



Pennsylvania Department of Environmental Protection

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

February 15, 2008

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 FACSIMILE AND CERTIFIED MAIL
#7001 2510 0005 8146 9764
RETURN RECEIPT REQUESTED

RE: Bishop Tube HSCA Site

Dear Mr. Thomson:

The Department of Environmental Protection (Department) has previously sent you three letters (May 5, 2000, August 29, 2006 and October 10, 2006), requesting that your client, Marcegaglia USA, Inc. (Marcegaglia), speak with the Department regarding a release of a contaminant or hazardous substances at the site of the Bishop Tube Company (Bishop Tube), Frazer, 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.

The Department's August 29, 2006 and October 10, 2006 letters both referenced the status of your client as a former operator of the Bishop Tube Company and extended Marcegaglia an invitation to come to the Department's Southeast Regional Office in Norristown, Pennsylvania for a meeting to discuss the cleanup action at the Site.



In response to the Department's correspondence and as a comment on the Site's Administrative Record, you sent two letters, October 19, 2006 and March 16, 2007, respectively, that stated and reiterated your client's position that they were at no time an operator of the Bishop Tube Company and, while present as a lessee at the Site, Marcegaglia never used Trichlorethylene (TCE). The Department appreciates your response to its inquiries and understands your client's position.

As you know, the Department is implementing a Prompt Interim Response at the Site and, to that end, has continued its investigation into the ownership and operational history at the Site, pursuant to Section 501 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. § 6020.501. During its investigation that Department has identified records that confirm that "The New Bishop Tube, A Division of The Marcegaglia Group" purchased TCE in March of 1993 and received pricing quotes for possible future purchases of TCE in July and September of 1993. See enclosed. The year 1993 corresponds with the time Marcegaglia leased the Site and began operations, January 1992.

The enclosed records appear to directly contradict statements in your October 19, 2006 and March 16, 2007 letters.

October 19, 2006:

During the time of its short tenancy and use of part of the Christiana property, Marcegaglia did not use TCE or vapor degreasers. Those were gone before Marcegaglia began operations.

March 16, 2007:

Marcegaglia S.p.A formed a new corporation, the New Bishop Tube Company, effective January 1, 1992, to which the Christiana machinery and equipment was transferred. The new corporation leased the Frazer facility from Christiana and began operation in the third quarter of 1992...Marcegaglia did no pickling or degreasing and used no TCE.

In light of the enclosed information indicating Marcegaglia did, at a minimum, purchase TCE while operating the New Bishop Tube Company at the Site, the Department would again like to extend an invitation to your client and 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: C. Shawn Dryer, Esquire
D. Armstrong, Environmental Protection Specialist, HSCA
G. Horvat, HSCA Section Chief
S. Sinding, ECP Regional Manager

ENCLOSURE I

Document: Bishop Tube Company Purchase Order

Relevance: Bishop Tube Company letter head indicating the company is a Division of The Marcegaglia Group.

Date: March 26, 1993

BISHOP TUBE COMPANY

P.O. Box 1189
Route 30 and Malin Road
Frazer, Pennsylvania 19355

Phone: (215) 647-3450
TWX: 910-380-9487
FAX: (215) 647-2540

| PURCHASE ORDER | |
|--|--|
| M0065 | |
| SHOW THIS NO. ON ALL SHIPMENTS AND CORRESPONDENCE | |

A Division of The Marcegaglia Group

SHIP TO
AS ABOVE UNLESS OTHERWISE INDICATED

Abbottstown Industries Inc.
PO Box 158
Abbottstown, PA 17301 7
ATTN: Mr. Jim Lewis

| DATE ORDERED | DATE REQUIRED IN OUR PLANT | TERMS | SUBJECT TO PENNA. SALES TAX - 1501446 YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | SHIP VIA | F.O.B. |
|---------------------------------------|----------------------------|--------------|--|------------|--------|
| 03/26/93 | ASAP | 1% 10 Net 30 | | Bestway | |
| ITEM | QUANTITY | CODE | UNIT AND DESCRIPTION | PRICE | AMOUNT |
| | 1 | | Manufacture .8385 dia. - .065 Wall Mandrel 1" - Delivery 04/30/93 | 242.00 ea. | |
| | 1 | | Manufacture 1.0807 dia. - .065 Wall Mandrel 1 - 1/4" - Delivery 04/05/93 | 284.00 ea. | |
| | 1 | | Manufacture 1.3307 dia - .065 Wall Mandrel 1 - 1/2" - Delivery 04/05/93 | 297.00 ea. | |
| | 1 | | Manufacture 1.8307 dia. - .065 Wall Mandrel 2" - Delivery 04/05/93 | 384.00 ea. | |
| | 1 | | Manufacture 2.3307 dia. - .065 Wall Mandrel 2 - 1/2" - Delivery 04/03/93 | 449.00 ea. | |
| REFER TO QUOTE #6314 | | | | | |
| CONFIRMING ORDER - DO NOT DUPLICATE!! | | | | | |

PLEASE ACKNOWLEDGE ACCEPTANCE PROMPTLY
INDICATING PRICES AND DEFINITE SHIPPING DATE.

SEND TWO COPIES OF INVOICE TO ACCOUNTS
PAYABLE SECTION FOR EACH SHIPMENT.

THIS ORDER SUBJECT TO ALL
CONDITIONS ON REVERSE SIDE.

BISHOP TUBE COMPANY
Paul H. Lewis
PURCHASING AGENT

ACCOUNTING COPY

ENCLOSURE II

Document: East Falls Corporation Invoice

Relevance: The New Bishop Tube Company
purchased Trichloroethylene.

Dispatch Date: March 24, 1993

Invoice Date: March 26, 1993

Payment Date: May 13, 1993

INVOICE

PLEASE REFER TO INVOICE NUMBER
IN UNSHADED AREAS
ON ALL CORRESPONDENCE.

EEI EAST FALLS
CORPORATION
GREAT VALLEY CORPORATE CENTER • 15 LEE BLVD • FRAZER, PA 19355
(215) 647-9100 FAX: (215) 647-5436

RECEIVED
MAR 30 1993

INVOICE NUMBER

10-9303-42639

INVOICE DATE

26 Mar 1993

BILL TO

THE NEW BISHOP TUBE COMPANY
PO. BOX 1189
RT 30 & MALIN ROAD
FRAZER, PA. 19355

SHIPPING DETAILS:

THE NEW BISHOP TUBE COMPANY
ROUTE 30 & MALIN ROAD
FRAZER, PA
19355

CUSTOMER CODE: 60-B10450

CERT ON FILE

CUSTOMER P.O. 28633

B/L NUMBER: 9303-47180/01

DISPATCH DATE: 24 Mar 1993

TERMS: NET 30 DAYS FROM SHIP DATE

COLLECTION FROM:

DUE DATE: 23 Apr 1993

ROUTE 30 & MALIN ROAD

AMOUNT: 1,138.23

FRAZER, PA
19355

| QUANTITY | UNITS | DESCRIPTION | PRICE | TOTAL |
|----------|-------|--------------------------------|-------|--------|
| 165 gal | | HYDRAULIC OIL 8-68 55 gal drum | 2.99 | 493.35 |
| 3 | | 55 gal drum | | |
| 660 lbs | | TRICHLOROETHYLENE 660# drum | 0.87 | 574.20 |
| 1 | | 55 gal drum | | |
| | | Envirn Protect Charge | 10.68 | 10.68 |
| 3 | | Drum Deposit | 20.00 | 60.00 |

PAID
MAY 13 1993
CK# 1574

Handwritten signature and date: 3/30/93

Handwritten signature: Pal

1,138.23

TERMS and CONDITIONS for this sale are set forth on the back of this invoice.
Any inquiries regarding this invoice, please call (215) 647-9107.

PLEASE REMIT TO:
EAST FALLS CORPORATION
P.O. Box 787 • Frazer, PA. 19355

ENCLOSURE III

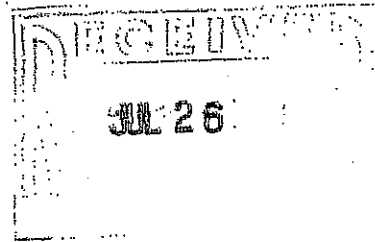
Document: East Falls Corporation Pricing List

Relevance: The New Bishop Tube Company possible future purchase of various products sold by the East Falls Corporation, including 1, 1, 1, Trichloroethane and Trichloroethylene.

Date: July 23, 1993



**EAST FALLS
CORPORATION**



THE NEW BISHOP TUBE COMPANY
ROUTE 30 & MALIN ROAD
FRAZER, PA
19355

23 Jul 1993

Dear RUSS LEVERING,

You will find below our current pricing (per unit of measure) for products we supply to you. Changes in market conditions have resulted in the new prices noted with an asterisk (*). All prices are subject to change without notice.

| Product | Quantity | Price | Effective |
|---------------------------------------|----------|-------------------|-----------|
| 1,1,1 TRICHLOROETHANE 600# drum | 1 lbs at | 1.0420 delivered | 01/15/93 |
| ACETONE** 363# drum | 1 lbs at | 0.6100 delivered | 04/01/93 |
| CAUSTIC SODA LIQ 50% REG 700# drum | 1 lbs at | 0.1250 delivered | 06/02/93 |
| DISODIUM PHOSPHATE ANHY GRAN FG 50#bg | 1 lbs at | 0.7000 delivered | 07/01/93 |
| FRONSOLVE TF 660# drum | 1 lbs at | 3.7100 delivered | 12/15/92 |
| GREASE EP 2 EFC HIGH TEMP 120# DRUM | 1 lbs at | 0.8900 delivered | 09/29/90 |
| MURIATIC ACID 20 150# drum | 1 lbs at | 0.5060 delivered | 08/15/93* |
| HYDROFLUORIC ACID 70% 500# | 1 lbs at | 0.7300 delivered | 05/17/90 |
| HYDROFLUORIC ACID 70% 500# drum | 1 lbs at | 0.8700 delivered | 10/03/90 |
| HYDRAULIC OIL 8-68 55 gal drum | 1 gal at | 2.9900 delivered | 03/23/93 |
| HYDRAULIC OIL 9-32 55 gal drum | 1 gal at | 3.3700 delivered | 06/02/92 |
| HYDROGEN PEROXIDE 50% 500#drum | 1 lbs at | 0.5000 delivered | 06/22/93 |
| MOTOR OIL HS 10W-40 55 gal drum | 1 gal at | 3.7600 delivered | 08/02/92 |
| MOTOR OIL PLUS 20 55 gal drum | 1 gal at | 3.5400 delivered | 06/02/92 |
| MOTOR OIL PLUS 40 55 gal drum | 1 gal at | 3.6600 delivered | 06/02/92 |
| zZOPA KLONE NEW 564# drum | 1 lbs at | 1.5460 delivered | 04/15/92 |
| SULFTECH (SOD SULFITE ANHY) 100# bags | 1 lbs at | 0.2850 delivered | 10/18/89 |
| TRICHLOROETHYLENE 660# drum | 1 lbs at | 0.8700 delivered | 01/01/93 |
| TRICHLOROETHYLENE bulk | 1 lbs at | 0.7350 delivered | 01/01/93 |
| WAY LUBE 1180 ISD 68 5 gal pail | 1 gal at | 15.1200 delivered | 06/02/92 |

We highly value the business we have with you and are looking forward to continuing to service your needs. If you have any questions please do not hesitate to contact me, either directly or through our Customer Service Coordinators.

Sincerely,

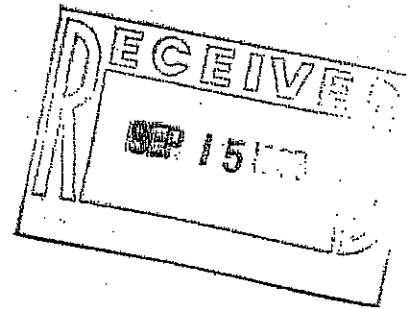
ENCLOSURE IV

Document: East Falls Corporation Pricing List

Relevance: The New Bishop Tube Company possible future purchase of various products sold by the East Falls Corporation, including 1, 1, 1, Trichloroethane and Trichloroethylene.

Date: September 10, 1993

nci **EAST FALLS**
CORPORATION



THE NEW BISHOP TUBE COMPANY
ROUTE 30 & MALIN ROAD
FRAZER, PA 19355

10 Sep 1993

Dear RUSS LEVERING,

You will find below our current pricing (per unit of measure) for products we supply to you. Changes in market conditions have resulted in the new prices noted with an asterisk (*). All prices are subject to change without notice.

| Product | Quantity | Price | Effective |
|---------------------------------------|----------|-------------------|-----------|
| 1,1,1 TRICHLOROETHANE 600# drum | 1 lbs at | 1.0420 delivered | 01/15/93 |
| ACETONE** 363# drum | 1 lbs at | 0.6100 delivered | 04/01/93 |
| CAUSTIC SODA LIQ 50% REG 700# drum | 1 lbs at | 0.1200 delivered | 09/09/93 |
| DISODIUM PHOSPHATE ANHY GRAN FB 50#bg | 1 lbs at | 0.7000 delivered | 07/01/93 |
| FRONSOLVE TF 660# drum | 1 lbs at | 3.7100 delivered | 12/15/92 |
| GREASE EP 2 EFC HIGH TEMP 120# DRUM | 1 lbs at | 0.8900 delivered | 09/29/90 |
| MURIATIC ACID 20 150# drum | 1 lbs at | 0.5060 delivered | 08/15/93 |
| HYDROFLUORIC ACID 70% 500# | 1 lbs at | 0.7300 delivered | 05/17/90 |
| HYDROFLUORIC ACID 70% 500# drum | 1 lbs at | 0.8700 delivered | 10/03/90 |
| HYDRAULIC OIL 8-68 55 gal drum | 1 gal at | 2.9900 delivered | 03/23/93 |
| HYDRAULIC OIL 9-32 55 gal drum | 1 gal at | 3.3700 delivered | 06/02/92 |
| HYDROGEN PEROXIDE 50% 500#drum | 1 lbs at | 0.5000 delivered | 06/22/93 |
| MOTOR OIL HS 10W-40 55 gal drum | 1 gal at | 3.7600 delivered | 06/02/92 |
| MOTOR OIL PLUS 20 55 gal drum | 1 gal at | 3.5400 delivered | 06/02/92 |
| MOTOR OIL PLUS 40 55 gal drum | 1 gal at | 3.6600 delivered | 06/02/92 |
| zzOPA KLONE NEW 564# drum | 1 lbs at | 1.5460 delivered | 04/15/92 |
| SULFTECH (SOD SULFITE ANHY) 100# bags | 1 lbs at | 0.2850 delivered | 10/18/89 |
| TRICHLOROETHYLENE 660# drum | 1 lbs at | 0.8700 delivered | 01/01/93 |
| TRICHLOROETHYLENE bulk | 1 lbs at | 0.7350 delivered | 01/01/93 |
| WAY LUBE 1180 ISO 68 5 gal pail | 1 gal at | 15.1200 delivered | 06/02/92 |

We highly value the business we have with you and are looking forward to continuing to service your needs. If you have any questions please do not hesitate to contact me, either directly or through our Customer Service Coordinators.

Sincerely,