

**CERTIFICATE OF SERVICE**

I hereby certify that on September 19, 2014, I caused a copy of the Motion to Cancel Hearing in the proceeding identified as In the Matter of: Advanced Recovery, Inc., Docket No.: RCRA-02-2013-7106 to be sent to the following persons in the manner indicated:

Original and One Copy by hand:

Office of Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 2.  
290 Broadway  
New York, NY 10007-1866

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  
Electronic Filing: OALJ E-Filing System

Copy by Electronic and Regular Mail to:

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

Date: Sept. 19, 2014

A handwritten signature in blue ink, appearing to read "Orseck J. A.", written over a horizontal line.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 2**

In the Matter of:

Advanced Recovery, Inc.,

Respondent.

Proceeding Under Section 9006 of the  
Solid Waste Disposal Act, as amended.

**Hon. Christine D. Coughlin, Presiding Officer**

Docket No. RCRA-02-2013-7106

**MOTION TO CANCEL HEARING**

Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, EPA, Region 2 (EPA or Agency), through counsel, with the express concurrence of Respondent (through counsel), hereby moves this Court for an order canceling the hearing previously scheduled to commence on September 23, 2014.

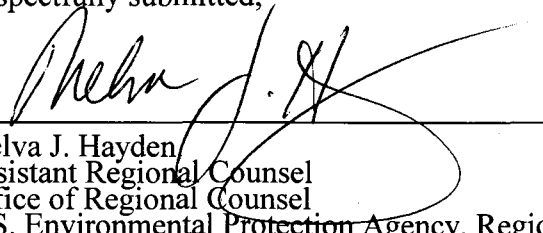
The parties in this matter reached a settlement on September 19, 2014, both as to the amount of payment and as to the terms of the consent agreement. With the parties having agreed to the material terms of the settlement and the language to effect their agreement, the settlement reached is more than an agreement in principle; it is a full settlement agreement but for the logistical constraints that preclude the parties from obtaining and exchanging the signature of the principals. All that remains for the parties to finalize the matter is that they formally execute the settlement document (the Consent Agreement and Final Order). As can be seen from the letter annexed to this motion, Respondent's counsel has affirmed his client accepts the settlement and will sign the consent agreement. On behalf of Complainant, the undersigned has received oral authorization from Regional management to convey acceptance of the settlement terms to which

the parties agreed today. Thus, Complainant submits good cause exists for canceling the hearing.

Therefore, for the reasons set forth above, Complainant, with the knowledge and express agreement of Respondent, respectfully moves this Court, pursuant to 40 C.F.R. §§ 22.4(c)(2), 22.4(c)(10), 22.16(a) and 22.21(c), to issue an order that: (1) vacates so much of the June 11, 2014, order that scheduled the hearing in this matter to commence on Tuesday, September 23, 2014; and (2) cancels said hearing.<sup>1</sup>

Dated: September 19, 2014  
New York, New York

Respectfully submitted,



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Melva J. Hayden  
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Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
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<sup>1</sup> Under the governing rules of procedure, in 40 C.F.R. § 22.21(c), the Presiding Officer is authorized to grant a “request for the postponement of a hearing...upon motion and for good cause shown.” To the extent the Court is unable to cancel the hearing, Complainant then respectfully requests the Court issue an order postponing the hearing so as to allow the parties a reasonable opportunity to effect the formal execution of the agreement reached today, with the order further specifying that, upon formal execution of the settlement agreement, the hearing is canceled.

*Orseck Law Offices PLLC*

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Kirk O. Orseck  
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Therese Wittner, RN  
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September 19, 2014

Melva J. Hayden, Esq.  
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Region 2 Title VI Coordinator  
Office of Regional Counsel  
U.S. EPA - Region 2  
290 Broadway - 16th Floor  
New York, NY 10007-1866

**Re: In the Matter of Advanced Recovery, Inc.  
Docket Number RCRA-02-2013-7106**

Dear Ms. Hayden:

Thank you for the EPA's assistance in this case. I am pleased that we were able to agree upon a settlement.

I affirm that I have discussed the settlement terms with my client, and they have agreed to sign a Consent Agreement and Final Order (CA/FO) in accordance with the same.

Very truly yours,  
ORSECK LAW OFFICES PLLC  
KIRK ORSECK

KO/mm