



ADMINISTRATIVE CENTER, BENTON HARBOR, MICHIGAN 49022

**JEFFREY NOEL**  
CORPORATE VICE PRESIDENT  
COMMUNICATIONS AND PUBLIC AFFAIRS

July 17, 2014

Ms. Tammie Hynum  
Technical Branch, Hazardous Waste Division  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118

**RE: Whirlpool Corporation, Fort Smith, Arkansas**  
**Soil Vapor Monitoring and Property Access Update**  
**EPA No. ARD042755389 AFIN No. 66-00048**

Thank you for your response to the letter dated June 19, 2014 requesting more time to gain access to additional locations for installation of soil vapor monitoring points on properties in the neighborhood north of the Whirlpool facility. As of this date, some progress has been made, however access has not been conclusively granted by a number of property owners.

As you know, Whirlpool has entered into a preliminary class action settlement with affected residents, which includes agreement by the settling residents to provide for access to their properties for testing, which would include soil vapor monitoring (and if necessary, remediation). The parties' joint request for preliminary approval of the settlement is now pending before the United States District Court for the Western District of Arkansas.

The settlement agreement was only the latest in a long series of efforts made by Whirlpool to secure access to vapor testing locations. Indeed, since last November, Whirlpool attorneys have sent over a dozen emails, conducted numerous calls, and held three meetings with attorneys representing property owners who were unwilling to provide access to their property for purposes of conducting this monitoring. Whirlpool has records of these communications, but the settlement negotiations have been confidential between the parties by agreement and therefore it is not appropriate to make these communications public.

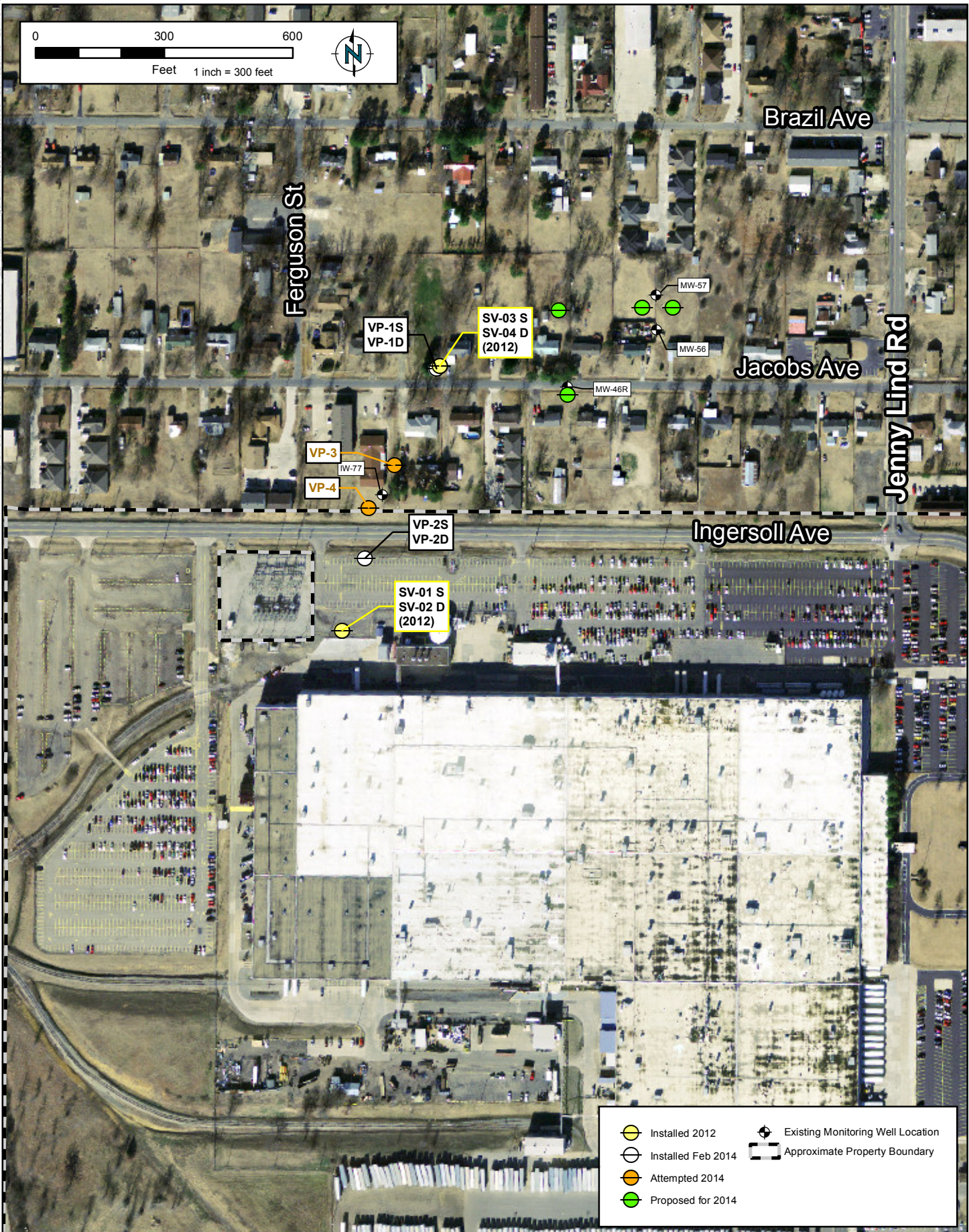
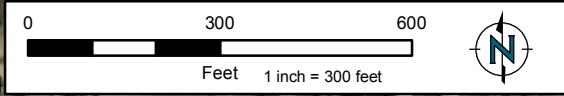
Whirlpool believes it is on the best path, under the circumstances, to obtain access to additional properties in order to conduct additional soil gas monitoring program. We will continue to keep ADEQ informed of our progress. Whirlpool requests an additional 30 day extension.

Sincerely,

  
D. Jeffrey Noel

Enclosure

FILE: D:\GIS\PROJECT\WHIRLPOOL\DOCS\2014\_02\_REPORT\Figure1 - Request for Access - Soil Vapor Plots - 20140716.mxd



- Installed 2012
- Installed Feb 2014
- Attempted 2014
- Proposed for 2014
- Existing Monitoring Well Location
- Approximate Property Boundary



### REQUEST FOR ACCESS

Figure  
1

DRAFTED BY: KTS

DATE: 07/16/2014

Whirlpool Facility - Fort Smith, Arkansas

PROJECT: 3433253A