

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 2**

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In the Matter of :  
: Hon. Susan L. Biro, Presiding Officer  
Caribbean All Metal Recyclers Corp., :  
: Respondent. :  
: Docket Number RCRA-02-2016-7103  
Proceeding under Section 3008 of the :  
Solid Waste Disposal Act, as amended. :  
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Status Report

A detailed narrative of the background and status to this litigation was provided in the “Motions For Extensions Of Time” served on February 7<sup>th</sup>. The motion sought extensions of the deadlines set forth in the January 27<sup>th</sup> Prehearing Order. At the time of this writing (1:55 PM), the undersigned received a message from the Headquarters Hearing Clerk, Mary Angeles, stating, “The motion will be granted. \*\*\* The judge’s order will be served shortly.”<sup>1</sup> Given the developments that have occurred since the filing of that motion, this report is being submitted to inform this Court of subsequent developments.<sup>2</sup>

The parties held a settlement conference (via telephone) on February 15<sup>th</sup>. Tentative settlement proposals were exchanged but the parties reached no agreement. Respondent had earlier sent information in support of its assertion in the answer of an inability to claim. That information was evaluated, with the analyst concluding she needed additional information (no

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<sup>1</sup> E-mail communication of today, 1:53 PM.

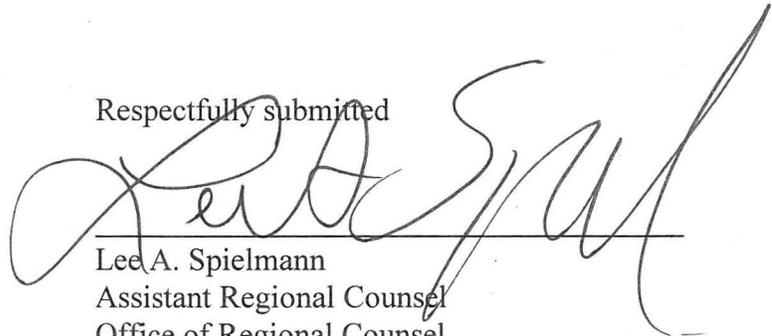
<sup>2</sup> If the Court did not deem the February 7<sup>th</sup> motion to constitute a status report within the meaning of the requirement set forth in the January 27<sup>th</sup> prehearing order to file such a report by March 3<sup>rd</sup>, then this status report is being submitted in fulfillment of the obligation of the Region to file such a report.

written report was filed; the evaluation was orally transmitted). The request for the specific financial information still needed was conveyed to counsel for Respondent, and additional financial information (two of the three items requested) was provided shortly thereafter (hereinafter, "supplemental information").<sup>3</sup> The undersigned then (February 15<sup>th</sup>) provided the supplemental information to the Region's document control officer with instructions to send same to the financial analyst,<sup>4</sup> but, as the undersigned has been today apprised, the supplemental information was not sent to the analyst until earlier today. A discussion with the financial analyst has been scheduled for next week (Thursday, March 9<sup>th</sup>).

The undersigned will continue to keep this Court informed of developments in the parties's ongoing efforts to reach a settlement.

Dated: March 2, 2017  
New York, New York

Respectfully submitted



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<sup>3</sup> The February 7<sup>th</sup> motion listed the additional information the financial analyst had been seeking.

<sup>4</sup> The supplemental information was provided to the document control officer in order that it be sent in accordance with Confidential Business Information (CBI) requirements and protocol; Respondent has asserted CBI status for the financial information it has provided.

TO: The Honorable Susan L. Biro  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
Ronald Reagan Building, M1200  
U.S. Environmental Protection Agency  
1300 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Headquarters Hearing Clerk  
Office of Administrative Law Judges  
Ronald Reagan Building, M1200  
U.S. Environmental Protection Agency  
1300 Pennsylvania Avenue, N.W.  
Washington, DC 20004

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San Juan, Puerto Rico 00919-5383

*In re Caribbean All Metal Recyclers, Corp.*  
Docket No. RCRA-02-2016-7103

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing "STATUS REPORT," dated March 2, 2017, in the above-referenced proceeding in the following manner to the respective addressees listed below:

Original and one copy by  
UPS Overnight:

Headquarters Hearing Clerk  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Ronald Reagan Building, Room M1200  
1300 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Copy by UPS Overnight:

Honorable Susan L. Biro  
Chief Administrative Law Judge  
U.S. Environmental Protection Agency  
Ronald Reagan Building, Room M1200  
1300 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Copy by First Class Mail:

Carlos Colón-Franceschi, Esq.  
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P.O. Box 195383  
San Juan, Puerto Rico 00919-5383

Dated: March 2, 2017  
New York, New York

  
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Lee A. Spielmann