

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF :
:
Municipality of Toa Alta, :
:
: Docket No. RCRA-02-2014-7103
Respondent :
:

REPORT OF STATUS CONFERENCE AND ORDER

The status teleconference in this matter was held on May 12, 2015. Participating were:

Presiding Officer:	Helen S. Ferrara
Respondent's Attorney:	Eileen Landron Guardiola
Complainant's Attorney:	Carolina Jordan-Garcia

Introduction: The Presiding Officer had issued an *Order Directing Parties to Continue Negotiations and Scheduling a Status Teleconference* as a result of delays in finalizing and executing a Consent Agreement and Final Order (CA/FO) in settlement of this matter. This status teleconference was scheduled in order that the parties' attorneys could provide a general update on efforts to resolve this matter and a deadline for filing the CA/FO could be established.

Status: Respondent's Attorney stated that her client's work plan still did not identify a position within the municipality which would have the responsibility for supervision of the site, in compliance with the draft work plan submitted by Respondent. She explained that the change to an official's responsibilities to include a designation as supervisor of the work plan project must be authorized by the legislature of the Respondent municipality. In addition, Respondent's Attorney pointed out that the legislature must also approve an amendment in Respondent's draft plan to provide for payment of the full proposed penalty. The ten percent adjustment downward in the proposed penalty for cooperation was no longer available to the Respondent as a result of

delays in moving forward on this matter. Respondent's Attorney concluded by stating that, at the next meeting of the legislature, June 17, 2015, Respondent would submit the proposed amendment to a position within the municipality as well as an amendment to the work plan requesting that the full amount of the proposed penalty be earmarked by the legislature.


Otherwise, according to the parties' attorneys, it appears that the draft plans have included all changes requested by Complainant. Once formal approval of the changes discussed herein have been made, Complainant's Attorney believes that the work plan as amended can be approved by EPA, and the parties can finalize, execute and file a CA/FO.

The parties agreed that it was in the best interest of all parties to set a date by which the CA/FO should be filed with the Regional Hearing Clerk.

IT IS ORDERED:

A CA/FO will be filed in this matter no later than July 15, 2015. If for any reason a CA/FO is not filed by that date, the parties should submit a Joint Status Report no later than July 15, 2015 explaining the reasons for the delay and providing for a new date by which the CA/FO will be filed.

Dated: June 5, 2015


Helen S. Ferrara
Presiding Officer

CERTIFICATE OF SERVICE

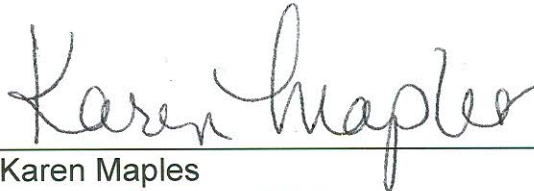
I hereby certify that the **Report Of Status Conference And Order** by Regional
Judicial Officer Helen Ferrara in the matter of **Municipality of Toa Alta, Docket No.**

RCRA-02-2014-7103, was served on the parties as indicated below:

First Class Mail -

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Karen Maples
Regional Hearing Clerk
USEPA - Region II

Dated: June 9, 2015