



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.)
) Proceedings Pursuant to Section 111(a)(2)
) of the Comprehensive Environmental
) Response, Compensation and Liability Act,
) as amended, 42 U.S.C. § 9611(a)(2)
)
) Before Chief Administrative Law Judge
) Susan L. Biro
Requestor.)
)
)
Big John Salvage)
Hoult Road)
Fairmont, West Virginia)
)
)
Facility.)
)
)

EPA’s Preliminary Statement

Respondent, the United States Environmental Protection Agency (EPA), by counsel, respectfully submits this Preliminary Statement pursuant to this Court’s Order of Redesignation and Prehearing Order dated September 8, 2021 (Order). In response to this Court’s Order, EPA respectfully requests that all hearings in this matter take place *via* virtual video-conference technology due to the on-going health risks and logistical difficulties associated with the

Pandemic, and consistent with footnote 3 of this Court's subject Order. Further, EPA hereby consents to service of orders and decisions issued by this Tribunal, and to service of documents filed by other parties, by email only during this proceeding (inclusive of a link to the E-filing sharing service); and EPA hereby affirms that all parties, including the Headquarters Hearing Clerk and Chief Administrative Law Judge Susan L. Biro, have already been provided valid email addresses at which EPA will accept service of process, consistent with Mr. Barnwell's Certificate of Service attached to this Court's Order of September 8, 2021.

Respectfully Submitted on Behalf of EPA's Claims Official,

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For the Agency

CERTIFICATE OF SERVICE

I certify that the foregoing EPA Preliminary Statement in the *Matter of August Mack Environmental, Inc.*, Docket No. CERCLA-HQ-2017-00001, 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 EPA's Preliminary Statement 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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