

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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IN THE MATTER OF:

The Battery Recycling Company, Inc.,

RESPONDENT

DOCKET NUMBER
EPCRA-02-2011-4301

UNOPPOSED MOTION FOR CONTINUANCE

To the Honorable Court:

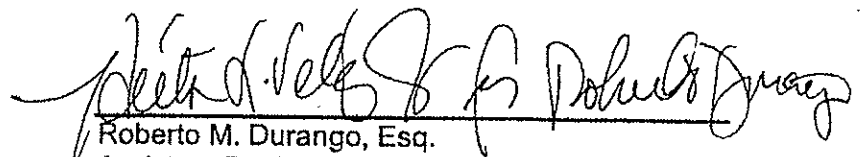
COMES NOW the United States Environmental Protection Agency, Complainant in the instant matter, and very respectfully avers and prays as follows:

1. Pursuant to this Honorable Court's Order on Motion for Continuance, dated July 3, 2012, the parties were granted, for good cause, pursuant to Section 22.7(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Rules of Practice), 40 C.F.R. § 22.7(b), until August 13, 2012, to file a Consent Agreement and Final Order (CAFO).
2. That due to unforeseen circumstances, at the time of the June 28, 2012 Motion for Continuance, Complainant was unable to engage the services of Industrial Economics, Inc. (IEc).

3. That on Wednesday, August 8, 2012, Complainant was able to resolve the issues related to engaging the services of IEc to conduct an Ability-to-Pay (ATP) Analysis in order to fully and diligently entertain Respondent's inability to pay position.
4. That on Wednesday, August 8, 2012, the undersigned contacted Respondent's counsel, who indicated agreement with filing this Motion, requesting that this Honorable Court grant an additional continuance to the Prehearing Order to allow the parties additional time to evaluate Respondent's ability-to-pay position, and to come to an agreement, prior to engaging in pre-hearing exchange.
5. That IEc has indicated that the ATP Analysis will be completed within the next two to three weeks. IEc has also indicated that some additional information may be requested from Respondent.
6. That after IEc completes the ATP Analysis, the parties must secure appropriate approval and signature in order to settle this matter and execute a CAFO.
7. That the parties agree that requesting an additional ninety (90) days in order to reach an agreement and file a CAFO is a reasonable time-frame, in order to properly account for other unforeseen circumstances that may arise.
8. That Complainant believes that fully and diligently entertaining Respondent's inability to pay position, prior to engaging in prehearing exchange, is good cause for granting the parties additional time to file a fully-executed CAFO, will promote judicial economy, and will reduce both parties expenditure of significant amounts of time and financial resources.

WHEREFORE it is respectfully requested that this Honorable Court grant a continuance of ninety (90) days, until Tuesday, November 13, 2012, to file a fully-executed CAFO.

Respectfully submitted in San Juan, Puerto Rico, on this 9th day of June, 2012.



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Unopposed Motion for Continuance**, dated August 9, 2012, was sent in the following manner to the addresses listed below:

Original and Copy by **Overnight**:

Karen Maples
Regional Hearing Clerk
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by **Overnight**:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, DC 20005

Copy by **Regular Mail and PDF**:

Carlos Colón-Franceschi, Esq.
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Dated: 8/9/2012


Aileen Sánchez, Program Support Assistant
EPA, Region 2, Office of Regional Counsel

Unopposed Motion for Continuance
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Docket No. EPCRA-02-2011-4301
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