

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

The Battery Recycling Company, Inc.,

RESPONDENT

DOCKET NUMBER
EPCRA-02-2011-4307

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG:11
2012 DEC 21 A 9:20
REGIONAL HEARING
CLERK

NOTICE OF SETTLEMENT AND 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 November 23, 2012 ("November 23 Order"), the parties were granted, for good cause shown and after consideration of prejudice to other parties, under 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 December 21, 2012, to file a Consent Agreement and Final Order (CAFO) or prehearing exchange.
2. That the December 17, 2012, the parties reached an agreement in principle, dispositive of all causes of action alleged in the Amended Complaint, dated August 26, 2011.
3. That on December 18, 2012, Complainant received the signed CAFO Respondent submitted, to wit the signature page is attached herein as **Exhibit 1**.

4. That on December 18, 2012, the CAFO will be sent, via overnight mail, for Complainant's signature on the Consent Agreement and for the Regional Judicial Officer's signature on the Final Order.
5. That although it is believed that the CAFO will be filed on or before the Friday, December 21, 2012 deadline, in compliance with the November 23, 2012 Order, the signature process may be delayed.
6. That as a precautionary measure, Complainant requests an additional seven days, until Friday, December 28, 2012, to file the fully-executed CAFO.
7. That on December 18, 2012, Complainant confirmed that Respondent's counsel does not oppose requesting an additional seven days to file the fully-executed CAFO.

WHEREFORE it is respectfully requested that this Honorable Court take notice of the status of this matter and grant the parties an additional seven days, until Friday, December 28, 2012, to file the fully-executed CAFO.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this 18th day of December, 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 **Notice of Settlement and Unopposed Motion for Continuance** 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: 12/18/2012



Sandra Rivera Ortiz

12. Respondent has read the Consent Agreement, understands its terms, and voluntarily consents to its issuance and to abide by its terms and conditions, including payment of the full amount of the civil penalty in accordance with the terms set forth above. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

13. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.08 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator, the Deputy Regional Administrator or the Regional Judicial Officer where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

14. Respondent waives its right to appeal this Consent Agreement and the accompanying Final Order.

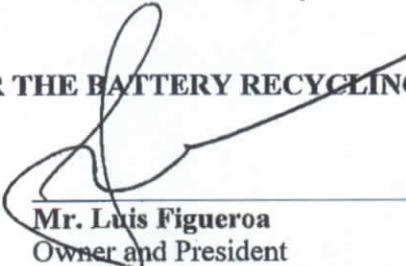
15. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect respondent's obligation to comply with all applicable provisions of EPCRA and the regulations promulgated thereunder.

16. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.

17. Each party hereto agrees to bear its own costs and fees in this matter.

18. Respondent consents to service upon Respondent by a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

FOR THE BATTERY RECYCLING COMPANY, INC.:

BY: 
Mr. Luis Figueroa
Owner and President
The Battery Recycling Company, Inc.
Bo. Cambalache, Road # 2 KM 72.2
Arecibo, Puerto Rico 00613-1016

DATE: Dec. 17, 2012