

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

OHIO E.P.A.
OCT 16 2003
ENTERED DIRECTOR'S JOURNAL

In the Matter of:

E.I. DuPont De Nemours & Co., Inc. : **Director's Final Findings**
800 Dupont Road : **and Orders**
Circleville, Ohio 43113 : :

PREAMBLE

It is hereby agreed that:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to E.I. DuPont De Nemours & Co., Inc. ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under R.C. Sections 3704.03 and 3745.01.

II. PARTIES

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meanings as used in R.C. Chapter 3704 and the regulations promulgated thereunder.

IV. FINDINGS OF FACT

The Director of the Ohio EPA has determined the following findings of fact:

1. Respondent operates a chemical manufacturing plant at 800 DuPont Lane in Circleville, Ohio ("Facility").
2. On May 9, 2002, Respondent submitted a notification of demolition and renovation to Ohio EPA indicating removal of asbestos containing material ("ACM") at the

Facility to occur from May 23, 2002 to July 31, 2002. Removal would include 28,190 linear feet and 10,475 square feet of ACM.

3. On August 20, 2002, a representative of Ohio EPA inspected the Facility to determine if the ACM removal project had been completed. The inspector found the project was on-going and expected to continue into September. The inspector also found that removed ACM in disposal bags had not been wetted as required by OAC rule 3745-20-05(B)(1) and 40 CFR 61.145(c)(6) and 61.150(a). The inspector then notified Respondent of this violation.
4. During the inspection on August 20, 2002, the inspector took samples of the removed ACM. These samples were analyzed and found to contain from five percent to forty percent of amosite chrysotile asbestos.
5. On September 25, 2002, Respondent submitted a revised notification indicating the ACM removal would continue through November 30, 2002.
6. On November 22, 2002, Ohio EPA sent Respondent a Notice of Violation for the violation found during the August 20, 2002 inspection.
7. Respondent's first notification indicated work was to be completed by July 31, 2002. Respondent failed to notify Ohio EPA of activity conducted after July 31, 2002, in violation of OAC rule 3745-20-03(D)(2).
8. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall comply with the requirements of OAC Chapter 3745-20 for all future work involving removal, abatement or renovation of asbestos-containing material.
2. Within thirty (30) days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of twenty three thousand dollars (\$23,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for twenty three thousand dollars (\$23,000). The official check shall be submitted together with a letter identifying the Respondent and the Facility to the following:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

A copy of the check shall be sent to James A. Orlemann, Manager, Engineering Section, or his successor, at the following address:

Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the Respondent's activities at the Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Isaac Robinson
Ohio EPA
Division of Air Pollution Control
3232 Alum Creek Drive
Columbus, Ohio 43207-3417

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Tammy VanWalsen

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violation specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

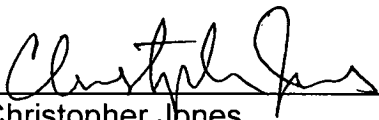
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Christopher Jones
Director

10-14-03
Date

IT IS SO AGREED:

E.I. DuPont De Nemours & Co., Inc.



Signature

10/6/03
Date

Paul Slaminko
Printed or Typed Name

Plant Manager
Title