RICHARD BURR
NORTH CAROLINA

United States Senate

WASHINGTON, DC 20510

October 31, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20004

Dear Administrator Pruitt:

The State of North Carolina, local communities, and the Environmental Protection Agency (EPA) have been actively involved in responding to and investigating the release of a chemical compound known as GenX. Although testing had showed the presence of GenX in the Cape Fear as early as 2013, on June 7, 2017, the *Wilmington Star News*[1] published an article regarding the release of GenX into the Cape Fear River by The Chemours Company (Chemours) from their Fayetteville, NC plant and specifically the presence of the chemical in the drinking water system of the Cape Fear Public Utility Authority. I appreciate the ongoing support that EPA Region IV and Headquarters staff have provided the State, including the Department of Environment Quality (DEQ), City of Wilmington, and the counties of Bladen, Brunswick, and New Hanover.

I ask that EPA continue to provide assistance and expertise to affected communities, which will allow local and state officials to take appropriate action to ensure the safety of drinking water across the region. I would also request that EPA quickly complete a full investigation into whether Chemours was in compliance with the 2009 Consent Order governing the production of GenX, and take appropriate action if the company was found to be violating any portion of the agreement. Finally, I ask EPA to take the following two actions on behalf of the citizens of North Carolina.

1. EPA previously identified a list of chemicals for risk assessment under Title I of the Toxic Substances Control Act (TSCA) in its 2014 Update of the TSCA Work Plan for Chemical Assessments (TSCA Work Plan). Perfluorinated chemicals (PFCs), like GenX, were not included in the TSCA Work Plan; however, on pages four and five of the TSCA Work Plan, EPA noted that they were concerned about the chemicals and were interested in gathering additional information. Pursuant to the authority granted to EPA by Congress in P.L. 114-182, I ask that EPA make a determination as to whether GenX and PFCs should be prioritized for future risk evaluation as required by the amended statute (15 U.S.C. 2605).

[1] Hagerty, Vaughn. "Toxin taints CFPUA." *Wimington Star News* 7 June 2017. http://www.starnewsonline.com/news/20170607/toxin-taints-cfpua-drinking-water/1

2. Under the Clean Water Act, North Carolina is one of 46 states that have assumed authority to oversee their own National Pollutant Discharge Elimination System (NPDES) permit program. In the case of GenX, the State of North Carolina and DEQ had primary oversight of any industrial discharge at the Chemours facility, including when GenX was produced as a byproduct of a manufacturing process. I would ask that EPA fully review the issuance of, and ongoing oversight related to, the NPDES discharge permits for the Chemours facility. This review should not only include actions taken by DEQ and Chemours, but also EPA's participation in the review of these permits. It is imperative that there is an understanding of the conditions that led to the discharge and what knowledge, if any, DEQ or EPA had about the GenX release.

I appreciate your attention to this important matter, and look forward to continuing to work with all parties involved to review the oversight measures taken at the Chemours facility leading up to the *Wilmington Star News* article, and coordinating on next steps.

Sincerely,

Richard Burr
United States Senator

Cc: Roy Cooper, Governor of North Carolina