



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAY 20 2015

**BY OVERNIGHT MAIL & ELECTRONIC DELIVERY**

Sheryl A. Telford  
Corporate Remediation Group  
E.I. du Pont de Nemours & Co., Inc.  
1007 Market Street  
Wilmington, DE 19898

Re: Notice of Issuance of Final Permit Modification I  
E.I. Du Pont De Nemours & Company, Inc.  
DuPont Pompton Lakes Works Facility  
EPA ID No. 002173946

Dear Ms. Telford:

Pursuant to authority granted by section 3005 of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, you are hereby served with the enclosed Notice of Issuance (NOI) of a Final HSWA Permit Modification I decision for the above referenced facility. The NOI provides that the permit modification will be effective on June 22, 2015 unless stayed in whole or in part as a result of an appeal filed with the United States Environmental Protection Agency Environmental Appeals Board (EAB).

Please read the final permit modification carefully. It contains a few clarifying and grammatical changes from the draft permit. The United States Environmental Protection Agency (EPA) held a publicly noticed comment period on the draft permit modification from November 3, 2014 through February 2, 2015. Comments that were submitted to EPA during the comment period, including comments made at the public hearing held in Pompton Lakes, New Jersey on December 8, 2014, and at a public availability meeting held by EPA in Pompton Lakes on November 12, 2014, have been considered in making this final permit decision. A copy of a Responsiveness Summary, which contains EPA's responses to relevant comments submitted on the draft permit modification during the public comment period, is enclosed.

EPA will not subject the changes from the draft to the final HSWA permit modification decision to another public review because the changes relate only to grammatical and clarifying edits, and do not include any changes in the corrective measures.

40 C.F.R. § 124.19 establishes procedures for administrative appeal of this final RCRA permit modification decision. Any person who filed comments on the draft permit modification or participated in the public hearing may petition the EAB in Washington, D.C. to review any condition of the final Permit Modification. A petitioner has the obligation to demonstrate that any issues raised in the appeal petition were previously raised by someone (either petitioner or another commenter) during the public comment period, including the public hearing, provided that they were reasonably ascertainable at that time. In addition, any person who failed to file comments or failed to participate in the public hearing on the draft permit modification may petition for administrative review only to the extent of changes from the draft to the final permit modification. Any petition for review must be filed with and received by the EAB by June 22, 2015.

A petition for review must include a statement of the reasons supporting the request for review, including:

- (1) A demonstration that the appellant has standing to seek review under 40 C.F.R. § 124.19.
- (2) A showing that the contested portion of the permit modification is based on:
  - (a) A finding of fact or conclusion of law which is clearly erroneous; or
  - (b) An exercise of discretion or an important policy consideration which the EAB should, in its discretion, review.

Documents filed for review, if sent via the U.S. Postal Service (except by Express Mail), must be addressed to:

Clerk of the Environmental Appeals Board  
U. S. Environmental Protection Agency  
Environmental Appeals Board  
1200 Pennsylvania Avenue, NW  
Mail Code 1103 M  
Washington, D.C. 20460-0001

Or, if delivered to the Board by hand or courier, including U.S. Postal Service Express Mail, such documents must be delivered to:

Clerk of the Environmental Appeals Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
EPA East Building  
1201 Constitution Avenue, NW  
Room 3334  
Washington, D.C. 20004

A copy of a petition for review should be served on:

Mr. Walter E. Mugdan, Director  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency  
Region 2  
290 Broadway, 19th Floor  
New York, New York 10007-1866

Electronic filing of a request for review is also permitted if certain steps are followed.

See the EAB website at [www.epa.gov/eab](http://www.epa.gov/eab) for information on electronic filing and EAB procedures and practices.

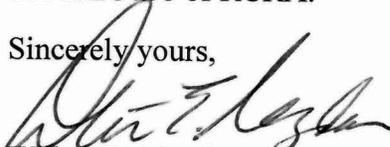
This final permit modification will become effective in its entirety on June 22, 2015 unless the modification or a portion thereof is stayed as a result of the filing of a petition for review with the EAB. See 40 C.F.R. § 124.16. In the event that administrative appeal is sought and all or a portion of the modification is stayed, the final permit decision will become effective:

- (i) When the EAB issues notice to the parties that review has been denied;
- (ii) When the EAB issues a decision on the merits of the appeal and the decision does not include a remand of the proceedings;
- (iii) Upon the completion of remand proceedings if the proceedings are remanded unless the EAB's remand order specifically provides that appeal of the remand decision will be required to exhaust administrative remedies.

Once it has become effective, the final permit modification decision will be final EPA action. Under Section 7006 (b) of RCRA, judicial review of this final action is available by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 90 days of the date of this permit modification's final issuance. The 90-day judicial review period is available only when the administrative appeal procedures have been exhausted. This final action shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

Please be advised that violation of any of the conditions of the enclosed permit modification may subject the Permittee to the civil and criminal penalties provided for in Section 3008 of RCRA.

Sincerely yours,



Walter E. Mugdan, Director

Emergency and Remedial Response Division

Enclosures

