

Date: 28-AUG-03

Vendor No.: 5263

MISSISSIPPI DEPT ENV

Check No.: 293730

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
VEP0000054	29-JUL-03		0.00	2,125.00
			0.00	2,125.00

Please detach this statement and retain for your records

000042 1074029

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.



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Oklahoma City, OK 73125

Citibank, Delaware  
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One Penn's Way  
New Castle, DE 19720

62-20  
311

CHECK DATE	CHECK NO.	NET AMOUNT
28-AUG-03	293730	\$*****2,125.00

VOID AFTER 90 DAYS

PAY Two Thousand One Hundred Twenty-Five and NO/100 Dollars

TO THE  
ORDER  
OF

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
PO BOX 20325

*Elizabeth J. Wilkinson*  
Vice President & Treasurer

JACKSON

MS

39289-1325

VEP540

3381-97

00293730

031100209

38558165

Vendor No.: 5263

MISSISSIPPI DEPT ENV

Date: 06-AUG-03

Check No.: 292568

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
VEP0000050	03-JUL-03		0.00	600.00
			0.00	600.00



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000050 1001235

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 One Penn's Way  
 New Castle, DE 19720

42-20  
 311

CHECK DATE	CHECK NO.	NET AMOUNT
06-AUG-03	292568	\$*****600.00

VOID AFTER 90 DAYS

PAY Six Hundred and NO/100 Dollars

TO THE ORDER OF  
 MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
 PO BOX 20325

*Elizabeth J. Wilkinson*  
 Vice President & Treasurer

JACKSON MS 39289-1325

VEP500  
 ⑈00292568⑈ ⑆031100209⑆ 38558165⑈



STATE OF MISSISSIPPI  
 RONNIE MUSGROVE, GOVERNOR  
 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
 CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**\*\* INVOICE\*\***  
**\*\* UNCONTROLLED SITES VOLUNTARY EVALUATION PROGRAM\*\***

**BILL TO:** ADAMS AND REESE  
 MR. GLEN PILIE  
 4500 ONE SHEL SQUARE  
 NEW ORLEANS, LA 70139

**CUSTOMER #** 3381-97

**INVOICE #** VEP-00000540  
**INVOICE DATE** 07-29-2003  
**DEO CONTACT**  
**FINANCIAL:** SUZANNE POLANDER - 601-961-5152  
 ACCOUNTS\_RECEIVABLE@DEQ.STATE.MS.US  
**ENGINEER:** TONY RUSSELL - 601-961-5318  
**TERMS:** DUE 08/31/03

DESCRIPTION	QTY UNIT	PRICE	EXT-PRICE
JUNE 2003 / T. RUSSELL	17 STAFF HOURS	75.00	\$1,275.00
JUNE 2003 / ANALYTICAL SAMPLE #15051	2 ANALYTICAL SAMPLES	425.00	\$850.00
<b>TOTAL AMOUNT DUE</b>			<b>\$2,125.00</b>

ACCOUNTS RECEIVABLE / FEES

# Invoice

Invoice Number:  
Date: July 9, 2003

OFFICE OF POLLUTION CONTROL  
LABORATORY  
121 FAIRMONT PLAZA  
PEARL, MS 39208  
PHONE: (601) 939-8460

To:  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
UNCONTROLLED SITES SECTION VOLUNTARY  
EVALUATION PROGRAM  
P. O. BOX 10385  
JACKSON, MS 39289

Ship to (if different address):  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
UNCONTROLLED SITES SECTION VOLUNTARY  
EVALUATION PROGRAM  
2380 HWY 80 WEST  
JACKSON, MS 39204

QTY.	DESCRIPTION	UNIT PRICE	TOTAL
2	SVOA SAMPLE ANALYZED, Gulf States Creosote, Hattiesburg Sample Numbers 17346 & 17347	425.00	850.00
		SUBTOTAL	850.00
		SALES TAX RATE %	
		SALES TAX	0.00
		SHIPPING & HANDLING	
		TOTAL DUE	\$850.00

# Invoice

OFFICE OF POLLUTION CONTROL  
LABORATORY  
121 FAIRMONT PLAZA  
PEARL, MS 39208  
PHONE: (601) 939-8460

Invoice Number:  
Date: July 7, 2003

**To:**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
UNCONTROLLED SITES SECTION VOLUNTARY  
EVALUATION PROGRAM  
P. O. BOX 10385  
JACKSON, MS 39289

**Ship to (if different address):**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
UNCONTROLLED SITES SECTION VOLUNTARY  
EVALUATION PROGRAM  
2380 HWY 80 WEST  
JACKSON, MS 39204

QTY.	DESCRIPTION	UNIT PRICE	TOTAL
2	SVOA SAMPLE ANALYZED, Gulf States Creosote, Hattiesburg Sample Numbers 17346 & 17347	425.00	850.00
		SUBTOTAL	850.00
		SALES TAX RATE %	
		SALES TAX	0.00
		SHIPPING & HANDLING	
		<b>TOTAL DUE</b>	<b>\$850.00</b>



STATE OF MISSISSIPPI  
 RONNIE MUSGROVE, GOVERNOR  
 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
 CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**\*\* INVOICE\*\***  
**\*\* UNCONTROLLED SITES VOLUNTARY EVALUATION PROGRAM\*\***

<b>BILL TO:</b>	ADAMS AND REESE MR. GLEN PILIE 4500 ONE SHEL SQUARE NEW ORLEANS, LA 70139	<b>INVOICE #</b>	<b>VEP-00000500</b>
<b>CUSTOMER #</b>	3381-97	<b>INVOICE DATE</b>	07-03-2003
		<b>DEQ CONTACT</b>	
		<b>FINANCIAL:</b>	SUZANNE POLANDER - 601-961-5152 ACCOUNTS_RECEIVABLE@DEQ.STATE.MS.US
		<b>ENGINEER:</b>	TONY RUSSELL - 601-961-5318
		<b>TERMS:</b>	DUE 07/31/03

DESCRIPTION	QTY UNIT	PRICE	EXT-PRICE
MAY 2003 / T. RUSSELL	8 STAFF HOURS	75.00	\$600.00
<b>TOTAL AMOUNT DUE</b>			<b>\$600.00</b>

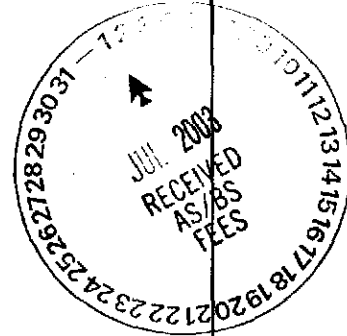
Vendor No.: 5263

MISSISSIPPI DEPT ENV

Date: 27-JUN-03

Check No.: 290631

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
VEP0000045	28-MAY-03	3381-97	0.00	850.00
			0.00	850.00



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000005 1043776

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 Oklahoma City, OK 73125

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 One Penn's Way  
 New Castle, DE 19720

11-10 311

CHECK DATE	CHECK NO.	NET AMOUNT
27-JUN-03	290631	*****850.00

VOID AFTER 90 DAYS

PAY Eight Hundred Fifty and NO/100 Dollars

TO THE ORDER OF  
 MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
 PO BOX 20325

*Elizabeth J. Wilkerson*  
 Vice President & Treasurer

JACKSON MS 39289-1325

VEP457

00290631 031100209 38558165



STATE OF MISSISSIPPI  
 RONNIE MUSCROVE, GOVERNOR  
 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
 CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**\*\* INVOICE \*\***  
**\*\* UNCONTROLLED SITES VOLUNTARY EVALUATION PROGRAM \*\***

**BILL TO:** ADAMS AND REESE  
 MR. GLEN PILIE  
 4500 ONE SHEL SQUARE  
 NEW ORLEANS, LA 70139

**CUSTOMER #** 3381-97

**INVOICE #** VEP-00000457  
**INVOICE DATE** 05-28-2003  
**DEQ CONTACT**  
**FINANCIAL:** SUZANNE POLANDER - 601-961-5152  
 ACCOUNTS\_RECEIVABLE@DEQ.STATE.MS.US  
**ENGINEER:** TONY RUSSELL - 601-961-5318  
**TERMS:** DUE 06/30/03

DESCRIPTION	QTY UNIT	PRICE	EXT-PRICE
APRIL 2003 / ANALYTICAL SAMPLE #15050	1 ANALYTICAL SAMPLES	425.00	\$425.00
APRIL 2003 / ANALYTICAL SAMPLE #15051	1 ANALYTICAL SAMPLES	425.00	\$425.00
<b>TOTAL AMOUNT DUE</b>			<b>\$850.00</b>



Date: 04-JUN-03

Vendor No.: 5263

MISSISSIPPI DEPT ENV

Check No.: 289441

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
VEP0000041	25-APR-03		0.00	600.00
			0.00	600.00



Please detach this statement and retain for your records

000030 1032430

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Kerr-McGee Corporation  
 Kerr-McGee Center  
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 One Penn's Way  
 New Castle, DE 19720

62-70  
311

CHECK DATE	CHECK NO.	NET AMOUNT
04-JUN-03	289441	\$*****600.00

VOID AFTER 90 DAYS

PAY Six Hundred and NO/100 Dollars

TO THE ORDER OF

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
 PO BOX 20325

*Elizabeth J. Wilkerson*  
 Vice President & Treasurer

JACKSON MS 39289-1325

0028944103100209138558165



STATE OF MISSISSIPPI  
 RONNIE MUSGROVE, GOVERNOR  
 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
 CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**\*\* INVOICE\*\***  
**\*\* UNCONTROLLED SITES VOLUNTARY EVALUATION PROGRAM\*\***

<b>BILL TO:</b>	ADAMS AND REESE MR. GLEN PILIE 4500 ONE SHEL SQUARE NEW ORLEANS, LA 70139	<b>INVOICE #</b>	<b>VEP-00000419</b>
<b>CUSTOMER #</b>	3381-97	<b>INVOICE DATE</b>	04-25-2003
		<b>DEQ CONTACT</b>	
		<b>FINANCIAL:</b>	SUZANNE POLANDER - 601-961-5152 ACCOUNTS_RECEIVABLE@DEQ.STATE.MS.US
		<b>ENGINEER:</b>	TONY RUSSELL - 601-961-5318
		<b>TERMS:</b>	DUE 05/30/03

DESCRIPTION	QTY UNIT	PRICE	EXT-PRICE
MARCH 2003 / T. RUSSELL	8 STAFF HOURS	75.00	\$600.00
<b>TOTAL AMOUNT DUE</b>			<b>\$600.00</b>

Date: 02-APR-03

Vendor No.: 5263

MISSISSIPPI DEPT ENV

Check No.: 286488

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
VEP0000034	26-FEB-03	01/03 - T. RUSSELL	0.00	825.00
			0.00	825.00

APR 2003  
RECEIVED  
AS/BS  
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000163 994231

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New Castle, DE 19720

62-28  
311

CHECK DATE	CHECK NO.	NET AMOUNT
02-APR-03	286488	*****825.00

VOID AFTER 90 DAYS

PAY Eight Hundred Twenty-Five and NO/100 Dollars

TO THE ORDER OF MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
PO BOX 20325

*Elizabeth J. Williams*  
Vice President & Treasurer

JACKSON MS 39289-1325

VEP-342

⑈00286488⑈

⑆031100209⑆

38558165⑈



STATE OF MISSISSIPPI  
 RONNIE MUSGROVE, GOVERNOR  
 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
 CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**\*\* INVOICE\*\***  
**\*\* UNCONTROLLED SITES VOLUNTARY EVALUATION PROGRAM\*\***

**BILL TO:** ADAMS AND REESE  
 MR. GLEN PILIE  
 4500 ONE SHEL SQUARE  
 NEW ORLEANS, LA 70139

**CUSTOMER #** 3381-97

**INVOICE #** VEP-0000382

**INVOICE DATE** 03-25-2003

**DEQ CONTACT**

**FINANCIAL:** SUZANNE POLANDER - 601-961-5152  
 ACCOUNTS\_RECEIVABLE@DEQ.STATE.MS.US

**ENGINEER:** TONY RUSSELL - 601-961-5318

**TERMS:** DUE 04/30/03

DESCRIPTION	QTY UNIT	PRICE	EXT-PRICE
FEBRUARY 2003 / T. RUSSELL	8 STAFF HOURS	75.00	\$600.00
<b>TOTAL AMOUNT DUE</b>			<b>\$600.00</b>

ACCOUNTS RECEIVABLE / FEES

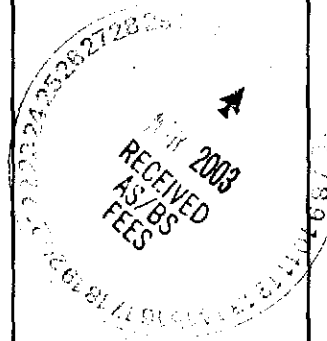
Vendor No.: 5263

MISSISSIPPI DEPT ENV

Date: 28-FEB-03

Check No.: 284982

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
VEP0000032	29-JAN-03	12/02 - TONY RUSSELL	0.00	487.50
			0.00	487.50



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000453 978366

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**Kerr-McGee Corporation**  
 Kerr-McGee Center  
 Oklahoma City, OK 73125

Citibank, Delaware  
 A Subsidiary of Citicorp  
 One Penn's Way  
 New Castle, DE 19720

62-28 111

CHECK DATE	CHECK NO.	NET AMOUNT
28-FEB-03	284982	\$*****487.50

VOID AFTER 90 DAYS

PAY Four Hundred Eighty-Seven and 50/100 Dollars

TO THE ORDER OF

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
 PO BOX 20325

*John M. Paul*  
 Vice President & Treasurer

JACKSON MS 39289

VEP 322

⑈00284982⑈ ⑆031100209⑆ 38558165⑈

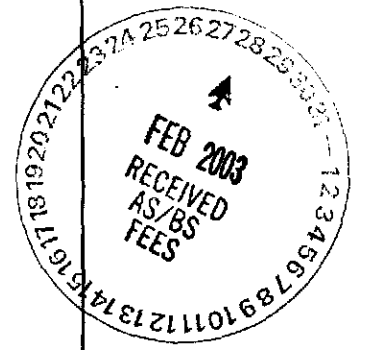
Vendor No.: 5263

MISSISSIPPI DEPT ENV

Date: 25-FEB-03

Check No.: 284814

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
33819747	31-DEC-02	11/02	0.00	2,962.50
			0.00	2,962.50



Please detach this statement and retain for your records

000266 978149

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 Kerr-McGee Center  
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 One Penn's Way  
 New Castle, DE 19720

62-36  
911

CHECK DATE	CHECK NO.	NET AMOUNT
25-FEB-03	284814	\$*****2,962.50

VOID AFTER 90 DAYS

PAY Two Thousand Nine Hundred Sixty-Two and 50/100 Dollars

TO THE ORDER OF

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
 PO BOX 20325

*John M. Paul*  
 Vice President & Treasurer

JACKSON . MS 39289

00284814 031100209 38558165

FORM NO. 9806



STATE OF MISSISSIPPI  
 RONNIE MUSGROVE, GOVERNOR  
 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
 CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**\*\* INVOICE\*\***  
**\*\* UNCONTROLLED SITES VOLUNTARY EVALUATION PROGRAM\*\***

<b>BILL TO:</b>	ADAMS AND REESE	<b>INVOICE #</b>	<b>VEP-00000342</b>
	MR. GLEN PILIE	<b>INVOICE DATE</b>	02-26-2003
	4500 ONE SHEL SQUARE	<b>DEQ CONTACT</b>	
	NEW ORLEANS, LA 70139	<b>FINANCIAL:</b>	SUZANNE POLANDER - 601-961-5152
<b>CUSTOMER #</b>	3381-97		ACCOUNTS_RECEIVABLE@DEQ.STATE.MS.US
		<b>ENGINEER:</b>	TONY RUSSELL - 601-961-5318
		<b>TERMS:</b>	DUE 03/31/03

DESCRIPTION	QTY UNIT	PRICE	EXT-PRICE
JANUARY 2003 / T. RUSSELL	11 HOURS	75.00	\$825.00
<b>TOTAL AMOUNT DUE</b>			<b>\$825.00</b>

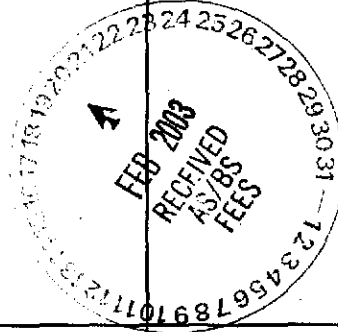
Date: 18-FEB-03

Vendor No.: 5263

MISSISSIPPI DEPT ENV

Check No.: 284385

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
33819744	30-SEP-02		0.00	1,125.00
			0.00	1,125.00



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000255 989312

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 Kerr-McGee Center  
 Oklahoma City, OK 73125

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 A Subsidiary of Citicorp  
 One Penn's Way  
 New Castle, DE 19720

62-28 311

CHECK DATE	CHECK NO.	NET AMOUNT
18-FEB-03	284385	*****1,125.00

VOID AFTER 90 DAYS

PAY One Thousand One Hundred Twenty-Five and NO/100 Dollars

TO THE ORDER OF

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
 PO BOX 20325

*John M. Owen*  
 Vice President & Treasurer

JACKSON MS 39289

MW 33819744

000284385 0311002090 385581650





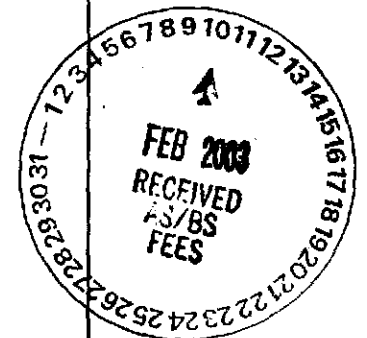
Vendor No. : 5263

MISSISSIPPI DEPT ENV

Date: 05-FEB-03

Check No.: 283841

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
33819746	30-NOV-02	3381-97 / 1002	0.00	1,687.50
			0.00	1,687.50



Please detach this statement and retain for your records

000406 985185

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 Kerr-McGee Center  
 Oklahoma City, OK 73125

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 A Subsidiary of Citicorp  
 One Penn's Way  
 New Castle, DE 19720

62-29  
311

# 33819746

CHECK DATE	CHECK NO.	NET AMOUNT
05-FEB-03	283841	\$*****1,687.50

VOID AFTER 90 DAYS

PAY One Thousand Six Hundred Eighty-Seven and 50/100 Dollars

TO THE ORDER OF

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
 PO BOX 20325

*John M. [Signature]*  
 Vice President & Treasurer

JACKSON MS 39289

000283841 031100209 38558165



STATE OF MISSISSIPPI  
 RONNIE MUSGROVE, GOVERNOR  
 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
 CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**\*\* INVOICE\*\***  
**\*\* UNCONTROLLED SITES VOLUNTARY EVALUATION PROGRAM\*\***

**BILL TO:** KERR-MCGEE CHEMICAL CORP  
 GULF STATE CREOSOTE SITE  
 .. MS.  
**CUSTOMER #** 3381-97

**INVOICE #** VEP-00000322  
**INVOICE DATE** 01-29-2003  
**DEQ CONTACT**  
**FINANCIAL:** SUZANNE POLANDER - 601-961-5152  
 ACCOUNTS\_RECEIVABLE@DEQ.STATE.MS.US  
**ENGINEER:** TONY RUSSELL - 601-961-5318  
**TERMS: DUE DATE** 02-28-03

DESCRIPTION	QTY UNIT	PRICE	EXT-PRICE
DECEMBER 2002 / TONY RUSSELL	6.5 HOURS	75.00	\$487.50
<b>TOTAL AMOUNT DUE</b>			<b>\$487.50</b>



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

December 31, 2002

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice** 33819747

39.5 Staff hours @ \$75.00/Hr. for 11/02	\$2,962.50
<b>Current Amount Due</b>	<b><u>\$2,962.50</u></b>

*Past due: Invoice #33819744 dated September 30, 2002 for: \$1,125.00*  
*Past due: Invoice #33819745 dated October 31, 2002 for: \$750.00*  
*Past due: Invoice #33819746 dated November 30, 2002 for: \$1,687.50*

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$6,525.00 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

November 30, 2002

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice** 33819746

22.5 Staff hours @ \$75.00/Hr. for 10/02	\$1,687.50
<b>Current Amount Due</b>	<b><u>\$1,687.50</u></b>

**Past due: Invoice #33819744 dated September 30, 2002 for: \$1,125.00**

**Past due: Invoice #33819745 dated October 31, 2002 for: \$750.00**

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$3,562.50 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy

30-OCT-02

Check No.: 279436

MISSISSIPPI DEPT ENV

Vendor No.: 5263

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
33819743	30-AUG-02		0.00	975.00

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.



Kerr-McGee Corporation  
Kerr-McGee Center  
Oklahoma City, OK 73125

Citibank, Delaware  
A Subsidiary of Citicorp  
One Penn's Way  
New Castle, DE 19720

62-20  
311

CHECK DATE	CHECK NO.	NET AMOUNT
30-OCT-02	279436	\$*****975.00

VOID AFTER 90 DAYS

PAY Nine Hundred Seventy-Five and NO/100 Dollars

TO THE  
ORDER  
OF

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
PO BOX 20325

JACKSON MS 39289

*John M. Rank*  
Vice President & Treasurer

⑈00279436⑈ ⑆031100209⑆ 38558165⑈





STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

October 31, 2002

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice** 33819745

10 Staff hours @ \$75.00/Hr. for 09/02	\$750.00
<b>Current Amount Due</b>	<b><u>\$750.00</u></b>

*Past due: Invoice #33819743 dated August 30, 2001 for: \$975.00*  
*Past due: Invoice #33819743 dated September 30, 2001 for: \$1,125.00*

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$2,850.00 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy







STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

September 30, 2002

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice** 33819744

15 Staff hours @ \$75.00/Hr. for 08/02	\$1,125.00
<b>Current Amount Due</b>	<b><u>\$1,125.00</u></b>

*Past due: Invoice #33819742 dated July 31, 2001 for:* **\$862.50**

*Past due: Invoice #33819743 dated August 30, 2001 for:* **\$975.00**

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$2,962.50 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 30, 2002

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice** 33819743

13 Staff hours @ \$75.00/Hr. for 07/02	\$975.00
<b>Current Amount Due</b>	<b><u>\$975.00</u></b>

*Past due: Invoice #33819740 dated May 31, 2001 for: \$900.00*  
*Past due: Invoice #33819741 dated June 30, 2001 for: \$150.00*  
*Past due: Invoice #33819742 dated July 31, 2001 for: \$862.50*

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$2,887.50 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

July 31, 2002

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice 33819742**

11.5 Staff hours @ \$75.00/Hr. for 06/02	\$862.50
<b>Current Amount Due</b>	<b><u>\$862.50</u></b>

*Past due: Invoice #33819740 dated May 31, 2001 for: \$900.00*

*Past due: Invoice #33819741 dated June 30, 2001 for: \$150.00*

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$1,912.50 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy

Date: 13-SEP-02

Check No.: 277206

Vendor No.: 5263

MISSISSIPPI DEPT ENV

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
33819741	30-JUN-02		0.00	150.00

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT: CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM



Kerr-McGee Corporation  
Kerr-McGee Center  
Oklahoma City, OK 73125

Citibank, Delaware  
A Subsidiary of Citicorp  
One Penn's Way  
New Castle, DE 19720

62-28  
311

CHECK DATE	CHECK NO	NET AMOUNT
13-SEP-02	277206	\$*****150.00

VOID AFTER 90 DAYS

PAY One Hundred Fifty and NO/100 Dollars

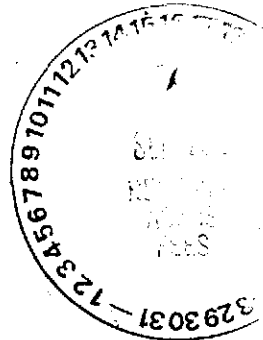
TO THE  
ORDER  
OF

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
PO BOX 20325

JACKSON MS 39289

*John M. Rank*  
Vice President & Treasurer

⑈00277206⑈ ⑆031100209⑆ 38558165⑈





STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

June 30, 2002

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice** 33819741

2 Staff hours @ \$75.00/Hr. for 05/02	\$150.00
<b>Current Amount Due</b>	<b><u>\$150.00</u></b>

*Past due: Invoice #33819740 dated May 31, 2001 for: \$900.00*

*Past due: Invoice #33819738 dated December 31, 2001 for: \$150.00*

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$1,200.00 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy

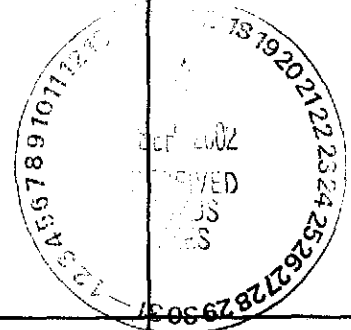
Vendor No.: 5263

MISSISSIPPI DEPT ENV

Date: 13-SEP-02

Check No.: 277205

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
33819740	31-MAY-02		0.00	900.00
			0.00	900.00



Please detach this statement and retain for your records

000309 874851

VERIFY THE AUTHENTICITY OF THIS MULTITONE SECURITY DOCUMENT BY CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM



Kerr-McGee Corporation  
 Kerr-McGee Center  
 Oklahoma City, OK 73125

Citibank, Delaware  
 A Subsidiary of Citicorp  
 One Penn'a Way  
 New Castle, DE 19720

CHECK DATE	CHECK NO.	NET AMOUNT
13-SEP-02	277205	\$*****900.00

VOID AFTER 90 DAYS

PAY Nine Hundred and NO/100 Dollars

TO THE ORDER OF

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
 PO BOX 20325

JACKSON MS 39289

*John M. Rank*  
 Vice President & Treasurer

⑈00277205⑈ ⑆031100209⑆ 38558165⑈



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

May 31, 2002

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice** 33819740

12 Staff hours @ \$75.00/Hr. for 04/02	\$900.00
<b>Current Amount Due</b>	<b><u>\$900.00</u></b>

**Past due: Invoice #33819739 dated April 30, 2001 for: \$975.00**

**Past due: Invoice #33819738 dated December 31, 2001 for: \$150.00**

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$2,025.00 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy

endor No. : 5263


MISSISSIPPI DEPT ENV

Date: 24-JUN-02

Check No.: 273341

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
3819739	30-APR-02		0.00	975.00

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.

 Kerr-McGee Corporation  
Kerr-McGee Center  
Oklahoma City, OK 73125

Citibank, Delaware  
A Subsidiary of Citicorp  
One Penn's Way  
New Castle, DE 19720

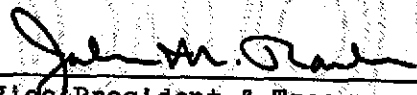
CHECK DATE	CHECK NO.	NET AMOUNT
24-JUN-02	273341	\$*****975.00

VOID AFTER 90 DAYS

AY Nine Hundred Seventy-Five and NO/100 Dollars

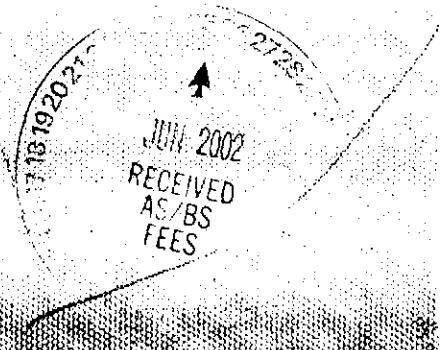
ORDER

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
PO BOX 20325

  
Vice President & Treasurer

JACKSON MS 39289

⑈00273341⑈ ⑆031100209⑆ 38558165⑈







STATE OF MISSISSIPPI  
DAVID RONALD MUSCROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 30, 2002

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice 33819739**

13 Staff hours @ \$75.00/Hr. for 03/02	\$975.00
<b>Current Amount Due</b>	<b><u>\$975.00</u></b>

***Past due: Invoice #33819738 dated December 31, 2001 for: \$150.00***

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$1,125.00 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy

Vendor No.: 5263

MISSISSIPPI DEPT ENV

Date: 28-JUN-02

Check No.: 273605

INVOICE NUMBER	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
33819738	8197	0.00	150.00

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.



Kerr-McGee Corporation  
Kerr-McGee Center  
Oklahoma City, OK 73125

Citibank, Delaware  
A Subsidiary of Citicorp  
One Penn's Way  
New Castle, DE 19720

41-29  
311

CHECK DATE	CHECK NO.	NET AMOUNT
28-JUN-02	273605	\$*****150.00

VOID AFTER 90 DAYS

PAY One Hundred Fifty and NO/100 Dollars

TO THE  
ORDER  
OF

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
PO BOX 20325

*John M. Owen*  
Vice President & Treasurer

JACKSON

MS

39289

⑈00273605⑈

⑆031100209⑆

38558165⑈





STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

December 31, 2001

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice** 33819738

2 Staff hours @ \$75.00/Hr. for 11/01	\$150.00
<b>Current Amount Due</b>	<b><u>\$150.00</u></b>

**Past due: Invoice #33819737 dated November 30, 2001 for: \$1,200.00**

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$1,350.00 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289


cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy

Date: 18-JAN-02

Vendor No.: 5263

MISSISSIPPI DEPT ENV

Check No.: 266556

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
33819737	30-NOV-01		0.00	1,200.00
				
			0.00	1,200.00

Please detach this statement and retain for your records

000366 740811

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.



Kerr-McGee Corporation  
Kerr-McGee Center  
Oklahoma City, OK 73125

Citibank, Delaware  
A Subsidiary of Citicorp  
One Penn's Way  
New Castle, DE 19720

42-20  
311

CHECK DATE	CHECK NO.	NET AMOUNT
18-JAN-02	266556	\$*****1,200.00

VOID AFTER 90 DAYS

PAY One Thousand Two Hundred and NO/100 Dollars

TO THE  
ORDER  
OF

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
PO BOX 20325

  
Vice President & Treasurer

JACKSON MS 39289

⑈00266556⑈ ⑆031100209⑆ 38558165⑈



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

November 30, 2001

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice** 33819737

16 Staff hours @ \$75.00/Hr. for 10/01	\$1,200.00
<b>Total Amount Due</b>	<b><u>\$1,200.00</u></b>

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$1,200.00 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy

DATE INVOICE NO VOICE DATE TAX I.D. NO FILE NUMBER AMOUNT

11/15/01

File #298-240

\$ 75.00

10/31/01

Expenses connection with Uncontrolled Sites  
Voluntary Evaluation Program  
Gulf States Creosote Site

DETACH AT PERFORATION BEFORE DEPOSITING CHECK

REMITTANCE ADVICE

VOID 90 DAYS AFTER DATE

ADAMS AND REESE LLP  
Baton Rouge • Houston • Jackson • Mobile • New Orleans • Washington, D.C.

14-9  
650

CHECK NO. C- 154503

PAY: Seventy-five dollars and 00 cents

DATE: 11/15/2001

CHECK AMOUNT  
\$75.00

TO THE ORDER OF

NAME AND ADDRESS

MDEQ  
P.O. Box 20325  
Jackson, MS 39289  
File #298-240

ADAMS AND REESE LLP  
COST ACCOUNT  
*[Signature]*  
AUTHORIZED SIGNATURE

THE HIBERNIA NATIONAL BANK

⑈ 154503 ⑆ ⑆ 065000090181 23 ⑈ 3066 ⑈

RECEIVED  
11/15/01  
TEES



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

October 31, 2001

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice** 33819736

1 Staff hour @ \$75.00/Hr. for 09/01	\$75.00
<b>Total Amount Due</b>	<b><u>\$75.00</u></b>

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$75.00 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy

Date: 23-OCT-01

Vendor No.: 5263

MISSISSIPPI DEPT ENV

Check No: 261940

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
33819735	28-SEP-01		0.00	825.00
			0.00	825.00



Please detach this statement and retain for your records

000175 698773

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.



Kerr-McGee Corporation  
 Kerr-McGee Center  
 Oklahoma City, OK 73125

Chibank - Delaware  
 A Subsidiary of Citicorp  
 One Penn's Way  
 New Castle, DE 19720

62-28 511

CHECK DATE	CHECK NO.	NET AMOUNT
23-OCT-01	261940	\$*****825.00

VOID AFTER 90 DAYS

PAY Eight Hundred Twenty-Five and NO/100 Dollars

TO THE ORDER OF

MISSISSIPPI DEPT ENVIRONMENTAL QUALITY  
 PO BOX 20325

*John M. Rank*  
 Vice President & Treasurer

JACKSON MS 39289

00261940 031100209 38558165

FORM NO. 882L





STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

September 28, 2001

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice** 33819735

11 Staff hours @ \$75.00/Hr. for 08/01	\$825.00
<b>Total Amount Due</b>	<b><u>\$825.00</u></b>

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$825.00 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy







STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 31, 2001

**Program:** Uncontrolled Sites Voluntary Evaluation Program

**Site Name:** Gulf States Creosote Site, Kerr McGee Chemical Corporation

**Customer No.** 3381-97

**Invoice** 33819734

19 Staff hours @ \$75.00/Hr. for 07/01	\$1,425.00
<b>Current Amount Due</b>	<b><u>\$1,425.00</u></b>

*Past due: Invoice #33819733 dated July 31, 2001 for:* **\$2,475.00**

Should you have any questions, please contact Mona Varner at 961-5572.

Please remit payment in the amount of \$3,900.00 to the Mississippi Department of Environmental Quality at the following address:

MDEQ  
P.O. Box 20325  
Jackson, MS 39289

cc: Mona Varner, MDEQ/Fees Management  
Tony Russell, MDEQ/Hazardous Waste  
File Copy





MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

# CHAIN OF CUSTODY RECORD

OFFICE OF  
POLLUTION CONTROL  
P. O. Box 10385  
Jackson, Mississippi 39289-0385

MSD		PROJECT LEADER		REMARKS	
PROJECT NAME/LOCATION <i>Stakes Creek / Hatcher'sburg</i>		PROJECT LEADER <i>Toy Russell</i>		REMARKS	
ESD SAMPLE TYPES		SAMPLER		DATA TO:	
1. SURFACE WATER 2. GROUND WATER 3. POTABLE WATER 4. WASTEWATER 5. LEACHATE 11. OTHER		Brad Black K		CIRCLE/ADD parameters desired. List no. of containers submitted.	
STATION NO.		DATE		TOTAL CONTAINERS	
MW #13 MW #20		7/20/03 7/20/03		2 2	
TIME		COMP		ANALYSIS	
1120 1330		X X		VOC Semi Volatile OR Ops Pest/PCBs METALS CYANIDE PHAS	
STATION LOCATION/DESCRIPTION		DATE/TIME		TAG NO./REMARKS	
Monitoring well # 13 Monitoring well # 20		6/21/03 6/21/03		MDL = 12 ppb 17346 17347	
RELINQUISHED BY:		RECEIVED BY:		RELINQUISHED BY:	
(SIGN) <i>Toy Russell</i> (PRINT) <i>Toy Russell</i>		(SIGN) <i>Brad Black</i> (PRINT) <i>Brad Black</i>		(SIGN) (PRINT)	
DATE/TIME		DATE/TIME		DATE/TIME	
6/21/03 6/21/03		6/21/03 6/21/03		6/21/03 6/21/03	
RELINQUISHED BY:		RECEIVED BY:		RELINQUISHED BY:	
(SIGN) (PRINT)		(SIGN) (PRINT)		(SIGN) (PRINT)	
DATE/TIME		DATE/TIME		DATE/TIME	
(SIGN) (PRINT)		(SIGN) (PRINT)		(SIGN) (PRINT)	

DISTRIBUTION: White and Yellow copies accompany sample shipment to laboratory. Yellow copy retained by laboratory. White copy returned to samplers. Pink copy retained by samplers.



# Sample Receipt

Mississippi DEQ/OPC Laboratory

**Sample I.D. AA17346**  
Location code **C0350047**  
Location Description **GULF STATES CREOSOTE**  
Sample collector **B. BLALOCK**  
Collection date: **06/26/2003**  
Lab submittal date:  
Due date: **06/27/2003**  
Matrix: **GROUNDWA**

Login record file: **06271157**

Collection time: **11:20**  
Lab submittal time: **00:00**

Project account code: **3047**

Basin \_\_\_\_\_  
Permit\_No \_\_\_\_\_  
Discharge\_No \_\_\_\_\_  
Storet\_No \_\_\_\_\_  
Other\_No **MW-13**  
Sample\_Location **MW-13**  
County\_Code **035**  
Requested\_By **T. RUSSELL**

**Analyses ordered**

-----  
POLYNUCLEAR AROMATIC HYDROCARBONS (PAH)  
EXTRACTION FOR ORGANICS

**Method**

-----  
8270

**Due Date**

-----  
08/13/2003  
06/27/2003

**Sample I.D. AA17347**  
Location code **C0350048**  
Location Description **GULF STATES CREOSOTE**  
Sample collector **B. BLALOCK**  
Collection date: **06/26/2003**  
Lab submittal date:  
Due date: **06/27/2003**  
Matrix: **GROUNDWA**

Login record file: **06271157**

Collection time: **13:30**  
Lab submittal time: **00:00**

Project account code: **3047**

Basin **GUFT STATE CREOSOTE**  
Permit\_No \_\_\_\_\_  
Discharge\_No \_\_\_\_\_  
Storet\_No \_\_\_\_\_  
Other\_No **MW-20**  
Sample\_Location **MW-20**  
County\_Code **035**  
Requested\_By **T. RUSSELL**

**Analyses ordered**

-----  
POLYNUCLEAR AROMATIC HYDROCARBONS (PAH)  
EXTRACTION FOR ORGANICS

**Method**

-----  
8270

**Due Date**

-----  
08/13/2003  
06/27/2003

Please refer to the indicated sample I.D. numbers when making inquiries.

Received by: \_\_\_\_\_





**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

Office of Pollution Control Laboratory  
 1542 Old Whitfield Road  
 Pearl, MS 39208  
 601-664-3900

**MONITORING REPORT**

To: TONY RUSSELL		QA Type:
Sample ID: AA17346		Date Collected: 6/26/2003
Facility Name: GULF STATES CREOSOTE		Time Collected: 11:20
Site ID: C0350047		Sample Collector: B. BLALOCK
Location ID:		To Lab: SV
Sampling Loc: MW-13		Sample Type: GROUNDWA
Discharge No. Other No: MW-13		Received By: TAMMY SAWYER
Permit No. Sample Level:		LIMS Login Date: 6/27/2003
Lat: Long:		LIMS Login Time: 11:19
County: 035 Forrest		COC Date: 06/27/03
		COC Time: 1119
		Project: 3047
		Study: COMPLIANCE
		Reporting Date: 7/30/2003

ANALYTE	METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS START DATE	ANALYSIS END DATE
<b>ORGANICS</b>							
2-Methylnaphthalene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Acenaphthene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Acenaphthylene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Anthracene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Benao(a)pyrene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Benzo(a)anthracene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Benzo(b)fluoranthene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Benzo(g,h,i)perylene	8270	ND	ug/L	20	JES	6/30/2003	7/24/2003
Benzo(k)fluoranthene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Chrysene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Dibenz(a,h)anthracene	8270	ND	ug/L	20	JES	6/30/2003	7/24/2003
Dibenzofuran	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Fluoranthene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Fluorene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Indeno(1,2,3,cd)pyrene	8270	ND	ug/L	20	JES	6/30/2003	7/24/2003
Naphthalene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Phenanthrene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
Pyrene	8270	ND	ug/L	10	JES	6/30/2003	7/24/2003
z 2,4,6-Tribromophenol	8270	64%	ug/L		JES	6/30/2003	7/24/2003
z 2-Fluorophenol	8270	63%	ug/L		JES	6/30/2003	7/24/2003
z 2-Fluorobiphenyl	8270	80%	ug/L		JES	6/30/2003	7/24/2003
z Nitrobenzene-d5	8270	79%	ug/L		JES	6/30/2003	7/24/2003

z p-Terphenyl-d14

8270

85%

ug/L

YES

6/30/2003

7/24/2003

z Phenol-d5

8270

67%

ug/L

YES

6/30/2003

7/24/2003

#### ABBREVIATIONS / DEFINITIONS

ug/L: micrograms/Liter

mg/L: milligrams/Liter

mg/kg: milligrams/kilogram

ug/kg: micrograms/kilogram

ug/g: micrograms/gram

ppm: parts per million

ppb: parts per billion

<: less than

MCL: Maximum Contaminant Level

MDL: Method Detection Limit

LSPC: result less than lower specification

USPC: result greater than upper specification

TIE: Tentatively Identified or Estimated

>: greater than

z: surrogate

COC Date: Date Chain of Custody Signed

COC Time: Time Chain of Custody Signed

#### SAMPLE COMMENTS:

ENVIRONMENT CONDITION: 92 DEGREES SUNNY

MDL= .2 ppb

Approved By:







# Sample Receipt

Mississippi DEQ/OPC Laboratory

**Sample I.D. AA15050**  
Location code **C0350047**  
Location Description **GULF STATES CREOSOTE**  
Sample collector **BBLALOCK**  
Collection date: **03/25/2003**  
Lab submittal date: **03/26/2003**  
Due date: **03/26/2003**  
Matrix: **GROUNDWA**

Login record file: **03261406**

Collection time: **11:00**  
Lab submittal time: **14:04**

Project account code: **3047**

Basin **GUFT STATE CREOSOTE**  
Permit\_No \_\_\_\_\_  
Discharge\_No \_\_\_\_\_  
Storet\_No \_\_\_\_\_  
Other\_No **MW-14**  
Sample\_Location **MW-14**  
County\_Code **035**  
Requested\_By **TONY RUSSELL**

**Analyses ordered**

**Method**

**Due Date**

-----  
POLYNUCLEAR AROMATIC HYDROCARBONS (PAH)  
EXTRACTION FOR ORGANICS

-----  
8270

-----  
05/12/2003  
03/26/2003

**Sample I.D. AA15051**  
Location code **C0350048**  
Location Description **GULF STATES CREOSOTE**  
Sample collector **BBLALOCK**  
Collection date: **03/25/2003**  
Lab submittal date: **03/26/2003**  
Due date: **03/26/2003**  
Matrix: **GROUNDWA**

Login record file: **03261406**

Collection time: **13:45**  
Lab submittal time: **14:04**

Project account code: **3047**

Basin **GUFT STATE CREOSOTE**  
Permit\_No \_\_\_\_\_  
Discharge\_No \_\_\_\_\_  
Storet\_No \_\_\_\_\_  
Other\_No **MW-18**  
Sample\_Location **MW-18**  
County\_Code **035**  
Requested\_By **TONY RUSSELL**

**Analyses ordered**

**Method**

**Due Date**

-----  
POLYNUCLEAR AROMATIC HYDROCARBONS (PAH)  
EXTRACTION FOR ORGANICS

-----  
8270

-----  
05/12/2003  
03/26/2003

Please refer to the indicated sample I.D. numbers when making inquiries.

Received by: \_\_\_\_\_







**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**  
JE.

Office of Pollution Control Laboratory  
1542 Old Whitfield Road  
Pearl, MS 39208  
601-664-3900

**MONITORING REPORT**

To: TONY RUSSELL		QA Type:	
Sample ID: AA15050		Date Collected:	3/25/2003
Facility Name: GULF STATES CREOSOTE		Time Collected:	11:00
Site ID: C0350047		Sample Collector:	BBLALOCK
Location ID:		To Lab:	SV
Sampling Loc: MW-14		Sample Type:	GROUNDWA
Discharge No. Other No: MW-14		Received By:	TAMMY SAWYER
Permit No. Sample Level:		LIMS Login Date:	3/26/2003
Lat: Long:		LIMS Login Time:	14:04
County 035 Forrest		Project:	3047
		Study:	COMPLIANCE
		Reporting Date:	4/23/2003

ANALYTE	METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS	ANALYSIS
						START DATE	END DATE
<b>ORGANICS</b>							
2-Methylnaphthalene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Acenaphthene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Acenaphthylene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Anthracene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Benzo(a)pyrene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Benzo(a)anthracene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Benzo(b)fluoranthene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Benzo(g,h,i)perylene	8270	ND	ug/L	20	JES	3/31/2003	4/4/2003
Benzo(k)fluoranthene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Chrysene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Dibenz(a,h)anthracene	8270	ND	ug/L	20	JES	3/31/2003	4/4/2003
Dibenzofuran	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Fluoranthene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Fluorene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Indeno(1,2,3,cd)pyrene	8270	ND	ug/L	20	JES	3/31/2003	4/4/2003
Naphthalene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Phenanthrene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
Pyrene	8270	ND	ug/L	10	JES	3/31/2003	4/4/2003
z 2,4,6-Tribromophenol	8270	82%	ug/L		JES	3/31/2003	4/4/2003
z 2-Fluorophenol	8270	72%	ug/L		JES	3/31/2003	4/4/2003
z 2-Fluorobiphenyl	8270	79%	ug/L		JES	3/31/2003	4/4/2003
z Nitrobenzene-d5	8270	79%	ug/L		JES	3/31/2003	4/4/2003
z p-Terphenyl-d14	8270	85%	ug/L		JES	3/31/2003	4/4/2003



**ABBREVIATIONS / DEFINITIONS**

ug/L: micrograms/Liter	<: less than
mg/L: milligrams/Liter	MCL: Maximum Contaminant Level
mg/kg: milligrams/kilogram	MDL: Method Detection Limit
ug/kg: micrograms/kilogram	LSPC: result less than lower specification
ug/g: micrograms/gram	USPC: result greater than upper specification
ppm: parts per million	TIE: Tentatively Identified or Estimated
ppb: parts per billion	>: greater than
	z: surrogate

**SAMPLE COMMENTS:**

ENVIRONMENT CONDITON: 80 DEGREES FAHRENHEIT

Approved By: W. J. Fuler





Sample Receipt

Mississippi DEQ/OPC Laboratory

Sample I.D. AA14504  
Location code C0350047  
Location Description GULF STATES CREOSOTE  
Sample collector TRUSSELL  
Collection date: 02/05/2003  
Lab submittal date: 02/05/2003  
Due date: 02/05/2003  
Matrix: SOIL

Login record file: 02051604

Collection time: 10:30  
Lab submittal time: 16:00

Project account code: 3047

Basin GUFT STATE CREOSOTE  
Permit\_No \_\_\_\_\_  
Discharge\_No \_\_\_\_\_  
Storet\_No \_\_\_\_\_  
Other\_No 1  
Sample\_Location COLEMAN STREET DITCH 1  
County\_Code 035  
Requested\_By \_\_\_\_\_

Analyses ordered	Method	Due Date
POLYNUCLEAR AROMATIC HYDROCARBONS SOIL EXTRACTION FOR ORGANICS	8270	03/30/2020 02/05/2020

Sample I.D. AA14505  
Location code C0350048  
Location Description GULF STATES CREOSOTE  
Sample collector TRUSSELL  
Collection date: 02/05/2003  
Lab submittal date: 02/05/2003  
Due date: 02/05/2003  
Matrix: SOIL

Login record file: 02051604

Collection time: 10:45  
Lab submittal time: 16:00

Project account code: 3047

Basin GUFT STATE CREOSOTE  
Permit\_No \_\_\_\_\_  
Discharge\_No \_\_\_\_\_  
Storet\_No \_\_\_\_\_  
Other\_No 2  
Sample\_Location BAXTER STREET DITCH 2  
County\_Code 035  
Requested\_By \_\_\_\_\_

Analyses ordered	Method	Due Date
POLYNUCLEAR AROMATIC HYDROCARBONS SOIL EXTRACTION FOR ORGANICS	8270	03/30/2020 02/05/2020

Sample I.D. AA14506  
Location code C0350049  
Location Description GULF STATES CREOSOTE  
Sample collector TRUSSELL  
Collection date: 02/05/2003  
Lab submittal date: 02/05/2003  
Due date: 02/05/2003  
Matrix: SOIL

Login record file: 02051604

Collection time: 11:00  
Lab submittal time: 16:00

Project account code: 3047

Basin GULF STATE CREOSOTE  
Permit\_No \_\_\_\_\_  
Discharge\_No \_\_\_\_\_  
Storet\_No \_\_\_\_\_  
Other\_No 3  
Sample\_Location COLEMAN STREET DITCH RR CULVERT 3  
County\_Code 035  
Requested\_By \_\_\_\_\_

Analyses ordered	Method	Due Date
POLYNUCLEAR AROMATIC HYDROCARBONS SOIL EXTRACTION FOR ORGANICS	8270	03/30/2020 02/05/2020

Sample I.D. AA14507  
Location code C0350050  
Location Description GULF STATES CREOSOTE  
Sample collector TRUSSELL  
Collection date: 02/05/2003  
Lab submittal date: 02/05/2003  
Due date: 02/05/2003  
Matrix: SOIL

Login record file: 02051604

Collection time: 11:30  
Lab submittal time: 16:00

Project account code: 3047

Basin GULF STATE CREOSOTE  
Permit\_No \_\_\_\_\_  
Discharge\_No \_\_\_\_\_  
Storet\_No \_\_\_\_\_  
Other\_No 4  
Sample\_Location BARRY STREET DITCH 4  
County\_Code 035  
Requested\_By \_\_\_\_\_

Analyses ordered	Method	Due Date
POLYNUCLEAR AROMATIC HYDROCARBONS SOIL EXTRACTION FOR ORGANICS	8270	03/30/2020 02/05/2020

Please refer to the indicated sample I.D. numbers when making inquiries.

Received by: \_\_\_\_\_

# MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Pollution Control Laboratory  
 1542 Old Whitfield Road  
 Pearl, MS 39208  
 601-664-3900

## MONITORING REPORT

To: TONY RUSSELL	Date Collected: 02/05/03 Time collected: 11:30  Sample Collector: TRUSSELL
Sample ID: AA14507 Facility Name: GULF STATES CREOSOTE Site ID: C0350050 Location ID: Sampling Loc: BARRY STREET DITCH 4 Discharge No. Permit No: Lat: Long: Other No: 4 County: 035 Sample Level: QA Type:	To Lab: SV Sample Type: SOIL Received By: TAMMY SAWYER Date Received: 02/05/03 Time Received: 16:00 Project: 3047 Study: COMPLIANCE Reporting Date: 02/12/03

ANALYTE	EPA METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS START DATE	ANALYSIS END DATE
<b>ORGANICS</b>							
Acenaphthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Acenaphthylene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Anthracene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Benzo(a)anthracene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Benzo(a)pyrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Benzo(b)fluoranthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Benzo(g,h,i)perylene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Benzo(k)fluoranthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Chrysene	8270	Trace 21.7	ug/kg	330	JES	02/07/03	02/12/03
Dibenz(a,h)anthracene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
EXTRACTION FOR ORGANICS		Done			ES	02/07/03	02/07/03
Fluoranthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Fluorene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Indeno(1,2,3,cd)pyrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Naphthalene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Phenanthrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
Pyrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/12/03
z 2,4,6-Tribromophenol	8270	89	ug/kg		JES	02/07/03	02/12/03
z 2-Fluorophenol	8270	94	ug/kg		JES	02/07/03	02/12/03
z 2-Fluorobiphenyl	8270	84	ug/kg		JES	02/07/03	02/12/03
z Nitrobenzene-d5	8270	83	ug/kg		JES	02/07/03	02/12/03
z p-Terphenyl-d14	8270	94	ug/kg		JES	02/07/03	02/12/03
z Phenol-d5	8270	91	ug/kg		JES	02/07/03	02/12/03



ug/L: micrograms/Liter  
mg/L: milligrams/Liter  
mg/kg: milligrams/kilogram  
ug/kg: micrograms/kilogram  
ug/g: micrograms/gram  
ppm: parts per million  
ppb: parts per billion

<: less than  
MCL: Maximum Contaminant Level  
MDL: Method Detection Limit  
LSPC: result less than lower specification  
USPC: result greater than upper specification  
TIE: Tentatively Identified or Estimated  
>: greater than  
z: surrogate

**SAMPLE COMMENTS:**

ENVIRONMENT CONDITION: SUNNY 40  
DEGREE

Other Compounds noted in this extract are:

- 1) Benzoic Acid -- Trace (17.7 ug/Kg)
- 2) Pentachlorophenol -- Trace (16.8 ug/Kg)
- 3) Bis(2-Ethylhexyl)Phthalate -- Trace (34.2 ug/Kg)

Approved 



# MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Pollution Control Laboratory  
 1542 Old Whitfield Road  
 Pearl, MS 39208  
 601-664-3900

## MONITORING REPORT

To: TONY RUSSELL	Date Collected: 02/05/03 Time collected: 11:00  Sample Collector: TRUSSELL
Sample ID: AA14506 Facility Name: GULF STATES CREOSOTE Site ID: C0350049 Location ID: Sampling Loc: COLEMAN STREET DITCH RR CULVERT 3 Discharge No. Permit No: Lat: Long: Other No: 3 County: 035 Sample Level: QA Type:	To Lab: SV Sample Type: SOIL Received By: TAMMY SAWYER Date Received: 02/05/03 Time Received: 16:00 Project: 3047 Study: COMPLIANCE Reporting Date: 02/12/03

ANALYTE	EPA METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS START DATE	ANALYSIS END DATE
<b>ORGANICS</b>							
Acenaphthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Acenaphthylene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Anthracene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(a)anthracene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(a)pyrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(b)fluoranthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(g,h,i)perylene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(k)fluoranthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Chrysene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Dibenz(a,h)anthracene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
EXTRACTION FOR ORGANICS		Done			ES	02/07/03	02/07/03
Fluoranthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Fluorene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Indeno(1,2,3,cd)pyrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Naphthalene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Phenanthrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Pyrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
z 2,4,6-Tribromophenol	8270	90	ug/kg		JES	02/07/03	02/11/03
z 2-Fluorophenol	8270	100	ug/kg		JES	02/07/03	02/11/03
z 2-Fluorobiphenyl	8270	71	ug/kg		JES	02/07/03	02/11/03
z Nitrobenzene-d5	8270	78	ug/kg		JES	02/07/03	02/11/03
z p-Terphenyl-d14	8270	91	ug/kg		JES	02/07/03	02/11/03
z Phenol-d5	8270	99	ug/kg		JES	02/07/03	02/11/03

ug/L: micrograms/Liter  
mg/L: milligrams/Liter  
mg/kg: milligrams/kilogram  
ug/kg: micrograms/kilogram  
ug/g: micrograms/gram  
ppm: parts per million  
ppb: parts per billion

<: less than  
MCL: Maximum Contaminant Level  
MDL: Method Detection Limit  
LSPC: result less than lower specification  
USPC: result greater than upper specification  
TIE: Tentatively Identified or Estimated  
>: greater than  
z: surrogate

**SAMPLE COMMENTS:**

ENVIRONMENT CONDITION: SUNNY 40  
DEGREE

Approved 

BUREAU OF POLLUTION CONTROL  
SAMPLE REQUEST FORM

Lab Bench No. \_\_\_\_\_

I. GENERAL INFORMATION:

Facility Name Gulf States Crop Soil

County Code \_\_\_\_\_ NPDES Permit No. \_\_\_\_\_

Discharge No. \_\_\_\_\_ Date Requested 05 FEB 07

Sample Point Identification Coleman St Ditch R.R. Culvert 3

Requested By \_\_\_\_\_ Data To Tony Russell

Type of Sample: Grab (X) Composite (Flow ) (Time ) Other ( )

II. SAMPLE IDENTIFICATION:

Environment Condition SUNNY 40F Collected By Tony Russell

Where Taken \_\_\_\_\_

	Type	Parameters	Preservative	Date	Time
1.	<u>10oz SAC</u>	<u>8270 PAM</u>	<u>NONE</u>	<u>05 FEB</u>	<u>1100</u>
2.					
3.					
4.					
5.					

III. FIELD:

Analysis	Computer Code	Request	Results	Analyst	Date
pH	(000400)	( )			
D.O.	(000300)	( )			
Temperature	(000010)	( )			
Residual Chlorine	(050060)	( )			
Flow	(074060)	( )			

IV. TRANSPORTATION OF SAMPLE: Bus ( ) RO Vehicle ( ) Other (X) STATE DEH

V. LABORATORY: Received By Danny Sawyer Date 2-5-03 Time 1600

Recorded By \_\_\_\_\_ Date Sent to State Office \_\_\_\_\_

Analysis	Computer Code	Request	Result	Analyst	Date Measured
BOD <sub>5</sub>	(000310)	( )	mg/l		*
COD <sub>5</sub>	(000340)	( )	mg/l		
TOC	(000680)	( )	mg/l		
Suspended Solids	(099000)	( )	mg/l		
TKN	(000625)	( )	mg/l		
Ammonia-N	(000610)	( )	mg/l		
Fecal Coliform(1)	(074055)	( )	colonies/100 ml		*
Fecal Coliform(2)	(074055)	( )	colonies/100 ml		*
Total Phosphorus	(000665)	( )	mg/l		
Oil and Grease(1)	(000550)	( )	mg/l		
Oil and Grease(2)	(000550)	( )	mg/l		
Chlorides	(099016)	( )	mg/l		
Phenol	(032730)	( )	mg/l		
Total Chromium	(001034)	( )	mg/l		
Hex. Chromium	(001032)	( )	mg/l		
Zinc	(001092)	( )	mg/l		
Copper	(001042)	( )	mg/l		
Lead	(017501)	( )	mg/l		
Cyanide	(000722)	( )	mg/l		
		( )			
		( )			
		( )			
		( )			
		( )			
		( )			
		( )			
		( )			
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		( )			
		( )			
		( )			
		( )			
		( )			
		( )			

Remarks \_\_\_\_\_

\*Date of Test Initiation

14506

# MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Pollution Control Laboratory  
1542 Old Whitfield Road  
Pearl, MS 39208  
601-664-3900

## MONITORING REPORT

To: TONY RUSSELL	Date Collected: 02/05/03 Time collected: 10:30  Sample Collector: TRUSSELL
Sample ID: AA14504 Facility Name: GULF STATES CREOSOTE Site ID: C0350047 Location ID: Sampling Loc: COLEMAN STREET DITCH 1 Discharge No. Permit No: Lat: Long: Other No: 1 County: 035 Sample Level: QA Type:	To Lab: SV Sample Type: SOIL Received By: TAMMY SAWYER Date Received: 02/05/03 Time Received: 16:00 Project: 3047 Study: COMPLIANCE Reporting Date: 02/12/03

ANALYTE	EPA METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS START DATE	ANALYSIS END DATE
<b>ORGANICS</b>							
Acenaphthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Acenaphthylene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Anthracene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(a)anthracene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(a)pyrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(b)fluoranthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(g,h,i)perylene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(k)fluoranthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Chrysene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Dibenz(a,h)anthracene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
EXTRACTION FOR ORGANICS		Done			ES	02/07/03	02/07/03
Fluoranthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Fluorene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Indeno(1,2,3,cd)pyrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Naphthalene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Phenanthrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Pyrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
z 2,4,6-Tribromophenol	8270	93	ug/kg		JES	02/07/03	02/11/03
z 2-Fluorophenol	8270	90	ug/kg		JES	02/07/03	02/11/03
z 2-Fluorobiphenyl	8270	84	ug/kg		JES	02/07/03	02/11/03
z Nitrobenzene-d5	8270	82	ug/kg		JES	02/07/03	02/11/03
z p-Terphenyl-d14	8270	96	ug/kg		JES	02/07/03	02/11/03
z Phenol-d5	8270	89	ug/kg		JES	02/07/03	02/11/03

ug/L: micrograms/Liter  
mg/L: milligrams/Liter  
mg/kg: milligrams/kilogram  
ug/kg: micrograms/kilogram  
ug/g: micrograms/gram  
ppm: parts per million  
ppb: parts per billion

<: less than  
MCL: Maximum Contaminant Level  
MDL: Method Detection Limit  
LSPC: result less than lower specification  
USPC: result greater than upper specification  
TIE: Tentatively Identified or Estimated  
>: greater than  
z: surrogate

**SAMPLE COMMENTS:**

ENVIRONMENT CONDITION: SUNNY 40  
DEGREE

Approved By







# MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Pollution Control Laboratory  
 1542 Old Whitfield Road  
 Pearl, MS 39208  
 601-664-3900

## MONITORING REPORT

To: TONY RUSSELL	Date Collected: 02/05/03 Time collected: 10:45  Sample Collector: TRUSSELL
Sample ID: AA14505 Facility Name: GULF STATES CREOSOTE Site ID: C0350048 Location ID: Sampling Loc: BAXTER STREET DITCH 2 Discharge No. Permit No: Lat: Long: Other No: 2 County: 035 Sample Level: QA Type:	To Lab: SV Sample Type: SOIL Received By: TAMMY SAWYER Date Received: 02/05/03 Time Received: 16:00 Project: 3047 Study: COMPLIANCE Reporting Date: 02/12/03

ANALYTE	EPA METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS START DATE	ANALYSIS END DATE
<b>ORGANICS</b>							
Acenaphthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Acenaphthylene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Anthracene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(a)anthracene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(a)pyrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(b)fluoranthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(g,h,i)perylene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Benzo(k)fluoranthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Chrysene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Dibenz(a,h)anthracene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
EXTRACTION FOR ORGANICS		Done			ES	02/07/03	02/07/03
Fluoranthene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Fluorene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Indeno(1,2,3,cd)pyrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Naphthalene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Phenanthrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
Pyrene	8270	Not detected	ug/kg	330	JES	02/07/03	02/11/03
z 2,4,6-Tribromophenol	8270	93	ug/kg		JES	02/07/03	02/11/03
z 2-Fluorophenol	8270	91	ug/kg		JES	02/07/03	02/11/03
z 2-Fluorobiphenyl	8270	85	ug/kg		JES	02/07/03	02/11/03
z Nitrobenzene-d5	8270	85	ug/kg		JES	02/07/03	02/11/03
z p-Terphenyl-d14	8270	97	ug/kg		JES	02/07/03	02/11/03
z Phenol-d5	8270	90	ug/kg		JES	02/07/03	02/11/03

ug/L: micrograms/Liter  
mg/L: milligrams/Liter  
mg/kg: milligrams/kilogram  
ug/kg: micrograms/kilogram  
ug/g: micrograms/gram  
ppm: parts per million  
ppb: parts per billion

<: less than  
MCL: Maximum Contaminant Level  
MDL: Method Detection Limit  
LSPC: result less than lower specification  
USPC: result greater than upper specification  
TIE: Tentatively Identified or Estimated  
>: greater than  
z: surrogate

**SAMPLE COMMENTS:**  
ENVIRONMENT CONDITION: SUNNY 40  
DEGREE

Approved by:

*Cont. Phil*

BUREAU OF POLLUTION CONTROL  
SAMPLE REQUEST FORM

Lab Bench No. \_\_\_\_\_

I. GENERAL INFORMATION: Facility Name GULF STATES LP 40507E  
County Code \_\_\_\_\_ NPDES Permit No. \_\_\_\_\_  
Discharge No. \_\_\_\_\_ Date Requested 05 FEB 03  
Sample Point Identification BAXTER ST DITCH 2  
Requested By \_\_\_\_\_ Data To Tony Russell  
Type of Sample: Grab () Composite (Flow ) (Time ) Other ( ) \_\_\_\_\_

II. SAMPLE IDENTIFICATION:  
Environment Condition SUNNY 40F Collected By Tony Russell  
Where Taken \_\_\_\_\_

Type	Parameters	Preservative	Date	Time
1. <u>1802</u>	<u>PAH 8270</u>	<u>NONE</u>	<u>05 FEB</u>	<u>10:45</u>
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____

III. FIELD:

Analysis	Computer Code	Request	Results	Analyst	Date
pH	(000400)	( )	_____	_____	_____
D.O.	(000300)	( )	_____	_____	_____
Temperature	(000010)	( )	_____	_____	_____
Residual Chlorine	(050060)	( )	_____	_____	_____
Flow	(074060)	( )	_____	_____	_____

IV. TRANSPORTATION OF SAMPLE: Bus ( ) RO Vehicle ( ) Other () STATIC VEH

V. LABORATORY: Received By Sammy Sawyer Date 2-5-03 Time 1600  
Recorded By \_\_\_\_\_ Date Sent to State Office \_\_\_\_\_

Analysis	Computer Code	Request	Result	Analyst	Date Measured
BOD <sub>5</sub>	(000310)	( )	_____ mg/l	_____	*
COD <sub>5</sub>	(000340)	( )	_____ mg/l	_____	_____
TOC	(000680)	( )	_____ mg/l	_____	_____
Suspended Solids	(099000)	( )	_____ mg/l	_____	_____
TKN	(000625)	( )	_____ mg/l	_____	_____
Ammonia-N	(000610)	( )	_____ mg/l	_____	_____
Fecal Coliform(1)	(074055)	( )	_____ colonies/100 ml	_____	*
Fecal Coliform(2)	(074055)	( )	_____ colonies/100 ml	_____	*
Total Phosphorus	(000665)	( )	_____ mg/l	_____	_____
Oil and Grease(1)	(000550)	( )	_____ mg/l	_____	_____
Oil and Grease(2)	(000550)	( )	_____ mg/l	_____	_____
Chlorides	(099016)	( )	_____ mg/l	_____	_____
Phenol	(032730)	( )	_____ mg/l	_____	_____
Total Chromium	(001034)	( )	_____ mg/l	_____	_____
Hex. Chromium	(001032)	( )	_____ mg/l	_____	_____
Zinc	(001092)	( )	_____ mg/l	_____	_____
Copper	(001042)	( )	_____ mg/l	_____	_____
Lead	(017501)	( )	_____ mg/l	_____	_____
Cyanide	(000722)	( )	_____ mg/l	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____

Remarks \_\_\_\_\_

\*Date of Test Initiation

14505



MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

# CHAIN OF CUSTODY RECORD

OFFICE OF POLLUTION CONTROL  
P. O. Box 10385  
Jackson, Mississippi 39289-0385

MSD PROJECT LEADER: Tony Russell

PROJECT NAME/LOCATION: Gayle Station SAMPLER: Superior / Hoffschwang

ESD SAMPLE TYPES: Surface Water

- SURFACE WATER
- GROUND WATER
- POTABLE WATER
- WASTEWATER
- LEACHATE
- OTHER
- SOIL/SEDIMENT
- SLUDGE
- WASTE
- AIR
- FISH

STATION NO.	SAMPLE TYPE	DATE	TIME	COMP LAB	STATION LOCATION/DESCRIPTION	TOTAL CONTAINERS	DATA TO: CIRCLE/ADD parameters desired. List no. of containers submitted.	ANALYSIS	TAG NO./REMARKS	LAB USE ONLY
MMW15	2	9/19	0840	X	Monney Well 15	2				12733
MMW22	2	9/19	0950	X	Monney Well 22	2				13734

RELINQUISHED BY: Tony Russell DATE/TIME: 9/29/07 RECEIVED BY: Lynette Cobb DATE/TIME: 0800

RELINQUISHED BY: Tony Russell DATE/TIME: 0800 RECEIVED BY: Lynette Cobb DATE/TIME: 0800

DISTRIBUTION: White and Yellow copies accompany sample shipment to laboratory; Yellow copy retained by laboratory. White copy is returned to samplers; Pink copy retained by samplers.

PAGE 4047 OF 8/90



# CHAIN OF CUSTODY RECORD

MSD \_\_\_\_\_ PROJECT LEADER: Tony Russell

PROJECT NAME/LOCATION: *Water Station* SAMPLER: *Anthony M. Heschburg*

ESD SAMPLE TYPES: 1. SURFACE WATER, 2. GROUND WATER, 3. POTABLE WATER, 4. WASTEWATER, 5. LEACHATE, 11. OTHER

8. SOLESEDIMENT, 7. SLUDGE, 6. WASTE, 9. AIR, 10. FISH

STATION NO. SAMPLE TYPE DATE TIME COMP LAB

MW15	2	9/19	0840	X		Manly Well 15	2	2											13-133
MW22	2	9/19	0950	X		Manly Well 22	2	2											13-134

REMARKS: DATA TO: *Tony Russell*  
CIRCLE/ADD PARAMETERS desired. List no. of containers submitted.  
VOA, Semi Volat II, or org acids, PESTICIDES, METALS, CYANIDE

TAG NO/REMARKS: Custody Seals Intact at Lab / Seals Not Intact Upon Receipt by Lab

LAB USE ONLY

RELINQUISHED BY: *Tony Russell* DATE/TIME: *9/20/07* RECEIVED BY: *[Signature]* DATE/TIME: \_\_\_\_\_

RELINQUISHED BY: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

DISTRIBUTION: Write and Yellow copies accompany sample shipment to laboratory. Yellow copy retained by laboratory. White copy is returned to sampler. Pink copy retained by sampler.

PAGE 4047 OF 8/90

BUREAU OF POLLUTION CONTROL  
SAMPLE REQUEST FORM

Lab Bench No. \_\_\_\_\_

I. GENERAL INFORMATION: Facility Name Gulf States Creosote  
 County Code Evans NPDES Permit No. \_\_\_\_\_  
 Discharge No. \_\_\_\_\_ Date Requested 9/20/02  
 Sample Point Identification MW 15  
 Requested By T. Russell Date To T. Russell  
 Type of Sample:  Grab (X)  Composite (Flow ) (Time ) Other ( ) \_\_\_\_\_

II. SAMPLE IDENTIFICATION:  
 Environment Condition \_\_\_\_\_ Collected By J. Miller  
 Where Taken Monitor Well 15

	Type	Parameters	Preservative	Date	Time
1.	<u>Composite</u>	<u>Various Metals</u>	<u>None - Ice</u>	<u>9/19/02</u>	<u>0840</u>
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____

III. FIELD:

Analysis	Computer Code	Request	Results	Analyst	Date
pH	(000400)	( )	_____	_____	_____
D.O.	(000300)	( )	_____	_____	_____
Temperature	(000010)	( )	_____	_____	_____
Residual Chlorine	(050060)	( )	_____	_____	_____
Flow	(074060)	( )	_____	_____	_____

IV. TRANSPORTATION OF SAMPLE: Bus ( ) RO Vehicle ( ) Other  OPC Vehicle  
 V. LABORATORY: Received By \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
 Recorded By \_\_\_\_\_ Date Sent to State Office \_\_\_\_\_

Analysis	Computer Code	Request	Result	Analyst	Date Measured
BOD <sub>5</sub>	(000310)	( )	mg/l	_____	*
COD <sub>5</sub>	(000340)	( )	mg/l	_____	_____
TOC	(000680)	( )	mg/l	_____	_____
Suspended Solids	(099000)	( )	mg/l	_____	_____
TKN	(000625)	( )	mg/l	_____	_____
Ammonia-N	(000610)	( )	mg/l	_____	_____
Fecal Coliform(1)	(074055)	( )	colonies/100 ml	_____	*
Fecal Coliform(2)	(074055)	( )	colonies/100 ml	_____	*
Total Phosphorus	(000665)	( )	mg/l	_____	_____
Oil and Grease(1)	(000550)	( )	mg/l	_____	_____
Oil and Grease(2)	(000550)	( )	mg/l	_____	_____
Chlorides	(099016)	( )	mg/l	_____	_____
Phenol	(032730)	( )	mg/l	_____	_____
Total Chromium	(001034)	( )	mg/l	_____	_____
Hex. Chromium	(001032)	( )	mg/l	_____	_____
Zinc	(001092)	( )	mg/l	_____	_____
Copper	(001042)	( )	mg/l	_____	_____
Lead	(017501)	( )	mg/l	_____	_____
Cyanide	(000722)	( )	mg/l	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
Remarks	_____	_____	_____	_____	_____

BUREAU OF POLLUTION CONTROL  
SAMPLE REQUEST FORM

Lab Bench No. \_\_\_\_\_

I. GENERAL INFORMATION: Facility Name Gulf States Warehouse  
 County Code Forest NPDES Permit No. \_\_\_\_\_  
 Discharge No. \_\_\_\_\_ Date Requested 9/16/02  
 Sample Point Identification NW 22  
 Requested By J. Russell Data To J. Russell  
 Type of Sample: Grab () Composite (Flow ) (Time ) Other ( ) \_\_\_\_\_

II. SAMPLE IDENTIFICATION:  
 Environment Condition \_\_\_\_\_ Collected By J. Miller  
 Where Taken Monitor Well 22

Type	Parameters	Preservative	Date	Time
1. Groundwater	Soluble Solids	None - Ice	9/19/02	0950
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____

III. FIELD:

Analysis	Computer Code	Request	Results	Analyst	Date
pH	(000400)	( )	_____	_____	_____
D.O.	(000300)	( )	_____	_____	_____
Temperature	(000010)	( )	_____	_____	_____
Residual Chlorine	(050060)	( )	_____	_____	_____
Flow	(074060)	( )	_____	_____	_____

IV. TRANSPORTATION OF SAMPLE: Bus ( ) RO Vehicle ( ) Other  OPC Vehicle  
 V. LABORATORY: Received By \_\_\_\_\_ Date 9/19/02 Time 0950  
 Recorded By \_\_\_\_\_ Date Sent to State Office \_\_\_\_\_

Analysis	Computer Code	Request	Result	Analyst	Date Measured
BOD <sub>5</sub>	(000310)	( )	mg/l	_____	*
COD	(000340)	( )	mg/l	_____	_____
TOC	(000680)	( )	mg/l	_____	_____
Suspended Solids	(099000)	( )	mg/l	_____	_____
TKN	(000625)	( )	mg/l	_____	_____
Ammonia-N	(000610)	( )	mg/l	_____	_____
Fecal Coliform(1)	(074055)	( )	colonies/100 ml	_____	*
Fecal Coliform(2)	(074055)	( )	colonies/100 ml	_____	*
Total Phosphorus	(000665)	( )	mg/l	_____	_____
Oil and Grease(1)	(000550)	( )	mg/l	_____	_____
Oil and Grease(2)	(000550)	( )	mg/l	_____	_____
Chlorides	(099016)	( )	mg/l	_____	_____
Phenol	(032730)	( )	mg/l	_____	_____
Total Chromium	(001034)	( )	mg/l	_____	_____
Hex. Chromium	(001032)	( )	mg/l	_____	_____
Zinc	(001092)	( )	mg/l	_____	_____
Copper	(001042)	( )	mg/l	_____	_____
Lead	(017501)	( )	mg/l	_____	_____
Cyanide	(000722)	( )	mg/l	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____
_____	_____	( )	_____	_____	_____

Remarks \_\_\_\_\_

\*Date of Test Initiation

# 4047

13114

# Sample Receipt

Mississippi DEQ/OPC Laboratory

**Sample I.D. AA13733**  
Location code **C0350009**  
Location Description **GULF STATE CREASOTE**  
Sample collector **JMILLER**  
Collection date: **09/19/2002**  
Lab submittal date: **09/20/2002**  
Due date: **09/20/2002**  
Matrix: **GROUNDWA**

Login record file: **09200810**

Collection time: **08:40**  
Lab submittal time: **08:00**

Division Code: **3047**

Basin \_\_\_\_\_  
Permit\_No \_\_\_\_\_  
Discharge\_No **MW 15**  
Storet\_No \_\_\_\_\_  
Other\_No \_\_\_\_\_  
Sample\_Location **MW 15**  
County\_Code **035**  
Requested\_By **T. RUSSELL**

**Analyses ordered**

**Method**

**Due Date**

-----  
EPA 625/8270 SEMI-VOL ORGANICS RAW DATA

-----  
EPA 625

-----  
10/30/2002

**Sample I.D. AA13734**  
Location code **C0350009**  
Location Description **GULF STATE CREASOTE**  
Sample collector **JMILLER**  
Collection date: **09/19/2002**  
Lab submittal date: **09/20/2002**  
Due date: **09/20/2002**  
Matrix: **GROUNDWA**

Login record file: **09200810**

Collection time: **09:50**  
Lab submittal time: **08:00**

Division Code: **3047**

Basin \_\_\_\_\_  
Permit\_No \_\_\_\_\_  
Discharge\_No **MW22**  
Storet\_No \_\_\_\_\_  
Other\_No \_\_\_\_\_  
Sample\_Location **MW 22**  
County\_Code **035**  
Requested\_By **T. RUSSELL**

**Analyses ordered**

**Method**

**Due Date**

-----  
EPA 625/8270 SEMI-VOL ORGANICS RAW DATA

-----  
EPA 625

-----  
10/30/2002

Please refer to the indicated sample I.D. numbers when making inquiries.

Received by: \_\_\_\_\_



# MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Pollution Control Laboratory  
1542 Old Whitfield Road  
Pearl, MS 39208  
601-664-3900

## MONITORING REPORT

<b>To:</b> TONY RUSSELL	<b>Date Collected:</b> 09/19/02 <b>Time collected:</b> 8:40  <b>Sample Collector:</b> JMILLER
<b>Sample ID:</b> AA13733 <b>Facility Name:</b> GULF STATE CREOSOTE <b>Site ID:</b> C0350009 <b>Location ID:</b> <b>Sampling Loc:</b> MW 15 <b>Discharge No.:</b> MW 15 <b>Permit No.:</b> <b>Lat:</b> Long: <b>Other No.:</b> <b>Sample Level:</b> <b>County:</b> 035 <b>QA Type:</b>	<b>To Lab:</b> SV <b>Sample Type:</b> GROUNDWA <b>Received By:</b> LYNETTE COBB <b>Date Received:</b> 09/20/02 <b>Time Received:</b> 8:00 <b>Project:</b> 3047 <b>Study:</b> COMPLIANCE <b>Reporting Date:</b> 12/12/02

ANALYTE	EPA METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS START DATE	ANALYSIS END DATE
<b>ORGANICS</b>							
1,2,4-Trichlorobenzene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
1,2-Dichlorobenzene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
1,3-Dichlorobenzene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
1,4-Dichlorobenzene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2,4,5-Trichlorophenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2,4,6-Trichlorophenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2,4-Dichlorophenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2,4-Dimethylphenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2,4-Dinitrophenol	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
2,4-Dinitrotoluene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2,6-Dinitrotoluene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2-Chloronaphthalene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2-Chlorophenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2-Methylnaphthalene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2-Methylphenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2-Nitroaniline	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
2-Nitrophenol	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
3,3'-Dichlorobenzidine	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
3-Nitroaniline	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
4,6-Dinitro-2-methylphenol	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
4-Bromophenyl-phenylether	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
4-Chloro-3-methylphenol	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
4-Chloroaniline	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
4-Chlorophenyl-phenylether	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
4-Methylphenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
4-Nitroaniline	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
4-Nitrophenol	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
Acenaphthene	EPA 8270	Trace (1.45)	ug/L	10.00	JES	09/24/02	11/13/02
Acenaphthylene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Anthracene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Benzo[a]anthracene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02

Benzo[a]pyrene-	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Benzo[b]fluoranthene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Benzo[g,h,i]perylene	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
Benzo[k]fluoranthene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Benzoic Acid	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
Benzyl alcohol	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
bis(2-Chloroethoxy)methane	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
bis(2-Chloroethyl)ether	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
bis(2-chloroisopropyl)ether	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
bis(2-Ethylhexyl)phthalate	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Butylbenzylphthalate	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Carbazole	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Chrysene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Di-n-butylphthalate	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Di-n-octylphthalate	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Dibenz[a,h]anthracene	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
Dibenzofuran	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Diethylphthalate	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Dimethylphthalate	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Fluoranthene	EPA 8270	Trace (1.15)	ug/L	10.00	JES	09/24/02	11/13/02
Fluorene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Hexachlorobenzene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Hexachlorobutadiene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Hexachlorocyclopentadiene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Hexachloroethane	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
Indeno[1,2,3-cd]pyrene	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
Isophorone	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
N-Nitroso-di-n-propylamine	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
n-Nitrosodiphenylamine	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
Naphthalene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Nitrobenzene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Pentachlorophenol	EPA 8270	* Trace (0.30)	ug/L	50.00	JES	09/24/02	11/13/02
Phenanthrene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Phenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Pyrene	EPA 8270	Trace (0.80)	ug/L	10.00	JES	09/24/02	11/13/02
z 2,4,6-Tribromophenol	EPA 8270	** 3%	ug/L	10-123	JES	09/24/02	11/13/02
z 2-Fluorobiphenyl	EPA 8270	73%	ug/L	43-116	JES	09/24/02	11/13/02
z 2-Fluorophenol	EPA 8270	** 2%	ug/L	21-100	JES	09/24/02	11/13/02
z Nitrobenzene-d5	EPA 8270	74%	ug/L	35-114	JES	09/24/02	11/13/02
z Phenol-d5	EPA 8270	** 9%	ug/L	10-194	JES	09/24/02	11/13/02
z Terphenyl-d14	EPA 8270	75%	ug/L	33-141	JES	09/24/02	11/13/02

ug/L: micrograms/Liter  
mg/L: milligrams/Liter  
mg/kg: milligrams/kilogram  
ug/kg: micrograms/kilogram  
ug/g: micrograms/gram  
ppm: parts per million  
ppb: parts per billion

<: less than  
MCL: Maximum Contaminant Level  
MDL: Method Detection Limit  
LSPC: result less than lower specification  
USPC: result greater than upper specification  
TIE: Tentatively Identified or Estimated  
>: greater than  
z: surrogate

#### SAMPLE COMMENTS:

Note:

\* The level of pentachlorophenol being reported is far below the MQL for this method and is an estimate at best. The library match quality for this compound in this analysis is very poor.

\*\* The acid surrogate recoveries for this sample are very low and outside of method limits.

Approved *Phil*



# MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Pollution Control Laboratory  
1542 Old Whitfield Road  
Pearl, MS 39208  
601-664-3900

## MONITORING REPORT

<b>To:</b> TONY RUSSELL	<b>Date Collected:</b> 09/19/02 <b>Time collected:</b> 9:50  <b>Sample Collector:</b> JMILLER
<b>Sample ID:</b> AA13734 <b>Facility Name:</b> GULF STATES CREOSOTE <b>Site ID:</b> C0350009 <b>Location ID:</b> <b>Sampling Loc:</b> MW 22 <b>Discharge No.</b> MW22 <b>Permit No:</b> <b>Lat:</b> <b>Long:</b> <b>Other No:</b> <b>County:</b> 035 <b>Sample Level:</b> <b>QA Type:</b>	<b>To Lab:</b> SV <b>Sample Type:</b> GROUNDWA <b>Received By:</b> LYNETTE COBB <b>Date Received:</b> 09/20/02 <b>Time Received:</b> 8:00 <b>Project:</b> 3047 <b>Study:</b> COMPLIANCE <b>Reporting Date:</b> 12/12/02

ANALYTE	EPA METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS START DATE	ANALYSIS END DATE
<b>ORGANICS</b>							
1,2,4-Trichlorobenzene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
1,2-Dichlorobenzene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
1,3-Dichlorobenzene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
1,4-Dichlorobenzene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2,4,5-Trichlorophenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2,4,6-Trichlorophenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2,4-Dichlorophenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2,4-Dimethylphenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2,4-Dinitrophenol	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
2,4-Dinitrotoluene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2,6-Dinitrotoluene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2-Chloronaphthalene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2-Chlorophenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2-Methylnaphthalene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2-Methylphenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
2-Nitroaniline	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
2-Nitrophenol	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
3,3'-Dichlorobenzidine	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
3-Nitroaniline	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
4,6-Dinitro-2-methylphenol	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
4-Bromophenyl-phenylether	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
4-Chloro-3-methylphenol	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
4-Chloroaniline	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
4-Chlorophenyl-phenylether	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
4-Methylphenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
4-Nitroaniline	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
4-Nitrophenol	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
Acenaphthene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Acenaphthylene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Anthracene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Benzo[a]anthracene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02

Benzo[a]pyrene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Benzo[b]fluoranthene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Benzo[g,h,i]perylene	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
Benzo[k]fluoranthene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Benzoic Acid	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
Benzyl alcohol	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
bis(2-Chloroethoxy)methane	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
bis(2-Chloroethyl)ether	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
bis(2-chloroisopropyl)ether	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
bis(2-Ethylhexyl)phthalate	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Butylbenzylphthalate	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Carbazole	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Chrysene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Di-n-butylphthalate	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Di-n-octylphthalate	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Dibenz[a,h]anthracene	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
Dibenzofuran	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Diethylphthalate	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Dimethylphthalate	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Fluoranthene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Fluorene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Hexachlorobenzene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Hexachlorobutadiene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Hexachlorocyclopentadiene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Hexachloroethane	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
Indeno[1,2,3-cd]pyrene	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
Isophorone	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
N-Nitroso-di-n-propylamine	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
n-Nitrosodiphenylamine	EPA 8270	Not detected	ug/L	20.00	JES	09/24/02	11/13/02
Naphthalene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Nitrobenzene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Pentachlorophenol	EPA 8270	Not detected	ug/L	50.00	JES	09/24/02	11/13/02
Phenanthrene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Phenol	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
Pyrene	EPA 8270	Not detected	ug/L	10.00	JES	09/24/02	11/13/02
z 2,4,6-Tribromophenol	EPA 8270	23%	ug/L	10-123	JES	09/24/02	11/13/02
z 2-Fluorobiphenyl	EPA 8270	74%	ug/L	43-116	JES	09/24/02	11/13/02
z 2-Fluorophenol	EPA 8270	* 12%	ug/L	21-100	JES	09/24/02	11/13/02
z Nitrobenzene-d5	EPA 8270	78%	ug/L	35-114	JES	09/24/02	11/13/02
z Phenol-d5	EPA 8270	17%	ug/L	10-194	JES	09/24/02	11/13/02
z Terphenyl-d14	EPA 8270	89%	ug/L	33-141	JES	09/24/02	11/13/02

ug/L: micrograms/Liter  
mg/L: milligrams/Liter  
mg/kg: milligrams/kilogram  
ug/kg: micrograms/kilogram  
ug/g: micrograms/gram  
ppm: parts per million  
ppb: parts per billion

<: less than  
MCL: Maximum Contaminant Level  
MDL: Method Detection Limit  
LSPC: result less than lower specification  
USPC: result greater than upper specification  
TIE: Tentatively Identified or Estimated  
>: greater than  
z: surrogate

#### SAMPLE COMMENTS:

\* The recovery of surrogate #1 is low and outside method limits.

Approved By: *Paul Phil*



**THIS FILE IS  
CLOSED**

**ENCLOSED DATED MATERIAL**

**From:** August 3, 2001  
**To:** August 28, 2003

**MORE RECENT MATERIAL  
IN OTHER FILE**

**CONCERNED CITIZENS OF HATTIESBURG, MS**  
1001 E 7<sup>th</sup> Street  
Hattiesburg, MS 39401

September 1, 2003

**RECEIVED**

SEP 23 2003

OFFICE OF THE  
EXECUTIVE SECRETARIAT

Marianne L. Horinko  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N W  
Washington DC 20460

Re: Kerr-McGee LLC (formerly Gulf State Creosote)  
Hattiesburg, MS

Dear Ms Horinko:

We are writing you to request that you take prompt and direct actions to begin an investigation into the wide spread contamination of Hattiesburg, Mississippi area by Kerr-McGee LLC formerly Gulf State Creosote (herein referred to as Kerr-McGee) with benzo(a)pyrene, polynuclear aromatic hydrocarbons and other chemicals. We are writing to you due to the history of EPA's Region IV Office slow response to communities request for an investigation into contamination issues that affect their lives, communities and environment in surrounding areas has not been in the community's best interest. We feel that this is a matter of emergency and urgency that needs to be addressed as quickly as possible. In this letter, we will lay out for you in detail what we feel is the scope of the problem. The questionable role played by Mississippi regulators, charged with resolving the problems, the futility of the response made by Kerr-McGee to date, and what needs to be done to correct this environmental calamity. We hope that EPA will respond decisively to our request for action.

From the mid 1930's to late 1950's Kerr-McGee operated and treated preservation of cross ties and all other timbers; handle and preserve forest products; purchased preservatives for the manufacturing of said products; manufactured and purchased tar products, creosote, chemicals, spirits, acids and alkalis and their respective derivatives, compound, products, by-products, and residuals. Thereby, contaminating and polluting our community. Unbeknown to the citizens of our community that this would adversely affect our lives, community and the environment. Kerr-McGee never informed the community of the health hazards or threats.

OPTIONAL FORM NO 7-83

**FAX TRANSMITTAL**

1 of pages 3

To: <b>Tony Russell</b>	From: <b>Donald Webster</b>
Dept./Agency: <b>NDEO</b>	Phone #: <b>404-562-8870</b>
Fax #: <b>601-961-5300</b>	Fax #:



## FACTUAL BACKGROUND

Kerr-McGee operated a wood processing plant and among other things were engaged in wood preserving processes over the years, using various chemicals and pollutants containing or resulting into the following: Naphthalene, 2-methylnaphthalene, acenaphthene, dibenzofuran, phenanthrene, anthracene, fluoranthene, pyrene, benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, and other chemicals. Further, nineteen polynuclear aromatic hydrocarbons have been indentified at the site location.

Kerr-McGee for many years introduced pollutants into the soil, sediment and ground water, posing a hazard to the public. While the hazardous substances have probably not reached the ground water supply, there is a serious concern about an aquifer. The hazardous substances are in close proximity to the first water bearing unit of the aquifer of concern and could migrate to the public water supply over a period of years.

These pollutants have been persistent in a source of continuous contamination in the soil, sediment and ground water causing damage thereto. The areal extent of contamination is estimated to be 75,000 square feet with an estimate average depth of 10 feet.

The release of the chemicals and pollutants have provided a source of chronic pollution and have through geological magnification created a hazard.

The presence of the contaminants disrupts the stable ecological relationships and have an adverse effect on the environment. Through the years there has been a release of contaminants which has magnified the build up in and upon the land causing damage.

Even though there is a proposed clean up ordered we feel that there is a gross contamination being imposed upon the citizens as this is being done. The process that is being used has no protection strategies incorporated into it. Example: As they are disturbing the soil the contamination is being released adversely affecting our health. One of our residences properties was being cleaned, she was not relocated she became instantly sick with respiratory problems, blood pressure elevated, nausea, vomiting and loss of appetite and had to visit her physician. The workers are reporting that they have been instructed to move to another area whenever they encounter creosote and other contaminants abandoning that site.

Subsequently, Hattiesburg Public School District filed a lawsuit against Kerr-McGee in 1993 accusing them of contaminating and polluting 75,000 square feet of 16<sup>th</sup> Section and see attached. Out of this lawsuit compensation was paid to the school district and the business. However, the community residence was not addressed. We were not informed of the dangers by anyone. The cleanup that was implemented is not being done in the best interest of the residence or their health.

The DEQ was notified of this August 7, 1989 but failed to follow thru. See attach.

In conclusion, Kerr-McGee will undoubtedly rationalize the information we are conveying to you, as it has for decades gone to great lengths to avoid its responsibilities. Kerr-McGee's deceitful approach is reflected with crystal clarity in its continued denial to the community that any health hazards or threats have been imposed upon them.

What we are requesting is a prompt, assessment by the EPA of the problem, including (1) review of the site for probable inclusion on, and remediation consistent with the Nation Contingency Plan; (2) objective investigation of the rates of illness among the affected residents conducted by unbiased medical professionals; (3) regular medical screening for the people exposed to the chemicals they produced and (4) real oversight by an agency willing to insure that all this is accomplished.

We have one Superfund site in Forrest County, Davis Timber Company, it does not pose but a fraction of the danger that Kerr-McGee does. There are proven off site releases to the soil and ground water. The population exposed and threaten by this contamination is of a low social economic status and majority people of color. The dangers of the chemicals involved include, among other things, toxicity, persistence, ability to bioconcentrate, and carcinogenicity. It seems that this site, if scored objectively and accurately would surely rank high on any list of sites deserving EPA's attention. The people of Hattiesburg need, and deserve, a prompt, public, straightforward, and substantive response to this request for environmental justice.

Sincerely yours,

*James Rogers*  
Concerned Citizens of  
Hattiesburg, MS

Contact Person: James Rogers  
Telephone: 601-584-6111

cc: Senator Trent Lott  
Congressman Gene Taylor  
Governor Ronnie Musgrave  
Hattiesburg American  
EPA, Region IV, Atlanta  
Jackson Advocate  
Washington Post  
Community Against Pollution (CAP)

Attorney Johnnie Cochran  
Attorney Eddie Harris  
Mayor Johnny L. DuPres



**FILE COPY**

**STATE OF MISSISSIPPI**  
DAVID RONALD MUSGROVE, GOVERNOR  
**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**August 28, 2003**

**Mr. James Rogers**  
1001 East 7<sup>th</sup> Street  
Hattiesburg, MS 39401

**Re: Gulf States Creosote Site**  
Hattiesburg, Mississippi

**Dear Mr. Rogers:**

Pursuant to your request for information regarding the date that the Mississippi Department of Environmental Quality (MDEQ) was notified of the existence of the creosote site in Hattiesburg, attached is an internal hand written memo dated August 7, 1989. MDEQ was notified by the Mobile District Corp. of Engineers on this date that they had encountered what appeared to be creosote at a depth of 15 feet below ground surface in a boring adjacent to Gordon's Creek.

Please call me if you have any further questions concerning this matter at 601-961-5318.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Russell".

**Tony Russell, Chief**  
**Assessment Remediation Branch**

**Attachment**

K:\Shared\UCSS\Tony\Gulf States Creosote\Gulf States It to J Rogers date DEQ notified 8-28-03.doc

TO GAIL

TO: RUSSELL SMITH R142

FROM: CALFB DANA

SUBJ: Creosote in Borings in CORPS project on  
Gorden Creek, Hattiesburg

DATE: 8/7/89

Mr. Jim Vance of the Mobile District  
CORPS at 205-690-3445 reported to Robert  
Seyforth on 8/7/89 that the Corps had hit  
creosote in a boring they were doing in conjunction  
with a project on Gorden Creek near Hattiesburg.  
The general vicinity was reported to be roughly  
1/2 mile east of Hwy 49 and Hwy 11.

Oders of "fuel" and creosote appearing material  
was hit about 15 ft deep. Mr. Vance is sending a  
map to Robert Seyforth showing the boring locations.

Please assign to your staff and try to have  
someone go look at the material. Check with Steve  
Spengler as he may have an idea of whether there  
was a wood treating facility at the location.



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR  
**MEMORANDUM**

---

**TO:** Gulf States Creosote Site File  
Hattiesburg, MS

**FROM:** Tony Russell *TR*

**DATE:** August 28, 2003

**SUBJECT:** Site Inspection conducted 8-14-03

---

I conducted an unannounced inspection on August 14, 2003, to observe the work being conducted at the site in Hattiesburg, MS. I started the inspection with the drainage ditch through the neighborhood. The environmental contractor was still at the same location he was during the last visit. They were having trouble keeping the ditch open so they could install the new drainage culvert. They were in the process of installing a well point system along each side of the ditch when I arrived at the site. They would install approximately 20 well points on each side of the ditch and connect them to a common manifold so they can pump out the groundwater. I did not observe any contamination while at the site. Even when they were jetting the well points, there was no observable sheen or odor from the sand that was being forced to the surface. The sand resembled clean beach sand.

I also stopped by the site adjacent to Gordon's Creek but they were not installing the liner as it had rained the night before.

Just across West Pine Street, Joe Ford with ICON Environmental, was in the process of cutting the trees on the east side of the ditch that drains to Gordon's Creek. The previous sampling events by Michael Pisanti did not reveal this area to be contaminated. The trees were being knocked over with a track-hoe. Once on the ground, the tree was picked up and then shook to get the dirt off the roots. No creosote contamination was observed during these activities.

Photos were taken with a digital camera during this trip but the disk that the pictures were transferred to became corrupted after the transfer and now the pictures can not be retrieved from the disk.

Linda Vaught

08/27/2003 01:57 PM

To: kwalters@hattiesb.gannett.com, info@wdam.com,  
drizzo@etv.state.ms.us, paulott@listentotheeagle.com,  
news@telesouth.com, jkme@ap.org  
Subject: press release from MDEQ

**Immediate Release**

**Contact: Linda Vaught  
(601) 961-5053**

**Public Is Safe  
Remediation Action at Gulf State Creosote Site According to Plan**

JACKSON, Miss., August 27, 2003 – Clean up of contamination from a former creosote plant is proceeding according to plan and with proper safeguards. The Kerr-McGee Chemical Company is conducting remediation at the old Gulf States Creosote site in Hattiesburg as approved by the Mississippi Department of Environmental Quality (MDEQ).

The MDEQ approved remediation action plan, which was discussed with local residents in a public meeting on November 6, 2002, includes the removal of contamination in a drainage ditch near the old Gulf States Creosote site in Hattiesburg. After careful review of the Final Remedial Action Plan and a Human Health Risk Assessment for remediation, MDEQ has determined that the remediation process is safe for the public and the environment.

“We have calculated the risk to residents, visitors, maintenance workers, and construction workers by taking the highest concentrations of contaminants in each remediation area and comparing the data to the Environmental Protection Agency’s (EPA) acceptable range of risk,” said Phil Bass, director of Mississippi’s Office of Pollution Control. “The data showed that the risk fell well within EPA’s acceptable range.”

The work plan for the drainage ditch requires that the contaminated material be removed from the ditch and placed directly in containers or trucks for transport and disposal to a permitted disposal facility.

“On July 28 and 30 and on August 14 and 22, MDEQ inspected the remediation site and found that the remediation plan was being followed,” said Jerry Banks, chief of MDEQ’s Groundwater,

Assessment, and Remediation Branch. “MDEQ inspectors found piles of clean fill dirt on site that had been excavated from an area of the ditch that is not contaminated. This is being stockpiled to use as

backfill material once the contamination is removed.”

The contaminated material that will be excavated is moist due to location within the ditch. Since the material is moist and being transported offsite immediately, there is no concern for contaminated dust from the excavations. Any dust that adjacent residents are observing would be from the clean back fill material. As this clean material dries and the equipment is driven over it, dust will be released into the atmosphere. MDEQ has asked Kerr Magee to institute additional dust control measures.

The city water is safe to drink. The contamination at the site has not and will not affect the city’s drinking water supply. A 100 foot thick layer of clay, known as the Hattiesburg Clay Formation underlies this entire area and serves as a natural barrier to the downward movement of contamination.

According to the Mississippi State Department of Health’s web site, no contamination has been detected in the city of Hattiesburg drinking water wells.

During the November 6, 2002, public meeting MDEQ explained the remediation plan and addressed comments and questions about the project. To see a copy of the flier that was distributed at the public meeting, go to [http://www.deq.state.ms.us/MDEQ.nsf/pdf/Main\\_1102Cleanup/\\$file/Cleanup1102.pdf](http://www.deq.state.ms.us/MDEQ.nsf/pdf/Main_1102Cleanup/$file/Cleanup1102.pdf)

MDEQ will continue to perform routine unannounced inspections to assure that the environment and the public are protected and that the remedial plan is followed as with all MDEQ related remediation projects. For more information, please call Tony Russell at (601) 961-5318.

###



<sysdeliv@fn3a.prod.f  
edex.com>; FedEx  
<donotreply@fedex.co  
m>

To: <Trey\_Hess@deq.state.ms.us>  
Subject: FedEx shipment 792314590566

08/26/2003 02:48 PM  
Please respond to  
FedEx

**FILE COPY**

Our records indicate that the shipment sent from JERE TREY HESS, P.E/MS DEPT OF ENVIRONME to Yvonne McSwain-Powell has been delivered. The package was delivered on 08/26/2003 at 1:15 PM and signed for or released by P.OWELL.

The ship date of the shipment was 08/25/2003.

The tracking number of this shipment was 792314590566.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:  
[http://www.fedex.com/cgi-bin/tracking?tracknumbers=792314590566&action=track&language=english&cntry\\_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=792314590566&action=track&language=english&cntry_code=us)

Disclaimer

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FedEx has not validated the authenticity of any email address.





STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 25, 2003

Ms. Yvonne McSwain-Powell  
193 Stuckey Road  
Columbia, MS 39429

**FILE COPY**

RE: Gulf States Creosote Site  
Hattiesburg, Mississippi  
Forrest County

Dear Ms. McSwain-Powell:

The Mississippi Department of Environmental Quality (MDEQ) has conducted an inspection of the referenced site on Friday, August 22, 2003 to assess concerns that you raised in your telephone conversation with me on August 19, 2003. If you recall, you raised concerns that children were playing on a large stockpiles of soil near site and that dust was getting into Ms. Clevester Woods' house at 106 Scooba Street. Our inspection has revealed that the soil stockpiles in question are clean fill material and that the dust should not be contaminated.

Therefore, MDEQ has considered your concerns and has determined that remediation activities are being conducted in a manner consistent with the MDEQ-approved work plan and in a manner that is protective of human health and the environment. Also, because this site is being managed under MDEQ's Uncontrolled Sites Program, involvement by the Brownfields Section or me is unnecessary. Therefore, I am canceling my plans to meet you at the site on Wednesday, August 27, 2003. You should direct all requests, inquiries, questions or comments concerning this site in writing to Mr. Tony Russell, Chief of the Uncontrolled Sites Section. Finally, please be advised that access to the site is restricted. For nothing more than safety purposes, you or anyone else are not to enter the construction zones that have been clearly marked with orange fencing. Please assist us by informing citizens in the community, particularly those with children, that they should not enter these areas. Should you have any questions or comments concerning this matter, please contact Tony at (601) 961-5318.

Sincerely,

Jerry "Trey" Hess, P.E., DEE  
Brownfields Program Coordinator

cc: Gloria Tatum, MDEQ  
Phil Bass, MDEQ  
Ms. Clevester Woods  
Mr. James Rogers



**FILE COPY**

STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 25, 2003

Mr. Carl Blair, ATSDR  
Waste Division  
Sam Nunn Atlanta Federal Center  
100 Alabama Street, 10<sup>th</sup> Floor  
Atlanta, GA 30303

Dear Mr. Blair:

Re: Gulf States Creosote Site  
Hattiesburg, MS

Enclose for your information are the following documents:

- 1) Human Health Risk Assessment, May 2, 2001
- 2) Final Remedial Action Work Plan, August 21, 2002

These two documents should provide you with a significant amount of information. If you require further information on this site please contact Tony Russell of my staff at 601-961-5318. Tony is the project officer and has more hands on information on the site than I do. Regardless, please feel free to contact me any time at 602-961-5221.

Sincerely,

A handwritten signature in cursive script that reads "Jerry B. Banks".

Jerry B. Banks, P.E., DEE

Chief, Groundwater Assessment/Remediation Division

Enclosures

K:/shared/ucss/ATSDRLetter on Gulf States



# ICON

**Environmental Solutions, LLC**

---



Mr. Tony Russell  
Office of Pollution Control  
Mississippi Department of Environmental Quality  
101 West Capital Street  
Jackson, MS 39201

Re: Gulf States Creosote Site  
Clearing, Grubbing, Disposal of Stumps, & Backfilling Work Plan dated March 24, 2003  
Parcel #5  
West Pine Street  
Hattiesburg, MS

Mr. Russell,

We are making headway with the construction clearance and have moved over to the east side of parcel #5. I have talked with Mr. Fairchild to see what his intentions are with the property and will give Mr. Trey Hess a call to discuss what test will be required to achieve Mr. Fairchild's goals, and the criteria for the test.

Section 4.1 We would like to advise that Mr. Chris Steward of C-Mac Environmental will be an alternate Site Safety Officer in addition to Mr. Michael Kolkana of C-Mac Environmental.

I will notify Mr. Hess and resend this notice to him via email after I get his email address. An original signed copy is being mailed to yours and Mr. Hess's attention. We wish you well on your mission trip.

Regards,

Joe Ford

Cc: Mr. John Fairchild  
Mr. Michael Kolkana  
Mr. Tim Carone

**210 West Front Street, Suite 100  
Hattiesburg, MS 39401**

**Phone: (601) 543-0909  
Fax: (601) 543-0916**



**ICON**  
**Environmental Solutions, LLC**

---

August 12, 2003

~~Mr. Tony Russell~~

Office of Pollution Control  
Mississippi Department of Environmental Quality  
101 West Capital Street  
Jackson, MS 39201

Re: Gulf States Creosote Site  
Clearing, Grubbing, Disposal of Stumps, & Backfilling Work Plan dated March 24, 2003  
Parcel #5  
West Pine Street  
Hattiesburg, MS

Mr. Russell,

Per the email notice sent last week we would like to reaffirm the start date for the remediation of the above-mentioned site, as August 13<sup>th</sup>, 2003. We are moving equipment onto the work sight this afternoon.

Section 4.1 Mr. Doug Brewer will also be an alternate Site Safety Supervisor representing RDA Construction Company in addition to Mr. Phil Davis.

I have notified the businesses in the immediate area and have also sent confirmation letters to the MDOT and Norfolk Railroad Representative. If you need to contact me I can be reached on my cell# 847 921 8804.

Regards,

Joe Ford

Cc: Mr. John Fairchild  
Mr. Michael Kolkana  
Mr. Tim Carone

**210 West Front Street, Suite 100  
Hattiesburg, MS 39401**

**Phone: (601) 543-0909  
Fax: (601) 543-0915**



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**MEMORANDUM**

---

---

**TO:** Gulf States Creosote Site File  
**FROM:** Tony Russell *TR*  
**DATE:** August 7, 2003  
**SUBJECT:** Site Visit

---

---

I met with Dave Upthegrove on July 8 and 9 to observe the probe investigation of Gordon's Creek. The creek was investigated for free product by driving a 4-foot tube into the sediment, retrieving the tube and then extracting the sleeve with the core sample. The core was then allowed to slide out of the tube onto a table for examination for free creosote product. A photo was taken of each core that had creosote present with a digital camera and is stored on a computer CD disk. A transect was conducted across the creek every 50 feet along the sheet pile wall. One point was next to the wall, one point was in the center of the creek and the other at the far bank. Dave would take the information gathered during the two days and submit a drawing outlining the areas that needed to be dug out.

It must be noted that the date on the photo's for July 8 and part of July 9 had the wrong year on the erase board. The date shown is for 7-8-02 and 7-9-02 and should have been for "03" and **NOT** "02".

K:\Shared\UCSS\Tony\Gulf States Creosote\Gulf States site visit 7-8 & 9 -03.doc



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

## MEMORANDUM

---

**TO:** Gulf States Creosote Site File  
**FROM:** Tony Russell *TR*  
**DATE:** August 7, 2003  
**SUBJECT:** Site Visit

---

### North East Drainage Ditch:

I met with Brad Blalock on July 30, 2003, to observe the work being completed on the Northeast Drainage Ditch. The environmental contractor was having a time keeping the groundwater and rainwater run-off out of the excavation. Their job is to excavate the contaminated soil ahead of the contractor who is installing the new drainage system. They had opened up the ditch some 100 feet ahead of the installer the day before and had filled the bottom of the excavation with a foot of gravel for the drainage pipe to set on. Well, it came a monsoon that afternoon, which caused the walls to cave in on top of the gravel. They were trying to keep water out of the excavation so that the ditch could be remedied from the rainstorm. When I left for the day, they were still trying to keep water out of the ditch so they could uncover the gravel layer.

### Fill Area:

They had not started on removing the creosote from Gordon's Creek as discussed with Dave Upthegrove on Monday. Contractor showed up with a 3-inch pump and 6-inch pump was needed to divert the flow of the Creek around the work area. The long stick trac-hoe was onsite, so all they were waiting on was the pump.

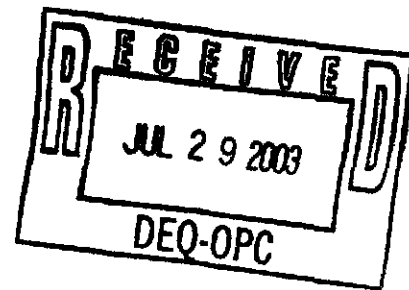


**ICON**  
**Environmental Solutions, LLC**

---

July 21, 2003

Mr. Tony Russell  
Office of Pollution Control  
Mississippi Department of Environmental Quality  
101 West Capital Street  
Jackson, MS 39201



Re: Gulf States Creosote Site  
Clearing, Grubbing, Disposal of Stumps, & Backfilling Work Plan dated March 24, 2003  
Parcel #5  
West Pine Street  
Hattiesburg, MS

Mr. Russell,

We would like to advise the projected startup date for the remediation of the above-mentioned site, as August 6<sup>th</sup>, 2003. We feel the weather has let up and the property will be dry enough to get started on the clearing. We hope this scheduled date will provide you with the proper notification lead-time.

I will be out of the country on business until August 1<sup>st</sup> and will return to Mississippi on August 4<sup>th</sup>. In my absence please contact Mr. Michael Kolkana if any additional information or re-scheduling is needed for this project. Mr. Kolkana's office # is 251-580-9400.

If you need to contact me direct for any other reason please call Mr. Tim Carone and he will now how to get in touch with me in Asia.

Regards,

Joe Ford

Cc: Mr. John Fairchild  
Mr. Michael Kolkana  
Mr. Tim Carone

**210 West Front Street, Suite 100**  
**Hattiesburg, MS 39401**

**Phone: (601) 543-0909**  
**Fax: (601) 543-0915**





# MICHAEL PISANI & ASSOCIATES, INC.

Environmental Management and Engineering Services

1100 Poydras Street  
1430 Energy Centre  
New Orleans, Louisiana 70163  
Telephone (504) 582-2468  
Facsimile (504) 582-2470  
m.pisani@ix.netcom.com

13313 Southwest Freeway  
Suite 221  
Sugar Land, Texas 77478  
Telephone (281) 242-5700  
Facsimile (281) 242-1737  
dangle@orbis.com

July 18, 2003

Mr. Tony Russell, Chief  
Uncontrolled Sites Section  
Mississippi Department of Environmental Quality  
P.O. Box Office 10385  
Jackson, Mississippi 39289-0385

RE: Proposed Remedial Action for Gordon's Creek  
Former Gulf States Creosoting Site  
Hattiesburg, Mississippi

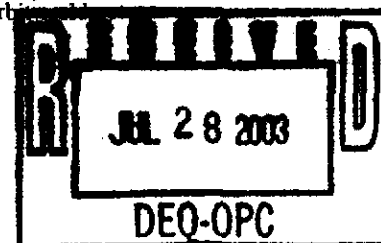
Dear Mr. Russell:

On July 14, 2003, a teleconference was held between representatives of Kerr-McGee Chemical, LLC (KMC) and the Mississippi Department of Environmental Quality (MDEQ) to discuss the status of remedial activities at the former Gulf States Creosoting site in Hattiesburg, Mississippi. During our discussions, KMC agreed to submit, for MDEQ review and approval, a plan to address visibly-affected sediment within Gordon's Creek, as defined in the MDEQ-approved *Final Remedial Action Work Plan* for the site (Michael Pisani & Associates, Inc., August 21, 2002). This letter describes KMC's proposed remedial activities for Gordon's Creek, and serves as an addendum to that Work Plan.

## Project Background

Section 5.1 of the *Final Remedial Action Work Plan* describes the selected remedy for the Gordon's Creek Fill Area, which includes installation of a sealable-joint sheet piling barrier, capping of the containment area with geosynthetic clay liner, and implementation of a phytoremediation program. As you are aware, remedial construction at the Fill Area began in May 2003 and is well underway.

Subsection 5.1.3 of the *Final Remedial Action Work Plan* presents a plan to delineate the extent of visibly-affected sediment within Gordon's Creek. The MDEQ-approved plan specifies that a sediment coring program shall be undertaken within 30 days after



installation of the sheet piling wall, and that a plan to address visibly-affected sediment shall be submitted to MDEQ within 60 days after completion of the coring program. KMC has elected to voluntarily expedite these activities in order to address visibly-affected sediment in Gordon's Creek as soon as MDEQ approves this Work Plan, and thus prevent delays in capping the Fill Area.

### **Results of Sediment Coring Program**

The sediment coring program was completed on July 9, 2003. Sediment cores were collected by driving a core barrel equipped with clear plastic liners to the base of sand and gravel sediments. The sampler was driven into the underlying clay or to the base of visible contamination. Typically, the sampler was driven to a depth of approximately 4 feet below the top of sediment. MDEQ personnel were onsite during all sediment coring activities.

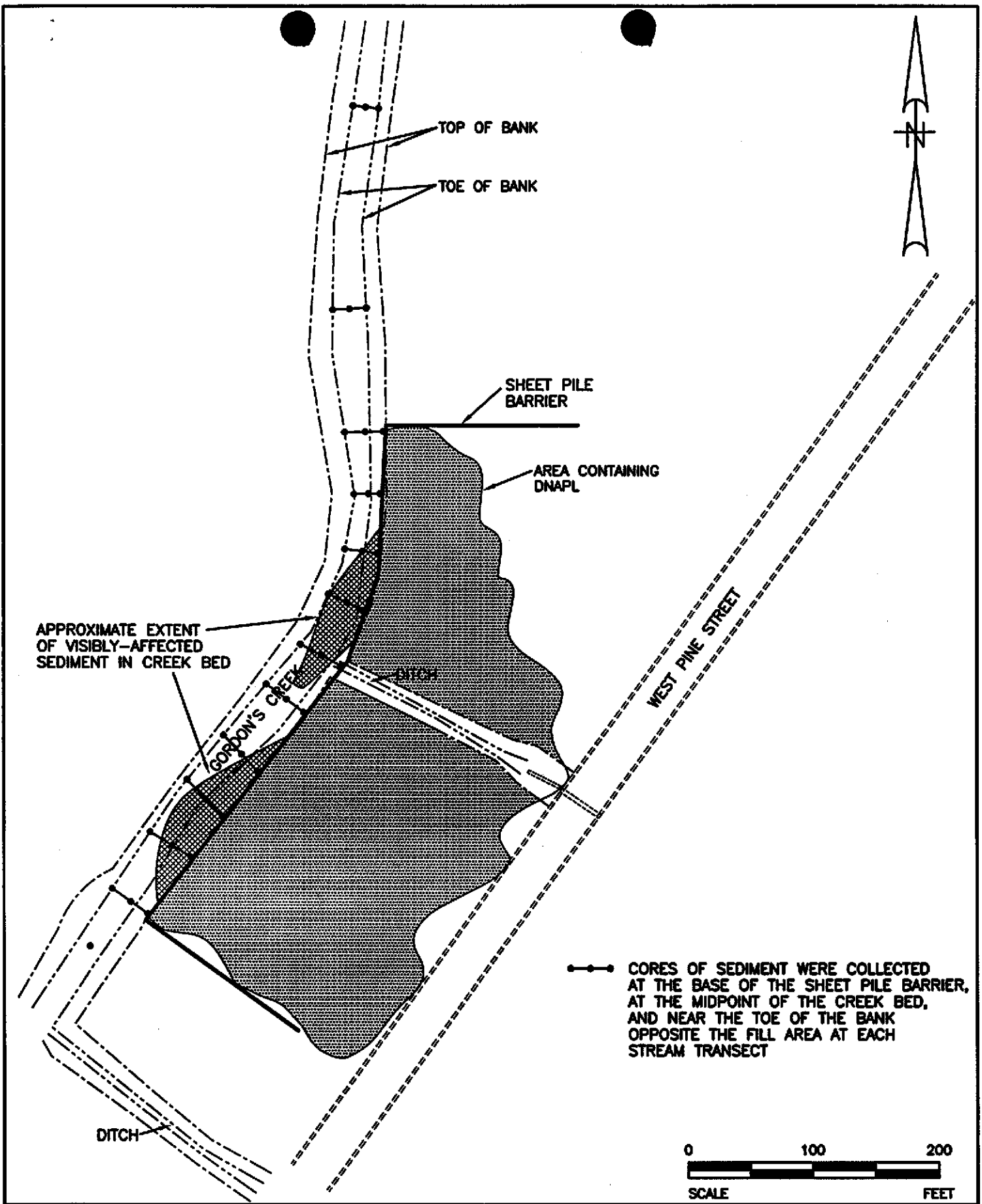
Cores of the sediment column were collected at cross-creek transects located 50 feet upstream of the sheet piling barrier, at 50-foot intervals along the sheet piling barrier, and 100 feet and 250 feet downstream of the sheet piling barrier (see Figure 1). This was consistent with the MDEQ-approved Work Plan. At each transect, a total of three core samples was collected: one immediately adjacent to the sheet piling barrier, one from the approximate midpoint of the channel, and one from the toe of the bank opposite the Fill Area. Sediment cores were logged for the presence of visible creosote.

The results of the Gordon's Creek sediment coring program indicate that visibly-affected sediment is present only in the segment of the creek immediately adjacent to the sheet piling barrier. Where present, visibly-affected sediment was encountered at the interface between the surficial sand/gravel layer and underlying clay lenses, generally at depths of 6 inches to 2 feet below the top of sediment. Visibly-affected sediment was not encountered within any of the cores collected downstream of the sheet piling barrier. In fact, all sediment core samples collected from the last two downstream transects adjacent to the sheet piling barrier were visibly unaffected. Figure 1 depicts the approximate extent of visibly-affected sediment, as defined in the MDEQ-approved Work Plan.

### **Proposed Remedial Action**

Because the affected sediment rests on top of clayey materials and beneath visibly-unaffected sediment, the only practical method of removal is to excavate the sand and gravel sediments and the upper surface of the underlying clay layer. However, because Gordon's Creek never runs completely dry, precautionary measures must be taken so that potentially mobile materials are not released to the creek during the removal of sediment.

Before beginning excavation activities, temporary dams will be constructed across Gordon's Creek at the upstream end of the sheet piling barrier and approximately 150 feet downstream, effectively isolating an approximately 150-foot excavation area. The dams will be constructed of large-volume woven polypropylene bags (a.k.a. supersacks)



**MICHAEL PISANI & ASSOCIATES**  
 Environmental Management and Engineering Services  
 New Orleans, Louisiana      Houston, Texas

SCALE: 1"=100'

DWG. NO.: 21-04/295A

FIGURE 1  
 APPROXIMATE EXTENT OF VISIBLY-AFFECTED SEDIMENT  
 IN GORDON'S CREEK

FORMER GULF STATES CREOSOTING SITE  
 HATTIESBURG, MISSISSIPPI

filled with sand. (Note: Other methods of damming the creek may be utilized, if approved by MDEQ in advance). Sheets of plywood may also be driven at the upstream dam to key into underlying clays and to further cut off the flow of water.

Before construction of the dams, at least two large-volume pumps and several hundred feet of discharge line will be brought onsite. Initially, the pumps will be used to pump standing water out of the dammed work area and onto the surface of the containment area. The pumps will then be used to route water from above the upstream dam to below the downstream dam. Any recoverable non-aqueous phase liquids will be vacuumed out of the creek and transported offsite for reuse/recycling.

Also prior to excavation, provisions will be made for dewatering sediment and for collection of non-aqueous phase liquids. Sediment will be dewatered either in lined trenches or in drain boxes set up within the containment area. Non-aqueous phase liquids will be collected for offsite reuse/recycling, while water will be discharged to the ground surface within the containment area.

Three rows of floating sorbent booms will be placed downstream of excavation activities to contain any potential releases during excavation activities. Excavation will be performed using a long-stick (i.e., extended reach) trackhoe positioned at the top of bank within the Fill Area. Efforts will be made to segregate visibly-unaffected sediment from visibly-affected sediment. Visibly-unaffected sediment will be incorporated into the containment area, while visibly-affected sediment will be placed in dewatering trenches or drain boxes.

Excavation will begin at the sheet piling barrier and will extend outward into the creek until no visibly-affected sediment, as define in the MDEQ-approved Work Plan, is encountered. Excavation within each dammed excavation area will proceed from upstream to downstream. At the completion of excavation, each dammed section will be backfilled to approximate original creek bottom grade using clean sediment from the far bank of the creek before moving downstream. The sand-filled supersacks comprising the upstream cofferdam will then be relocated to the downstream end of the next area to be excavated.


After dewatering, visibly-affected sediment will be loaded into trucks and transported offsite for disposal at a Subtitle C landfill as industrial solid waste. Sediment containing free liquids will be stabilized, as required.

Mr. Tony Russell  
July 18, 2003  
Page 5

We look forward to receiving your approval of this plan. Should you have any questions or comments, please contact us.

Sincerely,

MICHAEL PISANI & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "D. Upthegrove", written over the printed name below.

David C. Upthegrove, P.G.

cc: Keith Watson – Kerr-McGee

**MICHAEL PISANI & ASSOCIATES, INC.**

Environmental Management and Engineering Services

1100 Poydras Street  
1430 Energy Centre  
New Orleans, Louisiana 70163  
Telephone (504) 582-2468  
Facsimile (504) 582-2470  
m.pisani@ix.netcom.com

13313 Southwest Freeway  
Suite 221  
Sugar Land, Texas 77478  
Telephone (281) 242-5700  
Facsimile (281) 242-1737  
dangle@orbitworld.net

July 18, 2003

Mr. Tony Russell, Chief  
Uncontrolled Sites Section  
Mississippi Department of Environmental Quality  
P.O. Box Office 10385  
Jackson, Mississippi 39289-0385

RE: Proposed Remedial Action for Gordon's Creek  
Former Gulf States Creosoting Site  
Hattiesburg, Mississippi

Dear Mr. Russell:

On July 14, 2003, a teleconference was held between representatives of Kerr-McGee Chemical, LLC (KMC) and the Mississippi Department of Environmental Quality (MDEQ) to discuss the status of remedial activities at the former Gulf States Creosoting site in Hattiesburg, Mississippi. During our discussions, KMC agreed to submit, for MDEQ review and approval, a plan to address visibly-affected sediment within Gordon's Creek, as defined in the MDEQ-approved *Final Remedial Action Work Plan* for the site (Michael Pisani & Associates, Inc., August 21, 2002). This letter describes KMC's proposed remedial activities for Gordon's Creek, and serves as an addendum to that Work Plan.

### Project Background

Section 5.1 of the *Final Remedial Action Work Plan* describes the selected remedy for the Gordon's Creek Fill Area, which includes installation of a sealable-joint sheet piling barrier, capping of the containment area with geosynthetic clay liner, and implementation of a phytoremediation program. As you are aware, remedial construction at the Fill Area began in May 2003 and is well underway.

Subsection 5.1.3 of the *Final Remedial Action Work Plan* presents a plan to delineate the extent of visibly-affected sediment within Gordon's Creek. The MDEQ-approved plan specifies that a sediment coring program shall be undertaken within 30 days after

# FAX

**Date** *July 25, 2003*

**Number of pages including cover sheet** *6*

**TO:** *Tony Russell*  
*MDEQ*

**Phone** *601.961.5171*

**Fax Phone** *601.961.5300*

**FROM:** *Dave Upthegrove*  
*Michael Pisani &*  
*Associates, Inc.*  
*1430 Energy Centre*  
*1100 Poydras Street*  
*New Orleans, LA 70163*

**Phone** *504.582.2468*

**Fax Phone** *504.582.2470*

**CC:**

**Phone**

**Fax Phone**

**REMARKS:**  *Urgent*  *For your review*  *Reply ASAP*  *Please Comment*

Tony:

Attached is the revised Gordon's Creek Work Plan. A hard copy was mailed out on Tuesday.

Regards,

Dave

Mr. Tony Russell  
July 18, 2003  
Page 2

installation of the sheet piling wall, and that a plan to address visibly-affected sediment shall be submitted to MDEQ within 60 days after completion of the coring program. KMC has elected to voluntarily expedite these activities in order to address visibly-affected sediment in Gordon's Creek as soon as MDEQ approves this Work Plan, and thus prevent delays in capping the Fill Area.

### **Results of Sediment Coring Program**

The sediment coring program was completed on July 9, 2003. Sediment cores were collected by driving a core barrel equipped with clear plastic liners to the base of sand and gravel sediments. The sampler was driven into the underlying clay or to the base of visible contamination. Typically, the sampler was driven to a depth of approximately 4 feet below the top of sediment. MDEQ personnel were onsite during all sediment coring activities.

Cores of the sediment column were collected at cross-creek transects located 50 feet upstream of the sheet piling barrier, at 50-foot intervals along the sheet piling barrier, and 100 feet and 250 feet downstream of the sheet piling barrier (see Figure 1). This was consistent with the MDEQ-approved Work Plan. At each transect, a total of three core samples was collected: one immediately adjacent to the sheet piling barrier, one from the approximate midpoint of the channel, and one from the toe of the bank opposite the Fill Area. Sediment cores were logged for the presence of visible creosote.

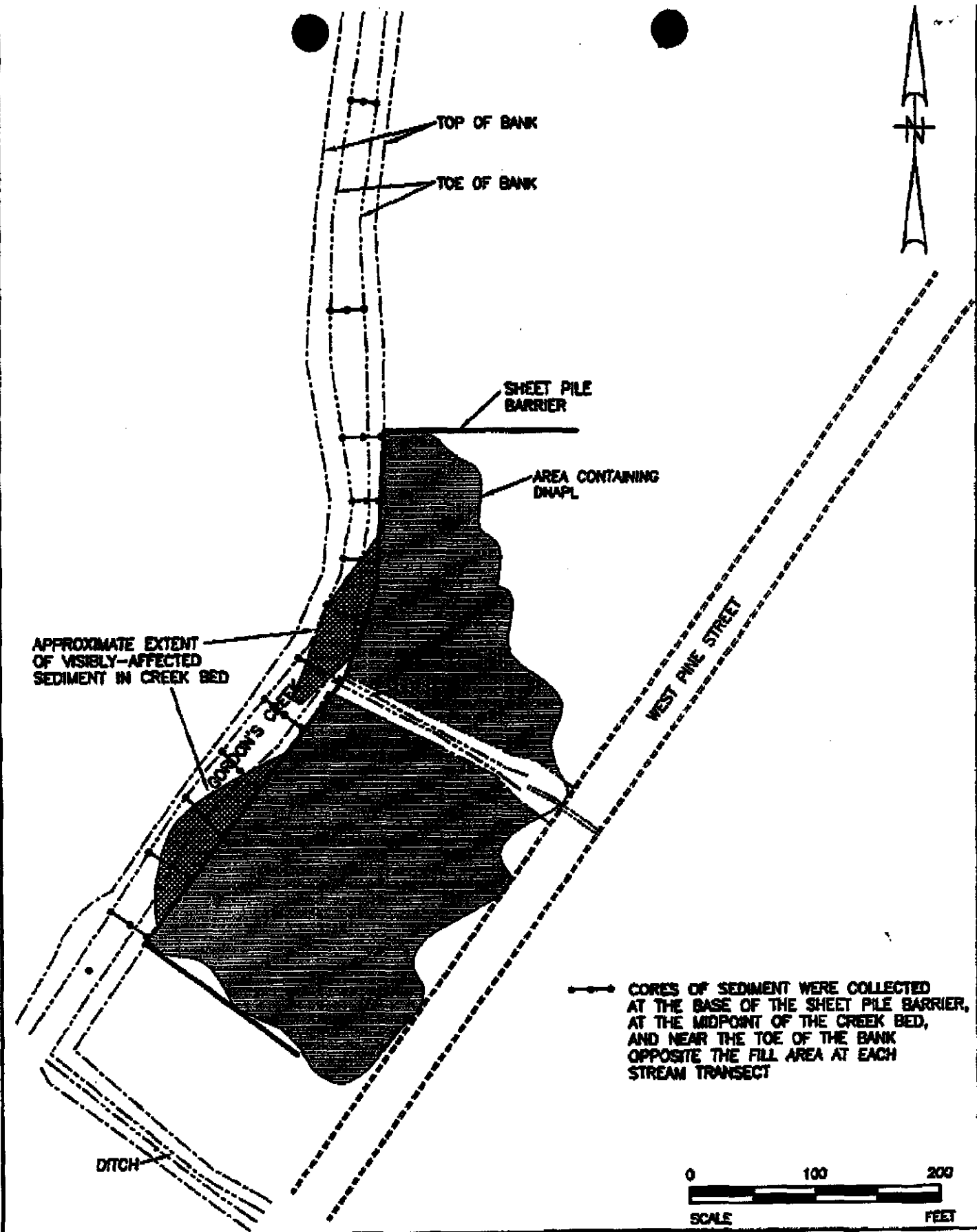
The results of the Gordon's Creek sediment coring program indicate that visibly-affected sediment is present only in the segment of the creek immediately adjacent to the sheet piling barrier. Where present, visibly-affected sediment was encountered at the interface between the surficial sand/gravel layer and underlying clay lenses, generally at depths of 6 inches to 2 feet below the top of sediment. Visibly-affected sediment was not encountered within any of the cores collected downstream of the sheet piling barrier. In fact, all sediment core samples collected from the last two downstream transects adjacent to the sheet piling barrier were visibly unaffected. Figure 1 depicts the approximate extent of visibly-affected sediment, as defined in the MDEQ-approved Work Plan.

### **Proposed Remedial Action**

Because the affected sediment rests on top of clayey materials and beneath visibly-unaffected sediment, the only practical method of removal is to excavate the sand and gravel sediments and the upper surface of the underlying clay layer. However, because Gordon's Creek never runs completely dry, precautionary measures must be taken so that potentially mobile materials are not released to the creek during the removal of sediment.

Before beginning excavation activities, temporary dams will be constructed across Gordon's Creek at the upstream end of the sheet piling barrier and approximately 150 feet downstream, effectively isolating an approximately 150-foot excavation area. The dams will be constructed of large-volume woven polypropylene bags (a.k.a. supersacks)





**MICHAEL PISANI & ASSOCIATES**  
 Environmental Management and Engineering Services  
 New Orleans, Louisiana      Houston, Texas

SCALE: 1"=100'      DWG. NO.: 21-04/295A

**FIGURE 1**  
 APPROXIMATE EXTENT OF VISIBLY-AFFECTED SEDIMENT  
 IN GORDON'S CREEK  
 FORMER GULF STATES CREOSOTING SITE  
 NATTIESBURG, MISSISSIPPI

Mr. Tony Russell  
July 18, 2003  
Page 4

filled with sand. (Note: Other methods of damming the creek may be utilized, if approved by MDEQ in advance). Sheets of plywood may also be driven at the upstream dam to key into underlying clays and to further cut off the flow of water.

Before construction of the dams, at least two large-volume pumps and several hundred feet of discharge line will be brought onsite. Initially, the pumps will be used to pump standing water out of the dammed work area and onto the surface of the containment area. The pumps will then be used to route water from above the upstream dam to below the downstream dam. Any recoverable non-aqueous phase liquids will be vacuumed out of the creek and transported offsite for reuse/recycling.

Also prior to excavation, provisions will be made for dewatering sediment and for collection of non-aqueous phase liquids. Sediment will be dewatered either in lined trenches or in drain boxes set up within the containment area. Non-aqueous phase liquids will be collected for offsite reuse/recycling, while water will be discharged to the ground surface within the containment area.

Three rows of floating sorbent booms will be placed downstream of excavation activities to contain any potential releases during excavation activities. Excavation will be performed using a long-stick (i.e., extended reach) trackhoe positioned at the top of bank within the Fill Area. Efforts will be made to segregate visibly-unaffected sediment from visibly-affected sediment. Visibly-unaffected sediment will be incorporated into the containment area, while visibly-affected sediment will be placed in dewatering trenches or drain boxes.

Excavation will begin at the sheet piling barrier and will extend outward into the creek until no visibly-affected sediment, as define in the MDEQ-approved Work Plan, is encountered. Excavation within each dammed excavation area will proceed from upstream to downstream. At the completion of excavation, each dammed section will be backfilled to approximate original creek bottom grade using clean sediment from the far bank of the creek before moving downstream. The sand-filled supersacks comprising the upstream cofferdam will then be relocated to the downstream end of the next area to be excavated.

After dewatering, visibly-affected sediment will be loaded into trucks and transported offsite for disposal at a Subtitle C landfill as industrial solid waste. Sediment containing free liquids will be stabilized, as required.

Mr. Tony Russell  
July 18, 2003  
Page 5

We look forward to receiving your approval of this plan. Should you have any questions or comments, please contact us.

Sincerely,

MICHAEL PISANI & ASSOCIATES, INC.



David C. Upthegrove, P.G.

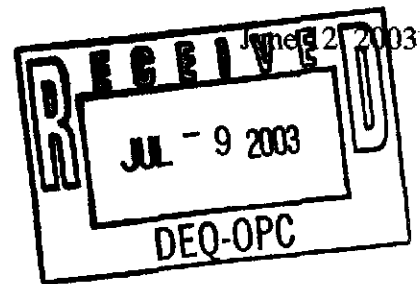
cc: Keith Watson - Kerr-McGee



# ICON

**Environmental Solutions, LLC**

---



Mr. Tony Russell  
Office of Pollution Control  
Mississippi Department of Environmental Quality  
101 West Capital Street  
Jackson, MS 39201

Re: Gulf States Creosote Site  
Clearing, Grubbing, Disposal of Stumps, & Backfilling Work Plan dated March 24, 2003  
Parcel #5  
West Pine Street  
Hattiesburg, MS

Mr. Russell,

We would like to submit the following information to you as an addendum to the work plan for review and final approval on the above referenced project.

- 1) Section 1            **ICON does not intend to do any open burning on this site. The plan is to recycle all tree limbs and stumps by chipping and shredding. The material, after any necessary analytical analysis, will be taken to Georgia Pacific facilities to be used as burn fuel.**
- 2) Section 2            **All manifest will be included on ICON's final report to MDEQ.**
- 3) Section 4.1         **Mr. Jay Musgrove is no longer the designated Project Manager on the above project. ICON has replaced Mr. Musgrove with Mr. Michael Kolkana. Mr. Phil Davis of RDA Construction has replaced Mr. Kenny Flowers, of Flowers Construction.**
- 4) Section 4.2         **Mr. Michael Kolkana will also serve as Site Safety Officer. Mr. Phil Davis and myself, Joe Ford will both be the Alternate Site Safety Officers.**
- 5) Section 4.3         **ICON will remove all stumps on the west portion of the site prior to removing the east portion. Again, ICON is not planning on burning any debris on the site. ICON will install either a silt-fence or a hay bale barrier along the eastern side of the ditch until the area can be reseeded or backfilled. ICON will make every effort to not disturb the drainage ditch area.**
- 6) Section 4.4         **If any hazardous substance associated with Creosote is encountered other than what both ICON and MDEQ is already aware of, immediate measures will be taken to control the waste and MDEQ notified.**

- 7) Section 4.5 Mr. Michael Kolkana will serve as both Project Manager and Site Safety Officer. ICON believes he will more than meet the requirements set forth by 29 CFR 1910.120(e)(4) and 1910.120(f). Mr. Kolkana has over thirteen (13) years of experience in the Hazardous Waste Field. Enclosed you will find a copy of his 8-Hour Refresher Hazardous Waste Operation/Emergency Response Certification.
- 8) Section 4.6 ICON will collect and characterize for proper disposal any contamination rinsate water collected on the above-mentioned site.
- 9) Section 5 ICON will present MDEQ a final report documenting the disposal of stumps from the east side of the ditch within 60 days of the completed fieldwork.

If you have any questions, or if additional information is needed, please feel free to give me a call at your convenience. Upon receiving your approval to start the work, we will confirm the project start date to you and the appropriate parties within twenty-four hours.

Regards,



Joe Ford

Cc: Mr. John Fairchild  
Mr. Michael Kolkana

**210 West Front Street, Suite 100  
Hattiesburg, MS 39401**

**Phone: (601) 543-0909  
Fax: (601) 543-0918**



David Upthegrove  
<dupthegrove@ix.netcom.com>

To: Tony Russell <tony\_russell@deq.state.ms.us>  
Subject: Gordon's Creek Assessment

07/01/2003 01:25 PM  
Please respond to  
dupthegrove

Tony:

We plan to conduct the sediment coring program to delineate the extent of DNAPLs within the Gordon's Creek channel beginning next Tuesday, July 8. The work is described in Section 5.1.3 of the MDEQ-approved *Final Remedial Action Work Plan*; sediment coring locations are depicted on Figure 5-4 of that document. Walker-Hill Environmental will provide field support to drive Geoprobe samplers equipped with clear plastic liners to the base of visibly-affected sediments. Results of the coring program will be used to determine appropriate remedial action to address DNAPLs, if necessary.

Should you have any questions or wish to discuss, please contact me.

Regards,

Dave

--

David Upthegrove  
Michael Pisani & Associates, Inc.  
1430 Energy Centre  
1100 Poydras Street  
New Orleans, Louisiana 70163-1430  
(504) 582-2468 office  
(504) 582-2470 fax  
(504) 481-6470 cellular  
[dupthegrove@ix.netcom.com](mailto:dupthegrove@ix.netcom.com)



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**MEMORANDUM**

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**TO:** Gulf States Creosote Site File  
Hattiesburg, MS

**FROM:** Tony Russell *TR*

**DATE:** June 30, 2003

**SUBJECT:** June 26 Sampling Event

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I met with Brad Blalock (Michael Pisanti & Associates) on June 26, 2003 to observe and collect spilt samples at the above referenced site. I collected splits on monitoring wells 13 (fill area) and 20 (drainage ditch area). The samples will be analyzed for PAHs. The wells were purged using the slow purge method. Once water quality standards stabilized, a water sample was collected using the variable speed peristaltic pump.

I also observed the status of the remediation work being conducted at the Fill Area. The sheet-pile wall was in place. The work crew was in the process of installing the concrete culvert from West Pine Street to the sheet pile wall. Several digital photos were taken of the Fill Area and are stored on a CD.

K:\Shared\UCSS\Tony\Gulf States Creosote\GSC GW sampling event 6-26-03.doc



**ICON**  
**Environmental Solutions, LLC**

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June 30, 2003

Mr. Tony Russell  
Office of Pollution Control  
Mississippi Department of Environmental Quality  
101 West Capital Street  
Jackson, MS 39201

Re: Gulf States Creosote Site  
Clearing, Grubbing, Disposal of Stumps, & Backfilling Work Plan dated March 24, 2003  
Parcel #5  
West Pine Street  
Hattiesburg, MS

Mr. Russell,

We would like to advise the projected startup date for the remediation of the above-mentioned site, as July 8<sup>th</sup>, 2003, which is approximately eight days from today. We have everything in order to get the project started. We also understand that this is not a full 10-day notice, but would like to proceed with the startup as soon as possible. If we need to adjust this date for you please let me know.

Regards,

Joe Ford

Cc: Mr. John Fairchild  
Mr. Michael Kolkana

**210 West Front Street, Suite 100**  
**Hattiesburg, MS 39401**

**Phone: (601) 843-0909**  
**Fax: (601) 843-0918**





**ICON**  
**Environmental Solutions, LLC**

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June 18, 2003

Mr. Tony Russell  
Office of Pollution Control  
Mississippi Department of Environmental Quality  
101 West Capital Street  
Jackson, MS 39201

Re: Gulf States Creosote Site  
Clearing, Grubbing, Disposal of Stumps, & Backfilling Work Plan dated March 24, 2003  
Parcel #5  
West Pine Street  
Hattiesburg, MS

Mr. Russell,

Please see the attached copy of the 8 - Hour Refresher Hazardous Waste Operations/Emergency Response Certificate for Mr. Michael Kolkana. If you need his historical certification documentation we will be glad to provide it for you.

If you have any questions, or if additional information is needed, please feel free to give me a call at your convenience. Upon receiving your approval to start the work, we will confirm the project start date to you and the appropriate parties within twenty-four hours.

Regards,

Joe Ford

Cc: Mr. John Fairchild  
Mr. Michael Kolkana

**210 West Front Street, Suite 100  
Hattiesburg, MS 39401**

**Phone: (601) 843-0609  
Fax: (601) 843-0615**

**CharCo, Inc.**

P.O. Box 609

Flomaton, Alabama

**Certifies that**

**Michael Kolkana**

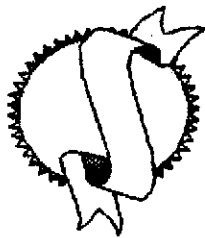
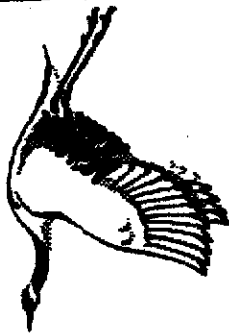
Has successfully completed the requirements for

**OSHA 29 CFR 1910.120**

**8-Hour Refresher Hazardous Waste Operations/Emergency Response**  
and is hereby awarded this

*Certificate*

on this 3<sup>rd</sup> day of November 2002



*Carl F. Godwin*

Instructor

Carl F. Godwin

Training Coordinator



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

June 9, 2003

**FILE COPY**

Mr. Phillip Perkins  
Perkins Architectural PLLC  
301 Humble Avenue  
Suite 144  
Hattiesburg, MS 39401

*KAR*  
*601-545-2406*

Re: Gulf States Creosote Site  
Renovations and Additions to Courtesy Motors  
Hattiesburg, MS

Dear Mr. Perkins:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed your letter dated May 27, 2003, requesting recommendations for handling and disposal of subsurface materials during the renovation project. The MDEQ requires the following guidelines be adhered to for handling and disposal, if Kerr McGee agrees to dispose of soils:

1. All excavated subsurface materials must be containerized.
2. The soils may be contained in a covered roll-off box. They can be laid out on a couple layers of plastic in an out-of-the-way area free of traffic and covered with plastic. The soils can be stored in any similar manner that eliminates exposure from the public and the weather until disposal.

If Kerr McGee does not take the soils you will have to take these additional steps:

1. The excavated material must be sampled and analyzed for total concentrations of creosote constituents. If concentrations are below MDEQ's target remediation goal (TRG) levels, then the soils can be disposed of at any landfill or used as backfill. If the concentrations are above MDEQ's TRG levels, then the soils must be disposed of in a Subtitle D landfill permitted within the State of Mississippi.
2. The soils must be disposed of within a reasonable time period.

Mr. Phillip Perkins  
June 9, 2003  
Page 2

FILE COPY

MDEQ's TRG levels for creosote constituents can be found at the following web site: [www.deq.state.ms.us](http://www.deq.state.ms.us). When web page pops up, click on Office of Pollution Control; when next web page pops up, click on Hazardous Waste which will take you to our web page. The Tier 1 TRG levels are located under the heading "Regulations" in the right column.

If you have any questions, call me at 601-961-5318.

Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**MEMORANDUM**

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**TO:** Gulf States Creosote Site File  
**FROM:** Tony Russell *TR*  
**DATE:** June 6, 2003  
**SUBJECT:** Site visit

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I met with Dave Upthegrove at the site yesterday (June 5) to observe the status of the sheet-pile installation at the Fill Area. Everything was ahead of schedule by about a week. They plan to finish on Friday if weather permits. A crew was onsite jetting the joints to clean out any debris so the sealant can be added later on. Hope to complete jetting of the joints by the end of next week.

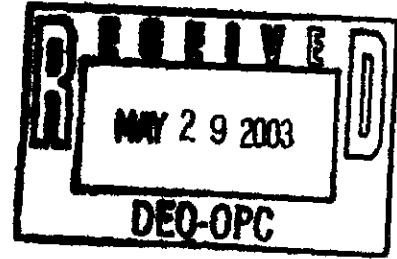
Plan to install junction box the middle of next week that will allow connection of concrete culvert from West Pine to Gordon's Creek. The geotextile liner will be delivered next week.

Oil absorbent booms had been installed in the creek to collect any oils that may be disturbed during installation of sheet-pilings. Very little sheen was observed in the creek. Some odors were observed along the sheet-piling wall.

No photos were taken during this site inspection.

K:\Shared\UCSS\Tony\Gulf States Creosote\Gulf States site visit 6-5-03.doc

**Perkins**  
**Architecture PLLC**



May 27, 2003

Mississippi Department of Environmental Quality  
Attention: Mr. Tony Russell  
101 West Capitol  
Jackson, Mississippi 39201

Re: Renovations and Additions to Courtesy Motors  
Hattiesburg, Mississippi  
Project Number: 92032

Dear Mr. Russell:

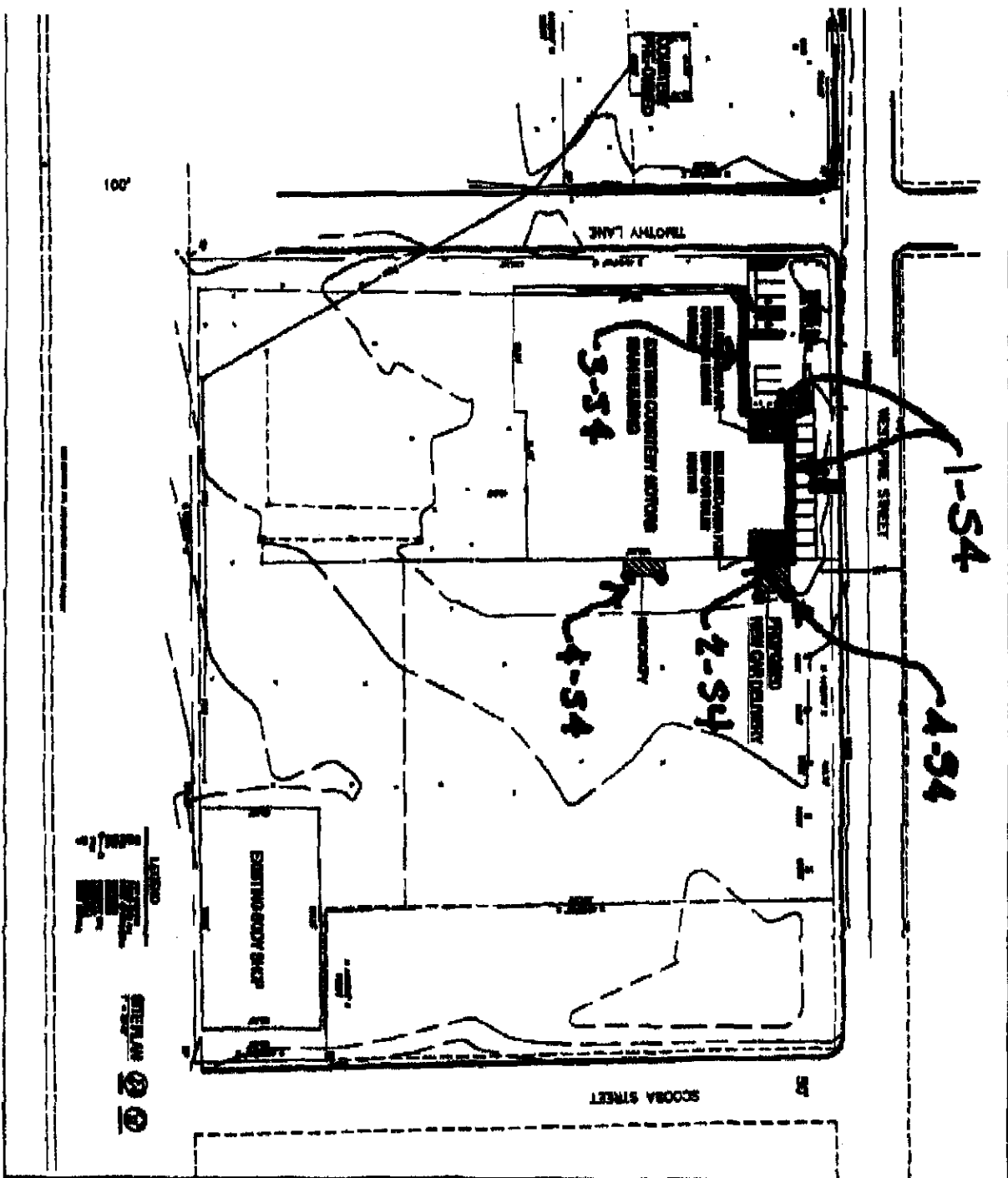
Per our previous phone conversation regarding subsurface materials generated by new footings and grade beams for the above referenced project, I have enclosed a site plan and foundation sections.

We would appreciate your advise and recommendations as to how the subsurface materials generated must be handled and disposed of.

Please do not hesitate to call me if you have any questions or if additional information is required.

Sincerely,

Phillip Perkins



1-S4

4-S4

2-S4

4-S4

3-S4

**LEGEND**

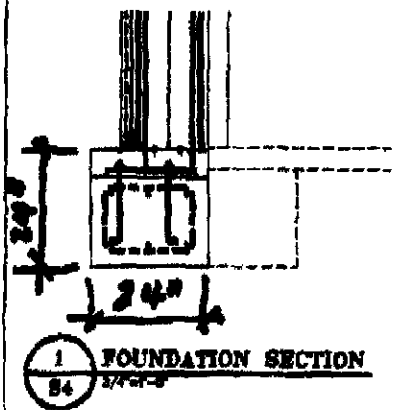
- EXISTING STRUCTURE
- PROPOSED STRUCTURE
- PARKING
- DRIVEWAY

**RENOVATIONS AND ADDITIONS TO  
COURTESY MOTORS**

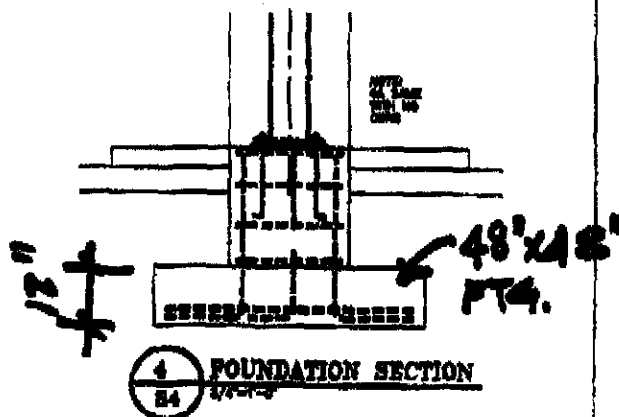
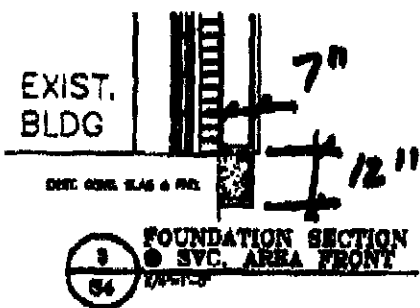
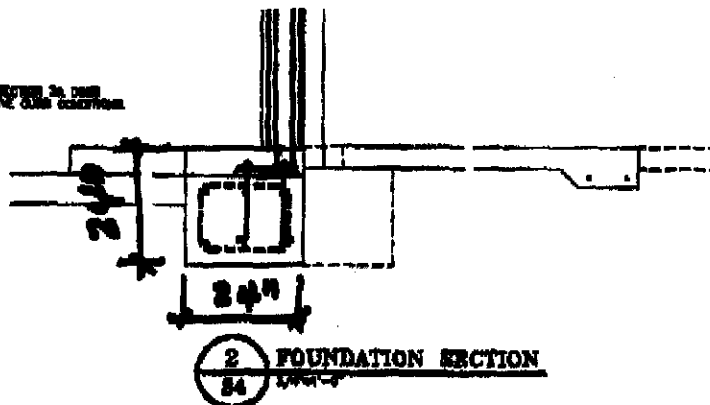
DATE: 05/24/2003  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO: [Number]

**Perkins**

**A12**



REF. TO THE P. 101  
REF. TO THE P. 102







David Upthegrove  
<dupthegrove@ix.netcom.com>

To: Tony Russell <tony\_russell@deq.state.ms.us>  
Subject: Gulf States Creosoting Update

05/20/2003 01:48 PM  
Please respond to  
dupthegrove

Tony:

As we discussed, I plan to provide you informal weekly updates during remedial construction activities at the Former Gulf States Creosoting site in Hattiesburg. The following is a summary of completed and planned activities:

1. Week of May 12 - completed site clearing and grubbing activities at the Gordon's Creek Fill Area
2. May 19 - received the first six truckloads of Waterloo Barrier, approximately half the piling required to complete the job
3. The contractors are currently prepping the site to drive pilings; pile-driving is scheduled to begin on May 21
4. Week of May 26 - continue pile-driving and install helical pier tieback system.

I plan to be on site on Thursday, May 22 and again on Wednesday, May 28. Please let me know what your schedule is so I can make every attempt to be there when you are to catch you up on all aspects of the project.

As I know Keith has told you, we're very happy to be in the field implementing the approved remedy, and are extremely proud of the work Kerr-McGee is conducting. We will continue to keep you apprised of our progress and look forward to seeing you at the site. Should you have any questions or wish to discuss the project, please contact me.

Regards,

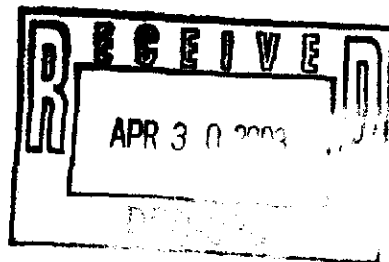
Dave

--

David Upthegrove  
Michael Pisani & Associates, Inc.  
1430 Energy Centre  
1100 Poydras Street  
New Orleans, Louisiana 70163-1430  
(504) 582-2468 office  
(504) 582-2470 fax  
(504) 481-6470 cellular  
dupthegrove@ix.netcom.com

April 25, 2003

Mr. Tony Russell  
Office of Pollution Control  
Mississippi Department of Environmental Quality  
101 West Capital Street  
Jackson, MS 39201



Re: Gulf States Creosote Site  
Clearing, Grubbing, Disposal of Stumps, & Backfilling Work Plan dated March 24, 2003  
Parcel #5  
West Pine Street  
Hattiesburg, MS

Dear Mr. Russell,

We would like to address your concerns/comments set forth in your letter dated April 10, 2003 regarding the work plan and processes. I would like to submit the following information for your review and consideration and then have a follow up meeting next week, or the following week, at your office in Jackson, MS. I will be arriving in Mississippi next Wednesday and can meet with you following that date at your convenience.

I have taken the responsibility to locate another contractor to provide the equipment and construction services, the company is RDA Service Company of Citronelle, Alabama. They are a larger and more experienced contractor in environmental work plans. Upon receiving your approval of this change, I will resubmit a modified work plan to reflect the change from Flowers Construction to RDA Service Company.

- 1) We will notify Mr. Dewayne Headrick with MDEQ about any open burning of tree limbs and stumps, if any are to be burned. We would like to request the option of grinding the shrubs, stumps and brush as a primary means of processing on site and removal to a proper landfill. The stumps located on the east side of the property will be isolated, and processed separately, from the other material for removal to the BFI Little Dixie Landfill.
- 2) Copies of all manifests will be kept on site during the excavation for inspection review and will also be included in the final report distribution to the appropriate parties.
- 3) The modified Work Plan will show that I have replaced Jay Musgrove as representative of ICON Environmental Solutions, LLC. The Site Safety Officer will be the primary project manager. The SSO and/or myself will be on the job at all times.

- 4) The Staff organization will be detailed in the modified Work Plan to show the new personnel, with the proper safety certification.
- 5) The stumps on the west side of the work site will be processed and removed prior to the processing and removal of stumps on the east side of the site. The work activities will not start until the spring rainy season is over. A silt-fence or hay bale barrier will be put in place to protect all drainage areas of being infiltrated with any debris or possible contamination from the work site until the work is completed and the areas can be reseeded or backfilled.

The drainage areas will not be disturbed.

- 6) Section 4.4        *If any Hazardous materials are found, or are suspect to be found, immediate controls will be put into place to control the waste on site and MDEQ will be notified immediately.*
- 7) Section 4.5        *The Project Manager and Site Safety Officer will have the proper certification to meet, or exceed, the regulations set forth in 29 CFR 1910.120(e)(4) for management and supervisor training and 1910.120(f) for medical surveillance.*
- 8) Section 4.6        *Any decontamination rinsate water that is collected will be characterized for proper disposal.*
- 9) Section 5            *A final report with proper documentation reflecting the disposal of the stumps from the east side of the work site / drainage ditch will be submitted to the MDEQ within 60 days of the completion of the fieldwork.*

We would like to request your approval to replace the services of Flowers Construction Company with RDA service Company. I will call you on Monday, 04-28-03 to see what your schedule is and to set up a time to meet with you at your office.

If you have any questions please feel free to give me a call at your convenience.

Regards,



Joe Ford

Cc: Mr. John Fairchild  
Mr. Larry Gunn  
Mr. Timothy Carone, PhD

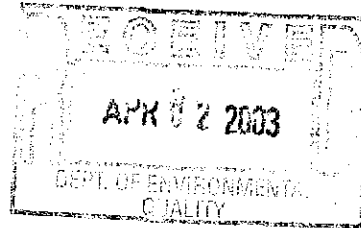
**210 West Front Street, Suite 100  
Hattiesburg, MS 39401**

**Phone: (601) 543-0909  
Fax: (601) 543-0918**



**KERR-MCGEE CORPORATION**

KERR-McGEE CENTER • OKLAHOMA CITY, OKLAHOMA 73125



March 28, 2003

FEDERAL EXPRESS

Mr. David Lee  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
2380 Hwy. 80 West  
Jackson, Mississippi 39204

Re: Financial Assurance  
MSD 990866329/Columbus, MS  
MSD 081387730/Meridian, MS  
MDEQ Order No. 459903/Hattisburg, MS

Dear Mr. Lee:

Attached are Kerr-McGee Chemical LLC's updated financial assurance instruments evidencing financial assurance for the referenced facilities.

If you have any questions, please do not hesitate to call me at 405-270-3132.

Sincerely,

Stacy Roberts, Supervisor  
Risk Management Department

sr/attachments



**KERR-McGEE CHEMICAL LLC**  
 KERR-McGEE CENTER • P.O. BOX 25861 • OKLAHOMA CITY, OKLAHOMA 73125

March 31, 2003

**FEDERAL EXPRESS**

Executive Director  
 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
 P. O. Box 10385  
 2380 Hwy. 80 West  
 Jackson, Mississippi 39204

Dear Executive Director:

I am the chief financial officer of Kerr-McGee Chemical LLC, Kerr-McGee Center, Oklahoma City, Oklahoma 73125. This letter is in support of the use of the financial test to demonstrate financial responsibility for liability coverage and post-closure care as specified in Subpart H of the Mississippi Hazardous Waste Regulations Parts 264 and 265.

The firm identified above is the owner or operator of the following facilities for which liability coverage for both sudden and non-sudden accidental occurrences is being demonstrated through the financial test specified in Subpart H of the Mississippi Hazardous Waste Regulations Parts 264 and 265: NONE

The firm identified above guarantees, through the guarantee specified in Subpart H of the Mississippi Hazardous Waste Regulations Parts 264 and 265, liability coverage for both sudden and non-sudden accidental occurrences at the following facilities owned or operated by the following: NONE.

1. The firm identified above owns or operates the following facilities for which financial assurance for closure or post-closure care is demonstrated through the financial test specified in Subpart H of the Mississippi Hazardous Waste Regulations Parts 264 and 265. The current closure and/or post-closure cost estimates covered by the test are shown for each facility:

EPA IDENTIFICATION NO. Name & Address	COST ESTIMATES		
	Closure	Post Closure	Corrective Action
MSD 990866329 Kerr-McGee Chemical LLC 607 14th Street, North Columbus, MS 39701	N/A	\$154,449	\$692,967
MSD 081387730 Kerr-McGee Chemical LLC Hwy 11 South P.O. Box 789 Meridian, MS 39301	N/A	352,035	269,658
MSDEQ Order #459903 Kerr-McGee Chemical LLC Intersection of Pine and Corrine Hattiesburg, MS	N/A	645,000	N/A

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
PAGE 2

2. The firm identified above guarantees, through the guarantee specified in Subpart H of the Mississippi Hazardous Waste Regulations Parts 264 and 265, the closure and post-closure care or liability coverage of the following facilities owned or operated by the guaranteed party. The current cost estimates for the closure or post-closure care so guaranteed are shown for each facility: NONE

3. In States where the DEQ is not administering the financial requirements of Subpart H of the Mississippi Hazardous Waste Regulations Parts 264 and 265, this firm is demonstrating financial assurance for the closure or post-closure care of the following facilities through the use of a test equivalent or substantially equivalent to the financial test specified in Subpart H of the Mississippi Hazardous Waste Regulations Parts 264 and 265. The current closure and/or post-closure cost estimates covered by such a test are shown for each facility:

EPA IDENTIFICATION NO. Name & Address	COST ESTIMATES		
	Closure	Post Closure	Corrective Action
NVD 008290330 Kerr-McGee Chemical LLC P.O. Box 55 Henderson, NV 89015	N/A	\$458,788	N/A
MOD 007128978 Kerr-McGee Chemical LLC P.O. Box 6208 2300 Oakland Kansas City, MO 64126	N/A	1,107,068	\$411,142
ILD 020367561 Kerr-McGee Chemical LLC P.O. Box 166 Madison, IL 62060	N/A	896,917	N/A
MOD 007129408 Kerr-McGee Chemical LLC 2800 W. High Street Springfield, MO 65803	N/A	1,453,781	206,377
IDD 041310707 Kerr-McGee Chemical LLC P.O. Box 478 Soda Springs, ID 83276 (CERCLA)	N/A	N/A	1,000,000
TXD 057111403 Kerr-McGee Chemical LLC 155 Buchanan Rd. Texarkana, TX 75501 Texas Reg. #31002	N/A	956,433	1,820,667

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
PAGE 3

ILD 980607493 Kerr-McGee Chemical LLC 2702 Odgen Ave. Sauget, IL 62201	\$3,288,146	2,852,300	N/A
SCD 987591815 Kerr-McGee Chemical LLC 7746 Hwy 17 S. Jericho, South Carolina	N/A	3,500,000	N/A

4. The firm identified above owns or operates the following hazardous waste management facilities for which financial assurance for closure or, if a disposal facility, post-closure care is not demonstrated either to the EPA or a State through the financial test or any other financial assurance mechanisms specified in Subpart H of the Mississippi Hazardous Waste Regulations Parts 264 and 265 or equivalent or substantially equivalent State mechanisms. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility: NONE

5. This firm is the owner or operator of the following UIC facilities for which financial assurance for plugging and abandonment is required under 40 CFR Part 144. The current closure cost estimates required by 40 CFR 144.62 are shown for each facility: NONE

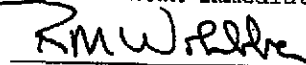
This firm is not required to file a Form 10K with the Securities and Exchange Commission for the latest fiscal year.

The fiscal year of this firm ends on December 31. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year ended December 31, 2002.

<b>ALTERNATIVE I</b> <small>(Thousands of Dollars)</small>		
1	Sum of current closure and post-closure cost estimates (Total of all cost estimates listed above.)	\$ 20,066
2	Amount of annual aggregate liability coverage to be demonstrated	\$ 8,000
3	Sum of lines 1 and 2	\$ 28,066
* 4	Total liabilities (If any portion of your closure or post-closure cost estimates is included in your total liabilities, you may deduct that portion from this line and add that amount to lines 5 and 6)	\$ 595,604
* 5	Tangible Net Worth	\$ 687,467
* 6	Net Worth	\$ 725,213
* 7	Current Assets	\$ 409,937
* 8	Current Liabilities	\$ 162,640
* 9	Net Working Capital (Line 7 minus Line 8)	\$ 247,297
*10	The sum of net income plus depreciation, depletion and amortization	\$ 91,162
*11	Total assets in U.S. (required only if less than 90% of assets are located in U.S.)	\$1,130,417
		<b><u>YES</u></b> <b><u>NO</u></b>
12	Is line 5 at least \$10 million?	X
13	Is line 5 at least 6 times line 3?	X
14	Is line 9 at least 6 times line 3?	X
*15	Are at least 90% of assets located in the U.S.? (If not, complete line 16)	X
16	Is line 11 at least 6 times line 3?	X
17	Is line 4 divided by line 6 less than 2.0?	X
18	Is line 10 divided by line 4 greater than 0.1?	X
19	Is line 7 divided by line 8 greater than 1.5?	X

I hereby certify that the wording of this letter is substantially identical to the wording specified in Subpart H of the Mississippi Hazardous Waste Regulations as such regulations were constituted on the date shown immediately below.

March 31, 2003  
Date

  
Robert M. Wohleber, Senior Vice President &  
Chief Financial Officer



## Report of Independent Accountants

Kerr-McGee Chemical LLC  
123 Robert S. Kerr  
Oklahoma City, OK 73102

Attention: Mr. Robert M. Wohleber, Senior Vice President and Chief Financial Officer

We have audited, in accordance with auditing standards generally accepted in the United States, the consolidated financial statements of Kerr-McGee Chemical LLC and subsidiaries for the year ended December 31, 2002, and have issued our report thereon dated March 31, 2003.

Mr. Robert M. Wohleber's March 31, 2003 letter pertaining to financial assurance for Environmental Protection Agency identification Nos. MSD 990866329 in Columbus, Mississippi; MSD 081387730 in Meridian, Mississippi; and MSDEQ Order #459903 in Hattiesburg, Mississippi is addressed to the Executive Director, Mississippi Department of Environmental Quality.

In connection with our audit and in accordance with subpart H of the Mississippi Hazardous Waste Regulations parts 264 and 265, we have compared the amounts presented in that letter for total liabilities, tangible net worth, net worth, current assets, current liabilities, net working capital, the sum of net income plus depreciation, depletion and amortization and total assets in U.S., listed under the caption Alternative 1, Items 4 through 11 and 15, with the corresponding amounts included in or derived from the consolidated financial statements referred to above. In connection with that procedure, no matters came to our attention that caused us to believe that the amounts shown on these lines should be adjusted.

This report is intended solely for your information and use and for the information and use of the Mississippi Department of Environmental Quality and is not intended to be and should not be used by anyone other than these specified parties.

*Ernst & Young LLP*

March 31, 2003



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 10, 2003

**FILE COPY**

Mr. Joe Ford, President  
ICON Environmental Solutions  
P. O. Box 247  
Cary, IL 60013-0247

Re: Gulf States Creosote Site  
*Clearing, Grubbing, Disposal of Stumps & Backfilling Work Plan* dated  
March 24, 2003  
Parcel Number 5  
West Pine Street  
Hattiesburg, Mississippi

Dear Mr. Ford:

The Mississippi Department of Environmental Quality (MDEQ) has completed review of the above referenced work plan and has the following concerns/comments/requirements:

1. Section 1 – ICON must contact Dewayne Headrick with MDEQ about open burning of the tree limbs and stumps? Open burning is governed by the Mississippi Commission on Environmental Quality regulation SPC-S-1: Air Emission Regulations for the Prevention, Batement, and Control of Air Contaminants; adopted May 8, 1970 and last amended August 22, 2002.
2. Section 2 – MDEQ requires that a copy of all manifests be included in the final report.
3. Section 4.1 – The project manager for the project shall be updated to show Jay Musgrove is no longer involved with this project.
4. Section 4.2 – Staff organization shall be updated as Jay Musgrove is on longer involved with this project.
5. Section 4.3 – MDEQ requires that the stumps on the west portion of the site be dug up prior to moving to the east portion of the site. The work activities shall be conducted after the spring rainy season. Refer

Mr. Joe Ford  
April 10, 2003  
Page 2

FILE COPY

to comment #1 regarding open burning. MDEQ requires that a silt fence and/or hay bales be installed along the ditch on the eastern side of the ditch until this area can be reseeded or backfilled. MDEQ recommends that the ditches not be disturbed.

6. Section 4.4 – Hazardous substances associated with creosote have been detected at low levels in the shallow soil located on the eastern side of the ditch. If creosote waste is encountered, MDEQ must be notified immediately and measures taken to control the waste onsite.
7. Section 4.5 – MDEQ requires that both the project manager and the site safety officer meet the minimum requirements set forth by 29 CFR 1910.120(e)(4) for management and supervisor training and 1910.120(f) for current medical surveillance.
8. Section 4.6 – Any decontamination rinsate water that is collected shall be characterized for proper disposal.
9. Section 5 – MDEQ requires that a final report documenting the disposal of the stumps from the east side of the ditch be submitted within 60 days of completion of field work.

Please submit a written response by April 25, 2003. Any questions you may have concerning this matter should be directed to me at 601-961-5318.

Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**MEMORANDUM**

---

**TO:** Gulf States Creosote Site File  
Hattiesburg, MS

**FROM:** Tony Russell *TR*

**DATE:** March 26, 2003

**SUBJECT:** GW Quarterly Sampling Event

---

I met with Chris Feters and Brad Blalock on Tuesday, March 25, 2003, to observe and collect split groundwater samples at the Gulf States site located in Hattiesburg, MS. I collected splits on monitoring wells 14 and 18. MW-14 is located in the fill area and MW-18 is located in the residential area across the tracks from the process area. The samples will be analyzed for PAHs at the OPC lab in Pearl, MS.

The wells were purged using the slow purge method with a peristaltic pump. The wells were also sampled at the same slow rate with the pump. The stabilization parameters were monitored continuously. The tubing was changed between wells. The wells were purged and sampled in the order of least contaminated to the most contaminated. The samples were collected in the appropriate containers and then placed on ice. Brad also collected the parameters required for monitored natural attenuation. I did not collect splits on these parameters. No photographs were taken during this sampling event.

K:\Shared\UCSS\Tony\Gulf States Creosote\Gulf States memo GW sampling event 3-25-03.doc



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 9, 2003

**FILE COPY**

Ms. Vermell Jackson  
801 Martin Luther King Drive  
Hattiesburg, MS 39401

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Ms. Jackson:

The Mississippi Department of Environmental Quality (MDEQ) has completed its review of documented concerns raised at the public meeting that was conducted in Hattiesburg on November 6, 2002. MDEQ responds to each concern that was raised at the meeting as follows:

1. **Was Burkett Creek tested?** An evaluation of the drainage pathways south of the railroad revealed that Burkett Creek is not a direct drainage pathway from the drainage ditch along the railroad tracks but may have been connected in the past by another ditch. We will comment more on the drainage ditch along the railroad tracks below.
2. **Concern about direct exposure; health issues** - There is presently no exposure pathway for the contaminants. You may contact Bruce Brackin, epidemiologist with the Mississippi Department of Health at 601-576-7725 with any health related issues.
3. **Health concerns for the neighborhood** - Any health concerns that you may have, that you feel are related to the time period that the plant operated, should be addressed to Bruce Brackin, epidemiologist with the Mississippi Department of Health.
4. **Used to be a lake between old Gibson's & old Budweiser plant, was it tested?** No, the lake was not tested as it no longer exists; however, the area has been tested and the contamination in the soil has been defined. These areas have low levels of contamination near the surface. An Administrative Order restricting the use of these areas has been issued.

5. **Request for additional testing** - MDEQ mobilized to the site on February 5, 2003, to collect soil/sediment samples in the drainage ditches on the south side of the railroad tracks. Samples were collected from the following locations: Coleman Street (24 to 30 inches), Baxter Street (6 to 12 inches), culvert beneath the railroad tracks at Coleman Street (0 to 12 inches), and Barry & Guy Eaton Street (0 to 6 inches). The samples were analyzed for creosote constituents and none were detected above MDEQ's target remediation goal clean up levels, which means that the constituents found do not pose a health threat. An additional ditch location between Guy Eaton Street and the railroad tracks was evaluated for evidence of creosote contamination. A hand auger was used to auger down to approximately two (2) feet below ground surface. There was no indication of creosote contamination at any of the boring locations.
6. **How far west was contamination found as dirt was pushed to old Budweiser plant?** The western extent of the contaminated soil in the area between West Pine Street and the railroad tracks is defined by the ditch that drains from the railroad tracks to Gordon's Creek.
7. **Over what time period was testing conducted; justification for not testing to the south of the area; length of time for creosote to dissipate (meaning to break up)?** The only testing that has been conducted at the site has been soil and groundwater. Investigations have been conducted at the Gulf States Creosote site since 1990. Soil and groundwater testing has been conducted south of the Process Area in the residential area. The soil contamination is limited to the Northeast drainage ditch and the groundwater contamination follows the ditch. It takes many years for creosote contamination to dissipate. The length of time would mainly be dependent on soil type and contaminant concentration.
8. **Swam in water beside the tracks & watered animals; health concerns -** Call Bruce Brackin with the Mississippi Department of Health at 601-576-7725 for health concerns related to swimming in the water.
9. **Concern about identifiable areas** -- The process area is the main area of contamination that usually is referenced as the source area. This is the area where the treatment unit operated and creosote would be stored until used in the process. The initial investigation to assess the contamination at the site began at the process area because it is the most logical area to be contaminated if contamination exists. The investigation spread out from the process area as the investigation

Ms. Vermell Jackson

April 9, 2003

Page 3

progressed. Old areal photographs were used to identify the operational area of the creosote plant. With the use of these areal photographs, the operational areas of the creosote plant and all drainage pathways have been investigated.

MDEQ performed additional testing to ensure that no environmental public health threats exist that may affect your community. Should you have any questions regarding the contents of this letter or otherwise, you may contact me at 601-961-5318.

Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal



**FILE COPY**

STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 9, 2003

Ms. Dolly D. Hendricks  
1108 Aledge Street  
Hattiesburg, MS 39401

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Ms. Hendricks:

The Mississippi Department of Environmental Quality (MDEQ) has completed its review of documented concerns raised at the public meeting that was conducted in Hattiesburg on November 6, 2002. MDEQ responds to each concern that was raised at the meeting as follows:

1. **Was Burkett Creek tested?** An evaluation of the drainage pathways south of the railroad revealed that Burkett Creek is not a direct drainage pathway from the drainage ditch along the railroad tracks but may have been connected in the past by another ditch. We will comment more on the drainage ditch along the railroad tracks below.
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Ms. Dolly D. Hendricks

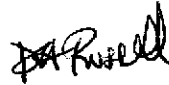
April 9, 2003

Page 3

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MDEQ performed additional testing to ensure that no environmental public health threats exist that may affect your community. Should you have any questions regarding the contents of this letter or otherwise, you may contact me at 601-961-5318.

Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal



FILE COPY

STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 9, 2003

Mr. James Rogers  
113 Baxter Street  
Hattiesburg, MS 39401

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Mr. Rogers:

The Mississippi Department of Environmental Quality (MDEQ) has completed its review of documented concerns raised at the public meeting that was conducted in Hattiesburg on November 6, 2002. MDEQ responds to each concern that was raised at the meeting as follows:

1. **Was Burkett Creek tested?** An evaluation of the drainage pathways south of the railroad revealed that Burkett Creek is not a direct drainage pathway from the drainage ditch along the railroad tracks but may have been connected in the past by another ditch. We will comment more on the drainage ditch along the railroad tracks below.
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Mr. James Rogers


April 9, 2003

Page 3

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MDEQ performed additional testing to ensure that no environmental public health threats exist that may affect your community. Should you have any questions regarding the contents of this letter or otherwise, you may contact me at 601-961-5318.

Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal



FILE COPY

STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 9, 2003

Mr. & Mrs. GW Clark  
20 Jasmine Drive  
Hattiesburg, MS 39401

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Mr. & Mrs. Clark:

The Mississippi Department of Environmental Quality (MDEQ) has completed its review of documented concerns raised at the public meeting that was conducted in Hattiesburg on November 6, 2002. MDEQ responds to each concern that was raised at the meeting as follows:

1. **Was Burkett Creek tested?** An evaluation of the drainage pathways south of the railroad revealed that Burkett Creek is not a direct drainage pathway from the drainage ditch along the railroad tracks but may have been connected in the past by another ditch. We will comment more on the drainage ditch along the railroad tracks below.
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Mr. & Mrs. GW Cla

April 9, 2003

Page 3

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MDEQ performed additional testing to ensure that no environmental public health threats exist that may affect your community. Should you have any questions regarding the contents of this letter or otherwise, you may contact me at 601-961-5318.

Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal





STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

FILE COPY

April 9, 2003

Mr. Jessie Lee Richardson  
608 Martin Luther King Drive  
Hattiesburg, MS 39401

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Mr. Richardson:

The Mississippi Department of Environmental Quality (MDEQ) has completed its review of documented concerns raised at the public meeting that was conducted in Hattiesburg on November 6, 2002. MDEQ responds to each concern that was raised at the meeting as follows:

1. **Was Burkett Creek tested?** An evaluation of the drainage pathways south of the railroad revealed that Burkett Creek is not a direct drainage pathway from the drainage ditch along the railroad tracks but may have been connected in the past by another ditch. We will comment more on the drainage ditch along the railroad tracks below.
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Mr. Jessie Lee Richardson

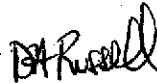
April 9, 2003

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Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal



**FILE COPY**

STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 9, 2003

Mr. Garvis Walker  
1011 Country Club Road  
Hattiesburg, MS 39401

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Mr. Walker:

The Mississippi Department of Environmental Quality (MDEQ) has completed its review of documented concerns raised at the public meeting that was conducted in Hattiesburg on November 6, 2002. MDEQ responds to each concern that was raised at the meeting as follows:

1. **Was Burkett Creek tested?** An evaluation of the drainage pathways south of the railroad revealed that Burkett Creek is not a direct drainage pathway from the drainage ditch along the railroad tracks but may have been connected in the past by another ditch. We will comment more on the drainage ditch along the railroad tracks below.
2. **Concern about direct exposure; health issues** - There is presently no exposure pathway for the contaminants. You may contact Bruce Brackin, epidemiologist with the Mississippi Department of Health at 601-576-7725 with any health related issues.
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Mr. Garvis Walker  
April 9, 2003  
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Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal



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STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 9, 2003

Ms. Beverly Shaw  
814 Martin Luther King Drive  
Hattiesburg, MS 39401

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Ms. Shaw:

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Ms. Beverly Shaw

April 9, 2003

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Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal



FILE COPY

STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 9, 2003

Rev. Carol E. Grimmetts  
300 Parkdale Drive  
Hattiesburg, MS 39401

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Rev. Grimmetts:

The Mississippi Department of Environmental Quality (MDEQ) has completed its review of documented concerns raised at the public meeting that was conducted in Hattiesburg on November 6, 2002. MDEQ responds to each concern that was raised at the meeting as follows:

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Rev. Carol E. Grimmitt  
April 9, 2003  
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Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal



FILE COPY

STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR  
April 9, 2003

Ms. Lue B. Bell  
112 Continental Drive  
Hattiesburg, MS 39402

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Ms. Bell:

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Ms. Lue B. Bell  
April 9, 2003  
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Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

FILE COPY

April 9, 2003

Ms. Laura Ball  
407 Columbia Avenue  
Hattiesburg, MS 39401

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Ms. Ball:

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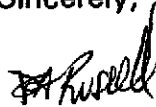
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Sincerely,

A handwritten signature in black ink, appearing to read "Tony Russell".

Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 9, 2003

FILE COPY  
FILE COPY

Ms. Merrian Haynes  
397 Sam Rayburn Drive  
Hattiesburg, MS 39402

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Ms. Haynes:

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April 9, 2003

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Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

FILE COPY

April 9, 2003

Mr. Jerry L. Spann  
23 Sharmont Drive  
Hattiesburg, MS 39402

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Mr. Spann:

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1. **Was Burkett Creek tested?** An evaluation of the drainage pathways south of the railroad revealed that Burkett Creek is not a direct drainage pathway from the drainage ditch along the railroad tracks but may have been connected in the past by another ditch. We will comment more on the drainage ditch along the railroad tracks below.
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3. **Health concerns for the neighborhood** - Any health concerns that you may have, that you feel are related to the time period that the plant operated, should be addressed to Bruce Brackin, epidemiologist with the Mississippi Department of Health.
4. **Used to be a lake between old Gibson's & old Budweiser plant, was it tested?** No, the lake was not tested as it no longer exists; however, the area has been tested and the contamination in the soil has been defined. These areas have low levels of contamination near the surface. An Administrative Order restricting the use of these areas has been issued.

5. **Request for additional testing -** MDEQ mobilized to the site on February 5, 2003, to collect soil/sediment samples in the drainage ditches on the south side of the railroad tracks. Samples were collected from the following locations: Coleman Street (24 to 30 inches), Baxter Street (6 to 12 inches), culvert beneath the railroad tracks at Coleman Street (0 to 12 inches), and Barry & Guy Eaton Street (0 to 6 inches). The samples were analyzed for creosote constituents and none were detected above MDEQ's target remediation goal clean up levels, which means that the constituents found do not pose a health threat. An additional ditch location between Guy Eaton Street and the railroad tracks was evaluated for evidence of creosote contamination. A hand auger was used to auger down to approximately two (2) feet below ground surface. There was no indication of creosote contamination at any of the boring locations.
6. **How far west was contamination found as dirt was pushed to old Budweiser plant?** The western extent of the contaminated soil in the area between West Pine Street and the railroad tracks is defined by the ditch that drains from the railroad tracks to Gordon's Creek.
7. **Over what time period was testing conducted; justification for not testing to the south of the area; length of time for creosote to dissipate (meaning to break up)?** The only testing that has been conducted at the site has been soil and groundwater. Investigations have been conducted at the Gulf States Creosote site since 1990. Soil and groundwater testing has been conducted south of the Process Area in the residential area. The soil contamination is limited to the Northeast drainage ditch and the groundwater contamination follows the ditch. It takes many years for creosote contamination to dissipate. The length of time would mainly be dependent on soil type and contaminant concentration.
8. **Swam in water beside the tracks & watered animals; health concerns -** Call Bruce Brackin with the Mississippi Department of Health at 601-576-7725 for health concerns related to swimming in the water.
9. **Concern about identifiable areas -** The process area is the main area of contamination that usually is referenced as the source area. This is the area where the treatment unit operated and creosote would be stored until used in the process. The initial investigation to assess the contamination at the site began at the process area because it is the most logical area to be contaminated if contamination exists. The investigation spread out from the process area as the investigation

Mr. Jerry L. Spann

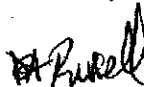
April 9, 2003

Page 3

progressed. Old areal photographs were used to identify the operational area of the creosote plant. With the use of these areal photographs, the operational areas of the creosote plant and all drainage pathways have been investigated.

MDEQ performed additional testing to ensure that no environmental public health threats exist that may affect your community. Should you have any questions regarding the contents of this letter or otherwise, you may contact me at 601-961-5318.

Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal





STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

FILE COPY

April 9, 2003

Ms. Mary L. Watts  
40 Oak Street  
Hattiesburg, MS 39402

Re: Gulf States Creosote Site  
Public Meeting Concerns  
Hattiesburg, Mississippi

Dear Ms. Watts:

The Mississippi Department of Environmental Quality (MDEQ) has completed its review of documented concerns raised at the public meeting that was conducted in Hattiesburg on November 6, 2002. MDEQ responds to each concern that was raised at the meeting as follows:

1. **Was Burkett Creek tested?** An evaluation of the drainage pathways south of the railroad revealed that Burkett Creek is not a direct drainage pathway from the drainage ditch along the railroad tracks but may have been connected in the past by another ditch. We will comment more on the drainage ditch along the railroad tracks below.
2. **Concern about direct exposure; health issues** - There is presently no exposure pathway for the contaminants. You may contact Bruce Brackin, epidemiologist with the Mississippi Department of Health at 601-576-7725 with any health related issues.
3. **Health concerns for the neighborhood** - Any health concerns that you may have, that you feel are related to the time period that the plant operated, should be addressed to Bruce Brackin, epidemiologist with the Mississippi Department of Health.
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5. **Request for additional testing** - MDEQ mobilized to the site on February 5, 2003, to collect soil/sediment samples in the drainage ditches on the south side of the railroad tracks. Samples were collected from the following locations: Coleman Street (24 to 30 inches), Baxter Street (6 to 12 inches), culvert beneath the railroad tracks at Coleman Street (0 to 12 inches), and Barry & Guy Eaton Street (0 to 6 inches). The samples were analyzed for creosote constituents and none were detected above MDEQ's target remediation goal clean up levels, which means that the constituents found do not pose a health threat. An additional ditch location between Guy Eaton Street and the railroad tracks was evaluated for evidence of creosote contamination. A hand auger was used to auger down to approximately two (2) feet below ground surface. There was no indication of creosote contamination at any of the boring locations.
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Ms. Mary L. Watts

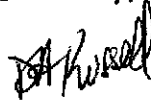
April 9, 2003

Page 3

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MDEQ performed additional testing to ensure that no environmental public health threats exist that may affect your community. Should you have any questions regarding the contents of this letter or otherwise, you may contact me at 601-961-5318.

Sincerely,



Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Phil Bass, OPC Head  
Kelly Riley, Legal

**MICHAEL PISANI & ASSOCIATES, INC.**

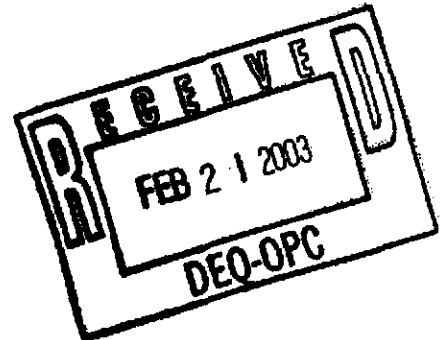
Environmental Management and Engineering Services

1100 Poydras Street  
1430 Energy Centre  
New Orleans, Louisiana 70163  
Telephone (504) 582-2468  
Facsimile (504) 582-2470  
m.pisani@ix.netcom.com

13313 Southwest Freeway  
Suite 221  
Sugar Land, Texas 77478  
Telephone (281) 242-5700  
Facsimile (281) 242-1737  
dangle@orbitworld.net

February 18, 2003

Mr. Tony Russell, Chief  
Uncontrolled Sites Section  
Mississippi Department of Environmental Quality  
P.O. Box 10385  
Jackson, Mississippi 39289-0385



Re: Revised Schedule for Remedial Activities  
Gulf States Creosoting Site  
Hattiesburg, Mississippi

Dear Mr. Russell:

On January 28, 2003, the Mississippi Commission on Environmental Quality, acting through the Mississippi Department of Environmental Quality, and Kerr McGee Chemical LLC entered into an Agreed Order (Order No. 4539 03) for remediation of the referenced site. In accordance with the requirements of Section III.C of the Agreed Order, we hereby submit a revised work schedule for activities outlined in the *Final Remedial Action Work Plan, Former Gulf States Creosoting Site* and the *Removal Action Work Plan, Northeast Drainage Ditch*.

Should you have any questions or require additional information, please call me.

Sincerely,

MICHAEL PISANI & ASSOCIATES, INC.

David C. Upthegrove, P.G.

cc: Kelly Riley – MDEQ Legal  
Keith Watson – Kerr-McGee  
Jane Raiford – Adams and Reese

# Anticipated Schedule for Remedial Activities

## Gulf States Creosoting Site Hattiesburg, Mississippi

Activity Name	Start Date	Finish Date	2003												2004												
			D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
<b>Northeast Drainage Ditch</b>																											
Take project before City Council	3/3/03	3/3/03																									
Anticipated City Council approval of project	3/18/03	3/18/03																									
Bid and contract project	3/26/03	4/24/03																									
Remove sediment, soil, and culvert/Install liner and culvert system/Backfill, grade, and seed	5/1/03	11/30/03																									
<b>Former Process Area</b>																											
Bid and contract project	1/1/04	2/29/04																									
Remove materials from concrete sump, wooden substructure, and Courtesy Ford ditch and backfill excavations	3/1/04	4/30/04																									
Pave Courtesy Ford ditch	5/1/04	5/31/04																									
Prepare subgrade in Courtesy Ford parking lot	6/1/04	6/30/04																									
Install composite geotextile liner	7/1/04	7/31/04																									
Pave parking lot with asphalt	8/1/04	8/31/04																									
Cap soils between Courtesy Ford ditch and Norfolk Southern Railroad tracks	9/1/04	10/31/04																									
			D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR  
**MEMORANDUM**

**TO:** Gulf States Creosote Site File  
**FROM:** Tony Russell *TR*  
**DATE:** February 10, 2003  
**SUBJECT:** Sampling Event

A sampling event was conducted on the south side of the railroad tracks on February 5, 2003. The sampling was conducted in the drainage ditch that flows parallel to the railroad tracks on the residential side of the tracks. This table gives the sampling locations, sampling depth, and analytical parameters.

Location	Depth (inches)	Analytical Parameters
Coleman Street	24 to 30	PAHs
Baxter Street	6 to 12	PAHs
Coleman St. - RR culvert	0 to 12	PAHs
Barry & Guy Eaton St.	0 to 6	PAHs
Guy Eaton St.	none	none

The sediment sample collected at the Coleman Street location was collected from the stockpiled soil that had been excavated from the ditch.

Photographs were taken of each sampling location with a digital camera. The photos will be transferred to a CD and placed in the file for future reference.

There was no indication of any creosote contamination either visual or odorous during the sampling event.

The samples were collected with pre-cleaned stainless steel augers at each location. The samples were transferred to an 8 ounce jar with a stainless steel spoon and then placed in an ice chest with ice.

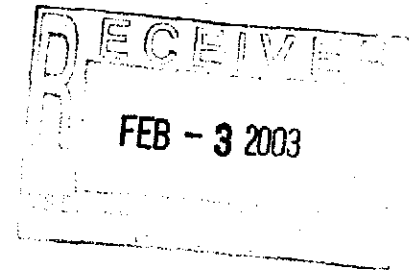
Hand-augered down approximately two feet in the ditch between Guy Eaton Street and railroad tracks. There was no indication of any creosote contamination in the boring. No samples were collected from this location.

January 31, 2003

*Via Federal Express*

Kelly R. Riley  
Attorney  
Mississippi Department of Environmental Quality  
2380 Highway 80 West  
Jackson, MS 39204

Re: *Gulf States Creosote Site  
Hattiesburg, Mississippi  
Our File No. 298-240*



Dear Kelly:

I take this opportunity to thank you for all your work in helping us reach final settlement in the referenced matter. I now enclose for your file the following:

- 1) Certified copy of Notice of Use Restrictions effective January 29, 2003, evidencing recordation in Deed Book 902, Page 400, Chancery Court Records of Forrest County, Mississippi, with all exhibits attached except for the Remedial Action Plan, Exhibit "B";
- 2) Certified copy of Perpetual Easement effective January 29, 2003, evidencing recordation in Deed Book 902, Page 659, Chancery Court Records of Forrest County, Mississippi, with all exhibits attached;
- 3) Original letter from Kerr-McGee Chemical, LLC to Roy Furrh, MDEQ, dated January 28, 2003;
- 4) Judgment of Dismissal of *RSCO Realty Corp. versus Kerr-McGee Chemical Corp., et al.*, Civil Action No. 2:96cv323 "PG"; *O.M.T. Properties, Inc. versus Kerr-McGee Chemical Corp., et al.*, Civil Action No. 2:96cv356 "PG"; *Gary Martin & James Kirkley Martin versus Kerr-McGee Chemical Corp., et al.*, Civil Action No. 2:96cv357 "PG"; *Steadman Properties, Inc. versus Kerr-McGee Chemical Corp., et al.*, Civil Action No. 2:96cv394 "PG"; and, *Hattiesburg Beverage Co., Inc. versus Kerr-McGee Chemical Corp., et al.*, Civil Action No. 2:98cv238 "PG", all pending in United States District Court for The Southern

District of Mississippi, Hattiesburg Division, signed on January 29, 2003 by Judge Pickering; and,

- 5) Judgment of Dismissal of *Hattiesburg Public School District, Plaintiff, versus Kerr-McGee Chemical Corp.*, Civil Action No. 54,549 "P", in the Chancery Court of Forrest County, State of Mississippi, signed on January 29, 2003 by Judge Thomas.

Sincerely,

ADAMS AND REESE LLP



JANE C. RAIFORD

JCR/tr  
Enclosures



January 28, 2003

**Via Facsimile and US Mail**

Roy Furrh  
Senior Attorney  
Mississippi Department of Environmental Quality  
P.O. Box 20305  
Jackson, MS 39289-1305  
Facsimile: 601-961-5349

Re: Gulf States Creosoting Site  
Hattiesburg, MS  
Our File No. 298-240

Dear Mr. Furrh:

Kerr-McGee Chemical LLC, successor in interest to Kerr-McGee Chemical Corporation ("Kerr-McGee") is entering into an Agreed Order with the Mississippi Commission on Environmental Quality ("Commission"), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality ("MDEQ") for the referenced Gulf States Creosoting Company Site in Hattiesburg, Mississippi ("the Site"). In connection with the Agreed Order, Kerr-McGee is also settling with various parties as owners or lessees of the lands affected by the Site and Use Restrictions will be imposed on the portions of the Site owned and/or leased by those parties. The Agreed Order requires Kerr-McGee to implement work plans, including one entitled "Final Remedial Action Work Plan, former Gulf States Creosoting Site," (hereinafter referred to as "RAWP"). The RAWP requires that use restrictions be imposed on lands adjacent to the Site or near the Site where Tier I Target Remediation Goals have been exceeded and those lands are not covered by the Use Restrictions to be attached to the Agreed Order. By this correspondence, Kerr-McGee commits to MDEQ that it will approach the relevant parties and request such parties to agree to imposition of use restrictions acceptable to MDEQ for (1) lands within the right-of-way of the Norfolk Southern Railroad adjacent to the former process area and all as more particularly described in the RAWP Section 5.3; and, (2) lands currently leased by Gulf Development, Inc. and located immediately across Scooba Street from the former process area, with specific reference to Figure 2-12 of the RAWP, sample locations GEO-59, 60, 64 and 65. If Kerr-McGee is unable to obtain these use restrictions to leave affected soils in place, Kerr-McGee will make a reasonable attempt to obtain permission from the above referenced parties to conduct soil removal activities. If Kerr-McGee is unable to obtain use restrictions or not allowed to conduct soil removal activities as provided above, Kerr-

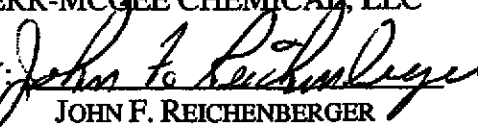
To: Roy Furrh, MDEQ  
January 28, 2003  
Page 2

McGee will notify MDEQ for assistance in gaining approval for such use restrictions or soil removal activities.

Sincerely,

KERR-MCGEE CHEMICAL, LLC

BY:



JOHN F. REICHENBERGER

TITLE: Vice President and Assistant Secretary

P.O. Box 25861

Oklahoma City, OK 73125

**STATE OF MISSISSIPPI  
COUNTY OF FORREST**

**NOTICE OF USE RESTRICTIONS**

Reference is hereby made for all purposes to those lands located in Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, which are more fully described on Exhibit "A" attached hereto and made a part hereof ("the Lands");

WHEREAS, the Lands are the site of a former creosoting facility known as the Gulf States Creosoting Site ("the Site");

WHEREAS, the Site is subject to a Remedial Action Plan on file with the Mississippi Department of Environmental Quality ("MDEQ") and attached hereto as Exhibit "B" ("Remedial Action Plan"), to a Settlement Agreement executed in connection with the consolidated matters styled, RSCO Realty Corporation versus Kerr-McGee Chemical Corporation, et al., Civil Action No. 2:96CV323 PC; O.M.T. Properties, Inc. versus Kerr-McGee Chemical Corporation, et al., Civil Action No. 2:96cv356 PG; Gary Martin and James Kirkley Martin versus Kerr McGee Chemical Corporation, et al., Civil Action No. 2:96cv357 PG; Steadman Properties, Inc. versus Kerr-McGee Chemical Corporation, et al., Civil Action No. 2:96cv394 PG; and, Hattiesburg Beverage Co., Inc. versus Kerr-McGee Chemical Corporation, et al., Civil Action No. 2:98cv238 PG, United States District Court, Southern District of Mississippi, Hattiesburg Division ("Settlement"); and, to an Agreed Order between MDEQ and Kerr-McGee Chemical LLC, successor in interest to Kerr-McGee Chemical Corporation ("Kerr-McGee");

WHEREAS, certain restrictions must be placed on the Lands in order to comply with the Remedial Action Plan, the Settlement and the Agreed Order;

WHEREAS, Kerr-McGee is obligated under the Remedial Action Plan, the Settlement and the Agreed Order to perform the remedy on the Lands,

WHEREAS, the Lands are currently owned by the State of Mississippi in trust for the benefit of the Hattiesburg Municipal Separate School District ("School District");

WHEREAS, the School District administers the Lands;

NOW THEREFORE, in order to effectuate the purposes of the Remedial Action Plan, the Settlement and the Agreed Order, the following use restrictions and conditions are hereby placed on the Lands:

- i. The Lands, which are sixteenth section lands, are currently classified as "commercial" pursuant to Miss. Code Ann. § 29-3-33. Unless there is a change of condition whereby the Lands become environmentally suitable for any use other than "commercial," the Lands must be used only for commercial purposes, including but not limited to wholesale or retail business, financial institutions, professional offices and clinics, service trades and occupations, privately owned public utilities, and similar businesses. Before the School District determines that the Lands, or any portion thereof, are environmentally suitable for any use other than "commercial," the School District must make an express finding of fact spread upon its official minutes that the Lands are environmentally suitable for a use other than "commercial" and the School District must first obtain the approval in writing of Kerr-McGee, MDEQ and the Secretary of State of Mississippi ("MSOS") to make such finding of fact. Kerr-McGee will agree if the request is approved by MDEQ and MSOS and if and only if the change in use will not result in the imposition of any additional obligations on Kerr-McGee. Notwithstanding the foregoing, in no event shall the use of the Lands be reclassified to residential or recreational use, which includes, but is not limited to, an area used primarily for dwelling purposes, containing residential housing units, apartment complexes, condominiums, townhouses, single family homes, and open areas including, but not limited to, playgrounds, parks, and ball fields.
- ii. The Lands are presently zoned under applicable zoning laws and regulations as B-5, commercial, and the School District must not re-zone or cooperate with the City of Hattiesburg to re-zone the Lands, or any portion thereof, unless the School District makes a finding of fact spread upon its official minutes that there has

been a change in condition whereby the Lands have become environmentally suitable for a different zoning classification. Before the School District determines that the Lands are environmentally suitable for any zoning other than B-5, commercial, or its equivalent, the School District must make an express finding of fact spread upon its official minutes that the Lands, or any portion thereof, are environmentally suitable for a different zoning and the School District must first obtain the approval in writing of Kerr-McGee, MDEQ and MSOS to make such finding of fact. Kerr-McGee will agree if the request is approved by MDEQ and MSOS and if and only if the change in zoning will not result in the imposition of any additional obligations on Kerr-McGee. Notwithstanding the foregoing, in no event shall the zoning of the Lands be changed to allow for residential and/or recreational use of the Lands. Residential and/or recreational use includes, but is not limited to, an area used primarily for dwelling purposes, containing residential housing units, apartment complexes, condominiums, townhouses, single family homes, and open areas including, but not limited to, playgrounds, parks, and ball fields.

- iii. In addition to the above, the following activities are prohibited on the Lands unless prior written approval has been obtained from Kerr-McGee, MDEQ and MSOS: (1) excavating or grading of the land surface, or penetrating the cover or cap on that portion of the Lands where a cover or cap has been or will be placed or where an existing building operates as a cap as depicted on the Figure attached hereto as Exhibit "C"; (2) filling on the covered or capped area as depicted on the Figure attached hereto as Exhibit "C"; (3) construction, installation, renovation, expansion or removal of a building, pipe, road or any other structure with a foundation that would sit on or be placed within the cover or cap or of a building with a foundation that operates as a cap as depicted on the Figure attached hereto as Exhibit "C"; (4) plowing for agricultural cultivation; (5) extraction of

groundwater for consumption or any other purpose other than groundwater monitoring or remediation; (6) any activity that does not comply with any Health and Safety Plan developed for the Site, including but not limited to the Health and Safety Plan attached hereto as Exhibit "D"; (7) drilling, utility work or any other activities that could create exposure to contaminated media within the areas included in Exhibit "C"; and, (8) any activity that may damage any remedial action component or interfere with or impair the effectiveness of the work performed under the Remedial Action Plan. Approval for any of the above activities shall not be unreasonably withheld; however, Kerr-McGee shall have no obligation to approve any of the above activities unless the School District and/or the respective Lessee agrees to pay all costs associated with the activities for which approval is requested including but not limited to any and all costs of disposal of any materials to be removed or excavated and any and all other costs of any environmental compliance required to conduct the activities. A copy of this Notice of Use Restrictions shall be filed with the Engineer of the City of Hattiesburg so that notice of the restrictions contained in this paragraph will be provided to any and all parties seeking a permit from the City Engineer to conduct any activities on the Lands and to inform such parties that no activities shall be conducted on the Lands without first obtaining the written consent of Kerr-McGee and MDEQ and MSOS. Kerr-McGee will agree if the request to conduct activities hereunder is approved by MDEQ and MSOS and if and only if the requested activities will not result in the imposition of any additional obligations on Kerr-McGee. The School District or any Lessee may request that MDEQ and MSOS issue a determination that one or more of the restrictions contained in this paragraph is no longer required. The School District or Lessee shall provide prior written notice of its intent to seek such a determination to Kerr-McGee. Upon receipt of said notice, MDEQ and MSOS shall determine whether all or any of the

restrictions contained in this paragraph can be extinguished. If MDEQ and MSOS determine that all or any of the restrictions contained in this paragraph can be extinguished, an affidavit attached to a copy of the written determination of MDEQ and MSOS may be recorded by the School District to give notice that the respective restriction(s) are no longer binding. Notwithstanding the foregoing, release or relinquishment of any of the restrictions contained in this paragraph shall not be effective without the prior written consent of Kerr-McGee, which shall not be unreasonably withheld. In no event shall Kerr-McGee be responsible for any costs associated with release or relinquishment of any of the restrictions contained in this paragraph including but not limited to any environmental compliance costs associated with said release or relinquishment.

- iv. MDEQ shall receive notice prior to any activities being conducted that would impact the Remedial Action Plan.
- v. If the School District sells, conveys, transfers, or in any way disposes of the Lands, voluntarily or involuntarily, pursuant to Miss. Code Ann. §§ 29-3-27, 29-3-29 or 29-3-91 or any other statute either now enacted or that may be enacted in the future, the School District must include in the deed or instrument of conveyance all of the covenants contained in (i) through (iv), above, and expressly state that these covenants run with the land and therefore burden and benefit the parties' heirs and assigns.
- vi. These covenants run with the land and burden and benefit the parties' heirs and assigns.
- vii. The School District and the Secretary of State, State of Mississippi as the statutory supervisory trustee of the 16<sup>th</sup> Section Public School Trust Lands enter this Notice of Use Restrictions after adoption of the attached resolutions approving and adopting these covenants and the other terms and conditions of the settlement and acknowledging their intent and legal obligation to comply with the

covenants set out above and shall promptly file this Notice of Use Restrictions in the land records of the Chancery Clerk of Forrest County, Mississippi.

Witness the signatures of the Hattiesburg Municipal Separate School District and the Secretary of State, State of Mississippi as the statutory supervisory trustee of the 16<sup>th</sup> Section Public School Trust Lands by their duly authorized officers, and the signature of Kerr-McGee Chemical LLC, a limited liability company, to be effective this the 29<sup>th</sup> day of January, 2003.

Executed by Hattiesburg Municipal Separate School District as of

January 29, 2003

HATTIESBURG MUNICIPAL SEPARATE SCHOOL DISTRICT

By: [Signature]  
PRESIDENT SCHOOL BOARD

By: [Signature]  
SUPERINTENDENT OF SCHOOLS

ATTEST:

[Signature]  
SECRETARY

SECRETARY OF STATE STATE OF MISSISSIPPI

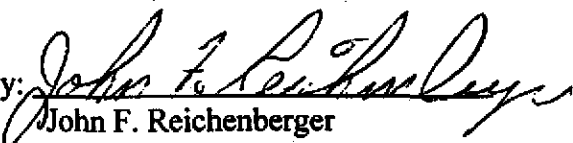
By: [Signature]

ATTEST:

[Signature]  
SECRETARY



KERR-MCGEE CHEMICAL LLC

By: 

John F. Reichenberger

Title: Vice President and Assistant Secretary

**STATE OF MISSISSIPPI**

**COUNTY OF FORREST**

This day personally appeared before me, the undersigned authority in and for the state and county aforesaid, the within named JAMES R. DAVIS and SAM H. BUCHANAN who acknowledged that they are School Board President and Superintendent of Schools respectively, of Hattiesburg Municipal Separate School District, Forrest County, Mississippi, and that for and on behalf of Hattiesburg Municipal Separate School District, and after being duly authorized by said Hattiesburg Municipal Separate School District to do so, they executed, signed and delivered the foregoing Notice of Use Restrictions on the day and year therein mentioned and for the purposes therein expressed.

Given under my hand and official seal of office, this the 28<sup>th</sup> day of January, 2003.

Bonnie Maie Hill  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 12, 2005  
BONDED THRU STEGALL NOTARY SERVICE



STATE OF OKLAHOMA

COUNTY OF Oklahoma

This day personally appeared before me, the undersigned authority in and for the state and county aforesaid, the within named John F. Reichenberger, who acknowledged that he is Vice President and Assistant Secretary of Kerr-McGee Chemical LLC, a Delaware limited liability company, and that for and on behalf of said limited liability company, and after being duly authorized by said corporation to do so, he executed, signed and delivered the foregoing Notice of Use Restrictions on the day and year therein mentioned and for the purposes therein expressed.

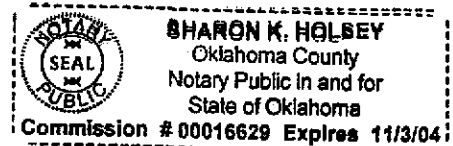
Given under my hand and official seal of office this the 24<sup>th</sup> day of January, 2003.

Sharon K. Holsey  
NOTARY PUBLIC

MY COMMISSION EXPIRES: November 3, 2004

INDEXING INSTRUCTIONS

Section 16, Township 4 North, Range 13 West  
1/4 of the 1/4  
Forrest County, Mississippi



STATE OF MISSISSIPPI  
COUNTY OF FORREST

I, Jimmy C. Havard, Chancery Clerk of Forrest County, do hereby certify that the foregoing is a true and correct copy of

Use of Restrictions  
as the same appears on record in my office in Book 902  
page 400

Given under my hand and official seal on this the 29  
day of January, 20 03.

JIMMY C. HAVARD, Chancery Clerk

By: Jiane L. Zachary DC.

## Exhibit "A"--The Lands

### TRACT 30-15--THE CORR-WILLIAMS COMPANY

The remaining unexpired portion of term of a 16<sup>th</sup> Section leasehold interest for a period of 99 years from July 7, 1947, and no longer, covering that portion of Section 16, Township-4-North, Range-13-West, Forrest County, Mississippi, more particularly described as beginning at the point of intersection of the Northwesterly right-of-way line of the New Orleans and Northeastern Railroad and the Southwesterly right-of-way line of West 62<sup>nd</sup> Street (as extended) and run thence in a Northwesterly direction along the Southwesterly boundary line of West 62<sup>nd</sup> Street (as extended) a distance of 233 feet; run thence in a Southwesterly direction parallel with the Northwesterly right-of-way line of the New Orleans and Northeastern Railroad a distance of 300 feet; run thence in a Southeasterly direction parallel with West 62<sup>nd</sup> Street (as extended) a distance of 233 feet to the Northwesterly right-of-way line of the New Orleans and Northeastern Railroad; and run thence in a Northeasterly direction along the said railroad right-of-way a distance of 300 feet to the Point of Beginning; the same containing 1.6 acres of land, more or less; and,

The remaining unexpired portion of term of a 16<sup>th</sup> Section leasehold interest for a period of 99 years from and after July 7, 1947, and no longer, covering that portion of the SE 1/4 of the NW 1/4 of Section 16, Township 4, North, Range 13 West, Forrest County, Mississippi, more particularly described as beginning at the point of intersection of the Southeasterly margin of West Pine Street (as extended) and the the Southwesterly margin of Timothy Lane or West 62<sup>nd</sup> Street (as extended) and run Southeasterly and along the said Southwesterly margin of West 62<sup>nd</sup> Street (as extended) for 180 feet to an for the point of beginning; thence run Southeasterly and along the said Southwesterly margin of Timothy Lane for 20 feet; thence run Southwesterly and parallel with West Pine Street for 200 feet; thence run Northwesterly and parallel with West 62<sup>nd</sup> Street (as extended) for 20 feet; and thence run Northeasterly parallel to the Southeasterly margin of West Pine Street (as extended) for 200 feet to the Point of Beginning; and,

The remaining unexpired portion or term of a 16<sup>th</sup> Section leasehold interest for a period of 99 years from and after July 7, 1947, and no longer, covering that portion of the SE ¼ of the NO ¼ of Section 16, Township 4, North, Range 13 West, Forrest County, Mississippi, more particularly described as beginning at the point of intersection of the Southeasterly margin of West Pine Street (as extended) and the Southwesterly margin of Timothy Lane or West 62<sup>nd</sup> Street (as extended) and run Southeasterly and along the said Southwesterly margin of West 62<sup>nd</sup> Street (as extended) for

200 feet; thence run Southwesterly and parallel with West Pine Street for 200 feet to and for the Point of Beginning; thence run Northwesterly and parallel with West 62<sup>nd</sup> Street (as extended) for 50 feet; and thence run Southwesterly parallel to the Southeasterly margin of West Pine Street (as extended) for 100 feet; thence run Southeasterly and parallel with West 62<sup>nd</sup> Street (as extended) for 50 feet; and thence run Northeasterly parallel to the Southeasterly margin of West Pine Street (as extended) for 100 feet to the Point of Beginning.

**TRACT 30-18--DAVID L. AND TAMARA B. DEARMAN**

The remaining unexpired portion or term of a Sixteenth Section leasehold interest for a period of 99 years from July 7, 1947, and no longer, covering that portion of Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, more particularly described as commencing at the point of intersection of the Southwesterly right of way line of West 62<sup>nd</sup> Street (as the same has been extended) and the Southeasterly right of way line of West Pine Street (as the same has been extended) and run thence in a Southwesterly direction on and along the said Southeasterly right of way line of West Pine Street a distance of 300 feet to the point of beginning and from said point of beginning continue Southwesterly along the said Southeasterly right of way line of West Pine Street a distance of 150 feet, thence run in a Southeasterly direction parallel with said West 62<sup>nd</sup> Street a distance of 200 feet, thence run in a Northeasterly direction and parallel with said West Pine Street a distance of 150 feet and thence run Northwesterly and parallel with said West 62<sup>nd</sup> Street a distance of 200 feet to the point of beginning.

**TRACT 30-17--SEMIAN M. AND JOYCE H. DEARMAN**

The remaining unexpired portion or term of a Sixteenth Section leasehold interest for a period of 99 years from and after July 7, 1947, and no longer, covering that portion of the Southeast Quarter of the Northwest Quarter of Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, more particularly described as commencing at the point of intersection of the Southeasterly boundary of West Pine Street (as extended) and the Southwesterly boundary of West 62<sup>nd</sup> Street (as extended) and run Southwesterly and along the said Southeasterly boundary of West Pine Street (as extended) for a distance of 450.0 feet to the point of beginning and thence continue Southwesterly and along the said Southeasterly boundary of West Pine Street (as extended) for 110.0 feet, thence run Southeasterly and parallel with West 62<sup>nd</sup> Street (as extended) for a distance of 200.0 feet, thence run Northeasterly and parallel with West Pine Street (as extended) for a distance of 110.0 feet

and thence run Northwesterly and parallel with West 62nd Street (as extended) for a distance of 200.0 feet to the point of beginning.

**TRACT 30-16.01--HATTIESBURG BEVERAGE COMPANY, INC.**

The unexpired portion of a sixteenth section lease hold interest for a period of 99 years from and after July 7, 1947, covering the following described property located, lying and being situated in Hattiesburg, Forrest County, Mississippi, to-wit:

A part of the West half of Section 16, T4N, R13W, Forrest County, Mississippi, and more particularly described as follows: Commence at the point of intersection of the Southwesterly margin of West 62<sup>nd</sup> Street Extended (Timothy Lane), as platted, and the Southeasterly margin of West Pine Street Extended, as platted; thence S 45° 28' E and along said margin of West 62<sup>nd</sup> Street Extended for 433.0 feet to a point on the Northwesterly Right-of-Way line of the N.O. & N.E. Railroad; thence S 44° 32' W and along said Right-of-Way line for 300.0 feet to the Point of Beginning; thence continue S 44° 32' W and along said Right-of-Way line for 260.0 feet to a point on the Northeasterly margin of W 63<sup>rd</sup> Street Extended; thence N 45° 28' West and along said margin of W 63<sup>rd</sup> Street Extended for 233.0 feet to a point; thence N 44° 32' E for 260.0 feet to a point; thence S 45° 28' E for 233.0 feet to the Point of Beginning.

**PARCEL NO. 1: INDUSTRIAL PARK, INC.:**

A part of the Northwest ¼ of the Southwest ¼ of Section 16, in Township 4 North, Range 13 West in the City of Hattiesburg, County of Forrest, State of Mississippi and being more particularly described as Commencing at the Intersection of the Northwestern Right of Way Line of the New Orleans and Northeastern Railroad and the Northeastern Right of Way Line of U. S. Highway No. 49, thence run N45°15'11"W along the said Northeastern Right of Way of U. S. Highway No. 49 for 125.42 feet to a Point of Intersection of the said Northeastern Right of Way Line of U. S. Highway No. 49 and the Southeastern Right of Way Line of West Pine Street, thence run N45°10'34" W for 50.52 feet to a Point of Intersection of the said Northeastern Right of Way Line of U. S. Highway No. 49 and the Northwestern Right of Way Line of said West Pine Street, said Point being the Point of Beginning: thence continue N45°10'34" W along the said Northeastern Right of Way Line of U. S. Highway No. 49 for 213.03 feet to a Point on the Centerline of Gordon's Creek, thence run N35°23'52"E along the said Centerline of Gordon's Creek for 758.44 feet, thence run N37°58'59"E along the said Centerline of Gordon's Creek for 205.66 feet to the Point of Intersection of the said Centerline of Gordon's Creek and the Centerline of a Ditch, thence run S53°16'48"E along the

said Centerline of a Ditch for 221.08 feet to a Point on the said Northwestern Right of Way Line of West Pine Street, thence run S36°33'32"W along the said Northwestern Right of Way Line of West Pine Street for 993.88 feet to the Point of Beginning, comprising 4.93 Acres, more or less.

**PARCEL NO. 2: INDUSTRIAL PARK, INC.:**

A part of Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 16, in Township 4 North, Range 13 West in the City of Hattiesburg, County of Forrest, State of Mississippi and being more particularly described as Commencing at the Intersection of the Northwestern Right of Way Line of the New Orleans and Northeastern Railroad and the Northeastern Right of Way Line of U. S. Highway No. 49, thence run N45°15'11"W along the said Northeastern Right of Way of U.S. Highway No. 49 for 125.42 feet to a Point of Intersection of the said Northeastern Right of Way Line of U. S. Highway No. 49 and the Southeastern Right of Way Line of West Pine Street, thence run N45°10'34"W for 50.52 feet to a Point of Intersection of the said Northeastern Right of Way Line of U. S. Highway No. 49 and the Northwestern Right of Way Line of said West Pine Street, thence run N36°33'32"E along the said Northwestern Right of Way Line of West Pine Street for 993.88 feet to a Point on the Centerline of a Ditch, said Point being the Point of Beginning: thence run N53°16'48"W along the Centerline of a Ditch for 221.08 feet to a Point on the Centerline of Gordon's Creek, thence run N37°58'59"E along the said Centerline of Gordon's Creek for 5.88 feet, thence run N33°09'29"E along the said Centerline of Gordon's Creek for 205.01 feet, thence run N41°02'08"E along the said Centerline of Gordon's Creek for 154.74 feet, thence run N27°01'06"E along the said Centerline of Gordon's Creek for 51.50 feet, thence run S54°23'18"E for 226.62 feet to a Point on the said Northwestern Right of Way Line of West Pine Street, thence run S35°55'19"W along the said Northwestern Right of Way Line of West Pine Street for 266.97 feet, thence run S36°33'32"W along the said Northwestern Right of Way Line of West Pine Street for 152.99 feet to the Point of Beginning, comprising 2.17 Acres, more or less.

**PARCEL NO. 4: INDUSTRIAL PARK, INC.:**

A part of the North  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 16, in Township 4 North, Range 13 West in the City of Hattiesburg, County of Forrest, State of Mississippi and being more particularly described as Commencing at the Intersection of the Northwestern Right of Way Line of the New Orleans and Northeastern Railroad and the Northeastern Right of Way Line of U. S. Highway No. 49, thence run N45°15'11"W along the said Northeastern Right of Way of U. S. Highway No. 49 for 125.42 feet to a



Point of Intersection of the said Northeastern Right of Way Line of U. S. Highway No. 49 and the Southeastern Right of Way Line of West Pine Street, thence run N36°33'32"E along the said Southeastern Right of Way Line of West Pine Street for 1154.41 feet, thence run N35°55'19"E along the said Southeastern Right of Way Line of West Pine Street for 494.42 feet, thence run N36°07'28"E along the said Southeastern Right of Way Line of West Pine Street for 164.83 feet to the Point of Beginning: thence run N36°43'19"E along the said Southeastern Right of Way Line of West Pine Street for 199.99 feet, thence run S45°32'57"E for 418.39 feet to a Point on the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad, thence run S44°49'10"W along the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad for 198.18 feet, thence run N45°32'57"W for 390.22 feet to the Point of Beginning, comprising 1.84 Acres, more or less.

**PARCEL NO. 5: INDUSTRIAL PARK, INC.:**

A part of the North ½ of the Southwest ¼ of Section 16, in Township 4 North, Range 13 West in the City of Hattiesburg, County of Forrest, State of Mississippi and being more particularly described as Commencing at the Intersection of the Northwestern Right of Way Line of the New Orleans and Northeastern Railroad and the Northeastern Right of Way Line of U. S. Highway No. 49, thence run N45°15'11"W along the said Northeastern Right of Way of U. S. Highway No. 49 for 125.42 feet to a Point of Intersection of the said Northeastern Right of Way Line of U. S. Highway No. 49 and the Southeastern Right of Way Line of West Pine Street, thence run N36°33'32"E along the said Southeastern Right of Way Line of West Pine Street for 1154.41 feet to the Point of Beginning: thence run N35°55'19"E along the said Southeastern Right of Way Line of West Pine Street for 494.42 feet, thence run S45°35'33"E for 365.33 feet to a Point on the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad, thence run S44°39'40"W along the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad for 490.73 feet, thence run N45°15'08"W for 290.20 feet to the Point of Beginning, comprising 3.69 Acres, more or less.

**TRACT 30-7—GARY J. AND JAMES K. MARTIN**

A parcel of land located in and forming a part of Section 16, Township 4 North, Range 13 West, being also a part of Block 75 of the D.D. McInnis Third Survey or Addition, all in the City of Hattiesburg, Forrest County, Mississippi, being definitely and particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 16 in said Township and Range run South along the West boundary line of said Section 16 a distance of 429.8 feet to a point on a projection or extension of the North boundary line of Block 13 of the Hicks Subdivision of the D.D. McInnis Third Survey of or Addition to the City of Hattiesburg, Forrest County, Mississippi (which Subdivision lies Northwesterly of the New Orleans and Northeastern Railroad right of way), run thence East along said projection or extension of the said North boundary line of said Block 13 and along the said North boundary line of said Block 13 itself a distance of 808.0 feet to a point on the Westerly bank of Gordon's Creek, (all of the above being located by fixed and permanent monuments and fully identified and set forth on that certain survey by R. L. Morrison, C.E., et al, dated December 23, 1957, and of record in Record of Surveys Book 1 at Page 138, on file in the office of the Chancery Clerk of Forrest County, Mississippi), run thence North 2 degrees 47 minutes East along said Westerly bank of said Gordon's Creek a distance of 143.0 feet, run thence North 4 degrees 7 minutes East along said Westerly bank of said Gordon's Creek a distance of 212.3 feet to a point on a projection or extension of the Southeasterly boundary line of 32<sup>nd</sup> Avenue in the City of Hattiesburg, Mississippi, run thence North 44 degrees 32 minutes East along said projection or extension of said Southeasterly boundary line of said 32<sup>nd</sup> Avenue and along said Southeasterly boundary line of said 32<sup>nd</sup> Avenue itself a distance of 1869 feet to a point that is 1040 feet Southwesterly of the point of intersection of the said Southeasterly boundary line of said 32<sup>nd</sup> Avenue with the Southwesterly boundary line of Florence Street in the City of Hattiesburg, Mississippi, and run thence South 45 degrees 28 minutes East and parallel with the said Southwesterly boundary line of said Florence Street a distance of 190 feet to and for a point of beginning of the parcel of land herein described, and from this point of beginning continue thence South 45 degrees 28 minutes East and parallel with the said Southwesterly boundary line of said Florence Street a distance of 210 feet to a point on the Northwesterly boundary line of West Pine Street (sometimes called Lewin Avenue or Street) in the City of Hattiesburg, Mississippi, run thence North 44 degrees 32 minutes East and along said Northwesterly boundary line of said West Pine Street a distance of 296 feet, run thence North 45 degrees 28 minutes West and parallel with the said Southwesterly boundary line of said Florence Street a distance of 200 feet, run thence South 44 degrees 32 minutes West and parallel with the said Northwesterly boundary line of said West Pine Street and the said Southeasterly boundary line of said 32<sup>nd</sup> Avenue a distance of 246 feet, run thence North 45 degrees 28 minutes West and parallel with the said Southwesterly boundary line of said Florence Street a distance of 10 feet and run thence South 44 degrees 32 minutes West and parallel with the said Northwesterly boundary line of said West Pine Street and the said

Southeasterly boundary line of said 32<sup>nd</sup> Avenue a distance of 50 feet to the point of beginning; said parcel of land having a frontage of 296 feet on said West Pine Street in the City of Hattiesburg, Mississippi, and extending therefrom in a Northwesterly direction a depth of 200 feet on the Northeasterly side thereof and a depth of 210 feet on the Southwesterly side thereof.

AND ALSO:

A part of Block 75 of the D. D. MCINNIS THIRD SURVEY OR ADDITION to the City of Hattiesburg, County of Forrest, State of Mississippi, as per the map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi (being a subdivision of part of Section 16, Township 4 North, Range 13 West of Forrest County, Mississippi) and more particularly described as follow, to-wit:

Commence at the most easterly corner of Block 75 of said subdivision being the intersection of the Southwest margin line of Florence Street and the Northwest margin line of West Pine Street and run thence Southwesterly along the Northwest margin line of West Pine Street for a distance of 744 feet to and for the Point of Beginning, (being the most easterly corner of real property deeded to B. J. Martin by deed dated April 30, 1964, in Land Deed Book 266, at Page 27, on file in the office of the Chancery Clerk of Forrest County, Mississippi), run thence North 45 deg. 28' West for 165 feet; run thence South 44 deg. 32' West for 25 feet; run thence North 45 deg. 28' West for 45 feet; run thence North 44 deg. 32' East for 169 feet; run thence South 45 deg. 28' East for 210 feet to the Northwest margin of West Pine Street; run thence Southwesterly along the Northwest margin line of West Pine Street for a distance of 144 feet to the Point of Beginning.

#### **TRACT 30-14--B.E. MIXON AND JUDITH MIXON**

A parcel of land in Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, more particularly described as commencing at a point 100 feet southeasterly from the point of intersection of the southwesterly boundary line of Scooba Street and the northwesterly boundary line of the right of way of the main line track of the New Orleans and Northeastern Railroad Company, and from said point of beginning run in a northwesterly direction 100 feet from the southwesterly boundary line of Scooba Street a distance of 433 feet, run thence in a southwesterly direction parallel with the northwesterly boundary line of the right of way of the main line track of the New Orleans and Northeastern Railroad Company a distance of 444 feet, more or less, run thence in a southeasterly direction at right angles to the

northwesterly boundary line of the right of way of the main line track of the New Orleans and Northeastern Railroad Company a distance of 433 feet to a point on the northwesterly boundary line of the said New Orleans and Northeastern Railroad Company right of way, and run thence in a northeasterly direction on and along the northwesterly boundary line of said New Orleans and Northeastern Railroad Company railroad right of way a distance of 444 feet to the point of beginning, the same containing 4.40 acres of land, more or less; and, in addition thereto,

A lot or parcel of land in Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, described as follows:

Beginning at a point where the Southwesterly boundary line of Scooba Street intersects the Southeasterly boundary line of Pine Street, as both streets are presently laid out, used and improved in the City of Hattiesburg, Mississippi, and from said point run thence in a Southeasterly direction along the Southwesterly boundary line of Scooba Street a distance of 195 feet to the point of beginning of the property herein described; continue thence Southeasterly along the Southwesterly boundary line of Scooba Street for a distance of 238 feet to a point; turn thence right and run in a Southwesterly direction along a line parallel with the Southeasterly boundary line of Pine Street a distance of 100 feet to a point; turn thence right and run Northwesterly along a line parallel with the Southwesterly boundary line of Scooba Street for a distance of 238 feet to a point; turn thence to the right and run Northeasterly along a line parallel with the Southeasterly boundary line of Pine Street for a distance of 100 feet to the point of beginning.

LESS AND EXCEPT the following described parcel, to-wit:

A lot or parcel of land in Section 16, T-4-N, R-13-W, Forrest County, Mississippi, described as follows:

Beginning at a point where the Southwesterly boundary line of Scooba Street intersects the Southeasterly boundary line of Pine Street, as both streets are presently laid out, used and improved in the City of Hattiesburg, Mississippi, and from said point run thence in a Southeasterly direction along the Southwesterly boundary line of Scooba Street a distance of 195 feet to the point of beginning of the property herein described; continue thence Southeasterly along the Southwesterly boundary line of Scooba Street for a distance of 149.7 feet to a point; turn thence right and run in a Southwesterly direction along a line parallel with the Southeasterly boundary line of Pine Street a distance of 102 feet to a point; turn thence right and run Northwesterly along a line

parallel with the Southwesterly boundary line of Scooba Street for a distance of 149.7 feet to a point; turn thence to the right and run Northeasterly along a line parallel with the Southeasterly boundary line of Pine Street for a distance of 102 feet to the point of beginning.

**TRACT 30-20--COURTESY MOTORS, INC.**

The remaining unexpired portion or term of a Sixteenth Section leasehold interest for a period of 99 years from and after July 7, 1947 and no longer, recorded in Book 96 at Page 470 and corrected by a lease recorded in Book 195 at Page 6 of the Land Deed Records of Forrest County, Mississippi, covering that portion of the SE 1/4 of NW 1/4 of Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, more particularly described as beginning at the point of intersection of the Southeasterly margin of West Pine Street (as extended) and the Southwesterly margin of Timothy Lane or West 62<sup>nd</sup> Street (as extended) and run Southeasterly and along the said Southwesterly margin of West 62<sup>nd</sup> Street (as extended) for 180 feet; thence run Southwesterly and parallel with West Pine Street (as extended) for 200 feet; thence run Northwesterly and parallel with West 62<sup>nd</sup> Street (as extended) for 180 feet; and thence run Northeasterly and along said Southeasterly margin of West Pine Street (as extended) for 200 feet to the Point of Beginning.

**TRACT 30-14.01--RYAN SUPPLY COMPANY**

A lot or parcel of land in Section 16, T-4-N, R-13-W, Forrest County, Mississippi, described as follows:

Beginning at a point where the Southwesterly boundary line of Scooba Street intersects the Southeasterly boundary line of Pine Street, as both streets are presently laid out, used and improved in the City of Hattiesburg, Mississippi, and from said point run thence in a Southeasterly direction along the Southwesterly boundary line of Scooba Street a distance of 195 feet to the point of beginning of the property herein described; continue thence Southeasterly along the Southwesterly boundary line of Scooba Street for a distance of 149.7 feet to a point; turn thence right and run in a Southwesterly direction along a line parallel with the Southeasterly boundary line of Pine Street a distance of 102 feet to a point; turn thence right and run Northwesterly along a line parallel with the Southwesterly boundary line of Scooba Street for a distance of 149.7 feet to a point; turn thence to the right and run Northeasterly along a line parallel with the Southeasterly boundary line of Pine Street for a distance of 102 feet to the point of beginning.

## TRACT 31-6--O.M.T. PROPERTIES, INC.

The remaining unexpired portion or term of a Sixteenth Section leasehold interest for a period of 99 years from and after July 7, 1947 and no longer, covering a part of the West half of Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, and more particularly described as follows: Commence at the point of intersection of the Southwesterly margin of West 62<sup>nd</sup> Street, (Timothy Lane), as platted, and the Northeasterly margin of Corinne Street (32<sup>nd</sup> Ave.) as platted and run S 45 degrees - 28' E and along a Southeasterly extension of said margin of West 62<sup>nd</sup> St., for 933 feet to a point on the Northeasterly Right of Way line of the N.O. & N.E. Railroad, thence run S 44 degrees - 32' W and along said Railroad Right of Way line for 610 feet to the point of beginning. From this point of Beginning run N 45 degrees - 28' W for 433 feet to a point on the Southeasterly margin of West Pine Street (as extended); thence run S 44 degrees - 32' W and along said margin of West Pine Street, as extended, for 303.7 feet to the beginning of a curve to the left of 2 degrees - 11' - 26"; then continue along said Southeasterly margin of said West Pine Street, being a curve to the left of 2 degrees - 11' - 26", for 196.3 feet; thence run S 45 degrees - 28' E for 424.5 feet to the Northeasterly Right of Way line of the N.O. & N.E. Railroad; thence run N 44 degrees - 32' E for 499.83 feet to the point of beginning.

Less and except that certain parcel contained therein which was previously conveyed by Ollie M. Thomas, by Warranty Deed to Area Development Partnership, Inc., filed and recorded on or about January 13, 1995, in the Chancery Clerk's office in Forrest County, Mississippi and which is more particularly described as follows:

Commence at the point of intersection of the Southwesterly margin of West 62<sup>nd</sup> Street (Timothy Lane), as platted, and the Northeasterly margin of Corinne Street (32<sup>nd</sup> Avenue) as platted and run S 45° 28' E and along a Southeasterly extension of said margin of West 62<sup>nd</sup> Street for 933 feet to a point on the Northeasterly right-of-way line of the Southern Railroad;

Thence run S 44° 32' W and along said railroad right-of-way-line for 794.18 feet to the point of beginning; from this point of beginning run N 45° 28' 10" W for 432.98 feet to a point on the Southeasterly margin of West Pine Street (as Extended);

Thence run S 44° 32' W and along said margin of West Pine Street, As Extended, for 119.52 feet to a point of curvature;

Thence in a Southwesterly direction along the said Southeasterly margin of West Pine Street and along a curve to the left having a radius of 2284.96 feet and an arc length of 196.21 feet;

Thence run S 45° 27' E for 424.56 feet to the Northeasterly right-of-way line of the said Southern Railroad;

Thence run N 44° 32' E along the said Northeasterly right-of-way of the Southern Railroad 315.64 feet to the point of beginning.

#### **TRACT 30-13--RSCO REALTY CORPORATION**

A lot or parcel of land in Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, which parcel of land contains 43,300 square feet and is particularly described as follows, to-wit:

Beginning at a point where the southwesterly boundary line of Scooba Street intersects the southeasterly boundary line of Pine Street, as both of said streets are presently laid out, used and improved in the City of Hattiesburg, Mississippi; and from said point of beginning run thence in a southeasterly direction and along the southwesterly boundary line of Scooba Street a distance of 433 feet to a point; turn thence to the right and run in a southwesterly direction along a line parallel with the southeasterly boundary line of said Pine Street a distance of 100 feet to a point; turn thence to the right and run in a northwesterly direction and along a line parallel with the southwesterly boundary line of Scooba Street a distance of 433 feet to a point; turn thence to the right and run in a northeasterly direction and along the southeasterly boundary line of Pine Street a distance of 100 feet to the point of beginning; said parcel being further identified as a parcel of land located immediately south of the intersection of said Scooba Street and Pine Street and measuring 433 feet in a northwesterly-southeasterly direction, by 100 feet measured in a northeasterly-southwesterly direction, said property being further described and identified as fronting 100 feet on West Pine Street by 433 feet on Scooba Street, in the City of Hattiesburg, Forrest County, Mississippi.

LESS AND EXCEPT the following described parcel, to-wit:

A lot or parcel of land in Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, described as follows:

Beginning at a point where the Southwesterly boundary line of Scooba Street intersects the Southeasterly boundary line of Pine Street, as both streets are presently laid out, used and improved in the City of

Hattiesburg, Mississippi, and from said point run thence in a Southeasterly direction along the Southwesterly boundary line of Scooba Street a distance of 195 feet to the point of beginning of the property herein described; continue thence Southeasterly along the Southwesterly boundary line of Scooba Street for a distance of 238 feet to a point; turn thence right and run in a Southwesterly direction along a line parallel with the Southeasterly boundary line of Pine Street a distance of 100 feet to a point; turn thence right and run Northwesterly along a line parallel with the Southwesterly boundary line of Scooba Street for a distance of 238 feet to a point; turn thence to the right and run Northwesterly along a line parallel with the Southeasterly boundary line of Pine Street for a distance of 100 feet to the point of beginning.

#### **TRACTS 30-10, PORTION 31-5--RSCO REALTY CORPORATION**

The remaining unexpired portion or term of a Sixteenth Section leasehold interest for a period of 99 years from July 7, 1947, and no longer, covering that portion of Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, more particularly described as beginning at the point of intersection of the Northwesterly boundary line of West Pine Street (as the same has been extended) with the Southwesterly boundary line of West 62<sup>nd</sup> Street (as the same has been extended) and run thence in a Northwesterly direction on and along the said Southwesterly boundary line of West 62<sup>nd</sup> Street a distance of 400 feet to its point of intersection with the Southeasterly boundary line of 32<sup>nd</sup> Avenue, run thence in a Southwesterly direction on and along the Southeasterly boundary line of 32<sup>nd</sup> Avenue a distance of 871.2 feet, run thence in a Southeasterly direction at right angles to the last named course a distance of 400 feet to the Northwesterly boundary line of West Pine Street, and run thence in a Northeasterly direction along the Northwesterly boundary line of West Pine Street a distance of 871.2 feet to the point of beginning; the same containing 8 acres of land.

#### **PORTION TRACT 31-5--RSCO REALTY CORPORATION**

The remaining unexpired portion of term of a Sixteenth Section leasehold interest for a period of 99 years from July 7, 1947, and no longer, covering that portion of Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, more particularly described as commencing at the point of intersection of the Southeasterly boundary line of West 62<sup>nd</sup> Street (as extended) with the Northwesterly boundary line of West Pine Street (as extended) and run thence in a Southwesterly direction along the said Northwesterly boundary line of West Pine Street a distance of 871.2 feet to the point of beginning, and from said point of beginning continue in a Southwesterly direction along the said Northwesterly boundary line of



West Pine Street a distance of 922.1 feet, run thence North 54 degrees 08 minutes West, being at right angles to the last named course, for a distance of 272.4 feet to a concrete monument on the Westerly bank of Gordon's Creek, run thence North 02 degrees 47 minutes East and along the said Westerly bank of Gordon's Creek for a distance of 143 feet, run thence North 04 degrees 07 minutes East and along said Westerly bank of Gordon's Creek for a distance of 212.3 feet to the point of intersection with the Southeasterly boundary line of 32<sup>nd</sup> Avenue or Corinne Street, run thence in a Northeasterly direction and along the said Southeasterly boundary line of 32<sup>nd</sup> Avenue or Corrine Street for a distance of 687.8 feet and run thence at right angles to the last named course in a Southeasterly direction and parallel with the said Southwesterly boundary line of West 62<sup>nd</sup> Street a distance of 400 feet to the point of beginning; the same containing 8.85 acres of land.

**TRACTS 30-12 & 30-12.01--STEADMAN PROPERTIES, INC.**

Beginning at the intersection of the Northeasterly line of West 62<sup>nd</sup> Street (Timothy Lane) and the Northwesterly line of West Pine Street, thence run Northeasterly along West Pine Street for 260 feet, thence Northwesterly 210 feet, thence Northeasterly 50 feet, thence Northwesterly 190 feet, thence Southwesterly 160 feet, thence Southeasterly 200 feet, thence Southwesterly 150 feet, thence Southeasterly 200 feet, to point of beginning, being located in Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi.

**TRACT 31-8.02--ROBERT J. AND RANDA D. TOUCHSTONE**

A parcel of land in the Southwest ¼ of Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, and more particularly described as commencing at the point of intersection of the Northwesterly Right-of-Way line of the New Orleans and Northeastern Railroad and the Northeasterly Right-of-Way line of U. S. Highway No. 49; thence North 44°32' East and along the said Railroad Right-of-Way line for 995.3 feet; thence North 45°28' West 267.8 feet to the Southeasterly margin of West Pine Street (as extended); thence North 35°54' East and along the Southeasterly margin of said West Pine Street 660 feet to the Point of Beginning; thence continue North 35°54' East and along the Southeasterly margin of said West Pine Street for 150 feet; thence South 45°37' East 390.91 feet to the Northwesterly Right-of-Way line of the above said railroad; thence Southwesterly and along the Northwesterly Right-of-Way line of the above said railroad 148.36 feet; thence North 45°37' West 367.9 feet to the Point of Beginning.

AND

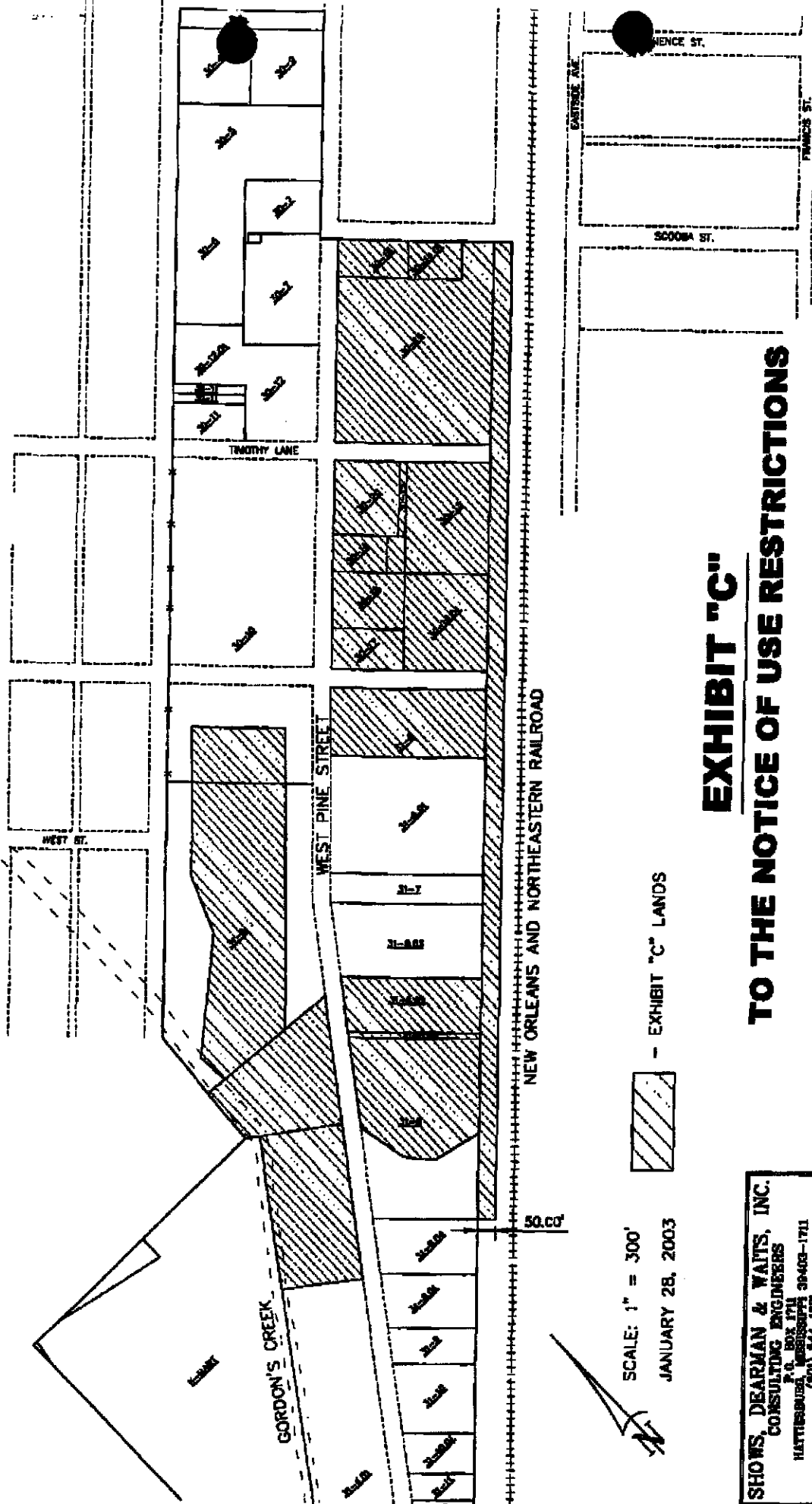
A parcel of land in the Southwest  $\frac{1}{4}$  of Section 16, Township 4 North, Range 13 West, Forrest County, MS, and more particularly described as commencing at the point of intersection of the Northwestern Right-of-Way line of the New Orleans and Northeastern railroad and the Northeasterly Right-of-Way line of U. S. Highway No. 49; thence North 44 degrees 32 minutes East and along the said Railroad Right-of-Way for 995.3 feet; thence North 45 degrees 28 minutes West 267.8 feet to the Southeasterly margin of West Pine Street (as extended); thence North 35 degrees 54 minutes East and along the Southeasterly margin of said West Pine Street 645 feet to the Point of Beginning; thence continue North 35 degrees 54 minutes East and along the Southeasterly margin of said West Pine Street for 15 feet; thence South 45 degrees 37 minutes East 367.9 feet to the Northwestern Right-of-Way line of the above said Railroad; thence Southwesterly and along the Northwestern Right-of-Way line of the above said Railroad 14.84 feet; thence North 45 degrees 37 minutes West 365.6 feet to the Point of Beginning.

#### **TRACT 30-19--DOROTHY C. YARBOROUGH**

The remaining unexpired portion or term of a Sixteenth Section leasehold interest for a period of 99 years from July 7, 1947, and no longer, covering that portion of Section 16, Township 4 North, Range 13 West, Forrest County, Mississippi, more particularly described as commencing at the point of intersection of the Southwesterly right of way line of West 62<sup>nd</sup> Street (as the same has been extended) and the Southeasterly right of way line of West Pine Street (as the same has been extended) and run thence in a Southwesterly direction on and along the said Southeasterly right of way line of West Pine Street a distance of 200 feet to the point of beginning, and from said point of beginning continue Southwesterly along the said Southeasterly right of way line of West Pine Street a distance of 100 feet, thence run in a Southeasterly direction parallel with said West 62<sup>nd</sup> Street a distance of 150 feet, thence run in a Northeasterly direction and parallel with said West Pine Street a distance of 100 feet and thence run Northwesterly and parallel with said West 62<sup>nd</sup> Street a distance of 150 feet to the point of beginning.

**FORMER 50 FOOT RAILROAD ROW REVERTING TO SCHOOL  
DISTRICT BY MUTUAL RELEASE DATED 11/1/83, RECORDED  
12/13/83, DEED BOOK 533, PAGE 38, CHANCERY COURT RECORDS  
OF FORREST COUNTY, MISSISSIPPI:**

A part of the North  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$ , a part of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  and a part of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 16, in Township 4 North, Range 13 West in the City of Hattiesburg, County of Forrest, State of Mississippi and being more particularly described as commencing at the Intersection of the Northwestern Right of Way Line of the New Orleans and Northeastern Railroad and the Northeastern Right of Way Line of U. S. Highway No. 49, thence run N44°45'56"E along the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad for 1142.64 feet to the Point of Beginning: thence run N44°39'40"E along the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad for 490.73 feet, thence run N44°48'41"E along the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad for 162.82 feet, thence run N44°49'10"E along the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad for 1983.15 feet to the Point of Intersection of the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad and the Southwestern Right of Way Line of Scooba Street, thence run S45°28'53"E along the extension of the said Southwestern Right of Way Line of Scooba Street for 50.00 feet, thence run S44°49'10"W and parallel to the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad for 1983.41 feet, thence run S44°48'41"W and parallel to the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad for 162.75 feet, thence run S44°39'40"W and parallel to the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad for 490.71 feet, thence run N45°15'08"W for 50.00 feet to the Point of Beginning, comprising 3.03 Acres, more or less.



# EXHIBIT "C" TO THE NOTICE OF USE RESTRICTIONS

SCALE: 1" = 300'  
JANUARY 28, 2003

**SHOWS, DEARMAN & WAITS, INC.**  
CONSULTING ENGINEERS  
P.O. BOX 1711  
HATTIESBURG, MISSISSIPPI 39403-1711  
(601) 844-1821

LAMBERTSON CONSULTING ENGINEERS, 1000 - LAMBERTSON LANE, SUITE 100, HATTIESBURG, MISSISSIPPI 39403-1711  
 LAMBERTSON CONSULTING ENGINEERS, 1000 - LAMBERTSON LANE, SUITE 100, HATTIESBURG, MISSISSIPPI 39403-1711

# SHOWS, DEARMAN & WAITS, INC.

CONSULTING ENGINEERS

P.O. BOX 1711, 301 SECOND AVENUE  
HATTIESBURG, MISSISSIPPI 39403-1711

TELEPHONE 601-544-1021

FAX 601-544-0501

WWW.SD-W.COM

PAUL J. SHOWS (1996)

RAYMOND M. DEARMAN, P.E., R.L.S.  
MICHAEL T. WAITS, P.E., R.L.S.  
WILLIAM F. WAITS, P.E., R.L.S.  
NICHOLAS M. CONNOLLY, P.E.  
KYLE D. WALLACE, P.E.

DATE: 1-28-03

FAX TO: Kelly Riley / Tony Russell / Bob Hammond / Gene Raiford

FAX NO: 601-961-5349 / 601-961-5300 / 264-5588 / 504-566-0210

FROM: Billy Waits

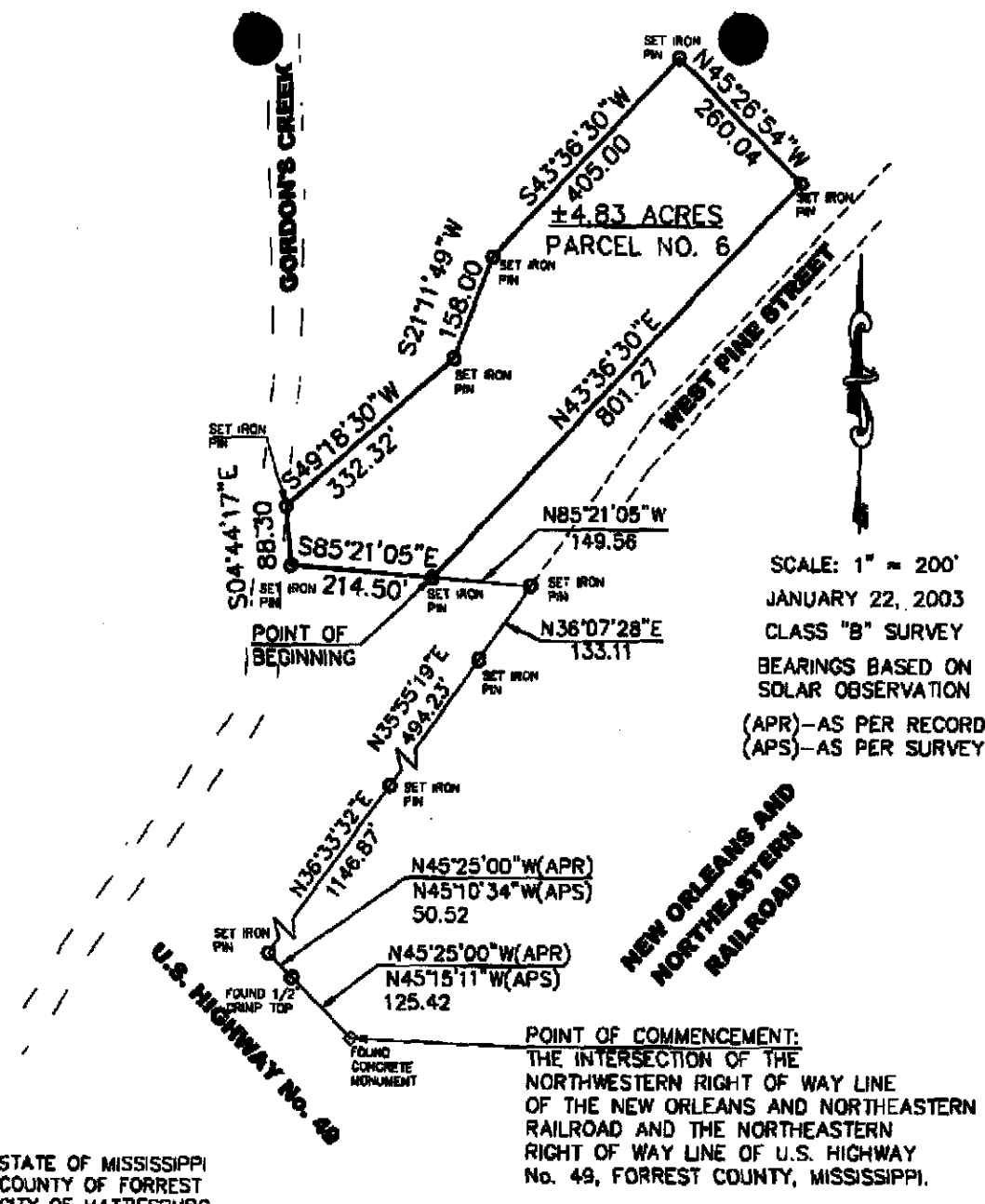
PAGES TO FOLLOWS: 1

COMMENT: \_\_\_\_\_

Revised Exhibit "C", adding deleted Areas

### CONFIDENTIALITY NOTICE

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE ADDRESSEE LISTED ABOVE. IF YOU ARE NEITHER THE INTENDED RECIPIENT NOR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS MESSAGE TO THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE COPYING, DISTRIBUTION OR THE TAKING OF ANY ARTICLE IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE.

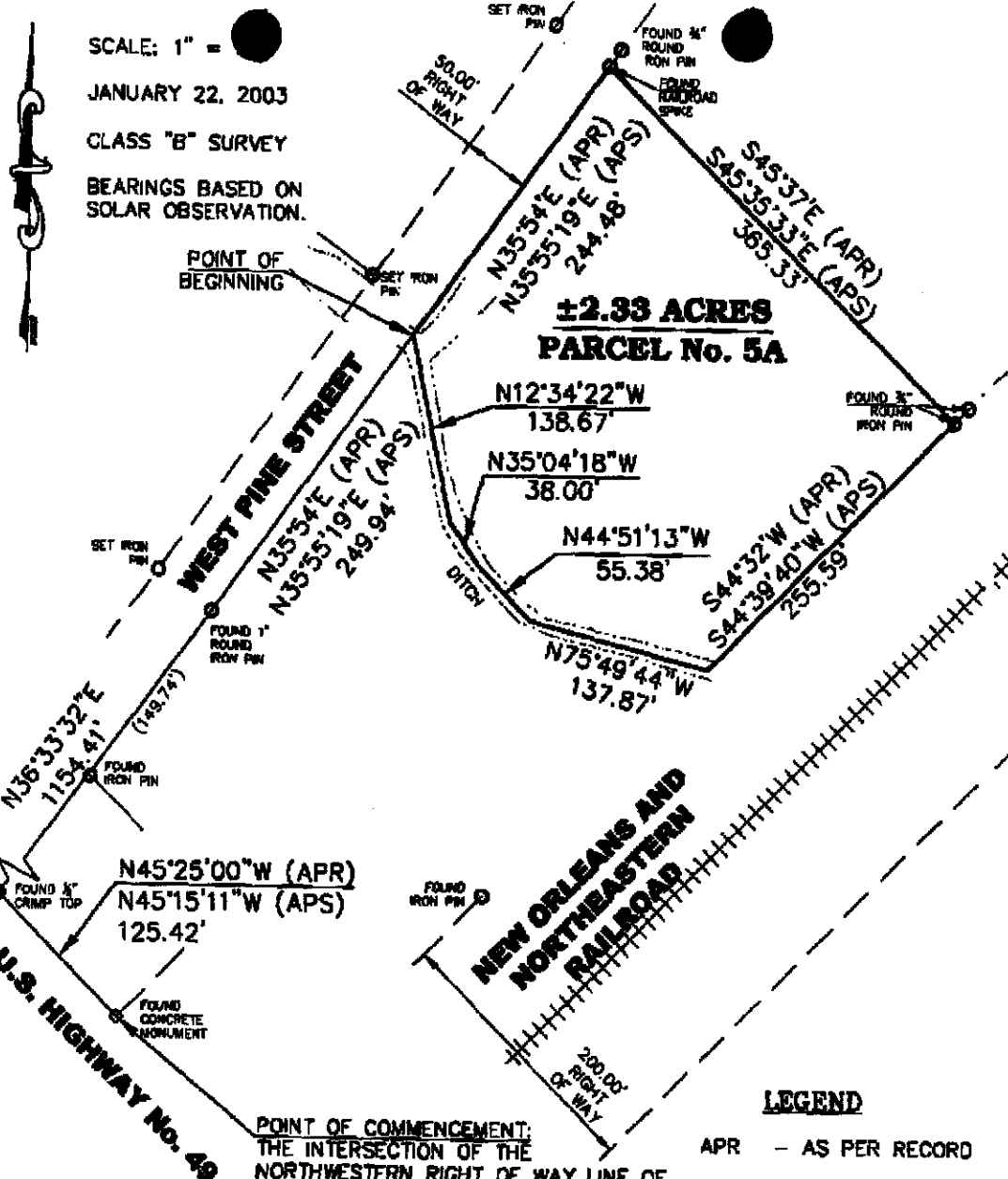


STATE OF MISSISSIPPI  
COUNTY OF FORREST  
CITY OF HATTIESBURG

A part of the Northwest 1/4 of the Southwest 1/4 of Section 16. in Township 4 North, Range 13 West in the City of Hattiesburg, County of Forrest, State of Mississippi and being more particularly described as Commencing at the intersection of the Northwestern Right of Way Line of the New Orleans and Northeastern Railroad and the Northeastern Right of Way Line of U.S. Highway No. 49, thence run N45°15'11"W along the said Northeastern Right of Way Line of U.S. Highway No. 49 for 125.42 feet to a Point of Intersection of the said Northeastern Right of Way Line of U.S. Highway No. 49 and the Southeastern Right of Way Line of West Pine Street, thence run N45°10'34"W for 50.52 feet to a Point of Intersection of the said Northeastern Right of Way Line of U.S. Highway No. 49 on the Northwestern Right of Way Line of said West Pine Street, thence run N36°33'32"E along the said Northwestern Right of Way Line of West Pine Street for 1146.87 feet, thence run N35°55'19"E along the said Northwestern Right of Way Line of West Pine Street for 494.23 feet, thence run N36°07'28"E along the said Northwestern Right of Way Line of West Pine Street for 133.11 feet, thence run N85°21'05"W for 149.56 feet to the Point of Beginning; thence run N43°36'30"E for 801.27 feet, thence run N45°26'54"W for 260.04 feet, thence run S43°36'30"W for 405.00 feet, thence run S21°11'49"W for 158.00 feet, thence run S49°18'30"W for 332.32 feet, thence run S04°44'17"E for 88.30 feet, thence run S85°21'05"E for 214.50 feet, to the Point of Beginning, comprising 4.83 Acres, more or less.

**SHOWS, DEARMAN & WAITS, INC.**  
CONSULTING ENGINEERS  
P.O. BOX 1711  
HATTIESBURG, MISSISSIPPI 39403-1711  
(601) 844-1261

*William F. Waits*  
William F. Waits, P.E., R.L.S.  
Civil Engineer No. 12261  
Land Surveyor No. 2639



SCALE: 1" = ●  
 JANUARY 22, 2003  
 CLASS "B" SURVEY  
 BEARINGS BASED ON SOLAR OBSERVATION.

**±2.33 ACRES**  
**PARCEL No. 5A**

**LEGEND**

- APR - AS PER RECORD
- APS - AS PER SURVEY

STATE OF MISSISSIPPI  
 COUNTY OF FORREST  
 CITY OF HATTIESBURG

**POINT OF COMMENCEMENT:**  
 THE INTERSECTION OF THE  
 NORTHWESTERN RIGHT OF WAY LINE OF  
 THE NEW ORLEANS AND NORTHEASTERN  
 RAILROAD AND THE NORTHEASTERN  
 RIGHT OF WAY LINE OF U.S. HIGHWAY  
 No. 49, FORREST COUNTY, MISSISSIPPI.

A part of the North 1/2 of the Southwest 1/4 of Section 16, in Township 4 North, Range 13 West in the City of Hattiesburg, County of Forrest, State of Mississippi and being more particularly described as Commencing at the intersection of the Northwestern Right of Way Line of the New Orleans and Northeastern Railroad and the Northeastern Right of Way Line of U.S. Highway No. 49, thence run N45°15'11"W along the said Northeastern Right of Way Line of U.S. Highway No. 49 for 125.42 feet to a Point of Intersection of the said Northeastern Right of Way Line of U.S. Highway No. 49 and the Southeastern Right of Way Line of West Pine Street, thence run N36°33'32"E along the said Southeastern Right of Way Line of West Pine Street for 1154.41 feet, thence run N35°55'19"E along the said Southeastern Right of Way Line of West Pine Street for 249.94 feet to the Centerline of a Ditch and the Point of Beginning; thence run N35°55'19"E along the said Southeastern Right of Way Line of West Pine Street for 244.48 feet, thence run S45°35'33"E for 365.33 feet to a Point on the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad, thence run S44°39'40"W along the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad for 255.59 feet to the Centerline of a Ditch, thence run N75°49'44"W along said Ditch for 137.87 feet, thence run N44°51'13"W along said Ditch for 55.38 feet, thence run N 35°04'18"W along said Ditch for 38.00 feet, thence run N12°34'22"W along said Ditch for 138.67 feet to the Point of Beginning, comprising 2.33 Acres, more or less.

**SHOWS, DEARMAN & WAITS, INC.**  
 CONSULTING ENGINEERS  
 P.O. BOX 1711  
 HATTIESBURG, MISSISSIPPI 39403-1711  
 (601) 844-3881

*William F. Waits*  
 William F. Waits, P.E., R.L.S.  
 Civil Engineer No. 12281  
 Land Surveyor No. 2639

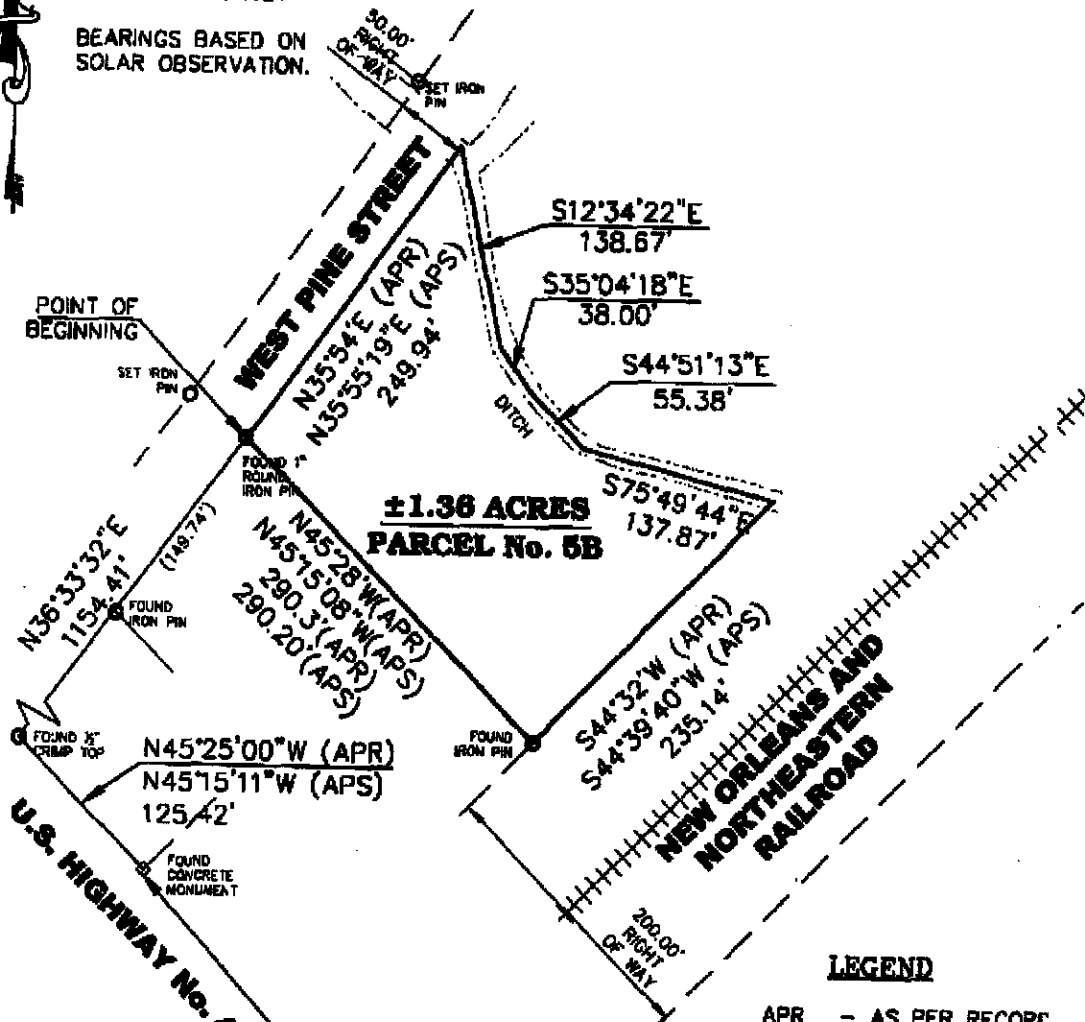


SCALE: 1" = 100'

JANUARY 22, 2003

CLASS "B" SURVEY

BEARINGS BASED ON SOLAR OBSERVATION.



**±1.36 ACRES  
PARCEL No. 5B**

**LEGEND**

- APR - AS PER RECORD
- APS - AS PER SURVEY

**POINT OF COMMENCEMENT:**  
 THE INTERSECTION OF THE  
 NORTHWESTERN RIGHT OF WAY LINE OF  
 THE NEW ORLEANS AND NORTHEASTERN  
 RAILROAD AND THE NORTHEASTERN  
 RIGHT OF WAY LINE OF U.S. HIGHWAY  
 No. 49, FORREST COUNTY, MISSISSIPPI.

STATE OF MISSISSIPPI  
 COUNTY OF FORREST  
 CITY OF HATTIESBURG

A part of the North 1/2 of the Southwest 1/4 of Section 16, in Township 4 North, Range 13 West in the City of Hattiesburg, County of Forrest, State of Mississippi and being more particularly described as Commencing at the Intersection of the Northwestern Right of Way Line of the New Orleans and Northeastern Railroad and the Northeastern Right of Way Line of U.S. Highway No. 49, thence run N45°15'11"W along the said Northeastern Right of Way Line of U.S. Highway No. 49 for 125.42 feet to a Point of Intersection of the said Northeastern Right of Way Line of U.S. Highway No. 49 and the Southeastern Right of Way Line of West Pine Street, thence run N36°33'32"E along the said Southeastern Right of Way Line of West Pine Street for 1154.41 feet to the Point of Beginning; thence run N35°55'19"E along the said Southeastern Right of Way Line of West Pine Street for 249.94 feet to the Centerline of a Ditch, thence run S12°34'22"E along said Ditch for 138.67 feet, thence run S35°04'18"E along said Ditch for 38.00 feet, thence run S44°51'13"E along said Ditch for 55.38 feet, thence run S75°49'44"E along said Ditch for 137.87 feet to a Point on the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad, thence run S44°39'40"W along the said Northwestern Right of Way Line of the New Orleans and Northeastern Railroad for 235.14 feet, thence run N45°15'08"W for 290.20 feet to the Point of Beginning, comprising 1.36 Acres, more or less.

**SHOWS, DEARMAN & WAITS, INC.**  
 CONSULTING ENGINEERS  
 P.O. BOX 1711  
 HATTIESBURG, MISSISSIPPI 39403-1711  
 (601) 844-1861

*William F. Waits*  
 William F. Waits, P.E., R.L.S.  
 Civil Engineer No. 12261  
 Land Surveyor No. 2639





STATE OF MISSISSIPPI  
DAVID RONALD MUSKROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

January 27, 2003

Secretary of State Eric Clark  
Mississippi Secretary of State  
P.O. Box 136  
Jackson, MS 39205-0136

Re: Proposed Cleanup Plans for the Former Gulf States Creosote site,  
Kerr-McGee, Hattiesburg

Dear Secretary Clark:

As you are aware, the Mississippi Department of Environmental Quality ("MDEQ"), the Mississippi Secretary of State's Office ("MSOS"), and other parties involved in the above referenced matter have been working toward a resolution in the cleanup of the former Gulf States Creosote site located in Hattiesburg. After a great deal of work by all parties involved, MDEQ is prepared to formally approve the Remedial Action Work Plan in this matter. MDEQ believes that the Remedial Action Work Plan and the previously approved Removal Action Work Plan for the Northeast Drainage Ditch, copies of which are enclosed, adequately will protect the human health and environment in this area.

In order to transition into the cleanup phase of this project, there are various documents to be signed by your office, MDEQ, and other parties involved. I send this letter on behalf of MDEQ stating that MDEQ is prepared to sign, and knows of no reason why MSOS should not sign, the documents at this time.

If you have questions or would like to discuss this matter further, please feel free to contact me at (601) 961-5001, or Kelly Riley of my Legal Staff at (601) 961-5309. I appreciate the support and assistance of your agency as we have worked through this process and look forward to the continued collaboration with your agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles H. Chisolm".

Charles H. Chisolm  
Executive Director

CHC:jar  
Enclosures  
cc: Kelly Riley, Esq.  
William Cheney, Jr., Esq.

**STATE OF MISSISSIPPI**  
 DAVID RONALD MUSGROVE, GOVERNOR  
**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**  
 CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**FACSIMILE COVER LETTER**

Date: 1/28/2007                      Number of pages including cover: 2

Teletype No.: 961-5300

To: Tony Russell

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

From: Roy Furrh  
 Senior Attorney  
 Mississippi Department of Environmental Quality  
 Phone: (601) 961-5260  
 Facsimile No. (601) 961-5349

Re: Heck-Mcbee Chemical, LLC

Attachment: 1/27/03 \*\*\*\*\* LTR TO SEC. OF STATE

\_\_\_\_\_

\_\_\_\_\_

**THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U. S. POSTAL SERVICE. THANK YOU.**

*If you do not receive the complete transmission of this document, call Sharon Smith at (601) 961-5359.*



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR  
**MEMORANDUM**

---

**TO:** Gulf States Creosote Site File  
**FROM:** Tony Russell *TR*  
**DATE:** January 16, 2003  
**SUBJECT:** Meet with Attorney Bob Hammond at site

---

I met with Bob Hammond on January 15, 2003, concerning the boundary lines for the restricted area on the property leased by his client. Surveyors were on hand to pinpoint the corners of the restricted area as proposed by Dave Upthegrove. I agreed with the proposal and further recommended that Bob have the surveyors lay out survey markers along the survey on 100-foot centers. He concurred and instructed the surveyors to do so. Without the survey lines marked in the thickets, it would be impossible to know the exact boundary lines. All tree stumps within the restricted area have to be disposed at a Subtitle D landfill.

K:\Shared\UCSS\Tony\Gulf States Creosote\Gulf States site visit with B Hammond.rtf



**STATE OF MISSISSIPPI**  
DAVID RONALD MUSGROVE, GOVERNOR  
**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

November 27, 2002

Mayor Johnny Dupree  
City of Hattiesburg  
P.O. Box 1898  
Hattiesburg, MS 39403-1898

Dear Mayor Dupree:

On behalf of the Mississippi Department of Environmental Quality ("MDEQ"), I wanted to thank you for taking time out of your schedule to give opening remarks at the public meeting regarding the proposed cleanup of the former Gulf States Creosote plant on November 6, 2002 at the community center.

Your presence and remarks set the tone for the meeting, which MDEQ believes was a success. The meeting was very productive with several members of the audience asking questions related to the site and the proposed cleanup. MDEQ is working to respond to the individuals who had specific questions, and will keep you informed as we move forward to grant formal approval to Kerr-McGee allowing them to begin cleanup of the site.

It is always a pleasure to see you, and I wish you and your family a happy holiday season. Thank you again, and should you have any questions for me, please do not hesitate to call.

Sincerely,

Kelly R. Riley  
Attorney



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

## MEMORANDUM

---

**TO:** Gulf States Creosote Site File  
**FROM:** Tony Russell *TR*  
**DATE:** September 23, 2002  
**SUBJECT:** Groundwater sampling event conducted September 19

---

I met with John Miller on September 19 to observe and collect split samples at the above referenced site. The monitoring wells were purged using a peristaltic pump via the slow purge method. The wells were purged until the stabilization parameters were within the stabilization limits after a minimum of one well volume was purged. The groundwater samples were then collected using the peristaltic pump. I collected splits on monitoring wells 15 and 22. MW-15 is the downgradient well for the fill area and MW-22 is the downgradient well for the northeast drainage ditch. The groundwater samples were taken to OPC lab to be analyzed for semivolatiles using Method 8270. No photographs were taken during this sampling event.

K:\Shared\UCSS\Tony\Gulf States Creosote\Gulf States GW sampling event 9-19-02.rtf

STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

September 20, 2002

Via Facsimile (504-566-0210) and U.S. Mail

Glen M. Pilie, Esq.  
Adams and Reese L.L.P.  
4500 One Shell Square  
701 Poydras Street  
New Orleans, LA 70139

Re: *RSCO Realty Corporation et al. vs.  
Kerr-McGee Chemical Corporation et al.,  
Civil Action Number 2:96CV323PG*

Dear Glen:

The Mississippi Department of Environmental Quality (Department) received Kerr-McGee's document entitled Final Remedial Action Work Plan on August 22, 2002. The Department has reviewed the plan and worked with your consultant to resolve unanswered questions and to supplement the document as needed. At this time, the Department conditionally approves the Final Remedial Action Work Plan, but approval is subject to execution of an Agreed Order with the Mississippi Commission on Environmental Quality and consideration of any comments that may be received during the public notice and comment period.

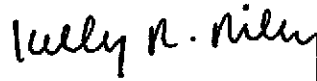
I currently am working on a draft Agreed Order for your review, and will forward to you within the next few days. Once you receive the document and have an opportunity to review the contents, please contact me with questions or comments you may have regarding the order. Once both parties agree to the terms and conditions set forth in the order, the document will be ready for execution after the public notice period ends and comments are considered.

The Department intends to send the public notice information to the Hattiesburg American, the Clarion Ledger, and the Hattiesburg Public Library early next week. As requested, I plan to email you the draft notice language early next week in order that you may review and comment. At the close of the thirty-day public comment period, the Department will be ready for a public meeting to take place shortly thereafter. We anticipate the public meeting occurring during the week of October 28 if schedules allow.

If no adverse comments are received or after any comments received are considered and handled appropriately, the Department will be prepared to move forward with formal approval and execution of the Agreed Order.

If you have any questions at this time, please contact me at (601) 961-5369.  
Thank you for your assistance in this matter.

Sincerely,



Kelly R. Riley  
Attorney

cc: The Honorable Charles W. Pickering, Sr.  
Charles Chisolm, Executive Director  
Tony Russell  
Don Barrett, Esq.  
S. Robert Hammond, Esq.  
J.B. VanSlyke, Esq.  
Richard Yarborough, Esq.  
William Cheney, Jr., Esq.



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

September 19, 2002

Mr. A. Keith Watson, Project Manager  
Kerr-McGee Chemical Corporation  
Kerr-McGee Center  
P.O. Box 25861  
Oklahoma City, Oklahoma 73125

Dear Mr. Watson:

RE: Waste Classification  
Former Gulf States Creosote Site  
Hattiesburg, MS

In response to your letter of August 29, 2002, I concur with the company's position on the classification of the wastes at the site, especially with regard to the concrete sump and wooden substructure. The only qualifier that I have is that if you find free product or creosote saturated soils during the remediation. The Mississippi Department of Environmental Quality would require that this material be recycled as commercial chemical product or else classified and disposed of as hazardous waste.

If you have any questions or comments, please call me at 601-961-5221.

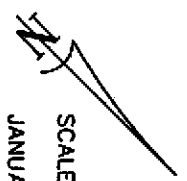
Sincerely,

A handwritten signature in cursive script that reads "Jerry B. Banks".

Jerry B. Banks, P.E., DEE  
Chief, Hazardous Waste Division



SHOWS, DEARMAN & WAITS, INC.  
 CONSULTING ENGINEERS  
 P. O. BOX 1771  
 HATTIESBURG, MISSISSIPPI 39403-1711  
 (601) 544-1823



SCALE: 1" = 300'  
 JANUARY 28, 2003

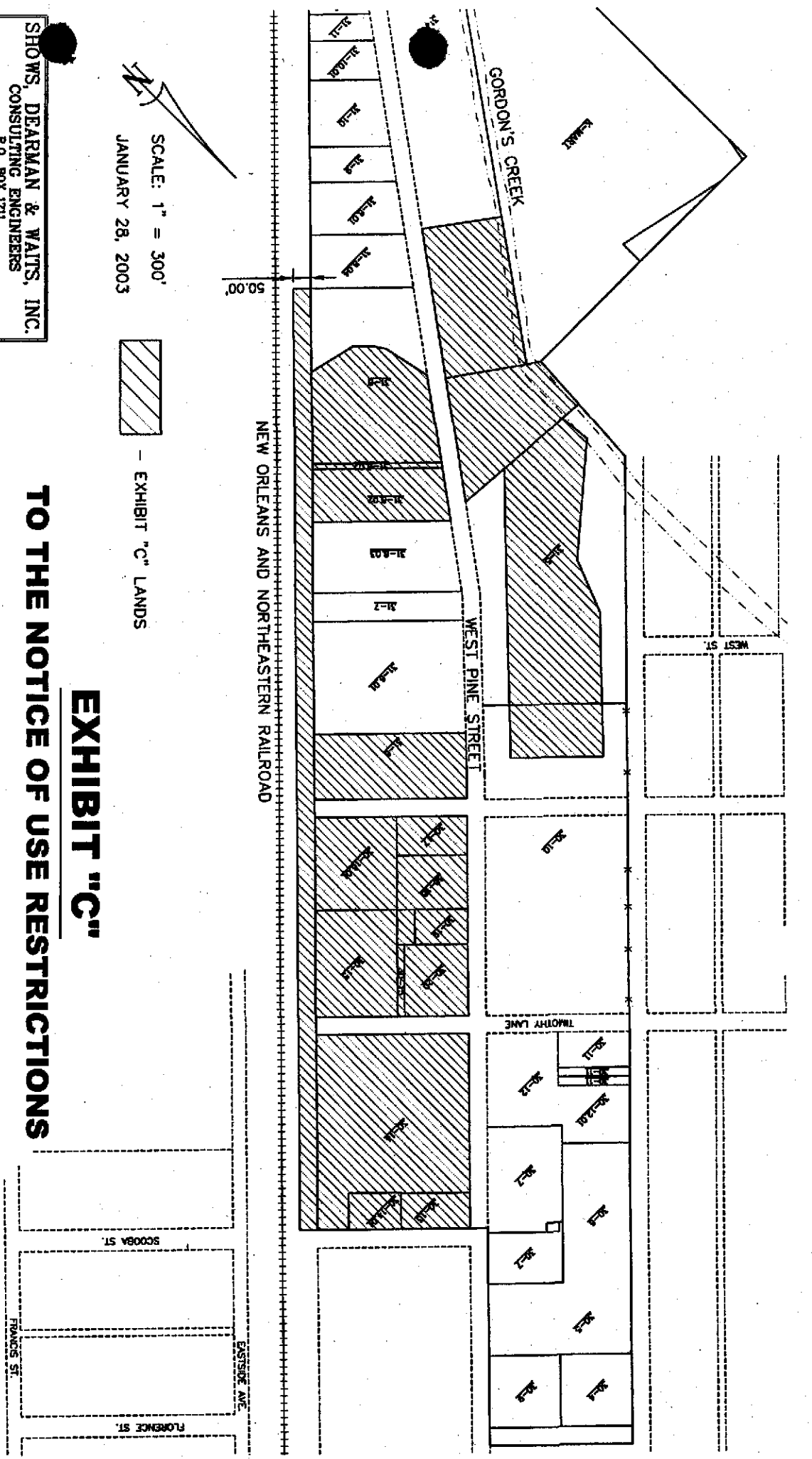


— EXHIBIT "C" LANDS

# TO THE NOTICE OF USE RESTRICTIONS

## EXHIBIT "C"

P:\PROJECTS\BANK AND ASSOCIATES\BANK-736A - CARBORITE LAWYER\10173ANDW\G\0002 CURRENT DEARMAN\03\1738 MAP.DWG, Exhibit C, 01/28/2003 11:47:14 AM



**Site Health and Safety Plan**  
**Former Gulf States Creosoting Site**  
**Hattiesburg, Mississippi**

**January 7, 1996**

**Project No. 21-02**

**Michael Pisani & Associates, Inc.**  
**1100 Poydras Street**  
**1430 Energy Centre**  
**New Orleans, Louisiana 70163**  
**(504)582-2468**

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## Attachments

<b>1</b>	<b>Safety Meeting Log</b>
<b>2</b>	<b>Incident Report Form</b>

# Site Health and Safety Plan

## Former Gulf States Creosoting Site Hattiesburg, Mississippi

### 1.0 Introduction

This plan presents health and safety procedures and practices to be used during field investigations at the former Gulf States Creosoting site in Hattiesburg, Mississippi. This plan is applicable to all Michael Pisani and Associates, Inc. personnel. This plan must be reviewed by all personnel prior to entering the exclusion zone or contamination reduction zone on the site.

All on-site personnel, contractors and subcontractors included, shall be informed of the site emergency response procedures and any potential fire, explosion, health, or safety hazards. Subcontractors must have their own Health and Safety Plan (HASP) which must, at a minimum, be consistent with the requirements of this plan.

During development of this plan, consideration was given to current safety standards as defined by OSHA, health effects and standards for known site constituents, and procedures designed to account for the potential for exposure to unknown substances. Specifically, the following reference sources have been consulted:

- 29 CFR 1910.120, OSHA
- *Occupational Health and Safety Guideline for Hazardous Waste Site, OSHA/NIOSH/EPA/USCG*
- *Activities Pocket Guide to Chemical Hazards, NIOSH*
- *Threshold Limit Values, American Conference of Governmental Industrial Hygienists*

### 1.1 Key Personnel and Organization

Personnel responsible for the implementation of this HASP are:

- Principal-In-Charge                      Michael Pisani  
   Michael Pisani & Associates, Inc.  
   (504) 582-2468
- Project Manager &                      David Upthegrove  
  Site Safety Officer                      Michael Pisani & Associates, Inc.  
   (504) 582-2468
- Field Personnel                              To be designated

The Project Manager (PM) is responsible for all on on-site operations and assumes control of the site. The PM is also responsible for ensuring the health and safety of personnel at the site and has the authority to make all site health and safety-related decisions for the company. The PM has stop work authorization which will be executed upon determination

of an imminent safety hazard, emergency, or other potentially dangerous situation. Authorization to proceed with work will be issued by the PM. The PM will initiate and execute all contact with support facilities and personnel when this action is appropriate.

The Project Manager will also serve as the Site Safety Officer (SSO). The SSO will supervise site health and safety activities. The SSO's primary responsibility is to provide the appropriate monitoring to ensure the safe conduct of field operations. The SSO also has stop work authority.

The SSO will also be responsible for the control of specific field operations and all related activities, such as personnel decontamination, monitoring of worker heat stress, distribution of safety equipment, and conformance with all other procedures established in the HASP.

The SSO has the authority to exclude from the site all personnel who will not or cannot abide by the site safety plan. Should the SSO be unable to adequately control the site, work will cease.

## **1.2 Visitors**

All visitors entering the contamination reduction zone and exclusion zone at the site will be required to read and verify compliance with the provisions of this HASP. Visitors will fully comply with the requirements of this plan. Visitors will be expected to provide their own protective equipment.

In the event that a visitor does not adhere to the provisions of the HASP, he/she will be requested to leave the work area. All non-conformance incidents will be recorded in the field logbook.

## **1.3 Medical Surveillance and Training**

Consistent with OSHA's 29 CFR 1910.120 regulation covering Hazardous Waste Operations and Emergency Response, all site personnel are required to be trained. At a minimum, all personnel are required to be trained as to on-site hazards, provisions of this HASP, and responsible personnel.

### **1.3.1 Pre-Assignment and Annual Refresher Training**

Prior to arrival on-site, each worker must meet the requirements of pre-assignment training. Consistent with OSHA 29 CFR 1910.120 paragraph (e)(3), each employee should be able to provide a document certifying dates of 24 hours training for workers occasionally on-site for a specific task, or 40 hours of training for general site workers. All personnel must receive eight hours of annual refresher training.

### **1.3.2 Site Supervisors Training**

Consistent with OSHA 29 CFR 1910.120 paragraph (e)(4), individuals designated as site supervisors require an additional eight hours of specialized training on managing site operations.

The following individuals are identified as site supervisors:

<b>Name</b>	<b>Title/Responsibility</b>
David Upthegrove, P.G.	Geologist/Project Manager

An alternate site supervisor will be identified prior to initiating field activities.

### **1.3.3 Training and Briefing Topics**

The following items will be discussed by the SSO at the site pre-entry briefing:

- Identification of the SSO and alternate SSO;
- Requirements for employees to work in pairs, if necessary;
- Buddy system, including subcontractors;
- Proper materials handling;
- Preventive maintenance of safety equipment;
- Requirements for and use of personal protective equipment;
- Required personal hygiene practices;
- Heat stress;
- Effective response to any emergency;
- Emergency alarms;
- Responses to fires and explosions;
- Shutdown of operations;
- Emergency procedures;
- Areas of the site that have restricted access;
- Methods used for decontamination; and
- General safety precautions.

The entire plan should be reviewed at the initial health and safety meeting. A safety meeting log will be completed for each meeting held at the site. A copy of the safety meeting log is provided as Attachment 1.

Daily safety meetings will be held by the SSO for all employees and subcontractor employees utilized on the project. It shall include the following agenda items:

- Review of project accidents and near-miss incidents;
- Review of any substandard health or safety practices and their correction;
- Review of job site condition of order (Housekeeping);
- Safety training activities;
- Pertinent health and hygiene topics;
- General comments; and
- Questions and answers.

This is a "tool box" meeting to be held at the site on a daily basis.

The provisions of this plan may be modified to cover nonintrusive types of activities including surveying, fence installation, etc. to be conducted by contractors that have not completed 40 hours of 29 CFR 1910.120(e) training.

## **2.0 Scope of Investigation**

The objective of this investigation is to collect surface and subsurface soil samples, probe the subsurface with a cone penetrometer, install ground water monitoring wells, and sample ground water. The scope of work designed to meet this objective entails:

- The collection of soil and ground water samples from specified locations at the facility.
- The installation of ground water monitoring wells.
- The analysis of selected soil and ground water samples for polycyclic aromatic hydrocarbons (PAHs) and other compounds.
- Preparation of a report which will detail the field procedures and present results of the investigation.

## **3.0 Hazard Assessment**

### **3.1 Chemical Hazards**

The chemicals which have been identified as potentially being encountered during this investigation are semivolatile compounds, particularly PAHs.

Exposure levels are expected to be below the permissible OSHA, National Institute for Occupational Safety and Health (NIOSH), and/or the American Conference of Governmental Industrial Hygienists (ACGIH) exposure limits. Potential exposure hazards include inhalation of airborne particulates and vapors and/or dermal or eye contact. The various chemicals or chemical groups, their exposure limits, and health hazards are discussed below.

#### **Creosote**

Creosote is a mixture of phenols and phenol derivatives obtained from coal tar. Acute doses may cause gastrointestinal irritations and cardiovascular collapse. Creosote is flammable and is a confirmed human carcinogen.

- A. Levels Anticipated: Creosote may be present in the soils at levels from low parts per billion to near saturation.
- B. Exposure Routes: Dermal contact, inhalation, ingestion
- C. Exposure Limits: 0.2 mg/m<sup>3</sup> TWA (OSHA PEL), 0.2, A1 mg/m<sup>3</sup> TWA (ACGIH TLV)

### **3.2 Physical Hazards**

#### **3.2.1 Slip-Trip-Fall Hazards**

While it is difficult to prevent slip-trip-fall hazards, injuries can be prevented by proper site control measures and by keeping the work area free of obstructions. Personnel will be required to perform field work in pairs (buddy system) so that immediate assistance will be available should an injury occur.

### **3.2.2 Tool and Equipment Hazards**

Hazards present during the use of tools and equipment are generally associated with improper tool handling and inadequate maintenance. Management of these hazards requires rigorous maintenance of tools and equipment and effective training of employees in the proper use of these tools.

Electrically-powered tools have inherent physical hazards. Hand-held power tools should be held firmly. Electrical cords should have unbroken insulation and should not be exposed to water or other liquids.

Large power tools and equipment should be lifted properly to prevent back injuries. Safety glasses, ear protection, and steel-toed boots will be worn while operating powered tools or equipment.

Hazards generally associated with drilling and CPT probing include the following:

- Noise levels exceeding the OSHA PEL of 85 decibels are both a hazard and hindrance to communication. Wear ear plugs and agree on method of communication prior to entering the high noise area.
- Fumes (carbon monoxide) from the rig in a confined space.
- Overhead utility wires (i.e., electrical and telephone) can be hazardous when the rig boom is in the upright position.
- Underground pipelines and utility lines can be ruptured or damaged during drilling operation.
- Moving parts, e.g., augers and hydraulics, on the rig may catch clothing. Free or falling parts from the cat head may cause head injury.
- High pressure hydraulic lines and air lines used on rigs are hazardous when they are in ill repair or incorrectly assembled.
- During the sampling of drilled cores, skin and inhalation contact with the affected material is possible. Protective measures must be taken.

#### **Hazard Prevention Measures for Drilling and CPT Probing**

- Review the contaminants suspected to be on site. If fumes are encountered, shut down rig and/or divert exhaust fumes.
- All chains, lines, cables should be inspected daily for weak spots, frays, etc.
- Ear muffs and/or ear plugs effectively reduce noise levels.
- Hard hats should be worn at all times when working around a drill rig. Secure loose clothing. Check boom prior to approaching drill rig.
- To avoid contact with any overhead lines, the drill rig boom should be lowered prior to moving the rig. Overhead utilities should be considered "live" until determined otherwise.
- The rig mast should not be erected within ten feet of an overhead electrical line until the line is de-energized, grounded or shielded and an electrician has certified that arcing cannot occur.
- A thorough underground utilities search should be conducted before the commencement of a drilling project.
- All high pressure lines should be checked prior to and during use.



- Personnel protective equipment, including latex gloves, should be worn during sampling of the drilled cores to reduce the potential of contact with affected materials by site workers.

### 3.2.3 Heat Stress Hazards

The use of personal protective clothing will increase the potential for heat stress. During hot or humid days or during the performance of strenuous work, extra precautions may be necessary to reduce the potential for heat stress. Implementation of worker rotation and rest period schedules, and adjustments of the workday to take advantage of the cooler parts of the day may be used to prevent exposure to heat stress hazards; frequent consumption of liquids (e.g., water, Gatorade™, etc.) is necessary to prevent dehydration. Should heat problems be encountered, contact the Health and Safety department for guidelines regarding implementation of heat stress mitigation procedures. Heat stress is characterized by the following symptoms, and the following treatments are appropriate:

- **Heat Cramps**  
Symptoms: Muscle cramps, especially in the legs and abdomen.  
Treatment: Move individual to a cool area to rest and provide water and electrolyte beverage (e.g., Gatorade™).
- **Heat Exhaustion**  
Symptoms: Body temperature elevated (100° to 104°F). Skin is pale and moist (clammy). Profuse perspiration. Victim feels tired and weak. Possible headache and nausea. Possible fainting.  
Treatment: Move victim to a cool area and provide electrolytic beverage, if conscious.
- **Heat Stroke**  
Symptoms: Elevated body temperature (may be as high as 106°F). Skin is characteristically hot, red, and dry (sweating mechanism is blocked). Pulse is rapid and strong. Victim may lose consciousness, become delirious, or fall into a coma. This is a life-threatening situation.  
Treatment: Remove the individual from the work area, strip his personnel protective equipment and cool by spraying with water and fanning. Immediately transport to the designated emergency facility or nearest hospital. It is appropriate to continue cooling the body in route to the hospital.

The SSO is responsible for monitoring the status of all on-site workers. Should anyone appear disoriented, irritable, or suddenly pale, the SSO will direct the person to the rest area.

## 4.0 Personal Protection

Modified Level D protection will be worn at the site. Personal protective wear required for Level D field dress includes:

- general work uniform (long pants, work shirt);
- steel-toed leather boots or shoes;

- latex gloves (during sampling);
- safety glasses with side shields;
- hard hats; and
- tyvek and nitrile gloves when affected materials are encountered.

## **5.0 Area Control**

Access to hazardous and potentially hazardous areas of the site will be controlled to reduce the probability of occurrence of physical injury and chemical exposure of field personnel, visitors and the public. A hazardous or potentially hazardous area includes any area where borings are being advanced with powered equipment.

The boundaries of hazardous and potentially hazardous areas can be identified by cordons, barricades, or emergency traffic cones or posts, if necessary.

Entry to hazardous areas shall be limited to individuals who must work in those areas. Unofficial visitors must not be permitted to enter hazardous areas while work in those areas is in progress. Official visitors should be discouraged from entering hazardous areas, but may be allowed to enter only if they agree to abide by the provisions of this document, follow orders issued by the SSO and are informed of the potential dangers that could be encountered in the areas.

## **6.0 Decontamination**

### **6.1 Decontamination of Personnel and Equipment**

Field decontamination of personnel and equipment is required. Recommended decontamination procedures follow:

- A. **Personnel**  
Potential contaminants should be removed from skin using a mild detergent and water. Hot water is more effective than cold. Liquid dishwashing detergent is more effective than hand soap.
- B. **Equipment**  
Sampling equipment shall be washed in soapy water and rinsed with distilled water or steam cleaned.

### **6.2 Decontamination During Medical Emergencies**

If emergency life-saving first aid and/or medical treatment is required, decontamination procedures may be limited or omitted. If the contamination does not present a hazard to the rescue personnel, life-saving care may be instituted immediately. If the contamination will present a risk to the rescue personnel, minimal decontamination may be implemented to allow initiation of aid.

Medical assistance personnel should be notified prior to initiating the response if the victim is contaminated with hazardous materials. Assurance must be made that the medical personnel at the receiving area are able and willing to handle a victim who is contaminated. Site personnel will accompany contaminated victims to the medical facility to advise on matters involving decontamination.

Heat-related illnesses range from heat fatigue to heat stroke. Heat stroke requires prompt treatment to prevent irreversible damage or death. Protective clothing must be promptly removed. Less serious forms of heat stress also require prompt attention. Unless the victim is obviously contaminated, decontamination may be omitted or minimized and treatment begun immediately.

For inhalation exposure cases, treatment can only be performed by a qualified physician. If the contaminant is on the skin or in the eyes, an emergency shower should be used to rinse the affected area with water for at least 15 minutes.

## **7.0 Spill Containment Program**

The procedures described in this section comprise the spill containment program in place for activities at the site.

- All drums and containers used during the clean-up shall meet the appropriate DOT, OSHA, and EPA regulations for the waste that they will contain.
- Drums and containers shall be inspected and their integrity assured prior to being moved. Drums or containers that cannot be inspected before being moved because of storage conditions shall be positioned in an accessible location and inspected prior to further handling.
- Operations on site will be organized so as to minimize the amount of drum or container movement.
- Employees involved in the drum or container operations shall be warned of the hazards associated with the containers.
- Where spills, leaks, or ruptures may occur, adequate quantities of spill containment equipment (absorbent pads, etc.) will be stationed in the immediate area. The spill containment program must be sufficient to contain and isolate the entire volume of hazardous substances being transferred.
- Drums or containers that cannot be moved without failure, shall be emptied into a sound container.
- Fire extinguishing equipment meeting 29 CFR part 1910 subpart L shall be on hand and ready for use to control fires.

## **8.0 Emergency Response**

The name, telephone number, and location of police, fire, or other emergency response agencies will be present in the support zone. If emergency personnel are called to the site, efforts should be made to accommodate their operations in the support zone.

### **8.1 Pre-Emergency Planning**

During the periodic site briefings (tool box meetings), all employees will be trained in and reminded of provisions of the emergency response plan, communication systems, and evacuation routes. The plan will be reviewed and revised, if necessary, on a regular basis by the SSO.

## 8.2 Route to Hospital

The closest emergency medical facility to the site is Forrest County General Hospital, located approximately one mile northwest of the site. From the site, proceed one to two blocks northeast to the extension of West Pine Street (U.S. Highway 11). Turn left (southwest), then take U.S. Highway 49 northwest approximately one mile. The hospital is on the left (west) side of U.S. Highway 49, between Adeline Street and Mamie Street. A map to the hospital will be posted at the site at all times during field activities

## 8.3 Emergency Resources

In the event of a medical emergency, personnel will take direction from the SSO and notify the appropriate emergency organization. In the event of a fire or spill, the site supervisor will notify the appropriate local, state, and federal agencies.

Any time a notification is made, the SSO will provide an incident report to the Project Manager describing the following:

- The event (including date and time) that necessitated the notification and the basis for that decision.
- Date, time, and names of all persons/agencies notified and their response.
- Resolution of the incident (including duration) and the method/corrective action involved.

This report will be submitted within five working days of the resolution of the event. A blank incident report is provided as Attachment 2.

The following emergency information will be posed prominently on-site for appropriate use for the Contractor personnel.

### Area Resources

Ambulance:	911
Police:	911
Fire Department:	911

### Emergency Contacts

Michael Pisani & Associates	(504) 582-2468
Kerr-McGee	Mr. Keith Watson (405) 270-1313

**Attachment 1**  
**Safety Meeting Log**  
**Project No. 21-02**  
**Former Gulf States Creosoting Site**  
**Hattiesburg, Mississippi**



**Attachment 2**

**Incident Report Form**

**Project No. 21-02  
Former Gulf States Creosoting Site  
Hattiesburg, Mississippi**

# INCIDENT REPORT FORM

Please complete Part 1 and return form to the Project Manager within five working days of incident occurrence.

## Part I: (To be completed by SSO)

Date of incident: \_\_\_\_\_ Location: \_\_\_\_\_

Time: \_\_\_\_\_ Occupation: \_\_\_\_\_

Name: \_\_\_\_\_

Description of incident (what, when, where, how): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Part II: (To be completed by Project Manager)

Occupational injuries and illnesses resulting from incident:  
(check all that apply)

- |                                |   |
|--------------------------------|---|
| _____ no injury                | _____ no illness                                  |
| _____ medical treatment        | _____ skin diseases or disorders                  |
| _____ hospitalization          | _____ lung diseases or disorders                  |
| _____ fatality                 | _____ respiratory conditions<br>from toxic agents |
| _____ loss of consciousness    | _____ systemic poisoning                          |
| _____ lost work days           | _____ disorders from physical agents              |
| _____ restricted work activity | _____ cumulative trauma disorders                 |
| _____ job transfer/termination | _____ other                                       |



**INCIDENT REPORT FORM (Cont'd)**

Job activity performed at time of or just before incident: \_\_\_\_\_  
\_\_\_\_\_

Equipment involved and condition: \_\_\_\_\_  
\_\_\_\_\_

Body movements associated with task (example: bending and lifting): \_\_\_\_\_  
\_\_\_\_\_

**Actions leading to incident (check all that apply and explain):**

- \_\_\_\_\_ failure to observe warnings \_\_\_\_\_
- \_\_\_\_\_ failure to use personal protective equipment \_\_\_\_\_
- \_\_\_\_\_ failure to warn \_\_\_\_\_
- \_\_\_\_\_ delayed discovery \_\_\_\_\_
- \_\_\_\_\_ procedure not followed \_\_\_\_\_
- \_\_\_\_\_ abuse or misuse of equipment \_\_\_\_\_

**Conditions leading to incident (check all that apply and explain):**

- \_\_\_\_\_ temperature stress \_\_\_\_\_
- \_\_\_\_\_ weather \_\_\_\_\_
- \_\_\_\_\_ animal/(snakes, etc.) \_\_\_\_\_
- \_\_\_\_\_ lack of proper instrumentation \_\_\_\_\_
- \_\_\_\_\_ lack of personal protection equipment \_\_\_\_\_
- \_\_\_\_\_ construction deficiencies \_\_\_\_\_
- \_\_\_\_\_ inadequate space/faulty layout \_\_\_\_\_
- \_\_\_\_\_ improper design \_\_\_\_\_
- \_\_\_\_\_ faulty engineering \_\_\_\_\_
- \_\_\_\_\_ inadequate maintenance \_\_\_\_\_
- \_\_\_\_\_ improper tools and equipment \_\_\_\_\_
- \_\_\_\_\_ defective tools and equipment \_\_\_\_\_

**Job factors leading to incident (check all that apply and explain):**

- \_\_\_\_\_ poor leadership/supervision \_\_\_\_\_
- \_\_\_\_\_ poor work practices \_\_\_\_\_
- \_\_\_\_\_ defective tools and equipment \_\_\_\_\_
- \_\_\_\_\_ inadequate communication \_\_\_\_\_
- \_\_\_\_\_ inadequate training \_\_\_\_\_
- \_\_\_\_\_ inadequate procedures \_\_\_\_\_
- \_\_\_\_\_ inadequate inspections \_\_\_\_\_

**INCIDENT REPORT FORM (Cont'd)**

Personal factors leading to incident (check all that apply and explain):

- physical capability
  - physical stress of fatigue
  - mental stress
  - knowledge of task
  - employee skills
  - attention to details
  - other
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

What has been done or should be done to correct the causes listed above?

Corrective Action

Person(s) Responsible for  
Corrective Action

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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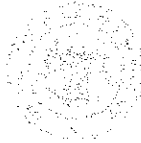
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STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

November 27, 2002

Mr. Charles Lawrence, Esq.  
City of Hattiesburg  
P.O. Box 1898  
Hattiesburg, MS 39403-1898

Dear Charles:

On behalf of the Mississippi Department of Environmental Quality ("MDEQ"), thank you so much for taking time out of your schedule to serve as the facilitator at the public meeting on November 6, 2002, regarding the proposed cleanup of the former Gulf States Creosote plant. I am certain that the meeting would not have been such a success without your presence and role as the facilitator.

MDEQ is working to respond to those individuals with specific questions, and plans to move forward with formal approval of the cleanup plan in the near future. MDEQ will keep you and Mayor Dupree abreast of the activities surrounding this site as they relate to MDEQ.

I hope your mother is recovering well, and wish you and your family a very happy holiday season. If I am ever able to help you with anything in the future, please do not hesitate to call.

Sincerely,

*Kelly R. Riley*

Kelly R. Riley  
Attorney

For Immediate Release Contact: Gloria Tatum  
(601) 961-5011

## **MDEQ WILL DISCUSS PROPOSED CLEANUP PLANS FOR FORMER GULF STATE CREOSOTE SITE**

Jackson, Miss., -- November 1, 2002 -- Representatives from the Mississippi Department of Environmental Quality will conduct a public meeting on Wednesday, November 6, 2002, from 5:30 -- 8:00 PM to discuss proposed cleanup plans for the former Gulf States Creosote site in Hattiesburg. The meeting will be held at the Jackie Dole Sherrill Community Center located at 220 W. Front Street in Hattiesburg.

Phil Bass, Director of MDEQ's Office of Pollution Control said, "This meeting is part of our community outreach/education initiative. As a part of this initiative we will discuss the proposed cleanup plans for the former Gulf States Creosote site and distribute a brochure that we believe addresses most of the concerns that the citizens have concerning the site."

Anyone with questions or concerns about the environmental impact of the former Gulf States Creosote site in Hattiesburg should attend the meeting.

#####

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Sunday, October 20, 2002

## 16th section cleanup plan set

**Janet Braswell**

American Senior Writer

State officials will hold a public hearing next month to outline plans for removing creosote contamination from property along West Pine Street.

The contamination came from the Gulf States Creosoting Plant, which applied the preservative to utility poles from the mid-1930s until about 1960.

The plant was built on 16th Section land owned by the Hattiesburg Public School District, and the clean-up partially settles a lawsuit the district filed in 1993 against Kerr-McGee Chemical Corp., which merged with Gulf States in 1974.

"Whatever our costs were, we'll be reimbursed for that," said school attorney J.B. Van Slyke. "There will be additional settlement money, about \$3.2 million. That will go into the 16th Section Fund, and they can only use the interest off that."

State law sets aside each 16th, one-mile section of land for public schools.

The hearing will be at 5:30 p.m. Nov. 6 at the Jackie Dole Sherrill Community Center in Hattiesburg.

The clean-up will include removing contaminated soil from behind Courtesy Motors, covering a drainage ditch near Scooba Street and the Norfolk Southern railroad tracks and installing pilings and a retaining wall along about 500 feet of Gordon's Creek on the north side of West Pine Street.

"They'll be removing some trees to allow the driving of the pilings," said Tony Russell, chief of the uncontrolled sites branch of the Mississippi Department of Environmental Quality.

The liner will cover three to four acres of unused land along the creek. Soil will go on top of the liner and the trees will be planted through it.

"That will control groundwater flow and the liner will also eliminate any exposure from the surface," he said.

Monitoring and recovery wells will be installed along the creek.

"There will be continued monitoring to make sure that there is no threat or groundwater contamination," said Kelly Riley, a DEQ attorney. "But we don't feel that this is an issue."

The Army Corps of Engineers discovered the creosote in the late 1980s while working on Gordon's Creek. It has never been considered a threat to Hattiesburg's drinking water.

- Janet Braswell can be reached at (601) 584-3111 or by e-mail at [jbraswell@hattiesb.gannett.com](mailto:jbraswell@hattiesb.gannett.com).



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# Proof of Publication

## The State of Mississippi

### Forrest County

878110

PASTE PROOF HERE

PERSONALLY appeared before me, the undersigned notary public in and for Forrest County, Mississippi,

Alex Walley

an authorized clerk of the HATTIESBURG AMERICAN, a daily newspaper published in the City of Hattiesburg, Forrest County, Mississippi who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

#### Dates of Publication:

Lines:	132	Monday, October 7, 2002
Words:	501	Monday, October 14, 2002
Issues:	3	Monday, October 21, 2002
Total:	\$163.37	

Signed

*Alex Walley*  
Authorized Clerk  
of the Hattiesburg

*Lorene R. Coates*

Notary Public

SWORN to and subscribed before me on 10/7/2002

Notary Public State of Mississippi At Large.

My Commission Expires: May 24, 2006.

Bonded thru Heiden, Brooks & Garland, Inc.

(SEAL)

**NOTICE OF PROPOSED REMEDIAL ACTION PLAN  
NOTICE OF PUBLIC MEETING**

**PLEASE TAKE NOTE** that the Mississippi Department of Environmental Quality ("Department") is considering the formal approval of a Final Remedial Action Work Plan and Removal Action Work Plan for the old Gulf States Creosote facility ("Gulf States") submitted by Kerr-McGee Chemical ("Kerr-McGee"). Kerr-McGee has worked with the Department to develop a cleanup plan for the Hattiesburg site, location described below, and the Department now seeks public comment on the proposed plans and announces a public meeting regarding the proposed plans.

**I. Site Location.**  
The former Gulf States Creosote site is located in Hattiesburg, Mississippi near the intersection of Scooba Street and West Pine Street. The site is situated within Section 16 of Township 4 North, Range 13 West in Forrest County, and is roughly bounded by the Southern railroad tracks to the southeast, Scooba Street to the northeast, Corinne Street and Gordon's Creek to the northwest, and U.S. Highway 49 to the southwest.

**II. Substance of the Proposed Final Remedial Action Work Plan and Removal Action Work Plan.**  
The Gulf States Creosote facility ended operations around 1960, and the site was redeveloped for commercial and light industrial use around 1962. Kerr-McGee now proposes to perform cleanup activities pursuant to the Final Remedial Action Work Plan and the Removal Action Work Plan. The plans include cleanup activities to address affected media in the following areas:  
A. The Gordon's Creek Fill Area  
B. Subsurface features within the former Process Area (a concrete sump and a wooden substructure)  
C. The area situated between the former Process Area and the Southern railroad tracks  
D. The northeast drainage ditch (detailed in a separate document entitled Removal Action Work Plan)

**III. Manner By Which the Public May Comment.**  
Any interested party may submit comments regarding the proposed plans by submitting comments in writing to the Mississippi Department of Environmental Quality, Legal Division, Southport Center, 2380 Highway 80 West, P.O. Box 20305, Jackson, Mississippi, 39289-1305. In order to be considered, written comments should be delivered to the Department of Environmental Quality by the end of business on Monday, November 4, 2002. A copy of the proposed plans is available for review at the Hattiesburg Public Library. A copy also is available in Jackson at the offices of the Mississippi Department of Environmental Quality and may be requested from Ms. Debbie Pridgen, Public Records Administrator, at the same address, by telephone at 601-961-5611, or by e-mail at debbie\_pridgen@deq.state.ms.us.

**IV. Notice of Public Meeting.**  
A public meeting regarding the proposed Remedial Action Plan will be conducted on Wednesday, November 6, 2002 from 5:30 p.m. to 7:00 p.m. at the Jackie Dote Community Center located at 220 West Front Street, Hattiesburg, Mississippi. The public is invited to attend, to ask questions, and gain information regarding the proposed plans.

**V. Additional Information.**  
For additional information, please contact Kelly R. Riley, Attorney, Mississippi Department of Environmental Quality, telephone 601-961-5369, or e-mail kelly\_riley@deq.state.ms.us.  
Publish Dates: October 7, 14, and 21, 2002.

**Proof of Publication**  
**The State of Mississippi**  
**Hinds County**

**PASTE PROOF HERE**

PERSONALLY appeared before me, the undersigned notary public in and for Hinds County, Mississippi,

**NOTICE OF PROPOSED REMEDIAL ACTION PLAN  
NOTICE OF PUBLIC MEETING**

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October 4, 2002, October 11, 2002, October 18, 2002

Lines: 134  
Words: 505  
Issues: 3  
Total: \$180.65

**Dates of Publication:**

Friday, October 4, 2002  
Friday, October 11, 2002  
Friday, October 18, 2002

Signed

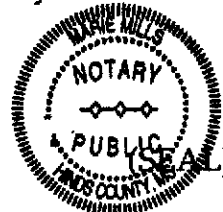
*Shirley Mize*

Authorized Clerk  
of The Clarion-Ledger

*Marie Mills*

Notary Public

SWORN to and subscribed before me on 10/18/2002  
Notary Public State of Mississippi At Large.  
My Commission Expires: Nov. 8, 2004  
Bonded thru Notary Public Underwriters



MY COMMISSION EXPIRES:  
November 8, 2004



**STATE OF MISSISSIPPI  
COUNTY OF FORREST**

**PERPETUAL EASEMENT**

The lands described on Exhibit "A" that is attached hereto (hereinafter the "Lands"), which are Sixteenth Section Public School Trust Lands, are owned by the State of Mississippi in trust for the benefit of the public schools and are administered by the HATTIESBURG MUNICIPAL SEPARATE SCHOOL DISTRICT (hereinafter the "Grantor"). The Lands are depicted on the plat attached hereto as Exhibit "B."

The Secretary of State, State of Mississippi ("MSOS") as statutory supervisory trustee of the 16th Section Public School Trust Lands and the Grantor have entered into a Settlement Agreement (hereinafter the "Settlement") with Kerr-McGee Chemical LLC, successor in interest to Kerr-McGee Chemical Corporation (hereinafter the "Grantee"), dated January 21, 2003, and in connection with the Settlement, Kerr-McGee has entered into an Agreed Order with the Mississippi Department of Environmental Quality ("MDEQ"), dated January 21, 2003, a copy of which is attached as Exhibit "C", and in consideration of said Settlement and Agreed Order, Grantor hereby grants to Grantee a full Perpetual Easement of all of the Lands in favor of Grantee, together with its agents, representatives, contractors, successors and assigns, with full and unlimited authority to do the following:

Grantee shall at all times have full and uninhibited access to all the Lands for conducting any and all activities as may be required by MDEQ, the United States Environmental Protection Agency ("USEPA"), or any other agency which has jurisdiction over the Lands pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC §§9601, et seq., or any other relevant federal or state environmental statute or regulation (hereinafter "Jurisdictional Agency") for the purposes of sampling and analysis activities, activities required to perform any work as may be required by the Remedial Action Plan referenced in the Agreed Order, on file with

MDEQ, and attached as Exhibit "B" to the Notice of Use Restrictions entered into by and among Grantor, MSOS and Grantee, dated January 21, 2003, and recorded in the land records of the Chancery Clerk of Forrest County, Mississippi in Book 0902, Page 400 ("Remedial Action Plan"), the Remedial Action Plan being incorporated as though fully copied herein, operations and maintenance activities as may be required post construction of the remedy, which activities may include, but not be limited to, staging of equipment, excavation of soils, installation of equipment, slurry walls, and/or monitoring devices, groundwater well sampling or monitoring, maintenance or construction of groundwater wells, inspection, assessment, surveying and/or maintenance of any cap or other installation constructed on the Lands, erosion mitigation activities, surface water runoff management activities, maintenance of existing drainage pathways, activities required to maintain grade of the Lands, maintenance, survey and coverage of settlement monuments, maintenance or construction of fencing, collection of any data requested or required by MDEQ, USEPA, or any Jurisdictional Agency, and, such activities as may be required, in Grantee's sole discretion, either to respond or report to MDEQ, USEPA, or any Jurisdictional Agency. The access granted hereby shall include access for MDEQ, USEPA, or any Jurisdictional Agency and their respective agents, contractors and representatives.

In the exercise of its rights hereunder, Grantee shall act reasonably and shall make every attempt not to interfere with businesses being conducted on the Lands by any Lessee. No Lessee shall conduct its business or any activities relating to its business so as to interfere with the Remedial Action Plan.

It is understood and agreed that nothing herein shall be interpreted as imposing on Grantee any duty to the Grantor or to any other person, entity, agency, governmental body or Jurisdictional Agency to conduct any activities on the Lands that are inconsistent with or in addition to those activities required by the Agreed Order and/ or the Remedial Action Plan.

The use of the Lands is controlled and restricted by the Settlement and by the above referenced Use Restrictions agreed to by Grantor, and no use of the Lands by Grantor, its successors, heirs or assigns shall interfere with nor threaten the conduct of activities on the Lands

by Grantee for construction of the remedy or the integrity of the remedy to be constructed on the Lands by Grantee pursuant to the Remedial Action Plan, and until all obligations of the Agreed Order and/or the Remedial Action Plan are removed, such use shall always be subject to and subordinated to (so as not to interfere with) any uses by Grantee in accordance with this grant, including, but not limited to, any and all activities as determined by Grantee to be required to comply with its obligations to MDEQ, USEPA, or any Jurisdictional Agency pursuant to the Agreed Order and/or the Remedial Action Plan.

At all times, and in any of its activities on the Lands, the Grantor shall exercise due diligence recognizing that pursuant to the Agreed Order and/or the Remedial Action Plan there may come to be located on the Lands surface structures which are linked to the remedy as constructed on the Lands, and/or required for operation and maintenance activities, which cannot be disturbed, including settlement monuments, groundwater monitoring wells, and any other permanent installations or facilities, including, but not limited to, any caps.

This grant of Perpetual Easement is extended for the length of time necessary for Grantee to carry out its activities and responsibilities to MDEQ, USEPA, or any Jurisdictional Agency and will not terminate until Grantee certifies in writing the conclusion of its operation.

Grantee, however, will grant a written release of the Perpetual Easement as to any individual tract of the Lands as such operations are, in Grantee's discretion, successfully completed from time to time. Said partial release of individual tracts as well as the final release of the entire Perpetual Easement shall be in Grantee's sole discretion and shall not be effective until evidenced in writing in an instrument duly filed of record. However, Grantee's release will not be unreasonably withheld.

This instrument shall be binding on the respective successors, heirs and assigns of Grantor and Grantee. Grantor shall be required in any transfer, lease, sublease, sale or assignment of the Lands, or of any rights in and to the Lands, or any portion thereof, to specifically reference this Perpetual Easement, and Grantor shall require its respective successors, heirs or assigns to be bound by this Perpetual Easement.

This Perpetual Easement runs with the land and burdens, benefits, and binds the parties' respective heirs, successors and assigns.

Witness the signature of the Hattiesburg Municipal Separate School District by its duly authorized officers; the signature of the Secretary of State, State of Mississippi as statutory supervisory trustee of the 16th Section Public School Trust Lands through his duly authorized representative; and, the signature of Kerr-McGee Chemical LLC, a

limited liability company, to be effective this the 29 day of January, 2003.

Executed by Hattiesburg Municipal  
Separate School District as of

January 28, 2003

HATTIESBURG MUNICIPAL  
SEPARATE SCHOOL DISTRICT

By: [Signature]  
PRESIDENT  
SCHOOL BOARD

By: [Signature]  
SUPERINTENDENT  
OF SCHOOLS

ATTEST:

[Signature]  
SECRETARY

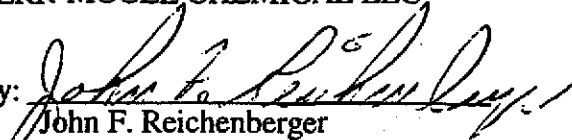
SECRETARY OF STATE  
STATE OF MISSISSIPPI

By: [Signature]

ATTEST:

[Signature]  
SECRETARY

KERR-MCGEE CHEMICAL LLC

By:   
John F. Reichenberger

Title: Vice President and Assistant Secretary

**STATE OF MISSISSIPPI**

**COUNTY OF FORREST**

This day personally appeared before me, the undersigned authority in and for the state and county aforesaid, the within named JAMES R. DAVIS and SAM H. BUCHANAN who acknowledged that they are School Board President and Superintendent of Schools, respectively, of Hattiesburg Municipal Separate School District, Forrest County, Mississippi, and that for and on behalf of Hattiesburg Municipal Separate School District, and after being duly authorized by said Hattiesburg Municipal Separate School District to do so, they executed, signed and delivered the foregoing Perpetual Easement on the day and year therein mentioned and for the purposes therein expressed.

Given under my hand and official seal of office, this the 28<sup>th</sup> day of January, 2003.

Bonnie Mail Hill  
NOTARY PUBLIC

MY COMMISSION EXPIRES:  
\_\_\_\_\_

MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 12, 2005  
BONDED THRU STEGALL NOTARY SERVICE





STATE OF OKLAHOMA

COUNTY OF Oklahoma

This day personally appeared before me, the undersigned authority in and for the state and county aforesaid, the within named John F. Reichenberger, who acknowledged that he is Vice President and Assistant Secretary of Kerr-McGee Chemical LLC, a Delaware limited liability company, and that for and on behalf of said limited liability company, and after being duly authorized by said limited liability company to do so, he/she executed, signed and delivered the foregoing Perpetual Easement on the day and year therein mentioned and for the purposes therein expressed.

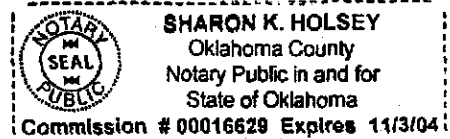
Given under my hand and official seal of office, this the 23<sup>rd</sup> day of January, 2003.

Sharon K. Holsey  
NOTARY PUBLIC

MY COMMISSION EXPIRES:  
November 3, 2004

INDEXING INSTRUCTIONS

Section 16, Township 4 North, Range 13 West  
1/4 of the 1/4  
Forrest County, Mississippi



STATE OF MISSISSIPPI  
COUNTY OF FORREST

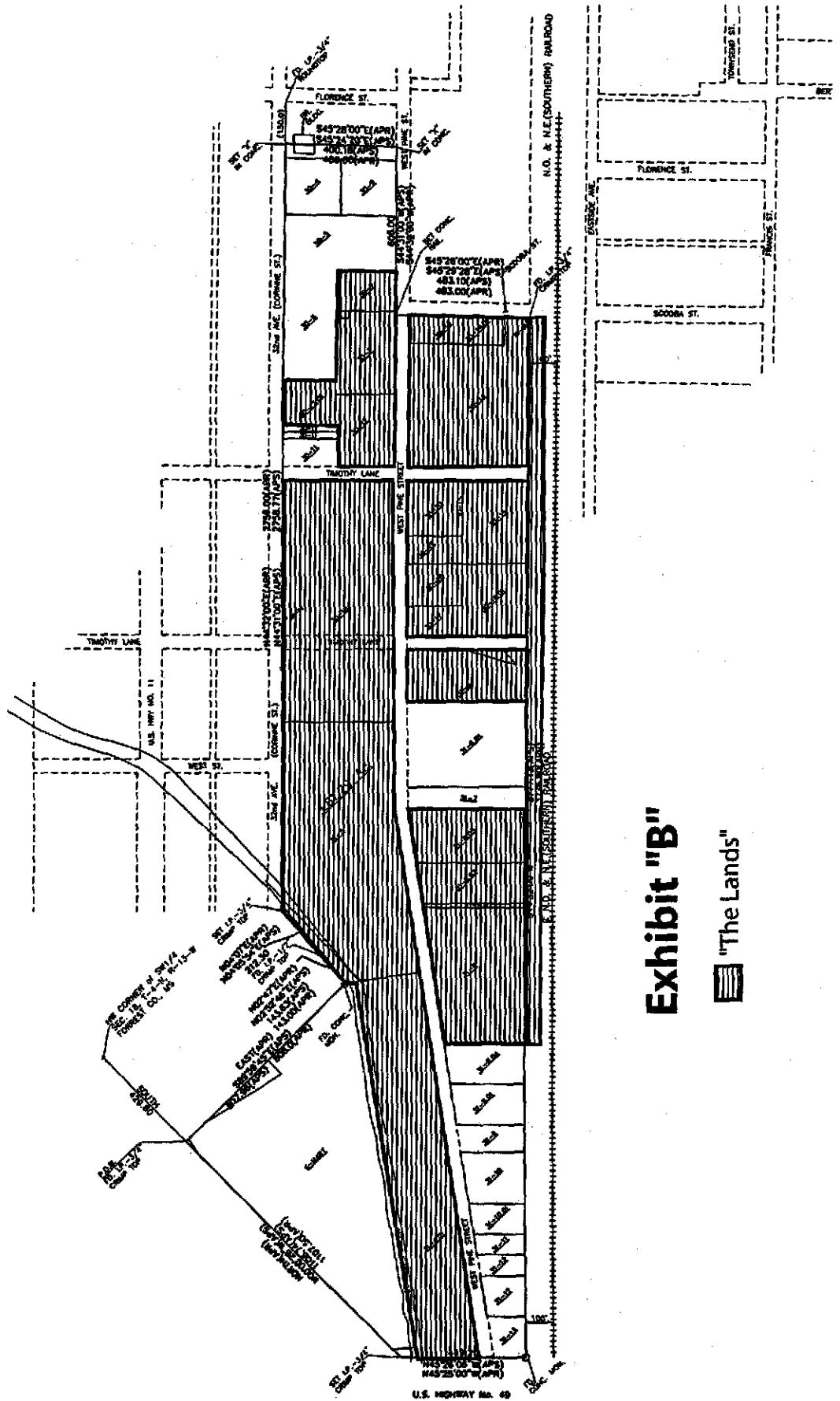
I, Jimmy C. Havard, Chancery Clerk of Forrest County, do hereby certify that the foregoing is a true and correct copy of

Perpetual Easement  
as the same appears on record in my office in Book 902  
page 659

Given under my hand and official seal on this the 29  
day of January, 20 03.

JIMMY C. HAVARD, Chancery Clerk

By: Diane L. Zachary P.C.



# Exhibit "B"

 "The Lands"

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

FILE COPY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

V.

ORDER NO. **4539** **03**

KERR-MCGEE CHEMICAL, LLC  
HATTIESBURG, MS

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality ("Commission"), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality ("MDEQ"), Complainant, and Kerr-McGee Chemical LLC, successor in interest to Kerr-McGee Chemical Corporation ("Kerr-McGee"), Respondent, in the above captioned cause and agree as follows:

I.

The Commission and Kerr-McGee agree to enter into an Agreed Order to settle the claims as set forth herein. The Commission and Kerr-McGee enter this agreement in order to avoid a prolonged contested enforcement proceeding. The parties agree that by entering into this Agreed Order, Kerr-McGee does not admit the truth of any allegation in the Agreed Order, and that without any admission of liability by Kerr-McGee, Kerr-McGee consents to the entry of this Agreed Order resolving the claims of the Commission addressed herein.

## II.

The site that is the subject of this Agreed Order is a former wood treating facility located in Hattiesburg, Mississippi, originally leased and/or operated by Gulf States Creosoting Company, then by American Creosoting Corporation ("Site"). The lands occupied by the Site are Sixteenth Section lands, owned by the State of Mississippi in trust for the Hattiesburg Public School District, and subject to a 99 year lease. The Hattiesburg Public School District succeeded to management and control of the lease by operation of law in 1978. American Creosoting Corporation transferred the lease to Industrial Park, Inc. ("IPI") in July 1960. Creosote operations had ceased on the Site by the time the lease was transferred to IPI, the plant was dismantled and IPI and/or its transferees redeveloped the lease for other commercial uses which continue to the present time. Kerr-McGee never owned or operated the Site or the Lease but is alleged to be the successor in interest to American Creosoting Corporation, the parent company of Gulf States Creosoting Company. Kerr-McGee purchased American Creosoting Corporation in 1964, four years after the Site was dismantled and the remaining term of the lease had been sold to IPI.

During the years of operation as a wood treating plant, creosote was released into the environment. As the alleged Responsible Party, Kerr-McGee has agreed to clean up the Site in accordance with State law and regulations. Kerr-McGee submitted work plans, entitled "Removal Action Work Plan, Northeast Drainage Ditch" and "Final Remedial Action Work Plan, former Gulf States Creosoting Site," (hereinafter referred to as "Work Plans") to MDEQ to effectively and appropriately clean up the Site.

### III.

In lieu of a formal enforcement hearing concerning the allegations listed above, MDEQ and Kerr-McGee agree to settle this matter as follows:

- A. Kerr-McGee shall complete execution of the Work Plans as approved by MDEQ.
- B. Kerr-McGee shall begin implementation of the Work Plans within a reasonable time period after execution of the Agreed Order, but no later than ninety days after execution of the Agreed Order.
- C. Within thirty days after execution of this Agreed Order, Kerr-McGee shall submit a revised work schedule for the activities included in the Work Plans for approval by MDEQ.
- D. Upon MDEQ approval of the work schedule included in III.C., above, Kerr-McGee shall use best efforts to implement the cleanup and completion of the cleanup activities in accordance with the approved schedule.
- E. Kerr-McGee shall obtain prior approval from MDEQ for any deviations of the approved Work Plans. All deviations as approved by MDEQ from the Work Plans shall be documented in the final report as referenced in Section II.K. of this order.
- F. Kerr-McGee shall continue implementation of the approved Groundwater Monitoring Plan in accordance with the approved schedule. Kerr-McGee shall obtain approval from MDEQ prior to deviating from the approved monitoring schedule.

- G. Kerr-McGee shall notify MDEQ a minimum of two (2) weeks prior to conducting a groundwater sampling event in order that MDEQ may split samples, and Kerr-McGee shall provide the appropriate sampling containers for MDEQ.
- H. Kerr-McGee shall employ all actions necessary to protect human health and the environment from imminent danger while implementing the Work Plans.
- I. If triggered as set forth in the Final Remedial Action Work Plan, Kerr-McGee agrees to implement the contingency plan as outlined in the Appendix E, Section 3.0. of the Work Plan.
- J. Kerr-McGee shall submit a final report summarizing the remedial work performed on site within sixty days of completion of all activities included in the Work Plans.

#### IV.

If Kerr-McGee is unable to complete the activities included in the Work Plan as set forth in the approved work schedule timely due to circumstances out of Kerr-McGee's control, Kerr-McGee shall notify MDEQ in writing and MDEQ will grant an appropriate extension. Unanticipated or increased costs of performance, changed economic circumstances, or normal precipitation events are not considered circumstances out of Respondent's control.

V.

The parties further agree that the Agreed Order may be modified by amendment by mutual agreement between the parties, if:

- A. New information becomes available after execution of the Agreed Order indicating the existence of previously unknown contaminants or an area of previously unknown environmental contamination that currently is not included in the Work Plans. The Agreed Order may be amended by mutual agreement between the parties to include remediation of any previously unknown contaminants and any additional areas of contamination; or
- B. The Commission obtains new information after execution of the Agreed Order about a contaminant on or under the site included in the Work Plans that increases the risk to public health or the environment on or under the site included in the Work Plans beyond the level that is the basis for the remediation requirements in the Work Plans and in a manner or to a degree not anticipated in the Work Plans.

VI.

Kerr-McGee shall coordinate with the City of Hattiesburg ("City") to cause the City to file in the land records of Forrest County, Mississippi, a notice stating that a city ordinance is in place that restricts the use of groundwater, which states "It shall be unlawful to conduct operations to drill any well for groundwater use within the City of Hattiesburg without first obtaining a permit from the Governing Authority."

VII.

An agreement shall be entered into with the City, MDEQ, the Office of the Mississippi Secretary of State ("MSOS"), and Kerr-McGee stating that if the city ordinance referenced in Section VI. is ever challenged or changed that the City will give notice of such to MDEQ, MSOS, the Mississippi State Department of Health, and Kerr-McGee.

VIII.

An executed Notice of Use Restriction and Perpetual Easement are incorporated into this Agreed Order and attached hereto as collective Exhibit A.

IX.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Kerr-McGee fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein. If new information is presented pursuant to Section V., above, and the parties are unable to mutually agree to the terms of a modification of this order, the Commission reserves the right to conduct a separate enforcement action concerning any matter included in this Agreed Order or of the laws or regulations within the jurisdiction of the Commission. Kerr-McGee reserves any and all rights it may have under law to respond to and/or defend any separate enforcement action brought against it by MDEQ or the Commission.

X.

Nothing contained in this Agreed Order shall limit the rights of the Commission to take enforcement or other actions against Kerr-McGee for violations not addressed herein and for future violations of environmental laws, rules, and regulations. Kerr-



McGee reserves any and all rights it may have under law to respond to and/or defend any separate enforcement action brought against it by MDEQ or the Commission.

XI.

Kerr-McGee understands and acknowledges that it would have been entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. Section 49-17-31 (Rev. 1999) concerning the matters addressed in this Agreed Order, and that it has made an informed waiver of that right.

XII.

This Agreed Order shall not be used by any party or against any party in any judicial or administrative proceeding except to enforce the terms of this Agreed Order.

ORDERED, this the 28<sup>th</sup> day of Jan, 2003.

MISSISSIPPI COMISSION ON  
ENVIRONMENTAL QUALITY

BY: *Charles H. Chisolm*  
Charles H. Chisolm  
Executive Director  
Mississippi Department of  
Environmental Quality

AGREED, this the 24<sup>th</sup> day of January, 2003.

KERR-MCGEE CHEMICAL, LLC

BY: *John F. Reichenberger*  
John F. Reichenberger

TITLE: Vice President and Assistant Secretary

STATE OF OKLAHOMA

COUNTY OF Oklahoma

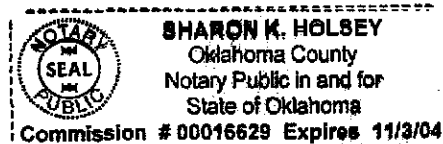
PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named John F. Reichenberger who first being duly sworn, did state upon his oath and acknowledge to me that he is authorized by that Corporation to sign this Agreement.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 24<sup>th</sup> day of January, 2003.

*Sharon K. Holsey*  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

November 3, 2004





STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

FILE COPY

May 8, 2002

Via Certified Mail and Facsimile

Mr. Glen Pilie', Esq.  
Adams and Reese  
4500 One Shell Square  
701 Poydras Street  
New Orleans, LA 70139

RE: Gulf States Creosote Site  
*Northeast Drainage Ditch Remedial Action Plan* dated August 3, 2001  
Hattiesburg, Mississippi

Dear Mr. Pilie':

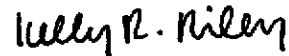
The Mississippi Department of Environmental Quality (MDEQ) has reviewed the above referenced work plan. The approval of the plan is contingent on incorporation of the following recommendations that Staff reported to me:

1. **Section 5.3 Excavation and Loading** – MDEQ requires that all waste material be loaded directly into either trucks or roll-off boxes for offsite disposal. All waste material leaving the site shall be covered. All waste material containing any type of free liquids shall be stabilized prior to leaving the removal area in order to eliminate any drippage along the roadway in residential areas. The only material that may be used for backfill material are those materials that are tested and have analytical results that are below the target remediation goal levels for contaminants of concern. Since confirmation samples are not being collected to show that contamination being left in place is below the Tier 1 Target Remediation Goal table unrestricted levels, a restrictive use order will have to be imposed on the drainage ditch area.
2. **Section 5.5 Installation of Liner and Sand Bed** –All seams of the HDPE liner shall be welded according to manufacturer's recommendations. All tears in the liner shall be repaired according to manufacturer's recommendations.

3. **Section 7.0 Health and Safety** – MDEQ requires that the health and safety plan be submitted for agency approval prior to implementation of the proposed scope of work.
4. **Section 8.0 Reporting** – MDEQ requires that the Removal Action Report be submitted within ninety (90) days of completion of the drainage ditch project.
5. A contingency plan shall be submitted to MDEQ for approval by July 1, 2002 for addressing groundwater contamination in this area. Financial assurance shall be included in this plan.

For technical questions, you may contact Tony Russell at (601) 961-5318, or for legal questions you may contact me at (601) 961-5369.

Sincerely,



Kelly R. Riley  
Attorney

cc: Jerry Banks, P.E.  
Tony Russell  
William Cheney, Jr., Esq. (via facsimile only at 601-359-1461)

## MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY MEETING ATTENDEES LIST

**DATE:** May 6, 2002

**SITE NAME:** Gulf States Creosite

**LOCATION:** Hattiesburg, MS

PARTICIPANT	COMPANY	PHONE NUMBER
Tony Russell	MDEQ - HWD	601-961-5318
Jerry Banks	MDEQ - HWD	601-961-5221
Kelly Riley	MDEQ - Legal	601-961-5369
Bill Cheney	SOS	601-359-6377
Geard McWhorter	SOS	601-359-6373

**SUMMARY:**

The Remedial Action Plan (RAP) for the process area and the Northeast Drainage Ditch was discussed with the SOS office. MDEQ would allow some contamination to remain onsite in the process area as long as a contingency plan with financial assurance was submitted for the area. MDEQ would require all gross contamination be removed from the concrete sump and the wooden substructure areas. MDEQ would also require that all underground utilites be rerouted around the process area to eliminate workers being exposed to any shallow contamination left in place under the capped area.

All gross contamination would be have to be removed from the NE drainage ditch area. Since there is no proposal to collect confirmation samples to show that all contaminated soil has been removed, MDEQ would require a restrictive use order be placed on the ditch. SOS office did not see that as a problem. A contingency plan with financial assurance would be required for this area also.

MDEQ would finalize comments on the RAP's and submit them to SOS via email for approval. Hopefully get the comment letter out to Glen Pilie on Tuesday.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

RSCO REALTY CORPORATION, ET AL  
VERSUS  
KERR-McGEE CHEMICAL CORPORATION, ET AL

PLAINTIFFS  
CIVIL ACTION NO. 2:96cv323 PG  
DEFENDANTS

O.M.T. PROPERTIES, INC.  
VERSUS  
KERR-McGEE CHEMICAL CORPORATION, ET AL

PLAINTIFF  
CIVIL ACTION NO. 2:96cv356 PG  
DEFENDANTS

GARY MARTIN, ET AL  
VERSUS  
KERR-McGEE CHEMICAL CORPORATION, ET AL

PLAINTIFFS  
CIVIL ACTION NO. 2:96cv357 PG  
DEFENDANTS

STEADMAN PROPERTIES, INC.  
VERSUS  
KERR-McGEE CHEMICAL CORPORATION, ET AL

PLAINTIFF  
CIVIL ACTION NO. 2:96cv394 PG  
DEFENDANTS

HATTIESBURG BEVERAGE CO., INC.  
VERSUS  
KERR-McGEE CHEMICAL CORPORATION, ET AL

PLAINTIFF  
CIVIL ACTION NO. 2:98cv238 PG  
DEFENDANTS

NOTICE

TAKE NOTICE that the above-entitled case has been scheduled for a Status Conference on **June 5, 2002, at 1:30 p.m.** in the United States Courthouse, Colmer Federal Building, 701 Main Street, Hattiesburg, Mississippi, United States District Judge Charles W. Pickering, Sr., presiding.

Date: April 26, 2002

UNITED STATES DISTRICT COURT

By: Sharon Potin  
Sharon Potin, Courtroom  
Deputy Clerk

To: All Counsel

William G. Cheney, Jr.  
MS Secretary of State's Office

Russell H. Smith  
M.D.E.Q.

# MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY MEETING ATTENDEES LIST

DATE: June 3, 2002

SITE NAME: Gulf States Creosote

LOCATION: Hattiesburg, MS

PARTICIPANT	COMPANY	PHONE NUMBER
Tony Russell	MDEQ - HWD	601-961-5318
Jerry Banks	MDEQ - HWD	601-961-5221
Kelly Riley	MDEQ - Legal	601-961-5369
Betty Ruth Fox	MDEQ - Legal	601-961-5573
GLEN PILIE	ADAMS & REESE PA KENN MCGEE	504-585-0260
Nick Bobb	Ken McGee	405-270-2394
Dave Uptergrove	Michael Pisani & Assoc	504.582.2468
Michael Pisani	" "	" "
Bill Cheney	Sec. of State	601-359-6377

**SUMMARY:**

Meeting held to discuss the May 8 RAP letters. The following outstanding issues will be discussed internally by MDEQ and hopefully a decision reached on Friday morning during a conference call with KM:

1. Whether the seams in the HDPE liner should be welded or just overlapped.
2. Whether the cover for the process area could be a 20 ml liner plus 2 inches of asphalt versus just 6 inches of asphalt.
3. Removing only the soil in the drainage ditch along the Southern RR tracks, replacing with a concrete lined drainage system and capping the remaining area.
4. What triggers would be required for implementing the contingency plans at the site?
5. Financial assurance - required now or once the contingency plan was implemented.

Dave met with City engineer and it will be 90 to 120 days before contract will be in place to implement the NE drainage ditch project. KM wants to know if DEQ has any problem with them waiting until after the spring of 2003 to start the project as they do not want to get started and the rainy season hit which would cause delays in getting the project completed.

DEQ attorneys to review the City's easement agreement to see if it would be sufficient to replace a restrictive use order for contaminated soils left in place along the NE drainage ditch.

HASP will be reviewed by MDEQ within 30 days of submittal.

Monitor groundwater in the fill area, if it appears to be mounding, they will pump the groundwater and also extend the sheet piling wall if required.

KM will submit revised RAP by July 15 for the process and fill areas. DEQ will comment on revision by August 1. KM will resubmit by August 15 if necessary.

KM will submit response letter on the NE drainage ditch by June 15. DEQ will respond by July 1.

Go to public notice sometime in September.



ADAMS AND REESE LLP

June 14, 2002

Ms. Kelly R. Riley  
Legal Division  
Mississippi Department of Environmental Quality  
P.O. Box 20385  
Jackson, Mississippi 39289-1305

Re: Easements for Northeast Drainage Ditch Removal Action  
Gulf States Creosoting Site  
Hattiesburg, Mississippi

Dear Kelly:

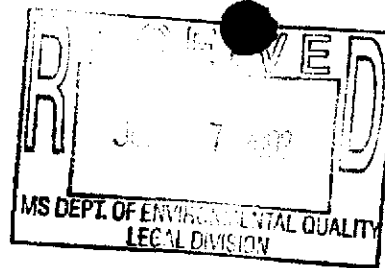
In accordance with discussions at the meeting of June 3, 2002 with MDEQ, Kerr-McGee and the Secretary of State's Office, attached please find a letter our consultant received from Mr. Bennie Sellers, Director of Public Services for the City of Hattiesburg, describing the process the City engaged in to obtain easements for the referenced project and attaching typical easements the City obtained. I am also attaching related materials I had in my file and which we had previously received from Mr. Sellers' office. If you have any questions or comments regarding the same, please do not hesitate to contact me. In the interim, I remain,

Very truly yours,  
ADAMS AND REESE LLP

BY:

  
\_\_\_\_\_  
JANE C. RAIFORD

Cc w/o Attachments: Charles E. Lawrence, Jr.

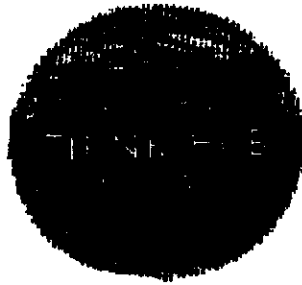


**Attorneys at Law**  
Baton Rouge  
Houston  
Jackson  
Mobile  
New Orleans  
Washington, DC

**Jane C. Raiford**  
Also admitted in Texas  
(504) 585-0369  
raifordjc@arlaw.com

**City Council**

Betsy M. Rowell.....Ward One  
Deborah L. Deard.....Ward Two  
Carter Carroll.....Ward Three  
C. E. "Red" Bailey.....Ward Four  
Henry E. Naylor.....Ward Five



Post Office Box 1898  
Hattiesburg, Mississippi 39403-1898

**City of Hattiesburg**

*Johnny L. DuPre, Mayor*

May 31, 2002

Mr. Dave Uptegrove  
Michael Pisani & Associates, Inc.  
1430 Energy Centre  
1100 Poydras Street  
New Orleans, LA

RE: Kerr-Magee Project

Attached herewith is typical easement obtained from property owners for installation of storm drain or drainage improvement across private property. Procedure for obtaining an easement is as follows:

After easements are signed by property owner and notarized, said easements are then presented to the Hattiesburg City Council to acknowledge receipt of executed easement and then recorded into the minutes maintained by the City Clerk's Office. Easements are also recorded in the Chancery Clerk's Office and becomes a part of the land deed record.

Should you need or require additional information, please let me know. My telephone number is (601) 545-4540, via fax number is (601) 545-4642 and via e-mail address is [pubser@hattiesburgms.com](mailto:pubser@hattiesburgms.com).

Sincerely,

A handwritten signature in black ink, appearing to read "B. Sellers", is written over the typed name.

Bennie J. Sellers, P.E., P.L.S.  
Director of Public Services

BJS/kac

GLSSR  
B&P SL

City Clerk's Office  
Box 1898, H'bg, MS 39403

STATE OF MISSISSIPPI  
FORREST COUNTY  
CERTIFY THIS INSTRUMENT  
WAS FILED AND RECORDED

STATE OF MISSISSIPPI  
COUNTY OF FORREST  
CITY OF HATTIESBURG

2ND DEC 18 A 11:52

IN REG. BK. AND PAGE OR U.C.C.  
P.C. NO. AS SHOWN  
WITNESS MY HAND AND SEAL

DRAINAGE EASEMENT

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, including the benefits to be derived herefrom HAROLD C. SCOTT, JR. does hereby grant and convey unto CITY OF HATTIESBURG, a municipal corporation, an easement over, across and upon a parcel of real property, for the construction and maintenance of drainage facilities over and across the following described real property located in the City of Hattiesburg, Forrest County.

Begin at a point 390.00' West of the Southeast corner of the SE 1/4, of the NE 1/4, of Section 26, T-4-N, R-13-W, Forrest County, Mississippi; And thence continue West for 190.00', more or less, to the East Right-of-Way of a Public Road presently known as Gasaway Loop, thence run North along said East Right-of-Way for 5.06', thence run N89°01'57"E for 47.91', thence run 97.52' along a curve to the left having a chord distance of 97.30', a chord bearing of N81°14'28"E and a radius of 417.36', thence run N74°45'27"E for 47.61', more or less, to the East line of the Anna Lorene Ratcliff property, thence run South along said East line for 33.20' back to the Point-of-Beginning. The above described permanent Drainage Easement contains .059 acres.

And also an additional 20' temporary Construction Easement running parallel with and adjoining the North line of the above herein described permanent Drainage Easement.

I/we hereby waive our right to just compensation and donate the use of real property herein described to the City of Hattiesburg. I/we further understand that we have the right to request that a fair market value appraisal of the property be made and I/we hereby waive that right.

The Grantee herein is given the right to do whatever may be necessary or proper for the enjoyment of the rights herein granted, including the right of Ingress and egress and the right to clear said right-of-way so selected of such shrubs, trees and other vegetation as may be necessary.

WITNESS OUR SIGNATURES on this, the 5<sup>th</sup> day of May, A.D., 2000.

*Harold C. Scott Jr.*

This day there came and appeared before me, HAROLD C. SCOTT, JR. the undersigned authority in and for County and State, the within named who acknowledged before me that he/she signed, executed and delivered the above and foregoing easement on the day and year therein, mentioned as their own free and voluntary act and deed.

Given under my hand and official seal of this office on this, the 5<sup>th</sup> day of May, A.D., 2000.

*Ernest O. Anagnost*  
NOTARY PUBLIC

My Commission Expires April 27, 2001



0853-594

DRAINAGE EASEMENT

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, including the benefits to be derived here from **HONNIE L. RIDGEWAY, ETAL**, do hereby grant and convey unto **CITY OF HATTIESBURG**, a municipal corporation, an easement over, across and upon a parcel of real property, for the construction and maintenance of drainage facilities over and across the following described real property located in the City of Hattiesburg, Forrest County, Mississippi:

A 15 foot wide Permanent Drainage Easement being part of the Southeast ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, being 7.5 feet either side of a centerline more particularly described as follows: Commence at the Southwest corner of Block 63 of D. D. McInnis 3<sup>rd</sup> Addition and thence run East along the South line of said Block 63 for 12.9 feet, more or less, to the centerline of an existing underground drainage structure and to the Point-of-Beginning, thence run N 37°43' E along the centerline of said underground drainage structure for 174.2 feet, more or less, to the centerline of an existing underground junction box, thence run N 54°55' E along an existing underground drainage structure for 14.9 feet, more or less, to the North line of the said Block 63 and to the Point-of-Ending. The above herein described Permanent Drainage Easement contains .07 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern lines of the above herein described Permanent Drainage Easement.

I/we fully understand that we have the right to receive just compensation for the use of the real property herein described based on an appraisal of said property. I/we hereby waive our right to just compensation and donate the use of real property herein described to the City of Hattiesburg. I/we further understand that we have the right to request that a fair market value appraisal of the property be made and I/we hereby waive that right.

The Grantee herein is given the right to do whatever may be necessary or proper for the enjoyment of the rights herein granted, including the right of ingress and egress and the right to clear said right-of-way so selected of such shrubs, trees and other vegetation as may be necessary.

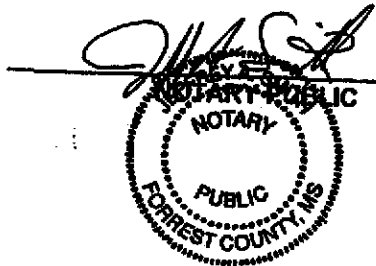
WITNESS OUR SIGNATURES on this, the 10<sup>th</sup> day of July, A.D., 2001.

Honnie L. Ridgeway

This day there came and appeared before me, the undersigned authority in and for County and State, the within named **HONNIE L. RIDGEWAY, ETAL**, who acknowledged before me that he/she signed, executed and delivered the above and foregoing easement on the day and year therein, mentioned as their own free and voluntary act and deed.

Given under my hand and official seal of this office on this, the 10<sup>th</sup> day of July, A.D., 2001.

My Commission Expires: September 20, 2004  
Bourne Notary Service, Inc.



### PERMANENT DRAINAGE EASEMENT

30	628	36	1
OWNNAME RIDGEWAY, HONNIE & L. ETAL			
312 MARTIN LUTHER KING AVE.			

PLAN SCALE: 1" = 30'  
DATE: 5/01

"BLOCK 64"  
D.D. McINNIS 3RD ADD.

EXISTING DRAINAGE PIPE

P.O.E.

MARTIN LUTHER KING AVE.

EXISTING DRAINAGE PIPE

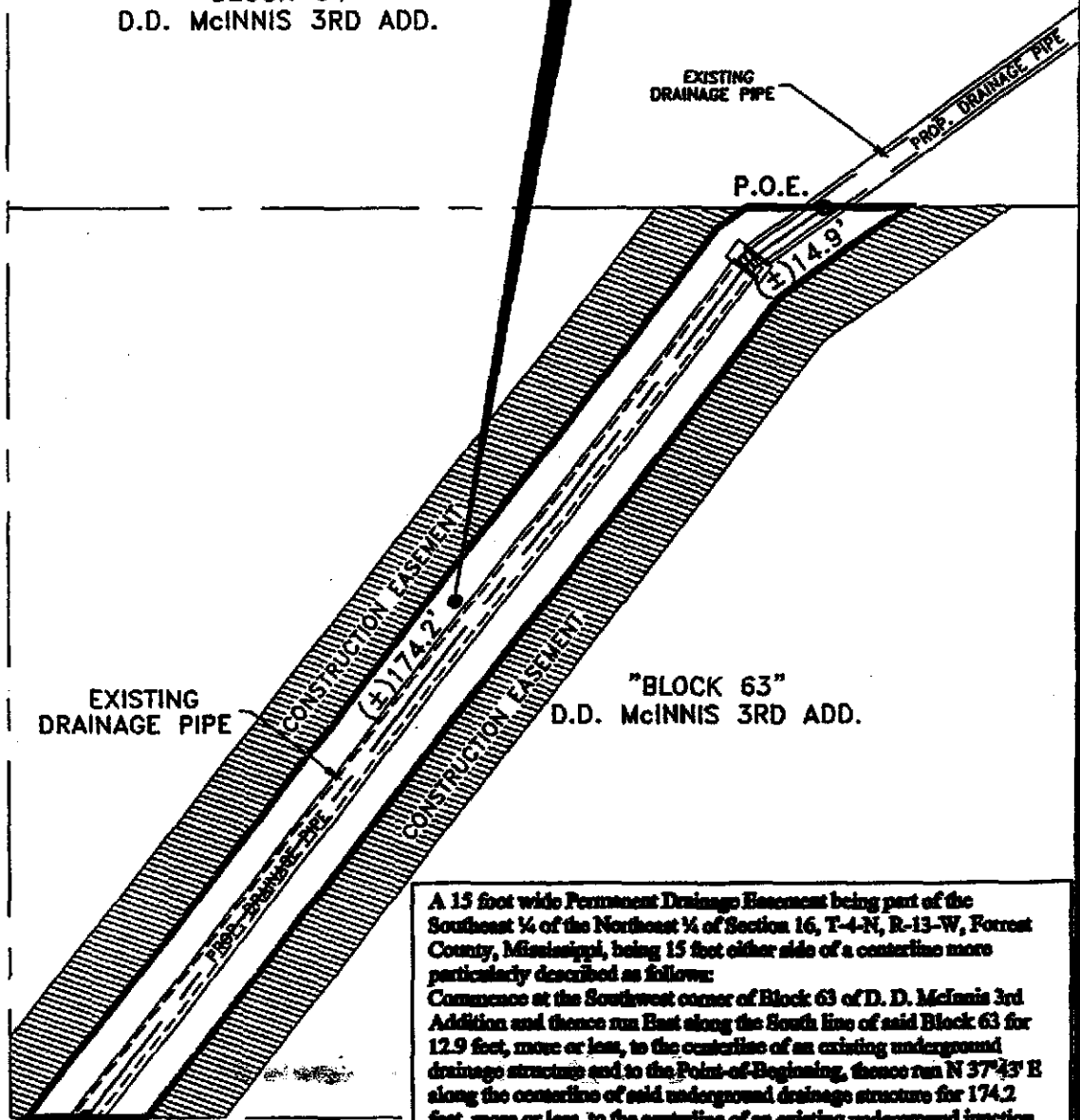
"BLOCK 63"  
D.D. McINNIS 3RD ADD.

P.O.B.

WILLIS AVE.  
(PLATTED)

A 15 foot wide Permanent Drainage Easement being part of the Southeast 1/4 of the Northeast 1/4 of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, being 15 feet either side of a centerline more particularly described as follows:  
Commence at the Southwest corner of Block 63 of D. D. McInnis 3rd Addition and thence run East along the South line of said Block 63 for 12.9 feet, more or less, to the centerline of an existing underground drainage structure and to the Point-of-Beginning, thence run N 37°43' E along the centerline of said underground drainage structure for 174.2 feet, more or less, to the centerline of an existing underground junction box, thence run N 54°55' E along an existing underground drainage structure for 14.9 feet, more or less, to the North line of the said Block 63 and to the Point-of-Ending. The above herein described Permanent Drainage Easement contains .07 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern lines of the above herein described Permanent Drainage Easement.



# PERMANENT DRAINAGE EASEMENT

30 628 2 3  
OWNNAME MCCARTHY, KATHERINE SMITH  
108 SCOOPA STREET

LOT 4

D.D. McINNIS 3RD  
"BLOCK 3"

LOT 5

LOT 6

D.D. McINNIS 3RD  
"BLOCK 3"

LOT 7

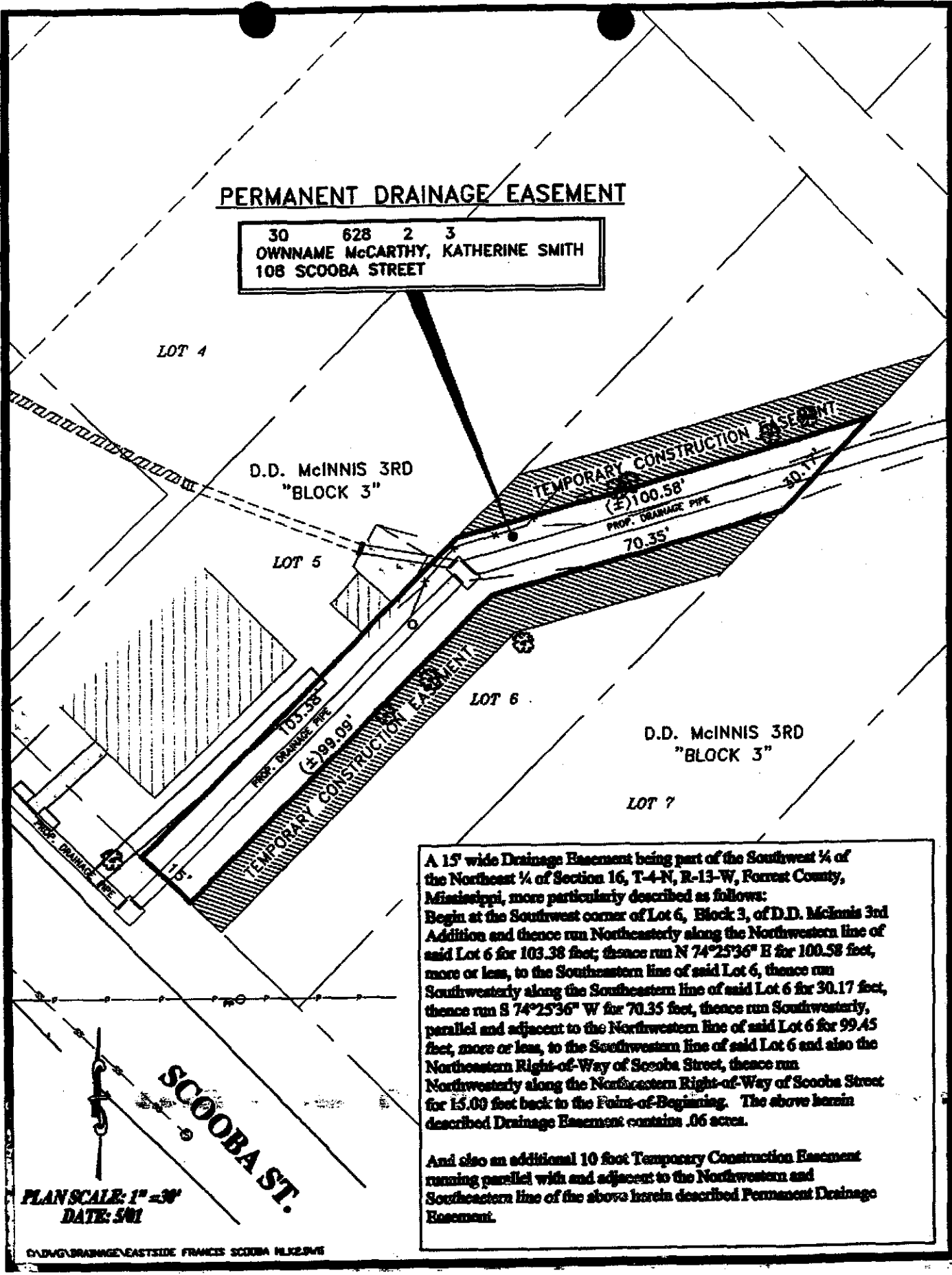
A 15' wide Drainage Easement being part of the Southwest ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows:  
 Begin at the Southwest corner of Lot 6, Block 3, of D.D. McInnis 3rd Addition and thence run Northeasterly along the Northwestern line of said Lot 6 for 103.38 feet; thence run N 74°25'36" E for 100.58 feet, more or less, to the Southeastern line of said Lot 6, thence run Southwesterly along the Southeastern line of said Lot 6 for 30.17 feet, thence run S 74°25'36" W for 70.35 feet, thence run Southwesterly, parallel and adjacent to the Northwestern line of said Lot 6 for 99.45 feet, more or less, to the Southwestern line of said Lot 6 and also the Northeastern Right-of-Way of Scooba Street, thence run Northwestery along the Northeastern Right-of-Way of Scooba Street for 15.00 feet back to the Point-of-Beginning. The above herein described Drainage Easement contains .06 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern line of the above herein described Permanent Drainage Easement.

PLAN SCALE: 1" = 30'  
DATE: 5/01

SCOOPA ST.

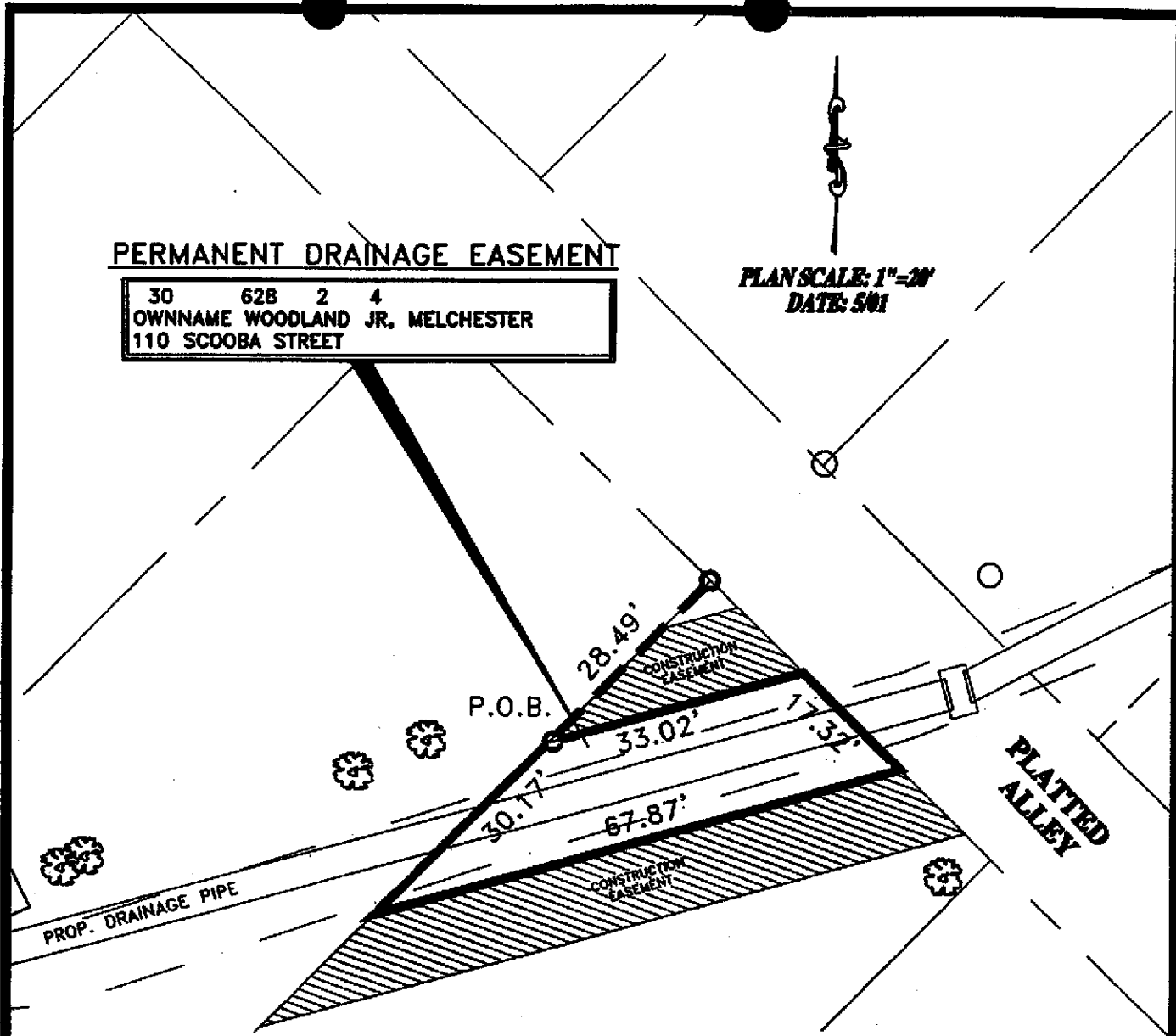
DRAINAGE EASTSIDE FRANCIS SCOOPA BLK 2 & 3



# PERMANENT DRAINAGE EASEMENT

30 628 2 4  
OWNNAME WOODLAND JR, MELCHESTER  
110 SCOOPA STREET

PLAN SCALE: 1"=20'  
DATE: 5/01



PROP. DRAINAGE PIPE

P.O.B.

PLATTED ALLEY

CONSTRUCTION EASEMENT

CONSTRUCTION EASEMENT

D.D. McINNIS 3RD  
"BLOCK 3"

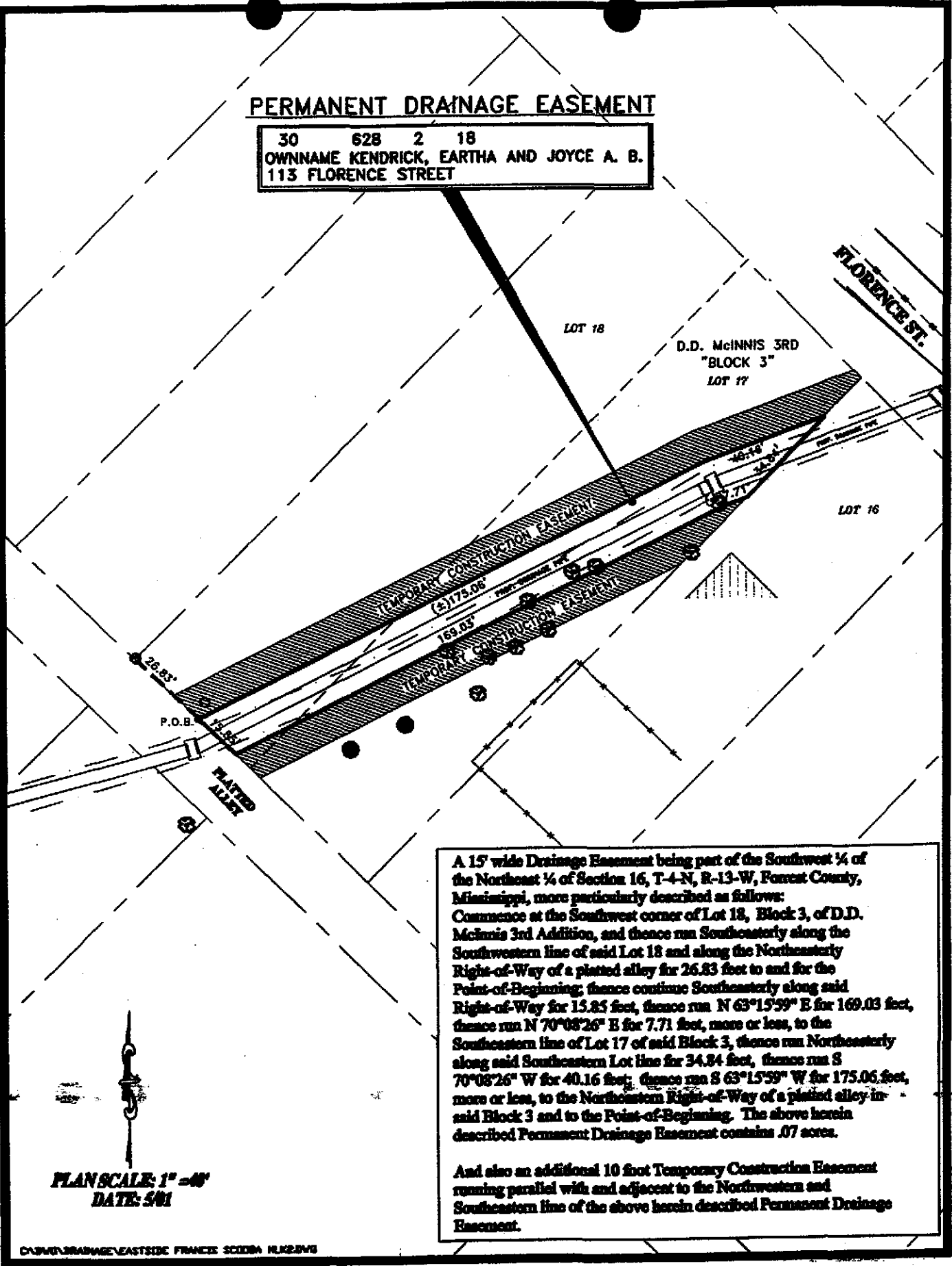
LOT 7

A 15' wide Drainage Easement being part of the Southwest ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows:  
Commence at the Northwest corner of Lot 7, Block 3, of D.D. McInnis 3rd Addition and thence run Southwesterly along the Northwestern line of said Lot 7 for 28.49 feet to and for the Point-of-Beginning; thence continue Southwesterly along the Northwestern line of said Lot 7 for 30.17 feet; thence run N 74°25'36" E for 67.87 feet, more or less, to the Southwestern Right-of-Way of a platted alley in said Block 3, thence run Northwesterly along said Southwestern Right-of-Way for 17.32 feet, thence run S 74°25'36" W for 33.02 feet, more or less, to the Northwestern line of said Lot 7 and to the Point-of-Beginning. The above herein described Drainage Easement contains .02 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern line of the above herein described Permanent Drainage Easement.

# PERMANENT DRAINAGE EASEMENT

30 628 2 18  
OWNNAME KENDRICK, EARTHA AND JOYCE A. B.  
113 FLORENCE STREET



A 15' wide Drainage Easement being part of the Southwest ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows: Commence at the Southwest corner of Lot 18, Block 3, of D.D. McInnis 3rd Addition, and thence run Southeastery along the Southwestern line of said Lot 18 and along the Northeastery Right-of-Way of a platted alley for 26.83 feet to and for the Point-of-Beginning; thence continue Southeastery along said Right-of-Way for 15.85 feet, thence run N 63°15'59" E for 169.03 feet, thence run N 70°08'26" E for 7.71 feet, more or less, to the Southeastern line of Lot 17 of said Block 3, thence run Northeastery along said Southeastern Lot line for 34.84 feet, thence run S 70°08'26" W for 40.16 feet; thence run S 63°15'59" W for 175.06 feet, more or less, to the Northeastern Right-of-Way of a platted alley in said Block 3 and to the Point-of-Beginning. The above herein described Permanent Drainage Easement contains .07 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern line of the above herein described Permanent Drainage Easement.

PLAN SCALE: 1" = 40'  
DATE: 5/01



# PERMANENT DRAINAGE EASEMENT

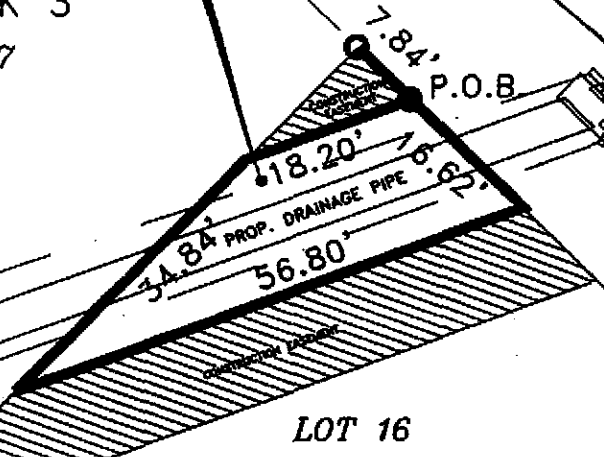
30 628 2 17  
OWNNAME BERRY, RUTH D-VERSIE EST  
117 FLORENCE STREET

D.D. McINNIS 3RD  
"BLOCK 3"  
LOT 17

FLORENCE ST.

FLORENCE ST.

LOT 16



A 15' wide Drainage Easement being part of the Southwest ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows: Commence at the Northwest corner of Lot 16, Block 3, of D.D. McInnis 3rd Addition, and thence run Southeastery along the Northeastern line of said Lot 16 and along the Southwestery Right-of-Way of Florence Street for 7.84 feet to and for the Point-of-Beginning; thence continue Southeastery along said Right-of-Way for 16.62 feet, thence run S 70°08'26" W for 56.80 feet, more or less, to the Northwestern line of said Lot 16, thence run Northeastery along said Northwestern Lot line for 34.84 feet, thence run N 70°08'26" E for 18.20 feet, more or less, to the Southwestery Right-of-Way of Florence Street and to the Point-of-Beginning. The above herein described Drainage Easement contains .01 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern line of the above herein described Permanent Drainage Easement.

PLAN SCALE: 1" = 20'  
DATE: 5/01

**PERMANENT DRAINAGE EASEMENT**

30 628 1 15  
OWNNAME CREAGH, EDWARD F.  
118 EAST FLORENCE STREET

LOT 8

LOT 9

D.D. McINNIS 3RD  
"BLOCK 2"

LOT 10

PLAN SCALE: 1" = 20'  
DATE: 5/01

CONSTRUCTION EASEMENT

PROP. DRAINAGE PIPE

(±) 62.28'  
16.17'  
60.14'

FLORENCE ST.

A 15' Permanent Drainage Easement being part of the Southwest ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows: Begin at the Southeast corner of Lot 9, Block 2, of D.D. McInnis 3rd Addition, and thence run Northeasterly along the Southeastern line of said Lot 9 for 60.14 feet, thence run S 59°41'16" W for 62.28 feet, more or less, to the Southwestern line of said Lot 9 and the Northeastern Right-of-Way of Florence Street, thence run Southeasterly along said Right-of-Way for 16.17 feet back to the Point-of-Beginning. The above herein described Permanent Drainage Easement contains .01 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern line of the above herein described Permanent Drainage Easement.

PLAN SCALE: 1" = 20'  
DATE: 5/01

LOT 9

D.D., McINNIS 3RD  
BLOCK 2

BERTHA ST.

**PERMANENT DRAINAGE EASEMENT**

30 628 1 16  
OWNNAME LUCKETT, RUTH  
115 BERTHA STREET

LOT 10

LOT 11

CONSTRUCTION  
EASEMENT

PROP. DRAINAGE PIPE

(±) 113.39'  
(±) 112.07'

(±) 12.72'

LOT 10

A Permanent Drainage Easement being part of the Southwest ¼ of the Northeast ¼ and part of the Southeast ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows:

Begin at the Northeast corner of Lot 10, Block 2, of D.D. McInnis 3rd Addition, and thence run Northwesterly along the Northeastern line of said Lot 10 and the Southwestern Right-of-Way of Bertha Street for 7.29 feet, thence run S 59°41'16" W for 113.39 feet, more or less, to the Southwest line of the Ruth Lockett property, said point also being the Southwest line of the Northeast 109.5 feet of said Lot 10, thence run Southeast along said Southwest property line for 12.72 feet, more or less, to the Southeast property corner of the Ruth Lockett property, thence run Northeast along the Southeast line of the Ruth Lockett property for 112.07 feet, more or less, to the Northeast corner of said Lot 10 and to the Point-of-Beginning. The above herein described Permanent Drainage Easement contains .03 acrt.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern line of the above herein described Permanent Drainage Easement.

# PERMANENT DRAINAGE EASEMENT

30 628 1 18  
OWNNAME MAGNOLIA FEDERAL BANK  
120 FLORENCE STREET

LOT 8  
PLAN SCALE: 1" = 20'  
DATE: 5/01

LOT 9  
D.D. McINNIS 3RD  
"BLOCK 2"

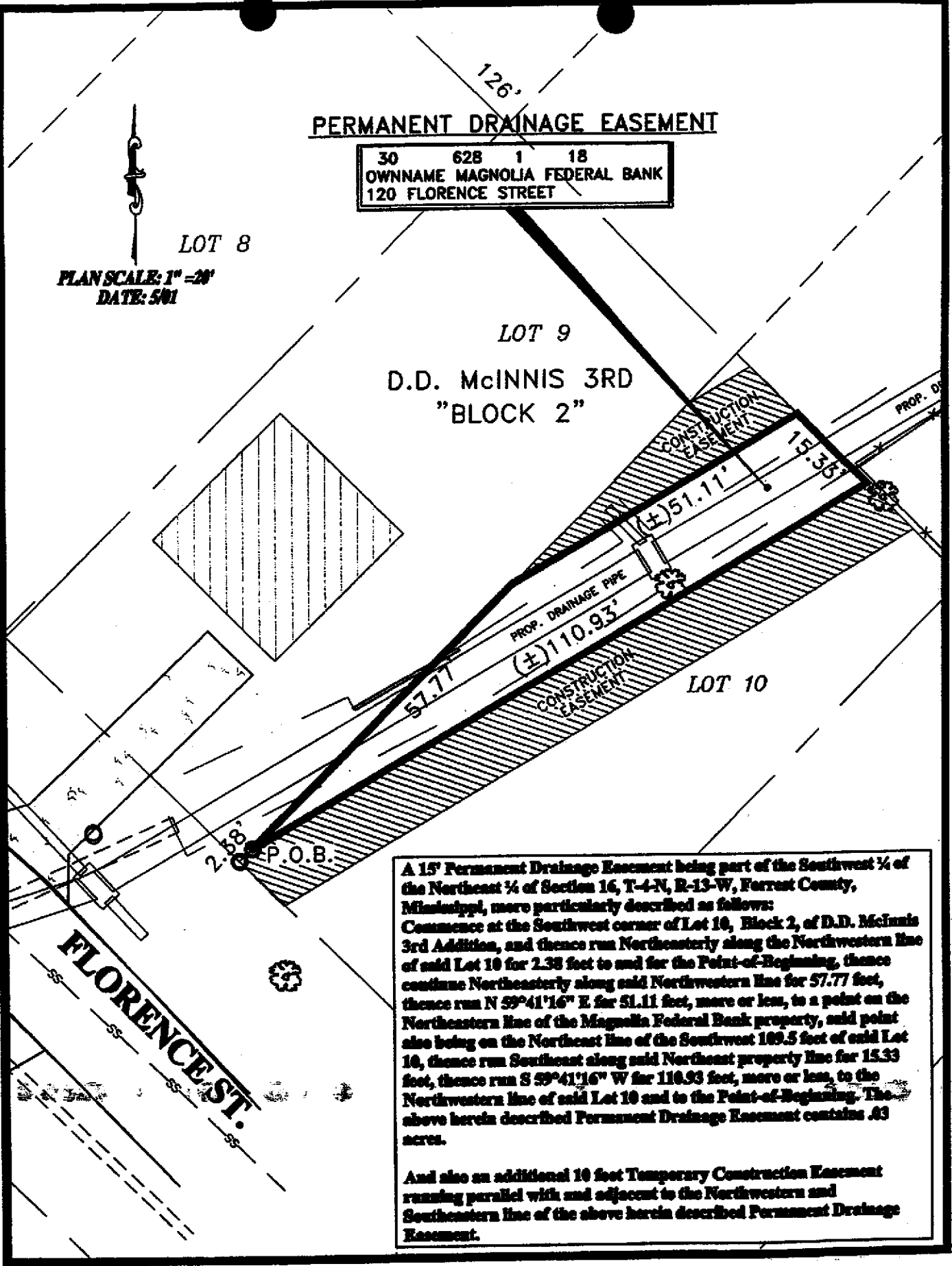
LOT 10

FLORENCE ST.

P.O.B.

A 15' Permanent Drainage Easement being part of the Southwest 1/4 of the Northeast 1/4 of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows:  
 Commence at the Southwest corner of Lot 10, Block 2, of D.D. Mcinnis 3rd Addition, and thence run Northeasterly along the Northwestern line of said Lot 10 for 2.38 feet to and for the Point-of-Beginning, thence continue Northeasterly along said Northwestern line for 57.77 feet, thence run N 59°41'16" E for 51.11 feet, more or less, to a point on the Northeastern line of the Magnolia Federal Bank property, said point also being on the Northeast line of the Southwest 109.5 feet of said Lot 10, thence run Southeast along said Northeast property line for 15.33 feet, thence run S 59°41'16" W for 110.93 feet, more or less, to the Northwestern line of said Lot 10 and to the Point-of-Beginning. The above herein described Permanent Drainage Easement contains .03 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern line of the above herein described Permanent Drainage Easement.



PLAN SCALE: 1" = 20'  
DATE: 5/01

LOT 9

D.D. "McINNIS" 3RD  
"BLOCK 2"

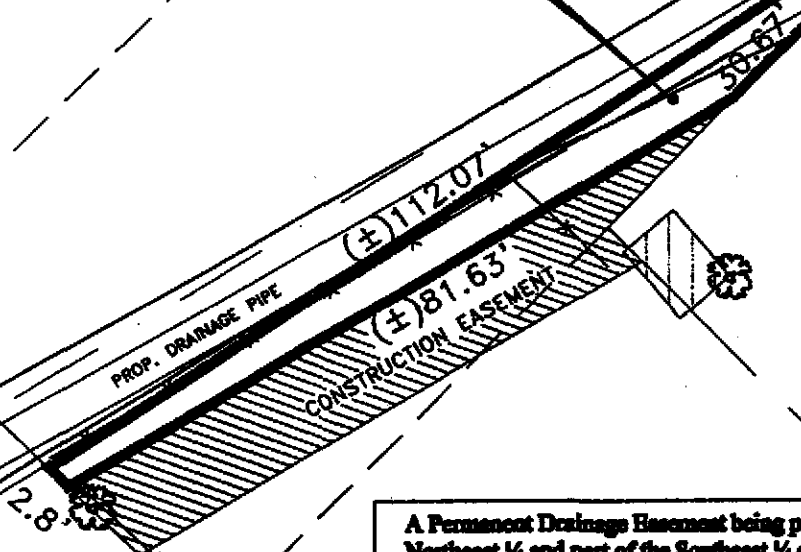
BERTHA ST.

**PERMANENT DRAINAGE EASEMENT**

30 628 1 19  
OWNNAME HALL, SAM & CORINNE  
405 FRANCIS STREET

LOT 10

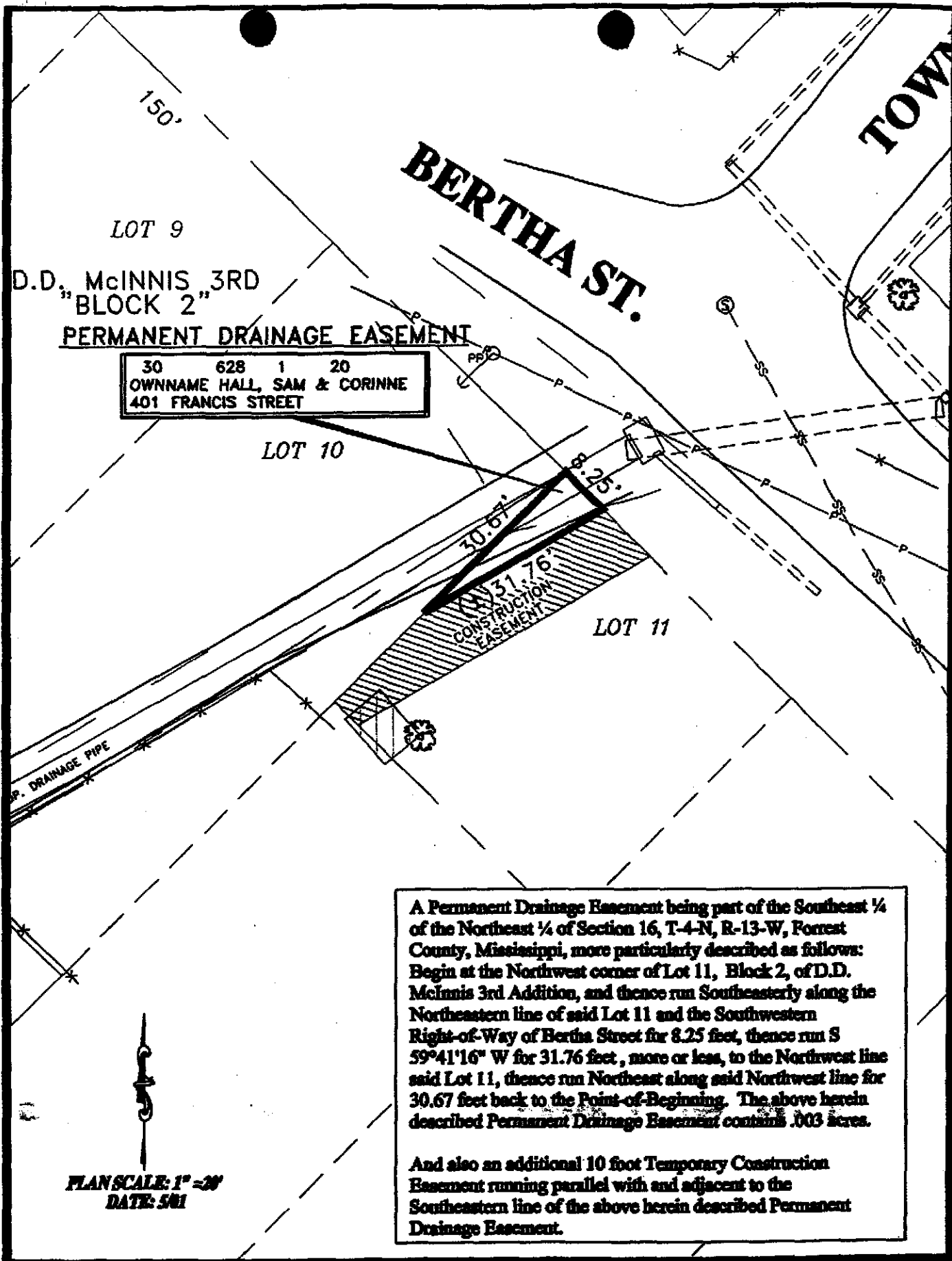
LOT 11



A Permanent Drainage Easement being part of the Southwest ¼ of the Northeast ¼ and part of the Southeast ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows:  
 Begin at the Northeast corner of Lot 10, Block 2, of D.D. McInnis 3rd Addition, and thence run Southwesterly along the Southeastern line of said Lot 10 for 30.67 feet, thence run S 59°41'16" W for 81.63 feet, more or less, to a Southwest line of the Sam and Corinne Hall property, said point also being on the Southwest line of the Northeast 109.5 feet of said Lot 10, thence run Northwest along said Southwest property line for 2.80 feet to a Northwest line of the Sam and Corinne Hall property, thence run Northeast along said Northwest property line for 112.07 feet, more or less, back to the Point-of-Beginning. The above herein described Permanent Drainage Easement contains .01 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Southeastern line of the above herein described Permanent Drainage Easement.

LOT 10



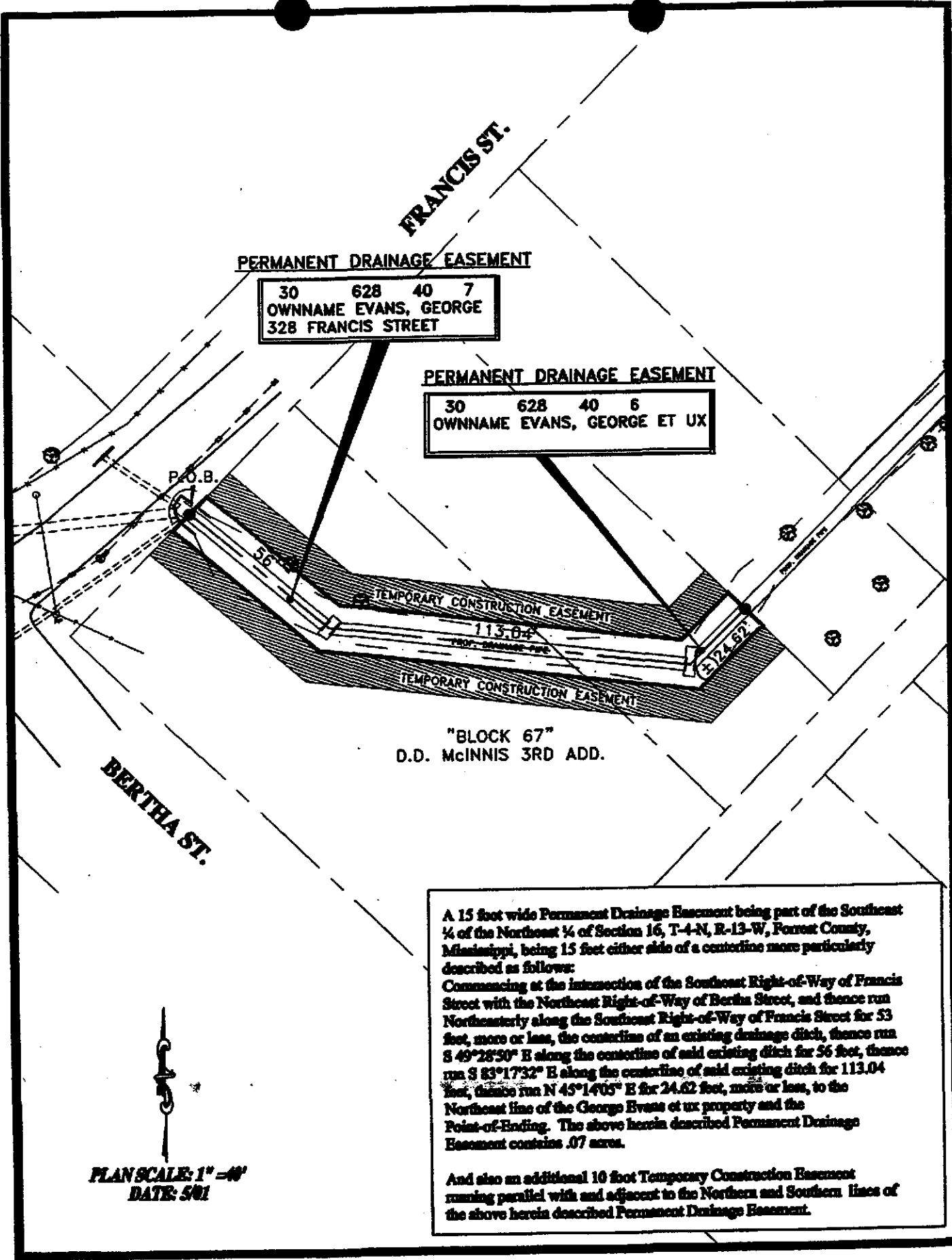
**PERMANENT DRAINAGE EASEMENT**

30 628 1 20  
 OWNNAME HALL, SAM & CORINNE  
 401 FRANCIS STREET

A Permanent Drainage Easement being part of the Southeast ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows: Begin at the Northwest corner of Lot 11, Block 2, of D.D. McInnis 3rd Addition, and thence run Southeasterly along the Northeastern line of said Lot 11 and the Southwestern Right-of-Way of Bertha Street for 8.25 feet, thence run S 59°41'16" W for 31.76 feet, more or less, to the Northwest line said Lot 11, thence run Northeast along said Northwest line for 30.67 feet back to the Point-of-Beginning. The above herein described Permanent Drainage Easement contains .003 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Southeastern line of the above herein described Permanent Drainage Easement.

PLAN SCALE: 1" = 20'  
 DATE: 5/01



**PERMANENT DRAINAGE EASEMENT**

30 628 40 7  
OWNNAME EVANS, GEORGE  
328 FRANCIS STREET

**PERMANENT DRAINAGE EASEMENT**

30 628 40 6  
OWNNAME EVANS, GEORGE ET UX

"BLOCK 67"  
D.D. McINNIS 3RD ADD.

A 15 foot wide Permanent Drainage Easement being part of the Southeast ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, being 15 feet either side of a centerline more particularly described as follows:

Commencing at the intersection of the Southeast Right-of-Way of Francis Street with the Northeast Right-of-Way of Bertha Street, and thence run Northeasterly along the Southeast Right-of-Way of Francis Street for 53 feet, more or less, the centerline of an existing drainage ditch, thence run S 49°28'50" E along the centerline of said existing ditch for 56 feet, thence run S 83°17'32" E along the centerline of said existing ditch for 113.04 feet, thence run N 45°14'05" E for 24.62 feet, more or less, to the Northeast line of the George Evans et ux property and the Point-of-Ending. The above herein described Permanent Drainage Easement contains .07 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northern and Southern lines of the above herein described Permanent Drainage Easement.

PLAN SCALE: 1" = 40'  
DATE: 5/01

FRANCIS ST.

PERMANENT DRAINAGE EASEMENT

30 028 40 5  
OWNNAME LAWRENCE, MATTIE JANE ETAL  
318 FRANCIS STREET

D.D.

"BLOCK 67"  
D.D. McINNIS 3RD ADD.

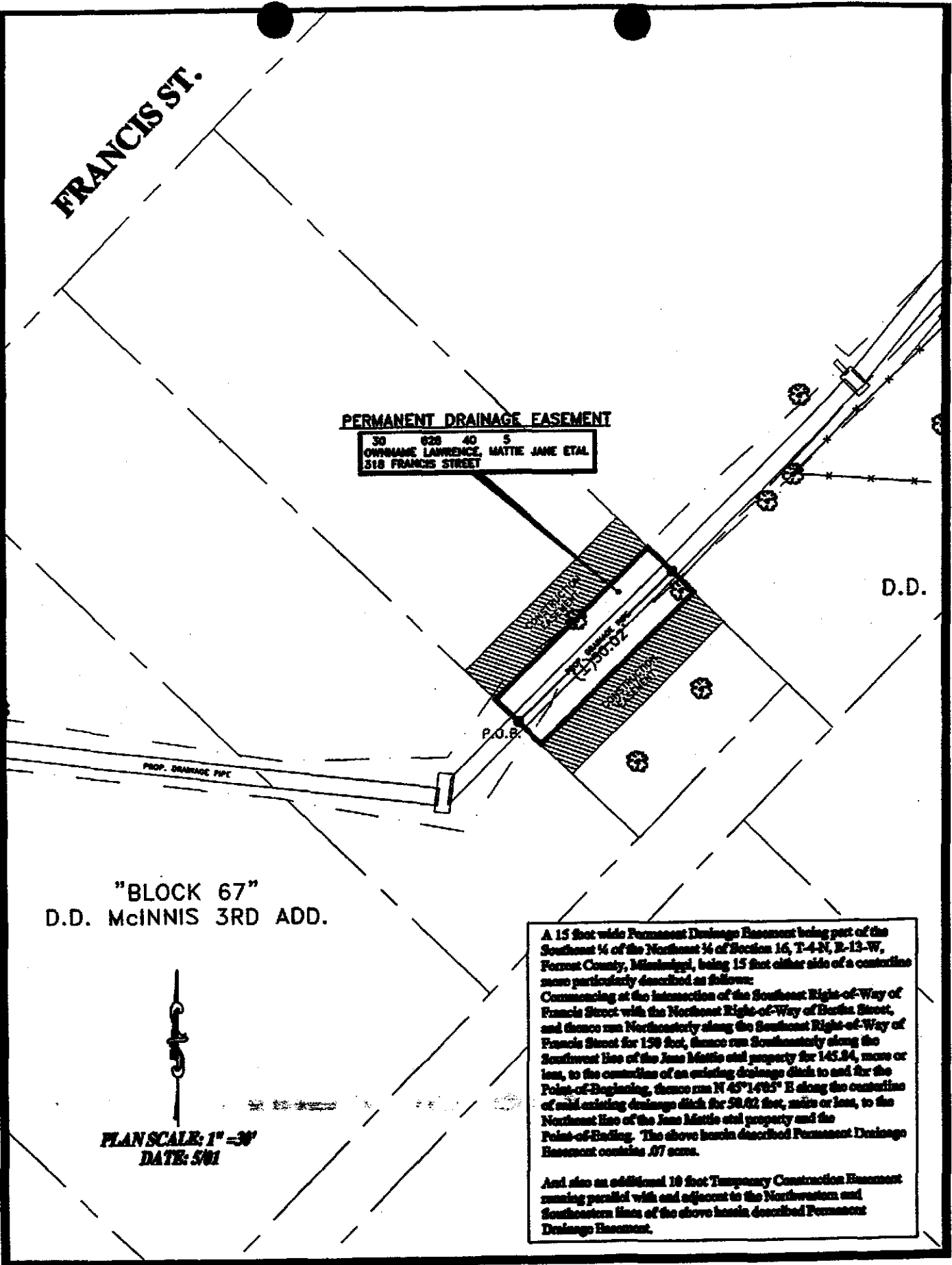


PLAN SCALE: 1" = 30'  
DATE: 5/01

A 15 foot wide Permanent Drainage Easement being part of the Southeast 1/4 of the Northeast 1/4 of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, being 15 feet either side of a centerline more particularly described as follows:

Commencing at the intersection of the Southeast Right-of-Way of Francis Street with the Northeast Right-of-Way of Bertha Street, and thence run Northerly along the Southeast Right-of-Way of Francis Street for 150 feet, thence run Southerly along the Southwest line of the Jane Mattie etal property for 145.84, more or less, to the centerline of an existing drainage ditch to and for the Point-of-Beginning, thence run N 45°14'05" E along the centerline of said existing drainage ditch for 50.62 feet, more or less, to the Northeast line of the Jane Mattie etal property and the Point-of-Ending. The above herein described Permanent Drainage Easement contains .07 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern lines of the above herein described Permanent Drainage Easement.





FRANCIS ST.

PERMANENT DRAINAGE EASEMENT

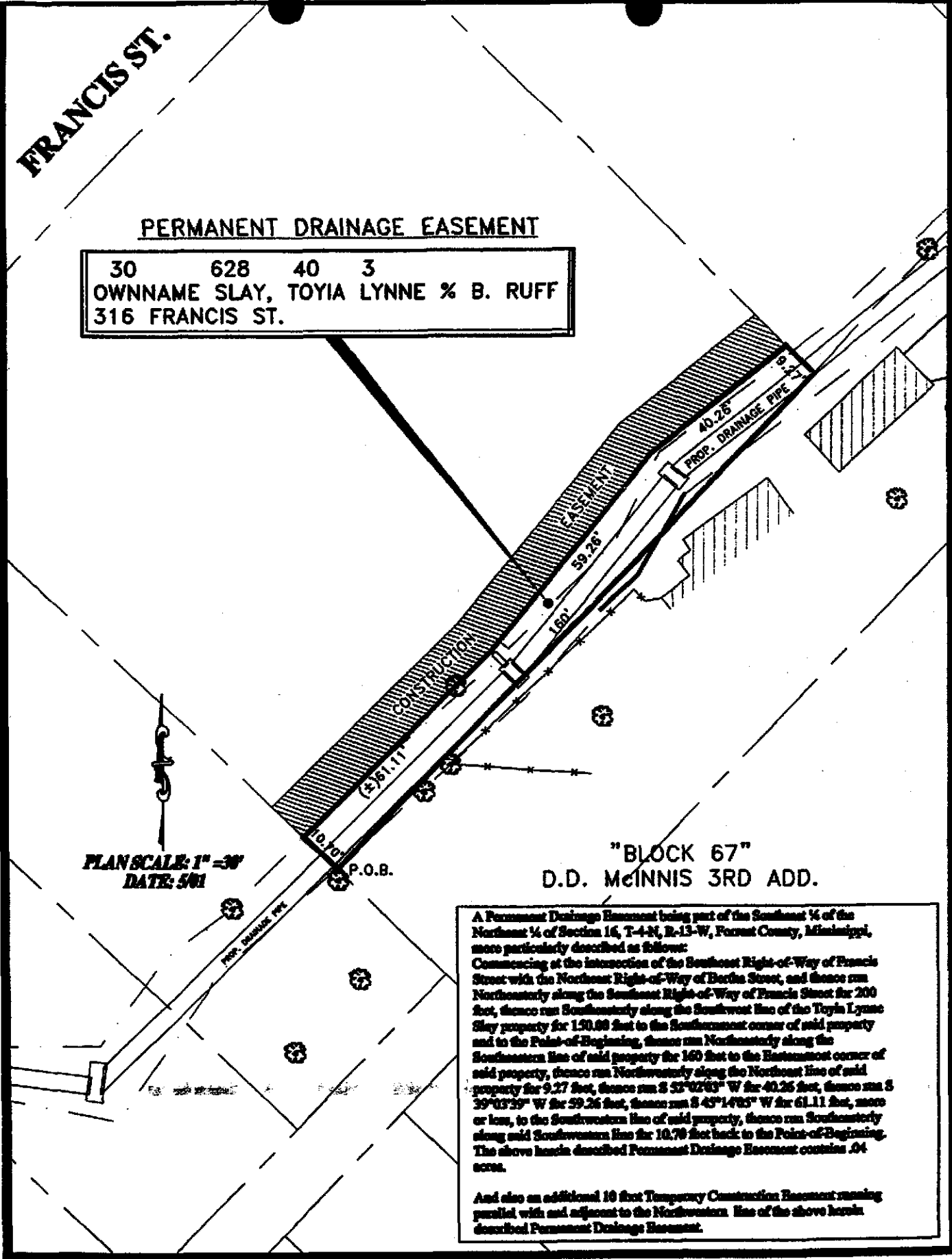
30 628 40 3  
OWNNAME SLAY, TOYIA LYNNE % B. RUFF  
316 FRANCIS ST.

PLAN SCALE: 1" = 30'  
DATE: 5/81

"BLOCK 67"  
D.D. McINNIS 3RD ADD.

A Permanent Drainage Easement being part of the Southeast ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows:  
 Commencing at the intersection of the Southeast Right-of-Way of Francis Street with the Northeast Right-of-Way of Bertha Street, and thence run Northeasterly along the Southeast Right-of-Way of Francis Street for 200 feet, thence run Southeasterly along the Southwest line of the Toyia Lynne Slay property for 150.00 feet to the Southeast corner of said property and to the Point-of-Beginning, thence run Northeasterly along the Southeastern line of said property for 160 feet to the Easternmost corner of said property, thence run Northwesterly along the Northeast line of said property for 9.27 feet, thence run S 32°02'03" W for 40.26 feet, thence run S 39°03'39" W for 59.26 feet, thence run S 43°14'05" W for 61.11 feet, more or less, to the Southwestern line of said property, thence run Southeasterly along said Southwestern line for 10.78 feet back to the Point-of-Beginning. The above herein described Permanent Drainage Easement contains .04 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern line of the above herein described Permanent Drainage Easement.



FRANCIS ST.

PERMANENT DRAINAGE EASEMENT

30 628 40 4  
OWNNAME MYERS, WILLIE JR L/E  
313 MARTIN LUTHER KING AVE.

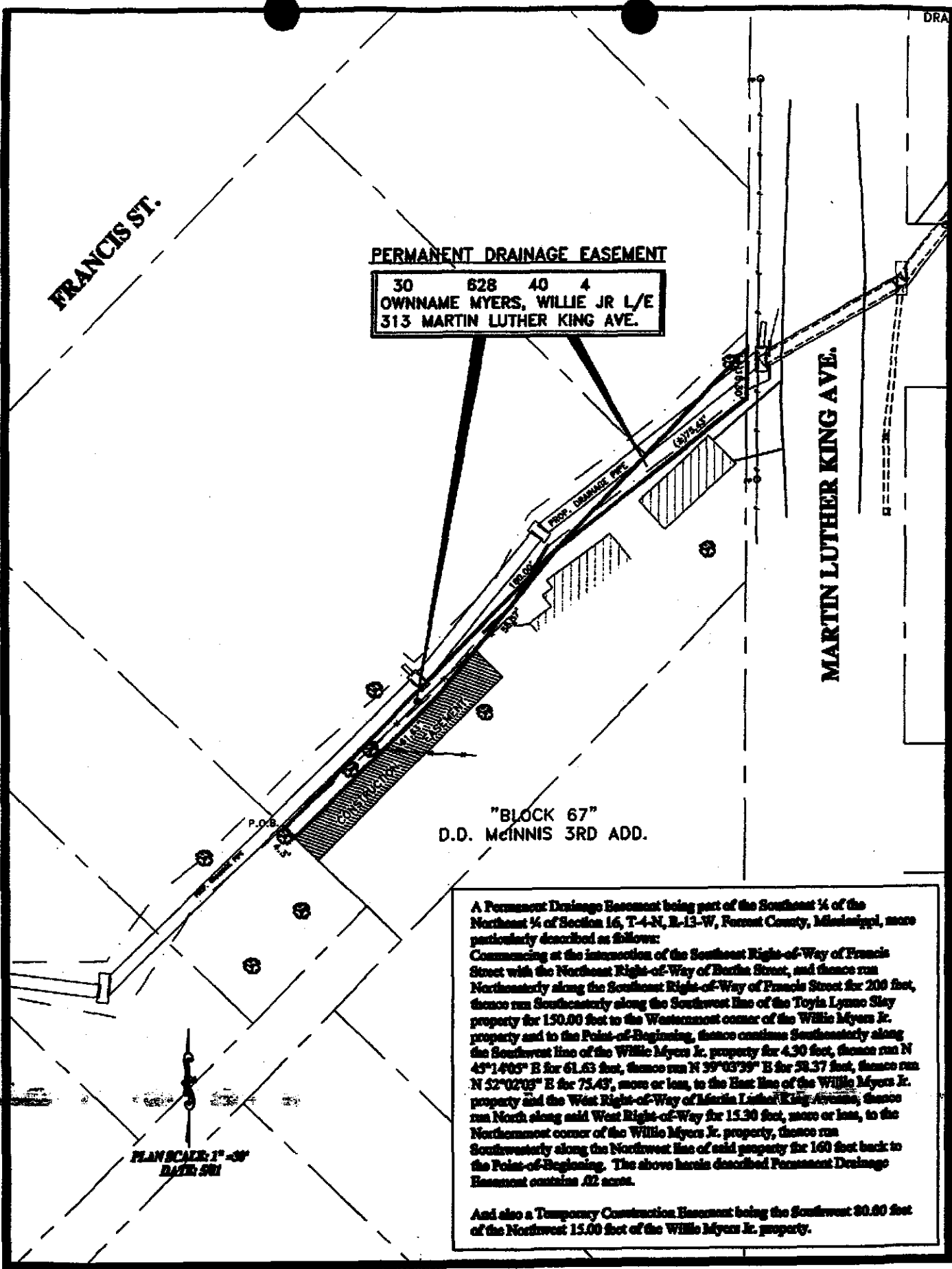
MARTIN LUTHER KING AVE.

"BLOCK 67"  
D.D. McINNIS 3RD ADD.

PLAN SCALE: 1" = 30'  
DATE: 5/81

A Permanent Drainage Easement being part of the Southeast 1/4 of the Northeast 1/4 of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows:  
Commencing at the intersection of the Southeast Right-of-Way of Francis Street with the Northeast Right-of-Way of Bertha Street, and thence run Northeasterly along the Southeast Right-of-Way of Francis Street for 200 feet, thence run Southeasterly along the Southwest line of the Toya Lynne Slay property for 150.00 feet to the Westernmost corner of the Willie Myers Jr. property and to the Point-of-Beginning, thence continue Southeasterly along the Southwest line of the Willie Myers Jr. property for 4.30 feet, thence run N 43°14'03" E for 61.63 feet, thence run N 39°03'39" E for 38.37 feet, thence run N 52°02'03" E for 75.43', more or less, to the East line of the Willie Myers Jr. property and the West Right-of-Way of Martin Luther King Avenue, thence run North along said West Right-of-Way for 15.30 feet, more or less, to the Northeast corner of the Willie Myers Jr. property, thence run Southwesterly along the Northwest line of said property for 160 feet back to the Point-of-Beginning. The above herein described Permanent Drainage Easement contains .02 acres.

And also a Temporary Construction Easement being the Southwest 30.00 feet of the Northwest 15.00 feet of the Willie Myers Jr. property.



### PERMANENT DRAINAGE EASEMENT

30 628 36 1  
OWNNAME RIDGEWAY, HONNIE & L. ETAL  
312 MARTIN LUTHER KING AVE.

PLAN SCALE: 1" = 30'  
DATE: 5/01

"BLOCK 64"  
D.D. McINNIS 3RD ADD.

EXISTING  
DRAINAGE PIPE

P.O.E.

PROP. DRAINAGE PIPE

(E) 14.9'

MARTIN LUTHER KING AVE.

EXISTING  
DRAINAGE PIPE

CONSTRUCTION EASEMENT  
(E) 174.2'

"BLOCK 63"  
D.D. McINNIS 3RD ADD.

CONSTRUCTION EASEMENT

P.O.B.

WILLIS AVE.  
(PLATTED)

A 15 foot wide Permanent Drainage Easement being part of the Southeast 1/4 of the Northeast 1/4 of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, being 15 feet either side of a centerline more particularly described as follows:  
Commence at the Southwest corner of Block 63 of D. D. McInnis 3rd Addition and thence run East along the South line of said Block 63 for 12.9 feet, more or less, to the centerline of an existing underground drainage structure and to the Point-of-Beginning, thence run N 37°43' E along the centerline of said underground drainage structure for 174.2 feet, more or less, to the centerline of an existing underground junction box, thence run N 54°55' E along an existing underground drainage structure for 14.9 feet, more or less, to the North line of the said Block 63 and to the Point-of-Ending. The above herein described Permanent Drainage Easement contains .07 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern lines of the above herein described Permanent Drainage Easement.

**PERMANENT DRAINAGE EASEMENT**

30 628 37 16  
OWNNAME STUMP, SHIRLEY M. & OVERSTREET A.  
222 FRANCIS STREET

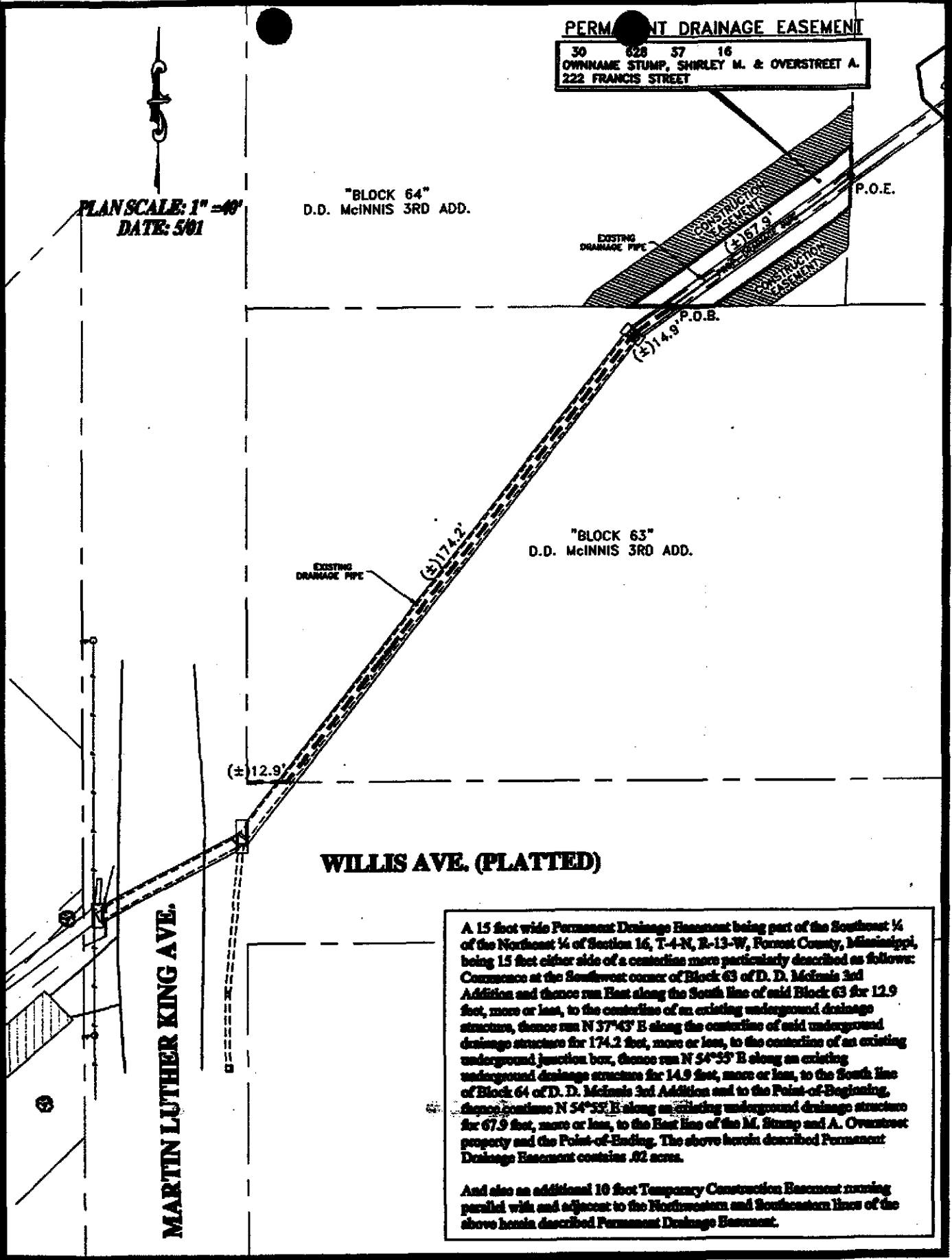
**PLAN SCALE: 1" = 40'**  
**DATE: 5/01**

"BLOCK 64"  
D.D. McINNIS 3RD ADD.

"BLOCK 63"  
D.D. McINNIS 3RD ADD.

**WILLIS AVE. (PLATTED)**

**MARTIN LUTHER KING AVE.**



A 15 foot wide Permanent Drainage Easement being part of the Southwest 1/4 of the Northeast 1/4 of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, being 15 feet either side of a centerline more particularly described as follows: Commence at the Southwest corner of Block 63 of D. D. McInnis 3rd Addition and thence run East along the South line of said Block 63 for 12.9 feet, more or less, to the centerline of an existing underground drainage structure, thence run N 37°43' E along the centerline of said underground drainage structure for 174.2 feet, more or less, to the centerline of an existing underground junction box, thence run N 54°33' E along an existing underground drainage structure for 14.9 feet, more or less, to the South line of Block 64 of D. D. McInnis 3rd Addition and to the Point-of-Beginning, thence continue N 54°33' E along an existing underground drainage structure for 67.9 feet, more or less, to the East line of the M. Stump and A. Overstreet property and the Point-of-Ending. The above herein described Permanent Drainage Easement contains .02 acres.

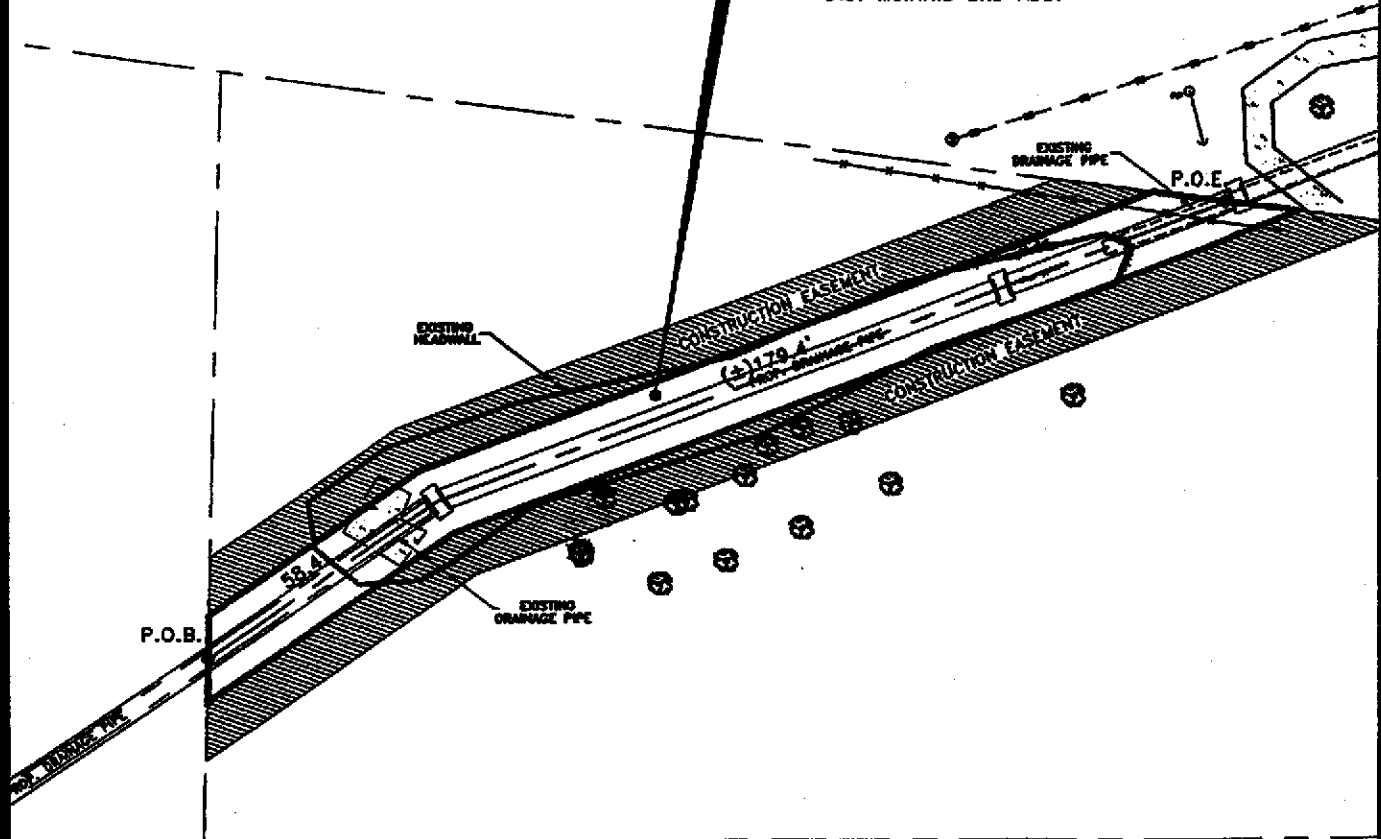
And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern lines of the above herein described Permanent Drainage Easement.

**PERMANENT DRAINAGE EASEMENT**

30 628 37 17  
OWNNAME RIDGEWAY, HONNIE L. ETAL  
93 ROSA AVENUE

PLAN SCALE: 1" = 40'  
DATE: 5/01

"BLOCK 64"  
D.D. McINNIS 3RD ADD.



"BLOCK 63"  
D.D. McINNIS 3RD ADD.

A 15 foot wide Permanent Drainage Easement being part of the Southeast 1/4 of the Northeast 1/4 of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, being 15 feet either side of a centerline more particularly described as follows: Commence at the Southwest corner of Block 64 of D. D. McInnis 3rd Addition and thence run East along the South line of said Block 64 for 184 feet, more or less, to the Southwest corner of the Honnie L. Ridgeway property, thence run Northward along the West line of said property for 39.1 feet, more or less; to the centerline of an existing underground drainage structure, thence run N 54° 35' E along the centerline of said underground drainage structure for 58.4 feet, thence run N 69° 23' E for 179.4 feet, more or less, to the intersection of an underground drainage structure with the Northern line of the Honnie L. Ridgeway property and to the Point-of-Ending. The above herein described Permanent Drainage Easement contains .08 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern lines of the above herein described Permanent Drainage Easement.

PLAN SCALE: 1" = 50'  
DATE: 5/01

PERMANENT DRAINAGE EASEMENT

30 628 37 12  
OWNNAME FRANCIS ST APTS X FANNIE MAE

"BLOCK 64"  
D.D. McINNIS 3RD ADD.

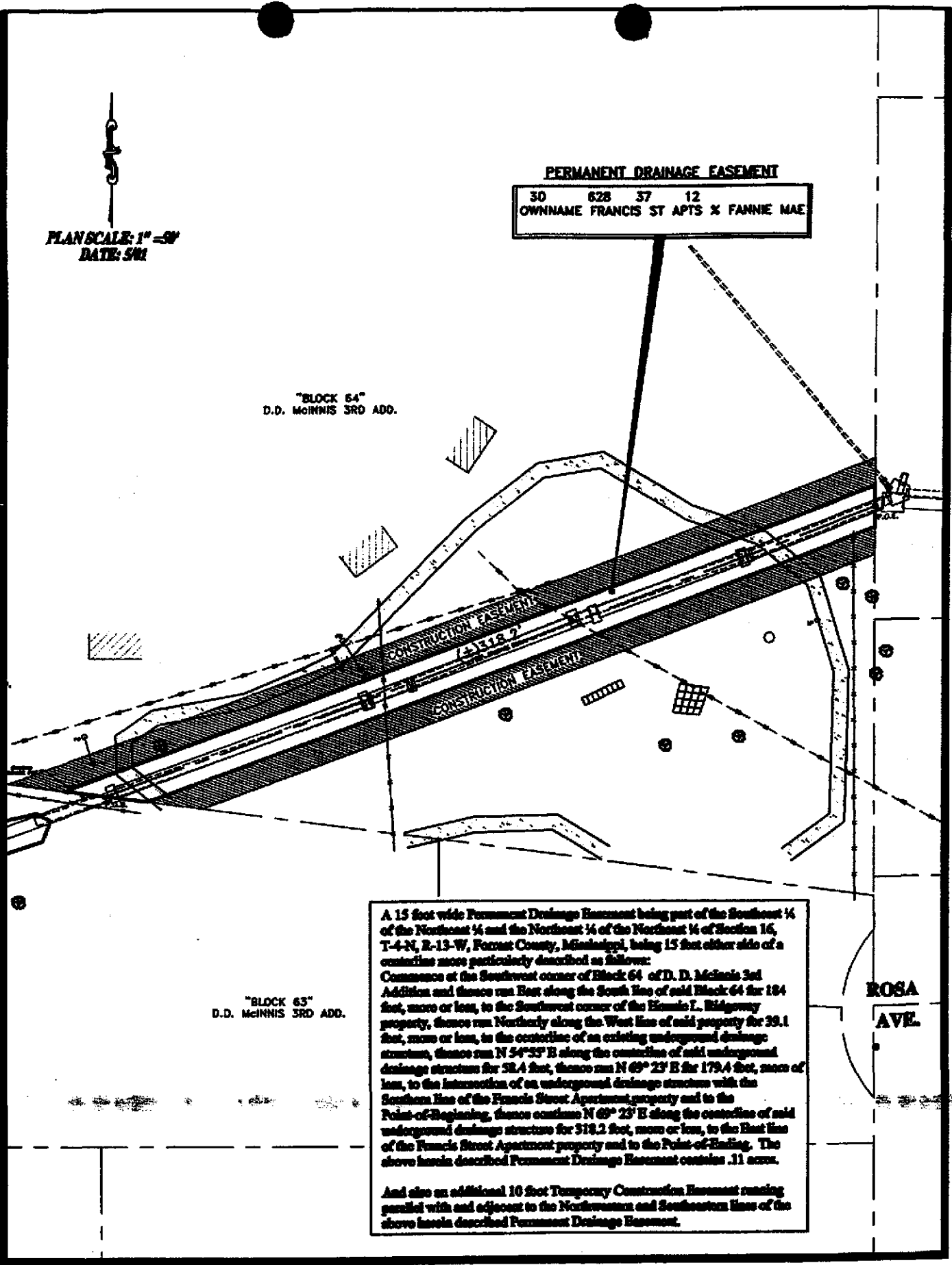
"BLOCK 63"  
D.D. McINNIS 3RD ADD.

ROSA  
AVE.

A 15 foot wide Permanent Drainage Easement being part of the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northeast 1/4 of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, being 15 feet either side of a centerline more particularly described as follows:

Commence at the Southwest corner of Block 64 of D. D. McInnis 3rd Addition and thence run East along the South line of said Block 64 for 184 feet, more or less, to the Southwest corner of the Emma L. Ridgway property, thence run Northwly along the West line of said property for 39.1 feet, more or less, to the centerline of an existing underground drainage structure, thence run N 54° 33' E along the centerline of said underground drainage structure for 58.4 feet, thence run N 69° 23' E for 179.4 feet, more or less, to the intersection of an underground drainage structure with the Southern line of the Francis Street Apartment property and to the Point-of-Beginning, thence continue N 69° 23' E along the centerline of said underground drainage structure for 518.2 feet, more or less, to the East line of the Francis Street Apartment property and to the Point-of-Ending. The above herein described Permanent Drainage Easement contains .11 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern lines of the above herein described Permanent Drainage Easement.



**PERMANENT DRAINAGE EASEMENT**

39 812 11 1  
OWNNAME HOUSING AUTHORITY, THE

PLAN SCALE: 1" = 50'  
DATE: 5/01

"BLOCK 109"  
ROBERTSON PLACE SUBDIVISION

CHARLES STREET

ROSA AVE.

P.O.E.

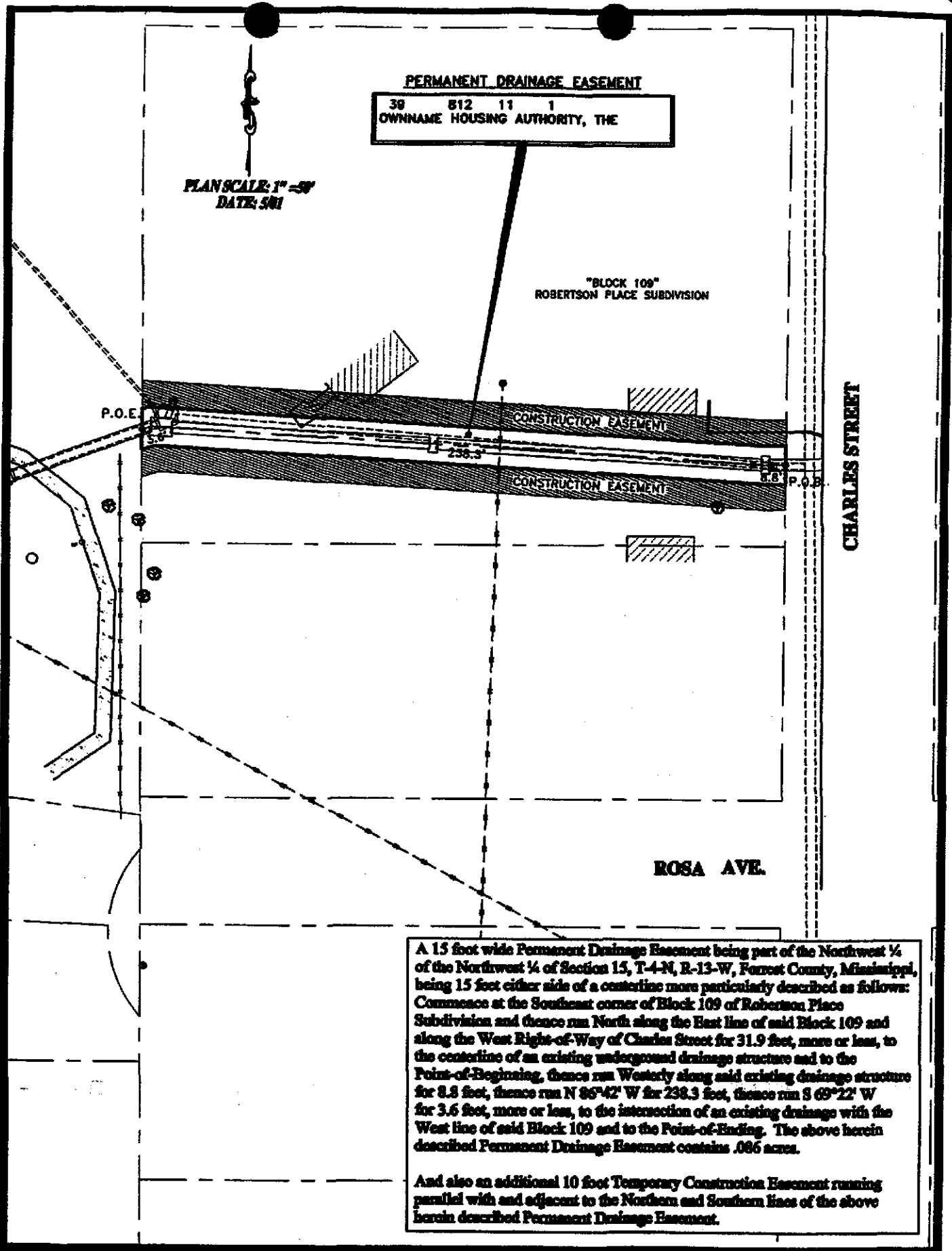
CONSTRUCTION EASEMENT

CONSTRUCTION EASEMENT

P.O.B.

A 15 foot wide Permanent Drainage Easement being part of the Northwest ¼ of the Northwest ¼ of Section 15, T-4-N, R-13-W, Forrest County, Mississippi, being 15 feet either side of a centerline more particularly described as follows: Commence at the Southeast corner of Block 109 of Robertson Place Subdivision and thence run North along the East line of said Block 109 and along the West Right-of-Way of Charles Street for 31.9 feet, more or less, to the centerline of an existing underground drainage structure and to the Point-of-Beginning, thence run Westerly along said existing drainage structure for 8.8 feet, thence run N 86°42' W for 238.3 feet, thence run S 69°22' W for 3.6 feet, more or less, to the intersection of an existing drainage with the West line of said Block 109 and to the Point-of-Ending. The above herein described Permanent Drainage Easement contains .086 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northern and Southern lines of the above herein described Permanent Drainage Easement.





# PUBLIC SERVICES DEPARTMENT

P.O. BOX 1898  
HATTIESBURG, MS 39403-1898  
PHONE: 601-545-4640  
FAX: 601-545-4642

## The City of Hattiesburg

### FACSIMILE TRANSMITTAL

To: <i>Dave Upthegrove</i>	Fax: <i>(504) 582-2470</i>
From: <i>Jeff Smith</i>	Date: <i>7-6-01</i>
Re: <i>Eastside / Scooba Drainage</i>	Pages: <i>5</i>
CC:	

- Urgent     For Review     Please Comment     Please Reply     Please Recycle

*Dave,*  
*Here are two more signed easements. I will have at least two others*  
*Monday. I am attaching a revised list of status of each parcel.*  
*Call me Monday and let me know when you will be in town*  
*next week.*

*Jeff*



DRAINAGE EASEMENT

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, including the benefits to be derived here from WILLIAM G., JR. AND MARTHA L. HARRIS, does hereby grant and convey unto CITY OF HATTIESBURG, a municipal corporation, an easement over, across and upon a parcel of real property, for the construction and maintenance of drainage facilities over and across the following described real property located in the City of Hattiesburg,

Forrest County, Mississippi:

A Permanent Drainage Easement being part of the Southeast 1/4 of the Northeast 1/4 of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows:

Begin at the Southernmost corner of Lot 9, Block 2, of C. N. Townsend Subdivision and thence run Northwest along the Northeastern Right-of-Way of Bertha Street and along the Southwestern line of said Lot 9 for 87.67 feet to the Westernmost corner of said Lot 9, thence run N 45°00' E along the Northwest line of said Lot 9 and along the Southeast Right-of-Way of Townsend Street for 4.94 feet, thence run S 52°19' E for 90.07 feet, more or less, to the Southeastern line of said Lot 9 and to the Northwestern Right-of-Way of Francis Street, thence run S 51°02' W along said Northwestern Right-of-Way for 15.93 feet back to the Point-of-Beginning. The above herein described Permanent Drainage contains .021 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northeastern line of the above herein described Permanent Drainage Easement.

I/we fully understand that we have the right to receive just compensation for the use of the real property herein described based on an appraisal of said property. I/we hereby waive our right to just compensation and donate the use of real property herein described to the City of Hattiesburg. I/we further understand that we have the right to request that a fair market value appraisal of the property be made and I/we hereby waive that right.

The Grantee herein is given the right to do whatever may be necessary or proper for the enjoyment of the rights herein granted, including the right of ingress and egress and the right to clear said right-of-way so selected of such shrubs, trees and other vegetation as may be necessary.

WITNESS OUR SIGNATURES on this, the 6<sup>th</sup> day of July A.D.,

20 01.

*William G. Harris Jr.*  
*Martina L. Harris*

This day there came and appeared before me, the undersigned authority in and for County and State, the within named WILLIAM G., JR. AND MARTHA L. HARRIS, who acknowledged before me that he/she signed, executed and delivered the above and foregoing easement on the day and year therein, mentioned as their own free and voluntary act and deed.

Given under my hand and official seal of this office on this, the 6<sup>th</sup> day of

July A.D., 20 01.

My Commission Expires: September 20, 2004  
Bonded thru Dixie Notary Service, Inc.

*Jeffrey A. Smith*  
NOTARY PUBLIC  
JEFFREY A. SMITH  
NOTARY

STATE OF MISSISSIPPI  
COUNTY OF FORREST  
CITY OF HATTIESBURG

*117 Chris Lampkin*  
DRAINAGE EASEMENT

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, including the benefits to be derived here from ~~RUTH D-VERSIE BERRY EST.~~, does hereby grant and convey unto CITY OF HATTIESBURG, a municipal corporation, an easement over, across and upon a parcel of real property, for the construction and maintenance of drainage facilities over and across the following described real property located in the City of Hattiesburg, Forrest County, Mississippi:

A 15' wide Permanent Drainage Easement being part of the Southwest 1/4 of the Northeast 1/4 of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows:

Commence at the Northwest corner of Lot 16, Block 3, of D.D. McInnis 3rd Addition, and thence run Southeasterly along the Northeastern line of said Lot 16 and along the Southwesterly Right-of-Way of Florence Street for 7.84 feet to and for the Point-of-Beginning; thence continue Southeasterly along said Right-of-Way for 16.62 feet, thence run S 70°08'26" W for 56.80 feet, more or less, to the Northwestern line of said Lot 18, thence run Northeasterly along said Northwestern Lot line for 34.84 feet, thence run N 70°08'26" E for 18.20 feet, more or less, to the Southwesterly Right-of-Way of Florence Street and to the Point-of-Beginning. The above herein described Permanent Drainage Easement contains .01 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northwestern and Southeastern line of the above herein described Permanent Drainage Easement.

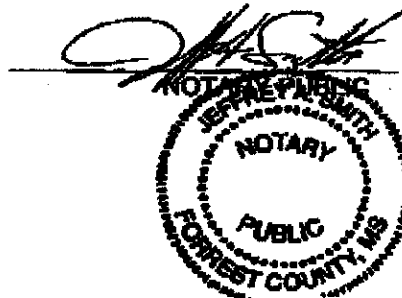
The Grantee herein is given the right to do whatever may be necessary or proper for the enjoyment of the rights herein granted, including the right of ingress and egress and the right to clear said right-of-way so selected of such shrubs, trees and other vegetation as may be necessary.

WITNESS OUR SIGNATURES on this, the 6<sup>th</sup> day of July A.D., 2001.  
*Christopher Lampkin*  
*Chris Lampkin*

This day there came and appeared before me, the undersigned authority in and for County and State, the within named RUTH D-VERSIE BERRY EST., who acknowledged before me that he/she signed, executed and delivered the above and foregoing easement on the day and year therein, mentioned as their own free and voluntary act and deed.

Given under my hand and official seal of this office on this, the 6<sup>th</sup> day of July A.D., 2001.

My Commission Expires: September 20, 2004  
Bonded Thru Cbbs Notary Service, Inc.



STATE OF MISSISSIPPI  
COUNTY OF FORREST  
CITY OF HATTIESBURG

DRAINAGE EASEMENT

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, including the benefits to be derived here from AMERICAN LEGION AUXILIARY #225, does hereby grant and convey unto CITY OF HATTIESBURG, a municipal corporation, an easement over, across and upon a parcel of real property, for the construction and maintenance of drainage facilities over and across the following described real property located in the City of Hattiesburg, Forrest County, Mississippi:

A Permanent Drainage Easement being part of the Southwest ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows:

Begin at the Southwest corner of Lot1, Block 3, of D.D. McInnis 3rd Addition and thence run Northeast along the Southeastern Right-of-Way of Eastside Avenue for 11.61 feet, thence run S 33°52'08" E for 57.73 feet, more or less, to the Northeastern Right-of-Way of Scooba Street, thence run Northwesterly along said Northeastern Right-of-Way for 58.58 feet back to the Point-of-Beginning. The above herein described Permanent Drainage Easement contains .007 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northeastern line of the above herein described Permanent Drainage Easement.

I/we fully understand that we have the right to receive just compensation for the use of the real property herein described based on an appraisal of said property. I/we hereby waive our right to just compensation and donate the use of real property herein described to the City of Hattiesburg. I/we further understand that we have the right to request that a fair market value appraisal of the property be made and I/we hereby waive that right.

The Grantee herein is given the right to do whatever may be necessary or proper for the enjoyment of the rights herein granted, including the right of ingress and egress and the right to clear said right-of-way so selected of such shrubs, trees and other vegetation as may be necessary.

WITNESS OUR SIGNATURES on this, the 7<sup>th</sup> day of June, A.D., 2001.

Louis M. Benton, Sec.  
Pearlie McDougle Pres.

This day there came and appeared before me, the undersigned authority in and for County and State, the within named AMERICAN LEGION AUXILIARY #225, who acknowledged before me that he/she signed, executed and delivered the above and foregoing easement on the day and year therein, mentioned as their own free and voluntary act and deed.

Given under my hand and official seal of this office on this, the 7<sup>th</sup> day of July, A.D., 2001.

[Signature]  
NOTARY PUBLIC

STATE OF MISSISSIPPI  
COUNTY OF FORREST  
CITY OF HATTIESBURG

DRAINAGE EASEMENT

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, including the benefits to be derived here from GEORGE EVANS also known as GEORGE EVANS ET UX, does hereby grant and convey unto CITY OF HATTIESBURG, a municipal corporation, an easement over, across and upon a parcel of real property, for the construction and maintenance of drainage facilities over and across the following described real property located in the City of Hattiesburg, Forrest County, Mississippi:

A 15 foot wide Permanent Drainage Easement being part of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, being 15.0 feet either side of a centerline more particularly described as follows: Commencing at the intersection of the Southeast Right-of-Way of Francis Street with the Northeast Right-of-Way of Bertha Street, and thence run Northeastly along the Southeast Right-of-Way of Francis Street for 53.0 feet, more or less, the centerline of an existing drainage ditch, thence run S 49°28'50" E along the centerline of said existing ditch for 56.0 feet, thence run S 83°17'32" E along the centerline of said existing ditch for 113.04 feet, thence run N 45°14'05" E for 24.62 feet, more or less, to the Northeast line of the George Evans et ux property and the Point-of-Ending. The above herein described Permanent Drainage Easement contains .07 acres.

And also an additional 10 foot Temporary Construction Easement running parallel with and adjacent to the Northern and Southern lines of the above herein described Permanent Drainage Easement.

I/we fully understand that we have the right to receive just compensation for the use of the real property herein described based on an appraisal of said property. I/we hereby waive our right to just compensation and donate the use of real property herein described to the City of Hattiesburg. I/we further understand that we have the right to request that a fair market value appraisal of the property be made and I/we hereby waive that right.

The Grantee herein is given the right to do whatever may be necessary or proper for the enjoyment of the rights herein granted, including the right of ingress and egress and the right to clear said right-of-way so selected of such shrubs, trees and other vegetation as may be necessary.

WITNESS OUR SIGNATURES on this, the 29th day of June A.D., 2001. Samuel Evans

This day there came and appeared before me, the undersigned authority in and for County and State, the within named GEORGE EVANS, also known as GEORGE EVANS ET UX, who acknowledged before me that he/she signed, executed and delivered the above and foregoing easement on the day and year therein, mentioned as their own free and voluntary act and deed.

Given under my hand and official seal of this office on this, the 29th day of June A.D., 2001. THOMAS MYRICK, Chancery Clerk

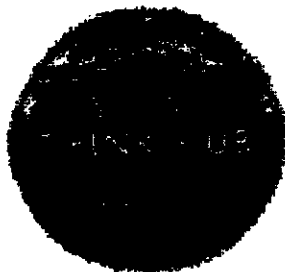
**FILE COPY**

*Mailed 6-19-01*

**City Council**

Betsy M. Rowell ..... Ward One  
Eddie A. Holloway, Ph.D. .... Ward Two  
Carter Carrall ..... Ward Three  
C. E. "Red" Bailey ..... Ward Four  
Ezekiel Jordan, Jr. .... Ward Five

Post Office Box 1898  
Hattiesburg, Mississippi 39403-1898



**City of Hattiesburg**

*J. Ed Morgan, Mayor*  
June 19, 2001

Mr. George Evans  
705 E. 12<sup>th</sup> St.  
Laurel, MS 39440

RE: Drainage Work between Eastside Ave. and Katie Ave.

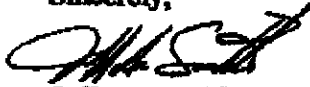
Dear Mr. Evans,

The city of Hattiesburg is currently working to install pipe in the ditch that currently runs between Eastside Avenue and Katie Avenue. This ditch drains the area north of Scooba St., east of Eastside Ave., west of M.L. King Avenue, and south of Katie Avenue. The main ditch channel meanders through several private lots as well crossing public streets such as Florence, Bertha, Francis, M.L. King, and Charles. The plan is to install pipe in the existing ditch channel as much as possible and fill in the ditch, leaving inlets for surface drainage where needed.

In order for this work to proceed, permission must be obtained from property owners adjacent to the ditch. A drainage easement has been prepared for each parcel of property adjacent to the ditch. This easement will allow the city or private contractor access to the property to perform the necessary work. This easement will also make the City of Hattiesburg responsible for maintenance of the installed pipe and inlets. The easement will NOT transfer ownership of the property. It will only allow access to and from the ditch for construction and make the city responsible for routine maintenance.

We would ask for your help addressing this longstanding problem. I am enclosing a copy of the drainage easement as well as a small drawing showing the affected property. I would be happy to meet on site to answer any questions at your convenience. Your cooperation, by signing the drainage easement, will accelerate the actual installation of drainage pipe in this area. If you have any questions or comments concerning the proposed work, or the necessary drainage easement, please contact me at (601) 545-4541. Thank you for your cooperation.

Sincerely,



Jeff Smith, E.I.  
City Engineer

cc: Bennie J. Sellers, P.E., P.L.S., Director of Public Services  
Billy Waits, P.E., Shows, Dearman, & Waits

STATE OF MISSISSIPPI  
COUNTY OF FORREST  
CITY OF HATTIESBURG

DRAINAGE EASEMENT

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, including the benefits to be derived here from WILLIE MYERS, JR. L/E, does hereby grant and convey unto CITY OF HATTIESBURG, a municipal corporation, an easement over, across and upon a parcel of real property, for the construction and maintenance of drainage facilities over and across the following described real property located in the City of Hattiesburg, Forrest County, Mississippi:

A Permanent Drainage Easement being part of the Southeast ¼ of the Northeast ¼ of Section 16, T-4-N, R-13-W, Forrest County, Mississippi, more particularly described as follows:

Commencing at the Intersection of the Southeast Right-of-Way of Francis Street with the Northeast Right-of-Way of Bertha Street, and thence run Northeasterly along the Southeast Right-of-Way of Francis Street for 200.0 feet, thence run Southeasterly along the Southwest line of the Toyia Lynne Slay property for 150.0 feet to the Westernmost corner of the Willie Myers, Jr. property and to the Point-of-Beginning, thence continue Southeasterly along the Southwest line of the Willie Myers Jr. property for 4.30 feet, thence run N 45°14'05" E for 61.83 feet, thence run N 39°03'39" E for 58.37 feet, thence run N 52°02'03" E for 75.43 feet, more or less, to the East line of the Willie Myers Jr. property and the West Right-of-Way of Martin Luther King Avenue, thence run North along said West Right-of-Way for 15.30 feet, more or less, to the Northernmost corner of the Willie Myers, Jr. property, thence run Southwesterly along the Northwest line of said property for 160.0 feet back to the Point-of-Beginning. The above herein described Permanent Drainage Easement contains .02 acres.

And also a Temporary Construction Easement being the Southwest 80.00 feet of the Northwest 15.00 feet of the Willie Myers, Jr. property.

I/we fully understand that we have the right to receive just compensation for the use of the real property herein described based on an appraisal of said property. I/we hereby waive our right to just compensation and donate the use of real property herein described to the City of Hattiesburg. I/we further understand that we have the right to request that a fair market value appraisal of the property be made and I/we hereby waive that right.

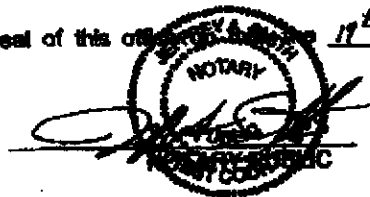
The Grantee herein is given the right to do whatever may be necessary or proper for the enjoyment of the rights herein granted, including the right of ingress and egress and the right to clear said right-of-way so selected of such shrubs, trees and other vegetation as may be necessary.

WITNESS OUR SIGNATURES on this, the 19<sup>th</sup> day of June A.D.,  
2001.

Willie Myers Jr

This day there came and appeared before me, the undersigned authority in and for County and State, the within named WILLIE MYERS, JR. L/E, who acknowledged before me that he/she signed, executed and delivered the above and foregoing easement on the day and year therein, mentioned as their own free and voluntary act and deed.

Given under my hand and official seal of this office on 19<sup>th</sup> day of  
June A.D., 2001.





**KERR-MCGEE INDUSTRIAL LLC**

KERR-MCGEE CENTER • P.O. BOX 25861 • OKLAHOMA CITY, OKLAHOMA 73125

August 29, 2002



Jerry Banks, PE  
Chief, Hazardous Waste Division  
Mississippi Department of Environmental Quality  
P.O. Box 10385  
Jackson, MS 39289-0385

RE: Waste Classification  
Former Gulf States Creosoting Site  
Hattiesburg, Mississippi

Dear Mr. Banks:

On Monday, August 19, 2002, Nick Bock and I discussed with you the issue of waste classification at the above-referenced site (Site). First we discussed the Agency's previous decision that impacted materials from offsite locations are not appropriately classified as listed hazardous waste. In spite of this, Mr. Bock expressed our concern in sending heavily contaminated materials to other than a secured, hazardous waste facility. We explained our proposal to handle these materials "as if" they were hazardous, to include using a hazardous waste hauler, manifest system and disposal at a RCRA landfill, but that the waste itself would not be classified as hazardous.

Mr. Bock proposed, for the following reasons, that the state should correctly extend this decision to impacted waste materials removed from the former facility Site. EPA supports this proposal, "*It has been the Agency's longstanding policy that in cases where the origin of the contaminants is unknown, the lead agency may assume that contaminants in media did not originate from listed hazardous waste.*" (61 FR 18792, April 29, 1996). This is certainly the case for subsurface wastes at the Site, including those in the concrete sump and the wooden substructure. There is no way in to determine the origin of these materials. We committed to handle these materials in the same way that we propose to handle impacted offsite materials. Given our commitment on material handling, you indicated you could approve our proposal, and asked that we submit it in writing for your approval.



Mr. Jerry Banks, P.E.  
August 29, 2002  
Page 2

We appreciate your time and look forward to the Agency's approval of the previously-submitted final RAP. If you have any questions or comments, please call me at 405/270-3747 or Mr. Bock at 405/270-2394.

Sincerely,



A. Keith Watson  
Project Manager

cc: Nick Bock  
William Green  
Glen Pilie' - Adams & Reese  
David Upthegrove - Michael Pisani & Associates

# ADAMS AND REESE LLP

## Attorneys at Law

Baton Rouge  
Houston  
Jackson  
Mobile  
New Orleans  
Washington, DC

August 21, 2002

Glen M. Pilié

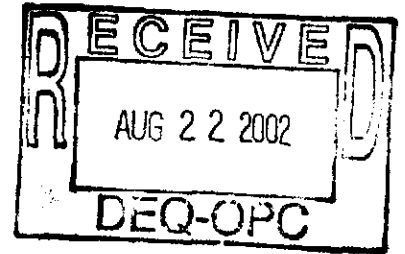
(504) 585-0260

piliem@arlaw.com

**Via Federal Express Priority Overnight**

Ms. Kelly Riley  
Mississippi Department of Environmental Quality  
Office of Administrative Services  
2380 Highway 80 W  
Jackson, MS 39204-2312

Re: Former Gulf States Creosoting Site  
Hattiesburg, Mississippi  
Our File 298-240



Dear Kelly:

Enclosed is the Final Remedial Action Work Plan which we are submitting regarding the above-referenced matter.

With kind regards, I remain

Very truly yours,

ADAMS AND REESE LLP

  
Glen M. Pilié

GMP/rye

Enclosure

cc (w/encl):

Mr. Tony Russell  
The Honorable Charles W. Pickering, Sr.  
Mr. Don Barrett  
Mr. S. Robert Hammond



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

## MEMORANDUM

---

**TO:** Gulf States Creosote Site File  
**FROM:** Tony Russell *TR*  
**DATE:** August 9, 2002  
**SUBJECT:** Site Visit

---

I met with Dave Upthegrove (Michael Pisanti & Associates) on August 7, 2002, to observe the geoprobe investigation of the drainage ditch adjacent to the Courtesy Ford dealership in Hattiesburg. The drainage ditch is being investigated for creosote oil and creosote saturated soil. A boring was conducted every 100 feet along the Courtesy Ford property line. Most of the bore holes were terminated at 8 feet. Only one bore hole went to 12 feet while I was onsite as creosote oil was encountered down to seven feet. The investigation did not reveal as much contamination as previously thought.

Dave had one more bore hole to push along Scooba Street when I left. Then he was going to push cores around the bore hole with the creosote oil to see if he could define the lateral extent in the railroad track direction.

A geotechnical group was collecting soil on the Courtesy Ford property for substructure evaluation. John Hammond with Kerr McGee was onsite with that group. An evaluation was needed to determine what will need to be done to make sure the subsurface soil will be structurally sound for laying the liner and asphalt cap.

K:\Shared\UCSS\Tony\Gulf States Creosote\Gulf States CF ditch evaluation 8-7-02.rtf

## MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY MEETING ATTENDEES LIST

**DATE:** August 2, 2002

**SITE NAME:** Gulf States Creosote

**LOCATION:** Hattiesburg, MS

PARTICIPANT	COMPANY	PHONE NUMBER
Tony Russell	MDEQ - HWD	601-961-5318
Jerry Banks	MDEQ - HWD	601-961-5221
Dave Uphogrove	Michael Pisci & Assoc	504-592-2969
KEITH WATSON	Kerr-McGe	405-270-3747

**SUMMARY:**

KM will conduct the borings along the creek on 50 foot centers. Will conduct creek investigation within 30 days of installation of the sheet piling wall (SPW) and submit report within 60 days of completion of work. KM will begin, within 30 days of installation of SPW, installing the monitoring and recovery wells along the SPW. KM will install one MW on the outside of the downgradient SPW. KM will add financial assurance for phytoremediation. KM will submit a schedule that will not be tied to actual dates but to months or quarters. Plan to submit final RAP by August 15. KM will submit cost estimates for the feasibility study that were due the week of July 15 along with the final RAP.

KM will investigate the ditch between Courtesy Ford and the RR tracks next Wednesday to see how deep the soils are contaminated. Hope to have public meeting during latter part of September. A city owned community center is located downtown which could be used for the public meeting. Reminded Dave to call MDEQ 2 weeks prior to sampling events.



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

July 23, 2002

Mr. Glen Pilié, Esq.  
Adams and Reese  
701 Poydras Street  
Suite 4500  
New Orleans, Louisiana 70139

Re: Gulf States Creosote Site  
Response Letter for Northeast Drainage Ditch dated July 17, 2002  
Hattiesburg, Mississippi

Dear Mr. Pilié:

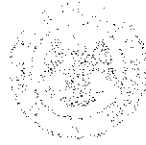
The Mississippi Department of Environmental Quality (MDEQ) has reviewed your response letter dated July 17, 2002, concerning MDEQ's conditional approval letter dated May 8, 2002, regarding the Northeast Drainage Ditch work plan. MDEQ concurs with your responses and hereby grants formal approval of the Northeast Drainage Ditch Remedial Action Plan. MDEQ requires the submittal of a detailed schedule for implementation of the Northeast Drainage Ditch Remedial Action Plan by September 1, 2002.

Should you have any questions, please contact me at 601-961-5369.

Sincerely,

Kelly R. Riley  
Attorney

cc: The Honorable Charles W. Pickering, Sr. (via facsimile only)  
All Counsel of Record  
Jerry Banks, P.E.  
[REDACTED]  
William G. Cheney, Jr., Esq. (via facsimile only)



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

July 23, 2002

Via Facsimile and U.S. Mail

Mr. Glen Pilié, Esq.  
Adams and Reese  
701 Poydras Street  
Suite 4500  
New Orleans, Louisiana 70139

Re: Kerr-McGee Chemical Corporation (former Gulf States Creosote Site)  
*Revised Remedial Action Work Plan* dated July 12, 2002  
Hattiesburg, Forrest County, MS

Dear Mr. Pilié:

On July 15, 2002, the Mississippi Department of Environmental Quality (MDEQ) received the Revised Remedial Action Plan (RAP). MDEQ staff has reviewed the RAP, and I am forwarding the comments to you at this time. MDEQ approval of the RAP is contingent upon incorporation of the following:

1. **Section 2.2 Nature and Extent of Affected Media** – A text page is missing between Figures 2.6 and 2.7 (see page 16 from the previous RAP dated September 19, 2001). Please submit the missing page so that it can be inserted into the final RAP.
2. **Section 5.1.3 Gordon's Creek DNAPL Assessment** - The RAP proposes that the creek be investigated at regular intervals of approximately 150 feet with sediment cores. MDEQ requires that the core spacing adjacent to the proposed sheet piling barrier wall be no greater than 50 feet. MDEQ also requires that a plan for remediating the DNAPL in Gordon's creek be submitted within 60 days of completion of the fieldwork associated with the sediment coring program.
3. **Section 5.1.4 DNAPL Recovery and Monitoring System** – MDEQ requires that within 30 days of installation of the sheet piling barrier wall that all monitoring and recovery wells be installed to monitor for product and groundwater mounding. MDEQ also requires that one monitoring well be placed at the end of the downgradient sheet piling barrier "wing wall" for monitoring purposes. There are no monitoring wells proposed on the creek side of the sheet piling barrier wall

to verify that free product is not migrating through the wall. MDEQ requires that monitoring points/wells be installed on the creek side of the sheet piling barrier wall on a 50 foot spacing.

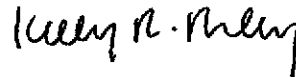
4. **Section 5.1.5 Installation of Geosynthetic Clay Liner** – The RAP did not explain how the liner would be connected to the sheet piling barrier wall or the concrete lined culvert to prevent infiltration of rain water. The liner shall be connected at these points in a manner that will eliminate infiltration of rain water.
5. **Section 5.1.6 Phytoremediation** – The RAP proposes to install the sheet piling barrier wall and then 60 days later submit a detailed plan proposing tree types and planting frequency. MDEQ is concerned that it may be months before the trees are planted since the trees must be planted in the fall/winter months and several more months before the root systems reach the water table. MDEQ requires that a plan for tree types and planting frequencies be submitted by November 1, 2002.
6. **Section 5.2 Process Area Subsurface Features** – MDEQ shall be notified when this work is to be performed in order that a MDEQ representative may be present to verify and approve the work to be performed.
7. **Section 5.2.2 Removal of Free Product and Creosote-Saturated Materials** – The wording in the last paragraph of this section was changed. The previous RAP stated that sand or pea gravel and compacted clay material would be used for backfill but this report now states that fill material will be used. The annotated response even states that compacted clay material will be used. Why was the wording in the report changed to reflect something different? MDEQ requires that compacted clay material will be used as backfill as stated in the annotated response and as required in MDEQ response letter dated May 8, 2002.
8. **Section 5.3 Southern Railroad Tracks Area** – As stated in comment 6 above, MDEQ shall be notified when this work is to be performed in order that a MDEQ representative may be present to verify and approve the work to be performed.
9. **Section 5.3.1 Removal of Affected Soils** - If an agreement is not reached with the railroad and/or the City of Hattiesburg by the time the Agreed Order is ready to be executed or remediation of this area is scheduled, then the upper three (3) feet of soil between the ditches and the railroad berm shall be removed.
10. **Appendix E - Contingency Plan** – Section 4.0 only includes financial assurance for groundwater monitoring. It does not include financial assurance for the operation and maintenance of the phytoremediation system to be installed in the fill area. MDEQ requires that the money needed for the operation and maintenance of the phytoremediation system as described in Section 5.1.6 of the RAP be added to Section 4.0 of the contingency plan. The contingency plan will be implemented during the first quarter of 2003.

11. A schedule for implementing the RAP was not submitted. MDEQ requires a detailed schedule outlining the implementation of the RAP be submitted for approval by September 1, 2002.
12. A revised RAP shall be submitted to MDEQ by September 1, 2002, incorporating the final requirements as set forth above. The revised RAP shall be stamped **Final Remedial Action Plan**.

In order to have a productive discussion before Judge Pickering on July 31, 2002, please respond to MDEQ's comments within seven days from the date of this letter. Kerr-McGee's written response shall either demonstrate concurrence with the conditions set forth in this letter, or advise MDEQ of any remaining outstanding issues that must be resolved. As stated, the final RAP shall be submitted formally to MDEQ by September 1, 2002. At that time, MDEQ will move forward with the thirty-day public comment period.

Should you have any questions at this time, please feel free to contact me at 601-961-5369. Otherwise, I look forward to receiving Kerr-McGee's response by Tuesday, July 30, 2002.

Sincerely,



Kelly R. Riley  
Attorney

cc: The Honorable Charles W. Pickering, Sr. (via facsimile only)  
All Counsel of Record (via facsimile only)  
Jerry Banks, P.E.  
Tony Russell  
William G. Cheney, Jr. Esq. (via facsimile only)



# ADAMS AND REESE LLP

# FACSIMILE TRANSMITTAL

4500 ONE SHELL SQUARE  
New Orleans, LA 70139  
Facsimile: (504) 588-0210

DATE 7/29/2002

TO Sec List Below

RE Revised Remedial Action Work Plan, 7/12/02  
Gulf States Creosoting Site  
Hattiesburg, Mississippi

From  
Glen M. Pilié

No. Pages  
Transmitted 5

### MESSAGE

Kelly R. Riley, MDEQ	Fax: 601-961-5349
Judge Charles W. Pickering, Sr.	Fax: 601-544-7369
Don Barrett, Esq.	Fax: 662-834-2628
S. Robert Hammond, Jr. Esq.	Fax: 601-264-5588
Jerry Banks, MDEQ	Fax: 601-961-5349
Tony Russell, MDEQ	Fax: 601-961-5300
William G. Cheney, Jr., Esq.	Fax: 601-359-1461
William O. Green, III, Esq.	Fax: 405-270-4101
Nick Bock	Fax: 405-270-4244
Keith Weston	Fax: 405-270-6039
David Upthegrove	Fax: 504-582-2470

### TRANSMITTAL INFORMATION

User # 320

Adams & Reese  
File Number 298-240

Recipient Facsimile  
Telephone Number Listed Above

If you did not receive the number of accompanying pages indicated, or experience any other transmission problems, please contact

Yvonne Evans at (504) 585-0334

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# ADAMS AND REESE LLP

Attorneys at Law  
Baton Rouge  
Houston  
Jackson  
Mobile  
New Orleans  
Washington, DC

Glen M. Pilié  
(504) 585-0260  
piliégm@arlaw.com

July 29, 2002

Via Facsimile No. 601-961-5349  
and United States Mail

Kelly R. Riley, Esq.  
Legal Division  
Mississippi Department of Environmental Quality  
P.O. Box 20305  
Jackson, Mississippi 39289-1305

Re: Revised Remedial Action Work Plan dated July 12, 2002  
Gulf States Creosoting Site  
Hattiesburg, Mississippi  
Our File No. 298-240

Dear Kelly:

This letter is written in accordance with your request in your correspondence to me of July 23, 2002 regarding the referenced Revised Remedial Action Plan ("RAP"). In that correspondence, you provide MDEQ's comments on the RAP and request that Kerr-McGee respond to MDEQ's comments within seven days of your letter so that there can be meaningful discussion with Judge Pickering on July 31, 2002. As we have advised and as per the Court's notice that we have faxed to you, the July 31, 2002 status conference with Judge Pickering has been cancelled. Kerr-McGee does have every interest in proceeding as anticipated by Judge Pickering; thus, we are providing this response to MDEQ's comments on the RAP on behalf of Kerr-McGee within the deadline you imposed.

Kerr-McGee does not interpret your July 23, 2002 letter as an approval by MDEQ of the RAP. Kerr-McGee assumes that MDEQ expects Kerr-McGee to respond to the comments in your correspondence with the goal of submission of a Final Remedial Action Plan by September 1, 2002 for subsequent approval by MDEQ. Kerr-McGee's initial responses to MDEQ's comments are outlined below; however, it is noted that for some of the comments, written correspondence will not be productive for resolution. Kerr-McGee believes that the issues to be resolved are technical in nature, and would lend themselves to resolution in a meeting. Thus, Kerr-McGee requests a meeting among technical representatives of Kerr-McGee and MDEQ and we ask that you determine whether the appropriate MDEQ representatives would be available for a meeting in

Kelly R. Riley, Esq.  
July 29, 2002  
Page 2

Jackson on the morning of August 2, or any time on August 7 or 8, 2002. Kerr-McGee hopes that this meeting can be held as soon as possible and we look forward to hearing from you on this proposed meeting. In the interim, Kerr-McGee provides the following initial responses to MDEQ's comments on the RAP:

- 1) We apologize for the oversight, and the missing text page will be inserted into the Final RAP.
- 2) Kerr-McGee hopes to install the proposed sheet piling in the fourth quarter of 2002. Because activities associated with installation of the proposed sheet piling may alter assessment activities and results, Kerr-McGee suggests that from a technical standpoint, it is advisable to wait until installation of the proposed sheet piling is complete before any assessment is conducted in Gordon's Creek. Because it is suggested that assessment be delayed until after installation of the proposed sheet piling, the submission of a plan for remediating the DNAPL in the creek should likewise be delayed until after assessment is completed. Kerr-McGee proposes further discussion of this issue in our meeting.
- 3) Kerr-McGee references its response to comment (2), above, in response to this comment. This comment is being raised by MDEQ for the first time in the July 23<sup>rd</sup> correspondence, and Kerr-McGee requires further time to analyze the technical feasibility of the activities proposed by this comment before it can properly respond. However, based upon our conceptual model of sheet piling installation/location, well installation downgradient of the sheet piling would not be possible. Kerr-McGee will be prepared to discuss this issue with MDEQ at the proposed meeting.
- 4) Kerr-McGee will incorporate this comment in the Final RAP.
- 5) Kerr-McGee will submit the requested plan to MDEQ by November 1, 2002.
- 6) Kerr-McGee will notify MDEQ as requested.
- 7) Kerr-McGee will revise the language in the Final RAP to comply with this comment.
- 8) Kerr-McGee will notify MDEQ as requested.
- 9) Kerr-McGee is currently negotiating with the railroad for access to the railroad's property. Although Kerr-McGee believes the requisite access will be obtained, it is possible that the access will not be obtained in time

Kelly R. Riley, Esq.  
July 29, 2002  
Page 3

to coincide with settlement of this matter. It is Kerr-McGee's hope that MDEQ will understand that such negotiations take time and that MDEQ will not impose unreasonable conditions on Kerr-McGee if the access is not obtained within the exact time frame of the settlement of this matter in which the railroad is not even a party. Kerr-McGee will report to MDEQ on the progress with the railroad at the proposed meeting and, as required, may request MDEQ's assistance in enforcing access from the railroad.

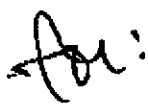
- 10) Kerr-McGee plans to be at the site on a regular basis and, on those regular visits, will inspect the phytoremediation system and conduct post-closure care activities. For this reason, Kerr-McGee does not believe additional financial assurance is required for operation and maintenance of the phytoremediation system.
- 11) Kerr-McGee has no fundamental problem with furnishing schedules to MDEQ; however, Kerr-McGee requests further clarification on the type of schedule requested by this comment before Kerr-McGee is required to respond.
- 12) As recited above, Kerr-McGee intends to continue to work with MDEQ so that a Final RAP can be submitted by September 1, 2002 as anticipated by this comment.

Kerr-McGee looks forward to meeting with MDEQ to resolve all of these issues for preparation of a Final RAP, and we ask that you advise us as soon as possible regarding the availability of technical representatives of MDEQ to meet with technical representatives of Kerr-McGee on the dates proposed above, and hopefully, as early as this Friday. In the interim, I remain,

Very truly yours,

ADAMS AND REESE LLP

BY:   
GLEN M. PILLÉ

for: 

GMP/rye

cc (via facsimile only):  
The Honorable Charles W. Pickering, Sr.  
Don Barrett, Esq.  
S. Robert Hammond, Jr., Esq.

Kelly R. Riley, Esq.  
July 29, 2002  
Page 4

Jerry Banks, Mississippi Department of Environmental Quality  
Tony Russell, Mississippi Department of Environmental Quality  
William G. Cheney, Jr., Esq., Mississippi Secretary of State's Office  
William O. Green, III, Esq., Kerr-McGee  
Nick Bock, Kerr-McGee  
Keith Watson, Kerr-McGee  
David Upthegrove, Michael Pisani & Associates

# MICHAEL PISANI & ASSOCIATES, INC.

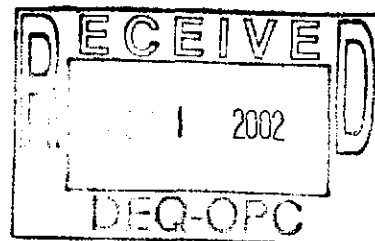
Environmental Management and Engineering Services

1100 Poydras Street  
1430 Energy Centre  
New Orleans, Louisiana 70163  
Telephone (504) 582-2468  
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m.pisani@ix.netcom.com

13313 Southwest Freeway  
Suite 221  
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dangle@orbitworld.net

September 30, 2002

Mr. Tony Russell, Chief  
Uncontrolled Sites Section  
Mississippi Department of Environmental Quality  
P.O. Box 10385  
Jackson, Mississippi 39289-0385



Re: Additional Copies of Remedial Planning Documents  
Gulf States Creosoting Site  
Hattiesburg, Mississippi

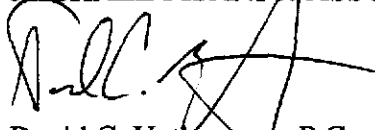
Dear Mr. Russell:

In accordance with your request, enclosed are two copies of the *Final Removal Action Work Plan* for the northeast drainage ditch and one copy of the *Final Remedial Action Work Plan* for onsite areas at the referenced site. Shows, Dearman, & Waits, the design engineers, are forwarding you an additional copy of the plans for the northeast drainage ditch project.

Should you have any questions or require additional information, please call us.

Sincerely,

MICHAEL PISANI & ASSOCIATES, INC.

  
David C. Uptegrove, P.G.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
CHAMBERS OF DISTRICT JUDGE CHARLES W. PICKERING, SR.

MEMORANDUM

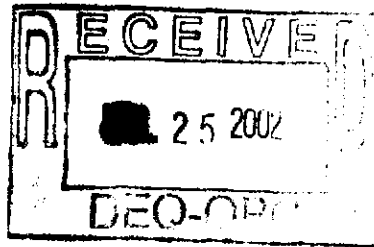
TO: All Counsel

DATE: July 24, 2002

William G. Cheney, Jr.  
MS Secretary of State's Office

Russell H. Smith, M.D.E.Q.

FROM: Sharon C. Potin  
Courtroom Deputy Clerk



SUBJECT: RSCO Realty Corporation, et al v. Kerr-McGee Chemical Corp., et al  
Civil Action No. 2:96cv323PG

Please be advised that the status conference in the captioned matter previously set for July 31, 2002, has been canceled. The next scheduled conference will be held on September 26, 2002 at 10:00 a.m.

MAILED TO:

S. Robert Hammond, Jr.	Ronald G. Peresich
Glen M. Pilie	Emilie Fischer Whitehead
Donna M. Borrello	Lawrence C. Gunn, Jr.
Robert A. Vosbein	Alexander A. Alston, Jr.
Deborah B. Rouen	Marc Boutwell
Richard F. Yarborough, Jr.	J. B. VanSlyke, Jr.
R. Curtis Smith, II	Frank D. Montague, Jr.
Jennifer Lynn Walley	Don Barrett
Michael G. Crow	Jolly W. Matthews, III
J. Henry Ros	M. McIntosh Forsyth
Charles Tisdale	Pat M. Barrett, Jr.
Ellen Case	Patrick H. Zachary
William G. Cheney, Jr.	Russell H. Smith, M.D.E.Q.

# MICHAEL PISANI & ASSOCIATES, INC.

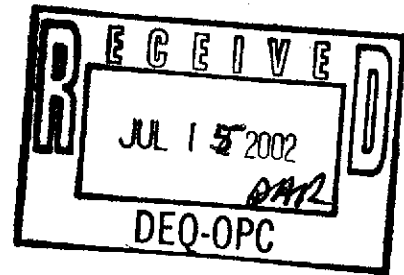
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June 7, 2002

Mr. Tony Russell, Chief  
Uncontrolled Sites Section  
Mississippi Department of Environmental Quality  
P.O. Box 10385  
Jackson, Mississippi 39289-0385



Re: Summary of June 7, 2002 Teleconference  
Gulf States Creosoting Site  
Hattiesburg, Mississippi

Dear Mr. Russell:

Earlier today, representatives of MDEQ (Jerry Banks and Tony Russell) and Kerr McGee Chemical, LLC (Nick Bock, John Hamilton, and David Upthegrove) participated in a teleconference to resolve issues raised during our June 3, 2002 meeting. The purpose of this letter is to document agreements reached during that teleconference.

Topics covered during the call were:

1. Seams in the liner for the northeast drainage ditch;
2. Type of cover for the former Process Area;
3. Remedy for the Southern railroad track area;
4. Contingency Plan triggers; and
5. Financial Assurance.

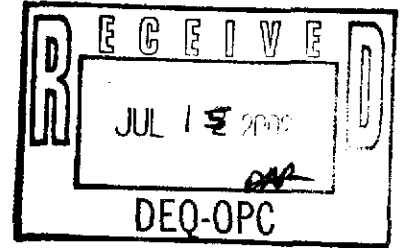
Kerr-McGee, LLC (KMC) and MDEQ reached the following agreements during the call:

1. Seams in the liner for the northeast drainage ditch do not require sealing. Where seams occur, the liner will be overlapped approximately 12 inches.
2. Cover for the former Process Area will consist of a composite liner overlain with two inches of asphalt. The composite liner will be overlapped approximately 12 inches where seams occur.



**Annotated Responses to MDEQ Comments on  
Remedial Action Work Plan**

**Gulf States Creosoting Site  
Hattiesburg, Mississippi**



**MDEQ Comment:**

1. **Section 5.0: Recommended Remedial Action** – The Remedial Action Plan (RAP) states that institutional controls (land use restrictions and operational restrictions) will be imposed on affected portions of the property. MDEQ requires a detailed description of the proposed institutional controls including which portions of the property will be covered by these controls. It is an EPA and MDEQ requirement that contingency plans be included in the RAP as back up plans if the proposed remedy fails. The contingency plan for each area shall include triggers that will signal that the proposed remedy is not working and that the contingency plan is to be implemented. The contingency plans also shall include financial assurance to insure that money is available to implement the contingency plans. The contingency plans shall be submitted to MDEQ for approval by July 1, 2002.

**KMC Response:**

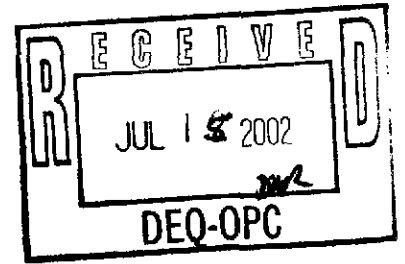
Legal counsel for KMC, MDEQ, and the Mississippi Secretary of State's office are currently working to develop acceptable language for deed restrictions and for easements placing limitations on future construction activities. Once this process is complete, deed restrictions and easements will be recorded in the Chancery Clerk's Office and will become part of the land deed records.

A Contingency Plan has been developed and is now included as Appendix E of the *Remedial Action Work Plan*. As agreed, the plan establishes procedures to respond to the migration of existing ground water plumes associated with the Gordon's Creek Fill Area, the former Process Area, and the northeast drainage ditch. Should target constituents be detected in plume-defining wells at concentrations exceeding Tier 1 Target Remediation Goals for three consecutive sampling events, KMC will, within 60 days, submit a plan for assessment activities for MDEQ review and approval. At the completion of assessment activities, KMC will submit a report documenting assessment results and proposing further action, if necessary.

MDEQ has agreed that KMC will provide financial assurance for implementation of the Contingency Plan beginning with the first quarter of 2003.

**Annotated Responses to MDEQ Comments on  
Remedial Action Work Plan**

**Gulf States Creosoting Site  
Hattiesburg, Mississippi**



**MDEQ Comment:**

2. Section 5.1 Fill Area – MDEQ letter dated July 17, 2001 required a plan to address the DNAPL that leached into the soils beneath Gordon's Creek. This section shall be amended to include a plan to address this concern and any DNAPL between the barrier wall and Gordon's Creek.

**KMC Response:**

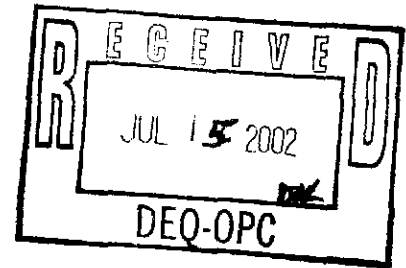
Surface water and sediment in Gordon's Creek were sampled and analyzed during the RI. Although target constituents were detected in some samples, risk assessment results indicated that constituent concentrations in surface water and sediment did not pose unacceptable risks to human health. However, episodic seepage of DNAPLs from the bank of the Fill Area into Gordon's Creek has been observed in the past.

The surficial sediments within the Gordon's Creek streambed are comprised predominantly of sand and gravel. Limited assessment activities, consisting primarily of probing within the base of the channel, indicate that these sand and gravel deposits are typically 1 to 2 feet thick and are underlain by a clay layer. This clay layer extends beneath the east bank of Gordon's Creek into the Fill Area, and apparently acts as a horizontal barrier on which DNAPLs pool. Because the surface of the clay layer slopes slightly toward Gordon's Creek, DNAPLs have migrated toward the creek along the clay's surface and seeped into the creek. DNAPLs have been observed within the creek bed at the interface between the sand/gravel layer and the underlying clay. The extent of DNAPLs in the creek, however, is unknown.

As agreed, Section 5.1.3 of the *Remedial Action Work Plan* has been revised to present a plan for assessing the extent of DNAPLs within the creek bed. Cores of the sediment column will be collected at regular intervals (approximately every 150 feet) within the creek bed and will be logged for the presence of visible DNAPLs. Once assessment activities have been completed and results have been evaluated, a plan to remediate sediments/soils containing visible DNAPLs, if present, will be submitted to MDEQ as an addendum to the *Remedial Action Work Plan*.

**Annotated Responses to MDEQ Comments on  
Remedial Action Work Plan**

**Gulf States Creosoting Site  
Hattiesburg, Mississippi**



**MDEQ Comment:**

3. **Section 5.1.2 – Sheet Piling Barrier** – The sealant used for the interlocking joints shall be WBS301, a silica fume modified cementitious grout, as recommended by the University of Waterloo’s Institute for Groundwater Research for permanent installations. MDEQ is concerned that the sheet piling extensions off the main barrier wall along Gordon’s Creek is not of sufficient length to prevent contaminated groundwater from migrating around the wall, especially on the downgradient side (northeast extension).

**KMC Response:**

The Quality Assurance/Quality Control (QA/QC) program for sheet piling installation, which consists primarily of joint cleaning and inspection, as well as joint sealing operations, will be completed by a licensed representative of the Waterloo Barrier system. Interlocking joints will be sealed with WBS301 or other grout type recommended by the manufacturer for permanent installations.

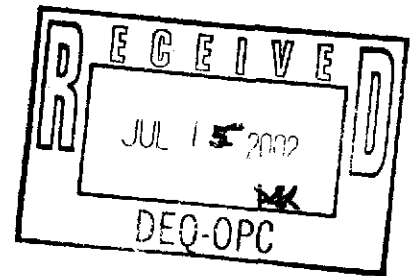
As for MDEQ’s concern regarding the length of the downgradient sheet piling extension, the primary purpose of the vertical barrier is to cut off the potential for migration of DNAPLs. The ground water regime within the Fill Area is extremely localized, as the shallow water-bearing zones beneath the Fill Area do not extend to the east of West Pine Street. Once the geosynthetic clay liner (GCL) is installed and the phytoremediation system is in place, the potential for ground water mounding behind the barrier will be minimal. Nonetheless, water levels in the monitoring/recovery wells behind the sheet piling barrier will be gauged as part of the post-closure monitoring. If it appears that affected ground water is migrating around the downgradient wing wall, ground water can be extracted from monitoring/recovery wells or the wall can be extended.

**MDEQ Comment:**

4. **Section 5.1.4: Installation of Geosynthetic Clay Liner** – MDEQ is concerned that the geosynthetic clay liner (GCL) could be counter-productive to the phytoremediation efforts. Describe in detail how the GCL liner and the sheet piling barrier wall will function during drought conditions to keep the trees alive. Describe in detail how the GCL liner will be placed around the trees or the trees planted within the GCL liner.

**Annotated Responses to MDEQ Comments on  
Remedial Action Work Plan**

**Gulf States Creosoting Site  
Hattiesburg, Mississippi**



**KMC Response:**

Once the sheet piling barrier is in place, the GCL will be placed atop the area containing DNAPLs. Holes will be cut in the liner and boreholes will be advanced at each tree-planting location. The liner will allow precipitation to enter the subsurface only at tree-planting locations, thereby directing precipitation to the sites where water is needed. As described in Section 5.1.6, the trees will be irrigated as necessary until their roots reach the water table. Even during drought conditions, it is not anticipated that the water table will fall to levels below the base level of Gordon's Creek (i.e., 7 to 10 feet below land surface).

**MDEQ Comment:**

5. **Section 5.1.5: Phytoremediation** – More information is needed to determine if phytoremediation will be effective in reducing the contaminants at this particular site and especially for controlling ground water mounding. MDEQ is concerned that if hardwoods are planted, there will not be a mechanism for controlling ground water mounding during the winter months when the trees will be dormant. Will the newly planted trees be able to uptake sufficient amounts of water to prevent mounding and migration of groundwater around the sheet piling wall? Has a study been conducted to see if the present trees may prevent mounding and uptake of contaminants? Have evergreens (pines) been evaluated for their ability to uptake contaminants and control mounding? Please submit copies of all studies used for making your decision as to which trees will best be suited for remediation of the contaminated groundwater and controlling mounding of groundwater. Furthermore, MDEQ requires a detailed timeline be submitted for implementation of the phytoremediation efforts for the Fill Area.

**KMC Response:**

The primary remedy for the Fill Area consists of containment (i.e., installation of interlocking sheet pilings and placement of a GCL) and source removal (i.e., DNAPL recovery). However, a phytoremediation component was added to the remedy to effect pumping of affected ground water and to accelerate breakdown of constituents within the root zone. Phytoremediation has been used successfully at numerous sites, both on its own and in combination with other cleanup technologies, to achieve final remedial objectives.

**Annotated Responses to MDEQ Comments on  
*Remedial Action Work Plan***

**Gulf States Creosoting Site  
Hattiesburg, Mississippi**



The phytoremediation plan, as presented in Section 5.1.5 of the *Remedial Action Work Plan*, is conceptual in nature. As stated in the plan, a preliminary evaluation will be completed prior to completing the final design for the phytoremediation program. This evaluation will include a survey of existing trees at the site, research into trees indigenous to the area, and a review of the latest technical literature on phytoremediation. A detailed plan proposing types of trees and planting frequency will be submitted to MDEQ for review and approval within 60 days of installation of the sheet piling barrier. The plan will also include a schedule for implementation of the phytoremediation program.

As for the types of trees typically used in phytoremediation projects, phreatophytes such as hybrid poplars, willows, cottonwoods, and eucalyptus are most frequently selected because of fast growth, deep rooting ability, large transpiration rates, and the fact that they are native throughout most of the country. Some of these trees (e.g., eucalyptus) have demonstrated high growth rates even during the winter months at sites within the Gulf Coast region.

With regard to the issue of ground water mounding, the following factors will allow for control until the trees take effect:

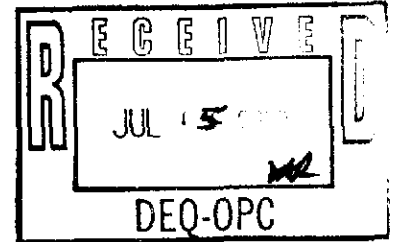
1. Due to the shallow geology of the Fill Area, there is a limited area for recharge to shallow ground water.
2. A GCL will be placed atop the Fill Area and will not allow infiltration until penetrated for tree-planting purposes.
3. Water levels within the containment area will be monitored by gauging monitoring/recovery wells. Should it become necessary, ground water mounding could be controlled on an interim basis by pumping and treating ground water from these wells.

**MDEQ Comment:**

6. **Section 5.1.6: Monitored Natural Attenuation (MNA)** – MDEQ requires that wells be monitored on a quarterly basis for a minimum of two years to determine a base line for MNA. MNA wells have to be located both within and outside the plume boundaries.

**Annotated Responses to MDEQ Comments on  
Remedial Action Work Plan**

**Gulf States Creosoting Site  
Hattiesburg, Mississippi**



**KMC Response:**

KMC commenced with the ground water monitoring program presented in the MDEQ-approved *Ground Water Monitoring Plan* (June 25, 2001) in December 2001. Ground water sampling events were conducted in December 2001, March 2002, and June 2002. The plan calls for two years of quarterly monitoring, after which the monitoring frequency can be reviewed and modified, with MDEQ approval. Reports presenting the results of ground water monitoring are to be submitted annually.

**MDEQ Comment:**

7. **Section 5.2: Process Area Subsurface Features** – The Remedial Action Work Plan states that removal activities will be limited to a concrete sump and a wooden substructure within the former Process Area. If source material is observed **around** or **beneath** these two structures, then this material also will have to be removed. MDEQ requires that an underground utility search be conducted for the process area. All buried utilities located within the Process Area will have to be rerouted around this area.

**KMC Response:**

As agreed, free product and creosote-saturated soils observed around or beneath the concrete sump and wooden substructure will also be removed. The only active utility line in the portion of the former Process Area where remediation activities are to be conducted is an auxiliary phone line running from the main Courtesy Ford building to the body shop. This line will be re-routed so that any repair or maintenance of the line can be conducted without disturbing the final cover.

**MDEQ Comment:**

8. **Section 5.2.1: Results of Limited Excavation Activities** – As discussed previously, Kerr-McGee's interpretation of the July 17, 2001 letter is not completely accurate. It is true that MDEQ does not believe that significant quantities of recoverable free product exist in the Process Area. However, MDEQ considers the contaminated material in and **around** the "oil dumping tanks" area (concrete sump area) and the disposal area (wooden substructure area) to be source material and will have to be removed.

**Annotated Responses to MDEQ Comments on  
Remedial Action Work Plan**

**Gulf States Creosoting Site  
Hattiesburg, Mississippi**

**KMC Response:**

KMC has agreed to remove free product and creosote-saturated soils within and adjacent to the concrete sump and wooden substructure.

**MDEQ Comment:**

9. **Section 5.2.2: Removal of Source Materials** – All material considered source material from **around** and **beneath** the concrete sump and the wooden substructure will have to be removed. The removal shall not be limited to the material contained within the sump and wooden substructure. The backfill material shall consist of compacted clay material. Due to the constraints of the area, MDEQ requires that the soil be loaded onto trucks and transported immediately for disposal at an acceptable location.

**KMC Response:**

Both excavations will be backfilled with compacted clay material. Excavated materials will be loaded directly into trucks for transportation to an appropriate location for disposal.

**MDEQ Comment:**

10. **Section 5.2.3: Capping of Affected Soils** – MDEQ will require the 6 inch asphalt cap to meet the same performance criteria as an engineered clay cap and must have an in-place vertical permeability less than or equal to  $1.0 \times 10^{-7}$  cm/sec. In conjunction with this requirement, MDEQ is requesting the engineering specifications for the asphalt cap. The specifications should include (but are not limited to): Sub-grade preparation procedures, maximum aggregate size, % bitumin content, maximum % air voids, maximum lift size, minimum in-place compaction rates, specifications for any seal/surface coatings, and minimum design surface slope. Structural specifications (weight bearing capacity) also should be included. In addition, any currently paved asphalt/concrete areas that are intended to be used as a structural cap for contaminated areas must be evaluated as to their ability to meet the permeability requirements as stated above. Their current condition and structural integrity also shall be evaluated. If repair or replacement of any currently paved areas is needed, it shall be noted in the revised Remedial Action Work Plan. The cap also will have certain post-closure care

**Annotated Responses to MDEQ Comments on  
Remedial Action Work Plan**

**Gulf States Creosoting Site  
Hattiesburg, Mississippi**

requirements. A detailed description of how the cap will be repaired and who will be responsible for the post-closure care of the cap must be included in the revised Remedial Action Work Plan along with a maintenance schedule. In addition, will there be restrictions on the asphalt-capped areas (no heavy trucks parking overnight, no storage of heavy footprint items on capped areas, etc)?

**KMC Response:**

MDEQ has agreed to the use of an alternative cap (i.e., a cap consisting of a water-impervious liner covered with asphalt) in the former Process Area. The use of this type of cap will eliminate MDEQ concerns regarding cracks, weight-bearing capacity, permeability, and post-closure inspections associated with the use asphalt only. We have identified and are evaluating for use a composite geotextile material that consists of two (top and bottom) 6 ounces/square yard non-woven polyester layers bonded to 15 mils of polyethylene vinyl acetate. Once the subgrade has been prepared, the water-impervious geotextile will be placed atop the former Process Area, with approximately 12 inches of overlap at the joints. A 2-inch asphalt layer will be placed atop the geotextile, which is heat resistant up to a temperature of 400 degrees Fahrenheit.

**MDEQ Comment:**

11. **Section 5.3 Southern Railroad Tracks Area** – The soil from this area has been designated as non-hazardous waste and can go to a permitted Subtitle D landfill. The depth of the excavation shall not be limited to six (6) feet. If source material is observed to be present below six (6) feet during the removal, then MDEQ requires that material is also to be removed.

**KMC Response:**

As agreed, free product and creosote-saturated soils within and beneath drainage ditches in the Southern Railroad track area will be removed. It is our understanding from MDEQ that affected soils outside of the ditches may be removed and transported offsite for disposal at an acceptable location, or may be capped and left in place if easements/deed restrictions placing limitations on future construction activities can be obtained. KMC is currently working with the Norfolk Southern Railroad and MDEQ toward a mutually-agreeable remedy.



**Annotated Responses to MDEQ Comments on  
Remedial Action Work Plan**

**Gulf States Creosoting Site  
Hattiesburg, Mississippi**

**MDEQ Comment:**

12. **Section 5.3.1 Removal of Affected Surface Soils** – Due to the constraints of the area and its close proximity to the railroad tracks, MDEQ requires that the soil be loaded onto trucks and transported immediately for disposal at an acceptable location.

**KMC Response:**

All soils removed from the Southern Railroad track area will be loaded directly into trucks for transportation to an appropriate location for disposal.

**MDEQ Comment:**

13. **Section 5.3.2: Capping of Deeper Affected Soils** – All excavated areas shall be backfilled with clay fill material. However, since contaminated material will be left in place, the upper surface cover area must be completed similar to a RCRA type cap (low permeability soil layer, drainage layer, and soil top layer).

**KMC Response:**

The ditch excavations, and any other excavated areas, will be backfilled with clay fill material. A water-impervious liner will be placed in the ditches, then the ditches will be lined with reinforced concrete.

Other portions of the Southern Railroad track area where affected soils are left in place will also be capped. First, the area will be graded such that drainage flows toward the concrete-lined ditches. A water-impervious liner will be placed atop affected soils, then covered with non-woven geotextile fabric or a sand layer for drainage. A layer of crushed rock similar to railroad ballast will be placed atop the drainage layer to provide protection of the drainage layer.

**Annotated Responses to MDEQ Comments on  
*Remedial Action Work Plan***

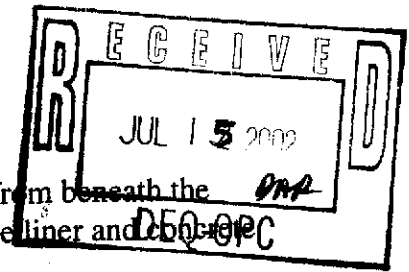
**Gulf States Creosoting Site  
Hattiesburg, Mississippi**

**MDEQ Comment:**

14. **Appendix B: Feasibility Study** – What are the estimated costs for each alternative proposed? Also, the study states in two places that “...significant costs are associated with imposing land use restrictions on the impacted portions of the site.” What are these land use restriction costs as a portion of the total estimated costs for each alternative proposed? The present scheme of presenting the cost alternatives as low, medium, or high does not provide sufficient information on the cost of each alternative since almost all of the alternatives are of medium cost. Also, the document indicates that at least some estimated costs are available because it talks of unit costs and “...significant costs...associated with imposing land use restrictions.”

**KMC Response:**

Engineering costs estimates for the various remedial alternatives considered, including costs associated with imposing land use restrictions, are currently being updated, and will be provided to MDEQ under separate cover during the week of July 15, 2002.



3. Free product and creosote-saturated soils will be removed from beneath the ditches in the Southern railroad track area. An impermeable liner and cover will then be installed in the ditches.
  - a. If appropriate deed restrictions can be established, a liner, drainage layer, and crushed rock will be placed over the remainder of the portion of the property controlled by the City of Hattiesburg.
  - b. KMC will contact the Southern railroad to discuss mutually agreeable remedies within the railroad right-of-way that can be implemented and satisfy MDEQ concerns. KMC will keep MDEQ informed of these discussions.
4. Contingency Plans will establish procedures to respond to the migration of existing ground water plumes. Should target constituents be detected in plume-defining wells at concentrations exceeding Tier 1 Target Remediation Goals for three consecutive sampling events, KMC will, within 60 days, submit a plan for assessment activities for MDEQ review and approval. At the completion of assessment activities, KMC will submit a report documenting assessment results and proposing further action, if necessary.
5. KMC is evaluating the agency's requirements for financial assurance and will contact MDEQ as soon as the evaluation is completed.

Should you have any questions or require additional information, please call us. We look forward to moving forward with site resolution as soon as possible.

Sincerely,

MICHAEL PISANI & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'David C. Upthegrove'.

David C. Upthegrove, P.G.

cc: Jerry Banks - MDEQ  
Keith Watson - Kerr-McGee  
Nick Bock - Kerr-McGee  
Glen Pilié - Adams and Reese



**HUESKER Inc.**

11107-A South Commerce Boulevard  
Charlotte, NC 28273

P.O. Box 411529 · Charlotte, NC 28241

Phone: (704) 588-5500

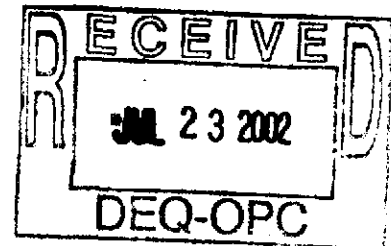
(800) 942-9418

Fax: (704) 588-1462

E-mail [dcampbell@hueskerinc.com](mailto:dcampbell@hueskerinc.com)

July 22, 2002

Mr. Tony Russell, Chief  
Uncontrolled Sites Section  
Mississippi Department of Environmental Quality  
101 West Capitol Street  
Jackson, Mississippi 39207



Ref. Huesker GWB Composite Liner Sample

Dear Mr. Russell,

At the request of Mr. David Upthegrove with Michael Pisani & Associates and our distributor, Shannah Guillory with US Fusion, please find enclosed a sample and product description of our Huesker GWB composite liner.

This product is being evaluated for possible use as a containment barrier in a creosote contaminated soil location. This liner would be placed between the soil and a layer of asphalt concrete (parking lot) and would restrict the movement of liquids from the surface and vapor from the soil. The 6 osy polyester nonwoven bonded to the bottom of the liner would protect it from subsurface puncture and the 6 osy polyester nonwoven bonded to the top of the liner would also protect the liner from puncture from above and would assist in the bonding of the asphalt concrete to the natural surface. Once the composite liner is installed, we recommend using approximately 0.25 gal/sy of AC-10 or AC-20 tackcoat as a bonding agent on top of the composite and below the (recommended minimum 2in lift of) asphalt concrete.

Please feel free to contacting us if you need any additional technical information. Thank you for considering the use of our composite products in your project.

Sincerely,

Danny Campbell  
Specialty Products Manager  
Huesker, inc.

Enlc. GWB sample GC-6156

cc: Shannah Guillory – US Fusion  
David Upthegrove – Michael Pisani & Assoc.  
Roy McClinton - Huesker

# GWB COMPOSITE

HUESKER'S GWB IS A COMPOSITE GEOTEXTILE THAT CONSISTS OF TWO (TOP AND BOTTOM) 6 OZ./YD<sup>2</sup> NONWOVEN POLYESTER BONDED TO 15 MILS OF POLYETHYLENE VINYL ACETATE GEOMEMBRANE. THE GWB GEOCOMPOSITE IS INERT TO BIOLOGICAL DEGRADATION AND NATURALLY ENCOUNTERED CHEMICALS, ALKALIES, AND ACIDS. GWB COMPOSITE CONFORMS TO THE FOLLOWING VALUES LISTED IN THE FOLLOWING TABLE.

## PHYSICAL PROPERTIES OF GWB COMPOSITE [HGC- 6156]

PROPERTY	TEST METHOD	ENGLISH units	SI units
<b>Mass/Unit Area</b>	ASTM D-5261	18 oz/yd <sup>2</sup>	610 g/m <sup>2</sup>
<b>Grab Tensile Strength</b>			
Machine Direction (MD)	ASTM D-4632	225 lbs.	1.0 kN
Cross Machine Direction (CMD)	ASTM D-4632	250 lbs.	1.1 kN
<b>Grab Elongation</b>			
Machine Direction (MD)	ASTM D-4632	<50%	<50%
Cross Machine Direction (CMD)	ASTM D-4632	<50%	<50%
<b>Trapezoid Tear Strength</b>			
Machine Direction (MD)	ASTM D-4533	60 lbs.	0.27 kN
Cross Machine Direction (CMD)	ASTM D-4533	90 lbs.	0.40 kN
<b>Puncture Strength, 5/16 D</b>	ASTM D-4833	160 lbs.	0.71 kN
<b>Permeability</b>	ASTM D-4491	0	0
<b>Resistance to Soil Burial</b>	ASTM D-3083	N.C.	N.C.

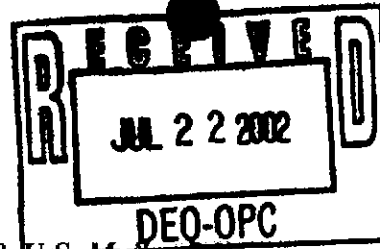
### Roll Size –

- Width – up to 26 feet (7.9m)
- Length – up to 400 feet (122m)

Each roll of GWB composite delivered to the project site is labeled by HUESKER® with a roll label that indicates manufacturer's name, product identification, lot number, roll number and roll dimensions. All rolls of GWB are encased in a sturdy polyethylene wrap to shield the product from rain, dirt, dust and ultraviolet light. Contact HUESKER for information on our material warranty.



P.O. BOX 411529, CHARLOTTE, NC 28241-1529 • (704) 588-5500 • (800) 942-9418 • FAX (704) 588-5988



*Via Facsimile & U.S. Mail*

July 17, 2002

Ms. Kelly R. Riley  
Legal Division  
Mississippi Department of Environmental Quality  
P.O. Box 20385  
Jackson, MS 39289-1305

RE: Responses to Comments  
August 3, 2001 *Removal Action Work Plan*  
Northeast Drainage Ditch  
Our File No. 298-240

Dear Ms. Riley:

On May 8, 2002, the Mississippi Department of Environmental Quality (MDEQ) issued a letter granting conditional approval of the referenced Work Plan. MDEQ approval of the plan was contingent on incorporation of several MDEQ comments. MDEQ comments and Kerr-McGee Chemical, LLC (KMC) responses are provided below.

**MDEQ Comment**

1. **Section 5.3 Excavation and Loading** – MDEQ requires that all waste material be loaded directly into either trucks or roll-off boxes for offsite disposal. All waste material leaving the site shall be covered. All waste material containing any type of free liquids shall be stabilized prior to leaving the removal area in order to eliminate any drippage along the roadway in residential areas. The only material that may be used for backfill material are those materials that are tested and have analytical results that are below the target remediation goals for contaminants of concern. Since confirmation samples are not being collected to show that contamination being left in place is below the Tier 1 Target Remediation Goal table unrestricted levels, a restrictive use order will have to be imposed on the drainage ditch area.

### **KMC Response**

KMC will not stockpile any materials in the residential area along the ditch. As we have discussed, access restrictions may make it necessary to move material to a staging area prior to loading. However, materials will be loaded into trucks or roll-off boxes as quickly as practicable.

The Work Plan states that, "At a minimum, materials containing free liquids will be mixed with a sufficient amount of stabilizing agent to meet transportation and disposal requirements for free liquid content." These requirements typically consist of materials passing the paint filter test, which would ensure that no drippage of liquids occurs during transportation. All materials leaving the site in trucks or roll-off boxes will be covered.

Clean backfill materials will be used to backfill all excavated areas. Legal counsel for KMC, MDEQ, and the Mississippi Secretary of State's office are currently working to develop acceptable language for deed restrictions and for easements placing limitations on future construction activities. Once this process is complete, deed restrictions and easements will be recorded in the Chancery Clerk's Office and will become part of the land deed records.

### **MDEQ Comment**

2. **Section 5.5 Installation of Liner and Sand Beds** – All seams of the HDPE liner shall be welded according to manufacturer's recommendations. All tears in the liner shall be repaired according to manufacturer's recommendations.

### **KMC Response**

In a conference call on June 7, 2002, MDEQ and KMC agreed that seams would not be welded, but that the liner would be overlapped a minimum of 12 inches where panels meet. As discussed, the primary purpose of the liner is to provide worker protection during installation of culvert pipe.

### **MDEQ Comment**

3. **Section 7.0 Health and Safety** – MDEQ requires that the health and safety plan be submitted for agency approval prior to implementation of the proposed scope of work.

### **KMC Response**

The contractor selected for the project by the City of Hattiesburg will be responsible for developing a site-specific Health and Safety Plan. KMC will coordinate

with the City to ensure that the plan is submitted to MDEQ for review and approval prior to implementation of the Work Plan.

**MDEQ Comment**

4. **Section 8.0 Reporting** – MDEQ requires that the Removal Action Report be submitted within ninety (90) days of completion of the drainage project.

**KMC Response**

KMC will submit a Removal Action Report for the project within 90 days from the final inspection of the installed culvert.

**MDEQ Comment**

5. A contingency plan shall be submitted to MDEQ for approval by July 1, 2002 for addressing groundwater contamination in this area. Financial assurance shall be included in this plan.

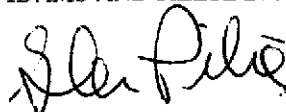
**KMC Response**

A Contingency Plan for the site was submitted to MDEQ with the Remedial Action Work Plan on July 12, 2002. The plan established procedures for responding to the potential migration of ground water contamination associated with the northeast drainage ditch, and also provides for financial assurance.

Should you have any questions or require additional information, please call us. We look forward to implementing the *Removal Action Work Plan* for the northeast drainage ditch in 2003.

Sincerely,

ADAMS AND REESE L.L.P.



Glen M. Pilié

GMP/rye

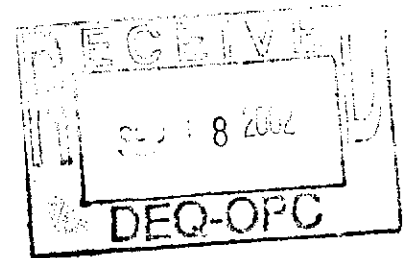
cc: ✓ Tony Russell - MDEQ  
William Green - Kerr-McGee  
Keith Watson - Kerr-McGee  
David Upthegrove - Michael Pisani & Associates



**MICHAEL PISANI & ASSOCIATES, INC.**  
Environmental Management and Engineering Services

1100 Poydras Street  
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13313 Southwest Freeway  
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Facsimile (281) 242-1737  
dangle@orbitworld.net



September 17, 2002

Mr. Tony Russell, Chief  
Uncontrolled Sites Section  
Mississippi Department of Environmental Quality  
P.O. Box 10385  
Jackson, Mississippi 39289-0385

Re: Revised Pages  
August 21, 2002 *Remedial Action Work Plan*  
Gulf States Creosoting Site  
Hattiesburg, Mississippi

Dear Mr. Russell:

On August 29, 2002, you e-mailed us comments on the referenced document. Pursuant to your request, enclosed are pages revised to address your comments. Enclosed pages 39 and 55 replaces those pages in the text of the document. Enclosed pages 47 through 50 (including new Table 4-9) replaces pages 47 through 49 in the Feasibility Study (Appendix B). Enclosed Table 4-1 replaces Table 4-1 in the Contingency Plan (Appendix E).

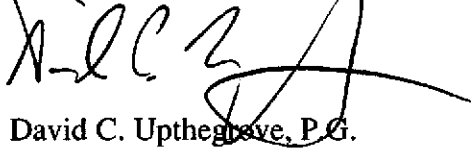
In your e-mail, you also requested a more detailed schedule for implementation of the MDEQ-approved *Removal Action Work Plan* for the Northeast Drainage Ditch. As we discussed subsequent to your e-mail, Kerr-McGee is funding the project and the City of Hattiesburg will bid and contract the work outlined in the plan. The contractor awarded the project by the City will be responsible for developing a detailed project schedule. We will request that the City provide this schedule to MDEQ prior to the commencement of work.

Mr. Tony Russell  
September 17, 2002  
Page 2

Should you have any questions or require additional information, please call us. We look forward to receiving MDEQ approval so that we can move forward with implementation of the *Remedial Action Work Plan*.

Sincerely,

MICHAEL PISANI & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'D. Upthegrove', written over the printed name below.

David C. Upthegrove, P.G.

cc: Kelly Riley - MDEQ  
Jerry Banks - MDEQ  
Keith Watson - Kerr-McGee  
Nick Bock - Kerr-McGee  
Glen Pilié - Adams and Reese  
Jane Raiford - Adams and Reese

leakage between individual pilings. Additional information on sealable-joint pilings is provided in Appendix D.

The primary purpose of the vertical barrier is to cut off the potential for migration of DNAPLs. The ground water regime within the Fill Area is extremely localized, as the shallow water-bearing zones beneath the Fill Area do not extend to the east of West Pine Street. Once the geosynthetic clay liner (GCL) is installed (see Section 5.1.5) and the phytoremediation system is in place (see Section 5.1.6), the potential for ground water mounding behind the barrier will be minimal. Nonetheless, water levels in the monitoring/recovery wells behind the sheet piling barrier (see Section 5.1.4) will be gauged as part of the post-closure monitoring. If it appears that affected ground water is migrating around the downgradient wing wall, ground water can be extracted from monitoring/recovery wells or the wall can be extended.

### **5.1.3 Gordon's Creek DNAPL Assessment**

Surface water and sediment in Gordon's Creek were sampled and analyzed during the RI. Although target constituents were detected in some samples, risk assessment results indicated that constituent concentrations in surface water and sediment did not pose unacceptable risks to human health. However, episodic seepage of DNAPLs from the bank of the Fill Area into Gordon's Creek has been observed in the past.

The surficial sediments within the Gordon's Creek streambed are comprised predominantly of sand and gravel. Limited assessment activities, consisting primarily of probing within the base of the channel, indicate that these sand and gravel deposits are typically 1 to 2 feet thick and are underlain by a clay layer. This clay layer extends beneath the east bank of Gordon's Creek into the Fill Area, and apparently acts as a horizontal barrier on which DNAPLs pool. Because the surface of the clay layer slopes slightly toward Gordon's Creek, DNAPLs have migrated toward the creek along the clay's surface and seeped into the creek. DNAPLs have been observed within the creek bed at the interface between the sand/gravel layer and the underlying clay. The extent of DNAPLs in the creek, however, is unknown.

A sediment coring program will be undertaken to assess the extent of DNAPLs within the creek bed. Assessment activities will commence within 30 days of installation of the sheet piling barrier. Cores of the sediment column will be collected at 150-foot intervals, with an increased sampling frequency (i.e., 50-foot intervals) along the segment of the creek where DNAPLs have been observed beneath the creek bank (see Figure 5-4). Sediment cores will be visually logged for the presence of DNAPLs.

Sediment cores will be collected by driving a core barrel equipped with clear plastic liners to the base of sand and gravel sediments. The sampler will be driven several inches into the underlying clay or to the base of visible contamination. In no case will the sampler be driven to depths greater than 4 feet below the top of the sediment.

## **6.0 Contingency Plan**

A Contingency Plan has been developed and is included as Appendix E of this document. The plan establishes procedures to respond to the potential migration of existing ground water plumes associated with the Gordon's Creek Fill Area, the former Process Area, and the northeast drainage ditch. Should target constituents be detected in plume-defining wells at concentrations exceeding Tier 1 Target Remediation Goals for three consecutive sampling events, KMC will, within 60 days, submit a plan for assessment activities for MDEQ review and approval. At the completion of assessment activities, KMC will submit a report documenting assessment results and proposing further action, if necessary.

The plan also includes provisions for post-closure inspection of the caps, barriers, and phytoremediation system.

inspection and maintenance of the cap system to ensure continued control of infiltration and prevention of direct contact with site contaminants.

#### Reduction of Toxicity, Mobility, and Volume through Treatment

Alternatives S-3 and S-5 use treatment and removal to reduce the mass of contaminated material at the site. Alternative S-4 uses no treatment technology but only transfers the contaminated soil to an approved disposal facility where it would be contained. Alternative S-2 does not reduce toxicity but controls by containment and would cause reduction of toxicity in the ground water by natural attenuation.

#### Short Term Effectiveness

Alternative S-3 is anticipated to have the greatest short term effectiveness. These options present the least amount of risk to workers, the community, and the environment. Alternatives S-4 and S-5 could release organic compounds during excavation and loading activities. However, remedial alternatives S-2, S-4, and S-5 could be implemented in a relatively short period of time. Alternative S-3 can be initiated in the same time frame as the other alternatives, but would require the most time to achieve remedial action objectives.

#### Implementability

All remedial alternatives are fairly simple to implement. Alternative S-3 is more complex due to the in situ biological treatment component. Alternative S-2 would require implementation of an inspection and maintenance program after completion of the project. All alternatives would require some ground water monitoring program to determine the effectiveness of the remedy with regard to migration of contaminants.

#### Cost

Unit costs from estimating guidance and EPA case studies were used to develop engineering cost estimates for each alternative (see Table 4-9). Alternative S-5 was the most expensive alternative. Alternatives S-2, S-3, and S-4 were significantly lower than Alternative S-5.

It is important to note that there are significant costs associated with imposing land use restrictions on the impacted portions of the site. Except for alternative S-5, all the soil alternatives considered would require the implementation of land use restrictions.

### **4.2.3.2 Comparison of Alternatives for Ground Water**

#### Overall Protection of Human Health and the Environment

All alternatives, except GW-1 No Action, provide protection to human health and the environment. Alternatives GW-3, GW-4 and GW-5 are most protective due to the use of treatment or offsite disposal. Alternative GW-3 would remove source material but rely on natural attenuation to reduce concentrations in the ground water.

**Table 4-9  
Engineering Cost Estimates for Various Remedial Alternatives**

**Former Gulf States Creosoting Site  
Hattiesburg, Mississippi**

	Soil Remedies	Fill Area	Process Area	Southern RR	
				Track Area	Track Area
S-1	No Action	\$0	\$0	\$0	\$0
S-2	Cap System	\$200,000	\$400,000	\$300,000	\$300,000
S-3	NAPL Recovery and In Situ Biological Treatment	\$300,000	\$700,000	\$400,000	\$400,000
S-4	Limited Removal and Offsite Disposal	\$2,000,000	\$500,000	\$200,000	\$200,000
S-5	Removal and Offsite Treatment/Disposal	\$5,000,000	\$11,000,000	\$1,500,000	\$1,500,000
<b>Ground Water Remedies</b>					
G-1	No Action	\$0	\$0	\$0	\$0
G-2	Natural Attenuation and Ground Water Monitoring	\$200,000	\$200,000	\$200,000	\$200,000
G-3	Vertical Barrier, NAPL Recovery, and Offsite Disposal	\$1,500,000	NA	NA	NA
G-4	Gradient Control, Physical/Chemical Treatment	NA	\$1,500,000	\$1,500,000	\$1,500,000
G-5	Vertical Barrier, Extraction, and Physical/Chemical Treatment	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000

**Notes:**

- Costs in this table do not reflect those associated with cleanup of the northeast drainage ditch outlined in a separate *Removal Action Work Plan*

### Compliance with ARARs

All alternatives, except GW-1 No Action and GW-2 Natural Attenuation and Ground Water Monitoring, meet the requirements of the ARARs presented in this report. Alternative GW-1 and GW-2 may not meet the requirements for ground water protection set forth in RCRA and the Mississippi Voluntary Cleanup and Redevelopment Program but may be acceptable when combined with other alternatives.

### Long Term Effectiveness

Alternatives GW-3, GW-4 and GW-5 provide the highest degree of long term effectiveness due to the use of treatment and installation of recovery systems. Alternative GW-2 would rely on natural attenuation, which may be appropriate when combined with a more protective soil remedy.

### Reduction of Toxicity, Mobility, and Volume through Treatment

Alternatives GW-4 and GW-5 use treatment to reduce the toxicity and volume. In addition, these alternatives use barrier systems to reduce the mobility of contaminated ground water. Alternative GW-3 uses a recovery system to reduce the toxicity and volume of the contaminants and a vertical barrier to reduce the mobility of the contaminants. Alternative GW-2 does not reduce the contaminant mobility and would use natural attenuation to reduce toxicity and volume.

### Short Term Effectiveness

Alternatives GW-3 and GW-5 are anticipated to have the greatest short term effectiveness since they incorporate extraction of NAPL. Extraction of NAPL would remove a source of contamination in the ground water and may improve the effectiveness of the physical/chemical treatment system. The time required to accomplish remedial action objectives would be shorter with alternatives GW-3, GW-4 and GW-5.

### Implementability

Alternatives GW-2 would be the simplest to implement since it only requires the implementation of a ground water monitoring program. Alternative GW-3 would be more complex due to the installation of the vertical barrier and recovery system. Alternatives GW-4 and GW-5 are the most complex. These alternatives would require installation and operation of extraction and injection wells.

### Cost

Unit costs from estimating guidance and EPA case studies were used to develop engineering cost estimates for each alternative (see Table 4-9). Alternatives GW-4 and GW-5 were most expensive due to anticipated material use with physical/chemical treatment. Alternative GW-3 was less expensive due to the reduced cost of operating the recovery system and reduced amount of material to be managed. GW-2 was the least expensive remedial alternative.

It is important to note that there are significant costs associated with imposing land use restrictions on the impacted portions of the site. All the ground water alternatives

considered would require the implementation of land use restrictions, at least until such time that constituent concentrations were reduced to levels below appropriate risk-based goals.

### **4.3 Selection of Preferred Remedy**

The preferred alternatives for each area of the site are presented below. The selected alternatives are based on the comparison of alternatives combined with risk management considerations developed from the results of the baseline risk assessment. In some cases, a combination of alternatives was selected due to considerations of overall protection of human health and the environment, long term effectiveness, and cost.

#### **4.3.1 Fill Area**

Remedial alternative S-3, NAPL Recovery and In Situ Biological Treatment, is selected for soil in the fill area. The recovery of NAPL will allow natural biodegradation to occur more rapidly. Biological treatment is one of the presumptive remedies for the site.

For the ground water beneath the fill area, alternative GW-3, Vertical Barrier, NAPL Recovery, and Offsite Disposal, is selected. This remedy is selected due to the presence of perched NAPLs and in consideration of the shallow geology and hydrogeology beneath the fill area. In addition to the selected alternative, a ground water monitoring program will be implemented to continue the assessment of ground water conditions at the site.

#### **4.3.2 Former Process Area**

Remedial alternative S-3, NAPL Recovery and In Situ Biological Treatment, is selected for the soil in the former process area. Prior to undertaking remedial activities, additional investigations will be conducted to determine the presence and "recoverability" of NAPL. In areas where the existing asphalt cap or building foundations preclude direct contact with impacted soils, NAPL recovery will be undertaken. The asphalt pavement will also be inspected periodically and evaluated for overall integrity. In areas where impacted surface soils are exposed, in situ biological treatment will be performed. This remedy was selected because of short term effectiveness and ease of implementation, and will result in minimal disruption of the existing use of the property.

For ground water at the former process area, alternative GW-2, Natural Attenuation and Ground Water Monitoring is selected. This remedy was selected because of the limited offsite impact and the lack of potential receptors.

#### **4.3.3 Northeast Drainage Ditch**

For the sediment and soil in the northeast drainage ditch, alternative S-4, Limited Removal and Offsite Disposal, is selected. This remedy will eliminate the potential for direct contact with impacted media. After removal of the affected soil and sediment, a culvert will be installed to provide for drainage. The area surrounding the culvert will then be backfilled and planted with grass.



**Table 4-1**

**Estimated Probable Costs  
Ground Water Monitoring and Post-Closure Inspections**

**Gulf States Creosoting Site  
Hattiesburg, Mississippi**

Estimated June 2002; Effective January 1, 2003

<b>Task</b>	<b>Annual Cost</b>	<b>Number of Years</b>	<b>Total Cost</b>
1. Quarterly Ground Water Monitoring (years 2; year 1 almost complete)	\$60,000	1	\$60,000
2. Annual Ground Water Monitoring (Sample collection and analysis) (years 3 through 30)	\$15,000	28	\$420,000
3. Annual Report Preparation (years 1 through 30)	\$2,500	30	\$75,000
4. Annual Inspections (containment and phytoremediation system) (years 1 through 30)	\$3,000	30	\$90,000
<b>Total Estimated Costs (30 Years)</b>			<b>\$645,000</b>

Kelly Riley  
07/16/2002 11:30 AM

To: Chuck Barlow, Charles Chisolm/Admin/DEQ@DEQ, Phil Bass, Betty R  
Fox/Legal/Admin/DEQ@DEQ, Jerry Banks/HW/OPC/DEQ@DEQ,  
Tony Russell/HW/OPC/DEQ@DEQ  
Subject: Hattiesburg American article

Tuesday, July 16, 2002

## **Creosote cleanup may begin in 2003**

Scott M. Larson  
American Staff Writer

A deal to clean up creosote contamination around and southeast of West Pine Street is near, and officials said work could begin in the first part of 2003.

Monday the Mississippi Department of Environmental Quality received a revised plan that outlines what Oklahoma-based chemical company Kerr-McGee needs to do to clean up the contamination.

The DEQ's approval of the cleanup-plan is the only thing that's left before a 1992 lawsuit the Hattiesburg School District filed against Kerr-McGee is settled, said J.B. Van Slyke, attorney for the school district.

"I just hope they approve some plan soon so we can move on," Van Slyke said.

He said the district should get \$3 million to \$4 million in damages because contamination from the Gulf States Creosote plant on West Pine Street was on 16th Section land. The plant was purchased by Kerr-McGee and the company became responsible for the cleanup.

"We're looking for the lost value of the 16th Section land," Van Slyke said. Courtesy Ford now occupies the land on West Pine Street.

Spokeswoman Debbie Schramm said that Kerr-McGee never owned or operated the Gulf States site. She said the settlement is not an admission of guilt.

Schramm said she did not have any details of how much the school district would receive in the settlement. However, she said the money would be for compensation for use of the property during the cleanup and for future restricted use of the site.

DEQ officials said they are reviewing Kerr-McGee's cleanup plan and couldn't comment on the details. However, DEQ attorney Kelly Riley said the company would have to replace some soil, do some work on a ditch and test ground water for an extended period of time.

She said contamination was found in the soil and groundwater but not in drinking water.

This sort of contamination and heavy industrial use is the reason the city is looking to revamp rules for well use, said Bennie Sellers, director of public services for the city. The council will vote today on the changes.

"We've got to make sure the water would be safe to use," Sellers said. "Any place where there is industrial use, so to speak, you could always have a spill."

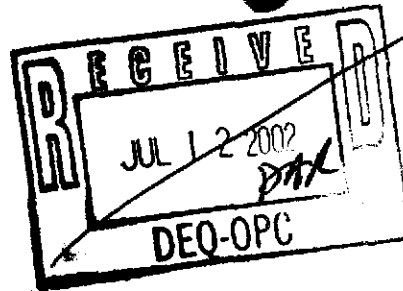
People drilling new wells would have to get a permit, test the water to make sure it is safe and submit the results of annual tests to the city under the ordinance.

Sellers estimated there are only about 10 wells remaining in the city in the area of Richburg Hill. He said he would recommend, but not require, that those wells do as the ordinance requires.

In 2000 Kerr-McGee went door to door in the area between Katie Avenue and West Pine Street looking for wells but found none.

Riley said the contamination probably did not affect anyone.

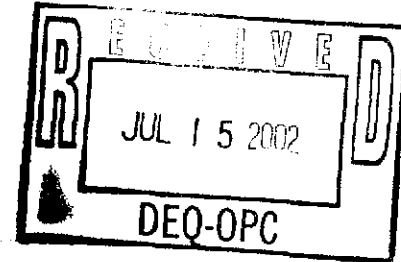
"It would surprise me if anyone has been hurt by contamination, but it is not impossible," Riley said.



**Attorneys at Law**  
Baton Rouge  
Houston  
Jackson  
Mobile  
**New Orleans**  
Washington, DC

**Glen M. Pilié**  
(504) 585-0260  
piliem@arlaw.com

July 12, 2002



Ms. Kelly R. Riley  
Legal Division  
Mississippi Department of Environmental Quality  
P.O. Box 20385  
Jackson, MS 39289-1305

Re: *Revised Remedial Action Work Plan*  
Gulf States Creosoting Site  
Hattiesburg, Mississippi  
Our File No. 298-240

Dear Ms. Riley:

Enclosed for your review is the revised *Remedial Action Work Plan* for the Gulf States Creosoting site in Hattiesburg, Mississippi. The document was revised to address comments set forth in your letter of May 8, 2002. Clarification regarding MDEQ comments was received during our June 3, 2002, meeting in Jackson and also during a June 7, 2002, teleconference attended by representatives of MDEQ and Kerr McGee Chemical, LLC (KMC). A summary of that teleconference was provided to MDEQ in a letter dated June 7, 2002, a copy of which is attached to this letter.

Also provided as an attachment to this letter are annotated responses to MDEQ comments. All MDEQ comments were related to Section 5.0 of the *Remedial Action Work Plan* (Recommended Remedial Action); however, the Executive Summary and Section 4.0 (Selection of Remedial Alternatives) were also revised to make the Work Plan consistent. No revisions were made to Sections 1.0 (Introduction), 2.0 (Summary of Remedial Investigation Findings), or 3.0 (Summary of Risk Assessment Findings) of the Work Plan.

We look forward to receiving MDEQ approval of the enclosed document so that we can move forward expeditiously with implementation of the agreed remedy. Should you have any questions or require additional information, please contact me.

Sincerely,

ADAMS AND REESE L.L.P.

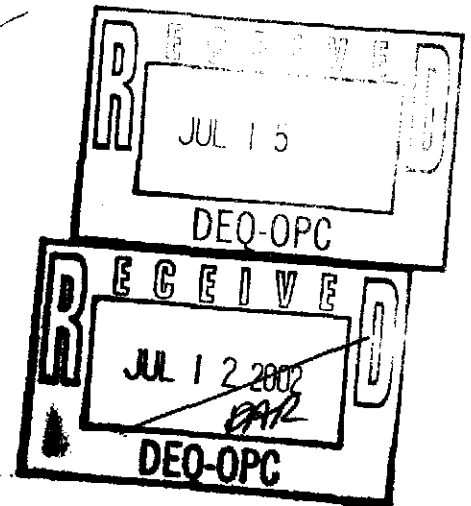


Glen M. Pilié

GMP/rye

Enclosures

cc: Tony Russell - MDEQ  
William Green - Kerr-McGee  
Keith Watson - Kerr-McGee  
David Upthegrove - Michael Pisani & Associates

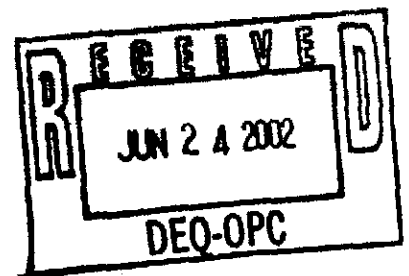


**MICHAEL PISANI & ASSOCIATES, INC.**

Environmental Management and Engineering Services

1100 Poydras Street  
1430 Energy Centre  
New Orleans, Louisiana 70163  
Telephone (504) 582-2468  
Facsimile (504) 582-2470  
m.pisani@ix.netcom.com

13313 Southwest Freeway  
Suite 221  
Sugar Land, Texas 77478  
Telephone (281) 242-5700  
Facsimile (281) 242-1737  
dangle@orbitworld.net



June 7, 2002

Mr. Tony Russell, Chief  
Uncontrolled Sites Section  
Mississippi Department of Environmental Quality  
P.O. Box 10385  
Jackson, Mississippi 39289-0385

Re: *Summary of June 7, 2002 Teleconference*  
Gulf States Creosoting Site  
Hattiesburg, Mississippi

Dear Mr. Russell:

Earlier today, representatives of MDEQ (Jerry Banks and Tony Russell) and Kerr McGee Chemical, LLC (Nick Bock, John Hamilton, and David Upthegrove) participated in a teleconference to resolve issues raised during our June 3, 2002 meeting. The purpose of this letter is to document agreements reached during that teleconference.

Topics covered during the call were:

1. Seams in the liner for the northeast drainage ditch;
2. Type of cover for the former Process Area;
3. Remedy for the Southern railroad track area;
4. Contingency Plan triggers; and
5. Financial Assurance.

Kerr-McGee, LLC (KMC) and MDEQ reached the following agreements during the call:

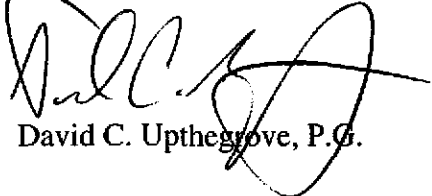
1. Seams in the liner for the northeast drainage ditch do not require sealing. Where seams occur, the liner will be overlapped approximately 12 inches.
2. Cover for the former Process Area will consist of a composite liner overlain with two inches of asphalt. The composite liner will be overlapped approximately 12 inches where seams occur.

3. Free product and creosote-saturated soils will be removed from beneath the ditches in the Southern railroad track area. An impermeable liner and concrete cover will then be installed in the ditches.
  - a. If appropriate deed restrictions can be established, a liner, drainage layer, and crushed rock will be placed over the remainder of the portion of the property controlled by the City of Hattiesburg.
  - b. KMC will contact the Southern railroad to discuss mutually agreeable remedies within the railroad right-of-way that can be implemented and satisfy MDEQ concerns. KMC will keep MDEQ informed of these discussions.
4. Contingency Plans will establish procedures to respond to the migration of existing ground water plumes. Should target constituents be detected in plume-defining wells at concentrations exceeding Tier 1 Target Remediation Goals for three consecutive sampling events, KMC will, within 60 days, submit a plan for assessment activities for MDEQ review and approval. At the completion of assessment activities, KMC will submit a report documenting assessment results and proposing further action, if necessary.
5. KMC is evaluating the agency's requirements for financial assurance and will contact MDEQ as soon as the evaluation is completed.

Should you have any questions or require additional information, please call us. We look forward to moving forward with site resolution as soon as possible.

Sincerely,

MICHAEL PISANI & ASSOCIATES, INC.



David C. Upthegrove, P.G.

cc: Jerry Banks - MDEQ  
Keith Watson - Kerr-McGee  
Nick Bock - Kerr-McGee  
Glen Pilié - Adams and Reese



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

May 10, 2002

Via Facsimile Only (601-544-7369)

The Honorable Charles W. Pickering, Sr.  
United States District Court  
Southern District of Mississippi  
Suite 228  
701 North Main Street  
Hattiesburg, MS 39401

Re: *RSCO Realty Corporation et al. vs.  
Kerr-McGee Chemical Corporation et al.,  
Civil Action Number 2:96CV323PG*

Dear Judge Pickering:

In an effort to keep you updated on the progress of the above referenced matter and in light of the status conference currently set for Wednesday, June 5, 2002, I am enclosing a copy of the latest correspondence between the Mississippi Department of Environmental Quality (MDEQ) and Kerr-McGee.

Should you have any questions, please contact Kelly Riley of my staff at 601-961-5369.

Sincerely,

*Kelly Riley for*

Chuck D. Barlow  
General Counsel

cc: Kelly Riley, Esq.  
Tony Russell  
Bill Cheney, Esq. (via facsimile only at 601-359-1461)  
All Counsel of Record (via facsimile only)





STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

May 8, 2002

**Via Certified Mail and Facsimile**

Mr. Glen Pilie', Esq.  
Adams and Reese  
4500 One Shell Square  
701 Poydras Street  
New Orleans, LA 70139

Re: Gulf States Creosote Site  
*Remedial Action Work Plan* dated September 19, 2001  
Hattiesburg, Mississippi

Dear Mr. Pilie':

The Mississippi Department of Environmental Quality (MDEQ) has completed a review of the above referenced document and conceptually agrees with the plan if several conditions are satisfied and agreed upon by Kerr-McGee. Staff has reported to me the following comments:

1. **Section 5.0: Recommended Remedial Action** - The Remedial Action Plan (RAP) states that institutional controls (land use restrictions and operational restrictions) will be imposed on affected portions of the property. MDEQ requires a detailed description of the proposed institutional controls including which portions of the property will be covered by these controls. It is an EPA and MDEQ requirement that contingency plans be included in the RAP as back up plans if the proposed remedy fails. The contingency plan for each area shall include triggers that will signal that the proposed remedy is not working and that the contingency plan is to be implemented. The contingency plans also shall include financial assurance to insure that money is available to implement the contingency plans. The contingency plans shall be submitted to MDEQ for approval by July 1, 2002.
2. **Section 5.1 Fill Area** - MDEQ letter dated July 17, 2001 required a plan to address the DNAPL that leached into the soils beneath Gordon's Creek. This section shall be amended to include a plan to address this concern and any DNAPL between the barrier wall and Gordon's Creek.

LEGAL DIVISION

POST OFFICE BOX 20305 • JACKSON, MISSISSIPPI 39289-1305 • TEL: (601) 961-5171 • FAX: (601) 961-5349 • [www.deq.state.ms.us](http://www.deq.state.ms.us)

ALL EQUAL OPPORTUNITY EMPLOYERS

3. **Section 5.1.2 – Sheet Piling Barrier** – The sealant used for the interlocking joints shall be WBS301, a silica fume modified cementitious grout, as recommended by the University of Waterloo's Institute for Groundwater Research for permanent installations. MDEQ is concerned that the sheet piling extensions off the main barrier wall along Gordon's Creek is not of sufficient length to prevent contaminated groundwater from migrating around the wall, especially on the downgradient side (northeast extension).
4. **Section 5.1.4: Installation of Geosynthetic Clay Liner** - MDEQ is concerned that the geosynthetic clay liner (GCL) could be counter-productive to the phytoremediation efforts. Describe in detail how the GCL liner and the sheet piling barrier wall will function during drought conditions to keep the trees alive. Describe in detail how the GCL liner will be placed around the trees or the trees planted within the GCL liner.
5. **Section 5.1.5: Phytoremediation** - More information is needed to determine if phytoremediation will be effective in reducing the contaminants at this particular site and especially for controlling ground water mounding. MDEQ is concerned that if hardwoods are planted, there will not be a mechanism for controlling ground water mounding during the winter months when the trees will be dormant. Will the newly planted trees be able to uptake sufficient amounts of water to prevent mounding and migration of groundwater around the sheet piling wall? Has a study been conducted to see if the present trees may prevent mounding and uptake of contaminants? Have evergreens (pines) been evaluated for their ability to uptake contaminants and control mounding? Please submit copies of all studies used for making your decision as to which trees will best be suited for remediation of the contaminated groundwater and controlling mounding of groundwater. Furthermore, MDEQ requires a detailed timeline be submitted for implementation of the phytoremediation efforts for the Fill Area.
6. **Section 5.1.6: Monitored Natural Attenuation (MNA)** - MDEQ requires that wells be monitored on a quarterly basis for a minimum of two years to determine a base line for MNA. MNA wells have to be located both within and outside the plume boundaries.
7. **Section 5.2: Process Area Subsurface Features** - The Remedial Action Work Plan states that removal activities will be limited to a concrete sump and a wooden substructure within the former Process Area. If source material is observed around or beneath these two structures, then this material also will have to be removed. MDEQ requires that an underground utility search be conducted for the process area. All buried utilities located within the Process Area will have to be rerouted around this area.
8. **Section 5.2.1: Results of Limited Excavation Activities** – As discussed previously, Kerr-McGee's interpretation of the July 17, 2001 letter is not completely accurate. It is true that MDEQ does not believe that significant

quantities of recoverable free product exist in the Process Area. However, MDEQ considers the contaminated material in and around the "oil dumping tanks" area (concrete sump area) and the disposal area (wooden substructure area) to be source material and will have to be removed.

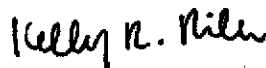
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10. **Section 5.2.3: Capping of Affected Soils** - MDEQ will require the 6 inch asphalt cap to meet the same performance criteria as an engineered clay cap and must have an in-place vertical permeability less than or equal to  $1.0 \times 10^{-7}$  cm/sec. In conjunction with this requirement, MDEQ is requesting the engineering specifications for the asphalt cap. The specifications should include (but are not limited to): Sub-grade preparation procedures, maximum aggregate size, % bitumen content, maximum % air voids, maximum lift size, minimum in-place compaction rates, specifications for any seal/surface coatings, and minimum design surface slope. Structural specifications (weight bearing capacity) also should be included. In addition, any currently paved asphalt/concrete areas that are intended to be used as a structural cap for contaminated areas must be evaluated as to their ability to meet the permeability requirements as stated above. Their current condition and structural integrity also shall be evaluated. If repair or replacement of any currently paved areas is needed, it shall be noted in the revised Remedial Action Work Plan. The cap also will have certain post-closure care requirements. A detailed description of how the cap will be repaired and who will be responsible for the post-closure care of the cap must be included in the revised Remedial Action Work Plan along with a maintenance schedule. In addition, will there be restrictions on the asphalt-capped areas (no heavy trucks parking overnight, no storage of heavy footprint items on capped areas, etc.)?
11. **Section 5.3 Southern Railroad Track Area** - The soil from this area has been designated as non-hazardous waste and can go to a permitted Subtitle D landfill. The depth of the excavation shall not be limited to six (6) feet. If source material is observed to be present below six (6) feet during the removal, then MDEQ requires that material to also be removed.
12. **Section 5.3.1 Removal of Affected Surface Soils** - Due to the constraints of the area and its close proximity to the railroad tracks, MDEQ requires that the soil be loaded onto trucks and transported immediately for disposal at an acceptable location.

13. **Section 5.3.2: Capping of Deeper Affected Soils** - All excavated areas shall be backfilled with clay fill material. However, since contaminated material will be left in place, the upper surface cover area must be completed similar to a RCRA type cap (low permeability soil layer, drainage layer, and soil top layer).
14. **Appendix B: Feasibility Study** – What are the estimated costs for each alternative proposed? Also, the study states in two places that “... significant costs are associated with imposing land use restrictions on the impacted portions of the site.” What are these land use restriction costs as a portion of the total estimated costs for each alternative proposed? The present scheme of presenting the cost of alternatives as low, medium, or high does not provide sufficient information on the cost of each alternative since almost all of the alternatives are of medium cost. Also, the document indicates that at least some estimated costs are available because it talks of unit costs and “.... significant costs... associated with imposing land use restrictions.”

Please respond to these comments/questions on or before Thursday, June 6, 2002. If there are initial questions raised by the contents of this letter, I encourage you to contact an agency representative at your earliest convenience. MDEQ further requests that the revised Remedial Action Work Plan be submitted by July 1, 2002. We should strive to work through any questions or concerns promptly so that Kerr-McGee will be in a position to respond to this letter in writing within the next thirty days and be prepared to submit the revised work plan by July 1.

For technical questions, please contact Tony Russell at (601) 961-5318, or for legal questions you may contact me at (601) 961-5369.

Sincerely,



Kelly R. Riley  
Attorney

cc: Jerry Banks, P.E.  
Tony Russell  
William Cheney, Jr., Esq. (via facsimile only at 601-359-1461)

STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

May 8, 2002

**Via Certified Mail and Facsimile**

Mr. Glen Pilie', Esq.  
Adams and Reese  
4500 One Shell Square  
701 Poydras Street  
New Orleans, LA 70139

RE: Gulf States Creosote Site  
*Northeast Drainage Ditch Remedial Action Plan* dated August 3, 2001  
Hattiesburg, Mississippi

Dear Mr. Pilie':

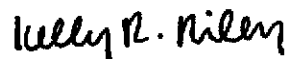
The Mississippi Department of Environmental Quality (MDEQ) has reviewed the above referenced work plan. The approval of the plan is contingent on incorporation of the following recommendations that Staff reported to me:

1. **Section 5.3 Excavation and Loading** – MDEQ requires that all waste material be loaded directly into either trucks or roll-off boxes for offsite disposal. All waste material leaving the site shall be covered. All waste material containing any type of free liquids shall be stabilized prior to leaving the removal area in order to eliminate any drippage along the roadway in residential areas. The only material that may be used for backfill material are those materials that are tested and have analytical results that are below the target remediation goal levels for contaminants of concern. Since confirmation samples are not being collected to show that contamination being left in place is below the Tier 1 Target Remediation Goal table unrestricted levels, a restrictive use order will have to be imposed on the drainage ditch area.
2. **Section 5.5 Installation of Liner and Sand Bed** –All seams of the HDPE liner shall be welded according to manufacturer's recommendations. All tears in the liner shall be repaired according to manufacturer's recommendations.

3. **Section 7.0 Health and Safety** – MDEQ requires that the health and safety plan be submitted for agency approval prior to implementation of the proposed scope of work.
4. **Section 8.0 Reporting** – MDEQ requires that the Removal Action Report be submitted within ninety (90) days of completion of the drainage ditch project.
5. A contingency plan shall be submitted to MDEQ for approval by July 1, 2002 for addressing groundwater contamination in this area. Financial assurance shall be included in this plan.

For technical questions, you may contact Tony Russell at (601) 961-5318, or for legal questions you may contact me at (601) 961-5369.

Sincerely,



Kelly R. Riley  
Attorney

cc: Jerry Banks, P.E.  
Tony Russell  
William Cheney, Jr., Esq. (via facsimile only at 601-359-1461)



**FILE COPY**

STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

May 8, 2002

**Via Certified Mail and Facsimile**

Mr. Glen Pilie', Esq.  
Adams and Reese  
4500 One Shell Square  
701 Poydras Street  
New Orleans, LA 70139

Re: Gulf States Creosote Site  
*Remedial Action Work Plan* dated September 19, 2001  
Hattiesburg, Mississippi

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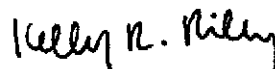
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Please respond to these comments/questions on or before Thursday, June 6, 2002. If there are initial questions raised by the contents of this letter, I encourage you to contact an agency representative at your earliest convenience. MDEQ further requests that the revised Remedial Action Work Plan be submitted by July 1, 2002. We should strive to work through any questions or concerns promptly so that Kerr-McGee will be in a position to respond to this letter in writing within the next thirty days and be prepared to submit the revised work plan by July 1.

For technical questions, please contact Tony Russell at (601) 961-5318, or for legal questions you may contact me at (601) 961-5369.

Sincerely,



Kelly R. Riley  
Attorney

cc: Jerry Banks, P.E.  
Tony Russell  
William Cheney, Jr., Esq. (via facsimile only at 601-359-1461)

# ADAMS AND REESE LLP

## Attorneys at Law

Baton Rouge  
Houston  
Jackson  
Mobile  
New Orleans  
Washington, DC

February 5, 2002

*Via Federal Express*

**Glen M. Pilié**  
(504) 585-0260  
piliigm@arlaw.com

Ms. Kelly Riley  
Mississippi Department of Environmental Quality  
Office of Administrative Services  
P. O. Box 20305  
Jackson, MS 39289-1305

Re: Former Gulf States Creosoting Site – Agreed Order No. 338197  
Hattiesburg, Mississippi  
Our File 298-240

Dear Kelly:

Attached please find a letter report from Kerr-McGee's consultant regarding the additional investigation conducted in the process area on January 24, 2002. As you will see, our consultants have concluded that the investigation did not encounter any free product or creosote saturated soils in any of the borings.

I trust this will conclude the investigation of the process area and allow MDEQ to focus on the remedial action plan as submitted by Kerr-McGee on September 19, 2001.

Very truly yours,

**ADAMS AND REESE LLP**



Glen M. Pilié

GMP/ss

Enclosure

cc (w/encl.):

Mr. J. B. Van Slyke, Jr.  
Mr. Don Barrett  
Mr. Robert Hammond

# MICHAEL PISANI & ASSOCIATES, INC.

Environmental Management and Engineering Services

1100 Poydras Street  
1430 Energy Centre  
New Orleans, Louisiana 70163  
Telephone (504) 582-2468  
Facsimile (504) 582-2470  
m.pisani@ix.netcom.com

13313 Southwest Freeway  
Suite 221  
Sugar Land, Texas 77478  
Telephone (281) 242-5700  
Facsimile (281) 242-1737  
dangle@orbitworld.net

February 5, 2002

Mr. Glen Pilié  
Adams and Reese  
4500 One Shell Square  
701 Poydras Street  
New Orleans, Louisiana 70139

RE: Results of Retort Building Area Soil Boring Program  
Former Gulf States Creosoting Site  
Hattiesburg, Mississippi

Dear Mr. Pilié:

On January 24, 2002, Michael Pisani & Associates, Inc. (MP&A) completed the soil boring program described in the attachment to your January 16, 2002 letter to Ms. Kelly Riley of MDEQ. The purpose of the boring program, which was approved by MDEQ in a letter dated January 23, 2002, was to determine the presence and extent of free product and/or creosote-saturated materials in the vicinity of the former retort building. Mr. Tony Russell of MDEQ and Mr. Keith Watson of Kerr-McGee were present to observe the field activities. This letter serves to document the results of the soil boring program. In brief, MP&A identified no free product or creosote-saturated materials during the boring program.

## **Soil Boring Procedures, Locations, and Depths**

Soil borings were advanced using a track-mounted Geoprobe, a hydraulic-driven rig employing direct-push technology. Borings were sampled continuously using 5-foot long, 3-inch outside diameter stainless steel sampling barrels equipped with clear plastic liners. Upon removal from the sampling barrel, soil cores were cut lengthwise to reveal a relatively undisturbed section of the soil column at each location. Soil type, texture, color, relative moisture content, and evidence of impacts were recorded on field boring logs. Copies of soil boring logs are provided as Attachment 1 to this letter.

Borings were advanced at the six locations depicted in the figure provided to MDEQ with the scope of work, and at one additional location requested in the field by Mr. Tony Russell

of MDEQ (see Figure 1). As specified by the January 16, 2002 scope of work, each boring was advanced to a depth at which no visibly-affected materials were present. Upon completion of the boring program, cement/bentonite grout was poured into each boring, and borings were probed to total depth with small-diameter PVC pipe to ensure that they had been completely filled with grout.

### **Results of the Soil Boring Program**

Fill materials are present adjacent to the former retort building, and throughout much of the former Process Area, to depths ranging from one to four feet below grade. Below the fill, stiff silty clay with minor amounts of sand was logged to total depth in each boring. Although portions of the surficial fill are black and contain asphalt-like materials, neither free product nor creosote-saturated materials were encountered in any of the seven borings advanced. Furthermore, visible evidence of impact did not extend to the top of ground water at any of the seven locations.

In two borings, GEO-91 and GEO-93, the base of the fill material exhibited higher relative moisture content and stronger organic odors than at the other locations. These two borings were located within grassy areas where no surface pavement is present to preclude the infiltration of precipitation. Kerr-McGee's proposed remedy (i.e., removal of saturated materials from previously identified subsurface features and capping of affected soils to be left in place) would remove the potential for such infiltration. We believe that with no surface infiltration of water, the black, asphalt-like material within the fill will desiccate. In addition, there will be no hydraulic "driver" for constituents in the fill to migrate vertically downward through the soil column.

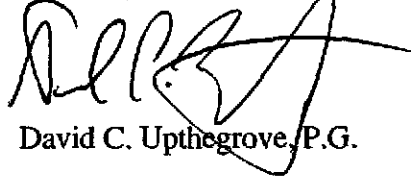
### **Recommendations**

MP&A identified no free product or creosote-saturated materials during the boring program. We therefore see no need to modify the containment remedy proposed in the September 19, 2001 *Remedial Action Work Plan* previously submitted to MDEQ.

Should you have any questions or require additional information, please call us.

Sincerely,

MICHAEL PISANI & ASSOCIATES, INC.



David C. Uptegrove, P.G.

cc: Keith Watson – Kerr-McGee

WEST PINE ST.

TIMOTHY LANE

COURTESY FORD

APPROXIMATE EXTENT OF RETORT BUILDING SLAB

GEO-89

GEO-87

SB13

GEO-88

WATER LINE TRENCH

SB6

GEO-90

WELL TRENCH

GEO-91

GEO-93

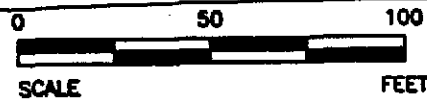
SB12

FOOTPRINT OF CYLINDRICAL TANK

**LEGEND**

- ⊗ EPS SOIL BORING LOCATION
- JANUARY 2002 KMC SOIL BORING LOCATION

BASE MAP FROM ATLANTIC TECHNOLOGIES, LTD., HUNTSVILLE, ALABAMA, APRIL 1, 1996



**MICHAEL PISANI & ASSOCIATES**  
 Environmental Management and Engineering Services  
 New Orleans, Louisiana      Houston, Texas

SCALE: 1"=50'

DWG. NO.: 21-04/269A

**FIGURE 1**  
SOIL BORING LOCATIONS

FORMER GULF STATES CREOSOTING SITE  
HATTIESBURG, MISSISSIPPI

**Attachment 1**  
**Soil Boring Logs**  
**Former Gulf States Creosoting Site**  
**Hattiesburg, Mississippi**

# MICHAEL PISANI & ASSOCIATES

Environmental Management and Engineering Services  
 New Orleans, Louisiana Houston, Texas

Boring/Well No.: GEO-87

Project: RETORT BUILDING ASSESSMENT Project No.: 21-04

Location: FORMER GULF STATES CREOSOTING SITE




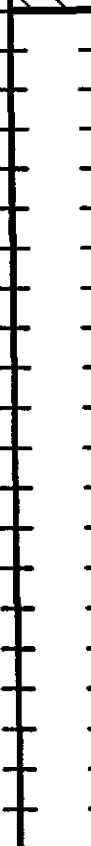
Surface Elev.: 191.30 FEET AMSL Boring T.D.: 10 FEET Boring Dia.: 3 INCHES

Date Started: 01/24/02 Date Completed: 01/24/02

Drilling Company: WALKER-HILL ENVIRONMENTAL Driller: T. CREEL

Drilling Method: GEOPROBE Grouting Method: CEMENT/BENTONITE GROUT

Logged by: DAVE UPTHEGROVE

DEPTH (FEET)	LITHOLOGY (GRAPHIC LOG)	WELL CONSTRUCTION	SAMPLE TYPE	PID (PPM)	SAMPLE RECOVERY (FEET/FEET)	DESCRIPTION INTERVAL (FEET)	SOIL DESCRIPTION
0							
0-5					4.0/5	0-5	1.2' FILL: GRAVEL AND CLAY, SOME RED SAND, SOME BLACK ASPHALT-LIKE MATERIAL, DRY TO SLIGHTLY MOIST, NO ODOR, THEN SILTY CLAY: TAN AND LIGHT GRAY, MOIST TO VERY MOIST (AT FILL/CLAY INTERFACE), MEDIUM STIFF TO STIFF, MINERAL STAINING AND NODULES
5-10					5.0/5	5-10	SILTY CLAY: TAN AND LIGHT GRAY, MOIST, VERY STIFF TO HARD, MINERAL STAINING, NO BLACK STAINING OR ORGANIC ODOR
10-30							



# MICHAEL PISANI & ASSOCIATES

Environmental Management and Engineering Services

New Orleans, Louisiana

Houston, Texas

Boring/Well No.: GEO-88

Project: RETORT BUILDING ASSESSMENT Project No.: 21-04

Location: FORMER GULF STATES CREOSOTING SITE

Surface Elev.: 190.92 FEET AMSL Boring T.D.: 10 FEET Boring Dia.: 3 INCHES

Date Started: 01/24/02 Date Completed: 01/24/02

Drilling Company: WALKER-HILL ENVIRONMENTAL Driller: T. CREEL

Drilling Method: GEOPROBE Grouting Method: CEMENT/BENTONITE GROUT

Logged by: DAVE UPTHEGROVE

DEPTH (FEET)	LITHOLOGY (GRAPHIC LOG)	WELL CONSTRUCTION	SAMPLE TYPE	PID (PPM)	SAMPLE RECOVERY (FEET/FEET)	DESCRIPTION INTERVAL (FEET)	SOIL DESCRIPTION
0					3.9/5	0-5	2.4' FILL: TAN AND RED CLAY, GRAVEL, AND BLACK ASPHALT-LIKE MATERIAL, NO ORGANIC ODOR, THEN SILTY CLAY: TAN AND LIGHT GRAY, SOFT TO STIFF (STIFFNESS INCREASING WITH DEPTH), MINERAL STAINING, NO BLACK STAINING OR ORGANIC ODOR
5					4.5/5	5-10	SILTY CLAY: LIGHT GRAY AND TAN WITH ABUNDANT ORANGE AND RED MINERAL STAINING, MOIST, VERY STIFF TO HARD, NO BLACK STAINING OR ORGANIC ODOR
10							
15							
20							
25							
30							

# MICHAEL PISANI & ASSOCIATES

Environmental Management and Engineering Services  
 New Orleans, Louisiana Houston, Texas

Boring/Well No.: GEO-89

Project: RETORT BUILDING ASSESSMENT Project No.: 21-04

Location: FORMER GULF STATES CREOSOTING SITE




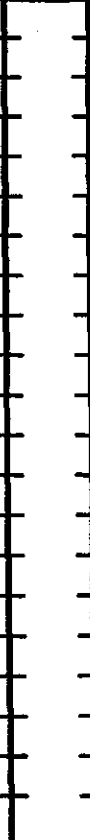
Surface Elev.: 191.69 FEET AMSL Boring T.D.: 10 FEET Boring Dia.: 3 INCHES

Date Started: 01/24/02 Date Completed: 01/24/02

Drilling Company: WALKER-HILL ENVIRONMENTAL Driller: T. CREEL

Drilling Method: GEOPROBE Grouting Method: CEMENT/BENTONITE GROUT

Logged by: DAVE UPTEGROVE

DEPTH (FEET)	LITHOLOGY (GRAPHIC LOG)	WELL CONSTRUCTION	SAMPLE TYPE	PID (PPM)	SAMPLE RECOVERY (FEET/FEET)	DESCRIPTION INTERVAL (FEET)	SOIL DESCRIPTION
0							
0 - 5					3.5/5	0-5	1.9' FILL: BLACK ASPHALT-LIKE MATERIAL WITH SOME CLAY, SLIGHT ORGANIC ODOR, VERY MOIST AT BASE, THEN SILTY CLAY: TAN AND LIGHT GRAY, MOIST, SOFT, MINERAL STAINING, NO BLACK STAINING OR ORGANIC ODOR
5 - 10					3.9/5	5-10	SILTY CLAY: TAN AND LIGHT GRAY, SLIGHTLY MOIST, VERY STIFF TO HARD, NO BLACK STAINING OR ORGANIC ODOR
10 - 30							

# MICHAEL PISANI & ASSOCIATES

Environmental Management and Engineering Services  
 New Orleans, Louisiana Houston, Texas

Boring/Well No.: GEO-90

Project: RETORT BUILDING ASSESSMENT Project No.: 21-04

Location: FORMER GULF STATES CREOSOTING SITE


Surface Elev.: 190.95 FEET AMSL Boring T.D.: 10 FEET Boring Dia.: 3 INCHES

Date Started: 01/24/02 Date Completed: 01/24/02

Drilling Company: WALKER-HILL ENVIRONMENTAL Driller: T. CREEL

Drilling Method: GEOPROBE Grouting Method: CEMENT/BENTONITE GROUT


Logged by: DAVE UPTHEGROVE

DEPTH (FEET)	LITHOLOGY (GRAPHIC LOG)	WELL CONSTRUCTION	SAMPLE TYPE	PID (PPM)	SAMPLE RECOVERY (FEET/FEET)	DESCRIPTION INTERVAL (FEET)	SOIL DESCRIPTION
0					4.3/5	0-5	2.5' FILL: BROWN CLAY WITH SOME BLACK ASPHALT-LIKE MATERIAL, ORGANIC ODOR AND BLACK STAINING, NO FREE LIQUIDS, THEN SILTY CLAY: GRAY AND TAN, VERY MOIST AT TOP, MOISTURE DECREASING WITH DEPTH, SOFT TO MEDIUM STIFF, NO BLACK STAINING OR ORGANIC ODOR
5					4.0/5	5-10	SILTY CLAY: LIGHT GRAY AND TAN, MOIST, VERY STIFF TO HARD, ABUNDANT MINERAL STAINING (ORANGE AND RED), SLIGHT ORGANIC ODOR, NO BLACK STAINING
10							
15							
20							
25							
30							

Project: RETORT BUILDING ASSESSMENT      Project No.: 21-04  
 Location: FORMER GULF STATES CREOSOTING SITE  
 Surface Elev.: 190.86 FEET AMSL      Boring T.D.: 20 FEET      Boring Dia.: 3 INCHES  
 Date Started: 01/24/02      Date Completed: 01/24/02  
 Drilling Company: WALKER-HILL ENVIRONMENTAL      Driller: T. CREEL  
 Drilling Method: GEOPROBE      Grouting Method: CEMENT/BENTONITE GROUT  
 Logged by: DAVE UPTHEGROVE

DEPTH (FEET)	LITHOLOGY (GRAPHIC LOG)	WELL CONSTRUCTION	SAMPLE TYPE	PID (PPM)	SAMPLE RECOVERY (FEET/FEET)	DESCRIPTION INTERVAL (FEET)	SOIL DESCRIPTION
0					4.5/5	0-5	3.5' FILL: TAN CLAY AND BLACK GRAVELLY ASPHALT-LIKE MATERIAL, BLACK STAINING AND ORGANIC ODOR, NO FREE LIQUIDS, THEN SILTY CLAY: TAN AND LIGHT GRAY, MOIST, STIFF, MINERAL STAINING, BLACK STAINING AND ORGANIC ODOR
5					4.5/5	5-10	SILTY AND SANDY CLAY: TAN AND LIGHT GRAY, MOIST, FRIABLE, ORGANIC ODOR AND ISOLATED POCKETS OF BLACK STAINING
10					4.3/5	10-15	AS ABOVE, BECOMING STIFF AND SILTIER WITH LESS BLACK STAINING AND LESS ODOR AT DEPTH
15					4.5/5	15-20	SILTY CLAY: LIGHT GRAY WITH ORANGE AND PINK MINERAL STAINING, MOIST, VERY STIFF TO HARD, NO BLACK STAINING, SLIGHT ORGANIC ODOR
20							
25							
30							

Project: RETORT BUILDING ASSESSMENT Project No.: 21-04  
 Location: FORMER GULF STATES CREOSOTING SITE  
 Surface Elev.: 190.37 FEET AMSL Boring T.D.: 15 FEET Boring Dia.: 3 INCHES  
 Date Started: 01/24/02 Date Completed: 01/24/02  
 Drilling Company: WALKER-HILL ENVIRONMENTAL Driller: T. CREEL  
 Drilling Method: GEOPROBE Grouting Method: CEMENT/BENTONITE GROUT  
 Logged by: DAVE UPTHEGROVE

DEPTH (FEET)	LITHOLOGY (GRAPHIC LOG)	WELL CONSTRUCTION	SAMPLE TYPE	PID (PPM)	SAMPLE RECOVERY (FEET/FEET)	DESCRIPTION INTERVAL (FEET)	SOIL DESCRIPTION
0					4.5/5	0-5	2.8' FILL: GRAVEL, SANDY CLAY AND BRICK, MOIST, BLACK STAINING AND ORGANIC ODOR, THEN SILTY CLAY: TAN AND LIGHT GRAY, MOIST, SOFT TO STIFF (STIFFNESS INCREASING WITH DEPTH), ORGANIC ODOR, BUT NO BLACK STAINING
5					4.4/5	5-10	SILTY AND SANDY CLAY: LIGHT GRAY AND TAN, MOIST, VERY STIFF TO HARD, ISOLATED BROWN STAINING IN FISSURES, ORGANIC ODOR
10					4.3/5	10-15	SILTY CLAY: LIGHT GRAY WITH ORANGE MINERAL STAINING, MOIST, VERY STIFF TO HARD, ISOLATED BROWN STAINING IN FISSURES TO 11.6', BELOW THAT, ORGANIC ODOR BUT NO STAINING
15							
20							
25							
30							

# MICHAEL PISANI & ASSOCIATES

Environmental Management and Engineering Services  
 New Orleans, Louisiana Houston, Texas

Boring/Well No.: GEO-93

Project: RETORT BUILDING ASSESSMENT Project No.: 21-04

Location: FORMER GULF STATES CREOSOTING SITE


Surface Elev.: 190.62 FEET AMSL Boring T.D.: 10 FEET Boring Dia.: 3 INCHES

Date Started: 01/24/02 Date Completed: 01/24/02

Drilling Company: WALKER-HILL ENVIRONMENTAL Driller: T. CREEL

Drilling Method: GEOPROBE Grouting Method: CEMENT/BENTONITE GROUT

Logged by: DAVE UPTHEGROVE

DEPTH (FEET)	LITHOLOGY (GRAPHIC LOG)	WELL CONSTRUCTION	SAMPLE TYPE	PID (PPM)	SAMPLE RECOVERY (FEET/FEET)	DESCRIPTION INTERVAL (FEET)	SOIL DESCRIPTION
0							
0 - 5					3.7/5	0-5	2.6' FILL: RED SAND, TAN CLAY AND BLACK GRAVELLY ASPHALT-LIKE MATERIAL, THEN SANDY CLAY: TAN, MOIST, SOFT TO MEDIUM STIFF, ORGANIC ODOR AND SOME BLACK STAINING
5 - 10					4.1/5	5-10	SILTY CLAY: LIGHT GRAY AND TAN, MOIST, STIFF TO VERY STIFF, MINERAL STAINING, ISOLATED BROWN STAINING IN FISSURES, (DECREASING WITH DEPTH), ORGANIC ODOR
10 - 30							



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

## MEMORANDUM

---

**TO:** Gulf States Creosote Site File  
**FROM:** Tony Russell *TR*  
**DATE:** January 25, 2002  
**SUBJECT:** Additional inv. work conducted January 24, 2002

---

I met with Dave Upthegrove (Michael Pisanti & Associates) and Keith Watson (Kerr McGee) at the site in Hattiesburg on January 24, 2002, to observe additional investigation work required by MDEQ. The investigation was conducted around the old retort building slab located directly behind Courtesy Ford. The approximate corners of the subsurface slab were marked by a surveyor. Each boring was conducted within three feet of the approximate edge of the slab except for GEO 93. No subsurface obstructions were encountered during the investigation. Seven locations (GEO 87 through GEO 93) were investigated with a Geoprobe boring rig. Creosote contaminated soil was detected in borings GEO 91, 92, and 93. The gross contamination was between approximately 2 to 4 feet in each boring. Odors were noticeable down to total depth of each of these three borings. Some creosote staining was noticeable at depth. However, the staining did appear to diminish with depth.

A two inch PVC pipe was observed protruding 2 inches above ground near GEO 91. An attempt to check the total depth of the pipe revealed that the pipe extends below ground more than 35 feet. The total depth is still unknown. The end of a plastic coke container was placed over the hole in an attempt to prevent the intrusion of rain water. Dave is to check the file and see if he can determine who may have put the pipe there and for what reason. If a responsible party can be identified, they will be required to plug and abandon the pipe.

C:\Old Hard drive\My Documents\Gulf States Creosote\Gulf States Creosote trip memo to file 1-25-02.doc

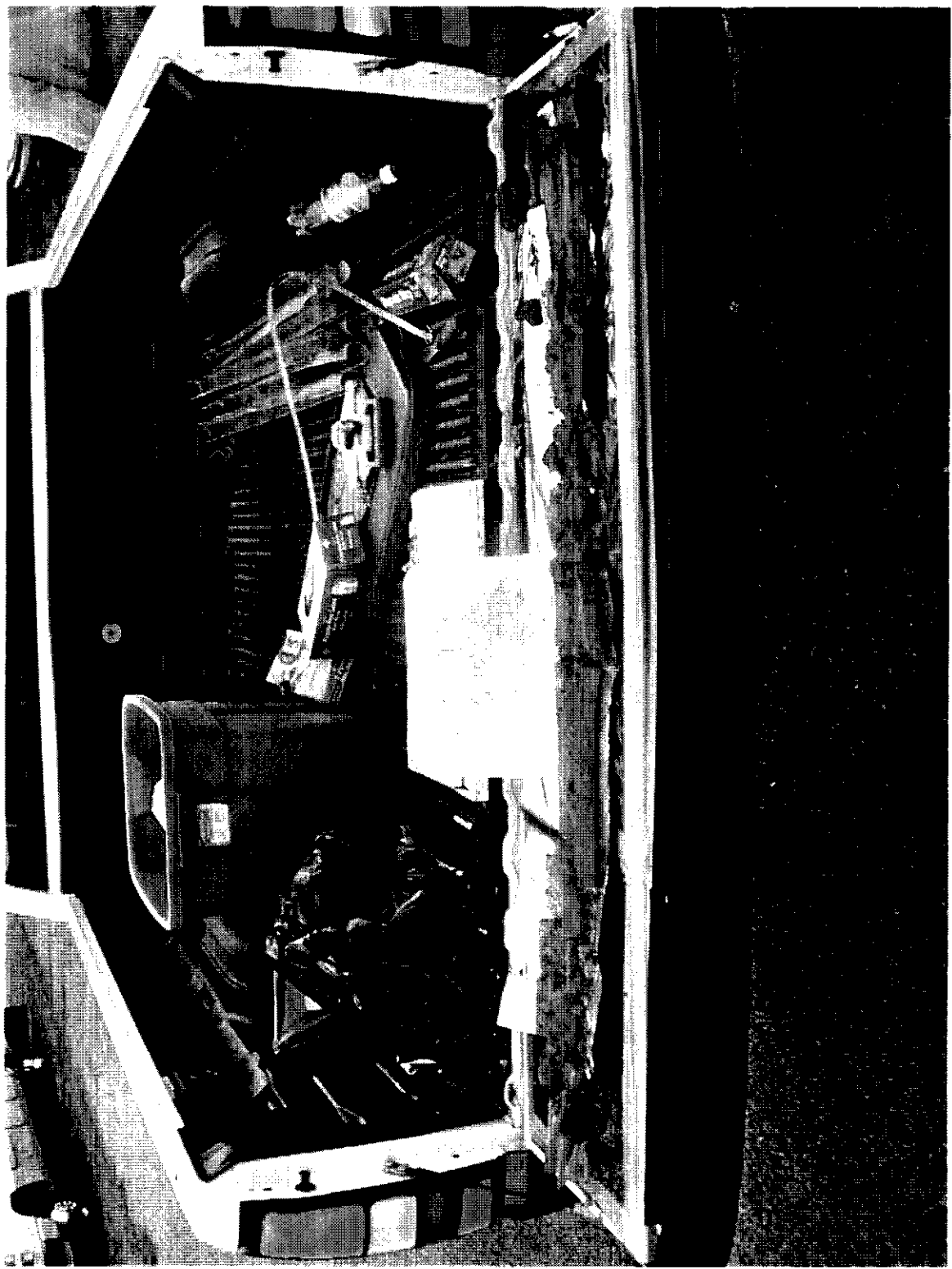


Gulf States Livestock Live  
Hoff'sburg, Ms.

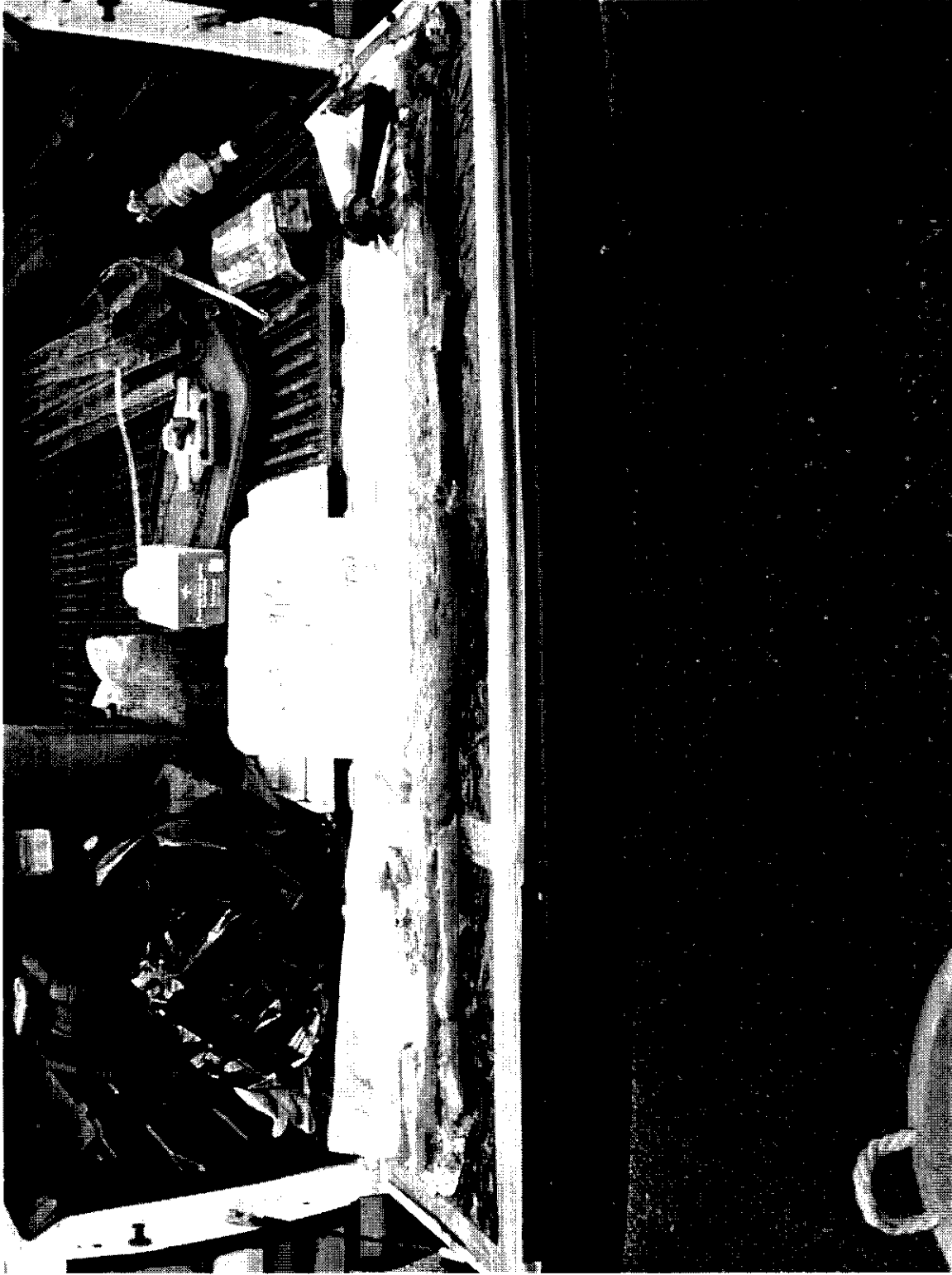
1/24/02

GEO 91 (0.5 feet)





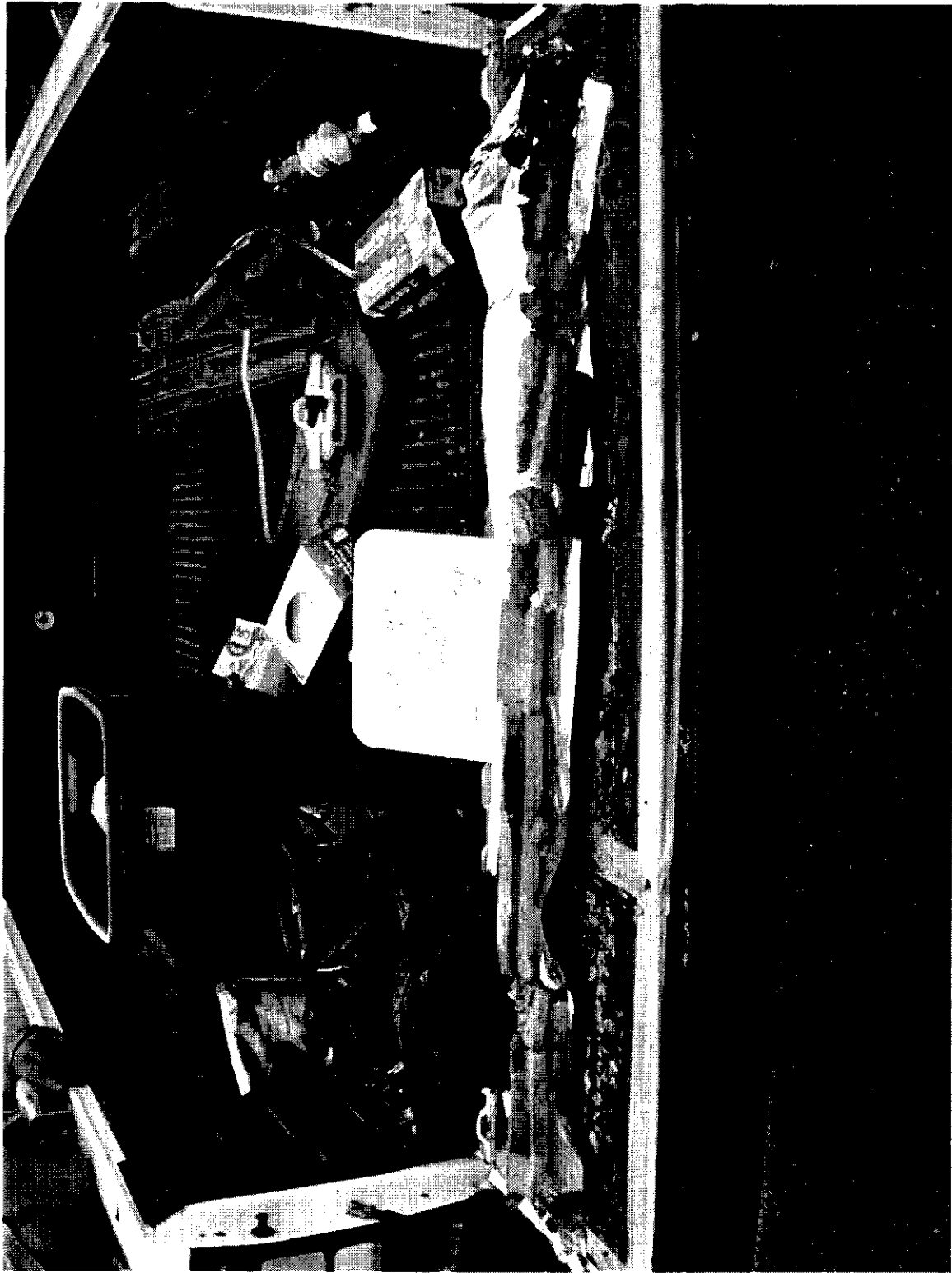
Gulf States Curosoke Site  
New Orleans, MS.  
1/24/02  
GED 91 (5 to 10 feet)



Gulf Shores Geosite Site  
Methuenburg, MS,

1/24/02

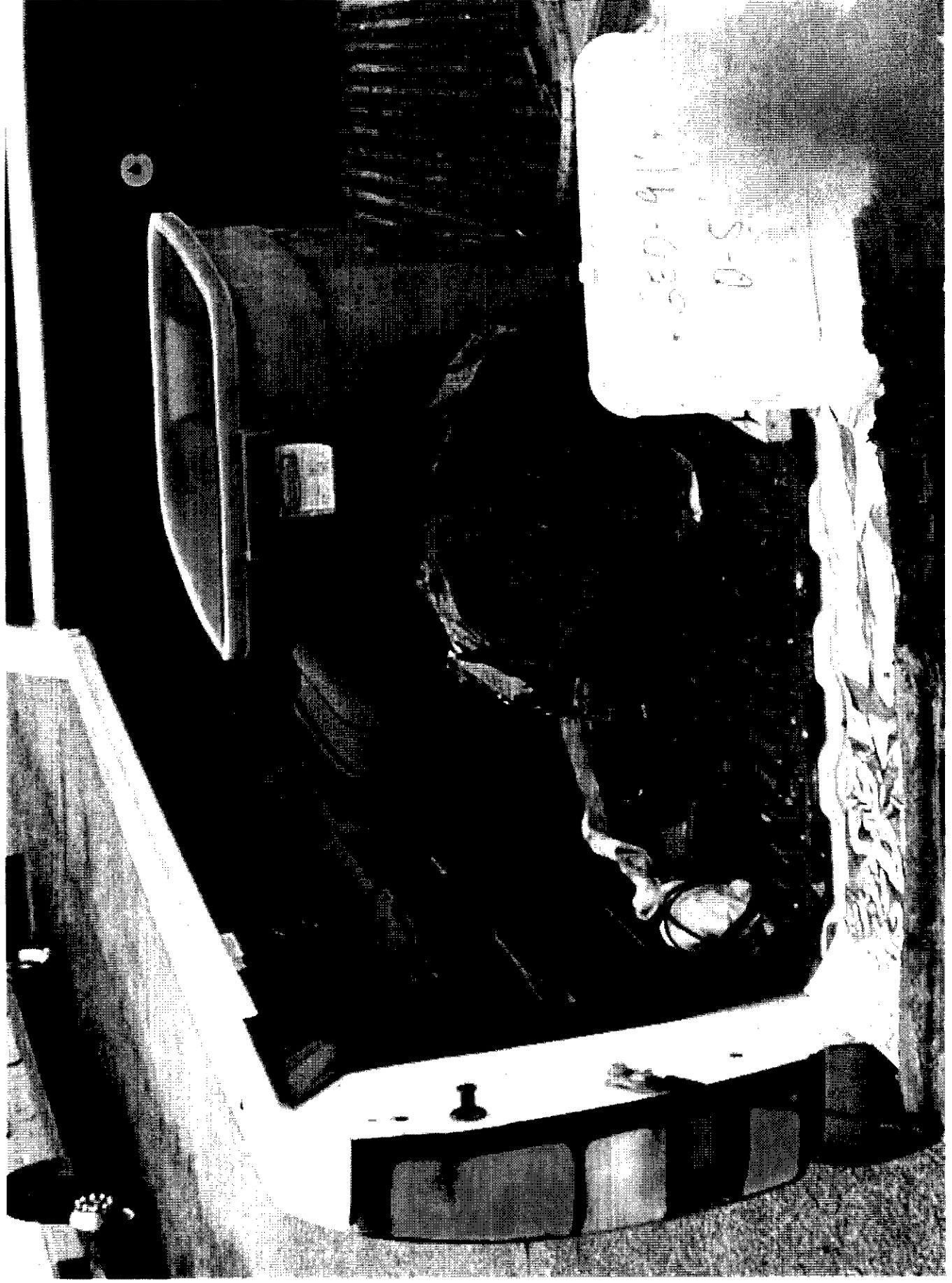
GED 91 (10-15 feet)



Gulf States Excavator Site  
Hattiesburg, MS,

1/24/02

GED 91 (15 - 20 feet)



Gulf States Concrete Siding, At Hillsburg, MS  
GEO 91 (O-S feat)

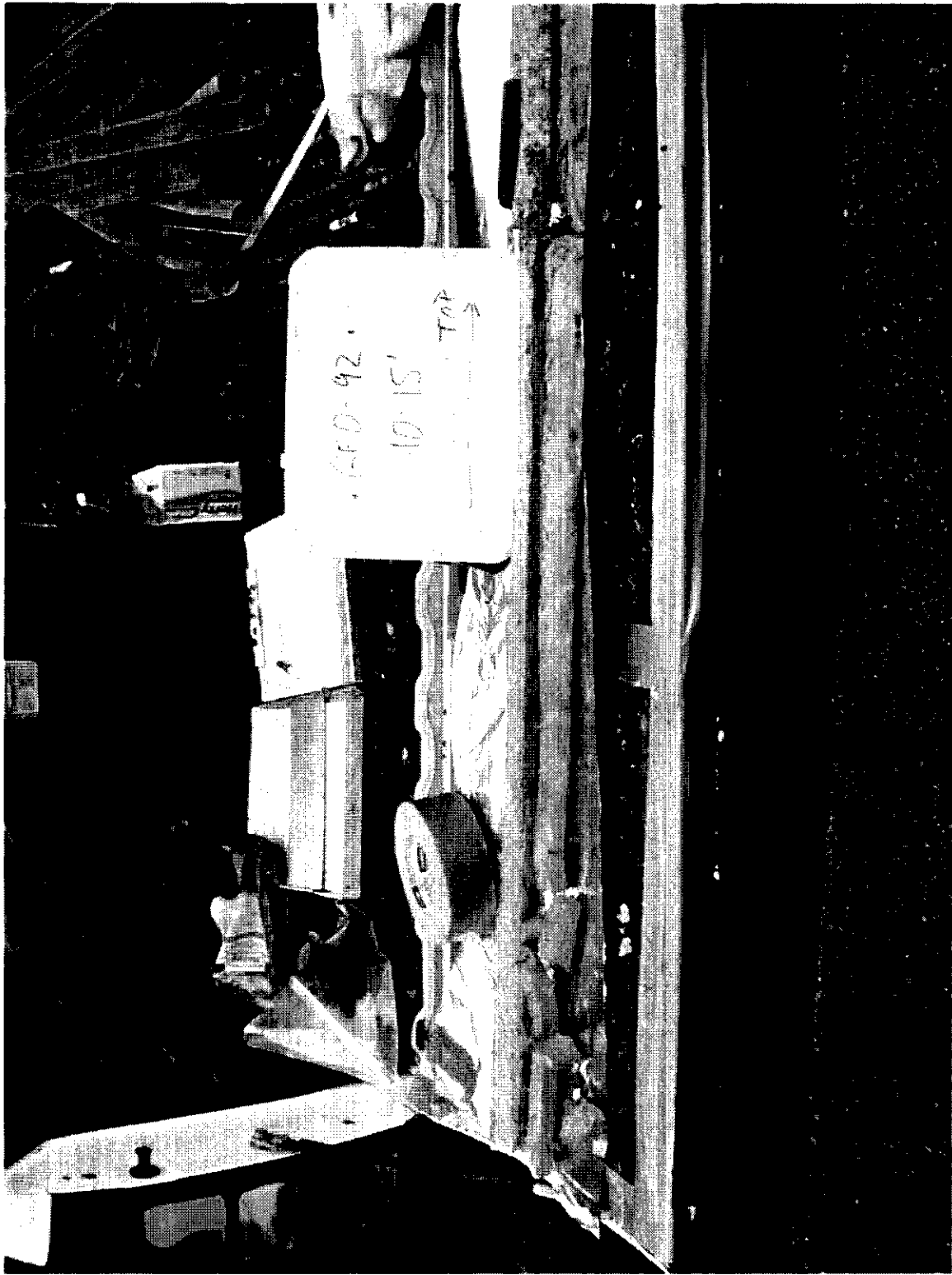


Gulf States Creosote Site

HATTIESBURG, MS

1/29/02

GEO 92 (5-10 final)



Gulf States Concrete Lite  
Holtzsbury, Mrs.

1/24/02

GEE 92 (10-15 feet)



Gulf States Concrete Site

M. H. Esbary & M.S.

1/24/02

GED 93 (0-5 feet)



Gulf States Concrete Site

Mathiesburg, MS

1/24/02

GED 93 (5-10 feet)





Gen/F Stake Co Lacrosse Site, Lakesburg, MS,  
GED 93 (0-5 feet)



Gulf States Lime site site

Hattiesburg, Ms.


1/24/62

Unknown 2" pipe protruding  $\pm$  2" above ground surface  
Depth unknown -  $>$  35 feet



Gulf States Core site  
Hathesburg, Ms.  
1/24/02  
GEO 93 surface location

FAX

To: Dave Upthegrove	From: TONY RUSSELL
	Office of Pollution Control P. O. Box 10385 Jackson, MS 39289-0385
	 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
Phone: 504-582-2468	Phone: (601) 961- 5318
Fax: 504-582-2470	Fax: (601) 961- 5300

Date: January 23 ,2002       Routine      Priority

Number of pages, including this one: 2

Messages: Scope of work approved. Call me if you have any questions, if not see you in the morning.

Tony



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

FILE COPY

January 23, 2002

Mr. Glen M. Pilie', Esq.  
Adams and Reese, LLP  
4500 One Shell Square  
New Orleans, LA 70139

RE: Gulf States Creosote Site  
*Proposed Scope of Work for Soil Boring Program Former Process Area*  
dated January 16, 2002  
Hattiesburg, Mississippi

Dear Mr. Pilie':

The Mississippi Department of Environmental Quality (MDEQ) has reviewed the proposed scope of work and concurs with the soil boring program. It is MDEQ's understanding that if the initial boring locations encounter a concrete pad/barrier beneath the surface that the borings will be stepped-out.

The soil cuttings generated during the investigation shall be handled according to EPA regulations for investigation derived waste.

Please call me at 601-961-5318, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Russell".

Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Kelly Riley

C:\Old Hard drive\My Documents\Gulf States Creosote\Gulf States Creosote soil boring program approved 1-23-02.doc

# FAX

**Date** *January 23, 2002*

**Number of pages including cover sheet** *5*

**TO:** *Tony Russell*  
*MDEQ*

**Phone** *601.961.5171*  
**Fax Phone** *601.961.5300*

**FROM:** *Dave Upthegrove*  
*Michael Pisani &*  
*Associates, Inc.*  
*1430 Energy Centre*  
*1100 Poydras Street*  
*New Orleans, LA 70163*

**Phone** *504.582.2468*  
**Fax Phone** *504.582.2470*

**CC:**

**Phone**  
**Fax Phone**

**REMARKS:**  *Urgent*  *For your review*  *Reply ASAP*  *Please Comment*

Tony:

Please review the attached and call me with any questions or comments.

Regards,

Dave

# ADAMS AND REESE LLP

**Attorneys at Law**  
Baton Rouge  
Houston  
Jackson  
Mobile  
New Orleans  
Washington, DC

January 16, 2002

**Glen M. Pilié**  
(504) 585-0260  
piliégm@arlaw.com

**Via Facsimile No. 601-961-5349**  
**and United States Mail**

Ms. Kelly Riley  
Mississippi Department of Environmental Quality  
Office of Administrative Services  
P. O. Box 20305  
Jackson, MS 39289-1305

**Re: Former Gulf States Creosoting Site – Agreed Order No. 338197**  
**Hattiesburg, Mississippi**  
**Our File 298-240**

Dear Kelly:

As discussed at our meeting on January 11, 2002, attached is a brief work plan from Kerr-McGee to conduct additional soil borings in the process area as requested by MDEQ. Upon approval of the attached work plan, Kerr-McGee is prepared to conduct the work described therein.

Thanks again for the time spent by you and Tony Russell in meeting with us on January 11<sup>th</sup>.

With kind regards, I remain

Very truly yours,

ADAMS AND REESE L.L.P.

  
Glen M. Pilié

GMP/rye

Enclosure

cc (w/encl.):

Mr. J. B. Van Slyke, Jr.  
Mr. Don Barrett  
Mr. Robert Hammond

Ms. Kelly Riley  
January 16, 2002  
Page 2

bcc (w/encl.):

Mr. William O. Green, III  
Mr. Richard F. Yarborough, Jr.  
Mr. Keith Watson  
Mr. Nick Bock  
Mr. Dave Upthegrove ✓



**Proposed Scope of Work for Soil Boring Program  
Former Process Area**

**Gulf States Creosoting Site  
Hattiesburg, Mississippi**

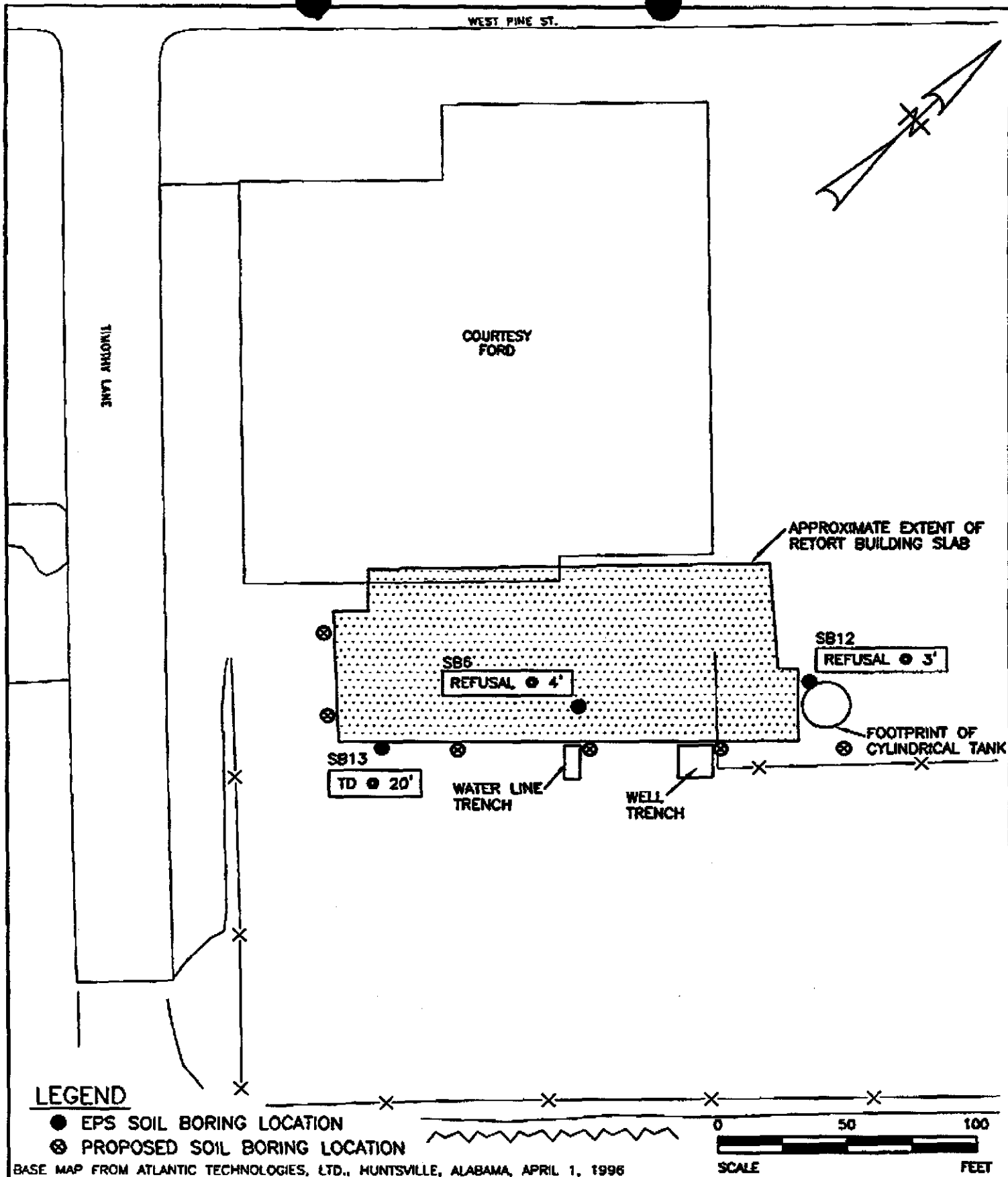
**Proposed Soil Boring Program**

KMC plans to advance Geoprobe borings at the approximate locations depicted on Figure 1. Prior to advancing borings, it will be necessary to core through existing surface concrete at several locations. Each boring will be advanced to a depth at which no visibly-affected soils are present or to the top of ground water, whichever is shallower. Borings will be sampled continuously, with soil type, texture, color, relative moisture content, and evidence of impacts from former site operations recorded on field boring logs. No samples will be submitted for laboratory analysis. Once completed, cement-bentonite grout will be pumped into each boring through rigid tremie pipe from the base of the borehole to land surface.

If free product or creosote-saturated materials are encountered in any of the borings, KMC will attempt to delineate the extent of such materials. The September 19, 2001 *Remedial Action Work Plan* will be modified as appropriate to address free product or creosote-saturated soils detected in the vicinity of the slab for the former retort building.

**Schedule**

We proposed to complete the assessment activities described herein on January 24, 2002. We anticipate that the field program can be completed in a single day, but if necessary, we will finish up on January 25. Field activities will not commence until MDEQ approval of the proposed program has been received.



**LEGEND**

- EPS SOIL BORING LOCATION
- ⊗ PROPOSED SOIL BORING LOCATION

BASE MAP FROM ATLANTIC TECHNOLOGIES, LTD., HUNTSVILLE, ALABAMA, APRIL 1, 1996

**MICHAEL PISANI & ASSOCIATES**  
 Environmental Management and Engineering Services  
 New Orleans, Louisiana      Houston, Texas

SCALE: 1"=50'      DWG. NO.: 21-04/268A

**FIGURE 1**  
**PROPOSED SOIL BORING LOCATIONS**  
 FORMER GULF STATES CREOSOTING SITE  
 HATTESBURG, MISSISSIPPI

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
MEETING ATTENDEES LIST**

**DATE:** January 11, 2002

**SITE NAME:** Gulf States Creosote

**LOCATION:** Hattiesburg, MS

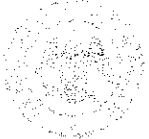
PARTICIPANT	COMPANY	PHONE NUMBER
Tony Russell	MDEQ - HWD	601-961-5318
Kelly Riley	MDEQ - Legal	601-961-5369
Steve P... Nick Boek	Ken McCall Ken McCall	507-585-0260 405 270 2394
KEITH WATSON	..	405-270-3747
Dave Uptegrove	Ken McCall	514.582.2460

**SUMMARY:**

Dave gave an overview of past investigations at the site. The City of Hattiesburg has made it known that they will pass a City Ordinance that no wells can be drilled within the City limits without approval from the City.

They found no free product in MW-1 when they gauged the wells in December. They will investigate the two other areas of concern with a Geoprobe rig. Will probe in six locations around the perimeter of the retort building slab. Set up investigation within the next two weeks.

Want DEQ to reclassify some of the waste within the process as non-hazardous so that it can be used as energy fuel. They would manifest and handle the waste the same as they would a hazardous waste, but would send it to be used as an energy fuel.

  
STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

December 18, 2001

Via Facsimile (504-566-0210) and U.S. Mail

Glen M. Pilie, Esq.  
Adams and Reese L.L.P.  
4500 One Shell Square  
701 Poydras Street  
New Orleans, LA 70139

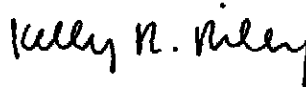
Dear Glen:

You initially requested a meeting on December 19, 2001 at 10:00 a.m. to discuss Kerr-McGee's proposed response to MDEQ's request for further investigation of certain areas in the former process area. On December 4, 2001, I requested by way of email that a conference call take place in lieu of a meeting in order to expedite the matter. You declined and stated that Kerr-McGee wanted to reschedule the original December 19 meeting for January 10, 2002. Please note that we are unable to meet on January 10, but are available to meet on January 11, 2002. I hope this is acceptable to you and your client in order to avoid further delay.

Please let me know if January 11, 2002 is acceptable and if so, what time will work for you all. We would request that the meeting be held in the afternoon, but are flexible if the morning is better for you. The meeting will be held at our downtown office located at 101 Capitol Street in Jackson.

Should you have any questions, please let me know.

Sincerely,



Kelly R. Riley  
Attorney

cc:

  
Environmental Permits Division – file copy

MEMO TO: File  
FROM: Kelly Riley *WR*  
DATE: November 21, 2001  
RE: Kerr-McGee, Hattiesburg

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FILE COPY

On November 20, 2001, Glen Pilie, Robert Vosbein, Don Barrett, Chuck Barlow and I held a conference call to discuss the status of this site and the remediation plans associated with the site.

Glen asked if MDEQ has a fundamental problem with capping, deed restrictions, monitoring, etc. We stated that MDEQ does not have a problem with containing and capping as long as there is no threat to the groundwater. Glen expressed his concern about whether significant contamination is just "free product" or if it encompasses all stained soil. Chuck explained that it depends on the product and the location, and further stated that the technical staff would have to make that decision. I stated that all free product or saturated soils would have to be removed.

Glen expressed a problem with trenching down to get under the old foundations – in the Courtesy Ford area. He wanted to know how to do that practically. Glen is going to check with Kerr-McGee's technical staff to determine if this can be done with a geoprobe or if it will be major construction.

Don asked Glen about a time frame for getting back with MDEQ and getting this fieldwork completed. Glen stated he would try to get with his client the week of November 26 regarding the trenching work, then call Jerry Banks to discuss what type of under-foundation probing must be done.



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**FILE COPY**

November 14, 2001

**Via Facsimile and U.S. Mail**

Mr. Glen Pilié, Esq.  
Adams and Reese  
701 Poydras Street  
Suite 4500  
New Orleans, Louisiana 70139

Re: Kerr-McGee Chemical Corporation, Former Gulf States Creosote Site  
Hattiesburg, Forrest County, MS

Dear Mr. Pilié:

In continuing our review and assessment of the Gulf States Creosote site, the Mississippi Department of Environmental Quality (the Department) has additional comments regarding proposed remediation plans for the "Process Area." This letter serves to memorialize our conference call of October 17, 2001, and to explain in further detail the areas that require further investigation and possibly remediation at this time, and what action the Department is asking Kerr-McGee to take in order to determine if the proposed plan needs to be changed to reflect remediation of those areas.

In this ongoing effort to assure that the Gulf States Creosote site is adequately assessed, the Department conducted a thorough review of all information submitted to date. At this time, the Department is requiring Kerr-McGee to perform additional investigation as follows:

- (1) MW-1 (SB10) – The original well that was improperly installed revealed free product. This well subsequently was replaced with a properly installed well. This well should be inspected to determine if free product is present in the well. If there is no free product in the well then no further action is needed at this time regarding this well. However, if the well contains free product, then removal of free product and further investigation around this well will be required.
- (2) Trench/Well area – There is an area on the southeast side of the

FILE COPY

old treating room/oil tanks location that requires further investigation to determine whether contamination is present. Photographs taken in 1994 (which are included in this public file) of trenching in this area indicate the presence of significantly contaminated soils.

- (3) Treating Room exit – The area on the southwest corner of the treating room where the lumber/ties/poles left the treating room requires further investigation due to the potential for significant drippage and contamination.

The areas generally discussed above are highlighted on the enclosed map to assure identification of these areas. As discussed, the area around the old treating room/oil tanks has considerable debris and is difficult to characterize. Also, it was indicated that a concrete pad is located about three feet below the surface. The pad may be the foundation of the old structure. If trenching alongside the old foundation in the indicated areas is not possible, Kerr-McGee may use a geoprobe to go along the side of and below the foundation or propose another acceptable investigative method. It is necessary to investigate further in these two areas below the foundation.

If significant contamination exists under the foundation, the contamination may constitute a continuing source of contamination to the groundwater. The present remediation plan contemplates no groundwater remediation. Monitoring is proposed to determine any migration of contaminated groundwater and degradation of the contaminants in the contaminated groundwater. Obviously, contamination will migrate and not degrade as proposed if there is a contamination source left in place to impact the groundwater. Significant contamination under the foundation may require a removal action.

As I stated during the last conference call, the Department has no intention of delaying this project or causing the company to spend more time and money than necessary to adequately assess and remediate the site. However, as you are aware, it is the responsibility of the Department to ensure adequate protection of human health and the environment. The remediation of this site, like most wood treating sites, is very complex. The remediation of this site further is complicated by the fact that it is buried under fill and has commercial businesses operating on it. We must assure that whatever final remediation plan is approved by the Department is protective of both the public and the environment.

This letter identifies the Department's requirements at this time. However, if cleanup standards change or additional information becomes available that warrants further investigation, the Department may require additional investigation or remedial actions.

The Department does not anticipate that the additional investigative work will require a great deal of time. Since Kerr-McGee desires to move forward expeditiously,

Letter: Mr. Glen Pilié

November 14, 2001

Page 3

MDEQ requests that a letter outlining the proposed scope of work be submitted for approval by November 30, 2001. The letter shall include a proposed schedule and a figure showing areas to be investigated. A report of findings must be submitted to MDEQ within two weeks of completion of field work. Additionally, we request as much advance notice of the anticipated field work as possible so that we may have personnel observe this work. Should you have any questions regarding the contents of this letter, please contact me at your earliest convenience at 961-5221 or for any legal related inquiries, please contact Kelly Riley at 961-5369.

Sincerely,



Jerry Banks, Chief  
Hazardous Waste Division

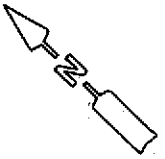
Enclosure

cc: Kelly Riley  
Tony Russell

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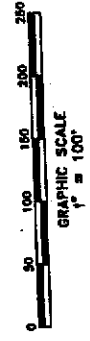


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- LEGEND**
- POWER POLE
  - APPROXIMATE BORING LOCATIONS (18)
  - MONITORING WELLS (4)
  - - - TRENCH
  - ▨ DITCH

**FIGURE 2  
SAMPLING LOCATIONS**



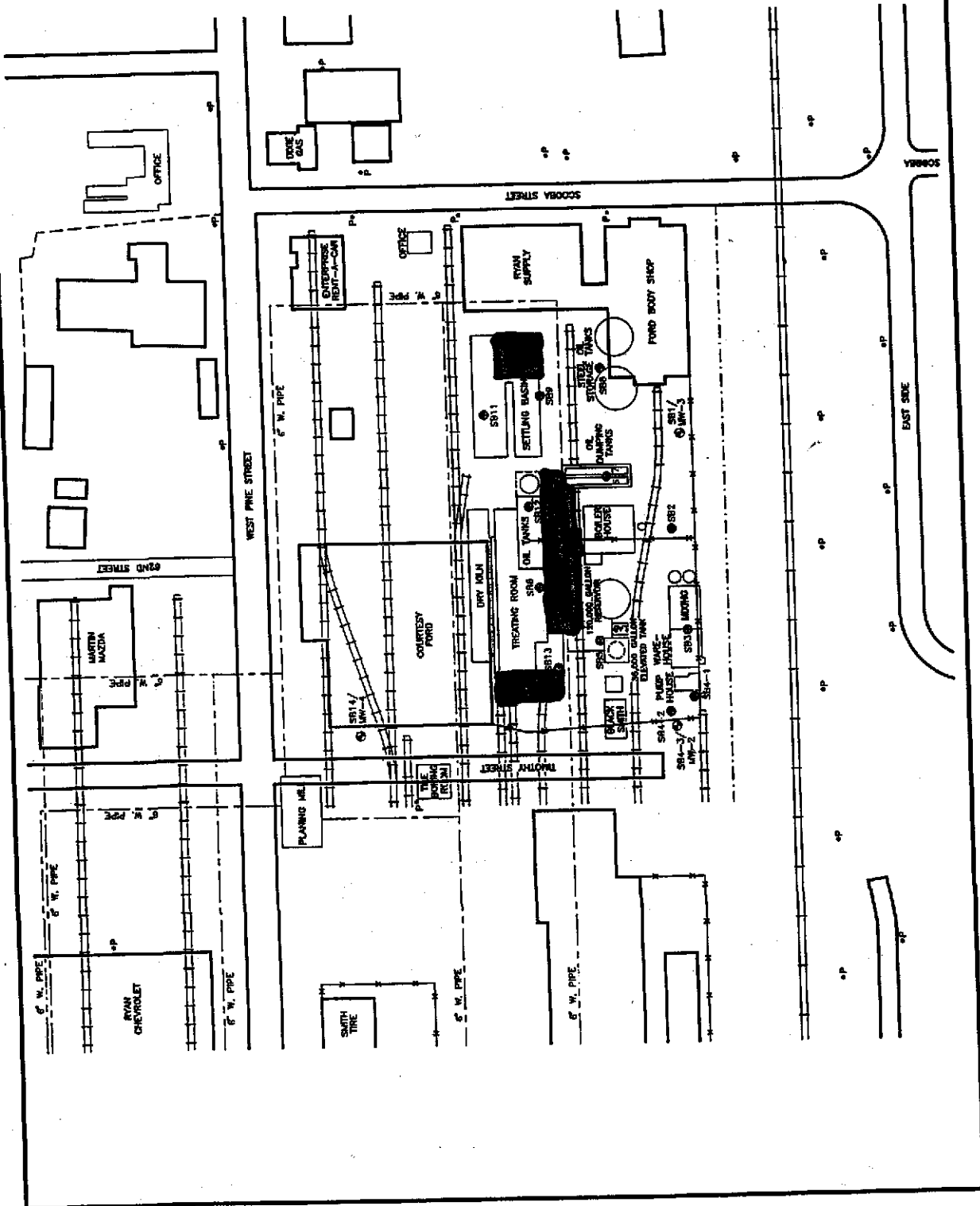
**E** Environmental Protection Systems  
 5808 L-88 NORTH JACKSON, MISSISSIPPI 39211

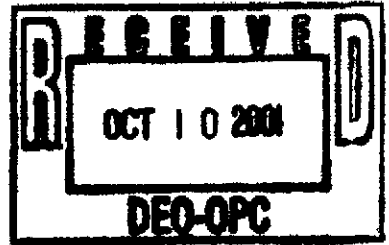
**PROJECT TITLE:** CLIF STATES CHESTNUT COMPANY SITE ASSESSMENT FOR PROCESS AREA, HATTIESBURG, MISSISSIPPI

**SCALE:** 1" = 100'     **DRAWN BY:** R.E.B.

**DATE:** 8. JUL. 1994     **APPROVED BY:** S.K.

**PROJECT NUMBER:** 1A7101.002     **DRAWING NUMBER:** EPS-7204





**MICHAEL PISANI & ASSOCIATES, INC.**  
Environmental Management and Engineering Services

1100 Poydras Street  
1430 Energy Centre  
New Orleans, Louisiana 70163  
Telephone (504) 582-2468  
Facsimile (504) 582-2470  
m.pisani@ix.netcom.com

13313 Southwest Freeway  
Suite 221  
Sugar Land, Texas 77478  
Telephone (281) 242-5700  
Facsimile (281) 242-1737  
dangle@orbitworld.net

October 8, 2001

Mr. Tony Russell, Chief  
Uncontrolled Sites Section  
Mississippi Department of Environmental Quality  
P.O. Box 10385  
Jackson, Mississippi 39289-0385

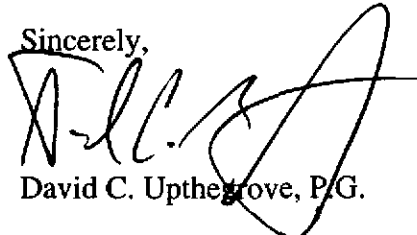
Subject: Photographs and Diagrams  
Former Process Area Assessment Activities  
Former Gulf States Creosoting Site  
Hattiesburg, Mississippi

Dear Mr. Russell:

Enclosed are copies of photographs from the Geoprobe investigation conducted at the suspected burial area and from the trenching activities conducted at the suspected burial area, the concrete sump, and the cylindrical storage tanks within the former Process Area. Diagrams depicting the locations of trenches and photographs, as well as a list describing the view of each photograph, are also enclosed.

Hopefully, these photographs and diagrams will help to clear up unresolved issues pertaining to management of subsurface materials within the former Process Area. As we've discussed, Ms. Gretchen Zmitrovich of MDEQ was present during all of these activities and may be able to shed additional light on the assessment findings.

Should you have any questions or require additional information., please call us.

Sincerely,  
  
David C. Upthegrove, P/G.

cc: Keith Watson – Kerr-McGee  
Glen Pilié – Adams and Reese

NORTH

1" = 10'

C-50  
12'

C-38  
12'

C-25  
12'

C-10  
12'

B-50  
21'

B-38  
12'

B-25  
1' (TIMBERS)

B-1/6'E  
5' (TIMBERS)

A-50  
21'

A-25  
2' (TIMBERS)

A-0/41/WW  
12' 11.0  
2' (TIMBERS)

A-25/7.1/1  
21' 5.2  
2' (TIMBERS)

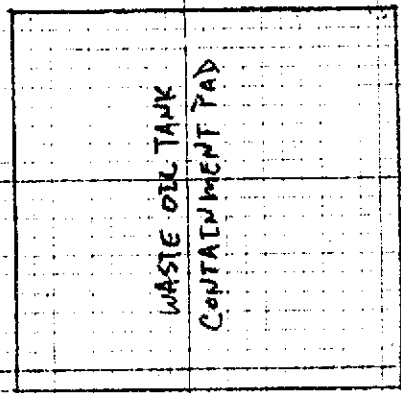
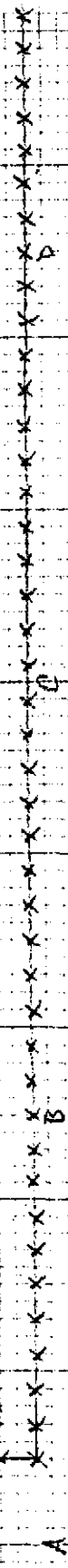


FIGURE 1

GEORGE BORDERS AND DEPTHS  
SUSPECTED BURIAL AREA



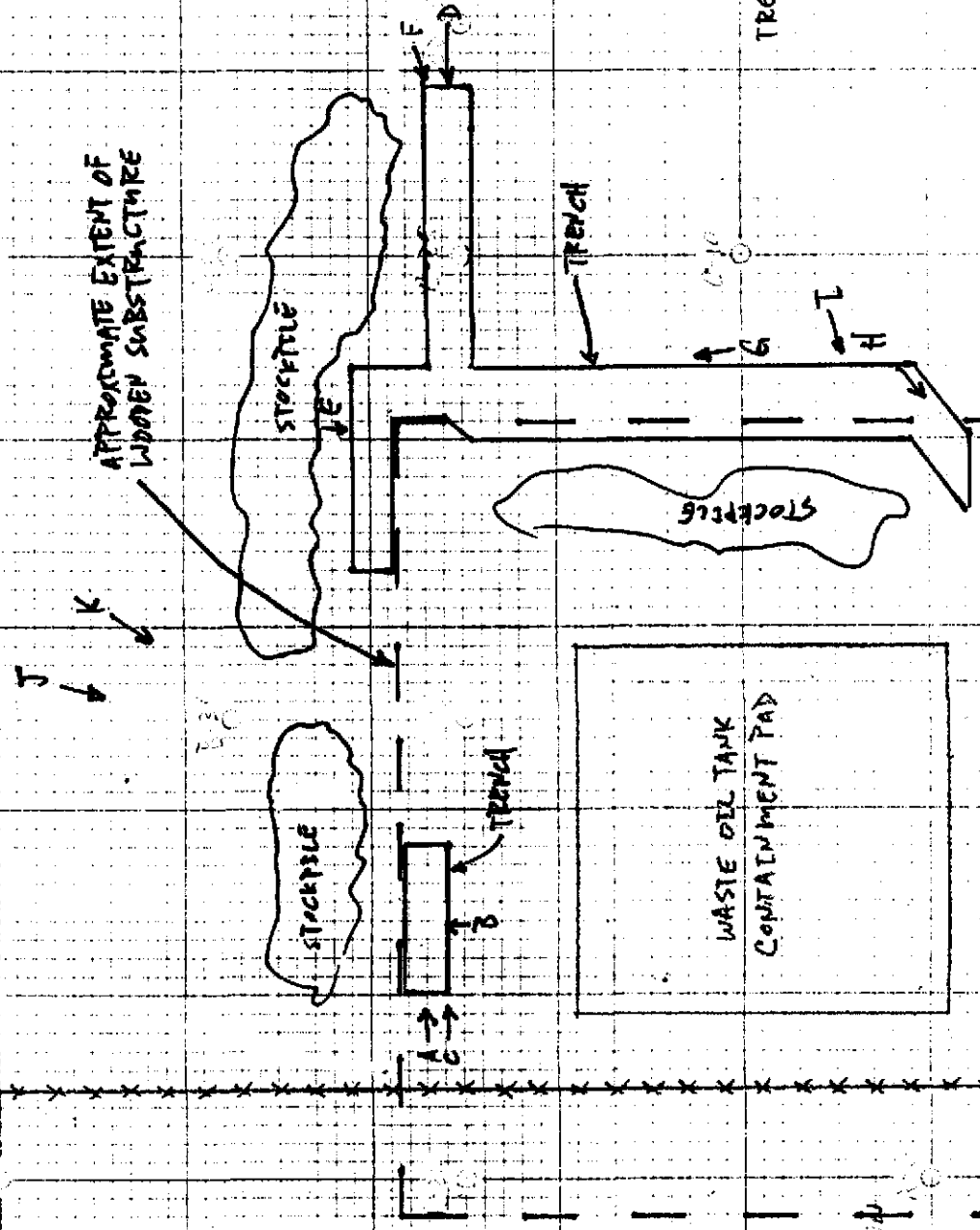
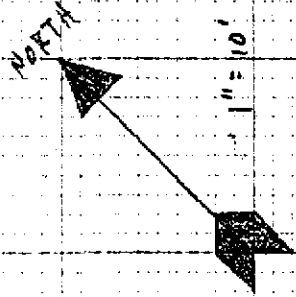


FIGURE 2  
TRENCH AND PHOTOGRAPH LOCATIONS  
SUSPECTED BURIAL AREA



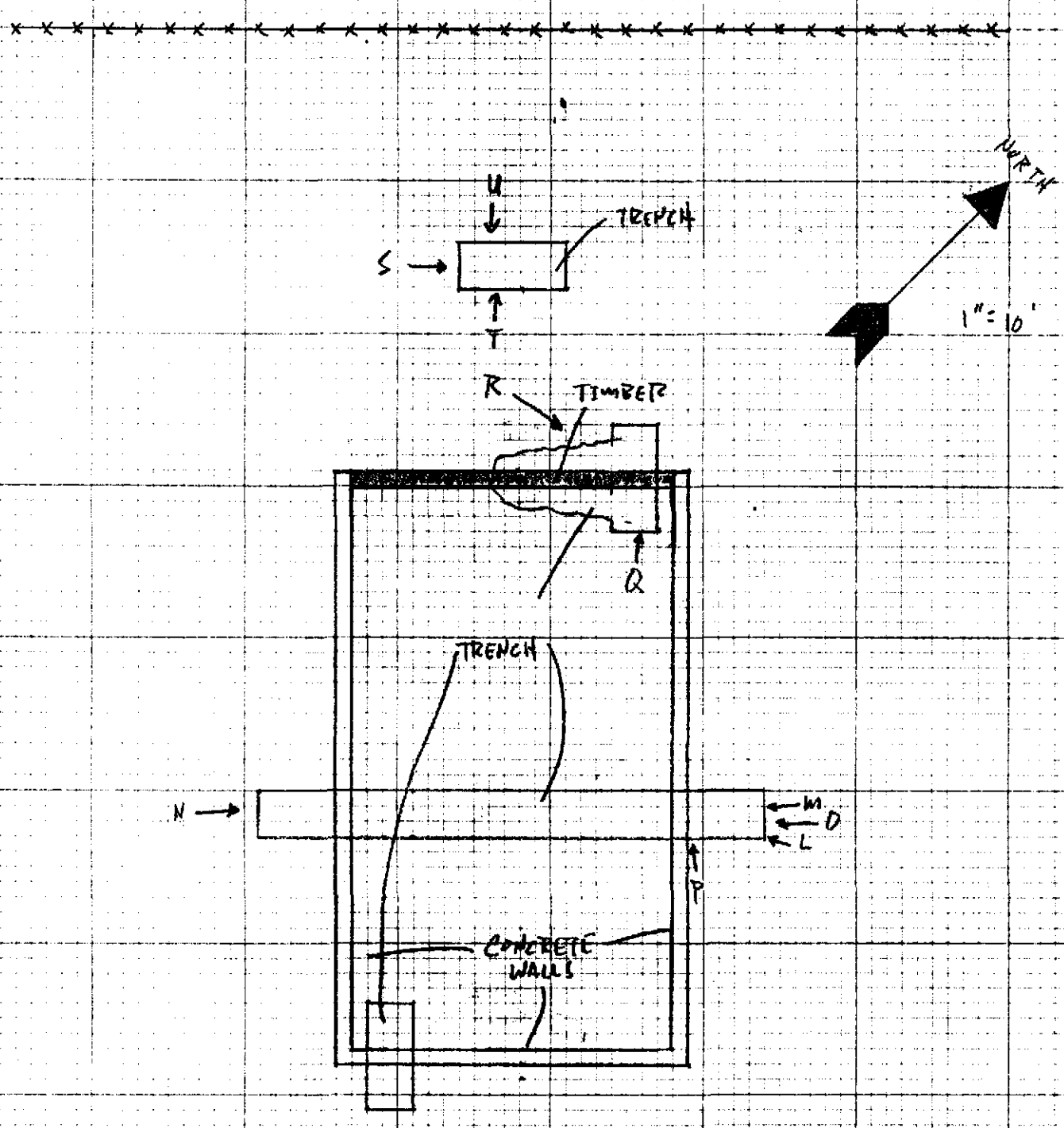
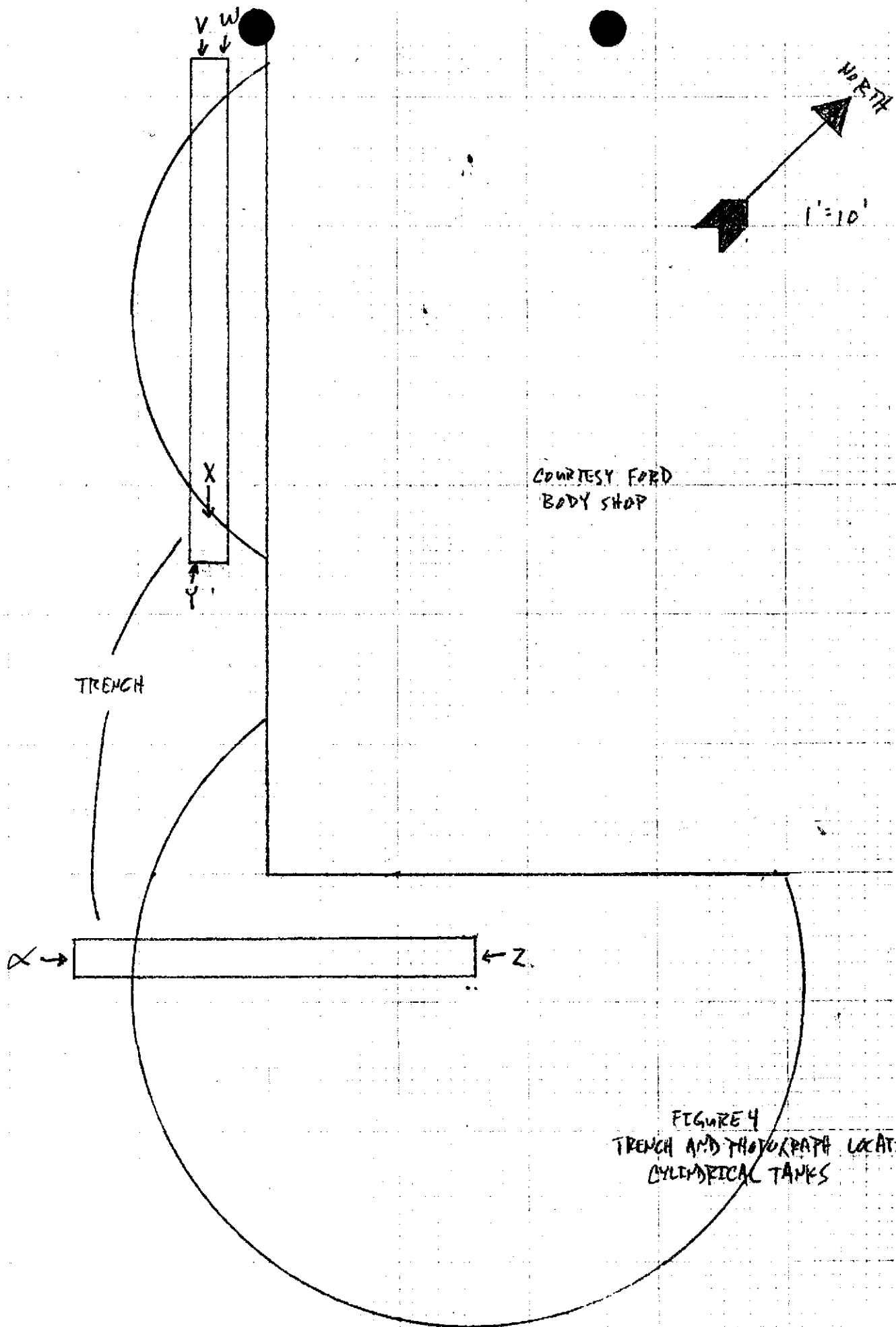


FIGURE 3  
 TRENCH AND PHOTOGRAPH LOCATIONS  
 CONCRETE SUMP



COURTESY FORD  
BODY SHOP

FIGURE 4  
TRENCH AND PHOTOGRAPH LOCATIONS  
CYLINDRICAL TANKS

## List of Photographs

June 20-22, 2001  
Delineation of Subsurface Features

<u>Photo I.D.</u>	<u>View</u>
A	Fill material inside wooden substructure
B	Timber representing inside wall of wooden substructure
C	Floor of wooden substructure at approximately 5.5 feet below grade. Liquid is water with oily sheen leaching out of wooden timbers.
D	Clean trench outside of wooden substructure
E	Outside wall of wooden substructure at northern corner. Note unimpacted soils at base of wall.
F	Trenching outside of wooden substructure. Note relatively unimpacted material in stockpile.
G	Trench along northeastern wall of wooden substructure
H	Trenching at eastern corner of wooden substructure. Note that wooden flooring extends to within several feet of existing fence line.
I	Stockpile of unimpacted material from trenching along northeastern wall of wooden substructure.
J	Stockpiles from within (right) and outside of (left) wooden substructure
K	Excavated area after backfill and grading
L	Small excavation outside of east wall of concrete sump. Clayey soil is relatively unimpacted; black material is from "working surface" (i.e., asphalt-like material within the uppermost 2 feet below parking lot).
M	Same as Photo "L." Concrete wall is 12 inches thick.
N	East wall (foreground) and west wall (background) of concrete sump. Distance from inside wall to inside wall is 21 feet.
O	Fill material within concrete sump is saturated beginning at 1 to 2 feet below parking lot. Native clayey soils outside of sump are unsaturated.
P	Same as Photo "O."
Q	Timber at northern corner of concrete sump. Water with concrete sump is black and oily.
R	Fill material just northwest of timber. Northwest wall of sump was not encountered, but fill materials give way to native clays within 15 feet of timber.
S	Trench showing native clay soils in small trench to northwest of sump. Black material consists of "working surface", which is present throughout much of the former Process Area.
T	Same as Photo "S."
U	Same as Photo "S."

## List of Photographs

June 20-22, 2001

### Delineation of Subsurface Features

V	Trench through trace of removed northwestern tank. Concrete slab is present and exhibits some black staining, although no liquids were encountered and soils are relatively unimpacted.
W	Northwestern edge of slab beneath removed northwestern tank
X	Southeastern edge of slab beneath removed northwestern tank
Y	Same as Photo "V", from other direction
Z	Trench through trace of removed southeastern tank. Concrete slab is present and exhibits some black staining, although no liquids were encountered and soils are relatively unimpacted.
$\alpha$	Same as Photo "Z", from other direction





STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

October 3, 2001

Via Facsimile 601-545-4608

Mayor Johnny Dupree  
Post Office Box 1898  
Hattiesburg, MS 39403

Re: Kerr-McGee Chemical (Former Gulf States Creosote Site)

Dear Mayor Dupree:

This letter serves to confirm the meeting that was scheduled with your office by telephone on October 2, 2001. Mississippi Department of Environmental Quality (MDEQ) representatives requested a meeting with Mayor Dupree to brief the Mayor on the Kerr-McGee Chemical site and associated remediation plans.

This meeting is scheduled for Monday, October 29, 2001 at 10:00 a.m and will be held in Hattiesburg at Mayor Dupree's office. Jerry Banks, Chief of the Hazardous Waste Division; Tony Russell, Chief of the Uncontrolled Sites Section; and Kelly Riley, Attorney, will be present at the meeting.

Thank you in advance for allowing us to meet with you to discuss the events surrounding the remediation plans for this site.

Sincerely,

A handwritten signature in cursive script that reads "Kelly R. Riley".

Kelly R. Riley  
Attorney

cc:

  
Jerry Banks

20 SEPTEMBER 2001

10:00am

MEETING - GULF STATES CROSBY & MDEQ

MEETING ATTENDEES

	NAME	ORGANIZATION	PHONE	E-MAIL
1.	CARLTON TODD	MP&A	(504) 582-2468	JLTODD7@IX.NETCOM.COM
2.	Dave Upthegrove	MP&A	"	DUPTHEGROVE " "
3.	JOHN MILNER	BRUNINI	(601) 960-6842	jmilner@brunini.com
4.	Mike Pisani	NPEA	504 582 2468	
5.	GLEN PILE	ADAMS REESE FOR KERN MCGEE	504-585-0260	PILEGA@ARLAW.COM
6.	Brian Young	MDEQ	601-961-5088	
7.	Tony Russell	MDEQ	601-961-5378	
8.	Kelly Riley	MDEQ	601.961.5369	
9.	Jerry Banks	MDEQ	601-961-5221	
10.	David Lee	MDEQ	601 961 5377	David.Lee@leg.state.ms.us



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

## MEMORANDUM

TO: Gulf States Creosote File

FROM: Brian Young, Project Officer

DATE: September 21, 2001

SUBJECT: Meeting of September 20, 2001

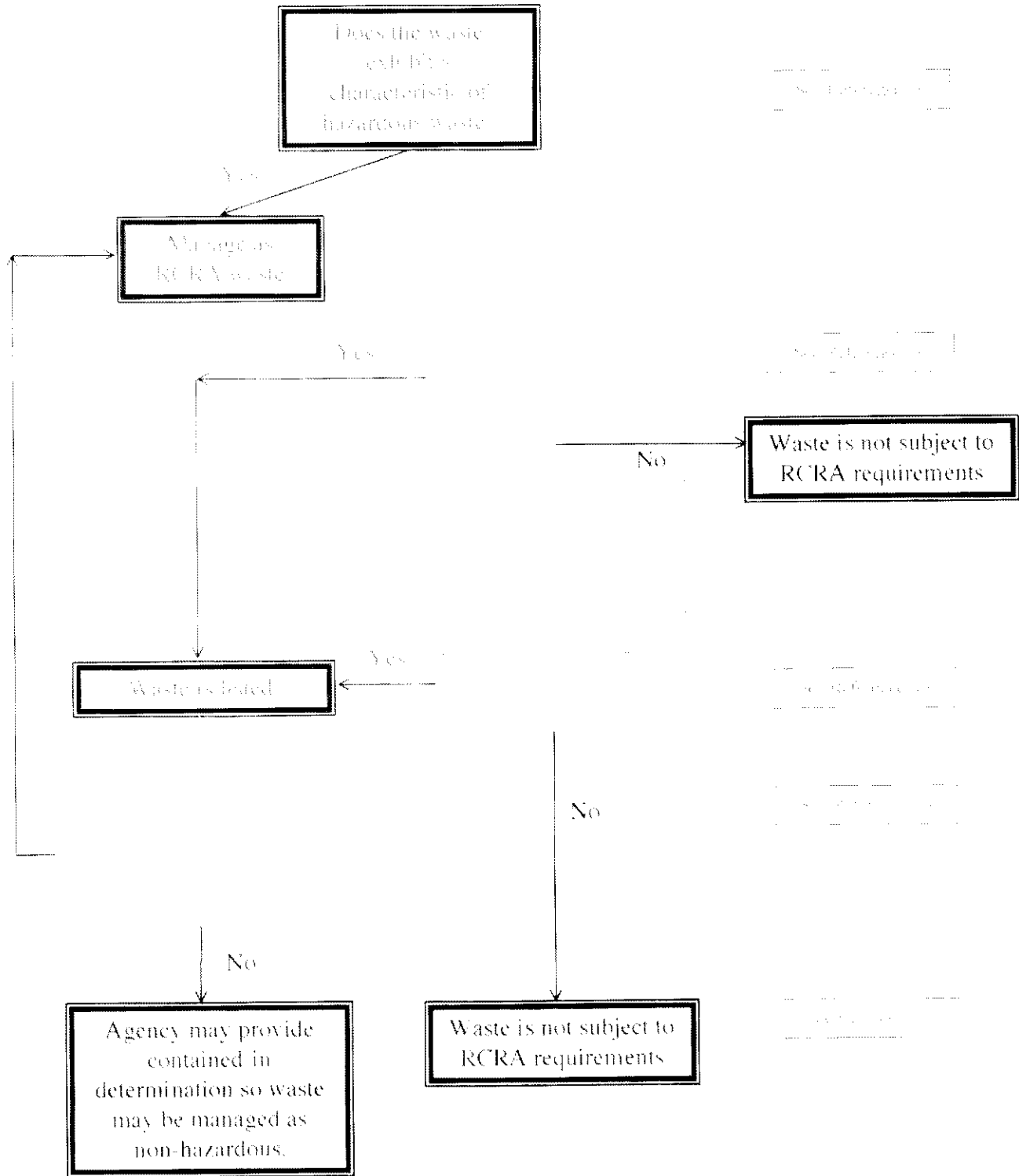
The purpose of this memo is to document the meeting that occurred at 101 West Capitol Street (MDEQ) between MDEQ and representatives of the former Gulf States Creosote (See attached attendees list). The meeting began shortly after 10:00 am with Jerry Banks conducting a general discussion of Environmental Justice issues that were not specific to this site. The meeting then move into specific discussion about the need for a meeting with the Mayor of the City of Hattiesburg in order to "bring him up to speed" on the project. It was agreed that the meeting would need to take place prior to approval of any Remedial Action Plans. Mr. Banks then continued by stating that a public meeting would also be necessary prior to MDEQ approval of any Remedial Action Plans. After this, Gordons Creek was discussed. It was agreed that, based upon a prior Ecological Risk Assessment, further evaluation of creosote impacts to the creek were probably not necessary. The discussion then centered on the hazardous waste determinations for the site. Mr. Mike Pisani made a presentation for Gulf States (see attached information). Mr. Pisani stated that the wastes from the "former process area" would be considered "process waste" and would be handled as hazardous. Mr. Pisani continued by stating that that the creosote contamination outside the "former process area" would be handled as non-hazardous solid waste. The justification for this is that Gulf States/Kerr McGee has no knowledge on the source of the contamination and that saying the off-site contamination originated from the "process area" was inconclusive. The MDEQ agreed that in the case of the Gordon's Creek Fill Area, the MDEQ would probably be unable to conclusively determine that the contamination originated from the "process area". Further study and consultation with EPA would be needed for a determination of the Northeast Drainage Ditch. The meeting adjourned at 11:50 am.

**Gulf States/Kerr-McGee Meeting**  
**September 20, 2001**

**TOPICS FOR DISCUSSION:**

1. Contaminated media as hazardous waste?
2. Meeting with new Mayor to overview the site
  - a) Needs to be done in next 30 days
  - b) Need large maps of site and impacted area with sampling points/concentrations
  - c) Maps of contaminated soils, sediments, groundwater, surface water
  - d) Maps should show contamination in relation to residential areas especially
3. Public Meeting to overview site and ditch cleanup
  - a) Needs to be done in next 60 days
  - b) Same maps as above
  - c) Health Dept. epidemiologist/Kerr-McGee toxicologist to assist in answering health related questions – creosote health effects
  - d) Odors from ditch cleanup and potential health impact will be key issue
  - e) If fish are in Gordons Creek and people consume them what is the potential for adverse health effects – this is another key health issue
4. Further evaluation of Gordons Creek – sediments, surface water, fish
5. Scheduling
  - a) Remediation of the Ditch
  - b) Process Area
  - c) Fill Area

**Remediation Waste from Pre-RCRA Activities**  
**RCRA Hazardous Waste Decision Tree**  
**EPA-MDEQ Regulations/Guidance**



1. Does the waste exhibit characteristics of hazardous waste?  
Yes: Manage as RCRA waste  
No: Waste is not subject to RCRA requirements

2. Is the waste listed?  
Yes: Waste is listed (loops back to Manage as RCRA waste)  
No: Agency may provide contained in determination so waste may be managed as non-hazardous.

Environmental Protection Agency

Solid Waste and  
Emergency Response  
(5305W)

EPA530-F-98-026  
October 1998  
[www.epa.gov/osw](http://www.epa.gov/osw)

# Management of Remediation Waste Under RCRA

October 14, 1998

## MEMORANDUM

**SUBJECT:** Management of Remediation Waste Under RCRA

**TO:** RCRA/CERCLA Senior Policy Managers  
Regional Counsels

**FROM:** Timothy Fields, Jr., Acting Assistant Administrator for  
Solid Waste and Emergency Response */signed/*

Steven A. Herman, Assistant Administrator for  
Enforcement and Compliance Assurance */signed/*

Rapid clean up of RCRA corrective action facilities and Superfund sites is one of the Agency's highest priorities. In this context, we often receive questions about management of remediation waste under the Resource Conservation and Recovery Act (RCRA). To assist you in successfully implementing RCRA requirements for remediation waste, this memorandum consolidates existing guidance on the RCRA regulations and policies that most often affect remediation waste management. We encourage you to work with the regulations, policies and approaches outlined in this memorandum to achieve our cleanup goals as quickly and efficiently as possible.

Note that not all remediation wastes are subject to RCRA Subtitle C hazardous waste requirements. As with any other solid waste, remediation wastes are subject to RCRA Subtitle C only if they are listed or identified hazardous waste. Environmental media are subject to RCRA Subtitle C only if they contain listed hazardous waste, or exhibit a characteristic of hazardous waste. These distinctions are discussed more completely below.

3

The information in this memo is divided into three categories: information on regulations and policies that apply to all remediation waste; information on regulations and policies that apply only to contaminated media; and, information on regulations and policies that apply only to contaminated debris. Most of the references cited in this memo are available over the Internet. The Federal Register notices published after 1994 are available at [www.access.gpo.gov/nara](http://www.access.gpo.gov/nara); the guidance memos and other EPA documents are available at [www.epa.gov/correctiveaction](http://www.epa.gov/correctiveaction). Federal Register notices and other documents are also available through the RCRA/CERCLA hotline: in Washington D.C., call (703) 412-9810; outside Washington D.C., call (800) 424-9346; and hearing impaired call (800) 553-7672. The hotline's hours are Monday - Friday, excluding Federal holidays, 8:00 - 5:00, eastern standard time. Many EPA guidance memos and other documents may also be obtained through the RCRA/CERCLA hotline fax-back system. To obtain a list of documents available over the fax-back system, and fax-back system code numbers, call the RCRA/CERCLA hotline at the numbers listed above.

I hope this information will assist you as you continue to make protective, inclusive, and efficient cleanup decisions. If you have additional questions or require more information, please contact

regulations established non-land based units for treatment and storage of hazardous remediation waste. Under the TU regulations, EPA and authorized states may modify existing MTR design, operating and closure standards for temporary tank and container units used to treat and store hazardous remediation waste. Temporary units may operate for one year, with an opportunity for a one year extension.

Like CAMUs, temporary units must be approved by EPA or an authorized state and designated in a permit or corrective action order. In certain circumstances, EPA and states (including states that are not authorized for the TU regulations) may use other mechanisms to approve TUs. See, 58 FR 8677, February 16, 1993; appropriate use of RCRA Section 7003 orders and comparable state orders is discussed below and in an EPA guidance memo from J. Winston Porter to EPA Regional Administrators, "RCRA Permit Requirements for State Superfund Actions," November 16, 1987, OSWER Directive 9522.00-2. In addition, as appropriate, TUs may be approved by EPA as an applicable or relevant and appropriate requirement during a CERCLA cleanup using a record of decision or by an authorized state during a state cleanup using a CERCLA-like authority and a similar state document. Placement of waste in tanks or containers, including temporary units, is not considered land disposal. Therefore, waste does not have to be treated to meet LDR treatment standards prior to being placed in a TU. Of course, LDRs must be met if hazardous remediation wastes are eventually land disposed, for example, after they are removed from the TU; however, if treatment in a TU results in constituent concentrations that comply with applicable land disposal restriction treatment standards, no further treatment prior to land disposal is required as a condition of the LDRs.

An opportunity for the public to review and comment on tentative TU approvals is required by the regulations when TUs are approved using permitting procedures and as a matter of EPA policy when TUs are approved using orders. As with CAMUs, EPA recommends that whenever possible, remediation project managers combine this public participation with other public involvement activities that are typically part of remediation. For example, public notice of tentative approval of a temporary unit could be combined with public notice of a proposed plan under CERCLA.

The TU regulations are at 40 CFR 264.553, promulgated February 16, 1993 (58 FR 8658).

**Determination Of When Contamination is Caused by Listed Hazardous Waste.** Where a facility owner/operator makes a good faith effort to determine if a material is a listed hazardous waste but cannot make such a determination because documentation regarding a source of contamination, contaminant, or waste is unavailable or inconclusive, EPA has stated that one may assume the source, contaminant or waste is not listed hazardous waste and, therefore, provided the material in question does not exhibit a characteristic of hazardous waste, RCRA requirements do not apply. This approach was first articulated in the Proposed NCP preamble which notes that it is often necessary to know the source of a waste (or contaminant) to determine whether a waste is a listed hazardous waste under RCRA. Listing determinations are often particularly difficult in the remedial context because the listings are generally identified by the sources of the hazardous wastes rather than the concentrations of various hazardous constituents; therefore, analytical testing alone, without information on a waste's source, will not generally produce information that will conclusively indicate whether a given waste is a listed hazardous waste, and also notes that, "at many CERCLA sites no information exists on the source of the wastes." The proposed NCP preamble goes on to recommend that the lead agency use available site information such as manifests, storage records and vouchers in an effort to ascertain the sources of wastes or contaminants, but that when this documentation is not available or inconclusive the lead agency may assume that the wastes (or contaminants) are not listed RCRA hazardous wastes. This approach was confirmed in the final NCP preamble. See, 53 FR 51444, December 21, 1988 for proposed NCP preamble discussion; 55 FR 8758, March 13, 1990 for final NCP preamble discussion.

This approach was also discussed in the HWIR-Media proposal preamble, 61 FR 18805, April 29, 1996, where it was expanded to also cover dates of waste disposal - i.e., if, after a good faith effort to determine dates of disposal a facility owner/operator is unable to make such a determination because documentation of dates of disposal is unavailable or inconclusive, one may assume disposal occurred prior to the effective date of applicable land disposal restrictions. This is important because, if hazardous waste was originally disposed of before the effective dates of applicable land disposal restrictions and media contaminated by the waste are determined not to contain hazardous waste when first generated (i.e., removed from the land, or area of contamination), the media are not subject to RCRA requirements, including LDRs. See the discussion of the contained-in policy, below.

**Site Specific LDR Treatment Variances.** The regulations for site-specific LDR treatment variances allow EPA and authorized states to establish a site-specific LDR treatment standard on a case-by-case basis when a nationally applicable treatment standard is unachievable or inappropriate. Public notice and a reasonable opportunity for public comment must be provided before granting or denying a site-specific LDR treatment variance. EPA recommends that

EXCERPT FROM THE PROPOSABLE TO THE PROPOSED RULE REQUIREMENTS  
FOR MANAGEMENT OF HAZARDOUS CONTAMINATED MEDIA (HWIR-MEDIA)

4/29/96 61 FR 18804

replaced by the provisions of this Part. In addition, when treating media subject to LDRs according to the treatment standards in §269.30, the following provisions of Part 268 would continue to apply: §§268.2-268.7 (definitions, dilution prohibition, surface impoundment treatment variance, case-by-case extensions, no migration petitions, and waste analysis and recordkeeping), §268.44 (treatment variances), and §268.50 (prohibition on storage). Again, the Agency does not intend to recreate all of the Subtitle C requirements, but in this case only replace certain requirements themselves as they relate to hazardous contaminated media.

### 2. Intentional Contamination of Media Prohibited—§269.11

EPA recognizes that promulgation of standards for hazardous contaminated media that are less onerous than the requirements for hazardous waste may create incentives for mixing waste with soil or other media to render the waste subject to these provisions. The Agency expressly proposes to prohibit this behavior (§269.11).

EPA recognizes, however, that sometimes it is necessary to have some mixing of contaminated media for technical purposes to facilitate cleanup. That mixing is not the prohibited mixing referred to here. This prohibition specifically includes the intent to avoid regulation. If the intent of the mixing is to better comply with the regulations that would apply to the wastes prior to mixing, then it would not be prohibited under this clause. The Agency requests comments on whether further safeguards, in addition to this proposed provision and the civil and criminal enforcement authorities of RCRA, are needed to ensure that no attempts are made to mix wastes with media to take advantage of the reduced requirements of the proposed HWIR-media rule.

### 3. Interstate Movement of Contaminated Media—§269.12

EPA recognizes that media that would be exempted under today's rule, but that previously would have been managed as hazardous wastes, would be transported to and through States that were not the overseeing agency for the remedial action that generated those media. Therefore, the Agency designed the interstate movement requirements of proposed §269.12 to ensure that receiving (consignment) States—or States through which media would travel—could approve the designation that the media is not hazardous before they accepted the media for transport or disposal.

The default in these requirements is that the media must be managed as Subtitle C waste in the receiving or transporting State if the receiving or transporting State has not been notified of the designation as non-hazardous, or if the receiving or transporting State does not agree with the determination. Receiving and transporting States would also have to be authorized for this Part in order to approve these decisions in their States. If a receiving or transporting State agrees to the redesignation, then the media may be managed as non-hazardous.

EPA requests comments on these interstate movement requirements, specifically on any implementation concerns with this approach, and any suggestions to ease implementation. Several people have expressed concern about notifying the States through which the media would be transported, but not ultimately disposed. The Agency believes that it may be appropriate to limit notification requirements to the States ultimately receiving the media. EPA also feels that it would be necessary to limit the designation of media as non-hazardous only to States that are authorized for this Part. The Agency believes that this would be necessary because the authority to make these contained-in decisions is an integral element for authorization for this Part. EPA believes

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that it may be appropriate to allow States not authorized for this Part to simply approve another authorized States' decision that the media are not hazardous. The Agency requests comments on these issues.

#### C. Treatment Requirements

##### 1. Overview of the Land Disposal Restrictions

The Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA), enacted on November 8, 1984, largely prohibit land disposal of hazardous wastes. Once a hazardous waste is prohibited from land disposal, the statute provides only two options: comply with a specified treatment standard prior to land disposal, or dispose of the waste in a unit that has been found to satisfy the statutory no migration test (referred to as a "no migration" unit) (RCRA section 3004(m)). Storage of waste prohibited from land disposal is also prohibited, unless the storage is solely for the purpose of accumulating the quantities of hazardous waste that are necessary to facilitate proper recovery, treatment, or disposal (RCRA section 3004(j)). For purposes of the land disposal restrictions, land disposal includes any placement of hazardous waste into a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, or underground mine or cave (hereafter referred to as "placement") (RCRA section 3004(k)).

Not all management of hazardous waste constitutes placement for purposes of the LDRs. EPA has interpreted "placement" to include putting hazardous waste into a land-based, moving hazardous waste from one land-based unit to another, and removing hazardous waste from the land, managing it in a separate unit, and re-placing it in the same (or a different) land-based. Placement does not occur when waste is consolidated within a land-based unit, when it is treated *in situ*, or when it is left in place (e.g., capped). (See 55 FR 8666, 8758-8760, (March 8, 1990) and "Determining When Land Disposal Restrictions (LDRs) Are Applicable to CERCLA Response Actions," EPA, OSWER Directive 9347.3-05FS, (July 1989)).

Congress directed EPA to establish treatment standards for all hazardous wastes restricted from land disposal at the same time as the land disposal prohibitions take effect. According to the statute, treatment standards established by EPA must substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short- and long-term threats to human health and the environment are minimized (RCRA section 3004(m)(1)). In *Hazardous Waste Treatment Council v. EPA*, 886 F.2d 355 (D.C. Cir. 1989), Cert. Denied 111 S.Ct. 139 (1990), the court held that section 3004(m) allows both technology- and risk-based treatment standards, provided that technology-based standards are not established "beyond the point at which there is not a 'threat' to human health or the environment." *id.* at 362 (i.e., beyond the point at which threats to human health and the environment are minimized) (59 FR 47980, 47986, September 19, 1994). Hazardous wastes that have been treated to meet the applicable treatment standard may be land disposed in land disposal facilities that meet the requirements of RCRA Subtitle C (RCRA section 3004(m)(2)).

Congress established a schedule for promulgation of land disposal restrictions and treatment standards for all hazardous wastes listed and identified as of November 8, 1984 (the effective date of the HSWA amendments) so that treatment standards would be in effect, and land disposal of all hazardous waste that did not comply with the standards would be prohibited, by May 8, 1990 (RCRA section 3004(g)). For some classes of hazardous wastes, Congress established separate schedules: for certain hazardous wastes identified by



the State of California ("California List"), Congress directed EPA to establish treatment standards and prohibit land disposal by July 8, 1987; for hazardous wastes containing solvents and dioxins, Congress directed the Agency to establish treatment standards and prohibit land disposal by November 8, 1986. (RCRA sections 3004(d) and (e)). For wastes listed or identified as hazardous after the HSWA amendments (referred to as "newly identified wastes"), EPA must establish treatment standards and land disposal prohibitions within six months of the effective date of the listing or identification (RCRA section 3004(g)(4)). Under current regulations, environmental media containing hazardous waste are prohibited from land disposal unless they are treated to meet the treatment standards promulgated for the original hazardous waste in question (i.e., the same treatment standard the contaminating hazardous waste would have to meet if it were newly generated). (See 58 FR 48092, 48123, (September 14, 1993)).

The land disposal restrictions generally attach to hazardous wastes, or environmental media containing hazardous wastes, when they are first generated. Once these restrictions attach, the standards promulgated pursuant to section 3004(m) must be met before the wastes (or environmental media containing the wastes) can be placed into any land disposal unit other than a no migration unit. In cases involving characteristic wastes, the D.C. Circuit held that even elimination of the property that caused EPA to identify wastes as hazardous in the first instance (e.g., treating characteristic wastes so they no longer exhibit a hazardous characteristic) does not automatically eliminate the duty to achieve compliance with the land disposal treatment standards. (*Chemical Waste Management v. U.S. EPA*, 976 F.2d 2,22 (D.C. Cir. 1992), cert. denied, 113 S.Ct 1961 (1993).) The Agency has examined the logic of the *Chemical Waste* decision and concluded that the same logic could arguably be applied in the remediation context; i.e., a determination that environmental media once subject to LDR standards no longer contain hazardous wastes may not automatically eliminate LDR requirements. While the *Chemical Waste* court did not specifically address the remediation context, the Agency believes it may be prudent to follow the logic the court applied to characteristic wastes, and has developed today's proposal accordingly.

It is important to note that the land disposal restrictions apply only to hazardous (or, in some cases, formerly hazardous) wastes and only to placement of hazardous wastes after the effective date of the applicable land disposal prohibition—generally May 8, 1990 for wastes listed or identified at the time of the 1984 amendments, or six months after the effective date of the listing or identification for newly identified wastes.<sup>16</sup> In other words, the duty to comply with LDRs has already attached to hazardous wastes land disposed ("placed") after the applicable effective dates, but not to hazardous wastes disposed prior to the applicable effective dates. Accordingly, hazardous

61 FR 18805

wastes disposed prior to the effective date of the applicable prohibition only become subject to the LDRs if they are removed from the land and placed into a land disposal unit after the effective date of the applicable prohibition. (See 53 FR 31138, 31148, (August 17, 1988) and *Chemical Waste Management v. US EPA*, 869 F.2d 1526, 1536 (D.C. Cir. 1989)), "treatment or disposal of [hazardous waste] will be subject to the [LDR] regulation only if that treatment or disposal occurs after the promulgation of applicable treatment standards.") Similarly, environmental media contaminated by hazardous wastes placed before the effective dates of the applicable land disposal restrictions does not become subject to the LDRs unless they are removed from the land and placed into a land disposal unit after the effective dates of the applicable restrictions.

The land disposal restrictions do not attach to environmental media contaminated by hazardous wastes when the wastes were placed before the effective dates of the applicable land disposal prohibitions. If these media are determined not to contain hazardous wastes before they are removed from the land, then they can be managed as non-hazardous contaminated media and they're not subject to land disposal restrictions. For example, soil contaminated by acetone land disposed ("placed") in 1986 (prior to the effective date of the land disposal prohibition for acetone) and, while still in the land, determined not to contain hazardous waste, is not subject to the land disposal restrictions.<sup>17</sup> This is consistent with the Agency's approach in the HWIR-waste rule, where it indicates that LDRs do not attach to wastes that are not hazardous at the time they are first generated (60 FR 66344, December 21, 1995).

Since application of the land disposal restrictions is limited, in order to determine if a given environmental medium must comply with LDRs one must know the origin of the material contaminating the medium (i.e., hazardous waste or not hazardous waste), the date(s) the material was placed (i.e., before or after the effective date of the applicable land disposal prohibition), and whether or not the medium still contains hazardous waste (i.e., contained-in decision or not).

Facility owner/operators should make a good faith effort to determine whether media were contaminated by hazardous wastes and ascertain the dates of placement. The Agency believes that by using available site- and waste-specific information such as manifests, vouchers, bills of lading, sales and inventory records, storage records, sampling and analysis reports, accident reports, site investigation reports, spill reports, inspection reports and logs, and enforcement orders and permits, facility owner/operators would typically be able to make these determinations. However, as discussed earlier in the preamble of today's proposal, if information is not available or inconclusive, facility owner/operators may generally assume that the material contaminating the media were not hazardous wastes. Similarly, if environmental media were determined to be contaminated by hazardous waste, but if information on the dates of placement is unavailable or inconclusive, facility owner/operators may, in most cases assume the wastes were placed before the effective date.

The Agency believes that, in general, it is reasonable to assume that environmental media do not contain hazardous wastes placed after the effective dates of the applicable land disposal prohibitions when information on the dates of placement is unavailable or inconclusive, in part, because current regulations, in effect since the early 1980's, require generators of hazardous waste to keep detailed records of the amounts of hazardous waste they generate. These records document whether the waste meets land disposal treatment standards and list the dates and locations of the waste's ultimate disposition. With these records, the Agency should be able to determine if environmental media were contaminated by hazardous wastes and if they would be subject to the land disposal restrictions.

In addition, EPA believes that the majority of environmental media contaminated by hazardous wastes were contaminated prior to the effective dates of the applicable land disposal restrictions. Generally, the contamination of environmental media by hazardous waste after the effective date of the applicable land disposal restriction would involve a violation of the LDRs, subject to substantial fines and penalties, including criminal sanctions. The common exception would be one-time spills of hazardous waste or hazardous materials. In these cases, the Agency believes that, typically, independent reporting and record keeping requirements (e.g., CERCLA sections 102

and 103 reporting requirements or state spill reporting requirements) coupled with ordinary "good housekeeping" procedures, result in records that will allow the Agency to determine the nature of the spilled material, and the date (or a close approximation of the date) of the spill. The Agency requests comments on this approach and on any other assumptions, records, or standards of evaluation that would ensure that facility owner/operators would identify any contaminated media subject to land disposal restrictions properly and completely.

Information on contained-in decisions should be immediately available since, generally, these determinations are made by a regulatory agency on a site-specific basis and careful records are kept.

## 2. Treatment Requirements—§269.30

a. *Approach to treatment requirements and recommendations of the FACA Committee.* RCRA section 3004(m) requires that treatment standards for wastes restricted from land disposal, " \* \* specify those levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized." A recurring debate through EPA's development of the land disposal restriction program has been whether treatment standards should be technology-based (i.e., based on performance of a treatment technology) or risk-based (i.e., based on assessment of risks to human health and the environment that are posed by the wastes). The Agency believes that both approaches are allowed. It has long been recognized that Congress did not directly address the questions of how to set treatment standards in the language of section 3004(m).<sup>18</sup> In addition, Congress did not specifically address whether the LDR treatment standards for newly generated wastes and remediation wastes must be identical; the structure of RCRA's LDR provisions suggests that Congress believed that remediation waste may merit special consideration. (See, RCRA sections 3004(d)(3) and 3004(e)(3), which

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provided a separate schedule for establishing LDR prohibitions and treatment standards for most remediation wastes).

EPA's preference would be to establish generic nationwide risk-based treatment standards that represent minimized threats to human health and the environment in the short- and long-term. However, the difficulties involved in establishing risk-based standards for contaminated media on a generic nationwide basis are formidable<sup>19</sup>, due, in large part, to the wide variety of site-specific physical and chemical compositions encountered during cleanups in the field. In the absence of the information necessary to develop generic, risk-based standards for contaminated media, the Agency is proposing generic standards using a technology-based approach and, for lower-risk media subject to the LDRs, provisions for site-specific, risk-based minimize threat determinations. (See discussion of Media Treatment Variances, below).

Technology-based standards achieve the objective of minimizing threats by eliminating as much of the uncertainty associated with disposal of hazardous waste as possible. For this reason, technology-based standards were upheld as legally permissible so long as they are not established "beyond the point at which there is not a "threat" to human health or the environment." (See, *Hazardous Waste Treatment Council v. EPA*, 886 F.2d 355, 361-64 (D.C. Cir. 1989), cert. denied 111 S.Ct. 139 (1990), page 362; see also (55 FR 6640, 6642, February 26, 1990)).

Today's proposed regulations would modify the land disposal restriction treatment standards for contaminated media so that they reflect appropriate treatment technologies and strategies for environmental media, and the site-specific nature of cleanup activities more accurately. When non-hazardous contaminated media is still subject to LDRs (e.g., because hazardous wastes contaminating the media were land disposed ("placed") after the effective date of the applicable LDR prohibition, or because the media were determined to still contain hazardous wastes when removed from the land), today's proposal would establish, as a policy matter, a presumption for site-specific LDR treatment variances. This approach is consistent with the recommendations of the FACA Committee, which agreed that the land disposal treatment standards for "as-generated" wastes are not generally appropriate for contaminated environmental media, and that higher-risk media should be subject to generic national standards while requirements for lower-risk media should be determined on a site-specific basis in the context of agency-overseen cleanups.

b. Proposed treatment standards for contaminated media (1) Applicability. Hazardous contaminated media are environmental media that contain hazardous waste or that exhibit a hazardous characteristic and have not been determined, pursuant to §269.4, to no longer contain hazardous wastes. Non-hazardous contaminated media are environmental media that have been determined, pursuant to §269.4, not to contain hazardous wastes. Media contaminated by hazardous wastes placed after the effective date of the applicable land disposal prohibition must be treated to meet LDR treatment standards before it is placed into a land disposal unit. In this case, the land disposal restrictions attach because hazardous waste was originally land disposed—placed—after the effective date of the applicable land disposal prohibition and the standards of section 3004(m) were never met. Likewise, hazardous contaminated media removed from the land after the effective date of the applicable land disposal restriction and placed into a land disposal unit, must be treated to meet LDR treatment standards. The land disposal restrictions attach in this case because, although the hazardous waste was not restricted from land disposal when first disposed, it has subsequently been prohibited from land disposal and, therefore, if removed from the land after the effective date of the applicable prohibition, cannot be placed into a land disposal unit until it meets the standards of RCRA section 3004(m). As discussed earlier in today's preamble, once the land disposal restrictions attach, the standards of section 3004(m) must be met before the wastes (or environmental media) may be placed into any land disposal unit other than a no migration unit, elimination of the property that cause the waste to be hazardous (e.g., deciding, pursuant to §269.4, that a given environmental medium no longer contains hazardous waste) does not automatically mean the wastes have complied with RCRA section 3004(m).<sup>20</sup>

(2) Today's proposal. In today's proposed rule, EPA would, (1) establish generic, technology-based treatment standards for higher-risk contaminated media subject to the LDRs (i.e., hazardous contaminated media) and, (2) for lower-risk contaminated media subject to the LDRs (i.e., non-hazardous contaminated media), establish, as a policy matter, a presumption for site-specific LDR treatment variances. The treatment standards proposed today would only apply when media subject to the LDRs are managed under a RMP. For hazardous contaminated media other than soils (e.g., groundwater and sediments), the proposed rule would require treatment to meet the LDR treatment standards applicable to the hazardous wastes contained in the media. (See §269.30(f)). For example, ground water contaminated with a commercial chemical product such as acetone (hazardous waste number U002) would have to be treated to the standards specified in Part 268 for acetone.

United States  
Environmental Protection  
Agency

Office of  
Solid Waste and  
Emergency Response



**DIRECTIVE NUMBER:** 9441.01(84) 147

**TITLE:** Determining if the Soils from Missouri Dioxin Sites are Hazardous

**APPROVAL DATE:** 1-6-84

**EFFECTIVE DATE:** 1-6-84

**ORIGINATING OFFICE:** OSW

FINAL

DRAFT

**LEVEL OF DRAFT**

- A — Signed by AA or DAA
- B — Signed by Office Director
- C — Review & Comment

**REFERENCE (other documents):**

*Contaminated soil \ listing decision*

**OSWER OSWER OSWER**  
**DIRECTIVE DIRECTIVE DI**

PART 261 SUBPART A - GENERAL

DOC: 9441.01(84)

Key Words: Contaminated Soil, Dioxin

Regulations:

Subject: Determining if the Soils from Missouri Dioxin Sites are Hazardous

Addressee: David Wagoner, Director, Air and Waste Management Division,  
Region VII

Originator: John H. Skinner, Director, Office of Solid Waste

Source Doc: #9441.01(84)

Date: 1-6-84

Summary:

To determine if a soil, in which toxic compounds are present, is a RCRA hazardous waste, the origin of the toxicants must be known. If the exact origin of the toxicants is unknown, the soil is not considered RCRA hazardous unless it exhibits one or more of the characteristics of RCRA hazardous waste.

Post-It® Fax Note	7671	Date	7-2-01	# of pages	1
To	Bill Upmeyer	From	Gratchew		
Co./Dept.		Co.			
Phone #	504-582-2468	Phone #			
Fax #	504-582-2470	Fax #			

December 10, 1999

Mr. Dean Kendrick  
City of Picayune  
203 Goodyear Blvd.  
Picayune, MS 39466

Re: Contaminated soils at the Mill Creek bridge project

Dear Mr. Kendrick:

I apologize for the delay in sending this letter. We wanted to be certain that EPA Region IV concurred in our response.

The question at issue was whether the excavated soils at the bridge location on Jackson Landing Road were hazardous or non-hazardous waste. I will not relate the details of the decision rationale in this letter for the sake of brevity. We have decided the soils may be disposed of as non-hazardous solid waste. This decision is based on guidance from EPA stating that media containing hazardous constituents which cannot be shown to have originated from a regulated source are not regulated as hazardous waste.

The excavated soil may be disposed of at a Subtitle D sanitary landfill or a hazardous waste disposal facility. If you have questions on this matter, feel free to contact me.

Sincerely yours,

*David Lee*

David Lee, P.E., Chief  
Timber & Wood Products Branch  
Environmental Compliance & Enforcement Division

Cc: Leo Lovelace, Waste Management  
Chuck Barlow, MSDEQ  
Richard Harrell, MSDEQ

FILE COPY

**MICHAEL PISANI & ASSOCIATES, INC.**

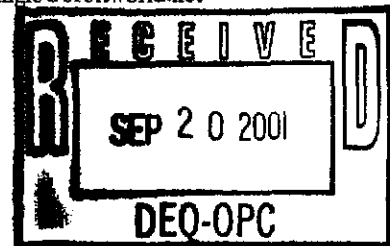
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September 19, 2001

Mr. Tony Russell, Chief  
Uncontrolled Sites Section  
Mississippi Department of Environmental Quality  
P.O. Box 10385  
Jackson, Mississippi 39289-0385



Re: Remedial Action Work Plan  
Former Gulf States Creosoting Site  
Hattiesburg, Mississippi

Dear Mr. Russell:

Enclosed are two copies of the referenced document for your review. Should you have any questions or comments, please call us.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Upthegrove".

David C. Upthegrove, P.G.

cc: Brian Young - MDEQ  
Keith Watson - Kerr-McGee (2 copies)  
Glen Pilié - Adams and Reese



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

September 17, 2001

**FILE COPY**

Mr. Brad Nix  
712 Eastside Avenue  
Hattiesburg, Mississippi 39401

Re: Soil Sampling Event of July 19, 2001  
Hattiesburg, Mississippi

Dear Mr. Nix:

On July 19, 2001, Kerr McGee conducted a sampling event as required by the Mississippi Department of Environmental Quality (MDEQ) in order to assess the concerns of the community about creosote contamination from the former Gulf States Creosote operation. Please find enclosed copies of the MDEQ sample results and Michael Pisani & Associates Report dated September 4, 2001. The sample results indicate that only one compound (anthracene) was detected in the soils at boring location GEO 63A at 8 to 10 feet. This location is near the intersection of Scooba Street and Eastside Avenue. Anthracene was detected at .01 parts per million which is **below** the target remediation goal level of 23, 500 parts per million. Remediation levels are set by MDEQ and if above this threshold level, there may be health concerns. If below the threshold level, there is no environmental or health concern. Since the results are **below** remediation levels, there are no associated health risks at this location that we are aware of at this time. Therefore, the MDEQ requires no further sampling be conducted in this area.

If you should have any questions or comments you may contact me at (601) 961-5318.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Russell".

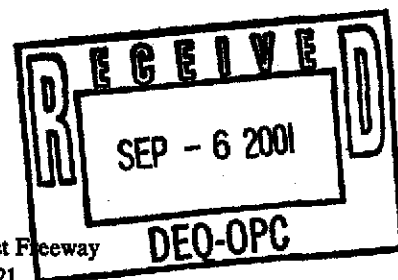
Tony Russell, Chief  
Uncontrolled Sites Branch

cc: Kelly Riley

**MICHAEL PISANI & ASSOCIATES, INC.**  
Environmental Management and Engineering Services

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September 4, 2001

Mr. Tony Russell, Chief  
Uncontrolled Sites Section  
Mississippi Department of Environmental Quality  
P.O. Box 10385  
Jackson, Mississippi 39289-0385

Re: Subsurface Soil Sampling Results  
Former Gulf States Creosoting Site  
Hattiesburg, Mississippi

Dear Mr. Russell:

In response to a request from the Mississippi Department of Environmental Quality (MDEQ), Kerr-McGee Chemical (KMC) conducted additional subsurface soil sampling at the referenced site on July 19, 2001. MDEQ requested this additional sampling to address concerns raised by a small group of residents in the area across the Southern railroad tracks from the former site. Split samples were provided to an MDEQ representative (Ms. Gretchen Zmitrovich) and to the owner of a residence at which sampling was conducted (Mr. Brad Nix).

Analytical results from the July 19, 2001 sampling event show that only one target constituent was detected at a concentration exceeding laboratory limits of quantitation (LOQs). That constituent (anthracene) was reported in only one soil sample at a concentration far below the MDEQ Tier 1 target remediation goal (TRG) for unrestricted use. In general, LOQs for all target constituents were at least two orders of magnitude lower than MDEQ Tier 1 TRGs for unrestricted use.

### Background

Between January 1997 and March 2001, KMC conducted four phases of field investigations at the former Gulf States Creosoting site in Hattiesburg, Mississippi. Upon review of the results of these investigations, MDEQ concurred with KMC's position that the vertical and horizontal extent of affected media at the site had been fully delineated.

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However, in a letter dated July 10, 2001, MDEQ stated that "to address concerns raised by residents in the area, MDEQ requires Kerr-McGee to conduct soil sampling from six feet to the water table at locations GEO-61, GEO-62 and GEO-63." KMC responded to MDEQ's request in a July 11, 2001 letter, which outlined proposed procedures for the collection and analysis of subsurface soil samples. Following additional discussions with concerned residents, MDEQ requested in a July 12, 2001 letter that KMC "move soil boring GEO-62 to a location situated at 712 Eastside Avenue."

### **Soil Sampling and Analysis**

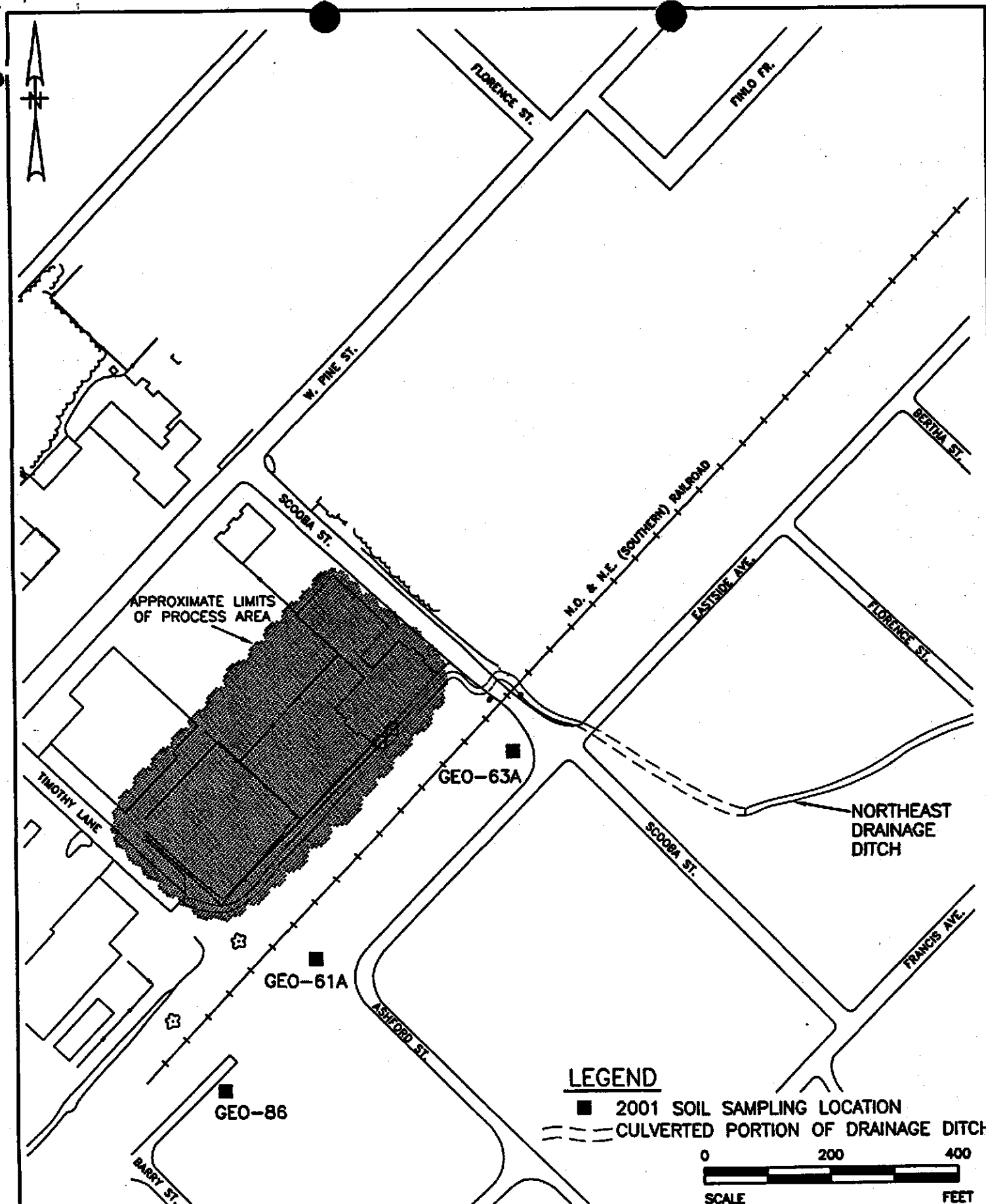
Representatives of MDEQ, KMC, and the residents' group were present during the collection of samples on July 19, 2001. Prior to mobilizing to the field, the locations of previous borings GEO-61 and GEO-63 were staked by a professional land surveyor. The boring at 712 Eastside (boring GEO-86A) was advanced at a location approximately 10 feet from the edge of Eastside Avenue in the front yard of Mr. Brad Nix. Boring locations are depicted on Figure 1.

The three soil borings were advanced using a Geoprobe, a hydraulic rig employing direct-push technology. The soil column was logged continuously from ground surface to a depth of 20 feet below grade. Soil samples for laboratory analysis were collected from the 8- to 10-foot, 12- to 14-foot, and 16- to 18-foot depth intervals. Boring logs are provided as Attachment 1 to this letter.

Samples were placed directly in laboratory-supplied sample containers using decontaminated stainless steel sampling tools. Sample containers were labeled appropriately, and split samples were provided to the MDEQ for independent analysis. Splits of the three samples collected at the Nix residence were also provided to Mr. Nix. Containers were placed directly on ice in insulated coolers. Coolers were shipped via overnight delivery service to Lancaster Laboratories in Lancaster, Pennsylvania for analysis. Soil samples were analyzed for polycyclic aromatic hydrocarbons (PAHs) by SW-846 Method 8310.

### **Analytical Results**

Subsurface soil analytical results are summarized in Table 1. Laboratory reports are provided as Attachment 2 to this letter. As stated previously, only one target constituent was detected at a concentration exceeding laboratory limits of quantitation (LOQs), and that in a single soil sample. Anthracene was reported in sample GEO-63A/8-10' at a concentration of 0.010 milligrams per kilogram (mg/kg, or parts per million), which is twice the laboratory LOQ of 0.005 mg/kg. However, this concentration is far below the Tier 1 TRG of 2,350 mg/kg for anthracene.



**LEGEND**

- 2001 SOIL SAMPLING LOCATION
- CULVERTED PORTION OF DRAINAGE DITCH



**MICHAEL PISANI & ASSOCIATES**  
 Environmental Management and Engineering Services  
 New Orleans, Louisiana                      Houston, Texas

SCALE: 1"=200'                      DWG. NO.: 21-04/217A

**FIGURE 1**  
**JULY 19, 2001 SOIL SAMPLING LOCATIONS**

**FORMER GULF STATES CREOSOTING SITE**  
**HATTIESBURG, MISSISSIPPI**

Table 1

## Summary of July 2001 Soil Analytical Results

Former Gulf States Creosoting Site  
Hattiesburg, Mississippi

Analytical Parameter	CAS Number	Units	Tier 1 TRG (unrestricted use)	GEO-61A/8-10'	GEO-61A/12-14'	GEO-61A/16-18'
<i>Polycyclic Aromatic Hydrocarbons (PAHs)</i>						
Naphthalene	91-20-3	mg/kg	194	ND (0.300)	ND (0.300)	ND (0.300)
Acenaphthylene	208-96-8	mg/kg	4,690	ND (0.300)	ND (0.300)	ND (0.300)
Acenaphthene	83-32-9	mg/kg	4,690	ND (0.300)	ND (0.300)	ND (0.300)
Fluorene	86-73-7	mg/kg	3,130	ND (0.030)	ND (0.030)	ND (0.030)
Phenanthrene	85-01-8	mg/kg	2,350	ND (0.012)	ND (0.013)	ND (0.014)
Anthracene	120-12-7	mg/kg	23,500	ND (0.0057)	ND (0.006)	ND (0.0062)
Fluoranthene	206-44-0	mg/kg	3,130	ND (0.0057)	ND (0.006)	ND (0.0062)
Pyrene	129-00-0	mg/kg	2,350	ND (0.030)	ND (0.030)	ND (0.030)
Benz(a)anthracene	56-55-3	mg/kg	0.875	ND (0.003)	ND (0.004)	ND (0.004)
Chrysene	218-01-9	mg/kg	87.5	ND (0.012)	ND (0.013)	ND (0.014)
Benzo(b)fluoranthene	205-99-2	mg/kg	0.875	ND (0.0023)	ND (0.0024)	ND (0.0025)
Benzo(k)fluoranthene	207-08-9	mg/kg	8.75	ND (0.0023)	ND (0.0024)	ND (0.0025)
Benzo(a)pyrene	50-32-8	mg/kg	0.0875	ND (0.003)	ND (0.004)	ND (0.004)
Dibenz(a,h)anthracene	53-70-3	mg/kg	0.0875	ND (0.006)	ND (0.006)	ND (0.006)
Indeno(1,2,3-cd)pyrene	193-39-5	mg/kg	0.875	ND (0.012)	ND (0.013)	ND (0.014)
Benzo(g,h,i)perylene	191-24-2	mg/kg	2,350	ND (0.018)	ND (0.019)	ND (0.020)
<i>Other Parameters</i>						
Moisture		%		11.8%	16.9%	19.2%

## Notes:

ND denotes constituent not detected at laboratory limit of quantitation shown in parentheses.  
Values shown are dry-weight concentrations.

Table 1

## Summary of July 2001 Soil Analytical Results

Former Gulf States Creosoting Site  
Hattiesburg, Mississippi

Analytical Parameter	CAS Number	Units	Tier 1 TRG (unrestricted use)	GEO-63A/8-10'	GEO-63A/12-14'	GEO-63A/16-18'
<i>Polycyclic Aromatic Hydrocarbons (PAHs)</i>						
Naphthalene	91-20-3	mg/kg	194	ND (0.300)	ND (0.300)	ND (0.300)
Acenaphthylene	208-96-8	mg/kg	4,690	ND (0.300)	ND (0.300)	ND (0.300)
Acenaphthene	83-32-9	mg/kg	4,690	ND (0.300)	ND (0.300)	ND (0.300)
Fluorene	86-73-7	mg/kg	3,130	ND (0.030)	ND (0.030)	ND (0.030)
Phenanthrene	85-01-8	mg/kg	2,350	ND (0.013)	ND (0.013)	ND (0.013)
Anthracene	120-12-7	mg/kg	23,500	0.010	ND (0.0059)	ND (0.006)
Fluoranthene	206-44-0	mg/kg	3,130	ND (0.006)	ND (0.0059)	ND (0.006)
Pyrene	129-00-0	mg/kg	2,350	ND (0.030)	ND (0.030)	ND (0.030)
Benz(a)anthracene	56-55-3	mg/kg	0.875	ND (0.004)	ND (0.004)	ND (0.004)
Chrysene	218-01-9	mg/kg	87.5	ND (0.013)	ND (0.013)	ND (0.013)
Benzo(b)fluoranthene	205-99-2	mg/kg	0.875	ND (0.0024)	ND (0.0024)	ND (0.0024)
Benzo(k)fluoranthene	207-08-9	mg/kg	8.75	ND (0.0024)	ND (0.0024)	ND (0.0024)
Benzo(a)pyrene	50-32-8	mg/kg	0.0875	ND (0.004)	ND (0.004)	ND (0.004)
Dibenz(a,h)anthracene	53-70-3	mg/kg	0.0875	ND (0.006)	ND (0.006)	ND (0.006)
Indeno(1,2,3-cd)pyrene	193-39-5	mg/kg	0.875	ND (0.013)	ND (0.013)	ND (0.013)
Benzo(g,h,i)perylene	191-24-2	mg/kg	2,350	ND (0.019)	ND (0.019)	ND (0.019)
<i>Other Parameters</i>						
Moisture		%		17.2%	15.1%	16.4%

## Notes:

ND denotes constituent not detected at laboratory limit of quantitation shown in parentheses.

Values shown are dry-weight concentrations.

Table 1

## Summary of July 2001 Soil Analytical Results

Former Gulf States Creosoting Site  
Hattiesburg, Mississippi

Analytical Parameter	CAS Number	Units	Tier 1 TRG (unrestricted use)	GEO-86/8-10'	GEO-86/12-14'	GEO-86/16-18'
<i>Polycyclic Aromatic Hydrocarbons (PAHs)</i>						
Naphthalene	91-20-3	mg/kg	194	ND (0.300)	ND (0.300)	ND (0.300)
Acenaphthylene	208-96-8	mg/kg	4,690	ND (0.300)	ND (0.300)	ND (0.300)
Acenaphthene	83-32-9	mg/kg	4,690	ND (0.300)	ND (0.300)	ND (0.300)
Fluorene	86-73-7	mg/kg	3,130	ND (0.030)	ND (0.030)	ND (0.030)
Phenanthrene	85-01-8	mg/kg	2,350	ND (0.013)	ND (0.013)	ND (0.013)
Anthracene	120-12-7	mg/kg	23,500	ND (0.00059)	ND (0.00058)	ND (0.00059)
Fluoranthene	206-44-0	mg/kg	3,130	ND (0.00059)	ND (0.00058)	ND (0.00059)
Pyrene	129-00-0	mg/kg	2,350	ND (0.030)	ND (0.030)	ND (0.030)
Benz(a)anthracene	56-55-3	mg/kg	0.875	ND (0.004)	ND (0.004)	ND (0.004)
Chrysene	218-01-9	mg/kg	87.5	ND (0.013)	ND (0.013)	ND (0.013)
Benzo(b)fluoranthene	205-99-2	mg/kg	0.875	ND (0.0024)	ND (0.0023)	ND (0.0023)
Benzo(k)fluoranthene	207-08-9	mg/kg	8.75	ND (0.0024)	ND (0.0023)	ND (0.0023)
Benzo(a)pyrene	50-32-8	mg/kg	0.0875	ND (0.004)	ND (0.004)	ND (0.004)
Dibenz(a,h)anthracene	53-70-3	mg/kg	0.0875	ND (0.006)	ND (0.006)	ND (0.006)
Indeno(1,2,3-cd)pyrene	193-39-5	mg/kg	0.875	ND (0.013)	ND (0.013)	ND (0.013)
Benzo(g,h,i)perylene	191-24-2	mg/kg	2,350	ND (0.019)	ND (0.019)	ND (0.019)
<i>Other Parameters</i>						
Moisture		%		14.9%	14.5%	14.8%

## Notes:

ND denotes constituent not detected at laboratory limit of quantitation shown in parentheses.

Values shown are dry-weight concentrations.

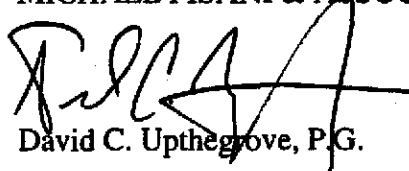
Mr. Tony Russell  
September 4, 2001  
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These results, along with those from previous investigations, demonstrate that no target constituents are present in surface and subsurface soils to the southeast of the Southern railroad tracks at concentrations exceeding MDEQ Tier 1 TRGs.

Should you have any questions or comments, or should you require additional information, please call us.

Sincerely,

MICHAEL PISANI & ASSOCIATES, INC.



David C. Upthegrove, P.G.

cc: Keith Watson - Kerr-McGee  
Glen Pilié - Adams and Reese  
Brian Young - MDEQ

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**MICHAEL PISANI & ASSOCIATES, INC.**

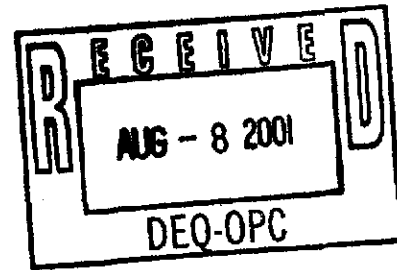
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August 3, 2001

Mr. Tony Russell, Chief  
Uncontrolled Sites Section  
Mississippi Department of Environmental Quality  
P.O. Box 10385  
Jackson, Mississippi 39289-0385



Subject: Removal Action Work Plan  
Northeast Drainage Ditch  
Hattiesburg, Mississippi

Dear Mr. Russell:

Enclosed are copies of the referenced document and related construction drawings for your review. In accordance with her request, we are forwarding a copy of the Work Plan to Ms. Gretchen Zmitrovich to review during her vacation. Should you have any questions or comments, please call us.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Uptergrove".

David C. Uptergrove, P.G.

cc: Gretchen Zmitrovich - MDEQ  
Keith Watson - Kerr-McGee (3 copies)  
Glen Pilié - Adams and Reese