

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

<b>In the Matter of:</b>	)	
	)	
<b>New Prime, Inc.,</b>	)	<b>Docket No. RCRA-08-2020-0007</b>
	)	
<b>Respondent.</b>	)	

**COMPLAINANT’S UNOPPOSED MOTION FOR  
VIRTUAL TESTIMONY OF MARC CALLAGHAN**

For the impending hearing in the above captioned matter, Complainant respectfully requests that its witness, Marc Callaghan, be allowed to appear virtually. Counsel for Respondent has authorized the undersigned to represent to this Tribunal that it does not oppose the motion.

1. The hearing is scheduled for October 24 through October 28, 2022, in Springfield, Missouri (Hearing).
2. Special Agent Marc Callaghan is currently working as the National Forensics Coordinator for the Environmental Protection Agency, Criminal Investigation Division, from EPA’s Boise Resident Office in Idaho.
3. Mr. Callaghan cannot attend the Hearing in person for uncommon personal reasons.
4. Complainant is willing to supplement this motion with additional information under seal to the Tribunal.
5. To attend this Hearing, Mr. Callaghan would have to take a flight, with at least one layover, and travel between 6-10 hours, from Boise, Idaho to Springfield, Missouri, and back, which would pose significant difficulties for him.
6. For Hearing, Mr. Callaghan’s testimony will be limited in scope to laying foundation for agency records at the start of Hearing, and potential rebuttal testimony towards the end of

the Hearing. Complainant estimates that Mr. Callaghan's foundation testimony will only take between 2 and 4 hours.

7. Whether and when Mr. Callaghan appears in rebuttal only will become known as Respondent's witnesses testify. Mr. Callaghan, therefore, would testify early on Monday, if the Presiding Officer allows, yet would need to stay in Springfield until at least Thursday, with no guarantee that he will be called for rebuttal purposes. A personal appearance for this testimony would be very difficult for Mr. Callaghan.

THEREFORE, Complainant requests that this Tribunal allow Mr. Callaghan to appear virtually for any testimony he may provide at the Hearing.

Dated: October 7, 2022

Respectfully Submitted,

Laurianne Jackson  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency,  
Region 8

**CERTIFICATE OF SERVICE**

The undersigned certifies that on October 7, 2022, I filed electronically the foregoing the **COMPLAINANT’S UNOPPOSED MOTION FOR VIRTUAL TESTIMONY OF MARC CALLAGHAN** with the Clerk of the Office of Administrative Law Judges using the OALJ E-Filing System and sent by electronic mail to Mark Ryan, attorney for Respondent, at [mr@ryankuehler.com](mailto:mr@ryankuehler.com) and Scott McKay, attorney for Respondent, at [smckay@nbmlaw.com](mailto:smckay@nbmlaw.com).

\_\_\_\_\_  
Date

By: /s/ Kate Tribbett  
Kate Tribbett  
Paralegal