

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN THE MATTER OF:

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

No. MISC 04-150

SUPPLEMENTAL
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 and removal of the hazardous substances, pollutants or contaminants at the Cosmechem Company, Inc. Site, 215 a/k/a 201 North Warwick Street, Baltimore, Baltimore City, Maryland (which is identified in a Deed, dated October 16, 1997, Book 6812, Page 431, attached to this Warrant as Exhibit A, and is hereafter referred to as the "Premises". The Premises include one building with two separate storage areas and entryways (hereinafter "Structure"), as well as a parcel of land outside of the Structure.), 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, sampling, and removal 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 around the clock, 24 hours per day 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. Stabilization and Staging of Chemicals

Immediately stabilize hazardous substances, pollutants or contaminants/oil and conditions on the Premises in order to prevent release/discharge or the threat of release or discharge and public exposure. This will be performed both within the Structure and outside the Structure where hazardous substances, pollutants or contaminants are found.

1. Drum, Vessel and Small Container Recovery - Recover, stabilize, identify, overpack, segregate and stage drums and bags, vessels and small containers, and their contents, spilled material and associated contaminated soils. This will be performed both within the Structure and outside the Structure where hazardous substances, pollutants or contaminants are found.

2. Compressed Gas Cylinder Recovery - Recover, identify, segregate, stabilize and stage compressed gas cylinders and their contents. This will be performed both within the Structure and outside the Structure where hazardous substances, pollutants or contaminants are found.
3. AST Tank Removal - Identify, empty, remove and stage above-ground storage tanks (ASTs), contents, spilled materials, and associated soil contamination. This will be performed both within the Structure and outside the Structure where hazardous substances, pollutants or contaminants are found.
4. Incidental Hazardous Substances Recovery - Recover, identify, segregate, overpack, stabilize and stage small containers and small quantities of hazardous substances/oils unexpectedly encountered. This will be performed both within the Structure and outside the Structure where hazardous substances, pollutants or contaminants are found.
5. Interior Surface Decontamination - Decontaminate interior surfaces of buildings, other structures, and other vessels on the Premises that are identified by the OSC as contaminated.

B. Proper Off-site and Off-Premises Disposal, Recycling and/or Reuse of Chemicals

Addressed under (A) Above

All hazardous substances, pollutants or contaminants addressed under (A) above and associated containers and materials shall be disposed, recycled or reused off-site and off the Premises as follows:

1. Recycling, Salvage and Reuse for CERCLA Sites - Recycle and/or reuse hazardous substances, pollutants or contaminants at off-site facilities and off the Premises as appropriate and in accordance with CERCLA 121(d)(3) and 40 CFR Section 300.440.
2. Off-site Disposal - Provide for off-site and off-Premises transportation and disposal of hazardous substances pollutants or contaminants/oil in accordance with CERCLA 121 (d)(3) and 40 CFR Section 300.440.
3. Handling of Associated Materials - Recycle, salvage or dispose off-site and off the Premises associated containers and materials, including drums and cardboard.

C. Site Preparation and Support

The following activities will be performed to prepare the Premises for response activities. The work will be conducted as needed to prepare the Premises for the performance of the above response work and support such work as follows:

1. Field Support Facilities - Provide field office, support facilities and utility service.
2. Site Security - Provide 24-hour security guard service on the Premises, including signs, barriers, fencing and securing structures. The purpose is to keep trespassers off the property.
3. Improve Site Accessibility - Improve/provide accessibility onto and within the Premises for response personnel, vehicles, equipment, utility service and

monitoring of the Premises by developing access routes, staging areas and parking.

4. Clear Debris from Premises - Clear, remove & dispose of debris, vegetation and obstructions from the Premises, and continue to control grass and weed growth in order to safely and efficiently perform tasks.
5. Incidental Demolition Activities - Demolish/remove small incidental structures necessary for performance of response actions.

D. Continued inspections, sampling and response actions shall extend to all things on and within the Premises and within the Scope of CERCLA

The following activities will be performed to continue assessment activities at the Premises for characterization of hazardous substances, pollutants or contaminants, and to facilitate the disposal, reuse, or recycling of hazardous substances, pollutants or contaminants.

1. Inspection - Inspection of all inside areas of the Premises as well as the outside areas in order to identify and characterize the release or threatened release of hazardous substances, pollutants or contaminants (as defined in Section 101(33) of CERCLA, 42 U.S.C. § 9601(33)) into the environment at and/or from the Premises; and the risks to public health or welfare and the environment.
2. Sampling and Analysis - Collect for analyses (to be conducted onsite, offsite, and off the Premises) 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 the Premises, cabinets, desks or closets (locked or unlocked) in all areas of the Structure. Sample and analyze soil, water and/or air inside and outside of the Structure.

3. Records Review and Documentation - Review records found in all areas of the Structure (whether located in locked or unlocked containers, cabinets, desks, closets) in order to determine: a) the nature of the business conducted at the Premises; and b) the inventory of substances on the Premises. These records may be taken from and reviewed offsite, and off the Premises for safety reasons. Photograph and/or videotape the interior and exterior of the Structure and the grounds outside.

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

(4) The duration of the entry, inspection, and sampling activity authorized by this Warrant shall be a reasonable time to enable you to complete the above actions, but not more than ninety (90) days duration.

(5) 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 (120) days of this date.

Dated this 27 day of April, 2004.

[Signature]
United States Magistrate Judge

I hereby attest and certify on 4/27/04
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my
legal custody
FELICIA C. CANNON
CLERK, U. S. DISTRICT COURT
DISTRICT OF MARYLAND
By [Signature] Deputy

TAX I.D. #20-23-2157-009-(6)
TITLE INSURER: COMMONWEALTH

DEED

THIS TRUSTEES' DEED, made this 16th day of October, 1997, by and between LAWRENCE S. CONN AND CHERYL O'DONNELL GUTH, Substitute Trustees, Grantors, and FRANK R. PRINCE, Grantee.

WHEREAS, the Substitute Trustees docketed a suit in foreclosure in the Circuit Court for Baltimore City entitled Lawrence S. Conn and Cheryl O'Donnell Guth, Substitute Trustees v. Syzygy Construction Co., Inc., Case No. 97-149028/CC; and

WHEREAS, by virtue of a certain Deed of Trust dated October 1, 1993, and recorded among the Land Records of Baltimore City in Liber 3898, folio 209, and filed in the above-mentioned cause, and a Deed of Appointment for Substitution of Trustees filed in the above-mentioned cause, the Substitute Trustees were empowered to sell the property designated in said proceedings, and the Substitute Trustees, after complying with all the requisites of said Deed of Trust, and complying with the Maryland Rules of Procedure, did on July 8, 1997, sell unto 201 Warwick, LLC, for the sum of Fifty Thousand Dollars (\$50,000.00), that property situate in Baltimore City, State of Maryland, and hereinafter described; and

WHEREAS, the foreclosure sale was ratified by an Order of the Circuit Court for Baltimore City on September 19, 1997; and

WHEREAS, by Order of the Circuit Court for Baltimore City dated September 30, 1997, the Grantee was substituted for 201 Warwick, LLC as the purchaser and a conveyance to the Grantee was authorized.

NOW, THEREFORE, THIS DEED WITNESSETH, that the Grantors, for and in consideration of the sum of Eighty Six Thousand Dollars (\$86,000.00) paid by Grantee, the receipt of which is hereby acknowledged, do grant and convey unto Frank R. Prince, his heirs, personal representatives, successors and assigns, in fee simple, all that lot of ground and improvements thereon situate in the City of Baltimore, State of Maryland, and described as follows:

*Items for which assessments have been paid as of this date
October 1, 1997
-vector of Prince of Baltimore City by*

BEGINNING FOR THE SAME on the northeast side of Warwick Avenue as laid out 66 feet wide at the distance of 118.45 feet measured northerly along the northeast side of Warwick Avenue from the North side of Lexington Street as laid out 66 feet wide, said point of beginning being at the North side of a 15 foot alley there laid out and running thence northwesterly and binding on the northeast side of Warwick Avenue by a curve to the left with a radius of 266.28 feet the distance of 5.76 feet thence still along the northeast side of Warwick Avenue North 28 degrees 18 minutes 4 seconds West 90.61 feet to a point of curve, thence northwesterly by a curve to the right with a radius of 327.61 feet the distance of 35.96 feet for a line of division parallel with West Lexington Street, North 87 degrees 27 minutes 40 seconds East 198.33 feet to intersect the outline of the whole lot, thence with said outline, South 2 degrees 35 minutes 00 seconds East 40.57 feet and North 76 degrees 19 minutes 20 seconds East 182.91 feet to the West side of Wheeler Avenue as laid out 50 feet wide; thence binding on the West side of Wheeler Avenue South 2 degrees 20 minutes 00 seconds East 11.75 feet to the North side of the 15 foot alley herein referred to; and thence binding on the North side of said 15 foot alley with the use thereof in common South 87 degrees 27 minutes 40 seconds West 321.77 feet to the place of beginning. The improvements thereon being known as Nos. 201-215 North Warwick Avenue.

TOGETHER with the buildings and improvements thereupon erected, if any, and the rights, alleys, ways, waters, privileges, appurtenances and advantages belonging or appertaining thereto.

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LIBER 6812 PAGE 32

TO HAVE AND TO HOLD the same described property unto Grantee, his heirs, personal representatives, successors and assigns, in fee simple.

WITNESS the hands and seals of the Grantors.

Wendy J. Lawrence

Lawrence S. Conn (SEAL)
Substitute Trustee

Wendy J. Lawrence

Cheryl O'Donnell Guth (SEAL)
Cheryl O'Donnell Guth
Substitute Trustee

STATE OF MARYLAND:

SS:

City OF Baltimore:

I HEREBY CERTIFY, on this 11th day of September 1997, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared LAWRENCE S. CONN and CHERYL O'DONNELL GUTH, Substitute Trustees, known to me (or satisfactorily proven) to be the persons whose names appear on the within instrument, and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS whereof, I hereunto set my hand and official seal.



Christina L. Johnson
Notary Public

Commission Expires: 4/1/2001

I HEREBY CERTIFY that I am a member of the bar of Maryland in good standing and that the within instrument has been prepared by me or under my supervision.

Cheryl O'Donnell Guth
Cheryl O'Donnell Guth

ULR-DEED.177

AFTER RECORDING MAIL TO:

Reichelt, Nussbaum LaPlaca & Miller
7500 Greenway Center Drive, S-1000
Greenbelt, MD 20770

File #970159

LIBER 6812 PAGE 433

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