

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 3

Four Penn Center

1600 John F. Kennedy Boulevard

Philadelphia, Pennsylvania 19103-2852

In The Matter of)

Mr. Gary Powers and Ms. Angie Powers,)

Respondents.)

Docket No.: CWA-03-2023-0104

Property Located at:)

Along Route 20, at approximately)

38.401286° N, -80.56485° W,)

Near Cowen, Webster County)

West Virginia 26206)

COMPLAINANT’S PREHEARING STATEMENT

Pursuant to the Prehearing Order issued November 9, 2023 in this matter, Complainant, through Counsel, submits this Prehearing Statement.¹

1. Whether the Party prefers for the hearing in this matter to be held in person or by videoconference?

Response: Complainant prefers for the hearing in this matter to be held by videoconference.

2. The Party’s preferred location of the hearing in the event that it is held in person.

Response: In the event the hearing is conducted in person, Complainant would prefer that it be conducted in Washington, D.C. Complainant, however, does not wish to impose a hardship on Respondents, who are individuals and for whom travel to Washington, D.C.

¹ On September 6, 2023, Complainants filed a Status Report and Consent Motion for Extension of Prehearing Deadlines. As no Order extending the prehearing deadlines has issued, Complainant is filing this Prehearing Statement consistent with the original deadlines set forth in the Prehearing Order.

or to Complainant's offices in Philadelphia may present a hardship.

3. A valid email address at which the party is able to accept service of orders and decisions issued by this Tribunal and service of documents filed by other parties.

Response: Complainant can be served by email at the email of its counsel:

shamet.stefania@epa.gov.

Respectfully submitted,

Stefania D. Shamet
Senior Assistant Regional Counsel
USEPA
Region 3
Counsel for Complainant

CERTIFICATE OF SERVICE

I certify that on December 6, 2023, the foregoing *Prehearing Statement* was filed via the Office of Administrative Law Judges Electronic Filing System. I further certify that on the dates set forth below, I caused to be served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

On December 8, 2023, Courtesy copy served via email to: [REDACTED]@yahoo.com

On December 9, 2023, Copy served via **United States Mail**, to:

Mr. Gary Powers & Ms. Angie Powers
P.O. Box [REDACTED]
Cowen, West Virginia 26206

Date: December 8, 2023

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