



The Path Forward:

Our Healthier Future

PFAS
Settlements



Background

- ▶ Perfluoroalkyl and polyfluoroalkyl substances, or PFAS, are manmade chemicals that were first invented in the 1930s. PFAS were the main ingredient found in many products, including nonstick and waterproof coatings.

Background

The City of Decatur and Morgan County were named as defendants in two civil actions – one in circuit court and one in federal court. Throughout the mediation going back to 2016, both the City and the County were treated as plaintiffs.

- James St. John, et al., vs. 3M Company, et al., Case No. CV-2002-000408, in the Circuit Court of Morgan County, Alabama
- Tennessee Riverkeeper, Inc., vs. 3M Company, et al., Case No. CV-16-HGD-1029- NE, in the United States District Court, Northern District of Alabama, Northeastern Division

IN AN UNUSUAL MOVE,
both of these cases were put
into mediation together,
resulting in settlements that
*work together for the good
of the residents of Decatur
and Morgan County*, as well
as the other plaintiffs in both
cases – under the laws that
govern each type of case.

Key Personnel

▶ St. John Civil Action Morgan County Circuit Court Case

- **Plaintiff Lead Lawyer:** **D. Leon Ashford**
Managing Partner
Hare, Wynn, Newell & Newton, LLP
- **Subject Expert:** **Craig H. Benson, PhD, PE, NAE**
Dean, School of Engineering
Hamilton Endowed Chair in Civil & Environmental Engineering
University of Virginia
Dr. Benson is one of six experts in the St. John case.

▶ Tennessee Riverkeeper, Inc., U.S. District Court Case

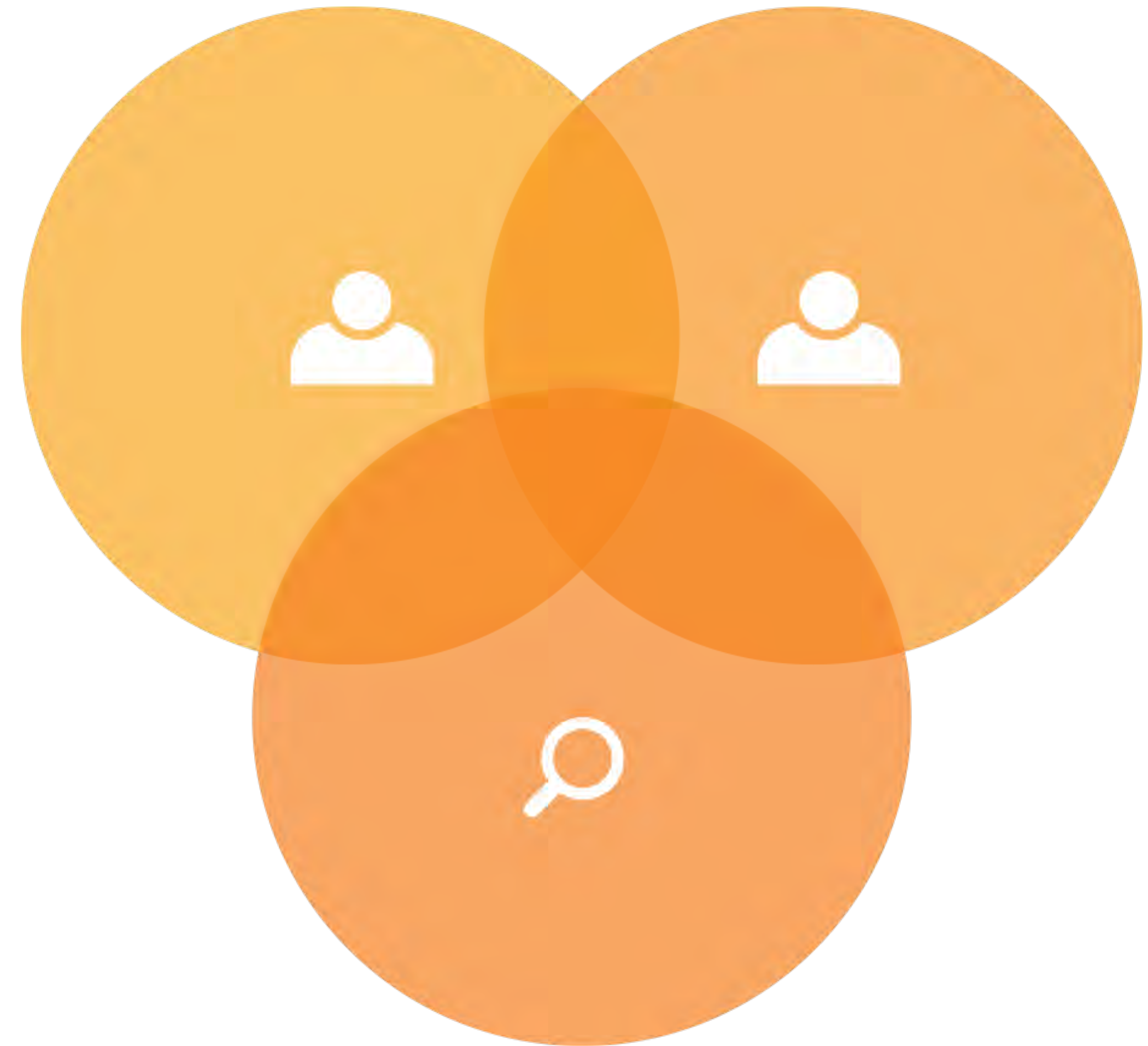
- **Plaintiff Lead Lawyer:** **Bill Matsikoudis**
Founding Partner
Matsikoudis & Fanciullo, LLC

▶ City of Decatur / Morgan County

- **Lead Lawyers:** **Barnes F. Lovelace, Jr. and David W. Langston**
Harris, Caddell & Shanks, PC
- **Subject Expert:** **Donnie Lane**
President, Enersolv Corporation
- **Subject Expert:** **H. Blake McAnally, PE/PLS**
President, Pugh Wright McAnally, Inc.

What is Mediation?

Mediation is a confidential process in which both parties agree to bring in a neutral third party to oversee the proceedings and to help work out an agreement.



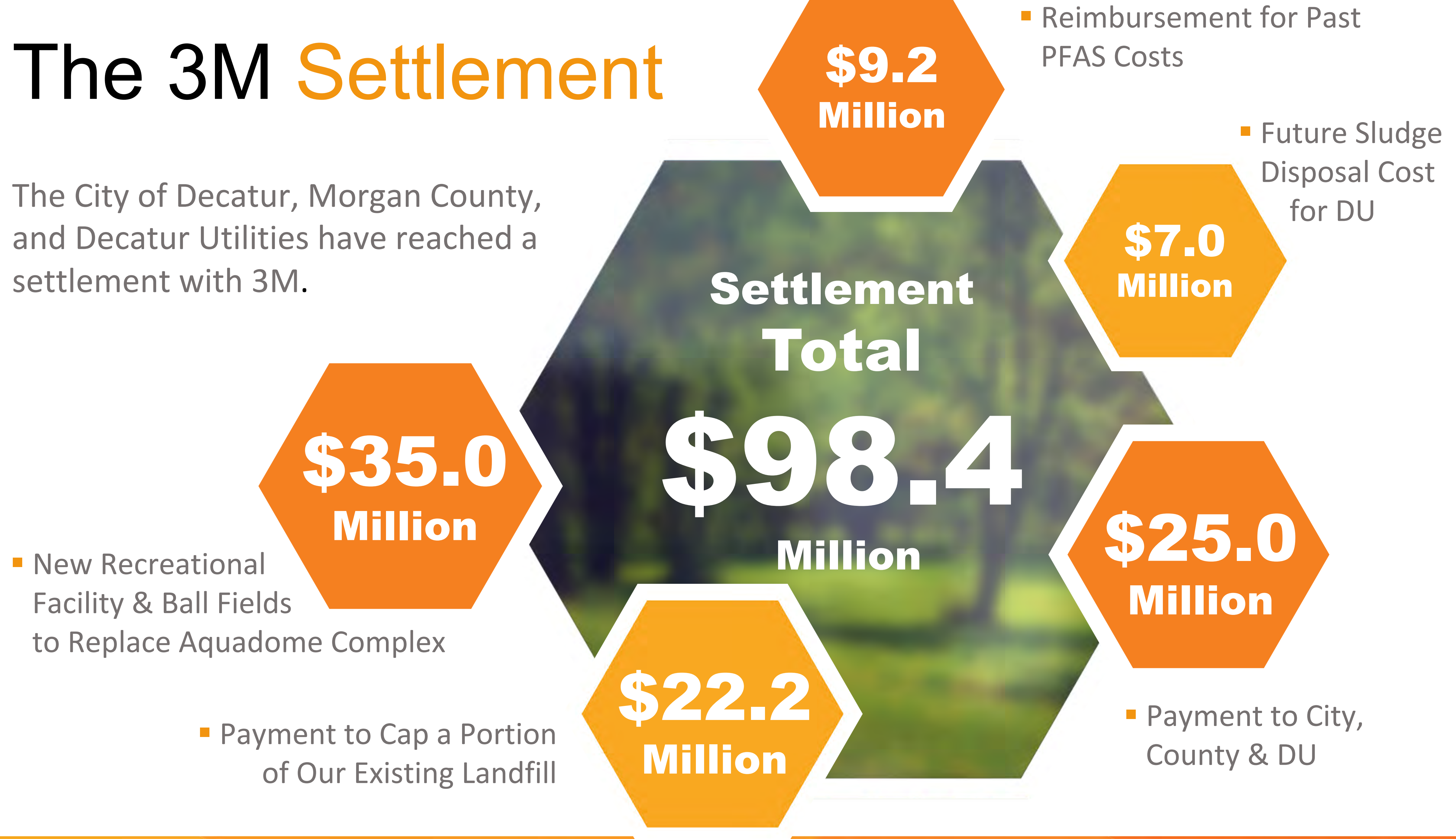
The Goal of Mediation

To develop a settlement agreement that accomplishes the following:

- To lessen the potential harm to health or the environment from the past disposal of PFOA, PFOS, and related chemicals in and around Decatur, Alabama
- To reduce the addition of PFOA and PFOS to the Tennessee River in order to help reduce the amount of those substances in fish in the river and to help enhance recreational use of the Tennessee River
- To ensure the monetary relief and remediation work to be provided by the defendants are sufficient to achieve the objectives
- To ensure any PFOA, PFOS, and related chemicals that remain would not present an imminent and substantial endangerment to health or the environment

The 3M Settlement

The City of Decatur, Morgan County, and Decatur Utilities have reached a settlement with 3M.



▶ Critical Components of the 3M Settlement



▶ Critical Components of the 3M Settlement

3M to Pay the Entire Cost for the Following:

- To cap Cells 2-11 in our existing landfill, including design and engineering
- To investigate the extent, if any, of contamination of PFAS in groundwater at the landfill
- To treat groundwater contaminated with PFAS at our landfill, if required by ADEM
- For any remediation work related to contamination by PFAS required by ADEM or EPA for the three closed landfill sites

▶ Planning for the Future

- ▶ **Today, 3M is working under an Interim Consent Order with ADEM which requires 3M to investigate and remediate any site where PFAS waste from the 3M plant site was disposed.**
According to ADEM Director Lance LeFleur, the structure of the agreement allows clean up to continue without delay and ensures 3M will pay the full cost of the cleanup.

▶ Sites Involved

▶ Morgan County

Decatur-Morgan County Regional Landfill

Three former landfills owned by the City of Decatur

- Aquadome/Brookhaven (closed in 1950's)
- Old Moulton Road/Mud Tavern (closed in 1960's)
- Flint/Deer Springs Road (closed in 1980's)

San Souci Cave Road/Danville Road

Seneca Drive, Trinity

West Chapel Hill Road/George Russell Road

Old Trinity Road/Woodall Rd SW

▶ Various Farms within the Morgan/Lawrence County areas

5,000 acres where sludge from DU's sewer plant was applied

▶ Lawrence County

BFI (Morris Farms) Landfill

Moulton Sewer Plant Lagoon

Browns Ferry Road Site

County Road 222 Site

Johnson Landfill/aka Sharp Property

County Road 455 Unauthorized Solid Waste Dump

County Road 377 Site



▶ Frequently Asked Questions about PFAS



What are **PFAS**?

- Per- and polyfluoroalkyl substances (PFAS) are a group of man-made chemicals – including PFOA and PFOS – that have been manufactured and used in a variety of industries since the 1940s.
- Both PFOA and PFOS are very persistent, meaning they don't break down and they can accumulate over time.
- To provide Americans, including the most sensitive populations, with a margin of protection from a lifetime of exposure to PFOA and PFOS from drinking water, EPA has established the health advisory levels at 70 parts per trillion.

What about Decatur's drinking water?

Decatur's drinking water is SAFE:

A report released in 2020 by *Environmental Working Group* (EWG) confirms DU's statements that drinking water supplied by Decatur Utilities is **completely safe and meets or exceeds all state and federal regulatory standards.**

Tests for these chemicals (PFOS and PFOA) in our water supply have been non-detect, or at near non-detectable levels. The highest value in any recent test was less than 5 parts per trillion combined level for both chemicals, which is near the minimum detection levels. EWG's test data reaffirms this, reporting 2.1 ppt for PFOS and 2.4 ppt for PFOA, a total of 4.5 ppt.

What is a “Part Per Trillion”?

As an example, a part per trillion (ppt) would be the equivalent of:

- One second in almost 32,000 years ... or
- One square inch in 250 square miles ... or
- One drop of food coloring in 18 million gallons or 27 Olympic swimming pools

▶ Decatur's drinking water is Safe

Finish Water

To provide a margin of protection from a lifetime of exposure to PFAS in drinking water, EPA has established the health advisory levels at 70 parts per trillion.

Collection Date	PFOA	PFOS	Total
08/20/20	2.65 ppt	4.54 ppt	7.19 ppt
11/17/20	1.59 ppt	2.54 ppt	4.13 ppt
02/09/21	1.15 ppt	2.02 ppt	3.17 ppt
05/14/21	3.71 ppt	4.10 ppt	7.81 ppt
08/20/21	1.69 ppt	3.34 ppt	5.03 ppt
▶ Average	2.158 ppt	3.308 ppt	5.466 ppt

What about exposure through swimming?

In the summer of 2019, State Health Officer Dr. Scott Harris said the Alabama Department of Public Health has not received any reports of health hazards associated with people in the area shared by the old Brookhaven Middle School campus and Aquadome Recreation Center.

“Swallowing or dermal contact with PFAS-containing surface water through recreational activities are not expected to cause harm to human health.”

— Scott Harris, M.D.

What will happen to the three old, closed **landfills**?

Under the settlement, 3M will take ownership of the City of Decatur's three closed landfill sites and will be responsible for the investigation, and if needed, the clean up of those sites as required by ADEM.



▶ A Positive Future



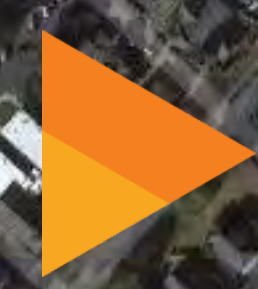
▶ A Positive Future

As a part of the settlement, 3M will fund the construction of a new recreation center to replace the Aquadome complex; it may include an indoor pool, basketball/volleyball courts, and pickle ball courts.



A Positive Future

One possible site occupies a 10-block area just one block from downtown Decatur and is slightly over one mile from the Aquadome Park.



This possible site is bounded by Moulton Street to the south, Dry Branch Creek to the west, Finley Island Drive to the north, and railroad tracks to the east.



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Conceptual Layout – Decatur Commons Area

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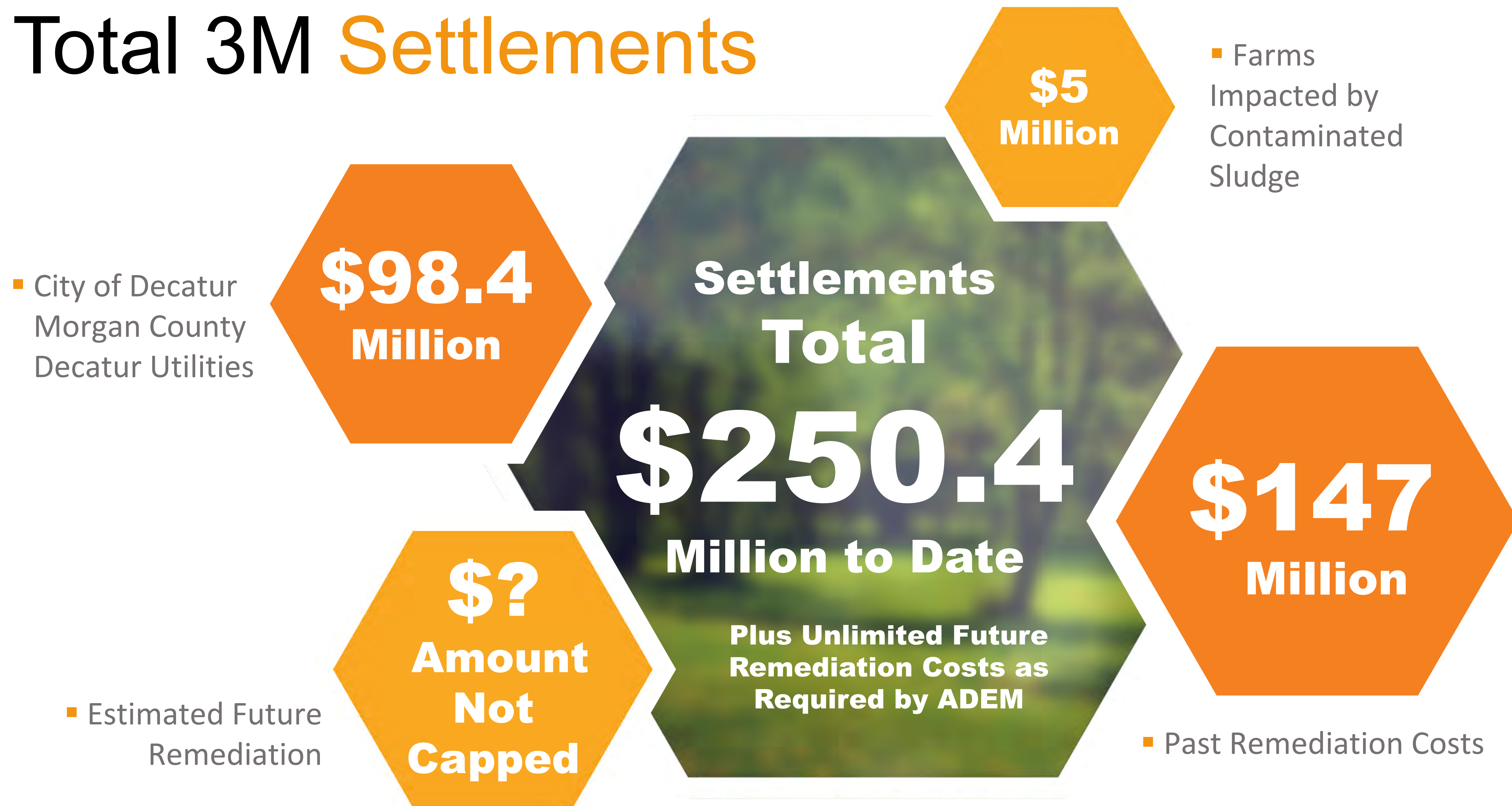
LANDSCAPE ARCHITECT'S SEAL

NOT FOR CONSTRUCTION

SHEET NUMBER:
L101

☐ OF ☐ TOTAL ☐

Total 3M Settlements





For More Information:

www.DecaturPFAS.info

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Settlements

