Consent Order between DEQ, Chemours and Cape Fear River Watch

This chart is an overview of the requirements for Chemours in the original consent order (November Draft) as well as additional requirements included in the revised consent order (Additions to Revised Filed Order). Chemours will be required to comply with both sets of requirements.

Purpose	November Draft	Additions to Revised Filed Order
Reducing PFAS in air emissions	Chemours must: • Install pollution control technology on an accelerated basis. • Reduce GenX emissions by 82% by October 6, 2018. • Reduce GenX emissions by 92% by December 31, 2018. • Reduce GenX emissions by 99% by December 31, 2019 and control all PFAS at an efficiency of 99.99% through a thermal oxidizer.	Chemours must also: • Submit monthly reports outlining its GenX emissions to ensure that DEQ and/or Cape Fear River Watch can take action to prevent Chemours from violating its emission reduction requirements.
Preventing PFAS from reaching downstream communities	Chemours must: • Refrain from discharging any process wastewater. • Achieve maximum feasible reductions in PFAS loading to surface waters on an accelerated basis.	Chemours must also: • Measure its contribution of PFAS contamination at downstream public utilities' raw water intakes. • Assess the nature and extent of PFAS contamination in river sediment. • Remove 99% of PFAS contamination in an old outfall at the site. • Provide downstream public utilities with its accelerated plan to reduce PFAS contamination in the Cape Fear River (DEQ will consult with utilities prior to approval of any such plan)
Addressing groundwater contamination	Chemours must: • Fully characterize the extent of soil and groundwater contamination onsite and offsite. • Submit and implement a corrective action plan to remediate groundwater	Chemours must also: • Update the corrective action plan on an ongoing basis to account for the development of new laboratory methods and standards for detecting and measuring PFAS.

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	to North Carolina's groundwater standards.	
Replacement water supplies for well owners	Chemours must: • Provide public water or whole building filtration systems for private wells tested above 140 ng/L for GenX and payment of water utility bills for 20 years • Provide reverse osmosis systems where the combined concentration of certain PFAS is above 70 ng/L **or** the concentration of certain individual PFAS is above 10 ng/L • Conduct private well testing and deliver sampling results to property owners • Provide interim water supplies to parties whose wells are contaminated with PFAS until permanent replacement water supplies are provided. • Prepare a drinking water plan for DEQ review and approval.	Chemours must also: • Provide effective systems to treat drinking water fountains and sinks in public buildings. • Flush plumbing and replace previously installed treatment systems as necessary. • Ensure that filtration systems are operating properly and maintained for a minimum of 20 years.
Penalties and release	Chemours must • Pay a civil penalty in the amount of $12 million, the largest in DEQ history. • Pay investigative costs in the amount of $ 1 million.	• The revised order clarifies that this order does not release claims in any other litigation including pending lawsuits by third parties against Chemours. • It also clarifies that this order does not release DuPont from liability.

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Purpose	November Draft	Additions to Revised Filed Order
	• Pay stipulated penalties for violating the terms of the order. In addition: • The terms of the order can be enforced through the contempt power of the court. • The release of claims is limited to injunctive relief and civil penalties based on information known by DEQ as of November 28, 2018. • Consent order does not release claims by third parties against Chemours or claims by DEQ against other parties.	

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Purpose	**November Draft**	**Additions to Revised Filed Order**
Transparency and data gathering	Chemours must: • Hold public meetings on certain proposed changes to the facility's operations. • Publicly post online any submissions to DEQ, including plans, information and testing data results. • Fully characterize PFAS in process wastewater, non-process wastewater and stormwater. • Analyze the fate and transport of PFAS originating from the facility in air, surface water, and groundwater. • Disclose PFAS and PFAS emissions rates associated with air emissions from the facility. • Conduct toxicity studies on certain PFAS. • Develop a lab method for measuring total organic fluorine. • Submit quarterly progress reports to DEQ.	Chemours must: • Report emissions of GenX Compounds on a monthly basis to ensure compliance with emissions reduction requirements. • Provide reports to DEQ on the facility's contribution of PFAS to downstream water intakes and river sediment. In addition: • The draft corrective action plan will be put out to public notice. • Downstream public utilities will be consulted prior to approval of the accelerated plan to reduce contamination in the Cape Fear River.