



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

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ENVIR. APPEALS BOARD

U. S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, N.W.
WJC East, Room 3334
Washington D.C. 20460-0001

February 7, 2014

Re: E.I. DuPont de Nemours & Company, RCRA Appeal Nos. 13-01 & 13-02

Dear Clerk of the Board:

On behalf of the U.S. Environmental Protection Agency, Region 2, enclosed please find three (3) copies of the Certified Index to the Administrative Record in the above-captioned matter. The person filing these documents is:

Robert G. Hazen
Assistant Regional Counsel
U.S. EPA, Region 2
212-637-3215
hazen.robert@epa.gov

Sincerely,

A handwritten signature in black ink that reads "Robert G. Hazen".

Robert G. Hazen

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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D. C.**

2014 FEB 10 AM 10:03

ENVIR. APPEALS BOARD

In the Matter of :

E. I. DuPont De Nemours and Company,

Hazardous & Solid Waste Amendments
(HSWA) Permit Modification
DuPont Pompton Lakes Works
EPA I.D. No. NJD002173946

RCRA Appeal Nos. 13-01 & 13-02

CERTIFIED INDEX TO THE ADMINISTRATIVE RECORD

I, Ariel Iglesias, am the Deputy Director of the Clean Air and Sustainability Division of the United States Environmental Protection Agency, Region 2.

I certify that the attached Index to the Administrative Record lists the documents constituting the administrative record in the above-captioned case, as required by 40 C.F.R. § 124.18.

In witness whereof, I have signed my name this seventh day of February, 2014.



Ariel Iglesias
Deputy Director
Clean Air & Sustainability Division
U.S. Environmental Protection Agency
Region 2

Certificate of Service

I certify that three copies of the Certified Index to the Administrative Record in the matter of E.I. DuPont de Nemours and Company, RCRA Appeal Nos. 13-01 and 13-02 were sent by overnight mail to the Clerk of the Environmental Appeals Board, and that an identical paper copy of the Certified Index was sent to the persons listed below in the manner indicated,

Environmental Appeals Board – By Overnight Mail

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

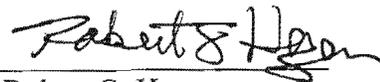
Attorney for Petitioner E.I. DuPont de Nemours and Company – By First Class Mail

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E.I. DuPont de Nemours and Company
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February 7, 2013



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ADMINISTRATIVE RECORD INDEX

Documents Relating to the
 Hazardous and Solid Waste Amendments of 1984 (HSWA)
 Permit Modification I -- Acid Brook Delta,
 E.I. du Pont de Nemours & Company, Incorporated,
 Pompton Lakes Works Facility
 Pompton Lakes, New Jersey
 EPA ID Number NJD002173946

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2	Acid Brook Delta Ecological Investigation Phase 1 Sampling and Analysis Plan	1/1/1996	P,E
3	Acid Brook Delta Ecological Investigation Reference Area Evaluation and Phase 1 Data Report	1/2/1997	P,E
4	Acid Brook Delta Ecological Investigation Phase 2 Report	8/1/1999	P,E
5	Revised Acid Brook Delta Ecological Investigation Phase 2 Report	1/1/2003	P,E
6	Email from NJDEP to DuPont: Required sediment sampling plan to delineate to 2 mg/kg (mercury)	3/18/2004	P,E
7	Acid Brook Delta Sampling Plan	4/29/2004	P,E
8	NJDEP letter to DuPont: Comments on Delta Sampling Work Plan	5/28/2004	P,E
9	DuPont letter to NJDEP: Response to comments on Delta Sampling Work Plan	6/24/2004	P,E
10	NJDEP letter to DuPont: NJDEP approves Dupont's response	7/6/2004	P,E
11	Revised Delta Sampling Work Plan	8/4/2004	P,E
12	Acid Brook Delta Remedial Investigation Report	11/13/2006	P,E
13	Draft Remedial Action Proposal for Acid Brook Delta Sediments	11/13/2006	P,E

14	Appendices to the Draft Remedial Action Proposal for Acid Brook Delta Sediments	11/17/2006	P,E
15	Delta Sampling Locations Map	2/2/2007	P
16	Acid Brook Delta Remedial Investigation Report	6/1/2008	P,E
17	Acid Brook Delta Remedial Investigation Report [Revised]	12/19/2008	P,E
18	Acid Brook Delta Uplands Remedial Investigation Work Plan	1/12/2009	P,E
19	Remedial Investigation Work Plan Approval; NJDEP letter to DuPont	7/7/2009	P,E
20	Acid Brook Delta Area Remedial Action Selection Report/Corrective Measure Study	9/18/2009	P,E
21	Acid Brook Delta Remedial Action Selection Report Corrective Measures Study	9/18/2009	P,E
22	Pompton Lakes Shoreline Remedial Investigation Work Plan	10/16/2009	P,E
23	NJDEP letter to DuPont: Approval of the Revised Acid Brook Delta Remedial Action Selection Report	10/22/2009	P,E
24	DuPont letter to EPA: Update for the Shoreline Remedial Investigation Work Plan	6/10/2010	P
25	Acid Brook Delta Uplands Remedial Investigation Report	6/30/2010	P,E
26	Acid Brook Delta Area Corrective Measures Implementation Work Plan	6/30/2010	P,E
27	HSWA Permit Modification Application for Acid Brook Delta	4/1/2011	P,E
28	North Jersey District Water Supply Commission Letter to PL Environmental CAG	10/14/2011	P,E
29	Pompton Lakes Historic Crests Presentation	10/20/2011	P,E
30	Lake Remediation Presentation	10/20/2011	P,E
31	Public Notice package for Acid Brook Delta HSWA Permit Modification	11/20/2011	P,E
32	Public Announcements (Public Notice, Radio Announcement)	11/20/2011	P,E
33	Statement of Basis for Draft HSWA Permit Modification 1	11/20/2011	P,E
34	Draft Permit Modification I	11/20/2011	P,E
35	RCRA Hearing Flyer	12/1/2011	P,E
36	Comparison of the 2011 and 2007 Bathymetric Surveys	1/9/2012	P,E

37	Public Hearing Transcript – and written comments received during public comment period	1/15/2012	P,E
38	Letter from NJ Division of Fish and Wildlife to EPA	2/2/2012	P,E
39	Letter from USFWS to EPA Regional Administrator	2/9/2012	P,E
40	NJ Water Supply Letter to PL Environmental CAG	2/27/2012	P,E
41	Minutes of the May 15, 2012 meeting between EPA, USFWS, NJDEP, and DuPont	5/15/2012	P,E
42	Email from USFWS to EPA: Comments on the Uplands portion of the cleanup project	9/30/2012	P,E
43	Notice of Issuance of Final Permit Modification 1 Decision Transmittal letter to DuPont	12/19/2012	P,E
44	Final HSWA Permit Modification 1	12/19/2012	P,E
45	Responsiveness Summary – addresses comments (including 33 written comments).	12/19/2012	P,E
46	Statement of Basis for Final HSWA Permit Modification	12/19/2012	P,E
47	Internal EPA email regarding 3/21/2012 DuPont meeting	12/28/2012	P,E

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1	Guidance on Community Advisory Groups (CAG) at Superfund Sites	12/1/1995	P,E
2	Email from EPA Regional Administrator to Pompton Lakes party	12/22/2009	P,E
3	Letter from NJDEP to Pompton Lakes Residents	1/15/2010	P,E
4	Letter from EPA Regional Administrator to Pompton Lakes Residents.	1/20/2010	P,E
5	EPA Press Release concerning Pompton Lakes Community Role in DuPont Pompton Lakes Works Cleanup	1/21/2010	P,E
6	Email from Citizens for a Clean Pompton Lakes (CCPL) to EPA for invitation to a meeting	1/27/2010	P,E
7	Letter from Congress and US Senators to RA	1/28/2010	P,E
8	Letter from New Jersey and US Senators to EPA Regional Administrator	1/28/2010	P,E
9	Facebook presence -- 66 members in group	2/1/2010	E

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10	Email from EPA to Pompton Lakes party	2/8/2010	P,E
11	Email from Pompton Lakes party to EPA Regional Administrator	2/9/2010	P,E
12	Article : The Record article on EPA starts Facebook page on cleanup	2/12/2010	P,E
13	Email from EPA to Pompton Lakes party	3/1/2010	P,E
14	EPA announcement of the opening of the Pompton Lakes Works Remediation Project Information Center	3/1/2010	P,E
15	Technical Assistance Services for the Communities (TASC) Work Plan for forming CAG	3/22/2010	P,E
16	Notification that CCPL board has formed a new organization; several CCPL Board members resign to focus on the new organization	5/21/2010	P,E
17	Email from EPA to Pompton Lakes party	8/5/2010	P,E
18	Article: NorthJersey.com article, "DuPont finalizing lake cleanup plan"	8/9/2010	P,E
19	Email from Pompton Lakes party to EPA	8/10/2010	P,E
20	Email from CCPL member to EPA	8/12/2010	P,E
21	Email from Pompton Lakes party to EPA Regional Administrator	8/25/2010	P,E
22	Letter from community group PLREI to EPA Regional Administrator	9/9/2010	P,E
23	Email from Pompton Lakes party to EPA Regional Administrator	10/20/2010	P,E
24	Letter (27 form letters) to EPA Regional Administrator and staff	11/8/2010	P,E
25	EPA Press Release concerning Public Hearing	11/21/2010	P,E
26	Email from Pompton Lakes party to CAG facilitator	12/14/2010	P,E
27	Email from Pompton Lakes Police Department to EPA	12/23/2010	P,E
28	Email from CAG member to CAG Facilitator	1/4/2011	P,E
29	Email from EPA Regional Administrator to staff	1/8/2011	P,E
30	Email from CAG Facilitator to Pompton Lakes Mayor	1/25/2011	P,E
31	Email from Mayor to CAG Facilitator	1/25/2011	P,E
32	Email from CAG Facilitator to NJDEP on reviewing NJDEP draft presentation on lake remediation	1/26/2011	P,E
33	Email from CAG member to EPA	2/3/2011	P,E

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34	Email from resident of Pompton Lakes to EPA	2/25/2011	P,E
35	Email from CAG member to EPA	3/1/2011	P,E
36	Email from CAG member to EPA	3/2/2011	P,E
37	Email from Pompton Lakes party to EPA	3/15/2011	P,E
38	Email from Police Department to EPA	4/7/2011	P,E
39	Letter from Edison Wetlands Association (EWA) to CAG	4/20/2011	P,E
40	Suburban Trends article: "Changes Made with environmental CAG in Pompton Lakes"	4/27/2011	P,E
41	Email from EPA to Pompton Lakes party concerning 5/9/2011 meeting	5/6/2011	P,E
42	Email from CCPL to EPA	5/9/2011	P,E
43	Email (internal) from CASD to PAD on response to resolution from the PLCAG	7/19/2011	P,E
44	Email from NJDEP to EPA: The Record article on the 7/20 Information Session	7/21/2011	P,E
45	Letter from Edison Wetlands Association to EPA	9/6/2011	P,E
46	Email (internal) from CASD to PAD on the public hearing date and location	11/18/2011	P,E
47	Internal EPA email regarding rally on Thursday at Pompton Lakes	12/30/2011	P,E
48	Public commenter to EPA Regional Administrator requesting extension of time to file comment on draft permit modification	1/9/2012	P,E
49	Email from Senator Office to EPA HQ regarding the community concerns	1/12/2012	P,E
50	Letter from PLREI Board Members to EPA Regional Administrator	2/1/2012	P,E
51	Email from CAG to EPA Regional Administrator	2/1/2012	P,E
52	Email (internal) from PAD to RA on allegations of conflicts of interests on the CAG	2/2/2012	P,E
53	The Record news article concerning community participation	2/15/2012	P,E
54	Email from Community member to EPA Regional Administrator concerning circulation of misinformation	2/20/2012	P,E
55	EPA statement concerning the permit modification process	2/21/2012	P,E

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57	EPA internal memo concerning audit request	3/6/2012	P,E
58	EPA notes on Possible Options for Structuring EPA's Community Outreach Program	3/9/2012	P,E
59	Emailed notes on EPA RA's 3/12/2012 meeting with DuPont	3/12/2012	P,E
60	Suburban Trends article concerning CAG membership openings	3/15/2012	P,E
61	Email from Edison Wetlands Assn. to EPA thanking EPA	3/18/2012	P,E
62	Email (internal) from PAD to CASD	3/18/2012	P,E
63	Letter from NJDEP to EPA	4/30/2012	P,E
64	EPA paper: Questions and Answers -- US EPA Pompton Lakes Community Engagement	5/30/2012	P,E
65	EPA Statement concerning policy to effectively involve community	5/31/2012	P,E
66	EPA Statement on Pompton Lakes Community Engagement	5/31/2012	P,E
67	EPA newsletter: Summer 2012 Update	6/1/2012	P,E
68	Email from EPA to PLREI member	6/7/2012	P,E
69	Letter from DuPont to EPA: Permit modification issues	6/7/2012	P,E
70	Suburban Trends, "Letter to the Editor" concerning community involvement	6/24/2012	P,E
71	Borough of Pompton Lakes Resolution #12-138 to EPA and other officials	7/23/2012	P,E
72	Letter from the CAG to Department of Justice officials	7/26/2012	P,E
73	Email from community party to EPA Regional Administrator	8/7/2012	P,E
74	Email from Community member to EPA concerning Acid Brook Delta cleanup	8/7/2012	P,E
75	Email from EPA to Community member	8/10/2012	P,E
76	Email from CAG member to EPA Regional Administrator	10/10/2012	P,E
77	Internal EPA email concerning cleanup information	10/11/2012	P,E
78	Internal EPA email concerning control of the dam	10/26/2012	P,E

79	Letter from CAG to EPA Regional Administrator	12/10/2012	P,E
80	EPA Press Release concerning issuance of the final HSWA permit Modification	12/19/2012	P,E
81	Community Action Groups (CAG) Meetings Minutes 2010 meetings (3), 2011 meetings (14), 2012 Meetings (7)		P,E
82	Public Information Session material	7/31/2012	P,E
83	"Remediation Update ... provided by the Pompton Lakes Mayor and Council" (periodic, 11/27/2011 - 1/29/2012)	11/27/2011	P,E

C. GUIDANCE DOCUMENTS

1	RCRA CORRECTIVE ACTION PLAN (Final), OSWER Directive 9902.3-2A	5/1/1994	P,E
2	Corrective Action for Solid Waste Management Units at Hazardous Waste Management Facilities; Proposed Rule	7/27/1990	P,E
3	Guidance on RCRA Corrective Action Decision Documents: Statement of Basis and Response to Comments, EPA 540-G-91-011	2/1/1991	P,E
4	RCRA Expanded Public Participation Rule (1995)	12/11/1995	P,E
5	The RCRA Public Participation Manual (1996)	1996	P,E
6	Corrective Action for Releases from Solid Waste Management Units at Hazardous Waste Management Facilities; Proposed Rule	5/1/1996	P,E
7	Transmittal of Final Fact Sheet Entitled "Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups"	9/29/2000	P,E
8	Final Guidance on Completion of Corrective Action Activities at RCRA Facilities	2/25/2003	P,E
9	OSW Memorandum -- Ensuring Effective and Reliable Institutional Controls at RCRA Facilities	6/14/2007	P,E