

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.II  
2012 JAN 24 P 4: 42

REGIONAL HEARING  
CLERK

IN THE MATTER OF:

**Pan American Grain Co, Inc.**

RESPONDENT

MOTION

DOCKET NUMBER CWA-02-2011-3451


**MOTION FOR LEAVE TO FILE STATUS REPORT OUT OF TIME**

COMES NOW the United States Environmental Protection Agency (Complainant) by and through the undersigned attorney, very respectfully avers, prays and requests as follows:

1. Pursuant to the November 30, 2011 Order issued by the Honorable Barbara A. Gunning, Administrative Law Judge, Complainant had until January 13, 2012, to file a Status Report regarding the settlement conference that both parties were instructed to have by January 6, 2012.
2. Due to our impending move to a new location, concurrent to the deadline to file the Status Report, our case files are in the process of being packed and some deadlines have been missed (i.e. we are currently in the midst of moving into a new facility which involves a review and packing of files of over 13 years and additional activities that an event of this nature entails), therefore, the undersigned attorney was delayed in the completion of such brief.

3. The undersigned attorney attempted to contact today the Counselor for Respondent Pan American Grain Co., Inc. (Respondent) to determine whether there was any objection to the granting of the relief sought in the motion prior to its filing but was unable to.
  
4. In light of the above, and that there is no undue delay, bad faith or dilatory motive that can affect Respondent's rights under law, and there is no prejudice or additional burden to Respondent, Complainant requests the Honorable Administrative Law Judge to grant the Complainant seven (7) additional days from the January 13, 2012 deadline, until today, January 20, 2012, in order to file the Status Report enclosed (see *Attachment 1*).

Respectfully submitted, in San Juan, Puerto Rico, this 20<sup>th</sup> day of January, 2012.



Hector L. Velez Cruz, Esq.  
US Environmental Protection Agency, R2  
Centro Europa Building, 417  
1492 Ponce de Leon  
San Juan, PR 00907  
Tel. 787-977-5819  
Fax. 787-729-7748  
[Velez.Hector@epamail.epa.gov](mailto:Velez.Hector@epamail.epa.gov)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

IN THE MATTER OF:

**Pan American Grain Co, Inc.**

RESPONDENT

MOTION

DOCKET NUMBER CWA-02-2011-3451

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *MOTION FOR LEAVE TO FILE STATUS REPORT OUT OF TIME*, dated January 20, 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.**  
Goldman Antonetti & Córdova, P.S.C.  
P.O. Box 70364  
San Juan, P.R. 00936-8364  
Telephone 787-759-8000  
Fax 787-474-2407


Copy by facsimile, **Overnight Mail** to:

Chief Administrative Law Judge  
**Honorable Susan L. Biro**  
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

1/20/2012

Name



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

**STATUS REPORT**

COMES NOW Complainant, the U.S. Environmental Protection Agency ("EPA" or "Complainant") through the undersigned attorney, and respectfully alleges, prays and requests as follows:

Pursuant to the November 30, 2011 Prehearing Order issued by the Administrative Law Judge, Honorable Barbara A. Gunning, Counsel for Complainant submits the following status report in the above captioned matter.

The Complainant and the Pan American Grain Co., Inc. (Respondent) (herein together the "Parties") have been actively participating in good faith negotiations, including conference calls, in order to expedite a final settlement of this matter. On August 30, 2011, the Parties met, and since then have had several conference calls, the last of which was held this week, presenting each other with arguments and settlement proposals, which the Parties are still considering.

This Motion has been filed today in order to have the Administrative Law Judge, Honorable Susan L. Biro, 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.

The undersigned attorney attempted to contact the Counselor for Respondent today to determine whether there was any objection to the granting of the relief sought in the motion prior to its filing but was unable to.

Respectfully submitted, in San Juan, Puerto Rico, this 20<sup>th</sup> day of January, 2012.

**Héctor L. Vélez Cruz, Esq.**  
US Environmental Protection Agency, R2  
Centro Europa Building, 417  
1492 Ponce de Leon  
San Juan, PR 00907  
Tel. 787-977-5819  
Fax. 787-729-7748  
[Velez.Hector@epamail.epa.gov](mailto:Velez.Hector@epamail.epa.gov)

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 January 20, 2012, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

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U.S. Environmental Protection Agency  
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New York, NY 10007-1866  
Fax (212) 637-3202.

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Attorney for Respondent:  
**Gretchen Méndez-Vilella, Esq.**  
Goldman Antonetti & Córdova, P.S.C.  
P.O. Box 70364  
San Juan, P.R. 00936-8364  
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**Honorable Susan L. Biro**  
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

\_\_\_\_\_  
Name