

## RCRA Regulation of the DuPont/Chemours East Chicago Facility

Questions have been raised at public meetings regarding the Resource Conservation and Recovery Act's (RCRA) regulation of the DuPont/Chemours facility in East Chicago. Concern has been expressed that the facility was not or could not be regulated by RCRA because DuPont withdrew its RCRA facility treatment storage and disposal permit application for this facility.

On August 19, 1980, as required by RCRA, DuPont submitted a RCRA "Part A" Permit Application that identified the East Chicago facility as both a large quantity generator of hazardous waste and a treatment, storage, and disposal facility for waste solvents. On March 17, 1982, DuPont withdrew that Part A Permit Application and its treatment, storage, and disposal facility status claiming that, after 1980, the East Chicago facility did not treat, store or dispose of hazardous wastes.

Despite withdrawing its permit application, DuPont was and continues to be subject to RCRA corrective action cleanup requirements at the East Chicago facility. These cleanup requirements apply to facilities that, at any time, had RCRA interim status, as well as facilities that operated without a RCRA permit when they should have had one. Any facility that had or should have obtained "interim status" (a status conferred by operation of statute) is subject to RCRA's corrective action requirements. Indeed, EPA's 1997 Corrective Action Order to DuPont recognizes "[Dupont] is the owner or operator of a Facility that has operated, is operating, should be, or should have been operating under interim status subject to § 3005(e) of RCRA, 42 U.S.C. § 6925 (e)." Pursuant to that Corrective Action Order, DuPont has been carrying out RCRA Facility Investigations, Corrective Measures Studies, and Interim Corrective Measures. Following consideration of and response to public comments on EPA's proposed remedy, and issuance of a final remedial decision, EPA anticipates that DuPont/Chemours will enter into an agreement to undertake the RCRA-required cleanup work and institutional controls required by the final Statement of Basis for the Western Area/Industrial Portion of the East Chicago facility.

It should be noted that there here has been no interruption in IDEM's or EPA's regulation of Dupont's generation, treatment, storage, and disposal of wastes at the East Chicago facility.