

**From:** [Goldman, Andrew](#)  
**To:** [Lisa, Joseph](#); [Heywood Becker](#); [Esposito, Bevin](#)  
**Subject:** RE: Chem-Fab Site - CERCLA-03-2019-0111LL Lien Hearing Revised Schedule  
**Date:** Monday, June 01, 2020 2:05:40 PM

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Dear Regional Judicial Officer Lisa:

This email responds to Your Honor's request for EPA's position on Turog's extension request made via email last week in connection with this matter.

This is the second request for an extension of time for submission of Turog's brief in this matter. By Your Honor's Order dated February 27, 2020, Turog's brief was due on May 8, 2020. On May 4, Turog asked for an additional 30 days to file its brief ("[g]iven the circumstances, and in light of the non-emergent nature of the issue, I respectfully request an extension of time of 30 days to file my brief"). EPA agreed to that extension request and on May 5 Your Honor set the new deadline for receipt of Turog's brief at June 8, 2020. On May 29, Turog requested via email an additional 45-day extension, this time to hire counsel ("I request a postponement of 45 days in which to hire counsel and have them prepare a defense").

EPA has considered Turog's request and provides this response to protect its position with respect to the lien. EPA will agree to Turog's requested 45-day extension if, by June 8, 2020 (the current due date for Turog's brief):

1. Turog certifies via email to Your Honor and myself that:
  - a. It has not taken steps to sell or otherwise transfer any portion of the property upon which EPA seeks to perfect the lien ("Property") since receiving EPA's July 1, 2019 notice of intent to perfect the lien ("Lien Notice"), and will not take any such steps until the EPA Region 3 Regional Counsel makes a decision whether to perfect the lien;
  - b. It has not engaged in activity that could undermine the value of EPA's lien including, but not limited to, mortgaging the Property or otherwise using the Property as collateral for debt, since receiving the Lien Notice and will not do so until the EPA Region 3 Regional Counsel makes a decision whether to perfect the lien;
  - c. It has not filed for bankruptcy protection and has no current intention of doing so; and
  - d. It has paid all real estate taxes owed for the Property and that it intends to pay such taxes in the future at least until the EPA Region 3 Regional Counsel makes a decision whether to perfect the lien; and
2. Turog agrees to notify Your Honor and myself via email, no less often than every seven calendar days of the date Your Honor approves an extension of time, of Turog's progress in retaining counsel for this matter.

I would be happy to discuss EPA's position further if Your Honor or Turog so requests.

Thank you in advance for consideration of EPA's position on this matter.

**ANDREW S. GOLDMAN (3RC10)**

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

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**From:** Lisa, Joseph <Lisa.Joseph@epa.gov>  
**Sent:** Friday, May 29, 2020 9:05 AM  
**To:** Heywood Becker <yalephd1970@gmail.com>; Goldman, Andrew <Goldman.Andrew@epa.gov>; Esposito, Bevin <Esposito.Bevin@epa.gov>  
**Subject:** Fwd: Chem-Fab Site - CERCLA-03-2019-0111LL Lien Hearing Revised Schedule

Mr Becker

I am in receipt of your request for a postponement

I have forwarded the request to Mr Goldman so that he can provide my office with EPA's response Mr Goldman, by 5:00 pm Monday June 1, 2020, please provide my office with EPA's response to this request for a postponement

Mr. Becker please make certain that you copy Mr. Goldman, as EPA's legal counsel, and Ms. Esposito, as the EPA Regional Hearing Clerk, on all of your communications with my office

Thank you

Joseph J Lisa  
Regional Judicial and Presiding Officer  
USEPA Region 3

Sent from my iPhone

Begin forwarded message:

**From:** Heywood Becker <[yalephd1970@gmail.com](mailto:yalephd1970@gmail.com)>  
**Date:** May 29, 2020 at 8:56:47 AM EDT  
**To:** "Lisa, Joseph" <[Lisa.Joseph@epa.gov](mailto:Lisa.Joseph@epa.gov)>  
**Subject: Re: Chem-Fab Site - CERCLA-03-2019-0111LL Lien Hearing Revised Schedule**

On behalf of Turog Properties Ltd., I request a postponement of 45 days in which to hire counsel and have them prepare a defense.



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On Tue, May 5, 2020 at 4:52 PM Lisa, Joseph <[Lisa.Joseph@epa.gov](mailto:Lisa.Joseph@epa.gov)> wrote:

Please be advised that I am revising the briefing schedule for the aforementioned Lien Hearing as follows;

**Turog** – Brief and supporting materials to be submitted by 5:00 pm EST, Monday June 8, 2020.

**EPA** – Brief and supporting materials to be submitted by 5:00 pm EST, Wednesday, July 8, 2020.

All briefs and supporting materials are required to be filed **by email** to the EPA Region III Regional Hearing Clerk Bevin Esposito. Please copy myself (the Regional Judicial Officer) and the opposing party/counsel on your email submissions.

I am asking that the Regional Hearing Clerk print out this email chain and make it part of the administrative record for this matter.

Thank you and stay well.

*Joseph J. Lisa*

Joseph J. Lisa  
Regional Judicial Officer/Presiding Officer  
U.S. Environmental Protection Agency – Region III  
1650 Arch Street  
MailCode 3RC00  
Philadelphia, Pennsylvania 19103  
Phone: 215-814-2479  
[Lisa.joseph@epa.gov](mailto:Lisa.joseph@epa.gov)

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**From:** Goldman, Andrew <[Goldman.Andrew@epa.gov](mailto:Goldman.Andrew@epa.gov)>

**Sent:** Tuesday, May 05, 2020 8:30 AM

**To:** Lisa, Joseph <[Lisa.Joseph@epa.gov](mailto:Lisa.Joseph@epa.gov)>

**Cc:** Esposito, Bevin <[Esposito.Bevin@epa.gov](mailto:Esposito.Bevin@epa.gov)>; Heywood Becker

[<yalephd1970@gmail.com>](mailto:yalephd1970@gmail.com)

**Subject:** RE: Chem-Fab Site - CERCLA Lien Hearing

Regional Judicial Officer Lisa—

EPA does not object to the extension of time requested by Mr. Becker. We do request, however, that at the time Mr. Becker sends Turog's brief via email to your Honor in accordance with yesterday's email he also send it to me via email at:

[Goldman.andrew@epa.gov](mailto:Goldman.andrew@epa.gov)

Thank you.

Andrew Goldman

**ANDREW S. GOLDMAN (3RC10)**

Sr. Assistant Regional Counsel

U.S. Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103

(215) 814-2487

[Goldman.andrew@epa.gov](mailto:Goldman.andrew@epa.gov)

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**From:** Lisa, Joseph <[Lisa.Joseph@epa.gov](mailto:Lisa.Joseph@epa.gov)>

**Sent:** Monday, May 4, 2020 5:37 PM

**To:** Goldman, Andrew <[Goldman.Andrew@epa.gov](mailto:Goldman.Andrew@epa.gov)>

**Cc:** Esposito, Bevin <[Esposito.Bevin@epa.gov](mailto:Esposito.Bevin@epa.gov)>

**Subject:** Fwd: Chem-Fab Site - CERCLA Lien Hearing

Mr Becker

I am forwarding your request to Mr Goldman

Please make certain that he is copied on all future communications to my office

Mr Goldman - please provide EPA's position concerning Mr Becker's request.

In order for me to make a timely ruling given the pending submission date I would request that EPA submit its response to my office by 2:00 pm EST tomorrow Tuesday

May 5, 2020.

Thank you

Joseph Lisa

Sent from my iPhone

Begin forwarded message:

**From:** Heywood Becker <[yalephd1970@gmail.com](mailto:yalephd1970@gmail.com)>  
**Date:** May 4, 2020 at 5:06:45 PM EDT  
**To:** "Lisa, Joseph" <[Lisa.Joseph@epa.gov](mailto:Lisa.Joseph@epa.gov)>  
**Subject: Re: Chem-Fab Site - CERCLA Lien Hearing**

Given the circumstances, and in light of the non-emergent nature of the issue, I respectfully request an extension of time of 30 days to file my brief.



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On Mon, May 4, 2020 at 4:37 PM Lisa, Joseph <[Lisa.Joseph@epa.gov](mailto:Lisa.Joseph@epa.gov)> wrote:

Dear Mr. Becker and Mr. Goldman

I hope that you and your families are well and staying safe.

As you are aware, the EPA Region III Office is currently closed due to the COVID epidemic.

My previous Order dated Feb. 27, 2020 requested that Turog submit a brief and supporting materials concerning the lien hearing matter by 5:00 pm May 8, 2020, and that EPA provide its written response and supporting materials by 5:00 pm EST, June 5, 2020.

I am requesting that the parties' briefs and supporting materials be submitted **by email** given the current status of matters. Please email your materials to: myself (the RJO and designated neutral for this matter); the EPA Region 3 Regional Hearing Clerk, Ms. Bevin Esposito at [Esposito.bevin@epa.gov](mailto:Esposito.bevin@epa.gov); and the respective opposing party/counsel.

If you believe that the size of your files to be emailed may create an issue, please contact Ms. Esposito so that you can discuss options for the submission of your materials (e.g., compressing your electronic files, submission of multiple emails, etc.)

Additionally, if the closure of federal and state government offices has created an issue concerning your preparation for this lien

hearing matter, please feel free to contact my office. As always, please make certain that Ms. Esposito and opposing counsel are copied on any contacts you make with my office.

I will continue to monitor developments concerning the re-opening of the Region 3 offices. I previously scheduled the lien hearing in this matter for Wednesday, June 24, 2020. I will make a decision at a later date as to whether such a hearing will be possible on that date and the appropriate forum for such a hearing (e.g, by phone or in person).

Thank you for your attention to this matter and please stay well.

*Joseph J. Lisa*

Joseph J. Lisa  
Regional Judicial Officer/Presiding Officer  
U.S. Environmental Protection Agency – Region III  
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