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ATTACHMENT A

DuPont Seaford HW
File: 28-D

**STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**



RECORD OF DECISION
Final Decision and Response to Comments

UNDER THE AUTHORITY OF THE
DELAWARE REGULATIONS GOVERNING HAZARDOUS WASTE
AND TITLE 7 OF THE DELAWARE CODE

IN ACCORDANCE WITH THE
RESOURCE CONSERVATION AND RECOVERY ACT

FACILITY: E.I. du Pont de Nemours and Company, Inc.
DuPont Seaford Nylon Plant

EPA ID NUMBER: DED002348845

ADDRESS: 400 Woodland Road, Seaford, DE 19973

PURPOSE:

This Final Decision and Response to Comments is issued by the State of Delaware Department of Natural Resources and Environmental Control (DNREC) in accordance with the Resource Conservation and Recovery Act (RCRA) under the authority of the *Delaware Regulations Governing Hazardous Waste* (DRGHW) and Title 7 of the Delaware Code, Chapters 60 and 63. DNREC has used the administrative procedures found in Section 124 of the DRGHW to provide public notice and solicit comment on DNREC's proposed remedy.

INTRODUCTION:

The RCRA Corrective Action activities performed to date at the DuPont Seaford Nylon Plant in Seaford, Delaware, were conducted pursuant to an Administrative Order of Consent entered into

by the United States Environmental Protection Agency (EPA) and DuPont on February 25, 1992, Docket Number RCRA-III-051-CA, pursuant to Section 3008(h) of RCRA, as amended, 42 U.S.C. Section 6928(h). On September 11, 2000, the EPA granted the State of Delaware the authority to administer the corrective action program, pursuant to Section 3008(h) of RCRA, 42 U.S.C. Section 6938(h) in lieu of the Federal program. DNREC then took over the oversight and implementation of the corrective action activities at the DuPont Seaford Nylon Plant.

In April 2006, the "Statement of Basis" for the proposed corrective measures at the DuPont Seaford site was issued and is incorporated herein and made part of hereof. The "Statement of Basis" described site conditions, completed investigations and clean-up actions, and the proposed remedy selection. This Record of Decision, Final Decision and Response to Comments, presents DNREC's final decision on the remedy and response to comments regarding clean-up at the DuPont Seaford facility.

SELECTED REMEDY:

DNREC has selected a final remedy for the DuPont Seaford Nylon Plant consistent with DNREC's proposed remedy described in the "Statement of Basis". For a more detailed description of the facility, previous investigations, and the selected remedy, please refer to the "Statement of Basis" document.

In brief, DNREC's selected remedy at the DuPont Seaford facility consists of:

- SWMU-1: DuPont will include well L-6D in an annual groundwater monitoring program to continually evaluate the natural attenuation processes for carbon tetrachloride (CCl₄) to ensure that the plume is degrading in the environment (i.e. reducing in volume).

DuPont will submit these results to DNREC in the annual Sampling, Analysis, Monitoring, and Reporting (SAMR) Project Report. This annual report will also include an evaluation of remedy effectiveness and/or recommendations for additional corrective measures.

In addition, a groundwater management zone (GMZ) will encompass the entire CCl₄ plume. The GMZ will prohibit groundwater withdrawal from this area except for environmental monitoring purposes.

- SWMU-7/12/13: DuPont will implement a long-term monitoring program to continually evaluate the attenuation processes for arsenic (As) in this area to ensure that the plume remains stable and is not migrating. This monitoring program will consist of surface water sampling, groundwater sampling, and water level measurements near the arsenic plume. DuPont will include existing wells MW-6, MW-8A, 12MW-14S, 12MW-14D, 12MW-15S, 12MW-16S, 17MW-17S, PW-11, PW-12, SG-2, SG-4, and Outfall #2 in this program, as well as install and include additional wells 7MW-18S, 7MW-19S, and 7MW-20S.

DuPont will submit these results to DNREC in the annual Sampling, Analysis, Monitoring, and Reporting (SAMR) Project Report. This annual report will also include an evaluation of remedy effectiveness and/or recommendations for additional corrective measures.

In addition, a groundwater management zone (GMZ) will encompass the entire arsenic plume and extend even slightly beyond the contaminant area. The GMZ will prohibit withdrawal of groundwater in this area except for environmental monitoring purposes.

- SWMU-13/16/17: DuPont will implement a protective soil cover, consisting of clean fill, topsoil, and grass seedling, which is approximately 6-inches thick over the exposed debris (i.e. concrete, brick, wood, etc) along this area. DuPont will also establish a permanent vegetative cover to prevent potential physical hazards.

If for any reason, the remedies described above prove to be ineffective, DNREC reserves the right to re-evaluate the selected remedies.

PUBLIC PARTICIPATION:

On April 16, 2006, the DNREC placed an announcement in local newspapers, The News Journal and the Delaware State News, to notify the public of DNREC's proposed remedy for the DuPont Seaford facility and of the availability of the Administrative Record. The entire Administrative Record, including the "Statement of Basis" describing the proposed remedy was available for review by the public at the DNREC office in Dover, Delaware. Additional copies of the "Statement of Basis" were also available at the DNREC office in Georgetown, Delaware and electronic copies were posted on the DNREC website.

The public comment period on the proposed remedy lasted thirty (30) calendar days from April 16, 2006 to May 15, 2006.

RESPONSE TO COMMENTS:

During the public comment period, DNREC received three (3) comments from INVISTA S.a.r.l., the current owner and operator of the DuPont Seaford Nylon Plant, via a letter, dated May 11, 2006. DNREC did not receive any requests for a public meeting or public hearing during this period.

DNREC has summarized these comments below, along with each response:

In the first comment, INVISTA stated that they support the placement of Groundwater Management Zones (GMZs) for SWMU-1 and SWMU-7/12/13 as institutional controls. In previous conversations, INVISTA had expressed concern that the GMZs might affect their ability to withdraw groundwater from their existing production wells. DNREC provided clarification in a letter, dated March 30, 2006, which explains that the proposed GMZs would not affect INVISTA's current network of wells. In response to this comment, DNREC confirms that INVISTA's interpretation of the GMZs is true --- the GMZs will not place any restrictions on the current permitted uses of their existing well network nor affect the placement of new wells outside of the GMZ boundary.

INVISTA's second comment provided clarification that production wells PW-9, PW-10, PW-11, and PW-12 and the Team Center Well are used by INVISTA to supply potable and non-potable water to the facility. These wells are located outside the areas of contamination and the selected GMZs (INVISTA also monitors production wells PW-11 and PW-12 under solid waste permit SW-98/01). In response to this comment, DNREC confirms that DNREC is restricting the installation and use of drinking water wells at the facility within the areas specifically designated as GMZs only.

In INVISTA's third and final comment, INVISTA stated that they would like the additional arsenic delineation (i.e. proposed wells 7MW-18S, 7MW-19S, and 7MW-20S) completed before selection of the final remedial alternative for SWMU-7/12/13. INVISTA also requests that DuPont install, develop, and sample these additional wells as soon as possible, prior to final remedy selection. While DNREC agrees that INVISTA is correct in stating that the standard regulatory approach for the corrective action process is to complete the investigation before remedy implementation, in this case, DNREC believes that the proposed remedy of long-term monitoring is an appropriate risk-based corrective action and that the remedy is adequate regardless of the new wells and that any further investigation would only prolong implementation of the remedy. DNREC has completely defined the arsenic plume and groundwater monitoring continues to show that the plume is stable. These additional monitoring wells will provide a more complete picture of the overall groundwater quality of this area and further support the data from the investigations, which show that the arsenic plume is stable and under control. Therefore, in response to this comment, DNREC has decided to move forward with the proposed remedy of long-term monitoring and institutional controls for SWMU-7/12/13. DNREC encourages DuPont to install wells 7MW-18S, 7MW-19S, and 7MW-20S as quickly as possible and commence with the sampling program prior to DNREC's issuance of the Corrective Measure Implementation (CMI) Order.

DECLARATION:

Based on the Administrative Record compiled for the corrective action at the DuPont Seaford Nylon Plant, I have determined that the remedy selected is protective of human health and the environment.



Nancy C. Marker
Environmental Program Manager II
Solid and Hazardous Waste Management Branch

5/25/06
Date