

# *\$14 Billion and Counting: What's next in **PFAS** Litigation?*

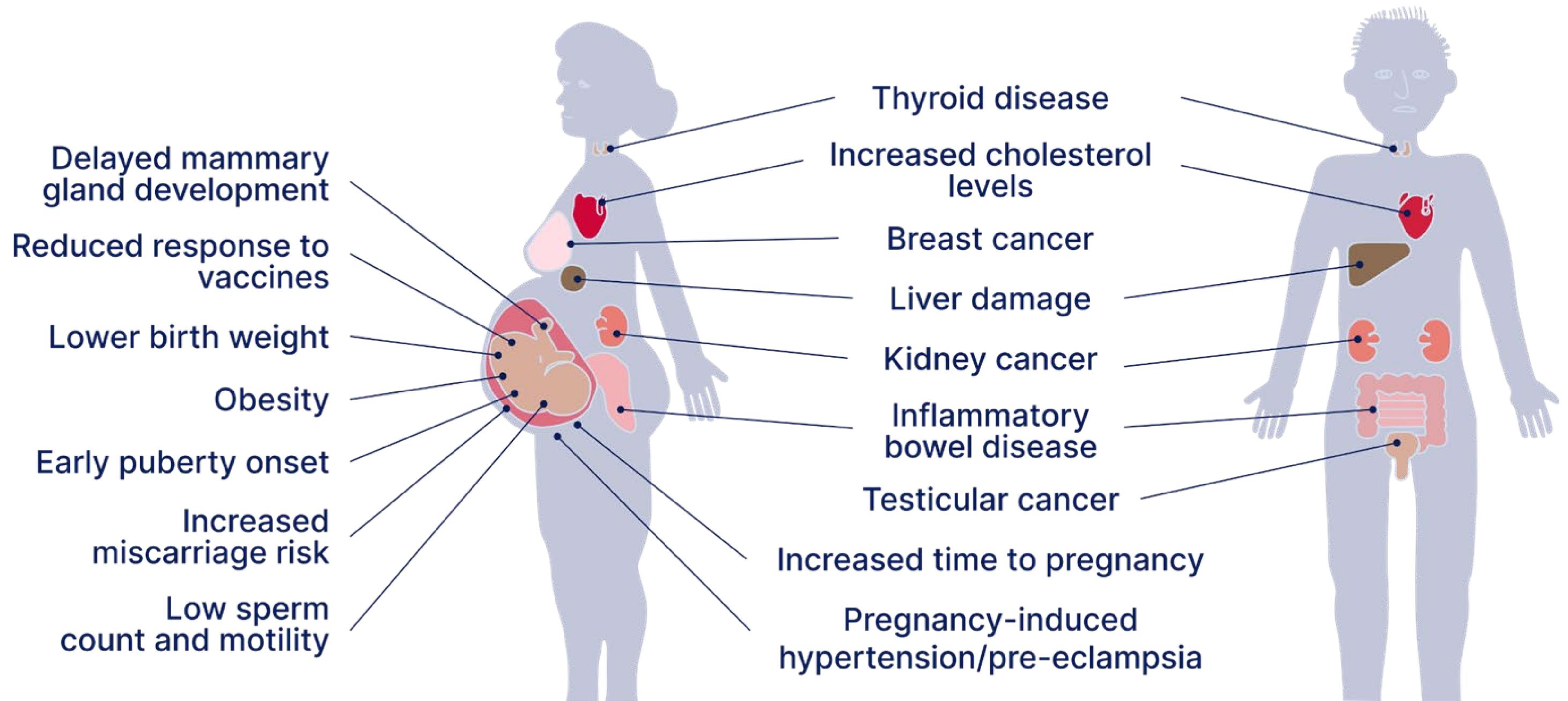
Helping Communities Take Action



# HISTORY OF PFAS



# PFAS HEALTH EFFECTS



# AFFF PRODUCT LIABILITY LITIGATION

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Drinking Water Systems

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Wastewater Systems

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Airports

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Firefighter Training Centers

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Large Landowners

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Personal Injury



# PUBLIC DRINKING WATER SYSTEMS



- Comply with EPA standards
- New filtration systems
- Alternative water sources
- Future increased maintenance



# SAFE DRINKING WATER ACT REGULATIONS

- Monitoring Requirements [40 CFR 141 Subpart E & Z]
- Maximum Contaminant Limits [40 CFR 141 Subpart G]
- Notification Requirements [40 CFR 141 Subparts O & Q]
- Treatment Options [40 CFR 141 Subpart G]

PFAS	MCL (ppt)	MCLG (ppt)
PFOA	4	0
PFOS	4	0
PFHxS	10	10
PFNA	10	10
GenX	10	10
Hazard Index	1	1



# 3M and Dupont Settlements

- Only Public Drinking Water Systems
- \$13.6 Billion
  - \$1.185 Dupont
  - \$12.50 3M
- Payments in Phases
  - Money for sampling and remediation
  - Special needs fund



		Adjusted Flow Rate (gpm)											
		0	100	250	500	1,000	1,500	5,000	10,000	25,000	50,000	100,000	300,000
	<b>2</b>	\$36,240	\$70,013	\$115,244	\$189,694	\$253,898	\$603,369	\$993,106	\$1,918,881	\$3,157,910	\$5,196,296	\$11,436,561	
<b>PFAS SCORE</b>	<b>4</b>	\$145,785	\$281,723	\$463,713	\$763,253	\$1,021,550	\$2,427,216	\$3,994,261	\$7,714,149	\$12,687,352	\$20,855,641	\$45,758,953	
	<b>10</b>	\$148,252	\$286,489	\$471,559	\$776,166	\$1,038,832	\$2,468,269	\$4,061,800	\$7,844,507	\$12,901,569	\$21,207,290	\$46,527,259	
	<b>50</b>	\$164,724	\$318,320	\$523,950	\$862,394	\$1,154,236	\$2,742,397	\$4,512,775	\$8,714,863	\$14,331,681	\$23,554,481	\$51,652,815	
	<b>100</b>	\$185,313	\$358,108	\$589,437	\$970,176	\$1,298,484	\$3,085,022	\$5,076,399	\$9,802,456	\$16,118,368	\$26,485,901	\$58,047,466	
	<b>250</b>	\$247,082	\$477,467	\$785,890	\$1,293,499	\$1,731,188	\$4,112,663	\$6,766,639	\$13,062,886	\$21,472,088	\$35,263,074	\$77,149,868	
	<b>500</b>	\$350,027	\$676,390	\$1,113,285	\$1,832,294	\$2,452,225	\$5,824,623	\$9,581,606	\$18,489,120	\$30,373,873	\$49,834,987	\$108,717,963*	
	<b>750</b>	\$452,968	\$875,299	\$1,440,643	\$2,370,993	\$3,173,089	\$7,535,613	\$12,393,952	\$23,905,608	\$39,249,406	\$64,336,461*	\$139,954,105*	
	<b>1000</b>	\$555,906	\$1,074,195	\$1,767,967	\$2,909,596	\$3,893,781	\$9,245,635	\$15,203,680	\$29,312,376	\$48,098,804*	\$78,768,005*	\$170,863,503*	



# PWS that Qualify for Settlement

## Phase One

- Any PWS that **HAS** detected PFAS before June 30, 2023 in any water source.\*
- All sizes PWS
- Inactive PWS

## Phase Two

- PWS that **HAS NOT** detected PFAS before June 30, 2023 but is required to test by UCMR5 or other federal or state rules
- All sizes PWS -- if required to test by state or federal rule
- Inactive PWS -- if required to test by state or federal rule

\*groundwater well or surface water treatment plant



# MAJOR FEATURES OF THE SETTLEMENTS

- Designed to Match Timing of Regulatory Requirements
- Baseline Testing Protects Unhit Water Sources from Release
- Objective Allocation Procedures- Action Fund
- Supplemental Funds (Through 2030)
- Special Needs Funds
- No Need To Prove Causation
- Bumps (Litigation and Regulatory)
- Testing Costs for Phase 2s
- Release Limited to DW
- Avoids Protracted Litigation



# PFAS Claims not Released

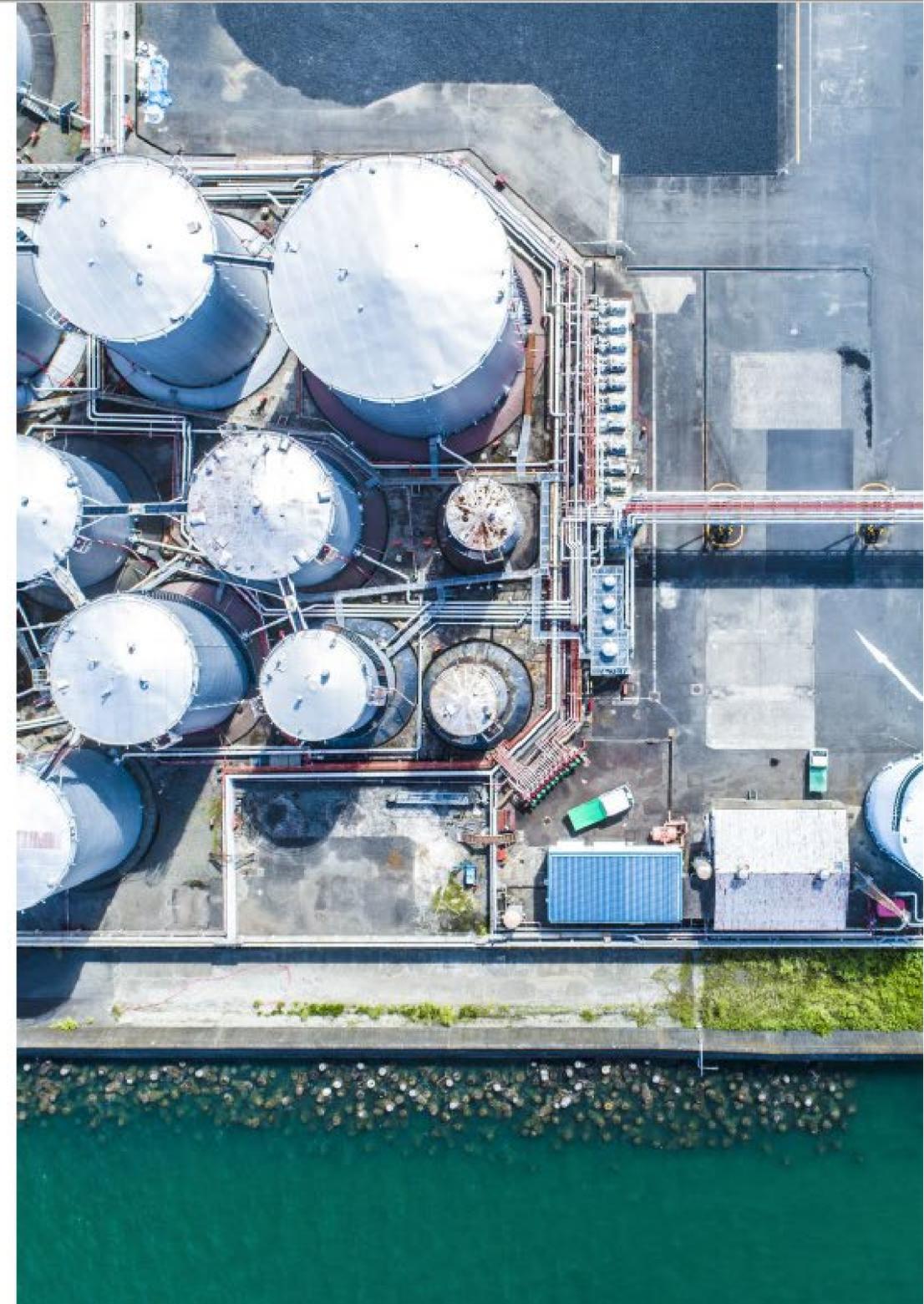
**PFAS contamination of other property or facility not physically related to drinking water system and not used to provide drinking water**

*if claim seeks damages unrelated to drinking water, **or***

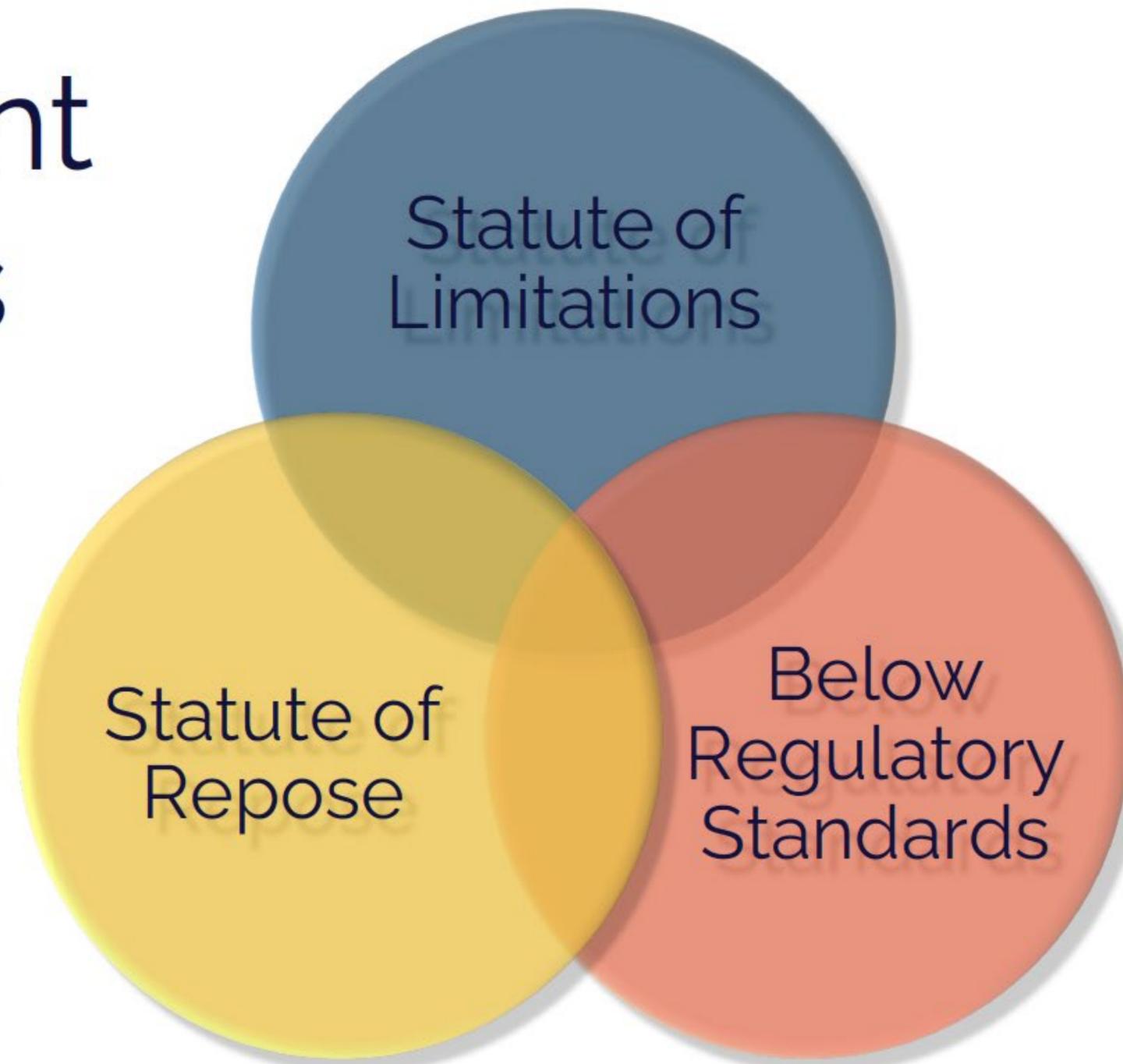
*If federal or state regulation imposes new compliance requirements*

**Examples include:**

- ✓ Separate wastewater system
- ✓ Separate stormwater system
- ✓ Airport
- ✓ Fire-training facility
- ✓ Other public property



# Settlement Protects Against Pitfalls



# Knowing the Settlements

- Type and Manner of Testing
- Baseline Testing
- Qualifying Expenditures
- Maximize Settlement Recovery



# 3M and DuPont - Phase 2 Deadlines

- Testing Claims Form- 1/1/2026
- Baseline Testing- 7/1/2026
- Action Fund Claims Form-7/31/2026
- Special Needs Claims Form- 8/1/2026
- Supplemental Fund Claims Form- 12/31/2030



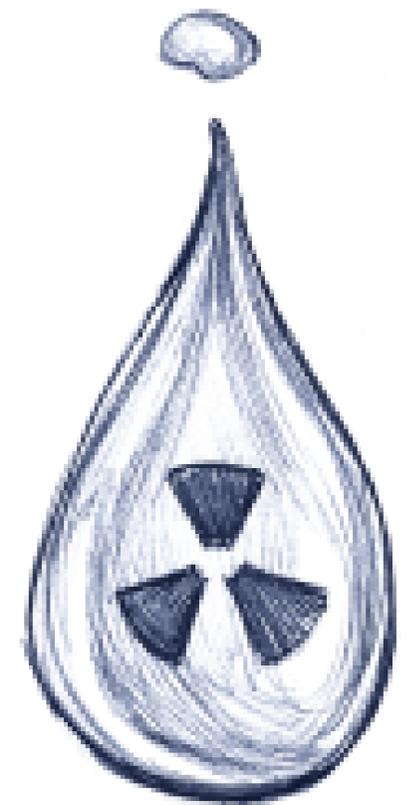
# BASF and Tyco Settlements

- Public Drinking Water Systems
- PFAS detection before May 15, 2024
- \$ 1.06 Billion
  - \$ 750 million from Tyco
  - \$ 316 million from BASF
- Special Needs Fund



# What's Next?

- Additional Defendants
- Personal injury bellwethers
- Resolution of other claims





THANK YOU!

[cleangroundwater.com](http://cleangroundwater.com)

