

# **Summary of Bennington and North Bennington PFOA Community Meeting on April 27, 2017**

May 4, 2017

To watch a video of the community meeting, [view the recording](#) by Bennington College.

## **Progress Forward: Saint-Gobain to Fund Final Engineering Design for Municipal Water Line Extensions for Areas West of the Railroad Tracks Near Route 7a**

The State of Vermont and Bennington County legislators announced on Thursday, April 27, 2017 that Saint-Gobain has agreed to fund the work necessary to complete the final engineering design for municipal water line extensions in Bennington and North Bennington for areas west of the railroad tracks near Route 7a.

“The entire State team has been engaged in moving toward resolution for the people of Bennington and North Bennington. My commitment, and that of my team, has not and will not waver,” said Governor Phil Scott in a statement.

Read the full [Joint Statement](#) by Governor Scott, Attorney General Donovan, Senator Sears, Senator Campion, Representative Morrissey, Representative Corcoran, Representative Morris, and Representative Fields.

## **Update on Settlement Negotiations with Saint-Gobain**

*In an effort to expedite the long-term solution to the PFOA contamination in Bennington, the State is pursuing a settlement agreement with Saint-Gobain.*

- Although we have not yet reached a settlement agreement with Saint-Gobain, we are hopeful that we will reach agreement this summer. Contingent on continued cooperation from Saint-Gobain, the State’s goal is to begin construction of municipal water line extensions in 2017.
- The work necessary to begin municipal water line construction is proceeding on a parallel track with the negotiations.
- If, at any time, a settlement agreement is no longer in the best interests of the community, the State is prepared to change our approach as necessary.

*Based on the available information, the Agency of Natural Resources’ (Agency) position is that air deposition is a source of PFOA contamination in Bennington and North Bennington. To date, the Agency has not identified any information that suggests that the Bennington landfill is a source of the PFOA contamination in water supplies near and south of the landfill. There may be other sources of PFOA in Bennington and North Bennington that have not yet been identified.*

- Saint-Gobain does not completely agree with the Agency’s conclusions at this time.

- However, both the State and Saint-Gobain have agreed to move forward where there is agreement and work together to collect the information necessary to resolve areas of disagreement.

*The disagreement between the State and Saint-Gobain means that the State is proceeding on two tracks.*

- For the area where we agree, roughly west of the railroad tracks near Route 7a, the design of a permanent drinking water remedy and final resolution will move forward.
- Saint-Gobain has agreed to fund the final design of the municipal water line extensions for areas west of the railroad tracks near Route 7a – regardless of whether the State and Saint-Gobain reach a settlement agreement. This will allow the work necessary to begin construction to continue while we continue negotiations with Saint-Gobain.
- For the area east of the railroad tracks near Route 7a, the next step will be to complete an investigation to determine the degree and extent of contamination, the source(s) of contamination, and the appropriate remedy to mitigate the impacts of contamination.
- This investigation will take place this summer and fall. Once that level of information is in hand, the State will move forward with a determination on the permanent drinking water remedy and final resolution for the area east of the railroad tracks near Route 7a.

### **Completion of Final Engineering Design for Areas West of the Railroad Tracks Near Route 7a**

*The design and construction of an expansion of a municipal water system is a complex project.*

- The Agency must ensure that the environmental, technical, operational, managerial, and financial considerations of the project are thoroughly planned and executed.
- As a general matter, the Agency’s preference to address contaminated wells is to connect impacted owners to a municipal water line given the certainty, stability, and predictability associated with a municipal water source. However, connection to a municipal water system in some cases may not be practicable for a variety of factors. For example, connecting one home at the end of a long water line may create water quality problems (e.g., increase in harmful disinfection by-products or insufficient disinfection) because water may sit stagnant in the line.
- The final engineering design and the long-term solution must provide a high-quality drinking water solution for all residents and will likely involve multiple drinking water options.

*The planning phase of the final engineering designs for both the Town of Bennington and Village of North Bennington have been submitted to the Agency.*

- The two engineering firms (Otter Creek: Village of North Bennington; MSK Engineering: Town of Bennington) have completed the planning phase of the final engineering design. With aerial photography and other methods, the engineering firms created a base map of existing conditions, completed ledge testing and other subsurface investigations, located and defined environmental resources such as wetlands and

streams, and provided initial estimates on the miles of pipeline required and other significant costs drivers.

- The Agency's Drinking Water and Groundwater Protection Division is currently reviewing these reports.

*The completion of the final engineering design will take place over the next two months.*

- The commitment from Saint-Gobain to fund the final engineering design (approximately \$800,000) will allow the work necessary to prepare for municipal water line construction in areas west of the railroad tracks near Route 7a to continue in parallel with ongoing settlement discussions.
- For waterline construction work to begin in 2017 in areas west of the railroad tracks near Route 7a, we need to proceed with no delays and it is contingent on reaching an agreement with Saint-Gobain to fund the construction of municipal water line extensions. There is a significant amount of work to complete: final engineering design; environmental investigations; bid process; and obtaining all required permits and property access.
- **We need your help. Engineers will need to visit your homes to complete the service connection investigation and obtain signatures to secure necessary permits and easements.**
- Please respond as soon as possible when Mark Youngstrom (Otter Creek), Jason Dolmetsch (MSK Engineering), or members of their staff contact you.

### Overview of Site Investigation Activities

[Click here](#) to review presentation slides by John Schmeltzer, Department of Environmental Conservation; or [watch the presentation](#).

### Bennington College Investigation into Contamination and Community Concerns

[Click here](#) to review presentation slides by David Bond and Tim Schroeder Bennington College; or [watch the presentation](#).

## Questions and Responses

### *Drinking Water*

#### **How will the Agency determine what the long-term drinking water remedy will be for me?**

The Agency must evaluate several criteria when selecting a remedy: (1) compliance with legal requirements; (2) protection of human health and the environment; (3) long-term effectiveness and permanence; (4) reduction in toxicity, mobility, or volume of contamination through treatment; (5) short-term effectiveness; (6) implementability; (7) cost; and (8) community acceptance. The final design process is part of the information the Agency considers when determining what the appropriate drinking water remedy is for a particular area.

As a general matter, the Agency's preference to address contaminated wells is to connect impacted owners to a municipal water line given the certainty, stability, and predictability associated with a municipal water source. However, connection to a municipal water system in some cases may not be practicable for a variety of factors. For example, connecting one home at the end of a long water line may create water quality problems (e.g., harmful disinfection by-products) because water may sit stagnant in the line.

The Agency is currently reviewing the results of the planning phase of the final engineering design and has initiated the final phase of the design process for the areas west of the railroad tracks near Route 7a. As we move into the final phase of the design process, the engineers and Agency will be meeting with individuals about long-term drinking water solutions to make final determinations. When the Agency makes a determination about the appropriate drinking water remedy for particular areas, the Agency will share detailed information with individual homeowners and the community. There will be many opportunities for residents to discuss and ask questions. In addition, residents will be able to provide comments to the Agency, which the Agency will consider before making a final determination.

**When will the Agency make a determination about what my long-term drinking water remedy will be?**

The Agency is currently reviewing the results of the planning phase of the final engineering design and has initiated the final phase of the design process. As we move into the final phase of the design process, the engineers and Agency will be meeting with individuals about long-term drinking water solutions to make final determinations. We expect the final design for the area west of the railroad tracks near Route 7a to be complete in June. Once we have the information in hand, we will make a determination. When the Agency makes a determination about the appropriate drinking water remedy for particular areas, the Agency will share detailed information with individual homeowners and the community. There will be many opportunities for residents to discuss and ask questions. In addition, residents will be able to provide comments to the Agency, which the Agency will consider before making a final determination.

For the area east of the railroad tracks near Route 7a, the next step will be to complete an investigation to determine the degree and extent of PFOA contamination, confirm the source(s) of contamination, and determine the appropriate remedy. This investigation will take place this summer and fall. Once that level of information is in hand, the Agency will move forward with the design of a permanent drinking water remedy and final resolution for the area east of the railroad tracks near Route 7a.

**Why is final design moving forward only for areas west of the railroad tracks near Route 7a?**

Based on available information, it is the Agency's position that air deposition is a source of the PFOA contamination identified in North Bennington and Bennington, including areas east of the railroad tracks near Route 7a. Saint-Gobain does not agree with the Agency at this time. To allow the long-term drinking water remedy and final resolution to move forward where the Agency and Saint-Gobain agree (i.e., areas west of the railroad tracks near Route 7a), the

Agency is proceeding on two tracks. The Agency and Saint-Gobain both agree that additional data collection in the area east of 7a should help resolve this disagreement.

### **Will construction of water line extensions begin in 2017?**

Our goal is to begin construction of the municipal water line extensions in 2017, and the Agency is continuing to move forward with the preparation required to begin construction. Saint-Gobain's commitment to fund the final design for areas west of the railroad tracks near Route 7a will help facilitate getting the necessary pre-construction work done while we continue negotiations. Ultimately, the pace of municipal water line construction will depend on whether Saint-Gobain continues to cooperate with the State. We are hopeful that the State and Saint-Gobain will be able to reach an agreement this summer that will allow construction to begin in 2017.

### **If the State and Saint-Gobain do not reach an agreement this summer, will the State move forward with construction on its own in 2017?**

If Saint-Gobain does not partner with the State, it is unlikely that construction on water lines can begin in 2017. The State continues to explore all options to move the project forward in 2017 in the absence of an agreement. However, if there is no voluntary agreement, the legal and financial pathway to put in place water line extensions becomes much more complicated and may take longer. Specifically, in order for the State to recover the costs of water line extensions, the law requires that the Agency complete a comprehensive investigation and corrective action plan that identifies the appropriate drinking water and clean-up remedy before constructing municipal water lines. The Agency is prepared to perform this work if we can't reach an agreement with Saint-Gobain, but the work will likely not be complete in time to begin construction of water line extensions in 2017.

We will continue to hold Saint-Gobain responsible because the 'polluter pays' model is critical to cleaning up contaminated sites across the state. If a negotiated settlement is no longer in the best interests of the community, we are prepared to change our approach as necessary.

### **Are POETs a long-term solution for removing PFOA contamination?**

POETs are effective at removing PFOA and PFOS from drinking water. As a general matter, the State's preference to address contaminated wells is to connect impacted owners to a municipal water line given the certainty, stability, and predictability associated with a municipal water source. However, connection to a municipal water system in some cases may not be practicable for a variety of factors.

In some cases, when properly monitored and maintained, POETS are an effective long-term remedy to address releases of PFOA. The State evaluates POETS to determine if POETS are an appropriate long-term remedy based on several factors, including permanence, community acceptance, cost-effectiveness, and other factors. There is an annual cost to replacing UV lamps and carbon filters yearly, with filters sometimes requiring even more frequent replacement, and costs associated with regular sampling.

### **What long-term drinking water options is the Agency evaluating?**

The Agency is exploring three drinking water options: connection to a municipal water line; installation of a new well; and long-term use of POETs.

### **Will homeowners have any input into determinations about long-term drinking water remedies?**

Yes. As we move into the final phase of the design process, the engineers and the Agency will be meeting with individuals about long-term drinking water solutions to make final determinations. When the Agency makes a determination about the appropriate drinking water remedy for particular areas, the Agency will share detailed information with individual homeowners and the community in individual and community meetings. There will be many opportunities for residents to discuss and ask questions. In addition, residents will be able to provide comments to the Agency, which the Agency will consider before making a final determination.

### **What type of water quality concerns might arise with connection to the municipal water line?**

During the preliminary design process, the consulting engineering firms representing Bennington and North Bennington used a sound engineering and data-based approach to evaluate the potential formation of disinfection by-products (DBPs). Disinfection by-products can be formed when natural organic material reacts with the chlorine in the water that is used to control biological risks, and the water has been in the pipes for some time. These are regulated contaminants under the U.S. Environmental Protection Agency's (EPA) drinking water regulations. Currently, the Bennington and North Bennington public water systems meet disinfection byproduct standards. The Agency will not recommend connection to municipal water lines as the drinking water remedy in areas where connection to the municipal water lines will create an increased risk in disinfection by-products concentrations exceeding the federal drinking water standard.

In January 2010, Vermont adopted a law to limit the amount of lead allowed in plumbing fixtures, solder and flux used in plumbing. Many homes and businesses with internal plumbing installed prior to the passage of this law may contain higher concentrations of lead content. Changing the building's source of drinking water may temporarily cause older plumbing fixtures to leach lead into the drinking water. To ensure the safety of the users during the transition, water sampling for lead will occur at each of the homes and businesses to establish baseline lead levels. Based on these results and other risk factors, the municipalities will conduct follow-up lead sampling after the connection to public water and will continue to sample until lead levels are decreasing and below the lead action level of 15 parts per billion. This sampling is being done as a precaution to ensure the water provided is below the lead action level. Neither the Bennington nor the North Bennington public water systems have exceeded the lead action level since 1993.

### **What is the detection limit for PFOA?**

The detection limit for PFOA has evolved over time since sampling began in North Bennington and Bennington in early 2016. Some of the first sampling events that occurred by the lab used by CT Male, Saint-Gobain's contractor, used a detection limit (DL) of 20 ng/l (part per trillion(ppt)). The State's contractor's lab, Northern Lakes Services, started with a DL of 6.7 ppt, which decreased to 2.3 ppt and is now 1.2 ppt. Other labs have used various DLs, with a common DL of 2.0 ppt.

### **What will happen if my well has concentrations of PFOA below 20 ppt now?**

The Agency has approved a re-sampling plan that requires periodic re-sampling of water supplies located within the area of interest that have previously tested below 20 ppt. The [re-sampling plan](#) and [map showing the area of interest](#) can be found online. Re-sampling began in September of 2016, and re-sampling of water supplies for the Spring of 2017 is near completion. If new sampling results reveal concentrations of PFOA above 20 ppt, then homeowners will be provided with potable water, which will likely include bottled water initially and the installation of a point-of-entry treatment system.

### **What is the scope of the work associated with connection to the municipal water line?**

The scope of work associated with construction of municipal water line service will include connection of the municipal water system to the existing internal plumbing within the home or business. Construction will also include restoration of property disturbance.

### **Saint-Gobain is currently challenging the State's health advisory level for PFOA. If a partial settlement agreement is finalized for the area west of the railroad tracks near Route 7a, could a different standard apply for the area east of the railroad tracks near Route 7a if Saint-Gobain is successful?**

The State is not able to predict the outcome of the litigation Saint-Gobain initiated challenging the State's health advisory level for PFOA. The State is vigorously defending the health advisory level for PFOA and believes the health advisory level is supported by sound science.

### **At what point will the State end settlement negotiations with Saint-Gobain?**

At this time, we believe that reaching an agreement with Saint-Gobain is the best way to provide a long-term drinking water solution and final resolution for North Bennington and Bennington residents. If, at any time, a settlement agreement is no longer in the best interests of the community, the State is prepared to change its approach as necessary.

### **How can we trust the results of sampling data collected by Saint-Gobain?**

In an effort to address community concerns in 2016, the Agency audited sample results from samples collected by Saint-Gobain. Specifically, the State's contractor collected samples from four water supplies shortly after a sample had been collected by Saint-Gobain. The results of the

audit showed consistency in sampling results from samples collected by the State's contractor and Saint-Gobain. To review the results of the audit report, [click here](#).

### ***Site Investigation Activities for Areas East of the Railroad Tracks Near Route 7a***

#### **Is the landfill a source of PFOA contamination?**

At this time, the Agency has no information that suggests the Bennington landfill is a source of the PFOA contamination in the water supplies near and south of the landfill. Based on air modeling and initial groundwater sampling, the Agency believes that air deposition is a source of PFOA contamination in these wells.

Saint-Gobain does not agree with the Agency's conclusions about the scope and extent of air deposition and the landfill at this time. However, the Agency and Saint-Gobain both agree that additional data collection in the area east of the railroad tracks near Route 7a should help resolve this disagreement. There may be other sources of PFOA in Bennington and North Bennington, and the Agency will continue to work with Saint-Gobain to evaluate other potential sources.

#### **What additional information does the State need?**

The additional investigation for the area east of the railroad tracks near Route 7a is designed to investigate the degree and extent of PFOA contamination in this area, confirm the source(s) of PFOA contamination, and identify the appropriate drinking water and clean up remedy for this area. The broad scope of work for the site investigation will close data gaps in the investigation completed to date and include: background and area-wide soil sampling, additional groundwater sampling in the area near the landfill, and additional investigation into other possible sources of PFOA.

#### **How deep will the soil samples be collected?**

The depth of soils samples will vary depending on location. The primary objective of any soil sampling will be to better understand the distribution of PFOA in the soil with depth. The results of soil sampling data will help confirm whether, and how much, air deposition of PFOA is contributing to the PFOA contamination in water supplies east of the railroad tracks located near Route 7A. The approved sampling and analysis plan for the additional investigation will be posted on our website.

#### **Who will do the additional site investigation work?**

Additional site investigation work for the area east of the railroad tracks near Route 7a has already begun to help the Agency better understand groundwater flow and PFOA levels of soils and groundwater near the landfill. At the request of the Agency, the U.S. Environmental Protection Agency (EPA) drilled additional borings and monitoring wells and collected soil samples immediately west and southwest of the landfill. Groundwater sampling from onsite water monitoring wells is scheduled to take place in May.

In addition, we expect Saint-Gobain to submit a detailed work plan to complete the additional site investigation within the next few weeks. The Agency will either approve, approve with modifications, or disapprove the work plan. If the Agency approves the work plan, Saint-Gobain will move forward with the investigation. If not, the Agency will complete the additional site investigation activities and seek reimbursement from Saint-Gobain for the costs of this work.

**Did Chemfab dispose of PFCs in the Bennington Landfill?**

Yes. Chemfab disposed of teflon wastes in the Bennington Landfill.

**If the landfill is a source of PFOA contamination in drinking water supplies near the Bennington Landfill, is Saint-Gobain a potentially responsible party because it disposed of teflon wastes in the landfill?**

The Agency's position is that Saint-Gobain is a potentially responsible party if the landfill is a source of PFOA contamination. The Agency does not believe that the Bennington Landfill Superfund Site Consent Decree provides Saint-Gobain with a release of liability for PFOA contamination in water supplies near the Bennington Landfill.

*Other Site Investigation Activities*

**What is the status of the environmental assessment of the Chemfab building on Water Street?**

Saint-Gobain is currently working to secure permission to access the Chemfab building on Water Street from the current owner. Once Saint-Gobain secures permission to access the building, the State expects Saint-Gobain to complete an environmental assessment of the building.

*Other Questions*

**Has the State tested maple syrup for PFOA?**

Yes. The three sample results collected last year were below the detection limit, which was 200 parts per trillion. The Vermont Health Department screening level for maple syrup consumption is 290 parts per trillion. You can review information about the results of the Agency of Agriculture Food & Markets syrup sampling in this [FAQ](#).

**What guidance can the State provide for growing vegetables?**

You can review the guidance on growing vegetables provided by the Agency of Agriculture Food & Markets in this [FAQ](#).