

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

The Battery Recycling Company, Inc.,

RESPONDENT

DOCKET NUMBER
EPCRA-02-2011-4304

RECEIVED BY OALJ
2012 JUN 15 AM 9:48

STATUS REPORT

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 Prehearing Order, dated May 23, 2012, the parties were directed to engage in a settlement conference on or before June 8, 2012, and Complainant was directed to file a Status Report on the status of settlement by no later than June 15, 2012.
2. That on Friday, June 8, 2012, Respondent submitted updated financial statements, balance sheets, and income statements, in order for Complainant to conduct an ability-to-pay analysis regarding the proposed penalty.
3. That Complainant is in the process of engaging an outside contractor to conduct an ability-to-pay analysis in order to fully and diligently entertain Respondent's inability to pay position.

4. That due to the procedures Complainant must follow to secure the services of an outside contractor and secure such analysis are expected to take between thirty (30) and forty five (45) days.
5. That after the contractor provides an ability to pay analysis, the parties must secure internal approval in order to settle this matter and execute a Consent Agreement and Final Order (CA/FO).
6. 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 CA/FO, will promote judicial economy, and will reduce both parties expenditure of significant amounts of time and financial resources.
7. That Complainant proposes to file a second Progress Report as soon as the ability-to-pay analysis is completed by the outside contractor.

WHEREFORE it is respectfully requested that this Honorable Court take notice of the status settlement and grant the parties an additional sixty (60) days, until Tuesday, August 14, 2012, to file a fully-executed CA/FO.

Respectfully submitted in San Juan, Puerto Rico, on this 14th day of June, 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 the foregoing **Status Report**, dated June 14, 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

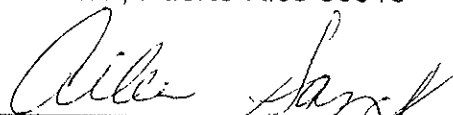
Copy by **Overnight**:

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.
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: 6/14/12



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