

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

Proteco Landfill Superfund Site Generator Parties Group v. MRJ
Distributors, Inc., et al.

Proteco Landfill Superfund Site Generator Parties Group · No. Civil No. 23-1500 (ADC) · Decided March 25,
2026

SUMMARY

The United States District Court for the District of Puerto Rico denies Pepsi-Cola Manufacturing Co., Inc.’s motion to dismiss CERCLA contribution and cost-recovery claims brought by the Proteco Landfill Superfund Site Generator Parties Group. The court holds that the fourth amended complaint plausibly alleges PepsiCo arranged for the disposal of hazardous substances and sufficiently pleads the elements of a CERCLA section 107 claim. The court also denies PepsiCo’s request to preemptively bar further amendment of the complaint.

CASE DETAILS

COURT	United States District Court for the District of Puerto Rico
WRITING FOR THE COURT	Aida M. Delgado-Colón
JURISDICTION	United States District Court for the District of Puerto Rico
DECIDED	March 25, 2026
DOCKET	Civil No. 23-1500 (ADC)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant PepsiCo moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the plaintiff’s fourth amended CERCLA complaint and sought preemptive denial of any further leave to amend. The district court denied both requests.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded facts as true, draws reasonable inferences in the plaintiff’s favor, separates factual allegations from conclusory allegations, and determines whether the complaint states a facially plausible claim. Decisions concerning leave to amend are reviewed deferentially when applicable.
PRECEDENTIAL VALUE	Unknown; district court opinion

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QUESTIONS PRESENTED

1. Whether the fourth amended complaint plausibly alleged that PepsiCo was liable under CERCLA section 107(a), including as an entity that arranged for the disposal or treatment of hazardous substances.
2. Whether the court should preemptively deny the plaintiff any further opportunity to amend its complaint based on its prior amendments.

HOLDINGS

1. The fourth amended complaint sufficiently pleaded a plausible CERCLA section 107(a) claim against PepsiCo by alleging that PepsiCo arranged for the disposal of hazardous substances at the PROTECO Site. The complaint therefore survived the Rule 12(b)(6) motion.
2. The court denied PepsiCo's request to preemptively deny the plaintiff further leave to amend because the plaintiff had not yet requested another amendment. Any opposition to a future request to amend should be presented if and when such a request is made.

KEY QUOTATIONS

“Plaintiff has sufficiently pled that PepsiCo “arranged” for the disposal of hazardous substances, which is sufficient to state a claim for liability under CERCLA section 107.” (8)

“The proper juncture at which defendant should present its opposition to plaintiff’s request to amend is if – and when – plaintiff seeks to amend its complaint again.” (9)

FACTUAL BACKGROUND

The plaintiff, the Proteco Landfill Superfund Site Generator Parties Group, sought contribution and cost recovery under CERCLA for response costs associated with the remedial investigation and feasibility study for the PROTECO Superfund Site in Peñuelas, Puerto Rico. The complaint alleged that PepsiCo arranged for the disposal of hazardous substances at the site, including various laboratory and chemical wastes, and that those substances contributed to response costs. All defendants except PepsiCo settled with the plaintiff.

PROCEDURAL HISTORY

The plaintiff filed suit on October 4, 2023, and successively amended its complaint, adding PepsiCo and other defendants. PepsiCo answered the third amended complaint, asserting defenses, crossclaims, and counterclaims. After settlement discussions, all defendants except PepsiCo settled with the plaintiff. The court considered PepsiCo's Rule 12(b)(6) motion directed at the fourth amended complaint and denied the motion, including the request to preemptively bar further amendment.

DISPOSITION

other

CASES CITED

- Burlington Northern & Santa Fe Railway Co. v. United States, 556 U.S. 599, 608-10 (2009)
- United States v. Gen. Elec. Co., 670 F.3d 377 (1st Cir. 2012)
- García-Catalán v. United States, 734 F.3d 100, 102 (1st Cir. 2013)
- Grajales v. P.R. Ports Auth., 682 F.3d 40, 44 (1st Cir. 2012)
- Rodríguez-Reyes v. Molina-Rodríguez, 711 F.3d 49, 53 (1st Cir. 2013)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Conformis, Inc. v. Aetna, Inc., 58 F.4th 517, 528 (1st Cir. 2023)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Frith v. Whole Foods Mkt., Inc., 38 F.4th 263, 270 (1st Cir. 2022)
- Ocasio-Hernández v. Fortuño-Burset, 640 F.3d 1, 13 (1st Cir. 2011)
- United States v. Hougham, 364 U.S. 310, 316 (1960)
- U.S. ex rel. Gagne v. City of Worcester, 565 F.3d 40, 48 (1st Cir. 2009)

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