



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

VIA UPS NEXT DAY AIR

October 30, 2013

Ms. Sybil Anderson  
Headquarters Hearing Clerk  
U.S. EPA, Office of Administrative Law Judges  
Ronald Reagan Building, Room M1200  
1300 Pennsylvania Avenue, NW  
Washington, DC 20004

Re: In the Matter of Aylin, Inc., et al  
Docket No. RCRA-03-2013-0039

Dear Ms. Anderson,

In accordance with the procedures set forth in the Order of Designation dated September 30, 2013, enclosed herewith for filing are the original and two copies of a Joint Status Report and Motion to Stay Proceedings in the above-captioned matter.

Please date and time stamp one of the copies and return to me in the enclosed self-addressed envelope. Please contact me at 215-814-2689 or [sharke.janet@epa.gov](mailto:sharke.janet@epa.gov) if you have any questions. Thank you in advance for your assistance.

Sincerely,

Janet E. Sharke  
Senior Assistant Regional Counsel

Enclosures

cc: Jeffrey L. Leiter, Esq.  
✓ Lydia Guy, Regional Hearing Clerk

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

VIA UPS NEXT DAY AIR

October 30, 2013

The Honorable Christine Coughlin  
Administrative Law Judge  
U.S. EPA, Office of Administrative Law Judges  
Ronald Reagan Building, Room M1200  
1300 Pennsylvania Avenue, NW  
Washington, DC 20004

Re: In the Matter of Aylin, Inc., et al  
Docket No. RCRA-03-2013-0039

Dear Judge Coughlin,

On behalf of all parties to the above captioned matter, I enclose for your consideration a Joint Status Report and Motion to Stay Proceedings as well as a proposed Order granting same.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet E. Sharke".

Janet E. Sharke  
Senior Assistant Regional Counsel

Enclosures

cc: Jeffrey L. Leiter, Esq.  
✓ Lydia Guy, Regional Hearing Clerk

In the Matter of:

Aylin, Inc.,  
Rt. 58 Food Mart, Inc.,  
Franklin Eagle Mart Corp.,  
Adnan Kiriscioglu d/b/a New Jersey  
Petroleum Organization a/k/a NJPO

Joint Status Report and  
Motion to Stay Proceedings

RESPONDENTS

Pure Gas Station  
5703 Holland Road  
Suffolk, VA 23437

U.S. EPA Docket No. RCRA-03-2013-0039

Rt. 58 Food Mart  
8917 S. Quay Road  
Suffolk, VA 23437

Proceeding under Section 9006 of the  
Resource Conservation and Recovery Act,  
as amended, 42 U.S.C. Section 6991e

Franklin Eagle Mart  
1397 Carrsville Highway  
Franklin, VA 23851

FACILITIES

Joint Status Report and Motion to Stay Proceedings

In accordance with Section 22.16 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. § 22.16, Complainant and Respondents, the parties to the above-captioned matter, jointly file this status report and motion to stay proceedings for the reasons set forth below.

The Administrative Complaint, Compliance Order and Notice of Opportunity for Hearing which initiated this matter was filed on March 27, 2013. The Answer was filed by Counsel for Respondents on April 30, 2013. Since April 15, 2015, the parties have been engaged in settlement negotiations, including the alternative dispute resolution (ADR) procedures under the auspices of the Office of Administrative Law Judges. Although the parties made progress, no agreement in principle was reached within the time period allowed under ADR, hence ADR was terminated on September 23, 2013. The Honorable Christine Coughlin was assigned to this matter on September 30, 2013. To date, no order establishing prehearing procedures has been received by either party.

From October 1, 2013, to October 17, 2013, most of EPA, including counsel for Complainant, was furloughed due to a lapse in appropriations. Currently, an outside contractor

is analyzing the financial information provided by Respondents in order to determine their ability to pay. (The contractor was issued a stop work order during the furlough period.) The parties are hopeful that the results of this analysis will enable the parties to reach a mutually agreeable penalty amount enabling them to settle this matter. The parties may also engage in mediation as facilitated by EPA's Conflict Prevention and Resolution Center.

On or about October 23, 2013, the key witness for Complainant, an EPA employee, suffered the devastating personal loss of a stillborn child. This witness is expected to testify as to the inspections of the facilities at which the underground storage tanks were located, the violations at issue in this matter as well as the amount of the penalty to be proposed for such violations. Given this witness' integral role in this matter and this witness' current state of mind, Complainant is seeking a stay of the proceedings for 180 days in order to allow sufficient time for this witness' recovery. Counsel for Respondents joins in this Motion. The parties will continue to work to resolve this matter in order to obviate the need for a hearing.

For the foregoing reasons, the parties respectfully request that this Court grant this Joint Motion to Stay Proceedings.

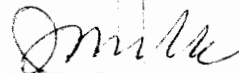
Respectfully submitted,



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Jeffrey L. Leiter  
Attorney for Respondents

October 29, 2013  
Date



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Janet E. Sharke  
Attorney for Complainant

10/30/2013  
Date

In the Matter of:

Aylin, Inc.,  
Rt. 58 Food Mart, Inc.,  
Franklin Eagle Mart Corp.,  
Adnan Kiriscioglu d/b/a New Jersey  
Petroleum Organization a/k/a NJPO

Order to Stay Proceedings

RESPONDENTS

Pure Gas Station  
5703 Holland Road  
Suffolk, VA 23437

U.S. EPA Docket No. RCRA-03-2013-0039

Rt. 58 Food Mart  
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Proceeding under Section 9006 of the  
Resource Conservation and Recovery Act,  
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Franklin Eagle Mart  
1397 Carrsville Highway  
Franklin, VA 23851

FACILITIES

On October 31, 2013, the parties to the above-captioned matter filed a Joint Status Report and Motion to Stay Proceedings for 180 days.

For the reasons set forth in the Motion, I find that good cause has been shown and hereby grant the Motion. Accordingly, the proceedings in this matter are stayed for 180 days.

Christine Coughlin  
Administrative Law Judge  
U.S. Environmental Protection Agency

Dated: November , 2013  
Washington, D.C.

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I caused to be transmitted the original and two copies of a Joint Status Report and Motion to Stay Proceedings, Docket No. RCRA-03-2013-0039, via United Parcel Service Next Day Air to:

Ms. Sybil Anderson  
Headquarters Hearing Clerk  
U.S. EPA, Office of Administrative Law Judges  
Ronald Reagan Building, Room M1200  
1300 Pennsylvania Avenue, NW  
Washington, DC 20004

I further certify that, on the same day, I caused to be transmitted a true and correct copy of the foregoing Joint Status Report and Motion to Stay Proceedings in the following manner to:

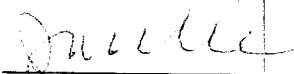
Via UPS  
Next Day Air

Jeffrey L. Leiter, Esq.  
Counsel for Respondents  
Leiter & Cramer PLLC  
1707 L Street, NW, Suite 560  
Washington, DC 20036

Courtesy copy  
Via Hand Delivery

Lydia Guy  
Regional Hearing Clerk  
Office of Regional Counsel (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103

10/30/2013  
Date

  
\_\_\_\_\_  
Janet E. Sharke  
Senior Assistant Regional Counsel  
U.S. EPA, Region III  
Office of Regional Counsel (3RC50)  
1650 Arch Street  
Philadelphia, PA