



New Hampshire Department of Environmental Services
Mr. Clark Freise, Assistant Commissioner
29 Hazen Drive
Concord, NH 03302

January 13, 2020

Re: Ongoing Residential Well Sampling

Dear Mr. Freise,

As the New Hampshire Department of Environmental Services (NHDES) is aware, in connection with the agency's adoption of the final Maximum Contaminant Levels (MCL) and Ambient Groundwater Quality Standards (AGQS) rules for certain Per- and Polyfluoroalkyl Substances (PFAS),¹ Saint-Gobain Performance Plastics Corporation (Saint-Gobain) voluntarily and proactively initiated an expanded bottled water and well sampling program in certain areas outside of the pre-Groundwater Management Zone² on the very same day the final rules went into effect (September 30, 2019). This work was coordinated with NHDES, followed the scope of work detailed in the Work Plan for Sampling of Water Supply Wells and Provision of Alternate Water, dated September 30, 2019 (the Work Plan), and since the roll out has been timely implemented.

During this time Saint-Gobain has followed the pending challenge to NHDES's final rules (*Plymouth Village Water & Sewer District et al. v. NHDES*, New Hampshire Superior Court, No. 217-2019-CV-00650), as related to the potential impact on the basis for the expanded bottled water and well sampling program, i.e., the final rules. As a result of the Court's recent Order, which enjoined the final rules from going into effect until such time as NHDES completes certain steps under the state's Administrative Procedures Act (APA), we understand that as of today neither the new MCLs or AQGSs, as issued by NHDES in the final rules, are in effect. We further understand that while NHDES may intend to address the APA-related deficiencies in the final rules, NHDES's time table in this regard and when the final rules will become effective are both unclear.

Notwithstanding this regulatory uncertainty, Saint-Gobain is pleased to inform NHDES that as part of our continued commitment to the community and leadership position on this issue, Saint-Gobain will voluntarily continue to perform certain work at this time, as summarized below.

1. Bottled water deliveries will continue for the properties currently receiving bottled water.

¹ The final rules were promulgated on June 28, 2019 with an effective date of September 30, 2019 and set forth new MCLs and AGQS for PFOA, PFOS, PFNA and PFHxS.

² The pre-GMZ refers to one of the areas established in the Consent Decree between NHDES and Saint-Gobain.

2. Golder Associates Inc. (Golder) will continue to perform the sampling work specifically proposed in the "Work Plan for Sampling of Water Supply Wells and Provision of Alternate Water", dated September 30, 2019 (the Work Plan) as well as the work identified in Addendum 1 to the Work Plan. Golder will collect samples in accordance with the sampling plan for properties that have scheduled sampling appointments, and Golder will continue scheduling new sampling appointments for properties that have received a sampling request letter.
3. There will be no immediate changes to the eligibility for bottled water deliveries. The framework for bottled water eligibility in the Work Plan, which used the 2019 proposed MCL/AGQ as the eligibility threshold, will continue to be used.

Given the regulatory uncertainty and pending court case, the sampling work proposed in Addendum 2 to the Work Plan or later will be re-evaluated before additional sampling request letters are issued. We will continue to provide NHDES regular updates on the progress of sampling activities pursuant to the Work Plan.

Best Regards,

A handwritten signature in black ink that reads "Christopher S. Angier". The signature is fluid and cursive, with the first name being the most prominent.

Christopher S. Angier
Environmental Project Manager

Cc: K. Allen Brooks, NH DOJ