

December 30, 2022

Sebastian Bahr
The Chemours Company
Corporate Remediation Group
Sebastian.Bahr@chemours.com

**RE: CDPHE Approval of a Request for Conditional Closure; AND
Termination of Compliance Order on Consent;
Chemours Louviers Site (former El DuPont), 12835 Main Street, Louviers, Colorado;
EPA ID No.: COD007060981; Order No.: 98-08-28-01; HAZ COR - Corrective Action**

Dear Sebastian:

The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the Division) has reviewed the April 26, 2022 Memo, which contains a request for conditional closure (the Request) for the Chemours Louviers Site, former El DuPont Nemours facility (the Site). This correspondence was primarily delayed due to the time taken to file and process the Notice of Environmental Use Restrictions (NEUR). The Request summarizes over two decades of corrective measures at the Site.

The Request was written, compiled, and submitted by AECOM on behalf of the Chemours Company (the Applicant). The Request was prepared in general accordance with the Division's October 24, 2014 Policy for Conditional Closure of Low-Threat Sites with Residual Ground Water Contamination and its associated September 2014 guidance document of the same name (the Policy). The Policy describes conditions that must be present before the Division can make a determination that no further active remediation or monitoring are necessary at a location where groundwater contamination, in excess of the Colorado Ground Water Standards (5 CCR 1002-41), will remain for some time in the future.

The Request provided adequate information that allowed the Division to conclude that the Site has met all ten (10) conditions for a low-threat site and is clearly eligible for a conditional closure determination. Therefore, the Division determines that the 10 conditions listed in the Policy were met to the satisfaction of the Division. The Division considered all lines of evidence within the Policy while the review of the Request was conducted and determines that site-specific lines of evidence have been satisfactorily supported. Documentation contained in the Request and the Division's administrative records justify a conditional closure determination.

The Applicant has demonstrated to the Division that the contaminants of concern at the Site, when coupled with placement and compliance with an approved institutional control (e.g., Notice of Environmental Use Restrictions (NEUR)) for the Site, do not pose a threat to human health and environment, and contamination will continue to decline. The Division grants the Applicant's request to conditionally close the Site pursuant to the attached Decision Document. As a result of this approval, no further remediation is required at the Site. The Request and the Division's approval of conditional closure constitute a Notice of Completion in accordance with Paragraph 53 of the Compliance Order on Consent 98-08-28-01 (the Order). Therefore, the Division finds that Chemours Company has satisfactorily completed all of the Order requirements, and hereby terminates the Order. However, the Division will continue to require compliance with the NEUR, which requires inspection and maintenance of signage, fencing and caps/covers, as well as reporting to the Division if evidence of unauthorized access occurs at select areas within the Site.

The Division recommends that some of the Site's monitoring wells be preserved so that the Applicant or a subsequent property owner, may resample for the purposes of potentially terminating the groundwater restrictions within the NEUR, reference 2)c) of the NEUR. If future groundwater data is collected and provided to the Division that demonstrates the levels of nitroaromatics, perchlorate, and nitrate are below their respective groundwater standards, the Division would likely consider modifying the NEUR and removing the restrictions listed in 1)e). However, if redevelopment of the Site is to occur in the near future the Division recommends that all monitoring wells be properly plugged. Plugging of monitoring wells shall be conducted in accordance with the State of Engineers, Division of Water Resources, Rule 16.

If any question, comment, or concern should arise regarding this correspondence please contact me at (720) 598-2843 or via email at richard.mruz@state.co.us.

Sincerely,

Richard Mruz, Jr., REHS
Hazardous Waste Corrective Action Unit
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and Environment

Attachment: Decision Document
Completed Conditional Closure Checklist

EC: Mark Vetter, Parsons
Kevin Suter, AECOM



DECISION DOCUMENT

Having reviewed the April 26, 2022 Memo, which included a request for conditional closure (the Request) and all documents contained in the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division's Records Center and the Notice of Environmental Use Restrictions (NEUR) placed on the Site, I affirm that the lines of evidence provided in the Request justify a conditional closure pursuant to the Division's October 24, 2014 *Policy for Conditional Closure of Low-Threat Sites with Residual Ground Water Contamination* (the Policy), and hereby require no further remediation or monitoring of residual groundwater contamination. This determination will be recorded in the Division's database and record.

The Division's decision to approve the Request is based on its analysis of site-specific characteristics and conditions for the former Chemours Louviers site that are not necessarily applicable to any other site. As every site is different, the Division's approval for conditional closure will be determined on a case-by-case basis. Regardless of the criteria listed on the Policy checklist and the information provided by an applicant requesting a conditional closure determination, the Division retains complete discretion to decide if any site qualifies for no further active remediation, monitoring and/or site closure under the Conditional Closure Policy.

Date: December 30, 2022

Richard Mruz, Jr., REHS
Hazardous Waste Corrective Action Unit
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and Environment



HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

CONDITIONAL CLOSURE DETERMINATION CHECKLIST

Site Name / EPA ID No.: Chemours Louviers Site / COD007060981
Site Owner: Chemours Company FC, LLC
Site Operator / Type of Use: Chemours Company / Light Industrial
Site Address: 12835 Main Street, Louviers, Colorado 80131

For sites with contamination in ground water at concentrations in excess of either the Colorado ground water standards or health-based remediation goals approved by the division in the absence of a ground water standard, the division has the discretion to determine whether no further monitoring and/or no further active remediation are necessary. However, at a minimum, all of the following conditions must be met before the division will make such a determination:

- ☒ 1. The source area has been remediated to the extent practicable.
- ☒ 2. The plume size is either stable or decreasing in all dimensions.
- ☒ 3. The concentrations of contaminants in the plume are either decreasing or predicted to decrease.
- ☒ 4. The ground water will meet Water Quality Regulation No. 41 water quality standards within a reasonable period of time.
- ☒ 5. Contaminant concentration trends are not dependent on the continued operation and maintenance of active remediation systems or containment systems.
- ☒ 6. There are no existing or reasonably anticipated exposures above standards or screening levels through cross-media transfer including volatilization into buildings.
- ☒ 7. There are no uses of ground water down gradient of the site that would be threatened by the plume.
- ☒ 8. There is no discharge to surface water in excess of surface water standards¹.
- ☒ 9. There is no potential for the plume to cause an exceedence of a ground water quality standard in an adjacent aquifer.
- ☒ 10. For sites that have satisfied all of the above conditions, the division will require either implementation of an institutional control in compliance with C.R.S. §§25-15-317 - 327 or alternate concentration limits in compliance with 6 C.C.R. §264.94(b).²
 - Date institutional control was filed: November 10, 2022, or
 - Date alternate concentration limit established: n/a, and
 - Public notice provisions have been satisfied: See Comment Below

Comments:

Notice to interested parties was provided in July 2022 via certified mail. Notice was provided to Union Pacific Railroad, Xcel Energy, CORE (formerly Intermountain Rural Electric Company), Century Link, and Douglas County Commissioners. Due to other identified interests (e.g., mineral rights), a notice was published in Douglas County News-Press in August 2022.

Project Manager: _____

Richard Mruz Jr., REHS
Hazardous Waste Corrective Action Unit Leader
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and Environment

¹ Discharges to surface water are regulated under the federal Clean Water Act and Colorado Water Quality Control Act.

² Institutional controls in compliance with C.R.S. §§ 25-15-317 -327, including environmental covenants and restrictive notices, are not required for conditional closure determinations on Voluntary Cleanup Program sites. C.R.S. §25-15-101(4.5)(a-h) identifies which environmental remediation projects require an institutional control if unrestricted use cannot be achieved. Failure to comply with the existing and proposed uses identified in the application effectively voids the Voluntary Cleanup Program's determination that the approved remedy is protective.

