



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

2014 SEP 22 AM 11:34

In the Matter of:)
Advanced Recovery, Inc.,) Docket No. RCRA-02-2013-7106
Respondent)

ORDER ON MOTION TO CANCEL HEARING

On September 19, 2014, Complainant filed a Motion to Cancel Hearing, requesting therein, with the concurrence of Respondent through its counsel, that the hearing scheduled to commence on September 23, 2014, be canceled. Complainant attests that the parties have agreed to the material terms of a settlement, and to the language of a Consent Agreement and Final Order, and "but for the logistical constraints that preclude the parties from obtaining and exchanging the signature of the principals," the matter is fully settled. Complainant's counsel has received oral authorization from Regional management to convey acceptance of such settlement terms. Attached to the Motion is a copy of a letter wherein Respondent's counsel affirms that he has discussed the settlement terms with his client and has agreed to sign a Consent Agreement and Final Order in accordance with the same.

The rules governing this proceeding, set forth at 40 C.F.R. Part 22 ("Rules"), provide that the presiding officer "shall hold a hearing if the proceeding presents genuine issues of material fact." 40 C.F.R. § 22.21(b). Because the parties attest that they have resolved all outstanding issues in this matter with a Consent Agreement and Final Order that will soon be executed, there is no need for a hearing. Therefore, the Motion to Cancel Hearing is GRANTED and the hearing scheduled in this matter is hereby CANCELED.

SO ORDERED.

Christine D. Coughlin
Christine D. Coughlin
Administrative Law Judge

Date: September 22, 2014
Washington, D.C.

In the Matter of *Advanced Recovery*, Respondent.
Docket No. RCRA-02-2013-7106

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order on Motion to Cancel Hearing**, issued by Christine D. Coughlin, Administrative Law Judge, dated September 22, 2014, were sent to the following parties in the manner indicated:



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Dated: September 22, 2014
Washington, DC