



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

September 25, 2013

CERTIFIED MAIL 91 7108 2133 3932 0812 0513

Dupont Legal, Environmental Group
Mr. Guy V. Johnson, Corporate Counsel
1007 Market Street, Room D7090-2
Wilmington, DE 19898

**RE: DuPont Electronic Polymers LP – Dayton, OH
Financial Record Review: Return to Compliance
OHD 004 855 292**

Dear Mr. Johnson:

On September 24, 2013, I conducted a financial record review of the DuPont Electronic Polymers LP – Dayton, OH (DuPont). I evaluated the facility for compliance with the Closure care financial assurance, closure cost estimates, and liability requirements as set forth in Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43, & 3745-55-47. I also evaluated the facility for compliance with permit conditions B.36, B.37, B.38 and E.9.b.

On May 31, 2013, Ohio EPA received a Class 1 permit modification (pmr). The pmr (tracking number – 120531-1-1) provided an updated closure cost estimate, an updated rider for the surety bond and an updated Certificates of Liability Insurance.

To demonstrate financial assurance for closure care, a surety performance bond and standby trust agreement are used. A surety performance Bond, No. 9035400, was issued by Fidelity and Deposit Company of Maryland on April 1, 2012. The current amount of the bond is \$151,504.91, effective April 1, 2013. A standby trust agreement was entered into April 30, 2012 by and between DuPont and JP Morgan Chase, NA.

To demonstrate third party liability coverage, a Hazardous Waste Facility Certificate of Liability Insurance, with Old Republic Insurance Company (ORIC) was provided effective March 30, 2013. The ORIC policy, No. MWZZ 50636 01, satisfies the third-party liability requirements for sudden accidental occurrences. The pollution liability limits are \$1,000,000 per occurrence and \$2,000,000 annual aggregate.

My September 24, 2013 review of this documentation reveals that DuPont has adequately demonstrated abatement of the following violations discovered during the June 26, 2012 financial record review:

1. ***OAC Rule 3745-55-42(E), Copy of Facility's Detailed Closure Cost Estimate must be submitted annually to the Director:***

By Letter, September 20, 2012, DuPont submitted a closure cost estimate totaling \$148,826.00.

2. ***OAC Rule 3745-55-47(A)(1)(a), Requirements for the Hazardous Waste Liability Endorsement or Certificate of Liability Insurance:***

By Letter dated September 20, 2012, DuPont submitted an adequate Hazardous Waste Certificate of Liability Insurance effective March 30, 2012.

Based upon review of the documentation noted above, DuPont is in compliance with Ohio's financial assurance requirements.

If you have any questions, please feel free to call me at (614) 644-2933 or email me at Shawn.Sellers@epa.ohio.gov.

Sincerely,



Shawn M. Sellers, P.E.
Engineering, Remediation, and Authorizations Section
Division of Materials and Waste Management

SMS/ljm

ec: Tom Koch, DMWM, SWDO
George Strobel, DMWM, SWDO

cc: Aaron L. Smith, DuPont Electronic Technologies

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.