Southern Environmental Law Center: North Carolina GenX and other PFAS Timeline

June 7, 2017: The Wilmington Star-News reports that a chemical called GenX is being released by The Chemours Company, LLC, a spin-off of DuPont, from its Fayetteville Works Facility into the Cape Fear River in North Carolina. The article reveals that, because downstream drinking water treatment plants cannot remove the chemical, GenX contaminates the drinking water supplies for about 300,000 people that draw their water from the Cape Fear River.

September 7, 2017: The North Carolina Department of Environmental Quality takes legal action against Chemours in Bladen County Superior Court. The complaint acknowledges that GenX is not the only chemical being released by the company, and that numerous other per- and polyfluoroalkyl substances (PFAS) are also being released by Chemours from its Fayetteville Works Facility into the Cape Fear River and into groundwater. The complaints cited Chemours for unpermitted discharges of PFAS that were not disclosed to the agency during the permitting process.

September 8, 2017: The N.C. DEQ and Chemours enter into a partial consent order requiring the company to prevent the discharge of process wastewater containing GenX and two other PFAS compounds from its facility, controlling a significant source of contamination from the site.

2017 - 2018: Chemours' pollution of air, surface water, and groundwater continues and DEQ continues to discover private drinking water wells contaminated with Chemours' chemicals.

April 9, 2018: The N.C. DEQ amends its complaint in Bladen County Superior Court after discovering that Chemours also released PFAS through its air emissions. The amended complaint asks that the court require Chemours to control GenX compounds and prohibit the discharge of Chemours' process wastewater.

May 7, 2018: The Southern Environmental Law Center, on behalf of Cape Fear River Watch, sends Chemours a Notice of Intent to Sue the company under the Clean Water Act and the Toxic Substances Control Act. On the same day, the Southern Environmental Law Center, on behalf of Cape Fear River Watch, also submits a Request for Declaratory Ruling to the N.C. DEQ asking that the agency require Chemours to **immediately stop all releases** of PFAS from its Fayetteville Works Facility.

June 11, 2018: The N.C. DEQ releases a draft Proposed Order for public comment which required Chemours to control its PFAS air emissions and continued the prohibition on the company's process wastewater discharge—two of the contamination pathways. The draft Proposed Order does not prevent other releases of PFAS into surface waters that drain into the Cape Fear River and groundwater.

July 13, 2018: The Southern Environmental Law Center files a Petition for Judicial Review appealing the N.C. DEQ's denial of the Cape Fear River Watch's Request for Declaratory Ruling that DEQ require Chemours to immediately stop all releases of PFAS.

August 29, 2018: The Southern Environmental Law Center, on behalf of Cape Fear River Watch, files suit in federal district court against Chemours for the company's violations of the Clean Water Act and the Toxic Substances Control Act.

November 21, 2018: The Southern Environmental Law Center, on behalf of the Cape Fear River Watch, and the N.C. DEQ signed a proposed Consent Order with The Chemours Company, LLC, that requires the company to install technology to:

- reduce its PFAS air emissions by 99.99%,
- remove more than 99% of PFAS in a large on-site stream,
- clean up on-site groundwater in accordance with state rules and
- prevent groundwater contamination flowing into surface waters by at least 75%,
- provide alternative drinking water supplies for those with contaminated wells, and
- conduct several studies and sampling programs to determine the extent of contamination at its site.

The Consent Order further sets up a process to establish legally binding reductions of PFAS pollution into surface waters from contaminated groundwater, non-process wastewater, and stormwater. The Consent Order is released for public comment.

November 2018 - February 2019: The N.C. DEQ revises and finalizes the Consent Order in response to public comments.

February 25, 2019: The Bladen County Superior Court enters the Consent Order.

December 31, 2019: Chemours installs a thermal oxidizer, as required by the Consent Order. Sampling later demonstrates that the thermal oxidizer destroys 99.99% of PFAS air emissions.

August 13, 2020: The Southern Environmental Law Center, on behalf of the Cape Fear River Watch, and the N.C. DEQ release a proposed Addendum to the Consent Order with the Chemours Company, LLC. The addendum requires Chemours to

- build an in-ground barrier between the Cape Fear River and its contaminated site to control its groundwater pollution;
- pump out and treat polluted groundwater trapped by the barrier, removing at least 99% of the PFAS;
- install in-stream filters to control the company's contaminated seeps, or contaminated groundwater-fed streams flowing into the Cape Fear River; and
- capture stormwater from the portion of its facility that contributes the most contaminated runoff and treat it, removing at least 99% of the PFAS.

The addendum is released for public comment.

August 2020 – October 2020: The N.C. DEQ revises and finalizes the Addendum to the Consent Order in response to public comments.

October 1, 2020: Chemours begins operating a treatment system for onsite drainage channel known as Old Outfall 002, which contributed approximately 25 percent of PFAS from the site to the Cape Fear River prior to treatment. From November 2020 to July 2021, the treatment system removes at least 99.6% of PFAS.

October 12, 2020: The Bladen County Superior Court enters the Addendum to the Consent Order.

December 16, 2020: Treatment system for one of the onsite contaminated seeps is installed, as required by the addendum. Sampling demonstrates that the system removes 99.7% of PFAS.

April 28, 2021: Treatment system for a second contaminated seep is installed, as required by the addendum. Sampling demonstrates that the system removes 99.95% of PFAS.

June 8, 2021: Treatment system for a third contaminated seep is installed, as required by the addendum. Sampling demonstrates that the system removes 99.99% of PFAS.

June 24, 2021: Treatment system for the final contaminated seep is installed, as required by the addendum. Sampling demonstrates that the system removes 99.98% of PFAS.

June 30, 2021 – Chemours installs a stormwater capture and treatment system from the portion of its facility that contributes the most contaminated runoff pursuant to the addendum. Later testing confirms that the system removes more than 99% of PFAS.

August 13, 2021: Chemours submits design report for the in-ground barrier that will be constructed between the Cape Fear River and its contaminated site to control its groundwater pollution, as required by the addendum.