



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 111650 Arch Street
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA E-FILING

December 20, 2021

The Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. EPA, Office of Administrative Law Judges
Ronald Reagan Building, Room MI 200
1300 Pennsylvania Avenue, NW
Washington, DC 20004

Re: *August Mack Environmental, Inc. (AME)*
Docket No. CERCLA-HQ-2017-0001

Dear Judge Biro,

On behalf of the United States Environmental Protection Agency, I enclose for your consideration a Motion for Accelerated Decision in this matter, and a Memorandum of Law in Support of the Agency's Motion for Accelerated Decision on the Issue of Whether AME Substantially Complied with the Preauthorization Process. According to past practice before this Tribunal, my understanding is that a Proposed Order is not necessary. Please advise if my understanding is not correct.

Sincerely,

Benjamin M. Cohan
Senior Assistant Regional Counsel

Enclosures

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Jackson Schroeder @ jschroeder@boselaw.com
Paul Leonard, Region III Claims Officer

In the Matter of:) Docket No.: CERCLA-HQ-2017-0001
)
August Mack Environmental Inc.) EPA'S MOTION FOR
) ACCELERATED
)
Requestor)

EPA'S MOTION FOR ACCELERATED DECISION

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) respectfully moves that the Presiding Officer enter an Order on Accelerated Decision granting EPA's motion and affirming that: 1) no genuine issue of material fact exists and EPA is entitled to judgment as a matter of law; 2) AME did not substantially comply with the preauthorization process in 40 C.F.R. Part 307 required for reimbursement from the Superfund; and 3) AME's request for payment from the Superfund is therefore denied, and AME's Request for Hearing is dismissed with prejudice. The reasons for this Motion for Accelerated Decision, filed pursuant to 40 C.F.R. §§ 305.23(a) and 27(a), are detailed in the Attached Memorandum of Law.

Respectfully submitted,

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