



The Chemours Company
8480 DuPont Road
PO Box 1217
Washington, WV 26181
304-863-4000

April 3, 2025

Jessica Duffy, Section Chief
NPDES Section 2, Water Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 3
1600 John F. Kennedy Boulevard
Philadelphia, PA 19013

Erin DeSandro
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 3
1600 John F. Kennedy Boulevard
Philadelphia, PA 19013

Ben Bahk
Director, Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Washington, D.C. 20004

**Re: The Chemours Company FC, LLC, Administrative Order on Consent
EPA Docket No. CWA-03-2023-0025DN**

Dear Ms. Duffy, Ms. DeSandro, and Mr. Bahk,

This is in response to Ms. Duffy's March 24, 2025 letter, concerning Chemours' revised Supplement to Alternatives Analysis & Implementation Plan for Outlets 001, 002, 005, and 006 Chemours Washington Work (the "Plan"), submitted January 22, 2025 pursuant to the above-referenced Administrative Order on Consent ("AOC") relating to the Chemours Washington Works facility in West Virginia and prepared by Chemours' consultant Geosyntec. Ms. Duffy's letter informed Chemours that the revised Plan of January 22, 2025 should be resubmitted in a form separate from Chemours' pending NPDES permit renewal application. Enclosed is a further revised Plan pursuant to such request. We ask that you promptly approve our enclosed submission so that Chemours can move forward expeditiously with implementing the

April 3, 2025

Page 2

projects identified therein and thereby address the remaining compliance issues with its existing NPDES permit (West Virginia NPDES Permit No. WV0001279). If you have any remaining concerns with the enclosed Plan, we ask that you identify them promptly, so they can be addressed and the Plan can be approved and implemented as soon as possible.

Chemours entered into the AOC with EPA on April 26, 2023, for the specific purpose of addressing ongoing compliance issues. The AOC required, among other things, that Chemours submit an Alternatives Analysis and Implementation Plan within 120 days of the AOC. Chemours submitted the required Plan within 120 days, on August 24, 2023. While EPA provided some informal feedback on Chemours' initial Plan, it did not provide any formal or complete comments until December 23, 2024, 16 months following the submission of Chemours' response. At that time, EPA conditionally accepted portions of the Plan, rejected others, and asked that Chemours respond to EPA's comments on the Plan within 30 days.

Chemours responded within 30 days, on January 22, 2025, and provided a revised Plan that does not rely on the approaches that EPA had rejected. Because of EPA's delays in responding to the initial Plan, Chemours had by the time of the January 22, 2025 response already submitted a NPDES permit renewal application to the West Virginia Department of Environmental protection ("WVDEP"), in which it proposed a number of projects to reduce PFAS discharges from its outfalls. In the interest of assuring consistency in its regulatory communications, Chemours referenced and incorporated into the revised Plan the description and schedule for the compliance projects in its permit renewal application. Thereafter, Chemours assumed that EPA was reviewing that revised Plan as it did not receive any communication from the Agency for over two months. Only on March 24, after a follow-up letter and phone calls, did Chemours get a response through which EPA rejected the revised Plan on the grounds that it referenced and incorporated parts of the permit renewal application. This came as a surprise to Chemours, as this form-over-substance rejection should not have taken two months to deliver.

As we have mentioned before, the compliance issues that were the basis of the AOC have resulted in a citizens suit action in the United States District Court for the Southern District of West Virginia, in which the plaintiff, the West Virginia Rivers Coalition ("WVRC"), is now asking the Court for a preliminary injunction that seeks, among other things, to order Chemours to reduce or stop its manufacturing operations on WVRC's assertion that such actions will address the intermittent non-compliance events. WVRC's filings make clear that its December 2024 complaint and its February 2025 motion for preliminary injunction stem from delays in the AOC process. WVRC's

April 3, 2025

Page 3

complaint notes that “Chemours submitted its Alternatives Analysis and Implementation Plan to EPA in August 2023. Over a year has passed and EPA has yet to formally act on Chemours’s submitted Plan.” In its recently filed Reply on its preliminary injunction Motion, WVRC dismissed the idea that the AOC process can be relied on to achieve permit compliance, arguing that “the media reports the Trump Administration has indefinitely frozen all of EPA’s enforcement litigation. Thus, Chemours’s compliance plan is vaporware.”

Given the amount of time that has passed since Chemours first submitted its initial Plan to EPA, Chemours asks that EPA immediately review and approve the enclosed revised Plan. This will allow Chemours, which entered into the AOC in good faith to address compliance issues, to come into compliance as soon as possible. Accordingly, Chemours respectfully asks EPA to inform us as quickly as possible if EPA is not willing to approve the revised Plan and to thereafter constructively work with us so that we can produce a revised Plan that EPA can approve within 30 days.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "James W. Hollingsworth", with a stylized flourish at the end.

James W. Hollingsworth
Plant Manager, Washington Works
The Chemours Company
James.W.Hollingsworth@Chemours.com
(304) 863-4083 (Office)

Cc: Brad Wright, WVDEP (brad.m.wright@wv.gov);
Chad Harsh, Enforcement and Compliance Assurance Division U.S. EPA, Region III,
(harsh.chad@epa.gov);
Promy Tabassum, U.S. EPA (Tabassum.Promy@epa.gov);