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AMENDMENT TO MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL  
CONTROL  
AND THE GOVERNMENT OF  
NEW CASTLE COUNTY, DELAWARE

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WHEREAS, the Delaware Department of Natural Resources and Environmental Control – Site Investigation and Restoration Branch (“DNREC-SIRB”) and the New Castle County Government (“NCC”) enter into this Amendment to Memorandum of Understanding (“MOU”) in order to facilitate the remediation of the contamination present at the Delaware National Golf Course – Hercules Road Property (tax parcels 08-026.00-052 and 08-033.00-001) (“site”) and amend Sections II, D 3 (f) and D 4 of the original agreement.

WHEREAS, Section II, D 3 (e) requires that DNREC-SIRB will review the completion report for the general site work (i.e. the report regarding the remediation of the soil on the entire site prior to the construction of individual homes) and will provide documentation stating that the site is cleaned up to the technical and substantive standards of HSCA;

WHEREAS, pursuant to Section II, D 3 (f), DNREC-SIRB has also agreed to review the sampling results for each individual lot as it is developed and prior to the issuance of a Certificate of Occupancy (“CO”) by the County for each individual lot;

WHEREAS, the County will require through notes on the record plan that, prior to the issuance of a CO for a particular residence, DNREC-SIRB will determine that the sample results for the lot do not exceed the concentration standards used as the Remedial Action Objectives stated in the Final Remedial Action Plan;

WHEREAS, Section II, D 3 (e) currently requires DNREC-SIRB to make the determination that the sample results for each individual lot are acceptable for the County to issue a CO;

WHEREAS, in order to provide assurance to the County that the determination can be made in a timely manner that the lot by lot sampling results meet the requirements of the Final Remedial Action Plan, DNREC-SIRB will hire a consultant to be on call to review the lot by lot sampling results and to make this determination, pursuant to instructions from DNREC-SIRB, so that the County can issue the CO in a timely manner.

NOW THEREFORE, the Memorandum of Understanding between Delaware Department of Natural Resources and Environmental Control and the Government of New Castle County, Delaware signed by James D. Werner, Director, Division of Air and Waste

Management and Jeffrey W. Bullock, Chief Administrative Officer New Castle County Government on March 31, 2007 is hereby amended as follows:

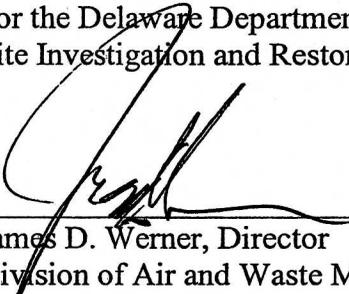
Amend Section II, D 3 (f) Stage VI to read as follows:

DNREC-SIRB, or DNREC-SIRB's consultant pursuant to instructions from DNREC-SIRB, will review lot by lot sampling results after the bulk grading of all or a portion of the site.

Amend Section II, D 4 to read as follows:

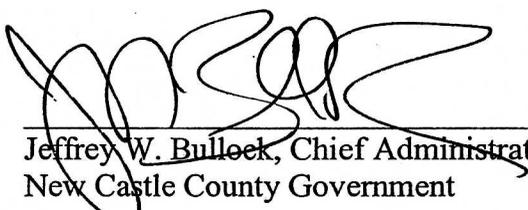
In every stage of the review process, DNREC-SIRB will be determining whether the technical and substantive requirements of HSCA are met, and, if they are met, will provide documentation to NCC DLU that the technical and substantive standards of HSCA have been met for that stage; provided, however, that DNREC-SIRB, or DNREC-SIRB's consultant pursuant to instructions from DNREC-SIRB, will make the determination required in Stage VI, as set out in Subsection D 3 (f), above.

For the Delaware Department of Natural Resources and Environmental Control –  
Site Investigation and Restoration Branch:

  
\_\_\_\_\_  
James D. Werner, Director  
Division of Air and Waste Management

4 Dec 2007  
Date

For the New Castle County Government:

  
\_\_\_\_\_  
Jeffrey W. Bullock, Chief Administrative Officer  
New Castle County Government

12.18.07  
Date

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