

DuPont Settlement

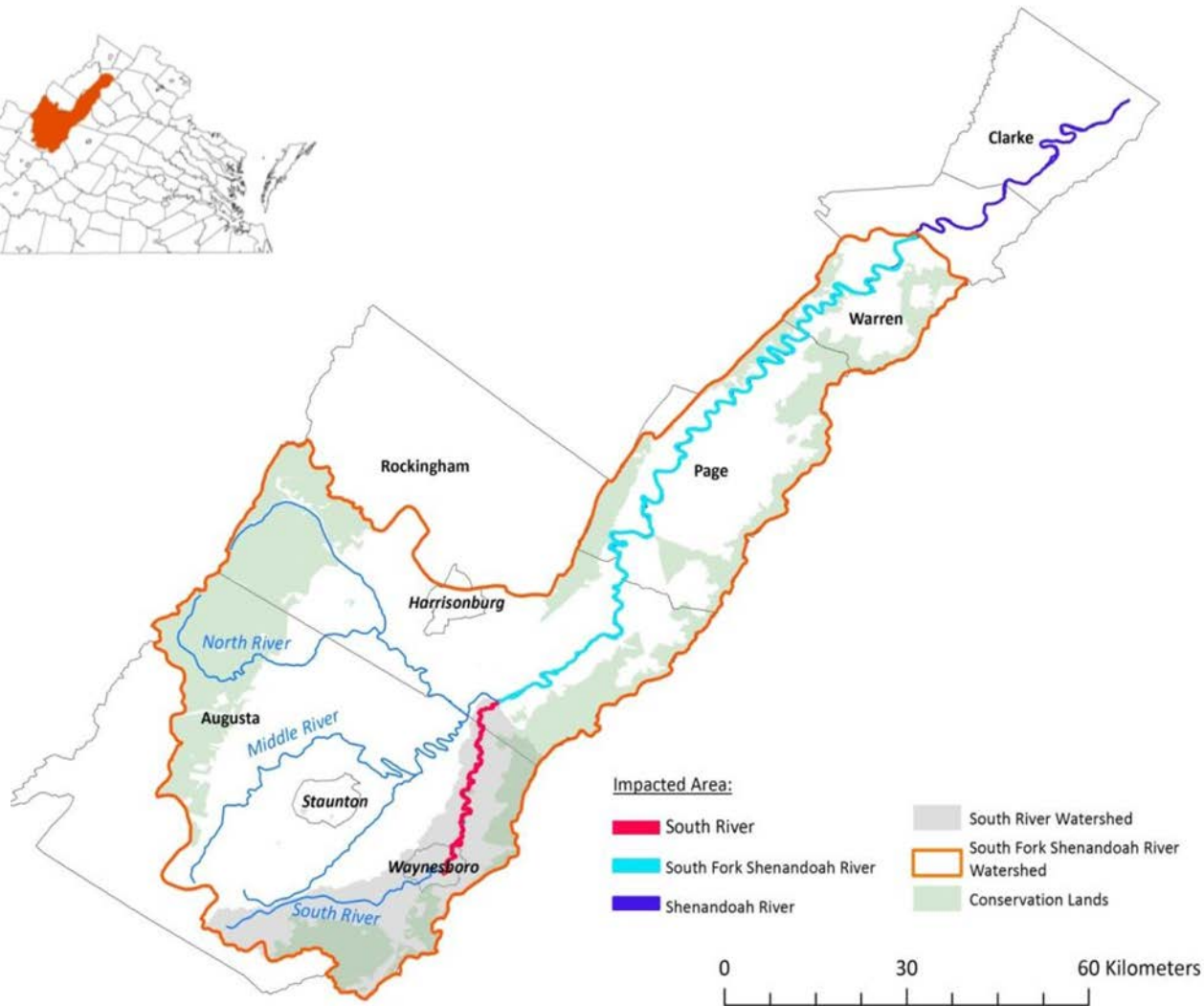


Source: Hagley ID, Box/folder number, DuPont Company Product Information photographs (Accession 1972.341), Audiovisual Collections and Digital Initiatives Department, Hagley Museum and Library, Wilmington, DE 19807

Historical Timeline

- 1929-1950** Mercury used in manufacturing of acetate flake (rayon) at Waynesboro mill
- 1970s** DuPont and State Water Control Board discover mercury contamination in South River
- 1977** Fish consumption ban (changed to advisory in 1980) placed on South River and South Fork Shenandoah River to Front Royal
- 1984** DuPont signs settlement with the Commonwealth for natural resource damages, paying \$1.5 million with a portion designated for additional monitoring
- 2001** South River Science Team formed, cooperative effort of the Commonwealth, United States and DuPont to conduct additional studies
- 2005** Natural Resource Damage Assessment activities begin with financial support from DuPont to evaluate possible CERCLA claim for natural resource damages
- 2015** Assessment activities nearly complete; settlement discussions begin with DuPont
- 2016** Draft settlement and restoration plan announced

Impacted Area



Terms of Settlement

- DuPont to pay \$42 million into federal Natural Resources Damage Assessment and Restoration Fund
- DuPont to complete renovation of DGIF Front Royal Fish Hatchery

Use of Settlement Funds

Cost (in Millions)	Project
\$19.5	Land protection/acquisition/enhancement
\$10	Water Quality Improvements (Agricultural and Urban BMPs)
\$4	Mussel Stocking
\$2.5	Songbird Habitat
\$2.5	Recreational Fishing Improvements (Access Points)

Restrictions on Settlement Funds

- CERCLA requires that the projects must be designed to restore or replace damaged natural resources
 - Not cleanup
 - Not economic development
- Projects must comply with the criteria contained in the consent decree
- Projects must not be “otherwise required” by law
- Projects must be agreed to by the federal trustee (USFWS) and disbursement made by Department of Interior from the NRDAR fund

Next steps

- Public comment on restoration plan closes January 30
- Public comment on terms of the consent decree closes February 3
- Trustees (USFWS, SNR) and DOJ/OAG will review and respond to comments

Timeline Going Forward

Without Changes/Objection

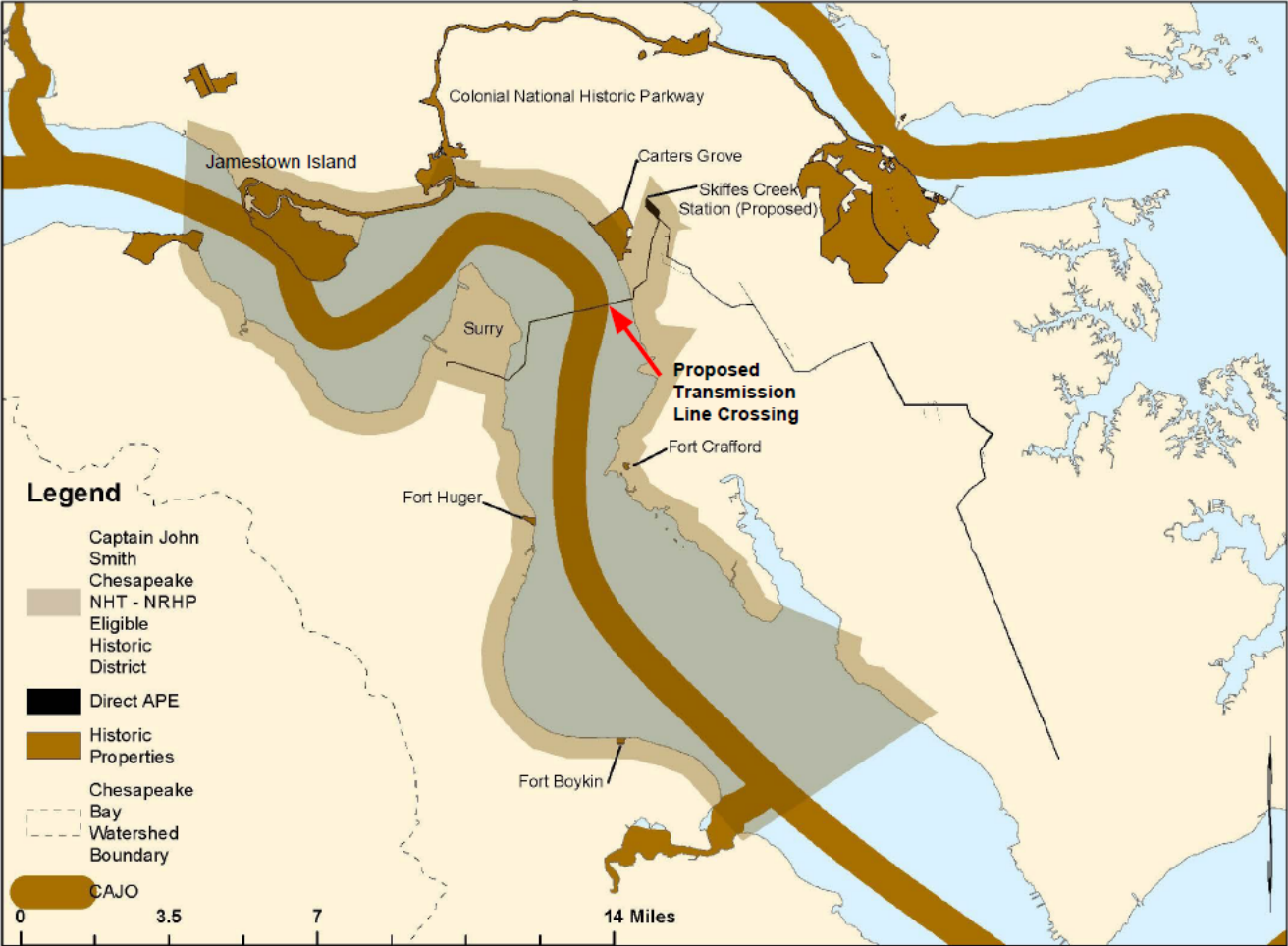
- Public comment response completed by March 15
- Motion filed to enter consent decree by April 1
- Consent decree entered by May 1
- DuPont makes first payment by June 1; second payment within 90 days thereafter
- Project implementation begins ~October 1

With Changes/Objection

- Staff completes recommended changes to consent decree or restoration plan by June 1
- Approval of draft changes by SNR and USFWS/DOJ by July 15
- Possible additional public comment period of 30-45 days
- Additional review/response period
- Motion to enter consent decree by January 1, 2018
- Decree entered by March 1, 2018; first payment by DuPont April 1, 2018

Surry-Skiffes Creek Transmission Line Mitigation

Jamestown Island Area Historic Properties



Source: https://www.nps.gov/chba/learn/upload/Project-Overview-with-Graphics-and-Maps_June2016.pdf

Background

The United States Army Corps of Engineers (Corps) is required to take into account the effects of federally permitted undertakings on properties included in or eligible for inclusion in the National Register of Historic places prior to issuing a permit.

In consultation with the State Historic Preservation Officer (SHPO), which is the Department of Historic Resources (DHR), and the Advisory Council on Historic Preservation (ACHP), the Corps has determined that Dominion's Skiffes-Creek project has an adverse effect on a number of qualifying historic resources.

If the permit moves forward, the proposed mitigation will be a condition of the permit, and Dominion is required to provide documentation the funds have been established following the issuance of the permit.

Proposed Mitigation Projects

Cost (in Millions)	Project	Managing Entity
\$27.7	Jamestown Island-Hog Island-Captain John Smith Trail Historic District Mitigation	The Conservation Fund
\$25	Historic Property Treatment at the Captain John Smith Trail	Virginia Department of Conservation and Recreation
\$15.595	Water Quality Improvements	Virginia Environmental Endowment
\$12.5	Landscape and Battlefield Conservation	Virginia Land Conservation Fund (VLCF)
\$4.2	Historic Property Treatment at Hog Island Wildlife Management Area	Virginia Department of Game and Inland Fisheries (DGIF)