

October 21, 2005

Via Express Mail

Kelly A. Johnson
Acting Assistant Attorney General
Environmental and Natural Resources Division
P. O. Box 7611
U.S. Department of Justice
Washington, DC 20044-7611

Re: U.S. v. Union Corp. et al.,
Civil Action No. 80-1589 (E.D. Pa.)
Request for Public Hearing

Dear Ms. Johnson:

I am writing on behalf of the Delaware River Basin Commission, ("Commission"), a federal-interstate compact agency comprised of the states of Pennsylvania, New Jersey, Delaware and New York and the federal government. Pursuant to federal and state statutes, the Commission has authority to administer the water resources of the Delaware River Basin.

The Commission requests that the United States hold a public hearing regarding the Consent Decrees lodged with the United States District Court for the Eastern District of Pennsylvania in the above-referenced matter. The Metal Bank Superfund Site is a major contributor of polychlorobiphenyls ("PCBs") to the Delaware River Estuary. EPA has established a total maximum daily load ("TMDL") for total PCBs in Zones 2 through 5 of the Estuary. The public has a strong interest in examining and expressing views on, among other things, whether the Consent Decrees and Revised Remedial Plan may adversely affect ongoing efforts to implement and refine the PCB TMDL.

Section I.W of the Utility Group Consent Decree provides in pertinent part: "The United States will also offer the opportunity for a public hearing in the affected area. If comments received in response to the notice and at the hearing do not disclose facts or considerations that indicate that the Consent Decree and/or the Revised Remedial Plan is inappropriate, improper, or inadequate, the United States will move the Court to enter the Consent Decree."

In accordance with § I.W of the Utility Group Consent Decree, the Commission requests that the public hearing be scheduled and held before the United States files any motion to enter the Consent Decrees. The Commission further requests that the public hearing include but not be limited to the issues raised in the comments submitted by the Commission by letter dated

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Kelly A. Johnson
October 21, 2005
Page 2

October 20, 2005 regarding the lodged Consent Decrees. A copy of the October 20, 2005 letter is enclosed for your reference.

Thank you for your consideration of this request for a public hearing.

Very truly yours,

Kenneth J. Warren
For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP
General Counsel, Delaware River Basin Commission

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Enclosure

cc: Carol Collier, Executive Director, DRBC (w/o enclosure)
DRBC Commissioners (w/o enclosure)
Eric Williams, U.S. Department of Justice (via e-mail; w/enclosure)
John Monsees, U.S. Environmental Protection Agency (via e-mail; w/enclosure)