

FILED

Sep 28, 2026

9:38 am

**U.S. EPA REGION 3
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of: : **U.S. EPA Docket No. RCRA-03-2026-0198**
:
The Chemours Company FC, LLC : **Proceeding under Sections 3008 of the**
901 West DuPont Avenue : **Resource Conservation and Recovery Act**
Belle, West Virginia 25015 : **(RCRA), 42 U.S.C. § 6928**
:
Respondent. :

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (Complainant) and The Chemours Company FC, LLC (Respondent) (collectively the "Parties"), pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (Consolidated Rules of Practice), 40 C.F.R. Part 22. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under Subtitle C of RCRA, 42 U.S.C. §§ 6921- 6939g, the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268 and 270, and the applicable authorized West Virginia Hazardous Waste Management Regulations (WVHWM Regulations), Title 33, Leg. Rule, Division of Environmental Protection, Office of Waste Management, Series 20, Parts 33-20-1 through 33-20-15 for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (EPA) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.

4. Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), provides that the EPA can authorize a state to carry out its hazardous waste program *in lieu of* the federal program in the state, in which case the state regulations become the applicable hazardous waste management regulations. However, RCRA clearly intended, and expressly states in Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), that the EPA may issue an order or commence a civil action in an authorized state, after giving notice to the state. It is the EPA's practice that, if the EPA does take enforcement action in an EPA-authorized state, then the EPA provides such notice to the state prior to the enforcement action. West Virginia received final EPA authorization of its hazardous waste program on May 15, 1986, effective on May 29, 1986 (51 Fed. Reg. 17739). The WVHWM Regulations were originally authorized by the EPA pursuant to RCRA Section 3006, 42 U.S.C. § 6926, on May 10, 2000, effective on July 10, 2000 (65 Fed. Reg. 29973 (May 10, 2000)). With respect to the time periods prior to and including the time periods referenced herein, the WVHWM Regulations were reauthorized on October 16, 2003, effective on December 15, 2003 (68 Fed. Reg. 59542 (Dec. 15, 2003)), and on November 25, 2013, effective January 24, 2014 (78 Fed. Reg. 70225 (November 25, 2013)). The EPA authorized provisions of the WVHWMR, referenced herein and effective during the time periods cited herein, incorporate by reference 40 C.F.R. as of June 16, 2010.
5. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by letter dated October 25, 2024, the EPA notified the West Virginia Department of Environmental Protection (WVDEP) of the EPA's intent to commence this administrative action against Respondent in response to violations of RCRA Subtitle C that are alleged herein.

GENERAL PROVISIONS

7. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
8. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
9. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
10. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
11. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.

12. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
13. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
15. Respondent is a corporation organized under the laws of the State of Delaware.
16. Respondent is a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 42 U.S.C. § 6903, W.Va. Code R. § 33-20-2.1.
17. Respondent is, and at all times relevant to this Consent Agreement, was the "owner" and "operator" of a "facility", described in Paragraph 17, below, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in W.Va. Code R. § 33-20-2.1.
18. The facility referred to in Paragraph 16, above, including all of its associated equipment and structures (hereinafter the "Facility"), is a chemical intermediates manufacturing facility located at 901 West DuPont Avenue, Belle, Kanawha County, West Virginia 25015.
19. Respondent was at all times relevant to this Consent Agreement and Final Order, a "generator" of, and has engaged in the "storage" in "containers" at the Facility of materials described below that are "solid wastes" and "hazardous wastes", as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference by W.Va. Code R. § 33-20-2.1.
20. WVDEP has assigned the Facility EPA ID No. WVD005012851.
21. At all times relevant to this Consent Agreement, Respondent operated certain areas of the Facility as a large quantity generator of hazardous waste.
22. During the period of March 6, 2014, through June 8, 2024, certain areas of the Facility were subject to a RCRA Part B Permit (Permit Number WVD 005012851) (the 2014 RCRA Permit), which was issued by WVDEP to Respondent (the Permittee) by letter dated February 6, 2014. WVDEP assigned and set an effective date of March 6, 2014, for the 2014 RCRA Permit.

23. The areas subject to the 2014 RCRA Permit include: 1) the VAZO Warehouse Hazardous Waste Storage Area (VAZO Waste Area); 2) the Consolidated Drum Storage Unit (the CDS Unit); and, 3) the VAZO hazardous waste storage tank (the VAZO Waste Tank).
24. By letter dated May 9, 2024, WVDEP reissued RCRA Permit Number WVD 005012851 to Respondent with an effective date of June 9, 2024 (the 2024 RCRA Permit). The above three areas subject to the 2014 RCRA Permit are also subject to the 2024 RCRA Permit.
25. During August 13-14, 2024, representatives of the EPA conducted a RCRA Compliance Evaluation Inspection at the Facility.
26. At the time of the Inspection referred to in Paragraph 25, and subsequent thereto, hazardous waste management activities, in the above three areas of the Facility, were regulated pursuant to the 2024 RCRA Permit.

Count 1

Failure to Keep a Container of Universal Waste Closed

27. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
28. At all times relevant to this Consent Agreement, the provisions of the WVHWM Regulations included W.Va. Code R. § 33-20-3 (Identification and Listing of Hazardous Waste), which incorporates by reference the regulatory provision set forth at 40 C.F.R. § 261.9 (Requirements for Universal Waste).
29. The relevant portion of 40 C.F.R. § 261.9 (Requirements for Universal Waste) provides:

The wastes listed in this section are exempt from regulation under parts 262 through 270 of this chapter except as specified in part 273 of this chapter and, therefore (sic) are not fully regulated as hazardous waste. The wastes listed in this section are subject to regulation under 40 CFR part 273:

...

(d) Lamps as described in § 273.5 of this chapter; ...
30. At all times relevant to this Consent Agreement, the provisions of the WVHWM Regulations included W.Va. Code R. § 33-20-13, which incorporated by reference the regulations set forth at 40 C.F.R. Part 273 (Standards For Universal Waste Management), including the regulations set forth at 40 C.F.R. §§ 273.5 (Applicability-lamps), 273.9 (Definitions), 273. 13 (Waste management) and 273. 14 (Labeling/marketing).
31. The regulatory provisions set forth at 40 C.F.R. § 273.5 (Applicability-lamps), provide, in relevant part, that:

(a) *Lamps covered under this part 273.* The requirements of this part apply to persons managing lamps as described in § 273.9, except those listed in paragraph (b) of this section.

...

(c) Generation of waste lamps.

(1) A used lamp becomes a waste on the date it is discarded. ...

32. The regulatory provisions set forth at 40 C.F.R. § 273.9 (Definitions), provide, in relevant part, that:

Generator means any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

Lamp, also referred to as “universal waste lamp” (sic) is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

Small quantity handler of universal waste means a universal waste handler (as defined in this section) who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

Universal waste means any of the following hazardous wastes that are subject to the universal waste requirements of this part: ...

(4) Lamps as described in § 273.5; ...

Universal waste handler:

(1) Means:

- (i) A generator (as defined in this section) of universal waste; or
- (ii) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

33. At all times relevant to this Consent Agreement, Respondent was a small quantity handler of universal waste lamps, as those terms are defined at 40 C.F.R. § 273.9 (Definitions), and, therefore, was a person managing lamps as described in 40 C.F.R. § 273.9 (Definitions) and referenced in 40 C.F.R. § 273.5 (Applicability-lamps).
34. At all times relevant to this Consent Agreement, the provisions of 40 C.F.R. § 273.10 provided: “This subpart applies to small quantity handlers of universal waste (as defined in 40 CFR 273.9).”

35. At all times relevant to this Consent Agreement, the provisions of 40 C.F.R. § 273.13(d) provided:

Lamps. A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (1) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
36. On August 14, 2024, EPA Inspectors observed that Respondent accumulated used universal waste electric lamps (hereinafter referred to as “universal waste lamps”) in an open container. At the time of such observation, universal waste lamps were not being added or removed from such container.
37. The container at issue was not located in an area of the Facility subject to the 2024 RCRA Permit.
38. On August 14, 2024, Respondent’s handling of such universal waste lamps was regulated pursuant to the provisions of the WVHWM Regulations, including W.Va. Code R. § 33-20-13, which incorporates by reference the regulations set forth at 40 C.F.R. Part 273 (Standards For Universal Waste Management).
39. On at least August 14, 2024, by accumulating such universal waste lamps in an open container, Respondent failed to comply with the requirements set forth at 40 C.F.R. § 273.13(d), and, therefore, violated the provisions set forth at W.Va. Code R. § 33-20-13, which incorporates by reference 40 C.F.R. § 273.13(d).
40. On at least August 14, 2024, by accumulating universal waste lamps in an open container, Respondent violated W.Va. Code R. § 33-20-13, which incorporates by reference 40 C.F.R. § 273.13 (Waste management), and is subject to the assessment of civil penalties in accordance with Section 3008 of RCRA, 42 U.S.C. § 6928.

Count 2

Failure to Mark a Container of Universal Waste with the Words “Universal Waste”

41. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

42. The provisions of the WVHWM Regulations, set forth at W.Va. Code R. § 33-20-13, incorporates by reference 40 C.F.R. § 273.14 (Labeling/marketing), which provides in relevant part:

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

...

- (e) Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)".

43. On August 14, 2024, EPA Inspectors observed that Respondent accumulated universal waste lamps in a container that was not marked with any of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)".
44. The container at issue was not located in an area of the Facility subject to the 2024 RCRA Permit.
45. On at least August 14, 2024, Respondent's handling of such universal waste lamps was regulated pursuant to the provisions of the WVHWM Regulations, including W.Va. Code R. § 33-20-13, which incorporates by reference the regulations set forth at 40 C.F.R. Part 273 (Standards For Universal Waste Management).
46. On at least August 14, 2024, by accumulating universal waste lamps in a container that was not marked with any of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)", Respondent failed to comply with the provisions set forth at 40 C.F.R. § 273.14 (Labeling/marketing), and, therefore, violated the provisions set forth at W.Va. Code R. § 33-20-13, which incorporates by reference 40 C.F.R. § 273.14.
47. On at least August 14, 2024, by accumulating universal waste lamps in a container that was not properly marked with any of the required phrases, Respondent violated W.Va. Code R. § 33-20-13, which incorporates by reference 40 C.F.R. § 273.14 (Labeling/marketing), and is subject to the assessment of civil penalties in accordance with Section 3008 of RCRA, 42 U.S.C. § 6928.

Count 3

Storage of Two (2) 55-Gallon Drums of Prohibited Waste in Noncompliance with the 2024 RCRA Permit

48. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
49. The 2024 RCRA Permit, at Module VII (Containers), Section B. (Permitted and Prohibited Waste Identification), subsection 1 (Vazo Area) (Section VII.B.1) states, in relevant part:

The permittee shall only store ... the following wastes in this unit; all other wastes are prohibited:

Waste Description Form #	Waste Name	EPA Hazardous Waste Number
3	Vazo 52 off-spec	D001, D003
4	Vazo 64 off-spec	D001, D003
5	Vazo 67 off-spec	D001, D003
6	Vazo 88 off-spec	D001, D003
7	Vazo Filtrate Waste	D001, D003

50. Pursuant to RCRA Section 3005(a), 42 U.S.C. 6925(a), any storage of hazardous waste at the portions of the Facility subject to the Permit is prohibited, except in accordance with such Permit.
51. On August 14, 2024, Respondent stored two (2) 55-gallon drums of waste (one 55-gallon black drum with hazardous waste and one 55-gallon drum with solid waste) (hereinafter referred to as the "Two Unpermitted Drums of Waste") in the VAZO Area.
52. The storage of such two (2) 55-gallon drums of waste in the VAZO Area was prohibited pursuant to Section VII.B.1. of the Permit.
53. By storing the Two Unpermitted Drums of Waste in the VAZO Area, on at least August 14, 2024, Respondent violated the prohibitions set forth at Section VII.B.1, of the 2024 RCRA Permit.
54. On at least August 14, 2024, by violating the prohibitions set forth at Section VII.B.1 of the 2024 RCRA Permit, Respondent violated Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and is subject to the assessment of civil penalties pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

Count 4
Failure to Maintain Records of Inspections
as Required by the 2014 RCRA Permit

55. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
56. The 2014 RCRA Permit, within Module II (General Facility Conditions), Section II-C (General Inspection Requirements) (hereinafter referred to as "Permit Section II-C") requires in relevant part:

C-1 The Permittee must inspect the facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to:

- a. Release of hazardous waste constituents to the environment; or;
- b. A threat to human health.

The Permittee must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment (40 CFR §264.15(a))

C-2 The Permittee must follow a written inspection schedule as outlined in Attachment 2.

...

C-4 The Permittee shall record these inspections and their results in an inspection log (40 CFR 264.15(d), and the facility operating record as required by permit condition I-K-2.e.

- 57. Condition I.K.2.e., within Module I (Standard Conditions) of the Permit, (hereinafter referred to as "Permit Condition I.K.2.e") of the 2014 RCRA Permit requires: "Records and results of inspections as required by 40 CFR § 264.15(d) (this data needs to be kept for only three (3) years)."
- 58. In accordance with the 2014 RCRA Permit, during the period of, at least, October 17th, 2021, through August 19, 2023, the Respondent implemented a written inspection schedule, which called for weekly inspections of the VAZO Waste Area.
- 59. During a review of files conducted by EPA, during and subsequent to the Inspection, Respondent's representatives were unable to provide EPA with weekly inspection records for the VAZO Waste Area for the following four (4) weeks: a) October 17 – 23, 2021; b) April 3 – 9, 2022; c) April 10 – 16, 2022; and, d) August 13 – 19, 2023.
- 60. Subsequent to the Inspection, Respondent has not provided any documentation supporting a finding that Respondent's representatives maintained weekly inspection records for inspections of the VAZO Waste Area for the following weekly time periods: October 17-23, 2021; April 3-9, 2022; April 10-16, 2022; and, August 13-19, 2023.
- 61. Respondent failed to maintain weekly inspection records for inspections of the VAZO Waste Area for the following weekly time periods: October 17-23, 2021; April 3-9, 2022; April 10-16, 2022; and, August 13-19, 2023.
- 62. By failing to record weekly inspections conducted during the above time periods, and their results, in an inspection log and the facility operating record, Respondent failed to comply with Permit Section II-C and Permit Condition I-K-2.e.

63. During at least October 23, 2021, through August 14, 2024, by failing to comply with Permit Section II-C and Permit Condition I-K-2.e., the Respondent violated Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and is subject to the assessment of civil penalties pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

Count 5

Failure to Document Completion of Annual Refresher Hazardous Waste Training as Required by the 2014 RCRA Permit

64. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

65. The 2014 RCRA Permit, at Module II (General Facility Conditions), Section II-D (Personnel Training) (hereinafter referred to as "Permit Section II-D") requires:

The Permittee shall conduct personnel training as required by 40 CFR § 264.16. This training program shall follow the outline in Attachment 3. The Permittee shall maintain training documents and records as required by 40 CFR §264.16(d) and (e).

66. The requirements are set forth at 40 C.F.R. § 264.16(d) and (e) require:

(d) Facility personnel must take part in an annual review of the initial training required in paragraph (a) of this section.

(e) Training records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

67. During and subsequent to the Inspection, Respondent representatives were not able to provide records of the annual review of hazardous waste management training, which was required to have been provided during January through December 2021, had been provided to six Facility personnel, who each held a position at the Facility related to hazardous waste management and were required to take part in such required annual training.

68. Subsequent to the Inspection, Respondent has not provided any documentation supporting a finding that Respondent's representatives had maintained documentation of the annual review of hazardous waste management training, which was required to have been provided during January through December 2021, had been provided to six (6) Facility personnel, who each held a position at the Facility related to hazardous waste management and were required to take part in such required annual training.

69. On or before December 31, 2021, Respondent failed to maintain documentation of the annual review of hazardous waste management training, which was required to have been provided to six Facility personnel during January through December 2021.
70. By failing to maintain documentation documenting the annual review of hazardous waste management training, which was required to have been provided to six (6) Facility personnel during January through December 2021, as of December 31, 2021, Respondent failed to comply with Permit Section II-D.
71. During at least December 31, 2021, through August 14, 2024, by failing to comply with Permit Section II-D, as detailed above, the Respondent violated Section 3005(a), 42 U.S.C. § 6925(a), and is subject to the assessment of civil penalties pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

CIVIL PENALTY

72. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **Nine-Thousand Five-Hundred Eight dollars (\$9,508)** (Assessed Penalty), which Respondent shall be liable to pay in accordance with the terms set forth below.
73. In determining the amount of the Assessed Penalty, EPA has taken into account the factors specified in in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).
74. Respondent agrees to pay the Assessed Penalty within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
75. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Respondent acknowledges that EPA has provided adequate notification that, prior to the Effective Date, in accordance with Executive Order 14247: Modernizing Payments To and From America's Bank Account, EPA ceased accepting paper checks as a form of payment of civil penalties and EPA only accepts specific electronic methods of payments as provided on the above website.
76. When making a payment, Respondent shall:
 - a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, RCRA-03-2026-0198, and
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously by email to the following person(s):

Kathleen J. Root, Esq.
Sr. Assistant Regional Counsel
Root.Kathleen@epa.gov,

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

“Proof of Payment” means, as applicable, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

77. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Consent Agreement, the EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the Internal Revenue Service (“IRS”) standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover the EPA’s costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Effective Date.

78. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.

d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

79. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

80. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.

81. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the IRS annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F).

Failure to comply with providing IRS Form W-9 or Tax Identification Number (TIN), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and Respondent herein agrees, that:

a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf> ;

b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

c. Respondent shall email its completed Form W-9 to the EPA's Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and the EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:

i. notify the EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of the Consent Agreement and Final Order per Paragraph 93, below; and

ii. provide the EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

GENERAL SETTLEMENT CONDITIONS

82. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: root.kathleen@epa.gov (for Complainant), and aaron.heishman@Chemours.com and todd.coomes@chemours.com (for Respondent).

83. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

84. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

85. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

86. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the RCRA, 42 U.S.C. §§ 6901 et seq., or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

87. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

88. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

89. The effective date of this Consent Agreement and Final Order (Effective Date) is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator's designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

90. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: The Chemours Company FC, LLC

Date: September 22, 2026

By: Aaron S. Heishman
Aaron S. Heishman
Corporate Counsel - Environmental

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: **ANDREA BAIN**
Acting Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Digitally signed by ANDREA
BAIN
Date: 2026.09.25 08:26:46
-04'00'

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 3
Philadelphia, Pennsylvania 19103

FILED

Sep 28, 2026

9:38 am

U.S. EPA REGION 3
HEARING CLERK

In the Matter of: : U.S. EPA Docket No. RCRA-03-2026-0198
:
The Chemours Company FC, LLC : Proceeding under Sections 3008 of the
901 West DuPont Avenue : Resource Conservation and Recovery Act
Belle, West Virginia 25015 : (RCRA), as amended, 42 U.S.C. § 6928
:
Respondent. :
:

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3), the Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By:

JEFFREY NAST

Digitally signed by JEFFREY
NAST
Date: 2026.09.28 09:35:51 -04'00'

Regional Judicial and Presiding Officer
U.S. EPA, Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of: : **U.S. EPA Docket No. RCRA-03-2026-0198**

The Chemours Company FC, LLC : **Proceeding under Sections 3008 of the**
901 West DuPont Avenue : **Resource Conservation and Recovery Act**
Belle, West Virginia 25015 : **(RCRA), as amended, 42 U.S.C. § 6928**

Respondent. :

CERTIFICATE OF SERVICE

I certify that the foregoing *Consent Agreement and Final Order* was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the *Consent Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Aaron S. Heishman
Corporate Counsel – Environmental
The Chemours Company FC, LLC
Aaron.heishman@Chemours.com
1007 Market Street
Chemours Legal, WOB 655-15
Wilmington, DE 19801

Todd Coomes
Corporate Counsel
The Chemours Company FC, LLC
Todd.Coomes@chemours.com
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Kathleen J. Root, Esq.
Senior Assistant Regional Counsel
Office of Regional Counsel
Assurance Division
U.S. EPA, Region 3
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Jeremy Dearden
Physical Scientist
Enforcement & Compliance
U.S. EPA, Region 3
Dearden.Jeremy@epa.gov

BEVIN ESPOSITO

Digitally signed by BEVIN
ESPOSITO
Date: 2026.09.28 09:41:26 -04'00'

[Digital Signature and Date]

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3