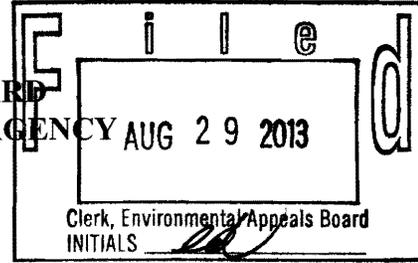


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



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 MOTION TO EXTEND STAY OF PROCEEDINGS**

On August 23, 2013, Region 2 (“Region”) of the U.S. Environmental Protection Agency (“EPA”) filed a status report and unopposed motion seeking to extend the stay of proceedings in the consolidated appeals of a Resource Conservation and Recovery Act (“RCRA”) Corrective Action Permit Modification I (“Permit Modification”) issued to E.I. DuPont De Nemours and Company (“DuPont”) on December 19, 2012, which contains corrective action measures selected for specific areas of concern at DuPont's Pompton Lakes Works facility. The Environmental Appeals Board (“Board”) granted previously a stay of proceedings on March 8, 2013, to allow the Region and petitioners DuPont and the Passaic River Coalition more time to resolve the issues presented in the petitions for review.

In its unopposed motion the Region avers that, in consultation with the U.S. Fish and Wildlife Service and the New Jersey Department of Environmental Protection, it has engaged in extensive technical discussions with DuPont regarding the physical condition of the sediment and sediment contamination in the Acid Brook Delta area of Pompton Lake as well as areas downstream. Status Report and Agreed Upon Motion for Extension of Time at 1. The Region and DuPont agreed that resolution of certain issues raised in the petitions for review required collection

of additional data and subsequent evaluation and analysis. *Id.* As a result, DuPont submitted a comprehensive sediment sampling plan to EPA in early June for review and comment. *Id.* The parties aver that sediment sampling is currently underway and is expected to be completed by early September, with analytic laboratory results expected to be available six weeks later. *Id.* at 2. The Region avers that the results of the sediment sampling plan will allow the Region and DuPont to utilize the most recent data to conduct detailed settlement negotiations concerning both the physical characteristics and the location and extent of mercury contamination within the Pompton Lake system. *Id.* at 2. In addition, the Region avers that since March 8, 2013, it has continued outreach to provide information to the Pompton Lake community, and that it will continue to apprise the Passaic River Coalition of its progress as the technical work is undertaken to move towards a settlement. *Id.*

Upon consideration, the Board grants in part the Region's unopposed motion to extend the stay of proceedings in the above-captioned appeals until January 31, 2014, which is one year after the petitions for review were filed. The Region, in consultation with DuPont and the Passaic River Coalition, shall file a status report no later than Friday, December 13, 2013, to update the Board on the parties' efforts to resolve the challenges to the Permit Modification contained in the petitions for review. The Board will decide whether to establish a briefing schedule or take other action based on the contents of the status report.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Date: *August 29, 2013*

By: *Kathleen A. Stanton* *Lesly M. Fraser*  
Lesly M. Fraser  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting 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: *August 29, 2013*

  
Annette Duncan  
Secretary