



State of Ohio Environmental Protection Agency

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June 4, 2009

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OHIO EPA

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DIV. OF HAZARDOUS  
WASTE MGT.

Ms. Nancy Sandell, Senior Paralegal  
Legal Department 7096-2  
E.I. DuPont de Nemours  
1007 Market Street  
Wilmington, Delaware 19898

Re: E.I. DuPont de Nemours, Toledo, Ohio - OHD 005 041 8437 - NO violations (?) (KB)  
DuPont Electronic Technologies, Dayton, Ohio - OHD 004 855 292  
Financial Assurance  
L ev 058 ev 084 (CD)

Dear Ms. Sandell:

On May 28, 2009, I completed a review of the financial assurance documentation file for E.I. DuPont de Nemours & Company (DuPont) facilities in Toledo and Dayton, Ohio. I evaluated the Dayton, Ohio facility for compliance with financial assurance requirements set forth in Ohio Administrative Code (OAC) rules 3745-55-42 through 3745-55-47 and Permit Conditions A.27, B.36, B.37, and B.38. The Toledo, Ohio facility was evaluated for compliance with OAC rules 3745-66-42 through 3745-66-47.

To demonstrate compliance with financial assurance and third-party liability requirements, DuPont uses the Chief Financial Officer's (CFO) letter financial test mechanism for both facilities. The most recent financial test documentation for the above referenced facilities was submitted to Ohio Environmental Protection Agency (EPA) by letter dated March 25, 2009.

*The CFO letter submitted in 2008 was noted as deficient because the letter did not include the appropriate signatures as required. This statement was not correct therefore, I retract the need to submit a revised CFO letter with the appropriate signatures. However, DuPont has failed to submit the Part B classification modifications to the Part B Permit for the Dayton facility. And it appears that the Toledo facility's cost estimate has decreased. Please explain why this cost estimate has decreased.*

The Dayton facility has failed to submit financial assurance updates annually. These modifications must be done annually through the Permit Modification Process. Because the Permit Application has not maintained an updated financial assurance information in accordance with OAC rule 3745-50-51, **DuPont Electronic Technologies is in violation of the Part B Permit Conditions A.27 (i)(ii)(iii).**

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Ms. Nancy Sandell  
E.I. DuPont de Nemours  
Financial Assurance  
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To abate the above violations, submit the updated financial assurance documentation for the Dayton facility via the Part B Permit Modification process. For further clarification on the Part B Permit modification processes please contact Pam McCoy in the Ohio EPA's, Engineering and Risk Assessment Section. She may be reached at (614) 644-3846. You may also contact the Ohio EPA, Dayton Southwest District Office. The facility's inspector, Tom Ontko, may be reached at (937) 285-6090.

Submit the information requested above to me within thirty (30) days of receipt of this letter

If you have any questions or need further clarification of any matter mentioned in this letter, do not hesitate to call me at (614) 644- 2951. I will be happy to assist you.

Sincerely,



Tina Jennings  
Compliance Assurance Section  
Division of Hazardous Waste Management

TJ:js  
*E.I. Dupont 09.doc*

cc ✓ Kristina Durnell, RISS, DHWM  
Tom Ontko, SWDO, DHWM  
Mike Terpinski, NWDO, DHWM  
Pam McCoy, ERAS, DHWM

**Notice:** Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.