

**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 APR 27 A 11:11  
REGIONAL HEARING  
CLERK

**JOINT MOTION REQUESTING STAY IN PROCEEDING**

**TO THE HONORABLE PRESIDING OFFICER:**

**COMES NOW**, Complainant, the Environmental Protection Agency ("EPA") and Respondent, Pan American Grain Manufacturing Company ("PAGM"), through the undersigned attorneys, and very respectfully inform, state and pray as follows:

1. Since the filing of the Complaint, EPA and PAGM have engaged in discussions relative to the possibility of settling the instant case. For this and other reasons, the Parties have filed a number of motions requesting extension of time.

2. Most recently, PAGM filed a motion requesting an extension of time to file its response to EPA's Leave to File Second Amended Complaint and PAGM's Prehearing Exchange. On March 26, 2012, the Honorable Presiding Officer kindly granted such extension and ordered PAGM to file the pending filings by April 26, 2012.

3. At this time, the Parties continue to discuss settlement for the case at bar as well as for other allegations made by EPA in connection to three (3) other PAGM facilities for a global settlement.

*mm*  
*HMC*

4. Given the complexity associated to the number of facilities and the allegations involved, the Parties understand that forty five (45) days would be needed to finalize settlement discussions and hopefully reach a global consent agreement and final order ("CA/FO") concerning the four facilities being considered at this time.

5. The Parties further agree that a stay in the proceedings would be convenient in order for the Parties to focus and dedicate all efforts into the possible transaction of these cases.

6. The Parties understand 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 Parties jointly request the Honorable Presiding Officer to stay the proceedings until June 10, 2012, to allow the Parties to explore a global settlement and hopefully file the CA/FO.

**WHEREFORE,** The Parties respectfully request this Honorable Presiding Officer to take notice of the aforementioned and, consequently, to stay the proceedings until June 10, 2012.

*mm*  
**RESPECTFULLY SUBMITTED.**

*hng*  
In San Juan, Puerto Rico, this day of April, 2012.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY**  
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GRETCHEN MENDEZ-VILELLA  
USDC No. 207904

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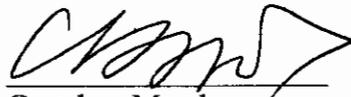
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CERTIFICATE OF SERVICE

I certify that the foregoing **Joint Motion Requesting Stay in the Proceedings** dated April 26, 2012, was sent this day in the following manner to the addresses listed below.

  
Gretchen Mendez

Dated: April 26, 2012

By Electronic Mail and Hand delivered to:

Karen Maples  
Regional Hearing Clear  
USEPA  
290 Broadway 16<sup>th</sup> Floor  
New York, NY 10007-1866

A Copy by electronic mail and FedEx to:

Honorable Judge M. Lisa Buschmann  
Office of Administrative Law Judges  
USEPA  
1099 14<sup>th</sup> St. NW Suite 350  
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