

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

The Battery Recycling Company, Inc.,

RESPONDENT

DOCKET NUMBER
EPCRA-02-2011-4301

REGIONAL HEARING
CLERK

2012 OCT 23 A 10:20

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II

OCTOBER 22, 2012 STATUS REPORT

To the Honorable Court:

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

1. Pursuant to this Honorable Court's Order on Motion for Continuance, dated August 20, 2012, Complainant was directed to submit a status report every two weeks until either a CAFO or its Initial Prehearing Exchange is filed in this proceeding against Respondent, The Battery Recycling Company, Inc.
2. That on Friday, August 10, 2012, Industrial Economics, Inc. (IE) provided Complainant with a brief set of follow-up questions for Respondent in order to develop a complete ability to pay analysis.
3. That on Thursday, August 16, 2012, the undersigned submitted a letter to Respondent's counsel (August 16 Letter), requesting that Respondent provide answers to IE's follow-up questions by no later than Friday, August 31, 2012.
4. That on Wednesday, October 3, 2012, the undersigned contacted Respondent's counsel, requesting that Respondent provide an answer to the August 16 Letter.

5. That on Wednesday, October 3, 2012, a letter was sent to Respondent's counsel, requesting that Respondent provide an answer to August 16 Letter, among others.
6. That on Wednesday, October 17, 2012, the undersigned contacted Respondent's counsel and was advised that Respondent would answer the August 16 Letter the next day, but would request an additional ten days to complete its answer.
7. That on Thursday, October 18, 2012, Respondent submitted a partial answer to the August 16 Letter, indicating that it was gathering some additional financial information and requested an additional ten days to complete its answer.
8. That on Thursday, October 18, 2012, Complainant submitted Respondent's partial answer to the August 16 Letter to IE, whereby IE indicated that it would start working with the answers provided and integrate the remaining answers, once received.
9. That upon receipt of Respondent's complete answers to the August 16 Letter, IE may need additional time to complete its ability-to-pay analysis and may have some additional follow-up questions.
10. That this is the final status report Complainant was directed to submit by this Honorable Court.
11. That as of the date of this status report, Complainant has continued to fully and diligently entertain Respondent's inability to pay position, but has been unable complete such analysis for the above-referenced reasons and, therefore, the Parties have not been able to reach an agreement in principle.
12. That the Parties have discussed the possibility of filing a Joint Motion for Continuance to request additional time to file a fully-executed CA/FO.

WHEREFORE it is respectfully requested that this Honorable Court take notice of the status of this matter.

Respectfully submitted in Guaynabo, Puerto Rico, this 22nd day of October, 2012.



Roberto M. Durango, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel—Caribbean Team
City View Plaza II, Suite 7000
48 RD. 165, Km. 1.2
Guaynabo, Puerto Rico 00968-8069
Tel. (787) 977-5822; Fax: (787) 729-7748

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

The Battery Recycling Company, Inc.

RESPONDENT

DOCKET NUMBER EPCRA-02-2011-4301

CERTIFICATE OF SERVICE

I hereby certify that, on the date noted below, the foregoing **October 22, 2012 Status Report** 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.
Toro, Colón, Mullet, Rivera & Sifre, P.S.C.
Attorneys for Respondent,
The Battery Recycling Company, Inc.
416 Ponce de León Avenue
Union Plaza Suite 311
San Juan, Puerto Rico 00918

Dated: 10/22/2012


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