



# FIRST QUARTER 2015 PROGRESS REPORT

Fort Smith City Directors Study Session Tuesday, May 12, 2015

On Tuesday, May 12, 2015, Jeff Noel, Vice President of Whirlpool Corporation, and Mike Ellis from ENVIRON, the environmental consulting firm responsible for implementing the Final Remedial Action Decision Document (RADD), attended the Fort Smith City Directors' Study Session to provide an update on Whirlpool's ongoing efforts to address trichloroethylene (TCE) in the groundwater under and near the former Whirlpool manufacturing facility.

This document contains the slides used during that presentation, accompanied with notes that explain each slide. *This document is not, and is not intended to be, a transcript or recreation of the presentation at the City Directors' Study Session.* 



#### Summary - First Quarter 2015 Progress Report Overview:

Since the last progress report to the City Directors, Whirlpool has continued to make significant progress in a number of areas:

**Resolution –** Whirlpool has reached agreements with 98% of property owners in the well-ban area whose properties were devalued by the Sebastian County Tax Assessor. Following these agreements, the class action lawsuit against the company was dismissed in April 2015.

**Remediation –** Following the Adaptive Remedy Approach, results of remediation activities continue to show decreases in TCE measured in targeted areas.

**Validation** – Whirlpool is continuing to monitor the plume through more than 200 soil and groundwater probes and 80 monitoring wells to further confirm there is no health risk to residents, measure the impact of remediation efforts, and inform appropriate next steps. **Redevelopment** – Whirlpool continues to make progress in the redevelopment of the property that benefits the entire community.



#### **Resolution:**

As of May 11, 2015, Whirlpool has come to a fair and equitable resolution with 49 of 50 property owners whose personal properties located in the well-ban area were devalued by the Sebastian County Tax Assessor. The resolution agreements represent a significant step forward and we are working to come to an agreement with the remaining property owners so that we all can move forward in a positive way.



#### **Resolution - Well-Ban Area Resolution Map:**

The map above illustrates the successful resolutions made with property owners in the well-ban area. Owners of the properties shown in dark green accepted Whirlpool's offer and we continue to have productive conversations with owners of properties shown in orange and no color.

## Resolution

## Agreements with Property Owners

## Fair and Transparent

• Whirlpool representatives met with many property owners one at a time, in person, to explain and discuss the offer

## **Everyone Treated Equally Based on Location**

- 100% of property devaluation PLUS 33%
- Optional independent appraisal
- · Included property owners who had not filed a lawsuit

## **Payments Already Being Made**

 Property owners who have finalized agreements receiving payments and executing deed restrictions

## **Class Action and Most Individual Lawsuit Dismissed**

## **Resolution - Agreements with Property Owners:**

Whirlpool acted fairly and transparently in reaching resolutions with property owners. All residents were treated the same based on location, including those who had not brought claims against the company. Whirlpool met individually with property owners in the well-ban area, in person, to explain and discuss the offer.

The details of the resolution agreements included paying property owners the amount their property was devalued by the Sebastian County Tax Assessor, plus an additional 33% of that amount. In exchange for the payments, property owners agreed to release all property damage claims against the company, file deed restrictions prohibiting drilling wells on their properties, and to allow access for testing and remediation activities being undertaken by Whirlpool and its consultants in the future. Property owners who have finalized their agreements are already receiving payments and have begun executing deed restrictions.

Additionally, in the wake of the agreements achieved between Whirlpool and property owners, the environmental class action lawsuit and most individual lawsuits against Whirlpool have been dismissed. Accounting for all the lawsuits, as well as payments to owners who had not sued the company, Whirlpool has paid more than \$3 million in compensation to area property owners.



## Remediation - Completed Activities in First Quarter 2015:

Since Whirlpool's last presentation to the City in January 2015, the following activities were completed onsite:

- · Groundwater monitoring samples were collected from 78 wells;
- Soil vapor sampling was conducted in January 2015;
- Eight additional soil vapor monitoring points were installed and historical soil vapor monitoring points were abandoned; and
- Offsite Shallow Groundwater Investigation was completed.



## Validation - Extensive Ongoing Monitoring:

The groundwater and supplemental vapor testing completed the first quarter of 2015 provided ongoing confirmation that there remain no exposure pathways and no health risk to area residents or to workers on the Whirlpool property.

Additionally, active remediation activities are continuing to have an impact on TCE concentrations, with further reductions in targeted areas and continued separation between the TCE plume beneath the neighborhood and the source area under the former Whirlpool manufacturing facility. We are continuing to monitor the situation extensively and work closely with ADEQ to determine appropriate next steps.

## Validation Results Show Continued Progress





- No exposure pathways to cause health risk to area residents, workers or employees or visitors at the Boys and Girls Club
- No exposure pathways to cause health risk from vapor intrusion
- Continued reductions in TCE from active remediation activities
- 86% of MWs in the south plume and 79% of MWs in the north plume exhibit little to no TCE or a decreasing or stable TCE concentration trend



## Validation – Results Show Continued Progress:

Implementation of Adaptive Remedy activities completed in targeted areas in the first quarter of 2015 resulted in the following:

- There continues to be no exposure pathways, including from vapor intrusion, to cause health risks to area residents, workers, or employees or visitors at the Boys and Girls Club.
- ISCO injection events have decreased TCE concentrations in groundwater by approximately 69% in Area 2 and 3, 70% in the Neck Area and 66% in Area 1, further reductions of 14%, 15% and 16%, respectively, since the fourth quarter of 2014.
- 86% of monitoring wells in the south plume and 79% of wells in the north plume exhibit either little or no TCE or a decreasing or stable TCE concentration trend. Variability of the plume boundary is evident at a few locations and a few select wells exhibited increasing concentrations.
- The overall areas of the south plume and north plume have decreased approximately 3% and 5%, respectively, since the fourth quarter of 2014 monitoring.



## Validation – Vapor Testing:

The vapor intrusion testing process measures TCE concentrations in soil vapors and groundwater to ensure any TCE vapors that reach the surface are not causing health risks. To reach indoor air, TCE vapors coming off groundwater must make it through layers of soil and the foundation, sub-slab or crawl space beneath a house.

Vapor intrusion testing was completed for three residents in the first quarter of 2015 and individual results were delivered directly to residents in person and reported to ADEQ.

The results of this testing confirm that there continues to be no health risk to residents from vapor intrusion.



#### Redevelopment – Proposed Site Redevelopment Option:

Whirlpool continues to make progress towards the site's redevelopment. The former Whirlpool warehouse was sold to Spartan Logistics in September 2014 and Whirlpool remains in discussions with multiple interested buyers for the remainder of the property. In light of the many attractive attributes of the property, including size, location and amenities of the 100-acre parcel, we remain confident in completing a transaction that will result in long-term and productive development of the parcel. The image above illustrates one of the proposed options for redeveloping the site.



#### **Conclusion:**

Whirlpool appreciates the City Directors' interest in receiving ongoing updates regarding the progress toward meeting the goals of the RADD. We plan to continue to move forward with the science-based, Adaptive Remedy Approach and remain committed to working closely with ADEQ, the City of Fort Smith, and residents until this issue is resolved.

New reports and correspondence will continue to be posted to WhirlpoolFortSmith.com as they become available.