



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

April 10, 2024

Sent electronically to: clement.j.hilton@chemours.com

Mr. Clement J. Hilton, Vice President, Minerals
The Chemours Company FC, LLC
Post Office Box 753
Starke, Florida 32091

SUBJECT: Department of Environmental Protection v. The Chemours Company FC, LLC
OGC File No. 16-1402
Facility ID No. FL0040274
Clay County

Dear Mr. Hilton:

Enclosed is a copy of the executed Consent Order to resolve Case Number 16-1402. The effective date of this Order is April 10, 2024, and all timeframes will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties.

Should you have any questions concerning the Consent Order, please contact the case manager, Herndon Sims at (904) 256-1612, or via email at Herndon.Sims@floridadep.gov. Your continued cooperation in the matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "T G Kallemeyn".

Thomas G. Kallemeyn
Assistant Director

Enclosure: Executed Consent Order No. 16-1402

ec: FDEP-OGC: Lea Crandall
FDEP-NED: Abhi Maturi, Joni Petry, Herndon Sims, Thomas Kallemeyn, DEP_NED,
Rodney Christensen, Shannon Taylor
Connie Henderson, Connie.Henderson@chemours.com

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. 16-1402
)	
THE CHEMOURS COMPANY FC, LLC)	
_____)	

AMENDED CONSENT ORDER

This Amended 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 Original Consent Order was entered into between the Department and the Respondent on February 8, 2017. This Order seeks penalties and costs for noncompliance with the terms of the Original Consent Order and the exceedance of state ground water quality and Permit limits. This Order amends the time frame for compliance provided by the Original Consent Order and expands the scope of the Original Consent Order to include Total Recoverable Iron.

The Department finds and Respondent admits 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 (“F.S.”), and the rules promulgated and authorized in Title 62, Florida Administrative Code (“F.A.C.”). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a person within the meaning of Section 403.031(5), F.S.
3. Respondent is the owner and is responsible for the operation of Chemours – Maxville Mine, a 4.0 million gallons per day (MGD) annual average daily flow (10.0 MGD maximum daily flow) heavy minerals mining wastewater treatment system that discharges effluent into short-term ponds (“Facility”). Respondent operates the Facility under

Department Wastewater Permit No. FL0040274-011-IW3S (“Permit”) which was issued on March 14, 2017, and last revised on October 31, 2018. The Permit was originally scheduled to expire on March 13, 2022. A permit renewal application package was received on September 22, 2021, and the Permit was administratively extended until such time as a final action on the application for renewal is taken by the Department. The Facility is located at 780 Highway 301, Maxville, Florida, 32234, in Clay County, Florida (“Property”). Respondent owns the Property on which the Facility is located.

4. The Department finds that the following violation(s) occurred:

a) Since March 2022, groundwater results of Radium 226 + 228 in compliance monitoring well MWC-2 and MWC-3 have exceeded the state ground water quality and Permit limit of 5.0 picocuries per liter (pCi/L). Exceedances are noted in Table 1 below from March 2022 to current date.

b) Since March 2022, ground water results of Alpha, Gross Particle Activity in compliance monitoring well MWC-2 and MWC-3 have exceeded the state ground water and Permit limit of 15.0 pCi/L. Exceedances are noted in Table 1 below from March 2022 to current date.

c) The Total Recoverable Iron results in compliance monitoring wells MWC-2, MWC-3, MWC-5 and MWC-8 have exceeded the state ground water and Permit limit of 0.3 mg/L (or 300 ug/L). The exceedances for each compliance well from 2020 to 2023, are listed in Table 1 below. The Department notes, however, the concentrations of Iron, Total Recoverable detected in the natural background wells exceeded the permit limit of 0.3 mg/L.

Table 1: Exceedances

Date	Monitoring Location	Description	Result	Limit	Units	BG Well	Statistical Base
03/31/2023	MWC-2	Radium 226 + Radium 228, Total	12.7	5.0	pCi/L	1.1	MB - Maximum
12/31/2022	MWC-2	Radium 226 + Radium 228, Total	15.0	5.0	pCi/L	1.1	MB - Maximum
09/30/2022	MWC-2	Radium 226 + Radium 228, Total	9.3	5.0	pCi/L	0.9	MB - Maximum
06/30/2022	MWC-2	Radium 226 + Radium 228, Total	12.2	5.0	pCi/L	1.1	MB - Maximum
03/31/2022	MWC-2	Radium 226 + Radium 228, Total	13.2	5.0	pCi/L	2.1	MB - Maximum
03/31/2023	MWC-3	Radium 226 + Radium 228, Total	17.4	5.0	pCi/L	1.1	MB - Maximum

09/30/2022	MWC-3	Radium 226 + Radium 228, Total	12.8	5.0	pCi/L	0.9	MB - Maximum
06/30/2022	MWC-3	Radium 226 + Radium 228, Total	18.4	5.0	pCi/L	1.1	MB - Maximum
03/31/2022	MWC-3	Radium 226 + Radium 228, Total	15.9	5.0	pCi/L	2.1	MB - Maximum
03/31/2023	MWC-2	Alpha, Gross Particle Activity	15.2	15.0	pCi/L	2.3	MB - Maximum
12/31/2022	MWC-2	Alpha, Gross Particle Activity	20.0	15.0	pCi/L	2.3	MB - Maximum
06/30/2022	MWC-2	Alpha, Gross Particle Activity	32.4	15.0	pCi/L	3.9	MB - Maximum
03/31/2022	MWC-2	Alpha, Gross Particle Activity	15.3	15.0	pCi/L	5.6	MB - Maximum
03/31/2023	MWC-3	Alpha, Gross Particle Activity	18.3	15.0	pCi/L	2.3	MB - Maximum
12/31/2022	MWC-3	Alpha, Gross Particle Activity	19.2	15.0	pCi/L	2.3	MB - Maximum
09/30/2022	MWC-3	Alpha, Gross Particle Activity	28.4	15.0	pCi/L	2.3	MB - Maximum
06/30/2022	MWC-3	Alpha, Gross Particle Activity	38.1	15.0	pCi/L	3.9	MB - Maximum
03/31/2022	MWC-3	Alpha, Gross Particle Activity	27.7	15.0	pCi/L	5.6	MB - Maximum
03/31/2023	MWC-2	Iron, Total Recoverable	9.6	0.3	mg/L	0.4	MB - Maximum
12/31/2022	MWC-2	Iron, Total Recoverable	11	0.3	mg/L	0.6	MB - Maximum
09/30/2022	MWC-2	Iron, Total Recoverable	8.7	0.3	mg/L	0.9	MB - Maximum
06/30/2022	MWC-2	Iron, Total Recoverable	9.5	0.3	mg/L	0.5	MB - Maximum
03/31/2022	MWC-2	Iron, Total Recoverable	8	0.3	mg/L	1.3	MB - Maximum
12/31/2021	MWC-2	Iron, Total Recoverable	9	0.3	mg/L	0.7	MB - Maximum
09/30/2021	MWC-2	Iron, Total Recoverable	12	0.3	mg/L	0.9	MB - Maximum
06/30/2021	MWC-2	Iron, Total Recoverable	12	0.3	mg/L	1.2	MB - Maximum
03/31/2021	MWC-2	Iron, Total Recoverable	10	0.3	mg/L	1.8	MB - Maximum
12/31/2020	MWC-2	Iron, Total Recoverable	13	0.3	mg/L	1.3	MB - Maximum
09/30/2020	MWC-2	Iron, Total Recoverable	15	0.3	mg/L	1.2	MB - Maximum
06/30/2020	MWC-2	Iron, Total Recoverable	14	0.3	mg/L	1	MB - Maximum
03/31/2020	MWC-2	Iron, Total Recoverable	15	0.3	mg/L	1.3	MB - Maximum
03/31/2023	MWC-3	Iron, Total Recoverable	19	0.3	mg/L	0.4	MB - Maximum
12/31/2022	MWC-3	Iron, Total Recoverable	21	0.3	mg/L	0.6	MB - Maximum
09/30/2022	MWC-3	Iron, Total Recoverable	22	0.3	mg/L	0.9	MB - Maximum
06/30/2022	MWC-3	Iron, Total Recoverable	24	0.3	mg/L	0.5	MB - Maximum
03/31/2022	MWC-3	Iron, Total Recoverable	24	0.3	mg/L	1.3	MB - Maximum
12/31/2021	MWC-3	Iron, Total Recoverable	25	0.3	mg/L	0.7	MB - Maximum
09/30/2021	MWC-3	Iron, Total Recoverable	28	0.3	mg/L	0.9	MB - Maximum
06/30/2021	MWC-3	Iron, Total Recoverable	26	0.3	mg/L	1.2	MB - Maximum
03/31/2021	MWC-3	Iron, Total Recoverable	26	0.3	mg/L	1.8	MB - Maximum
12/31/2020	MWC-3	Iron, Total Recoverable	18	0.3	mg/L	1.3	MB - Maximum
09/30/2020	MWC-3	Iron, Total Recoverable	24	0.3	mg/L	1.2	MB - Maximum

06/30/2020	MWC-3	Iron, Total Recoverable	27	0.3	mg/L	1	MB - Maximum
03/31/2020	MWC-3	Iron, Total Recoverable	30	0.3	mg/L	1.3	MB - Maximum
03/31/2023	MWC-5	Iron, Total Recoverable	1.4	0.3	mg/L	0.4	MB - Maximum
09/30/2022	MWC-5	Iron, Total Recoverable	1	0.3	mg/L	0.9	MB - Maximum
06/30/2022	MWC-5	Iron, Total Recoverable	2.5	0.3	mg/L	0.5	MB - Maximum
09/30/2021	MWC-5	Iron, Total Recoverable	0.5	0.3	mg/L	0.9	MB - Maximum
06/30/2021	MWC-5	Iron, Total Recoverable	1.1	0.3	mg/L	1.2	MB - Maximum
09/30/2020	MWC-5	Iron, Total Recoverable	0.6	0.3	mg/L	1.2	MB - Maximum
06/30/2020	MWC-5	Iron, Total Recoverable	1.1	0.3	mg/L	1	MB - Maximum
03/31/2020	MWC-5	Iron, Total Recoverable	0.7	0.3	mg/L	1.3	MB - Maximum
12/31/2022	MWC-8	Iron, Total Recoverable	1.4	0.3	mg/L	0.6	MB - Maximum
09/30/2022	MWC-8	Iron, Total Recoverable	2.2	0.3	mg/L	0.9	MB - Maximum
06/30/2022	MWC-8	Iron, Total Recoverable	3.4	0.3	mg/L	0.5	MB - Maximum
03/31/2022	MWC-8	Iron, Total Recoverable	0.6	0.3	mg/L	1.3	MB - Maximum
12/31/2021	MWC-8	Iron, Total Recoverable	1.1	0.3	mg/L	0.7	MB - Maximum
09/30/2021	MWC-8	Iron, Total Recoverable	2.1	0.3	mg/L	0.9	MB - Maximum
06/30/2021	MWC-8	Iron, Total Recoverable	2.6	0.3	mg/L	1.2	MB - Maximum
09/30/2020	MWC-8	Iron, Total Recoverable	1.9	0.3	mg/L	1.2	MB - Maximum
06/30/2020	MWC-8	Iron, Total Recoverable	2	0.3	mg/L	1	MB - Maximum

5. On February 8, 2017, the Department and Respondent entered into a Consent Order, OGC Case No. 16-1402 (“Original Consent Order”), to resolve the radiological violations identified in Paragraph 4(a)-(d) of the Original Consent Order.

6. A meeting between the Department and Respondent was held on February 22, 2022, during which Respondent stated that the Legacy Solids Assessment Study as required by Paragraph 6 of the Original Consent Order did not reveal the source of radionuclides in ground water, and that additional study was needed (Letter dated March 21, 2022, to Department).

7. As the Legacy Solids Assessment Study did not conclusively identify the source of radionuclides to ground water, Respondent was unable to submit a plan for corrective measures to address ongoing exceedances as required by Paragraph 6 of the Original Consent Order.

8. Respondent failed to attain full compliance with Chapters 62-4 and 62-620, Fla. Admin. Code, within five years of the 2017 issuance of the Permit as required by Paragraph 7 of the Original Consent Order.

9. Respondent has entered three Consent Orders (OGC File Nos. 18-1240, 21-0288, and 22-0188) with the Department, each involving a penalty greater than \$3,000, to resolve violations within the past five years.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

ORDERED:

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

a) The following improvement actions shall be completed by Respondent according to the schedule in Table 2 below:

i) **Table 2: Improvement Actions**

Improvement Action	Completion Date
1.1. Submit a Revised Plan of Study (POS) to identify the source of radium 226+228 and gross alpha (Legacy Solids Assessment) in the ground water at the Maxville Long Term Pond (LTP) site. (Letter dated 3/21/2022 to Department).	60 days after the effective date of this Order.
1.2. Submit the final report for the Maxville LTP Radium (Legacy Solids) Assessment.	270 days after Department approval of the POS.
1.3. Submit Plan for corrective measures of radium 226+228 and gross alpha exceedances in the compliance monitoring wells at the Maxville LTP site.	180 days after Department receipt of Long Term Ponds Radium (Final Legacy Solids) Assessment Report.
1.4. Continue submission of semi-annual radionuclide delineation assessments, including both radium 226+228 and gross alpha sampling results, as well as review of ground water modeling	Semi-annual report submittals.

analysis with interpretive report by a Professional Engineer or Professional Geologist registered in the state of Florida.	
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b) Within 180 days of this Order, the Respondent shall submit a compliance plan (“Iron Plan”) to address Total Recoverable Iron in the above compliance monitoring wells. If Respondent’s Renewal Permit No. FL0040274 contains limits for Total Recoverable Iron other than 0.3 mg/L, or 300 ug/L, Respondent shall update its Iron Plan, within 180 days of the issuance of the Renewal Permit, to address those updated limits. The Department will review the Iron Plan within thirty (30) days of receiving it from Respondent. Respondent must receive written notification of review and acceptance of the Iron Plan from the Department (Notification) prior to implementation. If the Iron Plan is deemed incomplete by the Department, or if the Department Requests Further Information (RFI), the Respondent shall provide this information in a written response within thirty (30) days of the RFI.

On the date of Notification or the timeframe included within the accepted Iron Plan, Respondent shall implement the Iron Plan.

ii) Within 30 days of approval, the Iron Plan shall be implemented.

c) Beginning on the effective date of this Order and lasting until five years from the issuance date of Renewal Permit No. FL0040274, Respondent shall comply with the interim limits at all compliance monitoring wells as given in Table 2 below, and other requirements set forth in the Facility’s Permit:

iii) **Table 2: Interim Limits**

<u>Parameter</u>	<u>Permit Requirement</u>	<u>Interim Limit</u>	<u>Units</u>	<u>Sample Type</u>	<u>Frequency of Analysis</u>
Alpha, Gross Particle Activity	15	Report	pCi/L	Grab	Quarterly
Radium 226 + Radium 228, Total	5	Report	pCi/L	Grab	Quarterly

<u>Parameter</u>	<u>Permit Requirement</u>	<u>Interim Limit</u>	<u>Units</u>	<u>Sample Type</u>	<u>Frequency of Analysis</u>
Iron, Total Recoverable	300 (or 0.3)	Report	ug/L (or mg/L)	Grab	Quarterly

11. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all improvement actions as required by Paragraph 10 and Table 1 within five years of the issuance of the Renewal Permit and be in full compliance with Chapters 62-4 and 62-620, Fla. Admin. Code, regardless of any intervening events or alternative time frames imposed in the Order unless an extension is agreed to between the Department and Respondent and reduced to writing.

12. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$ 15,750.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$15,000.00 for civil penalties and \$750.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

13. 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, effective and filed with the Clerk of the Department before ability to make online payment is available.

14. Except as otherwise provided, all submittals and payments required by this Order shall be sent to the Wastewater Section, Department of Environmental Protection, Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256.

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

17. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the 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 the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

18. 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 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.

19. 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.

20. 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.

21. 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 \$15,000.00 per day per violation, and criminal penalties.

22. 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.

23. 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.

24. 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.

25. 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.

26. Respondent shall publish the following notice in a newspaper of daily circulation in Clay County, Florida. The notice shall be published one time only within 30 days of the effective date of the Order. Respondent shall provide a certified copy of the published notice to the Department within 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 provides for the continued assessment and groundwater monitoring of radium, gross alpha particle activity, and total recoverable iron at the Long-Term Ponds of Maxville Mine in Clay County. 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, 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 name and address of each agency affected and each agency's file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- c) A statement of when and how the petitioner received notice of the agency decision;
- d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida, 32399-3000, or received via electronic correspondence at Agency_Clerk@floridadep.gov, within 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

8800 Baymeadows Way West, Jacksonville, Florida, 32256. Failure to file a petition within the 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.

27. Rules referenced in this Order are available at:

<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>.

FOR THE RESPONDENT:

Clement J. Hilton

Clement J. Hilton
Vice President, Minerals
The Chemours Company FC, LLC

4/4/2024

Date

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 10th day of April 2024, 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

April 10, 2024

Date

Copies furnished to:

Lea Crandall, Agency Clerk, Mail Station 35 (executed copy)
FDEP-NED: Ian Watkins, Herndon Sims, Matt Kershner, DEP_NED
FDEP-Tallahassee Office: Jennifer Walters, WCAPHQ@dep.state.fl.us (executed copy)
FDEP-OGC: Ronnie Hoenstine (executed copy)