

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

In the matter of:

Pan American Grain Co, Inc.
9 Claudia St.
Amelia Industrial Park
Guaynabo, Puerto Rico 00968

NPDES MSGP Number PRR05BT41

Respondent

Docket No. CWA-02-2011-3451

PROCEEDING PURSUANT TO SECTION
309(G) OF THE CLEAN WATER ACT, 33
U.S.C. § 1319(G), TO ASSESS CLASS
CIVIL PENALTY

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2012 FEB 23 A 11:35
REGIONAL HEARING
CLERK

**MOTION REQUESTING EXTENSION OF TIME TO COMPLAINANT'S
MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT
AND RESPONDENT'S PREHEARING EXCHANGE**

TO THE HONORABLE PRESIDING OFFICER:

COMES NOW, respondent, Pan American Grain Manufacturing Company ("PAGM")

the undersigned attorneys, and very respectfully informs, states and prays as follows:

1. On January 26, 2012, Complainant filed a motion captioned Leave to File First Amended Complaint whereby Complainant requests the Honorable Presiding Officer to grant a second amendment to the Complaint.

2. On January 12, 2012, the undersigned, for reasons beyond her control, suffered a serious accident which required urgent medical care, immobilization and home confinement for a period of two (2) weeks. The motion mentioned above was received when the undersigned was finally able to come to work for the first time and on a very limited basis, as per medical instructions.

3. Since January 26, 2012, date on which we received an electronic copy of the motion presented by Complainant, the undersigned, who is the only attorney in the firm familiar

with the case and able to prepare PAGM's reply, continues to limitations in the ability to work, given the daily health concerns associated to the serious trauma suffered.

4. In view of the foregoing, PAGM filed a motion requesting extension of time to file its reply to the motion filed by Complainant on January 26, 2012.

5. On February 13, 2012, the Honorable Presiding Officer granted an extension of time requested in part for PAGM to file in response to EPA's request for leave to file second amendment to the Complaint. The Order allowed PAGM to file the referenced motion on or before February 22, 2012

6. Since the filing of the Complaint, EPA and PAGM ("the Parties") have and continue to pursue in good faith the possible settlement of the case. To such ends, the Parties have been exchanging information relevant to the settlement.

7. For the last month or so, however, these negotiations have been paused given that the EPA is in the process of moving to a new location. PAGM understands that the move is scheduled to finalize on or around March 1, 2012. At that time, the Parties expect to continue to engage in discussions and information exchange likely leading to the settlement of the case.

8. In view of the foregoing, PAGM understands that relief from its obligation in the instant case to file the Response to Complainant's Motion for Leave to File Second Amended Complaint and the Respondent's Pre-Hearing Exchange due on February 22 and March 1, 2012 respectively would allow Respondent to expediently and efficiently focus its resources and efforts in the settlement of the case.

9. Therefore, PAGM respectfully requests that the Honorable Presiding Officer extend the period of time for such filings until March 22, 2012.

10. We contacted EPA's attorney today and he confirmed that he has no objection to the request being made in the present motion.

WHEREFORE, PAGM respectfully requests this Honorable Presiding Officer to take notice of the aforementioned and, consequently, grant the extension of time requested herein above, that is, until March 22, 2012 to file its Response to the Motion Requesting Leave to File Second Amended Complaint and Respondent's Prehearing Exchange.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY: That on this same date, a true and exact copy of the foregoing document was sent, through regular mail and facsimile, to: Héctor L. Vélez, Office of Regional Counsel, U.S. Environmental Protection Agency, Region 2, 1492 Ponce de León Ave., Suite 417, Santurce, Puerto Rico 00907-4127.

In San Juan, Puerto Rico, this 22nd day of February, 2012.

GOLDMAN ANTONETTI & CORDOVA, P.S.C.
P.O. BOX 70364
SAN JUAN, PUERTO RICO 00936-8364
TEL. (787) 759-8000
FAX. (787) 474-2407



GRETCHEN MÉNDEZ-VILELLA