

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES,

Plaintiff,

v.

MUNICIPALITY OF TOA ALTA,

Defendant, Third Party Plaintiff,

v.

LANDFILL TECHNOLOGIES OF TOA
ALTA, LLC, et al.,

Third Party Defendants.

Civ. No. 3:21-cv-01087-DRD

**UNITED STATES' MOTION TO ENTER PROPOSED
STIPULATION AND PRELIMINARY INJUNCTION ORDER**

The United States of America, on behalf of the U.S. Environmental Protection Agency (EPA), respectfully moves for approval and entry of the attached proposed "Stipulation and Preliminary Injunction Order." In support of this motion, the United States submits an accompanying memorandum of law and states as follows:

On February 25, 2021, the United States filed a complaint against the Municipality of Toa Alta (MTA) regarding its municipal landfill. (ECF No. 1) The United States alleged, pursuant to Section 7003(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6973(a), that MTA operated the landfill in a manner that presented various imminent and substantial endangerments to public health and the environment. In July 2021, the United States filed a motion for preliminary injunction. (ECF No. 17.) In both its complaint and its motion, the United States sought a Court order requiring that MTA address the various endangerments

presented by the landfill. MTA filed an opposition to the United States' motion for preliminary injunction. (ECF. No. 37).¹

Thereafter, the parties negotiated a stipulated preliminary injunction order. The United States also conducted a process to learn about the concerns of the members of the communities affected by the landfill.² Based on input from the community, the parties refined the stipulation to reflect the community members' concerns.

The United States submits that the attached Stipulation is fair, reasonable, and consistent with the statutory scheme. For this reason and the reasons set forth in the attached memorandum in support, the United States requests that the Court approve and enter the Stipulation.

By its signature on the proposed Stipulation, MTA consents to the injunctive relief required of it.

Respectfully submitted,

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s/ David L. Gordon

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¹ On August 26, 2022, the United States subsequently amended its Preliminary Injunction Motion, for which MTA renewed its Opposition (ECF Nos. 53 and 65, respectively).

² When a community meeting planned for January 2022 was postponed due to a surge in COVID cases, the Court extended the schedule in the matter denying without prejudice the United States' Motion for Preliminary Injunction, but at the same time rescheduling the preliminary injunction hearing. (ECF. No. 98).

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UNITED STATES,

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LANDFILL TECHNOLOGIES OF TOA
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Third Party Defendants.

Civ. No. 3:21-cv-01087-DRD

**UNITED STATES' MEMORANDUM IN SUPPORT OF MOTION TO ENTER
STIPULATION AND PRELIMINARY INJUNCTION ORDER**

The United States of America, on behalf of the U.S. Environmental Protection Agency (EPA), respectfully requests that the Court approve and enter the attached proposed "Stipulation and Preliminary Injunction Order" ("Stipulation"). By the signature of the Municipality of Toa Alta (MTA) on the proposed Stipulation, MTA consents to the injunctive relief required of it.

I. BACKGROUND

The United States filed this action on February 25, 2021, alleging that the MTA's landfill presents an imminent and substantial endangerment to human health and the environment under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6973. Section 7003(a) authorizes the United States, *inter alia*, to sue the owners and operators of facilities at which solid waste is being handled in a manner that may present an imminent and substantial endangerment to health or the environment. On July 15, 2021, the United States filed

a motion for preliminary injunction requesting that the Court order that MTA cease disposing waste at the landfill and implement various measures to address the alleged threats at the landfill. (ECF No. 17).¹ In its preliminary injunction motion the United States alleged the following endangerments:

- Leachate generated within the landfill mass is migrating to and contaminating neighboring properties, nearby streams, and, due to the lack of a liner under much of the landfill, the underlying groundwater;
- Stormwater falling on the landfill surface contributes to the migration of leachate from the landfill;
- Exposed waste contributes to the spread of disease from mosquitoes, animals and birds that used the exposed waste as a habitat;
- Steep slopes at the landfill present a risk of collapse potentially endangering workers and visitors at the landfill; and
- Continued disposal of waste at the landfill exacerbates these problems.

After exchanging pleadings and at the Court's urging the parties conducted negotiations regarding a stipulation that would resolve the United States' claims and avoid a preliminary injunction hearing.

Community Engagement Process

From January through March 2022, the United States, with the participation of MTA, conducted a community engagement process involving the MTA's residents and other interested parties. Declaration of Carl Plossl, ¶ 8. The process included informing residents of the parties' settlement negotiations and of the potential settlement terms and soliciting residents' views about the landfill and about their desired solutions to the landfill's conditions. Plossl Dec., ¶ 10. Community members were invited to submit written comments. The United States received 20 written comments in response to its solicitation. *Id.*, at ¶¶ 11, 14, and Exhibits 1 through 3.

¹ MTA filed its opposition on August 26, 2021. (ECF No. 37). The United States subsequently amended its preliminary injunction motion and MTA renewed its opposition (ECF Nos. 53 and 65).

Community members also were invited to attend a public meeting to make oral comments. *Id.* at ¶ 15. The public meeting was held on February 23, 2022, at a recreational center in Toa Alta. *Id.* Representatives of EPA, the U.S. Department of Justice, the Puerto Rico Department of Natural and Environmental Resources (“DNER”), and MTA participated in the public meeting. *Id.*, at ¶ 16. About 120 community members attended the meeting, and it lasted for about three and a half hours. *Id.*, at ¶ 17. Eleven community members made remarks at the meeting. *Id.*, ¶ 18. EPA prepared a transcript of this public meeting and an English translation of the transcript. *Id.* ¶ 19. EPA posted these two documents to its website regarding this matter, available at: <https://www.epa.gov/pr/toa-alta-municipal-landfill>. *Id.*

EPA prepared a summary of the written and oral comments received and responses to the comments. *Id.*, ¶ 20. EPA intends to publish this summary, entitled “Summary of Key Community Comments and Concerns and EPA Responses” (“Community Concerns and EPA Responses”) on its website along with a Spanish translation. *Id.*, ¶ 21. The English version of this document is attached. *Id.*, 22, Exh. 4.

Terms of Stipulation

At the conclusion of the community engagement process, the parties, taking into consideration the community’s concerns, refined and completed the negotiation of the terms of the Stipulation. The Stipulation that the parties finally agreed to, and which they propose to the court, requires MTA to:

- Provide access to the landfill to EPA and DNER;
- Ensure all areas of exposed waste are covered by “daily cover” (six inches of soil);
- Cease all waste disposal at the landfill as of April 2022, with possible exceptions if allowed or required as part of a DNER-approved revised permanent closure plan for the landfill;
- Install signs in Spanish and English stating the landfill is closed;
- Install stormwater controls (berms, chutes, etc.) to stabilize the steep North Slope area;

- Cover the landfill with “intermediate cover” at the rate of one acre per month period during the first year commencing October 1, 2022, and two acres per month thereafter until the entire Landfill has been covered;
- Install diversion works at the North Slope to reduce stormwater from entering that area, and other safety measures;
- Develop a leachate management plan by October 1, 2022, and implement that plan; and
- Develop a stormwater management plan by January 1, 2023, and implement that plan.²

See Stipulation, ¶¶ 2 through 11.

As explained *infra* at pp. 6-8, the proposed Stipulation addresses all of the endangerments alleged in the United States’ motion for preliminary injunction. It also is aligned with the community’s concerns while recognizing the limits of the United States’ authority to address only actual or potential imminent and substantial endangerments under Section 7003(a) of RCRA. See *infra* at pp. 8-10.³

² If the schedules for construction and operation of the engineered works for leachate and stormwater management and the schedules for completion of intermediate cover that are contained in the revised permanent closure plan approved by DNER differ from the schedules contained in the EPA-approved leachate management plan and stormwater management plan and the schedule for completion of intermediate cover, the Stipulation provides that the EPA-approved schedules may change to align with DNER’s approvals. Stipulation, ¶¶ 6(a), 12. MTA also may request that EPA approve a change in these schedules upon submitting their final revised permanent closure plan to DNER in order to align implementation of these measures with their proposed revised plan. *Id.*, ¶ 17(b).

³ The proposed Stipulation addresses all of the claims asserted in the United States’ motion for preliminary injunction and that would have been the subject of the preliminary injunction hearing. Two issues raised in the United States’ complaint were not pursued in the motion for preliminary injunction. In its complaint, the United States alleged that: (a) MTA failed to comply with an administrative order issued by EPA and it sought civil penalties for such failure under Section 7003(b) of RCRA; and (b) MTA failed to operate a leachate control system for the liner under the landfill’s “southeast cell,” and that such failure is threatening contamination of underlying groundwater. These two claims are not addressed in the Stipulation. However, the United States and MTA are committed to good faith negotiations to resolve these and any other remaining issues.

II. ARGUMENT

A. Standard of Review for Court Approval of Settlements

A district court reviews a consent decree⁴ to ensure that it is “fair, reasonable, and faithful to the objectives of the governing statute.” *United States v. Cannons Eng’g Corp.*, 899 F.2d 79, 84 (1st Cir. 1990). Generally, public policy strongly favors settlement of disputes without litigation. *Puerto Rico Dairy Farmers Ass’n v. Pagan*, 748 F.3d 13, 20 (1st Cir. 2014). Although district courts exercise independent judgment when reviewing proposed settlements, they defer heavily to the parties’ agreement and EPA’s expertise. *United States v. Charles George Trucking, Inc.*, 34 F.3d 1081, 1085 (1st Cir. 1994). The policy of encouraging settlements carries even greater significance where a “government actor ‘committed to the protection of the public interest’ and specially trained and oriented in this field” has developed the consent decree. *United States v. Comunidades Unidas Contra La Contaminacion*, 204 F.3d 275, 280 (1st Cir. 2000) (quoting *Cannons*, 899 F.2d at 84). Evidentiary hearings are typically unnecessary to determine whether to approve environmental settlements entered into by the United States. *See Comunidades*, 204 F.3d at 278–79. As demonstrated below, the proposed Stipulation meets the three-part test for district court approval of a settlement: it is fair, reasonable, and consistent with the goals of RCRA.

⁴ The proposed Stipulation is not a consent decree. It contains no covenants by the parties and does not fully resolve this matter. However, the United States submits that the principles applicable to Court approval of a consent decree may also apply to Court approval of this Stipulation.

B. The Stipulation is Fair, Reasonable and Consistent with RCRA

a. The Stipulation is Fair

To determine whether a proposed settlement is fair, courts examine both procedural fairness and substantive fairness. *Cannons*, 899 F.2d at 86–87. In reviewing a settlement for procedural fairness, the district court should determine whether the negotiating process occurred in good faith by informed, well-represented parties by measuring “candor, openness, and bargaining balance.” *City of Bangor v. Citizens Commc’ns Co.*, 532 F.3d 70, 96 (1st Cir. 2008) (quoting *Cannons*, 899 F.2d at 85). In this case, the settlement embodied in the Stipulation is the result of good-faith, arms-length bargaining between the United States and MTA. During negotiations that spanned many months, the parties were represented by experienced counsel, and a variety of personnel with technical experience were involved. The United States notified community members seeking their input regarding the pending Stipulation through various means including distribution of flyers, advertisements in local newspapers, and announcements on EPA’s website. Plossl Dec., ¶ 9. After the public engagement process, counsel for both the United States and MTA continued good-faith, arms-length negotiation based on the public input. Therefore, the Stipulation is procedurally fair.

To determine substantive fairness, courts apply the “concepts of corrective justice and accountability: a party should bear the cost of the harm for which it is legally responsible.” *Comunidades*, 204 F.3d at 281 (quoting *Cannons*, 899 F.2d at 87). Because these concepts are not easily quantified in environmental cases, courts regularly defer to the expertise of EPA. *Comunidades*, 204 F.3d at 281 (citing *Cannons*, 899 F.2d at 88). This Stipulation is substantively fair because it imposes responsibility on MTA. Specifically, MTA must undertake a number of injunctive relief measures which, in combination, will address the urgent threats alleged by the

United States in its motion for preliminary injunction. Stipulation, ¶¶ 2-11. Therefore, the Stipulation is substantively fair because it holds MTA accountable for the urgent problems alleged by the United States.

b. The Stipulation is Reasonable

A settlement is reasonable if it is technically adequate, fully compensates the public for the alleged violations, and takes into consideration the risks of litigation. *See City of Bangor*, 532 F.3d at 86; *Cannons*, 899 F.2d at 89–90. Here the Stipulation requires specific, tailored corrective actions that address the urgent problems alleged by the United States in its motion for preliminary injunction:

- MTA must cease disposal of waste as of April 2022 (¶ 4) which addresses the United States’ claim regarding continued disposals.⁵
- MTA must install and maintain “daily cover” and “intermediate cover” (¶¶ 3, 6, 7) which addresses the United States’ claims regarding exposed waste.
- MTA must design and install leachate and stormwater controls (¶¶ 9, 10) which addresses the United States’ claims regarding leachate and stormwater.
- MTA must install diversion works and erosion controls to reduce stormwater from entering the North Slope Area and other safety measures for that area (¶ 8). The diversion works will reduce the amount of moisture in the waste mass in the North Slope Area, and will lower the risk of slope collapse. Plossl Dec., ¶ 5. The safety measures will keep workers and visitors off of the North Slope. *Id.* These measures will reduce the risk of injury to workers and visitors due to slope collapse. *Id.*

The Stipulation requires MTA to implement some of the measures rapidly, but provides MTA with a reasonable amount of time to accomplish other measures. For example, the Stipulation provides MTA until October 2022 and January 2023, respectively, to complete the designs for the leachate and stormwater control plans. Stipulation, ¶¶ 9(a) and 10(c). It provides MTA with a schedule to install the “intermediate cover” (*i.e.*, 12 inches of compacted soil) at the

⁵ Under a DNER-approved revised permanent closure plan, MTA may be permitted to dispose of additional waste if consistent with the closure design.

rate of one acre per month for the first year and then two acres per month until the entire 31-acre landfill is covered. *Id.*, ¶ 6(a). This is reasonable since it enables MTA to install intermediate cover on a schedule that is compatible with the design of MTA's revised permanent closure plan, and because it enables MTA to complete the project without unduly disrupting its budget. Plossl Dec., ¶ 6. Therefore, the Stipulation also is reasonable because it maximizes technical achievability by MTA.

These measures will be accomplished in a far shorter time period than if the parties continued to litigate this matter. The Stipulation's requirement to implement comprehensive injunctive relief also vindicates the public interest. Therefore, the Stipulation is reasonable because it is technically adequate, achievable, and sufficiently compensates the public, and accounts for litigation risk.

c. The Stipulation is Consistent with the Goals of RCRA.

The Stipulation advances a chief objective of RCRA, which is to prevent and mitigate endangerments to public health and the environment. *See, e.g., Maine People's Alliance and Natural Resources Defense Council v. Mallinckrodt, Inc.*, 471 F.3d 277 (1st Cir. 2006). (construing RCRA's citizen's suit provision with similar wording to Section 7003(a)). As described above, the Stipulation includes requirements specifically designed to eliminate and mitigate the alleged endangerments associated with MTA's landfill.

C. The Stipulation is Aligned with the Community's Comments

The community members expressed many concerns about the landfill. *See* Community Concerns and EPA Responses, Plossl Dec., Exh. 4. Their desires for future injunctive measures at the landfill can be summarized as follows:

- The landfill should close immediately.
- The odors and aerosols coming the landfill should be addressed.

- The landfill should have a leachate management system to control leachate and leachate contaminated run-off.
- EPA should work to assure long-term community involvement.
- Soil, not waste, should be used as necessary to stabilize the landfill.
- There should be control of gases coming from the landfill.
- The stipulation should provide for recycling within the community.
- There should not be any new disposal cells at, or expansions of, the landfill.
- The funding sources to pay for the closure of the landfill and to transport the municipality's waste to compliant landfills should be identified.
- Any potential impacts to other communities due to landfill closure need to be addressed.

See, id., Community Concerns and EPA Responses.

The Stipulation is aligned with the first five community concerns listed above in that it requires MTA to: (a) cease disposing of waste at the landfill by April 2022 (¶ 4); (b) install and maintain soil cover over all exposed waste (¶¶ 3, 6) which will control odors and aerosols; (c) design, install, and operate a leachate collection system (¶ 9) and controls to manage contaminated stormwater (¶ 10); (d) prepare reports and other documents which EPA can make available to the community (¶¶ 14-15); and (e) implement various measures to reduce moisture, and therefore stabilize, the North Slope area (¶ 8).

The community concern about control of landfill gases is an issue that was not specifically raised in the United States' complaint or its motion for preliminary injunction. On the other hand, DNER has asserted in its own complaint against MTA the authority to require MTA to address landfill gases.⁶ Indeed, the Stipulation expressly recognizes DNER's authority regarding obligations of MTA arising from DNER's complaint. *See* Stipulation, ¶ 17(c). *See also*

⁶ On September 1, 2021, DNER filed a complaint in an administrative proceeding against MTA, its Mayor, and the Municipality's landfill operator Toa Alta Eco Park, LLC, to enforce DNER's regulations concerning solid waste landfills. The complaint has been provided to the Court as an attachment to United States' Opposition to MTA's motion to join DNER in this matter. *See* ECF No. 80-1. DNER's complaint was subsequently amended.

Community Concerns and EPA Responses, at 2, Plossl Dec., Exh. 4 (DNER will manage permanent closure of the landfill under its authority and oversight, including installation of a landfill gas collection and control system).

The next two community concerns (recycling and new disposal cells) are beyond the United States' authority under Section 7003(a), which only authorizes the United States to address "imminent and substantial endangerments." In Puerto Rico, only DNER has been authorized to administer the municipal solid waste landfill regulatory program, which includes issuing permits for new cells at existing landfills and recycling by municipalities. *See* Section 4005(c) of RCRA, 42 U.S.C. 6945; Notice of Final Determination of Adequacy to Fully Approve the Commonwealth of Puerto Rico's Municipal Solid Waste Permit Program, 59 Fed. Reg. 44144-02 (August 26, 1994) (EPA grant of authority to DNER to administer its municipal solid waste permit program). DNER's statutes and regulations address both of these issues. *See* 12 L.P.R.A. §§ 1320-1320s (2009) (recycling) and Reglamento Para Los Sistemas de Relleno Sanitario, Chapters IX and XI⁷ (landfill permitting). Accordingly, the Stipulation is not deficient for lacking provisions regarding these two community concerns.

The last two community concerns (sources of funding for closure and impacts to other communities) are not addressed under the Stipulation. However, we note that MTA has access to \$33 million of American Rescue Plan Act grants which can be used to fund MTA's compliance with the Stipulation. *See* Community Concerns and EPA Responses, at 3, Plossl Dec., Exh. 4. Toa Alta's waste is now being sent to the Toa Baja and/or Vega Baja landfills, both of which are partially lined and have operational leachate collection systems. Further, DNER is working to

⁷ Available at <http://app.estado.gobierno.pr/ReglamentosOnline/Reglamentos/9306.pdf>.

address the management of solid wastes on an island-wide basis, including at open dumps. EPA is providing \$40 million in grant funds to DNER to support this effort. *See, id.*, at 4.

CONCLUSION

For the reasons set forth above, the proposed Stipulation is fair, reasonable, and consistent with the purposes of RCRA. Therefore, the United States respectfully requests that the Court approve and enter the Stipulation. A signature line for the Court is provided on page 12.

Respectfully submitted,

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s/ David L. Gordon

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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/ David L. Gordon

David L. Gordon

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

MUNICIPALITY OF TOA ALTA, PUERTO RICO,

Defendant.

Civ. No. 3:21-01087-DRD

STIPULATION AND PRELIMINARY INJUNCTION ORDER

WHEREAS, on February 25, 2021, the United States filed a complaint in this action alleging that certain conditions at the Toa Alta Municipal Solid Waste Landfill constitute an imminent and substantial endangerment to human health and the environment under Section 7003 of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6973.

WHEREAS, on July 15, 2021, the United States filed a motion requesting a preliminary injunction and a memorandum of law in support thereof.

WHEREAS, on July 30, 2021, the Municipality of Toa Alta (“MTA”) filed a motion and memorandum of law in opposition to the United States’ request for a preliminary injunction.

WHEREAS, on August 25, 2021, the United States filed an amended motion requesting a preliminary injunction and a memorandum of law in support thereof.

WHEREAS, on January 12, 2022, the Court dismissed the United States’ motion and MTA’s opposition without prejudice to the United States refiling its motion and MTA refiling its opposition at a later time.

WHEREAS, MTA does not admit that conditions at the Landfill constitute an imminent and substantial endangerment to human health and the environment under Section 7003 of RCRA.

WHEREAS, the intent of the United States is that once a revised permanent closure plan has been submitted by MTA and approved by DNER, it will be the responsibility of DNER to oversee the implementation of the engineered works and other elements of the approved closure plan by MTA.

WHEREAS, the Parties recognize, and the Court by approving this Stipulation finds, that

this Stipulation has been negotiated by the Parties in good faith, that implementation of this Stipulation will avoid unnecessary litigation between the Parties, and that this Stipulation is fair, reasonable, in the public interest, and consistent with RCRA.

NOW, THEREFORE, it is hereby ORDERED as follows:

1. Definitions

- a. "Commonwealth" means the Commonwealth of Puerto Rico.
- b. "Daily Cover" means the application of earthen material over solid waste and the compacting of such earthen material to a thickness of at least six inches.
- c. "Discharge Point" or "Outfall" means the location where non-contaminated stormwater is conveyed and discharged from the Landfill into a receiving water of the United States, either directly or through a separate storm sewer system.
- d. "DNER" means the Department of Natural and Environmental Resources of Puerto Rico.
- e. "Order" means this Stipulation and Preliminary Injunction Order.
- f. The "Effective Date" of this Order is the date that the Court's approval of this Order is entered on the Court's docket. The Order has no effect until it is approved and entered by the Court.
- g. "Intermediate Cover" means the placing and compacting of earthen material to a compacted thickness of at least 12 inches over Daily Cover.
- h. The "Landfill" means the Toa Alta Municipal Solid Waste Landfill and areas with any ancillary operations and facilities related to the Landfill under MTA's control.
- i. "Leachate" means a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.
- j. "North Slope Area" means the area of the Landfill shown in Appendix A.
- k. "NPDES Permit" means National Pollutant Discharge Elimination System program permit issued under Section 402 of the Clean Water Act, 33 U.S.C. § 1342, and its implementing regulations.
- l. "Paragraph" means a paragraph of this Order.
- m. "Southeast Cell" means the approximately 4.4-acre portion of the Landfill under which there is a liner.

2. **Access.** Effective immediately, MTA shall provide the United States and the Commonwealth of Puerto Rico, and their employees, representatives and contractors, with immediate, unimpeded access to the Landfill to conduct inspections, land surveys, monitoring and sampling (including installation of monitoring and sampling equipment, the taking of borings and installation of wells), and review of records to evaluate environmental conditions (*i.e.*, air, soil, groundwater, surface runoff including leachate) at or related to the Landfill and associated operations, compliance with federal and Commonwealth law, and compliance with this Order. The United States will provide MTA at least 30 days advance notice regarding any physical interventions, including but not limited to borings and well installations, including a summary of methods and protocols to be used during such activities. For purposes of the preceding sentence, “physical interventions:” (i) includes borings and well installations made with powered equipment; and (ii) does not include routine liquid sampling, soil grab sampling, soil samples obtained with a hand auger, and samples of liquids being pumped by MTA from the Southeast Cell and liquids from the ponds being pumped or stored. The MTA has the right to be present during any records review, sampling, borings, and well installations, and to take split samples. As such, if EPA requires MTA to commence operating equipment that is not already in operation, in order to take routine samples from the Outfalls where such equipment discharges into (e.g., the Southeast Cell leachate pump or any pump operating at the North and South Ponds), then EPA shall inform MTA no later than during the day prior to the sampling event to allow for MTA participation. If the MTA is not present when EPA conducts sampling, EPA will notify MTA that such sampling has taken place and provide MTA with split samples provided MTA makes timely and reasonable arrangements to receive such samples.

3. **Daily Cover.** MTA shall by April 30, 2022, ensure that all areas of exposed waste are covered by Daily Cover.

4. **Cessation of Waste Disposal.** Subject to Paragraph 17, MTA shall cease disposing of any waste at the Landfill by April 1, 2022. For purposes of the preceding sentence, the temporary storage of construction and demolition (C&D) waste, bulk household waste (durable goods such as mattresses, furniture and appliances), or yard waste (vegetation waste generated by land maintenance) in up to four roll-off containers at the Landfill prior to its shipment for final disposal at a different landfill does not constitute “disposal.”

5. **Posting of Signs.** Within 15 days after the deadline for cessation of waste disposal under Paragraph 4, MTA shall install and thereafter maintain a four-foot by five-foot sign at the Landfill entrances, including the main and northwest entrances, stating in large lettering: “ESTE VERTEDERO MUNICIPAL ESTÁ CERRADO. NINGUNA PERSONA PODRÁ DISPONER DE NINGÚN DESPERDICIO EN ESTE VERTEDERO. LA DISPOSICIÓN DE DESPERDICIOS SÓLIDOS PODRÁ OCURRIR EN EL FUTURO MEDIANTE AUTORIZACIÓN DEL TRIBUNAL O DEL DEPARTAMENTO DE RECURSOS NATURALES Y AMBIENTALES.” and “THIS MUNICIPAL LANDFILL FACILITY IS CLOSED. NO PERSON MAY DISPOSE OF ANY WASTE AT THIS LANDFILL. DISPOSALS MAY OCCUR IN THE FUTURE IF AUTHORIZED BY ORDER OF THE COURT OR BY THE DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES OF PUERTO RICO.” The sign must also set forth the address of EPA’s Toa Alta webpage, and points of contact for MTA, DNER, and the landfill operator. If MTA is authorized

to dispose of additional waste at the Landfill under one or more conditions described in a reservation under Paragraph 17, MTA may, after 15 days advance notice to EPA, make appropriate temporary modifications to the signs for the period in which additional waste placement is allowed.

6. Intermediate Cover.

a. MTA shall by October 1, 2022, commence to apply Intermediate Cover (including any necessary grading and regrading) at the Landfill. All installed Intermediate Cover must, through a combination of soil selection and compaction, be designed to achieve a saturated hydraulic conductivity no greater than 1.0×10^{-4} centimeters per second (cm/s). Except as provided in the next sentence, MTA shall apply Intermediate Cover at the rate of one acre per month period during the first year, and two acres per month thereafter until the entire Landfill has been covered. After DNER approves, or approves with modifications or conditions, any MTA revised permanent closure plan, and if the approved plan includes a schedule for completion of Intermediate Cover, that schedule shall control.

b. If MTA can demonstrate in a plan submitted for approval under Paragraph 11 that one or more areas of the Landfill already has sufficient soil cover and vegetation that, through a combination of thickness, low permeability and evapotranspiration, replicates or improves upon the expected stormwater infiltration rate of daily and intermediate cover, then MTA is not required to apply Intermediate Cover in such areas.

7. Maintenance of Cover. MTA shall monitor all Daily Cover and Intermediate Cover for integrity, including soil erosion, and for evidence of leachate seepage, at least once every two weeks, and within three days after each rainfall event that includes one inch or more of rainfall within a 24-hour period, but not more than once during any seven-day period. Following each monitoring event, MTA shall take corrective action within three days, to maintain a minimum of six inches of Daily Cover and a minimum of 12 inches of Intermediate Cover and to apply additional soil cover and implement other measures as needed to contain leachate seeps within the waste mass. MTA shall maintain on site for EPA inspection records of: (a) each rainfall event of one inch or more within a 24-hour period measured by a pluviometer at the Landfill; (b) each monitoring event; (c) all integrity or erosion problems observed; and (d) all corrective actions taken.

8. Slope Stability

a. **Short Term Controls.** MTA shall by May 1, 2022, complete construction of, and maintain, diversion works to prevent stormwater runoff on the top deck from entering the North Slope Area and erosion controls (*e.g.*, benches, berms, chutes, silt fences, velocity dissipation) for the diverted stormwater. The diversion works and erosion controls must be constructed in accordance with Appendix B and considering the existing stormwater runoff direction.

b. MTA shall by May 1, 2022, install safety barrier fencing and signage around the North Slope Area, and thereafter maintain such fencing and signage. The safety barrier and signage around the North Slope can be temporarily removed during any work to enhance slope stability.

c. MTA shall by May 1, 2022, update its health and safety program for the Landfill to include sufficient worker protective measures regarding work to be performed on all Landfill slopes and the North Pond and South Pond. The updated health and safety program must be certified by a responsible official of MTA authorized to provide such certifications. Thereafter, MTA shall take all reasonable steps to ensure that the health and safety program is implemented.

9. Leachate Management

a. **Leachate Management Plan.** MTA shall by October 1, 2022 submit for approval under Paragraph 11 a proposed Leachate Management Plan. The plan must describe engineered works and procedures that are designed to ensure at least a 90% reduction in releases of leachate from the unlined portion of the Landfill to the subsurface within two years after the Effective Date. The plan must include engineered works and procedures, as necessary, to minimize the infiltration of leachate to the North Pond and South Pond. The plan must include a schedule, with milestones, for completion of all engineered works within 12 months after plan approval. To determine leachate release reductions, MTA shall use EPA's Hydrologic Evaluation of Landfill Performance ("HELP") Model. The Plan must include documentation and justification of all assumptions used.

b. **Management of Leachate Collected from Landfill.** Commencing by October 1, 2022, all leachate and all other liquids that are subject to this Paragraph must be transported to a wastewater treatment plant lawfully permitted to receive the leachate and authorized to discharge under Section 402 of the Clean Water Act (*e.g.*, a Puerto Rico Aqueduct and Sewer Authority publicly-owned treatment works facility), or an on-site wastewater treatment process. No leachate or bulk liquids may be disposed of onto or into the waste mass at the Landfill, including a process known as "leachate recirculation." MTA's ability to comply with this paragraph 9.b depends on third parties, *i.e.*, haulers with capacity to haul and dispose of MTA's leachate and permitting authorities such as the Puerto Rico Aqueduct and Sewer Authority. MTA agrees to act in good faith to perform the necessary efforts to meet all applicable requirements and to obtain the necessary permits to comply with this paragraph.

10. Stormwater Management

a. **Short Term Controls.** MTA shall by May 1, 2022, commence: (a) to control mosquitoes (*e.g.* with larvicides) in standing water, and (b) to employ soil erosion control techniques such as sod, mulching and matting, temporary check dams, filter fences, berms, and straw bales.

b. **Survey of Leachate Seeps.** MTA shall by December 1, 2022, complete a physical survey to identify all leachate seeps that affect stormwater that flows off-site. MTA shall by January 1, 2023, submit the survey to EPA, including a report identifying which of the leachate seeps found has the potential to affect stormwater that flows off site.

c. **Stormwater Management Plan.** MTA shall by January 1, 2023, submit for approval under Paragraph 11 a proposed Stormwater Management Plan. The plan must describe engineered controls and procedures that are designed to minimize infiltration of stormwater into the waste mass, minimize contact between stormwater runoff and leachate (to minimize the quantity of leachate-contaminated stormwater) and provide for irrigation sufficient to support and sustain existing flora in, around, and downstream from the Landfill. The plan must include: (1) measures (*e.g.*, berms, chutes, channels, velocity dissipators) to rapidly convey stormwater from the Landfill surface to appropriate management areas (*e.g.*, detention ponds and Discharge Points); (2) measures to significantly reduce the contamination of stormwater with leachate including measures to address the leachate seeps identified in the report described in Paragraph 10.b; (3) controls to minimize erosion of soils on the landfill surface; (4) measures to minimize the infiltration of leachate and stormwater contaminated with leachate from the North Pond and South Pond into the groundwater; (5) measures, including the applications of larvicides, to control mosquitoes in standing water; (6) measures, including periodic sampling and analysis consistent with the parameters in Appendix C, to ensure that all discharges of stormwater into the environment do not exceed the Appendix C pollutant criteria; and (7) proposed locations for sampling. The plan shall include a schedule, with milestones, for completion of construction and commencement of operation of the stormwater measures within one and a half years after approval of the Stormwater Management Plan.

d. **Discharges of Stormwater Not from Ponds.** If during the first year after approval of the Stormwater Management Plan, any sampling result in accordance with Paragraph 10.c(6) shows an exceedance of any maximum level for a parameter in Table 1, MTA shall promptly implement additional measures to reduce contact of stormwater with leachate or the landfill mass. If during the second year after approval of the Stormwater Management Plan, the average of the latest and previous three quarterly sampling results shows an exceedance of any parameter in Table 1, MTA shall within 30 days submit a plan for approval under Paragraph 11 which describes additional measures to reduce contact of stormwater with leachate or the landfill mass. At any time after the Effective Date, MTA or its agents become aware, through incidental observations, cover inspections, or notification by EPA or by third parties, of visible leachate seeps, MTA shall promptly implement additional measures as necessary to prevent any offsite leachate discharge.

e. **Discharge/Disposal of Pond Liquid.** MTA shall prepare for review and approval by EPA a plan to characterize the liquid and sediment columns at the North Pond and South Pond, including activities for sampling and laboratory analysis of the liquid and sediment columns from each pond. MTA shall include in the plan a Quality Assurance Project Plan for monitoring and laboratory analysis of the liquid samples to determine the portions, if

any, of the liquid in each pond that is stormwater that has not mixed with leachate. If EPA agrees, in its sole discretion, that one or more portions of the liquid in each pond is stormwater that has not mixed with leachate, MTA may discharge the liquid in such portions to an existing separate storm sewer system or to a surface water in accordance with the applicable requirements of an NPDES permit issued to MTA. MTA has the responsibility to obtain coverage under the applicable NPDES Permit prior to any discharge into a separate storm sewer system and/or the NPDES permit if a direct discharge is proposed to a water of the United States. Any liquid in the ponds that has not been approved for discharge under an NPDES permit must be disposed of as leachate in accordance with Paragraph 9.b. If a direct stormwater discharge from the North Pond and/or the South Pond into a water of the United States is proposed, the MTA shall establish an underground pipeline(s) from the Landfill into the Discharge Point, which shall include flow velocity dissipation structures. MTA shall install and thereafter maintain a four-foot by five-foot sign at each Discharge Point, stating in large lettering: "PRECAUTION: PUNTO DE DESCARGA DE AGUAS DE ESCORRENTÍA PROVENIENTES DE LA CHARCA NORTE Y LA CHARCA SUR UBICADAS EN EL VERTEDERO MUNICIPAL DE TOA ALTA." and "CAUTION: DISCHARGE POINT OF STORMWATER FROM THE NORTH POND AND SOUTH POND LOCATED AT THE TOA ALTA MUNICIPAL LANDFILL."

11. **Approval of Plans.** MTA shall submit any plan whose approval is subject to this paragraph to EPA. After review of such plan, EPA shall: (a) approve the proposed plan; (b) request revisions to the proposed plan; or (c) disapprove the proposed plan. If EPA requires revisions, EPA will provide a reasonable deadline for the resubmission, and MTA shall submit the revised plan by the required deadline. If EPA approves the plan or revised plan, subject to Paragraph 12, MTA shall implement the work in accordance with the EPA-approved plan/revised plan and schedule. If, absent exigent circumstances, EPA does not approve the plan/revised plan within 90 days of proof of submittal, then either party may initiate dispute resolution by filing their proposed plan with the Court. The other party shall submit a response in accordance with local rules. MTA shall implement the work in accordance with the Court's resolution of the dispute. If any delay in approval or disapproval of a plan or any delay in Court resolution of a disputed plan will cause delays in completion of the requirements under a related, previously approved plan, MTA may submit a revised schedule for the related plan(s), which is subject to approval under this Paragraph. MTA must send DNER a copy of each approved plan within 15 days after EPA's approval of the plan.

12. If the schedules for construction and operation of the engineered works for leachate and stormwater management that are contained in the revised permanent closure plan approved by DNER differ from the schedules contained in the EPA-approved leachate management plan and stormwater management plan under Paragraphs 9 and 10 above, the schedules in the approved closure plan shall control.

13. **Good Engineering Practices.** MTA shall perform all work required by this Order in accordance with Good Engineering Practices under the direction and certification of a professional engineer experienced in landfill design and operation. Good Engineering Practices means proven and generally accepted engineering methods and procedures that provide for

appropriate, safe, cost-effective (*i.e.*, employing reasonable financial considerations consistent with the requirements of this Order), and well-documented solutions. Professional Engineer means an engineer either licensed by the Commonwealth or otherwise permitted to practice engineering in the Commonwealth. Any plan by MTA addressing grading or engineering works must be approved and certified by an engineer licensed by the Commonwealth of Puerto Rico. The Leachate Management Plan under Paragraph 9 must be prepared, certified, and stamped by a Professional Engineer experienced in using EPA's HELP model and in leachate management techniques. The Stormwater Plan under Paragraph 10 must be prepared, certified, and stamped by a Professional Engineer experienced in stormwater management system design and construction, after consultation with a professional hydrologist.

14. Reporting

a. MTA shall prepare and submit monthly reports regarding the performance of its obligations under this Order until completion of the requirements of Paragraphs 3 through 10 of this Order. Each report shall cover the period ending on the last day of each month. Each report must be sent to DOJ, EPA, and DNER on or before the 15th day of the month following the reporting period. Each monthly report shall include:

- i. description of compliance with each requirement of this Order;
- ii. the volume, acreage and location of the Intermediate Cover that was applied;
- iii. the volume and disposition of leachate and leachate-contaminated stormwater collected;
- iv. results of any sampling analysis performed; and
- v. notification of any noncompliance with this Order, including a statement describing the noncompliance and its underlying causes, and proposed measures and an implementation schedule to correct the noncompliance.

b. MTA shall correct any noncompliance with this Order that it detects or that it is notified of by the United States within 15 days after detection or notification, provided, however, that any failure to apply daily cover or to maintain short term slope stability controls must be corrected within one day. The United States may submit to the Court any Monthly Report that documents any noncompliance with this Order.

15. Community Involvement.

a. EPA and DNER may publish copies of the Leachate Management Plan, Stormwater Management Plan, and Reports submitted by MTA under Paragraphs 9, 10, and 14 on their respective websites.

b. If EPA or DNER schedules any public meeting or community meeting regarding the Landfill, MTA shall, upon request by EPA or DNER, ensure that a knowledgeable official attends the meeting, and is available to answer questions.

16. **Notices.** Whenever a plan, notice, report or other deliverable is required to be sent under this Order it shall be sent via email in PDF format as follows:

As to DOJ:	David Gordon Senior Counsel david.l.gordon@usdoj.gov
As to EPA:	Lee Spielmann Assistant Regional Counsel spielmann.lee@epa.gov
	Carl Plossl Environmental Engineer & Enforcement Officer plossl.carl@epa.gov
As to DNER:	Nilda del Mar Sanchez DNER Counsel nildasanchez@drna.pr.gov
	María V. Rodriguez DNER (Land Pollution Area) mariavrodriguez@drna.pr.gov
As to MTA:	Carlos López Freytes CWL Legal Services, P.S.C. carlos@cwlllegal.com
	Diana Batlle-Barasorda Casillas Santiago Torres, LLC dbatlle@cstlawpr.com
	Jose L. Ramirez-Coll Antonelli Montalvo & Ramirez-Coll jramirez@amrclaw.com

17. **Reservations**

a. Nothing in this Order prevents MTA from filing applications for applicable permits and authorizations from the relevant federal government and Commonwealth agencies related to the Landfill.

b. Nothing in this Order prevents MTA from seeking approval from EPA of a change in the schedule for completion of Intermediate Cover or the engineered works for leachate management or stormwater management, after MTA submits a revised permanent closure plan to DNER and before the plan is approved by DNER, if the schedule change sought by MTA is consistent with the submitted closure plan.

c. Nothing in this Order affects any obligations by MTA to comply with obligations arising from the complaint filed by DNER on September 1, 2021, in case number 21 189-OA, as amended (“DNER Complaint”). This Order does not affect any right of MTA to assert in the DNER administrative proceeding that any relief sought in that proceeding is precluded by this Order and any authority of DNER to oppose any such assertions by MTA.

d. This Order does not affect any waste disposal at the Landfill that may be allowed or required as part of a revised permanent closure plan for the Landfill that is prepared in accordance with Commonwealth regulations and that is approved by DNER before any such disposal.

e. The United States reserves its claims of imminent and substantial endangerment regarding releases of leachate from the Southeast Cell and MTA reserves all defenses and claims, including but not limited to counterclaims and third-party claims, regarding such claims by the United States.

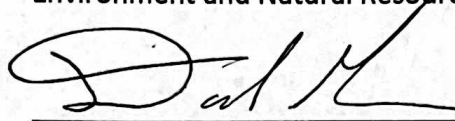
f. Nothing in this Stipulation and Order limits the United States from asserting in this action or in a separate action that any conditions at the Landfill present an imminent and substantial endangerment subject to Section 7003 of RCRA. Nothing in this Stipulation and Order limits any right of the MTA to assert in this action or in a separate action any defense, including but not limited to lack of jurisdiction, against any claim asserted under Section 7003 of RCRA by the United States.

U.S. v. Municipality of Toa Alta, 2:21-01087, Stipulation and Preliminary Injunction Order

**FOR THE UNITED STATES ON BEHALF OF THE U.S.
ENVIRONMENTAL PROTECTION AGENCY:**

TODD KIM
Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

8/8/22
Dated



DAVID L. GORDON
Senior Counsel
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Washington, D.C. 20044-7611

W. STEPHEN MULDROW
United States Attorney
District of Puerto Rico

CARMEN MARQUEZ
Assistant United States Attorney
United States Attorney's Office
District of Puerto Rico
Torre Chardon Suite 1201
350 Carlos Chardon Avenue
San Juan, PR 00918

OF COUNSEL:

LEE A. SPIELMANN
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007-1866

U.S. v. Municipality of Toa Alta, 2:21-01087, Stipulation and Preliminary Injunction Order

FOR THE MUNICIPALITY OF TOA ALTA, PUERTO RICO:



Dated

CLEMENTE AGOSTO
Mayor
Municipality of Toa Alta, Puerto Rico

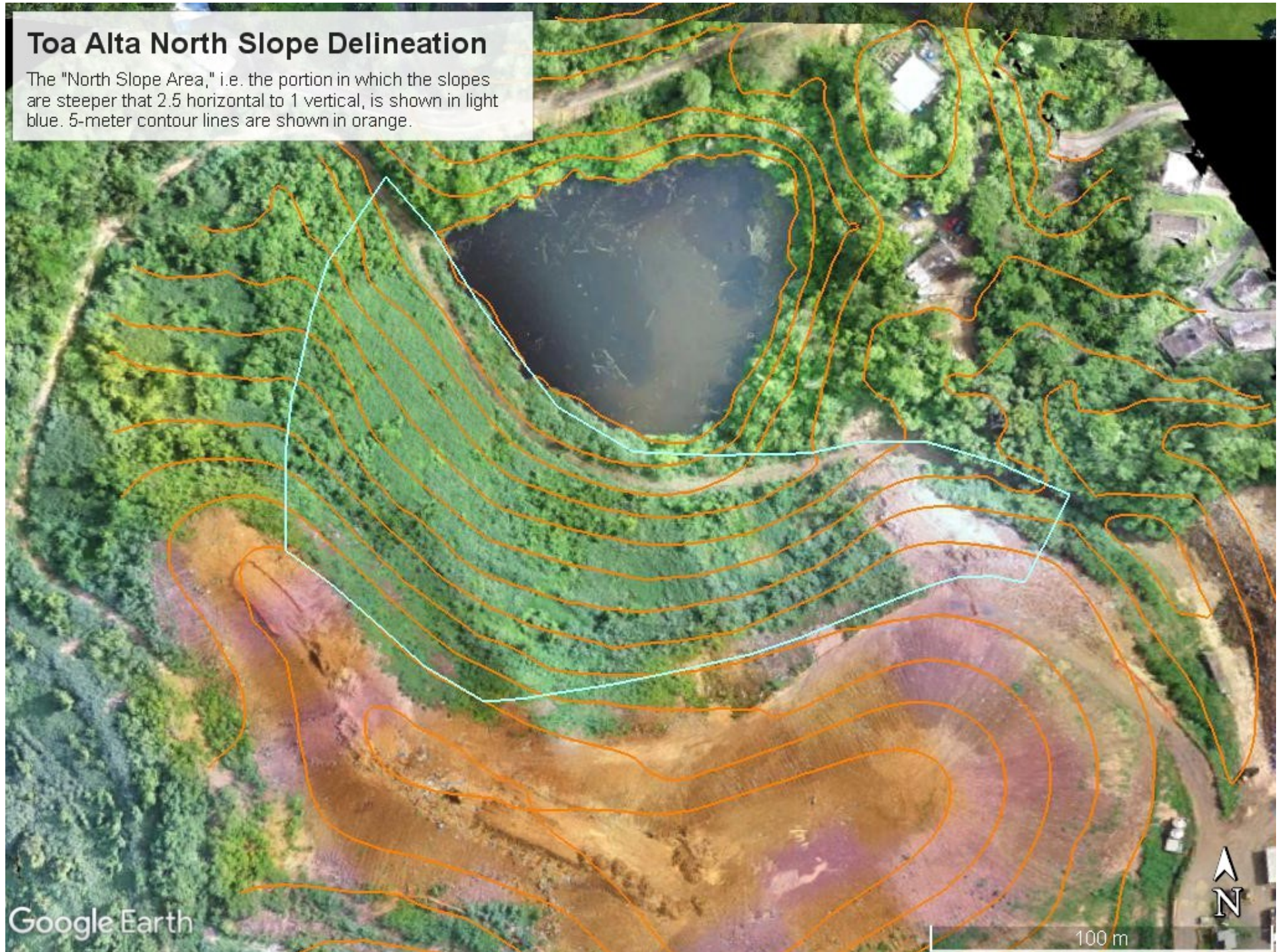
IT IS SO ORDERED:

Dated

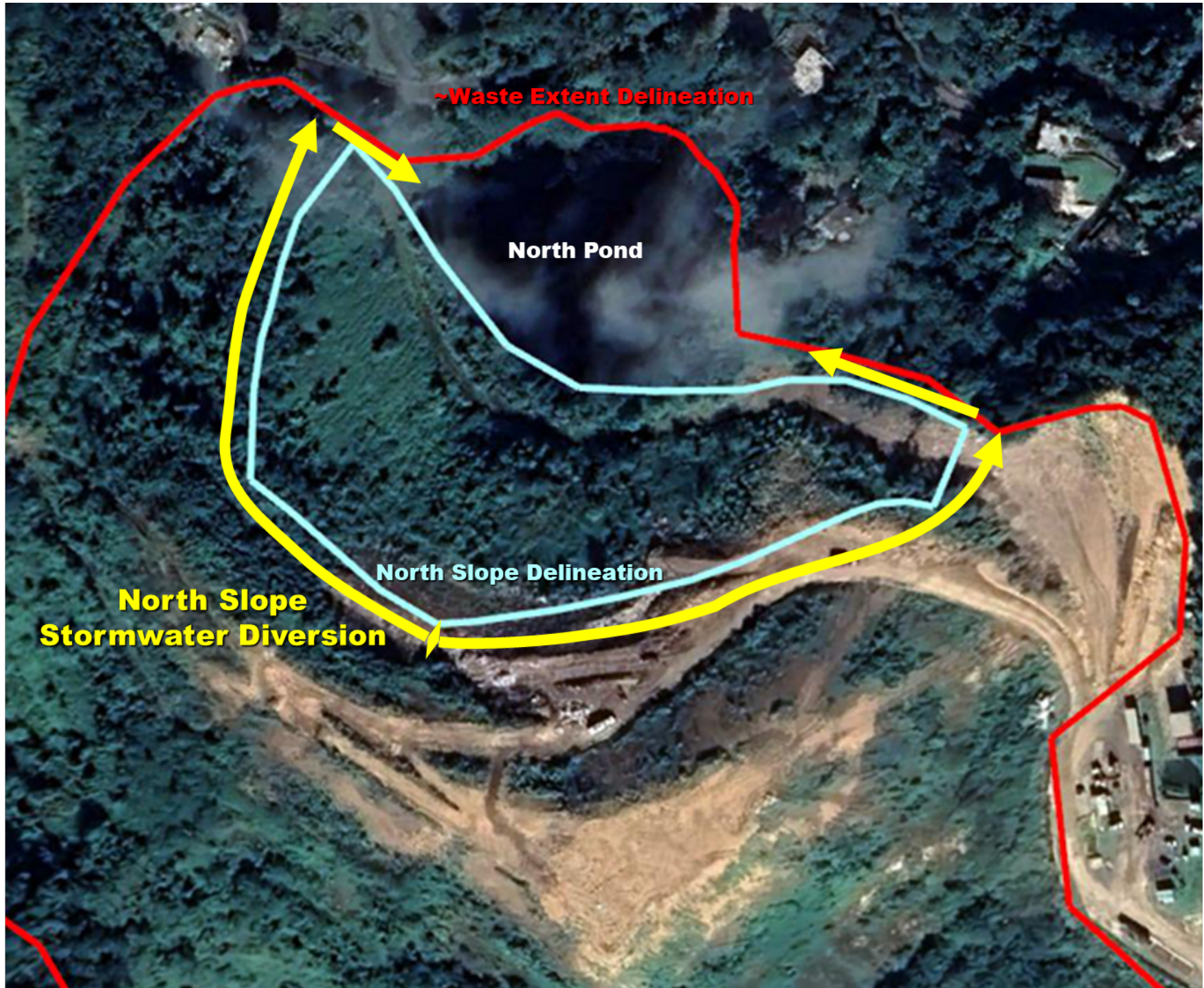
HON. DANIEL R. DOMINGUEZ
UNITED STATES DISTRICT JUDGE

Toa Alta North Slope Delineation

The "North Slope Area," i.e. the portion in which the slopes are steeper than 2.5 horizontal to 1 vertical, is shown in light blue. 5-meter contour lines are shown in orange.



APPENDIX B: SHORT TERM STORMWATER CONTROLS FOR NORTH SLOPE AREA



APPENDIX C Sampling Parameters

MTA shall commence quarterly sampling and laboratory analysis of the parameters in Table 1 within 30 days after EPA approval of the Stormwater Management Plan and continue sampling and laboratory analysis of these parameters for three years, provided however, that for any parameter in Table 1 where the analytical results are below the maximum level for four consecutive quarterly sampling events, MTA may choose to cease sampling for such parameter.

TABLE 1		
Pollutant Name	Maximum Level	Units
BOD ₅	37	mg/L
TSS	27	mg/L
Ammonia (as N)	4.9	mg/L
α-Terpineol	0.016	mg/L
Benzoic acid	0.071	mg/L
p-Cresol	0.014	mg/L
Phenol	0.015	mg/L
Zinc	0.11	mg/L
pH	6 - 9	mg/L
Enterococci	35	cfu/100-mL
Aniline	0.015	mg/L
Naphthalene	0.022	mg/L
Pyridine	0.025	mg/L
Arsenic	0.54	mg/L
Chromium	0.46	mg/L

Discharge Limits (mg/L = milligrams/liter, cfu/100mL = colony-forming units/100 milliliters)

All sample collection, preservation, and analysis for the discharge of pollutants shall be carried out in accordance with 40 C.F.R. Part 136. A licensed chemist authorized to practice the profession in the Commonwealth of Puerto Rico shall certify all chemical analyses. All bacteriological tests shall be certified by a microbiologist or licensed medical technologist authorized to practice the profession in the Commonwealth of Puerto Rico. If any of the sampling results show exceedances in certain parameters included in Table 1, the MTA shall be allowed to perform background testing and analysis to demonstrate whether the exceedances are related to the existing environmental condition in the area.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES,

Plaintiff,

v.

MUNICIPALITY OF TOA ALTA,

Defendant, Third Party Plaintiff,

v.

LANDFILL TECHNOLOGIES OF TOA ALTA, LLC,
et al.,

Third Party Defendants.

Civ. No. 3:21-cv-01087-DRD

DECLARATION OF CARL F. PLÖSSL

CARL F. PLÖSSL, for his declaration pursuant to 28 U.S.C. § 1746, hereby states:

1. I am an Environmental Engineer employed by the U.S. Environmental Protection Agency (EPA), and I work out of EPA's Region 2 office based in New York City. I am assigned to the Enforcement and Compliance Assurance Division, and have been employed as such, with varying responsibilities, since 1997.
2. I make this declaration in support of the United States' motion to enter the proposed Stipulation and Preliminary Injunction Order with the Municipality of Toa Alta, Puerto Rico (MTA), regarding its landfill.
3. I make this declaration based upon my personal knowledge of EPA's community engagement efforts regarding MTA's landfill.
4. In my capacity as the lead EPA engineer and project coordinator for the Toa Alta landfill, I have kept in the normal course of my EPA responsibilities records and materials related to the Toa Alta landfill. Keeping such records is consistent with the regular practice of EPA engineers and project coordinators. These materials were created by individuals with knowledge of the relevant subject matter and prepared at or near the time of the applicable

events, conditions and opinions.

5. The diversion works required under paragraph eight of the proposed stipulation will reduce the likelihood of rapid infiltration of stormwater into the waste mass in the North Slope Area and the resulting risk of destabilization and slope collapse. The safety measures required under that paragraph will limit access to the North Slope. These measures will reduce the risk of injury to workers and visitors due to slope collapse.

6. The proposed stipulation provides MTA with a schedule for installing the “intermediate cover” (*i.e.*, 12 inches of compacted soil) at the rate of one acre per month for the first year and then two acres per month until the entire 31-acre landfill is covered. This was done for two main reasons:

a. To balance the need to promptly begin application of the environmentally-protective intermediate cover to reduce leachate formation and releases while allowing for time to complete the landfill closure designs. Areas of the landfill not requiring extensive redesign will receive intermediate cover initially while allowing work on recontouring through cut and fill operations to proceed concurrently.

b. To allow time for MTA to complete applications and to receive funding for the not unsubstantial costs of intermediate cover for the entire landfill (in the range of some \$800,000).

7. The intermediate cover placement schedule may be superseded by a permanent closure plan schedule under a revised permanent closure plan approved by the Puerto Rico Department of Natural and Environmental Resources (DNER).

8. From January through March 2022, the United States, with the participation of MTA, conducted a community engagement process involving the MTA’s residents and other interested parties.

9. EPA took various steps to inform the community about the community engagement process, including distributing flyers by hand to residents near the landfill, the placement of advertisements in local newspapers, by issuing a press release to local newspapers, and the publication of notices of the process on EPA’s website regarding the Toa Alta landfill matter.

10. The process included informing the residents of the parties’ settlement negotiations and of potential settlement terms, and soliciting the residents’ views about the landfill and about their desires regarding addressing conditions at the landfill.

11. Community members were invited to submit written comments. The United States received 16 written comments in Spanish in response to its solicitations.

12. True and correct copies of the 16 written Spanish comments that EPA received are attached as Exhibit 1.

13. True and correct copies of the certified translations of these 16 written comments are attached as Exhibit 2.

14. The United States received four written comments in English. A true and correct copy of these four comments is attached as Exhibit 3.

15. Community members also were invited to attend a public meeting to make oral comments. The public meeting was held on February 23, 2022, at a recreational center in Toa Alta.

16. I and other representatives of EPA, the U.S. Department of Justice, the Puerto Rico Department of Natural and Environmental Resources (DNER), and MTA participated in the public meeting.

17. About 120 community members attended the meeting, and it lasted for about three and a half hours.

18. Eleven community members made formal remarks at the meeting.

19. EPA prepared a transcript of the public meeting and an English translation of that transcript. The transcript comprises about 75 pages. Both of these documents have been posted to EPA's website regarding this matter, and they are available at: <https://www.epa.gov/pr/toa-alta-municipal-landfill>.

20. At the conclusion of the community engagement process, EPA prepared a summary of the written and oral comments received and prepared responses to the comments.

21. EPA intends to publish this summary and responses, entitled "Summary of Key Community Comments and Concerns and EPA Responses" on its website along with a Spanish translation.

22. A true and correct copy of EPA's "Summary of Key Community Comments and Concerns and EPA Responses" is attached as Exhibit 4.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

8/8/2022

X 

CARL F. PLOSSL

Signed by: Plossl, Carl

Exhibit 1

23 de febrero de 2022

A: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

De: Wanda Alicea Vázquez
Bo. Contorno
Sector Cielito
Teléfono [REDACTED]

Comentarios sobre el vertedero de Toa Alta

Mi nombre es Wanda Alicea Vazquez y soy vecina del Bo. Contorno de Toa Alta. Yo y mi familia estamos muy consternados con la contaminación que ha generado este vertedero y por la inacción de las autoridades pertinentes. Estamos cansados de promesas y necesitamos ver el cierre ya de este vertedero que tanto daño ha hecho a nuestra comunidad. El vertedero es un peligro para la salud de nosotros y del ambiente. Necesitamos que se cierre el vertedero y no se continúe echando basura aquí porque ya no aguantamos más tanta injusticia con nuestra comunidad. Nosotros tenemos valor y somos seres humanos, las autoridades no nos pueden seguir ignorando, necesitamos que se haga justicia para nuestras comunidades ya. Muchas gracias por su atención.

Agradecida/o,

Wanda Alicea Vazquez,
Nombre de la persona
Institución, organización o grupo al que pertenece

Ejemplo de Ponencia

Fecha

*A: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division*

De: Nombre de la persona

Nombre de la institución, organización o grupo al que pertenece

Correo electrónico

Teléfono (opcional)

Comentarios sobre el vertedero de Toa Alta

Primer párrafo: 3 a 5 oraciones describiendo quién es usted y a la organización que representa.

Ejemplo:

El Puente- Enlace de Acción Climática Puente-Latino (El Puente-ELAC) es una organización ambiental sin fines de lucro, cuyo trabajo incluye miembros de diferentes sectores: iglesias, universidades, miembros de la comunidad afectados por combustibles fósiles y otros grupos en Puerto Rico. Surge como un programa de El Puente de Williamsburg en Nueva York, una organización sin fines de lucro que trabaja por la paz y la justicia social en las comunidades latinas en Brooklyn desde 1982. Desde 2013, la misión de El Puente-ELAC ha sido conectar comunidades, grupos y líderes para abordar los problemas ambientales, especialmente la crisis climática, al tiempo que promueven la salud integral y los valores culturales de autodeterminación, sostenibilidad, justicia social y paz.

Segundo párrafo

- **¿Por qué está haciendo una ponencia?**
- **¿Cómo le afecta a usted y a la comunidad el Vertedero de Toa Alta?**

Ejemplo:

Nuestra organización o (Yo estoy) está profundamente preocupada con la contaminación que ha generado este vertedero por décadas en nuestro pueblo. Este vertedero representa un

- a. El municipio de Toa Alta no tiene programa de reciclaje y tampoco varios de los municipios desde donde traen la basura al vertedero de Toa Alta.*

Después que hayas escrito todos tus puntos, al final pídele a la Comisión que haga una acción o varias acciones específicas en su informe.

Recomendaciones:

- *Reconocer que Toa Alta y Puerto Rico merecen y necesitan el cierre de este vertedero y procesos remediativos que mitiguen el impacto a la salud de nuestro pueblo. Necesitamos que se tome en consideración la salud del medio ambiente y de sus ciudadanos.*
- *Pedirles a las agencias pertinentes que Concreten el cierre del Vertederod de Toa Alta en beneficio de toda la ciudadanía que se ha visto afectada por la contaminación ambiental.*

Al final puedes agradecer a la Agencia de Protección Ambiental EPA por tomar su tiempo en leer la ponencia. Te puedes poner a la disposición para contestar preguntas (solo si deseas hacerlo)

Agradecida/o,

Nombre de la persona

Institución, organización o grupo al que pertenece

Wanda Alicia Vazquez
B. Contron Sectorial Cialto
PR 00953



15 de febrero de 2022

*A: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division*

De: Ivette Calise Cintrón
[REDACTED]

Comentarios sobre el vertedero de Toa Alta

Por este medio me acerco a ustedes en representación propia, de mi familia, pero en especial de mi hermana, Concetta Calise Cintrón, quien luchó arduamente por la salud y la calidad de vida de nuestra gente y medioambiente. Mi hermana, siendo maestra, se preparó y estudió en el área científica, en especial tiene un certificado en Leyes y Reglamentaciones Ambientales: Una Perspectiva Ambientalista de la Universidad de Puerto Rico, Recinto de Río Piedras. Esta Certificación la obtuvo en diciembre del 1994. Ella intencionalmente se capacitó para continuar ayudando a la comunidad ante los estragos que ha causado y está causando el vertedero de Toa Alta en nuestro ecosistema, en nuestra salud y en el medioambiente.

Tanto mi hermana como mi padre Rafael Calise, veterano de la Marina de los Estados Unidos de Norteamérica, lucharon en vida por la calidad de vida y el cierre de este vertedero junto a mi familia. Tristemente tanto mi hermana como mi padre murieron como consecuencia del cáncer generado por la continúa contaminación y la exposición por años de contaminantes en nuestros cuerpos recibidos de los olores objetables como también del

agua contaminada con los lixiviados. El humo del vertedero crematorio, ya que se quemaba por muchos años la basura, generaba contaminantes adversos a la salud que afectaron a mi familia y a mis vecinos. Nuestros sufrimientos no han sido sólo físicos sino emocionales y mentales en ver tanto abuso y tanta falta de acción en esta comunidad.

Lo pristino de la finca donde se encontraba un hermoso guayabal que es un sumidero, ahora es una fosa de oxidación que alberga los lixiviados los cuales llegan directamente al agua subterránea, la cual está contaminada en toda esta área. Es lamentable y un crimen ambiental lo que ha ocurrido en nuestra comunidad. Mi familia vivió en carne propia la lucha desde la organización Toalteños por la Salud, los cuales trabajaron intensamente por décadas por la ecojusticia de nosotros y de los animalitos, la flora y la fauna que también se han afectado. Tristemente en el Huracán María personas en su desesperación por agua llegaron a coger agua de pozos ya contaminados por los lixiviados del vertedero.

La casa de mi familia se encuentra colindadante a la fosa de oxidación a pocos metros del vertedero de Toa Alta. Mi familia ha vivido esto desde más de 50 años, pero se ha empeorado por los años, siendo los olores objetables ya insoportables. Los camiones del vertedero han dañado múltiples veces la carretera y no han arreglado la misma siendo este otro efecto colateral de la operación de este vertedero y el abuso con nuestras comunidades que lo rodean.

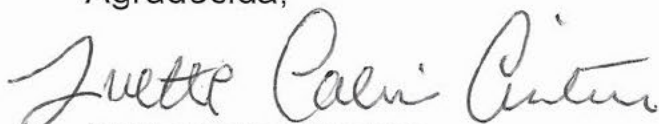
Estoy aquí ante ustedes por que esto es una lucha por la vida y por la justicia pronunciandome en este día por la salud y la dignidad tanto de mi familia como de nuestros vecinos. Muchas gracias por su tiempo en esta tarde y esperamos ver la acción por la ecojusticia de nuestra comunidad y de Puerto Rico en este asunto tan vital para nuestras vidas, comunidad y medioambiente.

El sueño de mi hermana, mi madre, mi padre y el mío propio y de todos/as los/as vecinos/as y comunidad de Toa Alta es ver concretado el cierre de este vertedero y la remediación ambiental de nuestro entorno. No es


posible que esto continúe, ya basta, no se puede sostener una contaminación de esta magnitud no solamente para nosotros en Toa Alta sino para todos los que toman agua del lago La Plata.

Con todos mis repetos, nuevamente gracias por su atención y acción en este asunto.

Agradecida,



Ivette Calise Cintrón


Toa Alta, PR 00954

Fecha

*A: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division*

*De: Nilda Delgado Rolón
Toalteños por el Ambiente
Teléfono [REDACTED]*

Comentarios sobre el vertedero de Toa Alta

Soy sobreviviente de cáncer en dos ocasiones, mi familia ha experimentado los estragos de esta terrible y difícil enfermedad que ha tenido consecuencias mortales. Tengo tres tías y dos tíos que han muerto por cáncer. Conozco ocho personas más con esta enfermedad. Este vertedero y su contaminación nos están aniquilando poco a poco. Por años se nos está ofreciendo el cierre del vertedero pero todo pasa inadvertido. Yo presido Toalteños por la salud y esto ha sido una lucha titánica que por décadas ha afectado no solamente a mi familia sino la vida de mis vecinos, su salud y ha generado una degradación del medioambiente que es una verdadera injusticia ambiental.

Nuestra organización está profundamente preocupada con la contaminación que ha generado este vertedero por décadas en nuestro pueblo. Este vertedero representa un peligro a la salud de las comunidades aledañas al mismo y a los sistemas de agua subterránea del acuífero del norte. Se han descrito en tantas veces este daño ambiental que resulta inverosímil que no le hayan hecho caso a los justos reclamos de nuestra comunidad en Toa Alta.

El Vertedejo de Toa Alta ha fallado en muchas, en demasiados procesos para manejar esta facilidad, causandonos problemas a los vecinos de salud pública. El no tener una cobertura adecuada de los desperdicios ha generado sabandijas, moscas, mosquitos, entre otros vectores de enfermedades. El cáncer es una enfermedad que se le ha vinculado a lugares de prolongada exposición a contaminantes en aire y agua como lo es el caso de nuestra comunidad en Toa Alta. El manejo del vertedero en esta área ha fallado innumerables veces. Falta de protección a la salud de la ciudadanía ha sido crasa. Los olores objetables y la contaminación han causado los problemas respiratorios como asma y enfermedades como cáncer entre otras. Las aguas han sido contaminadas. Se ha probado que las aguas alrededor del vertedero, las cuales van directamente al Río La Plata, están contaminadas. Hay otro problema detrás del Motor Pool vacían los tanques

de ls pozo muro y ya los habíamos encontrado y ahora por la peste se sabe cuando os están depositando en este sitio. Al sumidero Rey Contrera había puesto unos plásticos al sumidero para llenarlo de basura. En el año 2017 se iba a cerrar, se prometió, se prometió que para el 2021 se cerraría, nos se hizo ahora tampoco. ¿Para que año es, para el 2080? Pregunto.

Gracias por este espacio y necesitamos que se pase de las promesas al cumplimiento porque múltiples veces las autoridades correspondientes nos han fallado. Cierre del Vertedero de Toa Alta ya.

Agradecida/o,

Nilda Delgado Rolón
Toalteños por el medioambiente.
Barrio Contorno



Ejemplo de Ponencia

Fecha

A: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

De: Nombre de la persona

Nombre de la institución, organización o grupo al que pertenece

Correo electrónico

Teléfono (opcional)

Comentarios sobre el vertedero de Toa Alta

Primer párrafo: 3 a 5 oraciones describiendo quién es usted y a la organización que representa.

*Presidencia Toa Alta, por el ambiente
muertes Cáncer Tres Tías Pastios 8 personas que conozco
Yo he tenido 2 Cáncer. Se nos está afresionando el Cierre por
años Pero todo pasa inadvertido*

Ejemplo:

El Puente- Enlace de Acción Climática Puente-Latino (El Puente-ELAC) es una organización ambiental sin fines de lucro, cuyo trabajo incluye miembros de diferentes sectores: iglesias, universidades, miembros de la comunidad afectados por combustibles fósiles y otros grupos en Puerto Rico. Surge como un programa de El Puente de Williamsburg en Nueva York, una organización sin fines de lucro que trabaja por la paz y la justicia social en las comunidades latinas en Brooklyn desde 1982. Desde 2013, la misión de El Puente-ELAC ha sido conectar comunidades, grupos y líderes para abordar los problemas ambientales, especialmente la crisis climática, al tiempo que promueven la salud integral y los valores culturales de autodeterminación, sostenibilidad, justicia social y paz.

Segundo párrafo

- ¿Por qué está haciendo una ponencia?
- ¿Cómo le afecta a usted y a la comunidad el Vertedero de Toa Alta?

Ejemplo:

Nuestra organización o (Yo estoy) está profundamente preocupada con la contaminación que ha generado este vertedero por décadas en nuestro pueblo. Este vertedero representa un

peligro a la salud de las comunidades aledañas al mismo y a los sistemas de agua subterránea del acuífero del norte.

Próximos párrafos

- Seleccionar tus puntos a discutir
- Escribe una sección por cada tema a discutir.
- La cantidad de temas pueden variar de una ponencia a otra.
- Esta parte se puede escribir con *bullet points*

*Recuerda que estos puntos son solo ejemplos. Si no te sientes confiada/o en poder abordar un tema, no lo tienes que añadir en tu ponencia. Si por el contrario no te sientes confiada/o, pero aun así lo quieres mencionar, déjanos saber para poder abordar el tema en las reuniones.

Ejemplo:

Hacemos los siguientes señalamientos en cuanto al Vertedero de Toa Alta:

- 1. El Vertedejo de Toa Alta ha incumplido con el manejo adecuado de lixiviados (jugos de la basura)**
 - a. Estos lixiviados por falta de controles han llegado a quebradas cercanas, se han percolado hacia el acuífero del noret contaminando las aguas que tanto necesitamos.*
 - b. Los lixiviados han llegado a las residencias de los vecinos en sus patios causando contaminación y malos olores.*
- 2. El Vertedejo de Toa Alta ha fallado en la cubierta de la basura**
 - a. No hay cobertura adecuada de los desperdicios lo cual genera sabandijas, moscas, mosquitos, entre otros vectores de enfermedades.*
 - b. El manejo del vertedero en esta área ha fallado innumerables veces.*
- 3. El Vertedejo de Toa Alta implica riesgos de explosión y derrumbe**
 - a. La falta de monitoreo de gases ha expuesto a la comunidad a riesgo de explosión.*
 - b. Existen pendientes en el vertedero que representan riesgo de colapso.*
- 4. Falta de protección a la salud de la ciudadanía**
 - a. Los olores objetables y la contaminación han causado los problemas respiratorios como asma y enfermedades como cáncer entre otras.*
 - b. Luego del huracán María se sobrepasó el recibo de desperdicios sólidos y se atrasó la fecha de cierre del mismo.*
- 5. El Reciclaje está ausente en el Municipio de Toa Alta**

- a. El municipio de Toa Alta no tiene programa de reciclaje y tampoco varios de los municipios desde donde traen la basura al vertedero de Toa Alta.

Después que hayas escrito todos tus puntos, al final pídele a la Comisión que haga una acción o varias acciones específicas en su informe.

Recomendaciones:

- Reconocer que Toa Alta y Puerto Rico merecen y necesitan el cierre de este vertedero y procesos remediativos que mitiguen el impacto a la salud de nuestro pueblo. Necesitamos que se tome en consideración la salud del medio ambiente y de sus ciudadanos.
- Pedirles a las agencias pertinentes que Concreten el cierre del Vertedero de Toa Alta en beneficio de toda la ciudadanía que se ha visto afectada por la contaminación ambiental.

Al final puedes agradecer a la Agencia de Protección Ambiental EPA por tomar su tiempo en leer la ponencia. Te puedes poner a la disposición para contestar preguntas (solo si deseas hacerlo)

Agradecida/o,

Yulda Delgado Colon
Barrio Con Torno I.A.

Tel. 787-679-3755

Nombre de la persona

Institución, organización o grupo al que pertenece

Las Quebradas estan al rededor del Vertedero
Las cuales van directas al Rio La Plata Se provo que
estan Contaminadas

Hay otro Problema detras del motor Pool Basian los
Tangue de los Pozo Moro y lla los abiamos encontrados
y ahora por la poste se sabe cuando los estan deposita
do en es citio.

al sumidero Rey Contrera abia puestto unos plasticos
al sumidero Para llenarlo de Basura
en el año 2017 se iba a cerrar se prometio que para
el 2021 se seraria no se iso ahora Para que
año es Para 2080? Pregantu

A: Sr. Eduardo Gonzalez
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

Re: Sra. Conner Henchily
member I C D C. Juatta
tel. [REDACTED]

Soy la Sra. Conner Henchily Garcia, vecina del
Bo. Cartons, sector Cuelito, Juatta, P.R.

Hace 20 años resido en ese sector.

Estoy preocupada por la situación que
están viviendo las personas que residen
cerca del vertedero.

Las malas olores, las moscas, el problema
de las aguas contaminadas

Muchas personas han enfermado
debido a la contaminación. Teniendo
problemas respiratorios, como asma
y cáncer entre otros.
Además, han habido muertes.

Recomiendo se ciene este vertidew ya
que la salud del pueblo de Loos Atta
se ha visto afectada por la
contaminacion del mismo.

Carmen Hernandez
miembro ICDC.
Loos Atta, P.R.



Iglesia Cristiana (Discipulos de Cristo)

Toa Alta, Pueblo

P.O. Box 11

Toa Alta, PR 00954-0011

Tel. (787) 870 - 2688

20 de febrero de 2022

A: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

De: Iglesia Cristiana (Discipulos de Cristo)
En Toa Alta Pueblo
Box 11
Toa Alta, Puerto Rico 00954

Gracia y paz de nuestro Señor Jesucristo. Nuestra Iglesia Cristiana (Discipulos de Cristo) en Toa Alta Pueblo, sirve a nuestra comunidad en el pueblo de Toa Alta desde el 1914 llevando el mensaje de paz, amor y justicia del evangelio de Jesucristo. La iglesia ha sido testigo de las transformaciones y cambios que han ocurrido en nuestro querido pueblo. La mayoría de nuestros miembros residen en Toa Alta en el casco urbano y en los diferentes barrios y sectores de alrededor, otros residen en pueblos cercanos.

Con el pasar del tiempo nuestra iglesia ha visto el deterioro en el medioambiente debido a la contaminación del vertedero de Toa Alta y por consiguiente en la salud de las personas con aumentos significativos en casos de cáncer y otras enfermedades. El mal manejo por décadas de este vertedero ha deteriorado la calidad de vida de nuestros vecinos y de algunos miembros de nuestra iglesia. Hay casos en que los lixiviados de la basura llegan a los patios de algunas casas, los olores objetables inundan las casas, en especial las que estan cercanas a las fosas de oxidación del vertedero. En el caso de nuestra congregación una familia tuvo que mudarse debido a los efectos en la salud en ellos. Este problema ha causado desplazamiento de familias y es inaudito que debido a la negligencia e irresponsabilidad e inacción de agencias pertinentes a atender este asunto estemos confrontando esta crisis ambiental. Estos atropellos a nuestra comunidad no pueden continuar y menos cuando hay una orden de la EPA y de un Tribunal Federal para el Cierre de este Vertedero.

Por este medio nos acercamos a usted y a su Agencia de Protección Ambiental (EPA) encarecidamente para que nos ayude en que este asunto de tantos años de justicia ambiental se resuelva de una vez. Por eso solicitamos que:

- El Cierre del Vertedero se concrete.

Incluyan a la comunidad y a los vecinos en los procesos requeridos de desiciones de remediación ambiental para mitigar el daño que se ha hecho al acuífero del norte, a la tierra y al aire y a la salud de las personas.

- Que se implemente un programa de Reciclaje en el Municipio de Toa Alta.




Nuestra Iglesia está para servir a la comunidad y si necesitan un espacio para reunirse para ayudar a nuestros vecinos el Salón de Actos Lolita Díaz Alfaro está a la disposición de nuestros vecinos y de las agencias encargadas de velar por la justicia ambiental en todo el territorio de los Estados Unidos incluyendo a Puerto Rico. Esperamos que Dios le ayude en su trabajo y que nos pueda ayudar en esta gestión.


- Que se haga justicia a los que tanto han sufrido.

Aquellos/as que sabiendo o sin saber o sin darse cuenta de la conección entre esta contaminación han padecido o están padeciendo de enfermedades relacionadas a esta exposición por décadas. En especial los vecinos de las comunidades del Barrio Contorno, Sector Cielito, Rabo del Buey y del Sector Quebrada Arenas, Barrio Río Lajas, de Toa Alta han sufrido un verdadero calvario. Los vecinos más afectados deben ser indemnizados por tantos años y daños sufridos. No debe pesar ninguna carga económica a estos vecinos ni a estas comunidades que han sufrido para cubrir gastos que el municipio tenga que incurrir para la disposición de la basura una vez se concrete el cierre del vertedero de Toa Alta.

Pedimos justicia, pedimos que este calvario se convierta en una resurrección de esperanza para nuestras comunidades, que los esfuerzos de restauración se hagan una realidad para cada bebé por nacer, cada infante, niño/a, adolescente, joven, adulto, viejo/a que respire, vive y se mueve en un ambiente degradado por los sistemas económicos que oprimen al ser humano y a toda la creación en nuestro querido pueblo de Toa Alta, ciudad del Josco y de todos/as los que beben del agua que está contaminada por este vertedero.

En Cristo,



 J. Torres
 Luz S. Morales
 Mapa Cántula
 Miguel M. Diaz
 Carlina Torres Velaz



 Juan de los Rios
 Carmelinda
 Inulisse Fernandez
 Paola M. Rivas
 José M. Cordero
 Sonia E. Cordero
 Samairys P. Velaz

Cindy Cortez
Orel E. Vazquez
Marie Ayala Perez
Juan Vazquez Ortega
Luz M. Vazquez Lopez

15 de febrero de 2022

A: *Eduardo González*
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

De: *Carlos Rubén Molina Alicea*
[REDACTED]

Comentarios sobre el vertedero de Toa Alta

Saludos cordiales, mi nombre es Carlos Rubén Molina Alicea y soy vecino de Toa Alta, específicamente resido en Bo. Contorno [REDACTED] [REDACTED] en Toa Alta. Mi residencia se encuentra a 100 metros del vertedero de Toa Alta. La contaminación que genera el vertedero nos ha afectado a mi y a mi familia por años, en especial los olores objetables que emanan del mismo. Adicional a esto tanto las moscas como los mosquitos no nos dejan vivir en paz y no tenemos calidad de vida por los efectos de este lugar en nuestra comunidad. Nuestra salud y la de nuestros vecinos se han afectado por años, en especial la salud respiratoria con enfermedades como el asma crónica, entre otras afecciones respiratorias. He vivido con esta situación y este desafío en la salud por más de 35 años.

Estoy pronunciandome en este día por la salud y la dignidad tanto de mi familia como de nuestros vecinos. No es factible que se continúe operando un lugar que ha generado enfermedad y muerte. Exijo el cierre total e inmediato de este vertedero en Toa Alta.

Este vertedero representa un peligro a la salud de las comunidades aledañas al mismo y a los sistemas de agua subterránea del acuífero del norte. Esta contaminación es una cadena que llega hasta el El Río La Plata. La contaminación ha sido tan grande que nos abruma con todas las circunstancias que hemos sufrido con triste y difícil realidad. En especial los días lluviosos y en el impacto del Huracán María se intensifican estos efectos adversos a la salud por culpa de este vertedero que ya hace tiempo debió de haber sido cerrado.

Exijimos a las agencias pertinentes que concreten el cierre del Vertedero de Toa Alta en beneficio de toda la ciudadanía que se ha visto afectada por la contaminación ambiental. Muchas gracias por su atención y diligencia en este asunto tan vital para nuestras vidas, comunidad y medioambiente.

Agradecido,



Carlos Rubén Molina Alicea

[REDACTED]
Toa Alta, PR 00953

Ejemplo de Ponencia

Fecha

A: *Eduardo González*
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

De: *Nombre de la persona*
Nombre de la institución, organización o grupo al que pertenece
Correo electrónico
Teléfono (opcional)

Comentarios sobre el vertedero de Toa Alta

Primer párrafo: 3 a 5 oraciones describiendo quién es usted y a la organización que representa.

Miguel a Malina Alicia, Vecino del vertedero
Residente de muchos años de la Comunidad

Ejemplo:

El Puente- Enlace de Acción Climática Puente-Latino (El Puente-ELAC) es una organización ambiental sin fines de lucro, cuyo trabajo incluye miembros de diferentes sectores: iglesias, universidades, miembros de la comunidad afectados por combustibles fósiles y otros grupos en Puerto Rico. Surge como un programa de El Puente de Williamsburg en Nueva York, una organización sin fines de lucro que trabaja por la paz y la justicia social en las comunidades latinas en Brooklyn desde 1982. Desde 2013, la misión de El Puente-ELAC ha sido conectar comunidades, grupos y líderes para abordar los problemas ambientales, especialmente la crisis climática, al tiempo que promueven la salud integral y los valores culturales de autodeterminación, sostenibilidad, justicia social y paz.

Segundo párrafo

- ¿Por qué está haciendo una ponencia?
- ¿Cómo le afecta a usted y a la comunidad el Vertedero de Toa Alta?

Ejemplo:

Nuestra organización o (Yo estoy) está profundamente preocupada con la contaminación que ha generado este vertedero por décadas en nuestro pueblo. Este vertedero representa un

peligro a la salud de las comunidades aledañas al mismo y a los sistemas de agua subterránea del acuífero del norte.

Próximos párrafos

- Seleccionar tus puntos a discutir
- Escribe una sección por cada tema a discutir.
- La cantidad de temas pueden variar de una ponencia a otra.
- Esta parte se puede escribir con *bullet points*

*Recuerda que estos puntos son solo ejemplos. Si no te sientes confiada/o en poder abordar un tema, no lo tienes que añadir en tu ponencia. Si por el contrario no te sientes confiada/o, pero aun así lo quieres mencionar, déjanos saber para poder abordar el tema en las reuniones.

Ejemplo:

Hacemos los siguientes señalamientos en cuanto al Vertedero de Toa Alta:

- 1. El Vertedejo de Toa Alta ha incumplido con el manejo adecuado de lixiviados (jugos de la basura)**
 - a. Estos lixiviados por falta de controles han llegado a quebradas cercanas, se han percolado hacia el acuífero del noret contaminando las aguas que tanto necesitamos.*
 - b. Los lixiviados han llegado a las residencias de los vecinos en sus patios causando contaminación y malos olores.*
- 2. El Vertedejo de Toa Alta ha fallado en la cubierta de la basura**
 - a. No hay cobertura adecuada de los desperdicios lo cual genera sabandijas, moscas, mosquitos, entre otros vectores de enfermedades.*
 - b. El manejo del vertedero en esta área ha fallado innumerables veces.*
- 3. El Vertedejo de Toa Alta implica riesgos de explosión y derrumbe**
 - a. La falta de monitoreo de gases ha expuesto a la comunidad a riesgo de explosión.*
 - b. Existen pendientes en el vertedero que representan riesgo de colapso.*
- 4. Falta de protección a la salud de la ciudadanía**
 - a. Los olores objetables y la contaminación han causado los problemas respiratorios como asma y enfermedades como cáncer entre otras.*
 - b. Luego del huracán María se sobrepasó el recibo de desperdicios sólidos y se atrasó la fecha de cierre del mismo.*
- 5. El Reciclaje está ausente en el Municipio de Toa Alta**

- a. El municipio de Toa Alta no tiene programa de reciclaje y tampoco varios de los municipios desde donde traen la basura al vertedero de Toa Alta.*

Después que hayas escrito todos tus puntos, al final pídele a la Comisión que haga una acción o varias acciones específicas en su informe.

Recomendaciones:

- *Reconocer que Toa Alta y Puerto Rico merecen y necesitan el cierre de este vertedero y procesos remediativos que mitiguen el impacto a la salud de nuestro pueblo. Necesitamos que se tome en consideración la salud del medio ambiente y de sus ciudadanos.*
- *Pedirles a las agencias pertinentes que Concreten el cierre del Vertederod de Toa Alta en beneficio de toda la ciudadanía que se ha visto afectada por la contaminación ambiental.*

Al final puedes agradecer a la Agencia de Protección Ambiental EPA por tomar su tiempo en leer la ponencia. Te puedes poner a la disposición para contestar preguntas (solo si deseas hacerlo)

Agradecida/o,

Miguel A Maturo Alicea

Nombre de la persona

Institución, organización o grupo al que pertenece

22 de febrero de 2022

*A: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division*

*De: Angel L. Pérez
Vecino de Contorno*

Comentarios sobre el vertedero de Toa Alta

Mi casa recibe polvo de los troces, las moscas son la orden del día. La peste que emana del vertedero es insoportable. Estoy haciendo esta ponencia porque esto es insoportable. Hay mucha contaminación. Espero que esto sea el final para nuestra tranquilidad. Agradezco a la Agencia de Protección Ambiental EPA por tomar su tiempo y en leer mi ponencia.

Agradecido,

Angel L. Pérez

Ejemplo de Ponencia

Fecha

A: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

De: Nombre de la persona

Nombre de la institución, organización o grupo al que pertenece

Correo electrónico

Teléfono (opcional)

Comentarios sobre el vertedero de Toa Alta

Primer párrafo: 3 a 5 oraciones describiendo quién es usted y a la organización Angel L. Púig . que representa.

Mi casa lo que me molesta es el olor de los frujos de basura. Las moscas son la orden del día. La peste que emana del Vertedero. Hay muchas moscas etc. Mucha peste en las cunetas.

Ejemplo:

El Puente- Enlace de Acción Climática Puente-Latino (El Puente-ELAC) es una organización ambiental sin fines de lucro, cuyo trabajo incluye miembros de diferentes sectores: iglesias, universidades, miembros de la comunidad afectados por combustibles fósiles y otros grupos en Puerto Rico. Surge como un programa de El Puente de Williamsburg en Nueva York, una organización sin fines de lucro que trabaja por la paz y la justicia social en las comunidades latinas en Brooklyn desde 1982. Desde 2013, la misión de El Puente-ELAC ha sido conectar comunidades, grupos y líderes para abordar los problemas ambientales, especialmente la crisis climática, al tiempo que promueven la salud integral y los valores culturales de autodeterminación, sostenibilidad, justicia social y paz.

Segundo párrafo

- ¿Por qué está haciendo una ponencia?
- ¿Cómo le afecta a usted y a la comunidad el Vertedero de Toa Alta?

Estoy haciendo la ponencia por que ya esto es insostenible. Hay mucha contaminación.

Nuestra organización o (Yo estoy) está profundamente preocupada con la contaminación que ha generado este vertedero por décadas en nuestro pueblo. Este vertedero representa un

peligro a la salud de las comunidades aledañas al mismo y a los sistemas de agua subterránea del acuífero del norte.

Próximos párrafos

- Seleccionar tus puntos a discutir
- Escribe una sección por cada tema a discutir.
- La cantidad de temas pueden variar de una ponencia a otra.
- Esta parte se puede escribir con *bullet points*

*Recuerda que estos puntos son solo ejemplos. Si no te sientes confiada/o en poder abordar un tema, no lo tienes que añadir en tu ponencia. Si por el contrario no te sientes confiada/o, pero aun así lo quieres mencionar, déjanos saber para poder abordar el tema en las reuniones.

Ejemplo:

Hacemos los siguientes señalamientos en cuanto al Vertedero de Toa Alta:

- 1. El Vertedejo de Toa Alta ha incumplido con el manejo adecuado de lixiviados (jugos de la basura)**
 - a. Estos lixiviados por falta de controles han llegado a quebradas cercanas, se han percolado hacia el acuífero del noret contaminando las aguas que tanto necesitamos.*
 - b. Los lixiviados han llegado a las residencias de los vecinos en sus patios causando contaminación y malos olores.*
- 2. El Vertedejo de Toa Alta ha fallado en la cubierta de la basura**
 - a. No hay cobertura adecuada de los desperdicios lo cual genera sabandijas, moscas, mosquitos, entre otros vectores de enfermedades.*
 - b. El manejo del vertedero en esta área ha fallado innumerables veces.*
- 3. El Vertedejo de Toa Alta implica riesgos de explosión y derrumbe**
 - a. La falta de monitoreo de gases ha expuesto a la comunidad a riesgo de explosión.*
 - b. Existen pendientes en el vertedero que representan riesgo de colapso.*
- 4. Falta de protección a la salud de la ciudadanía**
 - a. Los olores objetables y la contaminación han causado los problemas respiratorios como asma y enfermedades como cáncer entre otras.*
 - b. Luego del huracán María se sobrepasó el recibo de desperdicios sólidos y se atrasó la fecha de cierre del mismo.*
- 5. El Reciclaje está ausente en el Municipio de Toa Alta**

- a. El municipio de Toa Alta no tiene programa de reciclaje y tampoco varios de los municipios desde donde traen la basura al vertedero de Toa Alta.*

Después que hayas escrito todos tus puntos, al final pídele a la Comisión que haga una acción o varias acciones específicas en su informe.

Recomendaciones:

- *Reconocer que Toa Alta y Puerto Rico merecen y necesitan el cierre de este vertedero y procesos remediativos que mitiguen el impacto a la salud de nuestro pueblo. Necesitamos que se tome en consideración la salud del medio ambiente y de sus ciudadanos.*
- *Pedirles a las agencias pertinentes que Concreten el cierre del Vertederod de Toa Alta en beneficio de toda la ciudadanía que se ha visto afectada por la contaminación ambiental.*

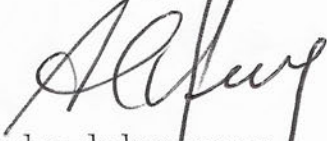
Al final puedes agradecer a la Agencia de Protección Ambiental EPA por tomar su tiempo en leer la ponencia. Te puedes poner a la disposición para contestar preguntas (solo si deseas hacerlo)

Agradecida/o,

Nombre de la persona

Institución, organización o grupo al que pertenece

*Espero que este sea el final
para nuestra tranquilidad.*



21 de febrero de 2022.

Legisladores municipales y delegación de minoría PNP de Toa Alta

A: US Environmental Protection Agency (EPA), Region 2 (NJ, NY, PR, USVI)

Asunto: **Comentarios sobre el vertedero de Toa Alta a nombre y a favor nuestro pueblo.**

Para nosotros como residentes y legisladores del municipio de Toa Alta nos resulta **indignante e irrazonable** que **se pretenda continuar depositando residuos sólidos (BASURA) en el vertedero** y más aún **proponer expandirlo** mediante la creación de una nueva celda como lo ha solicitado el alcalde y su administración municipal.

Esto ya es un atropello, es una irresponsabilidad crasa de parte de la administración municipal que a su vez denota un nulo compromiso y sensibilidad con la salud y calidad de vida de los vecinos de Bo. Contorno y demás sectores colindantes, así como con la salud ambiental de nuestro pueblo. Visto que en años de haber sido notificado y ordenado el cierre, no ha diligenciado ninguna acción en esa dirección.

Está claro que la demanda federal de la EPA y la querrela sometida por el DRNA se basan en violaciones a la ley de desperdicios sólidos y en el continuo incumplimiento con parámetros de operación y la respuesta del tribunal es que el municipio suspenda la disposición de desperdicios, ejecutar medidas para atender los riesgos ambientales, pagar multas por violación de la orden de 2017 y el pago de los gastos del Gobierno de los Estados Unidos en la acción. Tras lo cual el gobierno municipal no ha tomado acción ninguna en tantos años.

Más allá del cierre del vertedero se debe tomar en cuenta la creación de un plan estratégico para la transición del manejo y disposición de nuestros desperdicios; de modo que este proceso se logre de forma eficiente para salvaguardar la salud pública, cumpliendo a su vez con los parámetros de calidad de vida para todas las comunidades y sectores de Toa Alta. Ante esta preocupación el 16 de febrero nuestra delegación radicó una resolución en la legislatura municipal para que se le diera paso a un plan de mitigación y estrategias para prepararnos para el cierre inminente del vertedero, que incluyera: educación sobre cambios en los patrones de consumo para generar menos basura, identificar y promover prácticas de reciclaje entre otras opciones de manejo de desperdicios, y la planificación para disposición de los terrenos y monitoreo de los trabajos relacionados a la clausura de las instalaciones, la medida no fue atendida.

Nuestro justo reclamo es que no se subsidie de ninguna manera la expansión de la operación del vertedero en Toa Alta. **NO QUEREMOS NI UNA CELDA MÁS** en Toa Alta. En su lugar, se debe promover la viabilidad de otras alternativas de manejo y disposición de desperdicios en nuestro pueblo.

Confiamos en que el propio gobierno federal y las agencias fiscalizadoras **NO** permitan acuerdos ni subsidios para continuar operando el vertedero de Toa Alta; esto cuando: (1) la propia EPA y DRNA le ordenaron cerrar hace años, (2) que tiene una demanda federal y constantes denuncias por incumplimiento a regulaciones ambientales que data de muchos años. (3) Con una



comunidad a la cual no se le ha atendido su razonable, justo y válido reclamo, sufriendo las implicaciones que esto tiene en su salud y calidad de vida. En el caso del vertedero de Toa Alta, es totalmente **inaceptable** cualquier acuerdo que pretenda **la expansión** de las operaciones para el depósito de más residuos sólidos como ha sido sometido mediante propuesta federal por el municipio de Toa Alta. La subvención debería ser solicitada estrictamente para trabajos de CIERRE inmediato y el desarrollo de actividades dirigidas al reciclaje y el reuso de materiales desechables.

REFERENCIA

United States of America vs. Municipality of Toa Alta
3:21 cv-01087
Judge: Daniel R. Dominguez

- The federal government sued the Puerto Rico municipality of Toa Alta, saying its landfill pollutes nearby waters and is at risk of collapsing and asking a federal judge to ensure that **NO NEW WASTE IS DEPOSITED at the site.** -

⚠ THE SAME CLAIM the neighbors of Toa Alta.

DEPARTAMENTO DE RECURSOS NATURALES Y AMBIENTALES
QUERELLANTE

vs.

SISTEMA DE RELLENO SANITARIO MUNICIPIO DE TOA ALTA HON. CLEMENTE AGOSTO LUGARDO
ALCALDE; TOA ALTA ECO PARK, LLC.
QUERELLADOS

SOBRE: Reglamento para el Manejo de los Desperdicios Sólidos No Peligrosos

**CESE Y DESISTA
DENEGACIÓN DE PERMISO**

Atentamente,

Karaliz Bonilla Pérez
Legisladora Municipal de Toa Alta

Melvin Colón Maysonet
Legislador Municipal de Toa Alta

Héctor Collazo Ayala
Líder Comunitario y Presidente Municipal PNP de Toa Alta

15 de febrero de 2022

A: *Eduardo González*
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

De: *Providencia Prado Díaz*
[REDACTED]

Comentarios sobre el vertedero de Toa Alta

Doy gracias por esta oportunidad para expresarme ante ustedes referente a los que ha sido una verdadera agonía para la salud de mi familia, allegados y la mía propia. Desde nuestra realidad diaria y cotidiana hemos sufrido por muchos años en carne propia los efectos de la contaminación del vertedero de Toa Alta, ya que colinda mi casa con los terrenos del vertedero en el area del barrio Contorno.

Considerando que todos los que vivimos hemos estado afectados por los malos olores, las aguas contaminadas y tantos años en este calvario nos merecemos un ambiente saludable y seguro para nuestras vidas y las generaciones venideras. Deseo una mejor calidad de aire y de aguas limpias como cualquier comunidad lo merece. Para mis nietos quiero un ambiente limpio y sustentable para que contiunen viviendo en este terreno.

Si tan solo un día pudiesen estar en nuestra comunidad, en nuestras residencias o patios para que puedan experimentar lo desagable de estar expuestos a estos olores que nos causan enfermedad y que afectan nuestra convivencia y nuestro bienestar sería importante. Exigimos acción

por humanidad y por el bien común no sólo de nosotros sino de toda la comunidad que se han afectado por este verdeero

Esperamos que nuestro reclamo y queja no sea en vano sino escuchada y atendida con la diligencia y prontitud que amerita este asunto para que finalmente se cierre el Vertedero de Toa Alta.

Agradecida,



Providencia Prado Díaz

[REDACTED]
Toa Alta, PR 00953

22 de febrero de 2022

A: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

De: Edgardo Ramos Nieves
Vecino de Contorno

Comentarios sobre el vertedero de Toa Alta

Soy vecino de esta comunidad y quiero decirles, que es un abuso de parte de los responsables de este vertedero. Exijo el cierre de este vertedero, aguas contaminadas, pestilencia, moscas, mosquitos, todo esto llega a mi casa, por causa de este vertedero, que ya no cabe más basura. Confirmando que todos los señalamientos que aquí se hacen acerca del vertedero son correctos y los he vivido prácticamente por más de 50 años durante toda mi vida, mis padres tuvieron que abandonar el hogar por recomendaciones médicas. Agradezco a la Agencia de Protección Ambiental EPA por tomar su tiempo y en leer mi ponencia.

Agradecido,

Edgardo Ramos Nieves
Vecino de Contorno

Ejemplo de Ponencia

Fecha

A: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

De: Nombre de la persona

Nombre de la institución, organización o grupo al que pertenece

Correo electrónico

Teléfono (opcional)

Comentarios sobre el vertedero de Toa Alta

Primer párrafo: 3 a 5 oraciones describiendo quién es usted y a la organización que representa.

St. Edgardo Ramos Soy vecino de esta comunidad, quiero decirles que es un abuso de parte de los responsables de este vertedero, exijo el cierre de este vertedero, aguas contaminadas, pestilencia, moscas, mosquitos, todo esto llega a mi casa, por causa de este vertedero, que ya no le cabe mas basura.

Ejemplo: El Puente- Enlace de Acción Climática Puente-Latino (El Puente-ELAC) es una organización ambiental sin fines de lucro, cuyo trabajo incluye miembros de diferentes sectores: iglesias, universidades, miembros de la comunidad afectados por combustibles fósiles y otros grupos en Puerto Rico. Surge como un programa de El Puente de Williamsburg en Nueva York, una organización sin fines de lucro que trabaja por la paz y la justicia social en las comunidades latinas en Brooklyn desde 1982. Desde 2013, la misión de El Puente-ELAC ha sido conectar comunidades, grupos y líderes para abordar los problemas ambientales, especialmente la crisis climática, al tiempo que promueven la salud integral y los valores culturales de autodeterminación, sostenibilidad, justicia social y paz.

Segundo párrafo

- ¿Por qué está haciendo una ponencia?
- ¿Cómo le afecta a usted y a la comunidad el Vertedero de Toa Alta?

Ejemplo:

Nuestra organización o (Yo estoy) está profundamente preocupada con la contaminación que ha generado este vertedero por décadas en nuestro pueblo. Este vertedero representa un

peligro a la salud de las comunidades aledañas al mismo y a los sistemas de agua subterránea del acuífero del norte.

Próximos párrafos

- Seleccionar tus puntos a discutir
- Escribe una sección por cada tema a discutir.
- La cantidad de temas pueden variar de una ponencia a otra.
- Esta parte se puede escribir con *bullet points*

*Recuerda que estos puntos son solo ejemplos. Si no te sientes confiada/o en poder abordar un tema, no lo tienes que añadir en tu ponencia. Si por el contrario no te sientes confiada/o, pero aun así lo quieres mencionar, déjanos saber para poder abordar el tema en las reuniones.

Ejemplo:

Hacemos los siguientes señalamientos en cuanto al Vertedero de Toa Alta:

- 1. El Vertedejo de Toa Alta ha incumplido con el manejo adecuado de lixiviados (jugos de la basura)**
 - a. Estos lixiviados por falta de controles han llegado a quebradas cercanas, se han percolado hacia el acuífero del noret contaminando las aguas que tanto necesitamos.*
 - b. Los lixiviados han llegado a las residencias de los vecinos en sus patios causando contaminación y malos olores.*
- 2. El Vertedejo de Toa Alta ha fallado en la cubierta de la basura**
 - a. No hay cobertura adecuada de los desperdicios lo cual genera sabandijas, moscas, mosquitos, entre otros vectores de enfermedades.*
 - b. El manejo del vertedero en esta área ha fallado innumerables veces.*
- 3. El Vertedejo de Toa Alta implica riesgos de explosión y derrumbe**
 - a. La falta de monitoreo de gases ha expuesto a la comunidad a riesgo de explosión.*
 - b. Existen pendientes en el vertedero que representan riesgo de colapso.*
- 4. Falta de protección a la salud de la ciudadanía**
 - a. Los olores objetables y la contaminación han causado los problemas respiratorios como asma y enfermedades como cáncer entre otras.*
 - b. Luego del huracán María se sobrepasó el recibo de desperdicios sólidos y se atrasó la fecha de cierre del mismo.*
- 5. El Reciclaje está ausente en el Municipio de Toa Alta**

- α. El municipio de Toa Alta no tiene programa de reciclaje y tampoco varios de los municipios desde donde traen la basura al vertedero de Toa Alta.*

Después que hayas escrito todos tus puntos, al final pídele a la Comisión que haga una acción o varias acciones específicas en su informe.

Recomendaciones:

- *Reconocer que Toa Alta y Puerto Rico merecen y necesitan el cierre de este vertedero y procesos remediativos que mitiguen el impacto a la salud de nuestro pueblo. Necesitamos que se tome en consideración la salud del medio ambiente y de sus ciudadanos.*
- *Pedirles a las agencias pertinentes que Concreten el cierre del Vertederod de Toa Alta en beneficio de toda la ciudadanía que se ha visto afectada por la contaminación ambiental.*

Al final puedes agradecer a la Agencia de Protección Ambiental EPA por tomar su tiempo en leer la ponencia. Te puedes poner a la disposición para contestar preguntas (solo si deseas hacerlo)

Agradecida/o,

Nombre de la persona

Institución, organización o grupo al que pertenece

Sr. Ectorio Ramo

Soy Vecino de la comunidad, Confirmando que todos los señalamientos que aqui se hacen acerca del Vertedero son correctos y los he vivido practicamente por mas de 50 años durante toda mi vida, mis padres estuvieron que abandonar el hogar por recomendaciones medicas.

Agradesco a la agencia de Protección Ambiental EPA por tomar su tiempo en leer mi ponencia.



Asunto: Toa Alta Landfill Comments

Zoraida Rosado Santiago
[REDACTED]

28 feb 2022, 12:46

para pubcomment.ees.enrd

Mi nombre es Zoraida Rosado Santiago, Residente del Barrio Galateo, Urb. Veredas del Río II, en el Municipio de Toa Alta.

Quiero elevar comentarios sobre el Cierre vertedero y que estos lleguen a las Agencias Federales y Locales (Sra. Carmen Guerrero-EPA y Sr. Rafael Machado-DRNA)

1. La batalla ha sido larga, no desde 2010, desde mucho antes. JCA informe realizado por especialista ambiental sobre efectos negativos ejerce Vertedero en la comunidad, Año 2000-2001. Queremos el cierre del Vertedero, pero fuera la política. Comentarios:

a. Qué aportación económica van a realizar el DRNA de PR, la EPA local, Salud y otras agencias.

b. Queremos un proceso bien estructurado y no atropellante, ni contra los residentes ni contra el Municipio. Municipio que no cuenta con los fondos para un proceso tan costoso y complejo.

c. Sobre los lexiviados en zona sur-oeste, contaminación del agua, río la plata, quebrada subterránea que transcurría por del sumidero y el lago que se formó al cambiar la entrada de dicho vertedero frente a la residencias de la carr. 165 K-8 H-3. Dicen que tomará más tiempo pero por favor...cuánto más. Las escorrentías que caen en el sumidero, contaminando...los mosquitos...los malos olores...muerte de flora y fauna. Enfermedad de los residentes de la zona, qué más vamos a esperar.

d. La Sra. María V. Rodríguez habló de la creación de sistema para depósito de basura doméstica, que envuelve un concepto abarcador. Pero para cuándo?

Como dijo un participante, "vamos a resolver el problema de Toa Alta pero vayamos a crear problemas a otros Municipios.

e. Por último, es hora ya de que las agencias de Puerto Rico y su gobierno hagan su trabajo a tiempo y con esmero. Nos va la vida como País.

Y los federales...lamentablemente...tienen que trabajar más con la supervisión directa a estas agencias. Por qué se tardaron tanto, más de 20 años, en atender esta situación.

"We are going to wait the process to close de Landfill in the Municipality of Toa Alta will be clear, helpful and were everybody do the best to obtain big results.

Gracias a todos.

--

Zoraida Rosado Santiago
[REDACTED]
[REDACTED]

--

Zoraida Rosado Santiago [REDACTED] [REDACTED]
[REDACTED]

23 de febrero de 2022

*A: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division*

*De: Rvda. Dra. Sary N. Rosario Ferreira,
Pastora Iglesia Cristiana (Discípulos de Cristo)
En Toa Alta Pueblo*

Comentarios sobre el Vertedero de Toa Alta

Mi nombre es Sary N. Rosario Ferreira, no soy oriunda de Toa Alta pero me siento de aquí desde hace 17 años en los cuales Dios me ha permitido ser pastora primeramente en la ruralía del Bo. Río Lajas, Sector Marzán, ocho años y luego en el pueblo de Toa Alta por nueve años. Pastoreo la Iglesia Cristiana (Discípulos de Cristo) en Toa Alta Pueblo la cual sirve a la comunidad desde el 1914. Y aunque pronto continuaré sirviendo desde otros espacios, he aprendido a amar a este lugar y su gente, hemos caminado juntos/as y Dios me ha permitido conocer familias que han experimentado en carne propia el dolor que ha producido la contaminación ambiental en sus vidas. Estamos aquí en afirmación y acompañamiento a nuestra comunidad que ha sufrido los estragos de la contaminación del Vertedero de Toa Alta. Apoyamos desde los valores cristianos y bíblicos de la fe y la justicia desde esa ética del cuidado que busca el bien común para la morada humana. Por eso estamos aquí porque la injusticia por la crisis ambiental del vertedero de Toa Alta tiene que ser atendida de manera contundente.

Cuando llegué a pastorear al pueblo de Toa Alta comencé a visitar a los miembros de mi congregación y de los primeros que visité fue a la familia de Rafael Ramos e Irma Nieves, el estaba enfermo y fui a verlo en su hogar en Bo. Contorno, al llegar percibí unos olores desagradables, ellos me explicaron que ese olor era del vertedero de Toa Alta ya que una de las fosas de oxidación queda cerca de sus hogar y que por la contaminación que ha generado el vertedero la salud de Rafael se había ido complicando. También me compartieron de la lucha de años y de vecinos enfermos hasta con cáncer. Me fui impactada con esa visita y pensé: “ Yo me voy, pero ellos se quedan aquí expuestos a este olor y a esta contaminación.” Fueron muchas las visitas que le hicimos a Rafael no sólo en el hogar sino en el hospital, hasta que ya no pudieron más y esta amada familia de nuestra congregación tuvo que irse a vivir a casa de uno de sus hijos en otro pueblo, refugiándose y buscando un mejor aire para respirar. Esta familia fue desplazada por la crisis ambiental que ha generado esta contaminación por décadas. Pero esta no era la única familia, dos familias de Rabo del Buey también se relocalizaron en otros lugares más distantes. En ocasiones miembros de la iglesia que viven en otros sectores también han percibido los fuertes olores pero a menor grado. Pregunté que podíamos hacer y una persona me dijo pastora en el caso del vertedero no hay esperanza, no se ponga con eso porque nadie hace nada ninguna agencia, esta lucha lleva años y nadie nos hace caso ni nos escucha, a no ser personas pudientes y nuestros sectores humildes no nos dan importancia. Ella tenía razón en todo lo que dijo, no la juzgo por haber perdido la

esperanza pero ahí me di cuenta de la magnitud de este problema no sólo en términos de salud pública, de justicia ambiental pero también de salud mental y emocional. Entonces decidí comenzar desde la iglesia un proceso educativo y también conocer más del problema. Dios me permitió conocer a una de las líderes que ha luchado por la salud y en contra de esta injusticia ambiental. Cuando fui a visitarla no olvido que tuvo que echar Kerosene en la puerta de screen de su casa para que no entraran las muchas moscas que habían por la falta de cobertura que no se le daba al vertedero. Y así un problema tras otro en nuestra congregación en Toa Alta hemos tenido en nueve años once casos de cáncer, algunos hermanos han sobrevivido, otros no, hubo un tiempo en que teníamos al mismo tiempo 4 personas con cáncer. Y muchos de los miembros de mi iglesia padecen de asma, de hecho yo también soy asmática.

En Puerto Rico un país de raza mixta y de altos índices de ingresos por debajo del nivel de pobreza según los estándares de los Estados Unidos, es observado un patrón de contaminación y degradación ambiental en los lugares más pobres. Como puertorriqueños hemos experimentado en nuestra propia tierra el racismo ambiental cuando no se concretan acciones para cerrar finalmente este vertedero que ya no dá más. No se han cumplido ordenes de cierre estatales y llevamos 4 años, casi cinco esperando que se concrete definitivamente la orden de la EPA del 2017 para este cierre.

El retrato de nuestra comunidad en Toa Alta con la falta de acción por parte de las autoridades locales, estatales y federales ha sido una constante y nos hace reflexionar en las similitudes que existen en las características de las comunidades de justicia ambiental en los Estados Unidos. Nuestro nivel económico en las comunidades que rodean el vertedero de Toa Alta no es uno alto, no todas las personas tiene acceso a servicios de salud eficientes, las complicaciones en la salud de las familias también los limita en los accesos a la educación más formal y les complica el desarrollo de las comunidades a una mejor calidad de vida. Es muy lamentable que no se implementen las medidas y leyes ambientales como es debido porque somos una comunidad que quizás no tengamos muchas herramientas o accesos para pagar abogados o relacionistas públicos. No tendremos dinero para estas estrategias mediáticas ni para cabilderos pero sí nos tenemos a nosotros/as y tenemos a un Dios justo que mira las injusticias que se han cometido con nuestras comunidades aquí en Toa Alta. No es justo tampoco que se plantee el escoger entre continuar con la contaminación o pagar por el recogido de la basura, eso no debe nisiquiera ser opción para las comunidades que han sufrido tanto porque ya ellas y ellos han pagado un alto costo en salud y vida ante esta contaminación, a algunas personas le ha costado hasta la vida.

En la búsqueda por ayudar a mi congregación y comunidad ante el desafío de la crisis ambiental en Toa Alta escogimos realizar la tesis del programa doctoral de Texas Christian University en Brite Divinity School, donde estudiaba el Doctorado en Ministerio en este tema para conocer formas y maneras en las cuales desde la iglesia podemos ayudar y colaborar en que esta crisis ambiental sea atendida. En esta investigación descubrimos que:

- Han existido varias ordenes de cierre y ninguna ha sido implementada.
- En 1995 la Sra, Carmen Josefina Meléndez, presidenta de Toaalteños por la salud en ese entonces, pidió a la EPA que se trabajara este caso como uno de justicia ambiental pero le

contestaron en ese tiempo que las autoridades de Puerto Rico tenían que hacer cargo de este asunto. Los cual no han hecho.

- Hubo una nueva esperanza en el 2017 con el documento de la EPA de cierre del vertedero pero tampoco se ha completado.
- El monitoreo de contaminación de agua y de gases requerido por la facilidad no ha sido eficiente y en ocasiones no hay datos ni siquiera para comparar los niveles permitidos.
- La Dra. Estela Betancourt quien hizo una investigación de los contaminantes de los vertederos de Toa Alta y Toa Baja descubrió que en el Vertedero de Toa Alta se encontraron altas concentraciones de Zinc por encima de los niveles establecidos por la EPA. También se encontró Cromo y Plomo. El cromo es un potente cancerígeno y el Plomo no sólo es cancerígeno sino que también causa daño permanente al sistema nervioso central en el ser humano.
- Toa Alta pertenece a la región con más incidencia de cáncer en Puerto Rico que es la región de Bayamón de acuerdo al Informe de Enfermedades Crónicas del Departamento de Salud para el 2012. En esta región 124 personas de cada 100,00 habitantes murió de cáncer en el 2012. No es casualidad de altas concentraciones de cancerígenos en el medioambiente (aire, tierra y agua) por mucho tiempo de exposición tengan un efecto acumulativo en los cuerpos de las personas y animales expuestos y que tengan enfermedades relacionadas a esta contaminación como lo es el cáncer.
- El problema del vertedero se suma a las emanaciones de una planta de asfalto que también enferma a las comunidades cercanas al pueblo de Toa Alta. Estas comunidades se continúan afectando ya es tiempo de actuar.
- La investigación consideró otras comunidades de justicia ambiental donde las iglesias y la comunidad se integraron para luchar por la justicia ambiental en Peñuelas, Dorado, Arecibo y Guaynabo. Estos ejemplos sirvieron para recuperar la esperanza y afirmar que también aquí en Toa Alta se puede lograr la justicia ambiental para nuestras comunidades.

Por esto y por todo lo que han sufrido nuestros vecinos estamos aquí, por los que han muerto, por los que están encamados y no pueden irse a otro lugar para respirar aire más limpio, y no pueden comparecer ante ustedes, por el futuro de estas comunidades que se resisten a ser desplazadas de las tierras de sus ancestros. Por la flora y la fauna, por el agua que necesitamos todos para beber, por un presente y futuro digno para nuestra gente no sólo de Toa Alta sino de todos aquellos a los que por el agua y aire les puede llegar esta contaminación que produce enfermedad y muerte.

Una de las jóvenes de nuestra congregación en el proceso del proyecto compartió y dijo en la iglesia estamos cultivando esperanza para compartir y ayudar en este problema para que cese la contaminación ambiental en Toa Alta. Y tenemos esperanza de que ustedes que nos escuchan hoy puedan comprender un poco más lo que estas comunidades han atravesado en la crisis ambiental sin ser atendida y en la injusticia ambiental que por décadas se ha experimentado en Toa Alta. Que no solamente se tomen las acciones remediativas para controlar la contaminación, sino que no se deposite más desperdicios sólidos mientras estas acciones se toman y que se cierre definitivamente este vertedero que tanto daño ha hecho a nuestra comunidad. Nuestro sueño es que en Toa Alta y en todo Puerto Rico el reciclaje se haga una realidad en cada municipio y se disminuya la generación de basura. Hay alternativas y vamos con la ayuda de todos a poder cultivar esperanza.

Gracias por su tiempo y por su gestión ante este asunto de vital importancia no sólo para Toa Alta sino para toda la creación en esta hermosa Ciudad del Josco y a donde lleguen las aguas del acuífero del norte. Estamos para servir. ¡Que Dios les bendiga!

En Cristo,

Rev. Sary N. Rosario Ferreira,
Pastora Iglesia Cristiana (Discípulos de Cristo)
En Toa Alta Pueblo,
Box 11
Toa Alta, PR 00954



Bibliografía:

Rosario-Ferreira, Sary N. *STORIES OF HOPE: INTERVENTIONS OF THE CHURCH IN ECOJUSTICE CHALLENGES AND THE PATH TO ADDRESS THE TOA ALTA LANDFILL ENVIRONMENTAL CRISIS*. 2021. Brite Divinity School Texas Christian University.
https://repository.tcu.edu/bitstream/handle/116099117/47685/Rosarios-FerreiraSary_dissertation.pdf?sequence=1&isAllowed=y

From: Marie Santiago [REDACTED]
Sent: Monday, February 28, 2022 8:52 AM
To: ENRD, PUBCOMMENT-EES (ENRD) <PENRD3@ENRD.USDOJ.GOV> [REDACTED]
Subject: [EXTERNAL] Comentarios sobre relleno sanitario de Toa Alta

Buenos días!

Por este medio quiero expresar mi sentir con relación a la operación del Vertedero de Toa Alta, estuve presente en la reunión ya que es un asunto que me afecta directamente y mi petición es que por favor el Municipio de Toa Alta deje de recibir basura inmediatamente, no entiendo la razón de tantas consideraciones con un Municipio que desde el día uno le ha fallado a su pueblo y a todas la agencias que han intervenido con todos los incumplimientos, para nadie es un secreto que el Vertedero de Toa Alta no cumple con los requisitos para seguir operando y aun asi nadie ha tomado medidas estrictas para proteger a los residentes ni al medio ambiente. El Vertedero de Toa Alta cumplio su termino desde el 2017 y como es posible que en el 2022 todavía estemos haciendo reuniones para saber si le van a dar más oportunidades porque con la excusa de estabilizar pendientes las mismas pendientes que ellos sabían no podían subir más desde el 2017 y aun asi lo hicieron y me parece totalmente injusto que tengamos que premiarlos ahora y darles la oportunidad de seguir dañando nuestra isla y afectando nuestra salud. Pido de favor que nos tomen en consideración, que por un instante se pongan en nuestra posición y se haga justicia, como vamos a confiar en un Municipio que ha operado el Vertedero de Toa Alta en incumplimiento por tantos años, ya no más basura. PEDIMOS JUSTICIA para nuestro medio ambiente y para cada uno de nosotros. Para el alcalde es más importante el impacto económico que le pueda representar que velar por la salud de las personas a las que él se debe porque para algo hizo un compromiso con el pueblo de Toa Alta y nunca se ha interesado por resolver nuestro problema solo dice que no hay dinero para cerrar y como no hay dinero para cerrar pues seguimos contaminando nuestros cuerpos de agua, nuestro aire, la salud de las personas y nuestras tierras. Los gases que salen del Vertedero de Toa Alta sabemos que son muy peligrosos para nosotros los residentes y no se hace nada contra eso, ellos siguen operando de una manera irresponsable pero todavía nadie les ha puesto un límite a pesar de que todos saben la realidad de este Vertedero, con los lixiviados desde cuando se hizo una muestra para evaluar si en efecto la cascada que pasa por los terrenos de los residentes hasta terminar en la quebrada que conecta con cuerpos de agua importantes en Puerto Rico estaba contaminada para confirmar que si era lixiviado y nadie nos ha respondido sobre esto, y se sabe que estaba altamente contaminada pero lo que siempre hemos visto es que no pasa nada y por algo en Estados Unidos no permiten este tipo de "Vertedero" porque se reconoce el daño que pueden ocasionar.

No se que mas debe de pasar para que se les ponga un límite definitivo, si tener la oportunidad de respirar un aire limpio, tener nuestras aguas limpias y una salud estable no es suficiente entonces qué debemos esperar.

Agradezco la oportunidad de ser escuchados y de corazón pedimos que nos hagan justicia y nos den la oportunidad de tener calidad de vida creo que es lo que todos merecemos.

Muchas gracias,

[REDACTED]

Exhibit 2

February 23, 2022

To: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

From: Wanda Alicea Vázquez
Bo. Contorno
Sector Cielito



Comments regarding the Toa Alta landfill

My name is Wanda Alicea Vazquez and I am a resident of Bo. Contorno in Toa Alta. My family and I are very dismayed about the pollution that this landfill has generated and the inaction of the relevant authorities. We are tired of promises and we need to see this landfill that has done so much harm to our community closed now. The landfill is a danger to our health and the environment. We need the landfill to be closed and not to have trash thrown here anymore because we can't take such injustice in our community anymore. We have value and are human beings; the authorities cannot keep ignoring us, we need justice to be done for our communities now. Thank you very much for your consideration.

Gratefully,

Wanda Alicea Vazquez,
Name of the person
Institution, organization, or group to which they belong

Example of Statement

Date

To: *Eduardo González*
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

From: *Person's name*
Name of the institution, organization, or group to which you belong
Email
Telephone (optional)

Comments regarding the Toa Alta landfill

First paragraph: 3 to 5 sentences describing who you are and the organization that you represent.

Example:

El Puente's Latino Climate Action Network (El Puente-LCAN) is an environmental non-profit organization whose work includes members from various sectors: churches, universities, community members affected by fossil fuels, and other groups in Puerto Rico. It is a program of El Puente of Williamsburg in New York, a non-profit organization that has worked for peace and social justice in Latino communities in Brooklyn since 1982. Since 2013, El Puente-LCAN's mission has been to connect communities, groups, and leaders in order to tackle environmental problems, especially the climate crisis, while at the same time promoting comprehensive health and the cultural values of self-determination, sustainability, social justice, and peace.

Second paragraph

- Why are you making a statement?
- How does the Toa Alta Landfill affect you and the community?

Example:

Our organization is (or I am) deeply concerned about the pollution that this landfill has generated for decades in our community. This landfill represents a

[...]

[...]

- a. *The municipality of Toa Alta does not have a recycling program and neither do several of the municipalities that trash is brought to the Toa Alta landfill from.*

After you have written all of your points, at the end, ask the Commission to take one or several specific actions in its report.

Recommendations:

- *Recognize that Toa Alta and Puerto Rico deserve and need the closure of this landfill and remediation processes to mitigate the impact on the health of our community. We need the health of the environment and the people to be taken into consideration.*
- *Ask the relevant agencies to finalize the closure of the Toa Alta Landfill for the benefit of everyone who has been affected by the environmental pollution.*

Finally, you can thank the Environmental Protection Agency (EPA) for taking the time to read the statement. You can place yourself at their disposal to answer any questions (only if you want to do so).

Gratefully,

Person's name

Institution, organization, or group to which you belong

Wanda Alicea Vazquez

Bo. Contorno Sector Cielito

PR 00953

██████████



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CERTIFICATE OF TRANSLATION

I, Heather Oland, certify that I am competent to translate these documents, and that the translation of the source documents is true and accurate, to the best of my abilities. Archival seals, stamps, and certifications have been translated here.

Spanish file name:

Toa Alta Comments – Wanda Alicea
Toa Alta Comments – Nilda Delgado

English file name:

Toa Alta Comments – Wanda Alicea_T
Toa Alta Comments – Nilda Delgado_T

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this 28th day of March, 2022.

A handwritten signature in black ink that reads 'Heather Oland'.

Signature

February 15, 2022

To: *Eduardo González*
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

From: *Ivette Calise Cintrón*
[REDACTED]

Comments about the Toa Alta Landfill

I am writing to you on my own behalf, and on behalf of my family, but in particular, on behalf of my sister, Concetta Calise Cintrón, who battled arduously for the health and quality of life of our people and the environment. As a teacher, my sister was educated in and studied science, and in particular, she had a degree in Environmental Law and Regulation: an environmental perspective, from the University of Puerto Rico, Recinto de Río Piedras. She earned that degree in December of 1994. She intentionally prepared herself to continue helping the community in light of the damages that the Toa Alta Landfill had caused and is causing to our ecosystem, our health, and to the environment.

Both my sister and my father, Rafael Calise, a veteran of the U.S. Marines, fought during their lives for quality of life and to get this landfill near my family shut down. Sadly, both my sister and my father died as a consequence of cancer caused by continuous pollution and exposure for years to contaminants in our bodies from offensive odors and also water contaminated with leachates. Fumes from the crematorium landfill, given that they burned the trash for many years, generated health-hazardous pollutants that affected my family and my neighbors. Our suffering has not only been physical but emotional and mental in seeing so much abuse and such a lack of action in this community.

The pristine part of the land where there used to be a beautiful guava grove, which is a sinkhole, is now an oxidation pit that houses the leachate which goes directly into the groundwater, contaminated throughout this area. It is a shame and an environmental crime what has occurred in our community. My family has experienced the struggle firsthand since the *Toalteños por la Salud* organization was formed, who have worked hard for decades for ecojustice for our own and for the animals, the flora, and the fauna, which have all been affected. Sadly, during Hurricane Maria, out of desperation for water, people went and got water from the wells, which were contaminated by leachates from the landfill.

My family's home is adjacent to the oxidation pit, a few meters from the Toa Alta Landfill. My family has lived there for more than 50 years but it has gotten worse and worse in recent years, with the offensive odors now unbearable. Trucks from the landfill have

damaged the road multiple times, and they haven't fixed it, which is a collateral effect of the operation of this landfill and an abuse of our surrounding communities.

I come here before you today because this is a struggle for life and for justice, speaking out now on behalf of the health and the dignity of both my family and our neighbors. Thank you very much for your time this afternoon, and we hope to see action for the ecojustice of our community and of Puerto Rico on this matter so vital to our lives, our community, and the environment.

The dream of my sister, my mother, my father, and my own, and of all our neighbors and community in Toa Alta, is to see this landfill closed and to have our surroundings environmentally remediated. This can no longer continue, enough is enough. Pollution of this magnitude cannot be sustained, not only for us in Toa Alta, but for everyone who gets their water from La Plata lake.

Thank you once again, respectfully, for your attention and for your action on this matter.

Much appreciated,

[illegible signature]
Ivette Calise Cintrón

████████████████████
Toa Alta, PR 00954



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CERTIFICATE OF TRANSLATION

I, John Milan, certify that I am competent to translate these documents, and that the translation thereof is true and accurate, to the best of my abilities. Archival seals, stamps, and certifications have been translated here.

Document Name(s): Toa Alta Comments

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this day of March 27, 2022.

A handwritten signature in blue ink that reads 'John Milan'.

Signature

Date

To: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

From: Nilda Delgado Rolón
Toalteños por el Ambiente [People of Toa Alta for the Environment]
[REDACTED]

Comments regarding the Toa Alta landfill

I am a two-time cancer survivor; my family has experienced the havoc of this awful and difficult fatal disease. I have three aunts and two uncles who have died of cancer. I know eight more people with this disease. This landfill and its pollution are annihilating us little by little. They have been saying they will close the landfill for years but nothing has happened. I chair Toalteños por la salud [People of Toa Alta for health] and this has been a huge fight that for decades has affected not only my family but the lives of my neighbors, their health, and it has caused deterioration of the environment, which is a real environmental injustice.

Our organization is deeply concerned about the pollution that this landfill has generated for decades in our community. This landfill represents a danger to the health of the communities adjacent to it and to the groundwater systems of the northern aquifer. The environmental damage has been described so many times that it is unbelievable that attention has not been paid to the just claims of our community in Toa Alta.

The Toa Alta Landfill has failed in many [ways], in too many facility management procedures, leading to public health problems for the neighbors. Not appropriately covering the waste has given rise to vermin, flies, mosquitos, and other vectors of disease. Cancer is a disease that has been linked to places with prolonged exposure to contaminants in the air and water, as is the case with our community in Toa Alta. Landfill management has failed countless times in this area. There has been a gross failure to protect the health of the people. Objectionable odors and pollution have caused respiratory problems such as asthma and diseases such as cancer, among others. The water has been contaminated. It has been shown that the water around the landfill, which goes directly into the La Plata River, is contaminated. There is another problem, they empty the septic tanks behind the Motor Pool and we had already found them and now because of the stink we know when they are depositing at this site. Rey Contrera had put some plastic on the sump to fill it with trash. A promise was made to close it in 2017, it was promised that it would close in 2021, this still hasn't been done. What year will it be, 2080? I'm asking.

Thank you for this space. We need to go from promises to fulfillment because the corresponding authorities have failed us multiple times. Close the Toa Alta Landfill now.

Gratefully,

Nilda Delgado Rolón
Toalteños por el medioambiente
Barrio Contorno
[REDACTED]

Example of Statement

Date

To: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

From: Person's name

Name of the institution, organization, or group to which you belong

Email

Telephone (optional)

Comments regarding the Toa Alta landfill

First paragraph: 3 to 5 sentences describing who you are and the organization that you represent.

Chair Toalteños por el Ambiente

Cancer deaths: three aunts, two uncles, eight people I know

I have had two cancers. They have been saying they will close for years but nothing has happened.

Example:

El Puente's Latino Climate Action Network (El Puente-LCAN) is an environmental non-profit organization whose work includes members from various sectors: churches, universities, community members affected by fossil fuels, and other groups in Puerto Rico. It is a program of El Puente of Williamsburg in New York, a non-profit organization that has worked for peace and social justice in Latino communities in Brooklyn since 1982. Since 2013, El Puente-LCAN's mission has been to connect communities, groups, and leaders in order to tackle environmental problems, especially the climate crisis, while at the same time promoting comprehensive health and the cultural values of self-determination, sustainability, social justice, and peace.

Second paragraph

- Why are you making a statement?
- How does the Toa Alta Landfill affect you and the community?

Example:

Our organization is (or I am) deeply concerned about the pollution that this landfill has generated for decades in our community. This landfill represents a

danger to the health of the communities adjacent to it and to the groundwater systems of the northern aquifer.

Next paragraphs

- Choose your points to discuss
- Write a section for each topic of discussion
- The number of topics can vary from one statement to another
- This part can be written with *bullet points*

*Remember that these points are only examples. If you don't feel confident addressing a topic, you don't have to add it to your statement. On the other hand, if you don't feel confident, but you still want to mention it, let us know so we can address the topic in the meetings.

Example:

We make the following remarks regarding the Toa Alta Landfill:

- 1. *The Toa Alta Landfill has not appropriately handled leachates (garbage juice)***
 - a. Due to lack of controls, these leachates have reached nearby streams, [and] they have percolated to the northern aquifer, contaminating the water that we need so much.*
 - b. The leachates have reached the yards of the neighbors' residences, causing contamination and foul odors.*
- 2. *The Toa Alta Landfill has failed to cover the garbage***
 - a. The coverage of the waste is inadequate, which attracts vermin, flies, [and] mosquitos, among other vectors of disease.*
 - b. Landfill management has failed countless times in this area.*
- 3. *The Toa Alta Landfill is at risk of explosion and collapse***
 - a. Lack of gas monitoring has exposed the community to the risk of explosion.*
 - b. There are slopes in the landfill that are at risk of collapse.*
- 4. *Failure to protect the health of the people***
 - a. The objectionable odors and pollution have caused respiratory problems such as asthma and diseases like cancer, among others.*
 - b. After Hurricane Maria, the receipt of solid waste was exceeded and the closure date was delayed.*
- 5. *There is no recycling in the Municipality of Toa Alta***

- a. *The municipality of Toa Alta does not have a recycling program and neither do several of the municipalities that trash is brought to the Toa Alta landfill from.*

After you have written all of your points, at the end, ask the Commission to take one or several specific actions in its report.

Recommendations:

- *Recognize that Toa Alta and Puerto Rico deserve and need the closure of this landfill and remediation processes to mitigate the impact on the health of our community. We need the health of the environment and the people to be taken into consideration.*
- *Ask the relevant agencies to finalize the closure of the Toa Alta Landfill for the benefit of everyone who has been affected by the environmental pollution.*

Finally, you can thank the Environmental Protection Agency (EPA) for taking the time to read the statement. You can place yourself at their disposal to answer any questions (only if you want to do so).

Gratefully,

[signature]

Barrio Contorno T.A. [REDACTED]

Person's name

Institution, organization, or group to which you belong

The streams around the landfill go directly to the La Plata River. It was shown that they are polluted.

There is another problem, they empty the septic tanks behind the Motor Pool and we had already found them and now because of the stink we know when they are depositing at this site.

Rey Contrera had put some plastic on the sump to fill it with trash. A promise was made to close it in 2017, it was going to close in 2021, this still hasn't been done. What year will it be, 2080? I'm asking.



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CERTIFICATE OF TRANSLATION

I, Heather Oland, certify that I am competent to translate these documents, and that the translation of the source documents is true and accurate, to the best of my abilities. Archival seals, stamps, and certifications have been translated here.

Spanish file name:

Toa Alta Comments – Wanda Alicea
Toa Alta Comments – Nilda Delgado

English file name:

Toa Alta Comments – Wanda Alicea_T
Toa Alta Comments – Nilda Delgado_T

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this 28th day of March, 2022.

A handwritten signature in black ink that reads 'Heather Oland'. The signature is written in a cursive style and is positioned above a horizontal line.

Signature

*To: Mr. Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division*

*From: Ms. Carmen Hernández
Member ICDC Toa Alta*

My name is Ms. Carmen Hernández García, a resident of the Barrio Contorno, Cielito Sector, Toa Alta, Puerto Rico. I have lived in this sector for 20 years.

I am concerned at the situation being experienced by those people who live near the dump.

The foul smells, the flies, the problem of contaminated water.

Many people have gotten sick due to the contamination. They have respiratory problems such as asthma and cancer, among others.

There have also been deaths.

I recommend that this dump be shut down since the health of the people of Toa Alta has been affected by the contamination caused by it.

*Carmen Hernández
Member ICDC
Toa Alta, Puerto Rico*



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CERTIFICATE OF TRANSLATION

I, Maria Parodi, certify that I am competent to translate this document, and that the translation is true and accurate, to the best of my abilities. All archival seals, stamps, and certifications have been translated here.

Spanish Title: Toa Alta Comments - Carmen Hernandez. handwritten 123 words

English Title: Toa Alta Comments - Carmen Hernandez. _handwrtnen_ 123 words-ENGL

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this 27th day of March, 2022.

Signature



Iglesia Cristiana (Discípulos de Cristo)

Toa Alta Pueblo

P.O. Box 11

Toa Alta, PR 00954-0011

Tel. (787) 870-2688

February 20, 2022

To: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

From: Iglesia Cristiana (Discípulos de Cristo)
In Toa Alta Pueblo
Box 11
Toa Alta, Puerto Rico 00954

May the grace and peace of Jesus Christ our Lord be upon you. Our Iglesia Cristiana (Discípulos de Cristo) [Christian Church (Disciples of Christ)] in Toa Alta Pueblo has served our community in the town of Toa Alta since 1914, bringing a message of peace, love and justice from the gospel of Jesus Christ. The church has been witness to the transformations and changes that have occurred to our beloved town. Most of our members live in the heart of Toa Alta and in the various surrounding barrios and areas. Others live in nearby towns.

With the passage of time our church has witnessed a decline in the environment due to contamination from the Toa Alta landfill, and consequently in human health with a significant increase in cases of cancer and other illnesses. Decades of poor management of this landfill have reduced the quality of life of our neighbors and some members of our church. There are cases in which the leachates from the trash reach the yards of some homes, [and] disagreeable smells permeate houses, particularly those close to the landfill oxidation ponds. In the case of our congregation, a family had to move due to the effects on their health. This problem has prompted families to relocate, and it is outrageous that we are confronting this environmental crisis due to the negligence, irresponsibility and inaction of the agencies responsible for addressing this issue. These abuses of our community cannot continue, much less when an order has been issued by the EPA and by a Federal Court for the closure of this Landfill.

We take this opportunity of contacting you and your Environmental Protection Agency (EPA) to earnestly request your assistance in resolving, once and for all, this issue of environmental justice that has gone on for so many years. For that reason, we request the following of you:

- Let the closure of the landfill be implemented.

Let the community and the residents be included in those processes requiring environmental remediation decisions in order to mitigate the damage that has been caused to the northern aquifer, the land, the air and to human health.

- Let a Recycling Program be implemented in the Municipality of Toa Alta.

Our Church exists to serve the community and if you need a space to meet in order to help our residents, the Lolita Díaz Alfaro Auditorium is at the disposal of our neighbors and the agencies responsible for overseeing environmental justice throughout the United States including Puerto Rico. We hope that God helps you in your work and that you can help us in this process.

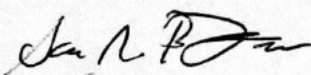





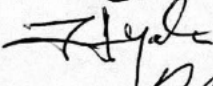
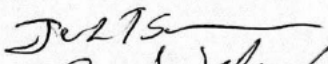
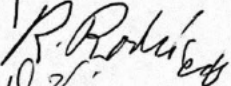
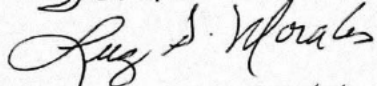
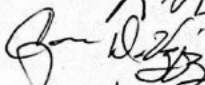
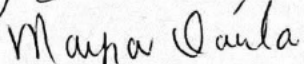
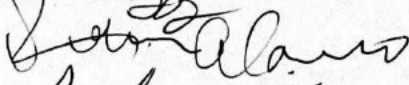
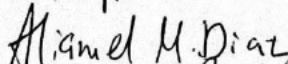
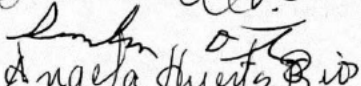
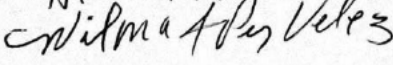
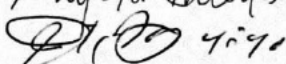

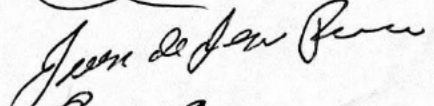
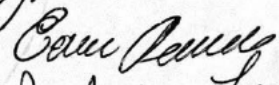
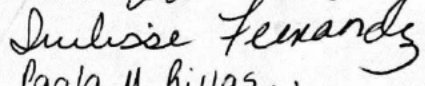
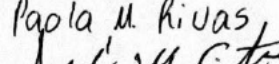
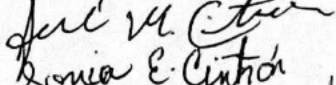
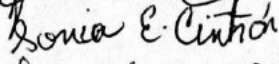
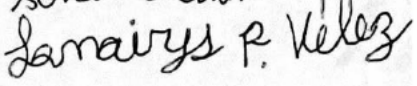
- Let justice be done to those who have suffered so much.

Those who knowingly or unknowingly or without being aware of the connection with this contamination have suffered or are suffering illnesses related to decades of exposure. Particularly those residents of the communities of Barrio Contorno, Sector Cielito, Rabo del Buey and Sector Quebrada Arenas, Barrio Río Lajas of Toa Alta have suffered a real calvary. The worst affected residents must be compensated for so many years and so much damage suffered. Neither these residents nor these communities that have suffered should bear any financial burden to cover the expenses the municipality will incur for disposal of the trash once the closure of the Toa Alta landfill is completed.

We request justice, we request that this calvary be transformed into a resurrection of hope for our communities, that the restoration efforts be made reality for each unborn baby, each infant, each child, adolescent, youngster, adult, senior who breathes, lives and moves in an environment degraded by the economic systems that oppress human beings and all creation in our beloved town of Toa Alta, the city of El Josco [reference to the story by Abelardo Díaz Alfaro titled *El Josco* about an ox who represents those persevering in adversity], and for all those who drink the water contaminated by this landfill.

In Christ,

[signatures and telephone numbers:]

Cindy Cortez
Orel S. Vazquez
Marie Ayala Perez
Juan Vazquez Ortega
Luz M. Vazquez Sob



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CERTIFICATE OF TRANSLATION

I, Heather Oland, certify that I am competent to translate this document, and that the translation is true and accurate, to the best of my abilities. All archival seals, stamps, and certifications have been translated here.

Spanish Title: Iglesia Cristiana

English Title: Iglesia Cristiana -ENGL

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this 8th day of March 2022.

Signature

February 15, 2022

*To: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division*

From: Carlos Rubén Molina Alicea
[REDACTED]

Comments on the Toa Alta dump

Cordial greetings, my name is Carlos Rubén Molina Alicea and I am a resident of Toa Alta. Specifically, I reside in Barrio Contorno, Sector Cielito, [REDACTED] in Toa Alta. My home is located 100 meters from the Toa Alta dump. The contamination generated by the dump has affected me and my family for years, particularly the objectionable smells emanating from it. In addition to this, neither the flies nor the mosquitoes let us live in peace and we don't have any quality of life due to the effects of this site on our community. Our health and that of our neighbors has been affected for years, particularly respiratory health with illnesses such as chronic asthma among other respiratory conditions. I have experienced this situation and this challenge to health for over 35 years.

I am making the statement today in the interest of the health and dignity both of my family and of our neighbors. It's not right that a site that has produced illness and death should continue operating. I demand the total and immediate closure of this dump at Toa Alta.

This dump represents a danger to the health of the communities adjacent to it and to the subterranean water systems of the northern aquifer. This contamination forms part of a chain that reaches the La Plata River. The contamination has been so severe that we're overwhelmed by all the situations we have suffered because of this sad and challenging reality. This is particularly the case on rainy days, and the adverse effects to health as a result of this dump that should have been closed down long ago were intensified with the impact of Hurricane María.

We demand that the relevant agencies complete the closure of the Toa Alta Dump for the benefit of the entire community that has been affected by this environmental contamination. Many thanks for your attention and diligence in a matter of such vital importance to our lives, community and environment.

Sincerely,

[Signature]
Carlos Rubén Molina Alicea
[REDACTED]

Toa Alta, PR 00953



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CERTIFICATE OF TRANSLATION

I, Maria Parodi, certify that I am competent to translate this document, and that the translation is true and accurate, to the best of my abilities. All archival seals, stamps, and certifications have been translated here.

Spanish Title: Toa Alta Comments - Carlos Ruben Molina

English Title: Toa Alta Comments - Carlos Ruben Molina-ENGL

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this 27th day of March, 2022.

Signature

Sample Report

Date

To: *Eduardo González*
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

From: *Person's name*

Name of the institution, organization, or group to which they belong

E-mail

Telephone number (optional)

Comments about the Toa Alta Landfill

First paragraph: 3 to 5 statements describing who you are and about the organization and what represents.

Miguel Molino, a neighbor of the landfill

Long-time resident of the community.

Example:

The Puente-Enlace de Acción Climática Puente-Latino (El Puente-ELAC) is a nonprofit environmental organization whose work includes members from various sectors: churches, universities, members of communities affected by fossil fuels, and other groups in Puerto Rico. It emerged as a program out of El Puente de Williamsburg, in New York, a nonprofit organization that has worked for peace and social justice in Hispanic communities in Brooklyn since 1982. Since 2013, the mission of El Puente-ELAC has been to connect communities, groups, and leaders to address environmental problems, especially the climate crisis, along with promoting whole health and the cultural values of self-determination, sustainability, social justice, and peace.

Second paragraph

- Why are you filing this report?
- How has the Toa Alta Landfill affected you and your community?

Example:

Our organization is or (I am) profoundly concerned with the pollution that this landfill has generated for decades in our town. This landfill represents a hazard to the health of neighboring communities and to the groundwater systems of the north aquifer.

Next paragraphs

- Select your points to address
- Write a section for each matter to be discussed
- The number of matters can vary from one report to the next
- This part can be described with bullet points

*Keep in mind that these are only examples. If you don't feel comfortable being able to address an issue, you don't have to add it to your report. If, however, you don't feel comfortable but would still like to mention it anyway, let us know to be able to address the issue at meetings.

Example:

We make the following statements with respect to the Toa Alta Landfill:

- 1. *The Toa Alta Landfill has not complied with proper management of leachates (wastewater from the trash)***
 - a. These leachates owing to a lack of control have reached nearby streams and have percolated to the north aquifer, contaminating the water that we so badly need.*
 - b. Leachates have also reached residences of neighbors in their yards causing pollution and bad odors.*
- 2. *The Toa Alta Landfill has failed to cover the trash***
 - a. Waste has not been properly covered which has led to vermin, flies, mosquitoes, among other disease vectors.*
 - b. Landfill management in this area has failed countless times.*
- 3. *The Toa Alta Landfill entails risks of explosions and landslides***
 - a. Lack of gas monitoring has exposed the community to risks of explosion.*
 - b. There are slopes in the landfill that represent a risk of collapse.*
- 4. *Lack of protection for the health of citizens***
 - a. Unpleasant odors and pollution have caused respiratory problems, such as asthma and diseases, like cancer, among other things.*
 - b. After Hurricane Maria, the intake of solid waste was exceeded, and the date for closing it was postponed.*
- 5. *Recycling doesn't exist in the municipality of Toa Alta***
 - a. The municipality of Toa Alta does not have a recycling program, nor do many of the municipalities from where the waste is brought to the Toa Alta landfill.*

After you have written all your points, at the end, ask the committee to take action or several specific actions in your report.

Recommendations:

- Recognize that Toa Alta and Puerto Rico deserve and need to close this landfill and remediation processes to mitigate the impact to the health of our people. We need the health of the environment and its citizens to be taken into consideration.
- Ask the relevant agencies to close the Toa Alta Landfill for good on behalf of all citizens who have been affected by the environmental contamination.

At the end, you can thank the Environmental Protection Agency (EPA) for taking the time to read your report. You can say that you are willing to answer any questions (only if you wish to do so)

Much appreciated,

[signature Miguel A. Molina //illegible//]

Person's name

Name of the institution, organization, or group to which they belong



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1.703.548.8223 fax

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CERTIFICATE OF TRANSLATION

I, John Milan, certify that I am competent to translate these documents, and that the translation thereof is true and accurate, to the best of my abilities. Archival seals, stamps, and certifications have been translated here.

Document Name(s): Toa Alta Comments

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this day of March 27, 2022.

A handwritten signature in blue ink that reads 'John Milan'.

Signature

February 22, 2022

*To: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division*

*From: Angel L. Pérez
Resident of Contorno*

Comments on the Toa Alta dump

My house gets dust from the trucks. Flies are the order of the day. The stench that emanates from the dump is intolerable. I'm making this presentation because this is intolerable. There's a great deal of contamination. I hope this marks the end where our peace of mind is concerned. I would be grateful if the Environmental Protection Agency EPA could take the time to read my presentation.

Sincerely,

Angel L. Pérez

Sample Presentation

Date

To: *Eduardo González*
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

From: *Name of the person*

Name of the institution, organization or group to which he/she/they belong(s)

Email

Telephone (optional)

Comments on the Toa Alta dump

First paragraph: 3 to 5 statements describing who you are and the organization you represent. *Angel L. Pérez*

What my house gets is dust from the dump trucks. Flies are the order of the day. The stench that emanates from the dump. There are a lot of flies, etc. Foul stink in the gutters.

Example:

El Puente — Enlace de Acción Climática Puente-Latino (El Puente-ELAC) [Puente-Latino Climate Action Network] (El Puente-ELAC) is a not-for-profit environmental organization whose work includes members of different sectors: churches, colleges, members of the community affected by fossil fuels and other groups in Puerto Rico. It took shape as the El Puente program in Williamsburg, New York, a not-for-profit organization that has worked for peace and social justice in the Latino communities of Brooklyn since 1982. Since 2013, the mission of El Puente-ELAC has been to connect communities, groups and leaders to address environmental problems, particularly the climate crisis, while at the same time promoting community health and the cultural values of self-determination, sustainability, social justice and peace.

Second paragraph

- Why are you giving a presentation?
- How does the Toa Alta Dump affect you and the community?

I'm giving this presentation because this has now become intolerable. There's a lot of contamination.

Example:

Our organization is (I am) deeply concerned at the contamination generated by this dump in our community for years. This dump represents a

danger to the health of the communities bordering it and to the subterranean water systems of the northern aquifer.

Next paragraphs

- Select your points to discuss
- Write a section for each topic to be discussed
- The number of topics can vary from one presentation to another
- This part can be written using bullet points

*Remember that these points are just examples. If you don't feel confident about your ability to address a topic, you need not add it to your presentation. If on the other hand you don't feel confident but still want to mention it, let us know so we can address the topic in the meetings.

Example:

We make the following points with respect to the Toa Alta Dump:

- 1. The Toa Alta Dump has been in breach of the appropriate management of leachates (trash overflow)***
 - a. Due to a lack of controls, these leachates have reached nearby gullies and have percolated into the northern aquifer, thereby contaminating the water we so badly need.*
 - b. The leachates have reached the yards of residents' homes, causing contamination and foul smells.*
- 2. The Toa Alta Dump has failed to cover trash***
 - a. There is no adequate cover for the waste, thereby generating vermin, flies and mosquitoes, among other vectors of illness.*
 - b. The management of the dump has failed in this area on countless occasions.*
- 3. The Toa Alta Dump presents risks of explosion and collapse***
 - a. The failure to monitor gases has exposed the community to the risk of explosion.*
 - b. There are slopes in the dump that present a risk of collapse.*
- 4. Lack of protection for the health of the community***
 - a. Objectionable smells and contamination have caused respiratory problems such as asthma and illnesses such as cancer, among others.*
 - b. After Hurricane María the receipt of solid waste was exceeded and the closure date of the dump was delayed.*
- 5. There is no recycling in the Municipality of Toa Alta***

- a. *The municipality of Toa Alta has no recycling program, nor have the various municipalities from where trash is brought to the Toa Alta dump.*

After you have written out all your points, conclude by requesting the Commission to take one or more specific actions in your report.

Recommendations:

- *Acknowledge that Toa Alta and Puerto Rico deserve and need this dump to be closed with remedial steps taken to mitigate the impact on the health of our community. We need the health of the environment and of its citizens to be taken into consideration.*
- *Request the relevant agencies to complete the closure of the Toa Alta Dump for the benefit of the entire community that has been affected by this environmental pollution.*

In closing you can thank the Environmental Protection Agency EPA for taking the time to read the presentation. You can make yourself available to answer any questions (only if you wish to do so). *I hope this marks the end where our peace of mind is concerned.*

Sincerely,

[Signature]

Name of the person

Institution, organization or group to which he/she belongs



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CERTIFICATE OF TRANSLATION

I, Maria Parodi, certify that I am competent to translate this document, and that the translation is true and accurate, to the best of my abilities. All archival seals, stamps, and certifications have been translated here.

Spanish Title: Toa Alta Comments - Angel Perez

English Title: Toa Alta Comments - Angel Perez-ENGL

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this 27th day of March, 2022.

Signature



February 21, 2022.

Municipal lawmakers and PNP [Partido Nuevo Progresista — New Progressive Party] minority delegation of Toa Alta

To: US Environmental Protection Agency (EPA), Region 2 (NJ, NY, PR, USVI)

Subject: **Comments on the Toa Alta landfill for and on behalf of our town.**

For us as residents and lawmakers of the Municipality of Toa Alta it is **insulting** and **unreasonable** that **efforts are being made to continue depositing solid waste (TRASH) in the landfill**, quite aside from **proposing to expand it** via the creation of a new cell as has been requested by the mayor and his municipal administration.

This has now become an abuse, a crass act of irresponsibility on the part of the municipal administration that denotes zero commitment and sensitivity to the health and quality of life of the residents of Barrio Contorno and the other neighboring areas, or to the environmental health of our town. After all, years after its closure was notified and ordered no action has been taken to bring this about.

It is obvious that the federal suit filed by the EPA [Environmental Protection Agency] and the complaint submitted by the DRNA [Departamento de Recursos Naturales y Ambientales — Department of Natural and Environmental Resources] are based on violations of the law on solid waste and on continued breach of the operating parameters, and the response of the court is that the municipality should suspend the disposal of waste, implement measures to address the environmental risks, pay fines for violations of the order of 2017 and pay the expenses incurred by the United States Government in the action. Faced with this, the municipal government has taken no action whatsoever over many years.

Aside from the closure of the landfill, it is necessary to consider the creation of a strategic plan for a transition of the management and disposal of our waste, in such a way that this process is carried out efficiently in order to safeguard public health, thereby complying with the quality-of-life parameters for all communities and sectors of Toa Alta. In view of this concern, on February 16 our delegation filed a resolution with the municipal legislature to accept a mitigation and strategic plan to prepare us for the imminent closure of the landfill, to include the following: education on changes in consumption trends to generate less trash, identify and promote recycling practices, among other waste management options, and to plan for disposal of the land and monitoring of the work relating to the closure of the facilities; the measure was not addressed.

Our just claim is that no subsidy whatsoever should be given for the expansion of the landfill operation at Toa Alta. **WE DO NOT WANT A SINGLE NEW CELL** at Toa Alta. The viability of other waste management and disposal alternatives in our town should be promoted instead.

We trust that the federal government itself and the oversight agencies **WILL NOT** permit agreements or subsidies for continued operation of the Toa Alta landfill, this in view of the fact that: (1) the EPA and the DRNA themselves ordered it to be closed years ago, (2) a federal suit is pending and there have been constant reports for breach of environmental regulations dating back many years. (3) This concerns a



PARTIDO NUEVO PROGRESISTA
SECURITY STATEHOOD PROGRESS EQUALITY

community whose reasonable, fair and valid claim has not been addressed, thereby suffering the attendant implications for its health and quality of life. In the case of the Toa Alta landfill, any agreement that aims to **expand** operations for the deposit of additional solid waste as has been submitted via the federal proposal made by the Municipality of Toa Alta is totally **unacceptable**. The subvention should be requested strictly for the purpose of immediate CLOSURE works and the development of steps aimed at the recycling and reuse of disposable materials.

REFERENCE

United States of America vs. Municipality of Toa Alta
3:21 cv-01087
Judge: Daniel R. Dominguez

- The federal government sued the Puerto Rico municipality of Toa Alta, saying its landfill pollutes nearby waters and is at risk of collapsing and asking a federal judge to ensure that **NO NEW WASTE IS DEPOSITED at the site.** -

⚠ THE SAME CLAIM the neighbors of Toa Alta.

DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES
COMPLAINANT

v.

SISTEMA DE RELLENO SANITARIO MUNICIPIO DE TOA ALTA [Municipality of Toa Alta Landfill System];
HON. CLEMENTE AGOSTO LUGARDO, MAYOR; TOA ALTA ECO PARK, LLC.
RESPONDENTS

RE: Regulation for the Handling of Nonhazardous Solid Waste

**CEASE-AND-DESIST
DENIAL OF PERMIT**

Sincerely,

Karaliz Bonilla Pérez
Municipal Lawmaker of Toa Alta

Melvin Colón Maysonet
Municipal Lawmaker of Toa Alta

Héctor Collazo Ayala
Community Leader and Municipal President of the PNP of Toa Alta



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CERTIFICATE OF TRANSLATION

I, Heather Oland, certify that I am competent to translate this document, and that the translation is true and accurate, to the best of my abilities. All archival seals, stamps, and certifications have been translated here.

Spanish Title: Comentario sobre vertedero- EPA (1)

English Title: Comentario sobre vertedero- EPA (1)-ENGL

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this 8th day of March 2022.

Signature

February 15, 2022

To: *Eduardo González*
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

From: *Providencia Prado Díaz*
[REDACTED]

Comments about the Toa Alta Landfill

I appreciate this opportunity to speak to you about what has been a truly agonizing situation for the health of my family, relatives, and myself. In our daily everyday reality, we have suffered firsthand for many years the effects of the pollution from the Toa Alta Landfill, since my house is adjacent to the land where the landfill is located, in the Contorno neighborhood.

Considering that all of us who live here have been affected by the terrible odors, contaminated water, and so many years by this ordeal, we deserve a healthy and safe environment for our lives and for future generations. I wish for better air quality and clean water, like any other community deserves. For my grandchildren, I want a clean and sustainable environment so they can continue to live on this land.

If for just one day you could be in our community, in our homes or yards, so that you could experience how unpleasant it is to be exposed to these odors that cause us illness and affect our coexistence and our wellbeing, it would be so important. We require action for humanity and for the common good, not only for us but for the entire community that has been affected by this landfill.

We hope that our claims and complaints are not in vain but are heard and addressed as diligently and promptly as this matter merits, so that finally the Toa Alta Landfill will be shut down.

Much appreciated,
[illegible signature]

Providencia Prado Díaz
[REDACTED]

Toa Alta, PR 00953



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20191

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1.877.746.8906 toll free

1.703.548.8223 fax

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CERTIFICATE OF TRANSLATION

I, John Milan, certify that I am competent to translate these documents, and that the translation thereof is true and accurate, to the best of my abilities. Archival seals, stamps, and certifications have been translated here.

Document Name(s): Toa Alta Comments

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this day of March 27, 2022.

A handwritten signature in blue ink that reads 'John Milan'.

Signature

February 22, 2022

To: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

From: Edgardo Ramos Nieves
Resident of Contorno

Comments on the Toa Alta dump

I am a resident of this community, and I want to tell you that this constitutes an abuse on the part of those responsible for this dump. I demand the closure of this dump. Contaminated water, pestilence, flies, mosquitoes. All of this reaches my home. No more trash can be contained as a result of this dump. I confirm that all the points that are made here about the dump are correct and that I have experienced them in practice for over 50 years throughout my entire life. My parents had to leave their home based on medical recommendations. I am grateful to the Environmental Protection Agency EPA for taking the time to read my presentation.

Sincerely,

Edgardo Ramos Nieves
Resident of Contorno

Sample Presentation

Date

To: *Eduardo González*
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division

From: *Name of the person*

Name of the institution, organization or group to which he/she/they belong(s)

Email

Telephone (optional)

Comments on the Toa Alta dump

First paragraph: 3 to 5 statements describing who you are and the organization you represent.

Mr. Edgardo Ramos. I am a resident of this community. I want to tell you that this constitutes an abuse on the part of those responsible for this dump. I demand the closure of this dump. Contaminated water, pestilence, flies, mosquitoes. All of this reaches my home. No more trash can be contained as result of this dump.

Example :

El Puente — Enlace de Acción Climática Puente-Latino (El Puente-ELAC) [Puente-Latino Climate Action Network] (El Puente-ELAC) is a not-for-profit environmental organization whose work includes members of different sectors: churches, colleges, members of the community affected by fossil fuels and other groups in Puerto Rico. It took shape as the El Puente program in Williamsburg, New York, a not-for-profit organization that has worked for peace and social justice in the Latino communities of Brooklyn since 1982. Since 2013, the mission of El Puente-ELAC has been to connect communities, groups and leaders to address environmental problems, particularly the climate crisis, while at the same time promoting community health and the cultural values of self-determination, sustainability, social justice and peace.

Second paragraph

- Why are you giving a presentation?
- How does the Toa Alta Dump affect you and the community?

Example:

Our organization is (I am) deeply concerned at the contamination generated by this dump in our community for years. This dump represents a

danger to the health of the communities bordering it and to the subterranean water systems of the northern aquifer.

Next paragraphs

- Select your points to discuss
- Write a section for each topic to be discussed
- The number of topics can vary from one presentation to another
- This part can be written using bullet points

*Remember that these points are just examples. If you don't feel confident about your ability to address a topic, you need not add it to your presentation. If on the other hand you don't feel confident but still want to mention it, let us know so we can address the topic in the meetings.

Example:

We make the following points with respect to the Toa Alta Dump:

- 1. *The Toa Alta Dump has been in breach of the appropriate management of leachates (trash overflow)***
 - a. Due to a lack of controls, these leachates have reached nearby gullies and have percolated into the northern aquifer, thereby contaminating the water we so badly need.*
 - b. The leachates have reached the yards of residents' homes, causing contamination and foul smells.*
- 2. *The Toa Alta Dump has failed to cover trash***
 - a. There is no adequate cover for the waste, thereby generating vermin, flies and mosquitoes, among other vectors of illness.*
 - b. The management of the dump has failed in this area on countless occasions.*
- 3. *The Toa Alta Dump presents risks of explosion and collapse***
 - a. The failure to monitor gases has exposed the community to the risk of explosion.*
 - b. There are slopes in the dump that present a risk of collapse.*
- 4. *Lack of protection for the health of the community***
 - a. Objectionable smells and contamination have caused respiratory problems such as asthma and illnesses such as cancer, among others.*
 - b. After Hurricane María the receipt of solid waste was exceeded and the closure date of the dump was delayed.*
- 5. *There is no recycling in the Municipality of Toa Alta***

- a. *The municipality of Toa Alta has no recycling program, nor have the various municipalities from where trash is brought to the Toa Alta dump.*

After you have written out all your points, conclude by requesting the Commission to take one or more specific actions in your report.

Recommendations:

- *Acknowledge that Toa Alta and Puerto Rico deserve and need this dump to be closed with remedial steps taken to mitigate the impact on the health of our community. We need the health of the environment and of its citizens to be taken into consideration.*
- *Request the relevant agencies to complete the closure of the Toa Alta Dump for the benefit of the entire community that has been affected by this environmental pollution.*

In closing you can thank the Environmental Protection Agency EPA for taking the time to read the presentation. You can make yourself available to answer any questions (only if you wish to do so).

Sincerely,

Name of the person

Institution, organization or group to which he/she belongs

Mr. Edgardo Ramo[s]

I am a resident of this community. I confirm that all of the points that are made here about the dump are correct and that I have experienced them in practice for over 50 years throughout my entire life. My parents had to leave their home based on medical recommendations. I am grateful to the Environmental Protection Agency EPA for taking the time to read my presentation.

[Signature]



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CERTIFICATE OF TRANSLATION

I, Maria Parodi, certify that I am competent to translate this document, and that the translation is true and accurate, to the best of my abilities. All archival seals, stamps, and certifications have been translated here.

Spanish Title: Toa Alta Comments - Edgardo Ramos

English Title: Toa Alta Comments - Edgardo Ramos-ENGL

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this 27th day of March, 2022.

Signature

From: [Zoraida Rosado Santiago](#)
To: [ENRD, PUBCOMMENT-EES \(ENRD\)](#)
Cc: [REDACTED]
Subject: [EXTERNAL]
Date: Friday, March 4, 2022 9:53:39 AM

Subject: Toa Alta Landfill Comments

Zoraida Rosado Santiago
[REDACTED]

February 28, 2022, 12:46

for pubcomment.ees.enrd

My name is Zoraida Rosado Santiago, a resident of Barrio Galateo, Urb. Veredas del Río II, in the Municipality of Toa Alta.

I want to submit comments on the landfill Closure so they reach the Federal and Local Agencies (Ms. Carmen Guerrero-EPA [Environmental Protection Agency] and Mr. Rafael Machado-DRNA [Departamento de Recursos Naturales y Ambientales — Department of Natural and Environmental Resources]).

1. The battle has been a long one. Not since 2010 but long before that. JCA [Junta de Calidad Ambiental — Environmental Quality Board] report carried out by environmental specialists on the negative effects of the Landfill on the community, 2000–2001. We want the closure of the Landfill, but leave aside the politics. Comments:

- a. What financial contribution will be made by the DRNA of Puerto Rico, the local EPA, the Department of Health and other agencies?
- b. We want a process that is well structured and not abusive, either to residents or to the Municipality. The Municipality doesn't have the resources for such a costly and complex process.
- c. With respect to the leachates in the southwest area, contamination of water, the La Plata River, the underground gully flowing through the sinkhole and the lake that was formed when the entrance to the aforementioned landfill was changed opposite the homes on Hwy. 165 K-8 H-3. They say it'll take longer but, please, how much longer? The runoff that flows into the sinkhole causes contamination... the mosquitoes... the foul smells... the death of plant and animal life. Illness among the residents of the area. What more should we expect?
- d. Ms. María V. Rodríguez discussed the creation of a domestic waste deposit system involving an overarching concept. But when will that happen?
As one participant stated, "we're going to resolve the Toa Alta problem, but we're going to create problems for other Municipalities."
- e. Finally, it's high time that the agencies of Puerto Rico and its government performed their tasks in a timely and conscientious manner. We as a country are dying.
And as for the federal agencies... unfortunately... you need to work harder on the direct supervision of those agencies. Why have they taken so long, more than 20 years, to address this situation?

"We are going to wait the process to close de Landfill in the Municipality of Toa Alta will be clear, helpful and were everybody do the best to obtain big results.
Thanks to everyone.

--

Zoraida Rosado Santiago
[REDACTED]



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CERTIFICATE OF TRANSLATION

I, Heather Oland, certify that I am competent to translate this document, and that the translation is true and accurate, to the best of my abilities. All archival seals, stamps, and certifications have been translated here.

Spanish Title: EXTERNAL Zoraida Rosado Santiago

English Title: EXTERNAL Zoraida Rosado Santiago-ENGL

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this 8th day of March 2022.

A handwritten signature in black ink that reads "Heather Oland".

Signature

February 23, 2022

*To: Eduardo González
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division*

*From: Revd. Dr. Sary N. Rosario Ferreira,
Pastor of the Iglesia Cristiana (Discípulos de Cristo)
In Toa Alta Pueblo*

Comments on the Toa Alta Landfill

My name is Sary N. Rosario Ferreira. I am not a native of Toa Alta but feel I have belonged here for 17 years since God allowed me to be the pastor, first in the rural area of the Barrio Río Lajas, Marzán Sector, for eight years, and then in the town of Toa Alta for nine years. I minister at the Iglesia Cristiana (Discípulos de Cristo) [Christian Church (Disciples of Christ)] in Toa Alta Pueblo which has served the community since 1914. And although I'll soon continue serving in other locations, I have learned to love this place and its people. We have walked together and God has allowed me to know the families who have intimate experience of the pain caused in their lives by the environmental contamination. We are here to affirm our support for our community that has suffered the ravages of the contamination of the Toa Landfill. We support each other based on the Christian and biblical values of faith and justice, and on the basis of that ethic of care that seeks the common good for the human dwelling. That's why we're here, because the injustice caused by the environmental crisis of the Toa Alta Landfill must be addressed forcefully.

When I arrived to minister to the people of Toa Alta I started by visiting the members of my congregation and the first people I visited was the family of Rafael Ramos and Irma Nieves. He was unwell and I went to see him at his home in the Barrio Contorno. On arrival I noticed some unpleasant smells and they explained to me that this smell came from the Toa Alta landfill since one of the oxidation pits was close to their home, and that Rafael's health had been complicated as a result of the contamination generated by the landfill. They also shared their years of struggle with me and told me of their neighbors who had become sick, including with cancer. I was taken aback by this visit and thought, "I'm leaving but they remain here exposed to this smell and this contamination." We made many visits to Rafael, not only to his home but also in the hospital, until they couldn't take it anymore and this family beloved by our congregation had to go live in the home of one of their children in another town, taking shelter and seeking better air to breathe. This family was obliged to move due to the environmental crisis generated by this decades-long contamination. But this wasn't the only family. Two families in Rabo del Buey also relocated elsewhere. Members of the church who live in other areas have occasionally also noted the powerful smells, but to a lesser degree. I asked what we could do about it and someone said to me, "Pastor, there's no hope in the case of the landfill. Don't get involved with this because no one takes any action. This struggle has been going on for years and no one pays any attention to us or listens to us unless they're well-off, and since ours are humble communities, they don't give us any importance." Everything she said was right. I don't judge her for having lost

hope, but at that point I became aware of the magnitude of this problem, not only in terms of public health and environmental justice, but also mental and emotional health. I therefore decided to start an educational process at the church, and also get a better understanding of the problem. God allowed me to meet one of the leaders who has fought for health and against this environmental injustice. I'll never forget that when I went to visit her she had to spread kerosene on the screen door of her house to keep out the many flies that existed due to the failure to cover the landfill. So it is that we've had one problem after another in our congregation in Toa Alta. In nine years we've had eleven cases of cancer. Some brothers and sisters have survived, others have not. There was a period when we had four people with cancer at the same time. And many members of my church suffer from asthma. In fact, I myself am an asthmatic.

Puerto Rico is a mixed-race country with high levels of people living below the poverty line by United States standards. A pattern of contamination and environmental degradation can be noted in the poorest locations. As Puerto Ricans, we have experienced environmental racism in our own land when steps are not taken to finally shut down this landfill that can't take any more. State closure orders have not been complied with and we've been waiting four, almost 5 years for the EPA closure order issued in 2017 to be finally carried out.

The picture of our community in Toa Alta caused by the inaction of local, state, and federal authorities has been a constant issue that makes us reflect on the similarities that exist with respect to the features of environmental justice communities in the United States. Our economic level in the community surrounding the Toa Alta landfill is not high. Not everyone has access to effective health services, and complications to family health also limits their access to more formal education and hinders the development of a better quality of life for communities. It's very unfortunate that environmental measures and laws are not implemented as they should be because we are a community that likely doesn't have many tools or means to pay for attorneys or public relations people. We don't have money for those media campaigns or for lobbyists, but we do have ourselves and we have a righteous God who sees the injustices that have been committed against our communities here in Toa Alta. Nor is it fair that a choice should be proposed of continuing with the contamination or paying for the collection of the trash. This should not even be an option for communities that have suffered so much because they have already paid a high cost with their health and lives in view of this contamination. Some people have actually paid with their lives.

In an attempt to help my congregation and community faced by the challenge of the environmental crisis in Toa Alta, we elected to complete the doctoral program thesis at Texas Christian University's Brite Divinity School where I completed my Doctorate in Christian Ministry, on this topic, in order to understand the forms and means by which we in the church can help and cooperate to ensure that this environmental crisis is addressed. During this investigation we discovered that:

- Various closure orders have been issued and none has been implemented.
- In 1995, Ms. Carmen Josefina Meléndez, then president of Toaalteños por la salud [Citizens of Toa Alta for Health] requested the EPA to work on this case as a matter of environmental justice, but they

responded at that time stating that the authorities of Puerto Rico had to take responsibility for the matter, which they have not done.

- Hopes were raised in 2017 when the EPA document on closing the landfill was issued but it hasn't been implemented either.
- The monitoring of the required water and gas contamination at the facility has not been efficient and there are periods for which there isn't even data to compare the permitted levels.
- Dr. Estela Betancourt carried out an investigation into the contaminants of the Toa Alta and Toa Baja landfills and discovered that the Toa Alta Landfill contains high concentrations of zinc in excess of the levels permitted by the EPA. Also found were chromium and lead. Chromium is a powerful carcinogen and lead is not only carcinogenic but also causes permanent damage to the human central nervous system.
- According to the Chronic Illnesses Report issued by the Department of Health for 2012, Toa Alta belongs to the region with the highest incidence of cancer in Puerto Rico, this being the Bayamón region. In this region, 124 out of every 100,00 [sic] inhabitants died of cancer in 2012. It is no coincidence that high concentrations of carcinogens in the environment (air, soil, and water) over a long period of exposure should have a cumulative effect on the bodies of those people and animals and lead to diseases related to this contamination such as cancer.
- The problem of the landfill is in addition to the emissions of an asphalt plant that also sickens the communities in the vicinity of the town of Toa Alta. These communities continue being affected and it's time to act.
- The investigation encompassed many other environmental justice communities where church and community came together to fight for environmental justice in Peñuelas, Dorado, Arecibo, and Guaynabo. These examples have served to reignite hope and assert that environmental justice can be secured for our communities, also here in Toa Alta.

It is for that reason, for all that our residents have suffered, for those who have died, for those who are bedridden and cannot relocate to breathe clean air, and who cannot appear before you, for the future of these communities that refuse to be relocated from the land of their ancestors, that we have come here. For the wildlife, for the water we all need to drink, for a dignified present and future for our people, not only in Toa Alta but for all those who may be reached by this contamination that causes sickness and death through water and air.

One of the young women of our congregation in the process of the project shared and said that in the church we are cultivating hope to share and help in this problem so that the environmental contamination in Toa Alta will cease. And it is our hope that those of you who listen to us today can understand a little better what these communities have experienced without being listened to during the environmental crisis, and about the decades-long environmental injustice that has been experienced in Toa Alta. That not only remedial actions be taken to control the contamination, but also that no more solid waste be deposited while these actions are being taken and that this landfill, which has done so much damage to our community, be closed for good. Our dream is that recycling becomes a reality in each municipality in Toa Alta and throughout Puerto Rico and that there be a reduction in the generation of trash. There are alternatives and we come here with the willing assistance of everyone to be able to cultivate hope.

Thank you for your time and for your efforts with respect to this matter of vital importance not only for Toa Alta but also for all living things in this City of Josco and wherever the waters of the northern aquifer reach. We are here to help. May God bless you!

In Christ,

Rev. Sary N. Rosario Ferreira,
Pastora Iglesia Cristiana (Discípulos de Cristo)
In Toa Alta Pueblo,
Box 11
Toa Alta, PR 00954

████████████████████
████████████████

Bibliography:

Rosario-Ferreira, Sary N. *STORIES OF HOPE: INTERVENTIONS OF THE CHURCH IN ECOJUSTICE CHALLENGES AND THE PATH TO ADDRESS THE TOA ALTA LANDFILL ENVIRONMENTAL CRISIS*. 2021. Brite Divinity School Texas Christian University. https://repository.tcu.edu/bitstream/handle/116099117/47685/Rosarios-FerreiraSary_dissertation.pdf?sequence=1&isAllowed=y



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CERTIFICATE OF TRANSLATION

I, Maria Parodi, certify that I am competent to translate this document, and that the translation is true and accurate, to the best of my abilities. All archival seals, stamps, and certifications have been translated here.

Spanish Title: Toa Alta comments - Ponencia Rev. Dr. Sary N. Rosario Ferreira

English Title: Toa Alta comments - Ponencia Rev. Dr. Sary N. Rosario Ferreira-ENGL

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this 31st day of March, 2022.

Signature

From: Marie Santiago [REDACTED]
Sent: Monday, February 28, 2022 8:52 AM
To: ENRD, PUBCOMMENT-EES (ENRD) <PENRD3@ENRD.USDOJ.GOV>; [REDACTED]
Subject: [EXTERNAL] Comentarios sobre relleno sanitario de Toa Alta

Good morning!

I would like to take this opportunity to express my feelings in connection with the operation of the Toa Alta Landfill. I attended the meeting as it is a matter that affects me directly, and I request that the Municipality of Toa Alta please stop receiving trash immediately. I don't understand how a municipality can have failed its community from day one when all of the issues and all of the agencies that have intervened in view of all of the breaches are taken into consideration. It's a secret to no one that the Toa Alta Landfill is not in compliance with the requirements to continue operating, and even then, no one has taken strict measures to protect the residents or the environment. The Toa Alta Landfill reached the end of its span in 2017. How is it possible that we're still holding meetings in 2022 to find out whether they're going to give them further opportunities with the excuse of stabilizing the slopes? These are the same slopes they knew could not increase any further after 2017, and even then, they went ahead and it seems totally unfair that we should have to reward them now and give them the opportunity of continuing to damage our island and affect our health. I ask that you please take this into consideration, that you put yourselves in our position just for a moment and that justice be done. How can we trust a municipality that has operated the Toa Alta Landfill in breach for so many years? No more trash. WE DEMAND JUSTICE for our environment and for each one of us. As far as the mayor is concerned, the financial impact this may have on him is more important than ensuring the health of the people for whom he is responsible, because that's why he made a commitment to the people of Toa Alta, and he's never concerned himself with resolving our problem. He just says there's no money to close it, and since there's no money to close it, we'll therefore continue contaminating our bodies of water, our air, our health and our land. We know that the gases that emanate from the Toa Alta Landfill are extremely hazardous for all our residents, and nothing is done about this. They continue operating in an irresponsible manner, but no one has yet imposed any limits on them despite the fact that everyone is aware of the reality of this landfill together with the leachates, since a sample was taken to evaluate whether the cascade that passes across residents' land before reaching the gully connecting it with major bodies of water in Puerto Rico was contaminated. This confirmed that it was indeed leachate and no one has responded to us about this, and it's known that it was severely contaminated, but what we've always found is that nothing happens, and that's the reason why this type of "landfill" is not permitted in the United States because the damage it can cause is recognized.

I don't know what else needs to happen for a definitive limit to be imposed on them, if having the opportunity to breathe clean air, having clean water and stable health isn't enough, then what can we expect?

We're grateful for the opportunity to be heard and we beseech you with all our heart to do justice to us and give us the opportunity to have the quality of life I believe we all deserve.

Many thanks,

[REDACTED]



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CERTIFICATE OF TRANSLATION

I, Heather Oland, certify that I am competent to translate this document, and that the translation is true and accurate, to the best of my abilities. All archival seals, stamps, and certifications have been translated here.

Spanish Title: FW [EXTERNAL] Comentarios sobre relleno sanitario de Toa Alta

English Title: FW [EXTERNAL] Comentarios sobre relleno sanitario de Toa Alta-ENGL

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the attached translation is true and correct.

Executed this 8th day of March 2022.

Signature

Exhibit 3

Note: The first comment is provided by the commenter at the conclusion of an EPA summary prepared prior to the February 23, 2022 public meeting, and therefore commences on page 4.

**UNITED STATES v. MUNICIPALITY OF TOA ALTA
FOR PUBLIC INPUT: SUMMARY OF POTENTIAL TERMS
FOR PRELIMINARY INJUNCTION ORDER IN FEDERAL CASE**

In February 2021, the U.S. Department of Justice (DOJ) filed, on behalf of the U.S. Environmental Protection Agency (EPA), a complaint in the Federal Court in Puerto Rico against the Municipality of Toa Alta (MTA) claiming that the conditions at MTA's municipal landfill constitute an "imminent and substantial endangerment." In July 2021, DOJ filed a request that the Federal Court issue an order requiring MTA to immediately address the "endangerments" at the landfill.

INTERIM STEPS

The parties -- EPA/DOJ and MTA -- have been discussing a potential agreement, called a Stipulated Preliminary Injunction Order, to be issued by the Court. There is no final, agreed-upon order. EPA and DOJ are asking for public input on the terms of a potential order and have developed the following summary to share with the public:

- **Stopping Waste Disposal.** MTA would have to stop disposing of waste at the landfill immediately, with the potential exception of an area called the north slope (see below for details).
- **Making Clear the Landfill is Closed.** MTA would have to install signs at the landfill entrances, stating in Spanish and English that the landfill is closed, and that any continued operations at the landfill will be consistent with the items discussed herein.
- **Requiring Daily Cover.** MTA would be required to apply daily cover (six inches of soil) over any newly disposed waste by the end of each operating day, except when severe weather conditions make application unsafe.
- **Intermediate Cover.** MTA would have to apply intermediate cover (one foot of soil) at the rate of one acre per month during the first year and two acres per month during the second year until the entire landfill has been covered. MTA would not have to apply intermediate cover to any area that already has soil cover and vegetation that provides as much protection as a layer of intermediate cover.
- **Maintaining the Cover.** MTA would have to monitor daily cover and intermediate cover for soil erosion every two weeks and after rainfall events, and repair any eroded soils.
- **Controlling Leachate.** MTA would have to prepare a plan for and install controls to reduce and collect the liquid that seeps out of the landfill (known as "leachate") except for leachate in the Southeast Cell (see below). The controls would have to be designed by an engineer to reduce leachate releases by 90% within two years. MTA would need to either secure a permit from the Puerto Rico Aqueduct and Sewer Authority (PRASA) and convey the collected leachate to the PRASA system, or handle the leachate in an on-site wastewater treatment system. MTA would also have to monitor landfill surfaces to find any leachate seeps and make the appropriate fixes to ensure that no leachate escapes to offsite properties. The MTA has already presented a leachate control plan to the EPA in connection with the northern portion of the Landfill.

- **Controlling Stormwater**
 - **Short Term Controls.** Within 30 days, MTA would have to implement measures to control for mosquitoes, such as use of larvicides, elimination of standing water, and erosion controls.
 - **Long Term Controls.** MTA would have to prepare and implement a stormwater control plan for conveying stormwater from the landfill surface to ponds and to discharge points, so as to reduce infiltration of stormwater into the landfill mass. MTA also would have to do environmental sampling to see if stormwater discharges are contaminated with landfill pollutants and, if so, to make fixes to keep stormwater from becoming contaminated.
 - **Ponds.** MTA would have to properly manage water in the north and south ponds. Clean pond water (as determined by EPA based on MTA sampling) would be sent to the storm sewer system or to surface waters in accordance with permits. Pond water that is not clean, as determined by EPA, would have to be treated as leachate and properly sent to the PRASA system or any other appropriate process.
- **Addressing the North Slope.** Part of the north side of the landfill is sloped at an angle steeper than 2.5 feet horizontal to every 1.0 vertical foot, and EPA is concerned that this places it at an increased risk of collapse. (Please see the attached map.) The steepness of the landfill's north slope would be addressed by two corrective measures:
 - (a) The first measure is to limit instability by reducing the amount of stormwater that seeps into the north slope. To accomplish this goal, MTA would be required, within 30 days, to construct: (a) diversion controls, such as benches, berms, and silt fences, to divert stormwater runoff on the landfill's top deck away from the north slope area; and (b) erosion controls, such as chutes and velocity dissipation devices, to move the diverted stormwater off the slopes and down to the landfill base.
 - (b) The second required corrective measure is to make the north slope less steep or otherwise more stable. EPA and DOJ have considered four options to address the issues with the slope. All four options would require construction of a berm or wall at or near the base, referred to as the "toe," of the north slope. The options are as follows:
 - **Options 1A and 1B, Placement of New Waste to Achieve Proper Slopes.** These two options involve placing new waste to level out the slope, especially near the toe where the berm will be built. Waste could be placed during an interim period that MTA has estimated would last 18-24 months. Completion of this project also would include final placement of new waste behind the berm. The berm design and final waste placement plan would ultimately be supervised by the Puerto Rico Department of Natural and Environmental Resources (DNER). Option 1A would limit the amount of new waste MTA could dispose of on the north slope by describing the quantity and duration of such waste placement. Option 1B would instead limit where MTA places new waste by using a map specifying the area in which additional waste placement could occur (the proposed map is attached). Both of these options could result in some continued environmental impacts (*e.g.*, increased pollutants to the aquifer) typical of a landfill without a bottom liner, but EPA believes that such impacts will be minor, provided that MTA complies with the cover placement, leachate control, and stormwater control

requirements described above. Both options could reduce MTA's cost to correct the steepness of the north slopes (compared to using engineering or other controls) and save MTA money by delaying the date when it would have to start paying for off-site disposal. It might be easier for DNER to confirm MTA's compliance with the waste placement limitations under Option 1B than those under Option 1A.

- **Option 2, Placement of New Waste After DNER Approval of Final Closure Plan.** This option involves stopping the placement of new waste on the north slope immediately and only resuming such waste placement after DNER approves MTA's revised final closure plan. Under this option, compliance with the daily cover requirements, leachate controls, and stormwater controls during placement of new waste on the north slope would be subject to DNER monitoring. This option is advantageous because waste placement in the north slope would be integrated into MTA's overall final closure plan for the landfill. This option has the disadvantage of postponing the project to correct the steepness risk of the north slope. MTA has informed EPA and DOJ that this option would be disruptive to its finances, as it would require MTA temporarily (for about 18-24 months) to pay for an alternative disposal location for its waste, resume disposal at the north slope upon DNER's approval of MTA's final closure plan, and then continue placement of waste at the north slope until the stabilization project is completed. MTA also believes that this option is not required under current DNER regulations, and it may require additional litigation between DNER and MTA, which could further delay the process.
- **Option 3, Regrading of Existing Waste to Achieve Proper Slopes.** This option involves no placement of new waste at the north slope, but instead the regrading of the existing waste there to achieve proper slopes. This option has the disadvantage of presenting increased risk of physical danger to landfill workers performing regrading, and increased odors that would be experienced in the surrounding communities due to temporary re-exposure of buried decomposing waste. This option also is more costly to MTA.
- **Southeast Cell.** The Southeast Cell of the landfill was constructed with a bottom liner and a pumping system to remove leachate generated within the landfill that accumulates on top of the liner. The pumping system is not working properly. EPA is working to find a solution regarding the leachate system in the Southeast Cell. The proposed order would not include plans for the Southeast Cell pumping system. Any fixes that are feasible would be addressed in the future, after the Federal Court approves the stipulated preliminary injunction order.
- **Reporting.** MTA would have to submit detailed monthly reports to EPA, DOJ, and DNER regarding its compliance with all of the requirements of the preliminary injunction order.
- **Access.** MTA would have to provide EPA, DOJ, and DNER with access to the landfill for the purpose of confirming MTA's compliance with the preliminary injunction order.
- **Community Involvement.** In addition to seeking feedback on the potential order discussed in this summary and hosting a community meeting, EPA and DNER will make copies of the MTA's plans and reports available to the community.

- **Reservations.** The preliminary injunction order would not prohibit MTA from applying for permission from DNER and other government authorities to build additional areas for the disposal of waste at the landfill. The order also would not prohibit MTA from placing more waste at the landfill if it is required under any final closure plan approved by DNER (for example, for proper grading). Finally, under the order, EPA/DOJ would reserve the right to assert in the current lawsuit or in a separate action that any conditions at the landfill present an imminent and substantial endangerment.

PERMANENT STEPS

- **Future Measures at the Landfill.** As described above, the purposes of the Federal Case and the proposed stipulated preliminary injunction order are to address “imminent and substantial endangerments” that EPA believes exist at the landfill. Even once these urgent problems are addressed, MTA must still comply with Puerto Rico’s landfill regulations. DNER, which takes responsibility to ensure MTA’s compliance with these regulations, filed, in October 2021, an administrative complaint against MTA. DNER required MTA, among other things, to submit a revised final closure plan for the landfill and to carry out that plan. The final closure plan would include, among other items, the installation of a permanent cover on the landfill. DNER will take responsibility to ensure that MTA properly addresses the north slope and permanently closes the landfill.

CALL FOR COMMENT FROM COMMUNITY

- **Comments from the Community.** EPA, DOJ, and DNER would like to have community members’ input regarding the proposed urgent remedial measures described above, including the four options for the north slope and any alternatives to those options. DOJ, EPA, and DNER representatives will be available at a public meeting to answer questions from the community.

Comments Basura Cero Puerto Rico

1. MTA must place into function diversion plans, schemes ,programs and infrastructure according to Law 70 of 1992 for different waste currents such as plastics, glass , tires, electric and electronic equipment, organic and food waste, hazardous materials and other waste currents giving local solutions that are sustainable in time and that can enhance welfare for the communities of Toa Alta, providing jobs and reducing the waste that is needed to send to landfills.
2. MTA must include in the reports given to the DNER and to the public compliance of steps being taken towards achieving the goals of Law 70 of 1992 and in this order reduce the amount of waste with the necessity of being landfilled.
- 3.The agreement must order MTA the construction of new cells in Toa Alta or other places of Puerto Rico without taking actions to implement solutions for diversion of solid waste using the waste hierarchy of Law 70 of 1992.
- 4.The agreement must show a clear timeline for the community of the actions to be taken as well as what options are going to be provided in the long term to avoid the use and implementation of new landfills.
5. The closing of the landfill must recognize the near by communities of Toa Alta and engage the community to acknowledge the best options for them to implement as compensations, landscape design and restoration and improvements to restore environmental services provided and public wellbeing.

-----Original Message-----

From: Concetta Calise [REDACTED]

Sent: Wednesday, March 2, 2022 8:36 AM

To: ENRD, PUBCOMMENT-EES (ENRD) <PENRD3@ENRD.USDOJ.GOV>

Subject: [EXTERNAL] Toa alta..

Sent from my iPhone

HELP US PLEASE..

Toa alta has been dealing with this disaster for over 50 years..

My sister Connie calise cintron died of cancer and I'm pretty sure that the landfill was the cause of it.

I've seen so many people get sick..

You can smell it in the air..

It's horrible...

This landfill needs to be closed ASAP!

Ivette calise cintron..

-----Original Message-----

From: Dennis Martinez [REDACTED]
Sent: Monday, February 28, 2022 1:54 PM
To: McBay, Stephen [REDACTED]
Subject: Landfill Toa Alta, Puerto Rico

Good afternoon Mr. Mcbay,

I am a resident here in Toa Alta, living at [REDACTED] located just off [REDACTED] in the Piña Section of Toa Alta.

Although I am not directly affected by the Toa Alta landfill, but indirectly I am. The sanitation service that is used for garbage disposal is dumped on that landfill.

What is the current status in relation to closing down the landfill? I couldn't attend the local town municipal meeting held on the 23rd of February, so I am wondering where can I obtain the notes taken during the meeting. Was there decisions made in regards to the landfill?

Any information provided would be deeply appreciated. I am currently vice-president of the Residents Board in Monte Sol, any information obtained in regards to this matter would be passed on.

Thanks in advance for your prompt cooperation!

Regards,

Dennis Martinez

[REDACTED]
[REDACTED]
[REDACTED]

LCDO. MIGUEL SARRIERA ROMAN

March 4, 2022

Mr. Eduardo Gonzalez
U.S. Environmental Protection Agency
Caribbean Environmental Protection Division Comments
pubcomment-ees.enrd@usdoj.gov

Re: Comments on United States v. Municipality Of Toa Alta Preliminary Injunction Order In Federal Case

Dear Mr. González:

On behalf of Ivette Calise Cintrón, Gerica Santiago, Migdalia González, Roberto Pérez Rivera, Roberto C. Rivera, Julia Cintrón Marrero, Luz E. Lozada Cintrón, Eddie W. Cintrón, Josefina Vazquez Marrero, Nilza I. Santiago and Jesús M. Jiménez I hereby submit comments on the proposed order between the US EPA, the US Department of Justice, and the Municipality of Toa Alta regarding the open dump currently owned and operated by the Municipality of Toa Alta.

This open dump has a long and sad history. In its origin around 1966, it was just a sinkhole of approximately 12 acres where waste was deposited. Once the sinkhole was filled, the open dump expanded indiscriminately and illegally to the northeast until 2007. That original dump as well as the expansion lacks a liner and doesn't have a leachate collection system or any other required engineering specifications under RCRA Subtitle D for a Solid Waste Management facility. It is an open dump, a mountain of waste without proper controls.

The Municipality built a new cell in the southeastern portion of the facility in 2007 and started depositing waste. In 2014 the leachate collection system for that cell was damaged. It has not been repaired to pump all leachate out until this day. This new cell was filed in 2017. At that time, instead of complying with the permit and closing the new cell, the Municipality decided to keep disposing of waste despite the fact that the design capacity was exceeded. Since 2017 the disposal operation expanded and now encompass the new cell and the original dumpsite.

Eighty-five percent (85%) of the Toa Alta's open dump lacks a liner. All leachate flows from the facility into various properties, the community, ultimately reaching ground water and surface waters. Inspections from the former Environmental Quality Board (now Department of Natural and Environmental Resources, DNER) from the years 2014, 2015 and 2016 mentioned the following deficiencies in the operation of the Toa Alta open dump:

1- No adequate fencing and security controls. This open dump is oftentimes visited by scavengers.

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- 2- No paved roads which in turn poses a problem when there are heavy rainfalls as leachate, dust and stormwater flow out of the facility.
- 3- Lacks financial assurance.
- 4- Personnel is not trained in health and safety, use of heavy machinery, emergency procedures and management of hazardous waste.
- 5- The open dump lacked adequate and necessary equipment to cover daily dumping and compact waste.
- 6- There is no monitoring of methane gas or a gas collection system.
- 7- Lacks the necessary equipment to provide for operation of contingencies and emergencies.
- 8- Did not have a plan for underground water monitoring approved by DNER
- 9- There was no indication of proper management of leachate. To the north and the south of the facility are two leachate ponds that were not being drained. Said leachate ponds lack liner, posing a potential threat to underground water and soil. Leachate pump system and their retention tank was not working.

In April 2017, the US Environmental Protection Agency ordered the Municipality of Toa Alta, along with current and past operators, to stop waste disposal and take immediate actions to address conditions at the open dump that may present potential threats to human health and the environment. Despite EPA's repeated orders, the Municipality and the open dump operator kept disposing of waste in the facility.

In 2021, EPA sued the Municipality through the US Department of Justice seeking an injunctive relief because the open dump represents an imminent and substantial endangerment to communities and the environment. DNER followed suit and issued an administrative order requiring the Municipality to close the open dump and cease receiving waste.

In the US there are no open dumps, but in Puerto Rico, there are 11 that are in violation of state and federal regulations. Enforcement of the law is remarkably different here than in the states, and that is a problem of environmental justice. The environmental burden these communities suffer is disproportionate when compared to mainland US. They pose a threat to the health of residents of the commonwealth of Puerto Rico who are American citizens.

For decades, the federal bureaucracy has maintained that Puerto Rico can't handle the cost of environmental compliance. This idea has led to a "relaxed" enforcement approach where although the laws are the same, environmental protections in PR are not applied in the same way as in the US. This bureaucratic culture is, in part, the source of this failure to enforce and the environmental justice problem that suffers Toa Alta.

That same federal bureaucracy decided that since there is a RCRA delegation, it will not enforce landfill regulations in Puerto Rico. This policy puts procedure above reality and ignores the environmental problems caused by open dumps. This bureaucratic posture is, in part, also the source of this failure to enforce and the environmental justice problem that suffers Toa Alta.

These deficiencies and environmental justice problems are not theoretical; they continue as of this date and are clearly reflected in the proposed agreement:

1. No matter what the compliance record is, the Municipality will be allowed to continue operating and profiting from the operation of its open dump.

The Toa Alta waste disposal facility is an open dump that has operated for more than 20 years in violation of federal regulations. This is due to deficient enforcement and the historical indifference and incompetency of the Municipality of Toa Alta. However, faced with this dismal performance record here, we have settlement options allowing them to continue with its business of receiving wastes for "compliance purposes". Where in the US is an open dump allowed to continue operating? Where in the US is a facility with this dismal compliance history allowed to continue operating? Where in the US is a facility representing an imminent and substantial endangerment allowed to continue operating? Only in PR because here there is no environmental injustice.

2. No matter the agreement, the community will not receive complete environmental protection.

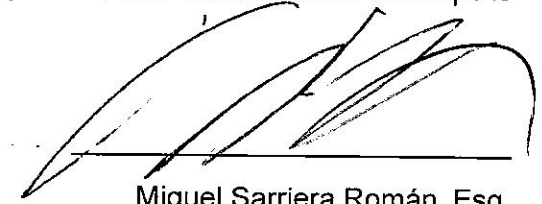
The agreement provides nothing about the management of gases emanating from the open dump. These gases are toxic, and people have been breathing them for decades. This is a violation of title V of the CAA but the agreement is totally silent about this. The narrative for this is simple: this is a RCRA case so we don't get into this and title V is a Puerto Rico matter so we don't get into it either. Granted that Puerto Rico has miserably failed in its duty to enforce landfill regulations and title V gas controls but by ignoring its duty to timely enforce RCRA and CAA EPA abandoned the community and actively promotes environmental injustice. When will the federal authorities end the excuse of the state delegation that promotes the unfair treatment of communities and individuals?

It is a well-known fact that the Municipality uses the income from its open dump to cover other operational costs. This nefarious environmental subsidy, courtesy of a bureaucracy that had failed to enforce the law for decades, ended in an imminent and substantial endangerment to human health and the environment. This is more than an environmental justice problem; it is a total breakdown of government.

The Municipality has repeatedly violated the law for years and has no credibility. The operational capacities of the Municipality are so pitiful that they can't even have a proper fence in the facility. If they are allowed to dump more solid waste, they will invent

a thousand excuses and reasons to continue doing so. They have never complied, will not comply, and only a disengage bureaucracy could think otherwise.

Toa Alta is a discriminated community that has suffered the burden of discriminatory enforcement for years. This agreement fails to deliver environmental justice to the residents of Toa Alta and those living in the communities near this the open dump. The continuation of the waste disposal operation under the settlement is the troy horse that will destroy it and an insult to this community. Only by immediately ending the waste disposal operation, require gas controls, and implement the other proposed measures in the agreement, can the community hope that this enforcement attempt is serious and that the abuse may eventually end.



Miguel Sarriera Román, Esq.

Exhibit 4

August 2022

**Toa Alta Landfill RCRA Settlement
Summary of Key Community Comments and Concerns and EPA Responses**

From January to March 2022, EPA and DOJ received comments from the public on a summary of the terms of a draft proposed preliminary injunction order, and conditions at and around the landfill. The following includes a summary of comments made by the public and EPA's responses.

Key Community Comments and Concerns:

Impact to Community and the Environment

Many comments noted that this landfill is an open dump that has been and continues to be improperly managed. The poor operations at the Toa Alta landfill are impacting surrounding communities, which already face challenges and have environmental justice concerns. An open dump in flagrant violation of environmental requirements like this one would not be tolerated in the mainland United States.

Several commenters believe that the conditions at the landfill have caused asthma, cancer, and even death. They pointed out that it emits uncontrolled dust and unbearably strong odors. It impacts air quality, harbors disease, and exposes the community to rats, flies, mosquitoes, spiders, and other vermin. Pollution from the landfill has driven families from their homes and no one pays attention because they are not wealthy.

Community members noted a loss of biodiversity and adverse impacts to the natural environment around the landfill. These adverse impacts include noise and, in particular, contaminated leachate runoff from the landfill to adjacent properties, surface water and to groundwater that serves as a drinking water source.

Landfill Operations

Many commented that the landfill must be required to immediately stop taking waste. They asked that soil, not waste, be used as necessary to close and stabilize the landfill and noted that there needs to be government oversight.

People also pointed to the fact that there is no control and collection of gases coming from the landfill. The municipality has failed to comply with previous U.S. EPA and Puerto Rico DNER requirements and some members of the public asked why they should believe that a new order will succeed when previous actions by EPA and DNER have not.

Many noted that the municipality is operating an illegal dump without a current DNER operating permit.

EPA Response:

EPA agrees that the Toa Alta Landfill is an open dump that must be permanently closed. The U.S. has previously alleged that conditions at the Toa Alta Landfill pose an immediate risk to people and the environment.

To address the serious issues, EPA proposed an agreed-to preliminary injunction order, for which it is seeking approval from the Federal District Court. Under this proposed order, April 1, 2022, was the deadline to stop waste disposal, and any future waste placement would only be allowed if authorized by DNER under a DNER-approved revised permanent closure plan for the entire landfill. The municipality has informed EPA and the Department of Justice that they have already stopped the disposal of waste at the landfill as of April 2022, and as of June continue to take action to comply with the terms of the proposed preliminary injunction order in advance of the official filing of the order with the Court. EPA plans to conduct periodic inspections of the landfill to make sure the municipality is continuing to comply.

The proposed preliminary injunction order will require that the municipality identify all leachate seeps that could impact off-site residences. The municipality will be required as part of a stormwater management plan to address any leachate contamination associated with offsite stormwater flows.

Permanent closure, including the installation of a landfill gas collection and control system, will be managed under DNER authority and oversight.

Funding Concerns:

Funding for Permanent Closure

Members of the community expressed concerns about a lack of funding from the municipality to implement immediate and long-term operational improvements.

They asked how the municipality will identify funding sources for proper closure, and for proper transportation to and disposal of municipal waste at compliant landfills. They expressed concern that EPA and DOJ should not finalize a judicial preliminary injunction that does not address costs and funding sources and the municipality's funding commitments. They further noted that a DNER Closure Plan should be a requirement of the settlement.

EPA Response:

The municipality is working on a revised permanent closure plan which will be submitted to DNER for review and approval. The Puerto Rico Governor's plan for addressing the open dumps in the Commonwealth includes the closure of the Toa Alta

Landfill. Funding sources for landfill closure include the American Rescue Plan Act of 2021, from which Toa Alta has been allocated \$33 million. More information on funding sources may be found on EPA's website:

<https://www.epa.gov/system/files/documents/2021-09/gfx-solid-waste-management-in-puerto-rico.pdf>

Release and Emission Concerns:

The community noted that releases and emissions from the landfill are happening when it rains because the leachate management system is not adequate. They noted that landfill gas, odors, and aerosols are also major issues, and sampling for presence of contaminants is needed. In addition, septic tanks at the motor pool are being improperly emptied.

EPA Response:

The proposed preliminary injunction order requires stormwater and leachate controls, and periodic sampling of the landfill's stormwater.

DNER has confirmed that it intends to require the construction and implementation of a gas collection and control system as part of permanent closure of the landfill. EPA previously confirmed and notified the municipality that the facility exceeds the regulatory gas release threshold and is subject to this requirement. DNER will oversee Toa Alta's implementation of the gas collection and control system requirements.

The septic tank issue has been referred to DNER.

New Waste Cell Concerns:

People commented that there should be no new cell at, or expansion of, the landfill. They expressed that it is unfair to consider expansion, and the municipality should not be rewarded with a new cell after its long history of noncompliance and environmental damage.

EPA Response:

Decisions on landfill expansions and new landfill cells are the responsibility of DNER, which is the permitting authority for solid waste in Puerto Rico. EPA does not have permitting or siting authority for solid waste in Puerto Rico.

Concerns About Keeping Informed:

People noted that in light of the environmental justice concerns surrounding this landfill, EPA should work to assure long term community involvement, including the potential creation of a community advisory committee. EPA should also identify mechanisms to

assure information sharing, including internet and social media postings and other methods.

EPA Response:

EPA fully supports the need to protect this community from adverse impacts of the landfill, and we understand the decades of environmental injustice that this community has suffered.

The Municipality of Toa Alta will be held accountable. Under the proposed order the municipality will be required to submit monthly reports on its performance of the tasks required under the preliminary injunction order. These reports will be posted, along with other important information, to a public website that EPA has established.

The preliminary injunction order also will require updated signs at the landfill that will include contact information for the Municipality and DNER, and information about EPA's Toa Alta webpage.

Recycling Concerns:

Several commenters noted that the proposed order should include requirements for recycling, waste diversion, and sustainable material management requirements. They further noted that potential impacts to other communities from the Toa Alta landfill closure need to be addressed. For example, other communities may receive more waste after the landfill closes.

EPA Response:

EPA supports municipal recycling and can provide information about the development of recycling programs, as well as waste diversion and sustainable materials management. The proposed order is an interim order that requires necessary short-term measures and is not intended to address broader, longer-term waste management issues such as recycling.

Toa Alta's waste is now being sent to the Toa Baja and Vega Baja landfills, both of which are partially lined and have operational leachate collection systems. DNER is working to address the management of solid wastes on an island-wide basis, including at open dumps. EPA is providing \$40 million in grant funds to DNER to support this effort.