

## **EXHIBIT 5**

BEFORE THE  
NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

CAPE FEAR RIVER WATCH	)	
	)	
	)	
Petitioner.	)	AFFIDAVIT OF KEMP BURDETTE
	)	
	)	

Kemp Burdette, being first duly sworn, deposes and says:

1. My name is Kemp Magnus Wilkes Burdette. I have personal knowledge of the matters stated herein. I am 43 years of age and live in Wilmington, North Carolina. I am the Cape Fear Riverkeeper and Executive Director of Cape Fear River Watch.

2. Cape Fear River Watch is a § 501(c)(3) nonprofit public interest organization headquartered in Wilmington, NC. The organization engages residents of the Cape Fear watershed through programs to preserve and safeguard the Cape Fear River. Cape Fear River Watch has 1100 members, including members who live near; fish, swim, and boat on; and who drink water from, the Cape Fear River downstream of the Chemours facility.

3. Cape Fear River Watch is an official Riverkeeper organization licensed by the Waterkeeper Alliance, an international clean water advocacy organization. Our charter sets out that Cape Fear River Watch's Riverkeeper jurisdiction covers the entire Cape Fear River. Cape Fear River Watch is the sole Riverkeeper for the Cape Fear River and the only organization whose sole mission is to protect the Cape Fear River. As the Cape Fear Riverkeeper, I am also a member of the Waterkeeper Alliance.

4. Cape Fear River Watch's mission is "to protect and improve the water quality of the Lower Cape Fear River Basin through education, advocacy and action." In order to fulfill

that mission, the organization works to protect the entire Cape Fear River from pollution, including toxic chemicals, such as the PFAS compounds that have been released from Chemours' Fayetteville Works Facility for decades, and continue to be pumped into our water, air, and soil through Chemours' stack emissions, stormwater and wastewater conveyance ditches, contaminated equipment, and numerous leaks and spills.

5. Cape Fear River Watch has members throughout the Cape Fear River Basin, including members who live in Bladen County, where Chemours is located, and use the Cape Fear River around and downstream of the Chemours facility.

6. Cape Fear River Watch advocates on behalf of the river basin at the local, state, and national levels. The organization conducts water quality monitoring throughout the basin. Cape Fear River Watch holds monthly education seminars for residents on issues related to the River and the environment, and leads monthly volunteer clean-ups in the watershed. Our staff and volunteers guide monthly paddles throughout the watershed, conduct summer camps for children, and work with the school system to educate children about water quality. Cape Fear River Watch works with a large number of local, state, and federal agencies as well as a number of nongovernmental groups on water quality improvement and environmental protection.

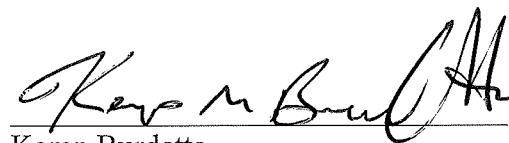
7. As the Riverkeeper, I work closely with our membership and know that many of our members are outraged and frightened by Chemours' ongoing pollution. Cape Fear River Watch has hosted numerous public information forums following the revelation of PFAS compounds in our region's drinking water. These forums included experts on PFAS compounds, water treatment, epidemiology, and water policy and were attended by over a thousand community members. We have also participated in panels hosted by media outlets and academic institutions in the Cape Fear Region. Finally, we maintain and regularly update the Clean Water

Matters section of our website with important information on PFAS compounds and Chemours' pollution of our region in order to inform the public.

8. Chemours' historical and ongoing pollution are a threat to Cape Fear River Watch's central purpose. We work every day to get people out on the water, educate them about the natural treasure the river is, and encourage them to use, enjoy, and protect the river. The hazards created by Chemours and DuPont frustrate that work.

9. For those reasons, and for the health and well-being of our members, Cape Fear River Watch requests that DEQ act to stop all PFAS pollution from Chemours' Fayetteville Works Facility.

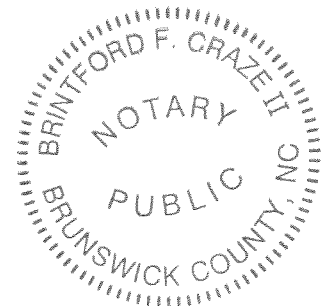
I swear/affirm that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on 1 May, 2018.

  
Kemp Burdette

Subscribed and sworn to before me, a notary public, this the 1<sup>st</sup> day of May, 2018.

  
Notary Public

My commission expires: 1/11/2023.



## **AFFIDAVIT OF JAMES MACRAE**

James C. MacRae, being first duly sworn, deposes and says:

1. My name is James MacRae. I have personal knowledge of the matters stated herein. I am 57 years old and I live in Gray's Creek, North Carolina, in Cumberland County.
2. I am an attorney at MacRae, Perry, MacRae & Whitley, LLP in Fayetteville, North Carolina, in Cumberland County.
3. I am a member of Cape Fear River Watch (CFRW).
4. I own parts of 360 acres of property along the Cape Fear River within a mile or two of the Chemours Company's Fayetteville Works Facility on the Bladen-Cumberland County line, at 6047 Marsh Road, Fayetteville, N.C.
5. I grew up in Fayetteville and moved to Gray's Creek 27 years ago. I have lived in the same house for 27 years. I currently live with my wife, our four dogs, and our two cats. We raised our two children in Gray's Creek.
6. I own an additional 15 acres adjacent to this property with friends down on the river where my friends have cabins and where we raised our kids playing on the banks of the Cape Fear River.
7. I love this land. The Farm, as we call it, is part of my lifeblood. It is part of my flesh and bone. My mother, father, stepmother's mother, stepmother's sister, and aunt are all buried in a family plot on this property. It was the most wonderful place in the world until this happened. It was the kind of place people dream of living and raising their children.
8. I am aware that GenX and other PFAS compounds continue to be released into our water, air, and soil through Chemours' stack emissions, stormwater and wastewater

conveyance ditches, contaminated equipment, and numerous leaks and spills. I was shocked to find out about this.

9. I initially learned of the GenX issue from the newspaper, but have since done research on my own, and have attended meetings organized by DEQ. We have lived our lives assuming that everything was safe. Now we have been told by the state that our water is contaminated, and we don't know exactly what the medical effects are. My community is frightened.

10. Once the cat was out of the bag on this pollution, Chemours started testing the water in wells near the facility. The well on the river property (with the cabins) came back at over 140 nanograms per trillion. My stepmother's well also tested at over 140 nanograms per trillion. The well at my home, which is approximately 1/10 of a mile from my stepmother's house was below the 140 nanograms per trillion level that is considered to be safe. My well was dug six months to a year prior to testing, and I don't know the levels in the well my family and I had been using for the previous 20 years. It is bizarre how one well will test hot and across the street the well will test fine. There is no predictability, so you can't feel safe or comfortable even if your own well tests below the limit. Who knows what it might test a month later.

11. My children are now 23 and 21 years old. My wife and I mixed their baby formula with that water. They grew up drinking, bathing and swimming in the water at our house, and at their relatives' houses, and at the cabins. I am more concerned about their health than I am about my own.

12. My children were raised on the Cape Fear River. We fished, swam, and skied on the river. We hunted up and down the river, and we camped on its banks. I celebrated the river as part of my lifestyle and that of my children.

13. There is a family pond in front of my now-deceased father's home where my stepmother lives now. My children learned to swim and fish there. We caught fish from the pond and ate them. The pond has not been tested and we have been told by DEQ that it is most likely contaminated with GenX. We live with so much uncertainty and anxiety.

14. I have great concern for the health and well-being of my neighbors. My neighbors are the kind of neighbors you would consider dear friends. Some of them are family members. My stepmother, whose well tested above 140 nanograms per trillion, is in her 70s. Chemours delivers 3-gallon bottles of water at her steps and expect her to carry it up the steps and into her house. This has been very difficult for her and for other elderly people in the area. Our entire community is frightened. Some of my neighbors have small children. Imagine trying to bathe your child and keeping them from sticking their hands in their mouth with water on them. It's a nightmare.

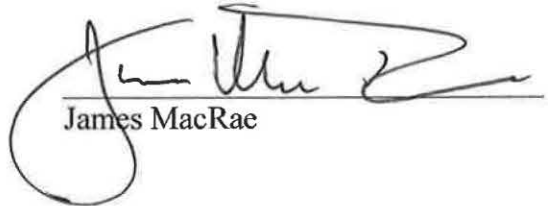
15. I am aware that, in addition to ground and surface water, GenX has been found in honey, rainwater, and the sediment in the Cape Fear River, and in vegetables grown in gardens near a similar plant in the Netherlands. I have potatoes and onions in the ground right now, and we also grow tomatoes. I want to give some of my vegetables to DEQ to test.

16. The GenX pollution dominates our lives now. People are constantly asking me about it. They mean well but it resurrects the horror we live with every day. It is always on my mind. There are so many unanswered questions. Not only are they discharging it into the river, but they are also dumping it into the air. We breathe that! We can avoid drinking the water if we are willing to carry jugs of water into our homes, but what about the air? God only knows what we are breathing.

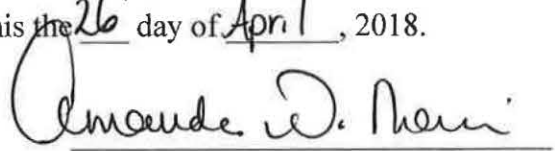
17. Since learning about this issue I have tried to learn as much as I can. I wrote an op-ed that was published in the Fayetteville Observer and the Wilmington Star in January. I have attended public meetings that DEQ has organized. DEQ has good intentions, but it has been nearly a year of worrying about the GenX contamination for me, my family, and my neighbors. They need to shut these people down. Until you find out how much harm they are doing, shut them down.

18. My interests are fully and adequately represented by Cape Fear River Watch in this proceeding.

I swear/affirm that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on April 26, 2018.

  
James MacRae

Subscribed and sworn to before me, a notary public, this the 26<sup>th</sup> day of April, 2018.

  
Notary Public

My commission expires: 8/4/2022



BEFORE THE  
NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

CAPE FEAR RIVER WATCH	)	
	)	
	)	
Petitioner.	)	REQUEST FOR
	)	DECLARATORY RULING
	)	

**AFFIDAVIT OF DAVID DONOVAN**

David Donovan, being first duly sworn, deposes and says:

1. My name is David Donovan. I have personal knowledge of the matters stated herein. I am 49 years old, and I live in Leland, North Carolina, in Brunswick County.
2. I am an electrical engineer with GE Hitachi Nuclear Energy.
3. I am a member of Cape Fear River Watch.
4. I live with my wife and two minor children in a home in Leland. We have lived there for nine years. Before moving to Leland we lived in Charlotte, North Carolina.
5. My family receives our water from the H2GO, Brunswick County's public water authority. H2GO purchases water from the Cape Fear Public Utility Authority.
6. For the past nine months, since I learned that Chemours and DuPont have polluted and continue to pollute North Carolina's public water sources with GenX and other toxic PFAS compounds, I have been purchasing water for my family from a dispenser. We use bottled water for everything now - for drinking, cooking, cleaning vegetables, making coffee. I pay out-of-pocket for bottled water. We go through about 10 gallons per week at a cost of approximately 5 dollars per week.

7. I am concerned about how years of drinking contaminated water has impacted or will impact my health, and my family's health. I know that C8, a close cousin of GenX, has been linked to certain cancers. I have a history of cancer. About a decade ago I had thyroid cancer, and then about six years ago, after three years of drinking GenX contaminated water and breathing GenX contaminated air, I discovered I had a brain tumor. I am very concerned that GenX and similar toxic chemicals may have caused my cancers, and could lead to more cancer in my future.

8. I do not know if I am genetically predisposed to be susceptible to cancer. I have an identical twin brother who has not had cancer, which makes me wonder if environmental factors are at play.

9. I am concerned about the cumulative impact of chemical exposure on my health, not only from water but from the food I eat and the air I breathe. I enjoy buying local food, but I am no longer sure that is safe. I don't know if vegetables at the farmer's market are contaminated with GenX. I don't eat fish from this area and try not to eat fish from coastal areas where the Cape Fear exits.

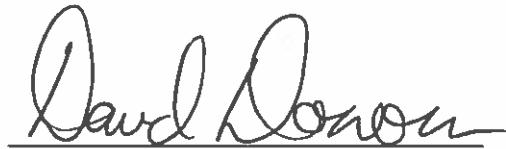
10. My family had two dogs, both of whom died of cancer within the last year and a half. Both drank the tap water at our home, which is sourced from the Cape Fear River.

11. I have two twins who are 8 years old. As concerned as I am for my own health, I am more concerned about my twins' health. Everything I have read about GenX supports the fact that GenX, like a lot of chemicals, is terrible for grown adults, but much worse for children. Their bodies and brains are growing and developing. They don't need toxic chemicals interfering with their development.

12. I have worked in manufacturing my entire career. I know what companies are capable and not capable of doing, especially with advances in technology. Chemours is 100% capable of capturing the pollutants. The only reason they don't is because it's cheaper to pollute the air and water.

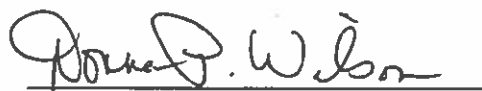
13. My interests are fully and adequately represented by Cape Fear River Watch in this proceeding.

I swear/affirm that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on May 1, 2018.



David Donovan

Subscribed and sworn to before me, a notary public, this the 1<sup>st</sup> day of May, 2018.



Notary Public

My commission expires: 2-18-2022

BEFORE THE  
NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

CAPE FEAR RIVER WATCH

Petitioner,

)  
)  
)  
)  
)  
)

AFFIDAVIT OF JESSICA CANNON

Jessica Cannon, being first duly sworn, deposes and says:

1. My name is Jessica Cannon. I have personal knowledge of the matters stated herein. I am 53 years old, and I live in Wilmington, North Carolina, in New Hanover County.
2. I am a retired physician.
3. I am a member of Cape Fear River Watch.
4. I live with my husband and three minor children in a home in Wilmington. We have lived there for six years, and have lived in New Hanover County for the past 18 years.
5. My family receives our water from the Cape Fear Public Utility Authority, as we have for the last 18 years. My home has a reverse osmosis system installed under the sink in our kitchen. We purchased it approximately two years ago. I am aware that a reverse osmosis system does not remove 100% of PFAS compounds, and am concerned about the health impacts of the remaining chemicals on myself and my family.

6. I am aware that Chemours and DuPont have caused widespread and dangerous contamination to the state's surface and groundwaters for decades by knowingly polluting North Carolina's public water sources with GenX and other toxic PFAS compounds.
7. I am aware that Chemours has continued to release GenX and other toxic PFAS compounds into the air at a rate of thousands of pounds each year, and has also maintained unlined "ditches" carrying up to 5 to 8 million gallons a day of PFAS contaminated wastewater into groundwater.
8. I am aware that North Carolina's Central Cancer Registry shows that residents in New Hanover County consistently had significantly higher rates of testicular cancer from 1996 to 2016, and that from 2006 to 2010, liver cancer rates in New Hanover County were over 30 percent higher than the state average.
9. I am concerned about the impact of Chemours' contamination of the air and water on public health in my community. We know that C8, a close cousin of GenX, has been associated with significant illnesses, at least two of which are cancers. Not only have we been exposed to C8 in the past by DuPont (now Chemours), but we have been exposed to related PFAS compounds for decades. The C8 replacement chemicals have been in our water since at least 1980. C8 is still found in groundwater and surface waters.
10. I am concerned about the cumulative impact of Chemours' pollution on my health, the health of my children, and the health of others in my community. Any number of compounds related to GenX are being leaked into our water. We have no safety data telling us that the cumulative cocktail of these compounds is safe. There is the potential for real and lasting health effects for residents who have been drinking this water.

11. Even if CFPWA water is no longer testing above the 140 ppt goal, we know that the NC State GenX human exposure study was still detecting GenX in people's faucets in the last six months. And we know that Nafion Byproducts 1 and 2, potentially more toxic, are also present, and there are dozens of other compounds that DEQ is not testing for, and that have no health goals. The 140 ppt health goal for GenX is only an estimate for safety, and it is difficult to be comforted by that number. The uncertainty around this issue is causing great anxiety in me and other members of my community.

12. I am concerned about the members of my community who do not know about the risk, and have not adjusted their behaviors accordingly. I believe people who routinely watch the news and read the newspaper are aware of the issue, but I am very concerned that many in my community are not, particularly low income individuals. Even those who are aware may not have resources to acquire an alternative water source. A reverse osmosis system costs \$200-\$300 to install, and an additional \$70-\$80 each month in filters. We cannot expect the elderly and disabled members of our community to be able to haul water from the public spigot in Ogden Park, where non-River sourced water is provided by the Cape Fear Public Utility Authority.

13. I am aware that GenX has been found in honey, and in vegetables grown in gardens near a similar plant in the Netherlands, as well as in the sediment of the Cape Fear River. I am very concerned about the farmer's market vegetables in my area, and whether they are safe to consume. We know that we already have exposure to these chemicals from the water, but that doesn't take into account the environmental load from

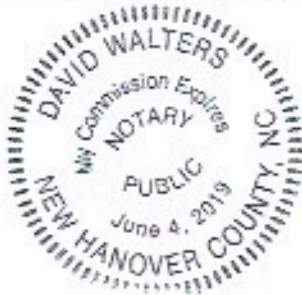
other sources, such as food and air. We do not know the health impact of the total environmental load.

14. My interests are fully and adequately represented by Cape Fear River Watch in this proceeding.

I swear/affirm that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on May 1, 2018.

  
\_\_\_\_\_  
Jessica Cannon

Subscribed and sworn to before me, a notary public, this the 1 day of May, 2018.



  
\_\_\_\_\_  
Notary Public

My commission expires: June 4, 2019