



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

FACT SHEET: Proposed Chemours Consent Order Dec. 21, 2018

The proposed consent order protects downstream communities.

The order stops PFAS from contaminating the Cape Fear River, which stops PFAS from entering the drinking water of downstream users.

As a result of DEQ's actions to date, the concentration of GenX in drinking water provided by CFPWA has decreased from over 1,000 ppt. in 2017 to less than 10 ppt. in recent sampling. The proposed consent order further accomplishes the goal of source control by prohibiting the discharge of all manufacturing process wastewater from Chemours' facility, requiring dramatic interim reductions in PFAS air emissions and ultimately controlling all PFAS air emissions by 99.99%.

Because of DEQ's prevention of PFAS discharges from Chemours' operations, residual contamination in groundwater is now the main source of PFAS from the facility entering the Cape Fear River. To address this issue, the proposed consent order requires Chemours to achieve maximum reductions in all remaining PFAS contributions to the Cape Fear River on an accelerated basis. The proposed consent order states this process will be implemented under the supervision of DEQ, Cape Fear River Watch and the Bladen County Superior Court. Downstream communities will be the primary beneficiaries of this accelerated remediation.

The proposed consent order is only the first step in a broad strategy to address PFAS contamination in the Cape Fear River.

The proposed consent order is one component of DEQ's strategy to address PFAS in the Cape Fear River. The proposed consent order will be implemented in tandem with key administrative actions by DEQ concerning Chemours, such as permitting actions and the oversight of groundwater remediation. DEQ retains its authority to investigate other contributors to PFAS contamination in the Cape Fear River basin, including contributors who are upstream of the Chemours facility.

The proposed consent order does not prevent DEQ from taking further legal action against Chemours if DEQ acquires new information that requires such action.

The proposed consent order is a State Enforcement Action.

The proposed consent order would resolve the action for injunctive relief that DEQ filed in Bladen County to address certain violations of the State's water quality laws. DEQ does not have authority to recover damages on behalf of third parties or to obtain relief that falls outside of the scope of DEQ's authority. Any civil penalties collected by DEQ pursuant to this order must be placed in a public-school fund pursuant to the North Carolina Constitution. While DEQ does not have authority to bring a private legal claim on behalf of individual citizens, this proposed consent order does not preclude such claims from being brought.

"As can be seen in the case of GenX, discharge control is the most effective solution to minimizing exposure to per-fluorinated compounds."

– Cape Fear Public Utility Authority, June 21, 2018

