



## Council Agenda Item

Meeting Date: November 21, 2023

Agenda Item: Dupont Class Action Settlement

Staff Contact (name, email, phone): Brad Marquardt, [bmarguardt@whitewater-wi.gov](mailto:bmarguardt@whitewater-wi.gov), 262-473-0139

### BACKGROUND

(Enter the who, what when, where, why)

The City has received notice regarding a proposed Class Action Settlement with DuPont regarding contamination of PFAS in drinking water. The City has a deadline of December 4, 2023 to either Opt-In or Opt-Out of the Settlement. The City's recent testing of the drinking water resulted in a No-Detect for PFAS. Based on this, the only thing the City might receive money for if the City Opt's-In is future testing. If the City Opt's-Out, the City reserves the right in the future to go after DuPont if PFAS becomes a problem.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

### FINANCIAL IMPACT

(If none, state N/A)

By Opting-Out, the City reserves its right to go after DuPont in the future if a PFAS problem arises.

### STAFF RECOMMENDATION

Staff have been in contact with Municipal Environmental Group (MEG) which the city is a member, sat in on webinars, attended conferences, been in contact with other municipalities, and consulted the City Attorney in order to make a recommendation. Based on our No-Detect for PFAS, staff's recommendation is to Opt-Out of the Settlement.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. DuPont Class Action Settlement