

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

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

U.S. ENVIRONMENTAL  
PROTECTION AGENCY REGION II  
2012 JUL 17 10 22 7  
REGIONAL HEARING  
CLERK

**INFORMATIVE MOTION AND REQUEST OF TIME TO SUBMIT THE EXECUTED  
CONSENT AGREEMENT AND FINAL ORDER**

**TO THE HONORABLE PRESIDING OFFICER:**

COMES NOW, Complainant, the Environmental Protection Agency ("EPA") and Respondent, Pan American Grain Manufacturing, Co. ("PAGM"), through the undersigned attorneys, and very respectfully inform, state and pray as follows:

1. Since the filing of the Complaint, EPA and PAGM ("the Parties") engaged in discussions and information exchanges aimed at determining whether a possible settlement of the above captioned case was viable.
2. In the last months, the Parties continued discussions, this time, exchanging offers and counter offers to determine if the Parties would reach a possible agreement in principle of the above captioned case as well as for other allegations made by EPA in connection to three (3) other PAGM facilities for a global settlement.
3. The Parties have also filed joint or individual motions requesting an extension of time to settle the cases. PAGM has requested various extensions to file its response to EPA's Leave to File Second Amended Complaint and PAGM's Prehearing Exchange which have been kindly granted by this Honorable Presiding Officer.

4. At this time, the Parties have finally reached an agreement in principle for the global settlement.

5. Having agreed in principle to the settlement of all pending matters including the above captioned case, the Parties will now focus on the preparation of a mutually acceptable consent agreement and final order ("CA/FO") relative to the case. The Parties understand that the CA/FO may be filed for the Honorable Presiding Officer's consideration in sixty (60) days.

6. The Parties agree that a stay in the proceedings during this time would allow the Parties dedicate all efforts and resources on the prompt finalization of the CA/FO.

7. The Parties further understand that there is no undue delay, bad faith or dilatory motive that can affect the Parties' rights under law, and there is no prejudice or additional burden as a result of the stay in the proceedings herein requested.

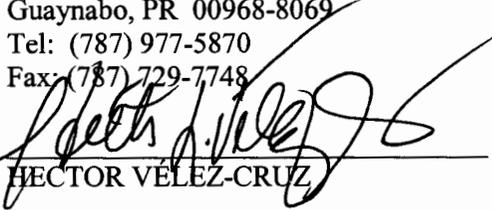
8. In view of the foregoing, the Parties jointly request the Honorable Presiding Officer to stay the proceedings until September 11, 2012 to allow the Parties to file the CA/FO.

**WHEREFORE**, The Parties respectfully request this Honorable Presiding Officer to take notice of the aforementioned and, consequently, to stay the proceedings until September 11, 2012.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 13<sup>th</sup> day of July, 2012.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY**  
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City View Plaza, Suite 7000  
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USDC No. 207904

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

IN THE MATTER OF:

**Pan American Grain Co, Inc.**

RESPONDENT

**INFORMATIVE MOTION AND REQUEST  
OF TIME TO FILE THE EXECUTED  
CONSENT AGREEMENT AND FINAL  
ORDER**

DOCKET NUMBER CWA-02-2011-3451

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Informative Motion and Request for Extension of Time to File the Executed Consent Agreement and Final Order**, dated July 13, 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, 16<sup>th</sup> Floor  
New York, NY 10007-1866  
Fax (212) 637-3202

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

Attorney for Respondent:  
**Gretchen Mendez Vilella, Esq.**  
Goldman Antonetti & Córdova  
250 Muñoz Rivera Avenue  
San Juan, PR 00918  
(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 14<sup>th</sup> Street, N.W., Suite 350  
Washington, D.C. 20005  
Fax (202) 565-0044

7/13/12

Date

Name

