have been asked to, instead, voluntarily share whatever information we "may have in our possession" that "will aid" the CAT Team "in their determination." In a letter dated April 12, 2002, we forwarded to the non-DuPont CAT Team members lists identifying some of the documents that are within our possession that may relate to issues under investigation by the

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Christopher D. Negley, Esq.  
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CAT Team. As of today's date, we have not received any requests for further information about any of those particular documents. Although we appreciate the opportunity to allow one of our representatives to "speak to the panel," we have not yet been advised what particular issues relating to C-8 or the documents that we forwarded to you are of particular interest to the CAT Team at this time, nor have we been advised what type of information we possess "will aid them in their determination." Although we understand from a press release issued by the State on April 16,2002, that the CAT Team apparently intends to present its opinion as to "health protective levels" of C-8 in human drinking water as early as May 15,2002, we have not been provided with any information relating to how any such opinion has been developed or what the documents are that the CAT Team is using or relying upon to support its position in that regard. Please forward to us at your earliest convenience, pursuant to the Freedom of Information Act, the documentation the CAT Team intends to use or rely upon in support of its presentation on May 15,2002, including any draft report or conclusions from TERA, so that we can determine whether we possess information that may assist the CAT Team in finalizing its position and determine whether a personal presentation by any of our representatives would still be of any assistance to the panel. We look forward to receipt of the documentation at your earliest convenience.

Third, we note that, as of today's date, we have not received any response to our March 18,2002, letter regarding DuPont's January 2002 report entitled "Compilation of Historical C-8 Data: DuPont Washington Works Main Plant and Landfills." Given the statement made by the State in its April 16, 2002 Press Release that the GIST will be "giving an update on ... groundwater findings" during the May 15,2002, public meeting, we request clarification as to whether any of the issues raised in our March 18,2002, letter will be addressed or resolved prior to the May 15,2002, meeting.

Finally, with respect to our several outstanding Freedom of Information Act requests, this confirms that our representatives are in the process of continuing to attempt to obtain the responsive documents from the State, and will be finalizing arrangements to inspect and copy those documents promptly. Thank you.

Very truly yours, .



Robert A. Bilott

RAB/mdm

cc: R. Edison Hill, Esq.  
Larry A. Winter, Esq.

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