

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
Requestor.) Susan L. Biro
Big John Salvage Hoult Road Fairmont, West Virginia Facility.)))))))))

Settlement Status Report

Respondent, the United States Environmental Protection Agency (EPA), by counsel, respectfully submits this Status Report pursuant to this Court's Order of Redesignation and Prehearing Order dated September 8, 2021. The parties held a settlement conference on September 20, 2021. Without mentioning any specific terms of settlement, the parties were not

able to reach any form of compromise on Plaintiff's claim, and the discussions were not constructive. Nor is it likely that this case will settle in the future.

Respectfully Submitted on Behalf of EPA's Claims Official,

Benjamin M. Cohan Sr. Assistant Regional Counsel US EPA Region III Philadelphia PA 19103 (215) 814-2618 cohan.benjamin@epa.gov

Erik S. Swenson, Esq.
United States Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Ave. NW
WJC Building North Room: 6204M
Washington, DC 20460

Email: Swenson.erik@epa.gov

For the Agency

CERTIFICATE OF SERVICE

I certify that the foregoing Settlement Status Report 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 this Settlement Status Report 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 Catherine McCool

Catherine McCool Lead Paralegal Specialist US EPA Region III (3RC10) Philadelphia, PA 19103 (215) 814-2670 Mccool.catherine@epa.gov