



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

OCT 14 2010

Mr. Bill Wolfe  
Director  
New Jersey Public Employees for  
Environmental Responsibility (NJ PEER)  
P.O. Box 112  
Ringoes, New Jersey 08551

Re.: DuPont Pompton Lakes Works

Dear Mr. <sup>Bill</sup>~~Wolfe~~:

Thank you for your September 3, 2010 e-mail to me, concerning the New Jersey Department of Environmental Protection (NJDEP) draft Permit-By-Rule/Discharge to Groundwater Permit for the DuPont Pompton Lakes Works. You expressed concern about this proposed action under consideration by NJDEP, and its relation to DuPont's obligations under the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984, for corrective action, closure and post-closure care at this facility.

You have my commitment that the Environmental Protection Agency (EPA) will ensure that DuPont will fulfill its RCRA obligations for this facility. The EPA corrective action permit was issued in 1992. The permit includes a comprehensive compliance schedule for all of the on and off-site areas requiring remediation.

As you noted, DuPont is subject to RCRA closure/post-closure requirements, which are applicable to RCRA-regulated units (i.e., units which treated, stored and/or disposed of RCRA hazardous waste). However, it is currently unclear whether the groundwater contamination is coming from RCRA-regulated units or other of the more than 200 solid waste management units (SWMUs), also referred to as Areas of Concern (AOCs) in documents submitted by DuPont. Therefore, EPA's approach has been to address groundwater contamination site-wide, as part of the corrective action program.

Final cleanup requirements will be incorporated into the EPA corrective action permit, subject to public review and comment. If necessary, post-closure conditions applicable to the RCRA-regulated units could be imposed via a separate enforceable instrument (e.g., a post-closure permit or an order). Such action would also be subject to public review and comment.

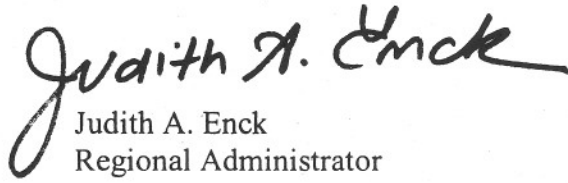
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Please be assured that we are in close consultation with NJDEP on the Permit-By-Rule/Discharge to Groundwater Permit matter, and are satisfied that the public has been and will be afforded opportunity for comment.

Should you have any questions, please do not hesitate to contact me, or you may contact Barry Tornick, of my staff, at (212) 637-4169.

Sincerely yours,

  
Judith A. Enck  
Regional Administrator