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1156 15th St. NW, Suite 1020
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bruce.brown@rcfp.org
(202) 795-9301

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November 6, 2023

Ms. Amy Jones

Asst. General Counsel

North Carolina Department of Environmental Quality

1601 Mail Service Center

Raleigh, N.C. 27699-1601

amy.jones@deq.nc.gov

Re: Public Records Request No. 0555

VIA EMAIL ONLY

Dear Ms. Jones,

Thank you for your call on October 27. I am sending this letter to follow-up on the voicemail I left you in response last week; it may be more convenient for us to communicate this way.

As I mentioned in my voicemail, I am writing on behalf of WHQR Public Media regarding public records request ID No. 0555 submitted to the North Carolina Department of Environmental Quality (“NCDEQ”) on June 8, 2023 by WHQR reporter Kelly Kenoyer. A copy of that request is attached to this letter.

Ms. Kenoyer’s request seeks all email communications between employees of Chemours and employees of the NCDEQ from January 1, 2023 to the present, including emails “relating to the NPDEZ Permit for a barrier wall.” Ms. Kenoyer further provided specific keywords to narrow the search for responsive records.

N.C. Gen. Stat. § 132-6(a) requires a public body to furnish responsive records “as promptly as possible.” NCDEQ logged Ms. Kenoyer’s request over 150 days ago and has yet to fulfill it. A delay of this length constitutes a denial and a violation of the North Carolina Public Records Act.

Administrative Specialist Denise Harris informed Ms. Kenoyer in June that that “[r]equests are processed in the order they are received. Based on the current backlog, we anticipate a few months before this request can be fulfilled as we are currently working on submissions from May 2022.” However, a “queue” system in which staff fulfill requests in the order they are received – regardless of how voluminous, complex, or sensitive the requested material might be – undermines the “as promptly as possible” mandate imposed by § 132-6(a).

Ms. Kenoyer's request is reasonable in scope and substance. If you disagree, and the volume of responsive documents is more extensive than I presume, I would like to discuss how we can work together to get her the necessary documents as promptly as possible.

Continued delay in producing, or permitting inspection of, the requested records are sufficient grounds for Ms. Kenoyer and WHQR to pursue legal action compelling disclosure under N.C. Gen. Stat. § 132-9(a). As you know, when such an action is successful, the plaintiff may recover reasonable attorney's fees.

I look forward to discussing this matter with you. You can reach me at 202-800-3557.

Very truly yours,

Beth Soja
esoja@rcfp.org
Reporters Committee for Freedom of the Press
N.C. Bar No. 36292
202-800-3557

From: Harris, Denise J <denise.j.harris@deq.nc.gov>

Sent: Friday, October 20, 2023 1:00 PM

To: Kelly Kenoyer <kkenoyer@whqr.org>

Subject: RE: [External] RE: DWR Records Request-Emails between Chemours and NCDEQ NPDES Permit for a barrier wall.

Hi Kelly,

Below is a copy of your public records request, submitted on June 8, 2023. Please let me know if you have any questions.

Row 556

Request ID 0555

Name Kelly Kenoyer

Email kkenoyer@whqr.org

Submit Date 06/08/23

Phone Number 5036894570

Your Organization WHQR

Division Division of Water Resources

Division (Other)

Request Category Email

Request Description I want to see any and all communications between NCDEQ and Chemours, including attached files for emails.

Email Date Start 01/01/23

Email Date End 06/08/23

Emails from (Name or Group) Emails between Chemours employees and NCDEQ employees relating to the NPDES Permit for a barrier wall.

Keywords to Search Chemours, barrier wall, barrier, fine, permit, 99.9%, 99%, HFPO-DA, GenX, PFAS, Sergei Chernikov

Permit Number

Document Site Name

Document Site Address

Phase 1 Site Name

**Phase 1 Site
Address**

Best regards,

Denise

Denise Harris

Administrative Specialist I

N.C. Department of Environmental Quality

Division of Water Resources

Office: (919) 707-9141 | Cell: (919) 298-1726

denise.j.harris@deq.nc.gov

From: Kelly Kenoyer <kkenoyer@whqr.org>

Sent: Friday, October 20, 2023 11:14 AM

To: Harris, Denise J <denise.j.harris@deq.nc.gov>

Cc: Gurney, Anna <anna.gurney@deq.nc.gov>

Subject: [External] RE: DWR Records Request-Emails between Chemours and NCDEQ NPDES Permit for a barrier wall.

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Denise,

I didn't click the button that sends me a copy of my request. Can you please send me a copy of my PRR?

Thank you,

Kelly Kenoyer

From: Harris, Denise J <denise.j.harris@deq.nc.gov>

Sent: Friday, June 9, 2023 5:13 PM

To: Kelly Kenoyer <kkenoyer@whqr.org>

Cc: Gurney, Anna <anna.gurney@deq.nc.gov>

Subject: DWR Records Request-Emails between Chemours and NCDEQ NPDES Permit for a barrier wall.

Hi Kelly,

This is acknowledgement that your **June 2023** public records request is in our queue. Requests are processed in the order they are received. Based on the current backlog, we anticipate a few months before this request can be fulfilled as we are currently working on submissions from May 2022.

Also, please copy Anna Gurney if you should have any media inquiries related to this NPDES permit.

Below is a link that will direct you to the most recent NPDES permit. Please let me know if you have any questions.

<https://edocs.deq.nc.gov/WaterResources/DocView.aspx?dbid=0&id=2496317>

Best regards,

Denise

Denise Harris

Administrative Specialist I

N.C. Department of Environmental Quality

Division of Water Resources

Office: (919) 707-9141 | Cell: (919) 298-1726

denise.j.harris@deq.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.