



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

**GENERAL NOTICE LETTER AND
OFFER TO NEGOTIATE TIME-CRITICAL REMOVAL ACTION**

**URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
VIA EMAIL AND CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Attn.: Zahra & Amer Saeed
MAS Management LLC
P.O. Box 24869
Philadelphia, PA 19130

Re: General Notice Letter for the Lefevre Street Container Site, Philadelphia, Pennsylvania

Dear Ms. and Mr. Saeed:

Under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) of 1980, as amended, commonly known as the federal “Superfund” law, EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants, or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Lefevre Street Container Site at 2710 Lefevre Street in Philadelphia, Pennsylvania (the “Site”). EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that MAS Management LLC (“MAS Management” or “you”) may be responsible under CERCLA for the cleanup of the Site or for costs EPA incurs in cleaning up the Site.

Explanation of Potential Liability

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties (“PRPs”) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can demonstrate divisibility or assert one of the statutory defenses. PRPs generally include current and former owners and operators of a site, as well as persons who arranged for treatment or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.



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In this case, EPA believes that MAS Management may be liable under Section 107(a)(1) of CERCLA as the current owner of the Site, at which elevated levels of the hazardous substances, polychlorinated biphenyls (“PCBs”), have been released. PCBs are hazardous substances as identified in the National Contingency Plan (“NCP”) at 40 C.F.R. § 302.4.

Site Response Activities

The Site, currently a vacant lot, is the former location of a warehouse facility where electrical equipment and parts, and oils and liquids containing PCBs were once stored. The facility was deemed unsafe by the City of Philadelphia and demolished by the City in late 2008.

After the demolition, the City notified EPA that several containers (e.g., drums, totes, and smaller vessels) remained at the Site and that some of these containers held PCB-contaminated oils or liquids. Based on sampling and analyses of the contents of the various containers, EPA determined that ten of the containers left at the Site held oils with PCB concentrations ranging from 2.4 milligrams per kilogram (“mg/kg”) to 278,000 mg/kg.

In accordance with Section 104 of CERCLA, EPA performed an emergency removal action at the Site in June 2009 to remove all containers from the Site for off-site disposal. EPA provided the City with a synopsis of its activities regarding the removal action.

In September 2018, with your permission, EPA returned to the Site and conducted soil sampling. EPA performed this sampling based on new information obtained since the 2009 removal action. Results from this sampling showed high concentrations of PCBs in surface soils. For instance, several samples showed PCB concentrations exceeding 100 parts per million (“ppm”), and one sample showed a concentration of 1050 ppm. Sampling results for subsurface soils generally revealed concentrations of less than 1 ppm PCBs, although three locations exceeded 1 ppm and two of the three were at or near 5 ppm. EPA routinely considers PCB levels below 1 ppm as acceptable soil values for a residential setting.

PRP Response and EPA Contact

EPA is currently making plans to take additional response actions at the Site under Section 104 of CERCLA to assess, remove, or arrange for the removal of PCBs or other hazardous substances, pollutants or contaminants at the Site. You are encouraged to contact EPA On-Scene Coordinator Jack Kelly at Kelly.Jack@epa.gov or have your attorney contact EPA attorney Robert Hasson at Hasson.Robert@epa.gov no later than fourteen (14) calendar days after you receive this letter to express your willingness or unwillingness to participate in future negotiations concerning cleanup at this Site. EPA is prepared to conduct the removal action if EPA determines that you or any other PRPs will not be willing or capable of properly performing the removal action.

If you are already involved in discussions with state or local authorities, engaged in voluntary action or involved in a lawsuit regarding this Site, you should not interpret this letter as advising or directing you to restrict or to discontinue any such activities. You should, however, report the status of those discussions or activities in your letter to EPA. Please provide EPA with a copy of your letter to any other party involved in those discussions.

Financial Concerns/Ability to Pay Settlements

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe and can document that you fall within that category, please contact EPA Civil Investigator Benjamin Joseph at (215) 814-3373 for information on ability-to-pay settlements. In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances. You will also be asked to submit financial records including business federal-income-tax returns. If EPA concludes that you have a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

In addition, please note that, because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy. EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

Resources and Information for Small Businesses

As you may be aware, on January 11, 2002, President George W. 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 download a copy of the law at <http://www.gpo.gov/fdsys/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf> and review EPA guidances regarding these exemptions at <http://cfpub.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 <http://www2.epa.gov/compliance/compliance-assistance-centers>. In addition, the EPA Small Business Ombudsman may be contacted at <https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman>. Finally, EPA has developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA) and information on resources for small businesses, which is available on the Agency's website at <http://www2.epa.gov/compliance/small-business-resources-information-sheet>.

Please give these matters your immediate attention and consider consulting with an attorney. If you have any questions regarding this letter, please contact EPA On-Scene Coordinator Jack Kelly at (215) 814-3112 or at kelly.jack@epa.gov, or have your attorney contact EPA attorney Robert Hasson at (215) 814-2672 or at hasson.robert@epa.gov. Thank you for your prompt attention to this matter.

Sincerely,

Claudette Reed
Chief, Program Support & Cost Recovery Branch
Superfund & Emergency Management Division

cc: Robert Hasson (3RC10)
Jack Kelly (3SD31)
Benjamin Joseph (3SD41)