MEMORANDUM:

THE PARTIES' JOINT INTERPRETIVE GUIDANCE ON ENTITIES THAT OWN AND/OR OPERATE MULTIPLE PUBLIC WATER SYSTEMS

This memorandum provides guidance on how the Settlement Agreement between Public Water Systems and Nation Ford Chemical Company ("Nation Ford") applies where a single entity owns and/or operates multiple Public Water Systems.

The Settlement involves a nationwide Settlement Class of individual Public Water Systems. If one Public Water System that is an Eligible Claimant opts out (i.e., submits a Request for Exclusion) and thus does not become a Class Member,[1] that action alone would not automatically result in all Eligible Claimants with the same owner, the same operator, or both, opting out. The Settlement Agreement's Exhibit D (Notice) expressly states:

> [I]f you own or operate more than one Active Public Water System and are authorized to determine whether to submit Requests for Exclusion on those Active Public Water Systems' behalf, you may submit a Request for Exclusion on behalf of some of those Active Public Water Systems but not the other(s). You must submit a Request for an Exclusion on behalf of each such Active Public Water System that you wish to opt out of the Settlement Class.

Likewise, as to the Release, if an entity that owns and/or operates multiple Public Water Systems becomes a Class Member as to some of them, but opts out as to others, that entity's claims are released as to the former Public Water Systems and their Drinking Water and are not released as to the latter Public Water Systems and their Drinking Water. And if a Class Member is owned by one entity but is operated by a second entity that owns and/or operates multiple Public Water Systems, the Class Member's decision not to opt out would result in releasing the second entity's claims related to the Class Member and its Drinking Water but would not, by itself, result in releasing the claims of other Public Water Systems owned and/or operated by the second entity.

[1] Under the Settlement Agreement, "Eligible Claimant" refers to a Public Water System that qualifies as a member of the Settlement Class, while "Class Member" means Eligible Claimant that does not opt out of the Settlement Class. *See* Settlement Agreement §§ 2.15 and 2.24.