

MAR 3, 2008

ENVIRONMENTAL

February 28, 2008

RECEIVED

APR 3 2008

Dept of Environmental Quality  
Office of Pollution Control

Mr. Tim Hassett  
Hercules Incorporated  
Hercules Research Center  
500 Hercules Road  
Wilmington, DE 19808-1599

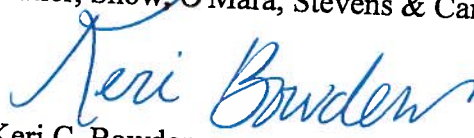
Re: Recorded Notice of Land Use Restrictions  
Our File No.: 020039.37206

Dear Mr. Hassett:

Enclosed please find an original recorded Notice of Land Use Restrictions in connection with the above-referenced file. If you have questions or need anything additional, please contact our office at the telephone number listed below.

Sincerely,

Butler, Snow, O'Mara, Stevens & Cannada, PLLC



Keri C. Bowden  
Legal Assistant to John L. Galloway

Enclosure  
/kcb  
Jackson 2732996v1

Post Office Drawer 4248  
Gulfport, MS 39502

T 228.864.1170  
F 228.868.1531  
www.butlersnow.com

Whitney National Bank Building  
1300 25th Avenue, Suite 204  
Gulfport, MS 39501

## Mississippi Department of Environmental Quality

## NOTICE OF LAND USE RESTRICTIONS

**COPY**

A Restrictive Use Agreed Order has been developed with regard to property located at 613 West 7<sup>th</sup> Street, Hattiesburg, MS as shown as Parcel 1 in the attached survey plat, Exhibit "A". This property, hereafter referred to as the "Site," is situated in Sections 4 and 5, Township 4, Range 13 West, Forrest County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

"A description for a parcel situated in Sections 4 and 5, Township 4 North, Range 13 West Forrest County, Mississippi; said parcel being illustrated as parcel 1 on survey plat for Hercules Incorporated by Land Management Services & Mapping, LLC and being more particularly described by metes and bounds as follows: Commencing at a Railroad Spike Found at the NW Corner of Said Section 4 said point having a Mississippi NAD 83 State Plane Coordinate of North: 671932.60' East: 834200.91' and thence run S01°48'08"W 243.97', to a metal pipe found on the south right-of-way line of Mississippi Highway 42 for the Point of Beginning; thence leaving said south right of way line run S01°32'45"W 1,065.16', to a wood fence post found; thence run N88°48'08"W 1,318.98', to a wood fence post found; thence run S01°48'01"W 796.25', to a concrete monument found; thence run S89°40'54"E 1,422.86', to a concrete monument found; thence run S00°21'17"W 129.67', to a concrete monument found; thence run S89°39'18"E 144.76', to a concrete monument found; thence run S00°14'56"W 429.44', to a concrete monument found; thence run S89°52'14"E 1,237.65', to a metal fence post found; thence run S00°54'06"W 1,298.93', to an X-Cut set in concrete on the north right-of-way line of West 7<sup>th</sup> Street, said street having a 40' right-of-way as per the City of Hattiesburg; thence run along said north right-of-way N89°54'34"E 267.43', to a PK nail set, thence leaving said north right-of-way run; N00°03'00"E 190.92', to a PK nail set; thence run S89°02'44"E 189.42', to a PK nail set; N00°03'00"E 51.37', to a PK nail set; thence run S89°02'44"E 469.81', to an iron pin set; thence run S00°01'08"W 230.27', to an X-Cut set in concrete on the north right-of-way of said 7<sup>th</sup> street; thence run along said north right-of-way N89°54'34"E 654.88', to a PK nail set at the intersection of the said north right-of-way line and the west right-of-way line of Providence Street, said Providence Street having a 60' right-of-way as per the City of Hattiesburg; thence leaving said north right-of-way line run along said west right-of-way line N00°03'42"W 1,290.00', to an iron pin set; thence continue along said west right-of-way line N89°54'34"E 10.00', to an iron pin set; thence continue along said west right-of-way N00°04'39"W 817.15', to a PK nail set at the intersection of the west right-of-way of said Providence street and the south right-of-way line of Mississippi Highway 42 as per FAP U-008-2(1); thence leaving said west right-of-way line run along said south right-of-way N78°17'33"W 366.13', to an iron pin set; thence continue along said south right-of-way as per PWS Docket # 1043R-71A-EXT S11°42'03"W 10.00' to a concrete right-of-way marker marking the point of curve of a non tangent curve to the right, having a chord bearing of N74°51'58"W, 233.23', and a radius of 1947.42'; thence continue along said south right-of-way westerly along the arc, through a central angle of 06°51'58", a distance of 233.38, to an iron pin set; thence leaving said south right-of-way run S00°00'01"W 103.94', to a fence corner found; thence run West 100.00', to an iron pin set; thence run N00°31'30"W 113.09', to a metal pipe found; thence run East 74.46' to a PK nail set on the aforementioned south right-of-way of Highway 42, said point marking the point of curve of a non tangent curve to the right, having a chord bearing of N68°09'32"W, 166.32', and a radius 1,947.42'; thence run along said south right-of-way westerly along the arc, through a central angle of 04°53'41", a distance of 166.37', to an iron pin set; thence leaving said south right-of-way run South 42.85', to an iron pin set; thence run West 50.00', to an iron pin set; thence run North 50.00', to an iron pin set; thence run West 75.00', to a concrete monument found; thence run North 54.74', to an iron pin set on the south right-of-way line of said Highway 42, said point marking the point of curve of a non tangent curve to the right having a chord bearing of N58°38'21"W, 201.65', and a radius of 1,947.42'; thence run along said south right-of-way northwesterly along the arc, through a central angle of 05°56'08", a distance of 201.74', to a right-of-way marker found; thence continue along said south right-of-way N55°42'47"W 145.58', to an iron pin set; thence continue along said south right-of-way S34°06'38"W 20.11', to an iron pin set; thence continue along said south right-of-way thence run N55°40'42"W 230.37'; thence continue along said south right-of-way S34°19'18"W 20.00', to an iron pin set; thence continue along said south right-of-way N55°40'37"W 570.29', to a right-of-way marker found; thence continue along said right-of-way N55°41'30"W 500.40', to a right-of-way marker found; thence continue along said north right-of-way N33°58'28"E 29.85', to a right-of-way marker found; thence continue along said north right-of-way N55°46'04"W 245.07', to a right-of-way marker found marking the point of curve of a non tangent curve to the left, having a chord bearing of N61°50'00"W, 603.00', and a radius of 2,808.94'; thence continue along said south right-of-way northwesterly along the arc, through a central angle of 12°19'25", a distance of 604.16' back to the Point of Beginning; containing 168.81 acres, more or less; all bearings, coordinates, and distances herein described are grid and are referenced to the west property line and are based on the Mississippi NAD 83 East Zone state plane coordinate system and are referenced to the national spatial reference system through the national geodetic survey's online positioning user service (opus) and are derived from a global positioning system observation, (combined grid factor: 0.99997116; convergence: -0°14'45")."

BOOK 1031 PAGE 0240

STATE OF MISSISSIPPI

COUNTY OF FORREST

Soil and groundwater on the Site contains Benzene (CAS #71432), Chlorobenzene (CAS #108907), Carbon Tetrachloride (CAS #56235), Chloroform (CAS #67663), 1,2-Dichloroethane (CAS #107062) and Toluene (CAS #105553) at levels in excess of the Target Remediation Goals (TRGs) as established by the Mississippi Department of Environmental Quality (MDEQ). Other substances are present in the soil and groundwater that do not exceed TRGs have also been identified. In order to protect public health and the environment, certain restrictions are hereby placed on the Site.

The following is a listing of all restrictions for the Site:

1. There shall be no excavating, drilling or other activities to depths that could create exposure to contaminated media without approval from MDEQ;
2. The groundwater at the Site shall not be used, unless otherwise approved by MDEQ;
3. Monitoring wells shall be protected and maintained. In the event that a monitoring well is destroyed or damaged or is no longer needed, a plan for repair, reinstallation or abandonment of the well(s) must be submitted to MDEQ for approval; and
4. No wells shall be installed without prior approval from MDEQ.

Prior to executing any deed or other instrument conveying an interest in the Site, the following conditions must be met:

1. Any conveyance of the property, or any portion thereof, must contain as covenants the restrictions listed above with a statement that the covenants run with the land and continue into perpetuity unless otherwise ordered by the Mississippi Commission on Environmental Quality;
2. Notice must be provided to MDEQ at least 30 days prior to any property transaction involving the Site; and
3. Prior to any change in use of the Site or any portion thereof, notice shall be given to the MDEQ.

This Notice may be executed in counterparts.

The parties that have a legal or equitable surface interest in the Site follow:

1. Hercules Incorporated

Executed, this the 10th day of December, 2007.

BY: Thomas H. Strang JMS/11/15/07 fw

TITLE: VP. SHERA

STATE OF MISSISSIPPI  
 FORREST COUNTY  
 I CERTIFY THE INSTRUMENT  
 WAS FILED AND RECORDED  
 129454  
 2008 FEB 25 AM 10:24  
 WITNESS MY HAND AND SEAL  
 JIMMY C. HAVARD  
 CHANCERY CLERK

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this the 10th day of December, 2007 within my jurisdiction, the within named Thomas H. Strang acknowledged that (he)(she) is VP SHERA of Hercules Incorporated, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 10th day of December, 2007.

BOOK 1031 PAGE 0241

R. Williams  
 NOTARY PUBLIC

RICHMOND L. WILLIAMS  
 Notary Public, State of Delaware  
 My Commission Has No Expiration Date  
 29 Del.C. § 4328(a)(3)

MY COMMISSION EXPIRES: No Expiration  
 DATE



JAN 18, 2008

ENVIRONMENTAL

STATE OF MISSISSIPPI  
HALEY BARBOUR  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

January 17, 2008

Fed Ex Tracking Number 8512 1549 9225

Mr. Tim Hassett  
Hercules Incorporated  
Hercules Research Center  
500 Hercules Road  
Wilmington, DE 19808-1599

Re: Signed Restrictive Use Agreed Order  
Hercules Inc. Hattiesburg facility  
Hattiesburg, Forrest County, Mississippi

Dear Mr. Hassett:

The Mississippi Department of Environmental Quality (MDEQ) has approved by Order No. 5349-07, a Restrictive Use Agreed Order for the Hercules Incorporated Plant in Hattiesburg, MS. Your copy of the original Restrictive Use Agreed Order is enclosed with this letter. Hercules Incorporated shall file a certified copy of the Notice of Land Use Restrictions in the office of the Chancery Clerk in Forrest County. The Chancery Clerk shall record and enter the Notice of Land Use Restrictions in the land records in accordance with Section 89-5-33 and collect the fees provided in Section 25-7-9. Any subsequent deed or other instrument conveying an interest in the property shall state in the deed or instrument that the property is subject to restrictions, unless the notice is canceled by MDEQ. Hercules Incorporated is required to submit to MDEQ certification signed by the Chancery Clerk of Forrest County that the Notice of Land Use Restrictions has been filed which indicates the date of such filing. If you have any questions or comments concerning this matter, please contact me at (601) 961-5731.

Sincerely,

William McKercher, P.E.  
Project Manager  
Groundwater Assessment and Remediation  
Division (GARD)

Enclosures

cc: Michael T. Slack, P.E. – MDEQ  
Charlie Jordan – Hercules, Inc.

BEFORE THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

Order No. 5349 07

HERCULES INCORPORATED  
Hercules Plaza  
1313 North Market Street  
Wilmington, DE 19894-0001

RESPONDENT

RESTRICTIVE USE AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission) and Hercules Incorporated (Respondent) in the above captioned cause agree as follows:

1. The purpose of this Restrictive Use Agreed Order is to protect human health and the environment by restricting the use and activities on the Site described below.
2. The Respondent owns a tract of land located in Hattiesburg, MS, known as the "Hercules Incorporated Plant" and hereafter referred to as the "Site." Exhibit A is a survey plat depicting the boundaries of the Site. A legal description of the Site is attached as Exhibit B.
3. Soils and ground water on the Site contain Benzene (CAS #71432), Chlorobenzene (CAS #108907), Carbon Tetrachloride (CAS #56235), Chloroform (CAS #67663), 1,2-Dichloroethane (CAS #107062) and Toluene (CAS #105553) at levels in excess of the Target Remediation Goals (TRGs) as established by the Mississippi Department of Environmental Quality (MDEQ).
4. The staff of the Commission has evaluated this Restrictive Use Agreed Order and believes once the requirements of it have been completed that (1) the Site will be protective of the public health and the environment and (2) no further corrective action will be required at this time.
5. The following is a description of all restrictions and requirements relating to the Site:



- (a) There shall be no excavating, drilling, or other activities that could create exposure to contaminated media without prior approval from MDEQ.
- (b) The groundwater at the Site shall not be used without prior approval from MDEQ;
- (c) Monitoring wells at the Site shall be protected and maintained. In the event that a monitoring well is destroyed or damaged or is no longer necessary, a plan for repair, reinstallation or abandonment of the well(s) must be submitted to MDEQ for approval within 30 days after a well is destroyed or damaged; or proposed for abandonment.
- (d) No wells shall be installed without prior approval from MDEQ;
- (e) All required groundwater monitoring shall be conducted as described in the approved Compliance Monitoring Plan, page 12 of the Corrective Action Plan Revision 01 dated January 20, 2005, unless otherwise approved by MDEQ;
- (f) All required corrective action shall be conducted as described in the approved Corrective Action Plan Revision 01, dated January 20, 2005, unless otherwise approved by MDEQ;
- (g) Any necessary corrective action required following completion of the Corrective Action Plan Revision 01 in (f) above shall be implemented as described in the approved Contingency Plan, page 15 of the Corrective Action Plan Revision 01 dated January 20, 2005, unless otherwise approved by MDEQ;
- (h) A sign of a size, shape, construction, and layout approved by MDEQ, shall be posted at the physical location of the Site and shall read as follows:

STOP – CALL BEFORE YOU DIG

(601) 961-5171

Request to Speak with Someone in Assessment Remediation Branch  
Regarding Site 40470039

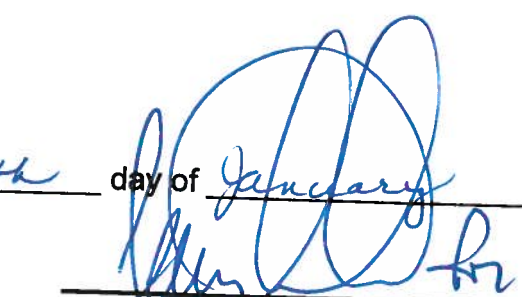
- (i) All required institutional controls shall be implemented;
- (j) Continuous Financial Assurance in an amount sufficient, and in a form acceptable to the MDEQ to implement the Contingency Plan, page 15 of the Corrective Action Plan Revision 01 dated January 20, 2005, shall be available, unless waived by MDEQ. Cost estimates and duration may be adjusted on a periodic basis with the approval of MDEQ; and

- (k) Beginning on October 31, 2008, and annually thereafter, Respondent shall submit certification in a form required by MDEQ that all the requirements listed in #5 (a) through (j) have been maintained. The annual certification must include a list of all surface owners and leaseholders of the Site.
6. The Respondent shall restrict the Site to non-residential use which would also exclude schools, parks, day care facilities, or similar facilities where children are present. Hercules may petition the MDEQ to remove or modify the restrictions upon showing satisfactory to the MDEQ that it has satisfied the applicable requirements, and the MDEQ may impose conditions upon its approval as may be necessary to protect the public health and the environment in light of the proposed change in use.
  7. Respondent shall retain responsibility for the requirements listed in #5 above, until the Commission approves the transfer of those responsibilities to another party (e.g., the prospective purchaser) by entering into an Agreed Order with the other party.
  8. Prior to any change in use of the Site or any portion of the Site, written notice shall be given to and approval obtained from the MDEQ.
  9. Written notice must be provided to MDEQ 30 days prior to any property transaction involving the Site. Any conveyance must contain as covenants the requirements listed in #5 and 6 with a statement that the covenants run with the land and continue into perpetuity unless otherwise ordered by the Commission.
  10. Within thirty (30) days after execution of this Restrictive Use Agreed Order, Respondent shall file the Restrictive Use Notice, as approved by MDEQ, in the office of the Chancery Clerk of Forrest County for recording onto the land deed records in the appropriate sectional index. The Restrictive Use Notice can be amended by consent of the Parties as necessary to meet the filing requirements of the county.
  11. Within thirty (30) days after return by the Chancery Clerk of the Restrictive Use Notice after filing, the Respondent is required to submit to MDEQ certification signed by the Chancery Clerk of Forrest County that the Restrictive Use Notice has been filed, which indicates the date of such filing.
  12. Nothing in this Restrictive Use Agreed Order shall be construed to convey or determine any interest in property.
  13. Nothing in this Restrictive Use Agreed Order shall be construed to be an allocation of costs or an indemnification by the State, MDEQ, or the Commission.

14. Nothing in this Restrictive Use Agreed Order shall limit the rights of the MDEQ or the Commission in the event Respondent fails to comply with this Restrictive Use Agreed Order. The Restrictive Use Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.
15. Nothing contained in this Restrictive Use Agreed Order shall limit the rights of Complainant to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations, nor shall Respondent be limited in any way in its response to any such enforcement or other actions by Complainant.
16. This Restrictive Use Agreed Order does not resolve any issues regarding liability and/or penalties for any violation of any federal and/or state order, permit, law, rule and/or regulation. The Commission specifically reserves any such action and Respondent reserves all defenses and counter claims relating to any such action.
17. Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.



So ORDERED and AGREED, this the 11th day of January, 2007.

  
\_\_\_\_\_  
Trudy D. Fisher  
Executive Director  
Mississippi Commission on  
Environmental Quality

AGREED, this the 10th day of December, 2007.

BY: Thomas H. Strang USA, 11/15/07

TITLE: VP, SHERA

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this the 10th day of December, 2007 within my jurisdiction, the within named Thomas H. Strang acknowledged that (he)(she) is VP, SHERA of Hercules Incorporated, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 10th day of December, 2007.

  
\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

No Expiration date

RICHMOND L. WILLIAMS  
Attorney At Law  
Notary Public - State of Delaware  
My Commission Expires on Expiration Date  
29 Dec. 9 4:22:11(3)

**Exhibit A**

Survey plat depicting the boundaries of the Site

**Exhibit B**

Legal description of the Site

### Legal description of Site

A description for a parcel situated in Sections 4 and 5, Township 4 North, Range 13 West Forrest County, Mississippi; said parcel being illustrated as parcel 1 on survey plat for Hercules Incorporated by Land Management Services & Mapping, LLC and being more particularly described by metes and bounds as follows:

Commencing at a Railroad Spike Found at the NW Corner of Said Section 4 said point having a Mississippi NAD 83 State Plane Coordinate of North: 671932.60' East: 834200.91' and thence run  $S01^{\circ}48'08''W$  243.97', to a metal pipe found on the south right-of-way line of Mississippi Highway 42 for the Point of Beginning; thence leaving said south right of way line run  $S01^{\circ}32'45''W$  1,065.16', to a wood fence post found; thence run  $N88^{\circ}48'08''W$  1,318.98', to a wood fence post found; thence run  $S01^{\circ}48'01''W$  796.25', to a concrete monument found; thence run  $S89^{\circ}40'54''E$  1,422.86', to a concrete monument found; thence run  $S00^{\circ}21'17''W$  129.67', to a concrete monument found; thence run  $S89^{\circ}39'18''E$  144.76', to a concrete monument found; thence run  $S00^{\circ}14'56''W$  429.44', to a concrete monument found; thence run  $S89^{\circ}52'14''E$  1,237.65', to a metal fence post found; thence run  $S00^{\circ}54'06''W$  1,298.93', to an X-Cut set in concrete on the north right-of-way line of West 7<sup>th</sup> Street, said street having a 40' right-of-way as per the City of Hattiesburg; thence run along said north right-of-way  $N89^{\circ}54'34''E$  267.43', to a PK nail set, thence leaving said north right-of-way run;  $N00^{\circ}03'00''E$  190.92', to a PK nail set; thence run  $S89^{\circ}02'44''E$  189.42', to a PK nail set;  $N00^{\circ}03'00''E$  51.37', to a PK nail set; thence run  $S89^{\circ}02'44''E$  469.81', to an iron pin set; thence run  $S00^{\circ}01'08''W$  230.27', to an X-Cut set in concrete on the north right-of-way of said 7<sup>th</sup> street; thence run along said north right-of-way  $N89^{\circ}54'34''E$  654.88', to a PK nail set at the intersection of the said north right-of-way line and the west right-of-way line of Providence Street, said Providence Street having a 60' right-of-way as per the City of Hattiesburg; thence leaving said north right-of-way line run along said west right-of-way line  $N00^{\circ}03'42''W$  1,290.00', to an iron pin set; thence continue along said west right-of-way line  $N89^{\circ}54'34''E$  10.00', to an iron pin set; thence continue along said west right-of-way  $N00^{\circ}04'39''W$  817.15', to a PK nail set at the intersection of the west right-of-way of said Providence street and the south right-of-way line of Mississippi Highway 42 as per FAP U-008-2(1); thence leaving said west right-of-way line run along said south right-of-way  $N78^{\circ}17'33''W$  366.13', to an iron pin set; thence continue along said south right-of-way as per PWS Docket # 1043R-71A-EXT  $S11^{\circ}42'03''W$  10.00' to a concrete right-of-way marker marking the point of curve of a non tangent curve to the right, having a chord bearing of  $N74^{\circ}51'58''W$ , 233.23', and a radius of 1947.42'; thence continue along said south right-of-way westerly along the arc, through a central angle of  $06^{\circ}51'58''$ , a distance of 233.38, to an iron pin set; thence leaving said south right-of-way run  $S00^{\circ}00'01''W$  103.94', to a fence corner found; thence run West 100.00', to an iron pin set;

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BUTLER | SNOW

MAR 3, 2008

February 28, 2008

Mr. Tim Hassett  
Hercules Incorporated  
Hercules Research Center  
500 Hercules Road  
Wilmington, DE 19808-1599

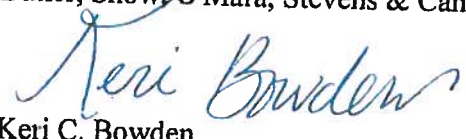
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Sincerely,

Butler, Snow, O'Mara, Stevens & Cannada, PLLC



Keri C. Bowden  
Legal Assistant to John L. Galloway

Enclosure  
/kcb  
Jackson 2732996v1

Post Office Drawer 4248  
Gulfport, MS 39502

T 228.864.1170  
F 228.868.1531  
www.butlersnow.com

Whitney National Bank Building  
1300 25th Avenue, Suite 204  
Gulfport, MS 39501

## Mississippi Department of Environmental Quality

## NOTICE OF LAND USE RESTRICTIONS

A Restrictive Use Agreed Order has been developed with regard to property located at 613 West 7<sup>th</sup> Street, Hattiesburg, MS as shown as Parcel 1 in the attached survey plat, Exhibit "A". This property, hereafter referred to as the "Site," is situated in Sections 4 and 5, Township 4, Range 13 West, Forrest County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

"A description for a parcel situated in Sections 4 and 5, Township 4 North, Range 13 West Forrest County, Mississippi; said parcel being illustrated as parcel 1 on survey plat for Hercules Incorporated by Land Management Services & Mapping, LLC and being more particularly described by metes and bounds as follows:  
Commencing at a Railroad Spike Found at the NW Corner of Said Section 4 said point having a Mississippi NAD 83 State Plane Coordinate of North: 671932.60' East: 834200.91' and thence run S01°48'08"W 243.97', to a metal pipe found on the south right-of-way line of Mississippi Highway 42 for the Point of Beginning; thence leaving said south right of way line run S01°32'45"W 1,065.16', to a wood fence post found; thence run N88°48'08"W 1,318.98', to a wood fence post found; thence run S01°48'01"W 796.25', to a concrete monument found; thence run S89°40'54"E 1,422.86', to a concrete monument found; thence run S00°21'17"W 129.67', to a concrete monument found; thence run S89°39'18"E 144.76', to a concrete monument found; thence run S00°14'56"W 429.44', to a concrete monument found; thence run S89°52'14"E 1,237.65', to a metal fence post found; thence run S00°54'06"W 1,298.93', to an X-Cut set in concrete on the north right-of-way line of West 7<sup>th</sup> Street, said street having a 40' right-of-way as per the City of Hattiesburg; thence run along said north right-of-way N89°54'34"E 267.43', to a PK nail set, thence leaving said north right-of-way run; N00°03'00"E 190.92', to a PK nail set; thence run S89°02'44"E 189.42', to a PK nail set; N00°03'00"E 51.37', to a PK nail set; thence run S89°02'44"E 469.81', to an Iron pin set; thence run S00°01'08"W 230.27', to an X-Cut set in concrete on the north right-of-way of said 7<sup>th</sup> street; thence run along said north right-of-way N89°54'34"E 654.88', to a PK nail set at the intersection of the said north right-of-way line and the west right-of-way line of Providence Street, said Providence Street having a 60' right-of-way as per the City of Hattiesburg; thence leaving said north right-of-way line run along said west right-of-way line N00°03'42"W 1,290.00', to an iron pin set; thence continue along said west right-of-way line N89°54'34"E 10.00', to an iron pin set; thence continue along said west right-of-way N00°04'39"W 817.15', to a PK nail set at the intersection of the west right-of-way of said Providence street and the south right-of-way line of Mississippi Highway 42 as per FAP U-008-2(1); thence leaving said west right-of-way line run along said south right-of-way N78°17'33"W 366.13', to an iron pin set; thence continue along said south right-of-way as per PWS Docket # 1043R-71A-EXT S11°42'03"W 10.00' to a concrete right-of-way marker marking the point of curve of a non tangent curve to the right, having a chord bearing of N74°51'58"W, 233.23', and a radius of 1947.42'; thence continue along said south right-of-way westerly along the arc, through a central angle of 06°51'58", a distance of 233.38, to an iron pin set; thence leaving said south right-of-way run S00°00'01"W 103.94', to a fence corner found; thence run West 100.00', to an iron pin set; thence run N00°31'30"W 113.09', to a metal pipe found; thence run East 74.46' to a PK nail set on the aforementioned south right-of-way of Highway 42, said point marking the point of curve of a non tangent curve to the right, having a chord bearing of N68°09'32"W, 166.32', and a radius 1,947.42'; thence run along said south right-of-way westerly along the arc, through a central angle of 04°53'41", a distance of 166.37', to an iron pin set; thence leaving said south right-of-way run South 42.85', to an iron pin set; thence run West 50.00', to an iron pin set; thence run North 50.00', to an iron pin set; thence run West 75.00', to a concrete monument found; thence run North 54.74', to an iron pin set on the south right-of-way line of said Highway 42, said point marking the point of curve of a non tangent curve to the right having a chord bearing of N58°38'21"W, 201.65', and a radius of 1,947.42'; thence run along said south right-of-way northwesterly along the arc, through a central angle of 05°56'08", a distance of 201.74', to a right-of-way marker found; thence continue along said south right-of-way N55°42'47"W 145.58', to an iron pin set; thence continue along said south right-of-way S34°06'38"W 20.11', to an iron pin set; thence continue along said south right-of-way S34°19'18"W 20.00', to an iron pin set; thence continue along said south right-of-way N55°40'37"W 570.29', to a right-of-way marker found; thence continue along said right-of-way N55°41'30"W 500.40', to a right-of-way marker found; thence continue along said north right-of-way N33°58'28"E 29.85', to a right-of-way marker found; thence continue along said north right-of-way N55°46'04"W 245.07', to a right-of-way marker found marking the point of curve of a non tangent curve to the left, having a chord bearing of N61°50'00"W, 603.00', and a radius of 2,808.94'; thence continue along said south right-of-way northwesterly along the arc, through a central angle of 12°19'25", a distance of 604.16' back to the Point of Beginning; containing 168.81 acres, more or less; all bearings, coordinates, and distances herein described are grid and are referenced to the west property line and are based on the Mississippi NAD 83 East Zone state plane coordinate system and are referenced to the national spatial reference system through the national geodetic survey's online positioning user service (opus) and are derived from a global positioning system observation, (combined grid factor: 0.99997116; convergence: -0°14'45")."

BOOK 1031 PAGE 0240

Indexing Instructions: NE, NW, SE, SW of Section 4 &amp; NE of Section 5, Township 4 North, Range 13 West

STATE OF MISSISSIPPI

COUNTY OF FORREST

Soil and groundwater on the Site contains Benzene (CAS #71432), Chlorobenzene (CAS #108907), Carbon Tetrachloride (CAS #56235), Chloroform (CAS #67663), 1,2-Dichloroethane (CAS #107062) and Toluene (CAS #105553) at levels in excess of the Target Remediation Goals (TRGs) as established by the Mississippi Department of Environmental Quality (MDEQ). Other substances are present in the soil and groundwater that do not exceed TRGs have also been identified. In order to protect public health and the environment, certain restrictions are hereby placed on the Site.

The following is a listing of all restrictions for the Site:

1. There shall be no excavating, drilling or other activities to depths that could create exposure to contaminated media without approval from MDEQ;
2. The groundwater at the Site shall not be used, unless otherwise approved by MDEQ;
3. Monitoring wells shall be protected and maintained. In the event that a monitoring well is destroyed or damaged or is no longer needed, a plan for repair, reinstallation or abandonment of the well(s) must be submitted to MDEQ for approval; and
4. No wells shall be installed without prior approval from MDEQ.

Prior to executing any deed or other instrument conveying an interest in the Site, the following conditions must be met:

1. Any conveyance of the property, or any portion thereof, must contain as covenants the restrictions listed above with a statement that the covenants run with the land and continue into perpetuity unless otherwise ordered by the Mississippi Commission on Environmental Quality;
2. Notice must be provided to MDEQ at least 30 days prior to any property transaction involving the Site; and
3. Prior to any change in use of the Site or any portion thereof, notice shall be given to the MDEQ.

This Notice may be executed in counterparts.

The parties that have a legal or equitable surface interest in the Site follow:

1. Hercules Incorporated

Executed, this the 10th day of December, 2007.

BY: Thomas H. Strang JMA/11/15/07 fw

TITLE: VP. SHERA

FORREST COUNTY  
 CERTIFY THE INSTRUMENT  
 WAS FILED AND RECORDED  
 129454  
 2008 FEB 25 AM 10:24  
 WITNESS MY HAND AND SEAL  
 JIMMY C. HAYARD  
 CHANCERY CLERK

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this the 10th day of December, 2007 within my jurisdiction, the within named Thomas H. Strang acknowledged that (he)(she) is VP SHERA of Hercules Incorporated, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 10th day of December, 2007.

BOOK 1031 PAGE 0241

R. H. Williams  
NOTARY PUBLIC

MY COMMISSION EXPIRES: No EXPIRATION DATE

RICHMOND L. WILLIAMS  
 Notary Public  
 My Commission Expires: 12/31/2008  
 20 MISS. S 4323(3)(9)



STATE OF MISSISSIPPI  
HALEY BARBOUR  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

JAN 18, 2008

ENVIRONMENTAL

January 17, 2008

Fed Ex Tracking Number 8512 1549 9225

Mr. Tim Hassett  
Hercules Incorporated  
Hercules Research Center  
500 Hercules Road  
Wilmington, DE 19808-1599

Re: Signed Restrictive Use Agreed Order  
Hercules Inc. Hattiesburg facility  
Hattiesburg, Forrest County, Mississippi

Dear Mr. Hassett:

The Mississippi Department of Environmental Quality (MDEQ) has approved by Order No. 5349-07, a Restrictive Use Agreed Order for the Hercules Incorporated Plant in Hattiesburg, MS. Your copy of the original Restrictive Use Agreed Order is enclosed with this letter. Hercules Incorporated shall file a certified copy of the Notice of Land Use Restrictions in the office of the Chancery Clerk in Forrest County. The Chancery Clerk shall record and enter the Notice of Land Use Restrictions in the land records in accordance with Section 89-5-33 and collect the fees provided in Section 25-7-9. Any subsequent deed or other instrument conveying an interest in the property shall state in the deed or instrument that the property is subject to restrictions, unless the notice is canceled by MDEQ. Hercules Incorporated is required to submit to MDEQ certification signed by the Chancery Clerk of Forrest County that the Notice of Land Use Restrictions has been filed which indicates the date of such filing. If you have any questions or comments concerning this matter, please contact me at (601) 961-5731.

Sincerely,

William McKercher, P.E.  
Project Manager  
Groundwater Assessment and Remediation  
Division (GARD)

Enclosures

cc: Michael T. Slack, P.E. - MDEQ  
Charlie Jordan - Hercules, Inc.

BEFORE THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

Order No. 5349 07

HERCULES INCORPORATED  
Hercules Plaza  
1313 North Market Street  
Wilmington, DE 19894-0001

RESPONDENT

RESTRICTIVE USE AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission) and Hercules Incorporated (Respondent) in the above captioned cause agree as follows:

1. The purpose of this Restrictive Use Agreed Order is to protect human health and the environment by restricting the use and activities on the Site described below.
2. The Respondent owns a tract of land located in Hattiesburg, MS, known as the "Hercules Incorporated Plant" and hereafter referred to as the "Site." Exhibit A is a survey plat depicting the boundaries of the Site. A legal description of the Site is attached as Exhibit B.
3. Soils and ground water on the Site contain Benzene (CAS #71432), Chlorobenzene (CAS #108907), Carbon Tetrachloride (CAS #56235), Chloroform (CAS #67663), 1,2-Dichloroethane (CAS #107062) and Toluene (CAS #105553) at levels in excess of the Target Remediation Goals (TRGs) as established by the Mississippi Department of Environmental Quality (MDEQ).
4. The staff of the Commission has evaluated this Restrictive Use Agreed Order and believes once the requirements of it have been completed that (1) the Site will be protective of the public health and the environment and (2) no further corrective action will be required at this time.
5. The following is a description of all restrictions and requirements relating to the Site:



- (a) There shall be no excavating, drilling, or other activities that could create exposure to contaminated media without prior approval from MDEQ.
- (b) The groundwater at the Site shall not be used without prior approval from MDEQ;
- (c) Monitoring wells at the Site shall be protected and maintained. In the event that a monitoring well is destroyed or damaged or is no longer necessary, a plan for repair, reinstallation or abandonment of the well(s) must be submitted to MDEQ for approval within 30 days after a well is destroyed or damaged; or proposed for abandonment.
- (d) No wells shall be installed without prior approval from MDEQ;
- (e) All required groundwater monitoring shall be conducted as described in the approved Compliance Monitoring Plan, page 12 of the Corrective Action Plan Revision 01 dated January 20, 2005, unless otherwise approved by MDEQ;
- (f) All required corrective action shall be conducted as described in the approved Corrective Action Plan Revision 01, dated January 20, 2005, unless otherwise approved by MDEQ;
- (g) Any necessary corrective action required following completion of the Corrective Action Plan Revision 01 in (f) above shall be implemented as described in the approved Contingency Plan, page 15 of the Corrective Action Plan Revision 01 dated January 20, 2005, unless otherwise approved by MDEQ;
- (h) A sign of a size, shape, construction, and layout approved by MDEQ, shall be posted at the physical location of the Site and shall read as follows:

STOP – CALL BEFORE YOU DIG

(601) 961-5171

Request to Speak with Someone in Assessment Remediation Branch  
Regarding Site 40470039

- (i) All required institutional controls shall be implemented;
- (j) Continuous Financial Assurance in an amount sufficient, and in a form acceptable to the MDEQ to implement the Contingency Plan, page 15 of the Corrective Action Plan Revision 01 dated January 20, 2005, shall be available, unless waived by MDEQ. Cost estimates and duration may be adjusted on a periodic basis with the approval of MDEQ; and

- (k) Beginning on October 31, 2008, and annually thereafter, Respondent shall submit certification in a form required by MDEQ that all the requirements listed in #5 (a) through (j) have been maintained. The annual certification must include a list of all surface owners and leaseholders of the Site.
6. The Respondent shall restrict the Site to non-residential use which would also exclude schools, parks, day care facilities, or similar facilities where children are present. Hercules may petition the MDEQ to remove or modify the restrictions upon showing satisfactory to the MDEQ that it has satisfied the applicable requirements, and the MDEQ may impose conditions upon its approval as may be necessary to protect the public health and the environment in light of the proposed change in use.
  7. Respondent shall retain responsibility for the requirements listed in #5 above, until the Commission approves the transfer of those responsibilities to another party (e.g., the prospective purchaser) by entering into an Agreed Order with the other party.
  8. Prior to any change in use of the Site or any portion of the Site, written notice shall be given to and approval obtained from the MDEQ.
  9. Written notice must be provided to MDEQ 30 days prior to any property transaction involving the Site. Any conveyance must contain as covenants the requirements listed in #5 and 6 with a statement that the covenants run with the land and continue into perpetuity unless otherwise ordered by the Commission.
  10. Within thirty (30) days after execution of this Restrictive Use Agreed Order, Respondent shall file the Restrictive Use Notice, as approved by MDEQ, in the office of the Chancery Clerk of Forrest County for recording onto the land deed records in the appropriate sectional index. The Restrictive Use Notice can be amended by consent of the Parties as necessary to meet the filing requirements of the county.
  11. Within thirty (30) days after return by the Chancery Clerk of the Restrictive Use Notice after filing, the Respondent is required to submit to MDEQ certification signed by the Chancery Clerk of Forrest County that the Restrictive Use Notice has been filed, which indicates the date of such filing.
  12. Nothing in this Restrictive Use Agreed Order shall be construed to convey or determine any interest in property.
  13. Nothing in this Restrictive Use Agreed Order shall be construed to be an allocation of costs or an indemnification by the State, MDEQ, or the Commission.

14. Nothing in this Restrictive Use Agreed Order shall limit the rights of the MDEQ or the Commission in the event Respondent fails to comply with this Restrictive Use Agreed Order. The Restrictive Use Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.
15. Nothing contained in this Restrictive Use Agreed Order shall limit the rights of Complainant to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations, nor shall Respondent be limited in any way in its response to any such enforcement or other actions by Complainant.
16. This Restrictive Use Agreed Order does not resolve any issues regarding liability and/or penalties for any violation of any federal and/or state order, permit, law, rule and/or regulation. The Commission specifically reserves any such action and Respondent reserves all defenses and counter claims relating to any such action.
17. Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

MADE PUBLIC BY THE STATE ARCHIVES  
DATE 10/10/2014

So ORDERED and AGREED, this the 11th day of January, 2008.

  
Trudy D. Fisher  
Executive Director  
Mississippi Commission on  
Environmental Quality

AGREED, this the 10th day of December, 2007.

BY: Thomas H. Strang USA, 11/15/07

TITLE: VP, SHERA

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this the 10th day of December, 2007 within my jurisdiction, the within named Thomas H. Strang acknowledged that (he)(she) is VP, SHERA of Hercules Incorporated, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 10th day of December, 2007.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

No Expiration date

RICHMOND L. WILLIAMS  
Attorney at Law  
Notary Public - State of Delaware  
My Commission Expires: 12/31/08  
29 Ed. 2 § 4001(a)(2)

**Exhibit A**

Survey plat depicting the boundaries of the Site



ATTEST TO THE VALIDITY OF THE  
SURVEY BY THE FOLLOWING:



**Exhibit B**

**Legal description of the Site**



APPROVED FOR THE BOARD OF DIRECTORS  
ON BEHALF OF THE BOARD OF DIRECTORS

### Legal description of Site

A description for a parcel situated in Sections 4 and 5, Township 4 North, Range 13 West Forrest County, Mississippi; said parcel being illustrated as parcel 1 on survey plat for Hercules Incorporated by Land Management Services & Mapping, LLC and being more particularly described by metes and bounds as follows:

Commencing at a Railroad Spike Found at the NW Corner of Said Section 4 said point having a Mississippi NAD 83 State Plane Coordinate of North: 671932.60' East: 834200.91' and thence run S01°48'08"W 243.97', to a metal pipe found on the south right-of way line of Mississippi Highway 42 for the Point of Beginning; thence leaving said south right of way line run S01°32'45"W 1,065.16', to a wood fence post found; thence run N88°48'08"W 1,318.98', to a wood fence post found; thence run S01°48'01"W 796.25', to a concrete monument found; thence run S89°40'54"E 1,422.86', to a concrete monument found; thence run S00°21'17"W 129.67', to a concrete monument found; thence run S89°39'18"E 144.76', to a concrete monument found; thence run S00°14'56"W 429.44', to a concrete monument found; thence run S89°52'14"E 1,237.65', to a metal fence post found; thence run S00°54'06"W 1,298.93', to an X-Cut set in concrete on the north right-of-way line of West 7<sup>th</sup> Street, said street having a 40' right-of-way as per the City of Hattiesburg; thence run along said north right-of-way N89°54'34"E 267.43', to a PK nail set, thence leaving said north right-of-way run; N00°03'00"E 190.92', to a PK nail set; thence run S89°02'44"E 189.42', to a PK nail set; N00°03'00"E 51.37', to a PK nail set; thence run S89°02'44"E 469.81', to an iron pin set; thence run S00°01'08"W 230.27', to an X-Cut set in concrete on the north right-of-way of said 7<sup>th</sup> street; thence run along said north right-of-way N89°54'34"E 654.88', to a PK nail set at the intersection of the said north right-of-way line and the west right-of-way line of Providence Street, said Providence Street having a 60' right-of-way as per the City of Hattiesburg; thence leaving said north right-of-way line run along said west right-of-way line N00°03'42"W 1,290.00', to an iron pin set; thence continue along said west right-of-way line N89°54'34"E 10.00', to an iron pin set; thence continue along said west right-of-way N00°04'39"W 817.15', to a PK nail set at the intersection of the west right-of-way of said Providence street and the south right-of-way line of Mississippi Highway 42 as per FAP U-008-2(1); thence leaving said west right-of-way line run along said south right-of-way N78°17'33"W 366.13', to an iron pin set; thence continue along said south right-of-way as per PWS Docket # 1043R-71A-EXT S11°42'03"W 10.00' to a concrete right-of-way marker marking the point of curve of a non tangent curve to the right, having a chord bearing of N74°51'58"W, 233.23', and a radius of 1947.42'; thence continue along said south right-of-way westerly along the arc, through a central angle of 06°51'58", a distance of 233.38, to an iron pin set; thence leaving said south right-of-way run S00°00'01"W 103.94', to a fence corner found; thence run West 100.00', to an iron pin set;

thence run N00°31'30"W 113.09', to a metal pipe found; thence run East 74.46' to a PK nail set on the aforementioned south right-of way of Highway 42, said point marking the point of curve of a non tangent curve to the right, having a chord bearing of N68°09'32"W, 166.32', and a radius 1,947.42'; thence run along said south right-of-way westerly along the arc, through a central angle of 04°53'41", a distance of 166.37', to an iron pin set; thence leaving said south right-of-way run South 42.85', to an iron pin set; thence run West 50.00', to an iron pin set; thence run North 50.00', to an iron pin set; thence run West 75.00', to a concrete monument found; thence run North 54.74', to an iron pin set on the south right-of-way line of said Highway 42, said point marking the point of curve of a non tangent curve to the right having a chord bearing of N58°38'21"W, 201.65', and a radius of 1,947.42'; thence run along said south right-of-way northwesterly along the arc, through a central angle of 05°56'08", a distance of 201.74', to a right-of-way marker found; thence continue along said south right-of-way N55°42'47"W 145.58', to an iron pin set; thence continue along said south right-of-way S34°06'38"W 20.11', to an iron pin set; thence continue along said south right-of-way thence run N55°40'42"W 230.37'; thence continue along said south right-of-way S34°19'18"W 20.00', to an iron pin set; thence continue along said south right-of-way N55°40'37"W 570.29', to a right-of-way marker found; thence continue along said right-of-way N55°41'30"W 500.40', to a right-of-way marker found; thence continue along said north right-of-way N33°58'28"E 29.85', to a right-of-way marker found; thence continue along said north right-of-way N55°46'04"W 245.07', to a right-of-way marker found marking the point of curve of a non tangent curve to the left, having a chord bearing of N61°50'00"W, 603.00', and a radius of 2,808.94'; thence continue along said south right-of-way northwesterly along the arc, through a central angle of 12°19'25", a distance of 604.16' back to the Point of Beginning; containing 168.81 acres, more or less; all bearings, coordinates, and distances herein described are grid and are referenced to the west property line and are based on the Mississippi NAD 83 East Zone state plane coordinate system and are referenced to the national spatial reference system through the national geodetic survey's online positioning user service (opus) and are derived from a global positioning system observation. (combined grid factor: 0.99997116; convergence: -0°14'45").



Charles S.  
Jordan/Hattiesburg/NA/Herc  
02/11/2008 09:32 AM

To Willie\_McKercher@deq.state.ms.us  
cc  
bcc

Subject Re: Site # 40470039 Restrictive Use Agreed Order 

In accordance with the Restrictive Use Agreed Order condition 5.(a), please find the following description of several minor grading work projects which should not create exposure to contaminated media.

If I can provide any additional information please let me know.

## **TC Construction Inc.**

---

1122 Evanston Rd. \* Lucedale Ms 39452 \* Phone 601-947-7176 \* Fax 601-947-2942

Date: February 7, 2008

Hercules Inc  
Hattiesburg Ms.

Attn: Charles Jordon

RE: Small Storm Water Project

Mr. Jordon:

TC Construction is pleased to furnish the necessary labor, tools, equipment materials and supervision to complete the above reference, as per drawings and specifications. Our T&M price not to exceed \$ \_\_\_\_\_ is to complete the 7ea. Different jobs listed below.

- Job 1. Install poly-pale area culvert and drainage grading to storm water ditch.
- Job 2. 731 Area road side surface drain covering over Impounding Basin (IB) underground line.
- Job 3. Sheet drainage along Hard Resin Area (HRA) Railroad into Uncontaminated Ditch (UCD)
- Job 4. Rip-Rap Concrete for 50' along UCD sides where items #3 enters.
- Job 5. Divert HRA storm water into UCD.
- Job 6. Divert drainage along north and west sides of IB concrete Cap into UCD.
- Job 7. Divert stormwater east of wastewater control room out of IB influent ditch.



**Eco-Systems, Inc.**  
Consultants, Engineers, and Scientists



January 31, 2008

Mr. William McKercher  
Environmental Engineer  
Office of Pollution Control  
Mississippi Department of Environmental Quality (MDEQ)  
P.O. Box 10385  
Jackson, Mississippi 39289-0385

**Re: Results of Soil Sample Analysis  
Hercules Incorporated  
Hattiesburg, Mississippi  
ESI Project No. HER25080**

Dear Mr. Mckercher:

Eco-Systems, Inc. (Eco-Systems) is pleased to submit the attached analytical results for the soil samples collected November 28, 2007. The samples were collected as duplicate split samples of the soil material that you collected from the Hercules, Incorporated, Hattiesburg Plant during your oversight of the semi-annual monitoring event that was being conducted. The samples were collected from disturbed soil observed beneath a recently demolished concrete slab located north of Pamona Street. Sample DA1 was collected approximately 50 feet south of monitoring well MW-17, and Sample DA2 was collected approximately 50 feet southeast of monitoring well MW-17. Approximate sample locations are shown on the attached Figure 1.

### **Analysis and Results**

The split soil samples, DA1 and DA2, were analyzed by TestAmerica along with the surface water and groundwater samples collected during the semi-annual monitoring event. The samples were analyzed for Appendix IX list of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), organochlorine pesticides, polychlorinated biphenyls (PCBs), and chlorinated herbicides. The attached Table 1 summarizes the analytical results for split samples DA1 and DA2.

Only the relevant pages of the laboratory report are attached to this letter. The entire data set from the monitoring event, which includes relevant laboratory quality control data and data from surface water and groundwater samples, is included with the Semi-Annual Monitoring Report, which was submitted to you on January 30, 2008.

SVOCs, PCBs, and chlorinated herbicides were not detected in either sample at concentrations at, or above, the laboratory reporting limits, and VOCs were not detected in sample DA2.

Analysis of samples DA1 detected total xylene at a concentration of 0.96 mg/kg. The detected concentration is less than the Target Remediation Goal (TRG) for total xylene of 318 mg/kg. TRGs were taken from the Tier 1 Target Remediation Goal Table of the Final Regulations

Governing Brownfields Voluntary Cleanup and Redevelopment in Mississippi (MDEQ, March 2002).

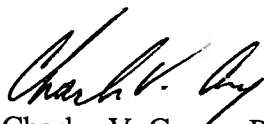
Analysis of sample DA1 detected the SVOCs fluoranthene, phenanthrene, pyrene, and bis(2-ethylhexyl)phthalate at concentrations of 3.5 mg/kg, 4.8 mg/kg, 3.4 mg/kg, and 14 mg/kg, respectively. These concentrations are less than the TRGs for these analytes, which are 3,1310 mg/kg, 2,350 mg/kg, 2,350 mg/kg and 45.6 mg/kg, respectively. The SVOC bis(2-chlorethoxy)methane was detected in sample DA2, and the SVOC o,o',o''-triethylphosphorothioate was detected both sample DA1 and DA2. TRGs have not been established for bis(2-chlorethoxy)methane and o,o',o''-triethylphosphorothioate.

The pesticide 4,4'-dichlorodiphenyldichloroethylene (4,4'-DDE) was detected in sample DA2 at a concentration of 0.37 mg/kg, which is less than the TRG for 4,4'-DDE of 1.88 mg/kg. The pesticide delta-benzenehexachloride (delta-BHC) was detected in both sample DA1 and sample DA2. A TRG has not been established for delta-BHC.

### Closing

If you have any questions or require additional information, please do not hesitate to call Mr. Timothy Hassett at (302) 995-3456 or Charles Coney (Eco-Systems) at (601) 936-4440.

Sincerely,



Charles V. Coney, RPG  
Senior Scientist

cc: Timothy Hassett – Hercules Inc. w/ attachments  
C. S. Jordan – Hercules, Hattiesburg w/ attachments

Attachments



**TABLE 1**  
**Summary Split Soil Sample Laboratory Analytical Results**  
*Hercules, Hattiesburg, Mississippi*  
*Samples Collected on: November 28, 2007*

TARGETED PARAMETER	SOIL SAMPLES		TRG <sup>1</sup> SOIL RESTRICTED
	DA1	DA2	
<b>Volatile Organic Compounds</b>	<i>Concentrations in mg/kg</i>		
Total Xylenes	0.96	<12 <sup>2</sup>	318
<b>Semivolatile Organics</b>			
Bis(2-chloroethoxy)methane	<2	7.9	NA <sup>3</sup>
Fluoranthene	3.5	<2	81,700
Bis(2-ethylhexyl)phthalate	14	<2	409
o,o',o''-Triethylphosphorothioate	7.5	29	NA
Phenanthrene	4.8	<0.0033	61,300
Pyrene	3.4	<0.0033	61,300
<b>Pesticides</b>			
Delta-BHC	0.022	0.036	NA
4,4'-DDE	<0.04	0.37	16.8

**Notes:**

Analytical results are presented in units of milligrams per kilograms (mg/kg) of soil.

<sup>1</sup>TRG - Target Remediation Goals are taken from the Tier 1 Target Remediation Goal Table of the Final Regulations Governing Brownfields Voluntary Cleanup and Redevelopment in Mississippi, MDEQ, March 2002. Concentrations shown in bold italics are above the applicable TRG.

<sup>2</sup> The parameter was not detected at or above the laboratory reporting limit shown.

<sup>3</sup> TRGs have not been established for this analyte.

## Analytical Data

Client: Hercules Inc.

Job Number: 680-32249-1

Client Sample ID: **HER-DA1-112807**

Lab Sample ID: 680-32249-30

Date Sampled: 11/28/2007 1530

Client Matrix: Solid

% Moisture: 18.8

Date Received: 11/29/2007 0923

### 8260B Volatile Organic Compounds by GC/MS

Method: 8260B

Analysis Batch: 680-92984

Instrument ID: GC/MS Volatiles - L

Preparation: 5030A

Lab File ID: I0014.d

Dilution: 40

Initial Weight/Volume: 5 g

Date Analyzed: 12/07/2007 1425

Final Weight/Volume: 5 mL

Date Prepared: 12/07/2007 1425

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
Acetone		<2500		2500
Acetonitrile		<9900		9900
Acrolein		<4900		4900
Acrylonitrile		<4900		4900
Benzene		<250		250
Bromodichloromethane		<250		250
Bromoform		<250		250
Bromomethane		<250		250
2-Butanone		<1200		1200
Carbon disulfide		<250		250
Carbon tetrachloride		<250		250
Chlorobenzene		<250		250
Chloroprene		<250		250
Chloroethane		<250		250
Chloroform		<250		250
Chloromethane		<250		250
3-Chloro-1-propene		<250		250
Dibromochloromethane		<250		250
1,2-Dibromo-3-Chloropropane		<490		490
1,2-Dibromoethane		<250		250
Dibromomethane		<250		250
trans-1,4-Dichloro-2-butene		<490		490
Dichlorodifluoromethane		<250		250
1,1-Dichloroethane		<250		250
1,2-Dichloroethane		<250		250
cis-1,2-Dichloroethene		<250		250
trans-1,2-Dichloroethene		<250		250
1,1-Dichloroethene		<250		250
1,2-Dichloropropane		<250		250
cis-1,3-Dichloropropene		<250		250
trans-1,3-Dichloropropene		<250		250
Ethylbenzene		<250		250
Ethyl methacrylate		<250		250
2-Hexanone		<1200		1200
Iodomethane		<250		250
Isobutanol		<9900		9900
Methacrylonitrile		<4900		4900
Methylene Chloride		<250		250
Methyl methacrylate		<250		250
4-Methyl-2-pentanone		<1200		1200
Pentachloroethane		<1200		1200
Propionitrile		<4900		4900
Styrene		<250		250
1,1,1,2-Tetrachloroethane		<250		250

## Analytical Data

Client: Hercules Inc.

Job Number: 680-32249-1

**Client Sample ID:** HER-DA1-112807

Lab Sample ID: 680-32249-30

Date Sampled: 11/28/2007 1530

Client Matrix: Solid

% Moisture: 18.8

Date Received: 11/29/2007 0923

### 8260B Volatile Organic Compounds by GC/MS

Method: 8260B

Analysis Batch: 680-92984

Instrument ID: GC/MS Volatiles - L

Preparation: 5030A

Lab File ID: I0014.d

Dilution: 40

Initial Weight/Volume: 5 g

Date Analyzed: 12/07/2007 1425

Final Weight/Volume: 5 mL

Date Prepared: 12/07/2007 1425

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
1,1,2,2-Tetrachloroethane		<250		250
Tetrachloroethene		<250		250
Toluene		<250		250
1,1,1-Trichloroethane		<250		250
1,1,2-Trichloroethane		<250		250
Trichloroethene		<250		250
Trichlorofluoromethane		<250		250
1,2,3-Trichloropropane		<250		250
Vinyl acetate		<490		490
Vinyl chloride		<250		250
Xylenes, Total		960		490
Surrogate		%Rec		Acceptance Limits
4-Bromofluorobenzene		82		65 - 124
Dibromofluoromethane		87		65 - 124
Toluene-d8 (Surr)		72		65 - 132

**Analytical Data**

Client: Hercules Inc.

Job Number: 680-32249-1

Client Sample ID: HER-DA2-112807

Lab Sample ID: 680-32249-31

Date Sampled: 11/28/2007 1550

Client Matrix: Solid

% Moisture: 18.1

Date Received: 11/29/2007 0923

**8260B Volatile Organic Compounds by GC/MS**

Method:	8260B	Analysis Batch: 680-92548	Instrument ID:	GC/MS Volatiles - L
Preparation:	5030A		Lab File ID:	11835.d
Dilution:	1000		Initial Weight/Volume:	5 g
Date Analyzed:	11/30/2007 1856		Final Weight/Volume:	5 mL
Date Prepared:	11/30/2007 1856			

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
Acetone		<61000		61000
Acetonitrile		<240000		240000
Acrolein		<120000		120000
Acrylonitrile		<120000		120000
Benzene		<6100		6100
Bromodichloromethane		<6100		6100
Bromoform		<6100		6100
Bromomethane		<6100		6100
2-Butanone		<31000		31000
Carbon disulfide		<6100		6100
Carbon tetrachloride		<6100		6100
Chlorobenzene		<6100		6100
Chloroprene		<6100		6100
Chloroethane		<6100		6100
Chloroform		<6100		6100
Chloromethane		<6100		6100
3-Chloro-1-propene		<6100		6100
Dibromochloromethane		<6100		6100
1,2-Dibromo-3-Chloropropane		<12000		12000
1,2-Dibromoethane		<6100		6100
Dibromomethane		<6100		6100
trans-1,4-Dichloro-2-butene		<12000		12000
Dichlorodifluoromethane		<6100		6100
1,1-Dichloroethane		<6100		6100
1,2-Dichloroethane		<6100		6100
cis-1,2-Dichloroethene		<6100		6100
trans-1,2-Dichloroethene		<6100		6100
1,1-Dichloroethene		<6100		6100
1,2-Dichloropropane		<6100		6100
cis-1,3-Dichloropropene		<6100		6100
trans-1,3-Dichloropropene		<6100		6100
Ethylbenzene		<6100		6100
Ethyl methacrylate		<6100		6100
2-Hexanone		<31000		31000
Iodomethane		<6100		6100
Isobutanol		<240000		240000
Methacrylonitrile		<120000		120000
Methylene Chloride		<6100		6100
Methyl methacrylate		<6100		6100
4-Methyl-2-pentanone		<31000		31000
Pentachloroethane		<31000		31000
Propionitrile		<120000		120000
Styrene		<6100		6100
1,1,1,2-Tetrachloroethane		<6100		6100

## Analytical Data

Client: Hercules Inc.

Job Number: 680-32249-1

**Client Sample ID:** HER-DA2-112807

Lab Sample ID: 680-32249-31

Date Sampled: 11/28/2007 1550

Client Matrix: Solid

% Moisture: 18.1

Date Received: 11/29/2007 0923

### 8260B Volatile Organic Compounds by GC/MS

Method: 8260B

Analysis Batch: 680-92548

Instrument ID: GC/MS Volatiles - L

Preparation: 5030A

Lab File ID: 11835.d

Dilution: 1000

Initial Weight/Volume: 5 g

Date Analyzed: 11/30/2007 1856

Final Weight/Volume: 5 mL

Date Prepared: 11/30/2007 1856

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
1,1,2,2-Tetrachloroethane		<6100		6100
Tetrachloroethene		<6100		6100
Toluene		<6100		6100
1,1,1-Trichloroethane		<6100		6100
1,1,2-Trichloroethane		<6100		6100
Trichloroethene		<6100		6100
Trichlorofluoromethane		<6100		6100
1,2,3-Trichloropropane		<6100		6100
Vinyl acetate		<12000		12000
Vinyl chloride		<6100		6100
Xylenes, Total		<12000		12000
Surrogate	%Rec			Acceptance Limits
4-Bromofluorobenzene	0		X	65 - 124
Dibromofluoromethane	0		X	65 - 124
Toluene-d8 (Surr)	0		X	65 - 132

## Analytical Data

Client: Hercules Inc.

Job Number: 680-32249-1

**Client Sample ID:** HER-DA1-112807

Lab Sample ID: 680-32249-30

Date Sampled: 11/28/2007 1530

Client Matrix: Solid

% Moisture: 18.8

Date Received: 11/29/2007 0923

### 8270C Semivolatile Compounds by Gas Chromatography/Mass Spectrometry (GC/MS)

Method:	8270C	Analysis Batch: 680-93535	Instrument ID: GC/MS SemiVolatiles - T
Preparation:	3550B	Prep Batch: 680-92817	Lab File ID: t4269.d
Dilution:	5.0		Initial Weight/Volume: 15.04 g
Date Analyzed:	12/13/2007 1827		Final Weight/Volume: .5 mL
Date Prepared:	12/06/2007 1534		Injection Volume: 1 uL

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
Acenaphthene		<2000		2000
Thionazin		<2000		2000
Sulfotepp		<2000		2000
Pyridine		<2000		2000
1,1'-Biphenyl		<2000		2000
1,2,4,5-Tetrachlorobenzene		<2000		2000
1,2,4-Trichlorobenzene		<2000		2000
1,2-Dichlorobenzene		<2000		2000
1,3,5-Trinitrobenzene		<2000		2000
1,3-Dichlorobenzene		<2000		2000
1,3-Dinitrobenzene		<2000		2000
1,4-Dichlorobenzene		<2000		2000
1,4-Dioxane		<2000		2000
1,4-Naphthoquinone		<2000		2000
1-Naphthylamine		<2000		2000
2,3,4,6-Tetrachlorophenol		<2000		2000
2,4,5-Trichlorophenol		<2000		2000
2,4,6-Trichlorophenol		<2000		2000
2,4-Dichlorophenol		<2000		2000
2,4-Dimethylphenol		<2000		2000
2,4-Dinitrophenol		<10000		10000
2,4-Dinitrotoluene		<2000		2000
2,6-Dichlorophenol		<2000		2000
Dimethyl phthalate		<2000		2000
2,6-Dinitrotoluene		<2000		2000
2-Acetylaminofluorene		<2000		2000
2-Chlorophenol		<2000		2000
2-Chloronaphthalene		<2000		2000
2-Methylnaphthalene		<2000		2000
2-Methylphenol		<2000		2000
2-Naphthylamine		<2000		2000
2-Nitroaniline		<10000		10000
2-Nitrophenol		<2000		2000
2-Picoline		<2000		2000
2-Toluidine		<2000		2000
3 & 4 Methylphenol		<2000		2000
3,3'-Dichlorobenzidine		<4100		4100
3,3'-Dimethylbenzidine		<10000		10000
3-Methylcholanthrene		<2000		2000
3-Nitroaniline		<10000		10000
4,6-Dinitro-2-methylphenol		<10000		10000
4-Aminobiphenyl		<2000		2000
4-Bromophenyl phenyl ether		<2000		2000
4-Chloro-3-methylphenol		<2000		2000



Analytical Data

Client: Hercules Inc.

Job Number: 680-32249-1

Client Sample ID: HER-DA1-112807

Lab Sample ID: 680-32249-30

Date Sampled: 11/28/2007 1530

Client Matrix: Solid

% Moisture: 18.8

Date Received: 11/29/2007 0923

8270C Semivolatile Compounds by Gas Chromatography/Mass Spectrometry (GC/MS)

Method:	8270C	Analysis Batch: 680-93535	Instrument ID:	GC/MS SemiVolatiles - T
Preparation:	3550B	Prep Batch: 680-92817	Lab File ID:	t4269.d
Dilution:	5.0		Initial Weight/Volume:	15.04 g
Date Analyzed:	12/13/2007 1827		Final Weight/Volume:	.5 mL
Date Prepared:	12/06/2007 1534		Injection Volume:	1 uL

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
4-Chloroaniline		<4100		4100
4-Chlorophenyl phenyl ether		<2000		2000
4-Nitroaniline		<10000		10000
4-Nitrophenol		<10000		10000
4-Nitroquinoline-1-oxide		<20000		20000
7,12-Dimethylbenz(a)anthracene		<2000		2000
Acenaphthylene		<2000		2000
Acetophenone		<2000	*	2000
alpha,alpha-Dimethyl phenethylamine		<410000		410000
Aniline		<4100		4100
Anthracene		<2000		2000
Aramite, Total		<2000		2000
Benzo[a]anthracene		<2000		2000
Benzo[a]pyrene		<2000		2000
Benzo[b]fluoranthene		<2000		2000
Benzo[g,h,i]perylene		<2000		2000
Benzo[k]fluoranthene		<2000		2000
Benzyl alcohol		<2000		2000
Bis(2-chloroethoxy)methane		<2000		2000
Bis(2-chloroethyl)ether		<2000		2000
Bis(2-ethylhexyl) phthalate		14000		2000
Chrysene		<2000		2000
Diallate		<2000		2000
Dibenz(a,h)anthracene		<2000		2000
Dibenzofuran		<2000		2000
Di-n-butyl phthalate		<2000		2000
Diethyl phthalate		<2000		2000
p-Dimethylamino azobenzene		<2000		2000
Dinoseb		<2000		2000
Di-n-octyl phthalate		<2000		2000
Ethyl methanesulfonate		<2000		2000
Fluoranthene		3500		2000
Fluorene		<2000		2000
Hexachlorobenzene		<2000		2000
Hexachlorobutadiene		<2000		2000
Hexachlorocyclopentadiene		<2000		2000
Hexachloroethane		<2000		2000
Hexachlorophene		<1000000		1000000
Hexachloropropene		<2000		2000
Indeno[1,2,3-cd]pyrene		<2000		2000
Isophorone		<2000		2000
Isosafrole		<2000		2000
Methapyrilene		<410000		410000
Methyl methanesulfonate		<2000		2000

## Analytical Data

Client: Hercules Inc.

Job Number: 680-32249-1

**Client Sample ID:** HER-DA1-112807

Lab Sample ID: 680-32249-30

Date Sampled: 11/28/2007 1530

Client Matrix: Solid

% Moisture: 18.8

Date Received: 11/29/2007 0923

### 8270C Semivolatile Compounds by Gas Chromatography/Mass Spectrometry (GC/MS)

Method:	8270C	Analysis Batch: 680-93535	Instrument ID: GC/MS SemiVolatiles - T
Preparation:	3550B	Prep Batch: 680-92817	Lab File ID: t4269.d
Dilution:	5.0		Initial Weight/Volume: 15.04 g
Date Analyzed:	12/13/2007 1827		Final Weight/Volume: .5 mL
Date Prepared:	12/06/2007 1534		Injection Volume: 1 uL

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
Naphthalene		<2000		2000
Nitrobenzene		<2000		2000
N-Nitrosodi-n-butylamine		<2000		2000
N-Nitrosodiethylamine		<2000		2000
N-Nitrosodimethylamine		<2000		2000
N-Nitrosodiphenylamine		<2000		2000
N-Nitrosodi-n-propylamine		<2000		2000
N-Nitrosomethylethylamine		<2000		2000
N-Nitrosomorpholine		<2000		2000
N-Nitrosopiperidine		<2000		2000
N-Nitrosopyrrolidine		<2000		2000
N-Nitro-o-toluidine		<2000		2000
Pentachlorobenzene		<2000		2000
Pentachloronitrobenzene		<2000		2000
Pentachlorophenol		<10000		10000
Phenacetin		<2000		2000
Phenanthrene		4800		2000
Phenol		<2000		2000
p-Phenylene diamine		<10000		10000
Pronamide		<2000		2000
Pyrene		3400		2000
Safrole, Total		<2000		2000
o,o',o"-Triethylphosphorothioate		7500		2000
Disulfoton		<2000		2000
Ethyl Parathion		<2000		2000
Methyl parathion		<2000		2000
Phorate		<2000		2000
Famphur		<2000		2000
Dimethoate		<2000		2000
Butyl benzyl phthalate		<2000		2000
bis(chloroisopropyl) ether		<2000		2000

Surrogate	%Rec		Acceptance Limits
2,4,6-Tribromophenol	52		36 - 128
2-Fluorobiphenyl	0	D	44 - 110
2-Fluorophenol	41		41 - 110
Terphenyl-d14	0	D	10 - 112
Phenol-d5	50		43 - 110
Nitrobenzene-d5	0	D	36 - 110

## Analytical Data

Client: Hercules Inc.

Job Number: 680-32249-1

Client Sample ID: **HER-DA2-112807**

Lab Sample ID: 680-32249-31

Date Sampled: 11/28/2007 1550

Client Matrix: Solid

% Moisture: 18.1

Date Received: 11/29/2007 0923

### 8270C Semivolatile Compounds by Gas Chromatography/Mass Spectrometry (GC/MS)

Method:	8270C	Analysis Batch: 680-93535	Instrument ID: GC/MS SemiVolatiles - T
Preparation:	3550B	Prep Batch: 680-92817	Lab File ID: t4270.d
Dilution:	5.0		Initial Weight/Volume: 15.26 g
Date Analyzed:	12/13/2007 1849		Final Weight/Volume: .5 mL
Date Prepared:	12/06/2007 1534		Injection Volume: 1 uL

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
Acenaphthene		<2000		2000
Thionazin		<2000		2000
Sulfotepp		<2000		2000
Pyridine		<2000		2000
1,1'-Biphenyl		<2000		2000
1,2,4,5-Tetrachlorobenzene		<2000		2000
1,2,4-Trichlorobenzene		<2000		2000
1,2-Dichlorobenzene		<2000		2000
1,3,5-Trinitrobenzene		<2000		2000
1,3-Dichlorobenzene		<2000		2000
1,3-Dinitrobenzene		<2000		2000
1,4-Dichlorobenzene		<2000		2000
1,4-Dioxane		<2000		2000
1,4-Naphthoquinone		<2000		2000
1-Naphthylamine		<2000		2000
2,3,4,6-Tetrachlorophenol		<2000		2000
2,4,5-Trichlorophenol		<2000		2000
2,4,6-Trichlorophenol		<2000		2000
2,4-Dichlorophenol		<2000		2000
2,4-Dimethylphenol		<2000		2000
2,4-Dinitrophenol		<10000		10000
2,4-Dinitrotoluene		<2000		2000
2,6-Dichlorophenol		<2000		2000
Dimethyl phthalate		<2000		2000
2,6-Dinitrotoluene		<2000		2000
2-Acetylaminofluorene		<2000		2000
2-Chlorophenol		<2000		2000
2-Chloronaphthalene		<2000		2000
2-Methylnaphthalene		<2000		2000
2-Methylphenol		<2000		2000
2-Naphthylamine		<2000		2000
2-Nitroaniline		<10000		10000
2-Nitrophenol		<2000		2000
2-Picoline		<2000		2000
2-Toluidine		<2000		2000
3 & 4 Methylphenol		<2000		2000
3,3'-Dichlorobenzidine		<4000		4000
3,3'-Dimethylbenzidine		<10000		10000
3-Methylcholanthrene		<2000		2000
3-Nitroaniline		<10000		10000
4,6-Dinitro-2-methylphenol		<10000		10000
4-Aminobiphenyl		<2000		2000
4-Bromophenyl phenyl ether		<2000		2000
4-Chloro-3-methylphenol		<2000		2000

## Analytical Data

Client: Hercules Inc.

Job Number: 680-32249-1

Client Sample ID: **HER-DA2-112807**

Lab Sample ID: 680-32249-31

Date Sampled: 11/28/2007 1550

Client Matrix: Solid

% Moisture: 18.1

Date Received: 11/29/2007 0923

### 8270C Semivolatile Compounds by Gas Chromatography/Mass Spectrometry (GC/MS)

Method:	8270C	Analysis Batch: 680-93535	Instrument ID: GC/MS SemiVolatiles - T
Preparation:	3550B	Prep Batch: 680-92817	Lab File ID: t4270.d
Dilution:	5.0		Initial Weight/Volume: 15.26 g
Date Analyzed:	12/13/2007 1849		Final Weight/Volume: .5 mL
Date Prepared:	12/06/2007 1534		Injection Volume: 1 uL

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
4-Chloroaniline		<4000		4000
4-Chlorophenyl phenyl ether		<2000		2000
4-Nitroaniline		<10000		10000
4-Nitrophenol		<10000		10000
4-Nitroquinoline-1-oxide		<20000		20000
7,12-Dimethylbenz(a)anthracene		<2000		2000
Acenaphthylene		<2000		2000
Acetophenone		<2000	*	2000
alpha,alpha-Dimethyl phenethylamine		<400000		400000
Aniline		<4000		4000
Anthracene		<2000		2000
Aramite, Total		<2000		2000
Benzo[a]anthracene		<2000		2000
Benzo[a]pyrene		<2000		2000
Benzo[b]fluoranthene		<2000		2000
Benzo[g,h,i]perylene		<2000		2000
Benzo[k]fluoranthene		<2000		2000
Benzyl alcohol		<2000		2000
Bis(2-chloroethoxy)methane		7900		2000
Bis(2-chloroethyl)ether		<2000		2000
Bis(2-ethylhexyl) phthalate		<2000		2000
Chrysene		<2000		2000
Diallate		<2000		2000
Dibenz(a,h)anthracene		<2000		2000
Dibenzofuran		<2000		2000
Di-n-butyl phthalate		<2000		2000
Diethyl phthalate		<2000		2000
p-Dimethylamino azobenzene		<2000		2000
Dinoseb		<2000		2000
Di-n-octyl phthalate		<2000		2000
Ethyl methanesulfonate		<2000		2000
Fluoranthene		<2000		2000
Fluorene		<2000		2000
Hexachlorobenzene		<2000		2000
Hexachlorobutadiene		<2000		2000
Hexachlorocyclopentadiene		<2000		2000
Hexachloroethane		<2000		2000
Hexachlorophene		<1000000		1000000
Hexachloropropene		<2000		2000
Indeno[1,2,3-cd]pyrene		<2000		2000
Isophorone		<2000		2000
Isosafrole		<2000		2000
Methapyrilene		<400000		400000
Methyl methanesulfonate		<2000		2000

Analytical Data

Client: Hercules Inc.

Job Number: 680-32249-1

Client Sample ID: HER-DA2-112807

Lab Sample ID: 680-32249-31

Date Sampled: 11/28/2007 1550

Client Matrix: Solid

% Moisture: 18.1

Date Received: 11/29/2007 0923

8270C Semivolatile Compounds by Gas Chromatography/Mass Spectrometry (GC/MS)

Method:	8270C	Analysis Batch: 680-93535	Instrument ID:	GC/MS SemiVolatiles - T
Preparation:	3550B	Prep Batch: 680-92817	Lab File ID:	14270.d
Dilution:	5.0		Initial Weight/Volume:	15.26 g
Date Analyzed:	12/13/2007 1849		Final Weight/Volume:	.5 mL
Date Prepared:	12/06/2007 1534		Injection Volume:	1 uL

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
Naphthalene		<2000		2000
Nitrobenzene		<2000		2000
N-Nitrosodi-n-butylamine		<2000		2000
N-Nitrosodiethylamine		<2000		2000
N-Nitrosodimethylamine		<2000		2000
N-Nitrosodiphenylamine		<2000		2000
N-Nitrosodi-n-propylamine		<2000		2000
N-Nitrosomethylethylamine		<2000		2000
N-Nitrosomorpholine		<2000		2000
N-Nitrosopiperidine		<2000		2000
N-Nitrosopyrrolidine		<2000		2000
N-Nitro-o-toluidine		<2000		2000
Pentachlorobenzene		<2000		2000
Pentachloronitrobenzene		<2000		2000
Pentachlorophenol		<10000		10000
Phenacetin		<2000		2000
Phenanthrene		<2000		2000
Phenol		<2000		2000
p-Phenylene diamine		<10000		10000
Pronamide		<2000		2000
Pyrene		<2000		2000
Safrole, Total		<2000		2000
o,o',o"-Triethylphosphorothioate		29000		2000
Disulfoton		<2000		2000
Ethyl Parathion		<2000		2000
Methyl parathion		<2000		2000
Phorate		<2000		2000
Famphur		<2000		2000
Dimethoate		<2000		2000
Butyl benzyl phthalate		<2000		2000
bis(chloroisopropyl) ether		<2000		2000

Surrogate	%Rec		Acceptance Limits
2,4,6-Tribromophenol	55		36 - 128
2-Fluorobiphenyl	0	D	44 - 110
2-Fluorophenol	52		41 - 110
Terphenyl-d14	0	D	10 - 112
Phenol-d5	58		43 - 110
Nitrobenzene-d5	0	D	36 - 110

**Analytical Data**

Client: Hercules Inc.

Job Number: 680-32249-1

Client Sample ID: **HER-DA1-112807**

Lab Sample ID: 680-32249-30

Date Sampled: 11/28/2007 1530

Client Matrix: Solid

% Moisture: 18.8

Date Received: 11/29/2007 0923

**8081A\_8082 Organochlorine Pesticides & Polychlorinated Biphenyls by Gas Chromatography**

Method: 8081A\_8082

Analysis Batch: 680-92578

Instrument ID: GC SemiVolatiles - M

Preparation: 3550B

Prep Batch: 680-92308

Lab File ID: ml03013.d

Dilution: 10

Initial Weight/Volume: 15.10 g

Date Analyzed: 12/03/2007 1316

Final Weight/Volume: 5 mL

Date Prepared: 11/30/2007 1149

Injection Volume: 2 uL

Column ID: PRIMARY

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
Aldrin		<21		21
alpha-BHC		<21		21
Chlordane (technical)		<210		210
Chlorobenzilate		<210		210
4,4'-DDD		<40		40
4,4'-DDE		<40		40
4,4'-DDT		<40		40
delta-BHC		22		21
Dieldrin		<40		40
Endosulfan I		<21		21
Endosulfan II		<40		40
Endosulfan sulfate		<40		40
Endrin		<40		40
Endrin aldehyde		<40		40
Endrin ketone		<40		40
gamma-BHC (Lindane)		<21		21
Heptachlor		<21		21
Heptachlor epoxide		<21		21
Isodrin		<40		40
Kepone		<2100		2100
Methoxychlor		<210		210
Toxaphene		<2100		2100

Surrogate	%Rec		Acceptance Limits
DCB Decachlorobiphenyl	0	D	50 - 129
Tetrachloro-m-xylene	0	D	26 - 140



**Analytical Data**

Client: Hercules Inc.

Job Number: 680-32249-1

Client Sample ID: HER-DA1-112807

Lab Sample ID: 680-32249-30

Date Sampled: 11/28/2007 1530

Client Matrix: Solid

% Moisture: 18.8

Date Received: 11/29/2007 0923

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**8081A\_8082 Organochlorine Pesticides & Polychlorinated Biphenyls by Gas Chromatography**

Method: 8081A\_8082

Analysis Batch: 680-92578

Instrument ID: GC SemiVolatiles - M

Preparation: 3550B

Prep Batch: 680-92308

Lab File ID: ml03016.d

Dilution: 100

Initial Weight/Volume: 15.10 g

Date Analyzed: 12/03/2007 1414

Final Weight/Volume: 5 mL

Date Prepared: 11/30/2007 1149

Injection Volume: 2 uL

Column ID: PRIMARY

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier
beta-BHC		<210	RL 210

**Analytical Data**

Client: Hercules Inc.

Job Number: 680-32249-1

Client Sample ID: HER-DA2-112807

Lab Sample ID: 680-32249-31

Date Sampled: 11/28/2007 1550

Client Matrix: Solid

% Moisture: 18.1

Date Received: 11/29/2007 0923

**8081A\_8082 Organochlorine Pesticides & Polychlorinated Biphenyls by Gas Chromatography**

Method:	8081A_8082	Analysis Batch: 680-92578	Instrument ID:	GC SemiVolatiles - M
Preparation:	3550B	Prep Batch: 680-92308	Lab File ID:	mi03017.d
Dilution:	10		Initial Weight/Volume:	15.17 g
Date Analyzed:	12/03/2007 1434		Final Weight/Volume:	5 mL
Date Prepared:	11/30/2007 1149		Injection Volume:	2 uL
			Column ID:	PRIMARY

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
Aldrin		<21		21
alpha-BHC		<21		21
Chlordane (technical)		<210		210
Chlorobenzilate		<210		210
4,4'-DDD		<40		40
4,4'-DDE		370		40
4,4'-DDT		<40		40
delta-BHC		36		40
Dieldrin		<40		40
Endosulfan I		<21		21
Endosulfan II		<40		40
Endosulfan sulfate		<40		40
Endrin		<40		40
Endrin aldehyde		<40		40
Endrin ketone		<40		40
gamma-BHC (Lindane)		<21		21
Heptachlor		<21		21
Heptachlor epoxide		<21		21
Isodrin		<40		40
Kepone		<2100		2100
Methoxychlor		<210		210
Toxaphene		<2100		2100

Surrogate	%Rec		Acceptance Limits
DCB Decachlorobiphenyl	0	D	50 - 129
Tetrachloro-m-xylene	0	D	26 - 140

**Analytical Data**

Client: Hercules Inc.

Job Number: 680-32249-1

Client Sample ID: HER-DA2-112807

Lab Sample ID: 680-32249-31

Date Sampled: 11/28/2007 1550

Client Matrix: Solid

% Moisture: 18.1

Date Received: 11/29/2007 0923

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**8081A\_8082 Organochlorine Pesticides & Polychlorinated Biphenyls by Gas Chromatography**

Method: 8081A\_8082

Analysis Batch: 680-92578

Instrument ID: GC SemiVolatiles - M

Preparation: 3550B

Prep Batch: 680-92308

Lab File ID: ml03019.d

Dilution: 100

Initial Weight/Volume: 15.17 g

Date Analyzed: 12/03/2007 1513

Final Weight/Volume: 5 mL

Date Prepared: 11/30/2007 1149

Injection Volume: 2 uL

Column ID: PRIMARY

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier
beta-BHC		<210	RL 210

**Analytical Data**

Client: Hercules Inc.

Job Number: 680-32249-1

Client Sample ID: **HER-DA1-112807**

Lab Sample ID: 680-32249-30

Date Sampled: 11/28/2007 1530

Client Matrix: Solid

% Moisture: 18.8

Date Received: 11/29/2007 0923

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**8151A Chlorinated Herbicides by GC**

Method: 8151A

Analysis Batch: 680-93032

Instrument ID: GC SemiVolatiles - S

Preparation: 8151A

Prep Batch: 680-92620

Lab File ID: sl08008.d

Dilution: 1.0

Initial Weight/Volume: 30.0 g

Date Analyzed: 12/08/2007 1031

Final Weight/Volume: 10 mL

Date Prepared: 12/04/2007 1339

Injection Volume: 1 uL

Column ID: PRIMARY

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
2,4,5-T		<10		10
2,4-D		<10		10
Silvex (2,4,5-TP)		<10		10
Surrogate		%Rec		Acceptance Limits
2,4-Dichlorophenylacetic acid		97		58 - 110

**Analytical Data**

Client: Hercules Inc.

Job Number: 680-32249-1

Client Sample ID: HER-DA2-112807

Lab Sample ID: 680-32249-31

Client Matrix: Solid

% Moisture: 18.1

Date Sampled: 11/28/2007 1550

Date Received: 11/29/2007 0923

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**8151A Chlorinated Herbicides by GC**

Method: 8151A

Preparation: 8151A

Dilution: 1.0

Date Analyzed: 12/08/2007 1051

Date Prepared: 12/04/2007 1339

Analysis Batch: 680-93032

Prep Batch: 680-92620

Instrument ID: GC SemiVolatiles - S

Lab File ID: sl08009.d

Initial Weight/Volume: 30.1 g

Final Weight/Volume: 10 mL

Injection Volume: 1 uL

Column ID: PRIMARY

Analyte	DryWt Corrected: Y	Result (ug/Kg)	Qualifier	RL
2,4,5-T		<10		10
2,4-D		<10		10
Silvex (2,4,5-TP)		<10		10
Surrogate		%Rec		Acceptance Limits
2,4-Dichlorophenylacetic acid		72		58 - 110

## DATA REPORTING QUALIFIERS

Client: Hercules Inc.

Job Number: 680-32249-1

Lab Section	Qualifier	Description
GC/MS VOA		
	E	Result exceeded calibration range, secondary dilution required.
	X	Surrogate exceeds the control limits
	D	Surrogate or matrix spike recoveries were not obtained because the extract was diluted for analysis; also compounds analyzed at a dilution may be flagged with a D.
GC/MS Semi VOA		
	*	LCS or LCSD exceeds the control limits
	D	Surrogate or matrix spike recoveries were not obtained because the extract was diluted for analysis; also compounds analyzed at a dilution may be flagged with a D.
GC Semi VOA		
	F	MS or MSD exceeds the control limits
	4	MS, MSD: The analyte present in the original sample is 4 times greater than the matrix spike concentration; therefore, control limits are not applicable.
	D	Surrogate or matrix spike recoveries were not obtained because the extract was diluted for analysis; also compounds analyzed at a dilution may be flagged with a D.



**Job Narrative**  
**680-J32249-1**

**Receipt**

Method(s) 8260B: The following sample(s) was received with headspace in the sample vials: HER-MW05-112707 (680-32249-10), HER-MW14-112807 (680-32249-19), HER-MW15-112807 (680-32249-20). All of the vials for each of these have headspace in them.

The soil volatile samples were received unpreserved as bulk samples.

All other samples were received in good condition within temperature requirements.

**GC/MS VOA**

Method(s) 8260B: The following sample was diluted due to the abundance of non-target analytes: HER-DA2-112807 (680-32249-31). Elevated reporting limits (RLs) are provided.

Method(s) 8260B: Due to the level of dilution required for the following sample(s), surrogate recoveries are not reported: HER-DA2-112807 (680-32249-31).

Method(s) 8260B: The following sample(s) was diluted due to the abundance of non-target analytes: HER-DA1-112807 (680-32249-30). Elevated reporting limits (RLs) are provided.

No other analytical or quality issues were noted.

**GC/MS Semi VOA**

Method(s) 8270C: Samples have surrogate recoveries outside of established limits. Re-extract

Method(s) 8270C: A full list spike was utilized for this method. Due to the large number of spiked analytes, there is a high probability that one or more analytes will recover outside acceptance limits. The laboratory's SOP allows for four analytes to recover outside criteria for this method when a full list spike is utilized. The LCS associated with batch 92817 had less than four analytes outside control limits; therefore, re-extraction/re-analysis was not performed. These results have been reported and qualified.

Method(s) 8270C: The following samples was diluted due to the abundance of target analytes: HER-DA1-112807 (680-32249-30), HER-DA2-112807 (680-32249-31). Elevated reporting limits (RLs) are provided.

No other analytical or quality issues were noted.

**GC Semi VOA**

Method(s) 8081A\_8082: The following samples were diluted due to the nature of the sample matrix: HER-DA1-112807 (680-32249-30), HER-DA2-112807 (680-32249-31). Elevated reporting limits (RLs) are provided.

Method(s) 8081A\_8082: Matrix spikes could not be recovered due to sample matrix interferences which required sample dilution. The associated laboratory control standard (LCS) met acceptance criteria.

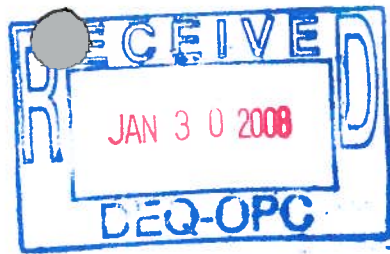
No other analytical or quality issues were noted.

**General Chemistry**

No analytical or quality issues were noted.

**Comments**

No additional comments.



**Eco-Systems, Inc.**  
Consultants, Engineers, and Scientists



January 30, 2008

Mr. William McKercher  
Environmental Engineer  
Office of Pollution Control  
Mississippi Department of Environmental Quality (MDEQ)  
P.O. Box 10385  
Jackson, Mississippi 39289-0385

**Re: *Semi-Annual Monitoring Report  
Hercules Incorporated  
Hattiesburg, Mississippi  
ESI Project No. HER25080***

Dear Mr. McKercher:

Eco-Systems, Inc. (Eco-Systems) is pleased to submit the enclosed two copies of the Semi-Annual Monitoring Report prepared on behalf of Hercules, Incorporated. The report includes discussion of the November 2007 surface water and groundwater monitoring event.

If you have any questions or require additional information, please do not hesitate to call Mr. Timothy Hassett at (302) 995-3456 or Charles Coney (Eco-Systems) at (601) 936-4440.

Sincerely,

Charles V. Coney, P.G.  
Senior Scientist

cc: Timothy Hassett – Hercules Inc. w/ enclosure  
C. S. Jordan – Hercules, Hattiesburg w/ enclosure



STATE OF MISSISSIPPI  
HALEY BARBOUR  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

January 17, 2008

Fed Ex Tracking Number 8512 1549 9225

Mr. Tim Hassett  
Hercules Incorporated  
Hercules Research Center  
500 Hercules Road  
Wilmington, DE 19808-1599

**FILE COPY**

Re: Signed Restrictive Use Agreed Order  
Hercules Inc. Hattiesburg facility  
Hattiesburg, Forrest County, Mississippi

Dear Mr. Hassett:

The Mississippi Department of Environmental Quality (MDEQ) has approved by Order No. 5349-07, a Restrictive Use Agreed Order for the Hercules Incorporated Plant in Hattiesburg, MS. Your copy of the original Restrictive Use Agreed Order is enclosed with this letter. Hercules Incorporated shall file a certified copy of the Notice of Land Use Restrictions in the office of the Chancery Clerk in Forrest County. The Chancery Clerk shall record and enter the Notice of Land Use Restrictions in the land records in accordance with Section 89-5-33 and collect the fees provided in Section 25-7-9. Any subsequent deed or other instrument conveying an interest in the property shall state in the deed or instrument that the property is subject to restrictions, unless the notice is canceled by MDEQ. Hercules Incorporated is required to submit to MDEQ certification signed by the Chancery Clerk of Forrest County that the Notice of Land Use Restrictions has been filed which indicates the date of such filing. If you have any questions or comments concerning this matter, please contact me at (601) 961-5731.

Sincerely,

William McKercher, P.E.  
Project Manager  
Groundwater Assessment and Remediation  
Division (GARD)

Enclosures

cc: Michael T. Slack, P.E. – MDEQ  
Charlie Jordan – Hercules, Inc.

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**Definitions** On this Airbill, "we," "our," and "us," refer to Federal Express Corporation, its employees, and agents. "You" and "your" refer to the sender, its employees, and agents.

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• In any event, we will not be liable for any damage, whether direct, incidental, special, or consequential, in excess of the declared value of a shipment, whether or not Federal Express had knowledge that such damages might be incurred, including but not limited to loss of income or profits.

• We won't be liable:

— for your acts or omissions, including but not limited to improper or insufficient packing, securing, marking, or addressing, or those of the recipient or anyone else with an interest in the package.

— if you or the recipient violates any of the terms of our Agreement.

— for loss of or damage to shipments of prohibited items.

— for loss, damage, or delay caused by events we cannot control, including but not limited to acts of God, perils of the air, weather conditions, acts of public enemies, war, strikes, civil commotions, or acts of public authorities with actual or apparent authority.

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• Items of extraordinary value include shipments containing such items as artwork, jewelry, furs, precious metals, negotiable instruments, and other items listed in our Service Guide.

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**Right To Inspect** We may, at our option, open and inspect your packages before or after you give them to us to deliver.

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**C.O.D. Services** C.O.D. SERVICE IS NOT AVAILABLE WITH THIS AIRBILL. If C.O.D. Service is required, please use a Federal Express C.O.D. Airbill.

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## Mississippi Department of Environmental Quality

## NOTICE OF LAND USE RESTRICTIONS

A Restrictive Use Agreed Order has been developed with regard to property located at 613 West 7<sup>th</sup> Street, Hattiesburg, MS as shown as Parcel 1 in the attached survey plat, Exhibit "A". This property, hereafter referred to as the "Site," is situated in Sections 4 and 5, Township 4, Range 13 West, Forrest County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

"A description for a parcel situated in Sections 4 and 5, Township 4 North, Range 13 West Forrest County, Mississippi; said parcel being illustrated as parcel 1 on survey plat for Hercules Incorporated by Land Management Services & Mapping, LLC and being more particularly described by metes and bounds as follows:  
Commencing at a Railroad Spike Found at the NW Corner of Said Section 4 said point having a Mississippi NAD 83 State Plane Coordinate of North: 671932.60' East: 834200.91' and thence run S01°48'08"W 243.97', to a metal pipe found on the south right-of-way line of Mississippi Highway 42 for the Point of Beginning; thence leaving said south right of way line run S01°32'45"W 1,065.16', to a wood fence post found; thence run N88°48'08"W 1,318.98', to a wood fence post found; thence run S01°48'01"W 796.25', to a concrete monument found; thence run S89°40'54"E 1,422.86', to a concrete monument found; thence run S00°21'17"W 129.67', to a concrete monument found; thence run S89°39'18"E 144.76', to a concrete monument found; thence run S00°14'56"W 429.44', to a concrete monument found; thence run S89°52'14"E 1,237.65', to a metal fence post found; thence run S00°54'06"W 1,298.93', to an X-Cut set in concrete on the north right-of-way line of West 7<sup>th</sup> Street, said street having a 40' right-of-way as per the City of Hattiesburg; thence run along said north right-of-way N89°54'34"E 267.43', to a PK nail set, thence leaving said north right-of-way run; N00°03'00"E 190.92', to a PK nail set; thence run S89°02'44"E 189.42', to a PK nail set; N00°03'00"E 51.37', to a PK nail set; thence run S89°02'44"E 469.81', to an iron pin set; thence run S00°01'08"W 230.27', to an X-Cut set in concrete on the north right-of-way of said 7<sup>th</sup> street; thence run along said north right-of-way N89°54'34"E 654.88', to a PK nail set at the intersection of the said north right-of-way line and the west right-of-way line of Providence Street, said Providence Street having a 60' right-of-way as per the City of Hattiesburg; thence leaving said north right-of-way line run along said west right-of-way line N00°03'42"W 1,290.00', to an iron pin set; thence continue along said west right-of-way line N89°54'34"E 10.00', to an iron pin set; thence continue along said west right-of-way N00°04'39"W 817.15', to a PK nail set at the intersection of the west right-of-way of said Providence street and the south right-of-way line of Mississippi Highway 42 as per FAP U-008-2(1); 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(combined grid factor: 0.999971116; convergence: -0°14'45")."



STATE OF MISSISSIPPI

COUNTY OF FORREST

Soil and groundwater on the Site contains Benzene (CAS #71432), Chlorobenzene (CAS #108907), Carbon Tetrachloride (CAS #56235), Chloroform (CAS #67663), 1,2-Dichloroethane (CAS #107062) and Toluene (CAS #105553) at levels in excess of the Target Remediation Goals (TRGs) as established by the Mississippi Department of Environmental Quality (MDEQ). Other substances are present in the soil and groundwater that do not exceed TRGs have also been identified. In order to protect public health and the environment, certain restrictions are hereby placed on the Site.

The following is a listing of all restrictions for the Site:

1. There shall be no excavating, drilling or other activities to depths that could create exposure to contaminated media without approval from MDEQ;
2. The groundwater at the Site shall not be used, unless otherwise approved by MDEQ;
3. Monitoring wells shall be protected and maintained. In the event that a monitoring well is destroyed or damaged or is no longer needed, a plan for repair, reinstallation or abandonment of the well(s) must be submitted to MDEQ for approval; and
4. No wells shall be installed without prior approval from MDEQ.

Prior to executing any deed or other instrument conveying an interest in the Site, the following conditions must be met:

1. Any conveyance of the property, or any portion thereof, must contain as covenants the restrictions listed above with a statement that the covenants run with the land and continue into perpetuity unless otherwise ordered by the Mississippi Commission on Environmental Quality;
2. Notice must be provided to MDEQ at least 30 days prior to any property transaction involving the Site; and
3. Prior to any change in use of the Site or any portion thereof, notice shall be given to the MDEQ.

This Notice may be executed in counterparts.

The parties that have a legal or equitable surface interest in the Site follow:

1. Hercules Incorporated

Executed, this the 10th day of December, 2007.

BY: Thomas H. Strang JMS/11/15/07 *fw*

TITLE: VP. SHERA

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this the 10th day of December, 2007 within my jurisdiction, the within named Thomas H. Strang acknowledged that (he)(she) is VP SHERA of Hercules Incorporated, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 10th day of December, 2007.

R. Helle  
NOTARY PUBLIC

MY COMMISSION EXPIRES: No EXPIRATION DATE

BEFORE THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

Order No. 5349 07

HERCULES INCORPORATED  
Hercules Plaza  
1313 North Market Street  
Wilmington, DE 19894-0001

RESPONDENT

RESTRICTIVE USE AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission) and Hercules Incorporated (Respondent) in the above captioned cause agree as follows:

1. The purpose of this Restrictive Use Agreed Order is to protect human health and the environment by restricting the use and activities on the Site described below.
2. The Respondent owns a tract of land located in Hattiesburg, MS, known as the "Hercules Incorporated Plant" and hereafter referred to as the "Site." Exhibit A is a survey plat depicting the boundaries of the Site. A legal description of the Site is attached as Exhibit B.
3. Soils and ground water on the Site contain Benzene (CAS #71432), Chlorobenzene (CAS #108907), Carbon Tetrachloride (CAS #56235), Chloroform (CAS #67663), 1,2-Dichloroethane (CAS #107062) and Toluene (CAS #105553) at levels in excess of the Target Remediation Goals (TRGs) as established by the Mississippi Department of Environmental Quality (MDEQ).
4. The staff of the Commission has evaluated this Restrictive Use Agreed Order and believes once the requirements of it have been completed that (1) the Site will be protective of the public health and the environment and (2) no further corrective action will be required at this time.
5. The following is a description of all restrictions and requirements relating to the Site:



- (a) There shall be no excavating, drilling, or other activities that could create exposure to contaminated media without prior approval from MDEQ.
- (b) The groundwater at the Site shall not be used without prior approval from MDEQ;
- (c) Monitoring wells at the Site shall be protected and maintained. In the event that a monitoring well is destroyed or damaged or is no longer necessary, a plan for repair, reinstatement or abandonment of the well(s) must be submitted to MDEQ for approval within 30 days after a well is destroyed or damaged; or proposed for abandonment.
- (d) No wells shall be installed without prior approval from MDEQ;
- (e) All required groundwater monitoring shall be conducted as described in the approved Compliance Monitoring Plan, page 12 of the Corrective Action Plan Revision 01 dated January 20, 2005, unless otherwise approved by MDEQ;
- (f) All required corrective action shall be conducted as described in the approved Corrective Action Plan Revision 01, dated January 20, 2005, unless otherwise approved by MDEQ;
- (g) Any necessary corrective action required following completion of the Corrective Action Plan Revision 01 in (f) above shall be implemented as described in the approved Contingency Plan, page 15 of the Corrective Action Plan Revision 01 dated January 20, 2005, unless otherwise approved by MDEQ;
- (h) A sign of a size, shape, construction, and layout approved by MDEQ, shall be posted at the physical location of the Site and shall read as follows:

STOP – CALL BEFORE YOU DIG  
(601) 961-5171

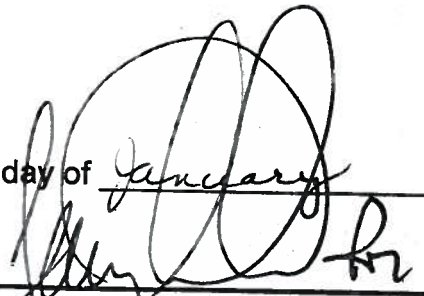
Request to Speak with Someone in Assessment Remediation Branch  
Regarding Site 40470039

- (i) All required institutional controls shall be implemented;
- (j) Continuous Financial Assurance in an amount sufficient, and in a form acceptable to the MDEQ to implement the Contingency Plan, page 15 of the Corrective Action Plan Revision 01 dated January 20, 2005, shall be available, unless waived by MDEQ. Cost estimates and duration may be adjusted on a periodic basis with the approval of MDEQ; and

- (k) Beginning on October 31, 2008, and annually thereafter, Respondent shall submit certification in a form required by MDEQ that all the requirements listed in #5 (a) through (j) have been maintained. The annual certification must include a list of all surface owners and leaseholders of the Site.
6. The Respondent shall restrict the Site to non-residential use which would also exclude schools, parks, day care facilities, or similar facilities where children are present. Hercules may petition the MDEQ to remove or modify the restrictions upon showing satisfactory to the MDEQ that it has satisfied the applicable requirements, and the MDEQ may impose conditions upon its approval as may be necessary to protect the public health and the environment in light of the proposed change in use.
  7. Respondent shall retain responsibility for the requirements listed in #5 above, until the Commission approves the transfer of those responsibilities to another party (e.g., the prospective purchaser) by entering into an Agreed Order with the other party.
  8. Prior to any change in use of the Site or any portion of the Site, written notice shall be given to and approval obtained from the MDEQ.
  9. Written notice must be provided to MDEQ 30 days prior to any property transaction involving the Site. Any conveyance must contain as covenants the requirements listed in #5 and 6 with a statement that the covenants run with the land and continue into perpetuity unless otherwise ordered by the Commission.
  10. Within thirty (30) days after execution of this Restrictive Use Agreed Order, Respondent shall file the Restrictive Use Notice, as approved by MDEQ, in the office of the Chancery Clerk of Forrest County for recording onto the land deed records in the appropriate sectional index. The Restrictive Use Notice can be amended by consent of the Parties as necessary to meet the filing requirements of the county.
  11. Within thirty (30) days after return by the Chancery Clerk of the Restrictive Use Notice after filing, the Respondent is required to submit to MDEQ certification signed by the Chancery Clerk of Forrest County that the Restrictive Use Notice has been filed, which indicates the date of such filing.
  12. Nothing in this Restrictive Use Agreed Order shall be construed to convey or determine any interest in property.
  13. Nothing in this Restrictive Use Agreed Order shall be construed to be an allocation of costs or an indemnification by the State, MDEQ, or the Commission.

14. Nothing in this Restrictive Use Agreed Order shall limit the rights of the MDEQ or the Commission in the event Respondent fails to comply with this Restrictive Use Agreed Order. The Restrictive Use Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.
15. Nothing contained in this Restrictive Use Agreed Order shall limit the rights of Complainant to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations, nor shall Respondent be limited in any way in its response to any such enforcement or other actions by Complainant.
16. This Restrictive Use Agreed Order does not resolve any issues regarding liability and/or penalties for any violation of any federal and/or state order, permit, law, rule and/or regulation. The Commission specifically reserves any such action and Respondent reserves all defenses and counter claims relating to any such action.
17. Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

So ORDERED and AGREED, this the 11th day of January, 2008.

  
\_\_\_\_\_  
Trudy D. Fisher  
Executive Director  
Mississippi Commission on  
Environmental Quality

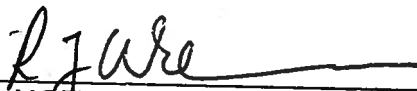
AGREED, this the 10th day of December, 2007.

BY: Thomas H. Strang USA 11/15/07

TITLE: VP, SHERA

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this the 10th day of December, 2007 within my jurisdiction, the within named Thomas H. Strang acknowledged that (he)(she) is VP, SHERA of Hercules Incorporated, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 10th day of December, 2007.

  
\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

No Expiration date

FRANCIS L. WILLIAMS  
Notary Public for the State of Delaware  
My Commission Expires: [unclear]  
2011

**Exhibit A**

Survey plat depicting the boundaries of the Site

**Exhibit B**

Legal description of the Site

### Legal description of Site

A description for a parcel situated in Sections 4 and 5, Township 4 North, Range 13 West Forrest County, Mississippi; said parcel being illustrated as parcel 1 on survey plat for Hercules Incorporated by Land Management Services & Mapping, LLC and being more particularly described by metes and bounds as follows:

Commencing at a Railroad Spike Found at the NW Corner of Said Section 4 said point having a Mississippi NAD 83 State Plane Coordinate of North: 671932.60' East: 834200.91' and thence run S01°48'08"W 243.97', to a metal pipe found on the south right-of-way line of Mississippi Highway 42 for the Point of Beginning; thence leaving said south right of way line run S01°32'45"W 1,065.16', to a wood fence post found; thence run N88°48'08"W 1,318.98', to a wood fence post found; thence run S01°48'01"W 796.25', to a concrete monument found; thence run S89°40'54"E 1,422.86', to a concrete monument found; thence run S00°21'17"W 129.67', to a concrete monument found; thence run S89°39'18"E 144.76', to a concrete monument found; thence run S00°14'56"W 429.44', to a concrete monument found; thence run S89°52'14"E 1,237.65', to a metal fence post found; thence run S00°54'06"W 1,298.93', to an X-Cut set in concrete on the north right-of-way line of West 7<sup>th</sup> Street, said street having a 40' right-of-way as per the City of Hattiesburg; thence run along said north right-of-way N89°54'34"E 267.43', to a PK nail set, thence leaving said north right-of-way run; N00°03'00"E 190.92', to a PK nail set; thence run S89°02'44"E 189.42', to a PK nail set; N00°03'00"E 51.37', to a PK nail set; thence run S89°02'44"E 469.81', to an iron pin set; thence run S00°01'08"W 230.27', to an X-Cut set in concrete on the north right-of-way of said 7<sup>th</sup> street; thence run along said north right-of-way N89°54'34"E 654.88', to a PK nail set at the intersection of the said north right-of-way line and the west right-of-way line of Providence Street, said Providence Street having a 60' right-of-way as per the City of Hattiesburg; thence leaving said north right-of-way line run along said west right-of-way line N00°03'42"W 1,290.00', to an iron pin set; thence continue along said west right-of-way line N89°54'34"E 10.00', to an iron pin set; thence continue along said west right-of-way N00°04'39"W 817.15', to a PK nail set at the intersection of the west right-of-way of said Providence street and the south right-of-way line of Mississippi Highway 42 as per FAP U-008-2(1); thence leaving said west right-of-way line run along said south right-of-way N78°17'33"W 366.13', to an iron pin set; thence continue along said south right-of-way as per PWS Docket # 1043R-71A-EXT S11°42'03"W 10.00' to a concrete right-of-way marker marking the point of curve of a non tangent curve to the right, having a chord bearing of N74°51'58"W, 233.23', and a radius of 1947.42'; thence continue along said south right-of-way westerly along the arc, through a central angle of 06°51'58", a distance of 233.38, to an iron pin set; thence leaving said south right-of-way run S00°00'01"W 103.94', to a fence corner found; thence run West 100.00', to an iron pin set;



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Hercules Incorporated  
Research Center  
500 Hercules Road  
Wilmington, DE 19808-1599  
(302) 995-3000  
www.herc.com

December 27, 2007

Mr. William McKercher  
Environmental Engineer  
Office of Pollution Control  
Mississippi Department of Environmental Quality  
P. O. Box 10385  
Jackson, MS 39289-0385

Subject: Documents for the Hercules Incorporated Hattiesburg Site Corrective Action Plan

Dear Mr. McKercher:

This letter is to transmit three documents to the Mississippi Department of Environmental Quality (MDEQ) concerning the Hercules Incorporated (Hercules) facility at 613 West 7th Street in Hattiesburg, Mississippi. Included are the following items: restrictive use order (deed restriction), notice of land use restriction (deed notice), and surety bond.

**Restrictive Use Order** - Hercules has established this order to protect human health and the environment by restricting the use and activities on the Hattiesburg site.

**Notice of Land Use Restriction** - Hercules has established this notice of the above restrictive use order.

**Surety Bond** - Hercules has established SAFECO bond # 6502348 in the amount of \$1,472,000 to cover the estimated cost of the site's contingency plan.

If you wish to discuss something with respect to the surety bond, please call Mr. James Faulstich who manages the financial assurance aspects of Hercules operations at (804) 541-4473.

If you wish to discuss this submittal, please contact me at (302) 995-3456.

Very truly yours,

Timothy D. Hassett  
Staff Environmental Engineer  
Environmental & Remediation Engineering

cc: R. L. Williams/Hercules Plaza  
J. Faulstich/ Hercules Hopewell

**Safeco Insurance Company of America  
Remedial Action Plan Bond**

BOND #6502348

KNOW ALL MEN BY THESE PRESENTS: That Hercules Incorporated (hereinafter called the Principal), and Safeco Insurance Company of America (hereinafter called the Surety), are held and firmly bound unto the State of Mississippi (hereinafter called the Obligee), in the full and just sum

Of One Million Four Hundred Seventy Two Thousand and 00/100 Dollars (\$ \*), the payment of which sum, well and truly to be made, the said Principal and Surety bind themselves, and each of their heirs, administrators, executors, and assigns, jointly and severally, firmly by these presents.

**\* \$1,472,000.00**

WHEREAS, the Principal has entered into a Corrective Action Plan Agreement with the Obligee at the Principal's site located at 617 West 7 Street, Hattiesburg, Mississippi. In such agreement, the Principal has agreed to undertake certain actions (hereinafter the "Corrective Action Plan Work").

WHEREAS, in accordance with Mississippi Commission on Environmental Quality Regulation HW-2, Subpart I, Chapter 2, Section 201 Part (H), the Obligee has agreed to accept this bond as financial assurance to guarantee performance of the Corrective Action Plan Work under the supervision of the Office of Pollution Control pursuant to the above referenced regulations governing brownfield voluntary cleanup and redevelopment in Mississippi (the "State").

NOW, THEREFORE, THE CONDITIONS OF THE SURETY'S OBLIGATION HEREUNDER IS SUCH, that if the Principal shall well and truly perform the Corrective Action Plan Work at the time and in the manner specified by the State during the term of this bond or, if upon failure to perform the Corrective Action Work and demand by the State the Principal shall

establish a remediation trust in amount of this bond or such lesser amount that the State shall require, then Surety shall have no obligation under this Bond, otherwise to remain in full force and effect. The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the State that the Principal has failed to perform as guaranteed by this bond, the Surety shall place funds in the amount guaranteed for the facility into a standby trust fund as directed by the State.

PROVIDED, HOWEVER, That this bond is subject to the following conditions:

1. This bond shall be effective from August 23rd, 2007 to August 23rd, 2008. This is an annually renewable bond which shall automatically renew unless terminated in accordance with the provisions of this bond. The bond may be extended for additional terms at the option of the Surety, by continuation certificate executed by the Surety. Surety's liability under said bond shall not be cumulative and shall in no event exceed the penal amount as set forth in this bond. The Surety has no obligation to perform any remediation work and no responsibility involving any hazardous waste at the site. The Surety's obligation under this bond consists of the payment of sums found to be due the Obligee and no other obligation.
2. In the event of a default by the Principal in the performance of the contract during the term of this bond, the Surety shall be liable only for the loss to the Obligee due to actual costs of performance for the failure to perform that occurred during the effective period of the bond, up to the maximum penalty of this bond.
3. No claim, action, suit or proceeding, except as hereinafter set forth, shall be had or maintained against the Surety on this instrument unless same be brought

or instituted upon the Surety within one year from termination or expiration of the bond term.

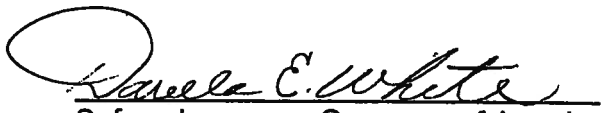
4. Neither non-renewal by the surety, nor failure, nor inability of the Principal to file a replacement bond shall constitute loss to the Obligee recoverable under this bond.

5. No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein or the heirs, executors, administrator or successors of Obligee.

6. This bond may be canceled or modified by the Surety at any time by giving one hundred twenty (120) days written notice to the Obligee and Principal, in which event, the Surety's liability at the expiration of said one hundred twenty (120) days shall terminate or be modified as specified in the notice, except as to such liability of the Principal as may have accrued prior to the expiration of said one hundred twenty (120) days.

7. The Principal may or modify terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the State.

Signed and sealed this 23rd day of August, 2007.

 (seal)  
Safeco Insurance Company of America (seal)  
Darella E. White, Attorney-In-Fact

Acknowledged and Accepted by the Obligee:  
By:

\_\_\_\_\_

Printed Name and Title

Date: \_\_\_\_\_



POWER OF ATTORNEY

Safeco Insurance Companies  
PO Box 34526  
Seattle, WA 98124-1526

No. 5014

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

\*\*\*\*\*SANDRA E. BRONSON; RICHARD A. JACOBUS; ANNETTE M. LEUSCHNER; MAUREEN MCNEILL; MARY C. O'LEARY; NANCY K. WALLACE; DOUGLAS R. WHEELER; DARELLA E. WHITE; Philadelphia, Pennsylvania\*

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 3rd day of January, 2006

STEPHANIE DALEY-WATSON, SECRETARY

MIKE PETERS, PRESIDENT, SURETY

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Stephanie Daley-Watson, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 23rd day of August, 2007



STEPHANIE DALEY-WATSON, SECRETARY

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## Mississippi Department of Environmental Quality

## NOTICE OF LAND USE RESTRICTIONS

A Restrictive Use Agreed Order has been developed with regard to property located at 613 West 7<sup>th</sup> Street, Hattiesburg, MS as shown as Parcel 1 in the attached survey plat, Exhibit "A". This property, hereafter referred to as the "Site," is situated in Sections 4 and 5, Township 4, Range 13 West, Forrest County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

"A description for a parcel situated in Sections 4 and 5, Township 4 North, Range 13 West Forrest County, Mississippi; said parcel being illustrated as parcel 1 on survey plat for Hercules Incorporated by Land Management Services & Mapping, LLC and being more particularly described by metes and bounds as follows: Commencing at a Railroad Spike Found at the NW Corner of Said Section 4 said point having a Mississippi NAD 83 State Plane Coordinate of North: 671932.60' East: 834200.91' and thence run S01°48'08"W 243.97', to a metal pipe found on the south right-of-way line of Mississippi Highway 42 for the Point of Beginning; thence leaving said south right of way line run S01°32'45"W 1,065.16', to a wood fence post found; thence run N88°48'08"W 1,318.98', to a wood fence post found; thence run S01°48'01"W 796.25', to a concrete monument found; thence run S89°40'54"E 1,422.86', to a concrete monument found; thence run S00°21'17"W 129.67', to a concrete monument found; thence run S89°39'18"E 144.76', to a concrete monument found; thence run S00°14'56"W 429.44', to a concrete monument found; thence run S89°52'14"E 1,237.65', to a metal fence post found; thence run S00°54'06"W 1,298.93', to an X-Cut set in concrete on the north right-of-way line of West 7<sup>th</sup> Street, said street having a 40' right-of-way as per the City of Hattiesburg; thence run along said north right-of-way N89°54'34"E 267.43', to a PK nail set, thence leaving said north right-of-way run; N00°03'00"E 190.92', to a PK nail set; thence run S89°02'44"E 189.42', to a PK nail set; N00°03'00"E 51.37', to a PK nail set; thence run S89°02'44"E 469.81', to an iron pin set; thence run S00°01'08"W 230.27', to an X-Cut set in concrete on the north right-of-way of said 7<sup>th</sup> street; thence run along said north right-of-way N89°54'34"E 654.88', to a PK nail set at the intersection of the said north right-of-way line and the west right-of-way line of Providence Street, said Providence Street having a 60' right-of-way as per the City of Hattiesburg; thence leaving said north right-of-way line run along said west right-of-way line N00°03'42"W 1,290.00', to an iron pin set; thence continue along said west right-of-way line N89°54'34"E 10.00', to an iron pin set; thence continue along said west right-of-way N00°04'39"W 817.15', to a PK nail set at the intersection of the west right-of-way of said Providence street and the south right-of-way line of Mississippi Highway 42 as per FAP U-008-2(1); thence leaving said west right-of-way line run along said south right-of-way N78°17'33"W 366.13', to an iron pin set; thence continue along said south right-of-way as per PWS Docket # 1043R-71A-EXT S11°42'03"W 10.00' to a concrete right-of-way marker marking the point of curve of a non tangent curve to the right, having a chord bearing of N74°51'58"W, 233.23', and a radius of 1947.42'; thence continue along said south right-of-way westerly along the arc, through a central angle of 06°51'58", a distance of 233.38, to an iron pin set; thence leaving said south right-of-way run S00°00'01"W 103.94', to a fence corner found; thence run West 100.00', to an iron pin set; thence run N00°31'30"W 113.09', to a metal pipe found; thence run East 74.46' to a PK nail set on the aforementioned south right-of-way of Highway 42, said point marking the point of curve of a non tangent curve to the right, having a chord bearing of N68°09'32"W, 166.32', and a radius 1,947.42'; thence run along said south right-of-way westerly along the arc, through a central angle of 04°53'41", a distance of 166.37', to an iron pin set; thence leaving said south right-of-way run South 42.85', to an iron pin set; thence run West 50.00', to an iron pin set; thence run North 50.00', to an iron pin set; thence run West 75.00', to a concrete monument found; thence run North 54.74', to an iron pin set on the south right-of-way line of said Highway 42, said point marking the point of curve of a non tangent curve to the right having a chord bearing of N58°38'21"W, 201.65', and a radius of 1,947.42'; thence run along said south right-of-way northwesterly along the arc, through a central angle of 05°56'08", a distance of 201.74', to a right-of-way marker found; thence continue along said south right-of-way N55°42'47"W 145.58', to an iron pin set; thence continue along said south right-of-way S34°06'38"W 20.11', to an iron pin set; thence continue along said south right-of-way thence run N55°40'42"W 230.37'; thence continue along said south right-of-way S34°19'18"W 20.00', to an iron pin set; thence continue along said south right-of-way N55°40'37"W 570.29', to a right-of-way marker found; thence continue along said right-of-way N55°41'30"W 500.40', to a right-of-way marker found; thence continue along said north right-of-way N33°58'28"E 29.85', to a right-of-way marker found; thence continue along said north right-of-way N55°46'04"W 245.07', to a right-of-way marker found marking the point of curve of a non tangent curve to the left, having a chord bearing of N61°50'00"W, 603.00', and a radius of 2,808.94'; thence continue along said south right-of-way northwesterly along the arc, through a central angle of 12°19'25", a distance of 604.16' back to the Point of Beginning; containing 168.81 acres, more or less; all bearings, coordinates, and distances herein described are grid and are referenced to the west property line and are based on the Mississippi NAD 83 East Zone state plane coordinate system and are referenced to the national spatial reference system through the national geodetic survey's online positioning user service (opus) and are derived from a global positioning system observation. (combined grid factor: 0.99997116; convergence: -0°14'45")."



STATE OF MISSISSIPPI

COUNTY OF FORREST

Soil and groundwater on the Site contains Benzene (CAS #71432), Chlorobenzene (CAS #108907), Carbon Tetrachloride (CAS #56235), Chloroform (CAS #67663), 1,2-Dichloroethane (CAS #107062) and Toluene (CAS #105553) at levels in excess of the Target Remediation Goals (TRGs) as established by the Mississippi Department of Environmental Quality (MDEQ). Other substances are present in the soil and groundwater that do not exceed TRGs have also been identified. In order to protect public health and the environment, certain restrictions are hereby placed on the Site.

The following is a listing of all restrictions for the Site:

1. There shall be no excavating, drilling or other activities to depths that could create exposure to contaminated media without approval from MDEQ;
2. The groundwater at the Site shall not be used, unless otherwise approved by MDEQ;
3. Monitoring wells shall be protected and maintained. In the event that a monitoring well is destroyed or damaged or is no longer needed, a plan for repair, reinstallation or abandonment of the well(s) must be submitted to MDEQ for approval; and
4. No wells shall be installed without prior approval from MDEQ.

Prior to executing any deed or other instrument conveying an interest in the Site, the following conditions must be met:

1. Any conveyance of the property, or any portion thereof, must contain as covenants the restrictions listed above with a statement that the covenants run with the land and continue into perpetuity unless otherwise ordered by the Mississippi Commission on Environmental Quality;
2. Notice must be provided to MDEQ at least 30 days prior to any property transaction involving the Site; and
3. Prior to any change in use of the Site or any portion thereof, notice shall be given to the MDEQ.

This Notice may be executed in counterparts.

The parties that have a legal or equitable surface interest in the Site follow:

1. Hercules Incorporated

Executed, this the 10th day of December, 2007.

BY: Thomas H. Strang JPM 11/15/07 *fw*

TITLE: VP. SHERA

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this the 10th day of December, 2007 within my jurisdiction, the within named Thomas H. Strang acknowledged that (he)(she) is VP SHERA of Hercules Incorporated, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 10th day of December, 2007.

R. Hill  
NOTARY PUBLIC

MY COMMISSION EXPIRES: No Expiration  
DATE

BEFORE THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

Order No. 5349 07

HERCULES INCORPORATED  
Hercules Plaza  
1313 North Market Street  
Wilmington, DE 19894-0001

RESPONDENT

RESTRICTIVE USE AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission) and Hercules Incorporated (Respondent) in the above captioned cause agree as follows:

1. The purpose of this Restrictive Use Agreed Order is to protect human health and the environment by restricting the use and activities on the Site described below.
2. The Respondent owns a tract of land located in Hattiesburg, MS, known as the "Hercules Incorporated Plant" and hereafter referred to as the "Site." Exhibit A is a survey plat depicting the boundaries of the Site. A legal description of the Site is attached as Exhibit B.
3. Soils and ground water on the Site contain Benzene (CAS #71432), Chlorobenzene (CAS #108907), Carbon Tetrachloride (CAS #56235), Chloroform (CAS #67663), 1,2-Dichloroethane (CAS #107062) and Toluene (CAS #105553) at levels in excess of the Target Remediation Goals (TRGs) as established by the Mississippi Department of Environmental Quality (MDEQ).
4. The staff of the Commission has evaluated this Restrictive Use Agreed Order and believes once the requirements of it have been completed that (1) the Site will be protective of the public health and the environment and (2) no further corrective action will be required at this time.
5. The following is a description of all restrictions and requirements relating to the Site:

- (a) There shall be no excavating, drilling, or other activities that could create exposure to contaminated media without prior approval from MDEQ.
- (b) The groundwater at the Site shall not be used without prior approval from MDEQ;
- (c) Monitoring wells at the Site shall be protected and maintained. In the event that a monitoring well is destroyed or damaged or is no longer necessary, a plan for repair, reinstatement or abandonment of the well(s) must be submitted to MDEQ for approval within 30 days after a well is destroyed or damaged; or proposed for abandonment.
- (d) No wells shall be installed without prior approval from MDEQ;
- (e) All required groundwater monitoring shall be conducted as described in the approved Compliance Monitoring Plan, page 12 of the Corrective Action Plan Revision 01 dated January 20, 2005, unless otherwise approved by MDEQ;
- (f) All required corrective action shall be conducted as described in the approved Corrective Action Plan Revision 01, dated January 20, 2005, unless otherwise approved by MDEQ;
- (g) Any necessary corrective action required following completion of the Corrective Action Plan Revision 01 in (f) above shall be implemented as described in the approved Contingency Plan, page 15 of the Corrective Action Plan Revision 01 dated January 20, 2005, unless otherwise approved by MDEQ;
- (h) A sign of a size, shape, construction, and layout approved by MDEQ, shall be posted at the physical location of the Site and shall read as follows:

STOP – CALL BEFORE YOU DIG  
(601) 961-5171

Request to Speak with Someone in Assessment Remediation Branch  
Regarding Site 40470039

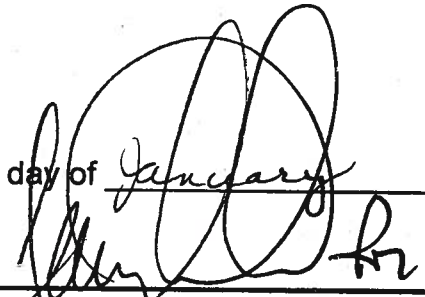
- (i) All required institutional controls shall be implemented;
- (j) Continuous Financial Assurance in an amount sufficient, and in a form acceptable to the MDEQ to implement the Contingency Plan, page 15 of the Corrective Action Plan Revision 01 dated January 20, 2005, shall be available, unless waived by MDEQ. Cost estimates and duration may be adjusted on a periodic basis with the approval of MDEQ; and

- (k) Beginning on October 31, 2008, and annually thereafter, Respondent shall submit certification in a form required by MDEQ that all the requirements listed in #5 (a) through (j) have been maintained. The annual certification must include a list of all surface owners and leaseholders of the Site.
6. The Respondent shall restrict the Site to non-residential use which would also exclude schools, parks, day care facilities, or similar facilities where children are present. Hercules may petition the MDEQ to remove or modify the restrictions upon showing satisfactory to the MDEQ that it has satisfied the applicable requirements, and the MDEQ may impose conditions upon its approval as may be necessary to protect the public health and the environment in light of the proposed change in use.
  7. Respondent shall retain responsibility for the requirements listed in #5 above, until the Commission approves the transfer of those responsibilities to another party (e.g., the prospective purchaser) by entering into an Agreed Order with the other party.
  8. Prior to any change in use of the Site or any portion of the Site, written notice shall be given to and approval obtained from the MDEQ.
  9. Written notice must be provided to MDEQ 30 days prior to any property transaction involving the Site. Any conveyance must contain as covenants the requirements listed in #5 and 6 with a statement that the covenants run with the land and continue into perpetuity unless otherwise ordered by the Commission.
  10. Within thirty (30) days after execution of this Restrictive Use Agreed Order, Respondent shall file the Restrictive Use Notice, as approved by MDEQ, in the office of the Chancery Clerk of Forrest County for recording onto the land deed records in the appropriate sectional index. The Restrictive Use Notice can be amended by consent of the Parties as necessary to meet the filing requirements of the county.
  11. Within thirty (30) days after return by the Chancery Clerk of the Restrictive Use Notice after filing, the Respondent is required to submit to MDEQ certification signed by the Chancery Clerk of Forrest County that the Restrictive Use Notice has been filed, which indicates the date of such filing.
  12. Nothing in this Restrictive Use Agreed Order shall be construed to convey or determine any interest in property.
  13. Nothing in this Restrictive Use Agreed Order shall be construed to be an allocation of costs or an indemnification by the State, MDEQ, or the Commission.

**Restrictive Use Agreed Order**  
**Hercules, Inc.**  
**Page 4 of 5**

14. Nothing in this Restrictive Use Agreed Order shall limit the rights of the MDEQ or the Commission in the event Respondent fails to comply with this Restrictive Use Agreed Order. The Restrictive Use Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.
15. Nothing contained in this Restrictive Use Agreed Order shall limit the rights of Complainant to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations, nor shall Respondent be limited in any way in its response to any such enforcement or other actions by Complainant.
16. This Restrictive Use Agreed Order does not resolve any issues regarding liability and/or penalties for any violation of any federal and/or state order, permit, law, rule and/or regulation. The Commission specifically reserves any such action and Respondent reserves all defenses and counter claims relating to any such action.
17. Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

So ORDERED and AGREED, this the 11th day of January, 2008.

  
\_\_\_\_\_  
Trudy D. Fisher  
Executive Director  
Mississippi Commission on  
Environmental Quality

AGREED, this the 10th day of December, 2007.

BY: Thomas H. Strang USA, 11/13/07

TITLE: VP, SHERA

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this the 10th day of December, 2007 within my jurisdiction, the within named Thomas H. Strang acknowledged that (he)(she) is VP, SHERA of Hercules Incorporated, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 10th day of December, 2007.

  
\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES:  
No Expiration date

RICHMOND L. WILLIAMS  
Notary Public in and for the State of Delaware  
My Commission Expires on \_\_\_\_\_  
20 \_\_\_\_\_

**Exhibit A**

**Survey plat depicting the boundaries of the Site**



**Exhibit B**

Legal description of the Site

### Legal description of Site

A description for a parcel situated in Sections 4 and 5, Township 4 North, Range 13 West Forrest County, Mississippi; said parcel being illustrated as parcel 1 on survey plat for Hercules Incorporated by Land Management Services & Mapping, LLC and being more particularly described by metes and bounds as follows:

Commencing at a Railroad Spike Found at the NW Corner of Said Section 4 said point having a Mississippi NAD 83 State Plane Coordinate of North: 671932.60' East: 834200.91' and thence run S01°48'08"W 243.97', to a metal pipe found on the south right-of-way line of Mississippi Highway 42 for the Point of Beginning; thence leaving said south right of way line run S01°32'45"W 1,065.16', to a wood fence post found; thence run N88°48'08"W 1,318.98', to a wood fence post found; thence run S01°48'01"W 796.25', to a concrete monument found; thence run S89°40'54"E 1,422.86', to a concrete monument found; thence run S00°21'17"W 129.67', to a concrete monument found; thence run S89°39'18"E 144.76', to a concrete monument found; thence run S00°14'56"W 429.44', to a concrete monument found; thence run S89°52'14"E 1,237.65', to a metal fence post found; thence run S00°54'06"W 1,298.93', to an X-Cut set in concrete on the north right-of-way line of West 7<sup>th</sup> Street, said street having a 40' right-of-way as per the City of Hattiesburg; thence run along said north right-of-way N89°54'34"E 267.43', to a PK nail set, thence leaving said north right-of-way run; N00°03'00"E 190.92', to a PK nail set; thence run S89°02'44"E 189.42', to a PK nail set; N00°03'00"E 51.37', to a PK nail set; thence run S89°02'44"E 469.81', to an iron pin set; thence run S00°01'08"W 230.27', to an X-Cut set in concrete on the north right-of-way of said 7<sup>th</sup> street; thence run along said north right-of-way N89°54'34"E 654.88', to a PK nail set at the intersection of the said north right-of-way line and the west right-of-way line of Providence Street, said Providence Street having a 60' right-of-way as per the City of Hattiesburg; thence leaving said north right-of-way line run along said west right-of-way line N00°03'42"W 1,290.00', to an iron pin set; thence continue along said west right-of-way line N89°54'34"E 10.00', to an iron pin set; thence continue along said west right-of-way N00°04'39"W 817.15', to a PK nail set at the intersection of the west right-of-way of said Providence street and the south right-of-way line of Mississippi Highway 42 as per FAP U-008-2(1); thence leaving said west right-of-way line run along said south right-of-way N78°17'33"W 366.13', to an iron pin set; thence continue along said south right-of-way as per PWS Docket # 1043R-71A-EXT S11°42'03"W 10.00' to a concrete right-of-way marker marking the point of curve of a non tangent curve to the right, having a chord bearing of N74°51'58"W, 233.23', and a radius of 1947.42'; thence continue along said south right-of-way westerly along the arc, through a central angle of 06°51'58", a distance of 233.38, to an iron pin set; thence leaving said south right-of-way run S00°00'01"W 103.94', to a fence corner found; thence run West 100.00', to an iron pin set;

thence run N00°31'30"W 113.09', to a metal pipe found; thence run East 74.46' to a PK nail set on the aforementioned south right-of way of Highway 42, said point marking the point of curve of a non tangent curve to the right, having a chord bearing of N68°09'32"W, 166.32', and a radius 1,947.42'; thence run along said south right-of-way westerly along the arc, through a central angle of 04°53'41", a distance of 166.37', to an iron pin set; thence leaving said south right-of-way run South 42.85', to an iron pin set; thence run West 50.00', to an iron pin set; thence run North 50.00', to an iron pin set; thence run West 75.00', to a concrete monument found; thence run North 54.74', to an iron pin set on the south right-of-way line of said Highway 42, said point marking the point of curve of a non tangent curve to the right having a chord bearing of N58°38'21"W, 201.65', and a radius of 1,947.42'; thence run along said south right-of-way northwesterly along the arc, through a central angle of 05°56'08", a distance of 201.74', to a right-of-way marker found; thence continue along said south right-of-way N55°42'47"W 145.58', to an iron pin set; thence continue along said south right-of-way S34°06'38"W 20.11', to an iron pin set; thence continue along said south right-of-way thence run N55°40'42"W 230.37'; thence continue along said south right-of-way S34°19'18"W 20.00', to an iron pin set; thence continue along said south right-of-way N55°40'37"W 570.29', to a right-of-way marker found; thence continue along said right-of-way N55°41'30"W 500.40', to a right-of-way marker found; thence continue along said north right-of-way N33°58'28"E 29.85', to a right-of-way marker found; thence continue along said north right-of-way N55°46'04"W 245.07', to a right-of-way marker found marking the point of curve of a non tangent curve to the left, having a chord bearing of N61°50'00"W, 603.00', and a radius of 2,808.94'; thence continue along said south right-of-way northwesterly along the arc, through a central angle of 12°19'25", a distance of 604.16' back to the Point of Beginning; containing 168.81 acres, more or less; all bearings, coordinates, and distances herein described are grid and are referenced to the west property line and are based on the Mississippi NAD 83 East Zone state plane coordinate system and are referenced to the national spatial reference system through the national geodetic survey's online positioning user service (opus) and are derived from a global positioning system observation. (combined grid factor: 0.99997116; convergence: -0°14'45").



STATE OF MISSISSIPPI  
HALEY BARBOUR  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

October 12, 2007

**CERTIFIED MAIL NO. 7002 2030 0004 2843 3918 - RETURN RECEIPT REQUESTED**

Tim Hassett  
Hercules Incorporated  
Hercules Plaza  
1313 North Market Street  
Wilmington, DE 19894-0001

**FILE COPY**

Re: Restrictive Use Agreed Order and Notice of Land Use Restrictions  
Hercules Inc. Hattiesburg facility  
Hattiesburg, Forrest County, Mississippi

Dear Mr. Hassett:

Enclosed for signature are two copies each of the Restrictive Use Agreed Order and Notice of Land Use Restrictions for the Hercules Incorporated Plant in Hattiesburg, Mississippi. Once executed by the appropriate authorized individual, please return both copies of these documents. MDEQ will provide you with an original copy of these documents once they have been signed by the MDEQ director and issued an Order number.

If you have any questions or comments concerning this matter, please contact me at (601) 961-5731.

Sincerely,

A handwritten signature in cursive script that reads "William McKercher".

William McKercher, P.E.  
Project Manager  
Groundwater Assessment and  
Remediation Division (GARD)

cc: Michael T. Slack, P.E. – MDEQ, GARD