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Via Email

Seth T. Bailey
Plant Manager, Fayetteville Works
The Chemours Company
22828 NC Highway 87 West
Fayetteville, NC 28306
(910) 678-1415
seth.t.bailey@chemours.com

John F. Savarese, Esq.
Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, NY 10019
(212) 403-1000
jfsavarese@wlrk.com

Reid Wilson
Secretary
N.C. Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601
DEQSecretary@deq.nc.gov

Dan Hirschman
General Counsel
N.C. Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601
dan.hirschman@deq.nc.gov

RE: Cape Fear River Watch Notice of Consent Order Violations

Mr. Bailey, Mr. Savarese, Secretary Wilson, and Mr. Hirschman:

This letter serves as formal notice that Chemours is in violation of multiple provisions of the Consent Order entered on February 25, 2019,¹ and the Addendum entered on October 12, 2020,² with Cape Fear River Watch and the North Carolina Department of Environmental Quality (“the Department”). The actions and omissions identified below constitute noncompliance with binding requirements of those agreements. Pursuant to Paragraph 38 of the Consent Order and Paragraph 11 of the Addendum, Cape Fear River Watch considers these matters to be compliance concerns that, if not resolved, will result in enforcement action.

In 2017, more than 500,000 North Carolinians learned that Chemours had contaminated the air, drinking water, groundwater, surface waters, and soil of southeastern North Carolina with toxic per- and polyfluoroalkyl substances (“PFAS”) from its Fayetteville Works facility. In response, Cape Fear River Watch and the North Carolina Department of Environmental Quality brought enforcement actions that resulted in the Consent Order and subsequent Addendum, which require Chemours to significantly reduce its PFAS releases and remediate the extensive contamination caused by its operations. These hard-won agreements were intended to protect nearby and downstream communities from ongoing exposure to Chemours’ harmful chemicals. It has been more than seven years since the Consent Order was signed, yet Chemours has failed to meet key requirements of those agreements. Despite its obligations under the Consent Order

¹ Consent Order, *State of North Carolina et al., v. The Chemours Co. FC, LLC*, 17 CVS 580 (Bladen Cnty. Super. Ct., Feb. 25, 2019) [hereinafter Consent Order].

² Addendum to Consent Order Paragraph 12, *State of North Carolina et al., v. The Chemours Co. FC, LLC*, 17 CVS 580 (Bladen Cnty. Super. Ct., Oct. 12, 2020) [hereinafter Addendum].

and Addendum, Chemours continues to release PFAS through air emissions, wastewater discharges, and contaminated groundwater—threatening families, communities, utilities, and local businesses downstream.

Cape Fear River Watch understands that Chemours, DuPont, local governments, and the state of North Carolina have recently reached a separate settlement in *State of North Carolina ex rel. Jackson v. E.I. du Pont de Nemours & Co.*, No. 20 CVS005612-250 (N.C. Super. Ct. Bus. Ct.) and 13 additional cases.³ We also understand that Chemours and the Department have taken the position in that settlement that certain requirements of the Consent Order have been satisfied.⁴ Cape Fear River Watch disagrees. Moreover, Paragraph 51 of the Consent Order requires parties to the Consent Order, including Cape Fear River Watch, to stipulate that Chemours’ obligations have been satisfied before any provision of the Consent Order may be deemed complete.⁵ Cape Fear River Watch has not made such a stipulation and does not agree that Chemours has satisfied its Consent Order obligations, including provisions in Paragraph 7, as discussed in Section III below. Chemours remains subject to all applicable requirements of the Consent Order and Addendum.

I. Chemours is in violation of the groundwater remediation requirements of Consent Order Paragraph 16.

Paragraph 16 of the Consent Order requires Chemours to complete and implement an approved Corrective Action Plan for remediating and controlling the company’s polluted groundwater. The plan must achieve “the requirements of the 2L Rules” (i.e., the state groundwater regulations),⁶ and remediate contaminated groundwater to the standards set forth in those state rules.⁷ In addition, Chemours must ensure implementation of its Corrective Action Plan will reduce its PFAS loading to surface waters—including Old Outfall 002, Willis Creek, Georgia Branch, and the Cape Fear River—by *at least* 75 percent.⁸ Chemours has failed to develop such a plan, much less implement and meet the reduction requirements.

a. Chemours has failed to develop a Corrective Action Plan that complies with Paragraph 16 of the Consent Order.

Since 2019, Chemours has failed to prepare a Corrective Action Plan that meets the requirements of the Consent Order and state groundwater regulations. The Department rejected Chemours’ only attempt at a Corrective Action Plan on April 7, 2020, finding it “clearly deficient,” in part because it “lack[ed] a thorough technical basis, including an adequate assessment of human exposure to PFAS compounds and a thorough evaluation of on- and off-

³ The Chemours Co. et al., Settlement Agreement (N.C. Sept. 9, 2026) (settling 14 cases) [hereinafter NC Settlement Agreement].

⁴ *Id.* at ¶¶ IV(A)–(C).

⁵ Consent Order ¶ 51(b). Alternatively, after all parties are given a chance to be heard, Chemours has the option to demonstrate to the Court that it has completed obligations in the Consent Order. *Id.* Such a hearing has not occurred.

⁶ *Id.* ¶ 16(a); *see also* 15A N.C. Admin. Code 02L.

⁷ Consent Order ¶ 16(b); *see also* 15A N.C. Admin. Code 02L .0202.

⁸ Consent Order ¶ 16(d).

site groundwater contamination.”⁹ Since that rejection, Chemours has not obtained approval of a revised Corrective Action Plan that details how the company will clean up the groundwater it contaminated to the levels required by the Consent Order and state groundwater regulations.

b. Chemours has failed to remediate groundwater contamination as required by Paragraph 16 and North Carolina groundwater rules.

Chemours has failed to implement corrective actions that clean up the groundwater it contaminated. Paragraph 16 incorporates North Carolina’s groundwater corrective action requirements. Those rules provide that, “[w]here groundwater quality has been degraded, the required corrective action shall be restoration to the level of the standards, or as closely thereto as is economically and technologically feasible.”¹⁰ For pollutants that are not naturally occurring and for which no specified groundwater standard exists, including many PFAS, concentrations “shall not be permitted . . . at or above the practical quantitation limit.”¹¹ The practical quantitation limit is the “lowest concentration of a given material that can be reliably achieved by a particular analytical technique operated within specified parameters of a given analytical method during routine laboratory analysis.”¹² The rules further require corrective action plans to use remedial technology demonstrated to provide the most effective means of restoring groundwater quality, taking into account the geological and hydrogeological conditions at the contaminated site.¹³

Taken together, these rules require Chemours to (1) promptly contain and control its PFAS groundwater contamination; (2) remove, treat, or control all sources contributing to that contamination, including contaminated soil; and (3) restore groundwater quality to applicable standards. For PFAS compounds without an established groundwater standard, Chemours must restore groundwater quality to below the practical quantitation limit, or as close to that level as is economically and technologically feasible. Chemours’ Corrective Action Plan must reflect these requirements and demonstrate how the company will comply with North Carolina regulations.

Chemours has failed to meet this requirement. The company’s groundwater contamination has polluted more than 10,000 drinking water wells across ten counties in North Carolina, devastating thousands of families across the state.¹⁴ Yet Chemours has not developed and implemented a Corrective Action Plan that cleans up contaminated groundwater as required by state law or Paragraph 16 of the Consent Order.

⁹ N.C. DEQ, Chemours’ Proposed Corrective Action Plan Needs Significant Revisions (Apr. 7, 2020), <https://perma.cc/NPT5-G9AF>.

¹⁰ 15A N.C. Admin. Code 02L .0106(a).

¹¹ *Id.* at .0202(c).

¹² *Id.* at .0102(25).

¹³ *Id.* at .0106(g).

¹⁴ Chemours Fayetteville Works, Four Counties Private Well Sampling Monthly Report August 2026 (Sept. 2026), at 7; Chemours, Consent Order Progress Report for Second Quarter 2026 (July 31, 2026), at 3.

c. Chemours has failed to reduce PFAS loading to Old Outfall 002, Willis Creek, Georgia Branch, and the Cape Fear River by at least 75 percent, in violation of Paragraph 16(d).

Paragraph 16(d) requires Chemours to reduce PFAS loading to Old Outfall 002, Willis Creek, Georgia Branch, and the Cape Fear River by *at least* 75 percent. Available data demonstrate that Chemours has failed to meet this requirement.

i. Willis Creek

Despite actions taken over the past several years, PFAS levels in Willis Creek remain unacceptably high. Since the barrier wall was installed, total PFAS concentrations in Willis Creek have ranged from 443 ppt to 26,600 ppt.¹⁵ A recent sample publicly reported by Chemours reached 2,700 ppt.¹⁶ Today, contaminated groundwater discharging to Willis Creek is the leading source of PFAS entering the Cape Fear River from the Fayetteville Works facility.¹⁷ Indeed, Chemours acknowledges that it has only decreased PFAS flowing into Willis Creek by about half—far short of the 75 percent reduction the Consent Order requires.¹⁸

Even this estimate overstates the reduction Chemours has achieved. Chemours only evaluates 17 PFAS compounds to determine its load reductions to Willis Creek,¹⁹ excluding other PFAS present in the stream.²⁰ Sampling collected by GEL Engineering on March 10, 2026 and analyzed by North Carolina State University, for example, detected high levels of ultra-short chain PFAS like trifluoroacetic acid (“TFA”)²¹ and perfluoropropanoic acid (“PFPrA”) in Willis Creek reaching 6,524 ppt and 508 ppt, respectively.²² By excluding detectable PFAS in its calculations, including but not limited to these ultra-short chain PFAS, Chemours masks the true extent of its PFAS loading to Willis Creek.

ii. Georgia Branch

Pollution levels in Georgia Branch are similarly high. Chemours does not routinely report the percentage by which PFAS loading to Georgia Branch has been reduced, and available data

¹⁵ Geosyntec, CFR Long-Term Remedy Performance Monitoring Report #13 (Q1 2026) (June 29, 2026), at tbl. 3-4 (showing levels in Willis Creek along three sampling points for Total Table 3+ PFAS (21 compounds)).

¹⁶ Caliber Insights, Cape Fear River PFAS Mass Loading Assessment – First Quarter 2026 (June 2026), at tbl. A5.

¹⁷ *See id.* at 10.

¹⁸ CFR Long-Term Remedy Performance Monitoring Report #13, at 5, fig. 3-2.

¹⁹ *Id.*

²⁰ *See, e.g., id.* at tbl. 3-4.

²¹ The Consent Order requires Chemours to sample and report “all PFAS for which test methods and lab standards have been developed.” ¶ 16(c). A laboratory method has been available for TFA since at least 1996. *See* Don Zehavi & James N. Seiber, An Analytical Method for Trifluoroacetic Acid in Water and Air Samples Using Headspace Gas Chromatographic Determination of the Methyl Ester, 68 Analytical Chemistry 3450, 3450 (1996), <https://perma.cc/4484-NLJL>.

²² N.C. State Univ., Final Analytical Report, Sampling Date March 10, 2026 (Sept. 16, 2026), at 17, <https://perma.cc/2S4V-UE4E> [hereinafter March 2026 NC State Analytical Report].

show no meaningful decline in PFAS concentrations.²³ This is not surprising, as Chemours has not implemented measures designed to reduce PFAS pollution entering Georgia Branch.²⁴

Since 2021, total PFAS levels in Georgia Branch have averaged approximately 1,607 ppt.²⁵ Recent sampling in Georgia Branch reached 2,100 ppt.²⁶ This level is as high as—if not higher than—baseline concentrations reported in Georgia Branch.²⁷ Ultra-short chain PFAS concentrations in Georgia Branch are significant too. Sampling collected by GEL Engineering detected TFA and PFPrA at concentrations of up to 1,849 ppt and 376 ppt, respectively.²⁸

iii. Old Outfall 002

Chemours has likewise failed to reduce PFAS loading to Old Outfall 002 by at least 75 percent. Groundwater seeps continue to discharge significant quantities of PFAS into the channel, as further discussed in Section II below. At least two visible groundwater-fed seeps flow from the banks of Old Outfall 002 into the creek, downstream of Chemours' installed PFAS treatment system. In other words, PFAS-contaminated groundwater continues to enter the creek, bypassing treatment and discharging directly into surface waters.

Samples collected and analyzed by GEL Engineering on March 10, 2026 show hexafluoropropylene oxide dimer acid (HFPO-DA) (“GenX”) levels in these seeps as high as

²³ Cape Fear River PFAS Mass Loading Assessment – First Quarter 2026, at 10, app. A, at 9. A comparison of the historical median to Chemours' 2026 Q1 Mass Loading into Georgia Branch shows only a 25 percent removal. *Id.*

²⁴ Geosyntec, Corrective Action Plan Chemours Fayetteville Works (Dec. 2019), at 75.

²⁵ Geosyntec, Cape Fear River PFAS Mass Loading Assessment – First Quarter 2021 Report (June 2021), at app. A, at tbl. A2; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Second Quarter 2021 Report (Sept. 2021), at app. A, at tbl. A2-1; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Third Quarter 2021 Report (Dec. 2021), at app. A, at tbl. A2-1; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Fourth Quarter 2021 Report (Mar. 2022), at app. A, at tbl. A2-1; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – First Quarter 2022 Report (June 2022), at app. A, at tbl. A2-1; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Second Quarter 2022 Report (Sept. 2022), at app. A, at tbl. A8; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Third Quarter 2022 Report (Dec. 2022), at app. A, at tbl. A8; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Fourth Quarter 2022 Report (Mar. 2023), at app. A, at tbl. A8; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – First Quarter 2023 Report (June 2023), at app. A, at tbl. A5; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Second Quarter 2023 Report (Sept. 2023), at app. A, at tbl. A5; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Third Quarter 2023 Report (Dec. 2023), at app. A, at tbl. A5; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Fourth Quarter 2023 Report (Mar. 2024), at app. A, at tbl. A5; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – First Quarter 2024 Report (June 2024), at app. A, at tbl. A5; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Second Quarter 2024 Report (Sept. 2024), at app. A, at tbl. A5; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Third Quarter 2024 Report (Dec. 2024), at app. A, at tbl. A5; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Fourth Quarter 2024 Report (Mar. 2025), at app. A, at tbl. A5; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – First Quarter 2025 Report (June 2025), at app. A, at tbl. A5; ; Geosyntec, Cape Fear River PFAS Mass Loading Assessment – Second Quarter 2025 Report (Sept. 2025), at app. A, at tbl. A5; Caliber Insights, Cape Fear River PFAS Mass Loading Assessment – Third Quarter 2025 Report (Dec. 2025), at app. A, at tbl. A5; Caliber Insights, Cape Fear River PFAS Mass Loading Assessment – Fourth Quarter 2025 Report (Mar. 2026), at app. A, at tbl. A5; Caliber Insights, Cape Fear River PFAS Mass Loading Assessment – First Quarter 2026 Report (June 2026), at app. A, at tbl. A5 (calculating average based on Total Table 3+ PFAS (17 compounds) results in Georgia Branch Creek from 2021 through present).

²⁶ Caliber Insights, Cape Fear River PFAS Mass Loading Assessment – Fourth Quarter 2025 (Mar. 2026), at tbl. A5.

²⁷ *See, e.g.*, Corrective Action Plan Chemours Fayetteville Works, at 21, app. D, at fig. 2.

²⁸ March 2026 NC State Analytical Report, at 18.

2,630 ppt.²⁹ Samples analyzed for ultra-short chain PFAS show TFA concentrations of 45,535 ppt, PFMOAA concentrations of 14,154 ppt, and PFPrA concentrations of 4,344 ppt.³⁰ These seeps continue to discharge PFAS-contaminated groundwater to Old Outfall 002 and—further downstream—the Cape Fear River, providing further evidence that Chemours has not achieved the reductions required by Paragraph 16(d).

iv. Cape Fear River

And finally, Chemours has not demonstrated that it has reduced total PFAS loading to the Cape Fear River by at least 75 percent. Although Chemours installed a barrier wall along the river to intercept its contaminated groundwater, the technology it installed to treat this groundwater at Outfall 004 does not effectively remove ultra-short chain PFAS like TFA and PFPrA. The same is true for the treatment system at Old Outfall 002, which ultimately discharges to the Cape Fear River. As a result, wastewater with high concentrations of ultra-short chain PFAS flows from both outfalls into the Cape Fear River.

On February 24, 2025, Chemours informed the Department that the discharge from Old Outfall 002 contains TFA at a level of 44,000 ppt.³¹ Chemours also reported that the groundwater it intercepts and treats at Outfall 004, which is ultimately routed and discharged at Outfall 002, measured TFA at 156,000 ppt.³² Additional sampling analyzed by North Carolina State University likewise found extremely high TFA levels in Chemours' wastewater outfalls:

Date	TFA, Mouth of Old Outfall 002 Channel (ppt)	TFA, Outfall 002 Effluent (ppt)
September 2025 ³³	21,907	14,949
March 2026 ³⁴	57,290; 56,349 (field duplicate)	11,108

Data collected by Chemours and Cape Fear River Watch are consistent with research from other Chemours facilities showing that granular activated carbon does not effectively remove ultra-short chain PFAS, including TFA and PFPrA.³⁵ Accordingly, any calculation that excludes these compounds understates the total PFAS loading to the Cape Fear River and cannot establish compliance with the 75 percent reduction requirement.

²⁹ GEL Engineering, LLC, PFAS Sampling Summary Report (May 1, 2026), at tbl. 2, <https://perma.cc/K4TM-UD5W> [hereinafter March 2026 GEL Analytical Report].

³⁰ March 2026 NC State Analytical Report, at 10.

³¹ Letter from Dianne Fields, Chemours Fayetteville Works, to Dr. Sergei Chernikov, N.C. Dep't of Env't Quality (Feb. 24, 2025).

³² *Id.*

³³ N.C. State Univ., Final Analytical Report, Sampling Date Sept. 21–22, 2025 (Sept. 16, 2026), at 13, 17, <https://perma.cc/PL4E-TG8V>.

³⁴ March 2026 NC State Analytical Report, at 12–13, 16.

³⁵ Chemours Netherlands B.V., *Request for Discharge Requirements for TFA, DFA, PFPrA, TFPrA, HFPO-DA, 6:2 FTS, and Other PFAS* (June 6, 2025), at 6, 26, <https://perma.cc/3LYH-YXL7>.

Because Chemours has failed to reduce PFAS loading to Old Outfall 002, Willis Creek, Georgia Branch, and the Cape Fear River by at least 75 percent, Chemours has violated and continues to violate Paragraph 16(d) of the Consent Order.

II. Chemours is failing to prevent migration around, above, or under the barrier wall in violation of Addendum Paragraph 3(b).

Paragraph 3(b) of the Addendum requires that Chemours install an underground barrier wall and groundwater treatment system to “reduce PFAS loading from groundwater flow from under the Facility to the Cape Fear River and Willis Creek,” by intercepting the groundwater before it reaches surface waters.³⁶ Chemours is also required to “pump groundwater at a rate and depth sufficient to prevent groundwater migration around, above, or under the barrier wall.”³⁷ Despite these clear obligations, groundwater is flowing around the barrier wall’s southern terminus, causing multiple seeps to discharge high levels of PFAS into the Cape Fear River and Old Outfall 002 stream (which flows into the Cape Fear River).

Two such groundwater seeps—the Lock and Dam Seep and the Lock and Dam North Seep—are downgradient of the barrier wall and should have dried up upon the wall’s installation.³⁸ That has not happened. Chemours reports continued flow at both seeps.³⁹ According to the company, total PFAS concentrations at the Lock and Dam Seep have exceeded 130,000 ppt⁴⁰ and GenX concentrations alone have reached 7,500 ppt.⁴¹ Additional sampling from the Lock and Dam Seep shows that levels are actually higher than Chemours reports, with concentrations of TFA reaching 197,547 ppt.⁴²

Pollution from the Lock and Dam North Seep is similarly dire. Chemours has reported that total PFAS concentrations reach as high as 24,000 ppt.⁴³ As with other sampling at the facility, that total does not include ultra-short-chain TFA, which measured 38,116 ppt in March 2026.⁴⁴ Pollution from the two lock and dam seeps is concerning because water from the seeps flows “adjacent to a boat launch ramp”⁴⁵ that the public uses to access the Cape Fear River for fishing, swimming, and boating.

In addition to the lock and dam seeps, groundwater-fed seeps have emerged along the banks of Old Outfall 002 downstream of the wastewater treatment plant. Groundwater is likely flowing around the barrier wall and feeding these seeps as well. As discussed above in Section I.c.iii), these seeps contain high levels of PFAS that flow untreated into the Cape Fear River.⁴⁶

³⁶ Addendum ¶ 3(b).

³⁷ *Id.* at ¶ 3(b)(ii).

³⁸ Geosyntec, Lock and Dam Seep Workplan (Nov. 2, 2023), at 4.

³⁹ Cape Fear River PFAS Mass Loading Assessment – Fourth Quarter 2025, at 3, tbl. A2.

⁴⁰ Geosyntec, Lock and Dam Seeps Assessment Memorandum (Feb. 14, 2025), at tbl. 2a.

⁴¹ Cape Fear River PFAS Mass Loading Assessment – Third Quarter 2025 Report, at app. A, at tbl. A5;

⁴² March 2026 NC State Analytical Report, at 14.

⁴³ Lock and Dam Seeps Assessment Memorandum, at tbl. 2a.

⁴⁴ March 2026 NC State Analytical Report, at 15.

⁴⁵ Corrective Action Plan Chemours Fayetteville Works, at app. D, at 1.

⁴⁶ Additional seeps have been seen flowing into the Cape Fear River. While Cape Fear River Watch identifies several specific seeps in this letter, it reserves the right to enforce the Consent Order and Addendum to address violations from other seeps.

Chemours is required to stop the flow of contaminated groundwater into nearby surface waters, but—as evidenced by these continued seeps—it has failed to do so, in violation of Addendum Paragraph 3(b)(ii).

III. Chemours is in violation of the air emission control provisions of Consent Order Paragraph 7.

Chemours continues to release PFAS air emissions in violation of Paragraph 7. The Consent Order requires Chemours to reduce GenX and other PFAS by 99 percent from baseline levels through the abatement technologies outlined in Paragraph 7.⁴⁷ Chemours has failed to do so.

Cape Fear River Watch understands that Chemours and the Department have taken the position that Chemours has satisfied Paragraph 7 of the Consent Order.⁴⁸ Cape Fear River Watch disagrees. Under Paragraph 51 of the Consent Order, the obligations imposed by Paragraph 7 cannot be deemed complete unless all parties, including Cape Fear River Watch, stipulate that the applicable requirements have been satisfied,⁴⁹ and Cape Fear River Watch has not done so. Paragraph 7 therefore remains binding and enforceable.

a. Chemours has failed to control PFAS air emissions in violation of Paragraph 7(c).

Paragraph 7(c) of the Consent Order requires Chemours to control 99.99 percent of all PFAS in the facility's process streams:

By December 31, 2019, Chemours shall install a thermal oxidizer to control all PFAS in process streams from the HFPO Process, the Vinyl Ethers North Process, the Vinyl Ethers South Process, the RSU Process, the TFE Process, the MMF Process, and the Polymers Process. Within ninety (90) days of installation, Chemours shall demonstrate that the thermal oxidizer controls all PFAS at an efficiency of 99.99%.

Chemours has not met this obligation. Specifically, Chemours failed to route emissions to the thermal oxidizer from three areas in the polymers process: the ion exchange membrane (“IXM”) resins fluorinator, the semi-works polymers unit, and the polymers processing aid.⁵⁰ PFAS emissions from these processes are therefore not adequately controlled. Because PFAS from these process areas are not routed to and controlled by the thermal oxidizer at an efficiency of 99.99 percent, Chemours is violating and continues to violate Paragraph 7(c) of the Consent Order. Furthermore, due to its failure to adequately control its PFAS emissions, Chemours also

⁴⁷ Consent Order, at 3.

⁴⁸ Settlement Agreement, at ¶ IV(B).

⁴⁹ Consent Order ¶ 51 (stating that the Court retains jurisdiction to enforce the terms of the Consent Order unless provisions are terminated through filed stipulation of all parties or, after hearing, demonstration to the Court that Chemours' obligations have been completed).

⁵⁰ See N.C. Dep't of Env't Quality, Air Quality Permit No. 03735T48 (May 13, 2020), at 32.

has not satisfied the Consent Order's core mandate that all air emissions of PFAS be reduced by 99 percent from baseline levels.⁵¹

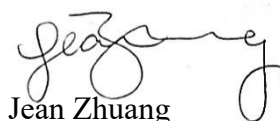
b. Chemours has failed to reduce GenX emissions by 93 percent in violation of Paragraph 7(b)(iii).

Paragraph 7(b)(iii) of the Consent Order requires the carbon adsorber at Chemours' Vinyl Ethers North manufacturing area to achieve a "minimum control efficiency of 93 percent for GenX Compounds." Chemours has failed to comply with this requirement. Test results since 2019 frequently show GenX reductions below 93 percent and, in some instances, even show increases of GenX after treatment.⁵² Chemours' failure to maintain the required minimum control efficiency in its Vinyl Ethers North manufacturing area violates Paragraph 7(b)(iii) of the Consent Order.

For the reasons described above, Chemours is in violation of multiple provisions of the Consent Order and Addendum. Pursuant to Paragraph 38 of the Consent Order, this letter serves as Cape Fear River Watch's 14-day notice of our compliance concerns and our request for a meeting to confer with Chemours and the Department in an effort to resolve these concerns. Absent timely and adequate corrective action, Cape Fear River Watch will seek court enforcement of the Consent Order and Addendum. Cape Fear River Watch further reserves the right to raise additional compliance concerns and seek enforcement of any additional provisions of the Consent Order or Addendum.

Please contact the undersigned if you have any questions regarding this letter and to arrange a meeting.

Sincerely,



Jean Zhuang
jzhuang@selc.org

Hannah Nelson
hnelson@selc.org

Myra Blake
mblake@selc.org
Attorneys for Cape Fear River Watch

⁵¹ Consent Order, at 3.

⁵² See, e.g., Alliance Technical Group, Source Test Report (Oct. 30, 2024), at 8, <https://perma.cc/DV7H-UQZH> (showing an average reduction efficiency of 54.5 percent GenX); Alliance Technical Group, Source Test Report (Dec. 31, 2022), at 2-1, <https://perma.cc/5X5N-CKKR> (showing a negative reduction efficiency of GenX).

cc: Kemp Burdette, Cape Fear River Watch, *kemp@cfrw.us*
Asher Spiller, North Carolina Department of Justice, *aspiller@ncdoj.gov*
Taylor Crabtree, North Carolina Department of Justice, *tcrabtree@ncdoj.gov*
Sushma Masemore, North Carolina Department of Environmental Quality,
sushma.masemore@deq.nc.gov
Mike Abraczinskas, North Carolina Department of Environmental Quality,
michael.abraczinskas@deq.nc.gov
Michael Scott, North Carolina Department of Environmental Quality,
michael.scott@deq.nc.gov
Michael Pjetraj, North Carolina Department of Environmental Quality,
michael.pjetraj@deq.nc.gov