

# President

*continued from page 4*

As President of the Association, I receive a great deal of mail from many different City agencies. In order to share this information as well as other Quaker Hill news, I have posted most everything I get on the bulletin board inside the Clubhouse. Currently, there are notices of City Council meetings and their respective dockets; notices regarding openings on various City Commissions and Committees; letters from the Commonwealth Attorney and Alexandria City Police Chief Samarra regarding the Kelly-Ogden shooting; copies of the above-mentioned developer material letter as well as the response from several of the agencies. I will try to keep this as up-to-date as possible. I encourage you to stop by the Clubhouse (open during TMP hours: Tuesday 7:00 p.m. - 8:30 p.m. and Saturday 10:30 a.m. - 12:00 noon) and take a look at what's going on.

As always, please call me or any other Board member with any of your concerns or questions. You can also leave comments or suggestions in the green box outside the Clubhouse. ○

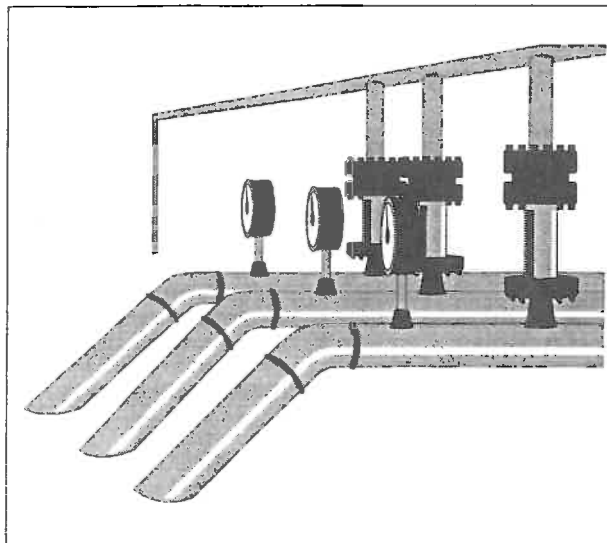
## POLYBUTYLENE PIPING

In the last issue of *The Quaker Hill Quill*, Maria Meredith wrote about the Association's ongoing investigation into the polybutylene piping that supplies water to all the homes in the community. At that time, the Association had received the report from an engineering firm that had been engaged to inspect the piping in a sample of homes. The report focused on possible mechanical causes of piping failure and recommended some steps, listed in the last newsletter, that homeowners could take, if necessary, to minimize the chances of future problems with the piping.

The Board then had CMC contact the Washington Suburban Sanitary Commission (WSSC) which supplies water in the local areas of Maryland and which has completely banned the installation of polybutylene piping in new construction because of alleged deterioration of the piping due to high chlorine content. According to a WSSC investigator, the company does not have any direct evidence that chlorine actually is the culprit in any piping failures. The investigator stated that the original WSSC ban was proposed to apply only to outside, underground uses of polybutylene, when the company suspected that piping failures had been caused by physical stresses. It was only after the piping manufacturer volunteered the information that excessive chlorine could deteriorate the piping that WSSC extended its ban to include interior uses, as well. The investigator told CMC that WSSC does not have any independent laboratory test results that indicate that chlorine is a cause of polybutylene piping failures.

The Board considered contracting with a laboratory to test the community's water chlorine level "at the tap," however, it concluded that the cost of such a step would be excessive, given the lack of convincing evidence, at this time, that the community is facing a problem that would warrant the expenditure. In view of the possibility, though, that problems could develop with the polybutylene piping, the Board has had CMC contact a private firm that investigates

polybutylene piping failures at no cost to homeowners. Information flyers from that firm, called The Plumbing Claims Group (TPCG), will be mailed to all homeowners as soon as they are available. Homeowners can then decide to contact TPCG if they believe that such a step is necessary. ○



# Polybutylene Piping

The following notice was provided by a homeowner who had called the Consumer Plumbing Recovery Center for information on a class action suit concerning polybutylene piping.

## SUPPLEMENTAL NOTICE OF POLYBUTYLENE PLUMBING SETTLEMENT

*Cox v. Shell Oil Company*

FOR COMPLETE INFORMATION CALL:  
1-800-876-4698

### THIS SUPPLEMENTAL NOTICE ANSWERS THESE IMPORTANT QUESTIONS

1. Why should I read this notice?
2. What benefits are still available from the Settlement recovery?
3. What is polybutylene plumbing?
4. Who is in the Class?
5. How do I make a claim?
6. What are the deadlines for making a claim?
7. Where do I get additional information?

#### 1. WHY SHOULD I READ THIS NOTICE?

According to our records, you have previously contacted the Consumer Plumbing Recovery Center (the CPRC) for information about the settlement of the polybutylene plumbing class action lawsuit (the Lawsuit), *Cox v. Shell Oil Company, et ano.*, Civil Action No. 18,844 in Obion County, Tenn., Chancery Court. Since you may not have previously filed a claim with the CPRC and certain aspects of the settlement were enhanced following the initial notice to the Class, we are providing you with this update for your information.

#### 2. WHAT BENEFITS ARE STILL AVAILABLE FROM THE SETTLE- MENT RECOVERY?

While certain deadlines for claims have already passed, substantial relief to Class members is still available. The essential terms of recovery still available under the Settlement are as follows:

##### A. THE SETTLEMENT FUND

The Defendants have committed \$950 million to a Settlement Fund. The Settlement Fund will be allocated to pay for replacement of polybutylene (PB) plumbing, for expenses and damage to tangible property, as described below, and for administrative expenses. If the Settlement Fund is exhausted before all Class Members have received the relief to which they are entitled under the Settlement, the Defendants (Shell Oil Company and Hoechst Celanese Corporation) may (a) provide additional funds for the continuation of the Settlement, or (b) provide no additional funds, in which case Class Members who would still be entitled to relief under the Settlement may pursue their unpaid claims against the Defendants.

##### B. RECOVERY BENEFITS FOR ELIGIBLE CLAIMANTS

All Class Members who are Eligible Claimants may participate in the recovery program established by the Settlement. Several factors determine whether a Class Member is an Eligible Claimant: (1) the date of installation of the Class Member's PB Plumbing, (2) the nature and cause of any leak in the PB Plumbing; (3) the date on which any leak occurred; (4) the type of real property or structure (Unit) in which the leak occurred; and (5) whether the Class Member has been a party to a prior settlement, judgment, or release relating to the Class Member's PB Plumbing.

-- Continued on Page 7--

## Polybutylene Piping

Continued from Page 5.  
a Claim?

You may be an Eligible Claimant and entitled to recovery benefits if you are a Class Member and you have had, or in the future have, one or more Qualifying Leaks or Qualifying Yard Service Leaks. Specifically, the following benefits are still available:

- (1) If at least two such leaks occurred in the Unit before August 21, 1995, you may receive a free "Replumb," which means replacement of PB plumbing inside a structure (PB In-House Plumbing), or replacement of PB pipe used in the underground service from the water company to a structure (a Yard Service Line).
- (2) If you have one or more such leaks on or after August 21, 1995, but before the later of August 21, 1997, or (a) 10 years after the date of installation of the PB In-House Plumbing, for a mobile home and for any Yard Service Line; (b) 16 years after the date of installation (but not later than January 31, 2009) for any PB In-House Plumbing containing metal insert fittings, when installed in a single-family residence (e.g., a house, duplex, triplex, quadruplex, condominium, or townhouse); or (c) 13 years after the date of installation of the PB In-House Plumbing for all other structures, you may receive a free Replumb or Yard Service Line Replacement. If such a leak occurs within the time limits of (a), (b), or (c) above, you may also receive reimbursement of otherwise unreimbursed expenses and damages.

There are certain exceptions to who is an Eligible Claimant and to which otherwise Qualifying Leaks or Qualifying Yard Service Leaks apply toward a Replumb or Yard Service Line replacement. For further information, please call the CPRC at 1-800-876-4698.

In order to receive these benefits, you must submit a Claim Eligibility Form within the time limits described below in Section 6, "What are the Deadlines for Making

### C. RELEASE AND ASSIGNMENT OF RIGHTS

In exchange for your right to participate in the Settlement, you agree to release all claims against the Defendants relating to any defects in PB Plumbing, other than claims for bodily injury, wrongful death, or associated emotional distress and mental anguish. You also thereby assign to the Defendants certain claims you may have against certain entities, relating to any defects of PB Plumbing, including all claims against E. I. duPont de Nemours & Co.

### 3. WHAT IS POLYBUTYLENE PLUMBING?

PB In-House Plumbing is a potable water supply system containing PB pipe and either acetal (plastic) or metal insert fittings (such as tees and elbows). PB pipe is non-rigid, sometimes curved, usually gray (or possibly silver or black) plastic pipe. When used as a Yard Service Line, PB pipe is blue, gray, or black. PB pipe is not used for drains, waste, or vent pipe. "PB Plumbing" refers to both PB In-House Plumbing and Yard Service Line. PB Plumbing does *not* include yard sprinkler systems, irrigation systems, fire sprinkler systems, sewer lines, faucets, or fixtures.

Insert fittings are used to join pieces of PB pipe. The insert fitting is inserted into the pipe and clamped with a metal (aluminum or copper) crimping over the outside of the pipe. Metal insert fittings are either copper or brass. Acetal insert fittings are hard gray or white plastic. They are not black. Insert fittings are not grabber, flare, or compression fittings which are often threaded and use a plastic or metal nut to secure the seal.

### 4. WHO IS IN THE CLASS?

The Settlement Class is composed of those who: (1) own real property or structures in the United States in which there was installed between January 1, 1978, and

## Polybutylene Piping

Continued from Page 7

July 31, 1995, PB plumbing with acetal insert or metal insert fittings or PB Yard Service Line; (2) own or previously owned such real property or structures and have already incurred any cost or expense, by reason of leakage from, or from failure, repair, or removal of, all or any portion of such PB Plumbing which was installed between January 1, 1978, and July 31, 1995; or (3) will own such real property or structures during the term of entitlement to relief under the Settlement.

The Class definition excludes: (1) all persons who, in accordance with the terms of the Settlement Agreement, execute a timely request for exclusion from the Settlement Class; (2) all persons who have requested exclusion from the Settlement Class and not withdrawn that request; (3) the Defendants; the Released Manufacturers; the parent and subsidiary, affiliate, and controlled entity of any of them; and the officers and directors for each of them; and (4) all parties to *Geno Cioe, et al. v. Shell Oil Company, et al.*, Case No. 662214, and *Robert L. Williams, et al. v. Shell Oil Company, et al.*, Case No. 658403, and related combined actions (Cases Nos. 640245, 654709, 656787, 661372, 665521, and 665527) in the Superior Court of the State of California in and for the County of San Diego, and all members of the certified classes in such lawsuits.

### 5. HOW DO I MAKE A CLAIM?

You may obtain a Claim Eligibility Form from the CPRC by calling 1-800-876-4698 or by mail at P. O. Box 869006, Plano, Texas 75086-9006. You should complete the form and send it to the CPRC with the time deadlines specified in Section 6 below, "What are the Deadlines for Making a Claim?"

### 6. WHAT ARE THE DEADLINES FOR MAKING A CLAIM?

All claims arising from qualifying leaks in either PB In-House Plumbing or PB Yard Service Lines must be made (postmarked) by the following deadlines:

(1) for qualifying leaks occurring before August 21, 1995: all claims for a Replumb or Yard Service Line Replacement must be postmarked on or before August 21, 1997.

(2) for all qualifying leaks occurring after August 21, 1995: all claims for mobile homes and all claims for Yard Service Lines must be postmarked within 11 years of the Date of Installation;

all claims for single-family residences (e.g., a house, duplex, triplex, quadruplex, condominium, or townhouse) with metal insert fittings must be postmarked within 17 years of the Date of Installation of the PB In-House Plumbing (but not later than May 1, 2009);

all claims for other Units must be postmarked within 14 years of the Date of Installation of the PB In-House Plumbing.

(3) Even if you do not meet all the deadlines under (2) above, you may still submit a claim for a Replumb or Yard Service Line replacement if a qualifying leak occurs between August 21, 1995, and August 21, 1997. All such claims must be postmarked on or before November 21, 1997.

### 7. WHERE DO I GET ADDITIONAL INFORMATION?

Information concerning the Settlement and your rights under it is available from the CPRC by calling 1-800-876-4698. You may also write to the CPRC at P. O. Box 869006, Plano, Texas 75086-9006.

The foregoing is only a summary. While every effort has been made to assure its accuracy, your rights are governed by the actual settlement documents that are on file in the Court, and not by this summary. ■

## 1998 Annual Report

by Gerry Serody, President

The Board of Directors of your Community Association had a very busy and interesting year. When we convened in December 1997, recently-elected Chuck Hagner became the fifth member of the Board, replacing Maria Meredith. Chuck was also elected Treasurer. During this year, there were two other Board changes - John Cockerham replacing Jean Bowman and Marye Ish becoming the ARHA representative. We changed pool management companies and had the smoothest operation of the pool since it opened. While it wasn't perfect, both the pool company and the Board will continue to work together to make it even better next summer. Once again, we had a very successful National Night Out and were pleased to welcome Mayor Kerry Donley, Delegate Brian Moran, and numerous city officials. Quaker Hill enjoys a reputation as the community to visit on National Night Out because officials enjoy talking with our residents and eating our ice cream.

For the past few months, the Board has been wrestling with two major projects that would impact on our community. First, there was an application by Hechinger Commons to create 56 parking spaces in an area behind the shopping center that would abut the townhomes closest to the shopping center. As I write this, the management company of the shopping center has withdrawn its request to City Council for the permit. We will monitor this situation closely and keep the community advised of any changes.

Second, we are also involved in discussions with a developer who has applied for permission to build a half-dozen houses on Dartmouth Road extended. We are committed to making sure that our concerns are addressed to our satisfaction.

One lengthy project, which is almost complete, is the placing of signs identifying Quaker Hill to those people driving or walking into the community. The signs have been placed at the intersection of Yale and Quaker Hill Drive and at the intersection of Princeton Boulevard and Dartmouth Road. The community is very appreciative of the results thus far and the efforts on our behalf by Alan Garnaas.

Richel and I wish each and every one of you a Merry Christmas and a Happy New Year.

## Polybutylene Piping

Because of concerns about the polybutylene piping in all of the homes in the community, in 1995 the Board of Directors hired a consulting engineer to inspect that piping. The polybutylene piping is the gray plastic tubing that carries water from the supply manifold in the basement to the fixtures in the bathrooms and kitchen. Polybutylene failure had been blamed for a number of plumbing leaks in several states.



The engineer found no evidence of pipe failure in the homes inspected in Quaker Hill and no evidence of "apparent or alarming problems." Although none of the piping, itself, is known to have failed in Quaker Hill homes, problems have since occurred in connection with plastic valves at the various fixtures, and severe flooding damage has resulted in some homes. In response to that situation, the Board of Directors has asked Dwyer Service Corporation if they would be willing to offer a group rate for replacing the plastic valves with brass valves. Dwyer said that they were interested and will offer a group rate.

The plumbing systems in the individual homes belong to homeowners, and maintenance of those systems is a homeowner responsibility. However, the Board felt that a service could be offered by negotiating a group rate. Any contract under this arrangement will be between the individual homeowners and Dwyer. Also, the group rate will be offered only if a sufficient number of homeowners enter contracts with Dwyer. When firm prices and details are available, they will be provided in a letter to all homeowners. Those who are interested will then be asked to enter into a contract with Dwyer.