

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 Broadway  
New York, NY 10007

**IN THE MATTER OF:**

Ben-Mald Corp.  
d/b/a Cinderella Poultry Farm,  
  
Respondent

Docket No. CWA-02-2011-3357

**REPORT OF STATUS CONFERENCE AND ORDER**

The status teleconference in this matter, originally scheduled for March 27, 2012, was postponed due to the illness of the Complainant's attorney, and was held on April 3, 2012. Participating were:

Presiding Officer:	Helen S. Ferrara
Respondent's Attorney:	Aracelis Colon Sanchez
Complainant's Attorney:	Lourdes del Carmen Rodriguez

**Introduction:** The Presiding Officer established that the purpose of the teleconference was to assess the status of this matter.

**Status:** The Respondent's attorney reiterated legal arguments that were presented in the Respondent's answer, stating that she is awaiting the Complainant's opinion on the Respondent's position. Specifically, Respondent's attorney alleges that Respondent is not a Concentrated Animal Feeding Operation (CAFO), and therefore, is excluded from the statutory definition of a point source. In addition, Respondent's attorney stated that she had met with another attorney from EPA, Hector Velez, on March 29, 2012, to discuss Respondent's inability to pay argument, and was awaiting information as to the necessary documentary evidence to be submitted by Respondent to support that claim.

Claimant's attorney explained that she had encountered difficulty in sending e-mails to Respondent's attorney, but had recently mailed and e-mailed a list of documents to be completed by Respondent to support its inability to pay claim.

Respondent's attorney stated that she was scheduled to meet with her client on April 4, 2012 to review the documents that must be submitted to support the inability to pay claim, and discuss the number of days that the Respondent would need to complete the documents. Respondent's attorney agreed that she will advise the Complainant's attorney of the time frame for compliance with Complainant's request for document submission. Upon receipt of the documents from Respondent, Complainant's attorney will advise Respondent's attorney as to how long the Complainant will need to review Respondent's submission.

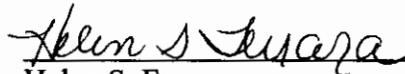
It was agreed that it is in the best interest of the parties to submit a Joint Status Report in approximately thirty days to apprise the Undersigned of the parties' progress in this matter.

In light of the considerations set forth herein, the Undersigned issues the following ORDER.

**IT IS ORDERED:**

**The Undersigned directs the parties to file a Joint Status Report no later than May 4, 2012.**

Dated: April 4, 2012

  
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Helen S. Ferrara  
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that the Report Of Status Conference And Order by Regional Judicial Officer Helen Ferrara in the matter of Bend-Maild Corp. d/b/a Cinderella Poultry Farm, Docket No. CWA-02-2011-3357, was served on the parties as indicated below:

First Class Mail -

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Karen Maples  
Regional Hearing Clerk  
USEPA - Region II

Dated: April 5, 2012