

MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, APRIL 15, 2025

A Council Workshop was held in Council Chambers and called to order by Mayor Dave Waggoner at 6:30 p.m. on April 15, 2025.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Tom Canape	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Michelle Mize	<input checked="" type="checkbox"/> Jessica Banks
<input checked="" type="checkbox"/> Casey Wheeler	<input checked="" type="checkbox"/> Irv Wilke
<input type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Jodi Mackay

OTHERS PRESENT:

Brittney Harakal, Administrative Assistant

Public Input:

There were none.

General Items

Executive Review

1. **Police:** Resolution - A Resolution Of The City Council Authorizing The Mayor To Execute The Agreement Between The City Of Laurel And The Yellowstone Valley Animal Shelter For The Provision Of Animal Shelter Services.

This resolution is the annual contract between the City and YVAS.

It was questioned if this contract includes chickens or cats. It was clarified that Staff would get clarification on that before next week's meeting.

It was questioned if the dates are correct in the document. It was clarified that the dates are correct. A new contract will come before Council for next year.

2. **Public Works:** Resolution - A Resolution Of The City Council Authorizing The Execution Of The Legal Services Agreement Related To The AFFF Product Liability Litigation. (<https://www.cleangroundwater.com/settlement>)

See attached handouts.

Council Issues

Other Items

Tom Burrell's funeral will be next Wednesday at 11:00 a.m. at Our Savior's Lutheran.

Attendance at Upcoming Council Meeting

All Council Members in attendance will be at next week's meeting.

Announcements

April is a five-Tuesday month. No Council meeting on April 29th.

The next Cemetery Commission meeting is scheduled for April 29th at 5:00 p.m. in Council Chambers.

The next Public Works Committee meeting is scheduled for Monday at 6:00 p.m. in Council Chambers.

The council workshop adjourned at 6:41 p.m.

Respectfully submitted,



Brittney Harakal
Administrative Assistant

NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.

Brittney Harakal

From: Civil Attorney
Sent: Tuesday, April 15, 2025 4:57 PM
To: City Council
Cc: Matt Wheeler; Kurt Markegard; Brittney Harakal; Kelly Strecker; City Mayor
Subject: CC Agenda Item: PFAS Litigation

CC Members:

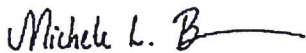
I will not be present at this evening's CC Meeting, but I wanted to send over information on the PFAS litigation, which is on your Agenda for Workshop tonight. I have been in communications with the law firm involved with this litigation (as well as Local Counsel), and I attended a Zoom information session last week where a number of City Attorneys were present with Legal Counsel to discuss the litigation, ask questions, etc.

The PFAS litigation is class action litigation that was filed and settled the past several years. It is related to possible contamination of public water sources due to PFAS, which is a contaminant that was found in fire retardant utilized by municipal fire departments. As a City, Laurel is a possible recipient of funds from the settlement. The range could be large, and it is based upon a number of factors (including size of water consumption, possible PFAS detection in native water sources, number of municipal users). The law firm that is handling this settlement is very experienced in PFAS litigation issues, and if retained, they will front all of the costs for the testing needed on our water sources. In addition, they will work directly with Matt, as our Public Works Director, to obtain the information that they need to submit the settlement request.

I have confidence that we should join this litigation, as we are likely entitled to what may be a substantial settlement. There is no "downside" for us in doing so, and there is the potential for monies that we are entitled to as a City. So, it is my recommendation that we enter into this Legal Services Agreement and work with the law firm involved to see what settlement funds we may be entitled to.

If you have any questions, after consideration of this issue, please don't hesitate to reach out and let me know. Thanks, and have a great week!

Best Regards,

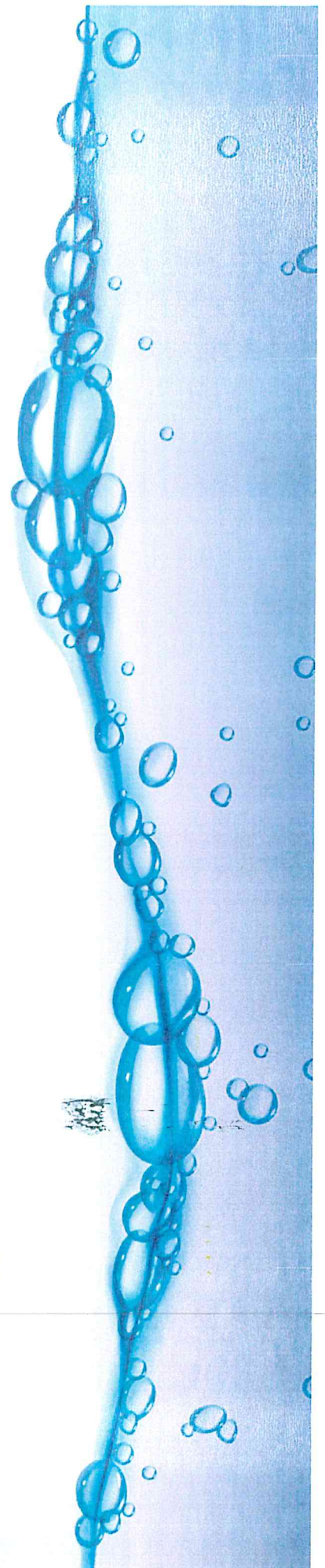


Michele L. Braukmann
Civil City Attorney
City of Laurel
Cell Phone: 406.671.3963
civilattorney@laurel.mt.gov

CONFIDENTIALITY NOTICE: This transmission may contain information which is privileged, confidential, and protected by the attorney-client or attorney work product privileges. If you are not the addressee, or you are not authorized to disclose the contents herein, please note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify me immediately.

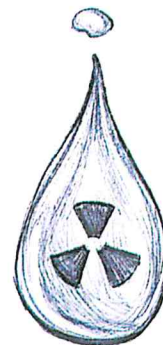
PFAS IN MONTANA WATER SUPPLIES

How Your Community Can
Take Action for Help



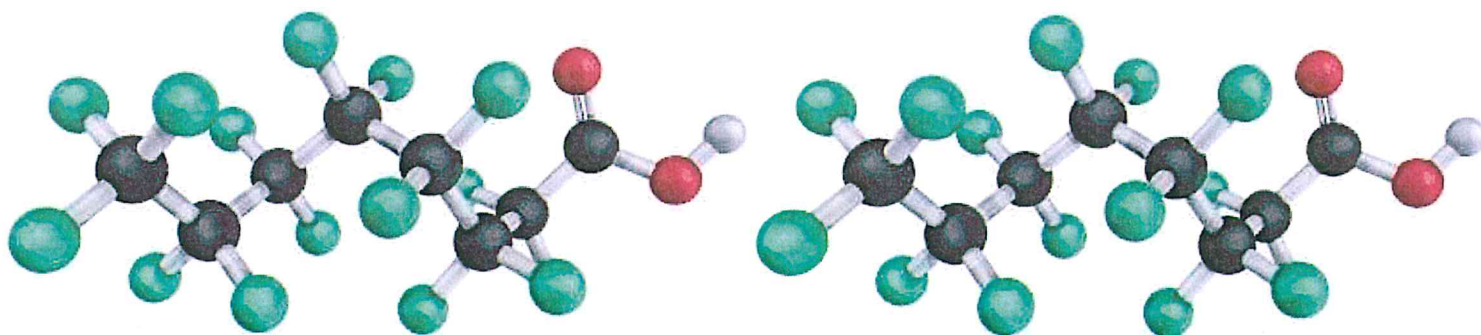
HISTORY OF PFAS

Invented by 3M in the 1950s, per- and poly-fluoroalkyl substances (PFAS) are synthetic chemicals used in various products.



They were a new class of chemicals at the time, and little was understood about their effect on humans and the environment. While multiple products have contained PFAS in the past, especially problematic is the Aqueous Firefighting Foam (AFFF), which contains a high level of PFAS. AFFF was created in 1969 and has been used extensively by military bases, airports, industrial locations, and firefighters to combat fires.

Over time, this has resulted in **massive groundwater contamination of water supplies** which serve local communities.



In 2018, the EPA issued health guidelines stating that up to 70 parts per trillion of PFAS found in drinking water “did not have adverse health effects.”

However, in June 2022, the EPA replaced these guidelines and stated that **some negative health effects might occur with concentrations at “near zero” or undetectable levels.**

The EPA is set to release its final regulations for PFAS this year.

In December 2018, the United States Panel on Multidistrict Litigation consolidated all PFAS claims relating to AFFF contamination in a central Federal Court in South Carolina.

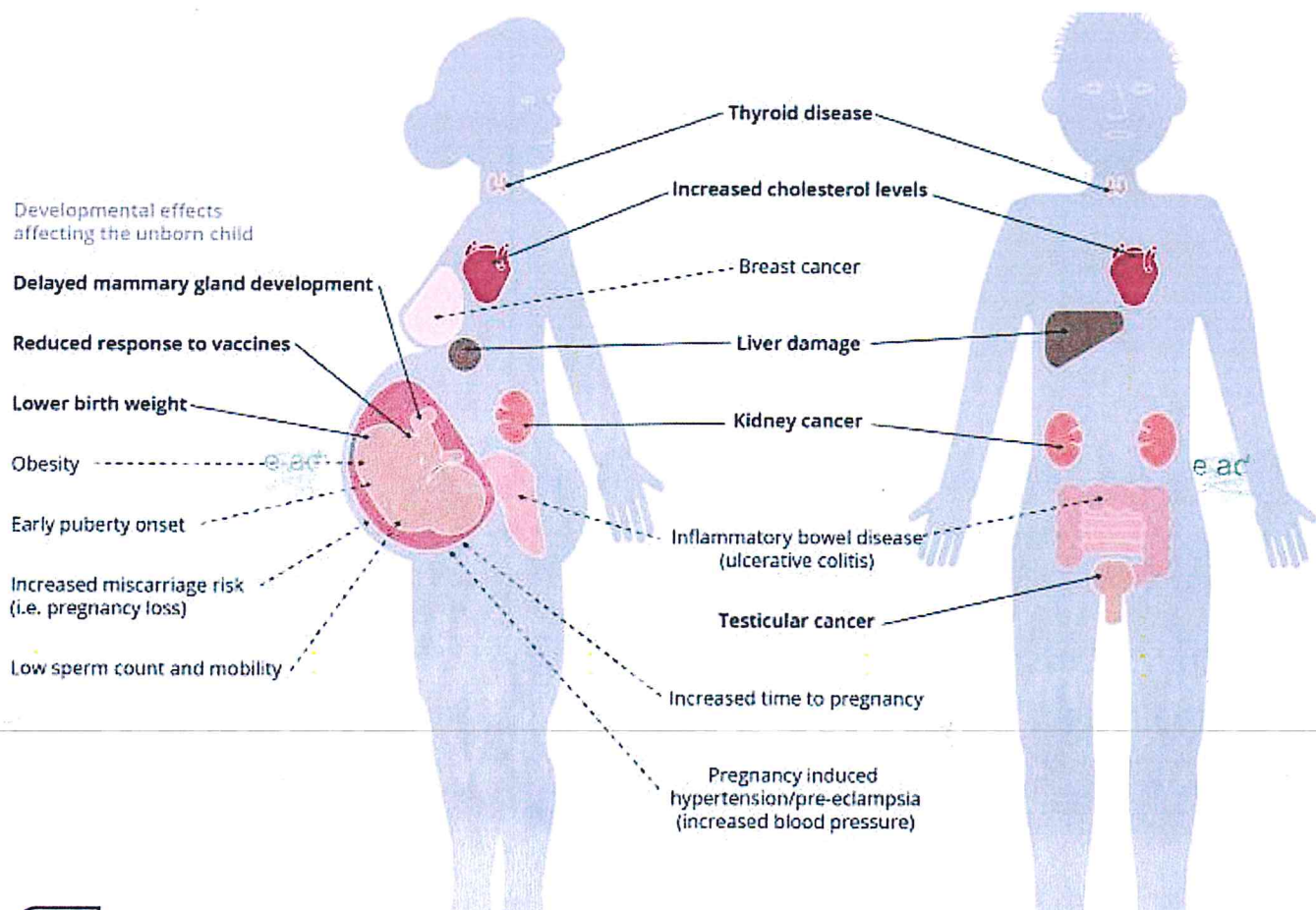


"The science is clear: These chemicals are shockingly toxic at extremely low doses."

Erik Olson, Senior Strategic Director for Health and Food at The Natural Resources Defense Council

PFAS CAUSE CANCER AND OTHER HEALTH EFFECTS LIKE:

- Kidney Cancer
- High Blood Pressure
- Thyroid Conditions
- Pregnancy Complications
- Liver Cancer
- Decrease in Vaccine Response



HISTORY

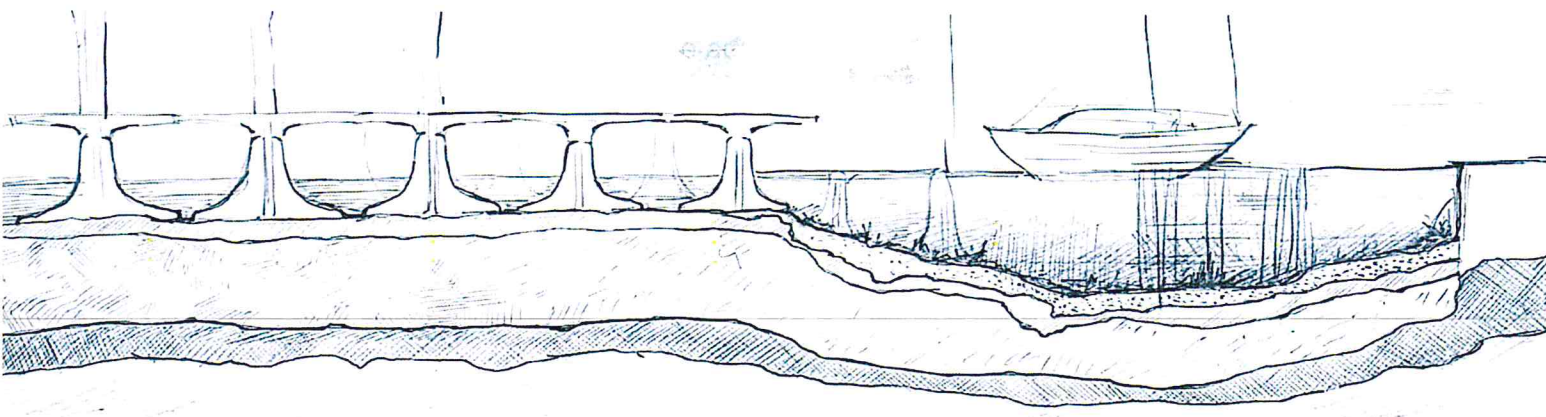
In December 2018, a central Federal Court was established to oversee claims against various responsible chemical companies for PFAS contamination of state water supplies from AFFF.

Since then, numerous local governments have filed suit seeking compensation and funding to remediate their water supplies from PFAS contamination (please see the following page for a detailed timeline).

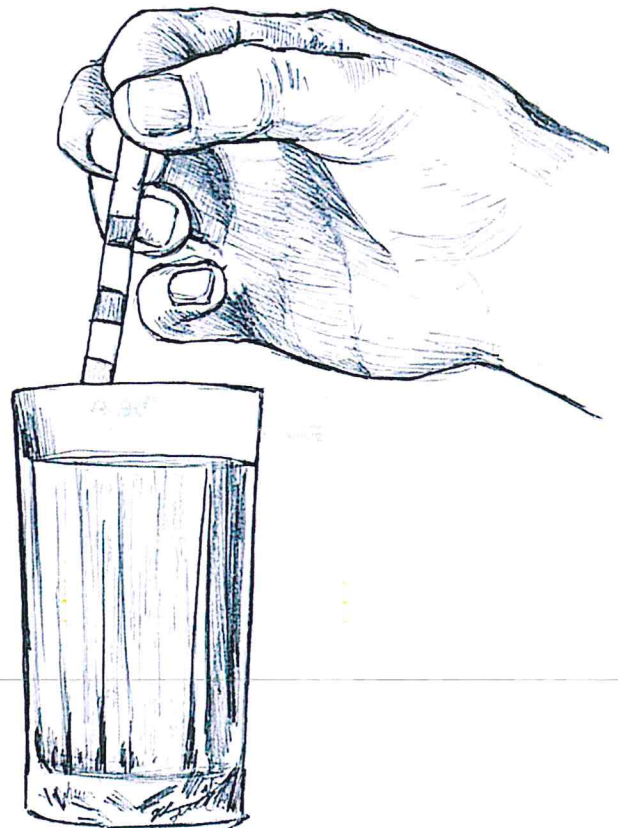
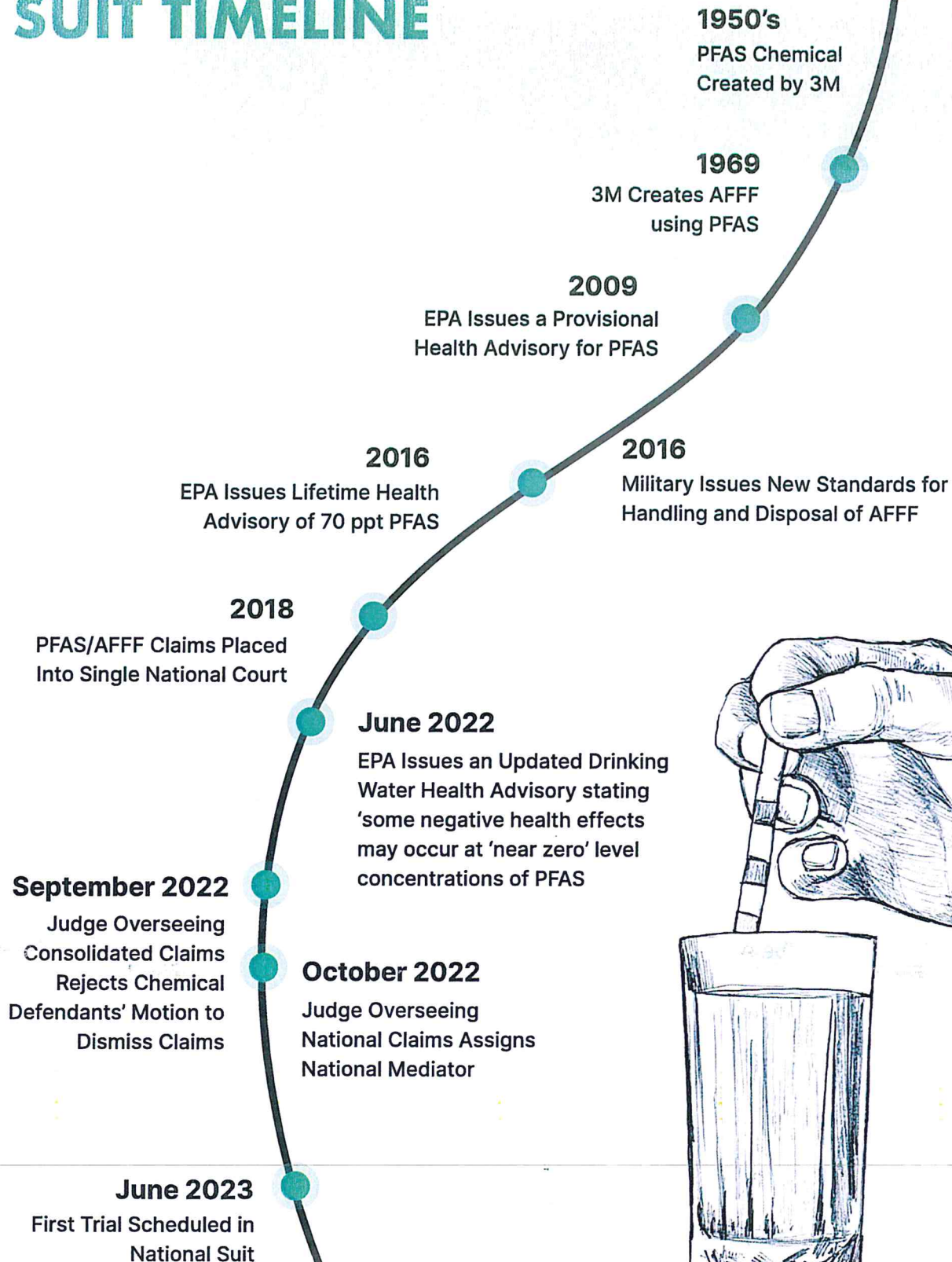
This national suit focuses on PFAS contamination caused by firefighting foam (AFFF), which was extensively used nationwide. In September 2022, the Judge overseeing the cases denied the chemical manufacturers' motion to dismiss the claims. They cited 3M's delay in disclosing critical information to the government:

The record before the Court contains material factual disputes concerning whether 3M's delay for decades in disclosing its internal studies on the health and environmental effects of PFOS and related compounds retarded the government's knowledge and understanding of the danger PFOS posed to human health and the environment and resulted in a significant delay in the government discontinuance of the use of 3M's AFFF.

One month later, in October 2022, the Judge appointed a professional national mediator to discuss possible claims resolution with the parties.



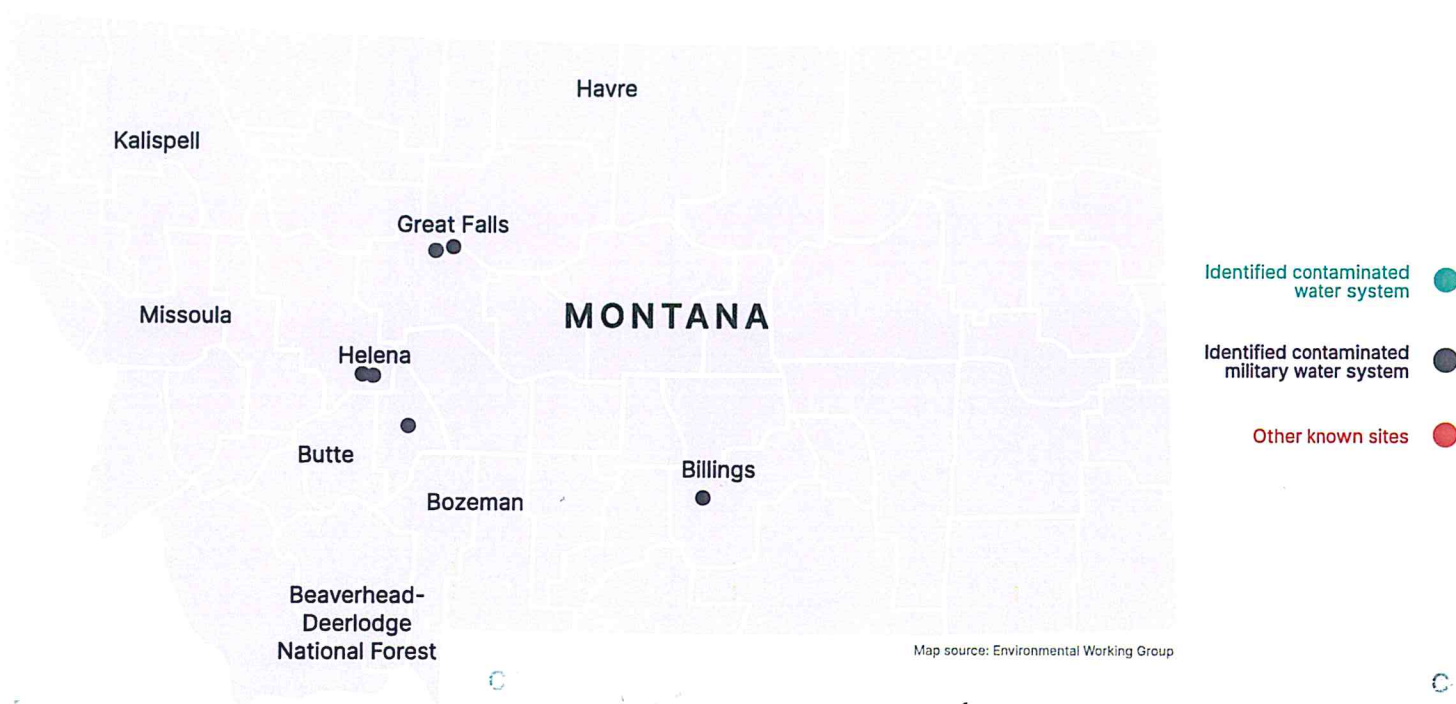
PFAS NATIONAL SUIT TIMELINE



CURRENT PFAS ISSUES: MONTANA

In Montana, potential sources of PFAS contamination include industrial facilities, wastewater treatment plants, and airports. The Department of Environmental Quality (DEQ) conducted sampling at both high and low-risk sites in cities like Billings, Bozeman, Great Falls, and Helena.

Notably, the site near Malmstrom Air Force Base in Great Falls exhibited PFAS levels surpassing 184 times the screening limit, while the site in Billings, located near the airport, was almost four times the threshold, though its exact contamination source still requires further investigation.



PFAS Have Been Detected Across the State's Drinking Water Supplies

Aqueous Firefighting Foam (AFFF), which contains a high level of PFAS, has been used extensively by military bases, airports, industrial locations, and firefighters to combat fires.



NATIONAL SUIT ADDRESSING PFAS REMEDIATION DAMAGES SETS ASIDE FUNDS FOR STATE AND LOCAL GOVERNMENTS

A water system that adequately protects against harmful PFAS costs municipalities at least \$5 million. Without signing up for the MDL, your municipality could be putting the bill on your taxpayers. Stag Liuzza is working with towns and cities across the country to put the cost of a new water treatment plant on the companies that polluted it. Join us.

By filing a claim in this national suit, a state or local water supplier can seek damages for remediation of any PFAS contamination in their water supply. Such remediation will be especially critical if the United States EPA issues a zero-level regulation this year. Such a regulation would be consistent with the EPA's 2022 statement that adverse health risks can be experienced at near-zero levels of PFAS.

\$12 BILLION IN WATER CONTAMINATION SETTLEMENTS

3M agrees to \$10.3 billion settlement, Dupont agrees to \$1.19 billion over water contamination.

The companies will distribute the settlement funds to cities, counties, and other entities nationwide. These funds are earmarked for testing and remediation efforts to address the contamination of PFAS in public water systems.

WHY FILE?

Filing a claim in this nationwide lawsuit allows state or local water suppliers to seek damages for remediation of PFAS contamination in their water supply. This will be particularly vital if the U.S. EPA enacts a zero-level regulation this year, aligning with its 2022 declaration that near-zero levels of PFAS can pose adverse health risks.

In this intricate landscape, being proactive and well-informed is the key for municipalities to safeguard their interests and ensure the well-being of their residents.



NATIONAL SUIT ADDRESSING PFAS REMEDIATION DAMAGES SETS ASIDE FUNDS FOR STATE AND LOCAL GOVERNMENTS

Understanding Phase 1 and Phase 2 Eligibility in the PFAS Settlement

The Court has already identified thousands of water systems nationwide as 'Phase One' eligible entities. These systems face an imminent deadline to gather essential data, finalize claim documentation, and officially submit their claim. Phase One claimants could receive funding as early as July 2024.

On the other hand, 'Phase Two' entities have a later timeline. They are required to perform tests on their systems and submit their claims by a later, undetermined date. Notably, even though their submission timeline differs, their compensation will be calculated based on a formula similar to that of the Phase One entities. This ensures equity in the settlement process for all affected entities.



PHASED FILING FOR PFAS REMEDATION FUNDING

PHASED FILING FOR MUNICIPALITIES: Navigating the PFAS Settlement

The recent \$10.3 billion settlement with 3M over PFAS contamination has introduced a phased approach for municipalities seeking compensation for remediation efforts. Here's a guide to understanding and navigating the phases:

The window to file for Phase 1 is rapidly narrowing. Municipalities that miss this initial phase risk delaying their access to critical PFAS remediation funds by up to 4 years. Beyond financial implications, this delay could significantly affect the health and well-being of local communities.

To be eligible for Phase 1, municipalities must file by the designated deadline in April.

THE CLOCK IS TICKING TO FILE FOR PHASE ONE

The opportunity to file within Phase One is running out. Neglecting to act promptly could lead to a significant setback, potentially deferring your municipality's acquisition of essential PFAS remediation funds by a staggering 4-5 years.

MAPPING OUT PHASE 1 SUBMISSION

For municipalities aiming to be recognized within Phase 1, action by this forthcoming April is non-negotiable. The path to filing, though layered, stands as a bulwark to secure your community's health and future. Here's a distilled guide to your next steps:

At the heart of the PFAS settlement is the need for proactive, informed decision-making. The path ahead is complex, but with the right guidance, your municipality can navigate this journey effectively, ensuring a safer, healthier future for its residents.

THE POWER OF FILING NOW

By actively participating in this nationwide lawsuit, state or local water providers stand to seek redress for any PFAS-related impurities afflicting their water sources. Taking such a step becomes even more pivotal as whispers grow louder about the U.S. EPA potentially introducing a stringent, zero-tolerance PFAS regulation this year. Such a directive would align seamlessly with the EPA's 2022 proclamation acknowledging the health hazards even at near-zero PFAS concentrations.



CRITERIA FOR PHASE 1 ELIGIBILITY IN THE PFAS WATER PROVIDER SETTLEMENT:

Establishing eligibility for this phase is crucial, as it sets the pace for subsequent steps in the legal redress process. If you're a municipality or water system aiming to secure essential funding for PFAS remediation, understanding the eligibility criteria for Phase One is the first step. Here's what you need to qualify:

01. ACTIVE PUBLIC WATER SYSTEM STATUS:

The entity must be an operational Public Water System within the United States.

02. PRESENCE OF IMPACTED WATER SYSTEM:

The entity should have one or more Impacted Water Systems as of the designated settlement date.

03. MANDATORY PFAS TESTING:

The water provider must conduct PFAS testing on all of its water sources.

04. SUBMISSION OF DETAILED TEST RESULTS:

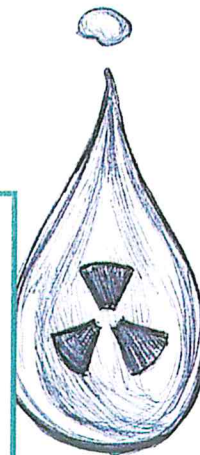
The water system is required to procure all analytical results from the testing laboratory, including the precise numeric values. These detailed PFAS test results must be presented to the Claims Administrator either by the water provider or the testing laboratory.

05. TIMELY SUBMISSION:

- The test results and other required documentation must be submitted by the dates specified by the settlement. Timeliness is crucial for Phase 1 eligibility, with an estimated filing of April 2024.



KEY STEPS TO FILE FOR PHASE 1



NOW

MUNICIPALITY/CITY MUST...

01. Identify Qualified Counsel to Retain
02. Pass Resolution to Retain Counsel
03. Obtain Flow Rate Data, Testing Data and Other Documents Necessary for Claim in Settlement
04. Review and Complete Detailed Claim Forms with Counsel and Counsel's Experts to Determine Claim Value
05. Consider if 'Opt Out' is the Best Course of Action for Municipality/City

DECEMBER 14, 2023 FOR
DUPONT AND FEBRUARY 2,
2024 FOR 3M

**Fairness Hearing in Federal Court to
Approve Settlement**

60 DAYS AFTER JUDGE
APPROVES SETTLEMENT
(ESTIMATED APRIL 2024)

Deadline to File Claim for Settlement

JULY 1, 2024

**Initial Funding into Settlement Fund
for Phase One Payments**



DETECTING PFAS IN YOUR WATER SOURCE



Accurate determination of the presence of PFAS in public drinking water supplies can only be done using accepted industry standard methods of testing.

Liquid Chromatography with tandem mass spectrometry (LC-MS/MS) is the accepted industry standard method for detecting PFAS in a water supply, as established by the EPA .

Failing to use industry standard testing methods makes it impossible to produce reliable results upon which to make important decisions about the safety of your town's drinking water supply or potential remediation measures.

It's imperative to create a dialogue with the testing facility and understand the testing protocol and the equipment used.

UNDERSTANDING TEST RESULTS

Not all tests are created equal, and many municipalities who have tested for PFAS are unaware of the testing method used.

Moreover, municipal decision-makers may be intimidated by the potential cost of finding PFAS in their water public water systems.

LC-MS/MS is the most effective testing method to accurately determine the presence of PFAS in public drinking water systems.

1. <https://www.epa.gov/water-research/pfas-analytical-methods-development-and-sampling-research>, 2023



FAQ

ABOUT THE PUBLIC WATER SYSTEMS AFFF/ PFAS SETTLEMENT

URGENT POTENTIAL DEADLINES TO BE PART OF THE SETTLEMENT

Recent settlements with AFFF manufacturers have deadlines set to start 60 days after the Court's approval. Failure to timely file claims could result in delayed or denied compensation.

Michael Stag has been appointed to leadership for the AFFF litigation. **Stag Liuzza** is currently representing thousands of clients in the litigation and is helping municipalities file the necessary claims to receive compensation to remediate water systems.

WHAT ARE PFAS AND WHY IS THERE A PROPOSED NATIONAL SETTLEMENT?

Since 2019, a nationwide lawsuit has been ongoing in South Carolina Federal Court concerning PFAS water contamination. PFAS are known as 'forever chemicals' because they resist degradation in the natural environment. One of several defendants agreed to a settlement fund of at least \$10.5 billion to pay public water systems (PWS) who qualify.

WHO IS PAYING THE SETTLEMENT?

Currently, 3M has agreed to contribute at least \$10.5 billion and up to \$12.5 billion to the settlement fund to be made available to 'eligible' PWS. The Dupont-related companies agreed to contribute an additional \$1.185 billion to fund a water district settlement fund. It is possible more than 20 other companies could add additional amounts into the fund at later dates as the case is continuing against these chemical manufacturers and distributors. The proposed settlement will now be submitted to the court for approval, with payments starting as early as 2024. After the Court approves the settlement, there is a 60-day deadline to submit claims.



CAN OUR WATER SYSTEM QUALIFY FOR A SETTLEMENT PAYMENT?

Public Water Systems servicing at least 3,300 people may qualify. If your system has any detectable level of several PFAS chemicals in it, your system should qualify for a payment.

SHOULD WE REALLY TEST FOR THIS CHEMICAL?

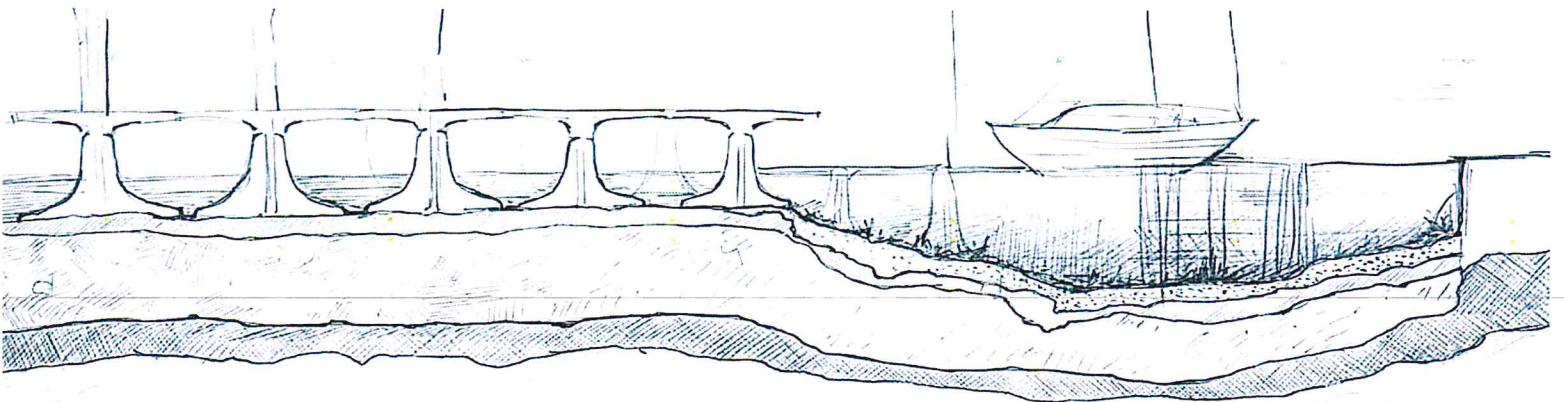
Yes. The EPA has proposed an MCL of 4 parts per trillion (ppt) for PFAS in its current PFAS regulation. If this regulation is enforced as anticipated starting in 2024, your PWS will be legally required to test and show less than 4 ppt in your system. Testing ahead of any such regulation makes sense so you can obtain compensation in the settlement to remediate the system if necessary.

HOW MUCH MAY WE RECEIVE IN SETTLEMENT?

A Court Appointed Settlement Administrator will consider many factors to allocate funds, including:

- ➔ Concentration of PFAS
- ➔ Adjusted flow rates with averaging for three highest rates in a 10-year period

The goal is to calculate a 'Capital Costs Component' and an 'Operations and Maintenance Costs Component' for each settlement award. From there, your award may also qualify for a 4x multiplier if your PFAS test result reaches a certain level. Individual awards could be substantial, totaling millions of dollars for highly contaminated water systems.



MEET EXECUTIVE COMMITTEE MEMBER, MIKE STAG

Among a select group, Mike Stag is one of the attorneys in this nationwide case chosen by Judge Gergel for the **Executive Committee overseeing the National PFAS litigation**.

Mike and his firm, Stag Liuzza, have fiercely advocated for cities and municipalities, notably in the recent national opioid cases. Currently, he's championing the cause for numerous cities and municipalities from multiple states in the PFAS national settlement.

Stag Liuzza is deeply rooted in plaintiff-focused environmental and complex litigation. Beyond environmental pursuits, Stag Liuzza has expanded its expertise to maritime law, personal injury, toxic torts, mineral royalties, and litigation surrounding defective pharmaceuticals and medical devices.

With over 30 years in environmental law, the firm has consistently advocated for cities and municipalities.



WHY STAG LIUZZA?

Stag Liuzza is a top national environmental law firm with decades of experience protecting the rights of communities against harmful toxins.

01. A LEADERSHIP ROLE IN THE PFAS NATIONAL CLAIMS.

Stag Liuzza has been appointed to the leadership committee for the national suit governing PFAS from AFFF.

02. EXPERTISE AND EXPERIENCE

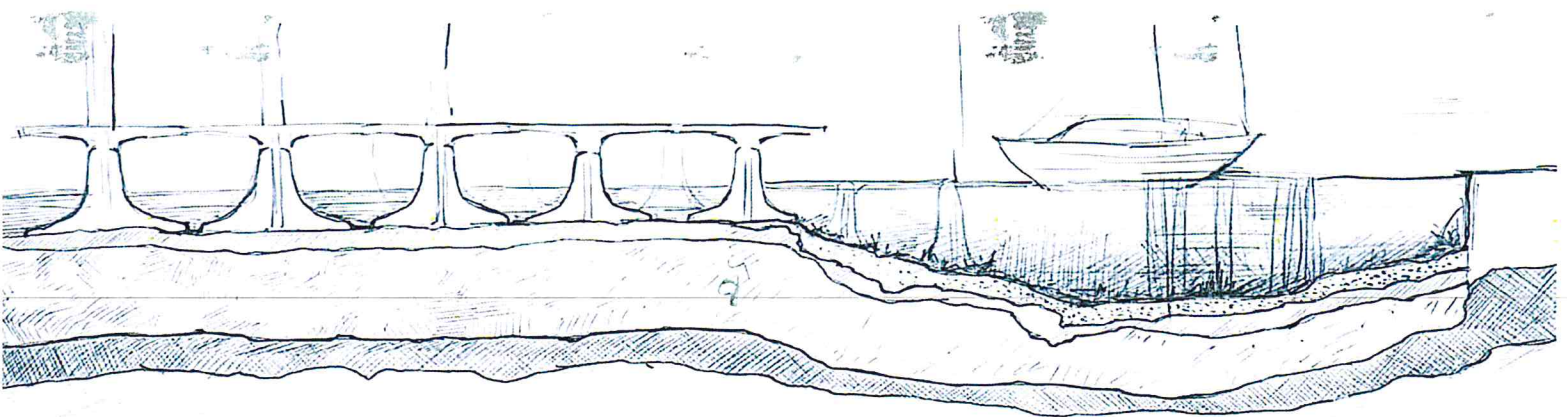
Stag Liuzza has personally handled numerous water contamination cases and specializes in this niche area of law

03. MULTIPLE CLAIMANTS/MULTI-DISTRICT LITIGATION EXPERIENCE

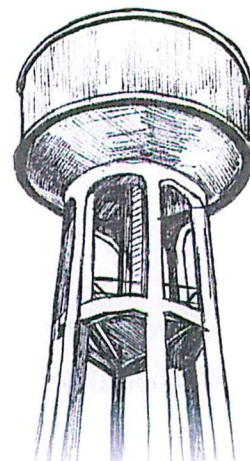
Stag Liuzza has handled cases on behalf of large communities and governmental bodies. They understand what it means to represent large significant parties in national suits.

04. EXPERIENCE REPRESENTING GOVERNMENTAL ENTITIES

Representing a state or local entity differs from representing individuals and corporate clients. Stag Liuzza has represented governmental entities for years and understands the unique concerns and requirements of doing so.



BIG CHEM TAKES US SERIOUSLY



HERE'S WHY:

15 billion+

gallons of water protected
(and counting!)

1,800

acres of soil cleanup identified
(and counting!)

100

years of combined
experience

Stag Liuzza is working with towns and cities across the country to put the cost of a new water treatment plan on the companies that polluted it.

JOIN US

(888) 513-7545



AV[®]PREEMINENT[™]
Martindale-Hubbell[®]
Lawyer Ratings



Louisiana Association
for JUSTICE
MEMBER



RATED BY
Super Lawyers



AMERICAN
ASSOCIATION for
JUSTICE.



• Stag Liuzza • www.cleangroundwater.com • (888) 513-7545