

**Resolution 25-095**

**RESOLUTION AUTHORIZING THE FILING OF LITIGATION INTERVENING IN THE MATTER OF NJDEP, ET AL., V. E.I. DUPONT DE NEMOURS AND COMPANY, ET AL., CASE NO.: 1:19-CV-14766-RMB-JBC (D.N.J.) REGARDING PROPOSED SETTLEMENTS BETWEEN NJDEP AND THE 3M COMPANY AND E.I. DUPONT DE NEMOURS AND COMPANY REGARDING PFAS**

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) has reached a proposed settlement with the 3M Company (3M), which would release 3M from liability arising from its sale, marketing, distribution, use, or manufacture of per- and polyfluoroalkyl substances (PFAS) in New Jersey; and

**WHEREAS**, the NJDEP has also reached a proposed settlement with E.I. DuPont De Nemours and Company (DuPont) similarly releasing DuPont from liability arising from its sale, marketing, distribution, use, or manufacture of PFAS in New Jersey; and

**WHEREAS**, the Association of Environmental Authorities (AEA) has advised that it is considering filing a motion to intervene in the matter of *NJDEP, et al., v. E.I. du Pont de Nemours and Company, et al.*, Case No. 1:19-CV-14766-RMB-JBC (D.N.J.), (Federal Court Litigation) to address concerns regarding the scope of the proposed settlements, including the release of claims, the Covenant Not to Sue, and the potential impact on the rights and remedies of New Jersey authorities, such as sewerage and municipal utility authorities, to address PFAS-related damages; and

**WHEREAS**, the Rockaway Valley Regional Sewerage Authority (Authority) has determined that the aforementioned proposed settlement and the release of claims adversely impact its rights and remedies to address PFAS related damages and that intervention as a party, along with the AEA, is warranted to protect RVRSA's legal rights and preserve its ability to pursue remedies in the future related to PFAS.

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority, that if the Association of Environmental Authorities (AEA) files a Motion to Intervene in the matter of *NJDEP, et al., v. E.I. du Pont de Nemours and Company, et al.*, Case No. 1:19-CV-14766-RMB-JBC (D.N.J.), contesting the inclusion of sewerage authorities within the scope of the release and Covenant Not to Sue in the proposed settlement documents, then Authority Counsel, Maraziti Falcon, LLP, is hereby authorized and directed to file a Motion to Intervene, or join in the AEA's motion as a party, to protect the Authority's legal rights and preserve its ability to pursue remedies in the future related to PFAS.

**BE IT FURTHER RESOLVED**, that the Executive Director, staff, and consultants are hereby authorized and directed to take all actions reasonably necessary to prepare and submit the Motion to Intervene referenced herein, including the development and execution of any required or appropriate supporting certifications or other documentation.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

### **CERTIFICATION**

I do hereby certify that this Resolution was adopted at a regular scheduled meeting of the Rockaway Valley Regional Sewerage Authority held on September 11, 2025.

On motion of Commissioner Schorno

Seconded by Commissioner Farrell

And a Roll Call Vote as Follows:

Yeas: (9) Andes, Cegelka, Chegwiddden, Farrell, Howarth, Isselin, Lavery, Schorno, and Sheehy.

Nays: (0) None

Abstain (0) None

Absent: (10) Zuppa.

  
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Donald Farrell, Board Secretary