

# **EXHIBIT 17**



John McNerney  
2460 Old State Road  
Venus, Pennsylvania 16364

June 30, 2008

Dear Mr. McNerney,

In January 2008, Andrea Bennett (U.S. EPA Region 3 Water Protection Division representative) provided you with Agency for Toxic Substances and Disease Registry (ATSDR) contact information, in order to discuss health concerns you have had about possible lead and copper contamination in the local aquifer and improper well plugging at your property in Venus, Venango County, Pennsylvania. After receiving our contact information, you contacted the ATSDR regional office and informed us of your concerns about the environment where you live. Following our initial discussion, you sent a number of documents summarizing the activities you have performed in an attempt to further characterize the local aquifer. This letter summarizes our understanding of the situation and our conclusions based on both the data you have provided and the additional data we have acquired from various sources. Based on this information, we will provide recommendations for addressing your health concerns and issues related to lead and copper in the Venango County groundwater. I have provided responses to your specific concerns in the following bullets. A more detailed discussion for each of these bullets is provided in attachments at the end of this letter.

**1. Concerns about public drinking water, especially at the Utica and Pinegrove Schools**

ATSDR reviewed available data for a number of public water supplies (including Venango fire department, two public water supply wells for Venus, and the Utica, Victory and Pinegrove Schools' water supplies) and found no trend of copper or lead contamination. One lead exceedance (17 micrograms per liter) was identified at the Utica School in 2006, but this was closely monitored and the lead levels were again below the action level (15 micrograms per liter) during the subsequent reporting period. Attachment A provides a summary of the data reviewed and ATSDR's discussion of this data.

**2. Your Sampling of Private Wells in the Venus Area**

Due to so many variables, the data you collected from residences in Venus cannot be used for a public health evaluation of the area's groundwater quality. Attachment B further discusses the sampling techniques you used at your residence and other residences and why it was difficult for ATSDR to evaluate this data. Although, ATSDR could not use this data to evaluate the groundwater supply, the data you collected is useful in screening for lead and copper in drinking water and does have value for individual residents as a water quality screening technique.

ATSDR has provided recommendations for appropriate sampling procedures in Attachment B and suggestions for those particular residences which showed elevated lead based on the samples you collected.

**3. PADEP Sampling Activities and Results**

Based on both the PADEP sampling results for your well and PADEP sampling results for public water supply samples collected over a number of years, ATSDR does not believe the Venus groundwater has lead or copper contamination at levels of public health concern.

2460 Old State Road

PADEP has conducted a number of rounds of sampling at 2460 Old State Road (your property) for a number of analytical parameters (oil and grease, general chemistry, metals). Based on the PADEP data,

ATSDR is not concerned about lead levels in the groundwater accessed by your well. ATSDR is concerned about the acidity of your well water and the potential for acidic water to draw heavy metals from the well pipes and plumbing pipes into your drinking water. The pH of your well water, at pH 5.8, does not fall within the EPA's National Secondary Drinking Water Regulations, which sets the acceptable range for pH at 6.5 to 8.5. Further discussion of this is available in Attachment C.

#### Venus Area Groundwater

As discussed in Bullet 1, PADEP data from public well water supplies do not indicate a lead or copper contamination problem in the Venus area's groundwater.

#### **4. PADEP Oil Well Plugging Activities**

ATSDR has discussed with PADEP the well plugging activities which have occurred at your property. ATSDR also reviewed well plugging requirements in the Pennsylvania Code, reviewed the well number 202 abandonment documentation, and discussed the screening interval/total depth of your drinking water well with PADEP. Currently, ATSDR is in discussions with PADEP regarding your concern about the use of "anti-skid" in the upper 400 feet of the abandoned well and its potential to create a conduit between aquifers and/or oil, gas, or water bearing strata. ATSDR will provide additional information regarding this issue following further discussions with the PADEP.

#### **5. Blood Lead Testing and Treatment**

As discussed in the facsimile we sent to you on April 28, 2008, ATSDR recommends discussing your concerns about lead exposure, lead poisoning and appropriate treatment with Dr. Schwerha from the Association of Occupation and Environmental Clinic (AOEC) in Pittsburgh, Pennsylvania. Additional information can be found in Attachment D.

Again, please refer to the attachments for more detailed discussion of each of these issues. Feel free to contact me if you have any concerns or questions or would like to further discuss the information presented here.

Sincerely,

Robert H. Helverson  
Regional Representative  
Division of Regional Operations  
Agency for Toxic Substances and Disease Registry (ATSDR), Region 3  
1650 Arch Street, Philadelphia, PA 19103  
(215) 814-3139

Cc: Dr. Tina Forrester, ATSDR Division of Regional Operations  
Dr. Mark White, Pennsylvania Department of Health  
Andrea Bennett, U.S Environmental Protection Agency Water Protection Division  
Michelle Hughes, Pennsylvania Department of Health  
Christine Miner, Pennsylvania Department of Environmental Protection  
Jack Livingston, Slippery Rock University

## ATTACHMENT A

### PADEP Data from Area Public Water Supplies

The PADEP and the EPA require periodic sampling of public water supplies. In your area, a number of public water supplies have analytical data which is available on-line for public review. The PADEP website which provides all of the public water supply data referenced here can be accessed on line at [www.drinkingwater/state.pa.us](http://www.drinkingwater/state.pa.us). The PADEP's website data includes lead and copper results for Venus area schools (including Victory, Utica, and Pinegrove schools) located in Venango County, Pennsylvania, for which you are concerned. This data showed that since 2002, only one round of sampling data was over the EPA's action level (AL) of 15 micrograms per liter ( $\mu\text{g/L}$ ) for lead (see Table 1 for data summary). This result occurred in 2006 at the Utica School with a lead result of 17  $\mu\text{g/L}$ . Prior to and following this 2006 AL exceedance, the lead concentration at the Utica School was below the AL. No AL exceedances were reported on the PADEP website for the Pinegrove or Victory School water supplies during the period from 2003 to 2007. A review of other public water sources in the Venus area (including the Venus Fire Department, and the Venus Municipal Water supply's deep and shallow water sources) showed that sample results did not exceed the lead or copper ALs during this time period and do not demonstrate elevated lead and copper concentrations in the local water bearing aquifers. Based on this data review, ATSDR does not believe there are elevated lead or copper concentrations in the Venus area groundwater supply that are of public health concern. ATSDR recognizes that routine PADEP drinking water quality compliance monitoring identified the 2006 exceedance at the Utica school and consequently the monitoring schedule was increased to better ascertain the quality of drinking water at the school.

**Table 1**

**Select Public Water Supply Lead and Copper Results in Venus, Pennsylvania Area**

| SYSTEM NAME | CONTAMINANT IDENTIFIER | SAMPLE PERIOD START DATE | SAMPLE PERIOD END DATE | NUMBER OF SAMPLES TAKEN | ANALYSIS RESULT (mg/L) | LCR VIOLATION FLAG |
|-------------|------------------------|--------------------------|------------------------|-------------------------|------------------------|--------------------|
| VICTORY     | COPPER                 | 1/1/2004                 | 12/31/2004             | 5                       | 0.05                   | NO                 |
| VICTORY     | COPPER                 | 1/1/2003                 | 12/31/2003             | 5                       | 0.05                   | NO                 |
| VICTORY     | LEAD                   | 1/1/2004                 | 12/31/2004             | 5                       | 0.0015                 | NO                 |
| VICTORY     | LEAD                   | 1/1/2003                 | 12/31/2003             | 5                       | 0.002                  | NO                 |
| UTICA       | COPPER                 | 1/1/2007                 | 12/31/2007             | 10                      | 0.103                  | NO                 |
| UTICA       | COPPER                 | 1/1/2007                 | 06/30/2007             | 10                      | 0.217                  | NO                 |
| UTICA       | COPPER                 | 1/1/2006                 | 12/31/2006             | 5                       | 0.19                   | NO                 |
| UTICA       | COPPER                 | 1/1/2004                 | 12/31/2004             | 5                       | 0.08                   | NO                 |
| UTICA       | LEAD                   | 1/1/2007                 | 12/31/2007             | 10                      | 0.0018                 | NO                 |
| UTICA       | LEAD                   | 1/1/2007                 | 6/30/2007              | 10                      | 0.0074                 | NO                 |
| UTICA       | LEAD                   | 1/1/2006                 | 12/31/2006             | 5                       | 0.017                  | YES                |
| UTICA       | LEAD                   | 1/1/2004                 | 12/31/2004             | 5                       | 0.0032                 | NO                 |
| PINEGROVE   | COPPER                 | 1/1/2007                 | 12/31/2007             | 7                       | 0                      | NO                 |
| PINEGROVE   | COPPER                 | 1/1/2004                 | 12/31/2004             | 5                       | 0.161                  | NO                 |
| PINEGROVE   | LEAD                   | 1/1/2007                 | 12/31/2007             | 7                       | 0                      | NO                 |
| PINEGROVE   | LEAD                   | 1/1/2004                 | 12/31/2004             | 5                       | 0.004                  | NO                 |

Notes:

Yellow shading indicates an exceedance of the EPA action level

Lead and copper are regulated by a Treatment Technique that requires systems to control the corrosiveness of their water. If more than 10% of tap water samples exceed the action level, water systems must take additional steps. For copper, the action level is 1.3 mg/L, and for lead is 0.015 mg/L.

mg/L - Milligrams per liter

LCR - Lead and Copper Rule

PWSID - Public Water System Identification

## ATTACHMENT B

### Tap Water and Groundwater Sampling

Upon review of the residential well data you had acquired through your sampling activities, ATSDR has concerns regarding the usefulness of the analytical results, the sampling procedures, and the "integrity" of the laboratory that conducted some of the analyses. First, all samples sent to the Analytical Testing Services, Inc. (ATS) laboratory are considered "un-validated" due to the laboratory's lack of accreditation at the time of analysis. This makes evaluation of these data limited for ATSDR.

Second, the sampling techniques which you used, including collecting a "first draw" and allowing the water to sit in the tank/pipes for over 6 hours, is an acceptable practice for evaluating tap water (i.e. the water you actually ingest) but not for evaluating groundwater. This sampling technique accounts for both the groundwater quality and potential contamination, including heavy metals, from the plumbing pipes, holding tanks, and soldering metals. This sampling technique does not allow for a clear evaluation of the groundwater itself due to the property-specific characteristics of the water supply system (i.e. pipes, pumps, fixtures). Whenever you collect a "first draw" sample, the sample point should be a spigot where you actually draw the drinking water, such as the kitchen sink spigot and not the pressure tank in the basement.

An acceptably representative sample of groundwater requires a purge of the water from the pipes and holding tank, usually running a spigot for over 15 minutes or collecting the sample after the well pump activates, then collecting the sample from the nearest access point to the well itself, thereby eliminating or reducing the potential for plumbing contamination. Samples collected following this common standard operating procedure (SOP) provide a more accurate representation of the aquifer/groundwater chemistry by reducing the local, property-specific confounding factors such as plumbing and sediment contamination.

The samples you collected from the area residence's can be used as a screening tool for individual homeowners. And, based on the results you have obtained, ATSDR recommends additional tap water sampling at 3 residences, including your property at 2460 Old State Road. The additional two properties are 301 Powell Road and 355 Old State Route 157. Again, ATSDR is not concerned about the quality of groundwater in the area, but the general chemistry of the water (i.e. acidity) and the age of plumbing and fixtures could result in elevated heavy metals in tap water and should be verified by standard sampling procedures.

In summary, the data you collected from your property and nearby residences can be used to estimate residential exposures to their drinking water, but the analytical data cannot be used for a public health evaluation of the underlying groundwater quality. In order for ATSDR to conduct an evaluation of analytical data for public health purposes, ATSDR prefers that the sampler follow accepted SOPs and send the samples for analyses to accredited laboratories which produce valid, defensible analytical data.

The PADEP has informed ATSDR that they may be willing to conduct additional sampling of wells for concerned residents, but the concerned residents must contact PADEP directly to request this activity. If they desire to have their groundwater sampled, they may contact the PADEP at (814) 332-6942 to request sampling.

## ATTACHMENT C

### 2460 Old State Road

The PADEP has conducted sampling of the groundwater from your well a number of times, including (1) a sample collected on October 10, 1989 for oil and grease (result of 40 milligrams oil and grease per liter of water); (2) a sample collected on January 13, 2005 for routine water chemistry (results showed your well is producing acidic water at a pH of 5.8); (3) a sample collected on August 29, 2006 for lead (result showed a lead result of 9 micrograms per liter [ $\mu\text{g/L}$ ]); and, (4) a sample collected on March 20, 2007 for general chemistry and lead (results showed water remains acidic at a pH of 5.8 and lead at 4  $\mu\text{g/L}$ ). Table 2, shown below, provides a summary of this PADEP sampling data from your residential well and a summary of the sampling you have conducted of your well/tap water. Although a limited number of samples were collected by PADEP, the results do show some consistency: (1) when following accepted SOPs for groundwater/aquifer sampling, as mentioned above, the lead concentration in the groundwater from your well has consistently remained below the EPA's Action level (AL) of 15  $\mu\text{g/L}$ , with an average lead concentration of 6.5  $\mu\text{g/L}$  (median of 2 results: 4 and 9  $\mu\text{g/L}$ ); and, (2) the pH in your well water has remained acidic at a pH of 5.8. The acidity of your well water has been confirmed by both PADEP sampling and your sampling activities. The acidity of your well water, at a pH 5.8, is outside the range listed in EPA's National Secondary Drinking Water Regulations, which sets the acceptable range between pH of 6.5 and 8.5.

All PADEP samples were sent to accredited laboratories; therefore, these results are considered valid by ATSDR and can be evaluated for public health purposes. ATSDR is concerned about the acidity of your well water and the potential for this acidic water to draw heavy metals (such as lead) from your well pipes, plumbing pipes, and fixtures into your drinking water supply. But, based on the validated samples collected by PADEP from your well, ATSDR is not concerned about the lead concentrations in the groundwater itself.

Your sampling at 2460 Old State Road identified elevated lead concentrations in "first draw" samples collected from the pressure tank. Although your sampling technique is a "hybrid" between tap water and groundwater sampling, it does indicate lead contamination in your drinking water supply. Therefore, as discussed previously, ATSDR recommends additional tap water sampling following approved SOPs and using an accredited laboratory for analysis.

**Table 2**  
**Summary of Sampling at 2460 Old State Road Property**

| Date     | Sample and Location Description                         | Analyses                                    | Result                          | Comparison value                     | Comments   |
|----------|---|---|---------------------------------|--------------------------------------|--|
| 10-31-89 | Residential well water                                  | Oil and Grease                              | 40.0 mg/L                       | NA                                   | Sampled by PADEP; analyzed by Stewart Labs           |
| 01-13-05 | Residential well water                                  | Routine chemistry for Drinking water        | pH 5.8; no lead data            | 7 is neutral pH                      | Sampled by PADEP; analyzed by PADEP BOL              |
| 06-19-06 | Residential water                                       | Lead (Total)                                | <b>0.3960 mg/L</b>              | 0.015 mg/L is AL                     | Sampled by resident from pressure tank on first draw |
| 08-29-06 | Residential well water                                  | Lead (Total)                                | 0.009 mg/L                      | 0.015 mg/L is AL                     | Pressure tank; analyzed by PADEP BOL                 |
| 11-22-06 | Basement floor  | Lead (Sediment dissolved with acid)         | 0.685 mg/L                      | None (sample from floor of basement) | Collected by resident; analyzed by ATS, Inc.         |
| 01-29-07 | Residential water (first draw after 6 hours non-use)    | Lead (Total)<br>pH                          | <0.010 mg/L<br>5.8 pH           | 0.015 mg/L is AL<br>Neutral is 7 pH  | Collected by resident; analyzed by ATS, Inc.         |
| 3-20-07  | Residential well water (after purge from pressure tank) | Lead (total)<br>pH                          | 0.004 mg/L<br>5.8 pH            | 0.015 mg/L is AL<br>Neutral is 7 pH  | Collected by PADEP; analyzed by PADEP BOL            |
| 09-04-07 | Residential water (first draw)                          | Lead<br>Lead (sediment dissolved with acid) | <b>0.020 mg/L</b><br>0.834 mg/L | 0.015 mg/L is AL<br>None applicable  | Collected by resident; analyzed by ATS, Inc.         |

Notes:

Results in bold indicate an exceedance of the EPA AL, a regulatory action level set for public water supplies

Shaded rows indicate samples collected by resident

PADEP - Pennsylvania Department of Environmental Protection

BOL - Bureau of Laboratories

AL - EPA Action level

Mg/L - Milligrams per liter (for water, equal to parts per million or ppm)