

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG-11
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REGIONAL HEARING
CLERK

In the Matter of)
)
Pan American Grain Co., Inc.) Docket No. CWA-02-1011-3451
)
Respondent) Dated: July 25, 2012

Order on Joint Motion Requesting Stay

This proceeding was initiated on September 29, 2011, by the filing of the Complaint in this matter, and thereafter, Respondent filed an Answer to the Complaint. Several extensions of time to submit documents were sought and granted. On April 26, 2012, the parties submitted a request for a stay of proceedings until June 10, 2012, on the basis that the parties were discussing a global settlement for the case at bar as well and for other allegations in connection to three other of Respondent's facilities for a global settlement." Although the stay was denied, two extensions of time were granted for Respondent to file a prehearing exchange, the latter of which provided Respondent until July 13, 2012 to file its Answer to the Second Amended Complaint and until July 20, 2012 to file a prehearing exchange.

On July 13, 2012, the parties filed an "Informative Motion and Request of Time to Submit the Executed Consent Agreement and Final Order." The Motion states that the parties have agreed in principle to the settlement of all pending matters including the present case, and requests that the proceedings be stayed until September 11, 2012 to allow the parties to file a Consent Agreement and Final Order (CAFO).

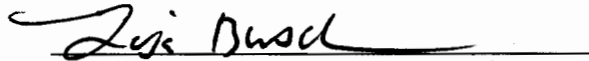
If a stay is granted, a party would not be able to obtain a ruling on any motion until the stay expires. Under the Rules, the Administrative Law Judge is required to "avoid delay" and is authorized to "[d]o all other acts and take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising in proceedings . . ." 40 C.F.R. § 22.4(c). Therefore, instead of a stay, an extension of time to file Respondent's Answer and prehearing exchange is appropriate.

The Rules 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). It is in the interest of the parties and judicial economy for the parties to amicably and efficiently resolve this matter through settlement, and it is recognized that time and resources must be expended to prepare a prehearing exchange. For good cause, therefore, Respondent is granted additional time to file its prehearing exchange. However, when an extension of time is granted for purposes of allowing parties to pursue settlement negotiations, the parties must make diligent efforts to do so and therefore Complainant must file a status report

as to settlement as set forth below.

ORDER

1. The Joint Motion Requesting Stay in Proceedings is **DENIED**.
2. Respondent is granted an extension of time to file its Answer to the Second Amended Complaint and a prehearing exchange. In the event the parties have not filed a fully executed Consent Agreement and Final Order settling this matter beforehand, Respondent shall file its Answer to the Second Amended Complaint and its Prehearing Exchange **on or before September 11, 2012.**
3. Complainant shall file a status report as to the progress of settlement discussions on or before **August 17, 2012.**




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 Joint Motion**, issued by M. Lisa Buschmann, Administrative Law Judge, in Docket No. CWA-02-2011-3451, were sent to the following parties on this 25th day of July, 2012, in the manner indicated:


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**Dated: July 25, 2012
Washington, DC**