

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
BALTIMORE, MARYLAND
2004 APR -9 A 11:57

IN THE MATTER OF:

COSMECHEM COMPANY, INC.
201 a/k/a 215 North Warwick Street
BALTIMORE
BALTIMORE CITY
MARYLAND

Docket No. Misc. # 04-150

**WARRANT AUTHORIZING ENTRY, INSPECTION, AND RESPONSE ACTIONS
PURSUANT TO THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT OF 1980, AS AMENDED**

**TO: THE UNITED STATES MARSHALL FOR THE DISTRICT OF
MARYLAND; EMPLOYEES OF THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION III; AND/OR
THEIR AUTHORIZED REPRESENTATIVES (INCLUDING
CONTRACTORS, ATTORNEYS, AND REPRESENTATIVES OF ANY
OTHER AGENCY OF THE FEDERAL GOVERNMENT)**

WHEREAS, application for a warrant for entry, inspection, and sampling at the Cosmechem Company, Inc. Site, Baltimore, Baltimore City, Maryland (which is identified in a Maryland Department of Assessments and Taxation Real Property Data Search report attached to this Warrant as Exhibit 1, and is hereafter referred to as the "Premises"), has been made by the United States of America on behalf of the United States Environmental Protection Agency ("EPA") pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601 et seq.;

WHEREAS, applicant United States of America has demonstrated through its application and the memorandum submitted in support thereof that issuance of this Warrant is constitutional

and based on rights of entry, inspection, and sampling that are authorized by statute;

WHEREAS, this Officer finds that sufficient cause has been demonstrated by such application and memorandum to justify issuance of this Warrant;

THEREFORE, you are hereby authorized to enter the Premises subject to the following:

(1) Entry authorized hereby shall be between the hours of 6:00 AM and 9:00 PM, for the purpose of conducting inspections, sampling and response actions pursuant to section 104 of CERCLA, 42 U.S.C. § 9604;

(2) Said inspections, sampling and response actions shall extend to all things on and within the Premises including, but not limited to:

a) inspection of all areas of both buildings on the Premises as well as the outside areas of the Premises in order to identify and characterize the release or threatened release of hazardous substances, pollutants or contaminants, (as defined in Sections 101(14), (33) and 102(a) of CERCLA, 42 U.S.C. §§ 9601 (14), (33) and 9602(a); and 40 C.F.R. Parts 261.20 through 261.24, and 302.4) into the environment at and/or from the Premises; and the risks to public health or welfare and the environment therefrom;

b) collect (seize) for analyses (to be conducted onsite and offsite) samples of substances present in drums, bags, containers, tanks and other vessels, as well as substances present on any surfaces including but not limited to the floors, walls, and ceilings inside of all areas of both buildings, cabinets, desks or closets (locked or unlocked) in all areas of both buildings;

c) collect samples from drums, bags, containers, tanks and other vessels, as well as the

soil, water, and air inside and outside of both buildings;

d) to review records found in all areas of both buildings at the Premises (whether located in locked or unlocked containers, cabinets, desks, closets) in order to determine: i) the nature of the business conducted at the Premises; ii) the inventory of substances on the Premises. These records may be seized and reviewed offsite for safety reasons;

e) photograph and/or videotape the interior and exterior of both buildings and the grounds outside;

f) conduct air monitoring for the safety of EPA's employees and contractors conducting the assessment;

(3) You shall be allowed to break any lock(s) present on any fences, gates, doors, cabinets, desks or closets that prevent entry or inspection of all areas of the Premises.

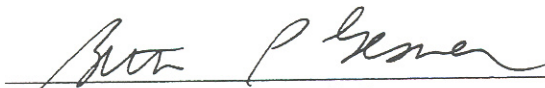
(4) You shall have access to, and you may conduct your inspections, sampling and response actions at the Premises as you deem appropriate for carrying out your statutory responsibilities under CERCLA, and to carry out such other actions necessary to characterize, and stabilize the chemical substances at the Premises;

(5) The duration of the entry, inspection, and sampling activity authorized by this Warrant shall be a reasonable time to enable you to complete the sampling activities necessary to determine the nature and extent of contamination at the premises, but not more than seven days duration.

(6) The United States Marshall is hereby authorized and directed to assist EPA in such manner as may be reasonably necessary and required to execute this Warrant and all provisions contained herein.

A prompt return of this Administrative Warrant showing completion of the entry, inspections, and response actions contemplated hereby shall be made within ninety (90) days of this date.

Dated this 9TH day of April, 2004.



United States Magistrate Judge
United States District Court for the District of Maryland