

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**WEST VIRGINIA RIVERS
COALITION, INC.,**

Plaintiff,

v.

Civil Action No. _____

THE CHEMOURS COMPANY FC, LLC,

Defendant.

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND FOR CIVIL PENALTIES**

1. This is a citizen suit for declaratory and injunctive relief as well as for civil penalties against Defendant Chemours Company FC, LLC (“Chemours”), for violations of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq. (“Clean Water Act” or “CWA”) at the Chemours Washington Works Plant in Wood County, West Virginia.

2. As detailed below, Plaintiff alleges that Chemours has discharged and continues to discharge pollutants into waters of the United States in violation of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311, 1342. As a result, Chemours has violated and continues to violate “an effluent standard or limitation.” 33 U.S.C. §§ 1365(f)(1), (f)(7). Plaintiff seeks declaratory and injunctive relief, as well as civil penalties, for those violations pursuant to Section 505 of the CWA. 33 U.S.C. §§ 1365(a), 1319(d).

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question) and 33 U.S.C. § 1365 (CWA citizen suit provision).

4. On April 26, 2024, Plaintiff mailed notice of the violations and its intent to file suit in letters addressed to the Defendant, the United States Environmental Protection Agency (“EPA”), and the West Virginia Department of Environmental Protection (“WVDEP”), as required by Section 505(b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A).

5. More than sixty (60) days have passed since the notice letters were sent. On information and belief, neither EPA nor WVDEP have commenced or diligently prosecuted a civil or criminal action to redress Chemours’s violations. Moreover, neither EPA nor WVDEP has commenced an administrative penalty action under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), or a comparable state law to adequately redress the violations within the notice letters.

6. Venue in the Southern District of West Virginia is proper pursuant to Section 505 of the CWA, 33 U.S.C. § 1365(c)(1), because the sources of the CWA violations are located in this District.

7. Chemours is a West Virginia corporation engaged in the business of chemical manufacturing. Chemours holds WV/NPDES Permit No. WV0001279 for its “Chemours Washington Works” chemical plant in Washington, West Virginia.

8. Chemours is a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

9. Plaintiff West Virginia Rivers Coalition, Inc., is a nonprofit organization incorporated in West Virginia. It has approximately 1,000 members. It works to promote the overall health of West Virginia’s waters and their downstream benefits. It not only seeks preservation of high-quality waters but also the improvement of waters that should be of higher quality. West Virginia Rivers Coalition, Inc., is dedicated to conserving and restoring West Virginia’s exceptional rivers and streams.

10. Plaintiff's member Charlise Robinson lives near and views the Ohio River at or around the Washington Works Plant and is offended by it because of its contamination by Chemours. She does not use the Ohio River for recreation because of Chemours's unlawful discharges, and her drinking water from the Lubeck water system is contaminated due to Chemours's historical and current operations. Additionally, Plaintiff's member Eric Engle used to fish the Ohio River downstream of Chemours and otherwise recreate in the River, but has minimized his use of the River for such purposes after understanding the extent of Chemours's pollution of the River with PFAS and other harmful substances. He too lives and works near the River at or around the Washington Works Plant and his enjoyment of the River is diminished because of Chemours' unlawful pollution.

11. The Ohio River receives discharges from the Chemours Washington Works Plant directly from Outlets 001, 002, and 005, as well as indirect discharges because the Ohio River is very close to the discharge point into the unnamed tributary of Page Run at Outlet 006. The use and enjoyment of the Ohio River by Plaintiff's members, including Ms. Robinson and Mr. Engle, are adversely affected by Chemours's unlawful discharges.

12. As a result of Chemours's unlawful discharges, Plaintiff's members' environmental, aesthetic, and recreational interests are adversely affected. If those unlawful discharges ceased as a result of relief ordered by this Court, then the harm to the interests of Plaintiff's members would be redressed. An injunction would redress Plaintiff's members' injuries by preventing future violations of the limits in Chemours's permits. Civil penalties would deter future violations.

13. At all relevant times, Plaintiff was and is a "person" as that term is defined by the CWA, 33 U.S.C. § 1362(5).

STATUTORY AND REGULATORY FRAMEWORK

14. Section 505(a) of the CWA, 33 U.S.C. § 1365(a), provides that “any citizen may commence a civil action . . . against any person . . . who is alleged to be in violation of . . . an effluent standard or limitation under this chapter.”

15. Section 505(f) of the CWA, 33 U.S.C. § 1365(f), defines an “effluent standard or limitation under this chapter” for purposes of the citizen suit provision to mean, among other things, an unlawful act under Section 301(a) of the CWA, 33 U.S.C. § 1311(a), or a “permit or condition thereof” issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342(a). 33 U.S.C. §§ 1365(f)(1), (f)(7).

16. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the “discharge of any pollutant by any person” into waters of the United States, except in compliance with the terms and conditions of a permit, including National Pollution Discharge Elimination System (“NPDES”) permits issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

17. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that the permit-issuing authority, such as WVDEP, may issue a NPDES Permit that authorizes the discharge of any pollutant directly into waters of the United States, upon the condition that such discharge will meet all applicable requirements of the CWA and such other conditions as the permitting authority determines necessary to carry out the provisions of the CWA.

18. The Administrator of EPA authorized WVDEP, pursuant to Section 402(a)(2) of the CWA, 33 U.S.C. § 1342(a)(2), to issue NPDES permits on May 10, 1982. 47 Fed. Reg. 22363. The applicable West Virginia law for issuing NPDES permits is the Water Pollution Control Act, W. Va. Code § 22-11-1, et seq. Accordingly, NPDES permits issued by WVDEP are subject to the

prohibitions and limitations described above under Sections 301 and 402 of the CWA, and to enforcement under Section 505 of the CWA.

19. Any discharge that exceeds the effluent limitations of an applicable NPDES permit constitutes an unlawful discharge in violation of Sections 301 and 505 of the CWA.

20. In an action brought under Section 505(a) of the CWA, 33 U.S.C. § 1365(a), the district court has jurisdiction to order the defendant to comply with the CWA and to assess civil penalties.

21. Under Section 505(d) of the CWA, 33 U.S.C. § 1365(d), the court “may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party, whenever the court determines such an award is appropriate.”

22. Section 309(d) of the CWA, 33 U.S.C. § 1319(d), provides that any person who violates Section 301 of the CWA, 33 U.S.C. § 1311, or violates any permit condition or limitation thereof issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, “shall be subject to a civil penalty” payable to the United States of up to \$25,000 per day for each violation.

23. Pursuant to the Federal Civil Penalties Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114-74, this Court may assess a civil penalty of up to \$66,712 per day for each violation that occurred after November 2, 2015. 40 C.F.R. § 19.4; *Civil Monetary Penalty Inflation Adjustment*, 88 Fed. Reg. 89,309 (Dec. 27, 2023).

FACTUAL BACKGROUND

24. At all relevant times, Chemours has held WV/NPDES Permit No. WV0001279, which regulates discharges from Chemours’s “Chemours Washington Works Plant,” a large chemical facility in Wood County, West Virginia.

25. WV/NPDES Permit No. WV0001279 was issued on July 30, 2018. It became effective on September 1, 2018, and was set to expire on July 29, 2023. On January 27, 2023, Chemours requested an extension for its permit renewal application until February 24, 2023. That request was granted by the WVDEP on the same day. Chemours submitted its permit renewal application by February 24, 2023. Thereafter, WVDEP purported to administratively extend WV/NPDES Permit No. WV001279.

26. WV/NPDES Permit No. WV0001279 requires compliance with limits on perfluorooctanoic acid (“PFOA”) and hexafluoropropylene oxide-dimer acid (also known as HFPO-DA or GenX) (hereinafter, collectively, “PFAS Parameters”) at Outlets 001, 002, 005, and 006, as set out in Part A of the permit. However, Chemours was given a compliance schedule for these parameters at these Outlets until January 1, 2022, at which time more stringent limits went into place, as summarized in the table below:

Outlet	Parameter	Type of Limit	9/1/2018 to 12/31/21 (2018 Permit & Permit Modification No. 5)	Limits Effective 1/1/22 (2018 Permit & Permit Modification No. 5)	Units
001	HPFO-DA	Daily Maximum	Report Only	2	ug/L
		Monthly Average	Report Only	1.4	ug/L
002	HPFO-DA	Daily Maximum	32	2.3	ug/L
		Monthly Average	9	1.4	ug/L
	PFOA	Daily Maximum	18	3.3	ug/L
		Monthly Average	18	2	ug/L
005	HPFO-DA	Daily Maximum	43	2.3	ug/L
		Monthly Average	15	1.1	ug/L
	PFOA	Daily Maximum	2	0.7	ug/L
		Monthly Average	2	0.3	ug/L
006	HPFO-DA	Daily Maximum	Report Only	0.204	ug/L
		Monthly Average	Report Only	0.14	ug/L

The permit requires weekly monitoring for the PFAS parameters.

27. The PFOA limits at Outlets 002 and 005 in Chemours's 2018 NPDES permit were based on EPA's 2016 human health advisory level of 70 parts per trillion (ppt) for PFOA and PFOS combined. The HFPO-DA limits at those Outlets were based on North Carolina's health goal of 140 ppt for that chemical. In June 2022, EPA established updated Lifetime Drinking Water Health Advisories for PFOA and HFPO-DA, which identify the concentration of chemicals in drinking water at or below which adverse health effects are not anticipated to occur. EPA's newest health advisories are 0.004 ppt or ng/L for PFOA and 10 ppt or ng/L for HFPO-DA chemicals. 87 Fed. Reg. 36848 (June 21, 2022). On April 26, 2024, EPA issued a final PFAS National Primary Drinking Water Regulation. 40 C.F.R. §§ 141, 142. Therein, EPA Set Maximum Contaminant

Levels (“MCLs”) for PFOA at 4 ppt or ng/L and HFPO-DA at 10 ppt or ng/L. According to a report authored by Downstream Strategies, the Ohio River at the Chemours Washington Works Plant is already impaired for PFOA and HFPO-DA based on EPA’s MCLs for those parameters.

28. The PFAS Parameters are “forever chemicals” because they do not naturally break down and can accumulate in the environment and in the blood and organs of people and animals. Research has shown that exposure to PFAS Parameters is linked to cancer, liver damage, birth defects, and other health problems.

29. WV/NPDES Permit WV0001279 also requires compliance with limits on pH levels at Outlet 002, as set out in Part A of the permit. The permit limits for pH levels are 6 S.U. minimum and 9 S.U. maximum. The permit requires continuous monitoring for pH levels.

30. WV/NPDES Permit WV0001279 also requires compliance with net limits on total suspended solids (“TSS”) at Outlet 205, as set out in Part A of the permit. The permit limits for TSS were 3878 lbs/day maximum daily and 1197 lbs/day average monthly until November 13, 2020, after which time the limits are 3952 lbs/day maximum daily and 1217 lbs/day average monthly. The permit requires weekly monitoring for TSS.

31. Outlet 001 discharges groundwater, filter backwash water, non-contact cooling water, and stormwater into the Ohio River at River Mile 190.09.

32. Outlet 002 discharges stormwater, boiler blowdown, steam condensate, process wastewater, and non-contact cooling water into the Ohio River at River Mile 190.45.

33. Outlet 005 discharges non-contact cooling water and stormwater, process wastewater, sanitary wastewater, and Dry Run landfill leachate into the Ohio River at River Mile 190.81. Outlet 205 is an internal outlet that discharges cooling water, stormwater runoff, process water, and other wastewater into Outlet 005.

34. Outlet 006 discharges non-contact cooling water, stormwater, and steam condensate into an unnamed tributary of Page Run, which enters the Ohio River at River Mile 190.05.

35. In its monthly discharge monitoring reports, Chemours has reported numerous violations of its permit limits for PFOA, HFPO-DA, pH levels, and TSS at Outlets 001, 002, 005, 006, and 205 on the dates shown in Appendix A, which is incorporated by reference into this Complaint as if fully set forth within.

36. On April 26, 2023, EPA issued an Administrative Compliance Order on Consent (the “Consent Order”) to Chemours regarding Chemours’s PFAS Parameters violations. The Consent Order ordered Chemours to take a variety of corrective measures to address pollution from PFAS in stormwater and effluent discharges. Specifically, as relevant here, the Consent Order required Chemours, within 120 days of the Order, to submit an Alternatives Analysis and Implementation Plan to ensure compliance with numeric effluent limits for PFOA and HFPO-DA. After EPA reviews and approves the Plan, the Consent Order requires Chemours to implement it according to an approved schedule. Chemours submitted its Alternatives Analysis and Implementation Plan to EPA in August 2023. Over a year has passed and EPA has yet to formally act on Chemours’s submitted Plan.

37. The Consent Order was brought under 33 U.S.C. § 1319(a). It does not preclude this citizen suit because it was issued without prior public notice and opportunity for comment, did not commence an administrative penalty proceeding under 33 U.S.C. § 1319(g)(6), did not impose any monetary penalties or recover Chemours’s economic benefit from its noncompliance, and is not being diligently prosecuted.

38. EPA has taken no further enforcement action regarding Chemours's violations as of the date of this Complaint, and Chemours's operative permit includes final numeric effluent limits for the PFAS Parameters, pH levels, and TSS without any schedules of compliance.

CLAIM FOR RELIEF
(CWA Violations)

39. Plaintiff incorporates by reference all allegations contained in paragraphs 1 through 38, *supra*.

40. Since at least July 2019, Chemours has discharged and continues to discharge pollutants from point sources, *i.e.*, Outlets 001, 002, 005, and 006 of the "Chemours Washington Works Plant," into the Ohio River or its tributaries, in excess of the effluent limits in WV/NPDES Permit No. WV0001279.

41. The Ohio River is a navigable water of the United States within the meaning of 33 U.S.C. § 1362(7) and 40 C.F.R. § 120.2(a)(3). The unnamed tributary of Page Run is a relatively permanent stream that feeds into the Ohio River and is thus also a water of the United States within the meaning of 33 U.S.C. § 1362(7) and 40 C.F.R. § 120.2(a)(3).

42. Pursuant to § 505(f) of the CWA, 33 U.S.C. § 1365(f), the discharge of pollutants in excess of permit limits is a violation of an "effluent standard or limitation" under § 301 of the CWA. As such, Chemours's past and continuing violations of the effluent limitations for the PFAS parameters, pH levels, and TSS are subject to enforcement through the citizen suit provision of § 505(a)(1) of the CWA. 33 U.S.C. § 1365(a)(1).

43. Chemours is in continuing and/or intermittent violation of the CWA as a result of its exceedance of effluent limits in WV/NPDES Permit No. WV0001279 and is subject to enforcement through the citizen suit provision in § 505(a)(1) of the CWA. 33 U.S.C. § 1365(a)(1).

44. Pursuant to sections 309(d) of the CWA, 33 U.S.C. § 1319(d), Chemours is liable for civil penalties up to \$66,712 per day for each CWA violation that occurred after November 2, 2015. *See* 40 C.F.R. § 19.4; 88 Fed. Reg. 89,309.

45. Chemours should be subject to an injunction under the CWA, ordering it to cease its permit violations.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order:

1. Declaring that Chemours has violated and is in continuing violation of the Clean Water Act;
2. Enjoining Chemours from operating the “Chemours Washington Works Plant” in a manner that would result in further violations of WV/NPDES Permit No. WV0001279;
3. Compelling Chemours to immediately comply with all terms and conditions, including the effluent limitations on PFOA, HFPO-DA, pH, and TSS, of WV/NPDES Permit No. WV0001279;
4. Compelling Chemours to pay an appropriate civil penalty of up to \$66,712 per day for each CWA violation;
5. Ordering Chemours to conduct monitoring and sampling to determine the environmental effects of its violations, to remedy and repair environmental contamination and/or degradation caused by its PFOA, HFPO-DA, pH, and TSS violations, and to restore the environment to its prior condition;
6. Awarding Plaintiff its attorneys’ fees, expert witness fees, and all other reasonable costs and expenses incurred in the pursuit of this action; and,
7. Granting any other such relief as this Court deems just and proper.

Date: December 5, 2024

Respectfully submitted,

/s/ Amanda Demmerle

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APPENDIX A: VIOLATIONS OF CWA LIMITS

Violation #	Date	Outlet	Parameter	Type	Limit	Reported	Units	% Over Limit
1	Dec-19	002	pH	Min	6	4.02	S.U.	
2	Dec-19	002	pH	Max	9	9.34	S.U.	
3	Jan-20	002	pH	Min	6	3.04	S.U.	
4	Jan-20	002	pH	Max	9	9.96	S.U.	
5	Jan-20	205	TSS	Max	3878	23233.1	lbs/day	499
6	Jan-20	205	TSS	Monthly	1197	8322.3	lbs/day	595
7	Feb-20	205	TSS	Max	3878	25233.9	lbs/day	551
8	Feb-20	205	TSS	Monthly	1197	6703.5	lbs/day	460
9	Mar-20	002	pH	Min	6	5.73	S.U.	
10	Mar-20	205	TSS	Max	3878	12074.9	lbs/day	211
11	Mar-20	205	TSS	Monthly	1197	3642.8	lbs/day	204
12	Apr-20	002	pH	Min	6	5.40	S.U.	
13	Apr-20	205	TSS	Max	3878	31543.2	lbs/day	713
14	Apr-20	205	TSS	Monthly	1197	15414.4	lbs/day	1188
15	May-20	002	pH	Min	6	2.80	S.U.	
16	May-20	205	TSS	Max	3878	23267.6	lbs/day	500
17	May-20	205	TSS	Monthly	1197	7304.8	lbs/day	510
18	Jun-20	002	pH	Min	6	3.90	S.U.	
19	Aug-20	002	pH	Max	9	9.52	S.U.	
20	Sep-20	002	pH	Max	9	11.22	S.U.	
21	Oct-20	002	pH	Min	6	4.87	S.U.	
22	Oct-20	002	pH	Max	9	11.75	S.U.	
23	Oct-20	002	HFPO-DA	Max	32	33.0	ug/L	3
24	Oct-20	002	HFPO-DA	Monthly	9	9.51	ug/L	6
25	Oct-20	005	PFOA	Max	2	3.3	ug/L	65
26	Nov-20	002	pH	Min	6	2.97	S.U.	
27	Nov-20	002	pH	Max	9	9.83	S.U.	
28	Dec-20	205	TSS	Max	3952	8721.05	lbs/day	121

29	Dec-20	205	TSS	Monthly	1217	1958.2	lbs/day	61
30	Jan-21	002	pH	Min	6	5.31	S.U.	
31	Jan-21	002	pH	Max	9	10.99	S.U.	
32	Jan-21	002	HFPO-DA	Monthly	9	11.26	ug/L	25
33	Feb-21	002	pH	Min	6	4.11	S.U.	
34	Feb-21	002	pH	Max	9	9.70	S.U.	
35	Feb-21	002	HFPO-DA	Monthly	9	10.3	ug/L	14
36	Feb-21	205	TSS	Max	3952	4474.1	lbs/day	13
37	Feb-21	205	TSS	Monthly	1217	2266.0	lbs/day	86
38	Mar-21	002	pH	Max	9	10.91	S.U.	
39	Apr-21	002	HFPO-DA	Max	32	52	ug/L	63
40	May-21	002	pH	Min	6	5.83	S.U.	
41	Jun-21	002	pH	Max	9	10.82	S.U.	
42	Jun-21	002	pH	Min	6	2.85	S.U.	
43	Nov-21	002	pH	Min	6.000	2.89	S.U.	
44	Nov-21	205	TSS	Max	3952	4257.4	lbs/day	8
45	Dec-21	002	pH	Max	9	9.35	S.U.	
46	Dec-21	002	pH	Min	6	5.36	S.U.	
47	Feb-22	001	HFPO-DA	Max	2	3.3	ug/L	65
48	Feb-22	001	HFPO-DA	Monthly	1.4	3.3	ug/L	136
49	Feb-22	002	pH	Min	6	2.67	S.U.	
50	Feb-22	002	HFPO-DA	Max	2.3	5.5	ug/L	139
51	Feb-22	002	HFPO-DA	Monthly	1.4	1.55	ug/L	11
52	Feb-22	006	HFPO-DA	Max	0.204	1.8	ug/L	782
53	Feb-22	006	HFPO-DA	Monthly	0.140	1.8	ug/L	1186
54	Mar-22	002	TSS	Max	2210	6326.2	lbs/day	186
55	Mar-22	002	TSS	Monthly	681	1280	lbs/day	88
56	Mar-22	002	HFPO-DA	Max	2.3	7.9	ug/L	243
57	Mar-22	002	HFPO-DA	Monthly	1.4	2.26	ug/L	61
58	Mar-22	006	HFPO-DA	Max	0.204	1	ug/L	390

59	Mar-22	006	HFPO-DA	Monthly	0.14	1	ug/L	614
60	Mar-22	205	TSS	Max	3952	9229.3	lbs/day	134
61	Apr-22	002	HFPO-DA	Max	2.3	4.1	ug/L	78
62	Apr-22	006	HFPO-DA	Max	0.204	2.9	ug/L	1322
63	Apr-22	006	HFPO-DA	Monthly	0.14	2.9	ug/L	1971
64	May-22	001	HFPO-DA	Max	2	7.1	ug/L	255
65	May-22	002	pH	Min	6	4.32	S.U.	
66	May-22	006	HFPO-DA	Max	0.204	1.7	ug/L	733
67	May-22	006	HFPO-DA	Monthly	0.14	1.7	ug/L	1114
68	May-22	205	TSS	Max	3952	6152.4	lbs/day	56
69	Jun-22	002	HFPO-DA	Max	2.3	4.5	ug/L	96
70	Jun-22	002	pH	Min	6.0	4.22	S.U.	
71	Jun-22	006	HFPO-DA	Max	0.204	1.6	ug/L	684
72	Jun-22	006	HFPO-DA	Monthly	0.14	1.6	ug/L	1043
73	Jul-22	001	HFPO-DA	Max	2	18	ug/L	800
74	Jul-22	001	HFPO-DA	Monthly	1.4	10.25	ug/L	632
75	Jul-22	002	HFPO-DA	Max	2.3	28	ug/L	1117
76	Jul-22	002	HFPO-DA	Monthly	1.4	10.6	ug/L	657
77	Jul-22	002	PFOA	Max	3.3	28	ug/L	748
78	Jul-22	002	PFOA	Monthly	2	10.6	ug/L	430
79	Jul-22	002	pH	Max	9	9.12	S.U.	
80	Jul-22	006	HFPO-DA	Max	0.204	3	ug/L	1371
81	Jul-22	006	HFPO-DA	Monthly	0.140	3	ug/L	2043
82	Aug-22	002	pH	Min	6	4.97	S.U.	
83	Aug-22	006	HFPO-DA	Max	0.204	1.3	ug/L	537
84	Aug-22	006	HFPO-DA	Monthly	0.14	1.3	ug/L	829
85	Aug-22	205	TSS	Max	3952	6129.8	lbs/day	55
86	Sep-22	002	HFPO-DA	Max	2.3	74	ug/L	3117
87	Sep-22	002	HFPO-DA	Monthly	1.4	15.4	ug/L	1000
88	Sep-22	205	TSS	Max	3952	5641.7	lbs/day	43

89	Sep-22	205	TSS	Monthly	1217	1322.5	lbs/day	9
90	Sep-22	002	pH	Max	9.0	9.18	S.U.	
91	Sep-22	002	pH	Min	6	5.03	S.U.	
92	Oct-22	001	HFPO-DA	Max	2	2.8	ug/L	40
93	Oct-22	001	HFPO-DA	Avg	1.4	1.63	ug/L	16
94	Oct-22	002	PFOA	Max	3.3	11.5	ug/L	248
95	Oct-22	002	PFOA	Avg	2	3.1	ug/L	55
96	Oct-22	205	TSS	Max	3952	6453.5	lbs/day	63
97	Oct-22	205	TSS	Avg	1217	2244	lbs/day	84
98	Nov-22	005	HFPO-DA	Max	2.3	2.48	ug/L	8
99	Nov-22	205	TSS	Max	3952	5851.2	lbs/day	48
100	Nov-22	205	TSS	Avg	1217	1769.94	lbs/day	45
101	Dec-22	001	HFPO-DA	Max	2	13	ug/L	550
102	Dec-22	001	HFPO-DA	Avg	1.4	13	ug/L	829
103	Dec-22	006	HFPO-DA	Max	0.204	2.17	ug/L	964
104	Dec-22	006	HFPO-DA	Avg	0.14	2.17	ug/L	1450
105	Jan-23	001	HFPO-DA	Max	2	5.94	ug/L	197
106	Jan-23	001	HFPO-DA	Avg	1.4	5.94	ug/L	324
107	Jan-23	002	HFPO-DA	Max	2.3	3.94	ug/L	71
108	Jan-23	002	HFPO-DA	Avg	1.4	2.92	ug/L	109
109	Jan-23	002	pH	Min	6	2.71	S.U.	
110	Jan-23	006	HFPO-DA	Max	0.204	1.28	ug/L	527
111	Jan-23	006	HFPO-DA	Avg	0.14	1.28	ug/L	814
112	Feb-23	001	HFPO-DA	Max	2	10.4	ug/L	420
113	Feb-23	001	HFPO-DA	Avg	1.4	10.4	ug/L	643
114	Feb-23	002	pH	Max	9	10.10	S.U.	
115	Feb-23	002	pH	Min	6	5.26	S.U.	
116	Feb-23	006	HFPO-DA	Max	0.204	1.81	ug/L	787
117	Feb-23	006	HFPO-DA	Avg	0.14	1.81	ug/L	1193
118	Mar-23	001	HFPO-DA	Max	2	6.35	ug/L	218

119	Mar-23	001	HFPO-DA	Avg	1.4	6.35	ug/L	354
120	Mar-23	002	pH	Min	6	3.13	S.U.	
121	Mar-23	205	TSS	Max	3952	15238.3	lbs/day	286
122	Mar-23	205	TSS	Avg	1217	2226.11	lbs/day	83
123	Apr-23	006	HFPO-DA	Max	0.204	1.69	ug/L	728
124	Apr-23	006	HFPO-DA	Avg	0.14	1.69	ug/L	1107
125	May-23	001	HFPO-DA	Max	2	11.70	ug/L	485
126	May-23	001	HFPO-DA	Avg	1.4	11.70	ug/L	736
127	May-23	002	HFPO-DA	Max	2.3	2.990	ug/L	30
128	May-23	002	pH	Max	9	9.07	S.U.	
129	May-23	002	pH	Min	6	4.58	S.U.	
130	May-23	005	PFOA	Max	0.7	0.73	ug/L	4
131	May-23	006	HFPO-DA	Max	0.204	2.82	ug/L	1282
132	May-23	006	HFPO-DA	Avg	0.14	2.82	ug/L	1914
133	Jun-23	002	pH	Min	6	5.10	S.U.	
134	Jun-23	006	HFPO-DA	Max	0.204	3.71	ug/L	1719
135	Jun-23	006	HFPO-DA	Avg	0.14	3.71	ug/L	2550
136	Jun-23	205	TSS	Max	3952	3975.4	lbs/day	1
137	Jul-23	006	HFPO-DA	Max	0.204	1.23	ug/L	503
138	Jul-23	006	HFPO-DA	Avg	0.14	1.23	ug/L	779
139	Aug-23	002	HFPO-DA	Max	2.3	9.08	ug/L	295
140	Aug-23	002	HFPO-DA	Avg	1.4	3.6	ug/L	157
141	Aug-23	002	pH	Min	6	3.26	S.U.	
142	Sep-23	001	HFPO-DA	Max	2	3.16	ug/L	58
143	Sep-23	001	HFPO-DA	Avg	1.4	3.16	ug/L	126
144	Sep-23	002	HFPO-DA	Max	2.3	13.6	ug/L	491
145	Sep-23	002	HFPO-DA	Avg	1.4	5.01	ug/L	258
146	Sep-23	002	pH	Max	9	9.61	S.U.	
147	Sep-23	002	pH	Min	6	2.96	S.U.	
148	Sep-23	005	PFOA	Avg	0.3	0.44	ug/L	47

149	Sep-23	005	HFPO-DA	Max	2.3	2.44	ug/L	6
150	Sep-23	005	HFPO-DA	Monthly	1.1	1.6	ug/L	45
151	Sep-23	205	TSS	Max	3952	5092.8	lbs/day	29
152	Sep-23	205	TSS	Avg	1217	1273.19	lbs/day	5
153	Oct-23	002	pH	Max	9	11.22	S.U.	
154	Oct-23	002	pH	Min	6	2.78	S.U.	
155	Nov-23	002	HFPO-DA	Max	2.3	3.36	ug/L	46
156	Nov-23	002	pH	Max	9	11.42	S.U.	
157	Nov-23	002	pH	Min	6	5.93	S.U.	
158	Dec-23	006	HFPO-DA	Max	0.204	1.09	ug/L	434
159	Dec-23	006	HFPO-DA	Avg	0.14	1.09	ug/L	679
160	Jan-24	002	HFPO-DA	Max	2.3	5.09	ug/L	121
161	Jan-24	002	HFPO-DA	Avg	1.4	1.61	ug/L	15
162	Jan-24	002	pH	Max	9	11.26	S.U.	
163	Jan-24	002	pH	Min	6	2.92	S.U.	
164	Jan-24	006	HFPO-DA	Max	0.204	1.22	ug/L	498
165	Jan-24	006	HFPO-DA	Avg	0.14	1.22	ug/L	771
166	Feb-24	002	pH	Max	9	9.49	S.U.	
167	Feb-24	001	HFPO-DA	Max	2	2.35	ug/L	18
168	Feb-24	006	HFPO-DA	Max	0.204	1.69	ug/L	728
169	Feb-24	006	HFPO-DA	Avg	0.14	1.69	ug/L	1107
170	Mar-24	001	HFPO-DA	Max	2	8.28	ug/L	314
171	Mar-24	001	HFPO-DA	Avg	1.4	8.28	ug/L	491
172	Mar-24	002	pH	Min	6	3.37	S.U.	
173	Mar-24	005	PFOA	Avg	0.3	0.37	ug/L	23
174	Mar-24	006	HFPO-DA	Max	0.204	2.56	ug/L	1155
175	Mar-24	006	HFPO-DA	Avg	0.14	2.56	ug/L	1729
176	Mar-24	205	TSS	Max	3952	9234.7	lbs/day	134
177	Mar-24	205	TSS	Avg	1217	3058.1	lbs/day	151
178	May-24	001	HFPO-DA	Avg	1.4	1.72	ug/L	23

179	May-24	002	HFPO-DA	Avg	1.4	2.63	ug/L	88
180	May-24	006	HFPO-DA	Max	0.204	1.27	ug/L	523
181	May-24	006	HFPO-DA	Avg	0.14	1.27	ug/L	807
182	Jun-24	001	HFPO-DA	Avg	1.4	1.99	ug/L	42
183	Jun-24	002	pH	Max	9	10.68	S.U.	
184	Jun-24	002	HFPO-DA	Max	2.3	4.60	ug/L	100
185	Jun-24	002	HFPO-DA	Avg	1.4	1.47	ug/L	5
186	Jul-24	002	pH	Max	9	9.62	S.U.	
187	Jul-24	002	pH	Min	6	2.96	S.U.	
188	Jul-24	002	HFPO-DA	Max	2.3	2.88	ug/L	25
189	Jul-24	002	HFPO-DA	Avg	1.4	1.47	ug/L	5
190	Jul-24	005	HFPO-DA	Max	2.3	2.56	ug/L	11
191	Jul-24	005	HFPO-DA	Monthly	1.1	1.36	ug/L	24
192	Aug-24	002	HFPO-DA	Max	2.3	7.86	ug/L	242
193	Aug-24	002	HFPO-DA	Avg	1.4	1.79	ug/L	28
194	Aug-24	005	HFPO-DA	Max	2.3	6.98	ug/L	203
195	Aug-24	005	HFPO-DA	Monthly	1.1	2.09	ug/L	90
196	Sep-24	005	HFPO-DA	Monthly	1.1	1.52	ug/L	38
197	Oct-24	002	pH	Min	6	4.22	S.U.	
198	Oct-24	005	HPFO-DA	Max	2.3	4.11	ug/L	79
199	Oct-24	005	HPFO-DA	Monthly	1.1	1.43	ug/L	30

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

West Virginia Rivers Coalition, Inc.

(b) County of Residence of First Listed Plaintiff Kanawha (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) (see attachment)

DEFENDANTS

The Chemours Company FC, LLC

County of Residence of First Listed Defendant New Castle County, DE (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Contract, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 33 U.S.C. § 1365. Brief description of cause: Citizen suit under the Clean Water Act for violations of effluent limitations

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

12/5/2024 /s Amanda Demmerle

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

I. (c) Attorneys

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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

West Virginia Rivers Coalition, Inc.

Plaintiff(s)

v.

The Chemours Company FC, LLC

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The Chemours Company FC, LLC
c/o
C T CORPORATION SYSTEM
5098 WASHINGTON ST W STE 407
CHARLESTON, WV, 253131561

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

AMANDA DEMMERLE, APPALACHIAN MOUNTAIN ADVOCATES, INC., P.O. Box 11571 Charleston, WV 25339, ademmerle@appalmad.org

DEREK TEANEY, APPALACHIAN MOUNTAIN ADVOCATES, INC., P.O. Box 507 Lewisburg, WV 24901, dteaney@appalmad.org

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: