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May 21, 2021

VIA CERTIFIED MAIL TO:

Michael O. Callaghan, Esq.
Chief Assistant Fayette County Prosecuting Attorney
Environmental and Public Health Protection Unit
c/o Neely and Callaghan
1337 Virginia Street East, Suite 200
Charleston, WV 25301-3011

VIA EMAIL TO MCALLAGHAN@NEELYCALLAGHAN.COM

Re: Johnson Fork-Loop Creek Watershed Pollution Abatement Project
FCCEA FINAL & BINDING TIME-SENSITIVE
ABATEMENT ACTION ORDER NO. 2021-002-9.S(b)-001
Request for Conference

ADMITTED TO RECORD
2021 MAY 21 P 12:51
MICHAEL L. KELLY
CLERK
FAYETTE COUNTY
COMMISSION

Dear Mr. Callaghan:

This firm represents National Grid NE Holdings 2 LLC (“National Grid”) in connection with the above-referenced matter. On May 10, 2021, the Fayette County Code Enforcement Agency (“FCCEA”) served upon National Grid a Final & Binding Time-Sensitive Abatement Action Order No. 2021-002-9.S(b)-001 (the “Order”). Pursuant to Section IX (Opportunity to Confer) of the Order, National Grid hereby requests a conference with authorized legal and environmental technical representatives of the FCCEA to discuss the terms, conditions, and requirements of the Order, including the Order’s applicability, factual findings, determinations upon which it is based, the appropriateness of the actions which National Grid is requested to take, and any other relevant or material issues or contentions.

National Grid specifically reserves, and does not waive, any and all defenses available at law and in equity. Further, National Grid’s request and willingness to participate in a conference with the FCCEA is not, and should not be construed as, an admission of liability or any facts concerning the Site, as defined in the Order.

Please contact me at your earliest convenience to discuss potential dates, locations, and other logistics for the requested conference. A copy of this request letter is being timely filed with the Office of the Fayette County Clerk in compliance with Section IX of the Order.

Very truly yours,



Thomas J. Hurney, Jr.

Shane M. Harvey