



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

U.S. EPA-REGION 3-RHC  
FILED-8JAN2020AM11:24

January 8, 2020

**VIA FIRST CLASS MAIL**  
**& EMAIL**

Brad Pollack, Esquire  
753 South Main Street  
Woodstock, VA 22664

**Re: Magnate, LLC Site, Edinburg, Shenandoah County,  
Virginia: Lien Proceeding CERC 03-2019-0120LL:  
Transcript Errata**

Dear Mr. Pollack:

During the lien conference held in this matter on December 12, 2019, RJO Lisa asked that we seek agreement amongst ourselves regarding corrections to the transcript (*see* Transcript, at page 70). By your January 4, 2020 email I understand that Mr. Bates offered no corrections and approved the transcript provided to you directly by the court reporter.

I have reviewed the official transcript transmitted yesterday by the RJO and attach my proposed corrections. I would like to submit the attached document to the RJO as an errata sheet agreed to by EPA and Magnate. Please let me know if Magnate agrees or, if not, provide me with your questions and comments.

Respectfully,

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line extending to the right.

ANDREW S. GOLDMAN  
Sr. Assistant Regional Counsel

Enclosure

cc: Regional Hearing Clerk

Errata #	Page	Line	Comment
			“Proceeding Under Section 107 (I)” should be “Proceeding Under Section 107 (L).” Also, “42 U.S.C. § 9607(I)” should be 42 U.S.C. § 9607(L).”
1	3	3	The word “designed” should be “designated.”
2	4	4	“Environment” should be “Environmental.”
3	4	8-10	Position should be “Cost Recovery Section, Program Support and Cost Recovery Branch, Superfund and Emergency Management Division.”
4	4	24	The word “question” should be “questions.”
5	5	7	The word “intent” should be “intends.”
6	6	12	The words “regional counsel” should be “Regional Counsel.”
7	6	18	The word “party” should be “parties.”
8	6	18	The words “regional counsel” should be “Regional Counsel.”
9	9	11	The word “effected” should be “affected.”
10	10	18	The word “effected” should be “affected.”
11	12	10	The word “cost” should be “costs.”
12	12	16	The word “Bard” should be “Bar on.”
13	13	23	The word “parties” should be “parties’.”
14	14	12	The word “bring” should be “frame.”
15	15	8	The words “regional judicial officer” should be “Regional Judicial Officer.”
16	15	19	The words “regional counsel” should be “Regional Counsel.”
17	15	22	The words “regional counsel” should be “Regional Counsel.”
18	15	23	Delete “to perfect the lien.”
19	17	3	The word “effected” should be “affected.”
20	17	14	The word “favorably” should be “favorable.”
21	17	21	The word “effected” should be “affected.”
22	18	15	The word “is” should be “in.”
23	18	15	The word “locks” should be “blocks.”
24	18	21	Add the word “defense” after “party.”
25	20	24	The words “regional counsel” should be “Regional Counsel.”

In re Magnate, LLC Site (CERC-03-2019-0120LL)  
 Transcript Errata Sheet  
 Prepared by Andrew Goldman and Agreed to by Magnate, LLC (January 8, 2020)

Errata #	Page	Line	Comment
26	21	4	The words "regional counsel" should be "Regional Counsel."
27	21	25	The words "regional counsel" should be "Regional Counsel."
28	24	10	The word "effected" should be "affected."
29	39	1-4	Incorrectly attributed to Mr. Goldman. Probably should be Mr. Bates.
30	42	24	The phrases "You are correct. The two parcels in that the two parcels . . ." should be "You are correct in that the two parcels you identified are the ones ."
31	46	1	The phrase "arguments that was just made" should be "arguments that were just made."
32	47	5	The phrase "It's rather on the" should be "It's rather the."
33	48	16	"That cost was also" should be "That cost summary was also."
34	48	20	The phrase "that's Rebuttal Exhibit 3, attachment 3 identifies" should be "Rebuttal Exhibit 3. Attachment 3 identifies."
35	49	7	"That the discussions" should be "The discussions."
36	49	8	The phrase "negotiations were a private cleanup" should be "negotiations for a private cleanup."
37	50	21	The word "forpose" should be "foreclose."
38	51	3	The word "action" should be "auction."
39	51	7	"42 U.S.D." should be "42 U.S.C."
40	52	23	The phrase "to look into asbestos problem" should be "to look into an asbestos problem."
41	53	14	The word "contaminating" should be "contaminants."
42	53	20	The word "contaminates" should be "contaminants."
43	54	1	The word "contaminates" should be "contaminants."
44	54	20	The word "effect" should be "affect."
45	55	20	The phrase "PCBs or asbestos could come back" should be "PCBs or asbestos and we could come back."

In re Magnate, LLC Site (CERC-03-2019-0120LL)

Transcript Errata Sheet

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Errata #	Page	Line	Comment
46	56	10	The phrase “Rather, it is claimed that it has defense” should be “Rather, it claims it has a defense.”
47	58	15	The words “pull reps” should be “POLREPs.”
48	58	22	The words “pull reps” should be “POLREPs.”
49	59	1	The phrase “observed presence” should be “observed the presence.”
50	59	3	The word “money” should be “many.”
51	59	8	The word “happen” should be “happy.”
52	60	22	The word “something” should be “someone.”
53	62	1	The word “faded” should be “degraded.”
54	62	1	The words “four holes” should be “open portholes.”
55	62	3	The acronym “PCP” should be “PCB.”
56	62	20	Add comma after “evidence” and before “cannot.”
57	62	21	Add comma after “care” and before “and.”
58	62	21-22	The phrase “and is no protected by here” should be “and is not protected by it here.”
59	63	13	The word “contents” should be “contends.”
60	64	3	Insert “I” after “And” and before “additionally.”
61	64	10	The word “me” should be “met.”
62	64	15	The word “on” (second one) should be “or.”
63	64	24	The word “have” should be “had.”
64	67	21	The word “suggest” should be “subject.”
65	69	4	The word “simultaneously” should be “simultaneous.”
66	70	16	The word “extents” should be “extent.”
67	70	23	The phrase “transcript corrections have made” should be “transcript corrections have been made.”
68	71	10	The word “difficult” should be “difficulty.”

**Docket No. CERCLA 03-2019-0120LL**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the documents identified below were provided to the following persons:

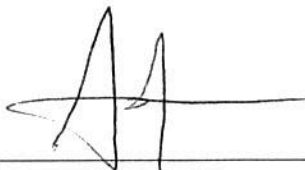
**By First Class Mail and Email:**

Bradley G. Pollack, Esquire  
753 South Main Street  
Woodstock, VA 22664  
[bpollack@shentel.net](mailto:bpollack@shentel.net)

**By Hand Delivery:**

Joseph Lisa (3RC00)  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103

<b>Documents Provided</b>	
1.	Letter from Andrew Goldman to Brad Pollack, re: "Magnate, LLC Site, Edinburg, Shenandoah County, Virginia: Lien Proceeding CERC 03-2019-0120LL: Transcript Errata" (January 8, 2020).



Andrew S. Goldman, Esquire  
Sr. Assistant Regional Counsel

1/8/2020  
Date