

IN THE
COMMONWEALTH COURT OF PENNSYLVANIA



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Plaintiff

v.

RICHARD M. HELLER,
CLEARVIEW LAND DEVELOPMENT, INC.

and

CITY WIDE SERVICES, INC.,
Defendants

No. _____ 1998
Complaint in Equity

MEMORANDUM OF LAW IN SUPPORT
OF COMPLAINT IN EQUITY

By the accompanying Complaint in Equity, the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), applies to this Court to issue an order to Richard M. Heller, Clearview Land Development, Inc., and City Wide Services, Inc., compelling them to cease processing and disposing of solid waste and to remove illegally disposed solid waste. The Department files the following Memorandum of Law in support of the complaint.

I. BACKGROUND

The Department is proceeding under this Court's original jurisdiction, seeking a permanent injunction against the Defendants. The Defendants are conducting unlawful solid waste processing and disposing on a property in Darby Township, Delaware County.

II. JURISDICTIONAL BASIS

Commonwealth Court is vested with jurisdiction to hear this action pursuant to 42 Pa.C.S.A. § 761(a)(2) which provides that this Court shall have original jurisdiction of all civil actions or proceedings by the Commonwealth, with the exception of eminent domain proceedings.

Section 604(a) of the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, No. 97, as amended, §§ 6018.101, et seq., (hereinafter, "SWMA"), 35 P.S. § 6018.604(a), authorizes the Department to institute a suit in equity in the name of the Commonwealth where a violation of law or nuisance exists for an injunction to restrain a violation of the SWMA and to restrain the maintenance or threat of a public nuisance. In any such proceeding, the Court shall, upon motion of the Commonwealth, issue a prohibitory or mandatory injunction if it finds that the defendant is engaging in unlawful conduct as defined by the SWMA or is engaged in conduct which is causing immediate and irreparable harm to the public. 35 P.S. § 6018.604(a).

III. ISSUE PRESENTED

Richard Heller and his companies, Clearview Land Development, Inc. and City Wide Services, Inc., have a long history of violating the SWMA. In fact, there have been continuing violations on the property in question since the 1970's. Section 201(a) of the SWMA, 35 P.S. § 6018.201(a) makes it unlawful to own or operate a municipal waste processing or disposal

facility without first obtaining a permit from the Department. Neither Richard Heller, nor his corporations Clearview Land Development, Inc. and City Wide Services, Inc, has ever had a permit to process or dispose municipal waste, but they have done so for many years, and continue to do so, in blatant violation of the SWMA.

The most recent violations involve the operation of an unpermitted municipal waste transfer station, and the unpermitted dumping of waste directly on the surface of the ground. These activities are in direct contravention of § 201(a) of the SWMA, 35 P.S. § 6018.201(a), and are unlawful conduct under § 610 of the SWMA, 35 P.S. § 6018.610.

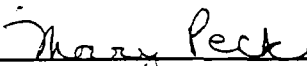
The Department has issued notices of violation to Richard Heller and given him ample opportunity to correct the violations, but waste remains on the site. The Department lacks an adequate remedy at law to restrain Heller, City Wide Services, Inc., and Clearview Land Development, Inc. from continuing to violate the SWMA. Consequently, the Department is now invoking its authority under § 604 of the SWMA, 35 P.S. § 6018.604, to institute a suit in equity in the name of the Commonwealth for an injunction to restrain the violations of the SWMA.

IV. CONCLUSION

The facts set forth in the accompanying Complaint in Equity establish that Heller, Clearview Land Development, Inc., and City Wide Services are in continuing violation of the SWMA. This Honorable Court has original jurisdiction over this matter and should issue a restraining injunction to Heller, Clearview Land Development, Inc., and City Wide Services, Inc. to immediately and permanently cease the processing, dumping, disposing or burning of all solid waste, and should issue a mandatory injunction to Heller, Clearview Land Development, Inc., and City Wide Services, Inc. to remove all waste at the site.

Respectfully Submitted,

FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MARY PECK
Assistant Counsel
Attorney ID# 41707
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Lee Park - 555 North Lane - Suite 6015
Conshohocken, PA 19428
Telephone: 610 832-6300

DATE: 8/5/98

IN THE
COMMONWEALTH COURT OF PENNSYLVANIA

In the Matter of:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Petitioner

v.

RICHARD M. HELLER,
CLEARVIEW LAND DEVELOPMENT, INC.

and

CITY WIDE SERVICES, INC.

Respondents

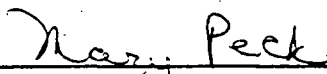
No. _____ 1998
Complaint in Equity

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons and in the manner indicated below, which services satisfies the requirements of Pa. R.A.P. 121:

BY HAND DELIVERY

Richard M. Heller
City Wide Services, Inc.
Clearview Land Development, Inc.
83rd and Buist Avenue
Darby Township, Delaware County



Mary Y. Peck
Assistant Counsel
Attorney ID No 41707
COMMONWEALTH OF PENNSYLVANIA
Department of Environmental Protection
Office of Chief Counsel - Southeast Region
Lee Park - 555 North Lane - Suite 6015
Conshohocken, PA 19428-2233
Telephone: 610-832-6300

DATE:

8/5/98

IN THE
COMMONWEALTH COURT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF ENVIRONMENTAL :
PROTECTION, :

Petitioner :

v. :

RICHARD M. HELLER, :
CLEARVIEW LAND DEVELOPMENT, INC. :

and :

CITY WIDE SERVICES, INC. :

Respondents :

No. _____ 1998
Complaint in Equity

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

IN THE COMMONWEALTH COURT
OF PENNSYLVANIA

In the Matter of:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Plaintiff

v.

RICHARD M. HELLER,
CLEARVIEW LAND DEVELOPMENT, INC.

and

CITY WIDE SERVICES, INC.,
Defendants

No. _____ 1998
Complaint in Equity

ORDER

NOW, this _____ day of _____, 1998, in consideration of the Commonwealth of Pennsylvania, Department of Environmental Protection's Complaint in Equity and the response thereto, this court finds that Richard M. Heller, Clearview Land Development, Inc., and City Wide Services, Inc., ("Defendants") have violated and continue to be in violation of the Pennsylvania Solid Waste Management Act, of July 7, 1980, P.L. 380, as amended, 35 P.S. §§ 6018.101, et seq. It is hereby ORDERED that:

A. Richard M. Heller, Clearview Land Development, Inc., and City Wide Services, Inc., are permanently enjoined from processing or disposing of waste at the Site, or allowing the processing or disposing of waste at the site, including, but not limited to the following: burning, dumping and disposing of waste on the surface of the ground; and sorting or processing waste on the tipping floors or surface of the ground.

B. Within seven (7) days of the date of this order, Richard M. Heller, Clearview Land Development, Inc., or City Wide Services shall remove all waste from the Site and properly dispose of it in compliance with the Solid Waste Management Act., 35 P.S. §§ 6018.101, et seq.

C. A nonexclusive fine of \$1000.00 per day is assessed for each day that Richard M. Heller, Clearview Land Development, Inc., and City Wide Services, Inc. fail to comply with this Order.

D. The Commonwealth of Pennsylvania, Department of Environmental Protection is awarded its costs.

E. Jurisdiction is retained.

J.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
CIVIL ACTION - EQUITY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Plaintiff

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RICHARD M. HELLER,
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and

CITY WIDE SERVICES, INC.,
Defendants

No. _____ 1998
Complaint in Equity

COMPLAINT IN EQUITY

The Commonwealth of Pennsylvania, Department of Environmental Protection, now comes before this Honorable Court and respectfully avers the following:

The Parties

1. Plaintiff is the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"). The Department is the agency of the Commonwealth which is vested with the duty and authority to administer the provisions of the Solid Waste Management Act ("SWMA"), Act of July 7, 1980, P.L. 380, as amended, 35 P.S. § 6018.101 et seq., the Clean Streams Law ("CSL"), Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. § 691.1 et seq., Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17, and the rules and regulations promulgated thereunder.

2. Defendants are Richard M. Heller ("Heller"), City Wide Service, Inc., and Clearview Land Development, Inc.

3. Heller is an individual who resides at 500 North Lemon Street, Media, PA 19063, and is the president of both Clearview Land Development, Inc. and City Wide Services, Inc.

4. City Wide Services, Inc. is a Pennsylvania corporation that conducts a trash hauling business, and has a mailing address of Avenue "A" and Darby Creek Road, Sharon Hill, PA 19679, and a registered office at 285 S. 63rd St., Philadelphia, PA.

5. Clearview Land Development, Inc. is a Pennsylvania corporation with a registered office of 1606 Rose Glen Rd., Havertown, PA, and is the owner of a tract of land on 83rd and Buist Avenue ("the Site"), Darby Township, Delaware County.

Jurisdiction

6. The jurisdiction of this Honorable Court is invoked pursuant to Section 761(a)(2) of the Judicial Code, 42 Pa. C.S.A. § 761(a)(2); and Section 604 of the SWMA, 35 P.S. § 6018.604, which authorizes the Department to institute a suit in equity in the name of the Commonwealth to enforce the SWMA.

Factual History

7. Heller and his corporation, Clearview Land Development, Inc. have a long history of violating the SWMA, including the following:

a. Heller and Clearview Land Development, Inc. illegally operated a landfill at the Site during the 1970's.

b. On August 7, 1973, the Delaware County Court of Common Pleas ordered Clearview Land Development, Inc. to cease disposing of solid waste at the Site by September 30, 1973. This Honorable Court upheld and expanded the requirements of the August 7, 1973 order of the Court of Common Pleas of Delaware County in Clearview Land Development Co., Inc. v. Commonwealth, et al., 327 A.2d 202 (1974). (A copy of the order of the Delaware County court of Common Pleas is attached hereto as "Exhibit A." A copy of the opinion and order of the Commonwealth Court is attached hereto as "Exhibit B.")

c. Numerous inspections by the Department in 1974 showed that Heller continued to dispose of solid waste at the Site in violation of the order of the Delaware County Court of Common Pleas.

d. Heller did not complete covering and grading of the landfill until 1976, nearly three years after the date imposed by the order of the Court of Common Pleas of Delaware County.

e. The Department received numerous complaints about the Site in the 1980's and 1990's, and conducted numerous inspections that revealed ongoing processing, dumping and open burning of waste, and severe rodent infestation.

f. On June 30, 1980, December 8, 1981, December 22, 1982, May 16, 1984, December 8, 1986, and October 27, 1987, the Department sent Heller notices of violation enumerating the violations of the SWMA at the Site. (Copies of these notices of violation are attached hereto as "Exhibit C.")

g. On September 3, 1980, the Department met with Heller and advised him to stop dumping and depositing or allowing the dumping or depositing of waste on the site and to cease burning waste on Site.

h. On at least two occasions, Heller refused to allow the Department access to the Site.

8. In response to observations made in a routine coastal zone fly-over, the Department, on April 14, 1997, conducted an inspection of the Site. The inspection revealed that Heller was again processing and disposing of solid waste without a permit. Specifically the

Department observed municipal waste including, but not limited to, household municipal waste, construction and demolition waste, waste tires, used appliances and recyclable material deposited onto the surface of the ground, and on two tipping floors at the Site.

9. On April 17, 1997, the Department conducted an inspection of the Site. The inspection revealed that Heller was continuing to process and dispose of solid waste without a permit. Specifically the Department observed municipal waste including, but not limited to, household municipal waste and construction and demolition waste on the surface of the ground. Further, Heller did not provide records, and refused to state where the waste was collected.

10. On April 22, 1997, the Department conducted an inspection of the Site. The inspection revealed that Heller was continuing to process and dispose of solid waste without a permit. Specifically the Department observed municipal waste including, but not limited to, household municipal waste, construction and demolition waste, a mattress, a boxspring, and furniture.

11. On April 25, 1997, the Department issued a notice of violation to Heller enumerating the violations observed during the inspections of April 14, 17 and 22, 1997, and requesting Heller to submit, within fourteen days, a proposed program and schedule for abatement of these violations. (A copy of this notice of violation is attached hereto as "Exhibit D.")

12. The Department conducted an inspection of the Site on June 24, 1997 that revealed that, although waste was no longer present on the tipping floors, waste remained on the surface of the ground at the Site.

13. On October 8, 1997, the Department met with Heller and advised him to stop dumping and depositing or allowing the dumping or depositing of waste on the site. Heller agreed to have a plan for the removal of the waste on site to the Department by October 17, 1991.

14. On October 27, 1997, the Department conducted an inspection of the Site that revealed that solid waste including, but not limited to tires, a mattress, a car seat, metal and styrofoam were dumped on one of the tipping floors, and previously observed waste remained on the surface of the ground.

15. An inspection conducted by the Department on May 5, 1998 revealed that additional waste was on the Site including, but not limited to, tires, glass, dimensional lumber, metal, and plastic bags containing municipal waste. Odors were present and flies were observed around the plastic bags of waste, indicating that the waste was putrescible. The Department did not receive any disposal receipts. Previously observed waste remained on the surface of the ground.

16. The Department mailed its inspection report from the May 5, 1998 inspection to Richard Heller on that day, and the report recommended that Heller cease dumping or allowing the dumping of waste at the Site, and that he properly dispose of all solid waste on the Site within 30 days, and provide disposal receipts within 35 days.

17. Subsequent to the May 5, 1998 inspection, the Department received a complaint alleging suspicious activity at the closed landfill and a significant increase in the amount of trucks going to the facility. In response to this complaint, the Department conducted an inspection on May 12, 1998.

18. The May 12, 1998 inspection revealed that the waste observed on the tipping floor on May 5, 1998, remained, and additional waste had been dumped there subsequent to May 5, 1998. The previously observed waste on the surface of the ground also remained.

19. During the May 12, 1998 inspection, Richard Heller admitted that he dumps waste on the tipping floor to sort through it for recyclable material, and he also admitted that he does not clean his hauling vehicles.

20. The Department again recommended that Heller cease dumping or allowing the dumping of waste on the site, properly dispose of all waste on the Site, and provide the Department with disposal receipts. The Department further recommended that Richard Heller cease sorting through waste, and ensure that waste hauling vehicles are cleaned in accordance with the municipal waste regulations, 25 Pa. Code §§ 285.213 and 285.214.

21. On June 8, 1998, the Department conducted another inspection that revealed that, although waste was removed from the tipping floor, previously observed waste remained on the surface of the ground.

22. To date the Department has not received a plan from Heller, and waste remains on the surface of the ground at the Site.

Count 1 - The Solid Waste Management Act

23. Paragraphs 1-22, inclusive, are hereby incorporated as though fully set forth herein.

24. Section 201(a) of the SWMA, 35 P.S. § 6018.201(a), provides, "[n]o person or municipality shall store, collect, transport, process, or dispose of municipal waste within this Commonwealth unless such storage, collection, transportation, processing or disposal is

authorized by the rules and regulations of the department and no person or municipality shall own or operate a municipal waste processing or disposal facility unless such person or municipality has first obtained a permit for such facility from the department.”

25. Section 610 of the SWMA, 35 P.S. § 6018.610 makes it unlawful for any person or municipality to:

- (1) dump, deposit, or permit the dumping or depositing, of any solid waste onto the surface of the ground or into the waters of the Commonwealth unless a permit has first been obtained from the Department;
- (2) construct, alter, operate or utilize a solid waste storage, treatment, processing or disposal facility without a permit from the Department as required by the SWMA;
- (3) burn solid wastes without a permit from the Department;
- (4) store, collect, transport, process, treat, beneficially use, or dispose of solid waste contrary to the rules and regulations of the Department or in any manner as to create a public nuisance or to adversely affect the public health, safety and welfare; or to

(7) refuse, hinder, obstruct, delay, or threaten any agent or employee of the Department in the course of performance of any duty under this act including, but not limited to, entry and inspection under any circumstances.

(9) cause or assist in the violation of any provision of the SWMA or any order of the Department.

26. Section 601 of the SWMA, 35 P.S. § 6018.601 states that “[a]ny violation of any provision of this act, any rule or regulation of the department, [or] order of the department ... shall constitute a public nuisance. Any person or municipality causing such a violation shall be liable for the costs of abatement of any pollution and any public nuisance caused by such violation.”

27. The Site, as identified in Paragraph 1, is a “facility” as that term is defined in 103 of the SWMA, 35 P.S. § 6018.103.

28. Section 604 of the SWMA, 35 P.S. § 6018.604, authorizes the Department to “institute a suit in equity in the name of the Commonwealth where a violation of law or nuisance exists for an injunction to restrain a violation of this act or the rules, regulations, standards or

orders adopted or issued thereunder and to restrain the maintenance or threat of a public nuisance." Moreover, "[i]n any such proceeding, the court shall, upon motion of the Commonwealth, issue a prohibitory or mandatory injunction if it finds that the defendant is engaging in unlawful conduct which is causing immediate and irreparable harm to the public."

29. The actions of Heller, City Wide Services, Inc., and Clearview Land Development, Inc. in failing to comply with the repeated orders and requests of the Department, in continuing to own and/or operate the Site as a disposal and processing facility for solid waste, are creating a manifest danger of immediate and irreparable harm to the public health and safety and to the environment and constitute violations of the law under the SWMA and a public nuisance as defined therein.

30. The Department lacks an adequate remedy at law to restrain Heller, City Wide Services, Inc., and Clearview Land Development, Inc. from continuing to violate the SWMA.

WHEREFORE, the Commonwealth respectfully requests and petitions this Court to issue a restraining injunction to Heller, Clearview Land Development, Inc., and City Wide Services, Inc. to immediately and permanently cease the processing, dumping, disposing or burning of all solid waste at the Site, to cease authorizing or otherwise allowing the processing, dumping, disposing or burning of all solid wastes at the Site, and to issue a mandatory injunction to Heller, Clearview Land Development, Inc., and City Wide Services, Inc. to remove all waste on the Site.

Count 2 - Administrative Code and Public Nuisance

31. Paragraph 1-30, inclusive, are hereby incorporated as though fully set forth herein.

32. Section 1917-A of the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17, states: “[t]he Department of Environmental Protection shall have the power and its duty shall be: (1) To protect the people of this Commonwealth from unsanitary conditions and other nuisances, including any condition which is declared to be a nuisance by any law administered by the Department...”

33. The actions of Heller, Clearview Land Development, Inc., and City Wide Services, Inc. have created a public nuisance and a statutory nuisance such that an equity action by public authorities will lie for the abatement of such nuisances through a prohibitive and mandatory injunction.

WHEREFORE, the Department respectfully requests this Court to issue a restraining injunction to Heller, Clearview Land Development, Inc., and City Wide Services, Inc. to immediately and permanently cease the processing, dumping, disposing or burning of all solid waste at the Site, to cease authorizing or otherwise allowing the processing, dumping, disposing or burning of all solid wastes at the Site, and to issue a mandatory injunction to Heller, Clearview Land Development, Inc., and City Wide Services, Inc. to immediately remove all waste from the Site.

Respectfully Submitted,

FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mary Peck

MARY PECK
Assistant Counsel
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Telephone: 610-832-6300

DATE:

8/5/98

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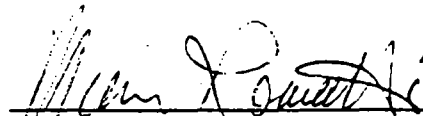
Defendants

Docket No.

VERIFICATION OF ACCURACY OF COMPLAINT

I, Nancy Roncetti, Chief of Operations for the Commonwealth of Pennsylvania,
Department of Environmental Protection, Southeast Region Bureau of Waste Management, do
hereby aver and affirm that the facts alleged in the foregoing Complaint in Equity are true and
correct to the best of my knowledge and belief.

I understand that this verification is made subject to the penalties provided in 18 Pa.C.S. §
4909 relating to unsworn falsification to authorities.



Nancy Roncetti
Chief of Operations

GLOSSARY OF DATA QUALIFIER CODES (DIOXIN/FURAN)

- B Blank Contamination
- I Polychlorinated diphenyl ether (PCDPE) interferences
- J The analyte was positively identified; the associated numerical value is the estimated concentration of the analyte in the sample.
- N The analysis indicates the presence of an analyte for which there is presumptive evidence to make a "tentative identification".
- R The sample results are rejected due to serious deficiencies in the ability to analyze the sample and meet quality control criteria. The presence or absence of the analyte cannot be verified.
- U Not detected above the Contract Required Quantitation Limit (CRQL).
- UJ Not detected, quantitation limit is estimated.

Sample No.	R344231			R344234			R344235			R34423A		
	Dilution Factor			1			1			1		
% Solid	59.84			82.35			47.59			45.09		
Location	HENDX31			DCIDX34			DCIDX35			DCIDX35A		
ANALYTE / TEF	CONC	TEQ	Q	CONC	TEQ	Q	CONC	TEQ	Q	CONC	TEQ	Q
2378-TCDF (0.10)		0.00000		1.08	0.10800	J	128.45	12.84500	J	121.56	12.15600	J
2378-TCDD (1.00)	0.57	0.57000	J		0.00000		9.43	9.43000		7.87	7.87000	
12378-PeCDF (0.05)	1.54	0.07700	J	0.21	0.01050	J	53.81	2.69050		50.19	2.50950	
23478-PeCDF (0.50)	4.06	2.03000	J	0.24	0.12000	J	108.53	54.26500		95.85	47.92500	
12378-PeCDD (0.50)	1.64	0.82000	J	0.63	0.31500	J	22.74	11.37000	J	22.38	11.19000	
123478-HxCDF (0.10)	18.32	1.83200		0.60	0.06000	J	81.53	8.15300		72.08	7.20800	
123678-HxCDF (0.10)	2.76	0.27600	J		0.00000		45.53	4.55300		39.12	3.91200	
234678-HxCDF (0.10)	4.33	0.43300			0.00000		69.07	6.90700		63.25	6.32500	
123789-HxCDF (0.10)	1.04	0.10400	J		0.00000		17.71	1.77100		14.26	1.42600	
123478-HxCDD (0.10)		0.00000		0.76	0.07600	J	26.37	2.63700		23.69	2.36900	
123678-HxCDD (0.10)	7.37	0.73700	J	2.50	0.25000	J	53.64	5.36400		50.17	5.01700	
123789-HxCDD (0.10)	7.37	0.73700		2.09	0.20900	J	41.94	4.19400		37.48	3.74800	
1234678-HpCDF (0.01)	50.75	0.50750		2.60	0.02600	J	228.18	2.28180		192.70	1.92700	
1234789-HpCDF (0.01)	4.13	0.04130	J		0.00000		20.11	0.20110		18.03	0.18030	
1234678-HpCDD (0.01)	184.64	1.84640		57.81	0.57810		813.53	8.13530		791.71	7.91710	
OCDF (0.001)	114.9	0.11490		5.80	0.00580	J	263.12	0.26312		260.74	0.26074	
OCDD (0.001)	1882.1	1.88210		576.96	0.57696		8645.77	8.64577	J	8108.65	8.10865	J
Other TCDF	56.32	0.00000	I	4.189	0.00000	I	1595.59	0.00000	I	1706.61	0.00000	I
Other TCDD	2.44	0.00000		0.24	0.00000		302.71	0.00000		288.51	0.00000	
Other PeCDF	96.47	0.00000	I	3.79	0.00000	I	994.24	0.00000	I	926.68	0.00000	I
Other PeCDD		0.00000		2.50	0.00000		151.75	0.00000		269.19	0.00000	
Other HxCDF	175.62	0.00000	I	6.34	0.00000	I	612.90	0.00000	I	592.81	0.00000	I
Other HxCDD	37.03	0.00000		23.02	0.00000		502.69	0.00000		487.67	0.00000	
Other HpCDF	164.27	0.00000	I	5.95	0.00000	I	389.93	0.00000	I	380.93	0.00000	I
Other HpCDD	155.53	0.00000		62.28	0.00000		754.42	0.00000		721.68	0.00000	
TOTAL TEQ		12.00820			2.33536			143.70659			130.04929	

TEQs are based on I-TEF/89 Scheme.

Sample No.	R344233			R344237								
	I			I								
Dilution Factor	81.34			80.28								
% Solid												
Location	DC1DX33			DC1DX97								
ANALYTE / TEF	CONC	TEQ	Q	CONC	TEQ	Q	CONC	TEQ	Q	CONC	TEQ	Q
2378-TCDF (0.10)		0.00000		1.86	0.18600	J		0.00000			0.00000	
2378-TCDD (1.00)	0.21	0.21000	J	0.29	0.29000	J		0.00000			0.00000	
12378-PeCDF (0.05)		0.00000		0.96	0.04800	J		0.00000			0.00000	
23478-PeCDF (0.50)	1.25	0.62500	J	2.23	1.11500	J		0.00000			0.00000	
12378-PeCDD (0.50)		0.00000			0.00000			0.00000			0.00000	
123478-HxCDF (0.10)	1.91	0.19100	J	2.80	0.28000	J		0.00000			0.00000	
123678-HxCDF (0.10)		0.00000		0.93	0.09300	J		0.00000			0.00000	
234678-HxCDF (0.10)	0.50	0.05000	J	0.96	0.09600	J		0.00000			0.00000	
123789-HxCDF (0.10)		0.00000			0.00000			0.00000			0.00000	
123478-HxCDD (0.10)	0.52	0.05200	J	1.02	0.10200	J		0.00000			0.00000	
23678-HxCDD (0.10)	1.98	0.19800	J	4.26	0.42600			0.00000			0.00000	
123789-HxCDD (0.10)	4.88	0.48800		5.84	0.58400			0.00000			0.00000	
1234678-HpCDF (0.01)	3.64	0.03640		4.67	0.04670			0.00000			0.00000	
1234789-HpCDF (0.01)		0.00000		0.41	0.00410	J		0.00000			0.00000	
1234678-HpCDD (0.01)	66.31	0.66310		378.90	3.78900			0.00000			0.00000	
OCDF (0.001)	6.77	0.00677		3.56	0.00356	J		0.00000			0.00000	
OCDD (0.001)	630.11	0.63011		41456.91	41.45691	J		0.00000			0.00000	
Other TCDF	20.65	0.00000	I	36.85	0.00000	I		0.00000			0.00000	
Other TCDD	6.60	0.00000		59.68	0.00000			0.00000			0.00000	
Other PeCDF	14.94	0.00000	I	28.53	0.00000	I		0.00000			0.00000	
Other PeCDD	3.06	0.00000		10.08	0.00000			0.00000			0.00000	
Other HxCDF	5.18	0.00000	I	8.69	0.00000	I		0.00000			0.00000	
Other HxCDD	39.18	0.00000		166.87	0.00000			0.00000			0.00000	
Other HpCDF	4.94	0.00000	I	3.40	0.00000	I		0.00000			0.00000	
Other HpCDD	67.86	0.00000		407.08	0.00000			0.00000			0.00000	
TOTAL TEQ		3.15038			48.52027			0.00000			0.00000	

TEQs are based on I-TEF/89 Scheme.



FEDERAL PROGRAMS DIVISION

LOWER DARBY CREEK AREA
DELAWARE AND PHILADELPHIA COUNTIES,
PENNSYLVANIA

CONTRACT No.: 68-S5-3002
TDD No.: 9906-30
16 August 1999



Lansdowne, PA
7.5 Minute USGS Topographic Map

Bridgeport, PA-NJ
7.5 Minute USGS Topographic Map

Figure 1
Sources/Facility
Location Map

Not to Scale

Philadelphia, PA-NJ
7.5 Minute USGS Topographic Map

Woodbury, NJ-PA
7.5 Minute USGS Topographic Map