FILED

2017 SEP -8 P 5:32

BLADEN COUNTY, C.S.C.

BY

STATE OF NORTH CAROLINA

COUNTY OF BLADEN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
17 CVS 580

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| STATE OF NORTH CAROLINA, *ex rel.*, MICHAEL S. REGAN, SECRETARY, NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY, | ) | |
| Plaintiff, | ) | |
| v. | ) | **PARTIAL CONSENT ORDER** |
| THE CHEMOURS COMPANY FC, LLC, | ) | |
| Defendant. | ) | |

Plaintiff, the State of North Carolina, by and through the North Carolina Department of Environmental Quality ("DEQ") and Defendant The Chemours Company FC, LLC ("Chemours"), together with its agents, employees, successors and assigns, hereby agree to the entry of this Partial Consent Order in order to partially resolve matters in controversy between DEQ and Chemours.

This Consent Order partially resolves this matter. Plaintiff reserves, and this Partial Consent Order is without prejudice to, all rights against Chemours, concerning all other matters, including but not limited to the following: 1) claims based on Chemours' new or subsequent violations of surface water quality laws and NPDES permitting requirements; 2) claims based on chemicals not identified in this Partial Consent Order; 3) claims based on Chemours' violations of groundwater quality standards; 4) claims based on Chemours' failure to satisfy any term or



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provision of this Partial Consent Order. Chemours reserves, and this Partial Consent Order is also without prejudice to all of Chemours' rights and defenses, except for the matters set forth in this Partial Consent Order and is without admission as to any fact.

NOW THEREFORE, upon the consent of the parties, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. Chemours shall continue the measures it has implemented to prevent the discharge of process wastewater containing GenX (HFPO dimer acid) into waters of the State.
2. Chemours shall immediately prevent the discharge of PFESA compounds referenced in Paragraph 57 of the Complaint in this matter from what Chemours has represented to be the single source of significance in terms of discernible levels of these compounds, and shall continue to prevent the discharge of the same from this source until such time as an NPDES permit with appropriate permit conditions authorizing any such discharge is issued;
3. Upon the Chemours' and DEQ's execution of a mutually agreeable confidentiality agreement, Chemours shall immediately give permission to EPA for DEQ to review confidential business information as set forth in the four categories outlined on page 2 of the August 16, 2017 letter from William Lane to R. Steven DeGeorge;
4. Chemours agrees to make good faith efforts to respond to information requests by DEQ, including providing the remainder of the information requested in the correspondence listed below in a timeframe to be agreed upon by the parties and presented to the Court:
    a. The letter dated July 21, 2017 sent by DEQ Secretary Michael S. Regan, attached to the Complaint in this matter as Exhibit N;

b. The letter dated August 16, 2017 sent by DEQ General Counsel William Lane, attached to the Complaint in this matter as Exhibit O;

c. The August 18, 2017 Letter; and

d. The letter dated August 29, 2017 sent by DWR Deputy Director Linda Culpepper, attached to the Complaint in this matter as Exhibit Q.

5. The Partial Consent Order is enforceable by and through the contempt powers of this Court, pursuant to Chapter 5A of the North Carolina General Statutes.

6. Each undersigned representative of a party to this Partial Consent Order certifies that he or she is authorized to enter into the terms and conditions of this Partial Consent Order, and to execute and legally bind such party to this Partial Consent Order.

This the 8th day of September, 2017.

Douglas B. Sasser
Senior Resident Superior Court Judge



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WE CONSENT:

NORTH CAROLINA DEPARTMENT
OF ENVIRONMENTAL QUALITY

By: _____
Linda Culpepper
Deputy Director

Division of Water Resources
PLAINTIFF

THE CHEMOURS
COMPANY, LLC

By: _____
R. Steven DeGeorge
Robinson Bradshaw & Hinson



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