



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

November 3, 2021

CERTIFIED MAIL / RETURN RECEIPT REQUESTED

Ms. Dawn Hughes
Plant Manager
Chemours Fayetteville Works
22828 NC Highway 87 W
Fayetteville NC 28306

RE: Notice Regarding Chemours' Obligations Under Consent Order and 15A NCAC 02L .0106 - Offsite Groundwater Assessment and Provision of Replacement Drinking Water Supplies.

Dear Ms. Hughes:

The North Carolina Department of Environmental Quality (DEQ) has determined that Chemours is responsible for contamination of groundwater monitoring wells and water supply wells in New Hanover County and potentially other downstream counties affected by PFAS contamination in the Cape Fear River. Pursuant to 15A NCAC 2L .0101 *et seq.* and paragraph 18 of the Consent Order entered by Bladen County Superior Court on February 25, 2019 (Consent Order), Chemours must conduct a comprehensive assessment of this contamination and ultimately prepare an appropriate corrective action plan to address it. Pursuant to paragraphs 19-24 of the Consent Order, Chemours must also provide replacement drinking water supplies for affected parties.

Duty to Conduct Assessment of Contamination

Since early 2019, DEQ has been sampling groundwater monitoring wells and water supply wells in New Hanover County in part to determine whether activities at the Chemours Fayetteville Works facility (Facility) have caused contamination of groundwater in this region. The results of this sampling have established that multiple wells in New Hanover County are contaminated with PFAS compounds that originated at the Facility. This data constitutes additional information that was not in DEQ's possession at the time that the Consent Order was lodged with the Court in November of 2018.



North Carolina Department of Environmental Quality
217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601
919.707.8600

Chemours' prior submissions to DEQ, including its September 30, 2019 On and Offsite Assessment, have failed to include any assessment or proposal to assess groundwater contamination in New Hanover, Pender, Columbus or Brunswick Counties. As the party responsible for this contamination, Chemours must comply with the requirements of 15A NCAC 2L .0101 *et seq.* as well as paragraph 18 of the Consent Order by conducting a comprehensive assessment of this contamination. Specifically, 15A NCAC 2L .0106(g) and paragraph 18 of the Consent Order require Chemours to assess (1) the source and cause of the contamination; (2) any imminent hazards to public health and safety; (3) all receptors and significant exposure pathways; (4) the horizontal and vertical extent of the soil and groundwater contamination, and all significant factors affecting contaminant transport and (5) geological and hydrogeological features influencing the movement, chemical, and physical character of the contaminants.

Therefore, DEQ directs Chemours to submit, within 90 days of receipt of this Notice, a plan for DEQ review and approval to conduct a comprehensive assessment of the groundwater contamination in New Hanover County and other affected counties that meets the requirements of 15A NCAC 2L .0106(g) and paragraph 18 of the Consent Order.¹

Duty to Provide Replacement Drinking Water to Affected Parties

DEQ's investigation has revealed that groundwater contamination in New Hanover County has reached private drinking water supply wells. Chemours' prior submissions to DEQ, including its April 26, 2019 Drinking Water Compliance Plan as updated and amended, have failed to indicate any intention to conduct sampling of private drinking water wells in downstream counties or to provide replacement drinking water supplies to affected parties in these areas.

Pursuant to paragraphs 19 and 20, Chemours is responsible for providing replacement water supplies for "any party with a private drinking water supply well" contaminated by PFAS at or above levels specified in the Consent Order. Pursuant to paragraph 21, Chemours is required to conduct sampling of drinking water wells to determine whether parties are eligible for replacement drinking water supplies.

Therefore, DEQ directs Chemours to submit, within 90 days of receipt of this Notice, an updated Drinking Water Compliance Plan pursuant to paragraph 24 of the Consent Order. The updated plan shall provide for sampling of drinking water wells in downstream counties to identify affected parties entitled to provision of replacement water supplies.

Failure to comply with the State's rules and the Consent Order in the manner and time specified may result in enforcement action by DEQ.

¹ DEQ notes that on April 7, 2020 DEQ determined that Chemours' Corrective Action Plan was insufficient and would require significant revisions. DEQ has since deferred review of the Corrective Action Plan until further progress has been made in the fulfillment of Chemours obligations to assess on and offsite contamination. Ultimately, however, any approvable corrective action plan must address the results of the assessment described in this Notice.



We appreciate your attention and prompt response in this matter. If you have any questions, please feel free to contact me at (919) 707-8700.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sushma Masemore', written in a cursive style.

Sushma Masemore, P.E.
Assistant Secretary for the Environment, NCDEQ



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