



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG.11 JUL 20 - 5 P 3 20 REGIONAL HEARING CLERK

In the Matter of:)
The Battery Recycling Company, Inc.,)
Respondent.)
Docket No. EPCRA-02-2011-4301

ORDER ON MOTION FOR CONTINUANCE

This action was initiated on March 1, 2011, by the United States Environmental Protection Agency, Region 2, Division of Enforcement and Compliance Assistance ("Complainant" or "EPA"), filing an Administrative Complaint against Respondent, The Battery Recycling Company, Inc., under Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act ("Superfund"), 42 U.S.C. §§ 11001 et seq., also known as the Emergency Planning and Community Right to Know Act of 1986 ("EPCRA"). By Order dated May 17, 2012, the undersigned was designated to preside over this proceeding. By Prehearing Order dated May 23, 2012, Complainant was ordered to file a Consent Agreement and Final Order ("CAFO") or its Initial Prehearing Exchange no later than July 6, 2012.

On June 28, 2012, Complainant submitted a Motion for Continuance ("Motion"). Complainant states in the Motion that it has engaged the services of Industrial Economics, Inc., to evaluate Respondent's financial information and conduct an ability to pay analysis. Mot. at 2. Complainant further states that the parties will need to secure "appropriate approval and signature in order to settle this matter and execute a [CAFO]." Mot. at 2. The Motion states that Respondent's counsel indicated agreement with this Motion. Mot. at 2.

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 (40 C.F.R. § 22.7(b)) provides that the Presiding Officer may grant an extension of time for filing any document upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.

The Motion is hereby GRANTED for good cause. Accordingly, deadlines set forth in the May 23, 2012 Prehearing Order are modified as follows:

August 13, 2012

Complainant's Initial Prehearing Exchange or CAFO

September 4, 2012

Respondent's Prehearing Exchange

September 17, 2012

Complainant's Rebuttal Prehearing Exchange

SO ORDERED.



Susan L. Biro

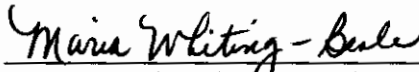
Chief Administrative Law Judge

Dated: July 3, 2012
Washington, DC

In the Matter of The Battery Recycling Company, Inc., Respondent
Docket No. EPCRA-02-2011-4301

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Motion For Continuance**, dated July 3, 2012, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: July 3, 2012

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