



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 24 2009

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article number: 7005 3110 0000 5926 4362

Kathryn K. McCord, Vice President, Risk Management
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

Re: **Information Request**
DuPont Chambers Works

Dear Ms. McCord:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq.

Pursuant to 42 U.S.C. § 6903, a hazardous waste is defined in the statute as those solid wastes that may "(A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (B) pose substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed."

E.I. DuPont de Nemours and Company (DuPont) has been working with the New Jersey Department of Environmental Protection (NJDEP) to address current and historical perfluorooctanoic acid (PFOA or C-8) contamination resulting from the operations at the Chambers Works Plant in Deepwater, New Jersey. In an effort to ascertain the extent of PFOA contamination which may pose potential hazards to human health and the environment, it is necessary for EPA to identify all current and historical sites where PFOA-containing materials were treated and/or disposed. EPA Region 2 recently became aware of DuPont PFOA shipments to a facility in Pascagoula, Mississippi.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA hereby requires that you provide the information requested in Enclosure I, using the instructions and definitions included in Enclosure II.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official, officer, or agent of your facility, using the form in Enclosure III.

Your response to this letter must be mailed to the following addressee:

Internet Address (URL) - <http://www.epa.gov>

Recycled/Recyclable - Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)

Received 11/30/09
Adm S. Hutter
E.I. DuPont

008-0383-0000010

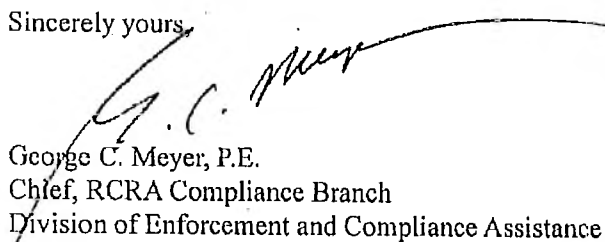
Ms. Meghan La Reau
Enforcement Officer
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866

Failure to adequately respond to this Information Request Letter is a violation of RCRA Section 3007 and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. Such penalties may be up to \$37,500 per day per violation. Issuance of this Section 3007 Information Request Letter and compliance with its terms does not in any way preclude future enforcement by EPA for any violations discovered as a result of this or any other inquiries.

You may assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by the EPA only to the extent permitted by, and by means of procedures set forth in 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 USC Part 3501 et. seq. If you have any questions about this letter, please call Ms. Meghan La Reau, of my office, at (212) 637-4067.

Sincerely yours,


George C. Meyer, P.E.
Chief, RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

Enclosures: Enclosure I – Information Request
Enclosure II – Instructions & Definitions
Enclosure III – Certification of Answers

cc: Frank Faranca, CHMM, Site Remediation Technical Specialist
Division of Remediation Management and Response
Bureau of Case Management

008-0383-0000011

401 East State Street
PO Box 028
Trenton, NJ 08625-0028

Andrew S. Hartten
DuPont Corporate Remediation Group
Barley Mill Plaza 19/2204
4417 Lancaster Avenue
Wilmington, DE 19805

**ENCLOSURE I
INFORMATION REQUEST**

DuPont Chambers Works
Deepwater, New Jersey

The relevant time period for every question is circa 1950 though the date of receipt of this letter, unless otherwise specified.

1. Please provide a list identifying all off-site disposal or treatment sites for any PFOA-containing material(s) originating and/or coming from the Chambers Works Plant. Please include the location address and a description of the site. For each site identified, include the following:
 - a. the time period the material was disposed and/or treated at the site,
 - b. how the material was treated and/or disposed,
 - c. a description of each PFOA-containing material including the quantity and PFOA concentration of such material, and
 - d. any shipping documents or bills of lading which accompanied the materials.
2. Please inform the USEPA of all PFOA compounds and associated waste materials that may have been shipped from other DuPont facilities to the DuPont Chambers Works facility in New Jersey. Provide a list identifying all off-site locations from which the PFOA compounds originated and an inventory of the total volume/tonnage of materials and the ultimate disposition of that material.
3. Please provide the above information for all PFOA-containing material(s) historically or presently being shipped to any facility in and around Pascagoula, Mississippi and specifically to any municipal wastewater treatment plants in Pascagoula, Mississippi originating and/or coming from the Chambers Works Plant.
4. When submitting your response, please attach to the Certification of Answers to Request for Information (Enclosure III, below) a list of persons by name, position or title, and company who prepared or assisted in the preparation of the responses to this information request.

ENCLOSURE II
INSTRUCTIONS AND DEFINITIONS

DuPont Chambers Works
Deepwater, New Jersey

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of E.I. DuPont de Nemours and Company ("facility"). The signatory must sign the attached Certification of Answers (Enclosure III) and return it with the response to this Request for Information.
2. A complete response must be made to each individual question in this Information Request. Identify each answer with the corresponding number listed in Enclosure I.
3. In preparing your response to each question, consult with all present and former employees and agents of the facility who may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number or letter of the question to which it applies.
8. If anything is deleted or redacted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The facility, for the purposes of this Request for Information, is any and all locations of DuPont Chambers Works in Deepwater, New Jersey.

008-0383-0000014

**ENCLOSURE III
CERTIFICATION OF ANSWERS**

DuPont Chambers Works
Deepwater, New Jersey

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name (print or type)

SIGNATURE

DATE

TITLE

008-0383-0000015

David Byrne

From: Bilott, Robert A. [bilott@taftlaw.com]
Sent: Sunday, September 19, 2010 11:24 AM
To: David Byrne
Cc: Justice, J. Steven
Subject: Rowe/Scott v. DuPont: Ex. to Voltaggio Brief
Attachments: PDF_File.pdf

Attached is the document I think you needed for the Voltaggio brief exhibits.

Taft / Celebrating 125 Years

Robert A. Bilott / Attorney
Taft Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, Ohio 45202-3957
Tel: 513.381.2838 • Fax: 513.381.0205
Direct: 513.357.9638 • Cell: 513.477.7655 www.taftlaw.com / bilott@taftlaw.com

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-----Original Message-----

From: Bilott, Robert A.
Sent: Sunday, September 19, 2010 11:01 AM
To: Bilott, Robert A.
Subject: PDF File From Digital Sender

Please open the attached document.
This document was sent to you using an HP Digital Sender.

Sent by: <bilott@taftlaw.com>
Number of pages: 6
Document type: B/W Document
Attachment File Format: Adobe PDF

To view this document you need to use the Adobe Acrobat Reader.
For free copy of the Acrobat reader please visit:

<http://www.adobe.com>

For more information on the HP Digital Sender please visit:

<http://www.digitalsender.hp.com>