

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

THE CHEMOURS COMPANY FC, LLC

AI # 67572

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT

LA. R.S. 30:2001, ET SEQ.

* Settlement Tracking No.
* SA-HE-19-0015
*
* Enforcement Tracking No.
* HE-PP-16-00796
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SETTLEMENT

The following Settlement is hereby agreed to between The Chemours Company FC, LLC (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owned and/or operated an acid regeneration plant facility located in Darrow, Ascension Parish, Louisiana (“the Facility”).

II

On November 8, 2016, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. HE-PP-16-00796 (Exhibit 1).

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal

statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00), of which Seven Hundred Ninety-Seven and 04/100 Dollars (\$797.04) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), the Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties

set forth in La. R. S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ascension Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

In consideration of the above, any claims for penalties are hereby compromised and settled

in accordance with the terms of this Settlement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

THE CHEMOURS COMPANY FC, LLC

BY: Sheryl A Telford
(Signature)

Sheryl A Telford
(Printed)

TITLE: VP EHS

THUS DONE AND SIGNED in duplicate original before me this 3RD day of October, 20 19, at Wilmington, DE.



Ann Marie Mills
NOTARY PUBLIC (ID # _____)

(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]

Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 18th day of Dec, 20 19, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]

Lourdes Iturralde, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 8, 2016

CERTIFIED MAIL 7014 1200 0000 7863 9888
RETURN RECEIPT REQUESTED

THE CHEMOURS COMPANY FC, LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

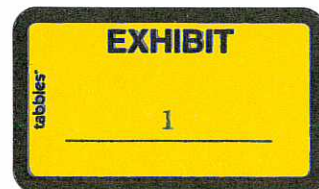
**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-PP-16-00796
AGENCY INTEREST NO. 67572**

Dear Sir/Madam:

On or about March 7, 2016; March 10, 2016; and April 19, 2016, inspections of **THE CHEMOURS COMPANY FC, LLC – BURNSIDE SITE**, an acid regeneration plant, owned and/or operated by **THE CHEMOURS COMPANY FC, LLC (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 3460 Highway 44 in Darrow, Ascension Parish, Louisiana. The Respondent is classified as a large quantity generator of hazardous waste and operates under EPA Identification No. LAD980622112.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspections:

- A. The Respondent failed to clearly label or mark satellite accumulation containers of hazardous waste with the words "Hazardous Waste" or with other words that identify the contents of the containers, in violation of LAC 33:V.1109.E.4. Specifically, the following satellite accumulation containers were identified as containing hazardous waste during the inspection, yet they were not labeled with the words "Hazardous Waste" or with other words that identify the contents of the containers:
 1. two (2) approximately 3.5-gallon buckets of spent sulfuric acid (D002) in the Truck Unloading Area;
 2. one (1) 55-gallon drum containing waste aerosol cans (D003) in the area designated as the "Less than 90-Day Container Storage Area;"



Notice of Potential Penalty
The Chemours Company FC, LLC
Page 2

3. one (1) 55-gallon drum containing hazardous liquid waste (D001) from punctured aerosol cans in the area designated as the "Less than 90-Day Container Storage Area;"
4. one (1) drum containing waste aerosol cans (D003) under a shed west of the area designated as the "Less than 90-Day Container Storage Area."

The March 10, 2016, inspection revealed that only one (1) bucket was being used for the collection of spent sulfuric acid (D002) in the Truck Unloading Area and was labeled "Spent Sulfuric Acid." In addition, the April 19, 2016, inspection noted one (1) 55-gallon drum containing waste aerosol cans (D003) had been labeled "Aerosol Wastes", one (1) 55-gallon drum containing hazardous liquid waste (D001) was labeled "Hazardous Waste", and one (1) 55-gallon drum containing aerosol cans (D003) located under a shed west of the area designated as the "Less than 90-Day Container Storage Area" had been removed. These violations have been addressed.

- B. The Respondent failed to mark containers containing hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, six (6) drums of hazardous waste castable brick and eleven (11) drums of hazardous waste acid sludge were stored on the Wash Pad at the facility and were not marked with an accumulation start date. The April 19, 2016, inspection revealed eleven (11) containers of hazardous waste acid sludge were marked with an accumulation start date of February 28, 2016. The Department received an email on or about May 10, 2016, which demonstrated the six (6) drums of hazardous waste castable brick were later marked with an accumulation start date of February 28, 2016. This violation has been addressed.
- C. The Respondent failed to close a container of hazardous waste, except when it is necessary to add or remove waste in accordance with LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.4. Specifically, one (1) 55-gallon drum, managed as satellite accumulation, containing liquid hazardous waste collected from punctured aerosol cans (D001) was open at the time of the inspection. The March 10, 2016, inspection revealed the container had been properly closed with the installation of an aerosol can puncturing device. This violation has been addressed.
- D. The Respondent failed to keep a copy of each manifest signed for three (3) years or until a signed copy is received from the designated facility which received the waste in accordance with LAC 33:V.1107.D.1, in violation of LAC 33:V.1111.A.1. Specifically, the facility was unable to provide manifest copies for five (5) shipments of hazardous waste. On or about April 20, 2016, the Department received copies of the five (5) signed manifests from the Respondent. This violation has been addressed.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed

Notice of Potential Penalty
The Chemours Company FC, LLC
Page 3

regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Cynthia Arrison at (225) 219-3796 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/CLA/cia
Alt ID No. LAD 980622112

c: The Chemours Company FC, LLC – Burnside Plant
3460 Highway 44
Darrow, LA 70725