

RT2'd 1 violation



Environmental  
Protection Agency

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

July 2, 2012

Mr. Aaron Smith  
Safety, Health & Environmental Affairs Manager  
DuPont Electronic Polymers L.P.  
1515 Nicholas Rd.  
Dayton, Ohio, 45418

**RE: Return to Compliance/DuPont Electronic Polymers L.P. Facility  
OHD 004 855 292/Ohio Permit #05-57-0433**

Dear Mr. Smith:

On May 25, 2012, Ohio EPA received correspondence from DuPont Electronic Polymers L.P. (DuPont), dated May 24, 2012, responding to Ohio EPA's April 24, 2012 Notice of Violation (NOV) letter.

On June 26, 2012, Ohio EPA conducted an inspection of the DuPont facility at areas where excavation occurred during the transformer replacement project.

Also, on June 26, 2012, we held a meeting to discuss the project and DuPont's procedure for considering applicable environmental regulations related to soil movement and disposal. The following representatives from DuPont were present during the meeting: W. Keith Adams II, Project Team Leader/Washington Works Plant, Jim Amendola, Engineering/Maintenance Manager, Sathya Yalvigi, Project Director/Remediation Group, and yourself. Carrie Rasik, Risk Assessor/Central Office and I represented Ohio EPA. At the meeting, Ohio EPA provided DuPont with Ohio EPA Guidance Document #063, Implementation of "Rule 13" [OAC 3745-27-13] and Fact Sheet Number 0610, February 1998, Frequently Asked Questions about the Management of Soils. During the meeting, DuPont provided additional documents in response to Ohio EPA's May 24, 2012 NOV, including disposal records for 84 loads of soil, a paper indicating where transformer parts were taken for recycling, a figure showing where soil samples were taken near the former transformer area, an outline of the soil sampling procedure, an example job safety analysis, and an example Dupont work permit.

Southwest District Office  
401 East Fifth Street  
Dayton, OH 45402-2911

937 | 285 6357  
937 | 285 6249 (fax)  
[www.epa.ohio.gov](http://www.epa.ohio.gov)

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Based on our meeting, inspection, and documents provided by DuPont June 26, 2012, and a review of DuPont responses dated April 16, 2012 and May 24, 2012, DuPont has abated the following violation cited in Ohio EPA's NOV's dated March 16, 2012 and April 24, 2012.

**Ohio Administrative Code (OAC) 3745-27-13 (F)**

**Procedure to engage in filling, grading, excavation, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated**

General Comment

Documentation related to the movement, sampling and disposal of excavated soil for the transformer replacement project were not readily available when requested. Also, it appears the Facility was not aware of the requirement to notify Ohio EPA as stated within OAC 3745-27-13.

Ohio EPA recommends that DuPont develop a soil management plan which ensures that for all excavation occurring on site, DuPont documents compliance with relative environmental regulations.

If you wish to discuss this letter, please contact me at 937-285-6082. 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.

Sincerely,



Brian J. Gitzinger  
Site Coordinator  
Division of Emergency Response and Revitalization

ec: Tom Koch, District Representative, DMWM/SWDO  
Robyn Fox, DERR/SWDO/File  
cc: Sathya Yalvigi, Project Director, DuPont Corporate Remediation Group

BG/ca