

STATE OF INDIANA )  
 ) SS:  
COUNTY OF HUNTINGTON ) IN THE HUNTINGTON SUPERIOR COURT  
 CAUSE NO. 35D01-2006-CT-000338

EDMOND ASHER, *et al.*, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 RAYTHEON TECHNOLOGIES )  
 CORPORATION f/k/a United )  
 Technologies Corporation, LEAR )  
 CORPORATION EEDS AND )  
 INTERIORS, LLC as successor to United )  
 Technologies Automotive, Inc., )  
 ANDREWS DAIRY STORE, INC., L.D. )  
 WILLIAMS, INC., CP PRODUCT, LLC, )  
 as successor to Preferred Technical Group, )  
 Inc., and LDW Development, LLC )  
 )  
 Defendants. )

**SUPPLEMENTAL STATEMENT OF FACTS IN SUPPORT OF  
PLAINTIFF TOWN OF ANDREWS, INDIANA’S  
EMERGENCY MOTION FOR PRELIMINARY INJUNCTION**

The Town of Andrews Indiana (“Town”), by counsel, is filing this Supplemental Statement of Facts to inform the Court of activities that have occurred since the Town’s Verified Emergency Motion for Preliminary Injunction (“Emergency Motion”) was filed on June 19, 2020. As described below, recent testing has confirmed that the Town is currently facing a public health emergency because of the contamination in its public wellfield. The Defendants have made a mess in the Town. They have polluted the Town’s groundwater causing toxic vapors to enter homes and sewers, and hazardous chemicals to contaminate the Town’s drinking water supply. The only real solution to fully and completely protect the public health is to order the Defendants to remediate all of the soil and ground water contamination throughout the Town to

non-detect levels. The Defendants polluted the Town's groundwater decades ago, and they should be required to clean up the mess they made.

However, in the interim, a preliminary injunction requiring Defendants Raytheon Technologies Corporation, formerly known as United Technologies Corporation ("UTC"), Lear Corporation Eeds and Interiors (Lear") and CP Product Group, LLC ("CP Products") (collectively, "Raytheon") to install new municipal wells in a clean aquifer is necessary to protect public health and safety, and prevent irreparable harm, while the ultimate issues in the case are litigated. In support of its Emergency Motion, the Town states:

1. "The Town's sole source of drinking water is groundwater, supplied through three shallow water supply wells. All three of these wells (but particularly Municipal Well 1 or MW-1) are impacted with UTC's chemicals." (Exhibit 1, June 24, 2020 Affidavit of James T. Wells, Ph.D. at ¶ 5.)

2. "In 1994, UTC was required by the Indiana Department of Environmental Management (IDEM) to install a treatment system intended to strip its contamination from the Town's drinking water (after it has been pumped from the wells but before delivery to the Town's residents). This system – known as an air stripper – has not been managed properly, such that it goes off-line without warning and with alarming frequency." (*Id.* at ¶ 6.)

3. IDEM and Raytheon represented to the Town that the air stripper would be able to remove the contamination to below detectable limits of 1 µg/L. (*See* Exhibit 2, UTC-Andrews Off-Site Air Stripper System Operation and Maintenance Manual at 2.)

4. The air stripper has never properly removed all contamination from the Town's drinking water. For instance, cis-1,2-DCE has been detected in the Town's finished drinking water in almost every sample that has been collected since March 4, 1994. (Exhibit 3, May 13, 2020

Quarterly Report No. 1 at 9-11.)

5. According to the Agency for Toxic Substances and Disease Registry (“ATSDR”), 1,2-DCE is “a highly flammable, colorless liquid with a sharp, harsh odor. . . . Breathing high levels of 1,2-dichloroethane can make you feel nauseous, drowsy, and tired; breathing very high levels can kill you.” (Exhibit 4, ATSDR 1,2 Dichloroethene-ToxFAQs at 1.)

6. “Starting in the early part of 2012, the Town began receiving complaints about the odor and taste of the water. In response to those complaints, [John Harsbarger] worked with the Utilities Department to try to determine a solution.” (Exhibit 5, June 17, 2020 Affidavit of John Harshbarger at ¶ 11.)

7. “On February 23, 2012, as a possible solution to the complaints regarding the odor and taste of the water, [the Town] shut off Municipal Well 1 and stopped using it.” (*Id.* at ¶ 12.)

8. When Municipal Well 1 was not being used, the complaints about odor and taste stopped, so on March 15, 2012, the Town “shut off Municipal Well 1 permanently and stopped using it except on rare occasions when [the Town] needed extra water for the fire Department, when [the Town] had a leak from [its] piping system, or during brief periods when Municipal Wells 2 or 3 needed servicing.” (*Id.* at ¶¶ 13-16.)

9. For unknown reasons, in early May 2020, Municipal Wells 2 and 3 lost pumping capacity and could not supply the Town with adequate water. “Therefore, on May 7, 2020 [the Town] turned on Municipal Well 1, and started using it again.” (*Id.* at ¶¶ 17-19.)

10. “Because of the decreased pumping capacity of Municipal Wells 2 and 3, the only way [the Town] can currently provide sufficient water to [its residents] is by using Municipal Well 1.” (*Id.* at ¶ 18.)

11. When the Town put Municipal Well 1 back into service, it believed that the air

stripper system was working, and it depended on the air stripper to keep its water safe. (*Id.* at ¶¶ 19-22.)

12. Raytheon has represented that there were no disruptions to the air stripping system in May 2020. (Exhibit 6, June 23, 2020, Letter to John Harshbarger from John L. Baron at 4.)

13. However, beginning on June 4, 2020, and continuing for over two weeks, there were a series of disruptions to the system. (*Id.* at 4 & n.5.)

14. On June 4, 2020 the system was taken down for about three and a half hours for maintenance. (*Id.*)

15. On June 5-6, 2020, the air stripper had an alarm and a temporary shutdown because the Surge Tank overflowed. (*Id.*)

16. On June 9-10, 2020, the air stripper had an alarm and a temporary shutdown because the Surge Tank overflowed. (*Id.*)

17. On June 10, 2020 the air stripper had a temporary shutdown because of a power outage. (*Id.*)

18. On June 17-18, 2020, the air stripper had an alarm and a temporary shutdown because the Surge Tank overflowed. (*Id.*)

19. On June 19, 2020, the air stripper had an alarm and a temporary shutdown because the Surge Tank overflowed. (*Id.*)

20. “The Town does not have access to the air stripper building[.]” (Exhibit 5, June 17, 2020 Affidavit of John Harshbarger at ¶ 23.)

21. “The Town was not informed that there were problems with the air stripping equipment.” (*Id.* at ¶ 32.)

22. “Town of Andrews employees Ed Asher and Brian Cochran [have testified] that it

is not uncommon for the air stripper to break down. Only UTC or its consultant have access to the air stripper building so the Town is entirely reliant on UTC for responding to these failures of the air stripper.” (Exhibit 7, June 18, 2020 Affidavit of James T. Wells, Ph.D. at ¶ 6 *internal citations omitted*.)

23. The “contamination in municipal well MW-1 has gotten worse in recent years.” (*Id.* at ¶ 7.)

24. Recent sampling results have detected vinyl chloride at levels that are more than ten times higher than the federal Maximum Contaminate Level (“MCL”) for safe drinking water, and cis-1,2-DCE at levels that are nearly twice the MCL. (*Id. See also*, Exhibit 8, Town of Andrews Quarterly Well Head Samples Water Quality Summary Tables at 3, 6.)

25. According to the ATSDR, vinyl chloride is “a colorless gas, it burns easily and it is not stable at high temperatures. It has a mild, sweet odor. It is a manufactured substance that does not occur naturally. It can be formed when other substances such as trichloroethane, trichloroethylene, and tetrachloroethylene are broken down.” (Exhibit 9, ATSDR Vinyl Chloride - ToxFAQs at 1.)

26. “Breathing high levels of vinyl chloride can cause you to feel dizzy or sleepy. Breathing very high levels can cause you to pass out, and breathing extremely high levels can cause death.” (*Id.*)

27. Vinyl chloride can also cause liver damage, nerve damage and immune problems. “The lowest levels that produce liver changes, nerve damage, and immune reaction in people are not known.” (*Id.*)

28. “The U.S. Department of Health and Human Services (DHHS) has determined that vinyl chloride is a known carcinogen.” (*Id.* at 2.)

29. Exposure to vinyl chloride can cause an increased risk of getting liver cancer, brain cancer, lung cancer, and some types of blood cancer. (*Id.*)

30. Exposure to cis-1,2-DCE can cause liver and kidney problems, drowsiness and nausea and cardiovascular problems. (Exhibit 10, Cis-1,2-dichloroethylene and drinking water at 1.)

31. During periods in which the air stripper is down for maintenance or not functioning properly, “the Town’s residents are exposed to drinking water containing potentially dangerous levels of vinyl chloride, as well as other chemicals such as cis-1,2-DCE.” (Exhibit 1, June 24, 2020 Affidavit of James T. Wells, Ph.D. at ¶ 6.)

32. On June 8, 2020, the Town had a council meeting. (Exhibit 11, June 17, 2020 Affidavit of Laury Powell at ¶ 6.)

33. The Utilities Department notified the council “that there had been a disruption to the air stripping equipment during the prior weekend.” (Exhibit 5, June 17, 2020 Affidavit of John Harshbarger at ¶ 21.)

34. The Utilities Department determined that there were problems with the air stripper because of SCADA Reports indicating malfunctions to the Town’s utilities, and because the Town’s Clear Well overflowed. (*Id.* at ¶¶ 26-36.)

35. “The Town does not have the luxury of shutting down the water supply to the whole town while it waits for UTC to repair the air stripper. Thus during these periods [when the air stripper is not properly operating] the Town’s residents are exposed to drinking water containing potentially dangerous levels of vinyl chloride (a known human carcinogen) as well as other chemicals such as cis-1,2-dichloroethene (cis-1,2-DCE).” (Exhibit 1, June 24, 2020 Affidavit of James T. Wells, Ph.D. at ¶ 6.)

36. Municipal Well 1 is heavily contaminated with vinyl chloride and cis-1,2-DCE (*See* Exhibit 8, Town of Andrews Quarterly Well Head Samples Water Quality Summary Tables at 3, 6.)

37. Municipal Wells 2 and 3 are also contaminated with lower levels of vinyl chloride and cis-1,2-DCE. (*Id.* at 10, 15.)

38. The Town needs Municipal Well 1 in order to adequately supply its residents with water and to properly respond to fires. (Exhibit 5, June 17, 2020 Affidavit of John Harshbarger at ¶ 18. *See also*, Exhibit 12, June 24, 2020 Affidavit of Thomas Wuensch.)

39. On June 19, 2020, the Town filed its Emergency Motion asking the Court to order Raytheon to install new municipal wells in a clean groundwater aquifer.

40. Also on June 19, 2020, the Huntington County Health Department issued a “Public Safety alert” advising: “Residents of Andrews should not use the town’s water for any purpose until further notice. One of Andrew’s town wells have shown chemicals being detected that exceed the Federal Safe Drinking Water Standards. Arrangements are being made to provide bottled water to residents.” (Exhibit 13, June 19, 2020 Public Safety alert.)

41. On June 22, 2020, IDEM sampled the Town’s drinking water at several locations. (*See* Exhibit 14, June 24, 2020 Letter from Matt Prater to Andrews Water Department.)

42. After collecting the samples, IDEM instructed the Town’s Utilities Superintendent to remove Municipal Well 1 from service. (Exhibit 15, July 6, 2020 Affidavit of Colin Bullock ¶¶ 4-5.)

43. Pursuant to IDEM’s request, the Town shutdown Municipal Well 1 at approximately 2:00 pm. (*Id.* ¶ 6)

44. According to the Town’s fire chief, Mr. Thomas Wuensch, the fire department lost

water pressure after the Town shut down Municipal Well 1. (Exhibit 12, June 24, 2020 Affidavit of Thomas Wuensch at ¶¶ 6-14.)

45. Chief Wuensch is “extremely concerned about the water pressure that currently exists on the Andrews Municipal Water Supply. With the current situation [he does] not believe [there] is enough water pressure to keep the tanker trucks adequately full of water to fight fires.” (*Id.* at ¶¶ 15-16.)

46. On June 24, 2020, IDEM sent the Town a letter containing the results of the sampling that was conducted on June 22, 2020. (Exhibit 14, June 24, 2020 Letter from Matt Prater to Andrews Water Department.)

47. The sampling data from the lab shows that on June 22, 2020, Municipal Well 1 “contained vinyl chloride at 30.3 µg/L (15 times higher than EPA and Indiana drinking water standard or maximum contaminant level [MCL] of 2.0 µg/L) and cis-1,2-DCE at 131 µg/L (nearly double the EPA and Indiana MCL of 70 µg/L), illustrating the severely contaminated condition of this well. The other two wells also contained UTC’s contamination, although at lower levels.” (Exhibit 1, June 24, 2020 Affidavit of James T. Wells, Ph.D. at ¶ 7. *See also*, Exhibit 16, June 23, 2020 Letter from Pace Analytical from Pace Analytical at 5.)

48. In its June 24, 2020 letter to the Town, IDEM stated: “**IDEM requires Well 1 to be taken offline immediately and not used to supply water.**” (Exhibit 14, June 24, 2020 Letter from Matt Prater to Andrews Water Department at 2, *emphasis in the original.*)

49. “This leaves the Town in the impossible situation of not having the pumping capacity (from Wells 2 and 3 alone) to meet the needs of its customers.” (Exhibit 1, June 24, 2020 Affidavit of James T. Wells, Ph.D. at ¶ 9.)

50. Even though the Town has attempted not to use Municipal Well 1 since March



2012, as described in paragraph 8, above, sometimes emergencies require it to be used.

51. Since March 15, 2012, there have been approximately a dozen times when Municipal Well 1 has been returned to service for short periods of time. (See Exhibit 17, Chronological Well Logs.)

52. On June 26, 2020, Raytheon offered to provide the Town with temporary water tanks to help the fire department in case of an emergency. However, Raytheon only agreed to provide the extra water for 14 days. (Exhibit 18, June 26, 2020 Letter from Raytheon to Chief Tom Wuensch.)

53. Even without Municipal Well 1 in service, the Town's residents still risk receiving dangerous levels of vinyl chloride in their drinking water if the air stripper goes down. On August 15, 2019, when Municipal Well 1 had not been used for almost two years, vinyl chloride was detected in the influent to the air stripper at 3.2 µg/L. (Exhibit 3, May 13, 2020, Quarterly Report No. 1 at 4. *See also*, Exhibit 17, Chronological Well Logs.)

54. The sampling data from Pace Analytical also shows that on June 22, 2020, the drinking water collected from the faucet in the lab at the waste water treatment plant contained vinyl chloride at 2.0 µg/L and cis-1,2-DCE at 19.1 µg/L. (Exhibit 16, June 23, 2020 Letter from Pace Analytical from Pace Analytical at 5, sample number DK35118.)

55. The waste water treatment plant is at the end of the Town's water distribution network. (Exhibit 19, Town of Andrews Existing Water Map.)

56. “[W]ater in this portion of the distribution network was likely residual from the period of time (days earlier) in which MW-1 was operating but the stripper was not functioning properly and the town's residents were being supplied with water that equaled or exceeded the federal and state drinking water standard. Water samples from closer to the water tower (such as

the elementary school) contained lower contaminate concentrations (not exceeding the drinking water standard) because this was “newer” water that had been delivered into the water distribution network after the stripper had been brought back online.” (Exhibit 1, June 24, 2020 Affidavit of James T. Wells, Ph.D. at ¶ 8.)

57. Because of the detection of vinyl chloride in the drinking water at the lab, IDEM asked the Town to flush its distribution system to remove any additional vinyl chloride. (Exhibit 14, June 24, 2020 Letter from Matt Prater to Andrews Water Department at 2.)

58. The June 22, 2020 sampling data shows that the drinking water collected from the faucet in the kitchen sink at the Town Hall contained cis-1,2-DCE at 3.9 µg/L. (Exhibit 16, June 23, 2020 Letter from Pace Analytical at 5, sample number DK35117.)

59. The sampling data also shows that on June 22, 2020 the drinking water collected from the faucet in the restroom at Andrews Elementary School contained cis-1,2-DCE at 5.4 µg/L. (*Id.*, sample number DK35120.)

60. On June 27 and 28, the Town flushed its water system to remove residual vinyl chloride. (Exhibit 20, June 30, 2020 Notice for the Town of Andrews at 3.)

61. On June 27, 2020, after the Town flushed its water system, Raytheon’s consultant collected drinking water samples from four points on the Town’s distribution system. (Exhibit 21, June 27, 2020 letter from Pace Analytical to Susan Hall.)

62. The June 27, 2020 sampling data shows that the drinking water collected from the faucet in the restroom at Andrews Elementary School contained cis-1,2-DCE at 2.0 µg/L. (*Id.* at 5.)

63. The June 27, 2020 sampling data also shows that the drinking water collected from the faucet in the kitchen sink at the Town Hall contained cis-1,2-DCE at 3.7 µg/L. (*Id.*)

64. The June 27, 2020 sampling data also shows that the drinking water collected from the faucet in the lab at the waste water treatment facility contained cis-1,2-DCE at 3.9 µg/L. (*Id.*)

65. On June 28, 2020, IDEM collected additional drinking water samples from points on the Town's distribution system. (Exhibit 22, June 29, 2020 letter from Pace Analytical to Mitt Denney.)

66. The June 28, 2020 sampling data showed that the drinking water collected from the faucet in the restroom at Andrews Elementary School contained cis-1,2-DCE at 1.5 µg/L. (*Id.* at 5, sample number DK35126.)

67. The June 28, 2020 sampling data also shows that the drinking water collected from the faucet in the lab at the waste water treatment facility contained cis-1,2-DCE at 8.1 µg/L. (*Id.*, sample number DK35127.)

68. On June 30, 2020, IDEM sent the Town a letter discussing the June 28, 2020 sample results. The IDEM letter stated that there were no detections above the EPA MCL's, and asked the Town to lift the "Do Not Drink" advisory. (Exhibit 23, June 30, 2020 Letter from IDEM to Andrews Water Department.)

69. Pursuant to IDEM's request, on June 30, 2020 the Town contacted the Huntington County Health Department and asked them to lift the advisory. (Exhibit 20, June 30, 2020 Notice from the Town of Andrews Concerning its Drinking Water.)

70. The Town also asked its residents to limit their water usage due to the limited production capacity of Municipal Wells 2 and 3. (*Id.* at 2.)

71. The Town is "extremely concerned that if the air stripping equipment is not working properly, the Town's drinking water will be contaminated because . . . the Town's Municipal Wells are currently contaminated, and the only thing protecting the Town's drinking

water is the air stripping system.” (Exhibit 5, June 17, 2020 Affidavit of John Harshbarger at ¶ 22.)

72. “The Town asked IDEM to guarantee that the air stripper will not suffer any further mechanical problems. IDEM refused to make any guarantees with respect to the air stripper.” (Exhibit 20, June 30, 2020 Notice from the Town of Andrews Concerning its Drinking Water at 3.)

73. “The Town also asked IDEM to sample the drinking water every day to make sure the air stripper is functioning properly. IDEM refused to conduct daily sampling as requested by the Town.” (*Id* at 3.)

74. The finished drinking water samples collected after Municipal Well 1 was shut down, after the air stripper was put back in service, and after the Town flushed its distribution lines continued to contain cis-1,2-DCE. “This finding illustrates the limitations of the air stripper, which was not able to completely remove this VOC from the water supply.” (Exhibit 1, June 24, 2020 Affidavit of James T. Wells, Ph.D. at ¶ 8.)

75. “To this day, groundwater from nearly all parts of the plume is drawn into the Town’s drinking water wells. This is a striking example of how UTC and the regulators have failed to address this environmental problem in a comprehensive way, and instead are relying on the Town’s drinking water wells to capture UTC’s contamination. It is contrary to standard practice in the field of environmental science to rely on municipal water supply wells as part of a groundwater remediation strategy. Groundwater remediation is generally designed to prevent impacts to drinking water supplies, not to encourage impacts. This is a testament to the inadequacy of UTC’s remediation program and to UTC’s cavalier attitude toward health and safety of the residents of Andrews.” (Exhibit 7, June 18, 2020 Affidavit of James T. Wells, Ph.D. at ¶ 8. *See*

also, Exhibit 24, Quarterly Status Update – First Quarter 2020.)

76. “[T]his situation constitutes an emergency for the Town of Andrews. The Town urgently needs a more reliable system for keeping UTC’s chemicals out of the town residents’ drinking water. Rather than seeking solutions (such as requiring UTC to construct a more reliable well network not impacted by UTC’s contamination), IDEM is now penalizing the Town by putting restrictions on its pumping. The Town has no other sources of drinking water, so it is now faced with water shortages and a threat to public safety because of an inadequate water supply for fighting fires.” (Exhibit 1, June 24, 2020 Affidavit of James T. Wells, Ph.D. at ¶ 10.)

77. “When the air stripping system was first installed, the Town was told that it would be a temporary system and that it would only be needed until the contamination was cleaned up.” (Exhibit 5, June 17, 2020 Affidavit of John Harshbarger at ¶ 39)

78. “That was over 25 years ago and the Town’s Municipal Well 1 remains dangerously contaminated with hazardous chemicals.” (*Id.* at ¶ 40)

79. As described in paragraph 4, above, cis-1,2-DCE has been detected in the Town’s finished drinking water in almost every sample that has been collected since March 4, 1994.

80. “The US EPA maximum contaminant levels (MCL) for cis-1,2-DCE in drinking water was set by the Agency over 30 years ago at 70 µg/L.” (Exhibit 25, July 6, 2020 Affidavit of Dr. Kathleen M. Gilbert, Ph.D. at ¶ 5.)

81. “The US EPA MCL for cis-1,2-DCE has recently been re-evaluated by the Environmental Health Division of the Minnesota Department of Health (MDH) and by the Office of Environmental Health Hazard Assessment of the California Environmental Protection Agency (CEPA). The two state agencies incorporated 1) new methodology for determining human equivalency doses, 2) different more sensitive critical effects, and 3) database uncertainty factors,

and 4) improvements in benchmark dose modeling for point-of-departure calculation. This re-evaluation resulted in values that were 10-fold lower than the US EPA. Both MDH and CEPA set an MCL for cis-1,2-DCE at 6 µg/L.” (*Id.* at ¶ 6)

82. “Even the 10-fold lower MCL set by MDH and CEPA is not completely health protective since it is based on the assumption that exposure to cis-1,2-DCE occurs only from drinking water (via ingestion, inhalation or dermal). It does not take into account additional exposure resulting from sewer vapor intrusion into indoor air. As indicated by the data from Stantec Consulting Services, Inc, vinyl chloride and cis-1,2-DCE has been detected multiple times in the indoor air of numerous structures in Andrews over the last fourteen years.” (*Id.* at ¶ 7. *See also*, Exhibit 26, Summary Indoor Air Charts.)

83. “Vinyl chloride is another toxicant found in The Town’s drinking water. Vinyl chloride is even more toxic than cis-1,2-DCE. Its toxicity is summarized in the Vinyl Chloride ATSDR Tox FAQs which has been included here as Attachment 2. Vinyl chloride has been classified by the US Department of Health and Human Services (DHHS) as a known human carcinogen, and animal studies indicate that young children are even more susceptible than adults to vinyl chloride-induced cancer.” (Exhibit 25, at ¶ 8)

84. “Vinyl chloride has one of the lowest drinking water standards of any regulated chemical. The US EPA’s MCL for vinyl chloride is 2 µg/L. However, CEPA and MDH have set more health-protective MCLs of 0.5 µg/L and 0.2 µg/L respectively for vinyl chloride.” (*Id.* at ¶ 9)

85. “Water samples collected by IDEM on June 22, 2020 showed that MW-1 contained vinyl chloride at 30.3 µg/L (15 times higher than the EPA MCL and 300 times higher than the MCL established by the MDH). Cis-1,2-DCE was detected at 131 µg/L which is nearly double

the EPA MCL of 70 µg/L and 20 times higher than the MCL of MDH and CEPA.” (*Id.* at ¶ 10)

86. “Tap water sampling on June 22, 2020 by the IDEM revealed the deficiencies of the air scrubber, and described levels of cis-1,2-DCE at 5.4 µg/L at Andrews Elementary School, and 19.1 µg/ml at the Town’s waste water plant. The tap water levels of cis-1,2-DCE, which ideally should be below detection, are close to or above the MCL set by the MDH and the CEPA.” (*Id.* at ¶ 11)

87. “[T]he contamination of MW-1 with vinyl chloride and cis-1,2-DCE, the deficiencies of the air scrubber, and the pumping limitations of MW-2 and MW-3, constitutes an emergency with unwarranted health hazards for the customers of the Andrews Water Department. This hazard could be exacerbated by additional exposure to cis-1,2-DCE from sewer system vapor intrusion.” (*Id.* at ¶ 12)

88. “The Town of Andrews urgently needs a more reliable system for keeping UTC’s chemicals out of the town residents’ drinking water. . . .First, there must be major upgrades to the Town’s water supply and treatment system, including new water supply wells that are vertically or horizontally separated from UTC’s toxic groundwater plume. . . . The air stripper system needs built-in redundancy, such that during inevitable malfunctions or required operation and maintenance shut-downs, the necessary water treatment can still be accomplished.” (Exhibit 7, June 18, 2020 Affidavit of James T. Wells, Ph.D. at ¶ 13.)

89. “[A]s an interim remedy and to ensure the residents of Andrews are receiving safe drinking water during the time needed to complete the recommended upgrades, . . . the residents should be supplied with bottled water for drinking, cooking and bathing.” (*Id.* at ¶ 15.)

Respectfully submitted,

/s/ Thomas A. Barnard

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*Attorneys for the Town of Andrews, Indiana*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 6, 2020, a copy of the foregoing was electronically filed with the Clerk of Court using Odyssey Efile, and that a copy of the forgoing was sent to all counsel of record. A paper copy was mailed by U.S. mail, postage pre-paid, to:

Andrews Dairy Store, Inc.  
c/o Michael Burton  
138 Snowden Street  
Andrews, IN 46702

/s/ Thomas A. Barnard