

**LETTER TO ALL CLASS AREA PROPERTY OWNERS**

**PERRINE DUPONT SETTLEMENT  
SPELTER VOLUNTEER FIRE DEPARTMENT CLAIMS OFFICE  
55 B. STREET  
P.O. BOX 257  
SPELTER, WV 26438  
304-622-7443  
1-800-345-0837  
Fax: 304-622-7447 or 205-716-3010  
www.perrinedupont.com  
perrinedupont@gtandslaw.com**

June 27, 2011

**Re:   *Registration for House Clean-Up Program***

Dear Potential Property Program Class Member,

**THIS LETTER INVITES YOU TO A TOWN HALL MEETING AT THE SPELTER FIRE STATION WHERE WE WILL DESCRIBE THE PROPERTY CLEAN-UP PROGRAM AND HELP YOU WITH YOUR PAPERWORK TO REGISTER YOUR PROPERTY FOR THE PROGRAM.**

On June 27, 2011, the Circuit Court of Harrison County entered the Final Order Establishing Property Remediation (Clean-Up) Program (the "Order") which established the property clean-up program (the "program") described by this letter. Based upon the information provided to us through the lawsuit, we believe that one or more of your properties may be eligible for the Program.

We have attached a Claim Form, and you must fill out your Claim Form for your property to be part of the Program, which will entitle you to an annoyance and inconvenience payment as described below, as well as testing of your house for arsenic, lead, cadmium and zinc (the "tested metals"), and to the extent necessary and to the extent we can afford it, cleaning of your house.

TO BE ELIGIBLE FOR THE PROGRAM, YOU MUST SUBMIT YOUR CLAIM FORM, FULLY COMPLETED AND WITH THE NECESSARY DOCUMENTATION AS DESCRIBED BELOW, BY OCTOBER 10, 2011.

### I. Town Hall Meetings

We will hold Town Hall Meetings for you to attend for help with registering your house<sup>1</sup> for the program at the Spelter Fire Department, in the dining hall. Anyone can come to either day of the Town Hall Meetings. The suggestion that Claimants with last names beginning with certain letters attend on certain days is **only a suggestion** so that there will be an even amount of people on each day of the Town Hall Meetings.

Attendance at the Town Hall Meetings is optional and will not affect your house's eligibility for the program in any fashion. However, you must submit your completed claim form and documentation on or before October 10, 2011, for your property to be considered for the program.

### TOWN HALL MEETINGS SPELTER FIRE DEPARTMENT

<u>DATE</u>	<u>TIMES</u>	<u>LAST NAMES</u>
Monday July 11, 2011	9:00AM - 12:00PM 2:00PM - 5:00PM 6:00PM - 8:00PM	Last Names Beginning With Letters A - E
Tuesday July 12, 2011	9:00AM - 12:00PM 2:00PM - 5:00PM 6:00PM - 8:00PM	Last Names Beginning With Letters F - J

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<sup>1</sup>Under the Order, only Class Area Property owners in Zone 1A (see Map attached of Class Area) have a soil clean-up program. Class Members in other Zones only have a house clean-up program.

Wednesday July 13, 2011	9:00AM - 12:00PM 2:00PM - 5:00PM 6:00PM - 8:00PM	Last Names Beginning With Letters K - O
Thursday July 14, 2011	9:00AM - 12:00PM 2:00PM - 5:00PM 6:00PM - 8:00PM	Last Names Beginning With Letters P - T
Friday July 15, 2011	9:00AM - 12:00PM 2:00PM - 5:00PM 6:00PM - 8:00PM	Last Names Beginning With Letters U - Z
Saturday July 16, 2011	9:00AM - 12:00PM 2:00PM - 5:00PM 6:00PM - 8:00PM	Make Up Day - Anyone can come to Meeting

The Claims Administrator, will offer a brief presentation on the program at the beginning of each Town Hall Meeting. After my presentation, my staff and I will help you complete claim forms for your house.

## **II. House Clean-Up Program Summary**

The Order fully describes the program and is available on our website, [www.perrinedupont.com](http://www.perrinedupont.com). The Order requires us to obtain a Claim Form from the owner for each eligible house in the Class Area that is "fit for human occupancy", or a commercial structure reasonably fit for human occupancy, as determined by the Claims Administrator. My staff and other licensed contractors will perform a visual inspection of each house to make sure there is a structure fit for human occupancy.

In addition to the fully completed Claim Form, each house owner must sign the Claim Form, and we must have a copy of the most recent property tax ticket or receipt from Harrison County for the property on which the house is located, as well as a copy of each house owner's photo identification.

The program will begin with a sign-up program from July 11, 2011, to October 10,

2011. As each house is registered, we will test it for the tested metals. Thereafter, we will begin cleaning houses and soil in Zone 1A, around Spelter. Then, we will begin cleaning the houses in Zone 2, including areas such as Gypsy and Hepzibah. Thereafter, we will begin cleaning the houses in Zone 3, including areas such as Arlington, Lumberport, and Shinnston.

Every eligible house which we confirm as part of the Program will entitle the owner or owners to a **five hundred dollar (\$500) payment**. If there are multiple owners, the money will be shared equally among them. The money will be split into two payments, the first will consist of one hundred dollars (\$100) which will be paid at the time the Claim for the house is verified, and the second payment will consist of four hundred dollars (\$400) at the time the house is tested for hazardous contamination and cleaned if necessary. **You get to keep the five hundred dollars even if your property does not need to be cleaned.**

If your house is tested and deemed safe, you will receive a Certificate describing your property as safe. Alternatively, if your house tested metals results are positive, after your house is cleaned, you will receive a Certificate of Completion describing your house as safe.

**WE CANNOT GUARANTEE THAT YOUR HOUSE WILL BE CLEANED DUE TO LIMITED FUNDING. HOWEVER, EACH HOUSE VERIFIED AS ELIGIBLE WILL BE TESTED AND THE OWNER(S) OF THAT HOUSE WILL RECEIVE FIVE HUNDRED DOLLARS (\$500) AS AN ANNOYANCE AND INCONVENIENCE PAYMENT FOR THAT HOUSE.**

We hope that we will be able to test and clean every verified house, however, according to the Order, we must first test everyone, then clean the soil in Zone 1A, and then work through the houses in Zone 1, to Zone 2, and then to Zone 3. This is because the most potentially contaminated areas are closest to the former zinc smelter site and they have been given priority in the program.

The program does not provide any money for former owners of property in the Class Area. It also does not provide any money or testing for or cleaning of the so-called Grasselli properties. Finally, the program does not provide any reimbursement for owners of properties who claim to have renovated their properties on their own. According to the Order, we must test each house to make sure that it is safe, even if the owner believes it to be safe and has already done some renovations or cleaning of the property.

There is no cash option instead of the program. You do not have to participate in the program, but if you do not, you will not receive anything from the property clean-up portion of the Settlement.

If you own eligible property that includes soil in Zone 1A, you are receiving an additional letter in this package about the soil clean-up program.

At the conclusion of the program, any leftover money will be distributed equally to the property owners who participate.

If you have any questions; please come by our office, call us, or send us an email.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ed Gentle', with a stylized flourish at the end.

Ed Gentle,  
Claims Administrator  
(304) 622-7443  
(205) 716-3000  
1-800-345-0837 (toll free)  
perrinedupont@gtandslaw.com

**HOUSE AND SOIL CLEAN-UP PROGRAM**  
**REGISTRATION FORM**

**PERRINE DUPONT SETTLEMENT CLAIMS OFFICE**  
**C/O SPELTER VOLUNTEER FIRE DEPARTMENT**  
55 B. ST, P.O. BOX 257, SPELTER, W.Va. 26438  
1-800-345-0837 OR 1-304-622-7443 OR 1-205-716-3000  
FAX: 1-304-622-7447 OR 1-205-716-3010  
[www.perrinedupont.com](http://www.perrinedupont.com)  
[perrinedupont@gtandslaw.com](mailto:perrinedupont@gtandslaw.com)

THIS FORM ONLY APPLIES TO PROPERTY OWNERS OF ELIGIBLE PROPERTY WITHIN THE CLASS AREA<sup>1</sup>, WITH A COPY OF THE CLASS AREA MAP AND OF THE EXCLUDED GRASELLI PROPERTIES BEING ATTACHED.

THE PROPERTY CLEAN-UP PROGRAM DOES NOT APPLY TO THE GRASELLI PROPERTIES (THAT ARE DEFINED IN THE COURT'S FINAL JUNE 27, 2011 PROPERTY REMEDIATION (CLEAN-UP) PROGRAM ORDER).

A. TO QUALIFY FOR THE HOUSE CLEAN-UP PROGRAM, YOU MUST OWN A CLASS AREA HOUSE OR MOBILE HOME THAT IS FIT FOR HUMAN OCCUPANCY OR A CLASS AREA COMMERCIAL STRUCTURE THAT IS FIT FOR HUMAN OCCUPANCY AND REGULARLY OCCUPIED BY PEOPLE.

B. TO QUALIFY FOR THE SOIL CLEAN-UP PROGRAM, YOU MUST OWN PROPERTY IN ZONE 1A OF THE CLASS AREA. We have included a separate letter to Zone 1A Class Members with their copy of this Claim Form.

IF YOU DO NOT OWN CLASS AREA PROPERTY, PLEASE DO NOT COMPLETE THIS FORM.

YOU MUST COMPLETE AND SUBMIT THIS FORM BY OCTOBER 10, 2011, OR YOU WILL RECEIVE NOTHING FROM THE PROPERTY CLEAN-UP SETTLEMENT. THIS FORM IS TO BE PREPARED PER PROPERTY AND NOT PER PERSON. IF YOU OWN MORE THAN ONE ELIGIBLE PROPERTY YOU WILL NEED TO FILL OUT A CLAIM FORM FOR EACH PROPERTY.

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<sup>1</sup> Court Orders pertaining to the clean-up program can be found on the settlement website [www.perrinedupont.com](http://www.perrinedupont.com). Please see attached Class Area Map, and the attached map showing the excluded Grasselli properties.

Please note that having more than one lot or parcel that are next to each other and assessed for property taxes together does not require filling out more than one Claim Form, because they are one property under the program. But, separately assessed properties are separate properties under the program. For example, if you own one eligible property in Shinnston and one eligible property in Spelter you will need to fill out two Claim Forms. But, if you own three lots next to each other in Spelter you only need to complete one Claim Form.

You may submit this Claim Form by mail, fax, email, or hand delivery. For help with this Claim Form, you may call 1-800-345-0837 OR 1-304-622-7443 OR 1-205-716-3000, visit our office in the Fire Department in Spelter (we are open Monday through Friday from 9:00 a.m. to noon, and 1 p.m. to 5 p.m.), or send us a fax or an email.

### **REQUIRED INFORMATION**

1. Below, please identify the Class Area property that you own. The following information is on the bill that the Harrison County Sheriff's Tax Office sends you every year for property taxes.<sup>2</sup>

District	Tax Map	Parcel(s)	Lot(s)
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2. You must attach to this Claim Form a current bill or receipt for property taxes to prove that you are the Owner of the property.

### **OWNERS' NAMES**

**WE MUST HAVE A COPY OF EACH OWNER'S PHOTO ID, SUCH AS A DRIVER'S LICENSE, ATTACHED TO THIS FORM**

**OWNER 1**

First Name	Middle Initial	Last Name
_____/_____/_____	_____/_____/_____	_____/_____/_____
Date of Birth	Social Security Number <sup>3</sup>	

<sup>2</sup> It is also available at the website <http://harrison.softwaresystems.com:8383/?sm=ee>.

<sup>3</sup> You must provide your social security number. If you do not provide a social security number, we cannot validate your claim, we cannot pay you anything, and we cannot clean-up your property.

**OWNER 2**

\_\_\_\_\_  
First Name                      Middle Initial                      Last Name  
  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date of Birth                      Social Security Number

**OWNER 3**

\_\_\_\_\_  
First Name                      Middle Initial                      Last Name  
  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date of Birth                      Social Security Number

**OWNER 4<sup>4</sup>**

\_\_\_\_\_  
First Name                      Middle Initial                      Last Name  
  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date of Birth                      Social Security Number

**CONTACT ADDRESS AND PHONE NUMBER(S)**

This is the address where you will receive mail related to this Claim, and the phone number(s) we will use to call you about your claim. If you need to provide a second address, please attach a second sheet of paper.

\_\_\_\_\_  
**Name or Names**

\_\_\_\_\_  
**Home Phone Number**

\_\_\_\_\_  
**Cell Phone Number**

\_\_\_\_\_  
**Street, Route, or P.O. Box**

\_\_\_\_\_  
**City                      Zip Code**

<sup>4</sup> If there are more than four owners of your property, please attach an additional sheet of paper to the form that lists the additional owner(s).



Please provide directions to your property. For example, if you live on Lamberts Run, please describe whether it's Upper or Lower Lamberts Run, and please provide directions to your property from the nearest main road.

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#### **SAMPLING, TESTING, AND REMEDIATION LICENSE AND AGREEMENT**

1. The Owner(s) identified in this Claim Form hereby grants to the Perrine DuPont Settlement (the "Settlement") an irrevocable license to enter upon the real property identified in this Claim Form ("the Property") for the following purposes:

To carry out the house clean-up project in all zones of the Class Area, taking dust samples from the living space and attic and testing said samples for the presence of arsenic, cadmium, lead, and zinc (the "tested metals").

To carry out the soil clean-up project in Zone 1A only of the Class Area, taking soil samples from the Owner(s)'s property and testing said samples for the presence of the tested metals.

This license grants the Settlement, and its agents, servants, or employees, including general and sub-contractors, the right to enter the Property, remove the samples, and have the samples tested for the tested metals. House sample results (for all Class Area Zones) and soil test sample results (for Zone 1A only) shall be provided by the Settlement in writing to the Owner(s). Further, to the extent funds are available and the sample results show a tested metals level reasonably deemed hazardous to human health ("tested positive") by the Claims Administrator, so that remediation (clean-up) of the house (all zones) or soil (Zone 1A only) is necessary,

the Owner(s) grant the Settlement the right to remove tested metals from the Property, remove and replace contaminated materials, conduct intensive cleaning, and conduct follow up testing to confirm that tested metals contamination has been removed from the Property. Only Properties tested positive will be cleaned up.

2. The Settlement agrees upon completion of the sampling and testing, and remediation (clean-up), if any is needed, to be performed pursuant to this agreement, that all Settlement materials and equipment shall be removed from the Property.
3. The Owner(s) shall advise the Settlement of any hazardous or potentially hazardous conditions that the Owner(s) is aware of that might reasonably be expected to be affected by the clean-up work to be performed.
4. Upon completion of sampling and testing, the Settlement will provide the results, in writing, to the Owner(s), as well as a letter describing whether the results indicate that a remediation (clean-up) of the Property is necessary.
5. The Settlement expressly does not guarantee that the Property will be remediated (cleaned) because there may not be enough money to remediate (clean) all the Property in the Class Area. Pursuant to the Property Remediation (Clean-Up) Program Order, the Settlement will provide a sampling and testing service to determine if the Property needs to be remediated (cleaned). After all of the sampling and testing is completed and paid for, and after all annoyance and inconvenience payments (described below) are made, the Settlement will remediate (clean-up) the soil in Zone 1A. Thereafter, to the extent funds are available, the Settlement will remediate (clean-up) the houses in Zone 1. Thereafter, to the extent funds are available, the Settlement will remediate (clean-up) the houses in Zone 2. Thereafter, to the extent funds are available, the Settlement will remediate (clean-up) the houses in Zone 3.
6. Clean-Up Annoyance and Inconvenience Payments.
  - A. For the House Clean-Up Program in the entire Class Area, as compensation for the annoyance and inconvenience caused by the registration, sampling, testing, and remediation (if necessary and funds are available) process, the Settlement agrees to pay one hundred dollars (\$100) to the Owner or Owners, jointly, at the time this Claim is verified as true and the Property identified herein is verified as eligible. Thereafter, at the time of sampling, testing and clean-up if the Property is tested positive, the Perrine DuPont Settlement agrees to pay four hundred dollars (\$400) to the Owner or Owners, jointly.
  - B. For the Soil Clean-Up Program in Zone 1A only, as compensation for the annoyance and inconvenience caused by the registration, sampling, testing,

and remediation (if necessary) process, the Settlement agrees to pay one thousand dollars (\$1,000) to the Owner or Owners, jointly, at the time this Claim is verified as true and the Property identified herein is verified as eligible. Thereafter, at the time of sampling, testing, and clean-up if the Property is tested positive, the Settlement agrees to pay four thousand dollars (\$4,000) to the Owner or Owners, jointly.

7. Optional Non-Zone 1A Soil Sampling. The property remediation program does not include the clean-up of soil outside Zone 1A. However, Owners of a Class Area Property outside Zone 1A can have it sampled, with the estimated sampling expense of \$450 to be deducted from the above \$500 annoyance and inconvenience payment, by checking the below box (this is optional):

☐ SOIL TESTING OPTION FOR NON-ZONE 1A MEMBERS ONLY. BY CHECKING THIS BOX, I INSTRUCT THE CLAIMS ADMINISTRATOR TO SAMPLE THE PROPERTY SOIL FOR THE TESTED METALS AND TO PROVIDE ME THE CONFIDENTIAL RESULTS WITH MY \$500 INCONVENIENCE AND ANNOYANCE PAYMENT TO BE REDUCED TO \$50, BUT WITH MY SOIL NOT TO BE CLEANED BY THE SETTLEMENT.

8. By signing this License and completing this Claim Form, the Owner(s) hereby certify, under penalty of prosecution for the felony of perjury, that the Owner(s) identified in this Claim Form are the only person(s) with any legal rights to the Property identified herein, and that no other person(s) have any legal rights to the Property identified herein, and that the house is fit for human occupancy (always applicable outside Zone 1A).
9. If the Owner(s) or their pets require a hotel or vet or pet sitter stay, or similar accommodation during the tested positive Property clean-up, then the Settlement shall pay such reasonable expenses. In order to concentrate the clean-up on needed areas, Owner(s) of tested positive Property will meet with a technician for the Settlement in order for the agent to collect necessary information.
10. For the Zone 1A soil clean-up (if applicable), a safe and practical approach will be used to excavate and replace the soil, using small equipment, such as mini-excavators, and skid steers to limit stress on foundations and buried utility lines. A safe working distance away from foundations and utility lines will be established. All buried utilities lines will be located before excavation commences. Soil removal, if needed, will only affect six inches of soil.

11. House test results will remain confidential. For Zone 1-A Class Members Only:

Do you want your soil test results:

- ☐ Public
- ☐ Confidential (private)

[Check one box only]

If you check the above confidential (private) box, if the soil test results are negative, they will be available to a contiguous land owner who signs a Claims Administrator Confidentiality Agreement. If they are positive, then a contiguous land owner can request them by completing the Confidentiality Agreement, and the Claims Administrator will request permission from the tested Class Member to release them. If the Class Member refuses, then the Court will address the issue at that time.

12. This License and Agreement and Claim Form constitutes the whole of the obligations of the Owner(s) and the Settlement respecting the property clean-up program, and no other agreements, whether oral or written, shall be binding or valid, except as provided herein.

I (we) verify under penalty of perjury that I (we) am (are) the only and the true owners of the above Property.

Signature	Print Name	Date
Owner 1		
_____	_____	_____
Owner 2		
_____	_____	_____
Owner 3		
_____	_____	_____
Owner 4		
_____	_____	_____

[Do not complete the below. For Settlement Staff only.]

**VERIFICATION REVIEW:**

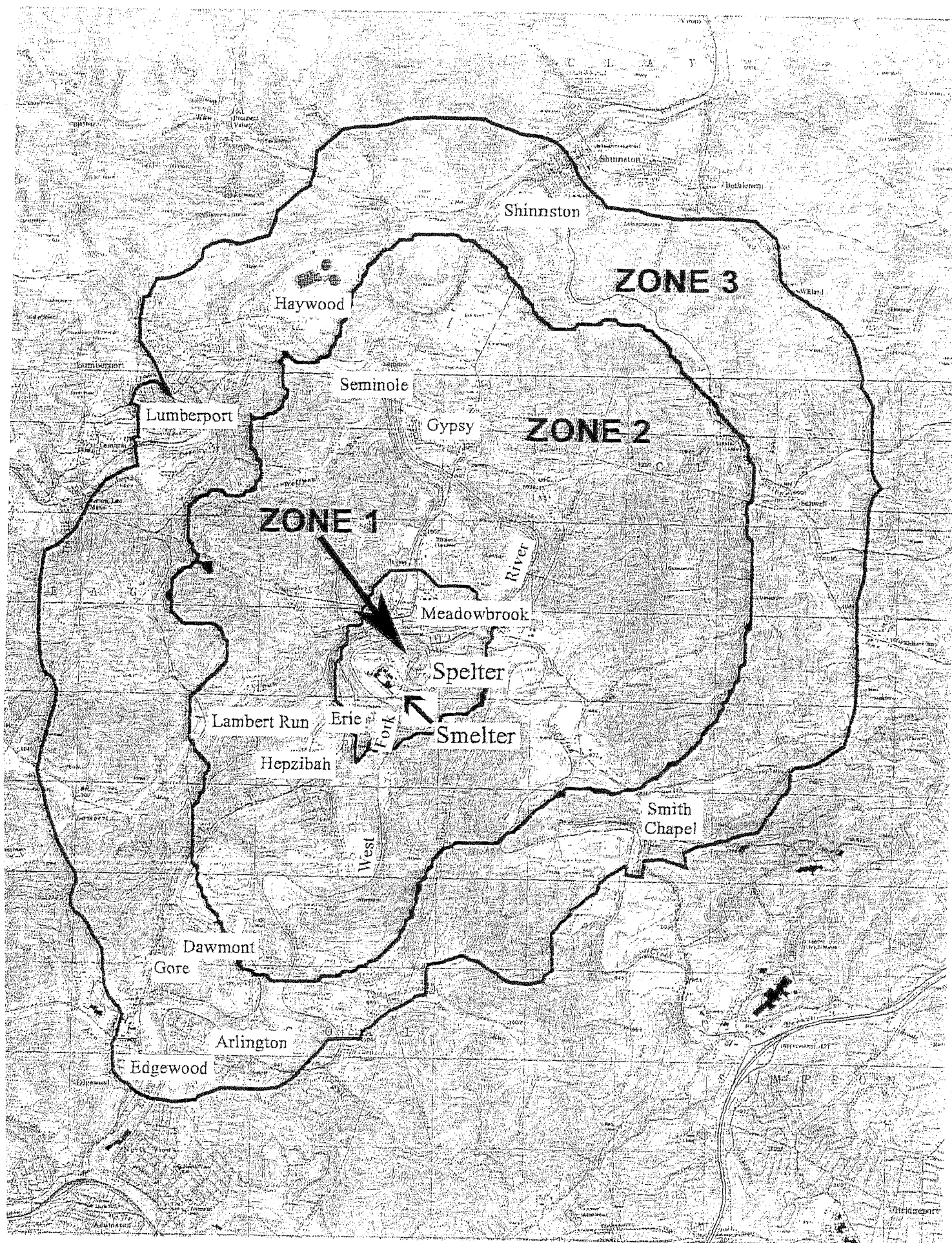
This form is complete, the Class Area Property Owner(s) has (have) been verified, the house (always applicable outside Zone 1A) is fit for human occupancy, and the Property is ready to sample.

- ☐ ZONE 1A SOIL
- ☐ HOUSE IN ZONE \_\_\_\_.

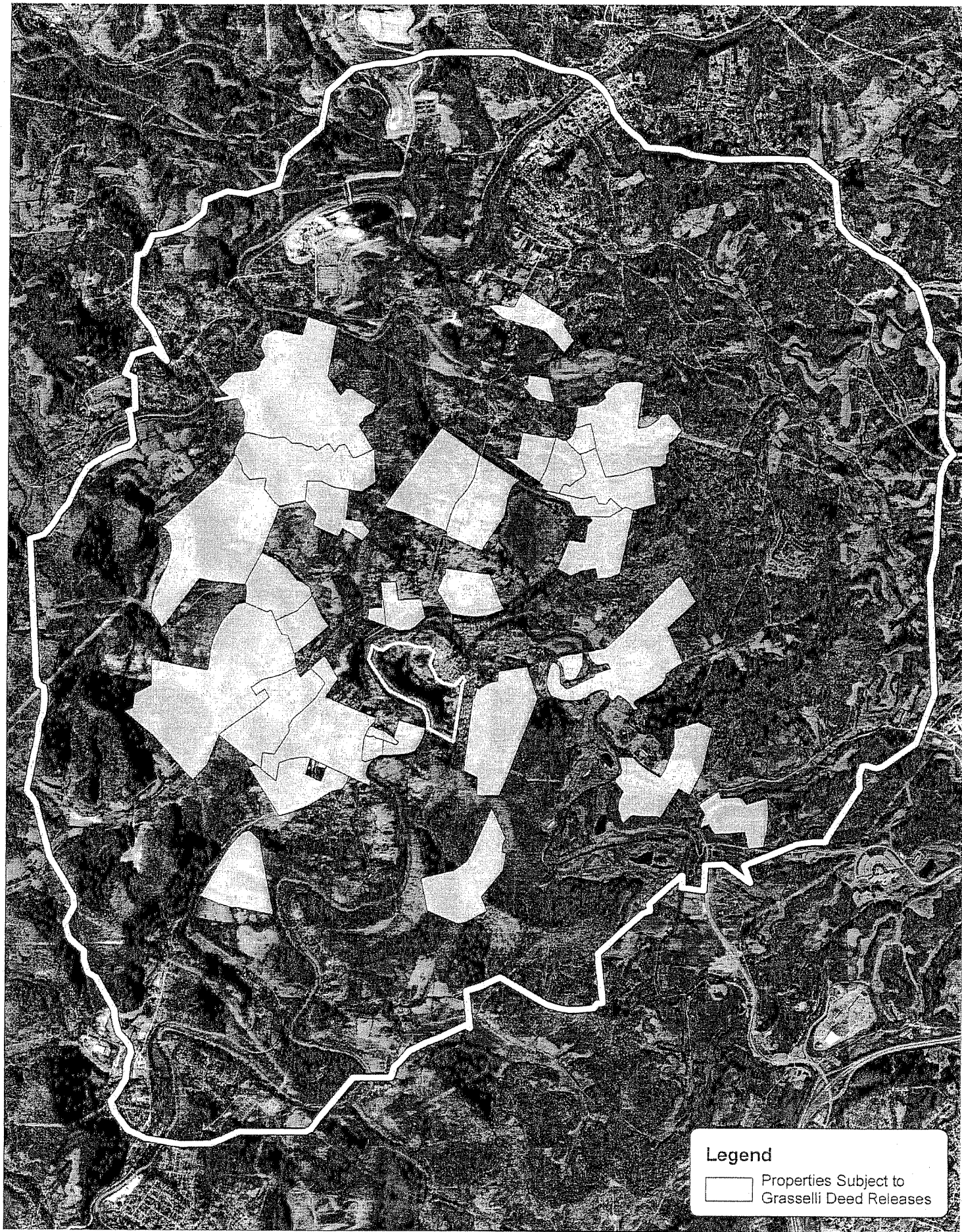
\_\_\_\_\_  
Staff Signature

\_\_\_\_\_  
Staff Name


[Class Area Map and Excluded Grasselli Property Map are Attached]







**Legend**

 Properties Subject to  
Grasselli Deed Releases