

- 6.1. Authorize the Director of General Services to file Claims Forms to participate in settlement of multi-district litigation against Tyco Fire Products LP, Chemguard, Inc., and BASF Corporation, and execute releases of claims against the defendants ()



## **County of Santa Cruz Board of Supervisors**

### **Agenda Item Submittal**

**From:** General Services Department

**Subject:** PFAS Class Action Settlement for Rountree Water System

**Meeting Date:** April 8, 2025

**Formal Title:** Authorize the Director of General Services to file Claims Forms to participate in settlement of multi-district litigation against Tyco Fire Products LP, Chemguard, Inc., and BASF Corporation, and execute releases of claims against the defendants

### **Recommended Actions**

1. Authorize the Director of General Services to file Claims Forms to participate in settlement of multi-district litigation against the Tyco Defendants and BASF Corporation; and
2. Authorize the Director of General Services to execute releases of claims against the Tyco Defendants and BASF Corporation

### **Executive Summary**

The County of Santa Cruz has been impacted by contamination in the Rountree water system due to PFAS chemicals, and the State of California has set a regulatory standard for these contaminants. Under State orders, the County conducted quarterly testing of the water system for PFAS, with levels found to exceed the newly set regulatory standard. This situation has made the County eligible to seek compensation for damages.

A multi-district class action settlement has been initiated involving Tyco Fire Products LP, Chemguard, Inc., (collectively, the "Tyco Defendants"), and BASF Corporation. As a public water system, the County of Santa Cruz qualifies to participate in this settlement by filing claims for compensation. To join the settlement process, it is necessary that the Director of the General Services Department (GSD) be authorized to act on behalf of the County of Santa Cruz to file claims forms and execute releases of claims against the Tyco Defendants and BASF Corporation. The deadline to file claims forms is April 8th, 2025. Failure to file claims by this date would result in the County losing the ability to receive compensation for damages related to the PFAS contamination of the Rountree water system.

### **Discussion**

The County of Santa Cruz, through its Department of General Services (GSD), operates a public water system at the Rountree Correctional Facility, which is subject to periodic testing under State of California regulations. Since 2021, as directed by the State, the County has conducted quarterly testing for PFAS (per- and polyfluoroalkyl substances), which are known to be persistent contaminants that may pose risks to public health and the environment.

At the time, no regulatory standards had been set by the State regarding minimum

acceptable levels of these substances in the water supply, and the County fulfilled its obligation by notifying the State of test results when PFAS results met the established notification thresholds, as required by Health and Safe Code Section 116455. In April 2024, the State of California established a regulatory standard for PFAS at 0.007 parts per trillion (ppt). Upon comparing the County's testing data to this new standard, it was found that the PFAS in the Rountree Correctional Facility water system, with measurements of 3.6 ng/L (equivalent to ppt) for PFBS, 3.3 ng/L for PFHxS, and 6.1 ng/L for PFOA, significantly exceed the State's threshold.

As a result of these findings, the County of Santa Cruz is eligible to seek compensation for damages related to the contamination of the Rountree water system from the Tyco Defendants and BASF Corporation. There is currently a class action settlement for which the County qualifies to file a claim as a public water system under the terms of the litigation.

The General Services Department (GSD) is responsible for the management and oversight of the Rountree water system. This includes ensuring compliance with state water quality regulations and addressing any issues related to contamination. To participate in the settlement of the multi-district litigation against the Tyco Defendants and BASF Corporation and seek compensation, the Director of the General Services Department (GSD) requires authorization to take the following actions on behalf of the County of Santa Cruz:

1. File Claims Forms, and
2. Execute releases of claims against the Tyco Defendants and BASF Corporation.

Delegating this authority to the Director of the General Services Department (GSD) is necessary for the County to participate in the settlement process and recover damages. The deadline to file claims forms and be eligible for compensation is April 8th, 2025. Failure to file by this date would result in the County losing its eligibility to recover damages related to the PFAS contamination of the Rountree water system.

## **Financial Impact**

According to the allocation range tables provided by the defendants, recoveries for Tyco at a flow rate of 100 gallons per minute (gpm) range from \$3,149 to \$8,242, and for BASF at 100 gpm, the range is from \$1,312 to \$3,434. Given the County's flow rate of 67 gpm, the recoveries are expected to fall at the lower end of these amounts. This estimate reflects recoveries for action funds and does not include potential recoveries from other funds, such as Special Need Funds, Supplemental Funds, the Litigation Bump, or the Public Water Provider Bellwether Bump. The County may qualify for these additional categories, though this is yet to be determined.

## **Strategic Initiatives**

Operational Plan - Comprehensive Health & Safety, Sustainable Environment

### **Submitted By:**

Michael Beaton, General Services Director

### **Recommended By:**

Carlos J. Palacios, County Administrative Officer

**Artificial Intelligence Acknowledgment:**

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

**Aqueous Film-Forming Foam (AFFF) Products Liability Litigation (MDL 2873)**  
**Public Water System Settlement Claims Form**

**CLAIM SUBMISSION DEADLINE: 60 DAYS AFTER THE EFFECTIVE DATE**

**INSTRUCTIONS**

*All capitalized terms not otherwise defined herein shall have the meanings set forth in the Settlement Agreement, available for review at [www.PFASWaterSettlement.com](http://www.PFASWaterSettlement.com)*

Please follow the instructions below to submit a claim for the AFFF Products Liability Litigation Settlement Program. A completed copy of this Claims Form must be submitted no later than the Claims Form Deadline. Late Claims Forms will not be considered.

TO RECEIVE BENEFITS FROM THIS SETTLEMENT, YOU MUST PROVIDE ALL OF THE REQUIRED (\*) INFORMATION BELOW AND YOU MUST SIGN THIS CLAIMS FORM. THIS CLAIMS FORM SHOULD ONLY BE USED IF A CLAIM IS BEING MAILED IN AND IS NOT BEING FILED ONLINE. YOU MAY ALSO FILE YOUR CLAIM ONLINE AT [www.PFASWaterSettlement.com](http://www.PFASWaterSettlement.com).

For the Claims Form to be valid, Claimants must provide ALL information requested concerning the Public Water System (PWS) and its groundwater wells and/or surface water systems ("Water Source").

**Baseline Testing:** If a Water Source was tested only prior to January 1, 2019, and its test results do not show a Measurable Concentration (any level) of PFAS, that Water Source must be retested to meet Baseline Testing requirements. If a Water Source was tested on January 1, 2019, or later, and its test results do not show a Measurable Concentration of PFAS, no further testing of that Water Source is required. Test results may be submitted from untreated (raw) or treated (finished) water samples. However, all samples must be drawn from a Water Source that has been used to provide Drinking Water.

A PWS that does not timely return a completed Claims Form forfeits any right to participate in this settlement. For any questions about this Claims Form, you may contact a Claim Representative at 1-855-714-4341 or [info@pfaswatersettlement.com](mailto:info@pfaswatersettlement.com). Claims Forms submitted by mail should be sent to the Claims Administrator at the following address:

AFFF Public Water System Claims  
 PO Box 4466  
 Baton Rouge, LA 70821

**SECTION 1. PUBLIC WATER SYSTEM (PWS) INFORMATION**

**SECTION 1.1 PWS GENERAL INFORMATION**

Public Water System (PWS) Name*			
PWS Identification Number (PWSID)*		Employer Identification Number*	_ _ - _ _ _ _ _
PWS Facility Address*	Street		
	City	State	Zip

**SECTION 1.2 PWS CONTACT INFORMATION**

*Please note that communication for this Settlement may extend into the year 2030. Please provide contact information with this in mind and contact the Claims Administrator if any updates are required.*

Name of PWS Primary Contact*		Job Title of PWS Primary Contact*	
Telephone Number for Primary Contact*	( _ _ _ ) _ _ _ - _ _ _ _	Fax Number	( _ _ _ ) _ _ _ - _ _ _ _
Email Address for Primary Contact*		PWS "General" Email (if available)	
Name of PWS Secondary Contact		Job Title of PWS Secondary Contact	
Telephone Number for Secondary Contact	( _ _ _ ) _ _ _ - _ _ _ _	Email Address for Secondary Contact	
PWS Mailing Address* <small>Payments will be sent to this address</small>	Street/PO Box		
	City	State	Zip

<b>Aqueous Film-Forming Foam (AFFF) Products Liability Litigation (MDL 2873)</b> <b>Public Water System Settlement Claims Form</b>			
<b>SECTION 1.3 LAWSUIT INFORMATION (CHECK YES OR NO)</b>		<b>YES</b>	<b>NO</b>
Has PWS filed a lawsuit to recover damages associated with PFAS contamination of its groundwater wells or surface water systems?*			
If yes, is the lawsuit currently pending/filed in the AFFF MDL?*			
If the lawsuit is NOT currently in the AFFF MDL, in which court is it pending?*			
Case Number*			
Date Filed*			
<b>SECTION 1.4 ATTORNEY INFORMATION (IF APPLICABLE)</b>		<b>YES</b>	<b>NO</b>
Is the PWS represented by an attorney? (Check Yes or No)*			
Attorney Name*		Law Firm Name*	
Telephone Number*	( _ _ _ ) _ _ _ - _ _ _ _	Email Address*	
Law Firm Employer Identification Number*			
<b>SECTION 2. QUALIFYING PWS INFORMATION</b>			
<b>QUALIFYING QUESTIONS (CHECK YES OR NO)</b>		<b>YES</b>	<b>NO</b>
Is the PWS required to test under UCMR-5?*			
Is the PWS required to test for PFAS by state law?*			
Does the PWS serve at least 15 service connections used by year-round residents?*			
Does the PWS serve at least 25 year-round residents?*			
Does the PWS serve 3,300 people or fewer according to SDWIS as of May 15, 2024?*			
Is the PWS in the United States of America or one of its territories?*			
Is the PWS owned by a state (or territory of the United States) or the federal government?*			
<b>PWS CODES WITHIN THE SAFE DRINKING WATER INFORMATION SYSTEM (SDWIS)</b>			
<b>What is the PWS Owner Type Code as listed in SDWIS?*</b> <i>Please enter one of the following: "L-Local Government" or "M-Public/Private" or "P-Private" or "N-Native American" or "S-State Government" or "F-Federal Government"</i>			
<b>If the PWS has an Owner Type Code of "P-Private", what is the operation type of the PWS?*</b> <i>Please enter one of the following: "Private For-Profit Utility", "Nonprofit Utility", or "Ancillary Utility"</i>			
<b>If the PWS has an Owner Type Code of either "S-State Government" or "F-Federal Government," does the PWS have the authority to sue or be sued in its own name?*</b> <i>Please enter one of the following: "Yes" or "No"</i>			
<b>What is the PWS Facility Activity Code as listed in SDWIS?*</b> <i>Please enter one of the following: "Active", "Inactive", "Change from public to non-public", "Merged with another system" or "Potential future system to be regulated"</i>			
<b>What is the PWS classification as listed in SDWIS?*</b> <i>Please enter one of the following: "Community Water System" or "Non-Transient Non-Community Water System" or "Transient Non-Community Water System"</i>  <i>Note: If (1) your type code is "Transient Non-Community Water System" OR (2) your type code is "Non-Transient Non-Community Water System" AND the PWS serves 3,300 people or fewer, skip to Section 6.</i>			

## Aqueous Film-Forming Foam (AFFF) Products Liability Litigation (MDL 2873)

### Public Water System Settlement Claims Form

#### SECTION 3. WATER SOURCE SUMMARY INFORMATION

GROUNDWATER WELL SUMMARY	QUANTITY
How many groundwater wells are owned or operated by the PWS?	
How many of these groundwater wells have been analyzed using a state or federal agency-approved analytical method and showed a Measurable Concentration of PFAS prior to May 15, 2024?	
How many of these groundwater wells have been analyzed using a state or federal agency-approved analytical method and DID NOT show a Measurable Concentration of PFAS since January 1, 2019?	
SURFACE WATER SYSTEM SUMMARY	QUANTITY
How many surface water systems are owned or operated by the PWS?	
How many of these surface water systems have been analyzed using a state or federal agency-approved analytical method and showed a Measurable Concentration of PFAS prior to May 15, 2024?	
How many of these surface water systems have been analyzed using a state or federal agency-approved analytical method and DID NOT show a Measurable Concentration of PFAS since January 1, 2019?	

#### SECTION 4. WATER SOURCE INFORMATION

Please complete and submit information from Section 4 for EACH Water Source. See "Addendum X" to provide information for each additional Water Source.

*Note: Groundwater wells should report flow rates from the groundwater well. Surface water systems should report the flow rate of the water that enters the treatment plant.*

**Name or description of the Water Source.\***

*Note: This is the name or unique identifier listed on the testing laboratory chain of custody document.*

**Is this a groundwater well or surface water system?\***

Please enter "Groundwater well" or "Surface water system."

*Note: Please enter "Surface water system" if a treatment plant is blending groundwater and surface water before treatment. Both systems are considered a surface water system.*

WATER SOURCE QUESTIONS (CHECK YES OR NO)	YES	NO
Does the PWS own this Water Source?*		
Does the PWS operate this Water Source?*		
Is this Water Source a <u>purchased</u> water connection?*		
<b>Is this Water Source part of an interrelated Drinking Water system (IDWS)?*</b> <i>If Yes, please complete the IDWS Addendum for this source.</i>		
<i>Note: Detailed IDWS guidance is provided in the "The Parties' Joint Interpretive Guidance on Interrelated Drinking-Water Systems" located at <a href="http://www.PFASWaterSettlement.com">www.PFASWaterSettlement.com</a>.</i>		
Has the water from this Water Source ever been used as Drinking Water?*		
Was this Water Source tested or otherwise analyzed for PFAS and found to contain any Measurable Concentration of PFAS on or before the May 15, 2024?*		

**Aqueous Film-Forming Foam (AFFF) Products Liability Litigation (MDL 2873)**  
**Public Water System Settlement Claims Form**

**FLOW RATE CAPACITY**

Please answer the below questions indicating the maximum flow rate capacity for the Water Source. Please enter the measurement in total gallons per year (GPY), gallons per minute (GPM), or million gallons per day (MGD).

FLOW RATE QUESTIONS	GPY	GPM	MGD
If this Water Source is a groundwater well, please enter the maximum flow rate capacity of the groundwater pump.*			
If this Water Source is a surface water system, please enter the maximum flow rate capacity of the water that enters the treatment plant.*			
How was the maximum flow rate capacity determined?*			

For the following years, please enter the ACTUAL ANNUAL flow rate for the Impacted Water Source. If the flow rate was reduced or the source was taken offline due to PFAS contamination, please indicate by checking the box corresponding to that year.

*Note: Please enter the measurement in total gallons per year (GPY) OR gallons per minute (GPM) OR million gallons per day (MGD). If the source was not active in a particular year, please enter "0" (zero) for the Actual Annual Flow Rate. Flow rates should be based on a 12 month period regardless of how many months the source was in operation during the year.*

YEAR	GPY	GPM	MGD	Was the Annual Flow Rate reduced due to PFAS Contamination?
<i>Flow Rate Calculations</i>	<i>= GPM * 1,440 Minutes Per Day * 365 Days Per Year</i>	<i>= GPY ÷ 1,440 ÷ 365</i>	<i>= (GPM * 1,440) ÷ 1,000,000</i>	<i>(Yes or No)</i>
<b>Example: 2014</b>	<b>785,246,400</b>	<b>1,494</b>	<b>2.15</b>	<b>No</b>
2014*				
2015*				
2016*				
2017*				
2018*				
2019*				
2020*				
2021*				
2022*				
2023*				

**ADDITIONAL FLOW RATE INFORMATION (IF NECESSARY)**

Each PWS is required to provide data for at least 3 years for which the actual annual flow rate (AAFR) was not reduced due to PFAS contamination, if available. If the PWS did not provide data for at least 3 years in which the AAFR was not reduced due to PFAS contamination (in the table above), please use the space below to provide additional information as needed. For example, if the AAFR for 9 of the previous 10 years has been reduced due to PFAS contamination, the PWS should provide 2 years of data below for the most recent unimpacted years.

YEAR	GPY	GPM	MGD
<i>Flow Rate Calculations</i>	<i>= GPM * 1,440 Minutes Per Day * 365 Days Per Year</i>	<i>= GPY ÷ 1,440 ÷ 365</i>	<i>= (GPM * 1,440) ÷ 1,000,000</i>
<b>Example: 2012</b>	<b>785,246,400</b>	<b>1,494</b>	<b>2.15</b>



## Aqueous Film-Forming Foam (AFFF) Products Liability Litigation (MDL 2873)

### Public Water System Settlement Claims Form

#### SECTION 5. PFAS TESTING RESULTS

##### PFOA CONTAMINATION TESTING

Please enter the below information to indicate **PFOA** Qualifying Test Results. *If this Water Source was not found to contain any PFAS at any level since January 1, 2019, leave this section blank and skip to Section 6: Certification and Signature.*

**See Addendum X to provide information for each additional Water Source.**

Highest historical PFOA concentration in lab-issued documentation*:			
Date of sampling*:			
Company of the person who took the sample*:			
Date of analysis*:			
Highest historical PFOA concentration converted to parts per trillion (PPT)*:	_____ PPT		
Name of laboratory that performed the analysis*:			
Facility address of laboratory that performed the analysis:	Street/PO Box		
	City	State	Zip
What state or federal agency approved analytical method was used to measure the PFAS concentrations of the Impacted Water Source (e.g., EPA Method 537.1, EPA Method 533)?*			

##### PFOS CONTAMINATION TESTING

Please enter the below information to indicate **PFOS** Qualifying Test Results. *If this Water Source was not found to contain any PFAS at any level since January 1, 2019, leave this section blank and skip to Section 6: Certification and Signature.*

**See Addendum X to provide information for each additional Water Source.**

Highest historical PFOS concentration in lab-issued documentation*:			
Date of sampling*:			
Company of the person who took the sample*:			
Date of analysis*:			
Highest historical PFOS concentration converted to parts per trillion (PPT)*:	_____ PPT		
Name of laboratory that performed the analysis*:			
Facility address of laboratory that performed the analysis:	Street/PO Box		
	City	State	Zip
What state or federal agency approved analytical method was used to measure the PFAS concentrations of the Impacted Water Source (e.g., EPA Method 537.1, EPA Method 533)?*			

## Aqueous Film-Forming Foam (AFFF) Products Liability Litigation (MDL 2873)

### Public Water System Settlement Claims Form

#### OTHER PFAS CONTAMINATION TESTING

Please enter the below information to indicate **other PFAS analyte** Qualifying Testing Results. *If this Water Source was not found to contain any PFAS at any level since **January 1, 2019**, leave this section blank and skip to Section 6: Certification and Signature.*

**See Addendum X to provide information for each additional Water Source.**

Highest historical concentration of <b>one</b> other PFAS analyte in lab-issued documentation*:			
Date of sampling*:			
Company of the person who took the sample*:			
Date of analysis*:			
Highest historical concentration of one other PFAS analyte concentration converted to parts per trillion (PPT)*:	_____ PPT		
Name of laboratory that performed the analysis*:			
Facility address of laboratory that performed the analysis:	Street/PO Box		
	City	State	Zip
What state or federal agency approved analytical method was used to measure the PFAS concentrations of the Impacted Water Source (e.g., EPA Method 537.1, EPA Method 533)?*			

#### SECTION 6. CERTIFICATION AND SIGNATURE

By signing this Claims Form, Authorized Representative represents and warrants the following on behalf of the Class Member:

- The Authorized Representative has authority to submit a claim and to release all Released Claims on behalf of the Class Member and all other Persons who are Released Persons by virtue of their relationship or association with the Class Member.
- The Class Member has tested each of its Water Sources for PFAS.
- The Class Member authorizes the Claims Administrator and/or Special Master to provide all Claims Form information, including PFAS test result details, to the relevant Parties as required by the terms of the Settlement Agreement.
- The Class Member has consulted with any other entity that has incurred costs in connection with efforts to remove PFAS from, or prevent PFAS from entering, Class Member's Public Water System, and that Class Member's claim is on behalf of any such other entity.

I declare under penalty of perjury subject to 28 U.S.C. § 1746 that all of the information provided within this Claims Form and its attachments are true and correct to the best of my knowledge, information, and belief.

Authorized Representative's Signature*:	
Authorized Representative's Printed Name*:	

Executed this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ (County), \_\_\_\_\_ (State).

#### DOCUMENTATION REQUIREMENTS

Please submit **ALL** documentation reflecting the information provided above including the following:

1. Lab-issued documentation demonstrating historical maximum detections of PFOA, PFOS, and other PFAS analyte (including chain of custody document)
2. Documentation to support both annual average and maximum flow rate of the water entering the surface water system.
3. Filed and dated copy of the lawsuit filed by the PWS to recover damages associated with PFAS contamination of its groundwater wells or surface water systems
4. A completed IRS Form W-9 for the PWS



# PFAS CLASS ACTION SUIT

BOARD OF SUPERVISORS  
Agenda Item 21

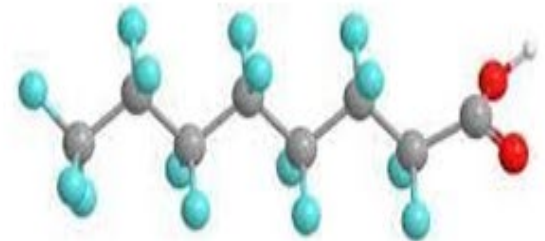
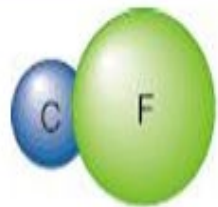
APRIL 8, 2025

# PFAS Background

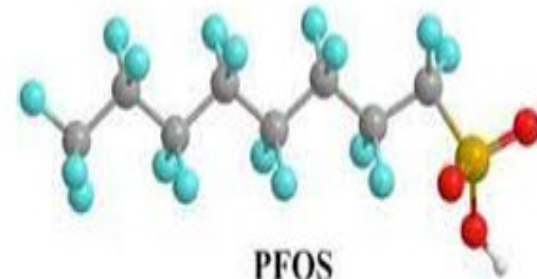
## Per- and Polyfluoroalkyl Substances (PFAS)

- Group of man-made chemicals resistant to heat, water, and oil
- Thousands of compounds including the two sub-categories:
  - Perfluorooctanoic acid (**PFOA**)
  - Perfluorooctanesulfonic acid (**PFOS**)

One of the strongest bonds in chemistry, leads to **environmental persistence**



PFOA



PFOS





# SOURCES OF PFAS



Non-stick cookware



Water-proof and stain-resistance fabrics and carpets



Fast food packaging



Firefighting foam



Make-up products



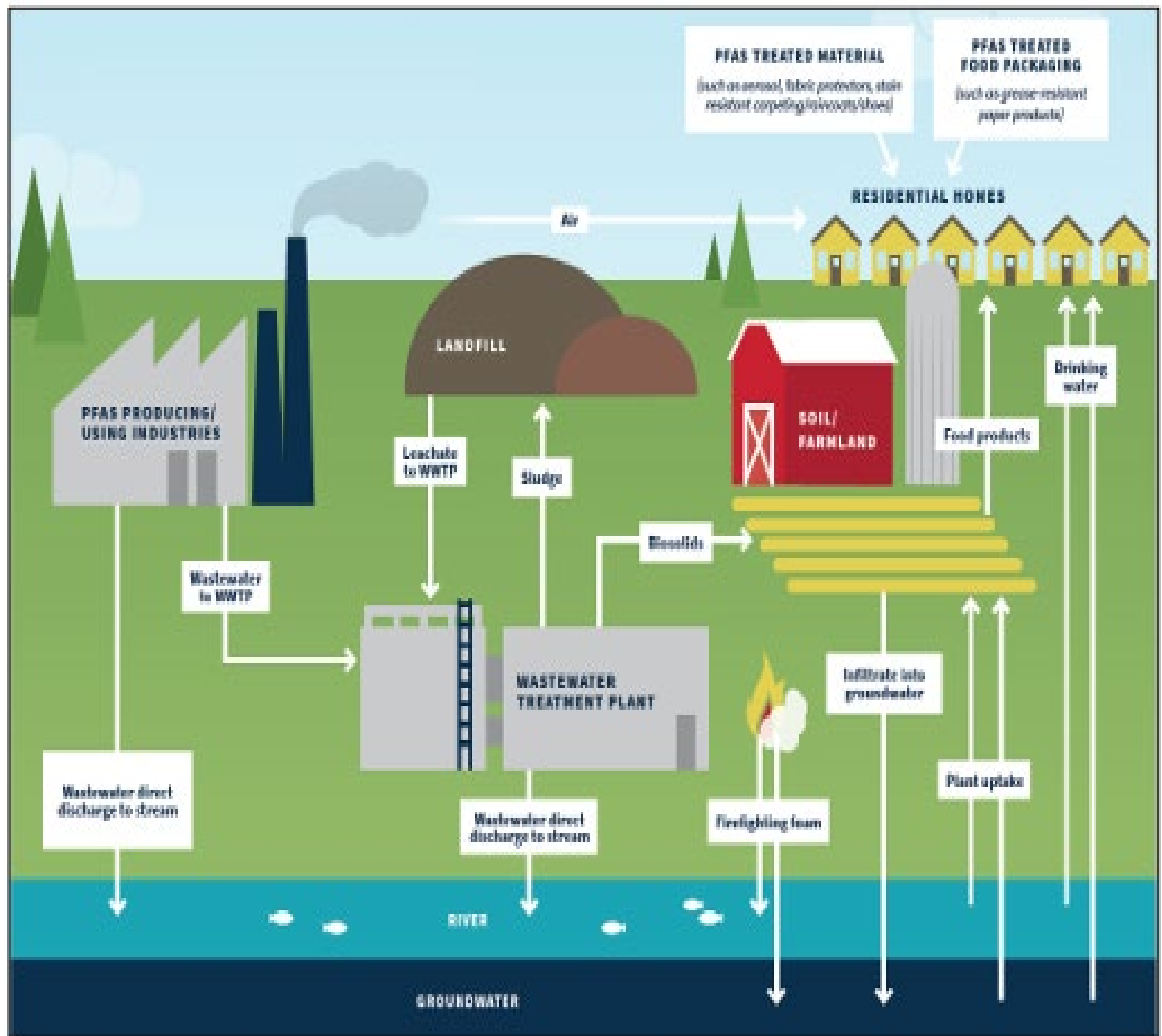
Pesticides and herbicides



Paints



Photographic processes







# State PFAS News Update

## ➤ **Effective January 1, 2023**

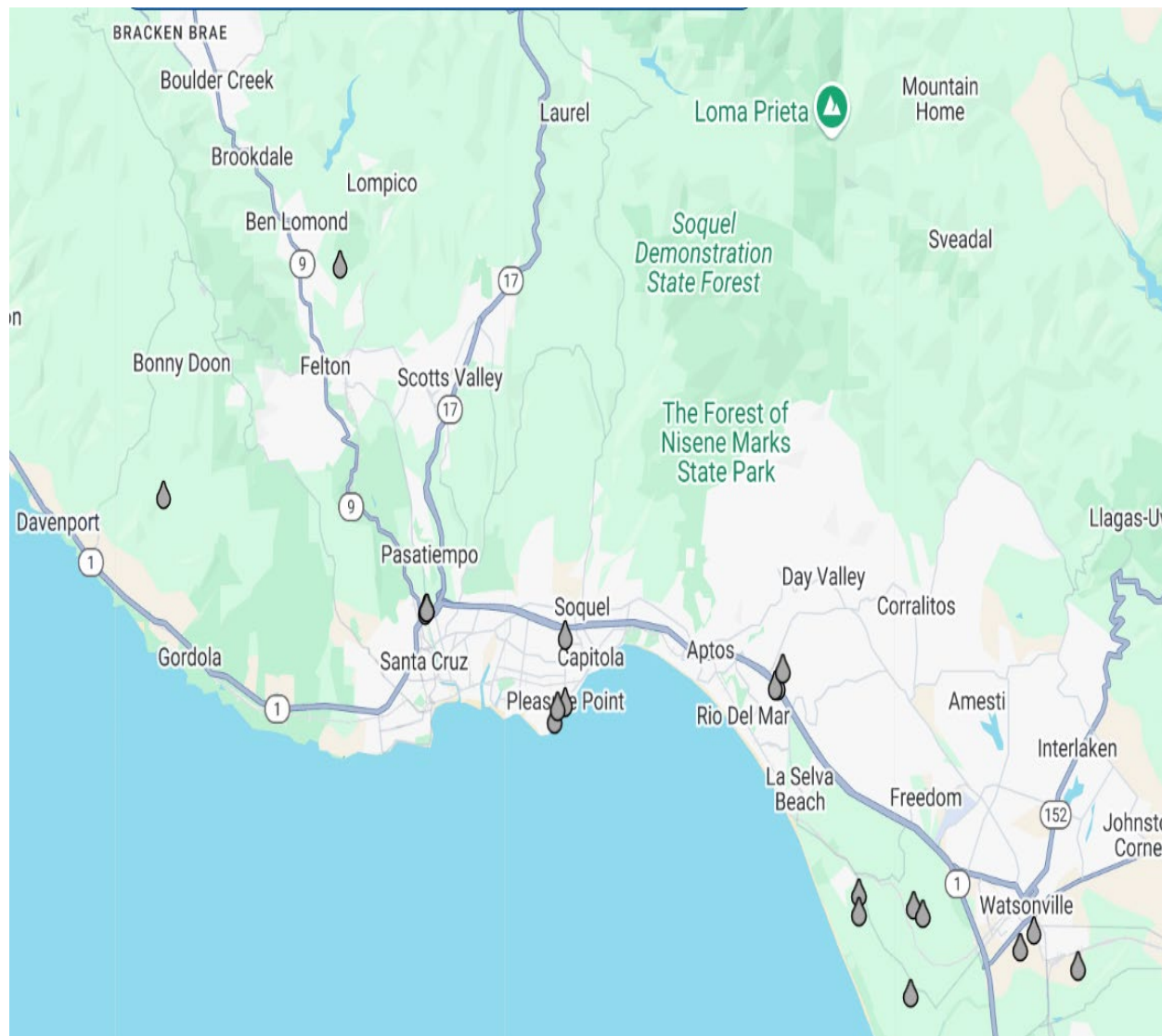
- Sale of plant-based food packaging containing regulated PFAS, at levels higher than 100 parts per million (ppm) total organic fluorine, is prohibited. (AB 1200, 2021; Health and Safety Code, Section 109000)

## ➤ **Effective July 1, 2023**

- Sale/distribution of new juvenile (under 12 years) products containing regulated PFAS, at levels higher than 100 ppm total organic fluorine, is prohibited (AB 652, 2021; Health and Safety Code, Sections 108945 - 108947)



PUBLIC WATER  
DRINKING  
WELLS  
w/detected  
PFAS/PFOA  
LEVELS





# CURRENT CALIFORNIA PFAS LEVELS

PFAS Constituent	Notification Level (ng/L or ppt)	Response Level (ng/L or ppt)
Perfluorobutanesulfonic acid (PFBS)	500	5,000
Perfluorohexanesulfonic acid (PFHxS)	3	20
Perfluorooctanesulfonic acid (PFOS)	6.5	40
Perfluorooctanoic acid (PFOA)	5.1	10

## ROUNTREE WATER WELL LEVELS 12.9.24

PFBS 3.5 ng/L

PFHxS 3.3 ng/L

PFOS <2 ng/L

PFOA 5.9 ng/L





# NEW EPA STANDARDS EFFECTIVE 2029

Compound	EPA MCL
PFOA	4.0 ppt
PFOS	4.0 ppt
PFHxS	10 ppt
PFNA	10 ppt
HFPO-DA (commonly known as GenX Chemicals)	10 ppt
Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS	1 (unitless) Hazard Index*

\*USEPA established MCLs for PFAS mixtures containing at least two or more of PFOA, PFOS, PFHxS, PFNA, and PFBS.



# MANUFACTURE CLASS ACTION LAWSUITS

**3M**

**DUPONT**



# Regional Water Management Foundation Grant

\$800K Grant

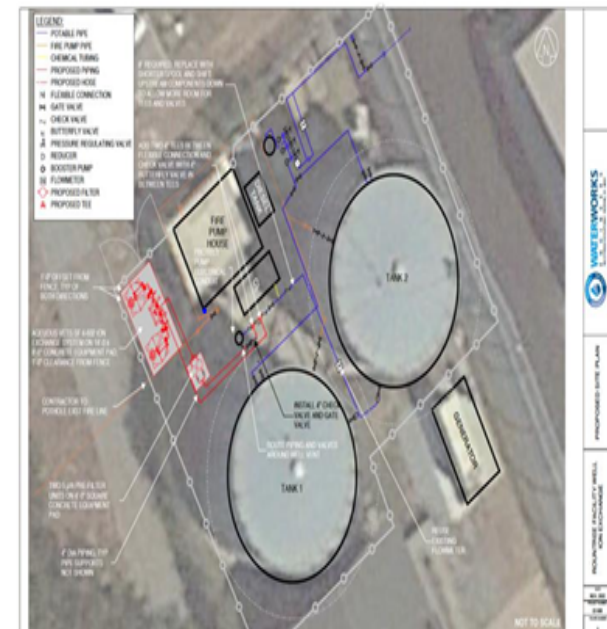
Estimated Completion Fall 2026

The proposed grant includes

- 1) implementing an **ion exchange water treatment system** to reduce hexavalent chromium and per- and polyfluoroalkyl substances (PFAS), and
- 2) conducting a **feasibility study** of the water system to consider the most appropriate approaches to add reliability and redundancy.

The **feasibility study** will consider potential options, such as:

- 1) the use of a new water source (e.g., new well);
- 2) an intertie to a well at the Buena Vista landfill; or
- 3) an intertie to a well located at the nearby Buena Vista Migrant Center.



General Services Department



# QUESTIONS