



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 13 2018

REPLY TO THE ATTENTION OF:

LU-16J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tom A. Ei
DuPont Corporate Remediation Group
E.I. du Pont de Nemours and Company
974 Center Road
Chestnut Run Plaza 730/3170-5
Wilmington, DE 19805

Re: Termination of 1997 RCRA Corrective Action Order
DuPont Circleville, Ohio Facility (OHD 004 287 322)

Dear Mr. Ei:

Thank you for signing the Acknowledgment of Termination and Agreement on Record Preservation and Reservation of Rights (Acknowledgement), for the termination of a February 19, 1997, Administrative Order on Consent between the U.S. Environmental Protection Agency, Region 5, and E.I. du Pont de Nemours and Company (DuPont), pursuant to Section 3008(h) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(h), for corrective action at DuPont's Circleville, Ohio facility. A copy of the fully-executed Acknowledgment is enclosed for DuPont's files. Your cooperation in this matter is appreciated.

If you have any questions, please contact Mr. John Nordine of my staff at (312) 353-1243 or nordine.john@epa.gov. If you have any legal questions, please have your legal counsel contact Mr. Chow at (312) 353-6181 or chow.kevin@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Cisneros".

Joe Cisneros, Chief
Remediation Reuse Branch

Enclosure

cc: John Nordine (LU-16J)
Kevin Chow (C-14J)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
E.I. du Pont de Nemours and Company)
U.S. Route 23 South)
Circleville, Ohio 43113)
U.S. EPA NO. OHD 004 287 322)
RESPONDENT)

ACKNOWLEDGMENT OF
TERMINATION AND
AGREEMENT TO RECORD
PRESERVATION AND
RESERVATION OF RIGHTS

U.S. EPA DOCKET NO.:
5-RCRA-97-0024

Proceeding under Section
3008(h) of the Resource
Conservation and Recovery
Act of 1976, as amended,
42 U.S.C. § 6928(h).



I. JURISDICTION

1. On February 19, 1997, the United States Environmental Protection Agency, Region 5 (U.S. EPA) and E.I. du Pont de Nemours and Company (DuPont or Respondent) entered into an Administrative Order on Consent (1997 Order). The 1997 Order is attached as Exhibit 1.

2. The 1997 Order required Respondent to perform Interim Measures, a RCRA Facility Investigation (RFI), a Corrective Measures Study (CMS), and any other activities necessary to correct or evaluate actual or potential threats to human health and/or the environment resulting from the release or potential release of hazardous waste or hazardous constituents, pursuant to Section 3008(h) of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6928(h), at Respondent's facility located at U.S. Route 23 South, Circleville, Ohio, U.S. EPA NO. OHD 004 287 322 (DuPont Circleville Facility).

3. Respondent implemented the requirements of the 1997 Order, including the implementation of Interim Measures, the submission of Phase I and Phase II RFI Reports, and the submission of a CMS Report dated July 25, 2002. Subsequently, U.S. EPA issued a Statement of Basis on July 22, 2004, and a Response to Comments and Final Decision (Final Decision) on October 19, 2004. On March 21, 2005, U.S. EPA and Respondent entered into an Administrative Order on Consent (U.S. EPA Docket Number RCRA-05-2005-0004) (2005 Order) requiring Respondent to implement the corrective action remedies identified within the Final Decision, and to otherwise complete corrective action at the DuPont Circleville Facility. These remedies include, among other things, institutional controls and monitored natural attenuation (MNA) of impacted groundwater, subject to contingent remedies if MNA is found not to be working. Respondent continues to implement the 2005 Order.

4. Pursuant to Section XXV (TERMINATION AND SATISFACTION) of the 1997 Order, that Order may be terminated upon execution of an "Acknowledgment of Termination and Agreement on Record Preservation and Reservation of Rights."

II. ACKNOWLEDGMENT OF TERMINATION AND AGREEMENT TO RECORD PRESERVATION AND RESERVATION OF RIGHTS FOR THE 1997 ORDER

5. Based upon the information presently available to U.S. EPA, the terms of the 1997 Order with DuPont, and DuPont's affirmation of its continuing obligation to preserve records and of U.S. EPA's reservation of rights under the 1997 Order, U.S. EPA acknowledges that Respondent has demonstrated to the satisfaction of U.S. EPA that the terms of the 1997 Order, including any additional tasks determined by U.S. EPA to be required pursuant to the 1997 Order, have been satisfactorily completed, and that the 1997 Order, as attached and identified in

Exhibit 1, is terminated. The 2005 Order shall remain in full force and effect in accordance with its terms.

6. DuPont agrees and acknowledges that it will meet its continuing obligations under Section XIV (RECORD PRESERVATION) of the 1997 Order by preserving records covered by that Order in accordance with the requirements of the 1997 Order as though set forth herein.

7. DuPont agrees and acknowledges that termination of the 1997 Order does not limit or in any way affect the reservation of rights set forth in Section XIX of the 1997 Order.

8. Each of the undersigned representatives of DuPont and U.S. EPA certifies that he or she is authorized to enter into the terms and conditions of this Acknowledgement of Termination and Agreement to Record Preservation and Reservation of Rights, and to execute and bind legally such Party to this document.

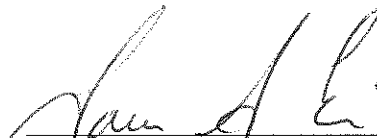
9. DuPont and U.S. EPA acknowledge that the last digit in the U.S. EPA docket number as stamped in the caption of the 1997 Order is not fully legible, and that it is plausible that it is a "4". The Parties therefore agree that for purposes of terminating the 1997 Order, this Acknowledgement of Termination and Agreement to Record Preservation and Reservation of Rights shall be captioned with U.S. EPA Docket Number 5-RCRA-97-0024, and that as so captioned, this document shall apply to the 1997 Order as represented and attached in Exhibit 1.

**In the Matter of: E.I. du Pont de Nemours and Company
Circleville, Ohio**

**Acknowledgement of Termination and Agreement to Record Preservation and Reservation
of Rights for 1997 Order**

IT IS SO AGREED:

DATE: 9-7-2018

BY: 

Tom A. Ei
DuPont Corporate Remediation Group Leader
E.I. du Pont de Nemours and Company

IT IS SO ORDERED:

DATE: 9-12-18

BY: 

Tinka G. Hyde
Division Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

EXHIBIT 1

1997 ORDER

In the Matter of: **E.I. du Pont de Nemours and Company**
U.S. Route 23 South
Circleville, Ohio 43113
EPA ID: OHD 004 287 322

Docket Number: **5-RCRA-97-0024**

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the foregoing *Acknowledgement of Termination and Agreement to Record Preservation and Reservation of Rights* was sent this day in the following manner to the following addressees:

Copy by Certified Mail,
Return Receipt Requested,
to Respondent:

Certified Mail #
Tom A. Ei
DuPont Corporate Remediation Group
E.I. de Pont de Nemours and Company
974 Center Road
Chestnut Run Plaza 730/3170-5
Wilmington, DE 19805

Copy by email to
Attorney for Respondent:

Lori E. Sanders
Lori.E.Sanders@dupont.com

Copy by email to
Attorney for U.S. EPA:

Kevin Chow
chow.kevin@epa.gov

Copy by email to
Regional Judicial Officer

Ann Coyle
coyle.ann@epa.gov

Dated: 9/13/18

Yesenia Ortiz-Santiago
Yesenia Ortiz-Santiago
Land and Chemicals Division