



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

In the Matter of:)
) EPA Docket Number
) CERCLA-HQ-2017-0001
)
)
August Mack Environmental, Inc.)
)
)
)
Requestor.) Before Chief Administrative Law Judge
) Susan L. Biro
)
)
Big John Salvage)
Hoult Road)
Fairmont, West Virginia)
)
Facility.)
)

JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE AND REPLY BRIEFS TO THE PARTIES' RESPECTIVE DISPOSITIVE MOTIONS

Pursuant to 40 C.F.R. Part 305, *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Administrative Hearing Procedures for Claims Against the Superfund*, the United States Environmental Protection Agency (“EPA” or “Agency”) and August Mack Environmental Inc., (“AME”)(collectively “the Parties”) respectfully request that the Presiding Officer grant the Parties an extension of twenty-eight (28) days, through October 28, 2022, within which to file responses to the their respective

dispositive motions, and an additional 13 days, through November 11, 2022, to submit any replies to responses.

In Support thereof, and in accordance with 40 C.F.R. §§ 305.6 and 305.23, the Parties aver as follows:

1. Pursuant to this Court's *Order on Requestor's Motion to Compel Discovery and for Sanctions* dated May 12, 2022, the Party's responses to dispositive motions were due by September 30, 2022, with submission of replies to responses due by no later than October 7, 2022. These time frames have not yet passed.
2. The Parties reasonably requires additional time within which to file their respective Responses due to the extensive pleadings and arguments at issue.
3. As an example, AME's extensive brief raises significant new precedent from the US Supreme Court, and the Agency will need time to consider this argument.
4. The requested extension will cause no prejudice to the administration of this case, as this matter has not been set for hearing, and it is anticipated that the Court will rule on dispositive motions prior to hearing, as she deems appropriate.
5. Accordingly, the Parties respectfully request an extension of twenty-eight (28) days, through October 28, 2022, within which to file responses to the their respective dispositive motions, and an additional 13 days, through November 11, 2022, to submit any replies to responses.
6. This request is hereby made in good faith and not intended to unduly delay accelerated resolution of this matter.
7. By emails dated 9/21/22 and 9/21/22, Counsel for AME (Mr. Schroeder) stated that EPA has permission to represent that "AME concurs in the motion."

Respectfully submitted,

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For the Agency

CERTIFICATE OF SERVICE

I certify that the foregoing Joint Motion for Extension of Time in the *Matter of August Mack Environmental, Inc.*, Docket No. CERCLA-HQ-2017-0001, was filed and served on the Chief Administrative Law Judge Susan L. Biro this day through the Office of Administrative Law Judge's E-Filing System.

I also certify that an electronic copy of the foregoing Joint Motion for Extension of time to file responsive and reply briefs was sent this day by e-mail to the following e-mail addresses for service on Requestor's counsel: Bradley Sugarman @ bsugarman@boselaw.com; Philip Zimmerly @ pzimmerly@boselaw.com; and Jackson Schroeder @ jschroeder@boselaw.com.

Date

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