



AR 226 - 1179

RECEIVED MAY - 6 2002

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

APR 24 2002

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Dear Mr. Bilott:

I am responding to your letter of March 8, 2002, to the Regional Administrator and others, regarding the consent order between E.I. du Pont de Nemours & Company (DuPont) and the United States Environmental Protection Agency (EPA). We appreciate and share your continued concern regarding potential threats caused by levels of ammonium perfluorooctanoate (C8 or PFOA) present in the drinking water in and around Parkersburg, West Virginia. As you know, C8 is not a contaminant regulated under the Safe Drinking Water Act as a Maximum Contaminant Level (MCL) nor is it being reviewed for development in the list of unregulated contaminants monitored by some drinking water systems. Nevertheless, EPA, as requested by the states of West Virginia and Ohio, did recently execute a consent order with DuPont to address the potential imminent and substantial endangerment posed to those persons whose drinking water is contaminated with C8 at certain levels. This concluded diligent negotiations between DuPont, West Virginia's Department of Environmental Protection (DEP) and Department of Health and Human Resources (DHHR), and EPA, regarding how to best assess and address the impact of C8 released from DuPont's Washington Works facility. As you know, this process resulted in two consent orders: the most recent one between EPA and DuPont, and another between West Virginia's DEP and DHHR and DuPont, signed last November (pursuant to which two teams will investigate the scope of C8 contamination as well as assess the risk).

In finalizing the EPA agreement now, rather than delaying by possibly several months and await the results of the teams working under the West Virginia order, we chose to have a procedural framework in place to assure alternate water delivery as well as alleviate concerns of, and provide context for, those consumers whose water may test positive for C8. In so doing, we necessarily relied on the best information available to us at the time (and to which DuPont would agree), which was "A Hazard Narrative for Perfluorooctanoate (PFOA)" prepared by Environ International Corporation. Nevertheless, as you are aware, the action level of 14 micrograms per liter is merely temporary and will be replaced by the permanent level (either higher or lower) to be determined by the C8 toxicity assessment team.

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We appreciate your comments with respect to the Environ report and its conclusions and think it more appropriate that they be evaluated by the C8 toxicity assessment team under the WV order. We understand that you have requested, in a separate letter, representation on this team. If you have not already done so, we would suggest that you submit your comments, in their entirety, to the coordinator of that team, Dee Ann Staats at West Virginia DEP, as well as to Jennifer Seed, at EPA's Office of Pollution Prevention and Toxics for inclusion in Administrative Record 226.

If you have comments or need additional information, please contact Janet E. Sharke at 215-814-2689. Thank you again for this information.

Sincerely,



Jon M. Capacasa, Acting Director  
Water Protection Division

cc: Kelley Moore (WG-15J)  
Jennifer Seed (7403M)  
Dee Ann Staats, WV DEP

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