

Environmental Litigation for Contamination of Water & Wastewater

Shayna E. Sacks, Esq.

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NAPOLI SHKOLNIK
ATTORNEYS AT LAW

PFAS IN WATER & WASTEWATER,
1,4-DIOXANE,
SINGLE-USE &
MICROPLASTICS, AND
OTHER POTENTIAL
LITIGATIONS

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Holding **Polluters** Responsible

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\$15.431 BILLION WATER SETTLEMENTS

- 3M for **\$12.5 billion**
- DuPont for **\$1.185 billion**
- Tyco/Chemguard for **\$750 million**
- BASF for **\$312 million**
- Kidde –Fenwal Bankruptcy for **\$540 Million**
- Global Carrier for **\$129.2 million**

Ongoing Litigation - 12 additional companies
In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873-RMG)



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Holding **Polluters** Responsible



PAYOUT PHASE I



DuPont – One Time Payment

3M - First payments 1st quarter of 2025
Annual payments through 2036

BASF – One Time Payment

Tyco/Chemguard – Two payments (Date TBD)



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SETTLEMENT DEADLINES

3M SETTLEMENT

Phase I **Deadline Passed**

Phase II **Deadline June 30, 2026**
System tested after June 22, 2023

DUPONT SETTLEMENT

Phase I **Deadline Passed**

Phase II **Deadline July 31, 2026**
System tested after June 30, 2023

TYCO & BASF SETTLEMENT

TYCO - Testing must have taken place by **May 15, 2024**
Deadline for submission – **Deadline Passed**

BASF – Impacted water as of **May 15, 2024**
Deadline for submission – **Deadline Passed**

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- Numerical Lab Results
- IRS W-9
- Remedial Action Taken if Applicable
- 2013-2022 Flow Records per source
- Maximum permitted flow rate or withdrawal per source

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Wastewater Regulations

In late April 2024, the Environmental Protection Agency's ("EPA") announced their decision to classify Perfluorooctanoic Acid ("PFOA") and Perfluorooctane Sulfonate ("PFOS") as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA").

** The Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9601 et seq. (1980)*

** Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances, EPA-HQ-OLEM-2019-0342*



*EPA in process of
establishing
discharge limits,
bio-solid disposal*

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Proposed Discharge Standards



Table 1. Draft Human Health Criteria (HHC) for Three PFAS.

PFAS	Water + Organism HHC (ng/L; ppt) ¹	Organism Only HHC (ng/L; ppt) ¹
PFOA	0.0009	0.00036
PFOS	0.06	0.07
PFBS	400	500

¹ Values are provided in ng/L units to aid in comparison to method detection limit (MDL).

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1,4 - DIOXANE CONTAMINATION



1,4 - DIOXANE IS HIGHLY CARCINOGENIC
AND CAN CONTAMINATE YOUR LAND AND
GROUNDWATER



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Hold Manufacturers Responsible



1,4-Dioxane is a synthetic industrial chemical that does not occur in nature and is extremely persistent in the environment.

Manufacturers:

- Dow Chemical Company
- Ferro Chemical Corporation
- Union Carbide

It is or was used in industries such Rubber & Plastics; Inks, Paints and Coatings; Adhesives; Automotive Fluids; Aircraft Fluids, Consumer Products, and more.



The **EPA** classifies **1,4-Dioxane** as "likely to be **carcinogenic** to humans by all routes of exposure".

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Microplastics



"Microplastics" = less than five millimeters in length to one nanometer.

Microplastics are the breakdown of larger plastics or have been intentionally added to consumer products.

They have been found in human lungs, livers, spleens, placentas, and even In every ecosystem on the planet, from Antarctica to the Mariana Trench to Mt. Everest.

* *Mayor and City Council of Baltimore v. Pepsico, Inc., et al.*, c-24-CV-24-001003 (2024).



LESS THAN
10%
RECYCLED

PLASTICS ARE
85%
OF MARINE WASTE

PLASTIC WASTE
11 MILLION
METRIC TONNES
IN OCEANS YEARLY

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Economic Burden on Surface Water Drinking Water Systems



Filtration and Treatment Costs:

Surface water systems are facing escalating costs to remove **microplastics**.

Infrastructure Upgrades:

Drinking water systems may need to invest in new infrastructure to effectively handle the increasing load of **plastic pollutants**.

Waste Management:

The disposal and management of **single-use plastics** and **microplastics** from water treatment processes also add to operational costs.

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Thank You!

Shayna E. Sacks
Partner

SSacks@NapoliLaw.com



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