

**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 LAH II CIVIL PENALTY

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG. II
2011 JAN -5 A 9 28
REGIONAL HEARING CLERK

**MOTION REQUESTING EXTENSION OF TIME TO FILE ANSWER
TO FIRST AMENDED COMPLAINT**

TO THE HONORABLE PRESIDING OFFICER:

COMES NOW, respondent, Pan American Grain Manufacturing Company, Inc. ("PAGM"), without submitting itself to the jurisdiction or venue of this Honorable Environmental Appeals Board and/or waiving any defenses, through the undersigned attorneys, and very respectfully informs, states and prays as follows:

1. On or about September 27, 2011, the Environmental Protection Agency ("EPA") issued the Administrative Complaint in the instant case.
2. On October 31, 2011, PAGM filed its Answer to Administrative Complaint, Finding of Violation, Notice of Proposed Assessment of an Administrative Penalty and Notice of Opportunity to Request a Hearing. In same, PAGM pleaded, among other requests, that this Honorable Presiding Officer dismiss the Administrative Complaint in all its parts for lack of subject matter and/or personal jurisdiction.
3. On November 21, 2011, EPA filed a Motion for Leave to File First Amended Complaint ("Motion for Leave"), which was served electronically to the undersigned on that same date.
4. On November 30, 2011, this Honorable Presiding Officer granted EPA's Motion for Leave and ordered PAGM to answer the First Amended Complaint by December 25, 2011.

5. At this time, PAGM is ready to file its answer the First Amended Complaint ("Answer"). Notwithstanding, it agreed to explore with the EPA a potential settlement relative to the instant case before continuing with the administrative procedures associated theretofore.

6. These settlement conversations have paused due to the Holiday season and the limited availability of the undersigned and EPA's counsel, who we were informed, has been – and will continue to be– on vacation for the coming weeks.

7. The undersigned tried to contact EPA's counsel by various means to discuss the present request and possibly obtain concurrence, but was unable to establish communication to such ends.

8. In view of the foregoing, PAGM and the undersigned very respectfully request this Honorable Presiding Officer to grant until January 20, 2012, to file its Answer to the First Amended Complaint.

9. Finally, PAGM and the undersigned respectfully inform this Honorable Presiding Officer that the extension of time hereby requested is made in good faith and shall not adversely affect the proceedings in the instant case or cause prejudice to Claimant.

WHEREFORE, PAGM respectfully requests this Honorable Presiding Officer to take notice of the aforementioned and, consequently, grant the extension of term requested herein above, that is, until January 20, 2012, to file its answer the First Amended Complaint.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY: That on this same date, a true and exact copy of the foregoing document was sent, through certified mail and facsimile, to: Héctor L. Vélez-Cruz, Office of Regional Counsel, U.S. Environmental Protection Agency, Region 2, 1492 Ponce de León Ave., Suite 417, Santurce, Puerto Rico 00907-4127.

In San Juan, Puerto Rico, this 23rd day of December, 2011.

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