



INVISTA S.à r.l
25876 DuPont Road
Seaford, DE 19973
www.invista.com

July 27, 2007

Bryan A. Ashby
Environmental Program Manager I
Department of Natural Resources and Environmental Control
Solid and Hazardous Waste Management Branch
89 Kings Highway
Dover, Delaware 19901

**RE: INVISTA S.à r.l Seaford Site
Ash Landfill Permit Renewal Application
Solid Waste Permit SW-98/01**

Dear Mr. Ashby:

The Delaware Regulations Governing Solid Waste, adopted December 1988, and updated through August 21, 2004, *Section 4.A.6. Permit Renewal*, requires any person wishing to renew an existing permit shall, not less than one hundred and eighty (180) days prior to the expiration of that permit, submit a written request for permit renewal. The INVISTA Seaford site submitted such a request on May 31, 2006 to DNREC to renew the subject Permit allowing continued operation of the site's ash landfill for the disposal, storage, and utilization of fly and bottom ash produced by the powerhouse facilities.

This re-submittal of the application documents is in response to DNREC's request to INVISTA to supply additional information or to revise specific sections of the May 31, 2006 submittal.

Please contact Michael A. Terry at (302) 629-1221, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary B. Knight".

Gary B. Knight
Site Manager
INVISTA S.à r.l
Seaford, Delaware



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CERTIFIED / RETURN RECEIPT

July 27, 2007

Bryan A. Ashby
Environmental Program Manager I
Department of Natural Resources and Environmental Control
Solid and Hazardous Waste Management Branch
89 Kings Highway
Dover, Delaware 19901

**RE: INVISTA Seaford Ash Landfill Permit Renewal Application
Ash Landfill Permit SW-98/01; File Code: 02.D
Letter: B. Ashby (DNREC) to M. Terry (INVISTA) - Dated May 25, 2007**

Dear Mr. Ashby:

This letter is in response to the comment letter from the Department of Natural Resources and Environmental Control (DNREC) Solid and Hazardous Waste Management Branch dated May 25, 2007 regarding the Seaford Ash Landfill Permit Renewal Application submitted by INVISTA S.à r.l. (INVISTA) on May 31, 2006.

INVISTA is submitting the attached updated Ash Landfill Permit Renewal Application for renewal of the Permit. Responses to DNREC comments have been incorporated in the revised application package. The DNREC comments and location of each response in the application is provided below:

Application (Tab 2 of the application package):

1. **Application Form Part I, Section 9.B, Cell Acreage: DNREC Comment:** Invista states: "Active 12.25 Inactive 47.75". This section of the application should only address the disposal capacity of the proposed landfill cell (12.25 acres) that Invista is applying for under this permit application, therefore, remove the language "Inactive 47.75 acres". An expansion of the landfill into the 47.75 acres will require a new application for Industrial Waste Landfill made in accordance with the DRGSW Section 4.B. (including the Siting Requirements) and will require a landfill liner meeting the design specifications of Section 6.B of the DRGSW.

Response: The Application Form Part I has been revised in accordance with the comment.

Operations Plan (Tab 4 of the application package):

2. **Section 2.6, Page 9, Ash Disposal Storage Area: DNREC Comment:** Invista states, "The ash disposal area, covering 60 acres.... ." Correct this statement to the landfill footprint to be permitted is 12.25 acres as described in the Application Form Part I, Section 9.B. The Department suggests that the narrative language should describe the total site area (650 acres), the area identified in the past by DuPont to be suitable for land filling (60 acres), and the area of the landfill cell in this application (12.25 acres). This will provide a clear picture to the public about Invista's immediate intent captured within the content of this application and potential long term goals for the future.

Response: Section 2.6, Page 9 has been revised in accordance with the comment.

- 3. Section 7.0, Page 17, Ash Utilization: DNREC Comment:** We have attached a copy of the Beneficial Use Determination Application and Checklist that will be required for future ash utilization projects within the state. Please note that the Beneficial Use process requires additional time to review and approve. Invista should plan accordingly for this extra time, in any future ash utilization projects.

Response: The comment regarding future ash utilization projects and beneficial reuse has been noted.

Engineering Report (Tab 5 of the application package):

- 4. Section 2.2, Page 2, Physical Properties of Ash: DNREC Comment:** This section refers to the "Coal Ash Utilization Study – Investigation, Testing and Engineering" from December 20, 1992. The SHWMB was unable to locate a copy of this document. Please submit this document as part of the engineering report of the application.

Response: The Coal Ash Utilization Study – Investigation, Testing and Engineering dated December 20, 1992 is not part of this application package; however, we have included a copy of the study report with this letter for your convenience.

- 5. Section 3.1, Page 5, Extent of the Landfill Area: DNREC Comment:** Invista states, "The landfill encompasses a total of about 60 acres. About 12.25 acres is considered "active" and about 48 acres is considered "inactive" storage area". Please revise this section to include our suggested narrative language contained in comment #2.

Response: A statement clarifying the total acreage (12.25 acres) that is the subject of this permit renewal application has been inserted into Section 5 of the permit renewal application package.

- 6. Section 3.7, Page 7, Stormwater, Erosion, and Sediment Control: DNREC Comment:** Invista states, "*Stormwater run-off calculations, illustrating water quality, have not been conducted for the preliminary closure system, as the property is adjacent to the Nanticoke River (tidal waters).*" Stormwater run-off calculations will need to be completed prior to the time of closure and the landfill closure will need to meet stormwater and sediment control regulations at the time of closure. The statement regarding the landfill location adjacent to the Nanticoke River, is erroneous, and re-enforces the need for such calculations. Please update this section to address that the application will meet the requirements of Del. Code Title 7, Chapter 40 the Sediment and Stormwater Law, by providing calculations. If you require any further information, please contact Randy Greer, Environmental Engineer, Division of Soil and Water Conservation at (302) 739-9921.

Response: We acknowledge that stormwater runoff calculations will need to be completed prior to the time of landfill closure. Such calculations will meet the requirements of Delaware Code Title 7, Chapter 40 the Sediment and Stormwater Law. Acknowledgement of this requirement has been inserted into Section 5 of the permit renewal application package. See Drawing # W1567130 Erosion Control Plan for preliminary closure stormwater control plans.

Environmental Assessment (Tab 7 of the application package)

- 7. Section 2.2, Page 4, Landfill Location: DNREC Comment:** This section states, "The active Ash Landfill consists of approximately 60 acres of land." Please revise this section to include our suggested narrative language contained in comment #2.

Response: Section 2.2, Page 4 of the Environmental Assessment has been revised in accordance with the comment.

8. **Section 3, Page 5, Proposed Landfill Development: DNREC Comment:** This section states, "The proposed Ash Landfill will occupy a portion (i.e. 12.25 acres) of the existing footprint of the current landfill (i.e. 60 acres)." Please revise this section to include our suggested narrative language contained in comment #2.

Response: Section 3, Page 5 of the Environmental Assessment has been revised in accordance with the comment.

Seaford Zoning (Tab 9 of the application package):

9. The Department has reviewed a list of environmental permits provided by Invista on March 29, 2004, as part of the company transfer. Our review revealed two permits which may be affected or related to the operation of the solid waste landfill. These permits are; the Title V permit and the Industrial Water Allocation Groundwater Wells 2A, 8, 9, 10, 11, 12. Please review these two permits as well as the other Invista environmental permits, and determine if they are related to the operations of the landfill. If they are related; include the environmental permit, including the agency, permit type and number, expiration date, and any other information relevant to the permits into this section of the application.

Response: The operation of the INVISTA Seaford Nylon facility requires the acquisition of and adherence to multiple State and Federal permits. An evaluation of each of the Nylon facility's Permits has indicated that there are no Permits that are directly applicable to the site Coal Ash Landfill. This non-applicability determination is based on the fact that, other than the Ash Landfill Permit itself, none of the Nylon facility Permits contain any requirements or obligations pertaining to the ash landfill.

INVISTA has however, included in this application, a copy of the Seaford Nylon facility's groundwater allocation Permit (Allocation No: 88-0014BM) pertaining to the facility's six (6) groundwater production wells. This Permit has been included as the present Ash Landfill Permit incorporates two (2) of the six (6) Nylon facility's groundwater production wells (Well # 11 and 12) into its groundwater monitoring program due to their proximity to the landfill and their potential influence on groundwater flows. This groundwater allocation Permit does not contain requirements nor obligations pertaining to the subject coal ash landfill.

Conceptual Closure Plan (Tab 10 of the application package):

10. **Section 2.2, Page 3, Closure Cap Components: DNREC Comment:** There is no detailed description of the geomembrane liner in the third paragraph of Section 2.2. According to DRGSW Section 6.J.3.b "*A description of the capping system required under Section 6.H. This shall include a description of the system design, the type of cover to be used, and a discussion of how the capping system will achieve the objectives of Section 6.J.1.*". In section 5.1 Closure Costs, it stated that "*Install a 40-mil thick, texture, high-density polyethylene (HDPE) geomembrane over the approved subgrade*". Please include this information in the closure cap components Section 2.2.

Response: Section 2.2, Page 3 of the Conceptual Closure Plan has been revised in accordance with the comments.

11. **Section 4.0, Page 9, Post-Closure Plan: DNREC Comment:** The post-closure plan requires additional information. According to DRGSW Section 6.J.3.e. (2) & (3) "*(2) The name, address, and telephone number of the person or office to contact about the facility during the post-closure period. (3) A description of the planned uses of the property during the post-closure period.*" Please include the above mentioned information (or a reference to the information, if mentioned elsewhere within the content of the application) into section 4.0. The planned uses of the property should address both the landfill and the solid waste storage areas as identified under Tab 8. Topographic and Site Location Map, map references, b. and c.

Response: Section 4.0, Page 9 of the Conceptual Closure Plan has been revised in accordance with the comments.

12. **Section 4.0, Page 9, Post-Closure Plan: DNREC Comment:** The post-closure plan requires additional information. According to DRGSW Section 6.J.3.e. (2) f. & g. & h. "*f.. A plan for control and/or recovery of landfill gases, if appropriate., g. A topographical map of the site showing the proposed post-closure elevation with reference to mean sea level., h. A closure construction quality assurance plan.*" Please include the above mentioned information (or a reference to the information, if mentioned elsewhere within the content of the application) into section 4.0.

Response: Section 4.0, Page 9 of the Conceptual Closure Plan has been revised in accordance with the comments.

13. **Section 5.0 Page 10, Financial Assurance: DNREC Comment:** Please include financial assurance updated with the 2006 estimates.

Response: The material presented in this section reflects the present financial assurance mechanism being utilized by INVISTA to demonstrate that funds necessary for closure, post-closure care, and corrective action are available. INVISTA has made a formal request to DNREC to change the present mechanism from a Trust Fund to an insurance policy as allowed by the regulations. DNREC is currently evaluating INVISTA's request.

If you should have any questions pertaining to the noted responses or to any of the enclosed documents, please contact me at (302) 629-1221.

Sincerely,



Michael A. Terry
Environmental Manager
INVISTA S.à r.l. - Seaford

cc: P. Hughes
S. Kimpton
G. Knight

Enclosures (2)

INVISTA S.à r.l Seaford Ash Landfill Permit Renewal Application July 2007
Coal Ash Utilization Study: Investigation, Testing and Engineering December 30, 1992