



Lauletta Birnbaum
ATTORNEYS AT LAW

Richard DeMarco, Esquire
Direct Dial: (215) 644-3943
Email: rdemarco@lauletta.com

May 17, 2018

U.S. EPA-REGION 3-RHC
FILED-21MAY2018PM12:59

Robert S. Hasson, Esq.
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency – Region III
1650 Arch Street (3RC41)
Philadelphia, PA 19103

RE: 2818-20 E. Belgrade Street, Philadelphia, PA.

Dear Mr. Hasson:

I am in receipt of the letter dated May 10, 2018 from Joan Armstrong regarding the Environmental Protection Agency (EPA)'s clean-up effort at the property located at 2818 Belgrade Street, Philadelphia, Pa (the "Property"). Also, I am in receipt of a May 14, 2018 letter from Mary Coe, Esquire, Regional Counsel of the EPA, regarding notice of a federal Superfund Lien for the clean-up effort at the Property. As you know I represent the owner of the Property, John Joyce, Jr. I want to make sure Mr. Joyce is on record as informing you and the EPA that he is not responsible for any environmental damage at the Property. Additionally, we officially request an administrative hearing as stated in page 3 of Ms. Coe's May 14, 2018 letter.

More specifically, last year, on or about mid-December 2017, at least two individuals broke into the Property, which was firmly secured with multiple locks, and illegally tampered with, dismantled, and removed the electrical transformers at the Property, which were at that time stored properly and safely. Their actions caused the contamination and environmental issues that the EPA is now addressing. Mr. Joyce did not know them, and they acted illegally in committing the above acts.

Additionally, two of the individuals who illegally entered the property and tampered with the transformers were caught by police and arrested, and have been charged with burglary of the Property and theft and removal of the transformers, and other related crimes. Their names and their respective criminal case docket numbers are: David Deesch; Docket No. 51-CR-0035840-2017; and Francis Fitzgerald; Docket No. 51-CR-0035839-2017. There is a trial for the two individuals scheduled for next Thursday, May 24, 2018 in courtroom 604 of the Criminal Justice Center, 1401 Filbert Street, Philadelphia PA 19107. Obviously, due to the above facts, Mr. Joyce invokes the third-party defense in the CERCLA statute found at 42 U.S.C. Section 9607(b)(3)), relating to acts and/or omissions of third parties which cause the damage or contamination.

Robert S. Hasson, Esq.
May 17, 2017
Page 2 of 2

Please advise when the administrative hearing is scheduled, and we will bring written documentation of the damages caused by these individuals and other testimony and evidence to show that Mr. Joyce is not responsible for the damage and contamination.

Thank you for your attention and assistance in this matter.

Sincerely,

LAULETTA BIRNBAUM, LLC

By: /s/ Richard C. DeMarco
Richard DeMarco, Esq.

cc: Mary Coe, Esquire