



# Public Service Commission of West Virginia



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## Settlement Claims for the January 2014 Freedom Industries Chemical Spill

Below is a press release issued by the settlement administrator for the preliminarily approved class action settlement related to the Freedom Industries Chemical spill. The Public Service Commission and West Virginia American Water cannot assist potential class members with the claims process. All inquiries about claims need to be made to the settlement claims administrator.

Details of the Freedom Industries spill class action settlement are available on the settlement website, [www.wvwaterclaims.com](http://www.wvwaterclaims.com), or by calling the settlement administrator at 855-829-8121. We understand that the settlement administrator is experiencing periods of high call volume, resulting in busy signals or unanswered calls. These problems have been reported to the individuals responsible. If you are trying to reach the settlement administrator and cannot get through, please call back at a later time.

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## Residents, Businesses, and Hourly Workers to Benefit from \$151 Million West Virginia Water Contamination Settlement

NEWS PROVIDED BY

**Settlement Class Counsel in *Good v. American Water Works Company, Inc.***

Oct 12, 2017, 09:10 ET

CHARLESTON, W.Va., Oct. 12, 2017 /PRNewswire/ -- The following is being released by Settlement Class Counsel in *Good v. American Water Works Company, Inc.*

On January 9, 2014, a chemical leak into the Elk River at the Freedom Industries tank farm near Charleston caused residential and business water users served by West Virginia-American Water Company to be without tap water other than for toilet flushing and fire protection for up to 8 days. Portions of nine counties in West Virginia—more than 224,000 residents and 7,300 businesses—were

affected by the water contamination. West Virginia-American Water Company, American Water Works Service Company, Inc. and American Water Works Company, Inc., and Eastman Chemical Company have reached a Settlement involving the January 9, 2014 event that contaminated the drinking water source for portions of the following nine counties: Boone, Cabell (Salt Rock / Culloden area), Clay, Jackson, Kanawha, Lincoln, Logan, Putnam and Roane. On September 21, 2017, the United States District Court for the Southern District of West Virginia preliminarily approved the Amended Settlement Agreement submitted by the parties and directed that notice of the Settlement be provided to all class members.

Residents, businesses, and hourly workers impacted by the Freedom Chemical Spill will need to decide what to do with the following options (explained more fully in the Amended Settlement Agreement):

**Residential Households** (including people who owned or rented condos, apartments, and houses) that were supplied with tap water on January 9, 2014 from West Virginia American's Kanawha Valley Water Treatment Plant ("KVTP") that was contaminated by the Freedom Chemical Spill:

(1) Simple Payment Option: Estimated \$550 for first person in household plus \$180 for each additional person. Can also file for medical claims or pregnancy claims, and lost hourly wages.

OR

(2) Documented Loss Payment Option:

Property damage: including repair/replacement of water system components, hot water heaters, dishwashers, humidifiers, CPAPs and other appliances.

Extra expenses: including bottled water, pre-prepared foods, discarded food, substitutes for dinnerware, travel and substitute lodging.

AND

(3) Medical Claims: (a) Out of pocket expenses and additional payment of \$750 for medical treatment for the January 9, 2014 spill event, and (b) Higher payments for demonstrated permanent injury or wrongful death caused by exposure to or interruption in tap water.

OR

(4) Pregnancy Claims: Payment of \$1,500 for women who were pregnant on January 9, 2014.

**Businesses** (including non-profits and government entities) that owned or leased property supplied with tap water by KVTP on January 9, 2014:

(1) Simple Payment Option: Businesses ordered to shut down will get up to \$41,875 (estimated based on revenue). Lodging businesses will get up to \$64,000 (estimated based on revenue). Other businesses, non-profits and governmental entities will get \$1,875 (estimated).

OR

(2) Documented Payment Option: lost profits, lost revenues for government entities, repair/replacement, lost inventory, bottled water, extra expenses.

**Workers** will recover documented lost hourly wages if their place of employment was shut down or partially shut down because of water contamination.

Residents, businesses, and hourly workers impacted by the Freedom Chemical Spill can file a claim, submit an objection to the Settlement or exclude themselves from the Settlement. The deadline to file a claim is February 21, 2018. Claims can be filed online at [www.WVwaterclaims.com](http://www.WVwaterclaims.com) or Class Members can call 1-855-829-8121 to receive one or multiple claim forms. The objection and exclusion deadline is December 8, 2017. If Class Members do not exclude themselves from the Settlement, they cannot separately sue American Water or Eastman for the claims in this Settlement. Those impacted can also hire their own attorney. Settlement payments will be made if the Court approves the Settlement after a fairness hearing on January 9, 2018. At the hearing, Settlement Class Counsel will ask for up to 25% of the Settlement Funds as fees and for class representative incentive awards. Settlement Class Counsel includes the following law firms: The Calwell Practice, LC; Bonnett, Fairbourn, Friedman & Balint P.C.; Thompson Barney; Powell & Majestro PLLC; Bailey Glasser LLP; The Masters Law Firm L.C.

For additional information about the Settlement, please visit [www.WVwaterclaims.com](http://www.WVwaterclaims.com) or call 1-855-829-8121.

SOURCE Settlement Class Counsel in Good v. American Water Works Company, Inc.

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