



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street

Philadelphia, Pennsylvania 19103-2029 U.S. EPA-REGION 3-RHC
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October 2, 2019

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Turog Properties, Limited
c/o Heywood Becker
5382 Wismer Road
Pipersville, PA 18947

**Re: Chem Fab Superfund Site, Doylestown, Bucks County,
Pennsylvania: Lien Proceeding CERC 03-2019-0111LL**

Dear Mr. Becker:

Enclosed find *EPA's Rebuttal to Arguments Presented by Turog Properties, Limited in its July 17, 2019 Objection to EPA's Perfection of a CERCLA § 107(l) Lien* filed today in connection with this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "A. Goldman".

ANDREW S. GOLDMAN
Sr. Assistant Regional Counsel

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3**

In the Matter of: :
:
Turog Properties, Limited : **Docket No. CERCLA 03-2019- 0111LL**
:
Chem Fab Superfund Site, :
Doylestown, Bucks County, :
Pennsylvania :
:

**EPA’s Rebuttal to Arguments Presented by
Turog Properties, Limited in its July 17, 2019 Objection to
EPA’s Perfection of a CERCLA § 107(l) Lien**

CONTENTS			
I		<i>Introduction</i>	1
	A	<i>The CERCLA Statute</i>	1
	B	<i>EPA Policy</i>	3
	C	<i>Background Facts</i>	3
	D	<i>CERCLA §107(l) Lien Activities</i>	6
II		<i>The Scope of This Proceeding is Limited to Determining Whether EPA Has a Reasonable Basis to Perfect a Lien On Turog’s Property Pursuant to CERCLA §107(l)</i>	8
III		<i>EPA Has a Reasonable Basis to Perfect the Lien</i>	9
	A	<i>The Lien Has Arisen By Operation of Law</i>	9
		1 <i>EPA Has a Reasonable Basis to Believe that Turog is a Potentially Responsible Party Under CERCLA § 107(a)</i>	11
		2 <i>EPA Has a Reasonable Basis to Believe that the Land Upon Which EPA Seeks to Perfect the Lien Belongs to Turog</i>	14
		3 <i>EPA Has a Reasonable Basis to Believe that the Land Upon Which EPA Seeks to Perfect the Lien Was, and Continues to Be, Subject to or Affected by a Removal or Remedial Action</i>	14
		4 <i>EPA Has a Reasonable Basis to Believe that it Incurred Response Costs</i>	18

	5	<i>EPA Has a Reasonable Basis to Believe that it Provided Turog With Written Notice of Potential Liability Via Certified or Registered Mail</i>	18
B		<i>EPA Has a Reasonable Basis to Believe That Turog Cannot Maintain the Defense Set Forth at 42 U.S.C. §§ 9607(b)(3) and 9601(35)(A)</i>	19
	1	<i>A “Contractual Relationship” Existed Between Turog and the Third Party</i>	22
	2	<i>Turog Had Reason to Know, Before it Acquired the Property, That Hazardous Substances Had Been Disposed There</i>	23
	3	<i>Turog Has Not “Exercised Due Care With Respect to the Hazardous Substance, in Light of All Relevant Facts and Circumstances” Because it Failed to Consent to Entry by EPA to the Property to Perform a Sub-Slab Investigation to Evaluate Threats to Turog’s Tenants</i>	26
	4	<i>Turog Has Not “Exercised Due Care With Respect to the Hazardous Substance, in Light of All Relevant Facts and Circumstances” Because it Failed to Comply With an EPA Order Requiring It to Operate and Maintain a Vapor Mitigation System Installed by EPA to Protect Its Tenants</i>	30
	5	<i>Turog Has Not Provided “Full Cooperation, Assistance, and Facility Access” Because it Failed to Consent to Entry to the Property to Perform a Sub-Slab Investigation to Evaluate Threats to Turog’s Tenants</i>	34
	6	<i>Turog Has Not Provided “Full Cooperation, Assistance, and Facility Access” Because it Failed to Operate and Maintain a Vapor Mitigation System Installed by EPA to Protect Its Tenants</i>	34
	7	<i>Turog Has Not Provided “Full Cooperation, Assistance, and Facility Access” Because it Failed to Comply With an EPA Information Request Seeking Information on Turog’s Ability to Pay For Indoor Air Sampling Necessary to Protect Its Tenants</i>	35
C		<i>Turog’s Other Enumerated Arguments Do Not Undermine EPA’s Reasonable Basis to Perfect the Lien</i>	38
IV		<i>Conclusions</i>	44
		<i>List of Exhibits</i>	47

**EPA’s Rebuttal to Arguments Presented by
Turog Properties, Limited in its July 17, 2019 Objection to
EPA’s Perfection of a CERCLA § 107(l) Lien**

This Rebuttal (1) sets forth the bases upon which the U.S. Environmental Protection Agency (“EPA” or “Agency”) meets the statutory elements for perfecting a lien on property to secure the recovery of environmental investigation and cleanup costs incurred under the Superfund law, and (2) responds to arguments presented by the owner of such property to whom EPA provided notice and an opportunity to be heard prior to perfecting a statutory lien. For the reasons set forth herein, EPA contends that the legal predicates for the existence of the lien have been met, that EPA has a reasonable basis to perfect the lien, and that perfecting the lien is appropriate.¹

I. Introduction

A. The CERCLA Statute

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. §§ 9601-9657, provides EPA with authority to respond to waste sites and recover the costs of its actions. Subject to certain exceptions not relevant here, Section 104(a) of

¹ This Rebuttal has been prepared in anticipation of a conference with the property owner and the EPA Region 3 Regional Judicial Officer (“RJO”). The RJO will make recommendations to the EPA Region 3 Regional Counsel, who will decide whether perfection of the lien is appropriate. All contentions and arguments in this Rebuttal are those of the undersigned staff attorney and not the Regional Counsel.

CERCLA, 42 U.S.C. § 9604(a), authorizes EPA to take action, consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”), 40 C.F.R. Part 300, to respond to the release or substantial threat of release of any hazardous substance into the environment.² Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), establishes four categories of persons from whom the United States may recover its costs of response. Defenses to liability are limited to those enumerated in Section 107(b) of CERCLA, 42 U.S.C. § 9607(b). One liability category is “the owner and operator of a vessel or a facility.” 42 U.S.C. § 9607(a)(1).

Under CERCLA, a lien is established on property that is subject to or affected by a response action. Section 107(l)(1) of CERCLA, 42 U.S.C. § 9607(l)(1), states that:

“All costs and damages for which a person is liable to the United States under subsection (a) of this section (other than the owner or operator of a vessel under paragraph (1) of subsection (a)) shall constitute a lien in favor of the United States upon all real property and rights to such property which—

(A) belong to such person; and

(B) are subject to or affected by a removal or remedial action.”

² Authorities provided to the President under CERCLA by Congress that are relevant to this proceeding have been delegated to EPA. The terms “respond,” “release,” “hazardous substance,” and “environment” are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, and will be discussed in further detail as appropriate later in this Rebuttal.

This proceeding concerns perfection of a lien under this provision.

B. EPA Policy

EPA's lien policy provides that:

“The Agency should provide notice to property owners who are potentially responsible parties (‘PRPs’) under CERCLA that the Agency intends to perfect a lien on their property prior to filing papers to perfect. The Agency will give such property owners the opportunity to be heard through their submission of documentation or through appearing before a neutral EPA official, or both.”

Supplemental Guidance on Federal Superfund Liens (OSWER Directive No. 9832.12-1a (July 29, 1993) (“Lien Guidance”). *Exhibit 5 to this Rebuttal*.³ This Rebuttal responds to the property owner's submission in advance of a meeting, requested by such owner, before a neutral EPA official.

C. Background Facts

EPA has expended funds in excess of \$11 million through June 4, 2019, pursuant to CERCLA in connection with the Chem Fab Superfund Site in Doylestown, Bucks County, Pennsylvania (“Site”). *Lien Filing Record Document (“LFR”) 016*. The Site consists of property located at 300-360 North

³ Unless otherwise stated, source references in this Rebuttal are to either exhibits to this Rebuttal or to the EPA Lien Filing Record compiled in this matter and provided to the property owner via letter dated September 17, 2019. Exhibits to this Rebuttal will hereinafter be identified as “*Rebuttal Exhibit* ____.”

Broad Street, Doylestown, Bucks County, Pennsylvania (“Property”), as well as all locations to which hazardous substances and pollutants or contaminants have migrated from the Property. *LFR 015, at 1*. EPA continues to expend funds in connection with the Site, including the Property. *Rebuttal Exhibit 1*.

Between the 1960s and the 1990s, industrial processes and disposal operations (including the disposal of liquid wastes brought to the Property from a variety of off-Site manufacturing operations) resulted in the contamination of soils on the Property and groundwater beneath the Property and elsewhere. *LFR 015, at 2-4*.

Turog Properties, Limited (“Turog”) acquired the Property in or around 1998 and currently owns the Property.⁴ The Property presently contains commercial offices spaces in three buildings. *LFR 015, at 1*. Past and ongoing investigations by the Commonwealth of Pennsylvania and EPA identified soils

⁴ In its July 17, 2019 letter to EPA challenging EPA’s basis for perfecting the lien (*Rebuttal Exhibit 3*), Turog states:

“The undersigned, Heywood Becker, our agent at the Bucks County Upset Tax Sale in 1998, and at which sale, our successful bid resulted in a deed being issued to us, 300 N. Broad Street, Ltd., and Turog Properties, Ltd. considered by us to be alter ego entities, having the same close ownership, and the same management.”

EPA’s review of information from the Bucks County Board of Assessment website shows that Chem Fab Corporation owned the Property from 1967 through 1999, at which point it was transferred to 300 N. Broad Street Ltd. The latter entity held the property for approximately 6 years and then transferred it to Turog. *Rebuttal Exhibit 6*. For purposes of this proceeding EPA will accept Turog’s representation that it acquired the Property in 1998.

and groundwater at the Property and elsewhere contaminated with numerous hazardous substances. *LFR 003-011, 015*. The Site is on the CERCLA National Priorities List. *LFR 005*. EPA is currently conducting a Remedial Investigation/Feasibility Study (“RI/FS”) at the Site to fully characterize the nature and extent of contamination at the Site. *Rebuttal Exhibit 1*. After the RI/FS is completed, the Agency will select a remedial action to address threats to human health and the environment from the release and/or threatened release of hazardous substances present at the Site. *Id.* EPA will continue to expend costs as, among other things, the RI/FS is completed and a remedial action is selected and implemented. *Id.*

Between 1995 and 2015, EPA conducted several actions at the Property in response to the release and/or threatened release of hazardous substances into the environment. For example, EPA removed hazardous substances in, among other things, drums, tanks, and cylinders on the Property in 1994-95 (*LFR 004*); removed over 2,400 tons of contaminated soils from the Property in 2014 (*LFR 011, at 3-4*); and installed a vapor mitigation system to prevent the migration of organic vapors into one of the commercial buildings at the Property in 2015-16 (*id., at 4*). In addition, in 2017 EPA selected an interim remedial action which includes the installation of a pump and treat system to remediate contaminated groundwater beneath the Property. *LFR 015*. The pump and treat system is

currently in the design phase. *Rebuttal Exhibit 1.*

D. CERCLA § 107(I) Lien Activities

By letter dated July 1, 2019, EPA notified Turog of EPA's intent to perfect the lien on the Property ("Lien Notice Letter"). *Rebuttal Exhibit 2.* The Lien Notice Letter:

1. Identified EPA's reasonable basis to believe that the statutory predicates for the lien had been satisfied;
2. Notified Turog of the availability of the Lien Filing Record consisting of documents upon which the decision to perfect the lien is based; and
3. Provided Turog an opportunity to
 - a. notify EPA if Turog believes EPA's information is incorrect,
 - b. submit written information and documentation relevant to the decision to perfect the lien, and/or
 - c. request a meeting with a neutral EPA official to present information relevant to EPA's basis for perfecting the lien.

EPA's letter additionally stated:

"If EPA receives a written submission or a request for a meeting within 30 calendar days of your receipt of this letter, EPA will review your submission or request for a meeting. If EPA agrees, based on your submission, that it does not have a reasonable basis to perfect a lien on the Property, EPA will

not perfect its lien and will so notify you. If EPA disagrees, the written submission or request, together with the Lien Filing Record, will be referred to a neutral EPA official selected for the purpose of reviewing the submission or for conducting the meeting.

...

“After reviewing your written submission, or conducting a meeting if one is requested, the neutral EPA official will issue a recommended decision based upon the Lien Filing Record, any written submission, and any information provided at the meeting. The recommended decision will state whether EPA has a reasonable basis to perfect a lien and will be forwarded to an EPA official authorized to perfect liens. You will be furnished with a copy of the recommended decision and notified of the Agency’s action.”

Id., at 3-4.

By letter dated July 17, 2019, Turog requested a meeting with a neutral EPA official “to present information that indicates that EPA has no reasonable basis to perfect a lien on the Property.” *Rebuttal Exhibit 3*. In its letter, Turog contends that it has a defense based on Section 107(b)(3) of CERCLA, 42 U.S.C. § 9607(b)(3). *Id.*, at 1. Turog alleges numerous facts it believes support its claim that EPA has no reasonable basis to perfect the lien. *Id.*, at 2-3.

The undersigned counsel has reviewed and considered Turog’s arguments and continues to believe that EPA has a reasonable basis to perfect the lien. Pursuant to EPA procedure, the undersigned counsel submitted an Order of Assignment to the EPA Region 3 Regional Counsel, who signed the Order of

Assignment on September 17, 2019. The signed Order of Assignment designated the EPA Region 3 Regional Judicial Officer (“RJO”) as the neutral official to review this matter. *Rebuttal Exhibit 4.*

II. The Scope of This Proceeding is Limited to Determining Whether EPA Has a Reasonable Basis to Perfect a Lien on Turog’s Property Pursuant to CERCLA § 107(l)

The Order of Assignment designated the RJO “to preside over this proceeding relating to the perfection of a lien on property pursuant to Section 107(l) of [CERCLA] in accordance with procedures outlined in [the Lien Guidance].” *Rebuttal Exhibit 4.* The Lien Guidance states:

“The neutral EPA official should consider all facts relating to whether EPA has a reasonable basis to believe that the statutory elements have been satisfied for the perfection of a lien. In particular, the neutral official should consider whether:

- The property owner was sent notice of potential liability by certified mail.
- The property is owned by a person who is potentially liable under CERCLA.
- The property is subject to or affected by a removal or remedial action.
- The United States has incurred costs with respect to a response action under CERCLA.
- The record contains any other information which is sufficient to show that the lien notice should not be filed.

“The property owner may present information or submit documents purporting to establish that EPA has erred in believing that it has a reasonable basis to perfect a lien based on the above factors, or has made a material error with respect to the above factors. In making his or her decision, the neutral EPA official should consider all facts in the Lien Filing Record established for the perfection of a lien and all presentations made at the meeting, which will be made part of the Lien Filing Record.”

Rebuttal Exhibit 5, at 7-8. Accordingly, the scope of this proceeding should be limited to determining whether EPA has a reasonable basis to perfect the lien on Turog’s property.

III. EPA Has a Reasonable Basis to Perfect the Lien

The undersigned counsel has reviewed and considered Turog’s arguments and contends that EPA continues to have a reasonable basis to believe that the statutory elements for the perfection of a lien on the Property have been met.

A. The Lien Has Arisen By Operation of Law

The legal predicates for a lien are set forth in Section 107(l) of CERCLA, 42 U.S.C. § 9607(l), which provides:

“(l) Federal Lien

(1) In general

All costs and damages for which a person is liable to the United States under subsection (a) of this section (other than the owner or operator of a vessel under paragraph (1) of subsection (a) of this section) shall constitute a lien in favor

of the United States upon all real property and rights to such property which—

- (A) belong to such person; and
- (B) are subject to or affected by a removal or remedial action.

(2) Duration

The lien imposed by this subsection shall arise at the later of the following:

- (A) The time costs are first incurred by the United States with respect to a response action under this chapter.
- (B) The time that the person referred to in paragraph (1) is provided (by certified or registered mail) written notice of potential liability.

Such lien shall continue until the liability for the costs (or a judgment against the person arising out of such liability) is satisfied or becomes unenforceable through operation of the statute of limitations provided in section 9613 of this title.”

Accordingly, the legal predicates for the existence of a lien under this provision in this matter are: (1) Turog is potentially liable under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a); (2) the land upon which EPA seeks to perfect the lien belongs to Turog; (3) the land was subject to or affected by a removal or remedial action; (4) EPA incurred response costs; and (5) EPA provided Turog with written notice of potential liability via certified or registered mail.

1. EPA Has a Reasonable Basis to Believe that Turog is a Potentially Liable Party Under CERCLA § 107(a)

Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), sets forth four categories of persons who may be potentially liable for cleanup and response costs under the Superfund statute. That provision states in relevant part:

“Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section—

(1) the owner and operator of a vessel or a facility,

...

shall be liable for—

(A) all costs of removal or remedial action incurred by the United States Government or a State or an Indian tribe not inconsistent with the national contingency plan.”

The term “facility” is defined at Section 101(9) of CERCLA, 42 U.S.C. § 9601(9) to mean:

“(A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or

“(B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.”

“Owner” is defined at Section 101(20)(A)(ii) of CERCLA, 42 U.S.C. § 9601(20)(A)(ii), in relevant part to mean “in the case of an onshore facility or an offshore facility, any person owning or operating such facility.”

“Hazardous substances” are defined at Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), in relevant part to mean “any element, compound, mixture, solution, or substance designated pursuant to section 9602 of this title.”

EPA records establish that the Property is a “facility” and that Turog is the “owner” of such facility. Examples showing that the Property is a “site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located” include the following:

- In 1994 EPA removed from the Property, and disposed of off-site, hazardous substances in tanks, drums, and other containers including chromium, potassium hydroxide, sodium hydroxide, arsenic, cadmium, lead, benzene, potassium cyanide, xylene, hydrochloric acid, nitric acid, asbestos, and polychlorinated biphenyls. *LFR 004, at 10-12; 40 C.F.R. Table 302.4.*⁵
- In 2012, EPA detected high levels of hazardous substances including trichloroethylene (“TCE”) in soils below the foundation of two of the buildings at the Property and in indoor air inside one of the buildings. *LFR 005; 40 C.F.R. Table 302.4.*
- In 2014, EPA removed over 2,000 tons of soil from the Property, some of which was contaminated with hazardous

⁵ 40 C.F.R. Table 302.4 identifies the substances identified herein as hazardous substances.

substances including chromium and TCE. *LFR 011; 40 C.F.R. Table 302.4.*

- As part of the ongoing RI/FS at the Site, EPA has found that groundwater at the Property is contaminated with 47 chemicals above EPA screening levels including hazardous substances hexavalent chromium, PCE, and TCE. *LFR 015, at 9; 40 C.F.R. Table 302.4.*
- Between 2011 and 2015, EPA found that hazardous substances including 1,1,1-Trichloroethane, TCE, and PCE were migrating from contaminated groundwater at the Property into commercial spaces necessitating the operation of a vapor mitigation system to prevent unhealthful exposure by Turog's tenant and their customers. *LFR 012; 40 C.F.R. Table 302.4.*

Turog asserts that it acquired the Property in 1998. *Rebuttal Exhibit 3.* Turog currently owns the Property. *Rebuttal Exhibit 6.*

As the "owner" of the "facility," Turog is potentially liable pursuant to Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1). Turog does not dispute current ownership but rather asserts a defense under Section 107(b)(3) of CERCLA, 42 U.S.C. § 9607(b)(3), in an effort to defeat liability. EPA contends that this defense does not apply to protect Turog under the circumstances of this case. An analysis of this defense and its applicability in this matter is found in Section III.B of this Rebuttal.

2. EPA Has a Reasonable Basis to Believe that the Land Upon Which EPA Seeks to Perfect the Lien Belongs to Turog

Turog does not dispute that it owns the Property. Turog asserts that it acquired the Property in 1998. *Rebuttal Exhibit 3*. Turog currently owns the Property. *Rebuttal Exhibit 6*.

3. EPA Has a Reasonable Basis to Believe that the Land Upon Which EPA Seeks to Perfect the Lien Was, and Continues to Be, Subject to or Affected by a Removal or Remedial Action

EPA has conducted “removal action” at the Property within the meaning of Section 101(23) of CERCLA, 42 U.S.C. § 9601(23), continues to conduct “removal action” in connection with the Property through the present day, and is expected to conduct both “removal action” and a “remedial action” (within the meaning of Section 101(24) of CERCLA, 42 U.S.C. § 9601(24), at the Property in the future.

Section 104(a) of CERCLA, 42 U.S.C. § 9604(a), which authorizes EPA to conduct response actions under CERCLA, provides in relevant part:

“(1) Whenever

(A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or

(B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public

health or welfare,

“the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment.”

Section 104(b) of CERCLA, 42 U.S.C § 9604(b), which authorizes EPA to, among other things, conduct studies and investigations, recover the costs of response, and otherwise enforce the provisions of CERCLA, provides in relevant part:

“Whenever the President is authorized to act pursuant to subsection (a) of this section, or whenever the President has reason to believe that a release has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant and that a release may have occurred or be occurring, he may undertake such investigations, monitoring, surveys, testing, and other information gathering as he may deem necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the President may undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as he may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of this chapter.”

Section 101(23) of CERCLA, 42 U.S.C. § 9601(23), defines “removal” to mean

“the cleanup or removal of released hazardous substances from the environment, such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment, such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 9604(b) of this title, and any emergency assistance which may be provided under the Disaster Relief and Emergency Assistance Act [42 U.S.C. 5121 et seq.]”

Section 101(24) of CERCLA, 42 U.S.C. § 9601(24), defines “remedial action”

to mean:

“those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances and associated contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration,

provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the President determines that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare; the term includes offsite transport and offsite storage, treatment, destruction, or secure disposition of hazardous substances and associated contaminated materials.”

The Lien Filing Record documents EPA’s performance of “removal action” at, and in connection with, the Property. For example, EPA (1) performed removal action involving the removal and off-site disposal of hazardous substances in drums, tanks, and cylinders on the Property in 1994-95 (*LFR 004*); (2) performed removal action involving the removal and off-site disposal of over 2,000 tons of contaminated soils at the Property in 2014 (*LFR 011*); and (3) performed removal action involving the installation of a vapor mitigation system to prevent the migration of hazardous substances in vapor form into one of the commercial buildings on the Property in 2015-16 (*id.*). Removal response activities continued with the selection, in 2017, of an interim remedial action to install a pump and treat system to remediate contaminated groundwater beneath the Property (*LFR 015*). Removal response activities

affecting the Property will continue as, among other things, this interim remedial action is designed and the costs of EPA's response actions are recovered. Remedial response activities will impact the Property as the interim remedial action is constructed and operated to remove and treat contaminated groundwater from beneath the Property.

Turog does not dispute that the Property has been, and will continue to be, subject to or affected by a removal or remedial action.

4. EPA Has a Reasonable Basis to Believe that it Incurred Response Costs

The Lien Filing Record documents the expenditure by EPA of at least \$11,836,885.34 in response costs in connection with the Site through June 4, 2019 (*LFR 016*). Turog does not dispute that EPA has incurred response costs in connection with the Site.

5. EPA Has a Reasonable Basis to Believe that it Provided Turog with Written Notice of Potential Liability Via Certified or Registered Mail

The Lien Filing Record documents that EPA provided written notice, via certified mail, of Turog's potential liability with respect to the Site by letter dated December 6, 2007 (*LFR 017*) and that Turog received such notice on December 11, 2007 (*LFR 018*). Turog does not dispute that EPA provided it with written notice of potential liability via certified or registered mail.

B. EPA Has a Reasonable Basis to Believe That Turog Cannot Maintain the Defense Set Forth at 42 U.S.C. §§ 9607(b)(3) and 9601(35)(A)

Turog argues that it is entitled to the statutory defense to liability set forth at Section 107(b)(3) of CERCLA, 42 U.S.C. § 9607(b)(3), and that, accordingly, EPA has no basis to perfect the lien. That provision establishes a “third party” defense to CERCLA liability. Without specifically mentioning it, Turog argues that it is an “innocent landowner” under Sections 107(b)(3) of CERCLA and 101(35)(A), 42 U.S.C. §§ 9607(b)(3) and 9601(35)(A).⁶ For the reasons set forth herein, EPA contends that it has a reasonable basis to believe that Turog cannot maintain this defense.

The innocent landowner defense is described in Sections 107(b)(3) and 101(35)(A) of CERCLA, 42 U.S.C. §§ 9607(b)(3) and 9601(35)(A). Section 107(b)(3) of CERCLA states in relevant part:

“There shall be no liability under subsection (a) of this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance and the damages resulting therefrom were caused solely by—

...

⁶ There are situations where the third party defense may be raised outside a landowner case. Where, as here, the alleged third party is in the chain of title, there are additional burdens the owner must carry to defeat liability and the defense is referred to as an innocent landowner defense. EPA believes that Turog argues for such a defense in this proceeding because it specifically names a prior owner as the third party and its argument includes elements of the innocent landowner defense (*e.g.*, no actual or constructive knowledge that hazardous substances were disposed of at the Site).

- “(3) an act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly with the defendant . . . if the defendant establishes by a preponderance of the evidence that (a) he exercised due care with respect to the hazardous substance, in light of all relevant facts and circumstances, and (b) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions.”

Section 101(35)(A) of CERCLA defines “contractual relationship” and establishes additional requirements for the innocent landowner defense. Section 101(35)(A) of CERCLA provides in relevant part as follows:

“The term ‘contractual relationship,’ for the purpose of section 9607(b)(3) of this title, includes, but is not limited to, land contracts, deeds, easements, leases, or other instruments transferring title or possession, unless the real property on which the facility concerned is located was acquired by the defendant after the disposal or placement of the hazardous substance on, in, or at the facility, and one or more of the circumstances described in clause (i), (ii), or (iii) is also established by the defendant by a preponderance of the evidence:

- (i) At the time the defendant acquired the facility the defendant did not know and had no reason to know that any hazardous substance which is the subject of the release or threatened release was disposed of on, in, or at the facility.

...

“In addition to establishing the foregoing, the defendant must establish that the defendant has satisfied the requirements of

section 9607(b)(3)(a) and (b) of this title, provides full cooperation, assistance, and facility access to the persons that are authorized to conduct response actions at the facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility).”

Therefore, in order to raise the innocent landowner defense, Turog must demonstrate, among other requirements, that (1) the release or threat of release of hazardous substances and the damage therefrom was caused solely by a third party; (2) the act or omission of the third party did not occur in connection, directly or indirectly, with a “contractual relationship” with the third party; (3) Turog neither knew nor had reason to know that hazardous substances had been disposed of at the Property; (4) Turog exercised due care with respect to the hazardous substances, in light of all relevant facts and circumstances; (5) Turog took precautions against foreseeable acts or omissions of the third party and the consequences that could foreseeably result from such acts or omissions; and (6) Turog provided full cooperation, assistance, and facility access. EPA contends that Turog cannot carry its burden under (2), (3), (4), and (6), above.⁷

⁷ EPA notes that Turog has not proffered any evidence to satisfy (1) or (5) and reserves the right to respond to any such proffers.

1. A “Contractual Relationship” Existed Between Turog and the Third Party

The innocent landowner defense permits a landowner to raise a third party defense where the third party was not, among other things, in a direct or indirect contractual relationship with the landowner. In its July 17, 2019 letter, Turog argues that

“[w]e had no contractual relationship with Chem-Fab Corp., the prior owner of the subject Site, or with any of their employees, principals or agents, whose actions caused the present release or threat of release of a hazardous substance at the subject Site.”

Rebuttal Exhibit 3. Subject to certain exceptions discussed below, Section 101(35)(A) of CERCLA, 42 U.S.C. § 9601(35)(A), states that “contractual relationship” includes, but is not limited to, land contracts, deeds, easements, leases, or other instruments transferring title or possession. Turog acknowledges that it took title to the Property via a deed at a tax upset sale following Chem Fab Corporation’s loss of the land. Turog does not dispute that it took possession of the Property via a land contract, deed, or other instrument transferring title or possession. Rather, Turog argues that it meets the other criteria in 42 U.S.C. § 9601(35)(A) to defeat the existence of a “contractual relationship” and establish a defense. EPA disagrees for the reasons set forth in Section II.B.2 of this Rebuttal.

2. Turog Had Reason to Know, Before it Acquired the Property, That Hazardous Substances Had Been Disposed of There

Under Section 101(35)(A) of CERCLA, 42 U.S.C. § 9601(35)(A), a land contract, deed, easement, lease, or other instrument transferring title or possession will not constitute a “contractual relationship” if, among other things, at the time the owner acquired the property it neither knew nor had no reason to know that any hazardous substance was disposed of on, in, or at the property. Turog suggests that its ability to access the Property was limited by a fence and state law and that visual inspection was therefore impossible. *Rebuttal Exhibit 3, at 2*. Turog additionally states that its research into possible contamination of the Site prior to purchase included “our study of the reports and statements of the EPA, and their officials and agents, regarding the Site as published in newspapers, and in the documents lodged in the Doylestown Borough offices, and the EPA records room in the Regional Offices in Philadelphia.” *Id., at 3*.

Despite Turog’s suggestion that it encountered no information relating to the disposal of hazardous substances at the Property prior to acquisition, EPA contends that a search of EPA’s files prior to Turog’s 1998 acquisition of the Property would have revealed a wealth of documentation regarding EPA’s 1994-95 removal of significant quantities of hazardous substances that were disposed of in, among other things, drums, tanks, and cylinders on the Property. A

sample of such documents include the following:

1. Pollution Report (“POLREP”) No. 1 issued on September 2, 1994;⁸
2. POLREP No. 2 issued on September 15, 1994;
3. POLREP No. 3 issued on April 3, 1995;
4. POLREP No. 4 issued on May 8, 1995;
5. POLREP No. 5 issued on May 9, 1995;
6. POLREP No. 6 issued on May 10, 1995;
7. POLREP No. 7 issued on May 11, 1995;
8. POLREP No. 8 issued on May 12, 1995;
9. POLREP No. 9 issued on May 15, 1995;
10. POLREP No. 10 issued on May 16, 1995;
11. POLREP No. 11 issued on May 17, 1995;
12. POLREP No. 12 issued on May 18, 1995;
13. POLREP No. 13 issued on May 19, 1995;
14. POLREP No. 14 issued on May 22, 1995;
15. POLREP No. 15 issued on May 23, 1995;
16. POLREP No. 16 issued on May 24, 1995;
17. POLREP No. 17 issued on May 25, 1995;
18. POLREP No. 18 issued on May 26, 1995;
19. POLREP No. 19 issued on May 30, 1995;
20. POLREP No. 20 issued on May 31, 1995;
21. POLREP No. 21 issued on June 1, 1995;
22. POLREP No. 22 issued on June 2, 1995;
23. POLREP No. 23 issued on June 15, 1995;⁹
24. Approval of a Request for Funds for a Removal Action--Chem Fab Corporation Drum Site” (*LFR 003*);
25. On Scene Federal On-Scene Coordinators After Action Report describing the extensive removal response action conducted at the Property by EPA in 1994-1995 (*LFR 004*).

⁸ A POLREP is a site-specific record of activity documented by the EPA On Scene Coordinator assigned to the Site.

⁹ POLREP Nos. 1-23 are included herein as *Rebuttal Exhibit 7*.

This list is by no means comprehensive as EPA's files would have also contained other operational, legal, and financial documents pertaining to that activity. That action itself was no small project as on-Site activities spanned almost two months and resulted in the removal and off-Site disposal of "117 drums, approximately 8400 gallons of pumped liquid waste, approximately 250 gallons of fuel oil, 6 cubic yard boxes of solid waste, [and] 3 cylinders" containing "[i]norganic acidic liquids and solids, caustic liquids and solids, poisonous solids, liquids, and gases, flammable liquids, radioactive material, [and] poly chlorinated biphenyls." *LFR 004, at ii.* EPA contends that that information regarding EPA's work during this time would also have been available from the Pennsylvania Department of Environmental Resources (now the Pennsylvania Department of Environmental Protection), the Bucks County Department of Health, and the Bucks County Emergency Management Agency as each of these offices were specifically mentioned as coordinating agencies in EPA's summary report of the cleanup action. *LFR 004.*¹⁰

¹⁰ Section 101(35)(B) of CERCLA, 42 U.S.C. §9601(35)(B), sets forth criteria for determining whether a landowner had no reason to know that hazardous substances had been disposed of at the site. Among the criteria is the requirement that the landowner carried out "all appropriate inquiries . . . into the previous ownership and uses of the facility." EPA does not here argue that Turog failed to conduct such inquiry prior to acquiring the Site but reserves the right to so argue if and when additional information relevant to this issue is obtained from Turog.

3. Turog Has Not “Exercised Due Care With Respect to the Hazardous Substance, in Light of All Relevant Facts and Circumstances” Because it Failed to Consent to Entry by EPA to the Property to Perform a Sub-Slab Investigation to Evaluate Threats to Turog’s Tenants

Section 107(b)(3) of CERCLA, 42 U.S.C. § 9607(b)(3), provides that in order to maintain a third party defense an owner must establish, by a preponderance of evidence, that it exercised due care with respect to the hazardous substances present, in light of all relevant facts and circumstances. EPA contends that Turog cannot carry this burden for the reasons set forth in this Section III.B.3 and in Section III.B.4 of this Rebuttal, below.

In March and June 2008, the Pennsylvania Department of Environmental Protection (“PADEP”) collected indoor air samples from the buildings on the Property. These samples showed detections of 1,1,1-trichloroethane (“1,1,1-TCA”), trichloroethylene (“TCE”), and perchloroethylene (“PCE”). By certified letter to Turog dated November 18, 2010, EPA requested that Turog consent to entry to the Property for purposes of performing a subslab soil gas survey to determine if the substances found by PADEP were also found in the soils beneath the foundation of the buildings. The letter indicated that the work would involve, among other things, installation of sample ports through the floor of the basement to facilitate collection of soil gas vapors. The certified letter

was received by Turog on November 22. *LFR 019.*

Discussions regarding EPA's request for entry to the Property occurred between November 2010 and May 2011. During these discussions:

- Turog clarified that two of the buildings contained no basement and that sampling activities would damage expensive finished floors in tenant spaces unless EPA agreed to use "slant drilling" to access subslab soils from the exterior of these buildings;
- EPA advised Turog that "slant drilling" would not enable EPA to collect samples from soils directly beneath the buildings, that samples from soil accessible using "slant drilling" would therefore not provide meaningful data, and that "slant drilling" was accordingly not an acceptable method for collecting the samples;
- Turog suggested that there were closets and utility rooms without finished floors in each tenant space from which sampling might be possible;
- EPA agreed to use closets and utility rooms to the maximum extent practicable;
- Turog suggested that sampling in tenant spaces would be disruptive and costly for the tenant businesses;
- EPA indicated that the testing could be done after hours and at night to minimize disruption to tenant businesses;
- Turog inquired whether EPA would pay for new floors damaged by the testing; and
- EPA explained that Agency policy precludes agreement to conditions on access which impose indemnity or compensatory obligations on EPA, that EPA does not offer

compensation to potentially responsible parties for damage arising in the course of a response, and that Turog had been notified of its status as a potentially responsible party in December 2007.

Id.

By certified letter from the undersigned counsel to Turog dated April 22, 2011, the undersigned counsel noted that EPA had still not received Turog's consent to enter two of the buildings. The letter concluded as follows:

“EPA initially contacted Turog for authorization to enter the property to conduct vapor intrusion sampling by letter dated November 18, 2010. It is now over five months later and the requested access has not been provided. I need to know, within 5 business days of your receipt of this letter, Turog's position on EPA's request for access to the other buildings (300-330 and 350-360 North Broad Street). If I do not receive Turog's consent to enter the other buildings to perform the necessary sampling within five (5) business days of your receipt of this letter, EPA will take other steps to gain entry to those buildings to perform the sampling work. Those steps might include, among other things, issuance of an administrative order directing Turog to permit entry for the work and/or a request that the U.S. Department of Justice obtain an administrative warrant authorizing such entry. Costs incurred by the Government to secure entry to conduct the vapor intrusion sampling are response costs for which Turog may be responsible as a potentially responsible party associated with the Chem-Fab Site.”

Turog received the letter on April 26. *Id.*

By letter from Turog to the undersigned counsel dated May 2, 2011, Turog indicated that numerous pipes for water, sewage, gas, and electricity had

been installed beneath the slab after PADEP completed its testing, that Turog believed there was no reliable way to locate these utilities, and that drilling beneath the slab would result in substantial risk of harm to the buildings and building occupants. Turog requested that EPA reconsider its position on drilling into the slab and that “slant drilling” be used. *Id.*

After five months of EPA efforts to secure access for the needed environmental testing, including efforts to address Turog’s concerns, Turog had not consented to EPA’s request for entry to two of the buildings to conduct the necessary environmental testing. On July 14, 2011, EPA issued an order under Section 104(e)(5)(A) of CERCLA, 42 U.S.C. § 9604(e)(5)(A), requiring that Turog permit EPA to enter the Property to conduct the testing (“Access Order”). *Id.*

Turog subsequently agreed to comply with the Access Order. Nevertheless, EPA contends that a failure by Turog, over the course of five months, to consent to entry by EPA to conduct testing necessary to evaluate the existence of hazardous substances that could migrate into its tenant spaces and potentially subject its tenants to unacceptable concentrations of harmful vapors amounts to a failure to “[exercise] due care with respect to the hazardous substance, in light of all relevant facts and circumstances” within the meaning of Section 107(b)(3) of CERCLA, 42 U.S.C. § 9607(b)(3). EPA further contends

that such failure to exercise due care makes it impossible for Turog to establish, by a preponderance of evidence, that it “exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all facts and circumstances” as required by Section 107(b)(3) of CERCLA, 42 U.S.C. § 9607(b)(3), in order to maintain the third party defense.

4. Turog Has Not “Exercised Due Care With Respect to the Hazardous Substance, in Light of All Relevant Facts and Circumstances” Because it Failed to Comply With an EPA Order Requiring it to Operate and Maintain a Vapor Mitigation System Installed by EPA to Protect its Tenants

On November 8, 2012, EPA On Scene Coordinator (“OSC”) Eduardo Rovira determined that TCE vapors migrating from contaminated groundwater beneath one of the commercial buildings at the Property into office suites within the building presented an unacceptable threat to the tenants and installed portable air filters within the building. *LFR 005, 006*. On September 30, 2015, the Associate Director of the Office of Preparedness and Response, Hazardous Site Cleanup Division, EPA Region 3, approved a request by the OSC to install a permanent vapor mitigation system in the building. *LFR 009*. During 2015 and 2016, EPA’s contractor installed a 10-fan vapor mitigation system into the impacted building. *LFR 011, at 4*. Between August 2016 and April 2017, EPA

attempted to reach a settlement with Turog under which Turog would operate and maintain the vapor mitigation system. *LFR 012, at 10*. On May 31, 2017, having failed to reach a settlement with Turog, EPA issued an administrative order under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a) (“Order”), requiring that Turog operate and maintain the vapor mitigation system. *LFR 012*. The Order became effective on July 2, 2017. *LFR 020*. The Order provided in relevant part that “continued reduction of [volatile organic contaminants] to acceptable levels within the tenant spaces in [the building] depends on . . . (2) [m]aintenance of the [vapor mitigation system] in accordance with the requirements of this Order.” *LFR 012, at 9*. The Order (as modified) required that Turog, among other things:¹¹

- Ensure that the vapor mitigation system is powered,
- Check the system gauges that track air pressure to ensure they read within acceptable limits and report any out-of-limits readings to EPA,
- Check the operation of the fans drawing vapors from beneath the building through the system and into the discharge vent,
- Provide progress reports to EPA every 90 days detailing all actions performed to comply with the Order, and

¹¹ Turog claimed that it was financially incapable of performing annual air sampling within the building to confirm the efficacy of the vapor mitigation system. EPA agreed to modify the Order to remove this requirement while the Agency reviewed Turog’s financial condition.

- Submit a work plan to EPA detailing how Turog would implement the Order.

LFR 012, 014. Turog agreed to comply with the Order, as modified by EPA. *Rebuttal Exhibits 9 & 10.*

From the start, Turog's compliance with the Order was insufficient as Turog failed to submit an acceptable workplan for the work required by the Order. *Rebuttal Exhibit 11.* On November 16, 2017, EPA transmitted a letter to Turog which directed Turog to implement a workplan written and approved by EPA and included with the letter. *Rebuttal Exhibit 12.*

Turog's compliance with the Order did not improve. By letter dated October 16, 2018, OSC Rovira notified Turog of his concern regarding Turog's performance under the Order. The October 16, 2018 letter stated in part:

“EPA is concerned with Turog's lack of performance under the Order. First, EPA has received no progress reports. Without such reports EPA has no assurance that Turog has been inspecting the gauges and fans as required by the Order. Progress reports were due on February 14, May 15, and August 13, 2018. We do not know if Turog prepared reports and neglected to submit them or failed to prepare the reports. Although the next progress report is not due until November 11, 2018, we hereby require that, by close of the tenth business day following your receipt of this letter via hand delivery, Turog either (a) submit any progress reports which were previously prepared but not submitted, or (b) submit a progress report providing all reportable information described by Paragraph 25 of the Order from the date EPA approved the Work Plan (November 16, 2017) through the present.”

LFR 020. The letter was hand delivered to Turog principal Heywood Becker on November 14, 2018. *Rebuttal Exhibit 8.* EPA received no response to the letter and received none of the required progress reports.

Turog has not performed these actions consistent with the requirements of the Order. Turog has not provided progress reports as required by the Order. To EPA's knowledge, Turog has not operated and maintained the vapor mitigation system in accordance with the Order so as to prevent the migration of TCE vapors into Turog's tenant spaces and has potentially exposed its tenants to harmful concentrations of these vapors. EPA contends that a failure by Turog to submit progress reports and to operate and maintain the vapor mitigation system consistent with EPA's Order amounts to a failure to "[exercise] due care with respect to the hazardous substance, in light of all relevant facts and circumstances" within the meaning of Section 107(b)(3) of CERCLA, 42 U.S.C. § 9607(b)(3). EPA further contends that such failure to exercise due care makes it impossible for Turog to establish, by a preponderance of evidence, that it "exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all facts and circumstances" as required by Section 107(b)(3) of CERCLA, 42 U.S.C. § 9607(b)(3), in order to maintain the third party defense.

5. Turog Has Not Provided “Full Cooperation, Assistance, and Facility Access” Because it Failed to Consent to Entry by EPA to the Property to Perform a Sub-Slab Investigation to Evaluate Threats to Turog’s Tenants

Section 101(35)(A) of CERCLA, 42 U.S.C. § 9601(35)(A), provides that in order to maintain the innocent landowner defense the owner must provide full cooperation, assistance, and access. EPA contends that Turog has failed to satisfy this requirement for the reasons set forth in this Section III.B.5 and in Sections III.B.6-7 of this Rebuttal, below.

See Section III.B.3, above, which provides details on Turog’s failure to provide access to EPA to collect samples from beneath buildings at the Property necessitating issuance of an administrative access order.

6. Turog Has Not Provided “Full Cooperation, Assistance, and Facility Access” Because it Failed to Comply with an EPA Order Requiring it to Operate and Maintain a Vapor Mitigation System Installed by EPA to Protect its Tenants

See Section III.B.4, above, which provides details on Turog’s failure to operate and maintain the vapor mitigation system installed by EPA on the Property in accordance with EPA’s administrative order.

7. Turog Has Not Provided “Full Cooperation, Assistance, and Facility Access” Because it Failed to Comply With an EPA Information Request Seeking Information on Turog’s Ability to Pay for Indoor Air Sampling Necessary to Protect its Tenants

As described above, on May 31, 2017, EPA issued the Order requiring Turog to operate and maintain the vapor mitigation system installed by EPA at the Property. *LFR 012*. Turog claimed that it was financially incapable of performing annual air sampling within the building to confirm the efficacy of the vapor mitigation system. *Rebuttal Exhibits 9 & 10*. EPA modified the Order to remove this requirement while the Agency reviewed Turog’s financial condition. *LFR 013*. EPA thereafter issued three information request letters to Turog seeking financial information relating to Turog’s ability to pay for the indoor air sampling.¹²

¹² Section 104(e)(1) and (2) of CERCLA, 42 U.S.C. § 9604(e)(1) and (2), provide in relevant part as follows:

“1) Action authorized

“Any officer, employee, or representative of the President, duly designated by the President, is authorized to take action under paragraph (2) . . . The authority of this subsection may be exercised only for the purposes of determining the need for response, or choosing or taking any response action under this subchapter, or otherwise enforcing the provisions of this subchapter.

“(2) Access to information

“Any officer, employee, or representative described in paragraph (1) may require any person who has or may have information relevant to any of the following to furnish,

Information received from Turog in response to the first two information requests indicated that in January 2017, Turog sold a property it owned on Bushkill Drive in Easton, Pennsylvania (“Bushkill Property”) to Lafayette College and that Heywood Becker was owed the sum of \$1,114,000 at settlement for acquisition of the Bushkill Property, rehabilitation of the Bushkill Property, construction management fees pertaining to the Bushkill Property, and management/leasing fees associated with the Bushkill Property.

By letter dated March 19, 2018, EPA issued a third request seeking information pertinent to the sequestration of funds, by Heywood Becker, from Turog’s sale of the Bushkill Property. *Rebuttal Exhibit 13*. In accordance with the terms of the request letter, a response was due within 30 calendar days of receipt. The letter was signed for on March 22, 2018. *Id.* A response was therefore due by April 23, 2018. No response was received.

Between April and October 2018 EPA attempted to secure a response, or at least a date by which a response was forthcoming, to the Agency’s March 19, 2018 information request. For example:

upon reasonable notice, information or documents relating to such matter:

...

(C) Information relating to the ability of a person to pay for or to perform a cleanup.”

- By letter dated April 25, 2018, EPA notified Turog that it had failed to timely respond to the March 19, 2018 request. *Rebuttal Exhibit 14a.*
- By email on May 21, 2018, Mr. Becker stated that the responsive documents are more than 25 years old and are being sought in archives. *Rebuttal Exhibit 14b.*
- By email on June 6, 2018, EPA asked Turog/Mr. Becker for an update on the timing of the retrieval of responsive documents and the production of such documents to EPA. *Rebuttal Exhibit 14c.*
- Having received no update, on June 18, 2018 EPA again asked Turog for an update. *Rebuttal Exhibit 14d.*
- By email on June 18, 2018, Mr. Becker stated that he could not provide a date and was gathering the documents. *Rebuttal Exhibit 14e.*
- Having received no further update, EPA again asked for an update via email on July 13, 2018. *Rebuttal Exhibit 14f.*
- By email sent on July 14, 2018, Mr. Becker stated: “Lawyer who has filed [sic] away. I am visiting daughter in Sweden leaving Monday. Back end of month. Will gather materials then.” *Rebuttal Exhibit 14g.*
- Having received no further information, EPA again requested an update via email on August 7, 2018. *Rebuttal Exhibit 14h.*
- By letter dated September 4, 2018, EPA again requested an update via email, first class mail (to Mr. Becker’s P.O. box), and UPS (to Mr. Becker’s residence). *Rebuttal Exhibit 14i.*
- Having heard nothing from Turog or Mr. Becker, EPA again requested an update via a hand-delivered letter dated October 25,

2018 Rebuttal Exhibit 14j.

Other than as described above, EPA has received no response from Turog regarding compliance with EPA's March 19, 2018 104(e) letter.

Turog's failure to respond to EPA's information request has impeded EPA's ability to determine if Turog was deprived, by Mr. Becker, of substantial funds that could be used by Turog to conduct the indoor air sampling needed to confirm the continued effectiveness of the vapor mitigation system installed by EPA at the Property.

C. Turog's Other Enumerated Arguments Do Not Undermine EPA's Reasonable Basis to Perfect the Lien.

In its July 17, 2019 letter to EPA (*Rebuttal Exhibit 3*), Turog asserts ten facts in support of its claim that EPA has no reasonable basis to perfect the lien. Turog's arguments, and EPA's response, follow below.

- 1. "On information and belief, the EPA had obtained court orders and/or search warrants to enter, investigate and remediate the Site prior to the said tax sale."***

EPA assumes that this allegation is made to suggest that EPA performed response actions prior to Turog's acquisition of the Property. Turog does not explain how these facts impact its liability under CERCLA or EPA's reasonable basis to perfect the lien, and EPA contends such facts are not relevant to these

issues.

2. ***“On information and belief, the EPA spent considerable sums of money, perhaps as much as a million dollars, in their remediation of the Site. During one such investigation/ remediation, news reports placed as many as 50-75 federal personnel at the Site.”***

Turog does not explain how either the cost of response or the number of persons participating in such response have any bearing on EPA’s reasonable basis to perfect the lien, and EPA contends that these allegations are not relevant.

3. ***“We relied on the public declarations and/or statements of and from the EPA that the subject Site, after the EPA had twice investigated, and removed, pursuant to search warrants obtained from the relevant court, had been remediated, and that all of the hazardous materials/contaminants/chemicals at the Site had been removed, and that the Site no longer contained such hazardous materials/chemicals /contaminants.”***

Turog does not identify which EPA official(s) declared/stated that all hazardous substances had been removed from the Property, when such declarations/statements were made, or in what form such declarations/statements were made. Assuming Turog make these assertions to support its claim that it neither knew nor had reason to know that hazardous substances had been

disposed of at the Property, EPA contends that these assertions are not sufficient to carry its burden under the innocent landowner defense to liability the statute (see Section III.B.2 of this Rebuttal). Ultimately, Turog does not explain how such facts have any bearing on its liability under CERCLA or on EPA's reasonable basis to perfect the lien, and EPA contends that these allegations are not relevant.

4. "The EPA could have core-drilled and sampled the concrete slab underneath the 11,000 sf Main building on the Site, looking for the VOCs which were much later found by the PADEP, but the EPA did not deem it reasonable or necessary to perform such work."

Neither Turog's liability under CERCLA nor EPA's reasonable basis to perfect a lien on the Property depend on EPA's choice of investigation or cleanup methods and Turog points to no such connection. If Turog raises these allegations to suggest that EPA could have spent less money had it performed such work and the value of its lien would accordingly be less, EPA responds by stating that Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), authorizes EPA to recover all costs not inconsistent with the NCP and that Turog has not identified any NCP provision(s) with which EPA failed to be consistent. EPA contends that these allegations are not relevant.

5. ***“No mention was made by EPA in the public record, which we were able to access at the offices of Doylestown Borough and at the EPA Regional Headquarters in Philadelphia, of any discovered leak of Chromic Acid in the one UST discovered by EPA at the Site.”***

Assuming Turog make this assertion to support its claim that it neither knew nor had reason to know that hazardous substances had been disposed of at the Property, EPA contends that this assertion is not sufficient to carry its burden under the innocent landowner defense to liability under the statute (see Section III.B.2 of this Rebuttal). Ultimately, Turog does not explain how this allegation impacts its liability under CERCLA or EPA’s reasonable basis to perfect the lien. EPA contends that this allegation is not relevant.

6. ***“No mention was made by EPA in the public record which we were able to access, of any deep-aquifer [sic] Chromate contamination of the Site.”***

Turog does not explain how this allegation impacts its liability under CERCLA or EPA’s reasonable basis to perfect the lien. As explained above, EPA’s remedial investigation of the Site, which includes an investigation of groundwater contamination, has not been completed. EPA contends that this allegation is not relevant.

7. ***“If the EPA did not know about it, we could have had no ability to learn or know of the alleged deep-aquifer [sic] Chromate contamination, or the VOC sub-slab contamination of or under the subject Site, prior to our purchase of the Site at the county upset tax sale in 1998, despite our due diligence.”***

Turog appears to assert this argument in support of its claim that it did not know or have reason to know that hazardous substances had been disposed of at the Site. Turog appears to assume that EPA’s 1994-95 cleanup action eliminated all hazardous substances from the Site and that the discovery, subsequent to its acquisition of the Property, of chromate groundwater contamination and subsurface soil contamination beneath buildings on the Property are material to its defense. EPA contends that this argument is incorrect. The innocent landowner defense requires, among other things, that the owner “did not know and had no reason to know that any hazardous substance which is the subject of the release or threatened release was disposed of on, in, or at the facility.” See Section III.B.2 for an explanation as to why EPA contends Turog knew or should have known that hazardous substances had been disposed of at the Property.

8. ***“Prior to the county tax sale in 1998, the Site was completely fenced on all four sides by a high and opaque chain-link steel fence, so that no physical examination could have been lawfully conducted by us, or anyone, for that matter, with an interest in purchasing the Site.”***

EPA assumes Turog raises this argument to claim that it had no actual or constructive knowledge that hazardous substances had been disposed of at the Site. See Section III.B.2 of this Rebuttal.

9. ***“No potential auction bidder had a right to enter the Site, prior to the county tax sale, due to state law.”***

EPA assumes Turog raises this to argue that it had no actual or constructive knowledge that hazardous substances had been disposed of at the Site. See Section III.B.2 of this Rebuttal.

10. ***“After our purchase of the Site, we entered into a settlement and release agreement with the PADEP for their testing and future remediation of the Site wherein PADEP represented to us that it was in a partnership with the EPA for all such work to be done by them at the subject Site.”***

EPA assumes that Turog claims that it is protected from liability by such alleged settlement with PADEP. EPA has not seen or reviewed such settlement and contends that any alleged settlement between Turog and the Commonwealth of Pennsylvania regarding Turog’s potential liability for environmental cleanup

costs or work would not be binding on the United States, including EPA. EPA is willing to review said settlement but at present contends that this fact is not relevant.

IV. Conclusions

For the reasons stated above, EPA contends that that:

1. The lien arose by operation of law pursuant to Section 107(l) of CERCLA, 42 U.S.C. § 9607(l).
 - a. EPA has a reasonable basis to believe that Turog is a party described in Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1), as the owner of the Property upon which a release or threatened release of hazardous substances occurred;
 - b. EPA has a reasonable basis to believe that the land upon which EPA seeks to perfect a lien was subject to or affected by removal action;
 - c. EPA has a reasonable basis to believe that it expended response costs at this Property in conducting removal actions at the Property; and
 - d. EPA has a reasonable basis to believe that it provided Turog with written notice of its potential liability via certified mail.

2. EPA has a reasonable basis to believe that Turog cannot carry its burden of proving that it is protected from liability by the innocent landowner defense in Sections 107(b)(3) and 101(35)(A) of CERCLA, 42 U.S.C. §§ 9607(b)(3) and 101(35)(A).

a. Turog had reason to know, before it acquired the Property, that hazardous substances had been disposed of there.

b. Turog failed to “exercise due care with respect to the hazardous substance, in light of all relevant facts and circumstances” because it failed to consent to entry by EPA to the Property to perform a sub-slab investigation to evaluate threats to Turog’s tenants.

c. Turog failed to “exercise due care with respect to the hazardous substance, in light of all relevant facts and circumstances” because it failed to comply with an EPA order requiring it to operate and maintain a vapor mitigation system installed by EPA to protect its tenants.

d. Turog failed to provide “full cooperation, assistance, and facility access” because it failed to consent to entry by EPA to the Property to perform a sub-slab investigation to evaluate threats to Turog’s tenants.

e. Turog failed to provide “full cooperation, assistance, and facility access” because it failed to comply with an EPA order requiring it to

operate and maintain a vapor mitigation system installed by EPA to protect its tenants.


f. Turog failed to provide “full cooperation, assistance, and facility access” because it failed to comply with an EPA information request seeking information on Turog’s ability to pay for indoor air sampling necessary to protect its tenants.

3. Turog has not demonstrated that EPA lacks a reasonable basis to perfect a lien on the Property.

4. EPA has demonstrated that it has a reasonable basis to perfect the lien.

5. Perfection of the statutory lien is therefore appropriate.

10/2/19
Date



Andrew S. Goldman
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103
(215) 814-2487
goldman.andrew@epa.gov

List of Exhibits

1. Memo from Huu Ngo to File, re: "Current Site Status" (August 27, 2019).
2. Letter from Cecil Rodrigues, Acting Regional Counsel, to Turog Properties, Limited, re: "Chem-Fab Superfund Site: Notice of Intent to Perfect Federal Superfund Lien; Opportunity To Be Heard" (July 1, 2019).
3. Letter from Heywood Becker to Andrew Goldman, Sr. Assistant Regional Counsel, re: "Chem-Fab Superfund Site, Doylestown, PA 18901; On Your Notice Of Intent to Perfect Federal Superfund Lien; Your Letter Dated July 1, 2019 and Received July 8, 2019" (July 17, 2019).
4. Order of Assignment (September 17, 2019).
5. "Supplemental Guidance on Federal Superfund Liens" (OSWER Directive No. 9832.12-1a (July 29, 1993).
6. Printout showing Turog ownership and took from 300 NB and Chem Fab.
7. POLREP Nos. 1-23 (September 2, 1995-June 15, 1995).
8. Affidavit of Personal Service (John R. Brumbaugh, Sr. Investigator, Cherokee Nation Assurance, LLC) (undated); Email from Joan Martin-Banks to John Brumbaugh, re: "Chem-Fab Affidavit" (August 2, 2019); Email from John Brumbaugh to Joan Martin-Banks, re: "Chem-Fab Affidavit (August 7, 2019); Email from John Brumbaugh to Joan Martin-Banks, re: "Chem-Fab Affidavit" (August 7, 2019).
9. Email from Heywood Becker to Andrew Goldman, re: "Section IX Notice of Intent to Comply" (June 26, 2017).
10. Letter from Heywood Becker to Andrew Goldman, re: "Your Letter Dated June 7, 2017" (June 26, 2017).
11. Email from Eduardo Rovira to Heywood Becker, re: "Chem Fab" (August 7, 2017); Email from Heywood Becker to Eduardo Rovira, re: "Chem Fab" (August 7, 2017); Email from Eduardo Rovira to Heywood Becker,

- re: “Chem Fab” (August 7, 2017); Email from Andrew Goldman to Heywood Becker, re: “Chem Fab” (August 16, 2017); Letter from Heywood Becker to Andrew Goldman, re: “Your Email Dated August 16, 2017” (August 23, 2017); Email from Eduardo Rovira to Heywood Becker, re: Chem Fab-Work Plan” (September 26, 2017)(transmitting Letter from Eduardo Rovira to Heywood Becker, re: Administrative Order No. CERC-03-2017-014-DC” (September 26, 2017)); Letter from Heywood Becker to Eduardo Rovira, re: Your Email Dated September 26, 2017” (October 12, 2017); Letter from Eduardo Rovira to Heywood Becker, re: Workplan for Administrative Order” (October 12, 2017); Signed and Annotated Work Plan, dated October 20 and 23, 2017).
12. Letter from Eduardo Rovira to Heywood Becker, re: Chem Fab Superfund Site: Administrative Order No. CERC-03-2017-0140-DC” (November 16, 2017).
 13. Letter from Joanne Marinelli to Heywood Becker, re: “Required Submission of Information” (March 19, 2018).
 - 14.a Letter from Joanne Marinelli to Heywood Becker, re: “Required Submission of Information” (April 25, 2018).
 - 14.b Email from Heywood Becker to Andrew Goldman, re: Turog Documents in Support” (May 21, 2018).
 - 14.c Email from Andrew Goldman to Heywood Becker, re: “Turog Documents in Support” (June 6, 2018).
 - 14.d Email from Andrew Goldman to Heywood Becker, re: “May 15, 2018 Letter” (June 18, 2018).
 - 14.e Email from Heywood Becker to Andrew Goldman, re: “May 15, 2018 Letter” (June 18, 2018).
 - 14.f Email from Andrew Goldman to Heywood Becker, re: “May 15, 2018 Letter” (July 13, 2018).
 - 14.g Email from Heywood Becker to Andrew Goldman, re: “May 15, 2018 Letter” (July 14, 2018).

- 14.h Email from Andrew Goldman to Heywood Becker, re: “May 15, 2018 Letter” (August 7, 2018).
- 14.i Letter from Andrew Goldman to Heywood Becker, re: “Overdue Response to April 25, 2018 Information Request” (September 4, 2018).
- 14.j Letter from Andrew Goldman to Heywood Becker, re: “Overdue Response to April 25, 2018 Information Request” (October 25, 2018).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Chem Fab Superfund Site, Current Site Status

FROM: Huu Ngo, Remedial Project Manager *NH 8/27/19*

TO: FILE

This Memorandum documents the current Site Status for the Chem Fab Superfund Site as of August 27, 2019.

- The U.S. Environmental Protection Agency (EPA) continues to expend funds in connection with the Site.
- EPA is currently performing a Remedial Investigation/Feasibility Study (RI/FS) to fully characterize the nature and extent of contamination at the Site.
- After the RI/FS is completed, EPA will select remedial action to address threats to human health and the environment from the release and/or threatened release of hazardous substances present at the Site.
- EPA will continue to expend costs as the RI/FS is completed and a remedial action is selected and implemented at the Site.
- The groundwater extraction system selected in the 2017 interim Record of Decision (ROD) is currently in the Remedial Design phase.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA CERTIFIED MAIL

JUL 01 2019

Turog Properties, Limited
c/o Heywood Becker
Box 180
Carversville, PA 18913

VIA CERTIFIED MAIL

Turog Properties, Limited
c/o Heywood Becker
5382 Wismer Road
Pipersville, PA 18947

**Re: Chem-Fab Superfund Site: Notice of Intent to Perfect
Federal Superfund Lien; Opportunity To Be Heard**

Dear Mr. Becker:¹

This letter informs Turog Properties, Limited ("Turog") that the United States Environmental Protection Agency ("EPA" or "Agency") intends to perfect a lien on real property owned by Turog on North Broad Street in Doylestown, Bucks County, Pennsylvania, the legal description of which is contained in Attachment 1 to this letter (the "Property"). The Chem-Fab Superfund Site ("Site") is located on the Property and other properties. EPA has performed response actions at the Site, including the Property, pursuant to Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(a). The land records of Bucks County, Pennsylvania, indicate that Turog currently owns the Property. The lien that EPA intends to perfect against the Property arises under Section 107(l) of CERCLA, 42

¹ As of the date of this letter EPA has no information indicating that Turog is represented by counsel in this matter. If this is not accurate please provide this letter to Turog's counsel as soon as possible.

U.S.C. § 9607(1). The lien is intended to secure payment, to the United States, of costs and damages for which Turog, as an owner of the Site, is potentially liable to the United States under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

Under Sections 107(a) and 101(9) of CERCLA, 42 U.S.C. §§ 9607(a) and 9601(9), a person that currently owns any "facility," including a site or area where a hazardous substance has been deposited, stored, disposed of, placed, or otherwise come to be located, may be liable for all costs of removal or remedial action at the facility. EPA has determined that a release or threat of release of hazardous substances from the Site into the environment has occurred within the meaning of Sections 101(8), (14), and (22) of CERCLA, 42 U.S.C. §§ 9601(8), (14), and (22), and has incurred costs in performing a "response action" within the meaning of Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

EPA has a reasonable basis to believe that the statutory conditions for perfecting a CERCLA § 107(l) lien are satisfied. The Property is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9); EPA has reason to believe that Turog currently owns the Property and is accordingly a liable person pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607; the Property is subject to or affected by a removal or remedial action; and costs have been incurred by the United States with respect to a response action at the Property.

The lien arises at the time that costs are first incurred by the United States with respect to the Site or the time that the owner is provided with written notice of potential liability, whichever occurs later. The lien continues until the liability for the costs is satisfied or until the liability for the costs becomes unenforceable through operation of the statute of limitations in Section 113 of CERCLA, 42 U.S.C. § 9613. EPA notified Turog of its potential liability under CERCLA for the Site by certified letter dated December 6, 2006, which was received by Turog on December 11, 2006. Turog may avoid the perfection of a lien upon the Property by paying all costs and damages associated with the Site.

EPA has established a Lien Filing Record consisting of documents relating to its decision to perfect a lien. An index of the Lien Filing Record is included as Attachment 2 to this letter. The Lien Filing Record is kept at the EPA Region III offices, and may be reviewed and copied by arrangement with:

Andrew S. Goldman (3RC41)
Sr. Assistant Regional Counsel
United States Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(215) 814-2487

After thirty (30) calendar days from the date of this letter, EPA intends to file a notice of lien with the Office of the Recorder of Deeds in Bucks County, Pennsylvania, as well as with the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania. A draft of the notice EPA intends to file is included as Attachment 3 to this letter. The effect of this filing is to establish a priority for the encumbrance on the Property.

You may, within thirty (30) calendar days from the date you receive this letter (1) notify EPA in writing if you believe that EPA's information is in error, (2) submit any information or documents relevant to the issues raised by this letter, and/or (3) request in writing to meet with a neutral EPA official to present any information that indicates that EPA does not have a reasonable basis to perfect a lien on the Property based on the statutory requirements. You should describe in your written request your reasons for believing that EPA does not have a reasonable basis to perfect a lien. Any written submission or request for a meeting should reference the Chem-Fab Superfund Site, should be addressed to the above-referenced EPA attorney, and may include documents or information that you believe supports your contentions.

If EPA receives a written submission or a request for a meeting within 30 calendar days of your receipt of this letter, EPA will review your submission or request for a meeting. If EPA agrees, based on your submission, that it does not have a reasonable basis to perfect a lien on the Property, EPA will not perfect its lien and will so notify you. If EPA disagrees, the written submission or request, together with the Lien Filing Record, will be referred to a neutral EPA official selected for the purpose of reviewing the submission or for conducting the meeting.

If you have requested an opportunity to meet, a meeting will be scheduled. You may choose to attend this meeting via a telephone conference. EPA will be represented by its enforcement staff, including a representative from the Office of Regional Counsel. You may be represented by counsel at this meeting. The

meeting will be held before a neutral EPA official. This will be an informal meeting in which you may provide EPA with information as to why EPA's position requires reconsideration. The meeting will not be conducted using rules of evidence or formal administrative or judicial procedures. The sole issue at the meeting will be whether EPA has a reasonable basis to perfect a lien based upon Section 107(l) of CERCLA, 42 U.S.C. § 9607(l).

After reviewing your written submission, or conducting a meeting if one is requested, the neutral EPA official will issue a recommended decision based upon the Lien Filing Record, any written submission, and any information provided at the meeting. The recommended decision will state whether EPA has a reasonable basis to perfect a lien and will be forwarded to an EPA official authorized to perfect liens. You will be furnished with a copy of the recommended decision and notified of the Agency's action.

Neither Turog nor EPA waives, or is prohibited from asserting, any claims or defenses in any subsequent legal or administrative proceeding by submitting information, requesting a meeting, or issuing a recommended decision regarding EPA's basis to perfect a lien.

If you have any question pertaining to this letter, please contact EPA Sr. Assistant Regional Counsel Andrew S. Goldman at (215) 814-2487.

Sincerely,



Cecil Rodrigues
Acting Regional Counsel

Attachments

cc: Andrew S. Goldman (3RC41)
Joan Martin-Banks (3HS62)

ATTACHMENT 1

Land Subject to this Notice of Federal Lien

The land corresponding to the following description contained in a "Deed in Lieu of Execution" between 300 N. Broad Street, Ltd., Grantor, and Turog Properties Limited, Grantee, in Bucks County Recorder of Deeds Instrument Number 2006016843 (attached as "Exhibit 1"):

"ALL THAT CERTAIN lot or piece of ground situate in Doylestown Borough, Ss N. Broad Street, 673' W. of Doyle street, having a lot size of 222 x 214, more particularly described in Deed to Chem Fab Corp., P.O. Box 123, Revere, PA 18953, dated 10/18/67 and recorded in the Office of the recorder of Deeds in and for Bucks County, in Deed Book 1879, page 190;

"ALSO KNOWN AS Bucks County Uniform Parcel identifier: Tax Map Parcel 8-5-1-1."

**Attachment 1, Exhibit 1
(2006 Deed in Lieu of Execution)**

BUCKS COUNTY RECORDER OF DEEDS

55 East Court Street
Doylestown, Pennsylvania 18901
(215) 348-6209

Instrument Number - 2006016843

Recorded On 2/2/2006 At 2:10:47 PM

* Total Pages - 4

* Instrument Type - DEED

Invoice Number - 115864 User - KLJ

* Grantor - THREE (300) N BROAD STR L T D

* Grantee - TUROG PROP

* Customer - K BECKER

*** FEES**

RECORDING FEES \$46.50

TOTAL \$46.50

This is a certification page

DO NOT DETACH

This page is now part
of this legal document.

RETURN DOCUMENT TO:
K BECKER

I hereby CERTIFY that this document is
recorded in the Recorder of Deeds Office
of Bucks County, Pennsylvania.



Edward R. Gudknecht
Edward R. Gudknecht
Recorder of Deeds

* - Information denoted by an asterisk may change during
the verification process and may not be reflected on this page.

Book: 4827 Page: 268



Prepared By: Michael Foster
Return To: Turog Properties c/o Michael Foster
PO Box 78
Quakertown, PA 18951
CPN# 8-5-1-1

DEED IN LIEU OF EXECUTION

KNOW ALL MEN BY THIS DEED IN LIEU OF EXECUTION dated October 21, 2005, given by the Grantor to the Grantee, as follows:

300 N. Broad Street, Ltd.,
the Grantor, Owner and Mortgagor, to

Turog Properties Limited,
the Grantee, and Assignee of the subject Mortgage in Default,

and their successors and assigns for \$1.00 and other good and valuable consideration whereby the said Grantor hereby conveys, grants, and sells the following described real property to the Grantee in lieu of execution of the subject mortgage in default, the said mortgage in default being dated January 5, 2005, and recorded on September 2, 2005, in Book 4609, page 1401 in the Office of the Recorder of Deeds for Bucks County, and assigned to the Grantee by Assignment of Mortgage dated October 4, 2005, and recorded on February 1, 2006, in Book 4825, page 2101 in the Office of the Recorder of Deeds for Bucks County, and the real property made subject to the mortgage in default is described as:

ALL THAT CERTAIN lot or piece of ground situate in Doylestown Borough, Ss N. Broad Street, 673' W. of Doyle street, having a lot size of 222 x 214, more particularly described in Deed to Chem Fab Corp., P.O. Box 123, Revere, PA 18953, dated 10/18/67 and recorded in the Office of the Recorder of Deeds in and for Bucks County, in Deed Book 1879, page 190;

ALSO KNOWN AS Bucks County Uniform Parcel Identifier:

Tax Map Parcel 8-5-1-1;

BEING the same real property purchased by the Mortgagor, 300 N. Broad Street, Ltd. by deed dated May 27, 1999, and recorded in the Bucks County Recorder of Deeds Office at Book 1849, page 1123;

TO HAVE AND TO HOLD the said lot of land with the improvements thereon erected, and the appurtenances thereto, for the uses and purposes of the Grantee, their successors and assigns forever;

UNDER AND SUBJECT TO all mortgages and liens of record.

IN WITNESS WHEREOF, the Grantor, a Pennsylvania limited partnership, has caused this Deed In Lieu of Execution to be executed under seal by the trustee of their General Partner, a Pennsylvania trust as follows:

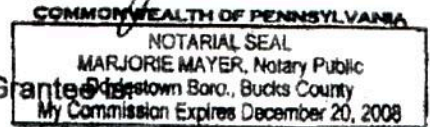
300 N. Broad Street, Ltd.

BY: Heywood Becker, Trustee

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF BUCKS, SS:

On this, the 2nd day of February, 2006, before me appeared Heywood Becker, personally known to me or satisfactorily proven to be the person hereinabove named, who represented that he is the trustee of Broad Street Trust, the General Partner of 300 N. Broad Street, Ltd., a Pennsylvania limited partnership, and who represented that he has the power and authority to execute this deed on behalf of the Grantor, and who acknowledged that he voluntarily executed the foregoing instrument for the purposes herein contained.

Marjorie Mayer
Notary Public



I certify that the precise address of the within named Grantee is
Post Office Box 78, Quakertown, PA 18951

Signed: Heywood Becker

T.M.P. # 8-5-1-1 Page 1

Transferred 10-21-05 Date 2-2-06

John H. Davis Secretary



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
DEPT. 280603
HARRISBURG, PA 17128-0603

REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY	
State Tax Paid	8
Book Number	
Page Number	
Date Recorded	

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A CORRESPONDENT - All inquiries may be directed to the following person:

Name Howard Becker	Telephone Number: Area Code 215 , 297 0700
Street Address P.O. Box 180	City, State, Zip Code Carverville, PA 18913

B TRANSFER DATA

Grantor(s)/Lessor(s) 300 N. Broad Street, Limited	Date of Acceptance of Document October 21, 2005
Street Address P.O. Box 180	Grantee(s)/Lessee(s) Turog Properties Limited
City, State, Zip Code Carverville, PA 18913	Street Address P.O. Box 78
	City, State, Zip Code Quakertown, PA 18951

C PROPERTY LOCATION

Street Address 300-360 N. Broad Street	City, Township, Borough Quakertown Borough
County Bucks	School District Central Bucks
	Tax Parcel Number 8-5-1-1

D VALUATION DATA

1. Actual Cash Consideration 2500	2. Other Consideration +	3. Total Consideration = 2500
4. County Assessed Value 50920	5. Common Level Ratio Factor x 9.97	6. Fair Market Value = 496,792.40

E EXEMPTION DATA

1a. Amount of Exemption Claimed 100%	1b. Percentage of Interest Conveyed 100%
--	--

2. Check Appropriate Box Below for Exemption Claimed

- Will or intestate succession _____ (Name of Decedent) _____ (Estate File Number)
- Transfer to Industrial Development Agency.
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- Transfers to the Commonwealth, the United States and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number **4609**, Page Number **1401**
- Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed, if other than listed above.)

Mortgage assigned to Grantee on 2/1/06, Book 4925, pg. 201

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Grantor(s) or Responsible Party 	Date 2/2/06
--	-----------------------

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

ATTACHMENT 2
(Lien Filing Record)

LIEN FILING RECORD
CHEM-FAB SUPERFUND SITE
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA

INDEX OF DOCUMENTS

Property Documents

1. Deed in Lieu of Execution” between 300 N. Broad Street, Ltd., Grantor, and Turog Properties Limited, Grantee, dated October 21, 2005 and recorded in the Bucks County Recorder of Deeds Book 4827, Page 268.
2. Printout from Bucks County, Pennsylvania Board of Assessment Website (May 22, 2019).

Response Documentation

3. Request for Approval of Funds for a Removal Action at Chem-Fab Corporation Drum Site (approved March 24, 1995) (drums and chemicals).
4. Federal On Scene Coordinator’s After Action Report (undated).
5. Special Bulletin A (November 8, 2012) (installation of air purifiers).
6. Request for Additional Funds for a Removal Action, Approval for a \$2 Million Exemption Request and Scope Change at the Chem-Fab Site (approved September 19, 2013) (excavation and disposal of contaminated soil outside Building A footprint).
7. Request for a Scope Change for the Removal Action at the Chem-Fab Site (approved May 28, 2014) (bottled water to impacted residents).
8. Request for a Scope Change to Continue the Removal Action at the Chem-Fab Site (approved January 20, 2015) (water connection).
9. Request for a Scope Change to Continue the Removal Action at the Chem-Fab Site (approved September 30, 2015) (permanent depressurization system in Building A).

10. Request for a Scope Change to the Removal Action at the Chem-Fab Site (approved July 10, 2018) (surface water issue and fan replacement).
11. Federal On Scene Coordinator's After Action Report (November 2012-September 2016).
12. Administrative Order No. CERC-03-2017-014-DC (May 31, 2017) (O&M).
13. Administrative Order No. CERC-03-2017-014-DC Amendment No. 1 (July 19, 2017).
14. Administrative Order No. CERC-03-2017-014-DC Amendment No. 2 (November 15, 2017).
15. Record of Decision for Early Interim Remedial Action (July 17, 2017) (interim groundwater pump and treat).

Cost Documentation

16. Report of Response Costs From July 11, 1993 Through June 4, 2019 (June 6, 2019) (reconciliation pending).

Notice of Potential Liability

17. Letter from Karen Melvin to Turog Properties Ltd (December 6, 2007).
18. PS Form 3811 Domestic Return Receipt for Article Number 7000 1670 0013 0588 5308 signed by "M Foster" (December 11, 2007).

Liability-Related Documents

19. Administrative Order No. CERC-03-2011-0209-DC (July 14, 2011) (access).
20. Letter from Eduardo Rovira to Turog Properties Limited, re: "Administrative Order No. CERC-03-2017-0140-DC: Compliance Issues" (October 16, 2018).

21. Email from Eduardo Rovira to Andrew Goldman, re: "Chem-Fab Deadlines" (December 7, 2018).
22. Letter from Joanne Marinelli to Heywood Becker, Esq. and Turog Properties Ltd., re: "Required Submission of Information" (April 25, 2018).
23. Email from Heywood Becker to Andrew Goldman and Joan Martin-Banks, re: "Turog Documents in Support" (May 21, 2018).
24. Email from Andrew Goldman to Heywood Becker and Joan Martin-Banks, re: "Turog Documents in Support" (June 6, 2018).
25. Email from Andrew Goldman to Heywood Becker re: "May 15, 2018 Letter" (June 18, 2018).
26. Email from Heywood Becker to Andrew Goldman re: "May 15, 2018 Letter" (June 18, 2018).
27. Email from Andrew Goldman to Heywood Becker (re: "May 15, 2018 Letter") (July 13, 2018).
28. Email from Heywood Becker to Andrew Goldman re: "May 15, 2018 Letter" (July 14, 2018).
29. Email from Andrew Goldman to Heywood Becker re: "May 15, 2018 Letter" (August 7, 2018).
30. Letter from Andrew Goldman to Heywood Becker re: "Overdue Response to April 25, 2018 Information Request" (September 4, 2018).
31. Letter from Andrew Goldman to Heywood Becker re: "Overdue Response to April 25, 2018 Information Request" (October 25, 2018).

ATTACHMENT 3
(Draft Lien Notice)

FEDERAL SUPERFUND LIEN (CERCLA)

Name of Property Affected Chem-Fab Superfund Site

Name of Owner: Turog Properties, Limited

Address of Property: 300-360 North Broad Street, Doylestown,
Bucks County, Pennsylvania

Parcel Identification: Bucks County Parcel No. 08-005-001-001,
further described in Attachment A

For Information Contact: Andrew S. Goldman (3RC41)
Sr. Assistant Regional Counsel
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
(215) 814-2487

NOTICE OF LIEN

Notice is hereby given by the United States Environmental Protection Agency (EPA), on behalf of the United States, that the United States holds a lien on the property described above. Pursuant to Section 107(l) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9607(l), a lien is created in favor of the United States upon all real property and rights to such property which belong to persons liable for costs and damages pursuant to 42 U.S.C. § 9607(a) and which property is subject to or affected by a removal or remedial action. This lien arises either at the time the United States first incurs costs with regard to a CERCLA response action or when the person(s) liable for such costs and damages is provided with written notice of potential liability, whichever is later. See 42 U.S.C. § 9607(l)(2). The lien continues until liability for costs and damages (or any decree or judgment against the person arising out of such liability) is satisfied or becomes unenforceable through operation of the applicable statute of limitations contained in Section 113 of CERCLA, 42 U.S.C. § 9613. Because response activities are ongoing, the amount covered by the lien will increase. The documents which support the placement of this lien can be found in the "Lien Filing Record." Said

Record is available for review at the offices of EPA Region III at the address noted above.

Authority to file lien notices was delegated to the Administrator of EPA on January 29, 1987 by Executive Order 12580, 52 Federal Register 2923 (Jan. 29, 1987), and further delegated to the Regional Administrator on September 13, 1987, by EPA Delegation No. 14-26. This authority was further re-delegated by the Regional Administrator of EPA Region III to the Regional Counsel on April 6, 1988, by EPA Region III Delegation No. 14-26.

DATE NOTICE OF LIABILITY GIVEN:	December 6, 2006
DATE COSTS WERE FIRST INCURRED:	July 11, 1993
EPA COSTS THROUGH JUNE 4, 2019	\$11,836,885.34

The potential liability associated with the Site is joint and several. There may be other potentially responsible parties associated with the Site. The necessity or extent of future work at the Site is undetermined as of this date. Costs may continue to be incurred at this Site, and the value of the United States' lien on the subject property may change. EPA is entitled to recover costs that are not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) at 40 C.F.R. Part 300; *see* Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

Cecil Rodrigues
Acting Regional Counsel
U.S. EPA Region III

Date

Subscribed and sworn before me on this, the

_____ day of _____, 2019.

NOTARY PUBLIC

ATTACHMENT A

Land Subject to this Notice of Federal Lien

The land corresponding to the following description contained in a “Deed in Lieu of Execution” between 300 N. Broad Street, Ltd., Grantor, and Turog Properties Limited, Grantee, in Bucks County Recorder of Deeds Instrument Number 2006016843 (attached as “Exhibit 1”):

“ALL THAT CERTAIN lot or piece of ground situate in Doylestown Borough, Ss N. Broad Street, 673’ W. of Doyle street, having a lot size of 222 x 214, more particularly described in Deed to Chem Fab Corp., P.O. Box 123, Revere, PA 18953, dated 10/18/67 and recorded in the Office of the recorder of Deeds in and for Bucks County, in Deed Book 1879, page 190;

“ALSO KNOWN AS Bucks County Uniform Parcel identifier: Tax Map Parcel 8-5-1-1.”

**Attachment 1, Exhibit 1
(2006 Deed in Lieu of Execution)**

BUCKS COUNTY RECORDER OF DEEDS

55 East Court Street
Doylestown, Pennsylvania 18901
(215) 348-6209

Instrument Number - 2006016843

Recorded On 2/2/2006 At 2:10:47 PM

* Total Pages - 4

* Instrument Type - DEED

Invoice Number - 115864

User - KLJ

* Grantor - THREE (300) N BROAD STR L T D

* Grantee - TUROG PROP

* Customer - K BECKER

*** FEES**

RECORDING FEES	\$46.50
TOTAL	\$46.50

This is a certification page

DO NOT DETACH

This page is now part
of this legal document.

RETURN DOCUMENT TO:
K BECKER

I hereby CERTIFY that this document is
recorded in the Recorder of Deeds Office
of Bucks County, Pennsylvania.



Edward R. Gudknecht
Edward R. Gudknecht
Recorder of Deeds

* - Information denoted by an asterisk may change during
the verification process and may not be reflected on this page.

Book: 4827 Page: 268



Prepared By: Michael Foster
Return To: Turog Properties c/o Michael Foster
PO Box 78
Quakertown, PA 18951
CPN# 8-5-1-1

DEED IN LIEU OF EXECUTION

KNOW ALL MEN BY THIS DEED IN LIEU OF EXECUTION dated October 21, 2005, given by the Grantor to the Grantee, as follows:

300 N. Broad Street, Ltd.,
the Grantor, Owner and Mortgageor, to

Turog Properties Limited,
the Grantee, and Assignee of the subject Mortgage in Default,

and their successors and assigns for \$1.00 and other good and valuable consideration whereby the said Grantor hereby conveys, grants, and sells the following described real property to the Grantee in lieu of execution of the subject mortgage in default, the said mortgage in default being dated January 5, 2005, and recorded on September 2, 2005, in Book 4809, page 1401 in the Office of the Recorder of Deeds for Bucks County, and assigned to the Grantee by Assignment of Mortgage dated October 4, 2005, and recorded on February 1, 2006, in Book 4825, page 2101 in the Office of the Recorder of Deeds for Bucks County, and the real property made subject to the mortgage in default is described as:

ALL THAT CERTAIN lot or piece of ground situate in Doylestown Borough, Ss N. Broad Street, 673' W. of Doyle street, having a lot size of 222 x 214, more particularly described in Deed to Chem Fab Corp., P.O. Box 123, Revere, PA 18953, dated 10/18/67 and recorded in the Office of the Recorder of Deeds in and for Bucks County, in Deed Book 1879, page 190;

ALSO KNOWN AS Bucks County Uniform Parcel Identifier:

Tax Map Parcel 8-5-1-1;

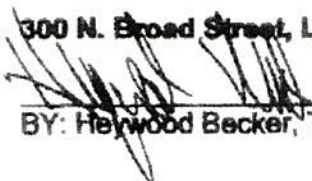
BEING the same real property purchased by the Mortgagor, 300 N. Broad Street, Ltd. by deed dated May 27, 1999, and recorded in the Bucks County Recorder of Deeds Office at Book 1849, page 1123;

TO HAVE AND TO HOLD the said lot of land with the improvements thereon erected, and the appurtenances thereto, for the uses and purposes of the Grantee, their successors and assigns forever;

UNDER AND SUBJECT TO all mortgages and liens of record.


IN WITNESS WHEREOF, the Grantor, a Pennsylvania limited partnership, has caused this Deed In Lieu of Execution to be executed under seal by the trustee of their General Partner, a Pennsylvania trust as follows:

300 N. Broad Street, Ltd.

BY:  Trustee

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF BUCKS, SS:

On this, the 2nd day of February, 2006, before me appeared Heywood Becker, personally known to me or satisfactorily proven to be the person hereinabove named, who represented that he is the trustee of Broad Street Trust, the General Partner of 300 N. Broad Street, Ltd., a Pennsylvania limited partnership, and who represented that he has the power and authority to execute this deed on behalf of the Grantor, and who acknowledged that he voluntarily executed the foregoing instrument for the purposes herein contained.


Notary Public

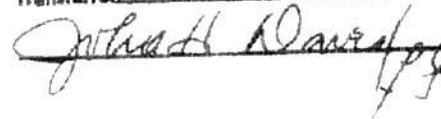
COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
MARJORSE MAYER, Notary Public
Quakertown Boro., Bucks County
My Commission Expires December 20, 2008

I certify that the precise address of the within named Grantee is
Post Office Box 78, Quakertown, PA 18951

Signed: 

T.M.P. # 8-5-1-1 Page 1

Transferred 10-21-05 Date 2-2-06

 Secretary



REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY	
Money Tax Paid	0
Book Number	
Page Number	
Date Recorded	

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A CORRESPONDENT - All inquiries may be directed to the following person:

Name: Howard Becker Telephone Number: _____
 Street Address: P.O. Box 180 Carverville, PA Area Code: 215 City: Carverville State: PA Zip Code: 18913

B TRANSFER DATA

Grantor(s)/Lessor(s) <u>300 N. Broad Street, Limited</u>	Date of Absence of Document <u>October 21, 2005</u>
Grantee(s)/Lessee(s) <u>Turog Properties Limited</u>	
Street Address: <u>P.O. Box 180</u>	Street Address: <u>P.O. Box 78</u>
City: <u>Carverville</u> State: <u>PA</u> Zip Code: <u>18913</u>	City: <u>Quakertown</u> State: <u>PA</u> Zip Code: <u>18951</u>

C PROPERTY LOCATION

Street Address: 300-360 N. Broad Street City, Township, Borough: Doylestown Borough
 County: Bucks School District: Central Bucks Tax Parcel Number: 85-1-1

D VALUATION DATA

1. Actual Cash Consideration <u>ZERO</u>	2. Other Consideration <u>+</u>	3. Total Consideration <u>= ZERO</u>
4. County Assessed Value <u>50920</u>	5. Common Level Ratio Factor <u>x 8.97</u>	6. Fair Market Value <u>= 456,792.40</u>

E EXEMPTION DATA

1a. Amount of Exemption Claimed: 100% 1b. Percentage of Interest Conveyed: 100%

2. Check Appropriate Box Below for Exemption Claimed

- Will or intestate succession _____ (Name of Decedent) _____ (Estate File Number)
- Transfer to Industrial Development Agency.
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- Transfers to the Commonwealth, the United States and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number 4609, Page Number 1401
- Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed, if other than listed above.) _____

Mortgage assigned to Grantee on 2/1/06, Book 4925, pg. 2401

Under penalties of perjury, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief it is true, correct and complete.

Signature of Grantor(s) or Beneficiary Party: _____ Date: 2/2/06

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

Turog Properties, Limited

POST OFFICE BOX 180
CARVERSVILLE, BUCKS COUNTY
PENNSYLVANIA
18913-0180

215.933.9250

July 17, 2019

Mr. Andrew S. Goldman, Esq.
Sr. Asst. Regional Counsel
US EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

*Re: Chem-Fab Superfund Site, Doylestown, PA 18901
On Your Notice Of Intent To Perfect Federal Superfund Lien
Your Letter Dated July 1, 2019 and Received July 8, 2019*

Dear Mr. Goldman:

We hereby request a meeting with a neutral EPA official to present information that indicates that EPA has no reasonable basis to perfect a lien on the subject property. We have defenses against such a lien, based upon 42 U.S.C. Section 9607(b)(3).

The undersigned, Heywood Becker, our agent at the Bucks County Upset Tax Sale in 1998, and at which sale, our successful bid resulted in a deed being issued to us, 300 N. Broad Street, Ltd., and Turog Properties, Ltd. considered by us to be alter ego entities, having the same close ownership, and the same management.

We had no contractual relationship with Chem-Fab Corp., the prior owner of the subject Site, or with any of their employees, principals or agents, whose actions caused the present release or threat of release of a hazardous substance at the subject Site, and we exercised due care with respect to the subject hazardous substance or substances, taking into consideration their characteristics, in light of all relevant facts and circumstances, and took such precautions against foreseeable acts or omissions of Chem-Fab Corp., and the consequences that could foreseeably result therefrom.

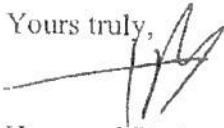
Described below are some of our reasons for believing that EPA does not have a reasonable basis to perfect such a lien.

1. On information and belief, the EPA had obtained court orders and/or search warrants to enter, investigate and remediate the Site prior to the said tax sale.
2. On information and belief, the EPA spent considerable sums of money, perhaps as much as a million dollars, in their remediation of the Site. During one such investigation/remediation, news reports placed as many as 50-75 federal personnel at the Site.
3. We relied on the public declarations and/or statements of and from the EPA that the subject Site, after the EPA had twice investigated, and removed, pursuant to search warrants obtained from the relevant court, had been remediated, and that all of the hazardous materials/contaminants/chemicals at the Site had been removed, and that the Site no longer contained such hazardous materials/chemicals/contaminants.
4. The EPA could have core-drilled and sampled the concrete slab underneath the 11, 000 sf Main Building on the Site, looking for the VOC's which were much later found by the PADEP, but the EPA did not deem it reasonable or necessary to perform such work.
5. No mention was made by EPA in the public record, which we were able to access at the offices of Doylestown Borough and at the EPA Regional Headquarters in Philadelphia, of any discovered leak of Chromic Acid in the one UST discovered by EPA at the Site.
6. No mention was made by EPA in the public record which we were able to access, of any deep-aquifer Chromate contamination of the Site.
7. If the EPA did not know about it, we could have had no ability to learn or know of the alleged deep-aquifer Chromate contamination, or the VOC sub-slab contamination of or under the subject Site, prior to our purchase of the Site at the county upset tax sale in 1998, despite our due diligence.
8. Prior to the county tax sale in 1998, the Site was completely fenced on all four sides by a high and opaque chain-link steel fence, so that no physical examination could have been lawfully conducted by us, or anyone, for that matter, with an interest in purchasing the Site.
9. No potential auction bidder had a right to enter the Site, prior to the county tax sale, due to state law.

10. After our purchase of the Site, we entered into a settlement and release agreement with the PADEP for their testing and future remediation of the Site wherein PADEP represented to us that it was in a partnership with the EPA for all such work to be done by them at the subject Site.

Our research into the possible contamination of the subject Site prior to our purchase at the county tax sale included our study of the reports and statements of the EPA, and their officials and agents, regarding the subject Site as published in newspapers, and in the documents lodged in the Doylestown Borough offices, and the EPA records room in the Regional Offices in Philadelphia.

Yours truly,

A handwritten signature in black ink, appearing to be 'HB' or similar initials, written over a horizontal line.

Heywood Becker

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3

In the Matter of: :
: :
TUROG PROPERTIES, LIMITED : Docket No. CERCLA 03-2019-0111LL
: :
Chem-Fab Corporation Superfund Site, :
Doylestown, Bucks County, :
Pennsylvania :
:

ORDER OF ASSIGNMENT

Regional Judicial Officer Joseph Lisa (hereinafter "Presiding Officer") is hereby designated as the "neutral official" to preside over this proceeding relating to the perfection of a lien on property pursuant to Section 107(l) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9607(l), in accordance with procedures outlined in EPA's "Supplemental Guidance on Federal Superfund Liens" (OSWER Directive No. 9832.12-1a (July 29, 1993)).

The property owner's written response to EPA's offer of opportunity to show that EPA did not have a reasonable basis to perfect the lien is provided to the Presiding Officer herewith. I have determined, after consultation with the Region 3 staff, that it is appropriate to proceed in this matter.

The Region 3 Office of Regional Counsel will file with the Regional Hearing Clerk and serve on the Presiding Officer and the property owner a copy of the Lien Filing Record and a written reply to the property owner's response on or before twenty (20) calendar days or such later time as the Presiding Officer may permit if he deems appropriate.

SEP 17 2019

Sept 17 2019
Date

Cecil Rodrigues
Cecil Rodrigues
Regional Counsel
EPA Region 3



EC-G-1998-94

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 29 1993

MEMORANDUM

SUBJECT: Supplemental Guidance on Federal Superfund Liens

FROM: William A. White *[Signature]*
Enforcement Counsel
Office of Enforcement/Superfund

Bruce M. Diamond *[Signature]*
Director
Office of Waste Programs Enforcement

TO: Regional Counsels, Regions I-X
Directors, Waste Management Divisions,
Regions I-X

The purpose of this guidance document is to supplement the "Guidance on Federal Superfund Liens" issued on September 22, 1987, by memorandum signed by Thomas L. Adams, Jr., Assistant Administrator of the Office of Enforcement and Compliance Monitoring (now Office of Enforcement). This Supplement is in addition to, and does not supersede the 1987 document, which provided criteria for the decision to file liens under Section 107(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9607(1). This Supplement outlines procedures for Regional staff to follow to provide notice and opportunity to be heard to potentially responsible parties on whose property liens are to be perfected.

I. SUMMARY

The Agency should provide notice to property owners who are potentially responsible parties ("PRPs") under CERCLA that the Agency intends to perfect a lien on their property prior to filing papers to perfect. The Agency will give such property owners¹ the opportunity to be heard through their submission of documentation or through appearing before a neutral EPA official, or both. In exceptional circumstances, EPA may perfect a lien

¹ For purposes of this guidance, owner means persons possessing title to real property or rights to such real property, as set forth in Section 107(1)(1) of CERCLA, 42 U.S.C. § 9607(1).

MAR -2 1993
ECDIC

prior to giving notice to a property owner of EPA's intention to perfect the lien, but the Agency should concurrently notify the owner and offer an opportunity to be heard at the earliest practicable time.

The Agency should send a letter by certified mail notifying property owners of the Agency's intention to perfect a lien, or, if appropriate, immediately upon perfection. The letter should summarize the factual basis for EPA's reason to believe that the statutory criteria for perfecting a lien are satisfied. The letter should inform the recipient property owner of his or her opportunity to be heard, either by submitting documentation or by obtaining a meeting conducted by a neutral official. The meeting will consist of an informal proceeding in which the property owner may provide EPA with information as to why EPA's assumptions require reconsideration.

II. PROCEDURES

Record of Decision to File

After consulting the 1987 Guidance on Federal Superfund Liens to determine whether the perfection of a Superfund lien is of value, staff designated by the Region should assemble a Lien Filing Record, bringing together in one place all the documents relating to the decision to perfect.

Provisions for maintenance of the Lien Filing Record are at the discretion of the Region, and it may choose to maintain the record in the same manner that it maintains other Superfund records. At a minimum, however, the Region should ensure that certain personnel are designated to add relevant documents, maintain the integrity of the record, and make the record reasonably available, upon request, to the property owner. The Region may wish to have the Regional Hearing Clerk maintain the Lien Filing Record once a property owner requests a meeting.

The following categories of documents should be assembled:

1. Documentation that the potentially responsible party is the owner of the property, e.g., the file contains a deed, legal description from a survey or tax record, a title search, etc.
2. Documents showing that EPA has actually incurred costs at the site (a summary report of costs is sufficient for this purpose; underlying documentation is not necessary).
3. Documents showing that the property owner was provided (by certified mail) written notice of potential liability, pursuant to CERCLA Section 107(1).

4. Documents describing the property showing that the property or that part of a property is contaminated and showing that the property has been subject to or affected by a removal or remedial action. Examples include action memoranda, removal response reports, Preliminary Assessment or Site Inspection forms, or National Priorities List listing documents. (The Region may choose to include a declaration by the On-Scene Coordinator or Remedial Project Manager ("RPM") incorporating these elements.)
5. Where applicable, any documents describing exceptional circumstances which support EPA's decision to perfect a lien prior to offering an opportunity to be heard. Such circumstances include instances in which the property owner is about to take some action that would render the property unavailable to satisfy a judgment for clean-up costs or where EPA's interest in the property would be impaired. Examples include, but are not limited to, imminent bankruptcy of the property owner, imminent transfer of all or part of the property, or imminent perfection of a secured interest which would have priority under applicable state law, or indications that these events are about to take place. Where the Regional staff are depending on factual information that is not a matter of public record, they should include in the file a supporting statement (a) from someone with first hand knowledge of the facts, or (b) indicating the factual basis on which the Agency proposes to act, and the source of the Agency's information.

The Region should continue to add relevant documents to the Lien Filing Record, such as the following:

1. EPA's notice of intent to file a lien (see below) sent to the property owner, with proof of receipt (or proof of mailing to the last known address).
2. Any documentation submitted by the property owner to show that EPA did not satisfy the statutory criteria for perfection of a lien or that EPA was in error when it concluded that the criteria were satisfied. This documentation may include correspondence, or documents submitted at or after any meeting request by the property owner.
3. Any responses by the Region to the property owner's submissions.
4. Any correspondence between the Region and the property owner relating to the filing of a lien.

5. Any form of record of a meeting held regarding the perfection of the lien.

The Region should maintain the Lien Filing Record and, upon request made to the Regional Attorney, make it reasonably available to the property owner.

The Notice of Intent to Perfect a Superfund Lien

This guidance includes a model notice letter (See Attachment 1) to inform the property owner of the Region's intention to file and perfect a notice of lien. A notice letter should be mailed to the owner by certified mail, return receipt requested. The letter should state that EPA intends to perfect its lien after a set number of calendar days, e.g., 14 days, from mailing. In the letter, the Region should also notify the property owner of the location and availability for review and copying of the Lien Filing Record.

The notice of intent to perfect should contain the following elements:

1. A statement that land records of the appropriate state or county indicate that the recipient is the owner of the subject property, with a citation to those records.
2. A precise identification of the property, using the street address and a deed, or reference to a deed or other legal description in land records.
3. Statements that: EPA has a reasonable basis to perfect its lien; the property is a facility as defined in CERCLA Section 101(9); the Agency has reason to believe that the owner "owns" the facility and that the owner is a liable person pursuant to CERCLA Section 107(a); the property is subject to or affected by a removal or remedial action; and costs have been incurred by the United States with respect to a response action at the property.
4. In satisfaction of CERCLA Section 107(1)(2)(B), reference to previous written notice of potential liability furnished to the property owner, or notice via this letter, if notice has not already been furnished.
5. Notice that the lien shall remain in effect until liability for the costs is satisfied or the lien becomes unenforceable through operation of the statute of limitations in CERCLA Section 113.

6. A statement that the property owner may submit any documents or information relevant to the issues raised by the lien in writing to the Regional attorney assigned to the site prior to the expiration of the time period stated in the notice.
7. An invitation for the recipient to request, prior to the expiration of the time period stated in the notice, an opportunity to be heard before a neutral EPA official. This request should be in writing and addressed to the named Regional attorney.
8. A statement that the subject of any requested meeting shall be whether EPA has [or had] a reasonable basis to perfect a lien upon the property based upon the statutory elements.
9. A statement that neither EPA nor the property owner waives or is prohibited from asserting any claims or defenses by the submission of information, a request for and participation in a meeting, or a recommended decision by the neutral official whether or not EPA has a reasonable basis to perfect a lien.
10. Where EPA has perfected its lien prior to sending this notice of intent, a statement describing the circumstances that led the Agency to perfect the lien in order to protect EPA's interest in the property and how those interests were about to be impaired. The statement should further indicate that the property owner may still make a timely request for a meeting to demonstrate that the EPA had no reasonable basis to perfect its lien.

Perfection of a Lien Prior to a Meeting

The Agency may, in exceptional circumstances, perfect a lien prior to offering or providing a property owner with a meeting. Thus, even where the Region has notified a property owner that he or she has an opportunity to request a meeting, under certain exceptional circumstances, the Region may perfect a lien prior to providing that meeting. The Region shall send notice to the property owner, return receipt requested, immediately upon perfection. A model letter for post-perfection notification is included as Attachment 2. Exceptional circumstances for this course of action include, but are not limited to, instances in which EPA's interest in the property could be impaired, such as imminent bankruptcy of the property owner, imminent transfer of all or a portion of the property, imminent perfection of a secured interest which would have priority under applicable state

law, or indications that these events are about to take place. As noted in the section on the Lien Filing Record, Regional staff should document any such circumstances in the Lien Filing Record.

While the procedures and standards to be followed for a post-perfection meeting are similar to those for a pre-perfection meeting, the Region should expedite to the extent possible the holding of a post-perfection meeting, if one is requested.

Property Owner's Response

- Failure of Property Owner To Timely Respond

If a property owner does not respond within the period set for response, the Region may proceed to perfect the lien. At the time of perfection, the Region should send a letter notifying the owner of the date the lien was perfected.

- Timely response: Written Response and No Request for Meeting

If a property owner presents written documentation in a timely manner purporting to show that the lien should not be perfected, but does not request a meeting, the Regional site attorney should review the documentation furnished. If the Region agrees that the property owner has produced facts to alter EPA's determination that it has a reasonable basis to file the lien, EPA should so notify the property owner.

If the Regional attorney determines that EPA still has a reasonable basis to perfect its lien, the Region should select a neutral official in accordance with the process described below to review the documentation furnished. At the conclusion of the neutral official's review, he or she should provide the property owner and Regional staff with a brief written recommended decision on whether EPA has a reasonable basis to perfect a lien. The document should set out the informational basis upon which the recommended decision is made, and should be placed in the Lien Filing Record, with a copy forwarded to the official in the Region delegated with the authority to sign liens for action.

- Timely Response: Request for Meeting

If a property owner requests a meeting, the Region shall select a neutral official in accordance with the process described below to conduct the meeting. The neutral official shall set up the time and location of the meeting, or offer the property owner a meeting via teleconference.

Meeting Procedures

- Selection of Neutral Official

The neutral official selected by the Region should be an attorney who is a permanent or temporary employee of the Agency and who may perform other duties within the Agency. The person selected should not have performed any prosecutorial, investigative, or supervisory functions in connection with the case or site involved.

Regions may have judicial or presiding officers already appointed pursuant to other EPA programs who possess the qualifications outlined above. Where the Regions do not wish to select separate neutral officials to hear lien matters on a case-by-case basis, they may allow these hearing officers to conduct lien meetings.

Upon selection of the neutral official, the designated keeper of the Lien Filing Record should provide the official with a copy of the Lien Filing Record, which includes any written response by the property owner and any subsequent supporting documentation submitted by the property owner.

- Factors to Review

The neutral EPA official should consider all facts relating to whether EPA has a reasonable basis to believe that the statutory elements have been satisfied for the perfection of a lien. In particular, the neutral official should consider whether:

- The property owner was sent notice of potential liability by certified mail.
- The property is owned by a person who is potentially liable under CERCLA.
- The property is subject to or affected by a removal or remedial action.
- The United States has incurred costs with respect to a response action under CERCLA.
- The record contains any other information which is sufficient to show that the lien notice should not be filed.

The property owner may present information or submit documents purporting to establish that EPA has erred in believing that it has a reasonable basis to perfect a lien based on the above factors, or has made a material error with respect to the

above factors. In making his or her decision, the neutral EPA official should consider all facts in the Lien Filing Record established for the perfection of a lien and all presentations made at the meeting, which will be made part of the Lien Filing Record.

- Nature of the Meeting

The persons at the meeting normally should include the property owner (and/or an attorney, at the property owner's option); Regional enforcement staff (RPM and Regional attorney and any other appropriate Region officials); and the neutral official.

The meeting ordinarily should be held at the EPA Regional office. As stated above, the neutral official may offer to conduct the meeting by telephone for the convenience of the property owner. The neutral official should also ensure that a record of the meeting is made. If a summary of the meeting is prepared as a record, it should indicate who was in attendance, what information was presented, and what issues were discussed. Any such summary should be provided to the property owner. The record of the meeting, and any comments submitted by the property owner on the summary should be included as part of the Lien Filing Record.

The neutral official should conduct the meeting as an informal exchange of information, not bound by judicial or administrative rules of evidence. Because of the informal nature of these proceedings, EPA will not apply the Administrative Procedure Act provisions for formal adjudication.

The neutral official should begin the meeting by making an opening statement, containing the following elements:

1. The proceeding is informal, and not bound by rules of evidence nor provisions of the Administrative Procedure Act.
2. Neither EPA nor the property owner waives any claims or defenses by the conduct of the meeting or the outcome.
3. The sole issue at the meeting is whether EPA has (or had, in the case of a post-filing meeting) a reasonable basis to believe that the statutory elements for perfecting a lien were satisfied. The meeting will not be concerned with issues not relating to the proposed perfection of the lien, including, but not limited to, EPA's selection of a remedy or contents of remedy selection documents, such as records of decision or action memoranda.

4. The neutral official will make a recommended decision, based on the Lien Filing Record and any new information presented at the meeting, whether EPA has (or had) a reasonable basis to perfect the lien.
5. The recommended decision is not admissible as evidence in any future proceeding.

The neutral official should conduct an orderly and fair meeting. Regional staff may present EPA's reason to believe that a lien may be perfected upon the property. The property owner or his or her counsel shall have a reasonable opportunity to address relevant issues and present his or her views. The neutral official may also allow discussions and interchanges between the parties, including responses to questions to the extent deemed appropriate. It is not the Agency's intent to provide EPA or the property owner an opportunity to engage in direct examination or cross-examination of witnesses. The neutral official may address questions to the property owner or his or her counsel or to EPA's representatives during the meeting.

While the neutral official should place no limitations other than reasonableness on the type or volume of information presented or issues discussed, he or she may caution that only information and issues which are relevant or material to EPA's decision as to whether it has a reasonable basis to perfect the lien will be ultimately considered.

Recommended Decision

In a timely manner, the neutral official should issue a written recommended decision. The recommended decision should state whether the property owner has established any issue of fact or law to alter EPA's decision to file a notice of lien and the informational basis upon which the decision is based. The recommended decision should contain a statement that neither EPA nor the property owner is barred from any claims or defenses by the recommended decision. The recommended decision should be placed in the Lien Filing Record, with a copy forwarded to the official in the Region delegated with the authority to sign liens for action, and a copy sent to the property owner.

Because of the preliminary and informal nature of the proceedings under this guidance, and the fact that the neutral officer's recommended decision is limited to whether EPA has a reasonable basis to perfect the lien, the neutral official's recommended decision is not a binding determination of ultimate liability or non-liability. No preclusive effect attaches to any decisions made in the course of any proceeding pursuant to the guidance, nor shall any such decisions be given deference or otherwise constitute evidence in any subsequent proceeding.

The Agency may subsequently provide notice of intent to perfect a lien with an opportunity to be heard with respect to the same property under these procedures if new information indicates that a previous decision not to file is in error.

Except as provided by CERCLA Section 113(h), property owners may not obtain judicial review or reconsideration of the Agency's decision that it has a reasonable basis to perfect a lien.

III. DISCLAIMER

This memorandum and any internal procedures adopted for its implementation are intended solely as guidance for employees of the U.S. Environmental Protection Agency. They do not constitute a rulemaking by the Agency and may not be relied upon to create a specific right or a benefit, substantive or procedural, enforceable at law or in equity, by any person. The Agency may take action at variance with this memorandum or its internal implementing procedures.

IV. FURTHER INFORMATION

For further information concerning this policy, please contact Patricia Mott in the Office of Enforcement at (202) 260-3733 or Gary Worthman in the Office of Waste Programs Enforcement at (703) 603-8951.

Attachments (2)

Attachments (2)

----- ATTACHMENT -----

ATTACHMENT 1

MODEL: PRE-PERFECTION NOTICE

[REGIONAL LETTERHEAD]
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION []
[ADDRESS]

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

[Date]

[Name and address of owner of property]

RE: [Name and location of the site]

Dear [Name of property owner]:

This letter informs you that the United States Environmental Protection Agency ("EPA") intends to perfect a lien upon property located at [street address], the exact legal description of which is contained in Attachment 1 to this letter. The Property is part of the [] Superfund Site. EPA has determined that you are the owner of this property (the "Property"). The lien which EPA intends to perfect against the Property arises under Section 107(1) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), commonly known as the "Superfund," 42 U.S.C. Section 9607(1). The lien is intended to secure payment to the United States of costs and damages for which you, as the owner of the Property, would be liable to the United States under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a).

Under CERCLA Sections 107(a) and 101(9), 42 U.S.C. Sections 9607(a) and 9701(9), liable persons include persons who own any "facility," including a site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located. EPA has determined that a release or threat of release of hazardous substances pursuant to CERCLA Section 101(22) has occurred at or from the Property. The Property is part of the [] Superfund Site, at which [hazardous substances] came to be located, and is subject to or affected by a removal or remedial action. As the owner of a facility, you are a person liable for all costs of removal or remedial action at the site. Costs and damages include the costs incurred by the United States in responding to a release or threat of release at the [] Superfund Site.

The lien arising in favor of the United States on the Property continues until the liability for the costs is satisfied or until the liability for the costs becomes unenforceable through operation of the statute of limitations in CERCLA Section 113.

On [date], EPA notified you by certified or registered mail of your potential liability under CERCLA [or EPA hereby furnishes notice, if notice has not already been furnished.] You may avoid the perfection of a lien upon your property by paying all costs and damages for which you are liable.

EPA has assembled a Lien Filing Record consisting of documents relating to its decision to perfect the lien. This record is kept at the following address, and may be reviewed and copied at reasonable times by arrangement with:

[Regional Attorney]
[Address and Telephone Number]

EPA has reviewed the information in the Lien Filing Record and believes that the Agency has a reasonable basis to believe that the statutory elements for perfecting a lien are satisfied. After [14 calendar days or other period, set by the Region] from the date of this letter, EPA intends to transmit a notice of lien to [the appropriate office within the state (or county or other governmental subdivision), as designated by State law, where the real property is located, or with the District Court of the United States for the district in which the real property is located]. The effect of this filing is to perfect the lien upon your property.

You may notify EPA within [14 calendar days or other period, set by the Region] from the date of mailing of this letter in writing if you believe EPA's information or determination is in error. You may also request to appear before a neutral EPA official to present any information that you have indicating that EPA does not have a reasonable basis to perfect a lien. You should describe in your letter or written request your reasons for believing that EPA does not have a reasonable basis to perfect its lien, because EPA may, as described below, agree with your reasons and reconsider its intention to perfect a lien without further review or a meeting. Any written submissions or requests for a meeting should reference the Superfund Site, be addressed to the above referenced Regional Attorney, and may include documents or information which support your contentions:

If EPA receives a written submission or a request for a meeting from you within [14 calendar days or other period, set by the Region] from the date of mailing of this letter, Agency staff will review your submission or request for a meeting. If, after review and consultation, EPA agrees that the Agency does not have a reasonable basis upon which to perfect a lien, EPA will not perfect its lien, and will so notify you. If EPA disagrees, the written submission or request will be referred to a neutral EPA official selected for the purpose of reviewing the submission or for conducting the meeting, along with the Lien Filing Record.

If you have requested an opportunity to appear, a meeting will be scheduled. You may choose to attend this meeting via teleconference. The Agency will be represented by its enforcement staff, including a representative from the Office of Regional Counsel. You may be represented by counsel at this meeting.

The meeting will be an informal hearing in which you may provide EPA with information as to why the Agency's assumptions require reconsideration. The meeting will not be conducted using rules of evidence or formal administrative or judicial procedures. The sole issue at the meeting would be whether EPA has a reasonable basis to perfect a lien based upon CERCLA Section 107(1).

After reviewing your written submissions, or conducting a meeting, if one is requested, the neutral EPA official will issue a recommended decision based on the Lien Filing Record. The recommended decision will state whether EPA has a reasonable

basis to perfect the lien and will be forwarded to the Agency official delegated to execute liens for action. You will be notified of the Agency's action (whether perfection or the decision not to perfect) and furnished a copy of the recommended decision.

Neither you nor EPA waives or is prohibited from asserting any claims or defenses in any subsequent legal or administrative proceeding by the submission of information, a request for and participation at a meeting, or recommended decision by the neutral EPA official that EPA has a reasonable basis to perfect a lien.

If you have any questions pertaining to this letter, please contact [ORC attorney] at [].

Sincerely,

Waste Management Division Director/Regional Counsel/Regional Administrator

----- ATTACHMENT -----

ATTACHMENT 2

MODEL: POST-PERFECTION NOTICE

[REGIONAL LETTERHEAD]
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION []
[ADDRESS]

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

[Date]

[Name and address of owner of property]

RE: [Name and location of the site]

Dear [Name of property owner]:

This letter informs you that the United States Environmental Protection Agency ("EPA") has perfected a lien upon property located at [street address], the exact legal description of which is contained in Attachment 1 to this letter. The Property is part of the [] Superfund Site. EPA has determined that you are the owner of this property (the "Property"). The lien which EPA has perfected against the Property arises under Section 107(1) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), commonly known as the "Superfund," 42 U.S.C. Section 9607(1). The lien is intended to secure payment to the United States of costs and damages for which you, as the owner of the Property, would be liable to the United States under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a).

Under CERCLA Sections 107(a) and 101(9), 42 U.S.C. Sections 9607(a) and 9701(9), liable persons include persons who own any "facility," including a site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located. EPA has determined that a release or threat of release of hazardous substances pursuant to CERCLA Section

101(22) has occurred at or from the Property. The Property is part of the [] Superfund Site, at which [hazardous substances] came to be located, and is subject to or affected by a removal or remedial action. As the owner of a facility, you are a person liable for all costs of removal or remedial action at the site. Costs and damages include the costs incurred by the United States in responding to a release or threat of release at the [] Superfund Site.

The lien arising in favor of the United States on the Property continues until the liability for the costs is satisfied or until the liability for the costs becomes unenforceable through operation of the statute of limitations in CERCLA Section 113.

On [date], EPA notified you by certified mail of your potential liability under CERCLA. You may satisfy the lien placed upon your property by paying all costs and damages for which you are liable.

EPA has assembled a Lien Filing Record consisting of documents relating to its decision to perfect the lien. This record is kept at the following address, and may be reviewed and copied at reasonable times by arrangement with:

[Regional Attorney]
[Address and Telephone Number]

EPA has reviewed the information in the Lien Filing Record and believes that the Agency has a reasonable basis to believe that the statutory elements for perfecting a lien are satisfied. EPA has perfected its lien by filing a notice of lien with [the appropriate office within the state (or county or other governmental subdivision), as designated by State law, where the real property is located, or with the District Court of the United States for the district in which the real property is located]. EPA perfected its lien prior to notifying you of its intention because [].

You may notify EPA within [14 calendar days or other period, set by the Region] from the date of mailing of this letter in writing if you believe EPA's information or determination is in error. You may also request to appear before a neutral EPA official to present any information that you have indicating that EPA did not have a reasonable basis to perfect a lien. You should describe in your letter or written request your reasons for believing that EPA did not have a reasonable basis to perfect its lien, because EPA may, as described below, agree with your reasons and release its lien without further review or a meeting. Any written submissions or requests for a meeting should reference the Superfund Site, be addressed to the above referenced Regional Attorney, and may include documents or information which support your contentions.

If EPA receives a written submission or a request for a meeting from you within [14 calendar days or other period, set by the Region] from the date of mailing of this letter, Agency staff will review your submission or request for a meeting. If, after review and consultation, EPA agrees that the Agency did not have a reasonable basis upon which to perfect a lien, EPA will release its lien, and will so notify you. If EPA disagrees, the written submission or request will be referred to a neutral EPA official selected for the purpose of reviewing the submission or for conducting the meeting, along with the Lien Filing Record.

If you have requested an opportunity to appear, a meeting will be scheduled. You may choose to attend this meeting via teleconference. The Agency will be represented by its enforcement staff, including a representative from the Office of Regional Counsel. You may be represented by counsel at this meeting.

The meeting will be an informal hearing in which you may provide EPA with information as to why the Agency's assumptions require reconsideration. The meeting will not be conducted using rules of evidence or formal administrative or judicial procedures. The sole issue at the meeting would be whether EPA had a reasonable basis to perfect its lien based upon CERCLA Section 107(1).

After reviewing your written submissions, or conducting a meeting, if one is requested, the neutral EPA official will issue a recommended decision based on the Lien Filing Record. The recommended decision will state whether EPA had a reasonable basis to perfect the lien and will be forwarded to the Agency official delegated to execute liens for action. You will be notified of the Agency's action (whether the lien will stay in place or be released) and furnished a copy of the recommended decision.

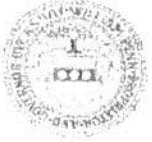
Neither you nor EPA waives or is prohibited from asserting any claims or defenses in any subsequent legal or administrative proceeding by the submission of information, a request for and participation at a meeting, or recommended decision by the neutral EPA official that EPA has a reasonable basis to file a lien.

If you have any questions pertaining to this letter, please contact [ORC attorney] at [].

Sincerely,

Waste Management Division Director/Regional Counsel/Regional Administrator

[REDACTED]



Property Records

Owner Name Property Address Parcel ID Advanced

PARID: 08-005-001-001 MUN: 08 - DOYLESTOWN BORO
TUROG PROP 300 N BROAD ST

1 of 1

[Return to Search Results](#)

Owner History

Owner History

Residential

Commercial

QBY

Land

Full Legal

Values

Homestead

Assessment History

Exemptions

Sales

Tax Information

Sketch

Hearing Details

09-MAY-11	TUROG PROP	02-FEB-06	21-OCT-05	4827 268
09-MAY-11	TUROG PROP	02-FEB-06	21-OCT-05	4827 0268
16-JUL-99	THREE (300) N BROAD STREET LTD.	16-JUL-99	03-JUN-99	1849 1123
18-OCT-67	CHEM FAB CORP	18-OCT-67	18-OCT-67	1879 196

[Printable Summary](#)

[Printable Version](#)

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SDMS DocID 2105105

Original
11/89

EPA ELECTRONIC MAIL MESSAGE

Date: 02-Sep-1994 03:34pm EDT
From: GROUP REGION03-TAT
REGION03-TAT
Dept: (OSWER, OERR, ERD) (C)
Tel No: 609-461-4003

TO: GROUP RRC (RRC)
TO: GROUP ERD-OERR (ERD-OERR)
TO: GREGG CRYSTALL (CRYSTALL.GREGG)
TO: GROUP REGION03-TAT (REGION03-TAT)

Subject: CHEM-FAB POLREP #1

POLREP #001
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901

ATTN: GREGG CRYSTALL, DEBORAH DIETRICH

I. SITUATION (1400 HOURS, FRIDAY, SEPTEMBER 2, 1994)

- A. ON 9/1/94 OSC ENGLISH MET WITH BUCKS COUNTY OFFICIALS TO COLLECT INFORMATION ON CHEM-FAB, INC. SINCE 1973, THERE HAVE BEEN REPORTS OF ILLEGAL DUMPINGS AT THE FACILITY. AN INCIDENT NOTIFICATION REPORT WAS RECEIVED BY EPA IN JUNE 1994 EPA, BY AN ANONYMOUS REPORTER, INDICATING THAT ABANDONED DRUMS AND CONTAINERS WERE VISIBLE THROUGH A FENCE. PADER HAS REPORTED SAMPLE RESULTS INDICATING THE PRESENCE OF IRON AND HEXAVALENT CHROMIUM IN SOILS AT THE SITE.
- B. PERSONNEL ON SCENE: EPA-1, TAT-2, BUCKS COUNTY-5

II. ACTIONS TAKEN

- A. ON THURSDAY, 09/01/94, OSC ENGLISH MET WITH BUCKS COUNTY HEALTH DEPARTMENT PETER KNOLL AND COUNTY HAZ-MAT OFFICIALS TO DISCUSS CHEM-FAB. THE HEALTH DEPARTMENT HAS INFORMATION REGARDING THE FACILITY DATING BACK TO 1973.
- B. AT 0900 HOURS ON 9/1/94, EPA SECTION CHIEF ADVISED OSC ENGLISH THAT ACCESS TO THE PROPERTY SHOULD NOT OCCUR WITHOUT EXPRESSED PERMISSION BY THE OWNER(S) OF THE PROPERTY.
- C. AT 1000 HOURS ON 9/2/94, OSC AND TAT MET WITH BUCKS COUNTY HEALTH DEPARTMENT, ASSISTANT FIRE MARSHALL, AND HAZ-MAT OFFICIALS. THE BUCKS COUNTY OFFICIALS AGREED TO ASSIST EPA DURING THE INVESTIGATION BUT WERE NOT PREPARED TO INITIATE A SITE ENTRY.

III. FUTURE PLANS

- A. OSC AND REMOVAL ENFORCEMENT PERSONNEL TO OBTAIN PERMISSION FROM PROPERTY OWNER TO ACCESS SITE AND PERFORM INVESTIGATION.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

EPA ELECTRONIC MAIL MESSAGE

Date: 05-Apr-1995 03:09pm EDT
From: GROUP REGION03-TAT
REGION03-TAT
Dept: (OSWER,OERR,ERD) (C)
Tel No: 609-461-4003

TO: GROUP ERD-OERR (ERD-OERR)
TO: GROUP RRC (RRC)
TO: GROUP REGION03-TAT (REGION03-TAT)

Subject: CHEM-FAB POLREP #2

POLREP #002
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901

ATTN: GREGG CRYSTALL, DEBORAH DIETRICH

- I. SITUATION (1200 HOURS, THURSDAY, SEPTEMBER 15, 1994)
- A. ON MONDAY, 9/12/94, OSC ENGLISH MET WITH REPRESENTATIVES FROM EPA-NEIC, EPA-CID, FBI AND DOYLESTOWN POLICE TO DISCUSS AN UPCOMING FEDERAL INVESTIGATION AT CHEM-FAB.
 - B. FEDERAL PERSONNEL CONDUCTED INVESTIGATION ACTIVITIES FROM 9/13/94 TO 9/15/94. THESE ACTIVITIES INCLUDED SAMPLE COLLECTION AND EXCAVATION.
 - C. AGENCIES ON SCENE: EPA, FBI, DEA, DOYLESTOWN BOROUGH POLICE.
- II. ACTIONS TAKEN
- A. ON MONDAY, 9/12/94, OSC ENGLISH MET WITH FEDERAL AND LOCAL OFFICIALS TO DISCUSS AN UPCOMING INVESTIGATION AT CHEM-FAB. EPA REVIEWED THE PROVISIONS ON A SEARCH WARRANT. EPA WILL BE SEARCHING FOR EVIDENCE OF DISPOSAL AND/OR STORAGE OF HAZARDOUS MATERIALS AT THE SITE. THE WARRANT WAS EFFECTIVE FROM 9/13/94 THROUGH 9/23/94.
 - B. ON TUESDAY, 9/13/94, EPA BEGAN COLLECTING SAMPLES.
 - C. ON WEDNESDAY, 9/14/94, EPA BEGAN EXPLORATORY EXCAVATION TO LOCATE AN ALLEGED UNDERGROUND STORAGE TANK. A TANK, 6' IN DIAMETER AND 50' IN LENGTH, WAS UNCOVERED. IT WAS APPROXIMATELY HALF FULL WITH AN UNKNOWN SUBSTANCE. THE EXCAVATED AREA WAS BACKFILLED.
 - D. ON THURSDAY, 9/15/94, EPA REMOVED CONCRETE PATCHES FROM INSIDE THE BRICK BUILDING TO LOCATE POSSIBLE DRAINS FOR DISPOSAL. EPA ALSO COMPLETED SAMPLE COLLECTION.
- III. FUTURE PLANS
- A. OSC AND REMOVAL ENFORCEMENT PERSONNEL TO LOCATE PROPERTY OWNER TO ADDRESS THE DRUMS LOCATED AT THE FACILITY.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

AR100001

E-mailed 4/10/95

@ 1146

161700

POLREP #003
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901

ATTN: GREGG CRYSTALL, JOHN RILEY

I. SITUATION (1700 HOURS, MONDAY, APRIL 03, 1995)

- A. ON FEBRUARY 08, 1995, AN ACTION MEMO/FUNDING REQUEST WAS SUBMITTED TO THE REGIONAL ADMINISTRATOR FOR APPROVAL.
- B. DURING THE WEEK OF MARCH 19, 1995, OSC ENGLISH OBTAINED PERMISSION FROM EPA REGIONAL COUNCIL TO STABILIZE SITE AND COLLECT SAMPLES. NO REMOVAL ACTIONS ARE TO TAKE PLACE AS OF YET.
- C. DURING THE WEEK OF MARCH 26, 1995, OSC ENGLISH WAS GRANTED ACCESS TO SITE BY MANFRED DeREWEL, SR. MR. DeREWEL INFORMED OSC THAT HIS SON, MANFRED DeREWEL, JR., WOULD BE PRESENT ON MONDAY, APRIL 03, 1995, AT APPROXIMATELY 0900 HOURS, TO UNLOCK GATES AND BUILDINGS.
- D. OSC ENGLISH TASKED TAT TO CONDUCT A SITE INSPECTION IN PREPARATION FOR SITE STABILIZATION, SAMPLING ACTIONS, AND FUTURE REMOVAL ACTIONS. SITE INSPECTION SCHEDULED FOR MONDAY, APRIL 3, 1995.
- E. PERSONNEL ON-SITE: EPA - 1
TAT - 1

II. ACTIONS TAKEN

- A. ON 0900 HOURS ON MONDAY, APRIL 03 1995, OSC ENGLISH MET WITH TAT AT THE CHEM-FAB SITE. A FRIEND OF THE DeREWAL FAMILY MET WITH OSC AND TAT AT APPROXIMATELY 0930 HOURS, AND OPENED SITE GATES AND DOORS.
- B. OSC AND TAT TOURED SITE AND MADE THE FOLLOWING OBSERVATIONS:
 - THE SITE IS COMPRISED OF TWO OFFICE/WAREHOUSE-BUILDINGS, AN UNOCCUPIED HOME, AND OPEN PARKING LOT/YARD SPACE. DRUMS/TANKS/VATS/SMALL CONTAINERS ARE CURRENTLY STORED IN ALL 3 BUILDINGS, AS WELL AS IN THE PARKING LOT/YARD AREAS.
 - THERE ARE MORE THAN 100 DRUMS STORED ON-SITE, MANY OF WHICH ARE IN POOR CONDITION AND INCOMPATIBLY STORED.
 - THERE ARE SEVERAL SMALL CONTAINERS OF UNKNOWN CHEMICAL CONTENTS STORED THROUGHOUT THE BUILDINGS.
 - THERE ARE APPROXIMATELY 15-20 TANKS/VATS PRESENT ON-SITE.
 - A LEAKY ROOF HAS CAUSED WATER TO COLLECT IN A ROOM CONTAINING SEVERAL DRUMS OF INCOMPATIBLY STORED CHEMICALS.
 - LABEL INFORMATION ON DRUMS AND TANKS INDICATED THE FOLLOWING CONTENTS:
XYLENE, TOLUENE, HYDROCHLORIC ACID, SULFURIC ACID, NITRIC ACID, MURIATIC ACID, CAUSTIC SODA, METHYL ISOBUTYL KETONE, POLYMERIC ISOCYANATE, BENZENE

AR100002

16701

POLREP #004
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901

ATTN: GREGG CRYSTALL, JOHN RILEY

I. SITUATION (AS OF 1800 HOURS, MONDAY, MAY 08, 1995)

- A. ON FEBRUARY 08, 1995, AN ACTION MEMO/FUNDING REQUEST WAS SUBMITTED TO THE REGIONAL ADMINISTRATOR FOR APPROVAL.
- B. DURING THE WEEK OF MARCH 19, 1995, OSC ENGLISH OBTAINED PERMISSION FROM EPA REGIONAL COUNCIL TO STABILIZE SITE AND COLLECT SAMPLES. NO REMOVAL ACTIONS ARE TO TAKE PLACE AS OF YET.
- C. DURING THE WEEK OF MARCH 28, 1995, OSC ENGLISH WAS GRANTED ACCESS TO SITE BY MANFRED DeREWEL, SR. OSC AND TAT CONDUCTED A WINDSHIELD INSPECTION OF THE SITE ON MONDAY, APRIL 3, 1995.
- D. ON THURSDAY, MAY 4, 1995, OSC ISSUED A DELIVERY ORDER TO ERCS TO PERFORM SITE STABILIZATION AND SAMPLING OF MATERIALS ON-SITE.
- E. PERSONNEL ON-SITE: EPA - 2
TAT - 2
ERCS - 4

II. ACTIONS TAKEN

- A. ERCS STAGED AND SEGREGATED 51 DRUMS PREVIOUSLY STORED IN THE COMPUTER BUILDING. BASED ON LABEL INFORMATION AND ANALYTICAL RESULTS, THE DRUMS WERE TEMPORARILY STAGED INTO COMPATIBLE GROUPS OUTSIDE THE BUILDING.
- B. TAT CONDUCTED AIR MONITORING PRIOR TO AND DURING STAGING OPERATIONS. NO READINGS ABOVE BACKGROUND WERE DETECTED.
- C. OSC ENGLISH AND ANDY DUCHOVNAY, EPA REGION III REGIONAL COUNCIL REPRESENTATIVE, MET WITH CHEM-FAB VICE PRESIDENT CHERYL JAMES TO DISCUSS POTENTIAL REMOVAL ACTIONS.

III. FUTURE PLANS

- A. ERCS TO CONTINUE STABILIZATION OPERATIONS.
- B. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

ARI00004

POLREP #005

HEM-FAB, INC. SITE

100 N. BROAD STREET

DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901

ATTN: GREGG CRYSTALL, JOHN RILEY

I. SITUATION (AS OF 1730 HOURS, TUESDAY, MAY 09, 1995)

- A. OSC ENGLISH CONTINUES TO COORDINATE SITE STABILIZATION/SAMPLING OPERATIONS. NO REMOVAL ACTIONS TO TAKE PLACE AS OF YET.
- B. PERSONNEL ON-SITE: EPA - 1
TAT - 2
ERCS - 4

II. ACTIONS TAKEN

- A. ERCS COMPLETED STAGING DRUMS PREVIOUSLY STORED IN THE COMPUTER BUILDING; STAGING OF DRUMS AND SMALL CONTAINERS BEGAN THIS DATE. BASED ON LABEL INFORMATION AND ANALYTICAL RESULTS, DRUMS AND CONTAINERS WERE STAGED INTO COMPATIBLE GROUPS.
- B. TAT CONDUCTED AIR MONITORING PRIOR TO AND DURING STAGING OPERATIONS. NO READINGS ABOVE BACKGROUND WERE DETECTED. A RADIATION SURVEY OF SITE REVEALED NO LEVELS ABOVE BACKGROUND.

III. FUTURE PLANS

- A. ERCS TO CONTINUE STABILIZATION OPERATIONS.
- B. ERCS TO SAMPLE UNDERGROUND STORAGE TANK.
- C. TAT TO CONTINUE PERIODIC AIR MONITORING THROUGHOUT SITE OPERATIONS.
- D. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.

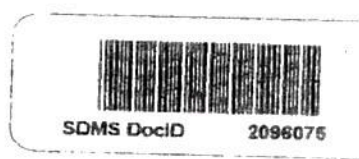
GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

AR100005

E. raised
5/15/95

ORIGINAL
(Red)

POLREP #006
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901



ATTN: GREGG CRYSTALL, JOHN RILEY

I. SITUATION (AS OF 1630 HOURS, WEDNESDAY, MAY 10, 1995)

- A. OSC ENGLISH CONTINUES TO COORDINATE SITE STABILIZATION/SAMPLING OPERATIONS. NO REMOVAL ACTIONS TO TAKE PLACE AS OF YET.
- B. PERSONNEL ON-SITE: EPA - 1
TAT - 2
ERCS - 5

II. ACTIONS TAKEN

- A. ERCS CONTINUED STAGING DRUMS AND SMALL CONTAINERS. ALL CONTAINERS STAGED OUTSIDE WERE COVERED IN POLY.
- B. ERCS PCT ON-SITE THIS DATE TO ASSIST IN COST TRACKING AND TO OBTAIN SUPPLIES FOR OPERATIONS.
- C. ERCS HAND SHOVELED SOIL TO ACCESS A PORT TO THE UNDERGROUND STORAGE TANK (UST). ERCS COLLECTED MULTI-LAYER SAMPLES FROM UST; pH = 3, COLOR - YELLOW.
- D. TAT CONDUCTED PERIODIC AIR MONITORING PRIOR TO AND DURING SITE OPERATIONS.

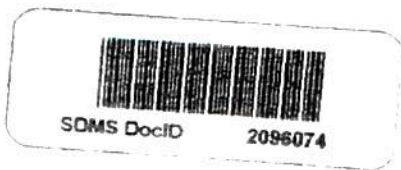
III. FUTURE PLANS

- A. ERCS TO CONTINUE STABILIZATION OPERATIONS.
- B. ERCS TO SHIP UNDERGROUND STORAGE TANK SAMPLES OFF-SITE FOR ANALYSIS.
- C. TAT TO CONTINUE PERIODIC AIR MONITORING THROUGHOUT SITE OPERATIONS.
- D. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

E-mailed
5/15/95

ORIGINAL
(Red)



POLREP #007
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901

ATTN: GREGG CRYSTALL, JOHN RILEY

I. SITUATION (AS OF 1630 HOURS, THURSDAY, MAY 11, 1995)

- A. OSC ENGLISH CONTINUES TO COORDINATE SITE STABILIZATION/SAMPLING OPERATIONS. NO REMOVAL ACTIONS TO TAKE PLACE AS OF YET.
- B. PERSONNEL ON-SITE: EPA - 1
TAT - 2
ERCS - 5

II. ACTIONS TAKEN

- A. ERCS CONTINUED STAGING DRUMS AND SMALL CONTAINERS. ALL CONTAINERS STAGED OUTSIDE WERE COVERED IN POLY.
- B. ERCS BEGAN A DETAILED INVENTORY OF ALL DRUMS AND SMALL CONTAINERS ON-SITE.
- C. ERCS REMOVED ALL POLY DRUMS FROM THE OPEN STORAGE ROOM IN THE BACK OF THE ON-SITE RESIDENCE.
- D. TAT CONDUCTED PERIODIC AIR MONITORING PRIOR TO AND DURING SITE OPERATIONS.
- E. UNDERGROUND STORAGE TANK SAMPLE TRANSPORTED OFF-SITE FOR DISPOSAL ANALYSES.

III. FUTURE PLANS

- A. ERCS TO CONTINUE SITE STABILIZATION AND INVENTORY OPERATIONS.
- B. ERCS TO SAMPLE DRUMS AND SMALL CONTAINERS AND BEGIN COMPATIBILITY TESTING.
- C. TAT TO CONTINUE PERIODIC AIR MONITORING THROUGHOUT SITE OPERATIONS.
- D. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

EMAILED
5/22/95
13:40

ORIGINAL
(Red)

POLREP #008
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901



SDMS DocID 2096073

ATTN: GREGG CRYSTALL, JOHN RILEY

I. SITUATION (AS OF 1630 HOURS, FRIDAY, MAY 12, 1995)

- A. OSC ENGLISH CONTINUES TO COORDINATE SITE STABILIZATION/SAMPLING OPERATIONS. NO REMOVAL ACTIONS TO TAKE PLACE AS OF YET.
- B. PERSONNEL ON-SITE: EPA - 1
TAT - 2
ERCS - 5

II. ACTIONS TAKEN

- A. ERCS CONTINUED TO INVENTORY DRUMS AND SMALL CONTAINERS ON-SITE.
- B. ERCS SET UP A STATION FOR HAZARD-CATEGORIZATION AND COMPATIBILITY TESTING.
- C. ERCS PICKED UP RECOVERY DRUMS AND PREPARED FOR OVERPACKING OPERATIONS.
- D. TAT CONDUCTED PERIODIC AIR MONITORING PRIOR TO AND DURING SITE OPERATIONS.
- E. ERCS STABILIZED THE SITE FOR THE WEEKEND.

III. FUTURE PLANS

- A. ERCS TO CONTINUE SITE STABILIZATION AND INVENTORY OPERATIONS.
- B. ERCS TO SAMPLE DRUMS AND SMALL CONTAINERS AND BEGIN COMPATIBILITY TESTING.
- C. TAT TO CONTINUE PERIODIC AIR MONITORING THROUGHOUT SITE OPERATIONS.
- D. ERCS TO ARRANGE FOR SETTING UP A COMMAND POST, ELECTRICITY, AND TELEPHONE SERVICE.
- E. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

EMAILED
5/22/95
13:35

ORIGINAL
(Red)



SDMS DocID 2096072

POLREP #009
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901

ATTN: GREGG CRYSTALL, JOHN RILEY

I. SITUATION (AS OF 1645 HOURS, MONDAY, MAY 15, 1995)

- A. OSC ENGLISH CONTINUES TO COORDINATE SITE STABILIZATION/SAMPLING OPERATIONS. NO REMOVAL ACTIONS TO TAKE PLACE AS OF YET.
- B. PERSONNEL ON-SITE: EPA - 1
TAT - 2
ERCS - 7
- C. SITE SECURITY WAS ESTABLISHED DURING NON-WORKING HOURS BY THE ERCS CONTRACTOR.

II. ACTIONS TAKEN

- A. ERCS BEGAN DRUM SAMPLING OPERATIONS. A TOTAL OF 55 DRUMS WERE SAMPLED.
- B. ERCS BEGAN HAZARD-CATEGORIZATION. A TOTAL OF 11 SAMPLES WERE CATEGORIZED.
- C. 8 DRUMS WERE IDENTIFIED AS BEING IN POOR CONDITION AND WERE SUBSEQUENTLY OVERPACKED.
- D. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.

III. FUTURE PLANS

- A. ERCS TO CONTINUE SITE STABILIZATION, DRUM SAMPLING, AND HAZARD CATEGORIZATION OPERATIONS.
- B. ERCS TO BEGIN COMPATIBILITY TESTING.
- C. TAT TO CONTINUE AIR MONITORING.
- D. ERCS TO ARRANGE FOR SETTING UP A COMMAND POST, ELECTRICITY, AND TELEPHONE SERVICE.
- E. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

EMAILED
5/22/95
13:30

ORIGINAL
(Red)

POLREP #010
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901



SDMS DocID 2096071

ATTN: GREGG CRYSTALL, JOHN RILEY

I. SITUATION (AS OF 1730 HOURS, TUESDAY, MAY 16, 1995)

- A. OSC ENGLISH CONTINUES TO COORDINATE SITE STABILIZATION/SAMPLING OPERATIONS.
- B. PERSONNEL ON-SITE: EPA - 1
TAT - 2
ERCS - 7
- C. SITE SECURITY DURING NON-WORKING HOURS CONTINUES.
- D. EPA CID SPECIAL AGENT SHAPIRO ON-SITE FOR OPERATIONS UPDATE.

II. ACTIONS TAKEN

- A. ERCS CONTINUED DRUM SAMPLING OPERATIONS. 49 DRUMS WERE SAMPLED THIS DATE. 104 TOTAL DRUMS SAMPLED TO DATE.
- B. ERCS CONTINUED HAZARD-CATEGORIZATION. 31 SAMPLES WERE CATEGORIZED THIS DATE. 42 TOTAL SAMPLES HAZ-CATTED TO DATE.
- C. 4 DRUMS WERE IDENTIFIED AS BEING IN POOR CONDITION AND WERE SUBSEQUENTLY OVERPACKED. 12 TOTAL DRUMS OVERPACKED TO DATE.
- D. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.

III. FUTURE PLANS

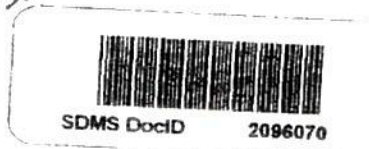
- A. ERCS TO CONTINUE SITE STABILIZATION, DRUM SAMPLING, AND HAZARD CATEGORIZATION OPERATIONS.
- B. ERCS TO BEGIN COMPATIBILITY TESTING.
- C. TAT TO CONTINUE AIR MONITORING.
- D. ERCS TO ARRANGE FOR SETTING UP A COMMAND POST, ELECTRICITY, AND TELEPHONE SERVICE.
- E. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

EMAILED
5/22/95
15:25

ORIGINAL
(Red)

POLREP #011
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901



ATTN: GREGG CRYSTALL, JOHN RILEY

I. SITUATION (AS OF 1730 HOURS, WEDNESDAY, MAY 17, 1995)

- A. OSC ENGLISH CONTINUES TO COORDINATE SITE STABILIZATION/SAMPLING OPERATIONS. NO REMOVAL ACTIONS TO TAKE PLACE AS OF YET.
- B. PERSONNEL ON-SITE: EPA - 0
TAT - 2
ERCS - 7
- C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
- D. WEATHER: RAINING, TEMPERATURES IN THE HIGH 70'S.

II. ACTIONS TAKEN

- A. ERCS CONTINUED DRUM SAMPLING OPERATIONS. 21 DRUMS WERE SAMPLED, BRINGING THE TOTAL DRUMS SAMPLED TO DATE TO 125.
- B. ERCS CONTINUED HAZARD-CATEGORIZATION. A TOTAL OF 36 SAMPLES WERE CATEGORIZED, BRINGING THE TOTAL TO DATE TO 89.
- C. ERCS REMOVED DRUMS AND CONTAINERS OF HAZARDOUS MATERIALS FROM OTR TRAILERS ON-SITE IN PREPARATION FOR SAMPLING AND CATEGORIZATION.
- D. ERCS MOBILIZED 60 85-GALLON STEEL DRUMS AND 15 55-GALLON STEEL DRUMS TO SITE.
- E. ERCS CONTRACTOR MOBILIZED AN ADDITIONAL 5KW GENERATOR TO SITE.
- F. 5 DRUMS WERE IDENTIFIED AS BEING IN POOR CONDITION AND WERE SUBSEQUENTLY OVERPACKED, BRINGING THE TOTAL TO DATE TO 17.
- G. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.

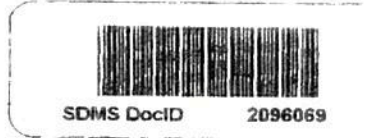
III. FUTURE PLANS

- A. ERCS TO CONTINUE SITE STABILIZATION, DRUM SAMPLING, AND HAZARD CATEGORIZATION OPERATIONS.
- B. ERCS TO BEGIN COMPATIBILITY TESTING.
- C. TAT TO CONTINUE AIR MONITORING.
- D. ERCS TO ARRANGE FOR SETTING UP A COMMAND POST, ELECTRICITY, AND TELEPHONE SERVICE.
- E. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

EMAILED
5/22/95 13:45 ORIGINAL
(Red)

POLREP #012
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901



ATTN: GREGG CRYSTALL, JOHN RILEY

I. SITUATION (AS OF 1830 HOURS, THURSDAY, MAY 18, 1995)

- A. OSC OWENS ON-SITE TO COORDINATE ACTIONS.
- B. PERSONNEL ON-SITE: EPA - 1
TAT - 2
ERCS - 7
- C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
- D. WEATHER: RAINING, TEMPERATURES IN THE HIGH 70'S.

II. ACTIONS TAKEN

- A. ERCS MOBILIZED AN OFFICE TRAILER TO THE SITE.
- B. ERCS CONTINUED HAZARD-CATEGORIZATION. A TOTAL OF 36 SAMPLES WERE CATEGORIZED, BRINGING THE TOTAL TO DATE TO 125.
- C. ERCS CONTINUED PREPARING A DRUM STAGING AREA WITHIN THE WAREHOUSE IN PREPARATION FOR DRUM WASTE STREAMS.
- D. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.
- E. ERCS BEGAN FINAL INVENTORY OF SMALL CONTAINERS.

III. FUTURE PLANS

- A. ERCS TO CONTINUE SITE STABILIZATION OPERATIONS.
- B. ERCS TO BEGIN COMPATIBILITY TESTING AND COMPLETE SMALL CONTAINER INVENTORY.
- C. TAT TO CONTINUE AIR MONITORING.
- D. ELECTRICIANS TO BE ON-SITE FRIDAY, 5/19/95 TO HOOK UTILITIES TO OFFICE TRAILER.
- E. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

POLREP #013
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901
EVENT: SITE STABILIZATION OPERATIONS
ATTN: GREGG CRYSTALL, OERR

EMAILED
5/23/95
1600

ORIGINAL
(Red)



SDMS DocID

2096068

- I. SITUATION (AS OF 1730 HOURS, FRIDAY, MAY 19, 1995)
- A. OSC DWENS ON-SITE TO COORDINATE ACTIONS.
 - B. PERSONNEL ON-SITE: EPA - 1
TAT - 2
ERCS - 7
 - C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
 - D. WEATHER: CLEARING AND WARM, TEMPERATURES IN THE LOW 70'S.

II. ACTIONS TAKEN

- A. ELECTRICAL CONTRACTORS HOOKED ELECTRICAL UTILITIES TO THE OFFICE TRAILER.
- B. ERCS BEGAN ESTABLISHING DRUM COMPATIBILITY GROUPS.
- C. ERCS COMPLETED DRUM STAGING AREA WITHIN THE WAREHOUSE IN PREPARATION FOR DRUM WASTE STREAMS.
- D. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.
- E. ERCS COMPLETED FINAL INVENTORY OF SMALL CONTAINERS.
- F. ERCS CONTINUED DRUM OVERPACKING OPERATIONS. ADDITIONAL OVERPACK DRUMS TO BE MOBILIZED TO THE SITE TO ACCEPT OVERHEIGHT 55-GALLON POLY DRUMS.
- G. NEW ROLL-OFF BOX WAS MOBILIZED TO THE SITE.

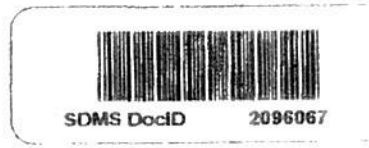
III. FUTURE PLANS

- A. ERCS TO CONTINUE SITE STABILIZATION OPERATIONS.
- B. ERCS TO BEGIN COMPATIBILITY TESTING.
- C. TAT TO CONTINUE AIR MONITORING.
- D. ERCS TO ARRANGE FOR PHONE SERVICES TO BE INSTALLED IN OFFICE TRAILER.
- E. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

EMAILED
5/23/95
1605
ORIGINAL
(Red)

POLREP #014
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901
EVENT: SITE STABILIZATION OPERATIONS
ATTN: GREGG CRYSTALL, OERR



I. SITUATION (AS OF 1830 HOURS, MONDAY, MAY 22, 1995)

- A. OSC ENGLISH CONTINUES TO COORDINATE ACTIONS.
- B. PERSONNEL ON-SITE: EPA - 0
TAT - 2
ERCS - 7
- C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
- D. WEATHER: HOT AND CLEAR, TEMPERATURES IN THE HIGH 70'S.

II. ACTIONS TAKEN

- A. PHONE UTILITIES INSTALLED AT THE OFFICE TRAILER.
- B. ERCS CONTINUED ESTABLISHING DRUM COMPATIBILITY GROUPS.
- C. ERCS BEGAN STAGING DRUMS IN THE WAREHOUSE.
- D. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.
- E. ERCS BEGAN PREPARATIONS FOR DRUM BULKING OPERATIONS.
- F. ANALYTICAL RESULTS RECEIVED FROM ERCS CONTRACTED LABORATORY FOR UST IN THE YARD AREA. HEXAVALENT CHROMIUM CONFIRMED PRESENT IN MATERIALS CONTAINED WITHIN THE TANK.

III. FUTURE PLANS

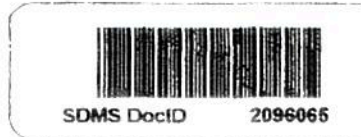
- A. ERCS TO CONTINUE SITE STABILIZATION OPERATIONS.
- B. ERCS TO CONTINUE COMPATIBILITY TESTING.
- C. TAT TO CONTINUE AIR MONITORING.
- D. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

1500
5/25/95

ORIGINAL
(Red)

POLREP #015
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901
EVENT: SITE STABILIZATION OPERATIONS
ATTN: GREGG CRYSTALL, DERR



I. SITUATION (AS OF 1800 HOURS, TUESDAY, MAY 23, 1995)

- A. OSC ENGLISH, OSC OWENS ON-SITE TO COORDINATE ACTIONS.
- B. PERSONNEL ON-SITE: EPA - 2
TAT - 2
ERCS - 7
- C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
- D. WEATHER: HOT AND CLEAR, TEMPERATURES IN THE LOW 80'S.

II. ACTIONS TAKEN

- A. ERCS CONTINUED SITE STABILIZATION EFFORTS.
- B. ERCS CONTINUED ESTABLISHING DRUM COMPATIBILITY GROUPS.
- C. ERCS CONTINUED STAGING DRUMS IN THE WAREHOUSE.
- D. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.
- E. ERCS CONTINUED PREPARATIONS FOR DRUM BULKING OPERATIONS.
- F. ERCS MOBILIZED ADDITIONAL OVERPACK DRUMS TO THE SITE. ERCS CONTINUED OVERPACKING OPERATIONS AND OVERPACKED 25 DRUMS IN POOR CONDITION.

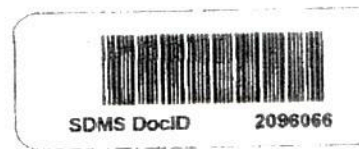
III. FUTURE PLANS

- A. ERCS TO CONTINUE SITE STABILIZATION OPERATIONS.
- B. ERCS TO CONTINUE COMPATIBILITY TESTING.
- C. TAT TO CONTINUE AIR MONITORING.
- D. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.
- E. ERCS TO BEGIN PREPARATIONS FOR UST PUMPING, CLEANING, AND REMOVAL ACTIVITIES.
- F. TAT TO CONDUCT SOIL SAMPLING OPERATIONS AROUND UST IN YARD AREA.
- G. ERCS TO BEGIN BULKING OPERATIONS.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

ORIGINAL
(Red)

POLREP #016
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901
EVENT: SITE STABILIZATION OPERATIONS
ATTN: GREGG CRYSTALL, DERR



I. SITUATION (AS OF 1830 HOURS, WEDNESDAY, MAY 24, 1995)

- A. OSC OWENS ON-SITE TO COORDINATE ACTIONS.
- B. PERSONNEL ON-SITE: EPA - 1
TAT - 2
ERCS - 7
- C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
- D. WEATHER: VERY HOT AND HUMID, TEMPERATURES IN THE HIGH 80'S.

II. ACTIONS TAKEN

- A. ERCS CONTINUED SITE STABILIZATION EFFORTS.
- B. ERCS BEGAN DRUM BULKING OPERATIONS. DRUM GROUPS WHICH INCLUDED ORGANIC LIQUIDS AND SOLVENTS WERE CONSOLIDATED THIS DATE.
- C. ERCS PREPARED SMALL CONTAINERS FOR BULKING AND LAB PACK OPERATIONS.
- D. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.
- E. ERCS BEGAN ARRANGEMENTS FOR UST PUMPING AND EXCAVATION.

III. FUTURE PLANS

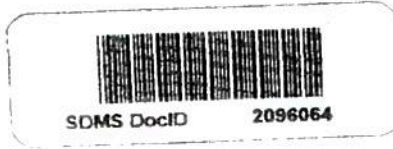
- A. ERCS TO CONTINUE SITE STABILIZATION OPERATIONS.
- B. ERCS TO CONTINUE DRUM BULKING OPERATIONS.
- C. TAT TO CONTINUE AIR MONITORING.
- D. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.
- E. ERCS TO CONTINUE PREPARATIONS FOR UST PUMPING, CLEANING, AND REMOVAL ACTIVITIES.
- F. TAT TO CONDUCT SOIL SAMPLING OPERATIONS AROUND UST IN YARD AREA.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

Emailed
1500
5/25/95

ORIGINAL
(Red)

POLREP #017
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901
EVENT: SITE STABILIZATION OPERATIONS
ATTN: GREGG CRYSTALL, DERR



- I. SITUATION (AS OF 1830 HOURS, THURSDAY, MAY 25, 1995)
 - A. OSC ENGLISH CONTINUES TO COORDINATE ACTIONS.
 - B. PERSONNEL ON-SITE: EPA - 0
TAT - 2
ERCS - 7
 - C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
 - D. WEATHER: HOT, OVERCAST, AND HUMID, TEMPERATURES IN THE LOW 80'S.

- II. ACTIONS TAKEN
 - A. ERCS CONTINUED SITE STABILIZATION EFFORTS.
 - B. ERCS CONTINUED DRUM BULKING OPERATIONS. DRUM GROUPS BULKED INCLUDED ACID LIQUIDS, BASIC LIQUIDS, OXIDIZING LIQUIDS, AND AQUEOUS NEUTRAL LIQUIDS.
 - C. ERCS BEGAN SMALL CONTAINER BULKING.
 - D. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.
 - E. TAT COLLECTED FIVE (5) SUB-SURFACE SOIL SAMPLES FROM AROUND THE UST AT DEPTHS OF 4-6 FEET. THESE SAMPLES WERE DELIVERED TO THE LABORATORY AT 16:50 HOURS BY TAT FOR VOA, BNA, METALS, AND HEXAVALENT CHROMIUM ANALYSIS. TURNAROUND TIME IS ONE WEEK FOR ANALYTICAL RESULTS.

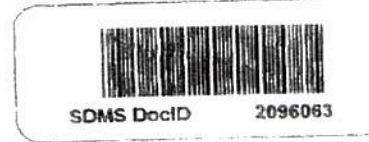
- III. FUTURE PLANS
 - A. ERCS TO CONTINUE SITE STABILIZATION OPERATIONS.
 - B. ERCS TO COMPLETE DRUM AND SMALL CONTAINER BULKING OPERATIONS.
 - C. TAT TO CONTINUE AIR MONITORING.
 - D. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.
 - E. ERCS TO CONTINUE PREPARATIONS FOR UST PUMPING, CLEANING, AND REMOVAL ACTIVITIES. TENTATIVELY, UST PUMPING TO BE CONDUCTED 5/30 AND 5/31/95.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

Chaired
1000 hours
5/30/95

ORIGINAL
(Red)

POLREP #018
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901
EVENT: SITE STABILIZATION OPERATIONS
ATTN: GREGG CRYSTALL, OERR



- I. SITUATION (AS OF 1630 HOURS, FRIDAY, MAY 26, 1995)
 - A. OSC ENGLISH ON-SITE TO COORDINATE ACTIONS.
 - B. PERSONNEL ON-SITE: EPA - 1
TAT - 2
ERCS - 5
 - C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
 - D. WEATHER: WARM, CLOUDY AND HUMID, TEMPERATURES IN THE MID 70'S.

- II. ACTIONS TAKEN
 - A. ERCS CONTINUED SITE STABILIZATION EFFORTS.
 - B. ERCS COMPLETED DRUM AND SMALL CONTAINER BULKING OPERATIONS. GROUPS BULKED INCLUDED ALL SOLIDS WASTE STREAMS.
 - C. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.
 - D. ERCS SECURED THE SITE FOR THE MEMORIAL DAY WEEKEND AND DEMOBILIZED.

- III. FUTURE PLANS
 - A. ERCS TO MOBILIZE TUESDAY, 5/30/95 AND CONTINUE SITE STABILIZATION OPERATIONS.
 - B. TAT TO CONTINUE AIR MONITORING.
 - C. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.
 - D. UST PUMPING ACTIVITIES TO BEGIN. TENTATIVELY, UST PUMPING TO BE CONDUCTED 5/30 AND 5/31/95.
 - E. SITE SECURITY TO BE ON 24-HOUR BASIS OVER MEMORIAL DAY WEEKEND (5/26 THROUGH 5/30/95).

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

EMAILED
6/1/95
1215

ORIGINAL
(Red)



SDMS DocID

2096082

POLREP #019
CHEM-FAB. INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901
EVENT: SITE STABILIZATION OPERATIONS
ATTN: GREGG CRYSTALL, GERR

I. SITUATION (AS OF 1800 HOURS, TUESDAY, MAY 30, 1995)

- A. OSC OWENS ON-SITE TO COORDINATE ACTIONS.
- B. PERSONNEL ON-SITE: EPA - 1
TAT - 2
ERCS - 5
- C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
- D. WEATHER: WARM AND OVERCAST, TEMPERATURES IN THE MID 70'S.

II. ACTIONS TAKEN

- A. ERCS MOBILIZED TO THE SITE AND CONTINUED SITE STABILIZATION EFFORTS.
- B. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.
- C. ERCS BEGAN STAGING DRUMS INTO WASTE STREAMS.
- D. ERCS MADE PREPARATIONS FOR INVESTIGATION INTO ADDITIONAL POTENTIAL USTs.
- E. ERCS CONTINUED PREPARATIONS FOR PUMPING UST IN YARD AREA.

III. FUTURE PLANS

- A. ERCS TO CONTINUE STABILIZATION EFFORTS.
- B. TAT TO CONTINUE AIR MONITORING.
- C. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.
- D. UST PUMPING ACTIVITIES TO BEGIN. TENTATIVELY, UST PUMPING TO BE CONDUCTED THURSDAY, 6/1/95.
- E. ERCS TO CONTINUE PREPARATION FOR TRANSPORTATION AND DISPOSAL OF DRUMMED MATERIALS. ERCS TO SHIP COMPOSITE SAMPLES FOR DISPOSAL ANALYTICAL.
- F. ERCS TO BEGIN INVESTIGATIONS INTO OTHER POTENTIAL USTs.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

EMAILED
6/1/95
1220

ORIGINAL
(Red)



SDMS DocID 2096061

POLREP #020
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901
EVENT: SITE STABILIZATION OPERATIONS
ATTN: GREGG CRYSTALL, OERR

I. SITUATION (AS OF 1800 HOURS, WEDNESDAY, MAY 31, 1995)

- A. OSC ENGLISH CONTINUES TO COORDINATE ACTIONS.
- B. PERSONNEL ON-SITE: EPA - 0
TAT - 2
ERCS - 6
- C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
- D. WEATHER: HOT AND CLEAR, TEMPERATURES IN THE MID 80'S.

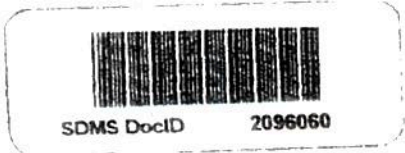
II. ACTIONS TAKEN

- A. ERCS CONTINUED SITE STABILIZATION EFFORTS.
- B. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.
- C. ERCS COMPLETED STAGING DRUMS INTO WASTE STREAMS.
- D. ERCS BEGAN INVESTIGATION INTO ADDITIONAL POTENTIAL USTs. FOUR EXPLORATORY HOLES WERE INITIATED INSIDE THE WAREHOUSE AROUND POTENTIAL UST FILL PIPES AS IDENTIFIED BY OSC ENGLISH.
- E. ERCS CONTINUED T & D PREPARATIONS FOR PUMPING UST IN YARD AREA.

III. FUTURE PLANS

- A. ERCS TO CONTINUE STABILIZATION EFFORTS.
- B. TAT TO CONTINUE AIR MONITORING.
- C. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.
- D. UST PUMPING ACTIVITIES TO BEGIN. TENTATIVELY, UST PUMPING TO BE CONDUCTED THURSDAY, 6/1/95.
- E. ERCS TO CONTINUE PREPARATION FOR TRANSPORTATION AND DISPOSAL OF DRUMMED MATERIALS AND OTHER WASTES. ERCS TO SHIP COMPOSITE SAMPLES FOR DISPOSAL ANALYTICAL.
- F. ERCS TO COMPLETE INVESTIGATIONS INTO OTHER USTs.
- G. FAS McDONALD TO BE ON-SITE TO CONDUCT SITE ADMINISTRATIVE REVIEW.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA



ORIGINAL
(Red)

POLREP #021
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901
EVENT: SITE STABILIZATION OPERATIONS
ATTN: GREGG CRYSTALL, OERR

I. SITUATION (AS OF 1800 HOURS, THURSDAY, JUNE 1, 1995)

- A. OSC DWENS ON-SITE TO COORDINATE ACTIONS. FAS McDONALD ON-SITE TO CONDUCT SITE ADMINISTRATIVE REVIEW.
- B. PERSONNEL ON-SITE: EPA - 2
TAT - 2
ERCS - 6
- C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
- D. WEATHER: HOT AND CLEAR, TEMPERATURES IN THE HIGH 80'S.
- E. ESTIMATED PROJECT COSTS TO DATE:

	TOTAL COSTS (COB 5/31/95)	CEILING
EPA DIRECT	\$ 2,685	\$ 8,400
EPA INDIRECT	\$ 5,728	\$ 17,920
TAT	\$ 9,338	\$ 17,000
ERCS	\$ 68,718	\$ 200,000
UNALLOCATED		\$ 363,800
TOTAL	\$ 86,469	\$ 607,120

II. ACTIONS TAKEN

- A. ERCS CONTINUED SITE STABILIZATION EFFORTS.
- B. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.
- C. EMPTY DRUMS AND CONTAINERS IN EXCESS OF 5 GALLON CAPACITY WERE TRANSPORTED OFF-SITE FOR RECYLCING. RINSING OF SMALLER CONTAINERS IN PREPARATION FOR DISPOSAL WAS BEGUN.
- D. ERCS COMPLETED INVESTIGATION INTO ADDITIONAL POTENTIAL USTs. A TOTAL OF FIVE EXPLORATORY HOLES WERE COMPLETED INSIDE THE WAREHOUSE AROUND POTENTIAL UST FILL PIPES AND DRAINS. SOIL SAMPLES WERE COLLECTED FROM THE BOTTOMS OF EACH HOLE AND THE HOLES WERE BACKFILLED.
- E. ERCS CONTINUED T & D PREPARATIONS FOR PUMPING UST IN YARD AREA. PUMPING OPERATIONS WERE POSTPONED.
- F. ERCS OVERPACKED CONSOLIDATED DRUMS AND STAGED THEM WITH WASTE STREAMS.
- G. CUBIC YARD BOXES FOR DISPOSAL OF SMALL CONTAINERS AND SOLIDS ARRIVED ON-SITE.

III. FUTURE PLANS

- A. ERCS TO CONTINUE STABILIZATION EFFORTS.
- B. TAT TO CONTINUE AIR MONITORING.
- C. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.
- D. UST PUMPING HAS BEEN POSTPONED INDEFINITELY AND IS TO BE CONDUCTED UPON COMPLETION OF T & D ARRANGEMENTS.
- E. ERCS TO CONTINUE PREPARATION FOR TRANSPORTATION AND DISPOSAL OF DRUMMED MATERIALS AND OTHER WASTES. ERCS TO SHIP COMPOSITE SAMPLES FOR DISPOSAL ANALYTICAL.
- F. PERSONNEL TO DEMOBILIZE UNTIL T & D OF DRUMMED MATERIALS HAS BEEN ARRANGED.

GEORGE ENGLISH, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA



SDMS DocID 2096069

ORIGINAL (Red)

EPA ELECTRONIC MAIL MESSAGE

Date: 16-Jun-1995 02:06pm EDT
From: GROUP REGION03-TAT
REGION03-TAT
Dept: (OSWER,OERR,ERD) (C)
Tel No: 609-461-4003

TO: GROUP RRC (RRC)
TO: GROUP ERD-OERR (ERD-OERR)
TO: GROUP REGION03-TAT (REGION03-TAT)

Subject: CHEM-FAB POLREP #22

POLREP #022
CHEM-FAB, INC. SITE
300 N. BROAD STREET
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901
EVENT: SITE STABILIZATION OPERATIONS
ATTN: GREGG CRYSTALL, OERR

I. SITUATION (AS OF 1800 HOURS, FRIDAY, JUNE 2, 1995)

- A. OSC OWENS ON-SITE TO COORDINATE ACTIONS. FAS McDONALD ON-SITE TO CONDUCT SITE ADMINISTRATIVE REVIEW.
B. PERSONNEL ON-SITE: EPA - 2, TAT - 2, ERCS - 6
C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
D. WEATHER: HOT AND CLEAR, TEMPERATURES IN THE HIGH 80'S.
E. ESTIMATED PROJECT COSTS TO DATE:

Table with 3 columns: Category, TOTAL COSTS (COB 5/31/95), and CEILING. Rows include EPA DIRECT, EPA INDIRECT, TAT, ERCS, UNALLOCATED, and TOTAL.

II. ACTIONS TAKEN

- A. ERCS SHIPPED DRUM SAMPLES OFF-SITE FOR DISPOSAL ANALYSIS.
B. TAT CONTINUED AIR MONITORING DURING SITE OPERATIONS.
C. ONE DRUM CONTAINING THREE 16-OUNCE CONTAINERS OF RADIOACTIVE NITRATE WAS DISCOVERED THIS DATE. AT SURFACE OF CONTAINERS, READINGS WERE AT 2,500 uR/HR. AT A DISTANCE OF 20 FEET WITH CONTAINERS IN A STEEL 55-GALLON DRUM, LEVELS WERE AT 25-30 uR/HR. BACKGROUND RADIATION LEVELS WERE AT 15-20 uR/HR.
D. ERCS CUT A 4" HOLE IN THE TOP OF UST TO FACILITATE FUTURE PUMPING OF TANK.
E. ERCS STABILIZED SITE. ALL PERSONNEL DEMOBILIZED FROM SITE.

ORIGINAL
(Red)

III. FUTURE PLANS

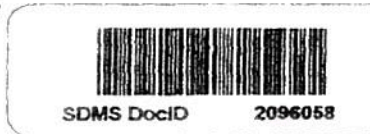
- A. UST PUMPING TO BE SCHEDULED FOLLOWING FINALIZATION OF T& D ARRANGEMENTS.
- B. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.
- C. ERCS TO CONTINUE PREPARATION FOR TRANSPORTATION AND DISPOSAL OF DRUMMED MATERIALS AND OTHER WASTES.
ERCS TO SHIP COMPOSITE SAMPLES FOR DISPOSAL ANALYTICAL.

GEORGE ENGLISH, OSC
JACK OWENS, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

EPA ELECTRONIC MAIL MESSAGE

ORIGINAL
(Red)

Date: 16-Jun-1995 02:10pm EDT
 From: GROUP REGION03-TAT
 REGION03-TAT
 Dept: (OSWER, OERR, ERD) (C)
 Tel No: 609-461-4003



O: GROUP RRC (RRC)
 O: GROUP ERD-OERR (ERD-OERR)
 O: GROUP REGION03-TAT (REGION03-TAT)

Subject: CHEMFAB POLREP #23

POLREP #023
 CHEM-FAB, INC. SITE
 300 N. BROAD STREET
 DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA 18901
 EVENT: SITE STABILIZATION OPERATIONS
 ATTN: GREGG CRYSTALL, OERR

I. SITUATION (AS OF 1700 HOURS, THURSDAY, JUNE 15, 1995)

- A. OSC OWENS ON-SITE TO COORDINATE ACTIONS.
- B. PERSONNEL ON-SITE: EPA - 1
 TAT - 1
 ERCs - 2
- C. SITE SECURITY CONTINUES DURING NON-WORKING HOURS.
- D. WEATHER: HOT AND CLEAR, TEMPERATURES IN THE HIGH 80'S.
- E. ESTIMATED PROJECT COSTS TO DATE:

	TOTAL COSTS (COB 6/01/95)	CEILING
EPA DIRECT	\$ 2,985	\$ 8,400
EPA INDIRECT	\$ 6,368	\$ 17,920
TAT	\$ 9,927	\$ 17,000
ERCs	\$ 114,346	\$ 200,000
UNALLOCATED		\$ 363,800
TOTAL	\$ 133,626	\$ 607,120

II. ACTIONS TAKEN

- A. ON MONDAY, JUNE 5, 1995, OSC, TAT, AND ERCs MOBILIZED TO SITE TO CONDUCT PUMPING AND DISPOSAL OF LIQUID WASTE IN UNDERGROUND STORAGE TANK (UST). HOWEVER, BY MID-MORNING, THE DISPOSAL FACILITY CANCELED TRANSPORTATION, DUE TO A TECHNICAL PROBLEM WITH TREATMENT OF THE WASTE.
- B. ON THURSDAY, JUNE 15, 1995, OSC, TAT, AND ERCs MOBILIZED TO SITE. APPROXIMATELY 8,400 GALLONS OF LIQUID WASTE (DOO7, DOO2) WAS PUMPED FROM THE UST AND TRANSPORTED OFF-SITE FOR DISPOSAL IN CLEVELAND, OHIO. ALL PUMPABLE PRODUCT WAS REMOVED FROM UST.
- C. TAT CONDUCTED AIR MONITORING DURING SITE OPERATIONS.

III. FUTURE PLANS

- A. ERCs TO RECEIVE ANALYTICAL DATA FROM SAMPLES COLLECTED INSIDE WAREHOUSE.
- B. OSC TO CONTINUE TO COORDINATE ACTIVITIES WITH LOCAL OFFICIALS AND STATE AND FEDERAL AGENCIES.

ORIGINAL
(Red)

- C. ERCS TO CONTINUE PREPARATION FOR TRANSPORTATION AND DISPOSAL OF DRUMMED MATERIALS AND OTHER WASTES.

GEORGE ENGLISH, OSC
JACK OWENS, OSC
EASTERN RESPONSE SECTION
EPA REGION III
PHILADELPHIA, PA

AFFIDAVIT OF PERSONAL SERVICE

I, John R. Brumbaugh, hereby attest that the following is true and correct.

1. I am over 25 years of age.
2. On November 14, 2018, I made personal service of the USEPA Region 3 letter stamp dated October 16, 2018, with enclosed documents to the addressee Mr. Heywood Becker on behalf of Turog Properties LTD.
3. This service was made by handing Mr. Heywood Becker the documents identified in paragraph two above. This service was made to Mr. Becker in driveway of his residence located at 5382 Wismer Road, Doylestown PA 18901.
4. Mr. Heywood Becker produced his driver's license upon request. At this time, I observed his license to confirm his identity as Heywood Eric Becker, 5382 Wismer Road, Doylestown, PA 18901.

Signed,

A handwritten signature in black ink, appearing to read 'John R. Brumbaugh', written over a horizontal line.

John R. Brumbaugh
Senior Investigator
Cherokee Nation Assurance, LLC
2511 Jefferson Davis Highway
Suite 540
Arlington, VA 22202

Goldman, Andrew

From: Martin-Banks, Joan
Sent: Thursday, August 8, 2019 7:16 AM
To: Goldman, Andrew
Subject: FW: Chem-Fab affidavit

See below

From: John Brumbaugh <John.Brumbaugh@cn-bus.com>
Sent: Wednesday, August 07, 2019 5:13 PM
To: Martin-Banks, Joan <Martin-Banks.Joan@epa.gov>
Cc: Goldman, Andrew <Goldman.Andrew@epa.gov>
Subject: Re: Chem-Fab affidavit

Joan,

Sorry, I am out of town working and trying to go off of memory. I believe I checked his idea the first 2 times then the rest I have just changed the dates of service on.

From: Martin-Banks, Joan <Martin-Banks.Joan@epa.gov>
Sent: Wednesday, August 7, 2019 6:33:50 AM
To: John Brumbaugh
Cc: Goldman, Andrew
Subject: [EXTERNAL] RE: Chem-Fab affidavit

John, The affidavit says that you were in the driveway of his residence when you delivered the letters on November 14, 2018.

From: John Brumbaugh <John.Brumbaugh@cn-bus.com>
Sent: Monday, August 05, 2019 10:32 AM
To: Martin-Banks, Joan <Martin-Banks.Joan@epa.gov>
Subject: Re: Chem-Fab affidavit

Joan,

Sorry, it is Pipersville, I met him in Doylestown City, hence was my confusion.

John B.

From: Martin-Banks, Joan <Martin-Banks.Joan@epa.gov>
Sent: Friday, August 2, 2019 10:13:25 AM
To: John Brumbaugh

Cc: Eric Bailey; Goldman, Andrew

Subject: [EXTERNAL] FW: Chem-Fab affidavit

John,

On the affidavit concerning the 11/14/ 2018 delivery of the 10/16/2018 letter from EPA to Mr. Becker, you state that Mr. Heywood Becker produced his driver's license and on his license his address was 5382 Wismer Road, Doylestown, PA 1890. Clarification is needed because the Wismer Rd address appears to be in Pipersville. Please clarify for us.

Thanks!

Joan

Goldman, Andrew

From: Heywood Becker <yalephd1970@gmail.com>
Sent: Monday, June 26, 2017 9:25 PM
To: Goldman, Andrew; Goldman, Andrew
Subject: Section IX Notice Of Intent To Comply: Chem Fab Site, Doylestown, Bucks County, PA

At the top of page 2 of your letter of June 7, 2017, are 6 items set out from the Order. Turog Properties Limited intends to comply with 5 of the 6 said items, but lacks the financial ability to comply with the Indoor Air Sampling item, and thus cannot so comply.

Respectfully yours,

Heywood Becker, Pres. of the Corporate General Partner



Virus-free. www.avast.com

Turog Properties Management, Inc.

POST OFFICE BOX 180
CARVERSVILLE, PA
18913-0180

June 26, 2017

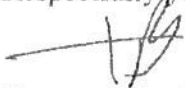
Mr. Andrew S. Goldman, Esq.
Sr. Asst. Regional Counsel
US EPA Region III
1650 Arch Street
Philadelphia, PA 19103

*Re: Chem-Fab Superfund Site, Doylestown, PA 18901
Your Letter Dated June 7, 2017*

Dear Mr. Goldman:

At the top of page 2 of your letter of June 7, 2017, are 6 items set out from the Order. Turog Properties Limited can, and does hereby intend to comply with 5 of the 6 said items, but lacks the financial ability to comply with the Indoor Air Sampling item, and thus cannot so comply.

Respectfully yours,



Heywood Becker

President of the General Partner of Turog Properties Limited

Goldman, Andrew

From: Rovira, Eduardo
Sent: Monday, August 07, 2017 3:19 PM
To: Becker
Cc: Goldman, Andrew
Subject: Chem Fab

Mr. Becker,

It appears that you have missed the deadline for providing written identification of your project manager and contractor(s), as well as for the submission of a the work plan detailing how Turog will comply with the modified administrative order (e.g., modified to remove obligations related to sampling). Can you please advise me on your efforts to comply with these obligations and the date we can expect this information?

Let me know if you have any questions.

Thanks in advance!

Eduardo Rovira, Jr.
On-Scene Coordinator
Eastern Response Branch
EPA Mid-Atlantic Region

Goldman, Andrew

From: Rovira, Eduardo
Sent: Monday, August 07, 2017 5:12 PM
To: Heywood Becker
Cc: Goldman, Andrew
Subject: RE: Chem Fab

Mr. Becker,

The only obligation that was removed with the amendment was the sampling, you still need to comply with all the other points of the Order.

Eduardo

From: Heywood Becker [mailto:yalephd1970@gmail.com]
Sent: Monday, August 07, 2017 4:44 PM
To: Rovira, Eduardo <Rovira.Eduardo@epa.gov>
Subject: Re: Chem Fab

I was of the belief that the amendment eliminated those requirements.

On Mon, Aug 7, 2017 at 3:18 PM, Rovira, Eduardo <Rovira.Eduardo@epa.gov> wrote:

Mr. Becker,

It appears that you have missed the deadline for providing written identification of your project manager and contractor(s), as well as for the submission of a the work plan detailing how Turog will comply with the modified administrative order (e.g., modified to remove obligations related to sampling). Can you please advise me on your efforts to comply with these obligations and the date we can expect this information?

Let me know if you have any questions.

Thanks in advance!

Eduardo Rovira, Jr.

On-Scene Coordinator

Eastern Response Branch

Goldman, Andrew

From: Goldman, Andrew
Sent: Wednesday, August 16, 2017 11:30 AM
To: Heywood Becker
Cc: Rovira, Eduardo
Subject: FW: Chem Fab

Mr. Becker—

Eduardo's email is correct: Turog has already missed several deadlines under the modified Order, including the following:

- Designation of contractors (Paragraph 14) was due August 2.
- Designation of project coordinator (Paragraph 15) was due July 13.
- Submission of a work plan ((Paragraph 20.a) was due August 2.
- Submission of a draft deed notice (Paragraph 31.a) was due July 18.

Note that we have not yet reached 90 days from the effective date and Turog's first progress report (Paragraph 25) is not yet due. Note also that this email depicts some of the major milestones in the Order and may not be comprehensive (Turog needs to review the Order to understand all of the requirements and deadlines therein).

By this email I request that Turog advise me of its progress in meeting these requirements. Eduardo and I are available to speak with you on the phone or to meet you at the Site to discuss this matter further. Please contact me at your earliest convenience to discuss.



Andrew S. Goldman (3RC41)

Senior Scientist, U.S. EPA

U.S. Environmental Protection Agency

Washington, DC 20460

202-566-9444

andrew.goldman@epa.gov

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From: Rovira, Eduardo
Sent: Monday, August 07, 2017 5:12 PM
To: Heywood Becker <yalephd1970@gmail.com>
Cc: Goldman, Andrew <Goldman.Andrew@epa.gov>
Subject: RE: Chem Fab

Mr. Becker,

The only obligation that was removed with the amendment was the sampling, you still need to comply with all the other points of the Order.

Eduardo

From: Heywood Becker [<mailto:yalephd1970@gmail.com>]

Sent: Monday, August 07, 2017 4:44 PM

To: Rovira, Eduardo <Rovira.Eduardo@epa.gov>

Subject: Re: Chem Fab

I was of the belief that the amendment eliminated those requirements.

On Mon, Aug 7, 2017 at 3:18 PM, Rovira, Eduardo <Rovira.Eduardo@epa.gov> wrote:

Mr. Becker,

It appears that you have missed the deadline for providing written identification of your project manager and contractor(s), as well as for the submission of a the work plan detailing how Turog will comply with the modified administrative order (e.g., modified to remove obligations related to sampling). Can you please advise me on your efforts to comply with these obligations and the date we can expect this information?

Let me know if you have any questions.

Thanks in advance!

Eduardo Rovira, Jr.

On-Scene Coordinator

Eastern Response Branch

EPA Mid-Atlantic Region

Turog Properties Limited

POST OFFICE BOX 180
CARVERSVILLE, PENNSYLVANIA
18913-0180

August 23, 2017

Mr. Andrew S. Goldman, Esq.
Sr. Asst. Regional Counsel
US EPA Region III
1650 Arch Street
Philadelphia, PA 19103

Re: Your Email Dated August 16, 2017

Dear Mr. Goldman:

Our contractor for the repair and/or replacement of the Radon Fans is R & J Electric Inc.,
1466 Cortland Street, Bethlehem, PA 18018.

Our project coordinator is Heywood Becker, POB 180, Carversville, PA 18913.

Our work plan is that the Radon Fan Vacuum Meters will be regularly read on a weekly basis, and specially read the day following any significant rain event. If any of the said meter readings shall be abnormally low, Mr. Eduardo Rivera shall be notified within one hour of the said reading by text and/or email of the same.

The draft deed notice is in preparation, and will soon be submitted.

Respectfully yours,

Heywood Becker

Goldman, Andrew

From: Rovira, Eduardo
Sent: Tuesday, September 26, 2017 12:06 PM
To: Heywood Becker
Cc: Goldman, Andrew
Subject: Chem Fab - Work Plan
Attachments: Chem Fab (Work Plan).pdf; Chem Fab (Progress Report).doc
Importance: High

Mr. Becker,

Please see attached documents regarding your letter dated August 23, 2017.

Regards,

Eduardo Rovira, Jr.
On-Scene Coordinator
Eastern Response Branch
EPA Mid-Atlantic Region



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

September 26, 2017

VIA EMAIL

Turog Properties Limited
c/o Heywood Becker
P.O. Box 180
Carversville, PA 18913

**Re: Chem Fab Superfund Site:
Administrative Order No. CERC-03-2017-014-DC**

Dear Mr. Becker:

The U.S. Environmental Protection Agency ("EPA") has reviewed your August 23, 2017 letter submitted to EPA Sr. Assistant Regional Counsel Andrew Goldman in connection with the above-described Administrative Order ("Order"). In that letter, Turog identified its contractor for the repair/replacement of fans, identified its Project Coordinator, and set forth, in two short paragraphs, its draft work plan for implementing the Order. EPA responds to the letter as follows:

1. First, pursuant to Paragraphs 16.a and 21.a of the Order, communications between EPA and Turog, and all documents concerning activities performed pursuant to, and submissions made under, the Order are to be directed to myself or any other OSC designated under the Order. ***Please ensure that future communications and submissions adhere to this requirement.***
2. Second, we note that Turog failed to provide a telephone number, email address, or qualifications for the contractor identified to repair/replace system fans. ***Please provide this information to me within five (5) calendar days of your receipt of this letter.***
3. Third, Turog's "work plan" is hereby ***disapproved*** pursuant to Paragraph 20.b of the Order. Paragraph 20.a of the Order makes clear that the work plan shall provide a description of, and expeditious schedule for, performance of the work required by the Order. Turog's two-paragraph work plan proposal nominally addresses monitoring of the magnetic gauges (Paragraph 18.b.1) and submission of the deed notice (Paragraph 31.a) but fails to address any other

requirements of the Order.¹ In addition, Turog's trigger for notifying EPA of a pressure problem after checking each gauge is an "abnormally low" reading as opposed to the Order's standard (a variance greater than 25% of each gauge's initial vacuum reading which has been posted on the gauge). ***Pursuant to Paragraph 20.b of the Order, Turog is hereby required to revise and resubmit the draft work plan for EPA approval within ten (10) calendar days of your receipt of this letter.*** To assist Turog in preparing its resubmission, I have included a list of our expectations regarding work plan content (see Attachment A).

Should you have any questions, feel free to contact me at 215.514.6887 or by email (rovira.eduardo@epa.gov).

Sincerely,

Eduardo Rovira, Jr.

Eduardo Rovira, Jr.
On-Scene Coordinator
Eastern Response Branch
EPA Mid-Atlantic Region

Attachment

cc: Andrew Goldman (3RC41)

¹ Note that we do not expect the work plan to address those tasks removed from the Order pursuant to Amendment No. 1 issued on July 19, 2017.

ATTACHMENT A

The Work Plan should conform to the following minimum requirements:

- 1) ***Operation of Depressurization System:*** The Work Plan should state that Turog will ensure the Depressurization System runs continuously (24 hours per day, 7 days per week/365 days per year subject only to periodic maintenance and unanticipated power interruptions) and that operational problems will be reported in Progress Reports to EPA.
- 2) ***Maintenance of Depressurization System:*** The Work Plan should state that Turog will maintain the Depressurization System to ensure its continued effectiveness as follows:
 - a) Turog shall check each magnehelic gauge installed in the Depressurization System, including those installed by EPA and those that may be installed by EPA or by Turog in the future at a frequency no less than every _____ days, to determine whether each gauge reads within 25% of its initial vacuum reading which is posted on the gauge.
 - i) In the event one or more gauges are found to read outside its/their initial vacuum reading by 25% or more, Turog shall notify the EPA Project Coordinator within 48 hours of such finding(s).
 - ii) Turog shall comply with all EPA Project Coordinator requests for additional information/inspections for each gauge so identified.
 - b) Turog shall check each of the fans installed in the Depressurization System, including those installed by EPA and those that may be installed by EPA or Turog in the future at a frequency no less than every _____ days.
 - i) In the event one or more fans ceases operation completely, operates in a manner that does not keep its magnehelic gauge reading within 25% of the initial reading, or operates in a manner that evidences imminent failure (e.g., noisy operation), Turog shall, within 48 hours of becoming aware of such condition, replace such fan with a unit that has specifications that are substantially identical to those described for the fans in the Order and shall notify the EPA Project Coordinator within 48 hours after such replacement.
- 3) ***Notice of Changes to Existing Floorplans, Status of the Foundation, or Factors Which Cause Indoor VOC Levels to Exceed Acceptable Levels:*** The Work Plan should state that Turog shall notify EPA of any construction at Building A or other event or condition which might have a negative impact on the operation of the installed depressurization system, including, but not limited to the items below:

- a) a significant change to the layout or size of any existing or future tenant space within Building A
 - b) damage to or penetration of the foundation of Building A
 - c) TCE levels at or above 8 ug/m³ within Building A.
The Work Plan should state that Turog shall provide such notice no less than five (5) days after Turog becomes aware, or should have been aware through the exercise of due diligence, of such circumstances.
- 4) **Access:** The Work Plan should state that Turog provides access as required by Paragraph 30 of the Order.
 - 5) **Records:** The Work Plan should state that Turog will maintain records, throughout the lifetime of this Order and 10 years thereafter, documenting all actions taken to comply with the Order including, but not limited to, records documenting the maintenance of the Depressurization System and changes to Building A triggering the notice requirement of Paragraph 18.d of the Order.
 - 6) **Progress Reports:** The Work Plan should state that Turog shall submit written progress reports to EPA every 90 days concerning actions undertaken pursuant to the Order, including all actions taken to operate the system (e.g., payment of electricity), and all actions relating to system repair and maintenance, and all other events and circumstances required by Paragraph 25 of the Order. A sample Progress Report is attached as Exhibit 1 to this Attachment.
 - 7) **Final Report:** The Work Plan should state that Turog shall, within thirty (30) days after EPA notifies Turog that the Depressurization System is no longer needed, submit for EPA review and approval a Final Report summarizing the actions taken to comply with this Order in accordance with Paragraph 26 of the Order.
 - 8) **Notice in Land Records:** The Work Plan should state that Turog shall provide a draft notice to be filed in the land records in accordance with Paragraph 31 of the Order.
 - 9) **Land Transfer:** The Work Plan should provide for notification to EPA of land transfers in accordance with Paragraph 31.b of the Order.

ATTACHMENT 1

[SAMPLE PROGRESS REPORT]

PROGRESS REPORT
CHEM-FAB ORDER NO. CERC-03-2017-014-DC

Date	
From	Turog Properties Limited Heywood Becker, Project Coordinator
To	Eduardo Rovira, OSC
Project	Chem-Fab Superfund Site
Progress Report No.	
Period Covered	

In accordance with Paragraph 25 of the above-described Administrative Order, I, Heywood Becker, Project Coordinator, do hereby submit the following Progress Report on behalf of Turog Properties Limited covering the above-described period.

1. Description of the actions taken toward achieving compliance with the Order
 - a. Turog Properties Limited read all gauges and all read within 25% of the initial vacuum (see attached Gauge Reading/Fan Function Log) ... or
 - b. Turog Properties Limited read all gauges and the one(s) listed below was (were) not reading within 25% of the initial vacuum (see attached Gauge Reading/Fan Function Log).
 - i. Gauge(s) number ???
 - c. Turog Properties Limited confirmed that all fans and were functional (see attached Gauge Reading/Fan Function Log) ... or
 - d. Turog Properties Limited checked all fans and the one(s) listed below was (were) not functional (see attached Gauge Reading/Fan Function Log).
 - i. Fan(s) number ???
2. Description of all activities scheduled for the next ?? calendar days
 - a. Read ten gauges.
 - b. Check all fans.
 - c. Continue to pay the electric bill.
3. Description of any problems encountered or anticipated
 - a. Gauge #? was reading outside the acceptable range ... and/or
 - b. Fan #? was not working ... or
 - c. Not applicable
4. Any actions taken to prevent or mitigate such problems
 - a. Fixed and/or replace gauge and/or fan ... or
 - b. Not applicable

Respectfully Submitted,

Heywood Becker
Project Coordinator
Turog Properties Limited

Chem-Fab Superfund Site: Gauge Reading/Fan Function Log

Fan Number	Reading	Within 25% of Initial Vacuum? (Y/N)	Fan Functional? (Y/N)	Comments
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Date of Readings:				
Inspection By:				

ATTACHMENT 1

[SAMPLE PROGRESS REPORT]

PROGRESS REPORT

CHEM-FAB ORDER NO. CERC-03-2017-014-DC

Date	
From	Turog Properties Limited Heywood Becker, Project Coordinator
To	Eduardo Rovira, OSC
Project	Chem-Fab Superfund Site
Progress Report No.	
Period Covered	

In accordance with Paragraph 25 of the above-described Administrative Order, I, Heywood Becker, Project Coordinator, do hereby submit the following Progress Report on behalf of Turog Properties Limited covering the above-described period.

1. Description of the actions taken toward achieving compliance with the Order
 - a. Turog Properties Limited read all gauges and all read within 25% of the initial vacuum (see attached Gauge Reading/Fan Function Log) . . . or
 - b. Turog Properties Limited read all gauges and the one(s) listed below was (were) not reading within 25% of the initial vacuum (see attached Gauge Reading/Fan Function Log).
 - i. Gauge(s) number ???
 - c. Turog Properties Limited confirmed that all fans and were functional (see attached Gauge Reading/Fan Function Log) . . . or
 - d. Turog Properties Limited checked all fans and the one(s) listed below was (were) not functional (see attached Gauge Reading/Fan Function Log).
 - i. Fan(s) number ???
2. Description of all activities scheduled for the next ?? calendar days
 - a. Read ten gauges.
 - b. Check all fans.
 - c. Continue to pay the electric bill.
3. Description of any problems encountered or anticipated
 - a. Gauge #? was reading outside the acceptable range . . . and/or
 - b. Fan #? was not working . . . or
 - c. Not applicable
4. Any actions taken to prevent or mitigate such problems
 - a. Fixed and/or replace gauge and/or fan . . . or
 - b. Not applicable

Respectfully Submitted,

Heywood Becker
Project Coordinator
Turog Properties Limited

Chem-Fab Superfund Site: Gauge Reading/Fan Function Log

Fan Number	Reading	Within 25% of Initial Vacuum? (Y/N)	Fan Functional? (Y/N)	Comments
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Date of Readings:				
Inspection By:				

Turog Properties Limited

POST OFFICE BOX 180
CARVERSVILLE, PA
18913-0180
215.933.9250 MOBILE

October 12, 2017

Mr. Eduardo Rovira, Jr.
On-Scene Coordinator
US EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Your Emailed Letter Dated September 26, 2017

Dear Mr. Rovira:

Our Prime Contractor for the repair and/or replacement of the subject Radon Fans is Bill Broadhead of WPB Enterprises, 2844 Slifer Valley Road, Riegelsville, PA 18077, whose mobile number is 610 613 8004, and our Secondary Contractor is Rick Oldt, a very experienced electrician who has worked for us for some 17 years, and whose company affiliation is R & J Electric Inc., 1466 Cortland Street, Bethlehem, PA 18018, and whose mobile number is 484 614 8688, and his email address is wire620@yahoo.com.

Our project coordinator is Heywood Becker, POB 180, Carversville, PA 18913.

Our work plan is that the Radon Fan Vacuum Meters will be regularly read on a weekly basis, and especially read the day following any significant rain event. If any of the said meter readings shall be less than 25% or more as compared to the desired vacuum level as posted on the applicable gauge. Mr. Eduardo Rivera shall be notified within 24 hours of the said reading by text and/or email of the same. The fans will also be individually inspected at the same time to check that the same are in compliance with 2) b) of Attachment A to your letter dated September 26, 2017.

It is the intent of this Work Plan to comply with the requirements of Attachment A to your letter dated September 26, 2017, and the same are incorporated herewith by reference.

Respectfully yours,

Heywood Becker



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

October 12, 2017

VIA EMAIL

Turog Properties Limited
c/o Heywood Becker
Box 180
Carversville, PA 18913

**Re: Chem Fab Superfund Site
Workplan for Administrative Order
No. CERC-03 2017-014-DC**

Dear Mr. Becker:

This responds to your unsigned, one-page letter dated October 12, 2017 regarding the workplan that is due under the above-described Administrative Order. Your letter repeats some of the information from your previously disapproved one-page workplan (submitted August 23, 2017; disapproved by EPA on September 26, 2017) and purports to incorporate, as part of the submitted workplan, a set of recommendations included in EPA's prior disapproval letter. EPA hereby disapproves your submission as it is (a) unsigned, and (b) ineffective in communicating, in one document, a coherent plan describing how Turog will implement the Order.

To put this matter behind us, we have modified EPA's previously provided recommendations for workplan content, using the representations in your October 12 letter, into a set of commitments Turog will follow under the Order. Please print, sign, date, and return the document to me as soon as possible. Upon receipt, I will approve the document and forward a copy back to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eduardo Rovira".

Eduardo Rovira
On-Scene Coordinator
EPA Region 3

Enclosure

CHEM FAB SUPERFUND SITE

Doylestown, Bucks County, Pennsylvania

**Work Plan For Implementation of Administrative
Order For Removal Response Action**

(EPA Docket No. CERC-03-2017-014-DC)

Submitted by Turog Properties Limited

For Turog Properties Limited:

Heywood Becker

Date

Approved by EPA:

Eduardo Rovira, OSC

Date

Chem-Fab Site Superfund Site
Work Plan For Implementation of Administrative Order For Removal Response Action
(EPA Docket No. CERC-03-2017-014-DC)

- 1) ***Operation of Depressurization System:*** Turog will ensure the Depressurization System runs continuously (24 hours per day, 7 days per week/365 days per year subject only to periodic maintenance and unanticipated power interruptions). Operational problems will be reported in Progress Reports to EPA.
- 2) ***Maintenance of Depressurization System:*** Turog will maintain the Depressurization System to ensure its continued effectiveness as follows:
 - a) Turog shall check each magnehelic gauge installed in the Depressurization System, including those installed by EPA and those that may be installed by EPA or by Turog in the future at a frequency no less than every seven (7) days, to determine whether each gauge reads within 25% of its initial vacuum reading which is posted on the gauge.
 - i) In the event one or more gauges are found to read outside its/their initial vacuum reading by 25% or more, Turog shall notify the EPA Project Coordinator within 48 hours of such finding(s).
 - ii) Turog shall comply with all EPA Project Coordinator requests for additional information/inspections for each gauge so identified.
 - b) Turog shall check each of the fans installed in the Depressurization System, including those installed by EPA and those that may be installed by EPA or Turog in the future at a frequency no less than every seven (7) days.
 - i) In the event one or more fans ceases operation completely, operates in a manner that does not keep its magnehelic gauge reading within 25% of the initial reading, or operates in a manner that evidences imminent failure (e.g., noisy operation), Turog shall, within 48 hours of becoming aware of such condition, replace such fan with a unit that has specifications that are substantially identical to those described for the fans in the Order and shall notify the EPA Project Coordinator within 48 hours after such replacement.
- 3) ***Notice of Changes to Existing Floorplans, Status of the Foundation, or Factors Which Cause Indoor VOC Levels to Exceed Acceptable Levels:*** Turog shall notify EPA of any construction at Building A or other event or condition which might have a negative impact on the operation of the installed depressurization system, including, but not limited to the items below:

Chem-Fab Site Superfund Site
Work Plan For Implementation of Administrative Order For Removal Response Action
(EPA Docket No. CERC-03-2017-014-DC)

- a) a significant change to the layout or size of any existing or future tenant space within Building A
 - b) damage to or penetration of the foundation of Building A
 - c) TCE levels at or above 8 ug/m3 within Building A.
Turog shall provide such notice no less than five (5) days after Turog becomes aware, or should have been aware through the exercise of due diligence, of such circumstances.
- 4) **Access:** Turog provides access as required by Paragraph 30 of the Order.
 - 5) **Records:** Turog will maintain records, throughout the lifetime of this Order and 10 years thereafter, documenting all actions taken to comply with the Order including, but not limited to, records documenting the maintenance of the Depressurization System and changes to Building A triggering the notice requirement of Paragraph 18.d of the Order.
 - 6) **Progress Reports:** Turog shall submit written progress reports to EPA every 90 days concerning actions undertaken pursuant to the Order, including all actions taken to operate the system (*e.g.*, payment of electricity), and all actions relating to system repair and maintenance, and all other events and circumstances required by Paragraph 25 of the Order. A sample Progress Report is attached as Exhibit 1 to this Attachment.
 - 7) **Final Report:** Turog shall, within thirty (30) days after EPA notifies Turog that the Depressurization System is no longer needed, submit for EPA review and approval a Final Report summarizing the actions taken to comply with this Order in accordance with Paragraph 26 of the Order.
 - 8) **Notice in Land Records:** Turog shall provide a draft notice to be filed in the land records in accordance with Paragraph 31 of the Order.
 - 9) **Land Transfer:** Turog shall provide notification to EPA of land transfers in accordance with Paragraph 31.b of the Order.

Chem-Fab Site Superfund Site
Work Plan For Implementation of Administrative Order For Removal Response Action
(EPA Docket No. CERC-03-2017-014-DC)

EXHIBIT I

[SAMPLE PROGRESS REPORT]

PROGRESS REPORT
CHEM-FAB ORDER NO. CERC-03-2017-014-DC

Date	
From	Turog Properties Limited Heywood Becker, Project Coordinator
To	Eduardo Rovira, OSC
Project	Chem-Fab Superfund Site
Progress Report No.	
Period Covered	

In accordance with Paragraph 25 of the above-described Administrative Order, I, Heywood Becker, Project Coordinator, do hereby submit the following Progress Report on behalf of Turog Properties Limited covering the above-described period.

1. Description of the actions taken toward achieving compliance with the Order
 - a. Turog Properties Limited read all gauges and all read within 25% of the initial vacuum (see attached Gauge Reading/Fan Function Log) . . . or
 - b. Turog Properties Limited read all gauges and the one(s) listed below was (were) not reading within 25% of the initial vacuum (see attached Gauge Reading/Fan Function Log).
 - i. Gauge(s) number ???
 - c. Turog Properties Limited confirmed that all fans and were functional (see attached Gauge Reading/Fan Function Log) . . . or
 - d. Turog Properties Limited checked all fans and the one(s) listed below was (were) not functional (see attached Gauge Reading/Fan Function Log).
 - i. Fan(s) number ???
2. Description of all activities scheduled for the next ?? calendar days
 - a. Read ten gauges.
 - b. Check all fans.
 - c. Continue to pay the electric bill.
3. Description of any problems encountered or anticipated
 - a. Gauge #? was reading outside the acceptable range . . . and/or
 - b. Fan #? was not working . . . or

Chem-Fab Site Superfund Site
Work Plan For Implementation of Administrative Order For Removal Response Action
(EPA Docket No. CERC-03-2017-014-DC)

- c. Not applicable
- 4. Any actions taken to prevent or mitigate such problems
 - a. Fixed and/or replace gauge and/or fan ... or
 - b. Not applicable

Respectfully Submitted,

Heywood Becker
Project Coordinator
Turog Properties Limited

Chem-Fab Site Superfund Site
 Work Plan For Implementation of Administrative Order For Removal Response Action
 (EPA Docket No. CERC-03-2017-014-DC)

Chem-Fab Superfund Site: Gauge Reading/Fan Function Log				
Fan Number	Reading	Within 25% of Initial Vacuum? (Y/N)	Fan Functional? (Y/N)	Comments
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Date of Readings:				
Inspection By:				

CHEM FAB SUPERFUND SITE

Doyletown, Bucks County, Pennsylvania

**Work Plan For Implementation of Administrative
Order For Removal Response Action**

(EPA Docket No. CERC-03-2017-014-DC)

Submitted by Turog Properties Limited

For Turog Properties Limited,



Heywood Becker

Date

10/20/2017 & 10/23/2017

Approved by EPA

Eduardo Rovira, OSC

Date

Champlain Site, Superfund Site
Work Plan For Implementation of Administrative Order For Remedial Response Action
(EPA Order No. A-9 RCRA-03-201701A-1007)

- 1) **Operation of Depressurization System:** Turog will ensure the Depressurization System runs continuously (24 hours per day, 7 days per week, 365 days per year) subject only to periodic maintenance and unanticipated power interruptions. Operational problems will be reported in Progress Reports to EPA.
- 2) **Maintenance of Depressurization System:** Turog will maintain the Depressurization system to ensure its continued effectiveness as follows:
 - a) Turog shall check each manometric gauge installed in the Depressurization System, including those installed by EPA and those that may be installed by EPA or by Turog in the future at a frequency no less than every seven (7) days, to determine whether each gauge reads within 25% of its initial vacuum reading which is posted on the gauge.
 - i) In the event one or more gauges are found to read outside its/their initial vacuum reading by 25% or more, Turog shall notify the EPA Project Coordinator within 48 hours of such findings.
 - ii) Turog shall comply with all EPA Project Coordinator requests for additional information (specimens for each gauge) so requested.
 - b) Turog shall check each of the fans installed in the Depressurization System, including those installed by EPA and those that may be installed by EPA or Turog in the future at a frequency no less than every seven (7) days.
 - i) In the event one or more fans cease operation completely, operate in a manner that does not keep its manometric gauge reading within 25% of the initial reading, or operates in a manner that evidences imminent failure (e.g., noisy operation), Turog shall, within 48 hours or becoming aware of such condition, replace such fan with a unit that has specifications that are substantially identical to those described for the fans in the Order and shall notify the EPA Project Coordinator within 48 hours after such replacement. it feasible
— JH
- 3) **Notice of Changes to Existing Floorplans, Status of the Foundation, or Factors Which Cause Indoor VOC Levels to Exceed Acceptable Levels:** Turog shall notify EPA of any construction at Building A or other event or condition which might have a negative impact on the operation of the installed depressurization system including, but not limited to the items below.

— JH
10/23/2010

Chem 101 Site Remediation Site
Work Order for Implementation of Administrative Order for Remedial Response Action
(M1-0-Pecko; No. CRRC-01-2011-01-DC)

- 6) a significant change to the configuration of any addition of future liquid space within Building A. ✓
- 6a) damage to or penetration of the foundation of Building A ✓
- 6b) PCEC located on the 8000m² within Building A.
Targ shall provide such notice no less than five (5) days after Targ becomes aware or should have been aware through the exercise of due diligence, or such time as it, *having been informed of the facts by the EPA* ✓
- 6c) *Notice: Targ, Remediation of 8000m² required by Paragraph 30 of the Order* ✓
- 7) *Records: Targ will maintain records, throughout the lifetime of this Order and 30 years thereafter, documenting all actions taken to comply with the Order including, but not limited to, records documenting the maintenance of the Depressurization System and changes to Building A triggering the notice requirement of Paragraph 18.d of the Order.* ✓ *178*
- 8) *Progress Reports: Targ shall submit written progress reports to EPA every 30 days concerning actions undertaken pursuant to the Order, including all actions taken to operate the system (e.g. operation of electricity) and all actions relating to system repair and maintenance, and all other events and circumstances required by Paragraph 12 of the Order. A Sample Progress Report is attached as Exhibit 3 to this Attachment.* ✓
- 9) *Final Report: Targ shall, within thirty (30) days after EPA notifies Targ that the Depressurization System is no longer needed, submit for EPA review and approval a final report summarizing the actions taken to comply with this Order in accordance with Paragraph 26 of the Order.* ✓
- 10) *Notice to Land Records: Targ shall provide a draft notice to be filed in the land records in accordance with Paragraph 31 of the Order.* ✓
- 11) *Land Transfer: Targ shall provide notification to EPA of land transfer in accordance with Paragraph 34.b of the Order.* ✓

10/22/2017
10/22



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA FIRST CLASS MAIL & EMAIL

NOV 16 2017

Turog Properties Limited
c/o Heywood Becker
P.O. Box 180
Carversville, PA 18913

**Re: Chem Fab Superfund Site: Administrative Order No.
CERC-03-2017-0140-DC**

Dear Mr. Becker:

The U.S. Environmental Protection Agency ("EPA") has reviewed your Work Plan, signed and dated October 20 and 23, 2017, which contained several handwritten changes to the previous draft. By this letter EPA disapproves your Work Plan and provides you with a modified Work Plan approved by EPA which is, pursuant to Paragraph 20.b of the Order, incorporated into and enforceable under the Order (Attachment 1). Please note the following:

1. In Paragraph 2.b.i of your draft Work Plan you added the words "if feasible" to modify the requirement that Turog replace inoperable fans within 48 hours of the time Turog becomes aware of an operational issue. Having considered your request, we conclude that compliance with the original timeframe would be difficult at best and agree to extend the deadline for fan replacement to 15 business days. Because the 48-hour requirement was expressly stated in the original Order, we have modified that Order (see Attachment 2) to reflect this change and have modified Paragraph 2.b.i of the Work Plan to incorporate it.¹
2. In Paragraph 3.c of your draft Work Plan you added the words "having been informed of the levels by the EPA" ostensibly to account for the fact that Turog is not presently required to conduct air sampling. We agree with the intent of your proposal but have instead added language making clear that "due diligence" does

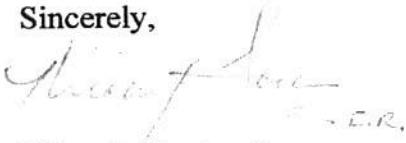
¹ In addition to extending the deadline for fan replacement, the attached amendment changes the docket number of this action to match the docket system EPA uses to track administrative orders.

not include sampling unless the Order requires Turog to sample.

As noted above, Turog is required under the Order to implement the Order and the enclosed EPA-approved Work Plan.

Should you have any questions, feel free to contact me at 215.514.6887 or by email (rovira.eduardo@epa.gov).

Sincerely,



Eduardo Rovira, Jr.
On-Scene Coordinator
EPA Region III
Hazardous Site Cleanup Division
Eastern Response Branch

Attachments: 1. Amendment No. 2
 2. EPA-Approved Work Plan

cc: Andrew Goldman (3RC41)

ATTACHMENT 1

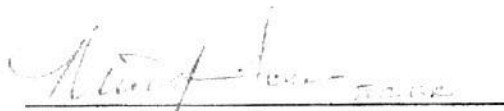
CHEM FAB SUPERFUND SITE
Doylestown, Bucks County, Pennsylvania

**Work Plan For Implementation of Administrative
Order For Removal Response Action**
(EPA Docket No. CERC-03-2017-014-DC)

Originally Submitted by Turog Properties Limited

Modified and Approved by EPA Pursuant to
Paragraph 20.b of the Order

Approved by EPA:



Eduardo Rovira, OSC

11-16-17

Date

Chem-Fab Site Superfund Site
Work Plan For Implementation of Administrative Order For Removal Response Action
(EPA Docket No. CERC-03-2017-014-DC)

- 1) ***Operation of Depressurization System:*** Turog will ensure the Depressurization System runs continuously (24 hours per day, 7 days per week/365 days per year subject only to periodic maintenance and unanticipated power interruptions). Operational problems will be reported in Progress Reports to EPA.
- 2) ***Maintenance of Depressurization System:*** Turog will maintain the Depressurization System to ensure its continued effectiveness as follows:
 - a) Turog shall check each magnehelic gauge installed in the Depressurization System, including those installed by EPA and those that may be installed by EPA or by Turog in the future at a frequency no less than every seven (7) days, to determine whether each gauge reads within 25% of its initial vacuum reading which is posted on the gauge.
 - i) In the event one or more gauges are found to read outside its/their initial vacuum reading by 25% or more, Turog shall notify the EPA Project Coordinator within 48 hours of such finding(s).
 - ii) Turog shall comply with all EPA Project Coordinator requests for additional information/inspections for each gauge so identified.
 - b) Turog shall check each of the fans installed in the Depressurization System, including those installed by EPA and those that may be installed by EPA or Turog in the future at a frequency no less than every seven (7) days.
 - i) In the event one or more fans ceases operation completely, operates in a manner that does not keep its magnehelic gauge reading within 25% of the initial reading, or operates in a manner that evidences imminent failure (e.g., noisy operation), Turog shall, within fifteen (15) business days of becoming aware of such condition, replace such fan with a unit that has specifications that are substantially identical to those described for the fans in the Order and shall notify the EPA Project Coordinator within 48 hours after such replacement.
- 3) ***Notice of Changes to Existing Floorplans, Status of the Foundation, or Factors Which Cause Indoor VOC Levels to Exceed Acceptable Levels:*** Turog shall notify EPA of any construction at Building A or other event or condition which might have a negative impact on the operation of the installed depressurization system, including, but not limited to the items below:

Chem-Fab Site Superfund Site
Work Plan For Implementation of Administrative Order For Removal Response Action
(EPA Docket No. CERC-03-2017-014-DC)

- a) a significant change to the layout or size of any existing or future tenant space within Building A
 - b) damage to or penetration of the foundation of Building A
 - c) TCE levels at or above 8 ug/m³ within Building A.
Turog shall provide such notice no less than five (5) days after Turog becomes aware, or should have been aware through the exercise of due diligence, of such circumstances. As used here, due diligence shall not include sampling and analyses unless the Order requires that Turog perform such sampling and analyses.
- 4) **Access:** Turog provides access as required by Paragraph 30 of the Order.
 - 5) **Records:** Turog will maintain records, throughout the lifetime of this Order and 10 years thereafter, documenting all actions taken to comply with the Order including, but not limited to, records documenting the maintenance of the Depressurization System and changes to Building A triggering the notice requirement of Paragraph 18.d of the Order.
 - 6) **Progress Reports:** Turog shall submit written progress reports to EPA every 90 days concerning actions undertaken pursuant to the Order, including all actions taken to operate the system (e.g., payment of electricity), and all actions relating to system repair and maintenance, and all other events and circumstances required by Paragraph 25 of the Order. A sample Progress Report is attached as Exhibit 1 to this Attachment.
 - 7) **Final Report:** Turog shall, within thirty (30) days after EPA notifies Turog that the Depressurization System is no longer needed, submit for EPA review and approval a Final Report summarizing the actions taken to comply with this Order in accordance with Paragraph 26 of the Order.
 - 8) **Notice in Land Records:** Turog shall provide a draft notice to be filed in the land records in accordance with Paragraph 31 of the Order.
 - 9) **Land Transfer:** Turog shall provide notification to EPA of land transfers in accordance with Paragraph 31.b of the Order.

Chem-Fab Site Superfund Site
Work Plan For Implementation of Administrative Order For Removal Response Action
(EPA Docket No. CERC-03-2017-014-DC)

EXHIBIT 1

[SAMPLE PROGRESS REPORT]

PROGRESS REPORT
CHEM-FAB ORDER NO. CERC-03-2017-014-DC

Date	
From	Turog Properties Limited Heywood Becker, Project Coordinator
To	Eduardo Rovira, OSC
Project	Chem-Fab Superfund Site
Progress Report No.	
Period Covered	

In accordance with Paragraph 25 of the above-described Administrative Order, I, Heywood Becker, Project Coordinator, do hereby submit the following Progress Report on behalf of Turog Properties Limited covering the above-described period.

1. Description of the actions taken toward achieving compliance with the Order
 - a. Turog Properties Limited read all gauges and all read within 25% of the initial vacuum (see attached Gauge Reading/Fan Function Log) . . . or
 - b. Turog Properties Limited read all gauges and the one(s) listed below was (were) not reading within 25% of the initial vacuum (see attached Gauge Reading/Fan Function Log).
 - i. Gauge(s) number ???
 - c. Turog Properties Limited confirmed that all fans and were functional (see attached Gauge Reading/Fan Function Log) . . . or
 - d. Turog Properties Limited checked all fans and the one(s) listed below was (were) not functional (see attached Gauge Reading/Fan Function Log).
 - i. Fan(s) number ???
2. Description of all activities scheduled for the next ?? calendar days
 - a. Read ten gauges.
 - b. Check all fans.
 - c. Continue to pay the electric bill.
3. Description of any problems encountered or anticipated
 - a. Gauge #? was reading outside the acceptable range . . . and/or
 - b. Fan #? was not working . . . or

Chem-Fab Site Superfund Site
Work Plan For Implementation of Administrative Order For Removal Response Action
(EPA Docket No. CERC-03-2017-014-DC)

c. Not applicable

4. Any actions taken to prevent or mitigate such problems
- a. Fixed and/or replace gauge and/or fan . . . or
 - b. Not applicable

Respectfully Submitted,

Heywood Becker
Project Coordinator
Turog Properties Limited

Chem-Fab Site Superfund Site
 Work Plan For Implementation of Administrative Order For Removal Response Action
 (EPA Docket No. CERC-03-2017-014-DC)

Chem-Fab Superfund Site: Gauge Reading/Fan Function Log				
Fan Number	Reading	Within 25% of Initial Vacuum? (Y/N)	Fan Functional? (Y/N)	Comments
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Date of Readings:				
Inspection By:				

ATTACHMENT 2

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

IN THE MATTER OF: :
 :
CHEM-FAB SITE :
Doylestown, Pennsylvania : **EPA Docket No. CERC-03-2017-0140-DC**
 :
Turog Properties Limited, :
 :
Respondent :
 :
Proceeding Under Section 106(a) :
of the Comprehensive Environmental :
Response, Compensation, and :
Liability Act of 1980, as amended :
42 U.S.C. § 9606(a) :
 :

**AMENDMENT NO. 2 TO ADMINISTRATIVE ORDER
FOR REMOVAL RESPONSE ACTION**

WHEREAS, on May 31, 2017, the U.S. Environmental Protection Agency (“EPA”) issued an Administrative Order for Removal Response Action (“Order”) pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. § 9606(a), to Turog Properties Limited (“Respondent”) in connection with the Chem-Fab Superfund Site (“Site”);

WHEREAS, on July 19, 2017, EPA issued Amendment No. 1 to the Order which removed certain obligations relating to collection and analysis of samples;

WHEREAS, in the course of reviewing Respondent’s comments on a draft Removal Work Plan, EPA concluded that complying with the requirement, in Paragraph 18.b.2 of the Order, to replace inoperable fans within forty-eight (48) hours of Respondent’s discovery of the fans’ status would be difficult at best;

WHEREAS, the EPA docket number appearing on the Order and Amendment No. 1 needs to be changed to match EPA’s docket tracking system;

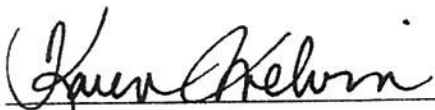
WHEREAS, Paragraph 52 of the Order authorizes modification of the Order by written signature of the Director of the Hazardous Site Cleanup Division, EPA Region III;

NOW THEREFORE, IT IS ORDERED AS FOLLOWS:

1. Paragraph 18.b.2 is struck and replaced with the following:

“No less frequently than once every ninety (90) days, check each of the fans installed in the Depressurization System, including those installed by EPA and those that may be installed by EPA or Respondent in the future. The ten fans installed by EPA are depicted in Figure 7 of Attachment 2. In the event one or more fans ceases operation completely, operates in a manner that does not keep its magnehelic gauge reading within 25% of the initial reading, or operates in a manner that evidences imminent failure (e.g., noisy operation), Respondent shall, within fifteen (15) business days of becoming aware of such condition, replace such fan with a unit that has specifications that are substantially identical to those described for the fans in Attachment 2 and shall notify the EPA Project Coordinator within 48 hours after such replacement.”
2. The EPA docket number on the Order and Amendment No. 1 shall be changed to “CERC-03-2017-0140-DC.”
3. No provisions, requirements, or obligations of the Order other than those expressly referred to in Paragraph 1 of this Amendment No. 2 shall be modified or amended hereby and all other such provisions, requirements, and obligations remain in full force and effect.
4. The effective date of this Amendment No. 2 shall be the date it is signed by EPA.

IT IS SO ORDERED.



Karen Melvin, Director
Hazardous Sites Cleanup Division
U.S. Environmental Protection Agency
Region III

Date: **NOV 15 2017**



ATTACHMENT 1
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 7 9 2010

E-Mail
Certified Mail

Heywood Becker, Esq.
Turog Properties Ltd.
5382 Wismer Road
Pipersville, PA 18947

**Re: Required Submission of Information
Chem-Fab Site, Doylestown (Bucks County), Pennsylvania**

Dear Mr. Becker:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Chem-Fab Site ("Site"), located at 300 N. Broad Street, Doylestown, Bucks County, Pennsylvania as well as information relating to the ability to pay for a cleanup at the above-referenced Site. The purpose of this letter is to obtain certain financial information from yourself in connection with the Site. The specific information required is attached to this letter as Enclosure 1.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require you, Heywood Becker ("you" and "your") to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. Section 9601(33), and which affect concern Turog Properties Ltd.'s ability to pay EPA's costs in cleaning up the Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

As you may be aware, on January 11, 2002, former President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidance regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>. EPA has created a number of helpful resources for small businesses. EPA has established the

National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter.

You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter. The response must be signed by an appropriately authorized corporate official.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, (2) provide to EPA an appropriate reason why the information was not provided, (3) provide your document retention policy during your period of ownership of the Site, (4) provide a description of any relevant records destroyed and the date(s) of destruction, (5) provide a description of the information that would have been contained in the documents that were destroyed, and (6) state the name(s) of the individual(s) responsible for the destruction of the documents.


All documents and information should be sent to:

Joan Martin-Banks, Civil Investigator (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, *et seq.*

If you have any questions concerning this matter, please contact Joan Martin-Banks at 215-814-3156, or Senior Assistant Regional Counsel Andrew S. Goldman at (215) 814-2487.

Sincerely,



Joanne Marinelli, Chief
Cost Recovery Branch
Hazardous Site Cleanup Division

Enclosures: A. Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees
B. List of Contractors that May Review Your Response
C. Definitions
D. Instructions
E. Information Requested

cc: Andrew S. Goldman, Esq. (3RC41)
Noreen Wagner, PADEP

Enclosure A

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See, Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1974 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollees) will be filing, organizing, analyzing and summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollees are working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed. Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

Enclosure B

[rev. 2/2017]

List of Contractors That May Review Your Response

Emergent Technologies, Inc.

Contract # EP-W-11-025

Subcontractor: Booz-Allen & Hamilton

Arctic Slope Management Services

Contract # EP-W-17-011

Subcontractor: Booz-Allen & Hamilton

CDM-Federal Programs Corporation

Contract # EP-S3-07-06

Subcontractors: CDM-Infrastructure, LLC dba IIR
Kinshull
Avatar Environmental LLC
Terradon Corporation

Cherokee Nation Assurance, LLC

Contract #EP-S3-14-01

EA Engineering, Science and Technology, Inc.

Contract #EP-S3-07-01

Subcontractor: JRS

Eisenstein Malanckuck, LLP

Contract #EP-W-13-006

Subcontractors: R. M. Fields International LLC

Hydrogeologic (HGL)

Contract #EP-S3-07-05

Subcontractor: CH2MHill
Sullivan International

Weston Solutions

Contract #EP-S3-1502

Tech Law, Inc. (Removal Program)

Contract #EP-S3-1503

Tetra Tech NUS, Inc.

Contract #EP-S3-07-04

Kemron Environmental Services, Inc.

Contract #EP-S3-12-01

Subcontractor: AECOM Technical Services, Inc.

Guardian Environmental Services Company, Inc.

Contract #EP-S3-17-02

Subcontractors: Aerotek, Inc.
Tetra Tech, Inc.

Environmental Restoration, LLC

Contract # EP-S3-17-03

Subcontractors: Aerotek, Inc.
Blas Environmental, Inc.
Herr

Northstar Federal Services, Inc.

Contract # EP-S3-12-05

ICF International

Contract # EP-BPA-12-W-0009

Cooperative Agreements

National Association of Hispanic Elderly

CA# CO-835398

National Older Workers Career Center

CA# O-835621

Enclosure C

Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release

into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 *et seq.*, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure D

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.

Enclosure E

Information Required

1. Did you (Heywood Becker) loan funds to any business entity in order to acquire, rehabilitate, and/or maintain the land and building(s) at 991 Bushkill Drive in Easton, Pennsylvania (hereinafter the "Bushkill Property")? For each loan:
 - a. State the date of the loan, the amount of the loan, and the borrower;
 - b. Provide documentation of the loan (e.g., a note or mortgage); and
 - c. Identify the date and amount of each payment made to reimburse you (Heywood Becker) for amounts so loaned.

2. You previously stated that you (Heywood Becker) acquired the Bushkill Property for "an eventual purchase price of about \$215,000," that you acquired the Bushkill Property "from a federal bankruptcy court in Texas," and that the payment for the Bushkill Property took the form of "100% of the corporate stock in Rinek Rope Co., Inc."
 - a. Please provide details regarding the acquisition of the Bushkill Property "from a federal bankruptcy court in Texas." Your answer should include, among other things:
 1. The date of such acquisition;
 2. The identity of the bankrupt party;
 3. The identity of the bankruptcy court and the docket number;
 4. The name of the party that acquired the Bushkill Property from the bankrupt party;
 5. The amount of consideration paid to acquire the Bushkill Property from the bankrupt party;
 6. The identity of the party to whom title was transferred;
 7. The relationship, if any, between you (Heywood Becker) and (a) the bankrupt party, and (b) the party that acquired the Bushkill Property from the bankrupt party.

 - b. Please provide details regarding the acquisition of the Bushkill Property by Rinek Rope Co., Inc. (Rinek). Your answer should include:
 1. The date of such acquisition;
 2. The identity of the party from whom Rinek acquired the Bushkill Property;
 3. The amount of consideration paid by Rinek to such party;
 4. The relationship, if any, between you (Heywood Becker) and (a) the party from whom Rinek acquired the Bushkill Property, and (b) Rinek.

 - c. Please provide details regarding the acquisition of the Bushkill Property by Eurog Properties Ltd. Your answer should include:
 1. The date of such acquisition;
 2. The amount of consideration paid to acquire the Bushkill Property from Rinek.

3. You previously indicated that Turog was to have taken title to the Bushkill Property and that "the underlying theory was that title to [the Bushkill Property] was to be held by Turog for the beneficial ownership of Heywood Becker." Please explain the basis for this theory and provide all documents (e.g., trust agreements) supporting this contention.
4. Between 1989 and 2017, were you (Heywood Becker) paid rent by or on behalf of tenants occupying space at the Bushkill Property? For each payment so received, identify:
 - a. The date of the payment;
 - b. The amount of the payment; and
 - c. The entity making such payment.
5. You previously indicated that you (Heywood Becker) expended \$930,000 for "rehabilitation costs" associated with the Bushkill Property and supported that figure with the following formula: $\$15/\text{square foot} \times 63,000 \text{ square feet}$. The buildings on the Bushkill property "comprised approximately 62,000 sf."
 - a. Please explain the 1,000-square foot discrepancy between your initial representation of the square footage of the building(s) and the representation made in connection with the computation of rehabilitation costs.
 - b. The formula you offer in support of this amount reads like a contractor's bid for the project. Please state whether the formula accurately accounts for the funds expended by you (Heywood Becker) for rehabilitation of the Bushkill Property.
 - c. Provide documentation supporting payment by you (Heywood Becker) of the costs of rehabilitating the Bushkill Property.
6. You previously indicated that you (Heywood Becker) were owed "management and leasing fees" associated with the Bushkill Property in the amount of \$91,000 and provided the following formula in support of this figure: $7\% \times \$50,000/\text{year} \times 26 \text{ years}$. Please explain why the "\$50,000" and "26 years" figures were used in this formula.
7. You previously indicated that you (Heywood Becker) were owed the sum of \$1,114,000 at the closing of the sale of the Bushkill Property to Lafayette College.
 - a. Please identify the price paid by or on behalf of Lafayette College for the Bushkill Property.
 - b. Please identify whether any funds paid by or on behalf of Lafayette College for the Bushkill Property were paid to Turog and the amount of such payments.
 - c. Please identify the actual amount paid at closing to you (Heywood Becker) in connection with the transfer of the Bushkill Property to Lafayette College.

8. Northampton County Pennsylvania land records indicate that Eurog owned the Bushkill Property from December 20, 2005 through January 23, 2017. Please confirm that the company owned the Bushkill Property during this period or, if this information is not accurate, provide correct dates.

A Handout

SENDER: COMPLETE THIS SECTION

1. Complete items 1, 2, and 3.

2. Print your name and address on the reverse so that we can return the card to you.

3. Attach this card to the back of the envelope so that we can find it.

Highwood Medical, Inc.
Integ. Populations, Ltd.
6382 Wissner Road
Pittsburgh, PA 15217



4. Enter a number in the space provided.

1 2 3 4 5 6 7 8 9 0 *

5. Print the number in the space provided.

COMPLETE THIS SECTION ON DELIVERY

6. Signature

Adult
 Addressed to: Title of Recipient

Registered Mail Registered Mail Restricted Signature Confirmation Signature Confirmation Restricted Registered Mail Restricted Signature Confirmation

7. If you are a business, please print the name of the business and the name of the person to whom the card is addressed.

8. If you are a business, please print the name of the business and the name of the person to whom the card is addressed.

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27. If you are a business, please print the name of the business and the name of the person to whom the card is addressed.

28. If you are a business, please print the name of the business and the name of the person to whom the card is addressed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APR 25 2018

Heywood Becker, Esq.
Turog Properties Ltd
5382 Wismer Road
Pipersville, PA 18947

Re: **Required Submission of Information**
Chem-Fab Site, Doylestown (Bucks County), Pennsylvania

Dear Mr. Becker:

On March 19, 2018, the EPA issued you, Heywood Becker ("you" and "your") a letter requiring you to provide financial information and/or documents relating to the above-referenced Site within thirty (30) calendar days from your receipt of the letter (see Attachment I). This letter was issued pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). It was received by you on March 22, 2018. Accordingly, your response was due on or before **April 21, 2018**. To date, however, EPA has not received your response.

NOTICE OF POTENTIAL ENFORCEMENT ACTION

EPA hereby advises you that your failure to respond fully and truthfully to each question, or to justify adequately your failure to respond, may subject you to an enforcement action by EPA pursuant to Section 104(e)(5)(A) of CERCLA, 42 U.S.C. Section 9604(e)(5)(A). This section authorizes EPA to issue an order directing compliance with an information request made under the statute "after such notice and opportunity for consultation as is reasonably appropriate under the circumstances." This letter constitutes such notice.

In addition, Section 104(e)(5)(B) of CERCLA, 42 U.S.C. Section 9604(e)(5)(B), allows EPA to seek judicial enforcement of an information request and authorizes the federal district courts to assess a civil penalty not to exceed \$55,907 for each day of non-compliance.

You must fully respond to EPA's March 19, 2018 letter or justify adequately your failure to respond within **seven (7)** calendar days from your receipt of this letter. This seven-day period, however, is not to be construed as an extension of the original deadline, and EPA may take enforcement action based upon your failure to respond to the initial information request letter in a timely and complete manner. All documents and information should be submitted to:

Ms. Joan E. Martin-Banks (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
martin-banks.joan@epa.gov

If you have any questions concerning this matter, please contact Joan E. Martin-Banks, Civil Investigator, at (215) 814-3156. Legal questions should be directed to Andrew S. Goldman, Senior Assistant Regional Counsel, at (215) 814-2487.

Sincerely,



Joanne Marinelli, Chief
Cost Recovery Branch

cc: Andrew S. Goldman, ORC (3RC41)
Eduardo Rovira, OSC (3HS31)
Noreen Wagner, PADEP

Attachment 1: March 19, 2018, Section 104(e) letter to Heywood Becker, Esq.
Attachment 2: Certified Mail Return Receipt

Goldman, Andrew

From: Heywood Becker <yalephd1970@gmail.com>
Sent: Monday, May 21, 2018 9:46 AM
To: Goldman, Andrew; Martin-Banks, Joan
Subject: Turog Documents In Support

The documents in question are more than 25 years old, and are being sought in archived files.
Heywood Becker



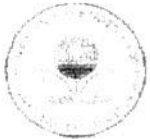
Virus-free. www.avast.com

Goldman, Andrew

From: Goldman, Andrew
Sent: Wednesday, June 06, 2018 3:53 PM
To: Heywood Becker; Martin-Banks, Joan
Subject: RE: Turog Documents In Support

Mr. Becker—

Can you give us some idea of the timing of your retrieval of documents from the archives you mention and the production to EPA of documents responsive to our information request?

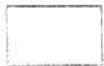


Andrew S. Goldman (3RC41)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Phone: (202) 566-0200
Fax: (202) 566-0201
E-mail: andrew.goldman@epa.gov

From: Heywood Becker [mailto:yalephd1970@gmail.com]
Sent: Monday, May 21, 2018 9:46 AM
To: Goldman, Andrew <Goldman.Andrew@epa.gov>; Martin-Banks, Joan <Martin-Banks.Joan@epa.gov>
Subject: Turog Documents In Support

The documents in question are more than 25 years old, and are being sought in archived files.
Heywood Becker



Virus-free. www.avast.com

Goldman, Andrew

From: Goldman, Andrew
Sent: Monday, June 18, 2018 11:43 AM
To: Heywood Becker
Cc: Martin-Banks, Joan
Subject: RE: Chem-Fab: May 15, 2018 Letter

Mr. Becker—

You already have an electronic version of our May 15 letter (it was sent with my June 12 email). We will start using the Carversville PO box rather than the Pipersville one.

We have not heard from you following my June 6 email asking how much time it will take you to retrieve responsive documents from archives and respond to our March 19 information request. Please advise.



Andrew S. Goldman (3RC41)

St. Assistant Regional Counsel

U.S. Environmental Protection Agency

1475 Azzoli Avenue
Fairfield, NJ 07003-3509
Phone: 201.973.1124
Fax: 201.973.2403
andrew.goldman@epa.gov

The information contained in this communication is confidential and is intended to be protected by the information privilege set forth in the attached work product document and is intended solely for the use of the addressee(s). If you have received this communication in error, please notify me by return email and delete this communication and all copies thereof.

From: Heywood Becker [mailto:yalephd1970@gmail.com]
Sent: Tuesday, June 12, 2018 9:08 AM
To: Goldman, Andrew <Goldman.Andrew@epa.gov>
Subject: Re: Chem-Fab: May 15, 2018 Letter

I was away. Please email it or mail to POB 180, Carversville 18913 which I routinely visit. The Pipersville Office is much further away and in a direction I rarely drive.

Sent from my iPhone

On Jun 12, 2018, at 9:05 AM, Goldman, Andrew <Goldman.Andrew@epa.gov> wrote:

Mr. Becker—

Goldman, Andrew

From: Heywood Becker <yalephd1970@gmail.com>
Sent: Monday, June 18, 2018 3:44 PM
To: Goldman, Andrew
Subject: Re: Chem-Fab: May 15, 2018 Letter
Attachments: ATT00001.txt

Thank you for the information and your future use of my PO box.
As to your question, I could not accurately state a date. I am gathering the records from those many years ago, and will advise.



Virus-free. www.avast.com

On Mon, Jun 18, 2018 at 11:43 AM, Goldman, Andrew <Goldman.Andrew@epa.gov> wrote:

Mr. Becker—

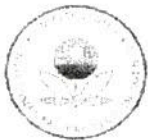
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We have not heard from you following my June 6 email asking how much time it will take you to retrieve responsive documents from archives and respond to our March 19 information request. Please advise.

Goldman, Andrew

From: Goldman, Andrew
Sent: Friday, July 13, 2018 12:46 PM
To: Heywood Becker
Cc: Martin-Banks, Joan; nishitani, brian
Subject: RE: Chem-Fab: May 15, 2018 Letter

Mr. Becker—It has been almost a month since you last advised that you would be working to gather documents responsive to EPA's most recent information request. Can you please update me on your progress?

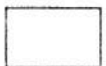


Andrew S. Goldman (3RC41)

Senior Director
U.S. Environmental Protection Agency

From: Heywood Becker [mailto:yalephd1970@gmail.com]
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You already have an electronic version of our May 15 letter (it was sent with my June 12 email). We will start using the Carversville PO box rather than the Pipersville one.

Goldman, Andrew

From: Heywood Becker <yalephd1970@gmail.com>
Sent: Saturday, July 14, 2018 11:32 AM
To: Goldman, Andrew
Subject: Re: Chem-Fab: May 15, 2018 Letter

Lawyer who has filed away. I am visiting daughter in Sweden leaving Monday. Back end of month. Will gather materials then.

Sent from my iPhone

On Jul 13, 2018, at 12:46 PM, Goldman, Andrew <Goldman.Andrew@epa.gov> wrote:

Mr. Becker—It has been almost a month since you last advised that you would be working to gather documents responsive to EPA's most recent information request. Can you please update me on your progress?

<image001.jpg>

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Sent: Monday, June 18, 2018 3:44 PM
To: Goldman, Andrew <Goldman.Andrew@epa.gov>
Subject: Re: Chem-Fab: May 15, 2018 Letter

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<image002.jpg> Virus-free. www.avast.com

On Mon, Jun 18, 2018 at 11:43 AM, Goldman, Andrew <Goldman.Andrew@epa.gov> wrote:

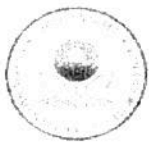
Mr. Becker—

You already have an electronic version of our May 15 letter (it was sent with my June 12 email). We will start using the Carversville PO box rather than the Pipersville one.

Goldman, Andrew

From: Goldman, Andrew
Sent: Tuesday, August 07, 2018 1:31 PM
To: Heywood Becker
Cc: Martin-Banks, Joan
Subject: RE: Chem-Fab: May 15, 2018 Letter

Mr. Becker—Please advise regarding status of your efforts to provide EPA with the requested documents. Thanks you.



Andrew S. Goldman (3RC41)

U.S. Environmental Protection Agency

From: Heywood Becker [mailto:yalephd1970@gmail.com]
Sent: Saturday, July 14, 2018 11:32 AM
To: Goldman, Andrew <Goldman.Andrew@epa.gov>
Subject: Re: Chem-Fab: May 15, 2018 Letter

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<image001.jpg>

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To: Goldman, Andrew <Goldman.Andrew@epa.gov>
Subject: Re: Chem-Fab: May 15, 2018 Letter



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

September 4, 2018

**VIA FIRST CLASS MAIL
& EMAIL**

Heywood Becker
Box 180
Carversville, PA 18913

VIA UPS MAIL

Heywood Becker
5382 Wismer Road
Pipersville, PA 18947

**Re: Chem-Fab Superfund Site: Overdue Response
to April 25, 2018 Information Request**

Dear Mr. Becker:

By this letter we again seek an update on the status of your response to EPA's information request letter dated March 19, 2018. By letter dated April 25, 2018, we notified you that your response was overdue (a copy of these letters is attached). You subsequently advised that:

- the responsive documents are more than 25 years old and would be sought from archives (your email dated May 21, 2018);
- you were unable to estimate the timing of your reply but were gathering responsive documents (your email of June 18, 2018); and

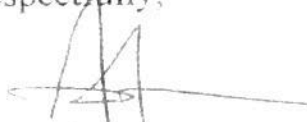
- you would gather responsive documents by the end of July (your email of July 14, 2018).

I sent you an additional request for an update via email on August 7, 2018 and received no response. It is now the end of August 2018 and we have not heard from you.

Recall that our original information request (April 25, 2018) explained that EPA may, among other things, seek penalties for failure to timely comply with the request. It is becoming increasingly difficult to justify further delay to our enforcement of the request, especially given your vague representations regarding compliance and your failure to reply to our inquiry for an update.

Please contact me at your earliest convenience to discuss the status of your compliance with EPA's request for information and your best estimate for submission of the required documentation.

Respectfully,



ANDREW S. GOLDMAN
Sr. Assistant Regional Counsel

cc: Joan Martin-Banks (3HS62)
Joanne Marinelli (3HS62)

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APR 25 2018

Heywood Becker, Esq.
Turog Properties Ltd
5382 Wismer Road
Pipersville, PA 18947

**Re: Required Submission of Information
Chem-Fab Site, Doylestown (Bucks County), Pennsylvania**

Dear Mr. Becker:

On March 19, 2018, the EPA issued you, Heywood Becker ("you" and "your") a letter requiring you to provide financial information and/or documents relating to the above-referenced Site within thirty (30) calendar days from your receipt of the letter (see Attachment 1). This letter was issued pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). It was received by you on March 22, 2018. Accordingly, your response was due on or before **April 21, 2018**. To date, however, EPA has not received your response.

NOTICE OF POTENTIAL ENFORCEMENT ACTION

EPA hereby advises you that your failure to respond fully and truthfully to each question, or to justify adequately your failure to respond, may subject you to an enforcement action by EPA, pursuant to Section 104(e)(5)(A) of CERCLA, 42 U.S.C. Section 9604(e)(5)(A). This section authorizes EPA to issue an order directing compliance with an information request made under the statute "after such notice and opportunity for consultation as is reasonably appropriate under the circumstances." This letter constitutes such notice.

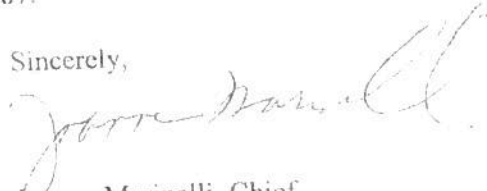
In addition, Section 104(e)(5)(B) of CERCLA, 42 U.S.C. Section 9604(e)(5)(B), allows EPA to seek judicial enforcement of an information request and authorizes the federal district courts to assess a civil penalty not to exceed \$55,907 for each day of non-compliance.

You must fully respond to EPA's March 19, 2018 letter or justify adequately your failure to respond within **seven (7)** calendar days from your receipt of this letter. This seven-day period, however, is not to be construed as an extension of the original deadline, and EPA may take enforcement action based upon your failure to respond to the initial information request letter in a timely and complete manner. All documents and information should be submitted to:

Ms. Joan E. Martin-Banks (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
martin-banks.joan@epa.gov

If you have any questions concerning this matter, please contact Joan E. Martin-Banks, Civil Investigator, at (215) 814-3156. Legal questions should be directed to Andrew S. Goldman, Senior Assistant Regional Counsel, at (215) 814-2487.

Sincerely,



Joanne Marinelli, Chief
Cost Recovery Branch

cc: Andrew S. Goldman, ORC (3RC41)
Eduardo Rovira, OSC (3HS31)
Noreen Wagner, PADEP

Attachment 1: March 19, 2018, Section 104(e) letter to Heywood Becker, Esq.
Attachment 2: Certified Mail Return Receipt



ATTACHMENT 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 19 2018

E-Mail
Certified Mail

Heywood Becker, Esq.
Turog Properties Ltd.
5382 Wismer Road
Pipersville, PA 18947

**Re: Required Submission of Information
Chem-Fab Site, Doylestown (Bucks County), Pennsylvania**

Dear Mr. Becker:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Chem-Fab Site ("Site"), located at 300 N. Broad Street, Doylestown, Bucks County, Pennsylvania as well as information relating to the ability to pay for a cleanup at the above-referenced Site. The purpose of this letter is to obtain certain financial information from yourself in connection with the Site. The specific information required is attached to this letter as Enclosure E.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require you, Heywood Becker ("you" and "your") to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. Section 9601(33), and which also concern Turog Properties Ltd.'s ability to pay EPA's costs in cleaning up the Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

As you may be aware, on January 11, 2002, former President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidance regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>. EPA has created a number of helpful resources for small businesses. EPA has established the

National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter.

You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter. The response must be signed by an appropriately authorized corporate official.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, (2) provide to EPA an appropriate reason why the information was not provided, (3) provide your document retention policy during your period of ownership of the Site, (4) provide a description of any relevant records destroyed and the date(s) of destruction, (5) provide a description of the information that would have been contained in the documents that were destroyed, and (6) state the name(s) of the individual(s) responsible for the destruction of the documents.

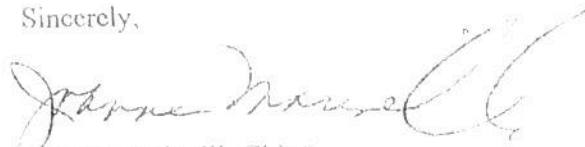
All documents and information should be sent to:

Joan Martin-Banks, Civil Investigator (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, *et seq.*

If you have any questions concerning this matter, please contact Joan Martin-Banks at 215-814-3156, or Senior Assistant Regional Counsel Andrew S. Goldman at (215) 814-2487.

Sincerely,



Joanne Marinelli, Chief
Cost Recovery Branch
Hazardous Site Cleanup Division

- Enclosures:
- A. Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees
 - B. List of Contractors that May Review Your Response
 - C. Definitions
 - D. Instructions
 - E. Information Requested

cc: Andrew S. Goldman, Esq. (3RC41)
Noreen Wagner, PADEP

Enclosure A

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See, Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

Enclosure B

[rev. 2/2017]

List of Contractors That May Review Your Response

Emergint Technologies, Inc.

Contract # EP-W-11-025

Subcontractor: Booz-Allen & Hamilton

Arctic Slope Management Services

Contract # EP-W-17-011

Subcontractor: Booz-Allen & Hamilton

CDM-Federal Programs Corporation

Contract # EP-S3-07-06

Subcontractors: CDM-Infrastructure, LLC dba I.R.
Kimball
Avatar Environmental LLC
Terradon Corporation

Cherokee Nation Assurance, LLC

Contract #EP-S3-14-01

EA Engineering, Science and Technology, Inc.

Contract #EP-S3-07-07

Subcontractor: URS

Eisenstein Malanchuk, LLP

Contract #EP-W-13-006

Subcontractors: R. M. Fields International, LLC

Hydrogeologic (HGL)

Contract #EP-S3-07-05

Subcontractor: CH2MHill
Sullivan International

Weston Solutions

Contract #EP-S3-1502

Tech Law, Inc. (Removal Program)

Contract #EP-S3-1503

Tetra Tech NUS, Inc.

Contract #EP-S3-07-04

Keuron Environmental Services, Inc.

Contract #EP-S3-12-01,

Subcontractor: AECOM Technical Services, Inc.

Guardian Environmental Services Company, Inc.

Contract #EP-S3-12-02,

Subcontractors: Aerotek, Inc.,
Tetra Tech, Inc.

Environmental Restoration, LLC

Contract # EP-S3-12-03

Subcontractors: Aerotek, Inc.
Haas Environmental, Inc.
Hertz

Northstar Federal Services, Inc.

Contract # EP-S3-12-05

ICF International

Contract # EP-RPA-12-W-0003

Cooperative Agreements

National Association of Hispanic Elderly

CA# CO-835398

National Older Workers Career Center

CA# Q-835621

Enclosure C

Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 *et seq.*, has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release

into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure D

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.

Enclosure E

Information Required

1. Did you (Heywood Becker) loan funds to any business entity in order to acquire, rehabilitate, and/or maintain the land and building(s) at 991 Bushkill Drive in Easton, Pennsylvania (hereinafter the "Bushkill Property")? For each loan:
 - a. State the date of the loan, the amount of the loan, and the borrower;
 - b. Provide documentation of the loan (e.g., a note or mortgage); and
 - c. Identify the date and amount of each payment made to reimburse you (Heywood Becker) for amounts so loaned.

2. You previously stated that you (Heywood Becker) acquired the Bushkill Property for "an eventual purchase price of about \$215,000," that you acquired the Bushkill Property "from a federal bankruptcy court in Texas," and that the payment for the Bushkill Property took the form of "100% of the corporate stock in Rinek Rope Co., Inc."
 - a. Please provide details regarding the acquisition of the Bushkill Property "from a federal bankruptcy court in Texas." Your answer should include, among other things:
 1. The date of such acquisition;
 2. The identity of the bankrupt party;
 3. The identity of the bankruptcy court and the docket number;
 4. The name of the party that acquired the Bushkill Property from the bankrupt party;
 5. The amount of consideration paid to acquire the Bushkill Property from the bankrupt party;
 6. The identity of the party to whom title was transferred;
 7. The relationship, if any, between you (Heywood Becker) and (a) the bankrupt party, and (b) the party that acquired the Bushkill Property from the bankrupt party.

 - b. Please provide details regarding the acquisition of the Bushkill Property by Rinek Rope Co., Inc. (Rinek). Your answer should include:
 1. The date of such acquisition;
 2. The identity of the party from whom Rinek acquired the Bushkill Property;
 3. The amount of consideration paid by Rinek to such party;
 4. The relationship, if any, between you (Heywood Becker) and (a) the party from whom Rinek acquired the Bushkill Property, and (b) Rinek.

 - c. Please provide details regarding the acquisition of the Bushkill Property by Turog.Properties Ltd. Your answer should include:
 1. The date of such acquisition;
 2. The amount of consideration paid to acquire the Bushkill Property from Rinek.

3. You previously indicated that Turog was to have taken title to the Bushkill Property and that “the underlying theory was that title to [the Bushkill Property] was to be held by Turog for the beneficial ownership of Heywood Becker.” Please explain the basis for this theory and provide all documents (e.g., trust agreements) supporting this contention.
4. Between 1989 and 2017, were you (Heywood Becker) paid rent by or on behalf of tenants occupying space at the Bushkill Property? For each payment so received, identify:
 - a. The date of the payment;
 - b. The amount of the payment; and
 - c. The entity making such payment.
5. You previously indicated that you (Heywood Becker) expended \$930,000 for “rehabilitation costs” associated with the Bushkill Property and supported that figure with the following formula: $\$15/\text{square foot} \times 63,000 \text{ square feet}$. the buildings on the Bushkill property “comprised approximately 62,000 sf.”
 - a. Please explain the 1,000-square foot discrepancy between your initial representation of the square footage of the building(s) and the representation made in connection with the computation of rehabilitation costs.
 - b. The formula you offer in support of this amount reads like a contractor’s bid for the project. Please state whether the formula accurately accounts for the funds expended by you (Heywood Becker) for rehabilitation of the Bushkill Property.
 - c. Provide documentation supporting payment by you (Heywood Becker) of the costs of rehabilitating the Bushkill Property.
6. You previously indicated that you (Heywood Becker) were owed “management and leasing fees” associated with the Bushkill Property in the amount of \$91,000 and provided the following formula in support of this figure: $7\% \times \$50,000/\text{year} \times 26 \text{ years}$. Please explain why the “\$50,000” and “26 years” figures were used in this formula.
7. You previously indicated that you (Heywood Becker) were owed the sum of \$1,114,000 at the closing of the sale of the Bushkill Property to Lafayette College.
 - a. Please identify the price paid by or on behalf of Lafayette College for the Bushkill Property.
 - b. Please identify whether any funds paid by or on behalf of Lafayette College for the Bushkill Property were paid to Turog and the amount of such payments.
 - c. Please identify the actual amount paid at closing to you (Heywood Becker) in connection with the transfer of the Bushkill Property to Lafayette College.

8. Northampton County, Pennsylvania land records indicate that Turog owned the Bushkill Property from December 20, 2005 through January 23, 2017. Please confirm that the company owned the Bushkill Property during this period or, if this information is not accurate, provide correct dates.

Attachment 2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. **Address of Recipient**
 Heywood Becker, Esq.
 Lurog Properties, Ltd.
 5382 Wismer Road
 Pipersville, PA 18947



2. Article Number (transfer from service label)

7016 1570 0001 3643 1511

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature	<input type="checkbox"/> Agent
X. <i>[Handwritten Signature]</i>	<input type="checkbox"/> Addressee
B. Packaged by (Indicate Mailer)	C. Date of Delivery
<i>[Handwritten Signature]</i>	<i>[Handwritten Date]</i>
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery (Restrictor: Delivery)
 - First Mail
 - First Mail Restricted Delivery (Restrictor: Delivery)
- Domestic Return Receipt

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

October 25, 2018

VIA HAND DELIVERY

Heywood Becker
Box 180
Carversville, PA 18913

**Re: Chem-Fab Superfund Site: Overdue Response
to April 25, 2018 Information Request**

Dear Mr. Becker:

This transmits, via hand delivery, my letter of September 4, 2018 regarding your failure to comply with EPA's overdue information request. Please review the attached contents and contact me at your earliest convenience.

Respectfully,

A handwritten signature in black ink, appearing to read "AS Goldman", written over a faint circular stamp.

ANDREW S. GOLDMAN
Sr. Assistant Regional Counsel

Attachments: September 4, 2018 EPA Letter
 April 25, 2018 EPA Letter
 March 19, 2018 EPA Letter

cc: Joan Martin-Banks (3HS62)
 Joanne Marinelli (3HS62)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

September 4, 2018

**VIA FIRST CLASS MAIL
& EMAIL**

Heywood Becker
Box 180
Carversville, PA 18913

VIA UPS MAIL

Heywood Becker
5382 Wismer Road
Pipersville, PA 18947

**Re: Chem-Fab Superfund Site: Overdue Response
to April 25, 2018 Information Request**

Dear Mr. Becker:

By this letter we again seek an update on the status of your response to EPA's information request letter dated March 19, 2018. By letter dated April 25, 2018, we notified you that your response was overdue (a copy of these letters is attached). You subsequently advised that:

- the responsive documents are more than 25 years old and would be sought from archives (your email dated May 21, 2018);
- you were unable to estimate the timing of your reply but were gathering responsive documents (your email of June 18, 2018); and

- you would gather responsive documents by the end of July (your email of July 14, 2018).

I sent you an additional request for an update via email on August 7, 2018 and received no response. It is now the end of August 2018 and we have not heard from you.

Recall that our original information request (April 25, 2018) explained that EPA may, among other things, seek penalties for failure to timely comply with the request. It is becoming increasingly difficult to justify further delay to our enforcement of the request, especially given your vague representations regarding compliance and your failure to reply to our inquiry for an update.

Please contact me at your earliest convenience to discuss the status of your compliance with EPA's request for information and your best estimate for submission of the required documentation.

Respectfully,



ANDREW S. GOLDMAN
Sr. Assistant Regional Counsel

cc: Joan Martin-Banks (3HS62)
Joanne Marinelli (3HS62)

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APR 25 2018

Heywood Becker, Esq.
Turog Properties Ltd
5382 Wismer Road
Pipersville, PA 18947

**Re: Required Submission of Information
Chem-Fab Site, Doylestown (Bucks County), Pennsylvania**

Dear Mr. Becker:

On March 19, 2018, the EPA issued you, Heywood Becker ("you" and "your") a letter requiring you to provide financial information and/or documents relating to the above-referenced Site within thirty (30) calendar days from your receipt of the letter (see Attachment 1). This letter was issued pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). It was received by you on March 22, 2018. Accordingly, your response was due on or before **April 21, 2018**. To date, however, EPA has not received your response.

NOTICE OF POTENTIAL ENFORCEMENT ACTION

EPA hereby advises you that your failure to respond fully and truthfully to each question, or to justify adequately your failure to respond, may subject you to an enforcement action by EPA, pursuant to Section 104(e)(5)(A) of CERCLA, 42 U.S.C. Section 9604(e)(5)(A). This section authorizes EPA to issue an order directing compliance with an information request made under the statute "after such notice and opportunity for consultation as is reasonably appropriate under the circumstances." This letter constitutes such notice.

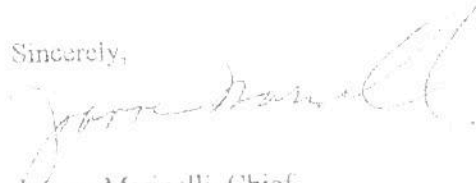
In addition, Section 104(e)(5)(B) of CERCLA, 42 U.S.C. Section 9604(e)(5)(B), allows EPA to seek judicial enforcement of an information request and authorizes the federal district courts to assess a civil penalty not to exceed \$55,907 for each day of non-compliance.

You must fully respond to EPA's March 19, 2018 letter or justify adequately your failure to respond within **seven (7)** calendar days from your receipt of this letter. This seven-day period, however, is not to be construed as an extension of the original deadline, and EPA may take enforcement action based upon your failure to respond to the initial information request letter in a timely and complete manner. All documents and information should be submitted to:

Ms. Joan E. Martin-Banks (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
martin-banks.joan@epa.gov

If you have any questions concerning this matter, please contact Joan E. Martin-Banks, Civil Investigator, at (215) 814-3156. Legal questions should be directed to Andrew S. Goldman, Senior Assistant Regional Counsel, at (215) 814-2487.

Sincerely,



Joanne Marinelli, Chief
Cost Recovery Branch

cc: Andrew S. Goldman, ORC (3RC41)
Eduardo Rovira, OSC (3HS31)
Noreen Wagner, PADEP

Attachment 1: March 19, 2018, Section 104(e) letter to Heywood Becker, Esq.
Attachment 2: Certified Mail Return Receipt



ATTACHMENT 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 18 2016

E-Mail
Certified Mail

Heywood Becker, Esq.
Turog Properties Ltd.
5382 Wismer Road
Pipersville, PA 18947

**Re: Required Submission of Information
Chem-Fab Site, Doylestown (Bucks County), Pennsylvania**

Dear Mr. Becker:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Chem-Fab Site ("Site"), located at 300 N. Broad Street, Doylestown, Bucks County, Pennsylvania as well as information relating to the ability to pay for a cleanup at the above-referenced Site. The purpose of this letter is to obtain certain financial information from yourself in connection with the Site. The specific information required is attached to this letter as Enclosure B.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require you, Heywood Becker ("you" and "your") to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. Section 9601(33), and which also concern Turog Properties Ltd.'s ability to pay EPA's costs in cleaning up the Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

As you may be aware, on January 11, 2002, former President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidance regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>. EPA has created a number of helpful resources for small businesses. EPA has established the

National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter.

You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter. The response must be signed by an appropriately authorized corporate official.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, (2) provide to EPA an appropriate reason why the information was not provided, (3) provide your document retention policy during your period of ownership of the Site, (4) provide a description of any relevant records destroyed and the date(s) of destruction, (5) provide a description of the information that would have been contained in the documents that were destroyed, and (6) state the name(s) of the individual(s) responsible for the destruction of the documents.

All documents and information should be sent to:

Joan Martin-Banks, Civil Investigator (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, *et seq.*

If you have any questions concerning this matter, please contact Joan Martin-Banks at 215-814-3156, or Senior Assistant Regional Counsel Andrew S. Goldman at (215) 814-2487.

Sincerely,



Joanne Marinelli, Chief
Cost Recovery Branch
Hazardous Site Cleanup Division

- Enclosures: A. Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees
B. List of Contractors that May Review Your Response
C. Definitions
D. Instructions
E. Information Requested

cc: Andrew S. Goldman, Esq. (3RC41)
Noreen Wagner, PADEP

Enclosure A

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See, Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollees are working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed. Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

Enclosure B

[rev. 2/2017]

List of Contractors That May Review Your Response

Emergent Technologies, Inc.

Contract # EP-W-11-025

Subcontractor: Booz-Allen & Hamilton

Arctic Slope Management Services

Contract # EP-W-12-011

Subcontractor: Booz-Allen & Hamilton

CDM-Federal Programs Corporation

Contract # EP-S3-07-06

Subcontractors: CDM-Infrastructure, LLC db/a L.R.
Kimball
Avatar Environmental LLC
Terradon Corporation

Cherokee Nation Assurance, LLC

Contract #EP-S3-14-01

E&A Engineering, Science and Technology, Inc.

Contract #EP-S3-07-07

Subcontractor: URS

Eisenstein Malanckuk, LLP

Contract #EP-W-13-006

Subcontractors: R. M. Fields International LLC

Hydrogeologic (HGI)

Contract #EP-S3-07-05

Subcontractor: CH2MHill
Sullivan International

Weston Solutions

Contract #EP-S3-15-01

Tech Law, Inc. (Removal Program)

Contract #EP-S3-1503

Tetra Tech NUS, Inc.

Contract #EP-S3-07-04

Kemron Environmental Services, Inc.

Contract #EP-S3-12-01

Subcontractor: AECOM Technical Services, Inc.

Guardian Environmental Services Company, Inc.

Contract #EP-S3-12-02

Subcontractors: Aerotek, Inc.,
Tetra Tech, Inc.

Environmental Restoration, LLC

Contract # EP-S3-12-03

Subcontractors: Aerotek, Inc.
Haas Environmental, Inc.
Hertz

Northstar Federal Services, Inc.

Contract # EP-S3-12-05

ICT International

Contract # EP-BPA-12-W-0003

Cooperative Agreements

National Association of Hispanic Elderly
CAF Q-835398

National Older Workers Career Center
CAF Q-835521

Enclosure C

Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 *et seq.*, has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release

into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes:
(a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons,
(b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure D

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.

Enclosure E

Information Required

1. Did you (Heywood Becker) loan funds to any business entity in order to acquire, rehabilitate, and/or maintain the land and building(s) at 991 Bushkill Drive in Easton, Pennsylvania (hereinafter the "Bushkill Property")? For each loan:
 - a. State the date of the loan, the amount of the loan, and the borrower;
 - b. Provide documentation of the loan (e.g., a note or mortgage); and
 - c. Identify the date and amount of each payment made to reimburse you (Heywood Becker) for amounts so loaned.

2. You previously stated that you (Heywood Becker) acquired the Bushkill Property for "an eventual purchase price of about \$215,000," that you acquired the Bushkill Property "from a federal bankruptcy court in Texas," and that the payment for the Bushkill Property took the form of "100% of the corporate stock in Rinek Rope Co., Inc."
 - a. Please provide details regarding the acquisition of the Bushkill Property "from a federal bankruptcy court in Texas." Your answer should include, among other things:
 1. The date of such acquisition;
 2. The identity of the bankrupt party;
 3. The identity of the bankruptcy court and the docket number;
 4. The name of the party that acquired the Bushkill Property from the bankrupt party;
 5. The amount of consideration paid to acquire the Bushkill Property from the bankrupt party;
 6. The identity of the party to whom title was transferred;
 7. The relationship, if any, between you (Heywood Becker) and (a) the bankrupt party, and (b) the party that acquired the Bushkill Property from the bankrupt party.

 - b. Please provide details regarding the acquisition of the Bushkill Property by Rinek Rope Co., Inc. (Rinek). Your answer should include:
 1. The date of such acquisition;
 2. The identity of the party from whom Rinek acquired the Bushkill Property;
 3. The amount of consideration paid by Rinek to such party;
 4. The relationship, if any, between you (Heywood Becker) and (a) the party from whom Rinek acquired the Bushkill Property, and (b) Rinek.

 - c. Please provide details regarding the acquisition of the Bushkill Property by Turog Properties Ltd. Your answer should include:
 1. The date of such acquisition;
 2. The amount of consideration paid to acquire the Bushkill Property from Rinek.

3. You previously indicated that Turog was to have taken title to the Bushkill Property and that "the underlying theory was that title to [the Bushkill Property] was to be held by Turog for the beneficial ownership of Heywood Becker." Please explain the basis for this theory and provide all documents (e.g., trust agreements) supporting this contention.
4. Between 1989 and 2017, were you (Heywood Becker) paid rent by or on behalf of tenants occupying space at the Bushkill Property? For each payment so received, identify:
 - a. The date of the payment;
 - b. The amount of the payment; and
 - c. The entity making such payment.
5. You previously indicated that you (Heywood Becker) expended \$930,000 for "rehabilitation costs" associated with the Bushkill Property and supported that figure with the following formula: $\$15/\text{square foot} \times 63,000 \text{ square feet}$. The buildings on the Bushkill property "comprised approximately 62,000 sq ft."
 - a. Please explain the 1,000-square foot discrepancy between your initial representation of the square footage of the building(s) and the representation made in connection with the computation of rehabilitation costs.
 - b. The formula you offer in support of this amount reads like a contractor's bid for the project. Please state whether the formula accurately accounts for the funds expended by you (Heywood Becker) for rehabilitation of the Bushkill Property.
 - c. Provide documentation supporting payment by you (Heywood Becker) of the costs of rehabilitating the Bushkill Property.
6. You previously indicated that you (Heywood Becker) were owed "management and leasing fees" associated with the Bushkill Property in the amount of \$91,000 and provided the following formula in support of this figure: $7\% \times \$50,000/\text{year} \times 26 \text{ years}$. Please explain why the "\$50,000" and "26 years" figures were used in this formula.
7. You previously indicated that you (Heywood Becker) were owed the sum of \$1,114,000 at the closing of the sale of the Bushkill Property to Lafayette College.
 - a. Please identify the price paid by or on behalf of Lafayette College for the Bushkill Property.
 - b. Please identify whether any funds paid by or on behalf of Lafayette College for the Bushkill Property were paid to Turog and the amount of such payments.
 - c. Please identify the actual amount paid at closing to you (Heywood Becker) in connection with the transfer of the Bushkill Property to Lafayette College.

8. Northampton County, Pennsylvania land records indicate that Turog owned the Bushkill Property from December 20, 2005 through January 23, 2017. Please confirm that the company owned the Bushkill Property during this period or, if this information is not accurate, provide correct dates.

Docket No. CERCLA 03-2019-0111LL

CERTIFICATE OF SERVICE

I hereby certify that a copy of the documents identified below were provided to the following persons:

By Certified Mail (Return Receipt Requested):

Turog Properties, Limited
c/o Heywood Becker
5382 Wismer Road
Pipersville, PA 18947

By Hand Delivery:

Joseph Lisa (3RC00)
Regional Judicial Officer
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Documents Provided	
1	<i>EPA's Rebuttal to Arguments Presented by Turog Properties, Limited in its July 17, 2019 Objection to EPA's Perfection of a CERCLA §107(l) Lien.</i>



Andrew S. Goldman, Esquire
Sr. Assistant Regional Counsel

10/2/19

Date