

**MANCHESTER WATER DISTRICT
RESOLUTION NO. 2023-03**

**A RESOLUTION OF
THE BOARD OF COMMISSIONERS OF MANCHESTER
WATER DISTRICT
AUTHORIZING THE GENERAL MANAGER TO EXCLUDE
THE DISTRICT FROM THE PFAS SETTLEMENT
AGREEMENTS WITH DUPONT AND 3M**

WHEREAS, the Manchester Water District ("District") is aware of pending litigation related to PFAS contamination brought by Public Water Systems across the country against the 3M Company ("3M"); and E.I. Du Pont de Nemours and Company (n/k/a EIDP, Inc.), DuPont de Nemours Inc., The Chemours Company, The Chemours Company FC, LLC, and Corteva, Inc. (collectively, "DuPont"), and

WHEREAS, there are preliminary settlement agreements entered into in the AFFF Multi-District Litigation No. 2873 ("MDL") which have received preliminary approval from the United States District Court for the District of South Carolina. The current settlement agreements are both Class Action settlements, and

WHEREAS, these settlements are designed to resolve claims for PFAS contamination in Public Water Systems' Drinking Water against 3M and DuPont, as those terms are defined in the respective agreements. While both proposed settlements are still subject to final approval by the MDL Judge, the Honorable Richard M. Gergel of the United States District Court for the District of South Carolina, Public Water Systems must decide by December 4, 2023, for the DuPont case and December 11, 2023, for the 3M case whether to "Opt Out" of the litigation, and

WHEREAS, The Settlement Class for the DuPont case consists of each of the following:

(a) All Public Water Systems in the United States of America that draw or otherwise collect from any Water Source that, on or before June 30, 2023, was tested or otherwise analyzed for PFAS and found to contain any PFAS at any level;

AND

(b) All Public Water Systems in the United States of America that, as of June 30, 2023, are (i) subject to the monitoring rules set forth in UCMR 5 (i.e., "large" systems serving more than 10,000 people and "small" systems serving between 3,300 and 10,000 people), or (ii) required

under applicable state or federal law to test or otherwise analyze any of their Water Sources or the water they provide for PFAS before the UCMR 5 Deadline.

And

WHEREAS, The Settlement Class for the 3M case consists of each of the following:

(a) All Active Public Water Systems in the United States of America that have one or more Impacted Water Sources as of June 22, 2023.

AND

(b) All Active Public Water Systems in the United States that do not have one or more Impacted Water Sources as of June 22, 2023 and (i) are required to test for certain PFAS under UCMR-5, or (ii) serve more than 3,300 people, according to SDWIS.

AND

WHEREAS, any Public Water System included in the 3M or DuPont class that does not “Opt Out” of the litigation and/or settlements will be included in the settlement and will be entitled to damages as outlined in the settlements and paid in accordance with allocation tables as determined by the settlement agreements, and

WHEREAS, any Public Water System participating in the settlements will be bound by the terms and conditions of those settlement agreements and will waive any past or present claims against 3M and DuPont. Additionally, future claims may be more difficult to pursue according to the terms of the settlement agreements.

NOW, THEREFORE;

1. The Board of Commissioners of the Manchester Water District find that the District is part of the Settlement Class for the 3M case as the District is a public water system located in the United States of America and as of June 30, 2023 is subject to the monitoring rules set forth in UCMR 5, or the District is required under applicable state or federal law to test or otherwise analyze any of the water sources or the water they provide for PFAS before the UCMR 5 deadline
2. The Board of Commissioners further find that the District is also part of the Settlement Class for the Dupont case as the District is an active public water system located in the United States and does not have one or more Impacted Water Sources as of June 22, 2023 and is required to test for certain PFAS under UCMR-5, or serves more than 3,300 people, according to SDWIS.
3. The Board of Commissioners find that the District should “opt out” of the settlements due to a lack of information regarding the future impacts of PFAS to the District and the need to further assess what damages (if any) the District may have as a consequence of any PFAS detections.
4. The Board of Commissioners authorize Tony Lang , General Manager of the District, to request that the District is excluded from the settlement agreements and further authorize the General Manager to file the necessary information with the Court as required by the settlement agreements to effectuate such exclusion.

5. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.
6. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this resolution or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of the resolution, or the validity of its application to other persons or circumstances.
7. Section 4. Effective Date. This resolution shall become effective immediately upon adoption and signature as provided by law.

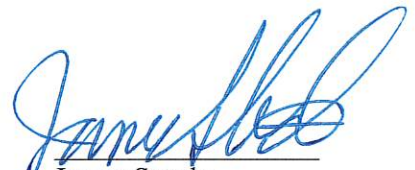
This Resolution, was unanimously approved and adopted at a District Commission meeting on the 14th day of November, 2023.



Steve Pedersen
Board Chair



Bob Ballard
Commissioner



James Strode
Secretary