

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	NORTHEAST DISTRICT
)	
v.)	OGC FILE NO. 18-1240
)	
THE CHEMOURS COMPANY FC, LLC)	
_____)	

CONSENT ORDER

This Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and The Chemours Company FC, LLC (“Respondent”) to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent neither admits nor denies the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida’s air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes (“Fla. Stat.”), and the rules promulgated and authorized in Title 62, Florida Administrative Code (“Fla. Admin. Code”) and to issue NPDES permits and take enforcement action on violations thereof in accordance with that certain agreement between the Department and the United States Environmental Protection Agency entitled "National Pollutant Discharge Elimination System Memorandum of Agreement between the State of Florida and the United States Environmental Protection Agency Region 4." The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a person within the meaning of Section 403.031(5), Fla. Stat.
3. Respondent is the owner and is responsible for the operations of the following facilities:
 - a) Florida Mine – Highland (“Highland Facility”), a heavy minerals mining wastewater treatment system with final discharge to the north (Outfall D-002) arm of Boggy Branch, a Class III fresh water of the state. Wastewater is generated from the dry mill operation and stormwater runoff from mining areas. Respondent operates the Highland Facility under Department Wastewater Permit No. FL0000035-008-IW3S, which was issued on September 26, 2016, and will expire on September 25, 2021. The Highland Facility is located at 274 NE County Road 125, Lawtey, Florida 32058-3258, in Clay County, Florida, Latitude: 30° 3’ 21.2488” N, Longitude: 82° 2’ 58.1248” W

("Highland Property"). Respondent owns or controls the Highland Property on which the Highland Facility is located.

b) Florida Mine – Trailridge ("Trailridge Facility"), a heavy mineral mining wastewater treatment system with two permitted outfalls. Outfall D-001 discharges to Alligator Creek. A pipeline from the recycle line at D-001 routes approximately 400 gallons per minute of treated wastewater via an existing ditch (D-002) that flows into the Southwest Quadrant Pond. Discharges from D-002 eventually flow into Blue Pond, which is the portion of Alligator Creek that flows south in Clay County. This rerouting of the D-002 discharge is the result of a cooperative effort with The Keystone Stakeholders to help improve lake water levels in the Keystone Heights area. Respondent operates the Trailridge Facility under Department Wastewater Permit No. FL0000051-012-IW3S which was issued on June 29, 2017, and will expire on June 28, 2022. The Trailridge Facility is located at 5222 Treat Road Starke, Florida 32091, in Bradford County, Florida, Latitude: 29° 54' 46.15" N, Longitude: 82° 1' 52.35" W ("Trailridge Property"). Respondent owns or controls the Trailridge Property on which the Trailridge Facility is located.

c) Chemours – Maxville Mine ("Maxville Facility"), a facility that has a 4.0 million gallon per day ("MGD") annual average daily flow (10.0 MGD maximum daily flow) heavy minerals mining wastewater treatment system. Dry mining is currently underway. Respondent operates the Maxville Facility under Department Wastewater Permit No. FL0040274-011-IW3S which was issued on March 14, 2017, and will expire on March 13, 2022. The Maxville Facility is located at 780 Highway 301 Maxville, Florida 32234, in Clay County, Florida, Latitude: 30° 9' 8.79" N, Longitude: 82° 2' 0.07" W ("Maxville Property"). Respondent owns or controls the Maxville Property on which the Maxville Facility is located.

d) Chemours – North Maxville ("North Maxville Facility"), a 5-MGD maximum daily flow heavy mineral mining wastewater treatment system. Process water from the dredge mining operation is collected in humate settling ponds that are constructed as the mining progresses. Stormwater from mining areas and decanted water from the humate settling ponds are collected and treated in a set of polishing ponds in series to meet water quality standards prior to discharge through the outfall. Each set of ponds is constructed as needed, as the footprint of the mine progresses. Ponds that are no longer in use are to be properly decommissioned and closed. Three of the nine outfalls will discharge effluent into upland pine areas that eventually flow to wetland areas and into Turkey Creek, Class III fresh water. The

other six outfalls will discharge effluent into upland pine areas that eventually flow to wetland areas and into Deep Creek, Class III fresh water. Respondent operates the North Maxville Facility under Department Wastewater Permit No. FL0435490-007-IW3S which was issued on May 15, 2016, and will expire on May 14, 2021. The North Maxville Facility is located at 7775 South County Road 228, Macclenny, Florida 32063, in Baker County, Florida, Latitude: 30° 12' 32.92" N, Longitude: 82° 4' 15.7917" W ("North Maxville Property"). Respondent owns or controls the North Maxville Property on which the North Maxville Facility is located.

e) Collectively the Highland Facility, Trailridge Facility, Maxville Facility, and North Maxville Facility will be referred to as "Facilities."

f) Collectively the Highland Property, Trailridge Property, Maxville Property, and North Maxville Property will be referred to as "Properties."

4. Based on information in the Department's files and Department and EPA inspections conducted at the Facilities during 2017 and 2018 (the "Inspections"), the Department issued a Warning Letter to Respondent on March 23, 2018. The Warning Letter set out a listing of possible violations of Florida Statutes and Florida Administrative Code provisions and requested that Respondent address each matter raised. Respondent met with the Department on May 24, 2018 and, on May 31, 2018, provided a written response to the Warning Letter. Subsequent to that time, the Department and Respondent have been in discussions over actions that could be taken by Respondent to address the matters raised in the Warning Letter and the Department has again visited different locations at the Facilities pertinent to the matters under discussion. In light of the Inspections, subsequent visits, and matters in the Department's files, and taking into consideration information provided by the Respondent in its response to the Warning Letter, the Department finds the following violations of Department rules have occurred, as more specifically set forth in paragraphs a) and b) below: Rules 62-4.160(6) and 62-620.610(7), failure to properly operate and maintain the facility; 62-330.020(2)(a), impacting wetlands without a permit; and 62-330.020(2)(j), modifying a project previously permitted under part IV of chapter 373, Fla. Stat., Fla. Admin. Code:

a) Records and Reports (Applicable to all facilities unless indicated otherwise):

1) Records do not provide sufficient maintenance and inspection procedures, complete Best Management Practices, training procedures, training schedules, or the signature of the current responsible party;

2) Best Management Practices Plan has not been updated since it was implemented in 2013;

3) Best Management Practices Plan does not provide details on evaluating accumulated water in secondary containment structures prior to discharging;

4) Toxicity results were not provided at outfall D-002 for the third quarter 2017 (Maxville Facility);

5) No written documentation of which outfalls are constructed, inactive, or active were included in the Best Management Practices Plan (North Maxville Facility); and

6) A permit modification for Trailridge Facility to include Twin Pines in the Industrial Wastewater permit was not obtained prior to beginning operation.

b) Industrial wastewater (Applicable to all facilities unless indicated otherwise):

1) No documentation that all wastewater and contact stormwater areas are draining toward the treatment system, including the wash water from the vehicle washing area, and stormwater from the equipment staging and chemical storage area;

2) Collection ditches, silt fencing, borrow pits, and berms throughout the mines did not appear to be incorporated into the company's routine inspections;

3) Twin Pines silt fence was overwhelmed with sand; process water and tailings fill deposited in a wetland without permit authorization;

4) Significant amounts of material on the ground with some running off into the ditch (Highland Facility);

5) The borrow pit treatment system at the toe of the Trailridge treatment ponds appears not to be included in regular inspections, is not readily accessible, and has places along the railroad tracks where water has the potential to flow out of the permit boundary, possibly bypassing the NPDES outfall;

6) Brushy vegetation on dams of Trailridge treatment pond system does not allow visual inspection of dams that are actively used as part of the process water treatment systems; large trees growing on dam walls could potentially affect dam integrity; water in borrow pits abuts the toe of the dam; some areas in the pond system may not have sufficient freeboard (Trailridge Facility);

7) Road filling sediment stored about 1/3 mile from the Maxville Property boundary was not within secondary containment and the BMP does not address the prevention or minimization of runoff from this material storage area (Maxville Facility);

8) Leaky gate at D-002 (Highland Facility);

9) Noted or potential discharges observed in the Highlands wastewater treatment area, the processing plant area, and the collection ditches;

10) Seepage is visible at toe of process water treatment ponds that is not captured and treated prior to discharge (e.g., Pond JD-9 at North Maxville Facility). Respondent claims this is groundwater seepage, not seepage from the pond, but will be addressed in the Best Management Practices Plan;

11) Stormwater runoff from laydown yard is not managed through an engineered stormwater system and stormwater enters adjacent wetlands without treatment (North Maxville). There are treatment structures included in the approved ERP drawing to treat runoff from the laydown yard that have not been constructed (North Maxville);

12) The permit limits for radium 226 + 228 and gross alpha were exceeded in Compliance Well MWC-O, as shown in table 1 below:

Table 1 – Exceedances for Permit Limits of Radium 226 + 228 and Gross Alpha

Sample Period	Radium₂₂₆₊₂₂₈	MCL	Gross Alpha	MCL
2 nd half 2017	13.2	5	20.0	15
1 st half 2018	9.2	5	29.4	15

13) The Administrative Order AO185 NE limits for iron were exceeded on several occasions.

5. In response to the matters raised during the Inspections, the Warning Letter, and subsequent discussions with the Department, Respondent has completed the following:

a) Efforts to ensure accurate field sampling documentation;

b) Lime pond inspections have been added to the daily shift check sheet for Maxville;

c) Ponds 1, 2 and 3 at North Maxville will be inspected weekly after 1-inch rainfall events;

d) Twin Pines is currently included in the Trailridge permit by reference and is being inspected regularly;

e) Eroded berms at North Maxville have been repaired;

f) Wooden stop gates at D-001 North Maxville have been repaired or replaced;

g) Silt that was in the wetlands at North Maxville has been removed;

h) Erosion gullies in North Maxville reclamation area have been repaired;

i) A request to transfer a portion of the Highland Ponds to operational phase was received on June 5, 2018. The request to transfer Highlands Ponds 1-10 to operational phase was approved on October 3, 2018;

j) A Uniform Mitigation Assessment Method Summary was submitted to the Department to determine impacts of the fill in wetlands as noted in 4.b.3. above. It documented 0.31 acres of impact with a relative functional loss of 0.09 units and is attached herein as Exhibit A. The Department's assessment is attached herein as Exhibit B;

k) Respondent provided the Department documentation confirming that it previously filed information with the Department showing which outfalls are constructed, active or inactive but has agreed to include this information in the Best Management Practices Plan;

l) Respondent is under a Corrective Action Plan for toxicity exceedances pursuant to the terms of its permit; and

m) Respondent is undertaking a study of iron in its effluent pursuant to Administrative Order AO185 NE.

Having reached a resolution of the matters alleged in the Inspection reports and the Warning Letter, taking into consideration the information provided by the Respondent and information in the Department's files, Respondent and the Department mutually agree and it is

ORDERED:

6. Respondent shall comply with the following corrective actions within the stated time periods:

a) Facility Site Plans: Within one hundred eighty (180) days of the effective date of this Order, Respondent shall submit an updated site plan ("Site Plan") for each of the Facilities, showing the locations of wastewater management, containment (e.g., ponds, impoundments, etc.), and treatment areas; raw material and product storage areas; all ditches, pipes, and other conveyances for

such wastewater; locations of related material storage or processing areas; and the extent of contributing watersheds to wastewater and stormwater systems. For the purposes of the Site Plan and related requirements hereunder, wastewater shall include any stormwater runoff or infiltration contacting process or material storage related areas.

b) Control Structure and Outfall Summary Information: Within ninety (90) days of the effective date of this Order, Respondent shall provide tabular summary information for all wastewater related control structures and outfalls at the Facilities that shall include a description and any supporting information on the status of each internal and external control structure or wastewater outfall at the North Maxville, Maxville, Highland, and Trailridge Facilities. The description and documentation should indicate surveyed control elevations; and whether outfalls and control structures are either planned or constructed, whether active, or inactive, and reflect the type of wastewater managed. The summary information should be available for review during inspections and should be updated as the outfall statuses change.

c) Best Management Practices Plan: Within 180 days of the effective date of this Order, Respondent shall submit an updated Best Management Practices Plan for each of the Facilities that shall include, but is not limited to:

1) process and mining related waste management and disposal plans for all waste or by product materials to be stored or disposed onsite (e.g., humate sludge management and disposal plan);

2) facility maintenance and routine inspection procedures, including maintenance and inspection procedures for seepage collection and conveyance ditches, silt fencing, borrow pits, treatment areas or ponds, and procedures for inspecting, controlling and preventing growth of new trees on earthen embankments for each of the Facilities;

3) routine and annual dam safety inspection procedures, including evaluations of:

a) potential critical conditions such as:

(i) Seepage on outer face or downstream from the toe in which there are boils, sand cones or deltas;

(ii) Silt accumulations, boils, deltas, or cones in the drainage ditches at dam bases;

- (iii) Cracking of soil surface on crest or either face of the dam;
 - (iv) Bulging of the downstream face of the dam;
 - (v) Seepage, damp area, or boils in vicinity of or erosion around a conduit through the dam; and
 - (vi) Any subsidence of the crest or faces; and
- b) potential trouble areas such as the following, which should be closely checked on subsequent inspections and repaired as necessary:
- (i) Overgrowth patches of vegetation or tress on the crest, downstream face or close area downstream from the toe;
 - (ii) Surface erosion, gulying, or wave erosion of the upstream face of the dam;
 - (iii) Surface erosion, gulying or damp areas on the downstream face of the dam, including the berm and the area downstream from the outside toe;
 - (iv) Erosion below any conduit exiting the dam; and
 - (v) Wet areas or soggy soil in downstream face of dam or in natural soil below dam.
- 4) facility training procedures and planned frequency or schedules for each;
- 5) updated, as needed, designations of authorized signature(s) for any current responsible parties; and
- 6) pipe storage locations in uplands, with provisions for stormwater control or treatment if needed based on condition or prior use of pipe.
- d) Updated Stormwater Pollution Prevention Plan: Within one hundred eighty (180) days of the effective date of this Order, Respondent shall submit an updated Stormwater Pollution Prevention Plan, which can, at Respondent's option, be incorporated into each Best Management Practices Plan and which shall include but is not limited to:
- 1) documentation that all areas are draining toward the treatment system, including the seepage collection and conveyance ditches, wash water from the vehicle washing areas, and stormwater from the equipment staging area, chemical storage area, processing plant areas, road fill storage areas, and laydown yard;

2) documentation that the collection ditches, silt fencing, borrow pits, and berms throughout the mines are incorporated into the company's routine inspections; and

3) procedures to evaluate and appropriately dispose of stormwater in secondary containment structures throughout the facility.

e) Twin Pines Mitigation Plan: Within ninety (90) days of the effective date of this Order, Respondent shall provide mitigation to offset the relative functional wetland losses caused by the fill from the Twin Pines area that was deposited into the adjacent wetland without permit authorization.

f) Within ninety (90) of the effective date of this Order, Respondent shall have a qualified third-party professional engineer provide the following:

1) an evaluation of the borrow pit treatment system at the toe of the Trailridge treatment ponds for places along the railroad tracks where water has the potential to flow out of the permit boundary and/or bypass the NPDES outfall;

2) an evaluation of the wastewater and contact stormwater ditch system at Highland to determine if there is an unpermitted outfall and/or discharge to waters of the state;

3) specific recommendations provided by a qualified third-party dam safety engineer for maintenance, specifically including control, removal, or remediation for existing trees growing on the dam walls at the Trailridge facility where existing trees growing on earthen berms may impact dam safety and integrity; and

4) wastewater and contact stormwater treatment area for seepage, discharges or potential discharges for all areas at all facilities.

g) Within 180 days of the evaluation described in f) above, Respondent shall submit the professional engineer's findings to the Department for all four facilities. The submittal shall include a plan and schedule to address findings that are out of compliance with the Department's NPDES Industrial Wastewater rules and/or Mining and Mitigation Program rules.

h) Within 30 days of the effective date of this Order Respondent shall repair the leaking gate at D-002, Highland Facility.

i) Within 30 days of the effective date of this Order Respondent shall provide a schedule for completing DRA#1, the stormwater treatment area located west of the North Maxville laydown yard (Figure GP-1 from ERP No. 0169603-019).

j) Continue groundwater assessment of combined radium 226 and 228 and sulfates detected in MWC-O and in wells downgradient of the access road, as described in the October 9, 2018, MWC-O Assessment Report by Kleinfelder. On or before July 9, 2019, submit a Site Assessment Report in accordance with Rule 62-780.900, Fla. Admin. Code.

1) Beginning the effective date of this Order and continuing through May 31, 2022, interim limits shall apply to allow time to make necessary improvements to return to compliance with permit limits. The interim limits and monitoring requirements shall expire on May 31, 2022, and be as follows:

Table 2 – Interim Limits for Radium 226 + 228 and Gross Alpha at MWC-O

Parameter	Permit MCL	Interim Limit
<u>Radium₂₂₆₊₂₂₈</u>	5	Report
Gross Alpha	15	Report

2) Within 30 days of the effective date of this Order, Respondent shall submit plans for an investigative study to include, but not limited to, assessment of radiological levels for mine tailings.

7. Every quarter after the effective date of this Order, and continuing until all corrective actions have been completed, Respondent shall submit in writing to the Department a report containing information concerning the status and progress of projects being completed under this Order, information as to compliance or noncompliance with the applicable requirements of this Order including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work to be performed pursuant to this Order during the twelve (12)-month period which will follow the report. Respondent shall submit the reports to the Department within thirty (30) days of the end of each quarter.

8. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraphs 6 and 7 by no later than June 28, 2022, and be in full compliance with Chapter 403, Fla. Stat., and Chapters 18-14, 62-4, 62-620 and 62-660, Fla. Admin. Code, other than those excused delays agreed to by the Department, as described in paragraph 16.

9. Within forty five (45) days of the effective date of this Order, Respondent shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

10. Within thirty (30) days of the effective date of this Order, Respondent shall pay the Department \$9,500.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$9,000.00 for civil penalties and \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes three violations that warrant a penalty of \$2,000.00 or more.

11. Respondent agrees to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraphs 6 through 9 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within thirty (30) days of the Department's issuance of written demand for payment, and shall do so as further described in paragraph 11, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 10 of this Order.

12. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final and effective filed with the Clerk of the Department before the ability to make online payment is available.

13. Except as otherwise provided, all submittals and payments required by this Order shall be sent to: Department of Environmental Protection, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256.

14. Respondent shall allow all authorized representatives of the Department access to the Facilities and the Properties at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

15. In the event of a sale or conveyance of a Facility or Property upon which a Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least thirty (30) days prior to the sale or conveyance of a Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in

control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of a Facility or Property does not relieve Respondent of the obligations imposed in this Order.

16. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven (7) calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances. Respondent is desirous of resolving all the matters addressed in this Order in a timely manner, including meeting all deadlines set out herein. Notwithstanding the above-stated provisions of this Order, the parties recognize that it is not possible with certainty to predict how long it will take to complete some of the actions set forth above. This is the case because resolving certain listed matters may require other actions not presently anticipated. As a result, assuming that Respondent can establish that it has proceeded diligently to complete all the scheduled items, if circumstances require actions that cannot be completed within the specified times, the Department will consider granting an extension of time to meet a deadline set forth in this Order through an amendment to this Order.

17. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above, and for any other matters addressed in Warning Letter # WL18-40 dated March 23, 2018, and/or documented in the Inspections, up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

18. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

19. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

20. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

21. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S. However, Respondent does not waive its right to defend any litigation, appeal or administrative challenge brought by third parties.

22. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

23. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

24. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

25. Respondent shall publish the following notice in a newspaper of daily circulation in Baker, Bradford, and Clay County, Florida. The notice shall be published one time only within fourteen (14) days of the effective date of the Order. Respondent shall provide a certified copy of the published notice to the Department within ten (10) days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF CONSENT ORDER

The Department of Environmental Protection (“Department”) gives notice of agency action of entering into a Consent Order with THE CHEMOURS COMPANY FC, LLC pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses issues noted during the National Pollutant Discharge Elimination System (NPDES) Industrial Wastewater inspections conducted in October 2017, in accordance with the permits issued to each Facility, at Florida Mine – Highland, Florida Mine – Trailridge, Chemours – Maxville Mine, and Florida Mine – North Maxville. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256.

Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department’s final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding;

- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within twenty-one (21) days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256. Failure to file a petition within the twenty-one (21)-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

26. Rules referenced in this Order are available at <https://softlive.dep.state.fl.us/ogc/ogc/content/rules>.

FOR THE RESPONDENT:



Nicole T. Newell

Plant Manager
The Chemours Company FC, LLC

2/6/2019
Date

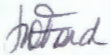
DONE AND ORDERED this 7th day of February, 2019, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong
District Director
Northeast District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

February 7, 2019

Date

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35