

**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**  
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: :  
**RESPONDENT** : :  
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**STATUS REPORT**

Complainant, EPA, in the above captioned matter, on behalf of the parties, hereby submits this Status Report in response to Ms. Fortin’s email dated on September 24, 2014 which Ms. Fortin transmitted on behalf of Judge Coughlin. In the September 24, 2014 email, Ms. Fortin indicated that the Judge would like Status Reports every two weeks beginning October 8<sup>th</sup> and on October 22<sup>nd</sup> and so on if necessary.

This Status Report was delayed due to the hospitalization of my daughter, from September 25, 2014 through October 3, 2014, which took lead Counsel for Complainant out of the office for that time period to care for her. I hope that the Court finds that this constitutes good cause for the delay in submitting this Status Report.

On September 24, 2014 Counsel for Complainant forwarded Ms. Fortin’s email to Respondent’s Counsel and requested that he confirm its receipt. On September 30, 2014, after completion of EPA’s internal review and concurrence process, while counsel was out of the office, Complainant mailed the final Consent Agreement and Final Order (“CA/FO”) to Respondent’s attorney with a cover letter requesting that Respondent’s Counsel review the CA/FO and have Respondent sign it and return same to EPA.

As of the date of this Status Report, Complainant has not as yet received the signed CA/FO back from Respondent’s Counsel. However, on or about September 23, 2014, Complainant’s Counsel did speak with Respondent’s Counsel to inform him that Complainant was in the process of mailing the CA/FO to him and that it would require a very short turnaround time for review and Respondent’s signature. Respondent’s Counsel advised that he was observing the Rosh Hashanah Holidays and was only in the office for a brief time. But, he indicated that the CA/FO would be given his prompt attentions upon his return to the office and upon its receipt.

Counsel for Complainant will update the Judge as to whether the signed CA/FO has been received in the next Status Report due to be submitted on October 22, 2014.

Counsel for Respondent has received a copy of this Status Report.

  
COUNSEL FOR COMPLAINANT

Dated: *October 15, 2014*

Melva J. Hayden, Esquire  
Assistant Regional Counsel  
U.S. Environmental Protection Agency – Region 2  
New York, NY 10007-1866  
Phone: 212/637-3230 Fax: 212/637-3202

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

CERTIFICATE OF SERVICE

I certify that the foregoing 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

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: OALJ E-Filing System

Kirk O. Orseck, Esquire  
Orseck Law Offices, PLLC  
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P.O. Box 469  
Liberty, NY 12754  
Email: orsecklaw@yahoo.com

Dated: October 15, 2014  
New York, NY

A handwritten signature in black ink, appearing to read "Kirk O. Orseck", is written over a horizontal line.