

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 3

U.S. EPA-REGION 3-RC  
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IN THE MATTER OF:

Docket No. CERCLA-03-2018-0116DC

Delaware Sand & Gravel Landfill  
Superfund Site

The Chemours Company FC, LLC )  
Hercules LLC )  
Waste Management of Delaware, Inc. )  
SC Holdings, Inc. )  
Cytex Industries, Inc. )  
Zeneca Inc. )  
Bayer CropScience Inc. )

Respondents )

Proceeding Under Sections 104, 107, and )  
122 of the Comprehensive, Environmental )  
Response, Compensation, and Liability Act, )  
42 U.S.C. §§ 9604, 9607 and 9622 )

**ADMINISTRATIVE SETTLEMENT  
AGREEMENT AND ORDER ON  
CONSENT FOR REMEDIAL DESIGN**

**FIRST AMENDMENT TO:**

**ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT FOR  
REMEDIAL DESIGN**

Whereas the United States Environmental Protection Agency (“EPA”) and the above captioned Respondents (“Respondents”) entered into the subject Administrative Settlement Agreement and Order on Consent for Remedial Design (Docket No. CERCLA-03-2018-0116DC), which was duly filed and transmitted to Respondents on May 24, 2018 (“Order”), pertaining to the Delaware Sand & Gravel Landfill Superfund Site (“Site”); and

Whereas the Order requires certain Financial Assurances which the Respondents wish to amend,

The Order is hereby modified as follows:

- 1) Paragraph 6, Section II PARTIES BOUND, p.2, is modified to read as follows:

“In the event of the insolvency of any Respondent, EPA shall access such Respondent’s financial assurance secured pursuant to Section XXIII (“Financial Assurance”) and shall make such funds available to the remaining Respondents to facilitate the completion of the Work as provided in Paragraph 84.f, and the remaining Respondents shall complete all such Work.”

- 2) New Paragraph 84.f shall be included, and is set forth as follows:

**“Access to Financial Assurance (Non-Work Takeover)** – In the event of the insolvency of any Respondent, and in the absence of a partial and/or complete Work Takeover by EPA, then, in accordance with the applicable financial assurance mechanism, EPA shall require that any and all amounts guaranteed by the financial assurance posted by such insolvent Respondent be drawn and deposited into a Special Account to be established within the Superfund Hazardous Substances Superfund Trust Fund (hereinafter referred to as the “DS&G Financial Assurance Special Account”). Within 30 days of payment of such funds into the DS&G Financial Assurance Special Account, EPA will arrange to disburse the funds so deposited into the DS&G Financial Assurance Special Account to be paid to:

Delaware Sand & Gravel Remediation Trust  
Account No. 064217-000  
c/o David Young  
Corporate Financial Services Department  
Wilmington Trust Company  
1100 North Market St.  
Rodney Square North  
Wilmington, DE 19890-0001

in order to facilitate completion of the Work by the remaining Respondents. At the same time, the remaining Respondents shall increase the amount of their financial assurance under Paragraph 83 of the Order if necessary to satisfy the requirements of

Section XXIII ("Financial Assurance") based upon the estimated cost of the Work remaining at that time."

All other provisions in the Order shall remain in full force and effect.

**IT IS SO ORDERED AND AGREED.**



Paul Leonard  
Acting Director, Hazardous Site Cleanup Division  
U.S. Environmental Protection Agency  
Region 3

3/11/19  
Date

FOR RESPONDENTS: The Chemours Company FC, LLC

Sheryl A Telford  
[Signature]

10/16/18  
Date

Please Type the Following:

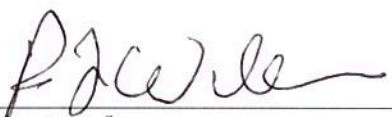
Name: Sheryl A Telford

Title: V.P. Environmental, Health, Safety and Corporate Responsibility

Address: 1007 N. Market St. Wilmington, DE 19801

[NOTE: A separate signature page is required for each RESPONDENT]

**FOR RESPONDENTS:** Hercules LLC

  
\_\_\_\_\_  
[Signature]

January 17, 2019  
Date

Please Type the Following:

Name: Richmond L. Williams

Title: Chief Counsel, Environmental Litigation and Real Estate

Address: 8145 Blazer Drive, Wilmington DE 19808

**[NOTE: A separate signature page is required for each RESPONDENT]**

**FOR RESPONDENTS:** Waste Management of Delaware, Inc.



[Signature]

Date

10/24/19

Please Type the Following:

Name: David Moreira

Title: Area Director

Address: c/o Waste Management

4 Liberty Lane West

Hampton, NH 03842

**[NOTE: A separate signature page is required for each RESPONDENT]**

**FOR RESPONDENTS:** SC Holdings, Inc.



[Signature]

10/24/18

Date

Please Type the Following:

Name: David Moreira

Title: Area Director

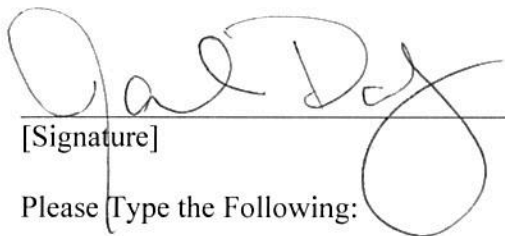
Address: c/o Waste Management

4 Liberty Lane West

Hampton, NH 03842

**[NOTE: A separate signature page is required for each RESPONDENT]**

FOR RESPONDENTS: Cytec Industries, Inc.

  
[Signature]

11/1/18  
Date

Please Type the Following:

Name: James G. Daly

Title: Vice President

Address: 504 Carnegie Center  
Princeton, NJ 08540

[NOTE: A separate signature page is required for each RESPONDENT]



**FOR RESPONDENT:** ZENECA, Inc.

  
[Signature]

10/17/18  
Date

Please Type the Following:

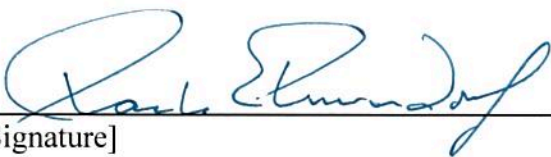
Name: Charles Elmendorf

Title: Senior Director, Environmental Remediation

Address: 1800 Concord Pike, Wilmington, DE 19850

**[NOTE: A separate signature page is required for each RESPONDENT]**

**FOR RESPONDENT:** Bayer CropScience Inc. by Stauffer Management Company LLC as  
Litigation Agent

  
[Signature]

10/17/18  
Date

Please Type the Following:

Name: Charles Elmendorf

Title: Senior Director, Environmental Remediation

Address: 1800 Concord Pike, Wilmington, DE 19850

**[NOTE: A separate signature page is required for each RESPONDENT]**