



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

In the Matter of:)
)
Clean Air Environmental Services, Inc.,) **Docket No. TSCA-02-2024-9276**
)
)
Respondent.)

ORDER ON THIRD MOTION FOR EXTENSION OF TIME

Pending before the Tribunal is Complainant’s Motion for an Extension of Time on the Remaining Prehearing Filing Deadlines (“Motion”), filed November 4, 2024. In the Motion, Complainant requests that the deadline for the filing of a Consent Agreement and Final Order (CAFO) (or, in the alternative, the deadlines for the prehearing exchange of information process) be extended by thirteen days. Complainant reports that Respondent consents to the Motion.

The Prehearing Order (July 9, 2024) set the original deadlines by which the Complainant was to file a CAFO with the Regional Hearing Clerk or the parties were to engage in the prehearing exchange of information process. On August 19, 2024, Complainant filed its first Unopposed Motion for an Extension of Time, reporting that the parties were making progress towards a settlement. That motion was granted by Order on August 20, 2024, and the deadlines were extended by 60 days. On October 18, 2024, Complainant filed its second Unopposed Motion for an Extension of Time, informing the Tribunal of the further progress the parties had made toward settlement, including the creation of a draft compliance plan. That motion was granted by Order on October 21, 2024, and the deadlines were extended by an additional two weeks.

In the current Motion (the third Motion for an Extension of Time), Complainant reports that the parties have “finalized the compliance plan, and have reached a settlement agreement in principle.” Mot. ¶ 4. Complainant conveys that a draft settlement agreement is being reviewed by the parties, and that a fully-executed CAFO may be submitted to the Tribunal next week. Mot. ¶ 4. Complainant declares that there is good cause for the extension, since it will allow Respondent the opportunity to properly evaluate the draft settlement agreement and give Complainant time to move through concurrence. Mot. ¶ 8. Complainant suggests that the extension will not prejudice Respondent, since additional time to review the settlement agreement would benefit Respondent. Mot. ¶ 9. Complainant also contends that the requested extension would not interfere with the Tribunal’s scheduling in this matter. Mot. ¶ 10.


Under the Consolidated Rules of Practice governing this proceeding, set forth at 40 C.F.R. Part 22, “the Presiding Officer may grant an extension of time for filing any document[] upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties[.]” 40 C.F.R. § 22.7(b). Here, I find that there is good cause to grant an extension of time to permit the finalization of the settlement agreement. However, I am altering the timeline proposed by Complainant, as outlined below. The Motion is **GRANTED**.

If a fully-executed CAFO is not filed with the Regional Hearing Clerk before **December 6, 2024**, then the prehearing exchanges called for in the Prehearing Order shall be filed and served on or before the following deadlines:

December 6, 2024	Complainant’s Initial Prehearing Exchange
January 3, 2025	Respondent’s Prehearing Exchange
January 17, 2025	Complainant’s Rebuttal Prehearing Exchange

Any remaining deadlines set by the Prehearing Order, such as that for filing a joint motion for the appointment of a neutral, are extended accordingly.

SO ORDERED.




Michael B. Wright
Administrative Law Judge

Dated: November 4, 2024
Washington, D.C.

In the Matter of *Clean Air Environmental Services, Inc.*, Respondent.
Docket No. TSCA-02-2024-9276

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Third Motion for Extension of Time**, dated November 4, 2024, and issued by Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.


Alyssa Katzenelson
Attorney-Advisor

Copy by OALJ E-Filing System to:
U.S. Environmental Protection Agency
Office of Administrative Law Judges
<https://yosemite.epa.gov/OA/EAB/EAB-ALJ Upload.nsf>

Copy by Electronic Mail to:
Suzanne Englot
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007
Email: Englot.Suzanne@epa.gov
Counsel for Complainant

Copy by Electronic Mail to:
Jeffrey Francisco
37 Prospect Street
Amsterdam, NY 12010
Email: jfrancisco.law@gmail.com
Counsel for Respondent

Dated: November 4, 2024
Washington, D.C.