



Virginia Department of Environmental Quality
Division of Land Protection and Revitalization
Office of Financial Responsibility and Waste Programs
1111 E. Main St., Suite 1400, P. O. Box 1105, Richmond, VA 23218

FACT SHEET

DRAFT HAZARDOUS WASTE MANAGEMENT PERMIT FOR CORRECTIVE ACTION

February 28, 2020

Facility Name E.I. DuPont de Nemours and Company Former Waynesboro Facility

EPA Facility I.D. Number VAD003114832

Owner/Operator E.I. DuPont de Nemours and Company (owner)
The Lycra Company (operator)

Address of Facility 400 DuPont Boulevard
Waynesboro, VA 22980

Type of Permit Hazardous Waste Management Permit for Corrective Action

Purpose of Fact Sheet

This fact sheet is prepared in accordance with the requirements of the Virginia Hazardous Waste Management Regulations (VHWMR), 9 VAC 20-60-124, as incorporated by reference under 40 CFR § 124.8. This fact sheet provides information on: the current status of the facility, the facility background, the facility's current hazardous waste management activities, and the public comment period associated with the Draft Permit for Corrective Action (Permit) for renewal.

Introduction - Facility Background - Draft Permit

The facility's initial Hazardous Waste Management Permit was issued by the DEQ with an effective date of September 30, 1983, for a 10-year period until September 30, 1993, under the Virginia Hazardous Waste Management Regulations (VHWMR). Since issuance of the original Permit, the VHWMR has been amended to incorporate the requirements of the Resource Conservation and Recovery Act (RCRA) Regulations by reference and includes the regulatory requirements of the Hazardous and Solid Waste Amendments (HSWA) of the RCRA of 1984. The Permit has since been renewed on September 25, 1995 and on November 10, 2004, the operating portions of the Permit were certified as clean closed. However, the requirements for

site-wide corrective action at the facility remained and Permit was administratively continued until the Permit was reissued by the DEQ.

The facility's current Hazardous Waste Management Permit for Corrective Action was reissued by the DEQ with an effective date of October 24, 2009, and was valid for a 10-year period until October 24, 2019. The reissued Permit authorizes the facility's site-wide Corrective Action (CA) requirements of the HSWA. The permit was also administratively continued until it could be reissued by DEQ.

A renewal Permit application was submitted on April 23, 2019. DEQ has reviewed the RCRA permit application and revisions, and found it to be complete and technically adequate on June 3, 2019.

Therefore, pursuant to 9 VAC 20-60-124 and 40 CFR Part 124, the DEQ has prepared a draft permit for the hazardous waste management activities at the facility.

Corrective Action Program Activities

Investigations have been conducted to characterize Solid Waste Management Units (SWMUs) where hazardous substances may have impacted the environment. Three phases of the RCRA Facility Investigation (RFI) were then completed. The final Comprehensive RFI Investigation Report was submitted in November 2009, and the final revision, dated May 2015, was approved on May 27, 2015.

After the first phase of the RFI, it was determined that the groundwater and plant outfall discharges should be monitored on a recurring basis. In addition, a separate investigation of the plant sewer system was performed. These programs were conducted simultaneously along with the SWMU investigations of the RFI. These focused programs addressed specific media and pathways.

The data available for the former DuPont Waynesboro Site (DuPont Waynesboro) indicates that volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and mercury are the primary Constituents of Concern (COCs) in the site's soil and groundwater.

DuPont Waynesboro submitted a Corrective Measures Study (CMS) report in June 2015. The purpose of the CMS was to evaluate and propose corrective action alternatives that are protective of human health and the environment for the CMS SWMUs, Areas of Concern (AOCs), and groundwater in the on-site area.

DuPont Waynesboro modified the CMS as requested by EPA and the DEQ and re-submitted the CMS report in June 2016. The CMS report was approved in October 2016 and the final remedy was incorporated into the Permit in July 2018

Following the remedy selection, DuPont Waynesboro submitted a Corrective Measures Implementation Work Plan (CMI WP) in August 2017 that included a general description of the proposed excavation and capping in SWMUs 1, 4, and 7 and the cleaning and lining for impacted storm sewers in AOC 3. DuPont Waynesboro modified the CMI WP as requested by EPA and the DEQ and re-submitted in February 2018.

Following CMI WP approval, DuPont Waynesboro submitted streamlined design documents to the DEQ in October 2018. Upon final approval of the design, DuPont will begin construction of the final remedy.

Description of Facility

The DuPont Waynesboro facility is located on approximately 177 acres of flat lying land along the South River in the southeastern corner of Waynesboro, Virginia. In 1929, DuPont began operations at the Waynesboro site which was originally chosen because of the abundant water supply, railroad access, and an available workforce. Initial operations included the manufacture of acetate flake and yarn from 1929-1977. This process included the use of mercury from 1929-1950. In 1958, DuPont began producing Orion®, the plant's second fiber. The flake and yarn process and Orlon® process were discontinued in 1977 and 1990, respectively. In the interim, Lycra® production had begun in 1962, with Permasep® production beginning in 1969 and Bulk Continuous Fiber (BCF) Nylon in 1978. The fibers currently made today include Lycra and BCF. In 2004 the plant assets were sold to subsidiaries of Koch Industries (INVISTA S. a r. l. or "INVISTA") which was later purchased by A&AT, LLC and then by the Lycra Company. Upon the completion of the Corrective Action Program, the land will be transferred to the Lycra Company. DuPont intends to maintain a consistent presence in the community due to its long manufacturing history at the Site.

Purpose of the Permitting Process

One of the purposes of the permitting process is to afford the DEQ, interested citizens, and other governmental agencies the opportunity to evaluate the proposed draft permit and the ability of the Permittee to comply with the applicable hazardous waste management requirements of the Permit and the VHWMR. The draft permit sets forth in one document all the requirements which the Permittee must comply with during the ten (10) year duration of the permit. These requirements include, but are not limited to, the regulations as set forth in the VHWMR.

Draft Permit

The DEQ has reviewed the permit application, and has found the Part A and B permit application submittals to be technically adequate and complete to comply with the requirements of the VHWMR. Therefore, pursuant to the VHWMR, under 9 VAC 20-60-124, and as adopted by reference, 40 CFR § 124.6, the VDEQ has prepared a draft permit

for renewal.

The draft permit is divided into two main parts, Modules I and II, and a list of five permit attachments. Attachments II.A through II.E are incorporated into the permit. The two main parts of the permit are outlined below. The column entitled "Regulation," identifies the regulatory authority for the permit conditions in Parts I and II of the Permit. The VHWMR, 9 VAC 20-60, has incorporated by reference the federal regulations under the Resource Conservation and Recovery Act (RCRA). Applicable citations of the RCRA regulations are provided below, as applicable.

Permit Organization

<u>Module</u>	<u>Topic</u>	<u>Regulation</u>	<u>Description</u>
Module I	Standard Conditions	40 CFR § 270.30 and 40 CFR § 270.32	Contains conditions which generally apply to all hazardous waste management facilities
Module II	Site-Wide Corrective Action	40 CFR § 264.101, and 40 CFR § 270.14	Outlines the corrective action procedures required by 40 CFR § 264.101

List of Permit Attachments

The following five permit attachments are incorporated into the proposed draft permit by reference. Upon approval of the draft permit, the attachments will be considered enforceable conditions of this permit.

Some of the attachment documents contain excerpts from the Permittee's hazardous waste permit application. Specific language excerpted from the permit application has been modified, as deemed necessary, so to be acceptable to the DEQ.

ATTACHMENT II.A	FACILITY DESCRIPTION AND ON-SITE CORRECTIVE ACTION
ATTACHMENT II.B	LIST AND DESCRIPTION OF KNOWN ON-SITE SOLID WASTE MANAGEMENT UNITS (SWMUs) AND AREAS OF CONCERN (AOCs)
ATTACHMENT II.C	OFF-SITE CORRECTIVE ACTION (AOC 4)
ATTACHMENT II.D	HEALTH AND SAFETY PLAN REQUIREMENTS



ATTACHMENT II.E CORRECTIVE MEASURES IMPLEMENTATION SCOPE OF WORK REQUIREMENT

Financial Assurance

Financial assurance for corrective action of the former DuPont Waynesboro facility is assured through an surety bond in the amount of \$1 million to satisfy the financial assurance requirements under 40 CFR 264.140(c). The existing estimate on how much it would cost to implement the remedies at the facility is shown in Table 10 of the CMS Report. The initial cost estimate for completing the approved remedies is updated pursuant to the development of more detailed information (e.g., Corrective Measure Design) and any modifications to the approved remedies.

Public Notice of Proposed Permit Actions

The purpose of public notice of a proposed permit action is to provide the DEQ, interested citizens, other governmental agencies, etc., the opportunity to evaluate and comment upon the draft permit action proposed for the subject facility. Permits are drafted to help assure facility compliance with the final RCRA Permit and the applicable requirements of the Hazardous Waste Management Regulations (VHWMR), 9 VAC 20-60.

Comment Period: Begins: February 28, 2020
Ends: April 13, 2020

The public and the Permittee have forty-five (45) days to review and comment on the draft permit action proposed for the facility.

All persons who believe any condition of a draft permit or proposed permit action is inappropriate, shall raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position by April 13, 2020. Comments should include sufficient supporting material, including any pertinent technical or legal references and citations believed appropriate.

All comments and supporting rationale for such comments must be provided in writing to:

Ashby R. Scott, Hazardous Waste Permit Writer
Department of Environmental Quality
Office of Financial Responsibility and Waste Programs
P.O. Box 1105
Richmond, VA 23218
Phone: (804) 698-4467
Fax: (804) 698-4234

E-mail: Ashby.Scott@deq.virginia.gov

The DEQ will also accept comments from the public by e-mail. All comments received must provide your name, mailing address, phone number, and also must be received before the end of the comment period by April 13, 2020.

Public Hearing

The public may request a public hearing. To request a public hearing, the request must be in writing; must state the nature of the issues proposed to be raised in the hearing; and must be made within the public comment period.

Public Information

The public may review the Draft Permit, the application, and this fact sheet at the following locations:

DEQ Valley Regional Office
Contact: Graham Simmerman
4411 Early Road
Harrisonburg, VA 22801
Phone: (540) 574-7800
* Every work day by appointment

DEQ Office of Financial Responsibility and Waste Programs
Contact: Ashby Scott
1111 East Main Street, Suite 1400
Richmond, VA 23219
Phone: (804) 698-4467
* Every work day by appointment

Waynesboro Public Library – Central Library
600 S Wayne Ave
Waynesboro, VA 22980
Phone: 540-942-6746
* During normal hours of operation

Procedures for Reaching a Final Permit Decision:

When making a final decision regarding this proposed permit action, the DEQ will consider all written comments received during the 45 day public comment period, and oral and written comments received during the public hearing (if applicable), along with the requirements of the Virginia Hazardous Waste Management Regulations.

When the DEQ makes a final decision to either issue or deny the permit, final notice will be given to the applicant and each person who has submitted comments or requested notice of the final decision. The final notice will include a written response from the DEQ to each comment submitted and will indicate any changes in the draft permit action which may have been made in response to the comments. The proposed permit action will become effective 30 days after the final permit decision notice unless a change to the draft permit is requested pursuant to the VHWMR, 9 VAC 20-60-80, and the Virginia Administrative Process Act, § 2.2 4000, et seq., of the Code of Virginia and the Virginia Waste Management Board Public Participation Guidelines, 9 VAC 20-10. If no comments request a change in the draft permit, the decision shall become effective immediately upon issuance.