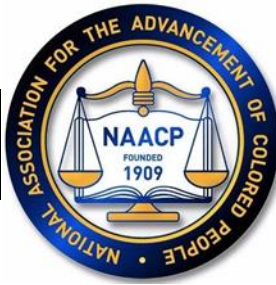


Mr. Carl L. Parker, President
Brunswick County Branch #5452



Ms. Deborah Dicks Maxwell, President
New Hanover County Branch #5424

April 4, 2020

Sheila Holman
North Carolina Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699

Re: Chemours' Corrective Action Plan (CAP) comments.

On behalf of the all of the active members of the Brunswick County Branch and New Hanover Branch of the National Association for the Advancement of Colored People who are seamlessly a part of our 2,200 branches and some half million members worldwide, we offer this joint letter containing our collective comments because we believe that protecting our drinking water resources from pollution is a basic human right and vital necessity for a healthy and productive society. Unfortunately, the chemicals that Chemours and others have dumped into our primary drinking water source, the Cape Fear River, now jeopardizes that human right. Regrettably, the real tragedy here in our Lower Cape Fear River area will be the challenge of the high costs of advanced water treatment associated with making our river water source drinkable again.

To compound that problem, water rates are already unaffordable for many of the households in our area and is forecasted to be more severe in the next five years to financially vulnerable households in our Lower Cape Fear River area. Access to clean, safe water is critical to all of us living downstream of Chemours. Affordable access to this basic service is essential to protecting the health and wellness of vulnerable or disadvantaged populations. And yet, this so-called CAP totally fails to address this unfolding tragedy. There is not one single passage, chapter or reference in this CAP that addresses the environmental injustice caused by the discharge of Chemours chemicals to our water supply. It is clear to us that communities of all sizes downstream of Chemours will be struggling to reliably provide clean, safe drinking water at reasonable rates. However, we also know that our disadvantaged families will face a disproportionate share of those economic and environmental burdens.

When water bills become unmanageable for a low-income household, missed payments and a delinquent account can turn into disconnection or shut-off from the system, an outcome with many negative impacts for both the customer and our utilities. A disconnected water service practically makes a home uninhabitable and can have the same effect as eviction. Alternatively, some low-

income households may absorb the cost of rising rates in the form of rent increases. As water rates rise, more and more our households will lack the ability to pay for services that are critical to human life.

It is our understanding that under the Title VI Section of the Civil Rights Act of 1964, any agency receiving federal money cannot discriminate on the basis of race, color or national origin. It is a basic accountability system: if a recipient receives federal funds, that recipient cannot use those funds to discriminate. Discrimination need not be intentional. It includes any decision that has an unjustified, unequal impact. We believe that any federal funds used by NC DEQ or your contractors for any matter, action or oversight related to this CAP effort establishes a responsibility for the State of North Carolina to adhere to Title VI section of the Civil Rights Act of 1964.

History has clearly defined that where we live has direct bearing on our well-being. For us living in the Lower Cape Fear region it seems that our postal code will now determine the health of our citizens who live here. We know that our poorer communities will continue to bear the physical, emotional and financial brunt of Chemours harmful pollution of our drinking water source delivered by way of the Cape Fear River. Chemours' mistreatment of marginalized communities downstream of its Fayetteville plant is unconscionable and discriminatory.

We believe that the State of North Carolina must undertake multi-pronged actions and solutions to the Chemours caused environmental catastrophe that go far beyond this meagerly drafted correct action plan. With that, we ask you please respond to our comments:

Comment 1: Please explain why there is a total failure to address issues of Environmental Justice in the Chemours CAP. Nowhere in the entire consent document is the term Environmental Justice even mentioned. Environmental Justice is defined by the EPA as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies." The EPA further explains, "Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies." The pollution caused by Chemours and others represents "a disproportionate share of negative environmental consequences" falling on the backs of the nearly 130,000 people who are at or below the federal poverty line in five counties from Cumberland to Brunswick County along the Cape Fear River. To us, the down-streamers, this is an untenable situation that neither NC DEQ nor Chemours has had the inclination or desire to address.


- Comment 2: Please explain why we who live and work downstream of the Chemours Fayetteville facility have to pay excessive and unjustified utility rates for so-called “potable” water that we can’t drink.
- Comment 3: Do you agree with CFPUA and Brunswick County utilities position that our proposed state-of-the-art water treatment plants are not optional and are desperately needed for those that live downstream to remove Chemours, et al contaminants from our drinking water?
- Comment 4: Do you agree with our position that higher water service rates will have a disproportional impact on our marginalized groups and individuals, such as those among us living in poverty including the disabled, pregnant or lactating women, veterans, homeless people, and residents of unincorporated areas of our county?
- Comment 5: Do you agree with our opinion that raising our water rates is not a sustainable solution to clean up the pollution caused by those like Chemours that make large profits from abusing our critical drinking water resource?
- Comment 6: Do you agree with our position that drinking water “sustainability” means giving us our water back as clean as or cleaner than it was given to Chemours in the first place?
- Comment 7: Considering the circumstances surrounding the Chemours pollution, can you explain why the State of North Carolina has not yet enacted any “anti-shutoff” legislation that states that no water service disconnect for customers at or below the Federal poverty level or if the customer is blind, disabled, handicapped or households with a baby 24 months old or younger that has discharge papers from a hospital on which the attending physician indicated utility service is a necessity for the health and wellbeing of the baby?
- Comment 8: We believe that the “GAC Flow-Through Cell” design is fatally flawed. It is known that Granular Activated Carbon (GAC) “adsorbs” PFAS compounds. It is also known that GAC has a limited ability to adsorb PFAS. The GAC that is designed to fill wire baskets will have an unpredictable design life. When GAC breakthrough occurs, we can find no method that is proposed in this plan to adequately and safely clean out and replace the expired GAC from the cells in such a way to prevent large slug loads of PFAS or other contaminants from sluffing into the river and traveling downstream into our watersheds and drinking water system intakes.
- Comment 9: Why was there absolutely no mention or reference to any industry wide standards or “Best Management Practices” (BMPs) for the proposed corrective actions offered in this plan? BMPs are tried and true methods that have been determined to be the most effective and practical means of preventing or reducing non-point source

pollution to help achieve water quality goals. BMPs include both measures to prevent pollution and measures to mitigate pollution.

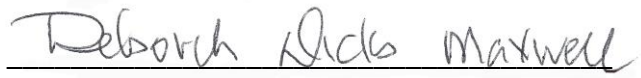
Comment 10: Why did you not perform risk and uncertainty analysis as part of this CAP? It would seem that by analyzing the risk and uncertainty of the probable outcomes of the key components of this CAP could lead to identifying ways in which the project could be made more robust and to ensure that the risks that remain are well managed.

Please know that we, the members of the NAACP Branches of Brunswick and New Hanover Counties, constantly strive to improve and empower the lives of the people we serve. For all of those that we serve and our members we ask for your kind consideration and actions on each of the comments that we have brought forward to you in this letter.

Sincerely,



Carl Parker, President
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P.O. Box 364, Supply, NC 28462



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PO Box 2199, Wilmington, NC 28402.