

SEPTEMBER 5, 2023



MUNICIPALITY OF TOA ALTA AUGUST 2023 MONTHLY REPORT  
Civ. No. 3:21-01087-DRD



NIVIA I. AYALA, PE  
TERRATEK ENGINEERING GROUP, PSC  
P.O. Box 367445 San Juan, PR 00936

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## I. DISTRIBUTION LIST

DOJ: [david.l.gordon@usdoj.gov](mailto:david.l.gordon@usdoj.gov)

EPA: [spielmann.lee@epa.gov](mailto:spielmann.lee@epa.gov)

[plossl.carl@epa.gov](mailto:plossl.carl@epa.gov)

[gonzalez.eduardo@epa.gov](mailto:gonzalez.eduardo@epa.gov)

DNER: [nildasanchez@drna.pr.gov](mailto:nildasanchez@drna.pr.gov)

[mariavrodriguez@drna.pr.gov](mailto:mariavrodriguez@drna.pr.gov)

MTA: [carmelovazquez@drna.pr.gov](mailto:carmelovazquez@drna.pr.gov)

[carlos@cwlllegal.com](mailto:carlos@cwlllegal.com)

[dbattle@cstlawpr.com](mailto:dbattle@cstlawpr.com)

[jramirez@amrclaw.com](mailto:jramirez@amrclaw.com)

[cagosto674@gmail.com](mailto:cagosto674@gmail.com)

## II. REPORT ORGANIZATION

As part of the USA-MTA Civ. No. 3:21-01087-DRD Stipulation and Preliminary Injunction Order, 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, proposed measures, and an implementation schedule to correct the noncompliance.

The monthly report is divided into four sections.

Section 1 presents a summary of the order requirements and the compliance status for each requirement. *Please note that Task IDs are not related to the order assigned paragraphs.*

Section 2 will include detailed information or supporting documentation regarding the compliance status of each requirement in need of a comprehensive description or status details.

Section 3 is a projection of next month's activities.

Section 4 includes all the attachments included with the report.

### III. Section 1: SUMMARY

Municipality of Toa Alta Civ. No. 3:21-01087-DRD		
Reporting Period:	August 01 to August 31, 2023	
Reporting Number:	12	
Reporting Official:	Nivia Ayala, PE/TerraTek	
Reporting Date:	9/05/2023	
Description of Compliance with Each Requirement of the Order		
ID	Requirement	Compliance Status
1	Daily Cover	In Compliance
2	Cessation of Waste Disposal	In-Compliance
3	Posting of Signs	In Compliance
4	Intermediate Cover	Intermediate cover was scheduled to start by October 1, 2022. In a meeting with DNER, MTA agreed to start the intermediate cover task by August 2023 to the top deck and include stormwater runoff chutes. After DNER approves or approves with modifications or conditions an MTA permanent closure plan, and if the approved plan includes a schedule for completion of Intermediate Cover, that schedule shall control. Please see Additional comment for ID 3 item.
5	Maintenance of Cover	In-Compliance
6	Slope Stability	In-Compliance with agreed Short Term Controls.
7	Leachate Management	The LTA Leachate tanks are full of "leachate." Please see additional comments for ID 2 item
8	Stormwater Management	
8a	Short Term Controls	When necessary, catch basins, ditches, swales, and channels were inspected weekly, cleaned of accumulated debris, and any observed standing/stagnant water was eliminated. When applicable, catch basins, ditches, swales, and channels were periodically mowed and cleaned.  The diesel tank secondary containment is inspected weekly, when necessary, cleaned of accumulated debris, and eliminates any observed standing/stagnant water.

8b	Survey of Leachate Seeps	In-Compliance
8c	Stormwater Management Plan	A stormwater management plan update was submitted to EPA (Mr. Carl Plossl) on March 31, 2023. A conceptual design was included. However, a more detailed plan was submitted on July 31, 2023.
8d	Discharges of Stormwater Not from Pond	N/A
8e	Discharge/Disposal of Pond Liquid	N/A
<b>Additional Requirements</b>		
The volume, acreage, and location of the Intermediate Cover that was applied.		N/A
The volume and disposition of leachate-contaminated stormwater collected.		None
Results Of Any Sampling Analysis Performed		None
Notification Of Noncompliance		None

**IV. SECTION 2: DETAIL INFORMATION OR SUPPORTING DOCUMENTATION OF EACH REQUIREMENT IN NEED OF COMPREHENSIVE DESCRIPTION OR STATUS DETAILS**

**A. COMPLETED REQUIREMENTS**

**Access:**

Access is granted to the United States and the Commonwealth of Puerto Rico and their employees, representatives, and contractors to conduct the necessary inspections and studies, including reviewing the applicable record to evaluate existing conditions, following the agreed terms in the Stipulation.

**Daily Cover:**

Daily Cover at the facility was completed on April 30, 2022. Daily Cover covered all areas of exposed waste.



**Cessation of Waste Disposal:**

The cessation of waste disposal at the facility was completed by March 30, 2022. However, as agreed in the Stipulation, 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) for final disposal at a different landfill is active and been performed daily.



**Posting of Signs:**

A sign with a size of four feet by five feet was installed at the landfill entrance. See the attached pictures.



## Safety Barrier Fencing

Completed on April 28, 2023.



### B. Supporting documentation of each requirement in need of comprehensive description or status details

#### 1. ID 1: Intermediate Cover

As has been explained numerous times throughout the process, the Municipality needs the funding to perform several of the required tasks, commencing with the Intermediate Cover Task, as it is one of the more costly initial tasks to be completed. The following is a chronological order of the Municipality performed steps to negotiate and acquire the funds to perform this task:

#### Rural Development:

1. On May 18, 2020, the Municipality submitted a Notice of Intent to Rural Development requesting the award of funds under the Disaster Mitigation Assistance Grant for the Landfill.
2. On September 4, 2020, the Municipality amended its request to include the landfill closure, post-closure activities, and expansion.
3. On August 16, 2021, the Municipality received a Rural Development email confirming that all the documents for the appropriate Disaster Mitigation Assistance Grant for the Landfill were completed.



4. On August 22, 2022, the Municipality held a Public Hearing about the requested grant funds.
5. USDA Rural Grant Program, MTA submitted a final Environmental Assessment to: Quiles, Danna - RD, San Juan, PR <danna.quiles@usda.gov>; Cabrera, Jose - RD, San Juan, PR <Jose.Cabrera@usda.gov>; Davila, Sandimary - RD, San Juan, PR <Sandimary.Davila@usda.gov>; Gonzalez, Melvin - RD, SAN JUAN, PR <Melvin.Gonzalez@usda.gov>. The document was submitted on September 30, 2022.
6. As of today, the Rural Development process is still ongoing but has not yet been completed.

#### Department of Natural and Environmental Resources (DNER)

1. The DNER, during the EPA Public Hearing held on February 23, 2022, stated publicly and during the hearing that they would make available to the Municipality the required funds for the appropriate landfill closure.
2. As a result of DNER's public comments, a meeting on March 24, 2022, between the Municipality, DNER, and La Fortaleza was held to discuss the details related to the funds' availability.
3. On March 31, 2022, the Municipality provided the required information by the DNER, including the schedule and cost estimate for said agency to prepare a Memorandum of Understanding (MOU) that would provide the necessary funds to the Municipality for the Landfill's closure activities.
4. After continuous inquiries by the Municipality, the DNER, on June 10, 2022, they finally provided a draft MOU for the funds' access. The Municipality issued its comments to the MOU on August 12, 2022.
5. A meeting was held on November 2, 2022, with Puerto Rico Office of Management and Budget, the DNER, and MTA to discuss the extent of the DOJ requirements and DNER Closure Plan request. The purpose of the meeting also includes the addition of a transfer station located at the Landfill's existing site.
6. A conference call was held on November 29, 2022, where PROMB required an additional cost spreadsheet, including the cost of a transfer station design and construction.

7. As of today, and after significant follow-up efforts with the DNER, they have not responded with the definitive version of the MOU and the availability of funds.
8. An email was sent on December 5 and 20, 2022, and January 24, 2023, to Ms. Maria V. Rodriguez, Anais Rodriguez Vega, Elid Ortega Orozco, and Claribel Rivera, following up regarding the MOU with the agency.
9. An email was received on January 27, 2023, from Ms. Maria V. Rodriguez (DNER) clarifying that the Department of Budget and Management at the State level handled any economic assistance to the Municipality.
10. A letter dated January 26, 2023, was directed to the MTA Mayor approving \$1.3M for planning and design of the closure activities. No disbursement has been received at this moment.
11. The Municipality designated \$3 Million of their ARPA funds to commence the execution of the required Intermediate Cover tasks.
12. The \$1.3M was reimbursed for planning and design in February 2023.
13. The MTA commenced in January 2023 an RFQ process for a Landfill Contractor to implement the Intermediate. Unfortunately, no contractor submitted a proposal for the RFQ.
14. Thus, a new formal drawing was developed to identify the specific project specifications to issue an RFP purpose that would allow more flexibility for contractors to participate. The MTA prepared a new RFP that was published in May 2023.
15. The MTA had two contractors participate in the RFP process, and it is evaluating the proposals to issue the final determination that would allow the commencement of the work during August 2023.
16. The RFP was awarded to LC Group on August 16, 2023.

## 2. ID 2: Leachate Management

The LTA Leachate tanks are full of "leachate." On June 28, 2023, a sample was taken from the sampling point at the tank facility for the following parameters:

PARAMETRO	LIMITE DE DESCARGA (mg/l)
Aceites y Grasas	50.0
BOD <sub>5</sub> <sup>2</sup>	250
Cadmio	0.1
Cianuro	0.1
Cinc	0.5
Cobre	1.0
Cromo total	1.0
Fenoles <sup>1</sup>	1.0
Manganeso	4.0
Mercurio	0.05
Niquel	0.5
Plata	0.05
Plomo	0.2
SST <sup>2</sup>	250.0
Selenio	0.20

**LIMITES DE PRETRATAMIENTO ADICIONALES**

pH (UE) <sup>3</sup>	6.5-9.0
Temperatura (°C)	60
Temperatura inflamabilidad (°F)	>140
Arsénico	MS
Bario	MS
Boro	MS
Cromo Hexavalente	MS
Detergentes (MBAS)	MS
Fluoruro	MS
Molibdeno	MS
Nitrógeno (NO <sub>3</sub> , NO <sub>2</sub> , NH <sub>3</sub> )	MS
Sulfato	MS
Sulfuro	MS

Results were received on August 20, 2023. A new permit renewal application was submitted to PRASA on August 30, 2023.

### DNER Meeting

As planned, we met on March 17, 2023, with DNER (Mr. Carmelo Vazquez). We discussed the following:

- Leachate stored at LTA Tanks with possible course of action.
- Closure Preliminary Design to be submitted by November 30, 2023
- H-H Report with structural control measures to be submitted by August 31, 2023.
- Geotechnical Study Report to be submitted by September 31, 2023.
- Intermediate Cover placement on the top deck with stormwater down chutes by August 2023.

We appreciate all the technical assistance received by DNER personnel during our meeting and their interest in keeping up-to-date with the insights of this project.

## V. SECTION 3: PROJECTION OF NEXT MONTH'S ACTIVITIES

September 8, 2023	Weekly Inspection
Weekly Inspection	Intermediate Cover First Acre cCompleted
September 15, 2023	September 29, 2023
Weekly Inspection	Weekly Inspection
September 22, 2023	

These dates are subject to change.

I will be out of the office between September 11 and September 22, 2023. I'll be reachable by email only.

## VI. Section 4: Attachments

Attachment 1: Weekly Inspections

## ATTACHMENT 1



Friday, August 11, 2023

**Approval Status**

Approved

**Nombre de la persona que hace la inspeccion**

Christian Villalta Calderón

**Email**

cristhianvillalta@gmail.com

**Fecha**

Friday, August 11, 2023

**Hora**

03:25 PM

**Condicion del Clima**

Soleado

**Esta la entrada limpia y libre de basura?**

Si

**Foto Entrada**



**Hay Personal en la caseta de seguridad?**

SI

**Cuantos camiones han llegado en el dia?**

6

**Fecha de la ultima verificacion del sistema de manejo de lixiviados Celda Sur?**

Friday, August 11, 2023

**Horas de operacion de la planta electrica**

8

**Datos de eventos de lluvia**

No hay datos registrados!. No hay instrumento.

**Estan las areas verdes limpias y se ha realizado mantenimiento?**

SI

**Incluir Foto**



**Estan los diques limpios y sus  
valvulas cerradas con candado?**

SI

**Condicion de Cubierta Talud Norte**

Excelentes condiciones

**Incluir foto**





**Condicion Operacion Recibo de Escombros**

Necesita Limpieza

**Tomar foto**



**Equipos Operando**

Ninguno al momento de la inspección.

**Condicion de medidas de control de erosion y sedimentacion**

Buena

**Se pueden notar brotes de lixiviado?**

NO

**Condicion de los caminos internos**

Excelentes condiciones


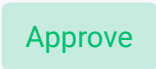
**Condicion de areas de desvio de materiales**


Area completamente limpia.

**Signature**

A handwritten signature in blue ink, appearing to read 'N. Ayala'.

**Approval Activity History**

Actor	Actions	Date
 Nivia Ayala nayala@terratekpr.com		Tuesday, September 5, 2023

Actor	Actions	Date
 Notification	Email sent. (Your request has been approved.) cristhianvillalta@gmail.com	Tuesday, September 5, 2023



Friday, August 18, 2023

**Approval Status**

Approved

**Nombre de la persona que hace la inspeccion**

Christian Villalta Calderón

**Email**

cristhianvillalta@gmail.com

**Fecha**

Friday, August 18, 2023

**Hora**

03:45 PM

**Condicion del Clima**

Nublado

**Esta la entrada limpia y libre de basura?**

Si

**Foto Entrada**



**Hay Personal en la caseta de seguridad?**

SI

**Cuantos camiones han llegado en el dia?**

6

**Fecha de la ultima verificacion del sistema de manejo de lixiviados Celda Sur?**

Friday, August 18, 2023

**Horas de operacion de la planta electrica**

8

**Datos de eventos de lluvia**

No hay datos registrados de lluvia. No hay pluviometro.

**Estan las areas verdes limpias y se ha realizado mantenimiento?**

SI

**Incluir Foto**



**Estan los diques limpios y sus  
valvulas cerradas con candado?**

SI

**Condicion de Cubierta Talud Norte**

Excelentes condiciones

**Incluir foto**



**Condicion Operacion Recibo de Escombros**

Necesita Limpieza

**Tomar foto**



**Equipos Operando**

Ninguno al momento de la inspección.

**Condicion de medidas de control de erosion y sedimentacion**

Buena

**Se pueden notar brotes de lixiviado?**

SI

**Añadir fotos deal area de brotes visibles**





**Condicion de los caminos internos**


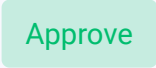

Excelentes condiciones

**Condicion de areas de desvio de materiales**

Area completamente limpia.

**Signature**

**Approval Activity History**

Actor	Actions	Date
 Nivia Ayala nayala@terratekpr.com	 Approve	Tuesday, September 5, 2023
 Notification	Email sent. (Your request has been approved.) cristhianvillalta@gmail.com	Tuesday, September 5, 2023



**Approval Status**

Approved

**Nombre de la persona que hace la inspeccion**

Christian Villalta Calderón

**Email**

cristhianvillalta@gmail.com

**Fecha**

Friday, September 1, 2023

**Hora**

03:40 PM

**Condicion del Clima**

Soleado

**Esta la entrada limpia y libre de basura?**

Si

**Foto Entrada**



**Hay Personal en la caseta de seguridad?**

SI

**Cuantos camiones han llegado en el día?**

6

**Fecha de la ultima verificacion del sistema de manejo de lixiviados Celda Sur?**

Friday, September 1, 2023

**Horas de operacion de la planta electrica**

8

**Datos de eventos de lluvia**

No hay datos registrados de lluvia. No hay pluviometro instalado.

**Estan las areas verdes limpias y se ha realizado mantenimiento?**

SI

**Incluir Foto**



**Estan los diques limpios y sus  
valvulas cerradas con candado?**

SI

**Condicion de Cubierta Talud Norte**

Excelentes condiciones

**Incluir foto**



**Condicion Operacion Recibo de Escombros**

Buena

**Tomar foto**



### Equipos Operando

Una retroexcavadora al momento de la inspección.

**Condicion de medidas de control de erosion y sedimentacion**

Buena

**Se pueden notar brotes de lixiviado?**

NO

**Condicion de los caminos internos**


Excelentes condiciones


**Condicion de areas de desvio de materiales**

Area completamente limpia.

**Signature**

### Approval Activity History

Actor	Actions	Date
 Nivia Ayala nayala@terratekpr.com	<span>Approve</span>	Tuesday, September 5, 2023

Actor	Actions	Date
 Notification	Email sent. (Your request has been approved.) cristhianvillalta@gmail.com	Tuesday, September 5, 2023