

Boyles, Sean

From: Walch, John
Sent: Thursday, October 09, 2014 9:30 AM
To: Jesneck, Charlotte
Cc: Boyles, Sean
Subject: Legal Help Needed

Charlotte-

We need some assistance from the AG's office to determine if there is still a viable RP for the Planters Chemical site in Fayetteville. From the information that I can find on the internet, it appears that over the years, Planters Chemical Company has been purchased by larger companies multiple times and it is unclear if there is a successor company that would be liable for performing remedial investigation/cleanup activities at the site.

Can you ask Dan to have someone on his staff see what they can find?

Here is the info that I have been able to find (see attached):

- The Planters Chemical Co Division of Thompson-Hayward Chemical Co. had a facility located at 616 Commerce Street in Fayetteville according to the 1960, 1964, 1968 & 1976 editions of the NC Directory of Manufacturing Firms. It appears that Planters Chemical Co. was based in Norfolk Virginia and Thompson-Hayward was based in Kansas City, Kansas.
- Thompson-Hayward Chemical Company was a Subsidiary of Philips Electronics and Pharmaceutical Industries Corp.
- In 1969 Philips Electronics and Pharmaceutical Industries Corporation's name was changed to Pepi, Inc. Then the company merged with North American Philips Consumer Electronics Corporation.
- In 1981, Harrisons and Crosfield PLC purchased bulk of the chemical business from Philips and subsequently changed name to Harcos Chemical, Inc.
- Harcos Chemicals is privately owned after a 2001 management buy out.

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Walch, John

From: Jesneck, Charlotte
Sent: Wednesday, October 15, 2014 9:51 AM
To: Walch, John
Subject: FW: Planters Chemical Company site, Fayetteville, NC NONCD0002909

Does this get what you need? Let me know if we need to discuss plans for the site.

From: Smith, Vicki [mailto:Avsmith@ncdoj.gov]
Sent: Wednesday, October 15, 2014 9:41 AM
To: Jesneck, Charlotte
Cc: Hirschman, Daniel; Smith, Vicki
Subject: Planters Chemical Company site, Fayetteville, NC NONCD0002909

Charlotte,

I have been researching this site, and Mr. William T. Sanders, who owns it. Mr. Sanders still owns these adjoining parcels:

0437-10-3685: 0.70 acre along Robeson Road, Deed Book 3212, Page 397, Deed Book 3212, Page 395 (10/6/1986); 757/186 (9/15/1958).

0437-11-0009: 1.25 acres, Corner of Commerce Street and Weiss Avenue, Deed Book 912, Page 231 (2/12/1962); Plat Book 20/21 (9/27/1957).

0437-10-2993: 5.00 acres, Corner of Commerce Street and Robeson Street, Deed Book 695, Page 158 (3/28/1956); Plat Book 20/20 (9/27/1957).

These 3 adjoining parcels make up the site of the former Square Deal Package Store on the Robeson Street side, plus the former Planters Chemical site on the Commerce Street side.

I could find no ownership of any of the named companies who did business at these locations, and I found no other agreements recorded between Mr. Sanders and these other parties, except for one lease for 5 years to Charlotte E. Icenogle recorded 5/17/1983 at 2923/541, and that would be the service station property facing Robeson Street.

I have followed all the leads I could find and only came up with these addresses for Mr. Sanders:

William T. Sanders
2 Scotch Bonnet Lane
Wrightsville Beach, NC 28480-1624;

William T. Sanders,
c/o Dan Barker, Trustee
2 Scotch Bonnet Lane
Wrightsville Beach, NC 28480;
And:

William T. Sanders,
c/o P.R. Barker
5556 Braxton Road
Hope Mills, NC 28348

Also, Mr. Sanders owned family acreage in the neighborhood, and agreed to let the NCDOT take part of it for the interchange that was built and the upgrade of Highway 87. For these takings, Mr. Sanders was paid \$192,630.00 around 2004 (see the DOT Consent Judgment recorded at 6723/327 on 11/29/2004); and he was also paid \$15,800,000.00 around 2011 (see the DOT Consent Judgment recorded at 8754/70 on 11/1/2011). These payments total almost 16 million dollars.

The company who is successor to Planters Chemical after all the years is now called Elementis Chemicals, Inc., a Delaware corporation formed 3/20/1981, with the Delaware file # 0910574. According to the Delaware Secretary of State, the registered agent is:

**The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801**

It is not possible to tell what the status of that company is without paying in Delaware, and what their corporate ownership might be.

Elementis Chemicals Inc., the Delaware corporation, withdrew its authority to transact business in NC on 5/27/2003, and left the following address with the NC Secretary of State:

Elementis America Inc.
329 Wyckoffs Mill Road
Hightstown, New Jersey 08520.

This facility has since moved to East Windsor, NJ. Send correspondence to:

**Mr. Walker Allen,
Chief Compliance Officer
Elementis Specialty Products
469 Old Trenton Road
East Windsor, NJ 08512
The main telephone there is: 609-443-2000**

I hope some of this information is helpful to you. Please let me know if you get nowhere with this.

Thanks, regards,

Vicki