

H

Law Office of Joseph P. Howard
1920 Fairfax Avenue
Cherry Hill, NJ 08003
phone: 856-282-1318
email: jhoward@jph-law.com

Date: September 9, 2022

VIA EMAIL

To: Mr. Robert Hasson
USEPA - Region III
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103
Hasson P: 215-814-2672
Hasson E: hasson.robert@epa.gov

RE: Notice of Superfund Lien / EPA Docket #CERCLA-03-2022-0129LL

Dear Mr. Hasson:

As you may be aware, my firm represents MAS Management LLC ("MAS"). They have specifically directed me to address the lien placed by your agency on their property located at 2710 Lefevre Street in Philadelphia ("the Property"). I am responding to your letter dated August 16th and received August 20th by my client. (See Attached, Exhibit A)

Summary: MAS directs your agency to lift the lien in question as it is unreasonably and inequitably punitive toward the current owners and does nothing to the actual contaminating party or parties. A review of the purchase history shows that MAS is an innocent purchaser, as the property had been found to be "clean" by your agency, the prior owner and the City of Philadelphia, which converted the property from commercial to residential.

The Property in question was purchased by MAS in 2018. Prudently, MAS repaired fencing in the area to secure the Property at the time of acquisition. In 2019 they had a company come in and mow the standing grass. To this date they have, in no way, undertaken steps to clear or disturb the property, the surface soil / debris or the existing cement foundations.



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At the time of purchase MAS was provided with a seller's affidavit and disclosure. MAS was never informed of potential issues with the site, and the site itself was documented as clean to standard through a number of avenues:

- The Property is in the heart of the Bridesburg residential area and zoned as RAS-5 Residential by the city.
- MAS was never informed by the EPA or the City during the transfer of ownership or going through the variance process that there was any environmental issue.
- Diligent inquiry by my client revealed no environmental issues with the property.
- The EPA's Jack Kelly spoke repeated with Mahmood Saeed, the owner of MAS, and confirmed that he himself was part of the group that cleared the site in 2009 on behalf of the EPA.
- The EPA's Nicole Bein met with Mahmood Saeed at the Philadelphia EPA Office on January 23, 2019 as part of a stated investigation into the Property's previous owner. Mr. Saeed followed up that conversation by mailing Ms. Bein all required documents.
- Tetra Tech's Final Trip Report (dated 12/08/21) provides a complete background of EPA action and site activity Summary in 2009 confirming that EPA removed PCB containing drums and the property moved into a "no further action" status. (See Attached, Exhibit B)
- The EPA's Claudia Reed sent a general notice letter to MAS (04/20/20) confirmed that in 2009 EPA removed all containers from the site for off-site disposal and a EPA submitted a synopsis of its activity report to the city. (See Attached, Exhibit C)

I note also that MAS has consistently cooperated with any requests from your agency in the days leading up to the evaluation, through the cleaning process, and that cooperation continues to this day.

By this letter, we are formally noticing you that the lien, whether as a cleaning cost or a windfall lien, is inappropriate and inequitable. It is clear that you sought assistance from Mr. Saeed, but your agency has lost sight of the fact that he is, in fact, a victim in this situation.



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As is our right, we are requesting to meet with a neutral EPA official to present information addressing EPA's basis to file a lien notice. We have provided in this letter a thumbnail sketch of the reasons why the lien is inappropriate; at a meeting with an EPA neutral official we will document all of the above for review.

Also, we would like an informal meeting with EPA staff, including Mr. Jack Kelly. This meeting may be in person or by Zoom, but we would ask that it take place prior to submitting anything in writing or a meeting with the neutral official.

These requests in writing in no way indicate a waiver of my client's rights to remedies in State or Federal court, whether at law or in equity. My client reserves the right to pursue a takings action against the Agency for this inappropriate levy against the value of the property. Further, my client reserves the right to pursue a Bankruptcy action to settle the outstanding debts on the property.

OTHER MATTERS:

- 1) FILE REVIEW: It is clear that my client now has to perform a File Review. In an effort to evaluate the current state of the property, my office needs to be provided the following documents:
 - Initial Testing Report / Phase II
 - EPA / PADEP Remediation Plan
 - Chain of Custody for all Waste Removed

Once we have made an initial review of all of the relevant material, our Environmental Consultant will schedule time to perform the File Review.

- 2) OWNERSHIP OF MAS: Please note that the owner of MAS Management LLC is Mahmood Amer Saeed. Zahra Saeed is the owner's wife; she is not an owner of the company.

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1920 Fairfax Avenue

Cherry Hill, NJ 08003

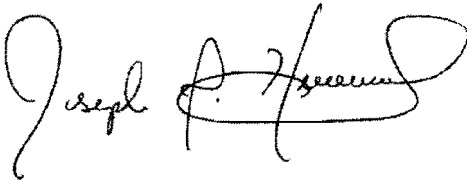
phone: 856-282-1318

email: jhoward@jph-law.com

Please contact my office at your earliest convenience to discuss and to set the informal and formal meetings on my client's behalf.

For any questions, please feel free to contact my office at (856) 282-1318 or by email at jhoward@jph-law.com.

Sincerely,



Joseph P. Howard, Esq.

JPH/kab

CC: Client, Mahmood Saeed, owner of MAS Management LLC
Mr. Jack Kelly, EPA, by Email
Mr. Cecil Rodrigues, EPA, by Email

ENC: Exhibit A, EPA Letter, dated 08/16/22
Exhibit B, Tetra Tech, Final Letter Trip Report, dated 12/08/21
Exhibit C, EPA Letter, dated 04/20/20

H

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Exhibit A



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3**

**1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2029**

Via Email and Certified Mail (Return Receipt Requested).

MAS Management LLC
c/o Zahra Saeed and Mahmood Amer Saeed
P.O. Box 24869, Philadelphia, PA 19130; and

AUG 16 2022

2601 Pennsylvania Avenue
Apt. 1231
Philadelphia, PA 19130
masmanagementllc@gmail.com
zahra@zahasaeed.com

Re: 2710 Lefevre Street, Philadelphia, PA

Notice of Federal Superfund Lien and Opportunity to be Heard

Dear Mr. and Ms. Saeed:

This letter provides you with notice that the U.S. Environmental Protection Agency ("EPA" or "Agency") has perfected a Superfund lien on behalf of the United States upon real property owned by MAS Management LLC ("MAS" or "you") at 2710 Lefevre Street, Philadelphia, Pennsylvania ("the Property"). The exact legal description of the Property is contained in Attachment 1 (Indenture) to this letter. The Property comprises the Lefevre Street Container Superfund Site ("the Site"), where EPA conducted a removal action under Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), a law commonly referred to as "Superfund."¹

The lien EPA perfected against the Property arose in favor of the United States as provided in Section 107(l) of the CERCLA.² The lien is intended to secure payment to the United States of costs for which you, as the owner of the Property, may be liable under Section 107(a) of CERCLA.³

Your Potential Liability Under Superfund

Under Section 107(a) of CERCLA, liable persons include those who own any facility where a hazardous substance has been deposited, stored, disposed of, placed, or come to be located.

¹ 42 U.S.C. § 9604(a).

² 42 U.S.C. § 9607(l).

³ 42 U.S.C. § 9607(a).

Customer Service Hotline: 1-800-438-2474

Based on investigations conducted by EPA, the Agency has determined that hazardous substances known as polychlorinated biphenyls (“PCBs”) were disposed of at the Property, and that you are the owner of this Property. On June 11, 2020, EPA issued an Action Memorandum for the Site, selecting a removal action pursuant to Section 104(a) of CERCLA. EPA conducted removal response activities at the Site, including removal site assessment and a removal action (or cleanup), from approximately September 2018 through September 2021, and thereby has incurred approximately \$808,434.29 in response costs.⁴

Your potential liability for the United States’ response costs under CERCLA is joint and several. This means you are potentially liable for all the government’s response costs, even though there may be other potentially responsible parties (“PRPs”) associated with the Site. Under Section 107(a) of CERCLA, EPA is entitled to recover only costs that are not inconsistent with the national contingency plan, which has been promulgated at 40 C.F.R. Part 300.⁵

The United States’ Federal Lien Under Section 107(f) of CERCLA

Section 107(f) of CERCLA provides that all costs for which a person is liable to the United States under Section 107(a) of CERCLA shall constitute a lien (or “Superfund lien”) in favor of the United States upon all real property, or rights to this property, that belong(s) to the person and that is or has been subject to a removal or remedial action. The Superfund lien will continue until liability for the United States’ response costs is satisfied or until liability for the costs becomes unenforceable through operation of the applicable statute of limitations set forth at Section 113(g)(2) of CERCLA.⁶ A Superfund lien arises either at the time the United States first incurs costs for a CERCLA response action, or when the person liable for such costs and damages is provided with formal written notice of potential liability, whichever is later.

The United States first incurred response costs for the Site in or around the summer of 2018. In a letter dated April 20, 2020, EPA sent you a letter with a written notice of your potential liability. Copies of that letter and your email response acknowledging receipt of the letter are part of the Lien-Filing Record Index, which is included with this letter as Attachment 2. When you received EPA’s April 20, 2020 letter, the United States’ Superfund lien attached to the Property, pursuant to Section 107(f) of CERCLA.

EPA has assembled a Lien-Filing Record, which consists of documents related to EPA’s decision to perfect the Superfund lien (EPA Docket # CERCLA-03-2022-0129LL). This Lien-Filing Record has been filed at the following address and may be reviewed and copied there. Please contact the following person to make arrangements to review the Lien-Filing Record or to have electronic copies of the documents comprising the Lien-Filing Record provided to you:

⁴ EPA continues to incur Site-related response costs under CERCLA, as the statute expressly defines response to include enforcement activities. *See* 42 U.S.C. § 9601(25).

⁵ *i.e.*, the National Oil and Hazardous Substances Pollution Contingency Plan.

⁶ 42 U.S.C. § 9613(g)(2).

Ms. Bevin Esposito (3RC20)
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103
(215) 814-2637
R3_Hearing_Clerk@epa.gov

EPA has reviewed the information in the Lien-Filing Record and determined that EPA has a reasonable basis to believe that the statutory elements for perfecting a Superfund lien on the Property have been met. EPA has perfected its Superfund lien by filing a Notice of Lien with the City of Philadelphia, Office of Judicial Records. EPA perfected its Superfund lien prior to notifying you of its intention because EPA has learned that exceptional circumstances exist in this case and that you may currently be planning to transfer ownership of the Property.

Your Opportunity to be Heard or to Make a Written Submission if You Think EPA Does Not Have a Reasonable Basis to Perfect a Lien on the Property

You may notify EPA in writing no later than 30 calendar days after the date you receive this letter 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 showing 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 EPA did not have a reasonable basis to perfect its lien because EPA may, as described below, agree with your reasons and reconsider its decision to perfect a lien without a further review or meeting. Any written submissions or requests for a meeting should refer to the Lefevre Street Container Superfund Site (EPA Docket # CERCLA-03-2022-0129LL) and should be sent via email to:

Robert S. Hasson (3R410)
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 3
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103
(215) 814-2672
hasson.robert@epa.gov

You may include documents or information supporting your contentions. If EPA receives your written submission and request for a meeting within 30 calendar days after the date you receive this letter, EPA will review your submission and request. If, after review and consultation, EPA agrees that it did not have a reasonable basis upon which to perfect a lien, EPA will release its lien without further review or a meeting. If EPA disagrees and believes it did have a reasonable basis to perfect a lien, your written submission and request for a meeting will be referred to a neutral EPA official, who will be selected to review your submission and the Lien-Filing Record and to conduct the meeting.

If you request an opportunity to appear, a meeting before a neutral EPA official will be scheduled. You may choose to attend this meeting via teleconference. The Agency will be represented by the Office of Regional Counsel. You may also be represented by counsel at this meeting.

The meeting will be an informal hearing at 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 a lien upon the Property based upon Section 107(f) of CERCLA and the Lien-Filing Record.

After reviewing your written submission, 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 Regional Counsel, who is 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 with 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, by a request for and participation at a meeting, or by the issuance of a recommended decision by the neutral EPA official that EPA had a reasonable basis to file a Superfund lien. If you have any questions about this letter, please have your attorney contact Senior Assistant Regional Counsel Robert Hasson at (215) 814-2672 or hasson.robert@epa.gov.

Sincerely,



Cecil Rodrigues
Regional Counsel
U.S. Environmental Protection Agency, Region 3

Enclosures (1 – Indenture with legal description of Property; 2 – EPA's Lien-Filing Record Index)

cc: Robert S. Hasson (3RC10)

ATTACHMENT 1

File No.: 6681

Parcel ID No.: 884350250

This Indenture, made the March 16, 2018

Between

John F. Joyce

(hereinafter called the Grantors/Sellers), of the one part, and

MAS Management LLC

(hereinafter called the Grantee/Buyers), of the other part,

Witnesseth that the said Grantor for and in consideration of the sum of \$190,000.00 lawful money of United States of American, unto Sellers well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, Seller granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantee

Municipality of City of Philadelphia, Block No. 884350250 Lot No. ,

Please see attached Legal Description annexed hereto and made a part hereof.

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of Seller, the said Grantor, as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, their heirs and assigns, to and for the only proper use and behoof of the said Grantee, their heirs and assigns, forever.

And the said Grantor, for themselves and their heirs, executors and administrators, do, by these presents, covenant, grant and agree, to and with the said Grantee, their heirs and assigns, that Seller, the said Grantor, and their heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, their heirs and assigns, against the lawful claims of all persons claiming by, through or under the said Grantor but not otherwise.

TITLE INSURANCE COMMITMENT
Issued by Downtown Abstract Incorporated
AGENT FOR FIDELITY NATIONAL TITLE INSURANCE COMPANY

Commitment Number: 6681

SCHEDULE A

LEGAL DESCRIPTION

ALL THAT CERTAIN LOT OR PIECE OF GROUND WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED.

SITUATE IN THE 45TH WARD OF PHILADELPHIA COUNTY, AND DESCRIBED ACCORDING TO A SURVEY AND PLAN THEREOF MADE BY J.H. WEBSTER, JR. ESQ. SURVEYOR AND REGULATOR OF THE 10TH SURVEY DISTRICT ON 03/01/1905, AS FOLLOWS TO WIT:

BEGINNING AT A POINT ON THE SOUTHWEST SIDE OF LEFÈVRE AT THE DISTANCE OF 90 FEET 3 1/2 INCHES NORTHWESTWARD FROM THE NORTHWEST SIDE OF SALMON STREET, THENCE EXTENDING SOUTHWESTWARD ON A LINE PARALLEL WITH THE SAID SALMON STREET 178 FEET 2 3/8 INCHES TO A POINT FOR A CORNER; THENCE EXTENDING NORTHWESTWARD ON A LINE T RIGHT ANGLES TO EDMONT STREET 55 FEET TO A POINT FOR A CORNER; THENCE EXTENDING NORTHEASTWARD ON A LINE PARALLEL WITH THE SAID SALMON STREET 182 FEET 7 3/4 INCHES TO A POINT ON THE SAID SOUTHWEST SIDE OF LEFÈVRE STREET; THENCE EXTENDING SOUTHEASTWARD ALONG THE SAID SOUTHWEST SIDE OF LEFÈVRE STREET 55 FEET 2 1/8 INCHES TO THE 1ST MENTIONED POINT AND PLACE OF BEGINNING.

BRT#884350250

2710 Lefevre St. Philadelphia, PA

BEING THE SAME PREMISES WHICH CITY OF PHILADELPHIA BY DEED DATED 3/19/2015 AND RECORDED 9/15/2015 IN THE COUNTY OF PHILADELPHIA IN DEED INSTRUMENT #52965978 AND CONVEYED UNTO JOHN F. JOYCE

In Witness Whereof, the parties of the first part have hereunto set their hand and seal. Dated the day and year first above written.

Sealed and Delivered
IN THE PRESENCE OF US:

[Signature] 3/16/18

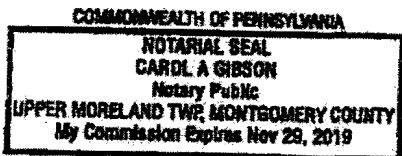
John F. Joyce (SEAL)

_____ (SEAL)

Commonwealth of Pennsylvania
County of Philadelphia

On this the March 16, 2018, before me Carol A. Gibson, the undersigned Notary Public, personally appeared John F. Joyce, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



[Signature]

Notary Public
My Commission Expires

The precise residence and the complete post office Address of the above-named Grantee is:

[Signature]

On behalf of the Grantee

PHILADELPHIA REAL ESTATE TRANSFER TAX CERTIFICATION	BOOK NO. _____ PAGE NO. _____
DATE RECORDED _____	
CITY TAX PAID _____	

Complete each section and file in duplicate with Recorder of Deeds when (1) the full consideration/value is/are not set forth in the deed, (2) when the deed is with consideration, or by gift, or (3) a tax exemption is claimed. If more space is needed, attach additional sheet(s).

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

NAME Downtown Abstract Incorporated	TELEPHONE NUMBER: AREA CODE () (856) 810-5959
STREET ADDRESS 70 E Main Street Suite B	CITY STATE ZIP CODE Marlton, NJ 08053

B. TRANSFER DATA

GRANTOR(S)/LESSOR(S) John F. Joyce	DATE OF ACCEPTANCE OF DOCUMENT: 3/16/2018
STREET ADDRESS 1144 Morton Ave	GRANTEE(S)/LESSEE(S) MAS Management LLC
CITY STATE ZIP CODE FDILSON PA 19033	STREET ADDRESS 2601 Pennsylvania Ave, Apt 1231
CITY STATE ZIP CODE Philadelphia PA 19130	CITY STATE ZIP CODE Philadelphia PA 19130

C. PROPERTY LOCATION

STREET ADDRESS 2710 Lefevre St	CITY, TOWNSHIP, BOROUGH Philadelphia City
COUNTY Philadelphia	SCHOOL DISTRICT Philadelphia
TAX PARCEL NUMBER 884350250	

D. VALUATION DATA

1. ACTUAL CASH CONSIDERATION 190,000.00	2. OTHER CONSIDERATION + 0	3. TOTAL CONSIDERATION = 190,000.00
4. COUNTY ASSESSED VALUE 67,900.00	5. COMMON LEVEL RATIO FACTOR X 1.01	6. FAIR MARKET VALUE = 68,579.00

E. EXEMPTION DATA

1A. AMOUNT OF EXEMPTION 0	1B. PERCENTAGE OF INTEREST CONVEYED 100
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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 agent or straw party. (Attach copy of agency/straw party agreement).
 - Transfer between principal and agent. (Attach copy of agency/straw trust agreement). Tax paid prior deed \$ _____.
 - Transfers to the Commonwealth, the United States, and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (Attach copy of resolution).
 - Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____. Mortgagee (grantor) sold property to Mortgagor (grantee) (Attach copy of prior deed).
 - Corrective deed (Attach copy of the prior deed).
 - Other (Please explain exemption claimed, if other than listed above.) _____

Under penalties of law or ordinance, 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 CORRESPONDENT OR RESPONSIBLE PARTY John F. Joyce, By: <i>John Joyce</i>	DATE March 16, 2018
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ATTACHMENT 2

1. Indenture dated March 16, 2018, between John F. Joyce (Grantor/Seller) and MAS Management LLC (Grantee/Buyer);
2. General Notice Letter, dated April 20, 2020, from Claudette Reed, Chief, Program Support & Cost Recovery Branch, Superfund & Emergency Management Division, EPA Region 3, to MAS Management, LLC (Attention: Zahra and Amer Saeed);
3. Email dated April 23, 2020, from Zahra Saeed, MAS Management LLC, to Benjamin Joseph, Civil Investigator, Cost Recovery Section, Superfund & Emergency Management Division, EPA Region 3 (acknowledging receipt of April 20, 2020 General Notice Letter);
4. Action Memorandum for Lefevre Street Container Site, June 11, 2020;
5. Final Letter Trip Report, Lefevre Street Container Site, prepared by Tetra Tech for EPA, December 8, 2021;
6. EPA Itemized Cost Summary Verification, Lefevre Street Container Site (Site ID No. A3 MZ), August 4, 2022

Prepared by:

Robert S. Hasson
PA Attorney No. 80596

Return to:

Robert S. Hasson
U.S. Environmental Protection Agency, Region 3
1600 John F. Kennedy Boulevard (3RC10)
Philadelphia, PA 19103
(215) 814-2672
hasson.robert@epa.gov

OPA #: 885959960

**FEDERAL SUPERFUND LIEN
(CERCLA)**

Name of Property Affected: Lefevre Street Container Superfund Site

Name of Owners: MAS Management, LLC

Address of Property: 2710 Lefevre Street, City of Philadelphia, County of Philadelphia, Pennsylvania, Parcel ID. No. 884350250, being real property conveyed by John F. Joyce (grantor) to MAS Management (grantee) by Indenture dated March 16, 2018, and recorded as Doc. ID No. 53352777 with the City of Philadelphia, Department of Records, on April 18, 2018.

For Information Contact: Robert S. Hasson (3RC10)
U.S. Environmental Protection Agency, Region 3
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103
(215) 814-2672
hasson.robert@epa.gov

NOTICE OF LIEN

Notice is hereby given by the U.S. Environmental Protection Agency (EPA), on behalf of the United States, that the United States holds a lien on the Property that comprises the LeFevre Street Container Superfund Site, as described above and in the attached Indenture.

Pursuant to Section 107(I) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. § 9607(I), 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 under 42 U.S.C. § 9607(a), and which is subject to or affected by a removal or

Federal Superfund Lien, 2710 Lefevre Street, Philadelphia, PA
OPA No. 885859960

remedial action under CERCLA. This lien arises either at the time the United States first incurs costs for a CERCLA response action, or when the person liable for these costs and damages is provided with written notice of potential liability, whichever occurrence is later. *See* 42 U.S.C. § 9607(I)(2). The lien continues until liability for all 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 42 U.S.C. § 9613. Because enforcement-related response activities related to the Property are ongoing, the amount covered by the lien may increase as costs continue to be incurred by the United States and interest continues to accrue. The documents supporting the placement of this lien can be found in the Lien-Filing Record for the Lefevre Street Container Site, EPA Docket No. CERCLA-03-2022-0129LL. The Lien-Filing Record is available for review at the Office of EPA, Region 3, at the contact 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. It was later delegated to the Regional Administrator by EPA Delegation No. 14-26, September 13, 1987, and further delegated to the Regional Counsel on April 15, 2019.

Date Notice of Liability Given: April 20, 2020

EPA Costs Through August 3, 2022: \$ 808,434.29

Amount of Lien: \$ 808,434.29
(This amount will increase as more costs are expended.)

The potential liability associated with the Site is joint and several. There may be other potentially responsible parties (PRPs) associated with the Site. EPA is entitled to recover only costs that are not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), promulgated at 40 C.F.R. Part 300; *see also* 42 U.S.C. § 9607(a) (PRPs are potentially liable for all costs of removal or remedial action incurred by the United States not inconsistent with the NCP).

Federal Superfund Lien, 2710 Lefevre Street, Philadelphia, PA
OPA No. 885859960

Cecil Rodrigues
CECIL RODRIGUES
Regional Counsel
U.S. Environmental Protection Agency, Region 3
1600 John F. Kennedy Boulevard (3RC00)
Philadelphia, PA 19103

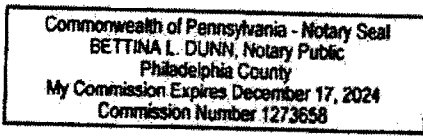
8/16/2022
DATE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA

On this, the 16 day of August, 2022, before me Bettina L. Dunn,
the undersigned officer, personally appeared Cecil Rodrigues, of the United States
Environmental Protection Agency, known to me to be the person described in the foregoing
instrument, and acknowledged that he executed the same in the capacity therein stated and for
the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Bettina L. Dunn
Notary Public



H

Law Office of Joseph P. Howard

1920 Fairfax Avenue
Cherry Hill, NJ 08003

phone: 856-282-1318

email: jhoward@jph-law.com

Exhibit B



December 8, 2021

Mr. Jack Kelly
On-Scene Coordinator
U.S. Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103

**Subject: Final Letter Trip Report
Lefevre Street Container Removal Site
EPA Contract No. 68-HE-0320-D0003
Technical Direction No. T601-21-02-004
Document Tracking No. 0302**

Dear Mr. Kelly:

Under the Superfund Technical Assessment and Response Team (START) Contract, Tetra Tech, Inc. (Tetra Tech) is submitting the Final Letter Trip Report for the Lefevre Street Container Removal Site, located in Philadelphia, Philadelphia County, Pennsylvania. This letter summarizes U.S. Environmental Protection Agency (EPA)-lead activities between 2018 and August 4, 2021.

Please contact me at PHONE or via e-mail at EMAIL if you have any questions or comments regarding this submittal.

Sincerely,

START TD Project Manager

Enclosure (1)

cc: TD file
Tetra Tech START Program Manager
Tetra Tech Removal PWS Leader



1.0 INTRODUCTION

Under the Superfund Technical Assessment and Response Team (START) Contract No. 68-HE-0320-D0003, Technical Direction (TD) No. T601-21-02-004, U.S. Environmental Protection Agency (EPA) Region 3 tasked START to assist with investigative activities at the Lefevre Street Container Removal Site (the Site), located in Philadelphia, Philadelphia County, Pennsylvania.

This letter report provides Site location and historical information in Section 2.0 and presents a summary of EPA-lead Site investigative activities in Section 3.0. References cited in the report are listed in Section 4.0. Figures are provided in Appendix A.

2.0 BACKGROUND

2.1 SITE LOCATION

The Site is currently a vacant lot located at 2710 Lefevre Street in the Bridesburg neighborhood of Philadelphia, Philadelphia County, Pennsylvania. The parcel identification (ID) number is 080N190241, according to the City of Philadelphia (the City) Atlas database. The Site is located at an elevation of 20 feet above mean sea level and is located on the Philadelphia topographic quadrangle. The geographic coordinates at the approximate center of the Site are 39.9995° North latitude and -75.0722° West longitude.

The vacant lot is approximately 10,450 square feet, measuring 55 feet wide by 190 feet long. Prior to the EPA removal activities, the vast majority of the Site was covered by a concrete slab of varying thickness that served as the floor of a former warehouse structure. The Site is bounded to the north by residential yards on Edgemont Street; to the east by Lefevre Street with residences beyond; to the south by residential yards on Salmon Street; and to the west by two back yards associated with homes along Salmon and Edgemont Streets.

2.2 SITE HISTORY

A two-and-a-half-story brick warehouse was previously located on the Site, dating to the 1920s or earlier. According to available records, the facility was known as the Eagle Wagon Works in 1920. The warehouse was used as a sanitation supply company from approximately 1930 until 1945. The facility reportedly covered the entire property until a fire destroyed approximately one-third of the western end (rear) of the warehouse in 1938. This burned area was not redeveloped and remained vacant after 1938. According to historical documents, the warehouse was subsequently used by a concrete company from 1945 to 1951; a roofing material, rolled tin, and insulation company from 1951 to 1953; and a lumber company from 1953 to 1955. From 1955 to October 2008, it housed electrical supplies, equipment, and components. The EPA On-Scene Coordinator (OSC) was informed that electrical transformers were stored at the property. It is unknown what practices were used to handle and maintain the equipment. In October 2008, the City demolished the warehouse pursuant to a mandated court order (EPA 2020).

3.0 EPA SITE ACTIVITY SUMMARY

In 2009, after the City demolished the warehouse, the City contacted EPA to address drums and totes of oil containing polychlorinated biphenyls (PCB) stored in the back of the newly created lot. From April to June 2009, EPA conducted sampling of the liquids and removed the PCB-containing drums and totes as well as non-PCB contaminated heating oil from an underground storage tank.



EPA returned to investigate the property in 2018 based on information received suggesting that spills may have occurred on the property when transformers and other equipment were present. The following is a synopsis of those investigative activities and the removal action that followed:

- Surface and subsurface soil samples were collected as part of a removal evaluation in 2018 and PCB concentrations in surface soil consistently exceeded 50 parts per million (ppm);
- EPA attempted to have the property owner conduct a cleanup but the owner could not commit to the work. EPA prepared an Action Memorandum in June 2020 which called for the cleanup of the Site to below 1 parts per million (ppm) PCBs without restrictions or to between 1 and 10 ppm with placement of a cover meeting Toxic Substances Control Act (TSCA) criteria to the extent practicable;
- In October 2020, to provide a more substantial characterization of Site conditions, EPA arranged for a geophysical investigation and performed additional sampling for PCBs including the collection of surface soil, concrete, and subsurface soil samples. The Site owner's contractor also conducted sampling for PCBs;
- The EPA-collected sample results were provided to the Site owner to enable the owner's contractor to develop a more accurate estimation of cleanup costs;
- Negotiations with the Site owner to conduct the cleanup under an Administrative Order on Consent (AOC) were unsuccessful; therefore, EPA and its contractor mobilized to the Site in early March 2021 and commenced removal of surface soil on March 2, 2021;
- All surface soil from the Site was disposed at a TSCA landfill in Belleville, Michigan (US Ecology). A small amount of transite asbestos was uncovered during this work and also was disposed of at the US Ecology TSCA landfill facility;
- Following surface soil removal activities, EPA initiated the excavation of concrete and subsurface soil exceeding 1 ppm PCBs with the original intent to excavate the Site until only soils containing PCBs below 1 ppm remained (the back ~¼ portion of the Site was not excavated as all concrete and subsurface soil assessment results in that area were below 1 ppm);
- Excavated material was sent to the US Ecology TSCA landfill in Michigan if exceeding 50 ppm total PCBs and to the Sandy Run municipal solid waste/residual waste landfill in Hopewell, Pennsylvania if below 50 ppm total PCBs;
- Following the initial excavation, post excavation sampling was performed in early April 2021 using a total of thirty-seven ~15' by ~15' sampling grids. Nine-point composites were collected to an ~2" depth along with a central grab sample in the middle of the grid at a ~6" depth. The soil results revealed: 24 grid areas had total PCB levels between 1 and 10 ppm; 7 grid areas had total PCB levels between 10 and 50 ppm; and 5 grid areas had total PCB levels above 50 ppm. See Figure 1;
- The early April 2021 grid sampling results led to further excavations in late April 2021 to attain the TSCA requirements for high-occupancy use (i.e., ≤ 1 ppm total PCBs without further conditions or >1 ppm and ≤ 10 ppm with an asphalt or concrete cap or a soil cover meeting TSCA geotechnical criteria). The depth of the additional excavations was approximately 12 to 18 inches within most grids. Several rusty underground pipes were excavated and included for disposal. Only one small pipe section near Lefevre Street was found to contain a liquid/sludge-like material;
- In order to prevent work delays, post excavation sampling was performed immediately after individual grids were excavated each day;
- Following additional excavations, approximately 15 of the 37 grids were found to have total PCB levels between 1 and 10 ppm (in some cases, 9-point composite samples were collected from areas somewhat larger than the original 15' by 15' grids). Based on the results, EPA elected to place a soil cover over the entire Site, instead of continuing with excavations to reach ≤ 1 ppm in all areas (Figure 2);



- An area of the Site adjacent to yards behind the Edgemont Street homes was excavated several times and PCB levels continued to exceed 50 ppm total PCBs. The OSC determined that further excavation may cause stability issues for the neighboring yards. The area (1) encompasses all of grid PE-13 and small parts of grids PE-33 and PE-11 and (2) measures roughly 22' long by 17' wide by 5' to 7' deep. Orange caution fencing was placed at the depth of the pit to identify the area during any future excavation activities that may occur on the property;
- The first delivery of clay to meet the TSCA geotechnical criteria occurred on May 20, 2021 (Special Bulletin B explains that the geotechnical criteria for plasticity could not be met). Clay was placed to a depth of at least 10" throughout the excavated area per TSCA requirements. If the soil in some grids did not exceed 1 ppm PCBs, the soils were also covered with clay in order to provide a uniform layer of materials across the excavation. In order to bring the Site to its approximate grade before excavation commenced, select fill was then added to the Site followed by top soil. Grading and compacting was performed with a bobcat bucket. Clay, select fill and top soil was provided by Dunrite Sand & Gravel of Vineland, New Jersey;
- On June 23, 2021, the last load of top soil arrived and was spread at the Site. Hydroseeding was completed at the Site on June 24, 2021;
- EPA's contractor periodically watered the property using a water truck from June 24, 2021 through July 23, 2021;
- Fence installation along Lefevre Street was completed on August 4, 2021 ending onsite activities.

4.0 REFERENCES

U.S. Environmental Protection Agency (EPA). 2020. "Lefevre Street Action Memorandum – Approval and Funding for a Time-Critical Removal Action at the Lefevre Street Container Site." EPA Region 3 Superfund & Emergency Management Division. June 11.

APPENDIX A

FIGURES

- 1 Lefevre Street Container Removal Site – Post Initial Excavation
- 2 Lefevre Street Container Removal Site – Removal Action Completion



PE 01-HA	Grab	6.6
PE 01-GR	Grab	2.0
PE 02-HA	Grab	1.3
PE 02-GR	Grab	21.3
PE 03-HA	Grab	0.3
PE 03-GR	Grab	1.3
PE 04-HA	Grab	0.3
PE 04-GR	Grab	0.3
PE 05-HA	Grab	0.3
PE 05-GR	Grab	0.3
PE 06-HA	Grab	0.3
PE 06-GR	Grab	0.3
PE 07-HA	Grab	0.3
PE 07-GR	Grab	0.3
PE 08-HA	Grab	0.3
PE 08-GR	Grab	0.3
PE 09-HA	Grab	0.3
PE 09-GR	Grab	0.3
PE 10-HA	Grab	0.3
PE 10-GR	Grab	0.3
PE 11-HA	Grab	0.3
PE 11-GR	Grab	0.3
PE 12-HA	Grab	0.3
PE 12-GR	Grab	0.3
PE 13-HA	Grab	0.3
PE 13-GR	Grab	0.3
PE 14-HA	Grab	0.3
PE 14-GR	Grab	0.3
PE 15-HA	Grab	0.3
PE 15-GR	Grab	0.3
PE 16-HA	Grab	0.3
PE 16-GR	Grab	0.3
PE 17-HA	Grab	0.3
PE 17-GR	Grab	0.3
PE 18-HA	Grab	0.3
PE 18-GR	Grab	0.3
PE 19-HA	Grab	0.3
PE 19-GR	Grab	0.3
PE 20-HA	Grab	0.3
PE 20-GR	Grab	0.3
PE 21-HA	Grab	0.3
PE 21-GR	Grab	0.3
PE 22-HA	Grab	0.3
PE 22-GR	Grab	0.3
PE 23-HA	Grab	0.3
PE 23-GR	Grab	0.3
PE 24-HA	Grab	0.3
PE 24-GR	Grab	0.3
PE 25-HA	Grab	0.3
PE 25-GR	Grab	0.3
PE 26-HA	Grab	0.3
PE 26-GR	Grab	0.3
PE 27-HA	Grab	0.3
PE 27-GR	Grab	0.3
PE 28-HA	Grab	0.3
PE 28-GR	Grab	0.3
PE 29-HA	Grab	0.3
PE 29-GR	Grab	0.3
PE 30-HA	Grab	0.3
PE 30-GR	Grab	0.3
PE 31-HA	Grab	0.3
PE 31-GR	Grab	0.3
PE 32-HA	Grab	0.3
PE 32-GR	Grab	0.3
PE 33-HA	Grab	0.3
PE 33-GR	Grab	0.3
PE 34-HA	Grab	0.3
PE 34-GR	Grab	0.3
PE 35-HA	Grab	0.3
PE 35-GR	Grab	0.3
PE 36-HA	Grab	0.3
PE 36-GR	Grab	0.3
PE 37-HA	Grab	0.3
PE 37-GR	Grab	0.3
PE 38-HA	Grab	0.3
PE 38-GR	Grab	0.3
PE 39-HA	Grab	0.3
PE 39-GR	Grab	0.3
PE 40-HA	Grab	0.3
PE 40-GR	Grab	0.3
PE 41-HA	Grab	0.3
PE 41-GR	Grab	0.3
PE 42-HA	Grab	0.3
PE 42-GR	Grab	0.3
PE 43-HA	Grab	0.3
PE 43-GR	Grab	0.3
PE 44-HA	Grab	0.3
PE 44-GR	Grab	0.3
PE 45-HA	Grab	0.3
PE 45-GR	Grab	0.3

Legend

Single Grab Results

- 0.0 - 1.0 ppm
- ⊙ 1.1 - 10.0 ppm
- ⊕ 10.1 - 40.0 ppm
- 40.1 - 215.0 ppm

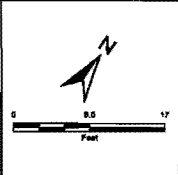
Composite Grid Results

- 0.0 - 1.0 ppm
- ▒ 1.1 - 10.0 ppm
- ▓ 10.1 - 40.0 ppm
- 40.1 - 170.0 ppm

▭ Lefevre Street PCB Onsite Boundary

Note:

- Composite concentration is indicated in each grid and includes 9-point composites collected -2" depth within a -15 by 15' grid.
- Grab sample concentrations are indicated in the table to the right and a grab sample was collected within each grid at -6" depth.

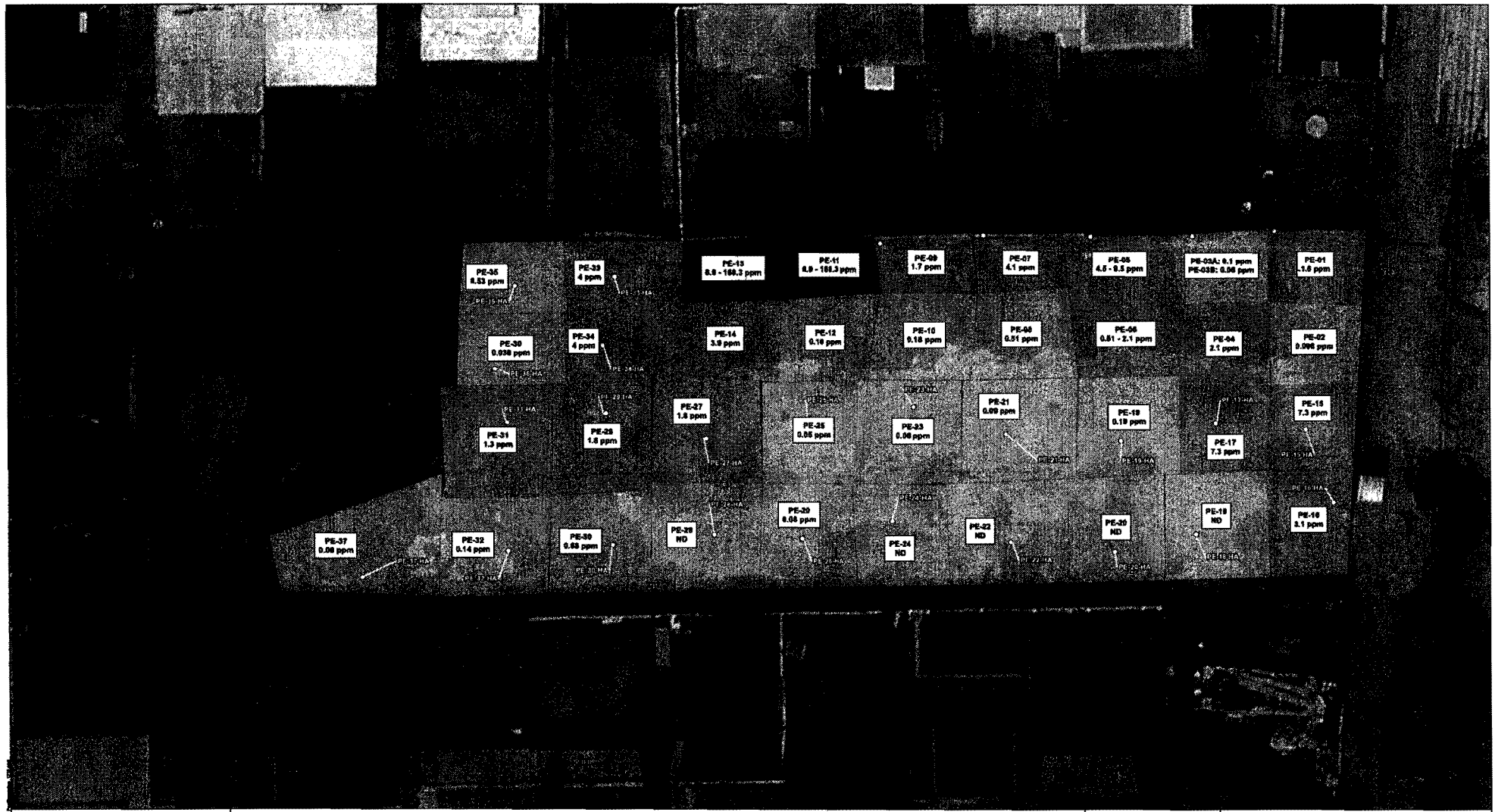


Lefevre Street Container Removal
Philadelphia, Philadelphia County, PA

Figure 1
Lefevre Street Container Removal Site -
Post Initial Excavation
Samples collected week of April 5, 2021



Prepared for EPA, 43 STAFF 11
Contract System, 100 (MS) Water/Water/Ferrous/Soil/SLR/PPR 3/2021/2021



Legend

○ Single Grab Results

□ Lefevre Street PCB Onsite Boundary

Composite Grid Results

0.0 - 1.0 ppm

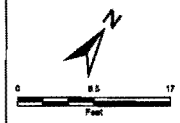
1.1 - 10.0 ppm

10.1 - 40.0 ppm

40.1 - 170.0 ppm

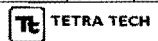
Note:

- Removal completion sample results indicate all Site soils range from ND to 10 ppm PCBs (except grids PE 11 and 13).
- PCB sample results appearing in the figure are now below at least 10" of clay, several inches to more than a foot of select fill and a layer of top soil and vegetation.
- Samples were collected at different times in May and June 2021.



Lefevre Street Container Removal
Philadelphia, Philadelphia County, PA

Figure 2
Lefevre Street Container Removal Site -
Removal Action Completion
Samples collected multiple dates April to June 2021



Prepared For: EPA RI STARTY VI
Coordinate System: NAD 1983 StatePlane Pennsylvania North FIPS 3105 Feet

H

Law Office of Joseph P. Howard

1920 Fairfax Avenue
Cherry Hill, NJ 08003

phone: 856-282-1318

email: jhoward@jph-law.com

Exhibit C



**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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Customer Service Hotline: 1-800-438-2474*

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 Digitally signed by CLAUDETTE REED
Date: 2020.04.20 14:54:41 -04'00'

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

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