



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RECEIVED  
REGION 6  
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U.S. E.P.A.

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2006 FEB / 5 AM 9: 59

ENVIR. APPEALS BOARD

Via FedEx Priority Overnight

February 14, 2006

Ms. Eureka Durr  
Clerk, Environmental Appeals Board  
U.S. Environmental Protection Agency  
1341 G Street, N.W.  
Suite 600  
Washington, D.C. 20005

In Re: Hercules Incorporated, Petition No. CERCLA 106(b) 98-2; Fourteenth Status Report

Dear Ms. Durr:

Please file the enclosed Fourteenth Status Report in the referenced matter involving the claim of Hercules Incorporated, which was stayed by order of the Environmental Appeals Board on January 29, 1999. The undersigned EPA counsel apologizes to the Board that this status report is late and respectfully requests that the Board accept this Fourteenth Status Report out of time. The undersigned attorney has conferred with petitioner Hercules' counsel, who had no additions, changes, or objections to this Report, and who considers it to be an accurate statement of the record.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to call me at (214) 665-3159.

Sincerely yours,

James L. Turner  
Senior Attorney  
Office of Regional Counsel

Enclosure

cc: Gordon Hamlin, Esq. (First Class Mail)  
Richard G. Dahlen, Esq. (First Class Mail)

RECEIVED  
U.S. E.P.A.

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. FEB 25 AM 9:59

ENVIR. APPEALS BOARD

IN RE:	)	
	)	
HERCULES INCORPORATED,	)	PETITION NO.
	)	
PETITIONER.	)	CERCLA 106(b) 98-2
	)	
	)	
	)	

**FOURTEENTH STATUS REPORT**

Now comes the Director of the Superfund Division, Region 6, United States Environmental Protection Agency ("EPA"), who files this Fourteenth Status Report pursuant to the Order Granting Stay of the EPA Environmental Appeals Board ("the Board") entered in this proceeding on January 29, 1999. Since the Thirteenth Status Report, there has been an appeal of the ruling and final judgment entered pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9601 *et seq.*, on June 10, 2005, in the litigation in *United States v. Vertac Chemical Corporation, et al.*, No. 4:80CV00109 GH (E.D.Ark.), on remand to the United States District Court for the Eastern District of Arkansas. *See United States v. Vertac Chemical Corp.*, 364 F.Supp.2d 941 (E.D.Ark., 2005)

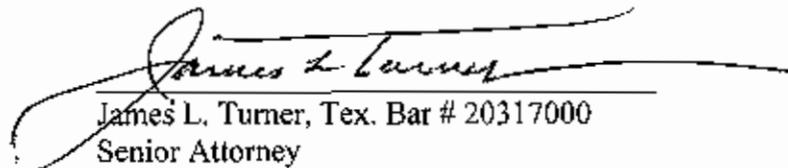
On August 2, 2005, Petitioner Hercules Incorporated ("Hercules") filed a notice of appeal of the aforementioned judgment with the United States Court of Appeals for the Eighth Circuit. The appeal was subsequently docketed and consolidated with the related appeal of Crompton Co./CIE (formerly known as Uniroyal Chemical Ltd.). *United States v. Hercules, Inc., et al.*, Cases No. 05-3147EA, 05-3153EA (8<sup>th</sup> Cir.). On or about January 10, 2006, the parties

completed their briefing of all issues before the Court of Appeals. On February 10, 2006, the Clerk of the Eighth Circuit issued a scheduling order setting the date of March 13, 2006, for oral argument in the appeal.

The undersigned EPA counsel apologizes to the Board that this status report is late and respectfully requests that the Board accept this Fourteenth Status Report out of time. Counsel has conferred with petitioner Hercules' counsel, who had no additions, changes, or objections to this report, and who considers it to be an accurate statement of the record.

Respectfully submitted,

Samuel Coleman, P.E.  
Director, Superfund Division  
U.S. EPA, Region 6



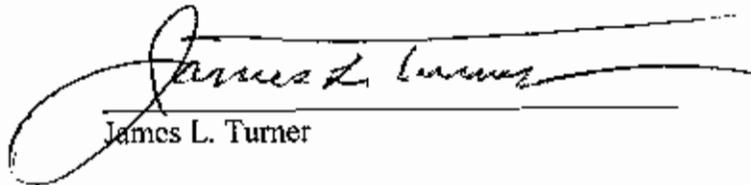
James L. Turner, Tex. Bar # 20317000  
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U.S. EPA Region 6  
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**CERTIFICATE OF SERVICE**

I certify that I served the foregoing Fourteenth Status Report on the Petitioner herein, by forwarding a copy of the same to counsel for Hercules Incorporated at the addresses listed below via First Class U.S. Mail, postage prepaid, on this the 14<sup>th</sup> day of February 2006.

W. Gordon Hamlin, Jr., Esq.  
Powell Goldstein LLP  
One Atlantic Center, 14th Floor  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3488

Richard G. Dahlen, Esq.  
Counsel, Law Department  
Hercules Incorporated  
1313 North Market Street, 8th Floor  
Wilmington, Delaware 19894

  
James L. Turner