

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

In the Matter of:

Clean Air Environmental Services, Inc.  
215 & ½ North Perry Street  
Johnstown, New York 12095

Respondent

In a proceeding under Section 16(a) of the  
Toxic Substances Control Act, 15 U.S.C. §  
2615(a)

**Docket No. TSCA-02-2024-9276**

**COMPLAINANT'S STATUS REPORT  
ON SETTLEMENT  
AND PRELIMINARY STATEMENT**

In compliance with the Prehearing Order ("the Order") issued by Judge Michael B. Wright on Complainant on July 9<sup>th</sup>, 2024, the Environmental Protection Agency ("EPA") hereby respectfully submits the following Status Report and Preliminary Statement.

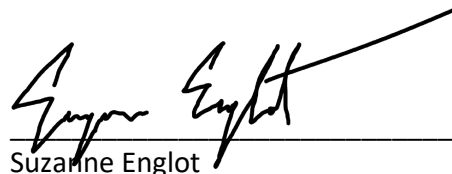
STATUS REPORT ON SETTLEMENT

1. On July 24<sup>th</sup>, 2024, Complainant and Respondent engaged in a settlement conference.
2. On July 26<sup>th</sup>, 2024, and July 29<sup>th</sup>, 2024, counsel for Complainant and Respondent continued to engage in settlement discussions, and are currently progressing toward settlement.
3. Complainant will, for the time being, move forward with complying with the prehearing exchange deadlines contained in the Order. Complainant will provide an updated status report the week of August 12<sup>th</sup>, 2024.

PRELIMINARY STATEMENT

4. Guided by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), specifically 40 C.F.R. §§ 22.21(d) and 22.19(d), Complainant prefers that the hearing be held in person in New York City, New York, where EPA Region 2's office is located. In the alternative, the hearing could be held in Albany, New York, which is closer to Respondent's principal place of business in Johnstown, New York, so the location should not be an inconvenience to Respondent. Complainant also consents to virtual hearing given health conditions that may still limit in person hearings. Complainant's valid email address to receive service of orders and decisions issued by this Tribunal and service of documents filed by other parties is [Englot.Suzanne@epa.gov](mailto:Englot.Suzanne@epa.gov).

Dated: July 29<sup>th</sup>, 2024



Suzanne Englot  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency - Region 2

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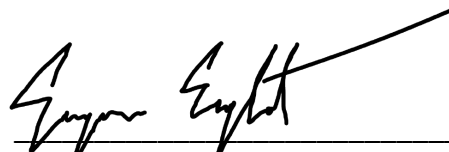
**CERTIFICATE OF SERVICE**

I certify that, on the date noted below, I caused to mail, by electronic mail, a copy of the foregoing Complainant's Status Report on Settlement and Preliminary Statement to the following persons at the addresses listed below:

Jeffrey Francisco  
Francisco Law Firm  
Jfrancisco.law@gmail.com

Mary Angeles  
Headquarters Hearing Clerk  
Via OALJ E-filing System

Dated: July 29<sup>th</sup>, 2024

  
\_\_\_\_\_  
Suzanne Englot

Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency - Region 2