



Pennsylvania Department of Environmental Protection

Office of Chief Counsel
2 East Main Street
Norristown, PA 19401

August 29, 2006

Southeast Regional Office

Telephone: (484) 250 - 5871
Facsimile: (484) 250 - 5931

Robert W. Thomson, Esquire
Babst, Calland, Clements and Zomnir, P.C.
Two Gateway Center
Pittsburgh, Pennsylvania 15222

TRANSMITTED VIA CERTIFIED MAIL
#70012510000581469771
RETURN RECEIPT REQUESTED

RE: Bishop Tube Cost Recovery

Dear Mr. Thomson:

In a letter dated May 5, 2000 the Department of Environmental Protection ("Department") notified Marcegaglia USA, Inc. ("Marcegaglia") that there was a release of a contaminant or hazardous substances at the site of the Bishop Tube Company ("Bishop Tube"), Frazier, East Whiteland Township, Chester County, now known as the Bishop Tube Hazardous Sites Cleanup Act site ("Site").

The May 5, 2000 letter informed Marcegaglia that the Department had determined that further response action and investigation at the Site were necessary and as a former operator of Bishop Tube, Marcegaglia may be responsible for any environmental investigations or cleanup actions necessary at the Site.

Section 701 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P.L. 756, 35 P.S. §§ 6020.101-6020.1305 ("HSCA"), 35 P.S. § 6020.701(a)(1)(iii), states that a person shall be responsible for a release or threatened release of hazardous substances from a site if that person owns or operates the site during the time of the release or threatened release of hazardous substances. Such responsibility includes liability for reasonable and necessary or appropriate costs of remedial response incurred by the Department. The Department's information indicates Marcegaglia operated at the Site from approximately 1991 through 1999, during which time a release of hazardous substances occurred.



August 29, 2006

To date, the Department has incurred approximately one million and sixty thousand dollars (\$1,060,000.00) in response costs and future response costs are anticipated. In light of Marcegaglia's status as a potentially responsible party, the Department invites Marcegaglia to the Southeast Regional Office in Norristown, Pennsylvania for a meeting to discuss the cleanup action and to give Marcegaglia an opportunity to become an active participant in the process associated with implementing and financing remediation at the Site.

Please contact me if you have any questions regarding this matter. We would appreciate a response to this invitation within ten (10) days of receipt of this letter. I look forward to hearing from you.

Sincerely,



Lauren G. Rosen
Assistant Counsel

cc: D. Armstrong, Environmental Protection Specialist, ECP
G. Horvat, HSCA Section Chief, ECP
Re 30