



**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 SECOND MOTION FOR EXTENSION OF TIME

Pending before the Tribunal is Complainant’s Unopposed Motion for an Extension of Time on the Remaining Prehearing Filing Deadlines (“Motion”), filed October 18, 2024. In the Motion, Complainant requests that the deadlines for the prehearing exchange of information process be extended by two weeks. Complainant reports that Respondent agrees to the filing of the Motion.

The Prehearing Order (July 9, 2024) set the original deadlines by which 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, and requesting that the prehearing deadlines be extended by 60 days. That motion was granted by Order on August 20, 2024.

In the current Motion (the second Unopposed Motion for an Extension of Time), Complainant reports that the parties have communicated regularly during the 60-day extension and that progress towards settlement was made in this time. Mot. ¶ 6. Complainant also relates that Respondent submitted a draft compliance plan on October 18, 2024, and that a new extension of time would give Complainant time to properly evaluate the compliance plan and finalize a settlement agreement. Mot. ¶¶ 3, 7. In support of the Motion, Complainant argues that a further extension would not prejudice Respondent (since Respondent is in favor of the extension) and will not interfere with judicial efficiency (since the proceeding is at an early stage). Mot. ¶¶ 8, 9.

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 allow the requested two-week extension of time to permit the evaluation of the draft compliance plan and to allow the parties to finalize and execute a settlement agreement. I agree that neither party will be prejudiced by permitting this extension. The Motion is therefore **GRANTED**.

If a fully-executed Consent Agreement and Final Order is not filed with the Regional Hearing Clerk before November 5, 2024, then the prehearing exchanges called for in the Prehearing Order shall be filed and served on or before the following deadlines:

November 5, 2024	Complainant's Initial Prehearing Exchange
November 26, 2024	Respondent's Prehearing Exchange
December 10, 2024	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.



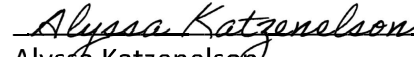
Michael B. Wright
Administrative Law Judge

Dated: October 21, 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 Second Motion for Extension of Time**, dated October 21, 2024, and issued by Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.


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Attorney-Advisor

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

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Dated: October 21, 2024
Washington, D.C.