

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2012 MAY 29 A 11:18  
REGIONAL HEARING  
CLERK

IN THE MATTER OF:

**Pan American Grain Co, Inc.**

RESPONDENT

STATUS REPORT

DOCKET NUMBER CWA-02-2011-345

**STATUS REPORT**

COME NOW Complainant, the U.S. Environmental Protection Agency ("EPA"), and Respondent, Pan American Grain Manufacturing Co, Inc. ("PAGM") , through the undersigned attorneys, and respectfully allege and pray as follows:

Pursuant to the April 27, 2012 Order, issued by the Administrative Law Judge, Honorable M. Lisa Buschmann (the "Order"), the Parties submit the following status report in the above captioned matter.

The Complainant and PAGM (herein together the "Parties") have been actively participating in good faith negotiations in order to expedite a final settlement of this matter as well as for other allegations made by EPA in connection to three (3) other PAGM facilities for a global settlement.

To such ends, the Complainant evaluated the cases and presented a global settlement proposal for PAGM's consideration. Technical inquiries were presented and following receipt and evaluation of the proposal submitted and addressed by EPA

thereafter. Upon review of all information submitted, PAGM presented a counterproposal which is currently being evaluated by EPA in conjunction with new information recently received in connection with one of the facilities.

Since the date of issuance of the Order, the Parties have also had several conference calls, the last of which was held this week, to discuss additional considerations, arguments and settlement proposals, which the Parties are still considering, in an effort to hopefully reach a settlement expeditiously for all outstanding matters.

This Motion has been filed today in order to have the Administrative Law Judge, Honorable M. Lisa Buschmann, take notice of the efforts made by the Parties in trying to reach a settlement agreement dispositive of all matters asserted in the administrative complaint.

Respectfully submitted, in San Juan, Puerto Rico, this 22<sup>nd</sup> day of May, 2012.



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

IN THE MATTER OF:

**Pan American Grain Co, Inc.**

RESPONDENT

STATUS REPORT

DOCKET NUMBER CWA-02-2011-3451

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Status Report**, dated May , 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 Méndez-Vilella, Esq.**  
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San Juan, P.R. 00936-8364  
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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.

Date

5/23/2012

Name

