



CITY OF FAIRBANKS

Jim Matherly, Mayor
800 CUSHMAN STREET
FAIRBANKS, ALASKA 99701-4615
OFFICE: 907-459-6793
FAX: 907-459-6787
jmatherly@fairbanks.us

Press Release

FOR IMMEDIATE RELEASE – City Files Suit for Water Contamination

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MEDIA CONTACT: Teal Soden, Communications Director, 907-687-9221, tsoden@fairbanks.us

On April 26, 2019, the City of Fairbanks filed a lawsuit in federal court against the 3M Company and Tyco Fire Products to recover costs which the City has incurred in responding to the contamination of local groundwater caused by the historic use of firefighting foam at the Fairbanks Regional Fire Training Center (“RFTC”) on 30th Avenue. The City Attorney was assisted by SL Environmental Group of San Francisco and Kennedy & Madonna of Hurley, New York, two law firms specializing in complex environmental and consumer litigation in both federal and state courts.

Firefighting foam, known as aqueous film-forming foam or AFFF, was used at the RFTC by several local fire departments for almost twenty years beginning in the mid-1980s. The product contains the toxic per- and polyfluoroalkyl substances PFOS and PFOA, which belong to a wider class of chemicals called PFAS. The fire departments using the foam were unaware of the health risks posed by these manmade chemicals.

Since the contamination caused by AFFF was discovered, the City completely excavated the burn pit area at the RFTC and removed the contaminated soil pursuant to work plans approved by the Alaska Department of Environmental Contamination. Additionally, the City has tested over four hundred primary groundwater or surface water samples from 144 private wells, 15 monitoring wells, six irrigation wells, five aboveground sites, and one public drinking water well. Fifty properties, identified as exceeding the federal lifetime health advisory levels for PFOS and PFOA, have been connected to Golden Heart Utilities or College Utilities or have been provided with a clean drinking water alternative. The City has spent over \$4.3 million in its remediation and response efforts to date, including the cost of regulatory oversight.

The City is now suing to recover the reduction in value of the City’s property due to soil and groundwater contamination and the contamination of drinking water supplies; the costs to investigate, remediate, and monitor PFAS levels at the RFTC and in the soil and groundwater contaminated by training exercises at the RFTC; the reimbursement of state regulatory oversight; the costs of bottled water delivery to affected residents; the expense of connecting businesses and residences to the public water system; and the payment of stipends to property owners towards their water bills.

Due to the national scope of the water contamination caused by firefighting foam, cases around the country involving PFOS and PFOA have been consolidated in a federal Multidistrict Litigation (“MDL”) for pretrial proceedings before Judge Richard M. Gergel in the South Carolina District Court. Approximately 75 municipalities and public water districts are included within the MDL. The case brought by Fairbanks will be transferred to the MDL, but any trial of the City’s case would be held in Alaska.

The City remains committed to providing up-to-date information on its response to the water contamination. More information may be found at <https://www.fairbanksalaska.us/engineering/page/water-contamination-issue>.

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