

**APPENDIX A
CORRECTIVE ACTION WORK ITEMS AND SCHEDULE**

I. SAMPLING

1. Any sampling required by this Consent Order shall be collected and analyzed in accordance with a workplan approved by the Secretary that addresses quality assurance and quality control, which may be included in a sampling and analysis plan or a quality assurance program plan.
2. All analytical results from sampling required by this Consent Order shall be provided to the Secretary within 10 days of Settling Defendant's receipt of the validated sampling results from the lab or 30 days from the date the sample was collected, whichever is sooner.

II. CORRECTIVE ACTION AREA I

3. Subject to the modifications set forth herein, Appendix A to the October 12, 2017 Consent Order (2017 Appendix A) is incorporated by reference.
4. The 2017 Appendix A is modified as follows:
 - a. The 20 parts per trillion (ppt) threshold established in Paragraph 4(b)(ii) is replaced with the applicable Regulatory Standard at the time of sampling as defined by this Appendix A;
 - b. The 20 ppt Performance Standard established in Paragraph 4(c)(iii) is replaced with the Regulatory Standard as defined by this Appendix A;
 - c. The 20 ppt Performance Standard for point-of-entry treatment systems (POETs) established by Paragraph 4(e) is replaced with the Regulatory Standard as defined by this Appendix A;
 - d. The 20 ppt threshold established in Paragraph 4(f) is replaced with the Regulatory Standard as defined by this Appendix A;

e. The 20 ppt Performance Standard for groundwater and drinking water established in Paragraphs 4(h)(a) and 4(h)(c) are replaced with the Regulatory Standard as defined by this Appendix A;

f. The 300 parts per billion (ppb) soil standard established in Paragraph 4(h)(b) is replaced with the regulatory standard applicable at the time of sampling, except that the applicable soil criteria shall be based on direct contact threat, and, if direct contact criteria have not been established by the Secretary for one or more of the covered per-and polyfluoroalkyl substances (PFAS) at the time Settling Defendant seeks a certificate of corrective action completion, only the then existing direct contact criteria will need to be met to demonstrate compliance;

g. The 20 ppt Performance Standard for groundwater established in Paragraph 12(c)(i) is replaced with the Regulatory Standard as defined by this Appendix A; and

h. The 300 ppb soil standard established in Paragraph 13(b) is replaced with “PFOA, PFOS, PFHxS, PFHpA, and PFNA concentrations are below the direct contact soil screening level established by the Secretary at soil compliance points established by the Secretary for Corrective Action Area II, Operable Units A and B, or appropriate institutional controls are in place.”

5. Settling Defendant has submitted a Corrective Action Plan for Corrective Action Area I, which the State approved on June 25, 2018. The Corrective Action Plan for Corrective Action Area I specifically addressed PFOA. Following submission of the Corrective Action Plan for Corrective Action Area I, the State issued an emergency rule establishing a combined groundwater standard of 20 ppt for PFOA, PFOS, PFHxS, PFHpA, and PFNA. Accordingly, Settling Defendant shall submit a revised

corrective action plan for Corrective Action Area I that incorporates the new combined standard. The revised Corrective Action Plan for Corrective Action Area I may be separately submitted or consolidated with the Corrective Action Plan for Corrective Action Area II, as provided for herein.

III. CORRECTIVE ACTION AREA II – OPERABLE UNIT A

7. Within 30 days of receiving notice from the State, Settling Defendant shall make an initial payment to the State in the amount of \$2,500,000, and thereafter shall fund, in accordance with the terms of Appendix E, all costs associated with the planning, design, oversight, and construction associated with the extension of municipal water lines, the connection of homes to the municipal water line, and proper closure of potable water supplies in the area designated as Corrective Action Area II—Operable Unit A in Appendix B. These costs shall include costs reasonably incurred by the State, the Town of Bennington, and their contractors, sub-contractors, and agents. These costs shall not include costs associated with operation and maintenance of municipal water line extensions once construction is complete. This work shall be deemed to have been completed, and all Performance Standards for this work in Paragraph III(7) shall have been met, upon completion of the Water Extension Work.

IV. CORRECTIVE ACTION AREA II – OPERABLE UNIT B

8. Within 90 days of the Effective Date, Settling Defendant shall provide the Agency of Natural Resources with a Corrective Action Plan that:
- a. Includes a plan for siting, drilling, and testing of new wells for homes that have POETs as of the Effective Date of this Order, where technically feasible.
 - b. Includes provisions for testing of new wells and implementation of

remedy, as follows:

i. The State shall notify Settling Defendant within 120 days of the permitting of any new well in Corrective Action Area II—Operable Unit B. This notice shall include the location of the new well. After the installation of any new well in Corrective Action Area II—Operable Unit B, Settling Defendant shall offer to test that well for PFOA, PFOS, PFHxS, PFHpA, and PFNA at no cost to the homeowner.

ii. If Settling Defendant or the Agency of Natural Resources is permitted to test the new well and the well test result is at or exceeds the Regulatory Standard, Settling Defendant shall: (1) immediately provide bottled water to the homeowner; (2) immediately notify the State of the test results; and (3) within 30 days of receipt of the laboratory results, install a POET. The Secretary may, subject to prior consultation with Settling Defendant, require Settling Defendant to connect the home to a municipal water line, if reasonable and cost effective, or drill a new well for the home served by the impacted well if technically feasible, in accordance with Paragraph 8.a, rather than install a POET. If the Parties cannot agree on an appropriate remedy, either Party may implement the dispute resolution procedures set forth in Section XII of the Consent Order.

c. Settling Defendant must provide bottled water to a homeowner until:

i. Settling Defendant has completed the start-up testing under the approved POET operation and maintenance sampling plan and has demonstrated that the POET is operating effectively;

ii. The home is connected to a municipal water supply; or

iii. Settling Defendant has demonstrated that the concentrations of PFOA, PFOS, PFHxS, PFHpA, and PFNA in a newly installed well are below the

regulatory standard(s) established by the Groundwater Protection Rule and Strategy, as may be amended (the “Regulatory Standard”) and establishes a stable or decreasing trend, meaning the concentrations of PFOA, PFOS, PFHxS, PFHpA, and PFNA are below the Regulatory Standard for eight (8) consecutive rounds of quarterly sampling and the statistical trend analysis for eight quarters of sampling shows an overall downward or a flat trend if the concentrations of PFOA, PFOS, PFHxS, PFHpA, and PFNA are below the Regulatory Standard.

d. Incorporates the Operation and Maintenance Manual Point of Entry Systems (POET) Private Water Supply Systems (Rev. 2) dated March 2018, which provides for long-term monitoring, operation, and maintenance of POETs, whether installed before, after, or on the Effective Date of this Order.

e. Performance Standard for POETs: Settling Defendant shall maintain any POET in Corrective Action Area II—Operable Unit B until Settling Defendant has demonstrated that the concentrations of PFOA, PFOS, PFHxS, PFHpA, and PFNA in the applicable well are below the Regulatory Standard and establishes a stable or decreasing trend, meaning PFOA, PFOS, PFHxS, PFHpA, and PFNA are below the Regulatory Standard for eight (8) consecutive rounds of quarterly sampling and the statistical trend analysis for eight quarters of sampling shows an overall downward trend in PFOA, PFOS, PFHxS, PFHpA, and PFNA contaminant levels in the water supply or a flat trend if the contaminant levels are below the Regulatory Standard, after which time Settling Defendant will remove the POET or, if preferred by the homeowner, allow the owner of the well to retain the POET at the owner’s expense.

f. Includes a long-term monitoring plan for all wells in Corrective Action

Area II—Operable Unit B without POETs, including existing wells that have not been tested as of the Effective Date, new wells that have been drilled after the Effective Date, and wells that had a POET as of the Effective Date but the POET has either been removed or is no longer required because the performance standards in Paragraph 8.e have been met. If in the course of this sampling program, a well test is at or above the Regulatory Standard for PFOA, PFOS, PFHxS, PFHpA, or PFNA, Settling Defendant shall respond in the same manner as provided in Paragraphs 8.b.ii and 8.c. Settling Defendant shall perform this monitoring until the Performance Standards identified in Paragraph 8.h have been achieved.

g. A long-term monitoring plan to evaluate the effectiveness of natural attenuation of PFOA, PFOS, PFHxS, PFHpA, and PFNA in the soils and groundwater in Corrective Action Area II, Operable Units A and B.

h. Performance Standards for Soil and Groundwater: Monitoring in accordance with the long-term monitoring plan shall be required until: (a) PFOA, PFOS, PFHxS, PFHpA, and PFNA concentrations are below the Regulatory Standard at groundwater compliance points established by the Secretary for Corrective Action Area II, Operable Units A and B, and Settling Defendant has established that there is a stable or decreasing trend, meaning the concentrations of PFOA, PFOS, PFHxS, PFHpA, and PFNA are below the Regulatory Standard for eight (8) consecutive rounds of quarterly sampling and the statistical trend analysis for eight quarters of sampling shows an overall downward or a flat trend if the concentrations of PFOA, PFOS, PFHxS, PFHpA, and PFNA are below the Regulatory Standard; (b) PFOA, PFOS, PFHxS, PFHpA, and PFNA concentrations are below the direct contact soil screening level established by the Secretary at soil compliance points established by

the Secretary for Corrective Action Area II, Operable Units A and B, or appropriate institutional controls are in place; (c) PFOA, PFOS, PFHxS, PFHpA, or PFNA are not present in any drinking water supply wells at concentrations at or above the Regulatory Standard and Settling Defendant establishes a stable or decreasing trend, meaning the concentrations of PFOA, PFOS, PFHxS, PFHpA, and PFNA are below the Regulatory Standard for eight (8) consecutive rounds of quarterly sampling and the statistical trend analysis for eight quarters of sampling shows an overall downward or a flat trend if the concentrations of PFOA, PFOS, PFHxS, PFHpA, and PFNA contaminant levels in the water supply are below the Regulatory Standard; (d) Vermont Water Quality Standards have been achieved at any surface water compliance point established for Corrective Action Area II, Operable Units A and B; (e) all required institutional controls, engineered controls, and inspection plans are in place; (f) all groundwater monitoring wells have been properly closed unless such wells are required for any required institutional controls, engineered controls, or inspection plans, or otherwise approved by the State to remain open; (g) all site remedial infrastructure or monitoring points have been properly closed, unless such equipment is required for any required institutional controls, engineered controls, or inspection plans, or otherwise approved by the State to remain open; and (h) any outstanding or overdue balances owed to the State have been paid. If direct contact soil screening criteria have not been established by the Secretary for one or more of the covered PFAS at the time Settling Defendant seeks to obtain a certification of corrective action completion, only the then existing direct contact criteria will need to be met to demonstrate achievement of the soil performance standard.

- i. Includes an institutional control plan for Corrective Action Area II,

Operable Units A and B.

9. The Corrective Action Plan required by this Section IV is subject to review and approval of the Secretary in accordance with the Investigation and Remediation of Contaminated Properties Rule.

10. Upon entry of this Consent Order, Settling Defendant shall commence implementation of the above-described plans and provisions.

V. CORRECTIVE ACTION AREA II – OPERABLE UNIT C

11. Within 30 days of receiving notice from the State, Settling Defendant shall make a payment to the State in the amount of \$3,700,000.00 for Corrective Action Area II—Operable Unit C. Upon payment of this amount, Settling Defendant shall be deemed to have completed all Work associated with Corrective Action Area II—Operable Unit C, and all Performance Standards for this Work shall have been met.

12. State Lead for Corrective Action. After Settling Defendant satisfies the requirements of Paragraph 11, the Agency of Natural Resources will have the lead on performing any corrective action selected by the Agency in Appendix D1.

VI. FIVE YEAR REVIEW

13. Five Year Review of Corrective Action Approach and Monitoring Data.

a. Five years following the commencement of the corrective actions, and every five years thereafter, Settling Defendant shall provide the Secretary with a review of the Corrective Actions for Corrective Action Areas I and II, with the exception of Corrective Action Area II—Operable Unit C, and make recommendations as to whether any further investigation or corrective action is required in these areas. At a minimum, the Five Year Review shall include:

i. A summary of any environmental sampling results, including

those collected from implementing the long-term monitoring plan, well testing, and monitoring of POETs.

ii. A review of the conceptual site model in light of monitoring results collected as a part of the corrective action.

iii. If revisions to the conceptual site model indicate that additional sampling is necessary, Settling Defendant shall submit a site investigation work plan concurrent with the five year review.

iv. A brief discussion of any new or innovative remedial technologies that are or may be reasonable, feasible, cost-effective, and accelerate Site compliance with the Performance Standards.

v. Any recommendations for additional corrective action at the Site.

b. Within 60 days of receiving questions or comments on the Five Year Review, Settling Defendant shall respond to those questions or comments by the Secretary.

c. If there is an extension of a distribution line on Overlea Road, Settling Defendant shall conduct the analysis required by this Section within 90 days of receiving notice from the Secretary that such an extension has taken place. The Settling Defendant may limit its review to the area in the proximity of the distribution line.

VII. CERTIFICATION OF CORRECTIVE ACTION COMPLETION

14. Settling Defendant shall comply with all provisions contained within this Appendix A and the approved corrective action plans for a given Corrective Action Area until the Secretary has granted a Certification of Corrective Action Completion under this Section.

15. Settling Defendant may petition the Secretary to issue a Certification of Corrective Action Completion for Corrective Action Area I, II, or both; or an Operable Unit within either Corrective Action Area I or II. Any petition shall demonstrate how the specific area has achieved the Performance Standards. Upon submitting a petition, Settling Defendant shall provide notice to the public in the same manner as required for a corrective action plan.

16. Within 30 days of receiving questions or comments on the Petition, Settling Defendant shall respond to those questions or comments. The Secretary shall only grant a Certification of Corrective Action Completion upon the Secretary's determination that the Corrective Action has satisfied the Performance Standards for the relevant area as specified above. A Certification of Corrective Action Completion will be issued for Corrective Action Area II—Operable Unit C upon Settling Defendant's payment of the amounts required in Paragraph 27 of the Consent Order.