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FROM: Fehrenbach, John

DATE: 05/14/2012 6:15 PM

**REFERENCE:**

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

Total pages including Cover Sheet: 6

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RECIPIENT:	COMPANY:	FAX NO.:
Ms. Erika Durr, Clerk of the Board	EPA - Environmental Appeals Board	12022330121

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CONTACT  
THE SENDER OF THE FAX AS SOON AS POSSIBLE. THANK YOU.

**COMMENTS:**

For filing in NPDES Appeal No. 11-07, please see the attached motion.

Best regards,  
John Fehrenbach

Counsel for Bacardi Corporation

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May 14, 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

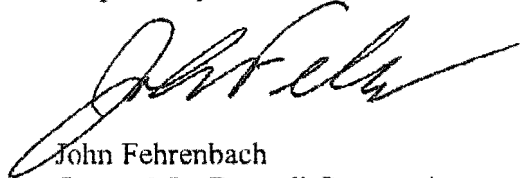
***In re: Bacardi Corporation, NPDES Appeal No. 11-07***

Dear Ms. Durr:

Enclosed for filing is the Parties' Joint Motion for Limited Extension of Stay.

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  
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In re:

Bacardi Corporation

NPDES Permit No. PR0000591

NPDES Appeal No. 11-07

**JOINT MOTION FOR LIMITED EXTENSION OF STAY**

**I. INTRODUCTION**

U.S. Environmental Protection Agency – Region 2 (“EPA”), and Bacardi Corporation (“Bacardi”), (collectively, the “Parties”) jointly request that the Environmental Appeals Board (“Board”) grant a further one week stay of Bacardi’s Permit Appeal, NPDES Appeal 11-07, consistent with the Parties’ request in Section IV below. This Joint Motion is based on a settlement reached by the Parties as a result of the negotiations pursuant to the Board’s Alternative Dispute Resolution (“ADR”) pilot program, as summarized below.

**II. PROCEDURAL BACKGROUND**

On September 27, 2011, EPA issued to Bacardi a National Pollutant Discharge Elimination System (“NPDES”) Permit No. PR000059 (the “Permit”). On November 17, 2011, Bacardi filed a Petition for Review of several conditions in the Permit pursuant to 40 C.F.R. § 124.19.

On December 7, 2011, the Parties notified the 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. On February 27, 2012, the Parties jointly moved for a two-week extension of the stay, i.e., until March 14, 2012. The stays provided the Parties with the opportunity to reach a settlement.

On March 14, 2012, the Parties reported to the Board that they reached a settlement that resolves the issues raised in Bacardi’s Petition. In response, the Board extended the stay until Monday, May 14, 2012, stating that it expects Bacardi will file a motion to dismiss the petition with prejudice by that date, and that, 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 the stay. The Parties hereby file this Joint Motion for Limited Extension of Stay, including a report on the status of the settlement and a justification for a further short (one week) extension of the stay until Monday, May 21, 2012.

### **III. STATUS REPORT AND JUSTIFICATION FOR LIMITED FURTHER STAY**

The permit appeal has been settled in principle. As provided in that settlement in principle, in April 2012 EPA issued a draft agreed-to Clean Water Act discharge permit modification, and on April 9, 2012 EPA published a notice of the opportunity to submit public comments on that modification. The public comment period ended on May 9, 2012. On May 10, 2012, EPA notified Bacardi that it had received no public comment.

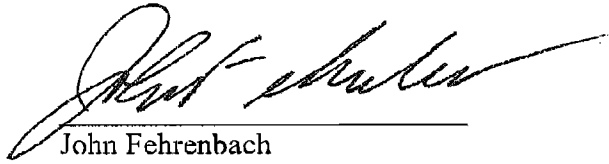
On May 14, 2012, EPA counsel notified counsel for Bacardi that EPA expects that the Bacardi permit modification will be signed and issued within one week. Upon such issuance, Bacardi will seek the withdrawal of its Petition for Review in this matter with prejudice.

### **IV. REQUESTED RELIEF**

Accordingly, the Parties request that the Board grant a one-week extension of the stay until May 21, 2012, during which time EPA will complete the process of signature and issuance of the Bacardi permit modification.

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

Respectfully submitted,



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Date: May 14, 2012

**CERTIFICATE OF SERVICE**

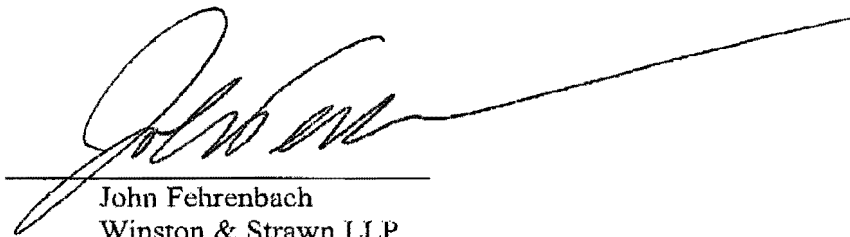
I hereby certify that copies of the foregoing Joint Motion for Disposition of Permit Appeal in *In re Bacardi Corporation*, NPDES Appeal No. 11-07, were sent on the below listed date to the following persons in the manner indicated:

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

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Date: May 14, 2012



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