



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**FEB 18 2020**

Colonel Andrew Kelly  
District Engineer  
Department of the Army  
Jacksonville District Corps of Engineers  
Attn: John P. Fellows  
10117 Princess Palm Avenue  
Tampa, Florida 33610

Subject: SAJ-2019-00480 (SP-JPF) The Chemours Company FC, LLC heavy mineral sands mine in Bradford and Clay Counties, Florida

Dear Colonel Kelly:

The U.S. Environmental Protection Agency (EPA) has reviewed Public Notice (PN) SAJ-2019-00480 announcing the receipt of an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act submitted by The Chemours Company FC, LLC to mine heavy mineral sands on a 2,884.4-acre property spanning Bradford and Clay Counties, Florida. The Chemours Company FC, LLC seeks authorization to impact 740.45 acres of aquatic resources, including 710.59 acres of direct wetland impacts and 29.86 acres of impacts to ditches and other surface waters.

The applicant proposes to offset direct impacts to aquatic resources via permittee-responsible on-site and off-site mitigation, specifically the re-establishment of 710.59 acres of wetlands on-site in conjunction with reclamation as required by the state of Florida, the enhancement of 136.49 acres of on-site avoided wetlands, and re-establishment of 65.54 acres of wetlands off-site at the applicant's Florida Mine/Trail Ridge Mine, in conjunction with reclamation as required by the state of Florida. The off-site wetlands are not part of mitigation for any other Corps permit. The applicant states that the proposed mitigation provides 348.14 units of functional gain. However, detailed wetland reclamation/restoration plans have not been provided. The EPA recommends additional information on the reclamation/restoration plans to review feasibility of soil and hydrologic restoration such that they return to conditions that support aquatic resources on the site, and thereby ensure that all impacts to waters of the United States are appropriately compensated for, consistent with the CWA 404(b)(1) Guidelines.

Regulations at 40 CFR § 230.10(c) prohibit discharges that will cause or contribute to significant degradation to waters of the United States, while 40 CFR § 230.11 requirements include the consideration of secondary and cumulative impacts from the proposed activity. An assessment of the anticipated secondary and cumulative impacts was not included. Based on the limited available information within the PN, the applicant has not demonstrated that the proposed project will not result in significant degradation, including individual or cumulative impacts to fish and wildlife; ecosystem diversity, productivity, and stability; recreational, aesthetic, and economic values; or other ecosystem

services and functions within the project boundaries or surrounding properties. The narrative did not include proposed mining depths or hydrogeologic information; thus, it is not possible for the EPA to determine the effects on hydrogeology/groundwater within the project boundaries or to surrounding properties at this time. More information is needed to determine whether excavation and reclamation of the proposed mine has the potential to alter local or regional groundwater hydrology with changes in elevations and the rate and direction of surface and shallow ground water movement. Hydrologic changes also raise the possibility that water quality and the life stages of aquatic life and other wildlife dependent on aquatic systems could be affected. However, there is insufficient information to evaluate the potential for those effects. The EPA requests that the applicant provide a detailed analysis of the potential individual, secondary and cumulative effects set forth in 40 CFR §230.10(c) and §220.11.

Thank you for the opportunity to review the public notice submitted by The Chemours Company FC, LLC. We look forward to working with your staff and the permit applicant. If you have any questions, please contact me, or have someone from your staff contact Cynthia Van Der Wiele, Ph.D. at [vanderwiele.cynthia@epa.gov](mailto:vanderwiele.cynthia@epa.gov) or by telephone at 404-562-9408.

Sincerely,



Rosemary Calli, Section Chief  
Wetlands & Streams Regulatory Section