

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

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

STATUS REPORT AND MOTION FOR EXTENSION OF TIME

Pursuant to the Environmental Appeals Board (“EAB”), August 29, 2013 Order, Region 2 of the United States Environmental Protection Agency (“EPA”) herewith submits a further Status Report on the above-captioned matter, which supplements the Status Report EPA filed on December 12, 2013. The Status Report includes a Motion for Extension of Time and proposed Order, as set forth below.

DuPont and EPA held a senior level in person meeting on December 17, 2013 in which the issues outstanding in the DuPont Appeal were discussed. Although significant progress has been made on several issues contained in DuPont’s petition, there is no assurance at this point that settlement will be reached on a key issue concerning the extent of dredging in the Pompton Lake Delta to be performed under the permit. However, DuPont and EPA have agreed to schedule further technical meetings to continue their settlement efforts, and appropriate management reviews will be held as well. In addition, EPA will consult with representatives of the Passaic River Coalition specifically to address the request in its appeal that EPA reestablish the Community Advisory Group (“CAG”), which operated under EPA auspices from October, 2010 through May, 2012.

Accordingly, in order to provide time early in 2014 for these additional meetings and reviews, EPA hereby requests that the EAB approve a Motion for Extension of Time to stay the proceedings before the EAB until February 26, 2014. EPA would file a response to the petitions

by February 25, 2014, and EPA will file a certified copy of the administrative record for the permit Modification no later than February 11, 2014, or as the Board otherwise directs.

EPA Region 2 has consulted with counsel for Petitioners DuPont and the Passaic River Coalition in preparing this Status Report. The petitioners support the Motion for Time Extension contained herein.

Conclusion

For good cause, EPA Region 2 respectfully requests that the Board grant the Motion for Extension of Time, and enter a stay of the proceedings and order a filing schedule as set forth above. A proposed form of Order is submitted herewith.

Respectfully submitted,

s/Robert G. Hazen
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December 19, 2013

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ORDER

And now, this _____ day of _____, upon consideration of the Status Report and Agreed Upon Motion for Extension of Time submitted by the U.S. Environmental Protection Agency, Region 2, it is hereby ORDERED that the Motion is GRANTED. IT IS FURTHER ORDERED that all proceedings in the appeals are stayed in accordance with the terms set forth in the Status Report and Motion for Extension of Time.

BY THE BOARD:

Certificate of Service

I certify that the foregoing Status Report and Motion for Extension of Time in the matter of E. I. DuPont de Nemours and Company, RCRA Appeal Nos. RCRA 13-01, and RCRA 13-02, was filed by electronic submission to the Environmental Appeals Board through the EAB eFiling system this nineteenth day of December, 2013.

I hereby also certify that identical paper copies of the foregoing Status Report and Motion for Extension of Time in the matter of E.I. DuPont de Nemours and Company, RCRA Appeal Nos. 13-01, and 13-02, were sent to the following persons 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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December 19, 2013

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