



James R. Flechtner, PE
Executive Director
235 Government Center Drive
Wilmington, NC 28403
910-332-6542
jim.flechtner@cfpua.org

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Wastewater Permitting
Attention: Chemours Permit
1617 Mail Service Center
Raleigh, NC 27699-1617

Re: Public Comment on Draft NPDES Permit No. NC0089915

To NCDEQ:

Chemours' draft National Pollutant Discharge Elimination System (NPDES) permit (NC0089915) would allow the industrial chemical manufacturer to send into the Cape Fear River more than 1.5 million gallons per day of wastewater resulting from a proposed treatment system.

The treatment system purportedly will reduce per- and polyfluoroalkyl substances (PFAS) in surface water, stormwater, and groundwater from Chemours' industrial site on the Cumberland-Bladen county line. The discharge from that treatment process will be channeled into the Cape Fear River, the primary drinking water source for hundreds of thousands of North Carolina residents downstream, including 80 percent of more than 200,000 people in New Hanover County who rely on Cape Fear Public Utility Authority for their drinking water. Chemours estimates the initial total flow from the treatment system will be as much as 965,000 gallons a day. The permit will allow Chemours to discharge up to 1.58 million gallons per day, with other potential future flows from projects to address "on-site seeps and other groundwater remediation projects expected at the site," according to the permit fact sheet.

Overall, we find the proposed discharge permit and treatment system are the latest in an ongoing succession of partial measures Chemours promises to undertake to fulfill its obligations under the February 2019 consent order meant to address decades of PFAS contamination in the Cape Fear River by Chemours and the company that created it, DuPont. Like so many of Chemours' previous proposals under this consent order, the stated PFAS-reduction goals meant to benefit hundreds of thousands of downstream water users such as CFPUA's customers fall far short of the far more specific, timely measures afforded a few thousand private well owners around the Chemours site. These well owners rightly obtain relief, at Chemours' expense, almost immediately upon

determination that their drinking water contains more than 10 parts per trillion (ppt) of any one PFAS compound or if the total of all PFAS in their water is above 70 ppt. These standards have not been applied to downstream water users, including CFPUA's customers, despite overwhelming evidence that their source water routinely contains concentrations exceeding the 10/70 thresholds. Instead of immediate relief, downstream water users are asked to pin their hopes on Chemours' promises to implement measures with uncertain outcomes sometime in the coming years.

We note that granular activated carbon (GAC) is the centerpiece of the Chemours-funded PFAS treatment system that will result in the discharge governed by this permit. Chemours also has paid to install GAC filters for dozens of private well owners near their industrial site. A large-scale GAC filter system is under construction at CFPUA's Sweeney Water Treatment Plant, which sources its raw water from the Cape Fear River. This \$43 million addition is being built solely to address Chemours' and DuPont's PFAS contamination in the Cape Fear River. Yet, while State regulators and attorneys have compelled Chemours to fund the wastewater treatment facility connected to this permit and pay for GAC filters installed in private homes near its plant, the State so far has not similarly required Chemours to contribute even a single dime from the corporation's highly profitable operations to provide an equivalent remedy for CFPUA's customers. Instead, as things stand, more than 200,000 people in New Hanover County are being left to pay for necessary treatment and fund their own legal action to try to recoup these costs. We have made this point in previous comments to the State and still have received no satisfactory explanation for this obvious disparity. The message to CFPUA and its customers seems to be: Want more timely relief from Chemours' pollution? Pay for it yourselves.

Below are comments on specific portions of the draft permit:

- PFAS directly linked to activities at the Chemours' site have been collectively referred to as "Table 3+," which comprises 20 distinct PFAS compounds. Yet this discharge permit has effluent limits for only three PFAS compounds: GenX, PFMOAA, and PMPA. The purported 99 percent removal effectiveness still allows discharge of concentrations of these three PFAS as much as 964 ppt in total. To that must be added various concentrations of the numerous other PFAS that are known to exist at the Chemours site but whose contributions to total PFAS in the discharge will remain unknown because no effluent limits are set. Loading of PFAS compounds, likely at concentrations of more than a 1,000 ppt even after the treatment process is implemented, will continue to pollute the environment, river sediment, and the drinking water supply of downstream utilities. Why did DEQ decide not to establish limits for the other 17 PFAS compounds in Table 3+?
- The proposed treatment system is to be completed by September 30, 2020. Yet Chemours already is admitting that it cannot meet the effluent limits by that time for PMPA, one of the three compounds that have effluent limits in the permit. Instead, Chemours is asking for more time, until January 31, 2021. This postponement is particularly concerning given that

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downstream water users will wait years to see the vast majority of benefits promised by Chemours from its efforts to clean up after itself and the company that created it, DuPont.

- Design of the treatment system was based on a “single 24-hour composite influent sample,” which hardly gives confidence in the potential effectiveness.
- The treatment system includes GAC. GAC treatment vessels need to be backwashed periodically. The description of the GAC adsorption process includes no mention of how this backwash water will be handled. If it is recycled along with many other waste streams from the proposed treatment process, it is unclear if the hydraulic capacity of the treatment system is adequate to handle this additional flow without reducing the treatment effectiveness.
- In the permit, the removal efficiency is to be calculated only monthly, even though samples are collected twice per month. Given that the system is designed based on limited data, more frequent sampling and calculation of removal efficiency, preferably weekly, should be required.

We note that still pending is a separate NPDES permit that will allow Chemours to resume discharging the PFAS-laden wastewater from its chemical manufacturing processes. Will provisions in this permit for Old Outfall 2 – with effluent limits for just three PFAS compounds – serve as a model for any PFAS effluent limits in the pending process wastewater permit? Will the process wastewater permit also restrict its effluent requirements to only GenX, PFMOAA, and PMPA, while ignoring the many other PFAS known to be byproducts of Chemours’ industrial chemical manufacture? Will the concentrations of those PFAS compounds be left out of the effluent requirements of the process wastewater permit, even though they will be constituents of the millions of gallons of daily discharge Chemours will send into the Cape Fear River to be a burden on downstream water users?

We and our customers look forward to the State’s responses before the permit is issued.

Regards,



James R. Flechtner, PE
Executive Director