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Release: IMMEDIATE

Date: September 5, 2017

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State orders Chemours to stop chemical releases, begins legal action and steps to suspend permit

DEQ, DOJ start civil court action against Chemours, DEQ notifies company wastewater permit to be suspended

RALEIGH – State officials ordered Chemours on Tuesday to stop releasing all fluorinated compounds into the Cape Fear River and began legal action against the company and the process to suspend its permit for discharging wastewater into the river.

On Tuesday, the state of North Carolina initiated a lawsuit against Chemours in Bladen County Superior Court by filing a [summons](#) with the court. Acting on behalf of the N.C. Department of Environmental Quality, attorneys with N.C. Department of Justice will seek a court order against Chemours, the state said in a [letter with the summons](#).

In a [separate letter](#) also sent Tuesday, DEQ notified Chemours that the state has begun the process to suspend the company's wastewater permit for failure to adequately disclose the release of GenX into the river. The permit governs Chemours' discharge of wastewater from its Fayetteville facility and without it, the company cannot release any wastewater into the Cape Fear River. Under the law, DEQ must give the company a 60-day notice before suspending the permit.

“Protecting people's drinking water is our top priority, and we’ve put Chemours on notice that it must stop discharging these chemicals into the Cape Fear River immediately,” said Michael Regan, secretary of the N.C. Department of Environmental Quality. “Chemours must stop releasing all fluorinated compounds and fully disclose all chemicals in its waste stream, and we’re taking action to make sure that happens.”

In June, DEQ and the N.C. Department of Health and Human Services began investigating the presence of GenX, a chemical made at Chemours' Fayetteville Works facility, in the Cape Fear River. As part of its investigation, the state continues to test water at multiple locations in the Lower Cape Fear and in groundwater on the facility's property in Bladen County for the presence of GenX and other fluorinated compounds.

The state's investigation and pressure from citizens and local officials prompted Chemours to stop discharging GenX into the Cape Fear in June. Since the GenX discharge stopped, concentrations of GenX have dropped below the health goal of 140 parts per trillion. Last week, DEQ also demanded that Chemours stop the release of additional chemical compounds including the Nafion byproducts, one day after the U.S. Environmental Protection Agency informed the state that those compounds had also been detected in the facility's waste stream. Little information is known about the potential human health effects of GenX and less is known about the Nafion byproducts.

Tuesday's civil court summons and letter from the North Carolina Attorney General's Office reiterate DEQ's demands that Chemours stop its discharge of all fluorinated compounds and disclose all compounds in its waste stream. In the letter, state attorneys wrote: "DEQ has reasonable cause to believe that Chemours has violated or is threatening to violate provisions" of state law and "[t]herefore, has directed the Attorney General's Office to institute a civil action for injunctive relief to restrain the violation or threatened violation of the law."

Injunctive relief could include an order issued by a judge requiring the company to cease the discharge for the time being or take other steps to protect public health and safety.

Tuesday's letter from DEQ puts Chemours on notice that the agency intends to suspend the company's National Pollutant Discharge Elimination System, or NPDES, permit, which allows the company to discharge wastewater into the Cape Fear River.

In its letter to the company, DEQ writes, "There is sufficient cause to suspend the permit under the provisions cited in this letter. We have found no evidence in the permit file indicating that Chemours or DuPont (Chemours' predecessor) disclosed the discharge to surface water of GenX compounds at the Fayetteville Works. In particular, the NPDES permit renewal applications submitted to DWR (Division of Water Resources) contain no reference to "GenX" or to any chemical name, formula, or CAS number that would identify any GenX compounds in the discharge."

DuPont ran the Fayetteville Works facility that produces GenX until 2015 when Chemours was created as a spin-off company.

The letter also calls on the company to meet [several earlier demands](#), including stopping the discharge of any chemicals related to GenX, including the Nafion byproducts, by Sept. 8 and stopping the discharge of any other perfluorinated or polyfluorinated compounds by Oct. 20. In addition, the letter demands that Chemours provide complete information about all chemicals included in the Fayetteville facility's waste stream, according to a schedule previously set by DEQ.

Additional legal steps are expected soon.

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