



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

NOV 16 2018

REPLY TO THE ATTENTION OF

LU-16J

**VIA CERTIFIED MAIL: RETURN RECEIPTS REQUESTED**

Sheryl Telford  
Director, EHS and Remediation  
Chemours Company FC, LLC  
1007 Market Street  
Wilmington, DE 19899  
CERTIFIED MAIL: 7017 0530 0000 6289 0095

Tom Ei  
Remediation Director  
E.I. du Pont Nemours and Company  
Chestnut Run Plaza  
974 Centre Road  
Wilmington, DE 19805  
CERTIFIED MAIL: 7017 0530 0000 6289 0088

Mr. Richard Parrish, P.G.  
President  
East Chicago Gateway Partners, LLC  
5215 Kennedy Avenue  
East Chicago, Indiana 46312-3805  
CERTIFIED MAIL: 7017 0530 0000 6289 0101

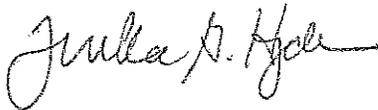
RE: Acknowledgement of Termination and Agreement to Record Preservation and  
Reservation of Rights (Docket No. 5-RCRA-'97-007)  
Former DuPont East Chicago Facility, East Chicago, Indiana  
EPA ID: IND 005 174 354

Dear Ms. Telford, Mr. Ei, and Mr. Parrish:

Please find enclosed for your records a fully executed copy of the Acknowledgement of Termination and Agreement to Record Preservation and Reservation of Rights (Docket No. 5-RCRA-'97-007).

If you have any questions regarding this letter, please do not hesitate to contact Jennifer Dodds of my staff, at 312-886-1484 or [dodds.jennifer@epa.gov](mailto:dodds.jennifer@epa.gov).

Sincerely,



Tinka G. Hyde  
Division Director  
Land and Chemicals Division

Enclosure

cc: Naeha Dixit, EPA  
Mary Fulghum, EPA  
Julie LaVan, LaVan Law  
Patricia McGee, E.I. du Pont de Nemours and Company  
Bernie Reilly, The Chemours Company, FC LLC  
David L. Rieser, K&L Gates LLP

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )

DuPont East Chicago Facility )  
5215 Kennedy Avenue )  
East Chicago, Indiana )

EPA ID: IND 005 174 354 )

RESPONDENTS: )

E.I. du Pont Nemours and Company )  
Chemours Company FC, LLC )  
East Chicago Gateway Partners, LLC )

Proceeding under Section 3008(h) )  
of the Resource Conservation and Recovery )  
Act, 42 U.S.C. § 6928(h) )

RCRA Docket No: 5-RCRA-'97-007



**ACKNOWLEDGEMENT OF TERMINATION  
AND AGREEMENT TO RECORD  
PRESERVATION AND RESERVATION OF  
RIGHTS**

**I. JURISDICTION**

1. On June 25, 1997, the United States Environmental Protection Agency (“U.S. EPA”) and the DuPont Company aka E.I. du Pont Nemours and Company (“Respondent DuPont”) entered an Administrative Order on Consent (U.S. EPA Docket Number 5-RCRA-'97-007) (“1997 Order”) pursuant to Section 3008(h) of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act (RCRA) of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6928(h).
2. The 1997 Order, required Respondent DuPont, the owner and operator of a RCRA-regulated manufacturing facility at 5215 Kennedy Avenue that was designated as U.S. EPA NO. IND 005 174 354 (“Facility”), to conduct the following activities:
  - a. perform a sediment investigation in the Grand Calumet River and adjacent wetlands, to determine the nature and extent of any release of hazardous wastes and hazardous constituents from the Facility as an Interim Measure (IM);

- b. perform a RCRA Facility Investigation (RFI) to determine the nature and extent of any release of hazardous wastes and/or hazardous constituents from the Facility;
  - c. perform a Corrective Measures Study (CMS) to identify and evaluate alternatives for the corrective action necessary to prevent or mitigate migration or releases of hazardous wastes and/or hazardous constituents at or from the Facility; and
  - d. perform any other activities necessary to abate or evaluate actual or potential threats to human health and/or the environment resulting from the release or potential release of hazardous waste or hazardous constituents at or from the Facility.
3. In 2015, Respondent DuPont underwent a corporate restructuring and transferred the Facility to Chemours Company FC, LLC (“Respondent Chemours”) which also became responsible for completing RCRA corrective action at the Facility.
  4. On or about June 29, 2018, Chemours transferred the Facility to East Chicago Gateway Partners LLC (“Respondent ECGP”).
  5. Concurrent with this Acknowledgement, U.S. EPA and Respondents DuPont, Chemours, and ECGP (collectively, “Respondents”) entered a Consent Order pursuant to RCRA 3008(h) in this matter effective November \_\_, 2018 (“2018 Order”) that requires Respondents to implement corrective measures selected by U.S. EPA’s October 6, 2014 Final Decision and Response to Comments for the Facility’s Natural Area and Buffer Zone and U.S. EPA’s July 18, 2018 Final Decision and Response to Comments for the Western Portion/Industrial Area of the Facility and to otherwise complete corrective action at the Facility.
  6. Pursuant to Section XXIV (TERMINATION AND SATISFACTION) of the 1997 Order, the 1997 Order may be terminated upon execution of an “Acknowledgment of Termination and Agreement to Record Preservation and Reservation of Rights.”

## **II. ACKNOWLEDGMENT OF TERMINATION AND AGREEMENT TO RECORD PRESERVATION AND RESERVATION OF RIGHTS**

7. Based upon the information presently available to U.S. EPA, the terms of the 2018 Order with the Respondents and Respondents’ affirmation of their continuing obligation to preserve records and of U.S. EPA’s reservation of rights, U.S. EPA acknowledges that the 1997 Order is terminated.
8. Respondents agree and acknowledge that each will meet their continuing obligations under Section XIV (RECORD PRESERVATION) of the 1997 Order by preserving all data, records, and documents covered by that Order in accordance with the requirements of Section X (Record Retention) of the 2018 Order.

9. Respondents each affirm and recognize U.S. EPA's reservation of rights as set forth in Section XIX (RESERVATION OF RIGHTS) of the 1997 Order after its termination.
10. Each undersigned representatives of Respondents and the U.S. EPA certifies that he or she is authorized to enter into the terms and conditions of this Acknowledgment and to execute and bind legally such Party to this document.

### III. EFFECTIVE DATE

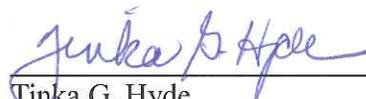
11. This Acknowledgement of Termination and Agreement to Record Preservation and Reservation of Rights shall be effective upon the date it is signed by U.S. EPA.

Agreed this \_\_\_ day of November, 2018.

IT IS SO AGREED AND ORDERED:

#### U.S. ENVIRONMENTAL PROTECTION AGENCY:

11-16-18  
Dated

  
\_\_\_\_\_  
Tinka G. Hyde  
Director, Land and Chemicals Division  
U.S. EPA, Region 5

Signature Page for Acknowledgment of Termination and Agreement to Record Preservation  
and Reservation of Rights the DuPont East Chicago Facility Administrative Order on Consent  
(RCRA Docket No: 5-RCRA-'97-007)

FOR Chemours Company FC, LLC:

November 15, 2018  
Dated

  
~~Sheryl Telford~~ Stephen H. Shoemaker  
Director, EHS and Remediation of Remediation  
Chemours Company FC, LLC  
1007 Market Street  
Wilmington, DE 19899

Signature Page for Acknowledgment of Termination and Agreement to Record Preservation  
and Reservation of Rights the DuPont East Chicago Facility Administrative Order on Consent  
(RCRA Docket No: 5-RCRA-'97-007)

**FOR E.I. du Pont Nemours and Company:**

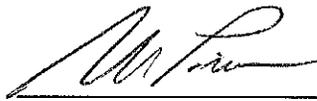
*Nov 14 2015*  
Dated

  
\_\_\_\_\_  
Tom Ei  
Remediation Director  
E.I. du Pont Nemours and Company  
Chestnut Run Plaza  
974 Centre Road  
Wilmington, DE 19805

Signature Page for Acknowledgment of Termination and Agreement to Record Preservation  
and Reservation of Rights Regarding the RCRA § 3008(h) Administrative Order on Consent  
(U.S. EPA Docket Number 5-RCRA-'97-007)

**FOR East Chicago Gateway Partners, LLC:**

11/16/2018  
Dated

  
Richard Parrish  
President  
East Chicago Gateway Partners, LLC  
5215 Kennedy Avenue  
East Chicago, Indiana 46312-3805

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused copies of the foregoing Acknowledgment of Termination and Agreement to Record Preservation and Reservation of Rights and this Certificate of Service in East Chicago, Indiana, for the DuPont Facility located at 5215 Kennedy Avenue, East Chicago, Indiana and designated EPA ID: IND 005 174 354, to be served on the persons designated below, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in envelopes addressed to:

Sheryl Telford  
Director, EHS and Remediation  
Chemours Company FC, LLC  
1007 Market Street  
Wilmington, DE 19899  
CERTIFIED MAIL: 7017 0530 0000 6289 0095

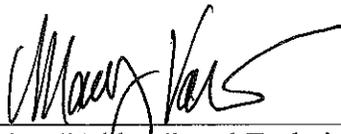
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Mr. Richard Parrish, P.G.  
President  
East Chicago Gateway Partners, LLC  
5215 Kennedy Avenue  
East Chicago, Indiana 46312-3805  
CERTIFIED MAIL: 7017 0530 0000 6289 0101

I have further caused the original of the Acknowledgment of Termination and Agreement to Record Preservation and Reservation of Rights and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Resource Management Division, U.S. EPA, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604, on the date below.

The addresses above are each said person's last known address to the subscriber.

Dated this 10<sup>th</sup> day November, 2018

  
\_\_\_\_\_  
Mary Valdes, Legal Technician  
U.S. EPA, Region V