Agenda Item: 3.h

Meeting Date: December 4, 2025

MEMORANDUM

To:	City Commission
Through:	Jennifer K. Bramley, City Manager
From:	Clay Watkins
Date:	2025-12-03
Subject:	*STARRED ITEM: Resolution 25-33 authorizing the City of Dunedin to make a Phase II claim and conduct the related testing in the Aqueous Film-Forming Foam (AFFF) Production Liability Litigation (MDL 2873) Class Action settlements with PFAS manufacturer(s) in the multi-district litigation.
Presenter(s):	Clayton "Clay" Watkins, P.E., Director of Utilities & Engineering; Jennifer Cowan, City Attorney; and Janice "Nan" Bennett, P.E., Utilities Operations Manager
Staff Recommendation:	Adoption of Resolution 25-33 authorizing the City Manager on behalf of the Commission and the City of Dunedin to make a Phase II claim and conduct the related testing in the Aqueous Film-Forming Foam (AFFF) Production Liability Litigation (MDL 2873) Class Action settlements with PFAS manufacturer(s) in the multi-district litigation and authorize the City Manager, or her designee, is hereby expressly authorized to execute any claims forms, conduct necessary testing to support the claims, and participate in the Litigation Settlements.
Strategic Themes:	Environmental Resiliency & Sustainability and City Services
Boards & Committees:	N / A
Budget Impact:	No Budget Impact
Past Action:	N / A
Next Action:	Submit the claim submission and conduct necessary testing to support the claims
Attachments:	A. Resolution 25-33 for Participation in PFAS Settlement.pdf B. PFAS Phase Two Testing Compensation Claims Form (MDL 2873).pdf
Background:	For several years, governmental entities have been engaged in

litigation against companies that manufactured or used per- and polyfluoroalkyl substances (PFAS). PFAS have been found to be "forever chemicals" that do not deteriorate, leading to significant accumulation in things that they contaminate. PFAS was commonly used in firefighting foam (aqueous film-forming foams, or AFFFs) and has been found to potentially contaminate various public water systems. Many public water systems brought lawsuits against manufacturers of AFFFs, which were combined into a federal class action lawsuit in South Carolina in 2018. Certain AFFFs manufacturers have settled with the class representatives in the lawsuit, and additional manufacturers may settle, and the parties agreed on a list of potential local government claimants for PFAS contamination in drinking water. Currently, 3M has settled for $12.5 billion, and DuPont has settled for $1.18 billion.

"DUNEDIN WATER SYSTEM" was listed as one of these public water system claimants due to potential PFAS contamination in the City's groundwater. The City was categorized as a potential claimant, depending on if PFAS is found to actually be present in the City's groundwater, making the City a "Phase II" claimant ("Phase I" claimants were public water systems that had tested and demonstrable PFAS in their water supply prior to June 30, 2023). The settlement includes funds for Phase II claimants testing for PFAS contamination. The City must file a claim in the class action lawsuit to receive any settlement funds. Claims must be filed before January 01, 2026. Failure to file a claim will result in the City being foreclosed from recovery from 3M and DuPont.

Aqueous Film-Forming Foam (AFFF) has been widely used for decades by military bases, airports, industrial facilities, and fire departments to suppress fuel-based fires. AFFF contains per- and polyfluoroalkyl substances (PFAS), a group of persistent synthetic chemicals resistant to heat and environmental degradation. These compounds, often referred to as "forever chemicals," have accumulated in soil and groundwater throughout the country. As scientific understanding advanced, PFAS were linked to potential health risks, prompting federal and state agencies to tighten regulations on drinking-water quality and environmental cleanup.

In many communities, routine sampling or targeted investigations identified PFAS associated with historical AFFF use. Sources typically include fire-training areas, emergency response events, or improper disposal practices, which allow PFAS to migrate into aquifers or surface-water bodies. Once present, PFAS can travel long distances and do not readily break down, making remediation challenging. Water systems, especially those relying on groundwater, have increasingly had to evaluate whether their wells or intakes are affected and, if so, develop mitigation strategies.

Recent regulatory changes have intensified the need for action. The U.S. Environmental Protection Agency (EPA) has issued enforceable drinking-water standards for several PFAS compounds, including PFOA and PFOS, at extremely low concentrations. These limits require public water systems to conduct regular monitoring, disclose exceedances to customers, and pursue treatment or alternative water supplies when necessary. Many states have also established their own PFAS rules or cleanup requirements, further shaping the compliance landscape. These developments have increased financial and operational pressures on local governments and water utilities.

Across the country, municipalities and public water systems have pursued legal action against AFFF manufacturers to recover costs for monitoring, treatment, and infrastructure upgrades. National settlements are underway, the Aqueous Film-Forming Foam (AFFF) Products Liability Litigation (MDL 2873) settlement with 3M and Dupont, offering funding for eligible systems with documented PFAS detections. For cities, understanding the extent of local contamination, establishing a defensible record of sampling data, and determining long-term treatment needs are critical steps. The city's next steps includes evaluating potential liabilities and positioning the city to benefit from available settlement funds and regulatory guidance as remediation progresses.

It is important to note the City of Dunedin Reverse Osmosis Water Treatment Plant is one of the known treatment process to remove PFAS chemicals. In addition, the City regularly tests for these chemicals in the water distribution system as the water leaves the Treatment Plant. No PFAS chemicals have been detected.

As such, staff recommends the approval of Resolution 25-33 authorizing the City Manager on behalf of the Commission and the City of Dunedin to make a Phase II claim and conduct the related testing in the Aqueous Film-Forming Foam (AFFF) Production Liability Litigation (MDL 2873) Class Action settlements with PFAS manufacturer(s) in the multi-district litigation.