

Exhibit 4

I, James Wells, declare:

1. I have been retained by The Law Firm of Taft Stettinius & Hollister LLP on behalf of The Town of Andrews and residents of Andrews to provide scientific input and expert opinions concerning contamination in the Town's drinking water. As described in more detail below, it is my opinion that there currently exists an emergency with the Town's drinking water supply that requires immediate action.

2. On June 18, 2020, I submitted an affidavit supporting the Town's emergency motion for preliminary injunction.

3. The UTC facility operated from 1974 to 1992, during which it released large quantities of toxic chemicals to the environment. The main chemical of concern at UTC was trichloroethene (TCE) which was released by a combination of purposeful and accidental incidents. TCE is an industrial solvent and parts degreaser that is a known human carcinogen. Other contaminants that are impacting town wells, such as cis-1,2-dichloroethene (cis-1,2-DCE) and vinyl chloride are daughter products which are formed from the breakdown of TCE once released to the environment. Unfortunately, vinyl chloride is even more toxic than TCE. Vinyl chloride is a known human carcinogen and has one of the lowest drinking water standards of any regulated chemical. These releases contaminated the groundwater and eventually formed a contaminant plume extending approximately 2,500 feet across the Town and impacting the Town's drinking water wells, which are clustered on the west side of town.

The Current Drinking Water Crisis

4. In my June 18 affidavit, I explained that the Town's water supply is contaminated with chemicals that originated from United Technologies Corporation's (UTC) releases of industrial chemicals from a manufacturing facility on the east side of town. As described below, drinking water sample results collected earlier this week by IDEM have confirmed my concerns.

5. 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. This fact has been known for many years. According to Mr. Harshbarger, the President of the Town Council for the Town of Andrews, the Town shut down MW-1 in 2012 because of the known contamination and in response to taste and odor complaints from residents¹ and subsequently relied solely on MW-2 and MW-3. The current emergency arose in May of this year when the pumping capacity of MW-2 and MW-3 had decreased, and the Town was no longer able to meet the overall demand using just these two wells. In response, the Town reactivated MW-1 on May 7, 2020² and began producing water from the contaminated well.

6. In 1994, UTC was required by the Indiana Department of Environmental Management (IDEM) to install a treatment system intended to strip its contaminants 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. 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, 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. In early June, the air stripper did, indeed, go down.³

7. My concerns have been confirmed by sampling conducted by IDEM on June 22, 2020. During this sampling event, the air stripper had apparently been repaired, thus it was operating at the time. The IDEM lab report is included here as Attachment 1. The sample from MW-1 contained vinyl chloride at 30.3 ug/L (15 times higher than EPA

¹ Affidavit of John Harshbarger, June 17, 2020, paragraphs 11-16.

² Affidavit of John Harshbarger, June 17, 2020, paragraphs 18-19.

³ John Baron (Raytheon), June 23, 2020, letter to John Harshbarger (Town of Andrews).

and Indiana drinking water standard or maximum contaminant level [MCL] of 2.0 ug/L) and cis-1,2-DCE at 131 ug/L (nearly double the EPA and Indiana MCL of 70 ug/L), illustrating the severely contaminated condition of this well. The other two wells also contained UTC's contamination, although at lower levels.

8. The tap water collected from the lab building at the Town's Wastewater Treatment Plant (IDEM sample ID DK35118; see Attachment 1) contained vinyl chloride at a concentration of 2.0 ug/L, equal to the MCL. This sample also contained cis-1,2-DCE at 19.1 ug/L. According to town records, the wastewater treatment plant is at the end of the line of the Town's water service. In my opinion, water 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 air 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 locations closer to the water tower (such as the elementary school) contained lower contaminant concentrations (not exceeding the drinking water standard) because this was "newer" water that had been delivered into the water distribution network after the air stripper had been brought back on line. These findings show that the current water supply system is vulnerable to exceedances of water quality standards due to the unreliable performance of UTC's air stripper. These findings also show that even if the air stripper is down for a short period of time, the people of Andrews must live with the consequences for (at minimum) a number of days until the offending water is flushed from all portions of the distribution system. All of the tap water samples collected on June 22 contained cis-1,2-DCE (at levels below the drinking water standard). This finding illustrates the limitations of the air stripper, which was not able to completely remove this VOC from the water supply.

9. In its July 24, 2020 letter to the Andrews Water Department (which included the June 22 water sampling results), IDEM instructed the town to take Well 1 offline "immediately" and that it must not be used to supply water. 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.

10. In my opinion, this 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.

Background and Qualifications

1. I have over 25 years of experience in environmental science, hydrology and subsurface contamination, including groundwater, surface water, soil and soil vapor. Currently, I am Principal Geologist and Chief Operating Officer for L. Everett & Associates, LLC, an environmental hydrogeology and remediation company. I am a Professional Geologist (CA PG #7212), licensed by the California Board for Professional Engineers, Surveyors and Geologists. I received a PhD in Geological Sciences from the University of Washington in 1990. I received a Master's of Science Degree in Geological Sciences from the University of Washington in 1986. I received a Bachelor's Degree in Earth Sciences from Dartmouth College in 1981. I have testified about environmental matters at legislative hearings in the California State Assembly in Sacramento as well as the U.S. House of Representatives in Washington, D.C. More details about my relevant experience can be found in my resume which is included here as Attachment 2.

I declare under penalty of perjury under the laws of the United States and the State of Indiana that the foregoing is true and correct and that this declaration was executed by me on June 24, 2020 in the Town of Andrews, in Huntington County, Indiana.


James T. Wells, PhD, PG