

**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-02-2011-3451

PROCEEDING PURSUANT TO SECTION  
309(G) OF THE CLEAN WATER ACT, 33  
U.S.C. § 1319(G), TO ASSESS CLASS II  
CIVIL PENALTY

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.II  
2012 SEP 12 A 11: 17  
REGIONAL HEARING  
CLERK

**MOTION REQUESTING EXTENSION OF TIME  
TO FILE PREHEARING EXCHANGE**

**TO THE HONORABLE PRESIDING OFFICER:**

**COMES NOW**, Pan American Grain Manufacturing, Co. ("PAGM"), through the undersigned attorney, and very respectfully inform, state and pray as follows:

1. Since the filing of the Complaint, Complainant, the Environmental Protection Agency ("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. The Parties finally reached an agreement in principle for the global settlement. Thereafter, the Parties have engaged in settlement discussions in order to reach an agreement as to the final language and terms of the Consent Agreement and Final Order ("CA/FO"). As part of such, the Parties agreed to the implementation of a Supplemental Environmental Project ("SEP") which requires consultation and approval from EPA Headquarters. The SEP also required prior consultation with the Municipality of Guaynabo.

5. At this time, the Parties are finalizing the CA/FO for review, concurrence and signature by PAGM and EPA. Once this process concludes, the fully executed CA/FO will immediately be filed. PAGM reasonably expects that the CA/FO may be finalized by the end of the month.

6. PAGM understands 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.

7. In view of the foregoing, the PAGM requests the Honorable Presiding Officer to approve a thirty (30) day extension for filing of its Prehearing Exchange.

8. This Motion was discussed today, with attorney Héctor Vélez of EPA, who agreed to the filing of this motion.

**WHEREFORE**, PAGM respectfully requests this Honorable Presiding Officer to take notice of the aforementioned and, consequently, grant the extension of time requested herein above, that is, until October 11, 2012 to file its Prehearing Exchange.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 11<sup>th</sup> day of September, 2012.

**GOLDMAN ANTONETTI & CORDOVA, P.S.C.**

P.O. BOX 70364

SAN JUAN, PUERTO RICO 00936-8364

TEL. (787) 759-8000

FAX. (787) 474-2407



---

GRETCHEN MÉNDEZ-VILELLA

USDC No. 207904

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

IN THE MATTER OF:

**Pan American Grain Co, Inc.**

RESPONDENT

REQUEST FOR EXTENSION OF TIME

DOCKET NUMBER CWA-02-2011-3451

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Request for Extension of Time**, dated September 11, 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 EPA:  
**Héctor Vélez-Cruz, Esq.**  
US Environmental Protection Agency, R2  
City View Plaza II, Suite 7000  
48 Road 165  
Guaynabo, PR 00968-8069  
(787) 729-7748

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

9/11/12

Date

Name

