

ROY COOPER

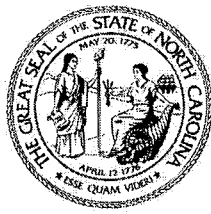
Governor

MICHAEL S. REGAN

Secretary

BRIAN WRENN

Director



NORTH CAROLINA
Environmental Quality

January 4, 2021

**NOTICE OF VIOLATIONS OF THE
SEDIMENTATION POLLUTION CONTROL ACT**

AND

**GENERAL PERMIT - NCG010000
TO DISCHARGE STORMWATER UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
FOR
CONSTRUCTION ACTIVITIES**

CERTIFIED MAIL: 7018 0040 0000 4771 9503
RETURN RECEIPT REQUESTED

The Chemours Company
Attn: Stephen H. Shoemaker, Director, Corporate Remediation Group
22828 NC Highway 87 West
Fayetteville, NC 28306

RE: Project Name: Chemours Seep C Wastewater Treatment Plant
Project ID: BLADE-2021-003
County: Bladen
Compliance Deadlines: 10 days from receipt for SPCA violations
10 days from receipt by certified mail for Construction
Stormwater Permit NCG 010000 violations

Dear Mr. Shoemaker:

On December 1, 2020, personnel of this office inspected the subject project located in Bladen County, North Carolina. This inspection was performed to determine compliance with the North Carolina Sedimentation Pollution Control Act (SPCA) of 1973 and General Permit - NCG010000 to Discharge Stormwater Under the National Pollutant Discharge Elimination System for Construction Activities (Construction Stormwater General Permit NCG010000). The inspection revealed land-disturbing activities outside the limits of disturbance as indicated on the erosion control plan that was approved for the project on September 4, 2020.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
Fayetteville Regional Office | 225 Green Street, Suite 714 | Fayetteville, North Carolina 28301
910.433.3300

It is our understanding that you and/or your firm are responsible for this land-disturbing activity. The purpose of this letter is to inform you that this activity was found to be in violation of the SPCA, G.S. 113A-50 to 66, Title 15A, North Carolina Administrative Code (NCAC), Chapter 4 and Construction Stormwater General Permit NCG010000. If you feel that you are not responsible for the following violations, please notify this office immediately.

The violations of the SPCA that were found are:

1. Failure to conduct a land-disturbing activity in accordance with the approved erosion and sedimentation control plan. G.S. 113A-57(5). **At the time of the December 1, 2020 inspection, land disturbing activities were observed outside the limits of disturbance of the erosion control plan that was approved on September 4, 2020.**
2. Failure to file an acceptable, revised plan after being notified of the need to do so. G.S. 113A-54.1 (b) and 15A NCAC 4B .0118 (a). **The requirement to submit a revised erosion control plan for review and approval prior to conducting additional land disturbing and construction activities associated with the subject project was verbally relayed to project representatives during a previous inspection conducted on October 16, 2020. At the time of the December 1, 2020 inspection, an area of land disturbance and construction beyond the limits of disturbance of the erosion control plan that was approved on September 4, 2020 was observed. Upon file review, a revised erosion control plan for this additional land disturbance was not approved prior to the commencement of activity.**
3. Failure when a land-disturbing activity that will disturb more than one acre is undertaken on a tract, to install sedimentation and erosion control devices sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of the tract. G.S. 113A-57(3). **At the time of the December 1, 2020 inspection, sufficient sedimentation and erosion control measures were not installed in the area of additional land disturbance, specifically in and around the downstream side of a natural watercourse (Seep C).**
4. Failure to take measures to protect all public and private property from sedimentation and erosion damage caused by the land-disturbing activities. 15A NCAC 4B .0105. **At the time of the December 1, 2020 inspection, sedimentation control measures were not observed along a natural watercourse (Seep C).**
5. Failure to retain a buffer zone of sufficient width along a lake, trout water or natural watercourse (25-foot minimum for trout waters) in which to confine visible siltation by natural or artificial means within the 25 percent of that portion of the buffer zone nearest the land-disturbing activity. G.S. 113A-57(1). **At the time of the December 1, 2020 inspection, a buffer zone was not retained along a natural watercourse (Seep C).**

The violations of the Construction Stormwater General Permit NCG010000 that were found are:

1. Discharge of stormwater without a permit. Because the additional land-disturbing activity did not have an approved erosion and sedimentation control plan at the time of inspection it did not have modified coverage under the Construction Stormwater General Permit NCG010000 and you are not permitted to discharge stormwater from the additional area. G.S. 143-215.1(a) and 15A NCAC 2H .0126
2. Failure to develop or adhere to the erosion and sedimentation control plan as approved on September 4, 2020. The approved erosion and sedimentation control plan is considered a condition of Construction Stormwater General Permit NCG010000, Part I.

To correct these violations, you must:

1. With time being of the essence and no later than ten (10) days from receipt of this correspondence, stabilize all disturbed areas and install erosion and sedimentation control measures necessary to prevent offsite sedimentation.
2. Upon approval of the revised erosion control plan, you must submit an online Modification form to update the Certificate of Coverage under the Construction Stormwater General Permit NCG010000. For more information and to access the online Modification form, please visit: <https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permits/stormwater-permits/construction-sw>.

SPCA Violations

The violations of the SPCA cited herein may be referred to the Division of Energy, Mineral and Land Resources for appropriate enforcement action, including civil penalty assessments for an initial one-day violation and/or a continuing violation. The penalty for an initial one-day violation of the SPCA may be assessed in an amount not to exceed \$5,000.00. The Division of Energy, Mineral and Land Resources is not required to provide a time period for compliance before assessing an initial penalty for the violations of the SPCA cited herein. Please be advised that a civil penalty may be assessed for the initial day of violations of the SPCA regardless of whether the violations are corrected within the time period set out below.

In addition, if the violations of the SPCA cited herein are not corrected within 10 days of receipt of this Notice, this office may request that the Division take appropriate legal action against you for continuing violations pursuant to NCGS 113A-61.1 and 113A-64. A penalty may be assessed from the date of the violation of the SPCA, pursuant to NCGS 113A-64(a)(1), and for each day of a continuing violation of the SPCA in an amount not to exceed \$5,000.00 per day.

Construction Stormwater General Permit NCG010000 Violations

The violations of the Construction Stormwater General Permit NCG010000 cited herein may be referred to the Division of Energy, Mineral and Land Resources for appropriate enforcement action, including civil penalty assessments for a continuing violation.

Accordingly, you are directed to respond to this letter in writing within 5 calendar days of receipt of this Notice by certified mail. Your response should be sent to this regional office at the letterhead address and include the following:

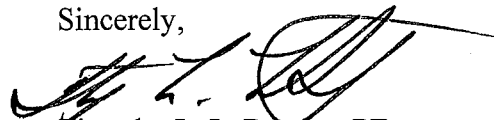
1. The date by which the corrective actions listed above have been or will be completed.
2. A plan of action to prevent future violations.

Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation. Your above-mentioned response to this correspondence, the degree and extent of harm to the environment and the length of time and gravity of the violation(s) will be considered in any civil penalty assessment process that may occur.

Please be advised that any new land-disturbing activity associated with this project site should not begin until the area presently disturbed is brought into compliance with the SPCA and Construction Stormwater General Permit NCG010000. When corrective actions are complete, you should notify this office so that work can be inspected. You should not assume that the project is in compliance with the SPCA and Construction Stormwater General Permit NCG010000 until we have notified you. After installation, all erosion control measures must be maintained in proper working order until the site is completely stabilized.

We solicit your cooperation and would like to avoid taking further enforcement action. At the same time, it is your responsibility to understand and comply with the requirements of the SPCA and Construction Stormwater General Permit NCG010000. The relevant statute and administrative rules can be found at the Division's website at <http://deq.nc.gov/E&SC>. The NCG010000 permit can be found at the Division's website at <http://deq.nc.gov/ncg01>. Should you have questions concerning this notice or the requirements of the SPCA and Construction Stormwater General Permit NCG010000 please contact either Mike Lawyer or myself at your earliest convenience.

Sincerely,



Timothy L. LaBounty, PE
Regional Engineer
DEMLR

Enclosures: Sedimentation/Construction Stormwater Inspection Report
Resources for Technical Assistance

cc: Christel Compton, Environmental Manager – The Chemours Company
Russ Brown, Construction Manager – The Chemours Company
Timothy Carroll, Field Contractor Specialist – The Chemours Company
Sebastian Bahr, Project Director – The Chemours Company
Jake Fancher, Construction Service Manager – GEOServices, LLC
Chris Butler, Senior Project Manager – GEOServices, LLC
Bill Butcher, Superintendent – Summit Environmental Services, LLC
Toby Vinson, Jr., PE, Section Chief, Program Operations – DEMLR
Julie Coco, PE, State Sediment Engineer – DEMLR
Annette Lucas, PE, Supervisor – DEMLR, Stormwater Program
Alaina Morman, Environmental Specialist – DEMLR, Stormwater Program
Trent Allen, Regional Supervisor – DWR, Water Quality Regional Operations Section
Tom Charles – US Army Corps of Engineers, Wilmington District Office

cc: FRO – DEMLR

Sedimentation/Construction Stormwater Inspection Report

North Carolina Department of Environmental Quality
Land Resources: Systel Building, 225 Green Street, Suite 714, Fayetteville, NC 28301-5094
(910) 433-3300

County: Bladen **Project:** Chemours Seep C Wastewater Treatment Plant **River basin:** Cape Fear
Person financially responsible: The Chemours Company - Stephen H Shoemaker, Director, Corporate Remediation Group **Project #:** BLADE-2021-003
Address: 22828 NC Highway 87 West, Fayetteville, NC 28306 **NPDES COC:** NCC204031

1. **Project Location:** NC 87 W, Hollow Township

Pictures: Yes - Digital

2. **Weather and soil conditions:** cold/sunny, wet soils

Initial inspection: No

3. **Is site currently under notice of violation?** No

4. **Is the site in compliance with S.P.C.A. and rules?** No If no, check violations below:

5. **Violations:**

- ✓ b. Failure to follow approved plan, G.S. 113A-57(5)
- ✓ c. Failure to submit revised plan, G.S. 113A-54.1(b) and 15A N.C.A.C. 4B.0118(a)
- ✓ e. Insufficient measures to retain sediment on site, G.S. 113A-57(3)
- ✓ f. Failure to take measures to protect property, 15A N.C.A.C. 4B.0105
- ✓ g. Inadequate buffer zone, G.S. 113A-57(1)
- ✓ m. Discharge without a permit, G.S. 143-215.1(a) and 15A N.C.A.C. 02H.0126
- ✓ n. Failure to develop or adhere to approved plan, NCG 010000, Part I

6. **Is the site in compliance with NPDES Permit NCG010000 Construction Stormwater requirements?** No

Describe: See violations noted above and Comments section below.

7. **Has sedimentation damage occurred since last inspection?** No If Yes, where? (check all that apply)

Degree of damage:

8. **Contact made with (name):** Timothy Carroll, Jake Fancher, Bill Butcher

Inspection report: Sent Report

Date given/sent: January 04, 2021

9. **Corrective action needed:**

1. Install erosion and sediment control devices sufficient to retain sediment on the tract.
2. Provide an adequate stream buffer zone of sufficient width to confine visible sedimentation within the 25 % of the buffer nearer the land disturbance using natural or artificial means (minimum 25-foot width in Trout Waters) including the following areas: along natural watercourse (Seep C).
3. Provide adequate temporary or permanent ground cover on areas where land-disturbing activity has ceased in 7 or 14 days according to NCG 010000 permit conditions.

10. **Comments:** At the time of inspection, an area of land disturbance and construction associated with the installation of a concrete structure within a natural watercourse (Seep C) was observed that is beyond the limits of disturbance of the erosion control plan approved on 9/4/2020. Upon file review, a revised erosion control plan for this additional land disturbance was not approved prior to the commencement of activity. Additionally, the Certificate of Coverage under the NPDES NCG010000 Construction Stormwater General Permit has not

Sedimentation/Construction Stormwater Inspection Report

North Carolina Department of Environmental Quality

Land Resources: Systel Building, 225 Green Street, Suite 714, Fayetteville, NC 28301-5094
(910) 433-3300

been modified to reflect the additional acreage of disturbance, which cannot be done until after approval of a revised erosion control plan. Sufficient sedimentation control measures were not installed in the area of additional land disturbance, specifically in and around the downstream side of a natural watercourse (Seep C). An appropriate buffer zone has not been provided along the natural watercourse (Seep C). Graded slopes within the area of additional land disturbance need to be adequately stabilized with ground cover per stabilization timeframes.

Reported by: Mike Lawyer

Others present: Penny Markle

Date of inspection: December 01, 2020

Time arriving on site: 10:50 AM **Time leaving site:** 11:23 AM

cc:

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

BRIAN WRENN

Director



NORTH CAROLINA
Environmental Quality

Resources for Technical Assistance – Erosion and Sedimentation Control

Erosion and Sedimentation Control Plan Requirements and Submittal Documents:

DEQ Erosion and Sedimentation Program Website: <http://deq.nc.gov/E&SC>

On this page, you will find the following information:

- Sedimentation Pollution Control Act and Administrative Code (the Law and Rules)
- Information regarding any upcoming workshops or training events
- Manuals and Publications, including the Erosion and Sedimentation Pollution Control Planning and Design Manual.
- Downloads and Links, which provide several helpful design calculations spreadsheets for various E&SC measures
- Forms needed for plan submittal, including the Financial Responsibility/Ownership form (required) and the Plan Checklist for Designers, which lists all necessary items for complete plan submittal
- Express Plan Review Options, and the corresponding forms

To Locate a Plan Designer:

The level of design needed for your plan will depend on the specific project conditions. There is no statutory requirement that erosion and sedimentation control plans be designed by a professional engineer or any other licensed/certified person. However, persons with these licenses or certifications are often qualified to prepare and submit adequate erosion and sedimentation control plans.

The following are provided as references. Directories of licensed or certified individuals may be found on these websites:

NC Board of Examiners for Engineers & Surveyors:

<http://www.ncbels.org/>

NC Board of Licensed Soil Scientists:

<https://ncblss.wordpress.ncsu.edu/>

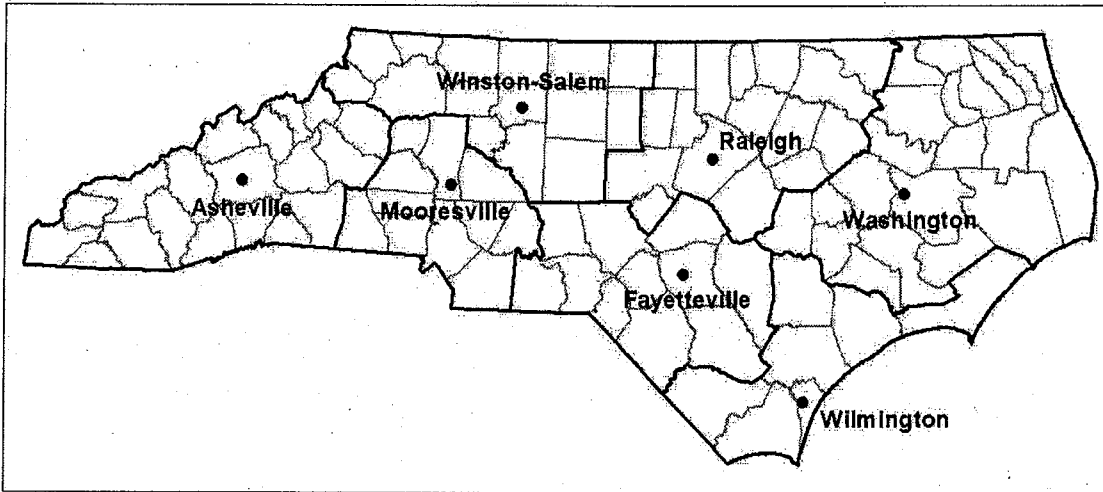
Certified Professionals in Erosion and Sediment Control:

<http://www.cpesc.org/>

If you have any other questions, or need additional information, please do not hesitate to contact your NC DEQ regional office (see reverse side of this sheet). We appreciate your cooperation in resolving the violations noted during our inspection.



Land Quality Section Regional Office Contact Information



Asheville Regional Office

2090 US Highway 70
Swannanoa, NC 28778-8211
(828) 296-4500

Regional Engineer: Stan Aiken, PE

Fayetteville Regional Office

225 Green Street (Systel Building), Suite 714
Fayetteville, NC 28301-5094
(910) 433-3300

Regional Engineer: Tim LaBounty, PE

Mooresville Regional Office

Iredell County Government
Center South Building
610 East Center Avenue
Mooresville, NC 28115
(704) 663-1699

Regional Engineer: Zahid Khan, CPESC, CPSWQ

Raleigh Regional Office

3800 Barrett Drive
Raleigh, NC 27609
Mail: 1628 Mail Service Center
Raleigh, NC 27699
(919) 791-4200

Regional Engineer: Bill Denton, PE

Washington Regional Office

943 Washington Square Mall
Washington, NC 27889
(252) 946-6481

Regional Engineer: Samir Dumpor, PE

Wilmington Regional Office

127 Cardinal Drive Extension
Wilmington, NC 28405
(910) 796-7215

Regional Engineer: Dan Sams, PE

Winston-Salem Regional Office

450 West Hanes Mill Road, Suite 300
Winston-Salem, NC 27105
(336) 776-9800

Regional Engineer: Tamera Eplin, PE, CPESC

Rev. 6/11/2020

