



The Chemours Company
Fayetteville Works
22828 NC Highway 87 W
Fayetteville, NC 28306

May 19, 2020

Sheila Holman
Assistant Secretary for the Environment
1601 Mail Service Center
Raleigh, NC 27699-1601
sheila.holman@ncdenr.gov

Re: Consent Order Paragraphs 19 and 21 - Request for Extensions of Deadlines

Dear Ms. Holman,

Following up on previous discussions and correspondence with DEQ, I am writing on behalf of Chemours to seek extensions of deadlines under paragraphs 19 and 21 of the Consent Order entered by the Bladen County Superior Court on February 25, 2019. Paragraph 25 of the Consent Order states: "For good cause shown, Chemours may submit to DEQ one or more requests for extensions of up three months each for any deadline specified in paragraphs 19-24."

Paragraph 19

Paragraph 19 of the Consent Order requires that "Chemours shall establish and properly maintain permanent replacement drinking water supplies in the form of public water or a whole building filtration system for any party (i.e., household, business, school, or public building) with a private drinking water well that has been found through testing validated by DEQ to be contaminated by concentrations of GenX compounds in exceedance of 140 ng/L, or any applicable health advisory, whichever is lower." Paragraph 19 further provides that connection to a public water supply need not be established "if DEQ determines that connection to a public water supply to an affected party would be cost-prohibitive (i.e., greater than \$75,000)," in which case "DEQ may authorize provision of a permanent replacement water supply to that affected party through installation and ongoing maintenance of either a whole building filtration system approved by DEQ or reverse osmosis systems approved by DEQ installed at every kitchen and bathroom sink (at the election of the affected party)." Permanent replacement drinking water supplies are required to be installed within nine months after the date Chemours becomes aware that the affected party qualifies for replacement water, or, if Chemours was aware of such qualification at the time of the entry of the Consent Order, within nine months after the date of entry. During the period that permanent replacement drinking water supplies are pending for affected parties, Chemours offers bottled water to those parties pursuant to paragraph 23 of the Consent Order.

On March 11, 2019, Chemours submitted a letter to DEQ, attaching a Feasibility Study Report for Public Water Services, Chemours Fayetteville Works, prepared by Parsons. The Feasibility Study Report focused on four distinct areas around the Chemours facility: Bladen

County west of the Cape Fear River, Bladen County east of the Cape Fear River, Cumberland County west of the Cape Fear River, and Cumberland County east of the Cape Fear River. The March 11th letter requested DEQ concurrence as to the infeasibility of public water connection for certain parties, because the costs would exceed \$75,000 per party.

By letter dated June 27, 2019, DEQ concurred with the infeasibility of public water connections in two areas: Bladen County east of the Cape Fear River and Cumberland County east of the Cape Fear River. Accordingly, Chemours has proceeded to offer and install whole building filtration systems or reverse osmosis systems for affected parties in those areas.

By letter dated September 10, 2019, DEQ indicated that it was continuing to evaluate the feasibility of public water for Bladen and Cumberland Counties west of the Cape Fear River and granted an extension of 3 months, until February 25, 2020, for Chemours to meet the requirements of paragraph 19 of the Consent Order for affected parties in those areas.

By letters dated February 12, 2020, DEQ granted further extensions of 3 months, to May 25, 2020, for Chemours to meet the paragraph 19 requirements in Bladen and Cumberland Counties west of the Cape Fear River. In those letters, DEQ concurred with the potential feasibility of public water connections for certain parties in Bladen County west of the Cape Fear River and indicated that it was continuing to evaluate feasibility for Cumberland County west of the Cape Fear River. Since that time, Chemours has continued discussions with both Bladen and Cumberland Counties regarding the potential expansions of their public water systems to supply affected parties west of the Cape Fear River, and those discussions remain ongoing.

Accordingly, pursuant to paragraph 25 of the Consent Order, Chemours hereby requests a further extension of 3 months, to August 25, 2020, to meet the paragraph 19 requirements in Bladen and Cumberland Counties west of the Cape Fear River. Further, as discussed with DEQ, Chemours anticipates that it will continue to request additional 3 month extensions moving forward, as the potential infrastructure expansions of the Bladen and Cumberland County public water systems may take multiple years to complete. Chemours will continue to keep DEQ informed throughout this process.

Paragraph 21

Paragraph 21 of the Consent Order requires that Chemours sample “drinking water wells for a distance of at least one-quarter (1/4) mile beyond the nearest well with test results showing a quantifiable level of any PFAS listed in Attachment C above 10 ng/L” and that “[s]uch testing shall be completed within eighteen (18) months of entry of this Order” (i.e., by August 25, 2020). Pursuant to these requirements in paragraph 21, Chemours has been conducting its Adaptive Step Out and Infill Sampling Program (the “Sampling Program”), which has involved sampling thousands of drinking water wells at distances of up to several miles from Fayetteville Works. Chemours has devoted substantial resources to complete this sampling program as expeditiously as practicable, but many wells remain to be sampled.

In response to the coronavirus (COVID-19) pandemic, and in alignment with federal and state guidelines, including Executive Orders issued by Governor Cooper, limiting travel, personal contact and other activities, the Sampling Program has been temporarily suspended since March 26, 2020. Chemours has notified and kept DEQ informed of the temporary suspension, which aligns with DEQ's own suspension of certain sampling activities during this period. During the temporary suspension period, Chemours has continued to conduct limited activities, including verifying contact information and obtaining approval to sample drinking water wells once the Sampling Program resumes. As the State of North Carolina has now started to ease certain coronavirus-related restrictions and enter a phased reopening process, Chemours is developing a process and timeline for restarting the Sampling Program in accordance with health guidelines. Chemours will keep DEQ informed of its plans.

After Chemours restarts the Sampling Program and gathers additional drinking water well data, Chemours will better be able to predict an expected date for completion of the program. Due to the significant delays caused by the pandemic, Chemours will not be able to complete the Sampling Program by the 18-month deadline in paragraph 21 (August 25, 2020). Accordingly, pursuant to paragraph 25 of the Consent Order, Chemours hereby requests an extension of 3 months, to November 25, 2020, to complete the Sampling Program. Chemours may seek further extensions in the future as necessitated by the data and circumstances.

Because of the time sensitivity of these requests, and because they are interim in nature, we ask for a prompt response. If you have any questions or would like to discuss this matter further, please contact me at Brian.D.Long@chemours.com.

Sincerely,

A handwritten signature in black ink that reads "Brian D. Long". The signature is written in a cursive, flowing style.

Brian D. Long
Plant Manager
Chemours – Fayetteville Works

Cc:

William F. Lane, DEQ

Francisco Benzoni, NC DOJ

Michael Abraczinskas, DAQ

Michael Scott, DWM

Danny Smith, DWR

David C. Shelton, Chemours

John F. Savarese, WLRK

Joel M. Gross, Arnold & Porter

Kemp Burdette, CFRW

Geoff Gisler, SELC