



FACT SHEET: STATE OF VERMONT CONSENT ORDER WITH SAINT-GOBAIN
July 26, 2017

The State of Vermont and Saint-Gobain Performance Plastics Corporation (Saint-Gobain) have reached an agreement on a consent order to address PFOA contamination in portions of the Town of Bennington and the Village of North Bennington. The agreement includes a permanent drinking water solution for homes in the western portion of the impacted area, including the extension of municipal water lines to approximately 200 homes; a requirement to complete a site investigation and address PFOA contamination from the Northside Drive and Water Street facilities; and a requirement to reimburse the State for certain response and oversight costs. Saint-Gobain must also complete an expedited investigation in the eastern portion of the impacted area to determine the degree and extent of contamination, the source(s) of contamination, and the appropriate remedy to mitigate the impacts of contamination.

Overview

- *Corrective Action Area I:* Saint-Gobain will fund municipal water line extensions in the areas identified on the attached map. For impacted homes where a municipal water line extension is not feasible, Saint-Gobain will either drill a replacement well if feasible or operate and maintain a Point of Entry Treatment System (POET).

Approximately 200 homes will be connected to municipal water, and the estimated project costs for the water line project in Bennington and North Bennington are approximately \$20 million.

North Bennington is expected to begin the bid process on August 1, 2017 with a bid opening date of August 24, 2017. Bennington is expected to begin the bid process on August 7, 2017 with a bid opening date of August 30, 2017. Construction for both projects is expected to begin in the fall of 2017.

- *Corrective Action Area II:* Saint-Gobain will complete all necessary site investigation on an expedited schedule. Once this investigation is complete, the Agency of Natural Resources (ANR) will move forward with a determination on the permanent drinking water remedy and final resolution for Corrective Action Area II.
- The consent order was filed in state court on July 26, 2017 and operates as a court order once it is approved by the court. Saint-Gobain must pay penalties for any failure to comply with the consent order.

- Contingent upon Saint-Gobain compliance with the consent order, the State has agreed not to sue Saint-Gobain and its corporate affiliates for PFOA contamination in Corrective Action Area I. The State has not provided a release of liability for non-PFOA releases in Corrective Action Area I or for PFOA and non-PFOA releases in Corrective Action Area II.
- The consent order does not address private claims regarding injuries to property or health because these claims are outside the scope of the State’s authority. The consent order does not provide Saint-Gobain with a release of liability from private claims.
- All public comments on the consent order must be received by **August 25, 2017**. The consent order is not effective until it has been entered by the court after public comments are evaluated by ANR. Please send all comments to: Renita Marshall at Agency of Natural Resources, Department of Environmental Conservation, 1 National Life Drive, Main 2, Montpelier, VT 05620 or renita.marshall@vermont.gov.

Summary of Key Provisions

Corrective Action Area I

Corrective Action Area I is identified on the attached map. Corrective Action Area I – Operable Unit A are those areas where homes are eligible to be connected to a municipal water line. Corrective Action Area I – Operable Unit B are those areas where it is not technically feasible to connect homes to a municipal water line.

Drinking Water Remedy

- Corrective Action Area I – Operable Unit A
 - **All homes**—regardless of PFOA levels in drinking water wells—are eligible to be connected to a municipal water line.
 - The scope of work associated with extension of the municipal water line service includes connecting municipal water lines to the existing internal plumbing within the home or business and restoration of property disturbance. It does not include water usage costs or replacement of existing internal plumbing. Approximately 200 homes will be connected to municipal water lines.
- Corrective Action Area I – Operable Unit B
 - **Homes with PFOA levels at or above 20 ppt:** Saint-Gobain will either install a replacement well if it is technically feasible or operate and maintain a POET. With respect to a replacement well, POET operation and maintenance will continue until ANR determines that PFOA levels will remain below 20 ppt. Saint-Gobain must operate and maintain a POET until PFOA levels are below 20 ppt and Saint-Gobain has demonstrated a stable or decreasing trend of PFOA levels for eight consecutive

rounds of quarterly sampling. There are approximately twelve homes with PFOA levels at or above 20 ppt in this category.

- **Homes with PFOA levels below 20 ppt:** Saint-Gobain must comply with a long-term sampling program to monitor PFOA levels. At any time, if PFOA levels are at or above 20 ppt, Saint-Gobain must immediately provide bottled water and install a POET within 30 days of receipt of the laboratory analysis. ANR may authorize Saint-Gobain to connect the home to a municipal water line or install a replacement well if technically feasible.

- **New wells:** Saint-Gobain must test all new wells in Operable Unit B upon request of well owner. If levels are at or above 20 ppt, Saint-Gobain will immediately provide bottled water and install a POET within 30 days of receipt of the laboratory analysis. ANR may authorize Saint-Gobain to connect the home to a municipal water line or install a replacement well if technically feasible. If levels are below 20 ppt, wells will be included in long-term sampling program.

Area-Wide Groundwater

- Saint-Gobain must perform long-term monitoring of area-wide groundwater until levels are below 20 ppt at compliance points approved by the Secretary and Saint-Gobain has demonstrated a stable or decreasing trend of PFOA levels for eight consecutive rounds of quarterly sampling.

- Groundwater in Corrective Action Area I - Operable Unit A will be reclassified as Class IV non-potable groundwater in accordance with the IROCPR and state groundwater protection rules to prohibit future use of this groundwater for human consumptive or other residential purposes in areas served by the municipal water line.

- To the extent allowed by law, the State may use its reclassification authority to develop well construction standards in Corrective Action Area I – Operable Unit B to the extent that such standards may avoid the consumption or use of water containing PFOA.

Corrective Action Area II

Site Investigation

- Saint-Gobain must complete all field site investigation activities no later than October 30, 2017.

- Saint-Gobain must submit a draft of a report documenting the site investigation to determine the extent and fate, source(s) of contamination, and appropriate remedy to mitigate the impacts of contamination no later than December 15, 2017.

- Saint-Gobain must submit a final site investigation report no later than February 15, 2018.

Corrective Action Plan

- Following that investigation, Saint-Gobain must submit a plan to address PFOA contamination, including a proposed drinking water remedy, no later than 90 days from ANR's approval of the site investigation report if Saint-Gobain and the State reach agreement on the parties responsible for PFOA contamination in this area. Saint-Gobain would then be required to perform corrective actions and provide the permanent drinking water remedy in accordance with a schedule approved by ANR.
- If the State and Saint-Gobain are unable to reach an agreement, the State will use authority provided by Vermont law to pursue long-term drinking water solutions for all impacted residents.

Water Street and Northside Drive Facilities

Site Investigation

- Water Street: Saint-Gobain must complete a supplemental site investigation for the interior of the Water Street facility within 60 days of the effective date of the consent order or the date access is granted to the property, and must provide a final report after addressing all ANR comments within 30 days.
- Northside Drive: Subject to Saint-Gobain's ability to gain access to the properties, Saint-Gobain must complete a site investigation for the Northside Drive facility within 60 days of the effective date of the consent order or the date access is granted to the property, and must provide a final report after addressing all ANR comments within 30 days.

Corrective Action Plan

- For both facilities, Saint-Gobain must provide a plan to address PFOA contamination from each facility no later than 90 days from ANR approval of the final site investigation reports.
- Saint-Gobain must take approved corrective actions in accordance with a schedule approved by ANR.

Payment of State Costs

- Saint-Gobain will reimburse the State for past response costs associated with Corrective Action Area I in the amount of \$1,857,853 within 30 days of the effective date of the consent order.
- Saint-Gobain will reimburse the State for future response costs associated with Corrective Action Area I, including all costs incurred by the State for the review and development of deliverables submitted under the consent order, oversight of site investigation and municipal water line construction, and all other costs of implementation, oversight, and enforcement of the consent order.

- The State will continue to cover the costs associated with past and future response actions for Corrective Action Area II until there is a final resolution for Corrective Action Area II.

Saint-Gobain Appeal of Vermont PFOA Rules—Groundwater Quality Enforcement Standard and Hazardous Waste Listing

- Saint-Gobain will dismiss its appeal of Vermont’s PFOA Rules without prejudice.

Public Comment

- The public has thirty days from the date the State and Saint-Gobain lodged the consent order with the court—**August 25, 2017**—to file comments.
- The consent order is not effective until it has been entered by the court after public comments are evaluated by ANR. Please send all comments to: Renita Marshall at Agency of Natural Resources, Department of Environmental Conservation, 1 National Life Drive, Main 2, Montpelier, VT 05620 or renita.marshall@vermont.gov.

Appendices

- Appendix A is the list of the corrective action items and schedule for completion.
- Appendix B is the map of the area designated as Corrective Action Area I and Corrective Action Area II.
- Appendix C is the Comparative Analysis of Corrective Action Options: North Bennington, Vermont. This document is an evaluation of corrective action alternatives for Corrective Action Area I.
- Appendix D is the Agency of Natural Resources Record of Decision and Selection of Remedy for Corrective Action Area I. This document sets forth the process and rationale for ANR’s approval of the corrective actions for Corrective Action Area I contained in the consent order.
- Appendix E is the Agreement for Payment for Expansion of Municipal Water Lines. This document establishes the payment terms for contracts between Saint-Gobain and the Village of North Bennington and Saint-Gobain and the Town of Bennington for the municipal water line project.
- Appendix F is a list of Settling Defendant’s related entities for purposes of the State’s covenant not to sue.
- Appendix G is a list of contacts for purposes of providing notice under the consent order.