INFORMATION REGARDING
PFAS IN DRINKING WATER

Colbert County Rural Water's (CCRW) Actions to Address PFAS Contamination in Drinking Water

In August of 2023, certain manufacturers of Per- and Poly-fluoroalkyl Substances (PFAS) were granted preliminary approval in a class action lawsuit pending in federal court in South Carolina. The proposed settlement would settle and resolve all claims that public water systems like CCRW have against these manufacturers arising out of PFAS contamination of drinking water supplies. Pursuant to the terms and conditions of that class action settlement, public drinking water systems like CCRW had to make a decision on or before December of 2023 whether to participate in the federal class action settlement, which would thereafter release any and all claims CCRW would have against PFAS manufacturers Dupont and 3M. Public water systems like CCRW were required to notify the federal court by December of 2023 if they intended to opt-out and request exclusion from the federal class settlement so that CCRW could proceed with its claims in the Circuit Court of Colbert County, Alabama. CCRW exercised its right to opt-out and pursue its individual lawsuit against 3M and other companies that have contributed to PFAS pollution in the Tennessee River. CCRW's claims against certain PFAS manufacturers have been stayed by court order until March 15, 2024. After that date, our claims against 3M pending in the Circuit Court of Colbert County, Alabama will resume and move forward.

A majority of PFOA, PFOS and other PFAS chemicals sold throughout the United States were actually manufactured along the Tennessee River, upstream of CCRW's drinking water intake. As have other water authorities along the Tennessee River and in other Alabama locations impacted by PFAS pollution, CCRW is seeking to hold these and other companies accountable so that the cost necessary to improve our drinking water filtration systems is not passed onto our rate payers. In 2021, the City of Decatur, Alabama and Decatur Utilities announced a settlement with 3M and others as part of another class action settlement whereby the City of Decatur and Decatur Utilities recovered millions of dollars related to PFAS contamination. According to the public press releases surrounding that settlement, the PFAS in the City of Decatur's drinking water is substantially less than what is in CCRW's

drinking water supply. Just as CCRW elected to opt out of the federal PFAS class action settlement, CCRW also elected to opt out of the state class action settlement that included the City of Decatur and Decatur Utilities.

The relief which CCRW would have been entitled to receive under both the federal class settlement and the state court class settlement fell far short of the funding necessary to provide safe drinking water without placing a huge burden on the citizens of our community. The companies that polluted our drinking water need to be held fully accountable for all the damages they have caused and not just a small portion of the cost. In fact, in the state court class settlement, CCRW would not have received any financial recovery to improve its water system while releasing all rights and claims it would have against the companies responsible for causing the PFAS contamination of our water supply. We made the decision to proceed with our claims here in Colbert County where our drinking water is being impacted and where all work necessary to improve our filtration methods will need to happen. Other public water systems in Alabama and other states have decided to advance their own claims arising out of PFAS contamination in order to improve their drinking water systems to remove PFAS contamination.

What are PFAS?

PFAS is an umbrella term used to describe extremely resistant fluorocarbon compounds. PFAS chemicals have been used to impart stain- and water-resistant properties on products like carpet, textiles, food package and clothing items. Brands include Scotchguard, Stainmaster and Teflon, to name a few.

PFAS have been nicknamed “Forever Chemicals” because they do not breakdown naturally and tend to bioaccumulate (build up plants, animals, and humans over time). PFAS are typically released into water through manufacturing, treatment, or other industrial means. The Environmental Protection Agency (EPA) has reported that chronic ingestion of PFAS compounds can lead to debilitating or deadly health effects like cancer, immune system compromises, hormone imbalances, kidney disease, nervous system effects, and reproductive issues.

Because of historic PFAS manufacturing along the Tennessee River, North Alabama is especially impacted by PFAS. Portions of the Tennessee River upstream from Colbert County have been listed by the EPA as “impaired waterways” due to the presence of PFAS.

PFAS Regulatory Background

On June 15, 2022, the EPA issued new lifetime health advisories for four PFAS, replacing previous health advisories issued in 2016. The new health advisories for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) are drastically lower than the previous 2016 health advisories of 70 parts per trillion. After the EPA decreased the health advisory levels in 2022, CCRW brought legal action in the Circuit Court of Colbert County against the companies responsible for causing the pollution. This lawsuit remains pending.

In March of 2023, EPA proposed a National Primary Drinking Water Regulation (NPDWR) to establish legally enforceable Maximum Contamination Levels (MCLs) for six PFAS in drinking water. The MCLs are also drastically lower than the previous 2016 health advisories of 70 ppt. The proposed rule will regulate PFOA and PFOS as individual contaminants with an MCL of 4 parts per trillion (ppt) each. It also will regulate four other PFAS chemicals — PFHxS, PFNA, PFBS, and HFPO-DA (commonly called Gen-X) — as a mixture.

In addition to proposing legally enforceable MCLs, the EPA also proposed Maximum Contaminant Level Goals (MCLGs) for PFOA and PFOS. An MCLG is the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety and are non-enforceable public health goals. The EPA set the MCLGs for PFOA and PFOS at zero.

A timetable and summary of the EPA's evolving regulation of PFAS, as well as the CCRW's most recent PFAS testing, is shown below.

	2009 Health Advisory Levels	2016 Health Advisory Levels	2022 Health Advisory Levels	2023 Proposed Maximum Contaminant Levels	2024 CCRW PFAS Levels
PFOS	200	70	0.004	4.0	
PFOA	400	70	0.02	4.0	
PFNA	N/A	N/A	N/A	1.0 (Health Index Units)**	
PFHxS	N/A	N/A	N/A		
PFBS	N/A	N/A	2,000		
HFPO-DA	N/A	N/A	10		

Note: All units are Parts Per Trillion (ppt) unless otherwise noted.

** PFNA, PFHxS, PFBS, and HFPO-DA use a combined Hazard Index (HI). The HI is unitless and is based on the sum of the individual hazard quotients.

For more information regarding the PFAS class action settlements and other PFAS related settlements that involve many of same companies that CCRW is litigation against, please see:

https://www.decaturpfas.info/
https://www.pfaswatersettlement.com/

For more information regarding PFAS settlements brought by individual water systems like CCRW, please see:

City of Rome, Georgia v. 3M Company, et al.

West Morgan-East Lawrence Water and Sewer Authority v. 3M Company et al.

City of Guin, Alabama v. 3M Company

City of Gadsden, Alabama v. 3M Company, et al.

For more information regarding PFAS, please see:

https://www.epa.gov/pfas

https://adem.alabama.gov/programs/water/drinkingwater/pfaspage.cnt