



The Chemours Company
Fayetteville Works
22828 NC Highway 87 W
Fayetteville, NC 28306

December 31, 2019

Sheila Holman
Assistant Secretary for the Environment
1601 Mail Service Center
Raleigh, NC 27699-1601
sheila.holman@ncdenr.gov

Re: Corrective Action Plan - Chemours Fayetteville Works

Dear Ms. Holman,

Pursuant to paragraph 16 of the Consent Order entered by the Superior Court for Bladen County on February 25, 2019, please find enclosed the Corrective Action Plan (CAP) for Chemours Fayetteville Works (the Site), prepared by Geosyntec Consultants of NC, P.C. (Geosyntec). The CAP describes proposed remediation activities to address per- and polyfluoroalkyl substances (PFAS) in groundwater and surface waters at the Site, in accordance with the requirements of the Consent Order and the North Carolina 2L Rules. The CAP also includes several supporting Appendices, including Human Health and Ecological Screening Level Exposure Assessments and detailed remediation cost information.

The CAP also overlaps in part with the Cape Fear River PFAS Loading Reduction Plan and Supplemental Information Report submitted by Chemours earlier this year pursuant to Consent Order paragraph 12. Chemours received your comments on those paragraph 12 submittals on December 19, 2019, and will respond to those comments separately from the enclosed CAP.

As set forth in the CAP, abatement and remediation measures already taken by Chemours have addressed and essentially abated discharges of PFAS from Chemours's continuing operations at the Site. The remaining areas of PFAS contamination at the Site, and associated discharges therefrom, are almost entirely the legacy of prior operations, mostly by Chemours's predecessor, DuPont. To address this legacy PFAS contamination, the CAP proposes a robust set of nine corrective actions and two interim actions that will further reduce offsite PFAS loadings, and thus potential exposure, from the Site. These actions include interim and permanent actions that will address at least 95% of the loadings from the groundwater seeps and at least 99% of the loadings from the Old Outfall 002 channel. The seeps and the Old Outfall channel are the two most significant contributors of ongoing loadings of PFAS to surface waters.

The CAP also addresses remediation of onsite groundwater and proposes an interim action of extraction of groundwater from existing monitoring wells in the Black Creek Aquifer and treatment prior to discharge. Chemours also proposes at the same time to proceed with detailed design and engineering of a permanent groundwater treatment system alternative,

described in the CAP, while holding a final decision on whether this or some other alternative should be selected, with approval by DEQ, until that design and engineering work is complete. This approach recognizes that it is in the shared interests of all parties to the Consent Order and of the public that funds committed to remediation efforts be spent effectively and wisely.

Consent Order paragraph 16 states: “Subject to approval by DEQ, the Corrective Action Plan may include actions to be undertaken by other entities that have contributed to the need for such remediation.” Pursuant to this provision, Chemours proposes that DEQ require DuPont, as the entity principally responsible for the PFAS that are the subject of the CAP, to undertake all of the remediation activities proposed in the CAP, other than those activities proposed for current Outfall 002, and that DEQ preclude DuPont from seeking contribution or indemnity from Chemours for the costs of that remediation. As mentioned above, the PFAS in groundwater and surface waters at the Site requiring remediation are almost entirely from legacy uses of the Site during DuPont’s approximately 40-year period of ownership and operation prior to 2015.

When DuPont unilaterally spun-off Chemours in 2015, it failed to account and make any reasonably adequate provision for the substantial legacy environmental issues at the Site. DEQ should accordingly hold DuPont accountable for remediating what it left behind. Further information about DuPont’s responsibility is set forth in the Amended Complaint filed by Chemours against DuPont in Delaware Chancery Court in August 2019, which is submitted herewith.

We understand that pursuant to the Consent Order, DEQ will put the CAP to public notice and provide an opportunity for public comments. We look forward to discussing the CAP with DEQ pending those comments, and again once the comments have been received.

Sincerely,

A handwritten signature in cursive script that reads "Brian D. Long".

Brian D. Long
Plant Manager
Chemours – Fayetteville Works

Enclosures

Corrective Action Plan and Appendices

Amended Complaint in Delaware Chancery Court

Cc:

William F. Lane, DEQ

Francisco Benzoni, NC DOJ

Michael Abraczinskas, DAQ

Michael Scott, DWM

Linda Culpepper, DWR

David C. Shelton, Chemours

John F. Savarese, WLRK

Kemp Burdette, CFRW

Geoff Gisler, SELC