

AFFF/PFAS Groundwater Claims

Utilities Director, Steve Stalvey, presented the item. Mr. Stalvey stated for many years, certain foams known as Aqueous Film-Forming Foams (AFFFs) have been used for extinguishing liquid fuel fires by military bases, airports, fire departments, and industrial operations. These foams contain certain chemicals known as per- or polyfluoroalkyl substances (PFAS) which have the potential to contaminate groundwater. Lawsuits around the country related to AFFF/PFAS claims have been consolidated into one multidistrict litigation (MDL) case. 3M and DuPont recently paid billions of dollars to settle the public water system claims against them. There is now a deadline for local governments to submit claims to recover a portion of the settlement funds. Even if a local government has not yet incurred expenses related to PFAS contamination, if its groundwater tests positive for PFAS, it can make a claim for a portion of the settlement funds, which are meant to address any future expenses the local government may incur. The amount recovered will depend on the level of contaminants found in the water supply. Stag Liuzza, a law firm in New Orleans that specializes in representing local governments in the AFFF/PFAA litigation, and Carothers & Mitchell, a law firm in Buford, Georgia, have offered their services to counties in Georgia related to making a claim for a portion of the settlement funds paid by 3M and DuPont. These firms would be paid on a contingency basis, i.e., attorneys' fees and expenses would be taken out of any settlement recovery. If the County recovers nothing, it would pay nothing in fees and expenses to these firms. There is a deadline of January 1, 2026, for local governments to file a claim related to the 3M and DuPont settlements. To meet this deadline, initial testing of the groundwater would need to begin by about September 1, 2025. Attached are a proposed Agreement with the two law firms and a Resolution of the Board of Commissioners approving the Agreement. Assuming the Board approves the Resolution, the law firms would arrange for experts to test the County's groundwater and obtain certain data from the County. They would then file a claim on behalf of the County for a portion of the settlement funds paid by 3M and DuPont. Commissioner Smith asked to verify that there would be no cost unless something is found, and that any associated costs would be covered by the settlement, Mr. Stalvey responded that depending on the results of the test a settlement may be received. Commissioner Wisenbaker asked whether the testing fee would be covered, Mr. Stalvey answered yes. Commissioner Orenstein asked if the testing would begin next year, Mr. Stalvey answered that, if approved, testing would begin at the end of September.

REPORTS - County Manager

There was no additional information to report.

ADJOURNMENT

Commissioner Marshall made a motion to adjourn the meeting, second by Commissioner Wisenbaker. Chairman Slaughter adjourned the meeting at 8:41 a.m.