



LEGAL  
Wilmington, Delaware 19898

January 9, 1995

Certified Mail  
Return Receipt Requested

Deborah R. Goldblum  
Project Manager  
RCRA Enforcement Section  
U.S. EPA - Region III  
841 Chestnut Building  
Philadelphia, PA 19107-4431

Re: DuPont - Experimental Station

Dear Ms. Goldblum:

In accordance with Section VI.E of the Consent Order between DuPont and the EPA, DuPont has filed the Declaration of Covenants that was approved by your office on December 13, 1994. Attached is a Recorder's Receipt and a copy of the Declaration of Covenants that was filed and stamped with the New Castle County Recorder of Deeds on January 9, 1995.

Please contact me at (302) 773-6415 should you have any questions.

Sincerely,

Robyn G. Magee

cc: Rick Drazich, DuPont  
Norman Griffiths, DuPont  
Alex Rittberg, DNREC

Declaration of Covenants made by E.I du Pont de Nemours and Company, a Delaware Corporation, dated January 4, 1995 covering 6.08 Acres being part of the Experimental Station, located on Route 141, Brandywine Hundred, New Castle County, Delaware.

This document was received by the New Castle County, Delaware Recorder of Deeds of this \_\_\_\_ day of \_\_\_\_\_, 1995.



\_\_\_\_\_  
Recorder of Deeds.

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DECLARATION OF COVENANTS

E. I. du Pont de Nemours and Company, a Delaware corporation ("Declarant"), hereby submits the real property described below to the provisions of this Declaration, and publishes and declares that all of the following terms and conditions shall be deemed to affect and encumber the real property described below, and shall run with such real property and shall be a burden and a benefit to the Declarant, its successors, and assigns, and to all or any other persons acquiring or owning any interest whatsoever in any portion of the real property described below, and any improvements thereon, and such persons' grantees, successors, heirs, executor, administrators, devisees, and assigns.

WITNESSETH:

WHEREAS, Declarant is the owner of a facility known as the DuPont Experimental Station, located on Route 141, Brandywine Hundred, New Castle County, Delaware, which is approximately 125 acres in size; and

WHEREAS, Declarant has signed an Administrative Order on Consent ("Order") with the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act ("RCRA"), U.S. EPA Docket No. RCRA 3-016-AM (9/30/93) to study a portion of the above-described facility, said portion to be studied being approximately 6 acres in size;

WHEREAS, Declarant is the owner of both the entire facility and the six-acre portion subject to the study and is required pursuant to said Order to encumber said six-acre portion with such restrictions as more fully described below;

WHEREAS, said six-acre portion of the facility is described as follows:

BEGINNING at the northwesterly corner of building No. 249;

THENCE from said point of BEGINNING, North 54°-15'-47'' East, 692.91 feet to a point, a portion of said course being along the northwesterly face of said building no. 249;

THENCE, South, 35°-44'-13'' East, 502.09 feet to a point on the top of the bank of the Brandywine Creek;

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THENCE, along the top of the bank of the Brandywine Creek in a southwesterly direction 730.00 feet to a point, said point being distant from the last described point by a tie line of South 67°-20'-03" West 711.34 feet;

THENCE North 35°-44'-13" West, 341.22 feet to the point and place of BEGINNING, a portion of said course being along the southwesterly face of said building no. 249;

CONTAINING within said metes and bounds, 6.08 acres of land being the same, more or less...

This legal description was prepared by J.E. Chandler, Jr.,  
Vandemark & Lynch, Inc., Professional Survey No. 30126-Le.

which real property is hereinafter referred to as the "Site"; and

WHEREAS, Declarant has agreed that certain information concerning the Site should be entered on the permanent property records; and

NOW THEREFORE, Declarant hereby states and declares as follows:

1. No placement of ground water wells at the Site for use as a source of drinking water, bathing water, cooking water, or other domestic uses.
2. Any excavation work to be conducted within the Site shall be performed upon prior notice to EPA, Region III, RCRA Enforcement Branch, Philadelphia, PA, and during such construction activity, access shall be restricted.
3. No use of the property underlying the Site that may permit dermal contact with soils or ground water.

THIS DECLARATION shall continue in full force and effect until such time as EPA determines that conditions at the Site have improved to the point that an amendment of the Record of Decision ("ROD") is appropriate and the requirement for deed restrictions is terminated.





12/2/94  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

DEC 13 1994

Mr. Rick Drazich  
E.I. du Pont de Nemours & Company, Inc.  
Experimental Station Building 268, Room 207  
Route 141  
Wilmington, Delaware 19880-0268

Dear Mr. Drazich:

EPA has reviewed and approves of E.I. du Pont de Nemours & Company, Inc.'s (DuPont's) proposed deed restriction language attached to the letter dated June 23, 1994. In accordance with Section VI.E of the Consent Order, DuPont shall file the deed restrictions within thirty days of receipt of this approval letter. If you have any questions regarding this letter, please call me at 215-597-6688.

Sincerely,

Deborah R. Goldblum  
Project Manager  
RCRA Enforcement Section

cc: Christina Valente (3RC33)  
Alex Rittberg (DNREC)