



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

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

**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.**



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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

Original And One Copy By Regular Mail To:

Karen Maples  
Regional Hearing Clerk  
U.S. EPA  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy By E-Mail and Regular Mail To:

Roberto M. Durango , Esquire  
Office of Regional Counsel  
U.S. EPA  
Caribbean Field Division  
City View Plaza II, Suite 7000  
48 RD. 165 Km 1.2  
Guaynabo, PR 00968-8069

Carlos E. Colon-Franceschi, Esquire  
Toro, Colon, Mullet, Rivera & Sifre, P.S.C.  
Union Plaza, Suite 311  
San Juan, PR 00918