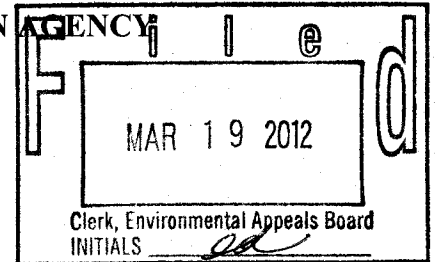


**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



\_\_\_\_\_  
In re: )  
)  
)

Bacardi Corporation )  
)  
)

Permit No. PR0000591 )  
)  
\_\_\_\_\_)

NPDES Appeal No. 11-07

**SECOND ORDER EXTENDING STAY  
TO CONTINUE ADR PROCESS**

The parties in the above-captioned matter have been actively participating in good faith in the Environmental Appeals Board's Pilot ADR program. By motion dated March 14, 2012, Bacardi Corporation ("Bacardi") represents<sup>1</sup> that the parties have reached a settlement that resolves the issues raised in Bacardi's petition. Bacardi further states that EPA intends to public notice the draft permit modifications within the next forty-five days. Accordingly, the Parties requested that the Board either dismiss the petition "subject to Bacardi's ability to re-activate its appeal in the event the \* \* \* modifications are not made to the [p]ermit" or extend the stay for an additional six months, which would allow EPA to "initiate and complete the public notice and comment process and finalize the [p]ermit modifications." Motion at 3.

Based on the representation that the Region will seek public comment on the draft permit modifications within forty-five days, the Board hereby extends the stay in this matter sixty days, until **May 14, 2012**. The Board expects that Bacardi will file a motion to dismiss the petition

\_\_\_\_\_  
<sup>1</sup> According to Bacardi, "[t]his motion has been discussed with, and is being filed with the consent of, EPA counsel of record." Motion at 3.

with prejudice by that date.<sup>2</sup> If further extension of the stay is needed, the parties are required to file a joint report explaining the status of their progress and providing justification for a further extension of this stay.

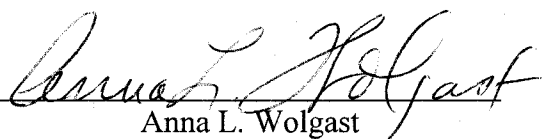
So ordered.

Dated:

March 19, 2012

ENVIRONMENTAL APPEALS BOARD

By:



Anna L. Wolgast

Environmental Appeals Judge

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<sup>2</sup> Should Bacardi wish to challenge the permit modifications, it may do so through a new appeal once the Region has issued its permit decision. See 40 C.F.R. § 124.5(c) (requiring preparation of a new draft permit under § 124.6 for a permit modification); *id.* § 124.6(e) (describing right to appeal under § 124.19).

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Extending Stay to Continue ADR Process** in *In re Bacardí Corporation*, NPDES Appeal No. 11-07, were sent to the following persons in the manner indicated:

**By Facsimile & First Class U.S. Mail:**

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Date: MAR 19 2012

A handwritten signature in cursive script, appearing to read "Annette Duncan", written over a horizontal line.

Annette Duncan  
Secretary