



December 3, 2020

MR BRADLEY S NAVE
CHEMOURS CORPORATE REMEDIATION GROUP
THE CHEMOURS COMPANY
500 W JEFFERSON ST STE 1600
LOUISVILLE KY 40202

SUBJECT: Extension and Modification Approval
Hazardous Waste Remediation Variance
The Chemours Company
Former DuPont Barksdale Works, Barksdale, Wisconsin
EPA ID#: WIR000133447 - WDNR BRRTS Activity #02-04-000156

Dear Mr. Nave:

On May 18, 2017, the Department of Natural Resources (Department) issued conditional approval of a Hazardous Waste Remediation Variance (HWRV) regarding the subject facility pursuant to s. NR 670.079, Wis. Adm. Code, to allow for continued removal and treatment of residual product and debris. This allowed The Chemours Company (Chemours) to conduct field-scale testing of biodegradation of nitroaromatic and nitramine organic constituents (NNOCs) present in select site soils, to occur in a number of different pilot cells constructed to evaluate various combinations of NNOCs found in the former manufacturing areas. The HWRV was granted for 5 years in accordance with s. NR 670.079, Wis. Adm. Code and was scheduled to expire on May 18, 2022.

In a letter dated July 20, 2020, you requested the Department's approval to modify the HWRV to allow for the following:

- The use of low temperature, thermally assisted particle size reduction.
- A one-year extension to the HWRV, which would move the expiration date of the permit to May 18, 2023, because of challenges caused during 2020 due to COVID-19.

With this letter, the Department is conditionally approving the July 20, 2020 request.

Condition 6 of the current HWRV approval states, "Modifications to this remediation variance shall be submitted as a Class 1 modification request requiring Department review and approval in accordance with s. NR 670.042(1), Wis. Admin. Code." The submittal shall include the appropriate fee stated in ch. NR 670, Wis. Adm. Code, Appendix II. Chemours has provided payment in the amount of \$400.00 as required for Class 1 modifications.

Section NR 670.079(2)(c) establishes that a remediation variance may be extended only after opportunity for a public hearing. Accordingly, Chemours published a Class I public notice in the Ashland Daily Press on August 25, 2020. The department did not receive any comments or hearing requests.

FINDINGS OF FACT

The Department finds that:

1. Remediation activities are occurring at the subject site as required by chs. NR 700 through 758, Wis. Adm. Code under BRRTS Activity #02-04-000156.
2. According to Department records:
 - a. Bretting Development Corporation (BDC) owns the property located at 72315 State Highway 13, Barksdale, Bayfield County, Wisconsin (the DuPont Property).
 - b. Bradley Nave of The Chemours Company FC LLC (Chemours), 500 West Jefferson Street, Suite 1600, Louisville, Kentucky, 40202, is the contact for remedial activities at the DuPont Property. As a result of a corporate reorganization, Chemours assumed remediation operations at the DuPont Property on February 1, 2015. Chemours was separated from the E.I. du Pont de Nemours & Company (DuPont) as a stand-alone, publicly traded company on or about July 1, 2015.
3. On May 22, 2012, the Department issued conditional approval of a Hazardous Waste Remediation Variance (HWRV) regarding the subject facility to allow removal and treatment of residual product and debris to facilitate the remediation work.
4. On May 19, 2017, the Department issued conditional approval of a Hazardous Waste Remediation Variance (HWRV) regarding the subject facility to allow for continued removal and treatment of residual product and debris.
5. In a letter dated July 20, 2020, Chemours requested the Department's approval to modify the HWRV to allow for the use of low temperature thermally assisted particle size reduction, and to provide for a one-year extension to the HWRV. This request included and made reference to previous requests dated February 6, 2020 and April 23, 2020.
6. Chemours has provided payment in the amount of \$400.00 as required for Class 1 modifications.
7. Chemours published a Class I public notice in the Ashland Daily Press on August 25, 2020. The department did not receive any comments or hearing requests.

CONCLUSIONS OF LAW

1. The Department promulgated chs. NR 660 to 679, Wis. Adm. Code, establishing the minimum requirements for hazardous waste management under the authority of ss. 291.001 through 291.97, Wis. Stats.
2. The Department has the authority under s. NR 670.079(1), Wis. Adm. Code, to issue a remediation variance from the requirements of s. 291.25, Wis. Stats., if it determines that the application for or compliance with the terms or conditions of any license required under chs. NR 660 to 679 would cause undue or unreasonable hardship and the remediation variance would not result in undue harm to human health or the environment.
3. The Department has the authority under s. NR 670.079(2)(d), Wis. Adm. Code, to revoke the remediation variance at any time if it is determined that revocation is appropriate to protect human health or the environment.

4. The Department has the authority under s. NR 670.079(2)(e), Wis. Adm. Code, to require compliance with the appropriate requirements of chs. NR 660 to 679 and chs. NR 700 to 750, Wis. Adm. Code as a condition of issuance, in order to protect human health or the environment.
5. The Department has the authority under s. 291.31, Wis. Stats., and s. NR 670.079(4), Wis. Adm. Code, to issue the following conditional remediation variance.

FINAL DETERMINATION AND CONDITIONS OF ISSUANCE

The Department hereby grants Chemours approval of its request dated July 20, 2020 to modify the previously approved remediation variance dated May 19, 2017, subject to the following conditions:

1. Remedial operations and activities shall be consistent with the provisions of the July 20, 2020 letter.
2. All conditions of the May 19, 2017 approval remain effective. Regarding Condition 10, please change the report addressee name for the Waste & Materials Management Program Manager (in Eau Claire, WI) to John Morris.
3. A copy of this approval and the HWRV must be kept by Chemours on the Barksdale Works Property, and made available to field staff conducting and observing the variance activities and the hazardous waste activities on the Barksdale Works Property.
4. Chemours shall ensure compliance with the remediation waste management site requirements of s. NR 664.0001(10), Wis. Adm. Code.

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Wis. Stats., establish criteria for filing a petition for judicial review. You have 30 days after the decision is mailed or otherwise served by the Department to file your petition with the appropriate circuit court and serve the petition on the Department. The petition shall name the Department of Natural Resources as the respondent.

If you have any questions regarding this matter, please contact DNR Project Manager Phil Richard by phone at 715-661-0125 or by email at Philip.Richard@wisconsin.gov. You can also contact me at 715-208-4004 or by email at Christopher.Saari@wisconsin.gov.

Sincerely,



Christopher A. Saari
Northern Region Team Supervisor
Remediation and Redevelopment Program

cc: Cary Pooler – AECOM, Louisville, Kentucky
Paul Bretting – Bretting Development Corp.
Phil Richard – WDNR Park Falls
John Morris – WDNR Eau Claire
Doug Coenen – WDNR Madison
Judy Fassbender – WDNR Madison