

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
2010 JAN -7 PM 2:33
REGIONAL HEARING
CLERK

In the Matter of:

Philadelphia Furniture, LLC,
Salamanca, New York

Respondent

In a proceeding under the Clean Air Act,
42 U.S.C. § 7401, et seq., 42 U.S.C.
§ 7413(d), Section 113(d)

CAA-02-2009-1215

Hon. Barbara A. Gunning,
Administrative Law Judge

STATUS REPORT

In accordance with the Order Granting Motion for Extension of Time to File Prehearing Exchanges (Order), dated October 28, 2009, the Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, EPA, Region 2 (EPA), through her attorney, provides the Court with this status report regarding settlement.

Complainant and Philadelphia Furniture, LLC (Respondent), through its attorney, Damon Morey, LLP, have been in contact regarding prospects of settlement. In addition to the Respondent's 2007 tax returns, Respondent has provided Complainant with a Profit and Loss Statement for 2008, Balance Sheet for 2008, and bank statements for December 2008 to March 2009. Respondent has not been able to provide a copy of Respondent's 2008 tax returns because it was filed as a part of the consolidated tax return of Artone Holdings, LLC. Respondent has indicated that Artone Holdings, LLC is its parent company.

Complainant is reviewing the financial information provided to determine its sufficiency and to proceed with settlement negotiations. Complainant will be scheduling a teleconference and/or in-person settlement negotiation with Respondent shortly.

Dated: January 7, 2010
New York, New York



Denise Leong
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866
212-637-3214/FAX: 212-637-3199

TO: Honorable Barbara A. Gunning
Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

John T. Kolaga, Esq.
Damon Morey, LLP
The Avant Building – Suite 1200
200 Delaware Avenue
Buffalo, NY 14202-2150

CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be mailed a copy of the foregoing Status Report, dated January 7, 2010, bearing the docket number CAA-02-2009-1215, and this Certificate of Service by Pouch Mail to:

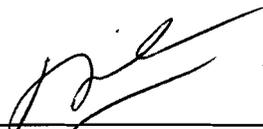
Honorable Barbara A. Gunning
Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

I also certify that I have this day hand-carried the original and one copy of the foregoing Status Report, along with the original of this Certificate of Service to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

I also certify that I have this day caused to be mailed a copy of the foregoing Status Report, and this Certificate of Service by Regular Mail to:

John T. Kolaga, Esq.
Damon Morey, LLP
The Avant Building – Suite 1200
200 Delaware Avenue
Buffalo, NY 14202-2150

Dated: January 7, 2010
New York, New York



Denise C. Leong