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VIA REGISTERED MAIL – RETURN RECEIPT REQUESTED

Re: Notice of Intent to Sue Under Section 7002(a)(1)(B) of the Resource Conservation and Recovery Act, 42 U.S.C. §6972(a)(1)(B).

Pursuant to section 7002(a)(1)(B) of the Resource Conservation and Recovery Act (RCRA) 42 U.S.C. §6972(a)(1)(B), Healthy Hoosick Water ("HHW") puts Saint-Gobain Performance Plastics Corporation ("SGPP") and Saint-Gobain Corporation, as well as the United States Environmental Protection Agency ("EPA") and the New York State Department of Environmental Conservation ("DEC"), on notice of HHW's intent to sue for abatement of an imminent and substantial endangerment to health and the environment in connection with contamination caused by disposal of solid or hazardous waste containing perfluorooctanoic acid (PFOA) and related chemicals at locations in or near Hoosick Falls, New York. We intend to seek injunctive relief to abate and otherwise remedy the ongoing releases of PFOA and related chemicals into the groundwater and the

Hoosick River, which have resulted in contaminated groundwater and contamination of water supplies. Further, notice is hereby given of HHW's intent to seek injunctive relief to remedy releases of PFOA and related chemicals in or near Hoosick Falls that were associated with, or arose from, SGPP's practice of disposing or promoting disposal of PFOA-contaminated containers by allowing such containers to be removed from the SGPP facility for reuse by Hoosick Falls residents who were unaware of the toxic characteristics associated with PFOA and related chemicals.

1. RESPONSIBLE PARTIES

Section 7002(a)(1)(B) of RCRA, 42 U.S.C. §6972(a)(1)(B), allows affected citizens to bring suit against:

> any person, ... including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage or disposal facility, who has contributed or who is contributing, to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment.

The following Responsible Parties are responsible for the imminent and substantial endangerment:

a. SGPP is the owner and operator of a manufacturing facility located at 14 McCaffrey Street, Hoosick Falls, New York (the "Hoosick Falls Facility"). SGPP processes fluoropolymers at the Hoosick Falls Facility that were made with perfluoroctanoic acid ("PFOA"). As a result of SGPP's operations involving the use of PFOA, PFOA has been discharged, released or otherwise disposed of from the Hoosick Falls Facility. PFOA contamination has been detected in the drinking water supply of the Village of Hoosick Falls. SGPP is aware of its responsibility for the

contamination of the Hoosick Falls water supply. On December 30, 2014, SGPP filed a TSCA Section 8(e) Notice with EPA. In that Notice, SGPP and Saint-Gobain Corporation reported the presence of PFOA in the Hoosick Falls water supply and the nexus of that contamination to the SGPP facility.

b. Saint-Gobain Corporation is the parent corporation of SGPP and is actively involved in the management and decision-making by SGPP, including management and decision-making relating to environmental health and safety. Saint-Gobain Corporation has control and management authority over SGPP with respect to the use, management, handling and disposal of hazardous or toxic substances and wastes by SGPP.

2. IMMINENT AND SUBSTANTIAL ENDANGERMENT

a. Human Health Risks Caused by Exposure to PFOA, PFOS, and Related Chemicals

The human health risks caused by exposure to low levels of PFOA and related chemicals include cancer, immunotoxicity, thyroid disease, ulcerative colitis, and high cholesterol. The stable carbon-fluorine bonds within PFOA molecules cause PFOA and related chemicals to be highly resistant to environmental breakdown mechanisms. As a result, PFOA and related chemicals and concentrations accumulate in soil, water, and air, and in biological systems, including humans and animals. PFOA and related chemicals are readily absorbed into biota and have been shown to accumulate with repeated exposure.

The association of exposure to PFOA and related chemicals and certain cancers has been reported by the C8 Health Project, an independent Science Panel (the "C8 Science Panel") charged with reviewing the evidence linking PFOA-related chemicals to the risk of disease based on (1) health research of populations in the Ohio Valley that were exposed to those chemicals as a result of

releases from an E. I. du Pont de Nemours and Company chemical plant, and (2) a review of other published scientific research.[1] The C8 Science Panel specifically found that kidney cancer and testicular cancer have a probable link to PFOA exposure. Epidemiological studies of workers exposed to PFOA support the association between PFOA exposure and both kidney and testicular cancer, and also suggest associations with prostate and ovarian cancer and non-Hodgkin's lymphoma.[2] Rodent studies also support the link with cancer.[3] The majority of an EPA Science Advisory Board expert committee recommended in 2006 that PFOA be considered "likely to be carcinogenic to humans."[4]

Additionally, the C8 Science Panel found a probable link between exposure to PFOA and related compounds and the following human diseases: pregnancy-induced hypertension, ulcerative colitis, and high cholesterol. Furthermore, immunotoxicity of PFOA and related compounds has been demonstrated in a wide variety of species including humans. The available human and experimental evidence indicates that adverse effects on immune functions arise due to environmental exposure levels.[5]

In 2009, EPA published provisional drinking water health advisories for PFOA and PFO (Perfluorooctane Sulfonate). The advisory for short-term exposure for PFOA is 400 ng/L (400 PPT), and for PFO is 200 ng/L (200 PPT). This health advisory is based on evidence that was available

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[1] Barry V, Winquist A and Steenland K. Perfluorooctanoic acid (PFOA) exposures and incident cancers among adults living near a chemical plant. Environ Health Perspect 2013; 121: 1313-1318.

[2] Grandjean P and Clapp R. NEW SOLUTIONS: A Journal of Environmental and Occupational Health Policy 2015, Vol. 25(2) 147-163.

[3] *Id.*

[4] EPA Science Advisory Board. SAB review of EPA's draft risk assessment of potential human health effects associated with PFOA and its salts. Report to the EPA Administrator. Washington, DC: U.S. Environmental Protection Agency, 2006.

[5] Grandjean P and Clapp R. NEW SOLUTIONS: A Journal of Environmental and Occupational Health Policy 2015, Vol. 25(2) 147-163.

before 2008. According to more recent studies, the 2009 EPA advisory levels appear to be approximately 1000 times too high.[6] In 2004, EPA issued a draft of a proposed "reference dose" for chronic or long term exposure to PFOA in water of 0.1 ppb (100 PPT).

b. PFOA contamination in the Hoosick Falls Water Supply.

As reflected in SGPP's TSCA Section 8(e) Notice to EPA, the Hoosick Falls Facility is the source of PFOA contamination detected in the Hoosick Falls water supply. The Village of Hoosick Falls operates water supply wells that are adjacent to SGPP's Hoosick Falls Facility. SGPP's Hoosick Falls Facility is located above the ground water source from which the Village of Hoosick wells draw. The Village of Hoosick Falls operates a Water Treatment Plant ("WTP") that is proximate to the SGPP facility which was constructed in or about 2009. The WTP was not constructed with a filtration or treatment system designed or intended to remove PFOA and related chemical contamination from the water.

At the time when the Village of Hoosick Falls was planning and constructing the WTP, SGPP was aware that its Hoosick Falls Facility had and continued to use PFOA-containing materials, and that PFOA was a potential contaminant in ground water in the area in which the Hoosick Falls wells and WTP are situated. At no time did SGPP inform or advise the Village of Hoosick Falls that PFOA contamination from SGPP's Hoosick Falls Facility posed a threat or a significant risk of injury to human health or the environment.

Samples taken from the Village of Hoosick Falls water supply in October 2014 and reported in December 2014 revealed PFOA concentrations ranging from 170 ng/L up to 540 ng/L; the sample results revealed a PFOA concentration of 440 ng/L in treated or finished water that was being

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6 *Id.*

distributed to the users of the Village of Hoosick Falls water system. Additional samples were taken from the Hoosick Falls water system in February 2015. Analysis of those samples revealed PFOA at a concentration of 480 ng/L in "Finished Water." Testing of samples from individual wells revealed PFOA concentrations ranging from 150 ng/L up to 490 ng/L. Further sampling of the Hoosick water system was undertaken in June, 2015. Analysis of samples taken in June revealed a PFOA concentration of 620 PPT (ng/L) in "Village Well #7." A sample taken from the "Village WTP Clearwell" produced a concentration of 662 PPT (ng/L). A sample taken from the "tap" at "True Value" at 21953 Route 22, Hoosick Falls, produced a concentration of 612 PPT (ng/L) and a sample taken from a "bathroom sink cold tap" at a residence at 44 Abbot Street, Hoosick Falls, revealed a concentration of 618 PPT (ng/L).

The Village of Hoosick Falls has reportedly altered the operational regime of its water supply wells. However, there have been no ground water studies, analyses or remedial investigations of any kind that support a conclusion that such changes to the operational regime of the water supply wells are sufficient to permanently abate the significant risk to public health and the environment posed by SGPP's release of PFOA and related chemical contamination into the Village of Hoosick Falls well field and water supply system.

c. PFOA contamination in Hoosick Falls arising from SGPP's practice of allowing PFOA-contaminated items to be removed from its Hoosick Falls facility.

SGPP received materials containing PFOA and related chemicals in containers at its Hoosick Falls facility. SGPP allowed those containers to be removed from its Hoosick Falls facility by its employees and other persons for reuse. As a result of SGPP's practice, PFOA and related chemical contamination has been distributed or spread throughout the Hoosick Falls community, where such containers have been used for storage of personal items by Hoosick Falls residents. SGPP has been

aware of its practice with respect to such PFOA-contaminated containers, while also being aware of the health risks associated with exposure to PFOA. To date, SGPP has undertaken no efforts to abate the significant risk to public health and the environment posed by the distribution of PFOA and related chemical contamination arising from the practices described herein.

3. INTENT TO SUE

We intend to file suit in ninety (90) days from the date of service of this Notice letter in the U.S. District Court for the Northern District of New York and will seek abatement of the imminent and substantial endangerment through a court order. We are aware that SGPP has engaged in discussions with the Village of Hoosick Falls with respect to possibly abating or mitigating the effects of PFOA-contamination in the Village's water supply. Those discussions have not been sufficient to abate the imminent and substantial endangerment to public health and the environment caused by SGPP's PFOA contamination. Further we intend to seek relief with respect to all pathways of PFOA and related chemical- contamination arising from or related to SGPP's Hoosick Falls facility.

All rights, recourses and remedies of HHW and the members and officers of HHW are expressly reserved. By this letter, HHW and its members and officers are not modifying, waiving, terminating, or discharging any of the rights, recourses or remedies they have under federal, state or local law, rule or regulation, or otherwise, at law or in equity.

Very truly yours,

NOLAN & HELLER, LLP

David A. Engel

DAE/lcd

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