



U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

SEP 18 P 3:13
REGIONAL HEARING
CLERK

BEFORE THE ADMINISTRATOR

In the Matter of)	
)	
Pan American Grain Co.,)	Docket No. CWA-02-2011-3451
)	
Respondent)	Dated: September 14, 2012

**Order on Motion Requesting Extension of Time
to File Respondent's Prehearing Exchange**

The Prehearing Order issued in this proceeding set due dates for the parties to file their prehearing exchanges. On February 3, 2012, the Complainant filed its Prehearing Exchange. After several extensions of time, most recent the due date set for Respondent's prehearing exchange was September 11, 2012. On the due date of September 11, 2012, Respondent submitted a Motion for Extension of Time to File Prehearing Exchange, seeking an extension of time until October 11, 2012 to file its prehearing exchange. Grounds stated in the Motion are that the parties are finalizing a Consent Agreement and Final Order ("CAFO") for a global settlement of the present case and Complainant's allegations concerning three other facilities owned by Respondent, which agreement includes a Supplemental Environmental Project requiring consultation from the Municipality of Guaynabo and from EPA Headquarters. The parties expect that it may be finalized by the end of the month. The Motion states further that Complainant's counsel has no objection to the request.

The Rules of Practice that govern this proceeding, 40 C.F.R. Part 22, provide that the presiding officer may grant an extension of time for filing any document "upon timely motion . . . , for good cause shown, and after consideration of prejudice to other parties." 40 C.F.R. § 22.7(b). Agency policy supports settlement, and it is in the interest of the parties and of judicial economy to resolve this dispute by mutual agreement. *See* 40 C.F.R. § 22.18(b).

For good cause shown, Respondent's Motion for Extension of Time is **GRANTED**. In the event the parties have not filed a fully executed Consent Agreement and Final Order settling this matter beforehand, Respondent shall file its Prehearing Exchange **on or before October 11, 2012**. Complainant shall file its Rebuttal Prehearing Exchange on or before **October 26, 2012**.

SO ORDERED.



M. Lisa Buschmann
Administrative Law Judge

In the Matter of Pan American Grain Co., Inc., Respondent.
Docket No. CWA-02-2011-3451

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order on Motion Requesting Extension of Time to File Respondent's Prehearing Exchange**, issued by M. Lisa Buschmann, Administrative Law Judge, in Docket No. CWA-02-2011-3451, were sent to the following parties on this 14th day of September, 2012, in the manner indicated:



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Dated: September 14, 2012
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