

RESOLUTION NO. 2023-12R

A RESOLUTION OF THE BOARD OF DIRECTORS OF WYLIE NORTHEAST SPECIAL UTILITY DISTRICT OF COLLIN COUNTY, TEXAS, AUTHORIZING THE BOARD PRESIDENT TO OPT THE DISTRICT OUT OF CERTAIN 3M COMPANY AND DUPONT DE NEMOURS, INC. CLASS ACTION SETTLEMENTS FOR DRINKING WATER CONTAMINATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Wylie Northeast Special Utility District (the "District") is a political subdivision of the State of Texas created under authority Section 59, Article XVI, Texas Constitution, and operating under Chapters 49 and 65 of the Texas Water Code; and

WHEREAS, per- and poly-fluoroalkyl substances ("PFAS") are a class of man-made chemicals that do not naturally break down and have been linked to negative health and environmental outcomes; and

WHEREAS, the U.S. Environmental Protection Agency has proposed to regulate certain PFAS under the Safe Drinking Water Act and Comprehensive Environmental Response, Compensation, and Liability Act; and

WHEREAS, thousands of lawsuits relating to harms caused by PFAS have been combined into multi-district litigation in the U.S. District Court for the District of South Carolina, *In re Aqueous Film-Forming Foams Products Liability Litigation*, No. 2:18-mn- 2873-RMG ("MDL"); and

WHEREAS, U.S. public water systems have brought hundreds of lawsuits currently pending in the MDL alleging contamination of their water supplies by PFAS manufacturers such as 3M Company ("3M"), which is or was a predominant manufacturer of PFAS, and DuPont de Nemours, Inc. and several associated companies (collectively, "DuPont"), which are or were major players in the PFAS market; and

WHEREAS, the MDL court preliminarily approved two proposed class action settlement agreements between a nationwide class of public water systems and 3M as well as DuPont, in the cases *City of Camden, et al. v. 3M Company*, Case No. 2:23-cv-03147- RMG (D.S.C.), and *City of Camden, et al. v. E.I. DuPont de Nemours and Company, et al.*, No. 2:23-cv-03230-RMG (D.S.C.); and

WHEREAS, the District is considered a public water system under the definitions in the settlements and is therefore a putative class member in both settlements; and

WHEREAS, any putative class member will be held to participate in each settlement unless it affirmatively files a request for exclusion, or "opts out" of the settlement class; and

WHEREAS, putative class members have until December 4, 2023 to opt out of the DuPont settlement and until December 11, 2023 to opt out of the 3M settlement; and

WHEREAS, if it participates in the settlements, the District would release any and all claims against 3M and DuPont related to PFAS found in the District's water system and service are; and

WHEREAS, the District is a retail customer of North Texas Municipal Water District ("NTMWD"), a wholesaler that treats the water sold to the District, who is also considered a putative class member in both settlements; and

WHEREAS, the settlements each provide for one payment for each respective water supply, not a double recovery by both a wholesaler and its retail customer; and

WHEREAS, the wholesaler receives the recovery for the water if it shows that it bears the PFAS treatment costs for that water; and

WHEREAS, the District's Board of Directors finds that it is in the public interest to opt out from the settlement classes in both the 3M and DuPont class action settlements for PFAS drinking water contamination.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF WYLIE NORTHEAST SPECIAL UTILITY DISTRICT THAT:

SECTION 1. Authorization for Exclusion. The District's General Manager is hereby authorized to exclude the District from the 3M and DuPont settlements.

SECTION 2. Effective Date. This Resolution shall become effective from and after its passage by the Board of Directors of the District.

PASSED and ADOPTED on this the 30th day of November, 2023, by the Board of Directors of Wylie Northeast Special Utility District.



ATTEST:



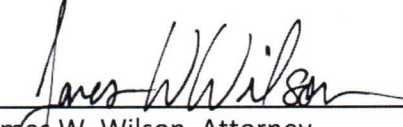
Lance Ainsworth, Secretary
or Amanda Horst, Assistant Secretary

APPROVED:



Jimmy C. Beach, President

APPROVED AS TO FORM:



James W. Wilson, Attorney