

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

REGIONAL HEARING
CLERK

In the Matter of)	
)	
Pan American Grain Co., Inc.,)	Docket No. CWA-02-1011-3451
)	
Respondent)	

Order on Motion Requesting Extension of Time to File Answer to Second Amended Complaint and Prehearing Exchange

This proceeding was initiated on September 29, 2011, by the filing of the Complaint in this matter, and thereafter, Respondent filed an Answer to the Complaint. The parties have filed a number of motions requesting extensions of time. The most recent order, dated April 27, 2012, granted Respondent until June 10, 2012 to file its prehearing exchange.

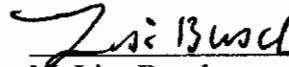
On June 4, 2012, the Respondent submitted a "Motion Requesting Extension of Time to File Answer to Second Amended Complaint and Prehearing Exchange" until July 13, 2012 and July 20, 2012, respectively. Grounds stated in the Motion are that the parties are exchanging information, technical considerations and settlement proposals regarding the facility that is the subject of the Complaint as well as three other of Respondent's facilities. The Motion refers to "recent developments concerning one of the facilities," and states that the parties do not foresee that they will be able to reach a settlement and prepare a global Consent Agreement and Final Order (CAFO) as to the four facilities by the date required for Respondent to answer the second Amended Complaint and file the Prehearing Exchange.

The Rules provide that the presiding officer may grant an extension of time for filing any document "upon timely motion . . . , for good cause shown, and after consideration of prejudice to other parties." 40 C.F.R. § 22.7(b). Under the Rules, the Administrative Law Judge is required to "avoid delay" and is authorized to "[d]o all other acts and take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising in proceedings" 40 C.F.R. § 22.4(c).

It is in the interest of the parties and judicial economy for the parties to amicably and efficiently resolve this matter through settlement, and it is recognized that time and resources must be expended to prepare a prehearing exchange. For good cause, therefore, Respondent is granted additional time to file its Answer to the Amended Complaint and prehearing exchange. However, when an extension of time is granted for purposes of allowing parties to pursue settlement negotiations, the parties must make diligent efforts to do so.

Accordingly, Respondent's Motion for extension of time is **GRANTED**. In the event the parties have not filed a fully executed Consent Agreement and Final Order settling this matter beforehand, Respondent shall file its Answer to Second Amended Complaint **on or before July 13, 2012**, and file its Prehearing Exchange **on or before July 20, 2012**.

Dated: June 6, 2012

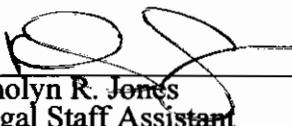


M. Lisa Buschmann
Administrative Law Judge

**In the Matter of *Pan American Grain Co., Inc.*, Respondent.
Docket No. CWA-02-2011-3451**

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order on Motion Requesting Extension of Time to File Answer to Second Amended Complaint and Prehearing Exchange**, issued by M. Lisa Buschmann, Administrative Law Judge, in Docket No. CWA-02-2011-3451, were sent to the following parties on this 7th day of June 7, 2012, in the manner indicated:



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**Dated: June 7, 2012
Washington, DC**