



AR 226 - 1181

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West Virginia Department of Environmental Protection

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Governor

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May 9, 2002

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Dear Mr. Bilott:

This letter is intended to respond to your letters of March 18, 2002 and April 19, 2002. I apologize for the delay but I was unable to find a copy of your March letter until you faxed me another copy.

With regard to your April 19, 2002 letter, I offer the following. You have asked whether any documents exist that might document the CAT team's position on C-8's "health protective levels" prior to its meeting in May. If the answer to that question is "yes," you have asked for copies of these documents. The short answer is that "no" documents exist for FOIA purposes, however, I believe a longer answer may assist you when the opportunity for document review of the CAT team's findings occurs. It is my understanding that this review will take place in a few weeks.

The CAT team specifically did not establish any "opinions" on the C-8 levels prior to its meeting this month. The team wanted each member to be able to speak freely about the studies of C-8 so that the team would reach a consensus on the proposed number. Thus, there are no documents that would fit your request. But the ultimate work of the CAT team will be able to be viewed by your investigators during the document review session.

As to the March 18, 2002, letter, I first want to thank you for your submission. Our groundwater people always appreciate historical information. It is my belief that you submitted the information so that the information will be reviewed in the context of the groundwater study being conducted by the Division of Water Resources. While the information certainly has relevance to that study, primarily regarding any history of affected well sites, it does not offer much to assist DWR's present (and exhaustive) study of the local well systems. The DWR believes that it has enough data to support its present modeling of the effects of the C-8 in surrounding West Virginia communities.

CONTAIN NO CR

"To use all available resources to protect and restore West Virginia's environment in concert with the needs of present and future generations."

DEP

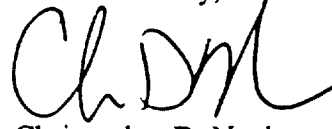
West Virginia
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The DWR believes that suspending its activities in order to determine whether other documents exist is counterproductive to the process. The DEP has made it known to Dupont to continue in its efforts to locate any and all documents that relate to the Consent Order. When documents are located by Dupont, they will be made a part of the record and accorded the weight they deserve.

Yours sincerely,



Christopher D. Negley

cc: Dee Ann Staats, DEP
David Watkins, DWR

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