



State of Ohio Environmental Protection Agency

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**STREET ADDRESS:**

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Columbus, Ohio 43215

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P.O. Box 1049  
Columbus, OH 43216-1049

April 24, 2007

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OHIO EPA

APR 24 2007

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

DIV. OF HAZARDOUS  
WASTE MGT.

**Re: E.I. DuPont de Nemours  
Toledo Plant – OHD 005 041 843  
DuPont Electronic Technologies  
Dayton – OHD 004 855 292  
Financial Assurance**

Dear Ms. Sandell:

On April 12, 2007, I completed a review of the financial assurance documentation file for E.I. DuPont de Nemours & Company facilities in Toledo and Dayton, Ohio. I evaluated the Dayton, Ohio facility for compliance with financial assurance requirements set forth in the 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 rule 3745-66-42 through 3745-66-47.

To demonstrate compliance with financial assurance and third-party liability requirements, E.I. DuPont de Nemours (DuPont) uses the financial test mechanism for both facilities. The most recent financial test documentation for the above referenced facilities was submitted to the Ohio Environmental Protection Agency (EPA) by letter dated March 15, 2007.

**GENERAL CONCERN:**

*Wording of the Financial Test*

The Chief Financial Officer's (CFO) letter is not worded correctly. Specifically, liability paragraphs are missing. The CFO letter must be worded according to OAC rule 3745-55-51(G).

*Part B Permit Modifications for Financial Assurance- Dayton Facility*

E.I. Dupont de Nemours & Company has failed to submit financial assurance updates annually to the Part B Permit Application. These modifications must be done annually through the Permit Modification Process. Because the Permit Application has not been updated annually **the Dupont Electronic Polymers is in violation of: Permit Conditions B.36, B.37 and B.38.**



E.I. DuPont deNemours  
DuPont Electronics Technologies  
Toledo/Dayton  
Page 2

To abate the above violations submit updated financial assurance documentation with the correct wording for the CFO letter and for the Dayton facility a classification Part B permit modification. For further clarification on the Part B Permit modification process, 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, Steven Roth, may be reached at (937) 285-6416.

Submit the financial assurance documentation with the correct wording via the Part B Permit Modification Process as instructed by Pam McCoy or Steven Roth. And submit the cost estimate information to me within thirty (30) days of receipt of this letter.

If you have any questions about this matter, do not hesitate to contact me at (614) 644-2951.

Sincerely,



Tina Jennings  
Compliance Assurance Section  
Division of Hazardous Waste Management

c: Steve Roth, DHWM SWDO  
Amber Hicks, DHWM, NWDO  
Tammy McConnell, RIS, DHWM  
Pam McCoy, ERAS, DHWM

Dupont Dayton Toledo.04.07  
TJ/sl

**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.

