

From: Fernandez, Alfredo G. <AFernandez@goodwin.com>
Sent: Monday, September 25, 2023 4:20 PM
To: Joseph Leone; First Selectman
Cc: Phil Gaudette; Guthrie Dinda; Ranelli, Matt; Ritter, Matthew D.
Subject: RE: PFAS Class Action Suit

Joe and Andreas,

It was nice speaking with you last week about the PFAS matters and strategies in light of the Dupont and 3M settlements.

As a follow-up to that discussion, we agreed to present a proposed scope of work for how we might initially help Colchester on its options with respect to making a claim for the Dupont and 3M settlements. Of course, one of the questions is the cost/benefit of claiming “easy” but potentially short money from the settlements now, recognizing it probably won’t cover every PFAS-related expense in the future, or opt out of the settlement to try to secure a better resolution alone or with others that opt out. The scope below is how we see our efforts shaping up. Part 1 is time sensitive. Part 2 is a more holistic look that many clients are starting to undertake.

Part 1: “To settle or not to settle?”

- Evaluate 3M and Dupont Settlement Packages (<https://www.pfaswatersettlement.com/>) and summarize relevant deadlines and processes in which to opt in/opt out of each settlement (some dates are subject to change).
- Analyze the release language and impact on potential future claims by the town, changes in law, third party claims (e.g., bodily injury or medical monitoring), subrogation and insurance (if any).
- Analyze the “scoring” protocols to develop an estimate of the potential settlement payment available for Colchester for each of 3M and Dupont. We will request PFAS data and flow rates in due course.
- Evaluate the need to retain technical consultants.
- Determine whether all eligibility standards and claims requirements are (or can be) met.
- Summarize alternate non-settlement strategies, such as separate litigation (with or without other CT municipalities) and discussion of costs, timing, and risks.

Part 1 Cost estimate

- In light of our reduced public sector rates, we anticipate a range of **\$15,000-\$20,000** in fees for Part 1 (not including settlement claim preparation and submittal), including a few calls/conferences.
- If settlement is the selected option, the additional effort to assist with claim preparation and submittal (if desired by Town) would be evaluated and an estimate provided.
- Conversations with other municipalities may become necessary to explore a regional/collaborative approach, and thus additional time/budget would be evaluated and an estimate provided (noting that cost sharing may be possible).

Part 2: PFAS Risk Management Plan (RMP)

- Guide Colchester through a PFAS risk management assessment to better understand the town’s potential risks and liabilities associated with PFAS
- Understand current and prior operations (e.g., water utility and water sources, fire department, major crash/fire sites, schools, impact of local industry)
- Summarize categories of liabilities based on Colchester’s specific facts

- Understand existing insurance coverage (including old “occurrence based” general liability policies that may not exclude pollution coverage), aka “insurance archeology”
- Evaluate current/future insurance programs to manage risks (ideally a few months prior to renewal dates)
- Synthesize findings into a PFAS RMP
- As desired, brief Board of Selectman or other Town stakeholders

Part 2 Cost estimate

- The costs for Part 2 will be better understood after Part 1 is underway and we can discuss the development of an RMP.



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From: Joseph Leone <jleone@ColchesterCT.gov>

Sent: Monday, September 11, 2023 3:42 PM

To: Ritter, Matthew D. <MRitter@goodwin.com>; First Selectman <selectman@colchesterct.gov>

Cc: Phil Gaudette <pGaudette@colchesterct.gov>; Guthrie Dinda <gdinda@colchesterct.gov>; Ranelli,

Matt <MRanelli@goodwin.com>; Fernandez, Alfredo G. <AFernandez@goodwin.com>

Subject: RE: PFAS Class Action Suit

EXTERNAL EMAIL

Thank you Matt, Mr. Ranelli and Mr. Fernandez please let me know your availability.

Also see the article at this link for other towns affected by PFAS. <https://ctmirror.org/2023/08/27/ct-pfas-contamination-water-perfluoroalkyl-cromwell-hazardville-colchester/>

Thanks,

Joe

Joseph Leone, EIT, M.Ed
Director of Public Works
127 Norwich Ave, Colchester CT, 06415
Direct: (860) 537-7286



From: Ritter, Matthew D. <MRitter@goodwin.com>
Sent: Monday, September 11, 2023 3:09 PM
To: First Selectman <selectman@colchesterct.gov>
Cc: Joseph Leone <Jleone@ColchesterCT.gov>; Phil Gaudette <pGaudette@colchesterct.gov>; Guthrie Dinda <gdinda@colchesterct.gov>; Ranelli, Matt <MRanelli@goodwin.com>; Fernandez, Alfredo G. <AFernandez@goodwin.com>
Subject: Re: PFAS Class Action Suit

Andreas - absolutely.

I am copying my two partners, Matt Ranelli and Alfredo Fernandez, who handle all PFAS matters for the firm. They will be a great resource.

I am away this week but am glad to join a call next week as well.

Thanks, Matt

Sent from my iPhone

On Sep 11, 2023, at 6:13 PM, First Selectman <selectman@colchesterct.gov> wrote:

EXTERNAL EMAIL

Hi Matt,

Could you please connect with Joe Leone, the Public Works Director, on the related information below.

Sincerely,

Andreas

From: Joseph Leone <Jleone@ColchesterCT.gov>
Sent: Monday, September 11, 2023 2:10 PM
To: First Selectman <selectman@colchesterct.gov>
Cc: Water Department <waterdepartment@colchesterct.gov>
Subject: PFAS Class Action Suit

Andreas,

We have received mail today from the lawyers representing communities affected by PFAS. They are notifying us of a \$1.8b settlement offer that is to be voted on in December. I would like to get together with other municipalities in Connecticut to gauge if they would accept this. Could you coordinate a meeting with the Town Attorney and myself to review the notice and determine our next steps?

Thanks,

Joe

Joseph Leone, EIT, M.Ed
Director of Public Works
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Direct: (860) 537-7286



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