



The Chemours Company
1007 Market Street
PO Box 2047
Wilmington, DE 19899

302-773-1000 t
chemours.com

January 11, 2021

Mr. Timothy L. LaBounty, PE
North Carolina Department of Environmental Quality
Land Resources
Systel Building, 225 Green Street, Suite 714
Fayetteville, North Carolina 28301

**RE: RESPONSE TO NOTICE OF VIOLATIONS OF THE SPCA AND NCG01000
Chemours Seep C Wastewater Treatment Plant – Project ID: BLADE-2021-003**

Dear Mr. LaBounty:

The Chemours Company is in receipt of the Notice of Violation letter related to Seep C Wastewater Treatment Plant dated January 4, 2021. This letter serves to address the comments in the Notice of Violation compliance.

NOTICE OF DEFICIENCY COMMENT RESPONSES

North Carolina Sedimentation Pollution Control Act:

Violation #1

Rule Citation Reference: G.S. 113A-57(5)

Violation: Failure to conduct a land-disturbing activity in accordance with the approved erosion and sedimentation control plan. **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.**

Response: A revised land disturbance permit had been submitted for the area mentioned above, and written permit approval for the additional disturbance stated in the above violation was issued on December 2, 2020, the day after the inspection. The Seep C project was permitted in two parts, part 1 is outside of the stream impacts and part 2 is within the stream impacts. The contractor at the time of the inspection advanced the construction with the understanding that approval of the USACE 404 and NC DEQ 401 (approved November 11, 2020) allowed for construction within the stream impacts to proceed. The contractor has since reviewed and been trained on all permit requirements for the construction to ensure compliance with all State and Federal permits.

Violation #2:

Rule Citation Reference: G.S. 113A-54.1(b) and 15A NCAC 4B .0118(a)

Violation: Failure to file an acceptable, revised plan after being notified of the need to so. **The requirement to submit a revised erosion control plan for review and approval prior to conduction additional land disturbing and construction activities associated with the subject project was verbally relayed to project representatives during a previous**



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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 commencement of activity.

Response: See response to SPCA Violation #1 above.

Violation #3

Rule Citation Reference: G.S. 113A-57(3)

Violation: 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 and development of the tract. **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).**

Response: At the time of the inspection, the contractor was actively grading the area downstream of the Seep C infrastructure. The contractor had removed the erosion control composite socks and silt fence to access the construction work area. After the inspection, the contractor met with the permitting consultant (GEOServices) and discussed the requirement of reinstallation of erosion control BMPs before, during, and after all grading activities. An active rock check dam was installed within the confines of Seep C downstream of the construction area to minimize sediment from entering the main waterbody (Cape Fear River) and has been maintained to prevent sediment from leaving the site. The contractor has re-installed all BMPs shown on the approved NCG01000 permit after the inspection on December 1, 2020.

Violation #4:

Rule Citation Reference: 15A NCAC 4B .0105

Violation: Failure to take measures to protect all public and private property from sedimentation and erosion damage caused by the land-disturbing activities. **At the time of the December 1, 2020 inspection, a buffer zone was not retained along a natural watercourse (Seep C).**

Response: See response to SPCA Violation #3 above.

Violation #5

Rule Citation Reference: G.S. 113A-57(1)

Violation: 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.

At the time of the December 1, 2020 inspection, a buffer zone was not retained along a natural watercourse (Seep C).

Response: See response to SPCA Violation #3 above.



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Construction Stormwater General Permit NCG01000 Violations

Violation #1

Rule Citation Reference: G.S. 143-215.1(a) and 15A NCAC 2H .0126

Violation: 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 NCG01000 and you are not permitted to discharge stormwater from additional area.

Response: See response to SPCA Violation #1 above.

Violation #2

Rule Citation Reference NCG01000, Part I

Violation: 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 NCG01000, Part I

Response: See response to SPCA Violation #3 above.

Corrective Actions

After the inspection on December 1, 2020, the contractor met with the permit consultant to discuss the verbal information provided during the inspection. The consultant provided guidance to the contractor on the requirement to have all BMPs installed prior, during and after all construction activities per the approved NCG01000. As of the receipt of the Notice of Violation on January 4, 2021 the construction activities were substantially complete as of December 16, 2020. The construction site has been stabilized with rock and seeding and is currently in the revegetation stage. At the time of this report, Seep C is approximately 2-3 feet of water below the top of the reactor due to recent flooding of the Cape Fear River. Once the water has receded, final photo documentation of completion of all final BMPs will be sent to NC DEQ. Attachment 1 includes the approved NCG01000 modification to include the areas outside the September 4, 2020 approved plan. Training was provided to the contractor regarding the requirements of the NCG01000 and additional resources have been mobilized to the site to inspect and construct all required BMPs.

Please contact me at (704) 560-6435 if you have any questions or comments about the enclosed responses.

Sincerely,

A handwritten signature in black ink that reads "Kevin Garon". The signature is written in a cursive, somewhat stylized font.

Kevin Garon
Project Director, Corporate Remediation Group

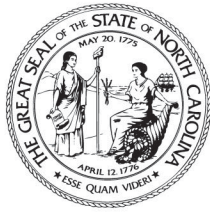
Cc: Christel Compton/Chemours
Sebastian Bahr/Chemours
Todd Coomes/Chemours



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Attachment 1



NORTH CAROLINA
Environmental Quality

December 2, 2020

LETTER OF APPROVAL

The Chemours Company
Attn: Stephen H. Shoemaker, Director, Corp. Remediation Group
22828 NC Hwy 87W
Fayetteville, NC 28306

RE: Project Name: Chemours Seep C Wastewater Treatment Plant
Acres Approved: 1
Project ID: BLADE-2021-003
County: Bladen, City: Hollow Township, Address: NC 87 West
River Basin: Cape Fear
Stream Classification: Other
Submitted By: GEOServices, LLC
Date Received by LQS: November 23, 2020
Plan Type: Revised

Dear Mr. Shoemaker:

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. The enclosed Certificate of Approval must be posted at the job site. This plan shall expire three (3) years following the date of approval, if no land disturbing activity has been undertaken, as required by Title 15A NCAC 4B.0129.

As of April 1, 2019, all new construction activities are required to complete and submit an electronic Notice of Intent (NOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction Stormwater General Permit. This form MUST be submitted and COC issued prior to the commencement of any land disturbing activity on the above-named project. The NOI form may be accessed at deq.nc.gov/NCG01. Please direct questions about the NOI form to Annette Lucas at Annette.lucas@ncdenr.gov or Paul Clark at Paul.clark@ncdenr.gov. After you submit a complete and correct NOI Form, a COC will be emailed to you within **three business days**. A \$100 fee will be charged annually until a Notice of Termination is issued. This fee is to be sent to the DEMLR Stormwater Central Office staff in Raleigh.

Title 15A NCAC 4B .0118(a) and the NCG01 permit require that the following documentation be kept on file at the job site:

1. The approved E&SC plan as well as any approved deviation.
2. The NCG01 permit and the COC, once it is received.
3. Records of inspections made during the previous 12 months.



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

This letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to ensure compliance with the approved plan.

Title 15A NCAC 4B .0118(a) requires that a copy of the approved erosion control plan be on file at the job site. Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to ensure compliance with the approved plan.

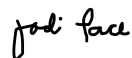
North Carolina's Sedimentation Pollution Control Act is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, it is determined that the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to ensure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form, which you provided. You are requested to file an amended form if there is any change in the information included on the form. This permit allows for a land-disturbance, as called for on the application plan, not to exceed the approved acres. Exceeding the acreage will be a violation of this permit and would require a revised plan and additional application fee. In addition, it would be helpful if you notify this office of the proposed starting date for this project. Please notify us if you plan to have a preconstruction conference.

Your cooperation is appreciated.

Sincerely,



Jodi Pace, EI
Regional Engineering Associate
DEMLR

Enclosures: Certificate of Approval
NPDES NCG01 Fact Sheet

cc: Chris Butler, GEOServices, LLC (electronic copy)
Matthew Chadwick, Building Inspector (electronic copy)
DEMLR - Fayetteville Regional Office File