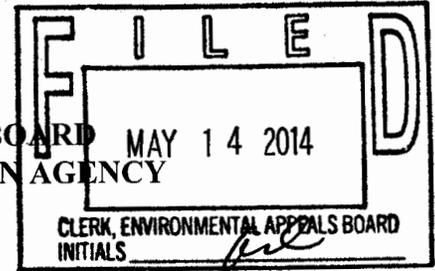


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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 DISMISSING APPEALS

On December 19, 2012, Region 2 (“Region”) of the U.S. Environmental Protection Agency (“EPA”) issued a final Resource Conservation and Recovery Act (“RCRA”) Corrective Action Permit Modification I (“Permit Modification”) to E.I. DuPont De Nemours and Company (“DuPont”) containing corrective action measures selected for specific areas of concern at DuPont’s Pompton Lakes Works facility. DuPont timely filed a petition for review of the Permit Modification on January 31, 2013, and the Passaic River Coalition timely filed a petition for review on February 1, 2013. The parties subsequently requested several stays of the matter in order to pursue settlement discussions. The Board’s most recent order stayed the appeals through April 30, 2014.

On April 14, 2014, the Region notified the Board in a status report that settlement discussions between DuPont and EPA had concluded unsuccessfully, and that there was no change in the status of the Passaic River Coalition appeal. The Region indicated that it would file its response to the consolidated appeals no later than April 30, 2014.

On April 30, 2014, the Board received from the Region both a Notice of Withdrawal of the Permit Modification and a Motion to Dismiss. The Director of the Region’s Clean Air & Sustainability Division sent a letter to the Board stating that the Region was formally withdrawing

the Permit Modification in its entirety pursuant to 40 C.F.R. § 124.19(j) (stating that at any time prior to thirty days after filing its response to the petition(s) for review, the Region may, upon notification to the Board and any interested parties, withdraw a permit). The letter explained that the Region's withdrawal of the Permit Modification came "[a]fter consideration of all aspects of the matter," and stated that the Region will prepare a new draft permit modification that will proceed through the public notice and comment process set forth in 40 C.F.R. § 124.19. The Region notified counsel for petitioners DuPont and Passaic River Coalition of its intent to withdraw the permit modification.

In its Motion to Dismiss, the Region avers that the withdrawal of the Permit Modification in its entirety renders DuPont's and Passaic River Coalition's petitions for review moot.

Upon consideration of the Region's motion and for good cause shown, the Board hereby **GRANTS** the Region's motion and dismisses RCRA Appeal Nos. 13-01 and 13-02.

So ordered.¹

Date: *May 14, 2014*

ENVIRONMENTAL APPEALS BOARD

By: *Leslye M. Fraser*

Leslye M. Fraser
Environmental Appeals Judge

¹ The three-member panel deciding this matter is comprised of Environmental Appeals Judges Leslye M. Fraser, Catherine R. McCabe, and Kathie A. Stein. See 40 C.F.R. § 1.25(e)(1).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Appeals 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:

By First Class U.S. Mail:

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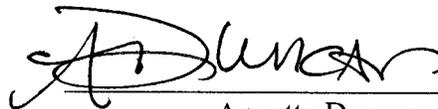
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Dated: MAY 14 2014



Annette Duncan
Secretary