



Department of Toxic Substances Control

Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Edmund G. Brown Jr.
Governor

NOTICE OF FINAL PERMIT DECISION

Decision Date: December 7, 2011

TO WHOM IT MAY CONCERN:

In accordance with the California Health and Safety Code, Division 20, chapter 6.5 and the California Code of Regulations, title 22, section 66271.14, the Department of Toxic Substances Control (DTSC) has made a final permit decision to issue the Hazardous Waste Facility Post-Closure Permit (Permit) for the following facility:

DuPont Oakley Site
6000 Bridgehead Road
Oakley, California 94561
CAD 009151671

DTSC prepared a draft Hazardous Waste Facility Post-Closure Permit (draft Permit) for this project. An Initial Study and draft Negative Declaration also were prepared in accordance with the California Environmental Quality Act (CEQA). The Permit requires continued monitoring of groundwater and surface water and includes a special condition to allow backfilling the West Basin with clean soil. The Permit requires scheduled inspections to check the integrity of the soil covers over all of the units. Additionally, the Permit requires the Permittee to cooperate with DTSC in preparing and recording of a covenant that will place restrictions on groundwater extraction and building construction and/or occupancy within the permitted area. The Permit requires the Permittee to sign and record the covenant within thirty (30) days after receiving written approval of the form and content of the covenant from DTSC.

DTSC held a public comment period for the draft Permit and draft Negative Declaration from September 7, 2011 to October 21, 2011. DTSC also held a public hearing in Oakley on October 6, 2011, to receive public comments on the draft project documents. DTSC received one public comment on the draft Permit from Mr. Charles H. Orwig of DuPont's Corporate Remediation Group. The comment on the Draft Permit concerned the timing requirement needed to complete backfilling of the West Basin. DTSC received eight comments on the draft Negative Declaration from Mr. Gary Arnold, Department of Transportation (DOT), and Ms. Genevieve (Gen) Sparks, California Regional Water Quality Control Board (CRWQCB). The DTSC and CRWQCB comments on the Draft Negative Declaration concern obtaining common transportation and water discharge permits, respectively. A Response to Comments document has been prepared. The draft Negative Declaration was finalized without any modifications.

The Permit becomes effective on January 9, 2012 unless a review is requested pursuant to CCR, title 22, section 66271.18. Any person who filed comments on the Draft Permit or

participated in the public hearing on the permit decision may petition DTSC to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the Draft Permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including the public hearing) to the extent required by these regulations and when appropriate, a showing that the condition in question is based on :

1. A finding of fact or conclusion of law which is clearly erroneous; or
2. An exercise of discretion or an important policy consideration which DTSC should, in its discretion, review.

A petition for review must be postmarked no later than January 9, 2012, and must be submitted to:

Mr. Stewart Black, P.G., Acting Deputy Director
Brownfields and Environmental Restoration Program
1001 I Street
Sacramento, California 95812

A copy of the petition also should be sent to:

Mohinder S. Sandhu, P.E., Branch Chief
Office of Permitting
8800 Cal Center Drive
Sacramento, California 95826

Final documents pertaining to this decision, including the final Permit, final Negative Declaration, and Response to Comments are available for review by the public at the following locations:

The Oakley Public Library
1050 Neroly Road
Oakley California 94561
(925) 625-2400

Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200
(916) 255-3758 (call for appointment)

In addition, these documents may be accessed on the Internet at <http://www.dtsc.ca.gov> or in DTSC's EnviroStor database at www.envirostor.dtsc.ca.gov . For the hearing impaired, you can obtain additional information by using the California State Relay Service at 1-888-877-5378 (TDD). Ask them to contact Nathan Schumacher at (916) 255-3650.

Please bring this Notice to the attention of all persons whom you know would be interested in this matter. If you have any questions, please contact Mr. Peter Ruttan of my staff at (916) 255-3630.

//Original signed by//

Mohinder S. Sandhu, P.E., Branch Chief
Office of Permitting