

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

NICHOLAS DIPASQUALE, Secretary of
the Department of Natural Resources and
Environmental Control, an Administrative
Agency of the State of Delaware

Plaintiff,

v.

METACHEM PRODUCTS, L.L.C.
A Delaware Limited Liability
Corporation and **GODEL, INC.**
(formerly STANDARD CHLORINE OF
DELAWARE, INC.) a Delaware
Corporation,

Defendants.

C.A. No. 00C-10-140-HLA

STIPULATION OF FINAL JUDGMENT BETWEEN
NICHOLAS DIPASQUALE AND METACHEM PRODUCTS, L.L.C.

WHEREAS, plaintiff Nicholas DiPasquale ("Secretary" or "Department") filed this civil suit against defendants Metachem Products, LLC ("Metachem") and Godel, Inc. (formerly Standard Chlorine of Delaware) ("Godel") (collectively, "Defendants") alleging the breach by Defendants of certain provisions of Chapter 60, Title 7, Delaware Code and regulations thereunder and certain permits issued by the Secretary with respect to the facility owned and operated by Metachem, and previously owned and operated by Godel, located in New Castle County, Delaware ("Facility"); and

WHEREAS, the Secretary and Metachem have engaged in negotiations intended to secure compliance by Metachem with all applicable statutory and regulatory standards and permit conditions governing operations at the Facility, and are desirous of resolving all matters in dispute between the Secretary and Metachem through the entry of an order approving this Stipulation of Final Judgment by the Court.

NOW COMES, the Secretary by and through his attorney, Keith A. Trostle, Deputy Attorney General, and Metachem by and through its attorney, David S. Swayze, who do stipulate and agree to the entry of a Stipulation of Dismissal as follows:

1. This Court has jurisdiction over this matter pursuant to 7 Del. C. §6005(b)(1).
2. Metachem is a limited liability corporation organized and existing under the laws of the State of Delaware with its principal place of business in Delaware City, Delaware, and at all times pertinent hereto Metachem has owned and operated the Facility.
3. In his complaint, the Secretary has alleged that Defendants breached Paragraph 11 of Permit APC-94/0903-Operation (VOC RACT) in that it failed to timely perform a stack test with respect to the paradichlorobenzene (hereinafter "pDCB") flaker process at the Facility; and further, that the Defendants violated Department Regulation No. 24, Section 50, Subsection (b) by failing to obtain at least 81% overall reduction of VOC emissions with respect to the flaker operation.
4. Subsequent to the filing of this case, the Secretary has determined, and in certain instances has issued a Notice of Violation or a threat of Imminent Hazard Order, with respect to other alleged violations of applicable permits, or applicable standards imposed by regulation, or prior Order of the Secretary or this Court. The Secretary has advised Metachem of *the* Department's intention to seek the imposition of substantial civil penalties and to order the timely remediation of such noticed violations.
5. In order to resolve all known claims, whether or not heretofore disputed, and without admission of any fact, violation or liability, Metachem has voluntarily assisted the Secretary, and has agreed to continue to assist the Secretary, in identifying conditions of non-compliance at the Facility, and to commit to a plan for the correction of all such violations, and to the establishment of appropriate systems and processes designed to assure going forward on a best practices basis compliance with all applicable environmental statutes, regulations and

permits (the "Plan"), which Plan is set forth and made part of this Stipulation as Exhibit A hereto.

6. As part of its determination, review or approval of any work plan, system, process, or schedule for start up and completion thereof, the Secretary may, in addition to the requirements of the Plan and any applicable regulatory standards, give consideration to the demonstrated financial condition of Metachem. The Secretary may, from time to time, examine the books and records of Metachem to determine whether such financial condition still exists.

7. By entering into this Stipulation of Dismissal, the Secretary and Metachem hereby declare their intention to cooperatively and voluntarily resolve and settle all environmental violations or claims of environmental violations known by the Secretary at any time up to and including the date of the Order of Final Judgment without trial or admission of any issue of law or fact which may have occurred involving the permits, applicable law, regulations, or Departmental guidance governing or relating to processes and/or equipment at the Facility, including but not limited to:

- the pDCB flaking process;
- the reactor process vents scrubber and absorber;
- the hydrogenation process;
- the wastewater treatment facility;
- the removal of filter sand and all other waste; and
- the storage and utilization of all tetrachlorobenzene, including the

disposition of all material in Tank T-11.

For its part, the Secretary agrees that the Department will waive any right it otherwise may have to enforce in the form of civil penalties or to invoke judicial recourse seeking civil penalties for any violations which were known to him as of the date of the Order approving this Stipulation of Final Judgment, or discovered by him through or as a result of disclosure in any audit (including, without limitation, the Compliance Audit, the Environmental Management Systems Assessment and any subsequent confirmation audit, the Chemical Process and Safety/Prevention Audit, the

analysis of dioxin/furan presence in product, and the Facility-wide Corrective Measures Study or any further investigation or study, all as described in Exhibit A), his review of any audit report or study, or any subsequent investigation or analysis of matters addressed in any such audit report or study.

8. Metachem commits to undertake each of the requirements and conditions in Exhibit A in accordance with the descriptions of work and schedules set forth therein or in any subsequent work plan devised by or on behalf of Metachem and approved by the Secretary as the result of any audit or investigation undertaken in accordance with the Plan. The failure of Metachem to undertake or accomplish any such condition or requirement in accordance with its terms or the applicable schedule shall result in the assessment of sanctions as follows:

(a) There shall be no sanction if, and for so long as, the Secretary, in his sole discretion, shall determine that the grounds for non-compliance are outside the control of Metachem;

(b) If, in the judgment of the Secretary, the nature of the violation is excusable or without material consequence, and Metachem immediately takes such corrective action as the Secretary deems necessary, the violation shall be deemed to be "minor". Metachem shall pay a penalty for any such minor violation up to \$500 per day for each day that the violation is not corrected.

(c) All other violations of the requirements of Exhibit A shall give rise to a penalty of \$1000 per day for the first 30 days the violation continues to exist; \$2500 per day for each day from day 31 through day 60 that the violation continues to exist; \$5000 per day for each day from day 61 through day 90 that the violation continues to exist; and \$10,000 per day for each day after the 90th day that the violation continues to exist.

(d) All penalties assessed under this Paragraph 8 shall be due and payable to the Department within thirty (30) days of their assessment by the Secretary, subject to any extension of such payment date that the Secretary may in his sole discretion grant in order to

consider an appeal by Metachem to the Secretary of all or a portion of such penalty. The Secretary's determination on appeal is final.

9. Metachem, however, that if during the course of any audit, the Audit or determines that a condition of imminent and substantial threat to human health or the environment exists, it will immediately notify Metachem and the Secretary, and Metachem shall proceed with the Secretary's approval as expeditiously as possible to eliminate or mitigate such threat. Notwithstanding the provisions for stipulated penalties as set forth in paragraph 8 of this Order, failure of Metachem to respond immediately to an imminent and substantial threat to human health or the environment as determined by the Secretary shall result in a penalty of \$25,000 per day for each day Metachem fails to respond to the situation.

10. The Secretary and Metachem agree that this Stipulation does not extend or apply to, or in any way shield or benefit, Standard Chlorine of Delaware, Inc. or its successor, Godel, Inc. with respect to the operation of the Facility by Standard Chlorine of Delaware, Inc. occurring prior to December 2, 1998 or to any continuing duty which either Standard Chlorine of Delaware, Inc. or Godel may have had or now have subsequent to such date with respect to the operation of the Facility; nor shall this Stipulation constitute a waiver of any claim or cause of action whatsoever which Metachem may have against Standard Chlorine of Delaware, Inc. or its successor, Godel, with respect to any environmental violation that commenced or occurred during or as the result of such operation.

11. Metachem shall pay to the Secretary a civil penalty in the amount of \$1,450,000 as follows:

(a) a civil penalty in the amount of \$400,000, plus a \$50,000 penalty that was suspended in Order No. 2000-A-0022, and \$25,000 for reimbursement of the Department's costs in investigating and litigating this matter (collectively "Primary Penalty");

(b) a further penalty in the amount of \$1,000,000 (the "Secondary Penalty"); provided, however, that Metachem shall be allowed to offset, dollar for dollar, against such Secondary Penalty all direct or indirect costs (but not the salaries of Metachem employees)

of undertaking the programs, enhancements and remediation activities required of it by the terms of the Plan as detailed in Exhibit A, or by any work plan or test undertaken in accordance with the Plan; however, those requirements in paragraphs five (5) and eight (8) of Exhibit A shall not be allowed as offsets to the Secondary Penalty;

(c) the Primary Penalty shall be payable by Metachem over a three (3) year period commencing with the date of the Order of the Court adopting this Stipulation of Final Judgment as follows:

- i. \$50,000 within ten (10) days of the entry of the Order;
- ii. \$25,000 in cost recovery within sixty (60) days of the entry of the Order;
- iii. every ninety (90) days thereafter, an additional \$40,000 for a total of ten (10) payments;

(d) seven (7) years from the date of the Order approving this Stipulation, the Secretary shall determine how much, if any of the Secondary Penalty has not been offset, and Metachem shall pay such amount to the Secretary within thirty (30) days of such determination.

12. Upon payment of the civil penalty set forth in paragraph 11 hereof and satisfactory completion of the Plan and correction of all violations, this action shall be dismissed, with prejudice, and the jurisdiction of the Court shall cease but in any event, not less than seven (7) years of entry of this Order.

**DELAWARE DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL
CONTROL**

Date: _____

Nicholas A. DiPasquale, Secretary
Department of Natural Resources and
Environmental Control
89 Kings Highway
Dover, DE 19901

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

Date: _____

Keith A. Trostle, Deputy Attorney General
Department of Justice
Carvel State Office Building
820 N. French Street
Wilmington, DE 19801

REED SMITH LLP

Date: _____

David S. Swayze, Esquire
1201 Market Street, Suite 1500
Wilmington, DE 19801

METACHEM PRODUCTS, LLC

Date: _____

Frank Romanelli, CEO
Metachem Products, LLC

SO ORDERED this _____ day of

_____ , _____ .

J.

EXHIBIT A

**METACHEM PRODUCTS, LLC
DELAWARE CITY FACILITY**

COMPLIANCE, REMEDIATION AND ENVIRONMENTAL ENHANCEMENT PLAN

The following compliance, remediation and environmental enhancement activities shall constitute the Plan to which Metachem has committed in paragraph 5 of the Stipulation of Final Judgment in the action styled as DiPasquale v. Metachem Products, LLC and Godel, Inc., C.A. No. 00C-10-140-HLA:

1. Environmental Compliance Audit. Within fourteen (14) days of the date of the Order, Metachem shall submit all information on the proposed Auditor for approval by the Secretary. Metachem shall, using the third party auditor ("Auditor") approved by the Secretary, conduct a comprehensive, facility-wide environmental compliance audit ("Audit") at the Facility. The Auditor shall, upon completion of the Audit, concurrently notify the Secretary and Metachem of any violations which are identified by such Audit. The plan and schedule for such Audit shall be as follows:

a. Within forty five (45) days of the date of the approval by the Secretary of the Auditor, the Auditor will submit to the Secretary for review and approval, the Audit Work Plan, including the scope of the activities, processes, procedures and programs to be audited; the approach and methodology; the operating period to which the Audit is applicable; the format of the Audit report; and the procedures for determining the timetable and compliance steps with respect to any violation or need for further investigation identified by the Audit.

b. The Secretary will have thirty (30) days from the date he receives the Work Plan to review or modify, in writing, the Work Plan. The Auditor shall commence the Work Plan within twenty-one (21) days after receipt of the Secretary's comments or any modifications the Secretary shall require.

c. The Auditor shall complete the Work Plan within ninety (90) days of its commencement. The Auditor shall issue an Audit Report concurrently to the Secretary and Metachem within sixty (60) days of completing the Work Plan which will include the following audit details:

- i. Audit approach and methodology used by the audit team;
- ii. Facility operations, activities and programs/procedures reviewed during the audit;
- iii. Limitations or impedances, if any, that occurred during implementation of the Audit Work Plan that impacted the audit team's findings;
- iv. A site map illustrating all current Facility processing areas, manufacturing buildings, storage areas including tanks, container areas, waste piles, landfills, surface impoundments, material loading/unloading areas, and drainage/diversion systems;
- v. Process flow diagrams and raw material balances for Facility processing and manufacturing operations; Identification of all emission units which are permitted or require a permit and their associated permits and/or applicable regulatory requirements;

- vi. A current inventory of all materials, feedstocks, and generated wastes at the facility;
- vii. History of permitted and non-permitted releases;
- viii. A current tank inventory that identifies the equipment number, capacity, contents, period of use, and tank temperature for those systems that are capable of being steam heated, and that includes an evaluation of the adequacy of secondary containment provided for each;
- ix. An index of those Facility documents, records and reports reviewed during the Audit; and
- x. Identification of potential non-compliances with federal, state and/or local regulations or permits related to current Facility operations, activities, or procedures/programs, including requirements for the proper management of polychlorinated biphenyls as requested by the U.S. Environmental Protection Agency under the federal Toxic Substances Control Act (“TSCA”) 15 U.S.C.S. §2601, et seq.; and
- xi. Five year tank assessment; Identification of all applicable assessment criteria, including, but not limited to standards drafted by the American Petroleum Institute (API), National Fire Protection Agency (NFPA), Steel Tank Inventory (STI), American National Standard Institute (ANSI), American Society of Testing and Materials (ASTM) and Underwriters Laboratories (UL); and
- xii. Recommendations for further investigation or environmental sampling so as to confirm suspected non-compliance.

d. The Department, Metachem, and the Auditor shall respond promptly to any request for documents or information made upon it by the other in aid of the preparation, review, and/or approval of the Audit Work Plan, Audit Report, or Action Plan.

2. Metachem shall propose a corrective action plan within sixty (60) days from the completion of the Audit Plan. The Department shall review and approve, or modify the corrective action plan ("Action Plan") within sixty (60) days from receipt of the Action Plan. The parties shall meet and finalize the Action Plan within thirty (30) days of receiving the Secretary's comments. The Action Plan shall identify the actions necessary to correct any identified non-compliances and to confirm suspected non-compliances. The Action Plan also shall include an agreed upon schedule for completion of such corrective actions. Failure to comply with the schedule for corrective action will result in the assessment of penalties by the Secretary as set out in Paragraph 8(a) of the Final Order. Within thirty (30) days of the date on which such Action Plan is approved, Metachem shall commence the actions required by the Action Plan in a manner consistent therewith. Metachem shall provide the Secretary with a report of its progress every thirty (30) days. Upon completion of the final task required by the Action Plan, the Auditor shall determine whether compliance has been achieved and advise the Secretary of its findings.

3. Environmental Management Systems Assessment. Not later than one year after the date of the Order approving this Stipulation, Metachem will cause to be conducted an environmental management systems assessment ("EMSA"). This EMSA shall be conducted by either the Auditor approved to undertake the Environmental Compliance Audit, or another vendor approved by the Secretary, and shall identify the procedures and programs necessary for

Metachem to develop and implement an environmental management system that will permit Metachem to conform with ISO 14001 Environmental Management Systems -- Specifications with Guidance for Use ("ISO 14001"), without, however, any obligation to be certified. The EMSA will be conducted in accordance with a Work Plan submitted by the EMSA Auditor to the Secretary for approval by the EMSA Auditor within sixty (60) days of the commencement of the EMSA. Such Work Plan shall include methodology, documents, records and other communication materials to be reviewed; identification by title of the Facility personnel to be interviewed; a schedule for completion of the Work Plan tasks; the responsibilities of the EMSA Auditor; the format of the report, the actions necessary for Metachem to conform Facility practices, procedures and programs to the ISO 14001 standard, and the procedure for reviewing and determining compliance with the EMSA Plan.

4. The Secretary shall have thirty (30) days to approve or modify the Work Plan as submitted. The Auditor will then conduct the EMSA within sixty (60) days of receipt of the EMSA Work Plan as approved by the Secretary. The Auditor shall submit to Metachem and the Secretary a report setting forth the extent to which current Facility practices, procedures and programs conform to 14001 Standards. Within thirty (30) days of the receipt of such report, the Auditor and Metachem shall devise an Implementation Plan, which the Auditor shall submit to the Secretary for approval. Each recommendation for action set forth in the Implementation Plan shall cross-reference the relevant ISO 14001 Standard, and shall include an anticipated schedule and responsible party for completing the task. The Schedule for completion of the tasks necessary to achieve conformance with the ISO 14001 Standard shall not exceed three (3) years. Within ninety (90) days of the completion of the EMS, Metachem shall retain a Secretary approved independent auditor, other than the Auditor who participated in the development of the

EMS, to independently evaluate and certify that the EMS conforms to the 14001 standard. The independent Auditor shall submit its finding in writing simultaneously to both Metachem and the Secretary. An independent audit of the EMS, as described above, shall also be conducted in the last quarter of the years 2005 and 2007.

5. Chemical Process and Safety/Prevention Audit. Within one hundred eighty (180) days of the date of the Order approving the Stipulation of Final Judgment, Metachem shall commission a plant-wide chemical process and safety/prevention program audit ("Process/Safety Audit") to be performed by a third party facilitator ("Facilitator") who shall perform the chemical process analysis, and a safety auditor ("Safety/Prevention Auditor") who shall perform safety/prevention program audit. Metachem shall provide sufficient documentation to demonstrate the capability and experience of the Facilitator and the Auditor to perform such services. The Secretary shall review and approve the Facilitator and Safety/Prevention Auditor within thirty (30) days of receiving such documentation. Within thirty (30) days of approval of the Facilitator and Safety/Prevention Auditor, the plant-wide chemical process and safety/prevention audit shall commence. These audits shall be completed within ninety (90) days of commencement. A report of the Audit findings shall be submitted concurrently to Metachem and the Secretary within sixty (60) days of completing the Audit. Within sixty (60) days of receipt of such report, Metachem shall submit a Work Plan to the Secretary for review and/or approval with respect to the proposed recommendations for corrective action, together with a schedule for such actions. The Secretary shall have sixty (60) days to review and approve the Work Plan. Metachem shall have ninety (90) days from the approval of the Work Plan to complete the final corrective action. After Metachem has completed the final corrective action

under the Work Plan, the Facilitator and Safety/Prevention Auditor shall examine and certify that the respective Work Plans are complete to the Secretary.

6. Stack Testing. Metachem has retained Weston, Inc. to conduct testing of the Hydrogenation Unit stack on December 1 and December 4, 2000, in accordance with a test protocol approved by the Secretary. Metachem shall report the results to the Secretary in accordance with the provisions of the permit. This stack testing is required by permit and is, therefore not subject to offset of the Secondary Penalty.

7. Dioxin and Furan. Metachem shall submit to the Secretary within sixty (60) days of the entry of the Order all existing data in its possession on dioxins and furans testing performed with respect to the hydrogenation process. The Secretary shall review the information within sixty (60) days of its receipt. If the Secretary shall deem such data to be incomplete, Metachem shall conduct tests approved by the Secretary of the 1, 2, 3 and 1, 2, 4 tetrachlorobenzene generated and trichlorobenzene produced or recovered by such process to measure the presence (if any) of dioxin and/or furan, and shall report the results of such testing to the Secretary. This process shall be completed within 180 days from the date of request by the Secretary.

8. Wastewater Treatment Facility. Metachem shall conduct a baseline evaluation of the wastewater treatment blast tank VOC emissions within ninety (90) days of the date approving this Order. These baseline results shall be submitted to the Secretary. Within ninety (90) days from the completion of the implementation of the EMS, Metachem shall again evaluate the wastewater treatment blast tank VOC emissions. Metachem shall submit these findings to the Secretary within thirty (30) days of completion of the final evaluation. The Secretary shall

review and comment on the findings within sixty (60) days from receipt of the findings. If the findings do not represent a reduction in VOC emissions of at least 81% *from* the baseline evaluation of the blast tank, Metachem shall implement additional controls or source reductions achieving the 81% reduction in VOCs within one (1) year of the Secretary's comments on the findings. Metachem may petition the Secretary for an adjustment to the 81% reduction requirement, if Metachem can demonstrate that additional controls or source reductions would be impracticable, not technically feasible, or cost prohibitive.

9. Tetrachlorobenzene Recovery. Metachem shall operate its hydrogenation unit so that it: (a) in the year 2001, it recovers not less than 75% of the total tetrachlorobenzene produced at the facility. The remaining percentage shall be included in the production totals for the year 2002. Beginning January 1, 2002, Metachem shall recover 100% of all of the tetrachlorobenzene produced at the Facility during that calendar year, including the remaining percentage carried forward from the 2001 calendar year; and (b) further recovers tetrachlorobenzene previously stored at the Facility (which amount shall be determined as part of the Compliance Audit) at a rate of not less than 15% of the total volume per year. Any amount less than 15% that is not recovered within a calendar year shall be shipped off-site for disposal in accordance with state and federal law. Recovery shall mean conversion of the material to a marketable product or disposal in accordance with state and federal law. Metachem shall provide the Secretary on a quarterly basis with a report setting forth production and tetra processing and disposal data, sufficient to demonstrate compliance with these requirements. Such quarterly reports shall be submitted within thirty (30) days of the end of the preceding quarter. The expenses incurred by Metachem for disposal and/or compliance with this provision shall not be allowed as an offset of the Secondary Penalty.

10. Computerized Maintenance Tracking. Within six months from the date of the Order approving the Stipulation of Final Judgment, Metachem shall expand its existing computerized maintenance tracking system to include all maintenance deadlines required under any permit issued by the Secretary for all Facility processes and activities or under any applicable regulation.

11. Facility Wide Assessment. Within ninety (90) days of the completion of the Corrective Action Plan (as described in paragraph 2), Metachem shall submit a Facility Assessment Plan to the Department for approval. The Secretary shall review or modify, in writing, the Facility Assessment Plan within sixty (60) days of its receipt. The plan shall contain the elements of evaluation, as well as a detailed timeline for the conducting of the assessment, the preliminary review, the Site Inspection and the submission of the Assessment Report.

a. Purpose and Scope. The purpose of the Facility Assessment is threefold: (1) to identify and gather information on potential releases of hazardous substances at the site; (2) to evaluate potential areas of environmental concern (AOCs) with respect to releases to all media; and (3) to make preliminary determinations regarding the potential releases of hazardous substances and the need for further action and interim measures at the Facility.

There are three elements of the proposed Facility Assessment at the Facility: (1) a Preliminary Review of the Facility records; (2) a Site Inspection to identify AOCs; and (3) an assessment report to confirm releases from potential AOCs.

The potential AOCs will be evaluated with respect to: (1) physical release characteristics of each AOC; (2) type of waste or hazardous substances handled in each AOC; (3) migration pathways for each type of waste or hazardous substance; (4) physical evidence of releases from each AOC; and (5) the exposure potential from each AOC. Upon determining

which AOC (if any) warrant further investigation or require interim measures, a report will be prepared that summarizes the findings of the assessment

b. Preliminary Review. The Preliminary Review is the first element of the Facility Assessment. This review will serve two main purposes: (1) to gather and evaluate existing data to identify and characterize potential releases; and (2) to focus the subsequent site visit and sampling investigation.

This review shall begin within sixty (60) days of Departmental approval of the Facility Assessment Plan and will include collecting and reviewing documents and other written reports, meeting with plant supervisors, and collecting other information from the owner/operator.

Available permit applications at the facility agency inspection reports will be reviewed. Other sources of information may also be available to assist in the assessment. These sources may include NPDES permits, air permits, OSHA inspection reports, aerial photographs, local health agency records, previous investigation reports, etc.

An assessment of the Facility's overall waste generation and management activities and materials handling practices, both past and present, will be conducted. This investigation will identify the types of wastes and materials handled to identify potential constituents of concern. All areas of potential environmental concern and releases of concern will be identified on a Facility map.

The physical design and operational characteristics of each potential AOC will be evaluated to determine their potential for releases. The constituents expected within each AOC will also be evaluated with respect to their release potential and migration pathways.

Migration pathways will be evaluated at each AOC. Each AOC will be evaluated to determine which migration pathway would control the fate of constituents at the site. This may include the identification of potential routes of pollutant transport and/or physical factors that affect the migration of constituents.

c. Site Inspection. The Site Inspection will be the second element of the Facility Assessment process and shall begin within thirty (30) days of the conclusion of the Preliminary Review. The purpose of the Site Inspection is fourfold: (1) to collect evidence of potential releases at the Facility; (2) to ensure that all AOCs have been identified; (3) to fill data gaps identified during the Preliminary Review; and (4) to focus recommendations for interim measures, sampling investigations, or no further action.

The Site Inspection at the Facility will include a sitewide investigation of the contiguous Metachem Products, LLC property. Areas subject to CERCLA actions must be identified on a site map and reference made to unit status in the CERCLA process.

The results of the Site Inspection will be incorporated into a draft Site Inspection Report to be submitted to the Department within sixty (60) days of the conclusion of the Site Inspection. The report will include recommendations for a sampling visit to confirm releases, the need for interim measures, the need for further investigation, or the need for no further action.

d. Further Investigation. Within ninety (90) days of a determination by the Department that further investigation is necessary, Metachem shall submit a plan to conduct a corrective measures study. Following review of the corrective measures study by the Department, Metachem will evaluate remedies and implement corrective measures in a time frame established by the Department.

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