



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 19 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Sheryl A. Telford
Director, Corporate Remediation Group
E.I. du Pont de Nemours & Co., Inc.
Rte 141 & Faulkland Roads
Wilmington, Delaware 19805

Re: Notice of Issuance of Final Permit Modification I Decision
E.I. Du Pont De Nemours & Company, Inc.
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 of 1984 ("HSWA"), you are hereby served with this Notice of Issuance of a Final HSWA Permit Modification I decision for the above referenced facility.

Please read the final permit modification carefully, since it contains changes from the draft permit. Comments that were submitted in a timely manner during the public comment period have been considered in making this final permit decision. A copy of a Responsiveness Summary is enclosed which contains EPA's responses to significant comments submitted during the public comment period on the draft permit, including the public hearing.

EPA will not subject the changes from the draft to the final HSWA permit modification decision to another public review. However, these changes may be challenged under the Consolidated Permit Regulations, codified at 40 C.F.R. Part 124 (45 FR 33405) which apply to the EPA processing of this final permit modification. Specifically, 40 C.F.R. § 124.19, establishes procedures for administrative appeal of final RCRA decisions. Any person who filed comments on the draft permit modification or participated in the public hearing may petition the Environmental Appeals Board in Washington, D.C. to review any conditions of the final permit decision. 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 the changes from the draft to the final permit modification. Any petition for review must be made-within thirty (30) days of January 3, 2013, the date established by EPA for the start of the 30 day permit appeal period, as authorized by 40 C.F.R. § 124.19. See also 40 C.F.R. § 124.20.

The petition for review shall include a statement of the reasons supporting that review, including:

- (1) A demonstration that any issues being raised were raised during the public comment period and the public hearing, as required, or, if the appellant did not comment during the public comment period, or at the public hearing, a demonstration that the issues being raised relate to the changes between the draft and final permit modification provisions; and when appropriate,
- (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 Environmental Appeals Board should, in its discretion, review.

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

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

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

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U. S. EPA East Building, Room 3332
Washington, D.C. 20004

A copy of the request should be sent to:

Mr. John Filippelli, Director
Clean Air and Sustainability Division
U.S. Environmental Protection Agency
Region 2
290 Broadway, 25th Floor
New York, New York 10007-1866
(212) 637-3736

Electronic filing of a request for review is also permitted. See the Environmental Appeals Board website at www.epa.gov/eab for appropriate information on electronic filing and EAB procedures and practices.

This final permit modification, a copy of which is enclosed, becomes effective in its entirety on the date indicated on the second page of the Notice of Issuance, unless any interested party files a petition for review to the Environmental Appeals Board within the specified 30 day appeal period. In the event that administrative appeal is sought, the final permit modification decision will become effective:

- (i) To the extent the Environmental Appeals Board issues notice to the parties that review has been denied;
- (ii) When the Environmental Appeals Board 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 Environmental Appeals Board'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 Agency 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 you and your facility to the civil and criminal penalties provided for in Section 3008 of RCRA.

Your cooperation with the RCRA program is appreciated.

Sincerely yours,


John Filippelli, Director
Clean Air and Sustainability Division

cc: Mr. Steve Maybury, Chief, Bureau of Case Management, NJDEP
Ms. Suzanne Dietrick, Chief, Office of Dredging & Sediment Technology, NJDEP
Mr. J. Eric Davis Jr., U.S. Fish & Wildlife Service
Mr. Ed Merrill, Environmental Officer of Pompton Lakes