

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

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COMMONWEALTH OF PENNSYLVANIA,		)	
DEPARTMENT OF ENVIRONMENTAL		)	
PROTECTION,		)	
	Plaintiff,	)	
		)	
	v.	)	CIV. ACTION NO. 2:23-cv-873
		)	
ONE BREWERY PLACE, INC.; HAROLD B.		)	
DAVIDSON; JAMES RANDY DAVIDSON;		)	
M. ULTRA INVESTMENT GROUP, LTD.;		)	
and ARXADA, LLC,		)	
		)	
	Defendants.	)	
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**NOTICE OF LODGING OF PROPOSED CONSENT DECREE**  
**PENDING SOLICITATION OF REVIEW AND COMMENT BY PLAINTIFF**  
**COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL**  
**PROTECTION**

On November 8, 2023, Plaintiff Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) filed an Amended Complaint (ECF 19) against One Brewery Place, Inc., Harold B. Davidson, James Randy Davidson, M. Ultra Investment Group, Ltd., and Arxada, LLC (collectively, “Defendants”). The Department filed its Amended Complaint pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, *as amended*, 42 U.S.C. § 9607(a), and environmental laws of the Commonwealth of Pennsylvania.

The Department’s Amended Complaint seeks reimbursement from the Defendants of response costs and applicable interest incurred by the Department in responding to the release or threatened release of hazardous substances at or from the former Swimming Pool Doctor Site, located in Rochester Borough, Beaver County, Pennsylvania (“Site”).

By its Order of November 22, 2024 (ECF 60), the Court approved a Department settlement resolving all of the Department's claims against Defendant Arxada, LLC.

The Department now lodges a proposed Consent Decree with Defendants One Brewery Place, Inc.; Harold B. Davidson; James Randy Davidson; and M. Ultra Investment Group, Ltd. (collectively, "Remaining Defendants"). A copy of the proposed Consent Decree is attached hereto as Exhibit A. The proposed Consent Decree will resolve all of the Department's claims against the Remaining Defendants.

The Department respectfully requests that the Court refrain from signing the proposed Consent Decree until the Department has provided the public an opportunity for review and comment. The Department intends to publish notice of the proposed Consent Decree in the *Pennsylvania Bulletin* and in a newspaper local to the Site, the *Beaver County Times*. The notice will indicate that the proposed Consent Decree is available for review and comment for a period of sixty (60) days.

Upon expiration of the sixty-day period, after review of any comments received, the Department will either move the Court to approve and enter the Consent Decree or move to withdraw it. Until that time, no action is required of the Court.

Respectfully submitted,

**FOR THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT  
OF ENVIRONMENTAL PROTECTION:**

/s/ Edward S. Stokan

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Date: December 4, 2025