

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2012 AUG 16 P 3:24

REGIONAL HEARING
CLERK

IN THE MATTER OF:

Pan American Grain Co, Inc.

RESPONDENT

STATUS REPORT

DOCKET NUMBER CWA-02-2011-3451

STATUS REPORT

COMES NOW Complainant, the U.S. Environmental Protection Agency ("EPA" or "Complainant") through the undersigned attorney, and respectfully alleges and prays as follows:

Pursuant to the July 25, 2012 Order, issued by the Administrative Law Judge, Honorable M. Lisa Buschmann (the "Order"), Complainant submits the following status report in the above captioned matter.

Complainant and the Pan American Grain Co, Inc. (Respondent) (herein together the "Parties") reached an agreement in principle dispositive of all matters asserted in the above captioned Administrative Complaint, as well as for other allegations Complainant has made with respect to three other Respondent facilities, for a global settlement.

The Parties are engaged in settlement discussions in order to reach an agreement as to the final language and terms of the Consent Agreement and Final Order (CA/FO). As part of such, the Parties are considering the scope and terms of a

Supplemental Environmental Project proposal. This process requires consultation and approval from EPA Headquarters, which is currently underway.

Once an agreement is reached as to the final language and terms of the settlement and a CA/FO is finalized, it will be placed into concurrence within several EPA officers located in Region 2's San Juan and New York offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the signature of the Respondent and the signature of the Regional Administrator are required. Once this process concludes, the fully executed CA/FO will immediately be filed.

This Motion has been filed today in order to have the Administrative Law Judge, Honorable M. Lisa Buschmann, take notice of the efforts made by the Parties in formalizing this agreement in a fully executed CA/FO.

This Motion was discussed today, August 15, 2012, with Gretchen Méndez-Vilella, Esq., attorney for the Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 15th day of August, 2012.



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CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Status Report**, dated August 15, 2012, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

Karen Maples
Regional Hearing Clerk
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

Copy by facsimile, **Certified Mail/Return Receipt** to:

Attorney for Respondent:
Gretchen Méndez-Vilella, Esq.
Goldman Antonetti & Córdova, P.S.C.
P.O. Box 70364
San Juan, P.R. 00936-8364
Telephone 787-759-8000
Fax 787-474-2407

Copy by facsimile, **Overnight Mail** to:

Administrative Law Judge
Honorable M. Lisa Buschmann
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044.

Date

8/15/12

Name

