

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of )  
)  
MUNICIPALITY OF TOA BAJA, ) DOCKET NO. RCRA-02-2009-7111  
)  
)  
Respondent )

REPORT RECOMMENDING TERMINATION  
OF ALTERNATIVE DISPUTE RESOLUTION PROCESS  
AND ASSIGNMENT OF A JUDGE FOR LITIGATION

The Report of February 16, 2010 provides that this alternative dispute resolution (ADR) process terminates March 18, 2010. The parties have reached a settlement in principle in this matter and are in the process of drafting a Consent Agreement and Final Order ("CAFO"). Nonetheless, the CAFO has not been executed.

Therefore, I am recommending to the litigation judge that the parties, who have expended a great deal of effort and time in negotiating this settlement, be afforded additional time to finalize their settlement before the litigation process is initiated.

The parties are commended for their success in negotiating their agreement. The undersigned expresses her appreciation to the parties for the courtesy and candor with which they participated in the ADR process.

*SBiro*

*Barbara A. Gunning*  
\_\_\_\_\_  
Barbara A. Gunning  
Administrative Law Judge  
Dated: March 18, 2010

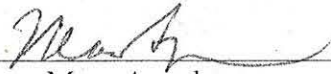
Approved: \_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: 3/18/2010

**In the ADR Matter of *Municipality of Toa Baja*, Respondent.  
Docket No. RCRA-02-2009-7111**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Report Recommending Termination of Alternative Dispute Resolution Process and Assignment of a Judge for Litigation**, dated March 18, 2010, was sent this day in the following manner to the addressees listed below.



Mary Angeles  
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

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One Copy by Regular Mail to:

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**Dated: March 18, 2010  
Washington, D.C.**