

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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IN THE MATTER OF: :
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ADVANCED RECOVERY, INC : **DOCKET No: RCRA-02-2013-7106**
:
RESPONDENT :
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**MOTION FOR AN EXTENSION OF TIME TO FILE COMPLAINANT'S
PREHEARING EXCHANGES AND UPDATED STATUS REPORT**

The Complainant, in the above captioned matter, does hereby submit this Motion for an Extension of Time to file its Prehearing Exchanges, pursuant to 40 C.F.R. §22.16, as provided in Judge Coughlin's Prehearing Order dated March 10, 2014 (the "Order"). Complainant also provides an Updated Status Report.

Motion

By way of this motion, the Complainant requests an extension of time to comply with the Judge's Order. Complainant requests that the deadline for Complainant's Prehearing Exchanges be extended as follows:

April 30, 2014, Complainant must file its Initial Prehearing Exchange ("Initial PHE") in the manner set forth in the Judge's Order; and

Within 7 days after receiving Respondent's Prehearing Exchange, Complainant must file its Rebuttal Prehearing Exchange in the manner set forth in the Judge's Order.

The Complainant submits the below Updated Status Report to demonstrate that good cause exists for this motion.

Updated Status Report

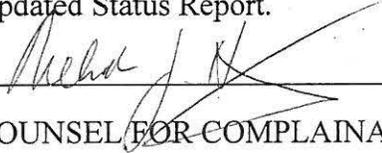
The parties met and held a settlement conference on March 18, 2014, prior to the March 21, 2014 deadline set forth in the Judge's Order. On March 26, 2014, Complainant's Counsel submitted an initial Status Report prior to the March 28, 2014 deadline set forth in the Judge's Order. Respondent made partial electronic submittals of requested information to EPA on March 13, 2014, and on March 20, 2014. However, Respondent has not as yet submitted the additional, complete, information which EPA needs in order to have its contractor evaluate Respondent's information. Despite several attempts by EPA to contact Respondent's Counsel on March 20, 2014, by phone and by email, and on March 26, 2014, by email, and on April 8, 2014, by email,

to request the additional information, Respondent has not as yet submitted the requested information.

The approximately two-week extension of time sought in this motion would allow time for EPA to receive the requested information from Respondent, and determine whether Respondent intends to submit it.

An additional reason for granting the requested extension is that Complainant's Initial PHE is due to be submitted on Friday, April 18, 2014, which is Good Friday and this date also coincides with Passover. Complainant's Counsel will be out of the office for religious observances and others may be too.

For the foregoing reasons, Counsel for Complainant requests that the Court grant this motion for an extension. Counsel for Respondent has been consulted and advised of Complainant's Motion for an Extension of Time to file its Prehearing Exchanges and this Updated Status Report.



COUNSEL FOR COMPLAINANT

Dated: *April 10, 2014*

Respectfully submitted

Melva J. Hayden, Esquire
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In the Matter of Advanced Recovery, Inc.
Docket No. RCRA-02-2013-7106

CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Request an Extension of Time to File Complainant's Prehearing Exchanges and Updated Status Report has been sent this day to the following addressees listed herein in the manner listed below:

Original and One Copy by Electronic and Regular Mail to:

Sybil Anderson
Headquarters Hearing Clerk
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460
Email: OALJfiling@epa.gov

Copy by Electronic and Regular Mail to:

The Honorable Christine D. Coughlin
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Email: OALJfiling@epa.gov

Copy by Electronic and Regular Mail to:

Kirk O. Orseck, Esquire
Orseck Law Offices, PLLC
1924 State Route 52
POB 469
Liberty, NY 12754
Email: orsecklaw@yahoo.com

Dated: April 10, 2014
New York, NY

By: 