

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2011 DEC -7 A 11: 27
REGIONAL HEARING
CLERK

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

**MOTION REQUESTING EXTENSION OF TIME TO FILE RESPONSE TO
MOTION FOR LEAVE TO FILE 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. According to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, PAGM is required to submit its response to the Motion for Leave by December 7, 2011.

5. At this time, PAGM is ready to file its corresponding response to the Motion for Leave. Notwithstanding, it agreed to request an extension of time to file said response in order to explore with the EPA a potential settlement relative to the instant case before continuing with the administrative procedures associated theretofore.

6. Consequently, PAGM and the undersigned very respectfully request this Honorable Presiding Officer to grant until January 10, 2011, to file its response to the Motion for Leave.

7. On this date we discussed by telephone conference the present motion with EPA’s counsel, namely Atty. Héctor Vélez-Cruz, and he expressed that he had no objection to the filing of the present motion, as requested.

8. **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 10, 2011, to file its corresponding response to the Motion for Leave.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY: That on this same date, a true and exact copy of the foregoing document was sent, through regular 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 6th day of December, 2011.

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