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January 4, 2016

Via Electronic and Regular Mail

Judith A. Enck
Regional Administrator
United States Environmental Protection
Agency, Region 2
290 Broadway
New York, NY 10007-1866

Re: Hoosick Falls, New York

Dear Ms. Enck:

On behalf of my client Saint-Gobain Performance Plastics Corporation ("SGPP"), I write to clarify what appears to be a misunderstanding within the United States Environmental Protection Agency ("USEPA") concerning the efforts by SGPP, the Village of Hoosick Falls (the "Village"), and the New York State Department of Health ("NYDOH") to address perfluorooctanoic acid ("PFOA") in the Village's water supply. Based upon recent statements by USEPA in the press, SGPP is concerned that USEPA is not fully aware of the progress that has already been made by SGPP, the Village and NYDOH to address PFOA, or the activities that they have planned for the near future. Accordingly, this letter provides a brief summary of SGPP's efforts to date in Hoosick Falls and the additional efforts underway.

SGPP first learned that PFOA was present in the Village's water supply in December 2014, when the Village provided SGPP with the results of sampling that the Village had conducted in October 2014. The discovery of PFOA in the Village's supply wells was a surprise to SGPP since its operations at its McCaffrey Street facility only date back to 1996, it never manufactured PFOA, and it stopped using liquid dispersion PTFE that contained PFOA at its McCaffrey Street facility in 2003. Nevertheless, immediately upon learning that PFOA had been detected, SGPP notified USEPA and provided USEPA with a copy of the Village's sampling results. In fact, SGPP provided USEPA with notice of the sampling results under Section 8(e) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2601, et seq., even though SGPP was not legally required to do so.

Since learning that PFOA is present in the Village's water supply, SGPP has been proactively working with the Village and the local and state health departments to develop both

short-term and long-term solutions. Those efforts have focused first and foremost on treatment options for the public supply wells. In February 2015, the Village retained MRB Group ("MRB") to evaluate potential water treatment options. Likewise, SGPP retained C.T. Male Associates ("C.T. Male"), a highly respected local engineering firm, to work with the Village and MRB. In April 2015, the Village submitted water samples to Calgon so that a pilot study evaluating the effectiveness of granulated activated carbon ("GAC") treatment could be performed. The pilot study confirmed that GAC is an effective method for treating PFOA in the Village's water. Accordingly, MRB prepared a preliminary design for a permanent GAC system, which was documented in an Engineering Report, dated July 2015. SGPP then had C.T. Male review MRB's report in order to evaluate ways the system could be refined and improved. Since then, SGPP, the Village and NYDOH have been working cooperatively to determine the best and quickest way to complete the design and construction of a permanent GAC treatment system, which SGPP has agreed to fund.

Through their joint efforts, SGPP, the Village and NYDOH have successfully developed a proposed schedule that calls for a permanent GAC water treatment system to be fully constructed and operating by the end of October 2016. A Basis of Design has already been completed and a Final Design should be prepared and ready for NYDOH review within the next month. The complete schedule is posted on the Village's website.

While they have been working towards the development of a permanent treatment system, SGPP, the Village and NYDOH have also been evaluating temporary treatment options. Initially, SGPP and the Village investigated whether a temporary GAC system compatible with the Village's current treatment plant could be rented from Calgon. When it did not appear that such a system was available, SGPP agreed to provide Village residents with alternative water until the permanent system could be constructed. Accordingly, residents have been able to obtain bottled water from the local grocery store at SGPP's sole expense since November. Moreover, it appears that a temporary GAC system may now be available for use within the next few weeks, and SGPP has agreed to fund such a system should the Village be able to obtain one. Thus, Village residents already have alternative water available to them and will continue to have alternative water available until the permanent GAC system is completed.

Throughout this process, SGPP has striven for transparency both with regards to its investigation of its own property and its efforts to address PFOA in the public water supply. It shared the Village's sampling results with USEPA a year ago. Likewise, it has attended numerous town meetings with Village residents, during which it has shared the results of its own on-site sampling, answered questions about its historic operations, and updated residents about its plans. It also provided USEPA with the results of its on-site soil and groundwater sampling in a second TSCA notice last month.

Moreover, SGPP has undertaken all of these activities even though it is not legally required to do anything. In this respect, it bears noting that PFOA is not listed as a hazardous substance under any federal or state statute or regulatory authority. Nor has USEPA promulgated an enforceable drinking water standard for PFOA. As you point out in your November 25 letter to the Village, despite the fact that USEPA has been studying PFOA for more than twenty years, USEPA is still "reviewing the state of the science on PFOA."

Likewise, while USEPA published a non-binding provisional health advisory ("PHA") for PFOA in 2009, USEPA has not taken any further regulatory action in the six years since the PHA was published. And, although PFOA was identified as one of the substances for potential regulation under the Safe Drinking Water Act in Contaminant Candidate List 3 in October 2009, USEPA elected not to select PFOA as one of the substances for further regulatory determination in 2014. In short, there is no clear and definitive guidance or information available regarding PFOA. Nevertheless, SGPP has voluntarily stepped up with prompt and definitive action and without pointing fingers at anybody else because it considers itself an important member of the Hoosick Falls community and values that community.

Under the circumstances, SGPP is surprised, not only that USEPA has suddenly decided to involve itself, but also that USEPA has decided to do so by reaching out to Village residents without first contacting SGPP or including SGPP in the conversation. If USEPA believes that other treatment options would be more effective than GAC, or if USEPA has suggestions for faster, more efficient ways to design, approve and construct a permanent water treatment system, SGPP would absolutely welcome such information. Likewise, SGPP would be happy to meet with USEPA to discuss any concerns that USEPA may have about SGPP's continuing efforts. To that end, SGPP requests an opportunity to meet with USEPA prior to January 14 so that SGPP may answer any questions that USEPA may have and gain a better understanding of what USEPA intends to discuss with Village residents on January 14.

Please feel free to contact me if you have any questions or would like to further discuss any of these issues.

Very truly yours,

CHRISTOPHER R. GIBSON

CRG:

cc: Mayor David Borge
Thomas A. Ulasewicz, Esq.
Paul Simon, USEPA

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