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EPA REGION VI

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I. PRELIMINARY STATEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order ("CAFO") is entered into by the United

Chemours Company FC, LLC ("Chemours" or "Respondent"), a Limited Liability Company doing

2. Notice of the commencement of this action has been given to the State of

U.S.C. § 6928(a)(2).¹

1. The State of Arkansas received final authorization for its base Hazardous Waste Management Program 50 Fed. Reg. 1513 (January 25, 1985). Subsequent revisions have been made to the Arkansas Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the "EPA-Approved Arkansas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated October 2016, incorporated by reference under 40 C.F.R. § 272.201(c)(1)(i) effective on November 13, 2017. 82 Fed. Reg. 43189 (September 13, 2017); 40 C.F.R. 272.201: Arkansas State-Administered Program: Final Authorization. References and citations to the "EPA-Approved Arkansas Statutory and Regulatory Requirements

3. In connection with EPA's delegation of RCRA authority to the State of Arkansas, the Arkansas Pollution Control and Ecology Commission has promulgated Rule 23 ("APC&EC Rule 23"). In addition to applicable federal regulations, APC&EC Rule 23 has been cited independently herein for the violations alleged in this CAFO.

4. For purposes of this proceeding, Respondent admits the jurisdictional allegations herein; however, the Respondent neither admits nor denies the specific factual allegations and the alleged violations of law contained in this CAFO.

5. The Respondent explicitly waives any right to contest the allegation and its right to appeal the final order contained in this CAFO and, for purposes of this proceeding only, waives all defenses which have been raised or could have been raised to the allegations set forth in the CAFO.

6. This CAFO resolves only the claims alleged herein.

7. Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 Code of Federal Regulations ("C.F.R.") Part 22, EPA, Region 6 issues and Chemours agree to the issuance of this CAFO.

8. The Respondent consents to the issuance of this CAFO hereinafter recited, consents to assessment and payment of the stated civil penalty plus interest in the amount and by the method set out in this CAFO, and consents to the specific time periods and requirements stated in Section V (Compliance Order).

Applicable to the Hazardous Waste Management Program" may vary slightly from the State of Arkansas' published version. The corresponding C.F.R. citations are also provided.

9. By their signatures to this CAFO, the EPA and Chemours (the "Parties") agree to the use of electronic signatures for this matter. The Parties further agree to electronic service of this CAFO, pursuant to 40 C.F.R. § 22.6, by email to the following addresses: EPA-Cavazos.christyn@EPA.gov and for Respondent as follows: The Chemours Company FC, LLC-aaron.heishman@chemours.com.

II. JURISDICTION

10. This CAFO is issued by EPA, Region 6, pursuant to Section 3008(a) of the RCRA, 42 U.S.C. § 6928(a), as amended by the Hazardous and Solid Waste Amendments of 1984 ("HSWA") and is simultaneously commenced and concluded through the issuance of this CAFO under 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

11. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of the Regional Administrator of EPA, Region 6, to issue or enforce this CAFO, and agrees not to contest the validity of this CAFO or its terms or conditions.

12. Section IV of this CAFO contains concise statements of the factual and legal basis for EPA's alleged violation of RCRA together with specific provisions of RCRA and the implementing regulations that Respondent is alleged by EPA to have violated.

III. STATUTORY AND REGULATORY BACKGROUND

13. Federal regulation of hazardous waste is primarily based on RCRA, enacted on October 21, 1976, to amend the Solid Waste Disposal Act, and on the Hazardous and Solid Waste Amendments ("HSWA") enacted by Congress in 1984 to further amend the Solid Waste

Disposal Act. RCRA establishes a “cradle-to-grave” program to be administered by the Administrator of EPA and authorized states to regulate the generation, transportation, treatment, storage, and disposal of hazardous waste. See 42 U.S.C. § 6901 *et seq.*

14. RCRA’s Subchapter III (RCRA §§ 3001-3023, 42 U.S.C. §§ 6921-6940, known as “Subtitle C”) required EPA to promulgate regulations establishing performance standards applicable to facilities that generate, transport, treat, store, or dispose of hazardous wastes. Together, RCRA Subtitle C and its implementing regulations, set forth at 40 C.F.R. Parts 260 – 279, comprise EPA’s RCRA hazardous waste program.

15. Section 3006 of RCRA, 42 U.S.C. § 6926, allows the Administrator to authorize a state to administer its own hazardous waste program in lieu of the federal program when the Administrator deems the state program to be equivalent to and consistent with the federal program.

16. Pursuant to its authority under Subtitle C of RCRA, 42 U.S.C. § 6922(a), EPA has promulgated regulations applicable to solid and hazardous waste generators at 40 C.F.R. Parts 261 and 262; to owner/operators of hazardous waste facilities at 40 C.F.R. Parts 264 and 265; and to land disposal of solid and hazardous waste at 40 C.F.R. Part 268. The Arkansas Department of Energy and Environment’s Division of Environmental Quality (“AR DEQ”), like EPA, has promulgated regulations applicable to these persons and practices, which are found at Arkansas Pollution Control and Ecology Commission Rule 23 (“APC&EC Rule 23”). Unless specified otherwise, AR DEQ has incorporated by reference all federal regulations cited in this CAFO.

17. Although EPA has granted the State of Arkansas authority to enforce its own hazardous waste program, EPA retains jurisdiction and authority to initiate an independent enforcement action, pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

18. As the authorized provisions of Arkansas's hazardous waste program operate in lieu of the federal RCRA program, the citations for the violation of those authorized provisions alleged herein will be the authorized Arkansas program; however, for ease of reference, the federal citations will follow in brackets.

19. APC&EC Rule 23 § 261.2, [40 C.F.R. § 261.2], defines a "solid waste" as any discarded material that is not otherwise excluded under APC&EC Rule 23 § 261.4(a), [40 C.F.R. § 261.4(a)], or that is not excluded by variance. A discarded material is any material which is abandoned, recycled, inherently waste-like, or military munitions. Materials are solid waste, as defined in APC&EC Rule 23 § 261.2, [40 C.F.R. § 261.2], if they are abandoned by being disposed of, burned or incinerated, or accumulated, stored, or treated (but not recycled) before, or in lieu of, being abandoned by being disposed of, burned, or incinerated.

20. A solid waste is a hazardous waste if it is not excluded from regulation as a hazardous waste under APC&EC Rule 23 § 261.4(b), [40 C.F.R. § 261.4(b)], and it exhibits any of the characteristics of hazardous waste identified in APC&EC Rule 23 § Part 261, Subpart C, [40 C.F.R. Part 261, Subpart C], or it is listed in APC&EC Rule 23 § Part 261, Subpart D, [C.F.R. Part 261, Subpart D].

21. Characteristic hazardous wastes are assigned "D" codes in APC&EC Rule 23 § Part 261, Subpart C, [40 C.F.R. Part 261, Subpart C], depending on the specific hazardous characteristic that the waste exhibits.

IV. FACTUAL ALLEGATIONS AND ALLEGED VIOLATION

22. Respondent is a "person", and the "operator" of the Site identified in Paragraph 1 of this CAFO and within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), APC&EC Rule 23 Section 260.10, [40 C.F.R. § 260.10].

23. The Site identified in Paragraph 1 of this CAFO is a "Facility" within the meaning of APC&EC Rule 23 Section 260.10, [40 C.F.R. § 260.10], at all times relevant to this CAFO.

24. The Facility at all times relevant to this CAFO is operated by Respondent.

25. The Facility at all times relevant to this CAFO is not a RCRA Subtitle C permitted treatment, storage, and disposal ("TSD") facility as defined by APC&EC Rule 23 Parts 270.1 and 270.10, [40 C.F.R. Parts 270.1 and 270.10].

26. On December 8, 11, and 12, 2023, EPA conducted a compliance evaluation inspection of the Facility under RCRA and the Clean Water Act (the "Inspection").

27. The scope of this CAFO is limited to RCRA.

28. On February 25, 2025, EPA initiated settlement discussions with Chemours.

29. During the period of February 25, 2025, through June 9, 2025, EPA and Chemours have exchanged a series RCRA questions and responses, respectively as further follow ups to the Inspection.

30. The Inspection, EPA subsequent inquires, Chemours submittals provided to EPA, and EPA's review of its RCRA database, taken together, is EPA's RCRA investigation, (the "Investigation") for purposes of this CAFO.

31. From the Investigation EPA has determined that Chemours' applicable North American Industry Classification System code of 325120, describes Chemours activities as Industrial Gas Manufacturing.

32. **Chemours Operation(s):** Chemours operates the Facility as a tenant within a larger facility operated by Lanxess Corporation. Chemours uses various feedstocks, obtained from off-site sources, to produce fluorinated gases that are then sold to third-parties for use in downstream applications that can include foam blowing, flame retardant, and pharmaceutical propellants.

33. **Chemours Waste Units:** Vapors extracted from process are routed to a permitted thermal oxidizer or otherwise vented pursuant to the Facility's air emission permit. Hazardous waste liquid generated by the Facility's process areas is ultimately transferred to containers, drums, or tanker trucks, staged in a primary hazardous waste central accumulation area, and is ultimately shipped to off-site facilities that are permitted to accept the waste for disposal.

34. From the Investigation, EPA has determined that the wastes identified in this CAFO are a "Solid Waste" as defined by APC&EC Rule 23 § 261.2, [40 C.F.R. § 261.2].

35. From the Investigation, EPA has determined that select Solid Wastes generated at the Site, and identified in this CAFO, exhibit the characteristics for corrosivity and/or toxicity pursuant to APC&EC Rule 23 §§ 262.21, 261.22, and 261.24, [40 C.F.R. §§ 261.21, 261.22, and 261.24], bearing respectively one or more of the hazardous waste codes D001, D002, D007, D017, D019, D022, D028, D033, D034, D039, and D043.

36. From the Investigation, EPA has determined that the Solid Waste identified in this CAFO as carbon tetrachloride is a "Hazardous Waste" bearing the hazardous waste code U211 as defined at APC&EC Rule 23 § 261.33, [40 C.F.R. §§ 261.33].

37. From the Investigation, EPA has determined that the Solid Waste identified in this CAFO as carbon tetrachloride is not excluded by any of the exclusions set forth in APC&EC Rule 23 §§ 261.4(a) and (b), [40 C.F.R. §§ 261.4(a) and (b)].

38. From the Investigation, EPA has determined that Chemours notified, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, as a RCRA Large Quantity Generator ("LQG") and for the solid and hazardous waste identified in Paragraphs 35 and 36 of this CAFO.

39. Pursuant to the Regulation No. 23 § 270.10, [40 C.F.R. § 260.10], "Treatment" means any Method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage; or reduced in volume.

40. From the Investigation, EPA determined that Chemours treated RCRA "Solid Wastes" and "Hazardous Waste." Respondent is subject to Section 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations promulgated and set forth at APC&EC Rule 23 Parts 262, 265, and/or 270, [40 C.F.R. Parts 262, 265, and/or 270].

RCRA ALLEGATIONS

Claim 1: Failure to Keep Adequate Records to Support Hazardous Waste Determination

41. Pursuant to APC&EC Rule 23 § 262.11(f), [40 C.F.R. § 262.11(f)], a large quantity generator must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by APC&EC Rule 23 § 261.3, [40 C.F.R. § 261.3].

42. Further, the records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste and support the generator's determination, as described at APC&EC Rule 23 §§ 262.11(c) and(d), [40 C.F.R. §§ 262.11(c) and (d)].

43. The records must include, but are not limited to, the following types of information: The results of any tests, sampling, waste analyses, or other determinations made in accordance with this section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described at APC&EC Rule 23 §§ 262.11(d)(1), [40 C.F.R. § 262.11(d)(1)].

44. During the Investigation, EPA determined that Respondent did not create and/or keep the records necessary and as required by RCRA and the regulations in violation of APC&EC Rule 23 § 262.11(f), [40 C.F.R. § 262.11(f)].

45. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,000 and increased for inflation, per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, issued requiring compliance or both.

Claim 2: Failure to Label Hazardous Waste Tanks

46. Pursuant to APC&EC Rule 23 §§ 262.17(a)(5)(ii)(A) and (B), [40 C.F.R. §§ 262.17(a)(5)(ii)(A) and (B)], a LQG who accumulates hazardous waste in tanks must mark or label its tanks with the words "Hazardous Waste" and mark or label its tanks with an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (*i.e.*, ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 C.F.R. Part 172 Subpart E (labeling) or Subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 C.F.R. § 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

47. During the Investigation, EPA determined that Respondent stored accumulated Hazardous Waste in stationary devices that meet the definition of "Tank" set forth at APC&EC Rule 23 § 260.10, [40 C.F.R. § 260.10)].

48. During the Investigation, EPA photographed and documented with further evidence that over the relevant period of this CAFO, Respondent stored hazardous waste in at least two tanks (sporadically but on more than one occasion) and its hazardous waste tanks

were not labeled as is required by the regulations that are set forth in Paragraph 46 above of this CAFO.

49. Respondent has therefore violated APC&EC Rule 23 §§ 262.17(a)(5)(ii)(A) and (B), [40 C.F.R. §§ 262.17(a)(5)(ii)(A) and (B)] and on more than one occasion.

50. Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928(a) and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,000 and increased for inflation, per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, issued requiring compliance or both.

Claim 3: Failure to Maintain Records to Support Complete Certifications of Hazardous Waste Storage Tanks

51. The owner or operator is subject to APC&EC Rule 23 §§ 262.17(a)(5)(ii)(A) and (B), [40 C.F.R. §§ 262.17(a)(5)(ii)(A) and (B)], which incorporates by reference APC&EC Rule 23 Part 265, Subpart J, [40 C.F.R. Part 265, Subpart J], (except for Rule 23 §§ 265.197(c) and 265.200), [40 C.F.R §§ 265.197(c) and 265.200] as well as the applicable requirements of 40 C.F.R. Part 265, Subpart AA through CC.

52. Pursuant to APC&EC Rule 23 § 265.192(g), [40 C.F.R. § 265.192(g)], the owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of APC&EC Rule 23 §§ 265.192(b) through (f), [40 C.F.R. §§ 265.192(b) through (f)], to attest that the tank system was properly designed and installed and that repairs, pursuant to APC&EC Rule 23 §§ 265.192(b) through (d), [40 C.F.R. §§ 265.192(b) through (d)], were performed. These written statements must also include the certification statement as required in APC&EC Rule 23 § 270.11(d), [40 C.F.R. § 270.11(d)].

53. During the Investigation, EPA determined that Respondent did not create and/or keep the records for several tanks designated to accumulate hazardous waste necessary and as required by RCRA and the regulations in violation of APC&EC Rule 23 § 265.192(g), [40 C.F.R. § 265.192(g)].

54. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,000 and increased for inflation, per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, issued requiring compliance or both.

Claim 4: Failure to Comply with Subpart BB, Recording Keeping Requirements

55. The owner or operator is subject to APC&EC Rule 23 §§ 262.17(a)(5)(ii)(A) and (B), [40 C.F.R. §§ 262.17(a)(5)(ii)(A) and B]], which incorporates by reference APC&EC Rule 23 Part 265, Subpart J, [40 C.F.R. Part 265, Subpart J], (except for Rule 23 §§ 265.197(c) and 265.200), [40 C.F.R §§ 265.197(c) and 265.200] as well as the applicable requirements of 40 C.F.R. Part 265, Subpart AA through CC.

56. Pursuant to APC&EC Rule 23 Subsection BB, [40 C.F.R. Part 265, Subpart BB], owners and/or operator shall comply with the recordkeeping provisions of APC&EC Rule 23 § 265.1064(a)(1), [40 C.F.R. § 265.1064(a)(1)].

57. During the Investigation, EPA determined that Respondent did not comply with its record keeping requirements under 40 C.F.R. Part 265, Subpart BB in violation of 40 C.F.R. § 265.1064(a)(1).

58. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,000 and increased for inflation, per day of

noncompliance for each violation of a requirement of Subtitle C of RCRA, issued requiring compliance or both.

Claim 5: Failure to Make Hazardous Waste Determination

59. Pursuant to APC&EC Rule 23 § 262.11(f), [40 C.F.R. § 262.11(f)], the generator shall keep records that are sufficiently detailed and complete to support any contentions or claims made by the generator with respect to: the description; character; and classification of each waste.

60. During the Investigation, Chemours did not create records that are sufficiently detailed and complete to support all contentions or claims made by the generator with respect to: the description; character; and classification of each waste in violation of, APC&EC Rule 23 § 262.11(f), [40 C.F.R. § 262.11(f)].

61. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,000, and increased for inflation, per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, requiring compliance immediately or within a specific time period, or both.

V. COMPLIANCE ORDER

62. Respondent is hereby ordered pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and upon the effective date of this CAFO, and within the specific time period set forth in each Subparagraph below:

- a. **Solid Wastes:** Within ninety (90) days of the effective date of this CAFO, Respondent shall take necessary steps to ensure that it has made hazardous waste determinations for all Solid Waste generated by Respondent at the Site

after the Effective Date of the CAFO or currently stored at the Site and the determination, whether by testing or process knowledge, shall be documented in compliance with APC&EC Rule 23 §§ 262.11(a) through (f), [40 C.F.R. §§ 262.11(a) through (f)].

- b. **Tanks (including Sumps):** Within ninety (90) days of the effective date of this CAFO, Respondent shall take necessary steps to ensure that all storage tanks and sumps at the Site that are in service after the Effective Date of the CAFO and are intended to accumulate Hazardous Waste, excluding secondary containment sumps, comply with APC&EC Rule 23 Part 265, Subpart J, [40 C.F.R. Part 265, Subpart J], as is applicable to include documentations of Tanks integrity and compatibility certifications and the proper labeling of all Tanks.
- c. **Standard Operating Procedure:** Respondent shall develop and/or revise its existing Standard Operating Procedure ("SOP") for its secondary containment sumps at the Site to address the issues identified in the Investigation, particularly the need to isolate the sumps in the event they come to hold released wastes and to obtain and to keep records of sump decontamination after such a release, with enough specificity for EPA and/or the state to determine how the implementation of the SOP would aid in accomplishing compliance with RCRA, and the regulations promulgated thereunder. The first draft of the SOP shall be shared with EPA within ninety (90) days of the effective date of this CAFO, not to be approved, but rather for EPA to review and provide comments that Respondent will be required to incorporate before it can certify to the

completeness of this CAFO requirement. Including with the SOP Respondent shall provide EPA with a current drawing of all its waste management units, include notation for influents and effluents, points of waste generation, and the associated process unit(s).

- d. **Required Certification:** For all actions required by this Compliance Order, Respondent shall certify in writing to EPA that it has completed the required corrective action and that the Site is now in compliance with that RCRA requirement, and the regulations promulgated thereunder, and said notification shall be submitted to EPA seven (7) days after the date each category of required action is completed.

63. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer or officer's designee of Respondent and shall include the following certification:

I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- a. Copies of all documents required by this CAFO may be sent to the following:

U.S. EPA, Region 6
Enforcement and Compliance Assurance Division
RCRA Enforcement Section ("ECDSR")
1201 Elm St., Suite 500
Dallas, TX 75270
Attn: Mr. Dale Thrush

64. In the alternative and as set forth in Subsection iv of Section VI of this CAFO (Notification), documents required by this CAFO may be sent to Mr. Dale Thrush via email at Thrush.Dale@epa.gov.

VI. TERMS OF SETTLEMENT

i. Penalty Provisions

65. Pursuant to the authority granted in Section 3008(g) of RCRA, 42 U.S.C. § 6928(g) and upon consideration of the entire record herein, including the above referenced Factual Allegations and Alleged Violation, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violation, and Respondent's good faith efforts to comply with the applicable regulations, Respondent's cooperation throughout the negotiation and information provided to EPA, Region 6 during the Investigation, it is ordered that Respondent be assessed a civil penalty of \$98,825.00 (Ninety-Eight Thousand, Eight Hundred and Twenty-five Dollars) to paid within Thirty (30) days of the Effective Date of this CAFO.

Payments shall be made by The Chemours Company FC, LLC by one of the following methods:

- a. By mailing a bank check, cashier's check, or certified check payable to "Treasurer, United States," to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979078
St. Louis, MO 63197-9000

- b. By wire transfer to:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address: FRNYUS33

33 Liberty Street
New York, NY 10045
Beneficiary: US Environmental Protection Agency
*Note: Foreign banks must use a United States Bank to send wire transfer to the US EPA

- c. By signed receipt confirmation (FedEx, DHL, UPS, USPS certified, registered, etc.) a bank check, cashier's check, or certified check payable to: Treasury, United States," to the following address:

U.S. Environmental Protection Agency
Government Lockbox 979078
US EPA Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Phone: 1-314-418-1028

- d. By Automatic clearing house (ACH) payment through Vendor Express using:

US Treasury REX/Cashlink Receiver
ABA: 051036706
Account number 310006 Environmental Protection Agency
CTX Format Transaction Code 22 -checking
Physical Location of US Treasury Facility:
5700 Rivertech Court
Riverdale, MD 20737
Remittance Express (REX): 1-866-234-5681

- e. Through www.pay.gov using a credit or debit card (Visa, MasterCard, American Express, and Discovery) or checking accounting information.

"In the matter of Chemours Group, Docket No. RCRA-06-2025-0960" shall be clearly marked on the check or other remittance, to ensure proper credit. Respondent's adherence to this request will ensure proper credit is given when penalties are received in EPA, Region 6.

66. The Respondent shall send a simultaneous notice of such payment to the following:

Ms. Lorena S. Vaughn
Regional Hearing Clerk (ORCD)

U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75202-2733
Vaughn.Lorena@epa.gov

Jeff Yurk, Manager
Waste and Chemical Enforcement Branch (ECDS)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Attn: Mr. Dale Thrush
Thrush.Dale@epa.gov

Your adherence to this request will ensure proper credit is given when penalties are received in EPA, Region 6.

67. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of process and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a fifteen dollar (\$15.00) administrative handling charge for administrative costs on unpaid penalties for the thirty (30)-day period after the payment is due and an additional fifteen dollars (\$15.00) for each subsequent thirty (30)-day period the penalty remains unpaid. In

addition, a penalty charge of up to six percent (6%) per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days 40 C.F.R. § 13.11(b).

68. Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

ii. Stipulated Penalties

69. In addition to any other remedies or sanctions available to EPA, Region 6, if the Respondent fails or refuses to comply with any provision of this CAFO and within the agreed upon time period, then the Respondent shall pay stipulated penalties in the following amounts for each day during which each failure or refusal to comply continues:

<u>Period of Failure to Comply</u>	<u>Penalty Per Violation Per Day</u>
1st through 15th day	\$3,000.00
16th through 30th day	\$5,000.00
31st day and beyond	\$10,000.00

70. Penalties shall accrue from the date of the noncompliance until the date the violation is corrected and/or compliance is achieved, as determined by EPA, Region 6. The payment of stipulated penalties shall be made in accordance with the options set forth in Subsection VI.I. (Penalty Provision) of this CAFO.

71. The Respondent shall send simultaneous notices of such payments to the following:

Ms. Lorena S. Vaughn
Regional Hearing Clerk (ORCD)
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Vaughn.Lorena@epa.gov

Jeff Yurk, Manager
Waste and Chemical Enforcement Branch (ECDS)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Attn: Mr. Dale Thrush
Thrush.Dale@epa.gov.

Manager, RCRA Legal Branch (ORC-R)
Office of Regional Counsel
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Attn: Ms. Christyn Cavazos
Cavazos.Christyn@epa.gov.

72. Adherence to these procedures in addition to Respondent's compliance with the provisions of Section VI, concerning interest, penalties, and administrative costs, will ensure proper credit when payments are received.

73. If Respondent disputes the basis for imposition of stipulated penalties, then the issue shall be resolved under the Dispute Resolution procedures of this CAFO. All stipulated penalties shall continue to accrue through the period that the dispute resolution is ongoing. Invoking dispute resolution shall not stay the accrual of stipulated penalties; however, the obligation to pay shall be stayed pending resolution of the dispute.

iii. Dispute Resolution

74. If Respondent objects to any decision or directive of EPA, Region 6 regarding Section V (Compliance Order) or Subsection VI.ii. (Stipulated Penalties), then Respondent shall notify the following persons in writing of its objections, and the basis for those objections, within fifteen (15) calendar days of receipt of EPA's decision or directive:

Jeff Yurk, Manager
Waste and Chemical Enforcement Branch (ECDS)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Attn: Mr. Dale Thrush
Thrush.Dale@epa.gov.

Manager, RCRA Legal Branch (ORC-R)
Office of Regional Counsel
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Attn: Ms. Christyn Cavazos
Cavazos.christyn@EPA.gov.

75. The Waste and Chemical Enforcement Branch Manager ("Branch Manager") or his/her designee and the Respondent shall then have an additional fifteen (15) calendar days from EPA, Region 6's receipt of the Respondent's written objections to attempt to resolve the dispute. If an agreement is reached between the Branch Manager and the Respondent, the agreement shall be reduced to writing and signed by the Branch Manager and the Respondent and incorporated by reference into this CAFO.

76. If no agreement is reached between the Branch Manager and the Respondent within that time, then the dispute shall be submitted to the Director of the Enforcement and Compliance Assurance Division ("Division Director") or his/her designee. The Division Director and the Respondent shall then have a second fifteen (15) day period to resolve the dispute. If an agreement is reached between the Division Director and the Respondent, then the resolution shall be reduced to writing and signed by the Division Director and Respondent and incorporated by reference into this CAFO. If the Division Director and the Respondent are unable to reach agreement within this second fifteen (15) day period, then the Division Director

shall provide a written statement of EPA, Region 6's decision to the Respondent, which shall be binding upon the Respondent and incorporated by reference into the CAFO.

77. If the Dispute Resolution process results in a modification of this CAFO, the modified CAFO must be approved by the Regional Judicial Officer and filed pursuant to the Subsection on Modification, below.

iv. Notification

78. Unless otherwise specified elsewhere in this CAFO whenever written notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the email addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other party that another individual has been designated to receive the communication:

EPA: Jeff Yurk, Manager
Waste and Chemical Enforcement Branch (ECDS)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Attn: Mr. Dale Thrush
Thrush.Dale@epa.gov.

Respondent: Aaron Heishman
Environmental Counsel
The Chemours Company FC, LLC
1007 Market Street P.O. Box 2047
Wilmington, Delaware 19899 US

Aaron.heishman@chemours.com

Copies to: Todd Coomes
Deputy General Counsel
The Chemours Company FC, LLC
1007 Market Street P.O. Box 2047
Wilmington, Delaware 19899 US

Todd.Coomes@chemours.com

Jonathan Wardell
Plant Manager
322 Southfield Cutoff
El Dorado, Arkansas 71730
Jonathan.Wardell@chemours.com

v. Modification

79. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of all parties, and approved by a Regional Judicial Officer, and such modification or amendment being filed with the Regional Hearing Clerk.

vi. Retention of Enforcement Rights

80. EPA, Region 6 does not waive any rights or remedies available to EPA for any other violations by the Respondent of Federal or State laws, regulations, or permitting conditions.

81. Except as specifically provided in this CAFO, nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health, welfare, or the environment, or prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants, contaminants, hazardous substances on, at or from each of Respondent's Facility. Furthermore, nothing in this CAFO shall be construed to

prevent or limit EPA's civil and criminal authorities, or that of other federal, state, or local agencies or departments to obtain penalties or injunctive relief under other federal, state, or local laws or regulations.

vii. Indemnification

82. Neither EPA nor the United States Government shall be liable for any injuries or damages to person or property resulting from the acts or omissions of the Respondent, its officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this CAFO, nor shall EPA or the United States Government be held out as a party to any contract entered into by a Respondent in carrying out the activities required by this CAFO.

viii. Record Preservation

83. Respondent shall preserve, during the pendency of this CAFO, all records in its possession or in the possession of its, employees, agents, contractors, or successors, which relates to Respondent's completion of the requirements of Section V (Compliance Order) of this CAFO regardless of any document retention policy to the contrary.

ix. Cost

84. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

x. Tax Reporting

85. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to annually send to the Internal Revenue Service ("IRS"), 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 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." 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). Respondent's 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. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable.

- 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 EPA's Cincinnati Finance Division at Chalifoux.jessica@epa.gov, on or before the date that Respondent's initial penalty payment is due, pursuant to Paragraph 65 of this CAFO, or within 7 days should the order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.

- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by IRS.

xi. Termination and Satisfaction

86. When Respondent believes that it has complied with all the requirements of this CAFO, including the payments of the Subsection VI.i. (Civil Penalty), which further includes calculated interest payments, Respondent shall certify in writing and in accordance with the certification language set forth in Section V (Compliance Order), Paragraph 63 of this CAFO. Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, this CAFO will be terminated based on EPA's receipt of Respondent's certification.

87. This CAFO resolves the claim and violation as set forth in Section IV, Factual Allegations and Alleged Violation. Further, Respondent is released from all liabilities for federal civil penalties for the violation alleged in this CAFO that relate to the Facility identified in Paragraph 1 of this CAFO as provided in 40 C.F.R. 40 C.F.R. § 22.18(c).

xii. Effective Date of Settlement

88. This CAFO, and any subsequent modifications, become effective upon filing with the Regional Hearing Clerk.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND

FINAL ORDER:

FOR THE RESPONDENT:

The Chemours Company FC, LLC

Date: 10/1/2025


Signature

Jonathan Wardell

Plant Manager, El Dorado, AR

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND

FINAL ORDER (cont.):

FOR THE COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: _____

Margaret Osborne
Digitally signed by
MARGARET OSBOURNE
Date: 2025.10.06
09:28:06 -05'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondent (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 10/28/2025


Regional Judicial Officer
Thomas Rucki


Renea Ryland

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing RCRA Consent Agreement and Final Order, Docket No. RCRA-06-2025-0960, was filed with me, the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm St., Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in following manner to the email addresses below:

Copy via Email to Complainant, EPA:

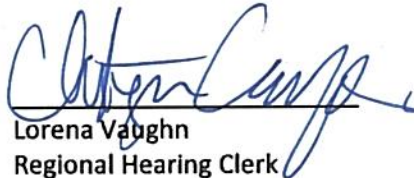
Cavazos.christyn@EPA.gov

Copy via Email to Respondent:

aaron.heishman@chemours.com

Jonathan.Wardell@chemours.com

The Chemours Company FC, LLC
322 Southfield Cutoff
El Dorado, Arkansas 71730

A handwritten signature in blue ink, appearing to read 'Lorena Vaughn', is written over a horizontal line.

Lorena Vaughn
Regional Hearing Clerk
Office of Regional Counsel
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270-2102