



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 Broadway
New York, NY 10007-1866

MAY 20 2016

Bernard J. Reilly
Corporate Counsel
The Chemours Company
1007 Market Street, Room 7054
Wilmington, Delaware 19899

Re: Class I Permit Modifications, RCRA HSWA Permit,
Pompton Lakes Works Site, Pompton Lakes, New Jersey
EPA ID Number: NJD002173946

Dear Mr. Reilly:

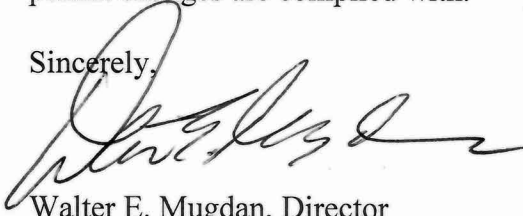
This is response to your letter of May 10, 2016 in which you requested that EPA approve proposed Class 1 permit modifications for the above-referenced RCRA HSWA permit to complete the transfer of the permit from DuPont to the Chemours Company FC, LLC, a wholly owned subsidiary of the Chemours Company, and to modify Module III of the permit by the addition of a Section III. E. that contains administrative provisions with respect to accessing financial assurance.

Effective July 1, 2015, The Chemours Company, which now owns the Pompton Lakes Works, became an independent company. Chemours and DuPont notified EPA concerning the ownership change more than 90 days prior to July 1, 2015, and provided an amended RCRA Hazardous Waste Part A Permit Application in connection with the request. Chemours and DuPont also submitted an Agreement signed by both parties whereby Chemours agreed to accept all permit responsibility. Chemours FC, LLC has been performing permit requirements since July 1, 2015, and has submitted financial assurance documentation with respect to approved corrective measures and interim corrective measures.

Based on EPA's review, I conclude that the regulatory requirements relating to a permit transfer have been met with respect to each requested modification. A Permit Modification to transfer the permit from DuPont to the Chemours Company FC, LLC is hereby approved as a Class 1 modification, pursuant to 40 CFR § 270.40(b), effective as of the date of this letter. Pursuant to 40 CFR § 270.42(d), I also approve the proposed Class 1 permit modification of Module III of the permit by the addition of a Section III. E., as set forth on the enclosed document.

Please ensure that the regulatory requirements set forth in 40 C.F.R. § 270.42(a) with respect to notification of persons on the facility mailing list and units of state and local government of these permit changes are complied with.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter E. Mugdan", written over the word "Sincerely,".

Walter E. Mugdan, Director
Emergency & Remedial Response Division

Enclosure

RCRA Permit Modification

Pompton Lakes, New Jersey Facility

EPA Id. No. NJD002173946

Module III E.

11. Access to Financial Assurance.

a. In the event that EPA determines that Permittee has failed to perform the approved Corrective Action, is seriously or repeatedly deficient or late in its performance of the Corrective Action, or is implementing the Corrective Action in a manner that may cause an endangerment to human health or the environment, EPA may issue a written notice ("Performance Failure Notice") to the Permittee.

b. Any Performance Failure Notice issued by EPA (which writing may be electronic) will specify the grounds upon which such a notice was issued and will provide the Permittee with a period of 20 days within which to remedy the circumstances giving rise to the issuance of such notice, or such additional time period that EPA may determine may be reasonable in the existing circumstances.

c. If the Permittee fails to remedy the circumstances giving rise to EPA's issuance of the relevant Performance Failure Notice to EPA's satisfaction before the expiration of the notice period specified in Paragraph 11.b, then, in accordance with any applicable financial assurance mechanism, EPA is entitled to:

- (1) require that any funds guaranteed by a surety bond, or other financial assurance instruments, be deposited into the Standby Trust fund, or newly created trust fund approved by EPA.
- (2) Permittee shall grant access to the facility site to contractors and/or consultants engaged by the Standby Trust to perform the corrective action.

d. Permittee may invoke the procedures set forth in Module I., M. Dispute Resolution to dispute EPA's determination concerning any of the circumstances giving rise to EPA's issuance of a Performance Failure Notice specified in Paragraph 11 a.

