

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

Regional Hearing Clerk

DOCKET NO. TSCA-02-2024-9276

In the Matter of

CLEAN AIR ENVIRONMENTAL SERVICES, INC.,

Respondent.

TO: United States Environmental Protection Agency
c/o Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

The Respondent, **CLEAN AIR ENVIRONMENTAL SERVICES, INC.**, by and through its attorney, Jeffrey Francisco, Esq., as and for its Answer to the Complaint, respectfully alleges:

1. ADMIT the allegations contained in paragraphs numbered 1 through 25 setting forth a Statutory and Regulatory Background.

2. ADMIT the allegations contained in paragraphs numbered 26, 27, 28, 29, 30, 31, 32, 37, 39, 40, 41, 42, 44, 45, 46, 48, 49, 50, 53 and 58, 60, 84, and 104 of the Complaint

3. DENIES KNOWLEDGE AND INFORMATION SUFFICIENT TO FORM A BELIEF, and therefore DENIES each and every allegation contained in paragraphs numbered 43, 51, 52, 62, 70, 72, 77, 78, 79, 84, 85, 86, 87, 88, 91, 92, 94, 101, 102, 103, and 105 of the Complaint.

4. DENIES specifically 47, 54, 55, 56, 57, 61, 63, 64, 65, 67, 68, 71, 73, 74, 75, 80, 81, 82, 89, 93, 94, 95, 98, 99, 100, 105 and 106 of the Complaint.

AT ANY HEARING, RESPONDENT INTENDS TO REFUTE, BY WAY OF PRESENTATION OF TESTIMONY OR SUBMISSION OF DOCUMENTARY EVIDENCE, THE FOLLOWING FACTUAL CONTENTIONS AND/OR PRESENT EVIDENCE IN FURTHERANCE OF THE FOLLOWING FACTUAL AND LEGAL CONTENTIONS:

1) that the work conducted by Respondent at 2 Union Street, Schenectady, New York during the time periods involved did not constitute an "Abatement" under the applicable regulations.

2) that even if the project is deemed an "Abatement",

a. that Respondent failed to ensure that a certified supervisor was onsite performing and/or supervising the work performed;

b. that a written occupant protection plan was required under the circumstances, and, if so, that Respondent failed to offer the occupants a qualified plan;

c. that Respondent failed to follow post-abatement clearance procedures;

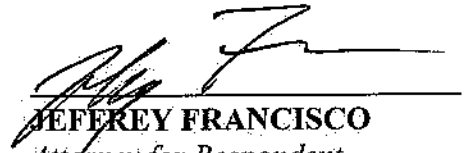
d. that Respondent failed to prepare an abatement report.

3) that Respondent held all proper certifications, including lead paint renovation and rededication, for all relevant time periods

DEMAND

WHEREFORE, the Respondent, Clean Air Environmental Services, Inc., respectfully requests a formal hearing be conducted relative to all Counts (Abatement Rule Violations, Counts 1-6; RRP Rule Violation Count 7), and for such other and further relief as may be proper.

Dated: Amsterdam, New York
June 26, 2024


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