



Division of Water Resources
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West Virginia Department of Environmental Protection

Bob Wise
Governor

Michael O. Callaghan
Secretary

MEMORANDUM OF UNDERSTANDING

between the

OHIO ENVIRONMENTAL PROTECTION AGENCY

and the

WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES, and E.I. du PONT de NEMOURS COMPANY (DuPONT)

The West Virginia Department of Environmental Protection [WVDEP], the West Virginia Department of Health and Human Resources [WVDHHR], E.I. du Pont de Nemours Company [DuPont], and the Ohio Environmental Protection Agency [OEPA] [collectively referred to as the "parties"] hereby enter into the following **MEMORANDUM OF UNDERSTANDING [MOU]** related to the enforcement of certain terms and conditions of Consent Order Number GWR-2001-019 entered into by and between WVDEP, WVDHHR, and DuPont.

Whereas ammonium perfluorooctanoate [C8], an unregulated chemical, was found to be present in the drinking water supply of citizens of the state of West Virginia living in and around Letart and Dry Run Landfills, and the Washington Works chemical facility located in Washington, West Virginia, which are facilities owned and operated by DuPont [the Facilities].

Whereas studies have determined that C8 in sufficient doses, i.e., considering both amount and duration of exposure, is toxic to animals;

Whereas DuPont, WVDEP and WVDHHR entered into Consent Order No. GWR-2001-019; which requires that the parties measure the extent and concentration of C8 in the groundwater and surface waters in and around the Facilities, and that a standard protective of human health be developed for exposure to C8;

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



West Virginia
Department of
Environmental Protection

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Whereas the Order establishes the Groundwater Investigation Steering Team [GIST] whose task is to measure the extent and concentration of C8 in the groundwater and surface waters in and around the Facilities;

Whereas the GIST has conducted extensive sampling of all public water supplies in and around the Washington Works facility;

Whereas the GIST sampled and analyzed the public water supply operated by the Little Hocking Water Association and located in Ohio along the shore of the Ohio River and across from DuPont's Washington Works facility for the presence of C8;

Whereas results of the sampling indicated the presence of C8 in the Little Hocking Water Association drinking water supply; and

Whereas as a result of the presence of C8 now in the waters of the state of Ohio, the OEPA now wishes to enter into a cooperative agreement between and amongst the parties.

The parties do now hereby agree as follows:

1. The parties agree that OEPA may have a representative present at all future GIST meetings for the purpose of gathering and sharing information gathered by the GIST.
2. The OEPA representative shall not be an active member of the GIST and shall not have any of the authority vested in or duties of the GIST as set forth in the Order.
3. The OEPA representative may actively participate in all discussions had by the GIST and shall have access to all information developed by the GIST.
4. The inclusion of the OEPA representative will in no way alter, change, or delay the time schedule established by the GIST in the performance of its duties pursuant to the Consent Order.
5. Any and all revisions or addenda to this MOU shall be made only with the written consent of the signatory parties.
6. This MOU shall terminate upon completion of the tasks of the GIST or may be terminated at any time by WVDEP, WVDHHR, or DuPont upon notice to the parties.

No report issued by the GIST will be attributed to the Ohio EPA nor shall Ohio EPA be bound by any of the GIST's findings, conclusions or recommendations.

By mutual consent, all parties agree that the initiation of this MOU shall begin once all parties have signed and dated the MOU, and that those signatory parties identified below have the authority, statutorily or otherwise, to enter into this MOU for the mutual benefit of their respective agencies and the citizens of Ohio and West Virginia.

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This MOU may be signed in counterparts with the understanding when signatures of all parties have been obtained and attached together the document will be binding on all parties.

Entered this _____ day of _____ 2002, by:

WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

ALLYN G. TURNER, DIRECTOR, DIVISION OF WATER RESOURCES

Entered this _____ day of _____ 2002, by:

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES - BUREAU
FOR PUBLIC HEALTH

BY:

DR. HENRY TAYLOR, COMMISSIONER

Entered this _____ day of _____ 2002, by:

OHIO ENVIRONMENTAL PROTECTION AGENCY

CHRISTOPHER JONES, DIRECTOR

Entered this 22 day of April 2002, by:

E.I. DU PONT DE NEMOURS AND COMPANY

Paul G. Bossert Jr.
PAUL BOSSERT, PLANT MANAGER

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