

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 3:21-01087 (SCC)

MUNICIPALITY OF TOA ALTA,
PUERTO RICO,

Defendant.

NOTICE OF LODGING OF SECOND STIPULATION AND FINAL ORDER

PLEASE TAKE NOTICE that the United States is lodging a proposed “Second Stipulation and Final Order” (SSFO) with the Court. The proposed SSFO resolves two issues that the “Stipulation and Preliminary Injunction Order” (SPIO) entered in this matter in August 2022 (Dkt. No. 127-1) did not address: the claim that failure to remove leachate from the Southeast Cell of the Municipality of Toa Alta’s (MTA’s) landfill constitutes an imminent and substantial endangerment under Section 7003(a) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6973(a), and the claim for civil penalties Section 7003(b) of RCRA, 42 U.S.C. § 6973(b). The SSFO requires Toa Alta to remove and dispose of, under Puerto Rico’s Department of Natural and Environmental Resources (DNER) oversight, leachate that is pooling on the bottom liner of the landfill’s Southeast Cell and to pay a \$50,000 civil penalty. The SSFO also converts the SPIO into a permanent injunction order.

In accordance with 28 C.F.R. § 50.7, the United States must publish a notice in the Federal Register that the SSFO has been lodged with the Court. For a period of 30 days from the date of such publication, the public has an opportunity to submit comments relating to the

proposed SSFO. After the close of the public comment period, the United States will evaluate any comments received and will move for entry of the SSFO, unless the comments disclose facts or considerations which indicate that the proposed SSFO is inappropriate, improper, or inadequate. Accordingly, the United States requests that the Court take no action on the proposed SSFO until the United States notifies the Court that it supports entry of the SSFO after expiration of the public comment period.

Respectfully submitted,

/s/ Mark Gallagher

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CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing using the Court's CM/ECF system. Notice of this filing will be sent by the CM/ECF system to all registered participants.

/s/ Mark Gallagher

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