MEMORANDUM

SUBJECT: Notice of Citizen Suit Against Violating Facility – Cape Fear River Watch v Chemours Company FC, LLC ("Chemours")" Regarding NPDES Permit NC0003573 and TSCA Consent Order P-08-508/P-08-509 located in Fayetteville, NC – **NON EJ POTENTIAL**

FROM: Patricia Bullock, Regional Hearing Clerk
Office of General Law, Criminal and Cross Office Support

TO: Daniel J. O'Lone, Acting Chief
NPDES Permitting and Enforcement Branch

Anthony Toney, Chief
Chemical Safety and Enforcement Branch

Attached is an Intent to Sue dated **May 15, 2018,** submitted by Southern Environmental Law Center on behalf of above individuals. Notice is given pursuant to the Clean Water Act § 505 33 U.S.C. § 1365(b) and Pursuant to 15 U.S.C. § 2619 of the TSCA. The Sixty-day notice period expires on **July 16, 2018.**

EPA Region 4 relies upon guidance developed and refined over the years to determine if compliance and enforcement activities occur in a potential environmental justice area. The Office of Regional Counsel Accountability's Guidelines for Implementing Environmental Justice in Enforcement Activities was developed to identify and address potential environmental justice areas. The factors used by EPA Region 4 to determine if an area is a potential environmental justice area is through analysis of demographics, population, community identification, public input, and other EPA, State, or local knowledge. Based on the geographical location of the Defendant's operation and current Region 4 procedures for determining if compliance and enforcement activities are located in a potential environmental justice areas, the Defendant's operations are not located in a potential environmental justice area.

The letter gives notice of intent to file suit against above defendant for discharging GenX and other perfluoroalkyl and polyfluoroalkyl substances from Outfall 002 into the Cape Fear River from the 1980s located in Fayetteville, NC. Allegedly, defendant has numerous permit conditions that they need to comply with.

Please review the attachments and any information you may have regarding the alleged violations. After your review, please provide a copy of your recommendation to the attention of Patricia Bullock, Office of General Law, Criminal and Cross Office Support, **by July 02, 2018.** If you need to further discuss this notice; please contact Bill Bush, Office of Water Legal Support at (404) 562-9538 and Bob Caplan, Air/Pesticides/Toxics Legal Support.

Attachments (2)

Cc: Mita Ghosh/Bill Bush
Valerie Nowell/Bob Caplan
Leif Palmer/Kavita Nagrani
Scott Gordon

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FROM: Daniel J. O'Lone, Acting Chief
NPDES Permitting and
Enforcement Branch

Anthony Toney, Chief
Chemical Safety and
Enforcement Branch

TO: Patricia Bullock, Regional Hearing Clerk
Office of General Law, Criminal and Cross
Office Support

CITIZEN SUIT DEFENDANT: Chemours

STATUTE: CWA

RECOMMENDATION:

1. Initiate federal enforcement action: _____

2. Take no action at this time (state reason): _____

3. Other: _____

Name: _____

Title: _____

Date: _____

***Two (2) original disks came with the NOI and can be readily viewed.**

Cc: Bill Bush, OWLS & Bob Caplan, Air/Pesticides/Toxics