

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

The Battery Recycling Company, Inc.,

RESPONDENT

DOCKET NUMBER
EPCRA-02-2011-4301

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OCTOBER 8, 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 provide a complete ability to pay analysis.
3. That on Thursday, August 16, 2012, the undersigned submitted a letter to Respondent's counsel, 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, co-counsel and the undersigned contacted Respondent's counsel, requesting that Respondent provide answers to IE's follow up questions, among others.

5. That on Wednesday, October 3, 2012, a letter was sent to Respondent's counsel, requesting that Respondent provide answers to IE's follow up questions, among others.
6. That as of the date of this Status Report, Respondent has not replied to the above-referenced letter or submitted its answers thereto.
7. That upon receipt of Respondent's reply, IE will be able to complete its ability-to-pay analysis.
8. That Complainant will submit another status report on or before October 22, 2012, as directed by this Honorable Court.

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

Respectfully submitted in Guaynabo, Puerto Rico, this 4th day of October, 2012.



Roberto M. Durango, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that, on the date noted below, the foregoing **October 8, 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

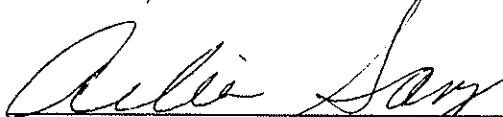
Copy by **Overnight:**

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.
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San Juan, Puerto Rico 00918

Dated: 10/4/12


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