



RECEIVED
U.S. E.P.A.

2007 JAN 26 AM 10:09

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733

ENVIR. APPEALS BOARD

January 25, 2007

Via FedEx

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

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

Dear Madam Clerk:

Enclosed for filing are an original and five copies of the Sixteenth 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 attorney has conferred with petitioner Hercules' counsel, who has 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. My telefax number is (214) 665-6460, and my email address is Turner.James@epa.gov, or "James Turner" within the EPA Lotus Notes system.

Sincerely yours,

A handwritten signature in cursive script that reads "James L. Turner".

James L. Turner
Senior Attorney
Office of Regional Counsel

Enclosures

cc: Gordon Hamlin, Esq.
Richard G. Dahlen, Esq.

RECEIVED
U.S. E.P.A.

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

JAN 26 AM 10: 09

ENVIR. APPEALS BOARD

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

SIXTEENTH STATUS REPORT

Now comes the Director of the Superfund Division, Region 6, United States Environmental Protection Agency (“EPA”), who files this Sixteenth Status Report pursuant to the Order Granting Stay of the EPA Environmental Appeals Board (“the Board”) entered in this proceeding on January 29, 1999.

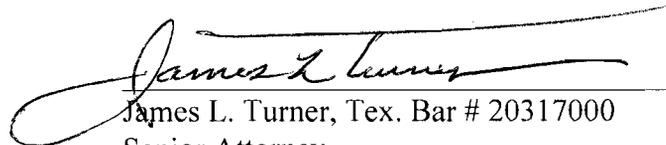
On July 13, 2006, the United States Court of Appeals for the Eighth Circuit affirmed the United States District Court for the Eastern District of Arkansas judgment for the United States of joint and several liability against the petitioner Hercules Incorporated (“Hercules”), pursuant to section 107(a) of the Comprehensive Environmental Response, Compensation & Liability Act (“CERCLA”), 42 U.S.C. § 9607(a). *United States v. Vertac Chemical Corporation*, 453 F.3d 1031, 1048 (8th Cir., 2006). The judgment was for over \$119 million in past response costs incurred by the United States for CERCLA removal and remedial response actions at the Vertac Superfund Site, Jacksonville, Arkansas, and the nearby Jacksonville Municipal Landfill Site, and for any additional response costs. 453 F.3d, at 1037-39. *See United States v. Vertac Chemical Corp.*, 364 F.Supp.2d 941 (E.D.Ark., 2005).

On September 19, 2006, the United States Court of Appeals for the Eighth Circuit denied Petitions for Rehearing En Banc and for Rehearing filed in August 2006 by Hercules. On December 14, 2006, Hercules filed a Petition for Writ of Certiorari in the United States Supreme Court seeking review of the judgment of the Eighth Circuit.

Undersigned counsel has conferred with petitioner Hercules' counsel, who has 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

A handwritten signature in cursive script, reading "James L. Turner", is written over a horizontal line.

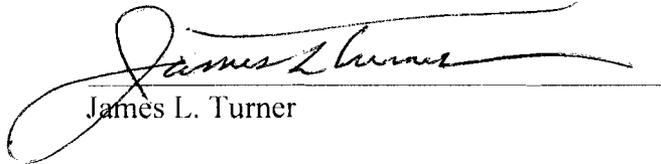
James L. Turner, Tex. Bar # 20317000
Senior Attorney
Office of Regional Counsel
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202
Tel: (214) 665-3159
Fax: (214) 665-6460
E-mail: Turner.James@epa.gov

CERTIFICATE OF SERVICE

I certify that I served the foregoing Sixteenth 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 25th day of January 2007.

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