September 6, 2017

VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY

Mr. Ellis McGaughy  
Plant Manager  
The Chemours Company FC, LLC  
Chemours Company-Fayetteville Works  
22828 NC Highway 87W  
Fayetteville, NC 28306

Subject: NOTICE OF VIOLATION AND NOTICE OF INTENT TO ENFORCE  
15A NCAC 02L Classifications and Water Quality Standards  
Applicable to the Groundwaters of North Carolina  
Chemours Company-Fayetteville Works  
Bladen County

Dear Mr. McGaughy:

Chapter 143 of the North Carolina General Statutes authorizes and directs the Environmental Management Commission of the Department of Environmental Quality to protect and preserve the water and air resources of the State. The Division of Waste Management (DWM) and the Division of Water Resources (DWR) have the delegated authority to enforce adopted pollution control rules. This Notice of Violation (Notice) to advise you of the legal requirements under North Carolina law, and is being issued for violations of Title 15A of the North Carolina Administrative Code (NCAC) Subchapter 02L .0202 Groundwater Quality Standards.

This Notice is for constituents discovered by the DWM and DWR from an August 2017 groundwater sampling event that exceed the standards for CLASS GA waters, established in 15A NCAC 2L .0202 in monitoring wells located at the referenced facility. Because there is no standard for the reported constituent Gen X (CAS#13252-13-6), Chemours is considered to be in violation of 15A NCAC 02L .0202 at the subject facility. Please note that pursuant to 15A NCAC 2L .0202(c), "...substances which are not naturally occurring and for which no standard is specified shall not be permitted in concentrations at or above the practical quantitation limit in Class GA or Class GSA groundwaters."
As a result of the violation, our office is considering a recommendation for the assessment of a civil penalty. Further Chemours must meet the requirements of 15A NCAC 02L .0106. If you wish to present an explanation for the violations, or if you believe there are other factors which should be considered, please send such information in writing within fifteen (15) days following receipt of this letter. Your explanation will be reviewed, and, if an enforcement action is still deemed appropriate, your explanation will be considered.

Penalties may be imposed under NCGS 143-215.6A(a)(1) of not more than $25,000 per violation of any classification, standard, limitation or management practice established pursuant to G.S. 143-214.1.

We appreciate your attention and prompt response in this matter. If you have any questions, please feel free to contact Michael E. Scott, at (919) 707-8200 or Jay Zimmerman at (919) 707-9027.

Sincerely,

Michael E. Scott  
Director  
Division of Waste Management

S. Jay Zimmerman, P.G.  
Director  
Division of Water Resources

CC: