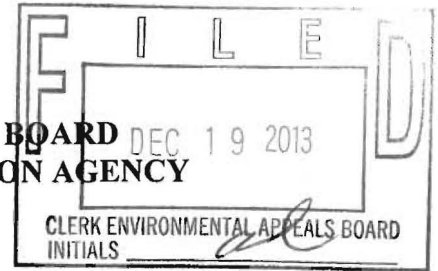


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)
)
E.I. DuPont De Nemours & Co.)
)
HSWA Permit Modification)
DuPont Pompton Lakes Works)
EPA ID No. NJD002173946)
_____)

RCRA Appeal Nos. 13-01 & 13-02

ORDER GRANTING THIRD MOTION TO EXTEND STAY OF PROCEEDINGS

On December 12, 2013, Region 2 (“Region”) of the U.S. Environmental Protection Agency submitted a status report to the Environmental Appeals Board (“Board”) pursuant to the Board’s August 29, 2013, order staying proceedings in the above-captioned matter. The status report outlined the major issues raised in the petitions for review filed by petitioners E.I. DuPont De Nemours and Company (“DuPont”) and the Passaic River Coalition (“Passaic”) and the status of settlement efforts with respect to each issue. Status Report at 2 (Dec. 12, 2013). The Region explained that while the parties have made significant progress, some substantive issues remain outstanding. *Id.* at 1. The Region continued that to accelerate the settlement process, the Region and DuPont had scheduled a “senior in-person management and technical meeting” on December 17, 2013, and that the Region would file a supplemental status report to inform the Board of the latest developments. *Id.* at 3.

The Board received the supplemental status report and motion for extension of time on December 19, 2013. Status Report and Motion for Extension of Time (Dec. 19, 2013). The supplemental status report stated that although there has been significant progress with respect to the issues raised in DuPont’s petition, “there is no assurance at this point that settlement will be

reached * * * concerning the extent of dredging in the Pompton Lake Delta to be performed under the permit.” *Id.* at 1. EPA and DuPont have agreed to schedule further technical meetings and management reviews to continue their efforts to settle. *Id.* In addition, the Region will consult with Passaic representatives to address Passaic’s request to reestablish the Community Advisory Group. *Id.*

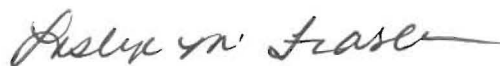
To allow for these additional meetings, the Region requests that the Board extend the stay of proceedings until February 26, 2014. The Region avers that it would file a response to the petitions no later than February 25, 2014, and that the Region will file a certified copy of the administrative record for the permit modification no later than February 11, 2014. *Id.* at 1-2. The Region consulted with counsel for petitioners DuPont and Passaic in preparing both December status reports, and the petitioners support the Region’s request to extend the stay of proceedings. *Id.* at 2.

Upon consideration, the Board grants the Region’s unopposed motion to extend the stay of proceedings in the above-captioned appeals until February 26, 2014. The parties shall inform the Board as soon as practicable of any settlement agreement they reach. Should the parties fail to settle any of the issues raised in the petitions, the Region, in consultation with DuPont and the Passaic River Coalition, shall inform the Board of what issues remain when the Region files the certified index to the administrative record on February 11, 2014.

So ordered.

Date: *December 19, 2013*

ENVIRONMENTAL APPEALS BOARD



Leslye M. Fraser
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Third Motion to Extend Stay of Proceedings in the matter of E.I. DuPont De Nemours and Company, RCRA Appeal Nos. 13-01 & 13-02, were sent to the following persons in the manner indicated:

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Dated: DEC 19 2013



Annette Duncan
Secretary