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ENVIR. APPEALS BOARD

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FROM: Fehrenbach, John

DATE: 02/27/2012 6:50 PM

REFERENCE:
Joint Motion of Parties for Further Stay - NPDES
Appeal No. 11-07
Total pages Including Cover Sheet: 6

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Ms. Eurika Durr	EAB Clerk - US EPA	12022330121

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COMMENTS:

Please see for filing the attached Motion and proposed Order.

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ENVIR. APPEALS BOARD

WASHINGTON, D.C.

February 27, 2012

Via Facsimile ((202) 233-0121) and Mail

Ms. Eurika Durr
 Clerk of the Board
 Environmental Appeals Board (1103B)
 U.S. Environmental Protection Agency
 Ariel Rios Building
 1200 Pennsylvania Avenue, N.W.
 Washington, D.C. 20460-0001

In re: Bacardi Corporation, NPDES Appeal No. 11-07

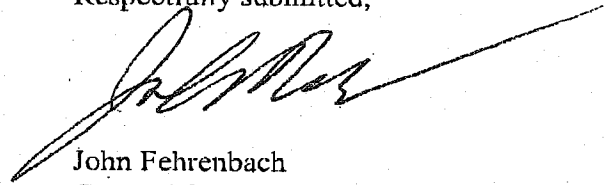
Dear Ms. Durr:

Enclosed for filing are:

1. the Parties' Joint Motion For Further Stay Of Proceedings To Allow Parties To Participate In ADR Pilot Program, and
2. a proposed order granting same.

Please do not hesitate to contact me if you have any questions.

Respectfully submitted,



John Fehrenbach
 Counsel for Bacardi Corporation

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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

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ENVIR. APPEALS BOARD

In re:

Bacardi Corporation

NPDES Permit No. PR0000591

NPDES Appeal No. 11-07

**JOINT MOTION FOR FURTHER STAY OF PROCEEDINGS TO ALLOW PARTIES
TO PARTICIPATE IN ADR PILOT PROGRAM**

By letter dated December 7, 2011, the parties in the above-captioned matter—the U.S. Environmental Protection Agency – Region 2 (“EPA”), and Bacardi Corporation (“Bacardi”), (collectively, the “Parties”)—notified the Environmental Appeals Board (“Board”) that the Parties agreed to participate in the Board’s Alternative Dispute Resolution (“ADR”) pilot program. By order dated December 20, 2011 (“Order Staying Proceedings to Allow Parties to Participate in ADR Pilot Program”), the Board stayed all proceedings in this matter until February 29, 2012.

The Parties hereby jointly move for a two week extension of the stay, i.e., until March 14, 2012. The Parties believe that good cause exists for the requested extension, based on the following:

1. The Parties have engaged in good faith negotiations in an attempt to resolve their differences and settle this matter.
2. The Parties have conducted the negotiations diligently and with a substantial commitment of personnel and resources. For instance, the Parties have had an in-

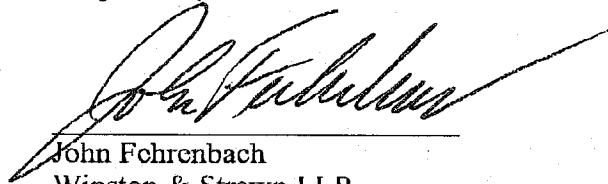
person settlement meeting in New York and San Juan, and numerous settlement conference calls.

3. The Parties have reached agreement on the specific language as to the settlement of one of the two issues in this proceeding.
4. The Parties have made substantial progress toward resolution but require additional time to reach a final agreement on the other issue in this proceeding. Indeed, as to this issue, the Parties have exchanged drafts of settlement language.

This motion has been discussed with, and is being filed with the consent of, EPA counsel of record.

The Parties therefore respectfully request an extension of the stay until March 14, 2012.

Respectfully submitted,



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Date: February 27, 2012

CERTIFICATE OF SERVICE

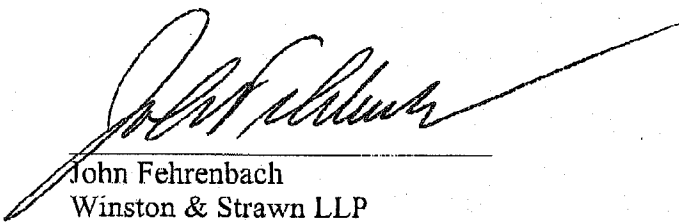
I hereby certify that copies of the foregoing Motion For Further Stay of Proceedings to Allow Parties to Participate in ADR Pilot Program in *In re Bacardi Corporation*, NPDES Appeal No. 11-07, were sent on the below listed date to the following persons in the manner indicated:

By Facsimile & First Class U.S. Mail:

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Date: February 27, 2012



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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

_____)	
In re:)	
)	
Bacardi Corporation)	NPDES Appeal No. 11-07
)	
NPDES Permit No. PR0000591)	
_____)	

**ORDER GRANTING
JOINT MOTION FOR FURTHER STAY OF PROCEEDINGS TO ALLOW PARTIES
TO PARTICIPATE IN ADR PILOT PROGRAM**

By joint motion dated February 27, 2012, the parties in the above-captioned matter—the U.S. Environmental Protection Agency – Region 2 (“EPA”), and Bacardi Corporation (“Bacardi”), (collectively, the “Parties”)—jointly moved the Environmental Appeals Board (“Board”) to extend the stay in this matter until March 14, 2012 to allow the ADR process to proceed. Based on the Parties’ Motion, the Board finds it appropriate to stay the proceedings in the above-captioned matter until March 14, 2012.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: _____

Environmental Appeals Judge