

understood that a valid method to purify the Fluorotelomer Products had not been developed when the SEP began. DuPont has performed exploratory studies and engaged in discussions with EPA on adapting the "Mabury Method" to meet the purifying requirements of the SEP. DuPont recently completed a purification pre-experiment. Based in part on that pre-experiment, the parties have developed a Purification Procedure Agreement (incorporated into the SEP as Attachment H of Appendix A) to assure progress will be made to finalize the purification process in the next few months. The parties also agree that DuPont will purify the commercial Fluorotelomer Products in accordance with the Purification Procedure Agreement and DuPont will ship the resultant product(s) to EPA by June 1, 2009. The parties also agree that Organization of Economic Cooperation and Development (OECD) 302A Semi-continuous Activated Sludge (SCAS) pilot testing will begin by January 31, 2010.

Appendix A has also been modified to delete reference to the OECD 303A testing. Given the importance of the OECD 302A SCAS testing and the costs associated with performing the OECD 302A SCAS testing for all nine Fluorotelomer Products and the three variants of each Fluorotelomer Product, the parties decided to eliminate the OECD 303A testing to ensure more SCAS testing is completed. Along with the deletion of the OECD 303A testing, the parties agree that SEP Section II.J.2.b. will be modified such that if no laboratory will commit to completing all of the biodegradation studies (including pilots) by September 1, 2011, then the alternative approach provisions in this same section of the SEP apply.

Joint Motion at 2-3. With regard to the Appendix B modification, the Joint Motion states:

**MICROSCALE CHEMISTRY & GREEN CHEMISTRY IN WOOD COUNTY,
WEST VIRGINIA PUBLIC SCHOOLS**

The CAFO provides that all work will be concluded on the SEP found in Appendix B within three (3) years of the effective date of the CAFO. The microscale chemistry and green chemistry programs have been very well received. For this reason, the parties request that the completion date for this SEP be extended to August 31, 2009. This date accommodates the school calendar and allows the Wood County Public School District additional time to make decisions about how to maintain the program.

The SEP requires DuPont to spend \$1,250,000 within three (3) years on the microscale chemistry and green chemistry program. DuPont has made substantial progress with this program and the parties are requesting the extension to allow for activities that began in the school year 2008-2009 to be completed and allow training to occur through the summer of 2009. DuPont also has the funds to expand this SEP to the sixth grade. DuPont estimates that by expanding the SEP to the sixth grade, all SEP funds will be expended by August 31, 2009. Finally, DuPont is working with the

school system to establish a Resource Center. The Wood County School District needs additional time to decide on the location for the Resource Center.

Id. at 3-4.

For good cause shown, the Joint Motion is granted. The Board's December 21, 2005 Final Order is hereby amended to reflect the above-mentioned CAFO modifications which are incorporated herein by reference.

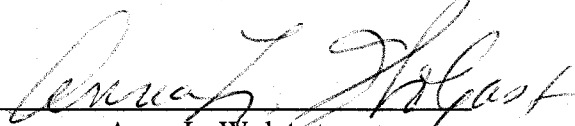
So ordered.

Dated:

January 8, 2009

ENVIRONMENTAL APPEALS BOARD

By:



Anna L. Wolgast

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Granting Motion to Amend Settlement Agreement in the matter of E.I. duPont de Nemours and Company, Docket Nos. TSCA-HQ-2004-0016, RCRA-HQ-2004-0016, and TSCA-HQ-2005-5001, were sent to the following persons in the manner indicated:

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Waste and Chemicals Enforcement Division
Office of Civil Enforcement (MC-2249A)

Dated: JAN - 8 2009



Annette Duncan
Secretary