

APRIL 17, 2023



May 2020



June 2022



March 2023

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

N. AYALA  
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, and 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 ID's are not related to the order assigned paragraphs.*

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

Section 3 is a projection of next month 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:	March 01 to 31, 2023	
Reporting Number:	08	
Reporting Official:	Nivia Ayala, PE/TerraTek	
Reporting Date:	4/17/2023	
Description of Compliance with each requirement of the Order		
ID	Requirement	Compliance Status
1	Daily Cover	Daily cover was completed prior to April 30, 2022.
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 intermediate cover task by July 01, 2023, to the top deck and including stormwater runoff chutes. 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. Please see Additional comment for ID 4 item.
5	Maintenance of Cover	Monthly Maintenance for applied daily cover is performed for compliance assurance. Please see Attachment 1 for Inspection reports.
6	Slope Stability	Short Term Controls were completed by May 1. 2022. Diversion works to prevent stormwater runoff on the top deck for entering the North Slope Area and erosion controls. Maintenance is performed monthly. Safety Barrier fencing was still pending installation during the reporting period, even though it has an active Purchase Order the supplier was not able to deliver the materials during the reporting period. Please see additional comments for ID 2 Item.
7	Leachate Management	Field work for the Survey of Leachate Seeps was completed on December 19, 2022. The LTA Leachate tanks are full of "leachate". Please see additional comments for ID 3 item
8	Stormwater Management	
8a	Short Term Controls	Catch basins, ditches, swales, and channels were inspected weekly, when necessary, cleaned of accumulated debris and eliminate any observed standing/stagnant water. 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 eliminate any observed standing/stagnant water.

8b	Survey of Leachate Seeps	Completed on December 19, 2022.
8c	Stormwater Management Plan	The H-H Study was completed on December 15, 2022. Presently we are on the design phase. With the information of the H-H Study a new set of structural controls will be designed to manage the stormwater regulatory requirements applicable to landfill facilities. A report will be completed by May 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 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	Safety Barrier fencing was still pending installation during the reporting period, even though it has an active Purchase Order the supplier was not able to deliver the materials during the reporting period. MTA shall by January 1, 2023, submit for approval under Paragraph 11 a proposed Stormwater Management Plan. The required H-H study was completed and submitted with last month's report. At present, we are still working on the final infrastructure design in association with the Preliminary Closure Design and the Final Stormwater Management Plan will be submitted by May 31, 2023.

#### 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 and the applicable records review to evaluate existing conditions, following the agreed terms in the Stipulation.

###### **Daily Cover:**

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



###### **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 on a daily basis.

**Posting of Signs:**

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



**B. 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 performed. 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 July 16, 2021, the Municipality received a Rural Development email confirming that all the required documents for the appropriate Disaster Mitigation Assistance Grant for the landfill was completed.
4. On August 22, 2022, the Municipality held a Public Hearing related to the grant funds requested.
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 on-going, but has not yet 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 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, finally provided a draft MOU for the funds access. The Municipality issued its comments to the MOU on July 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 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, 2022 to Ms. Maria V. Rodriguez, Anais Rodriguez Vega, Elid Ortega Orozco, Claribel Rivera following up regarding the MOU with the agency.



9. An email was sent on December 20, 2022 to Ms. Maria V. Rodriguez, Anais Rodriguez Vega, Elid Ortega Orozco, Claribel Rivera following up regarding the MOU with the agency.
10. An email was sent on January 24, 2023 to Ms. Maria V. Rodriguez, Anais Rodriguez Vega, Elid Ortega Orozco, Claribel Rivera following up regarding the MOU with the agency.
11. An email was received on January 27, 2023 from Ms. Maria V. Rodriguez (DNER) clarifying that any economical assistance to the Municipality was been handled by the Department of Budget and Management at the State level.
12. 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.
13. Currently, the Municipality is analyzing the different alternatives at their disposal to advance the execution of the required Intermediate Cover tasks.
14. Disbursement of the \$1.3M for planning and design was made in February 2023.
15. Additionally, MTA has already started the RFQ process for a Landfill Contractor

<b>Dates</b>	<b>Activities</b>
January 15, 2023	RFQ initial announcement.
February 15, 2023	Deadline for interested contractors to submit and present questions.
March 15, 2023	Due date for RFQs.
April 15-30, 2023	Deadline for Municipality evaluation and determination of RFQ.
May 15, 2023	Perform negotiations with applicable contractors (if necessary).
May 30, 2023	Final Determination of RFQ (if necessary).

Unfortunately, no contractor submitted a proposal for the RFQ.

The Municipality is preparing a new RFP for the top deck intermediate cover placement and stormwater down chutes. A new drawing was developed to be used as project specifications for the RFP purpose. Please see Attachment 2 for a copy of the drawing.

A Closure Conceptual Design has been submitted to DNER on February 8, 2023. We have agreed with DNER to start top deck intermediate cover by July-August, 2023, and submit a complete Preliminary Closure Plan by November 15, 2023.

### C. ID 2: Safety Barrier Fencing

Presently, MTA is going over the contracting and finance process to contract the installation of the safety barrier. Materials are already on site. The shortage on the chain supply of these kind of construction materials have a delay of three (3) months. As MTA is required to follow purchasing and finances municipal processes,

### D. ID 3: Leachate Management

The LTA Leachate tanks are full of "leachate". After discussing this issue with DNER, on March 21, 2023, we had a conversation with Eng. Jose Zayas from LTA requesting two items:

- As the leachate comes from a project presently managed by LTA, have them coordinate emptying the tanks to the POTW they currently use for their Toa Baja facility. MTA agreed on paying for transportation and disposal.
  - However, LTA answered that "it was not possible to use Toa Baja POTW discharge permit".
- We also requested a copy of the characterization of the leachate contained in the tanks.
  - Unfortunately, LTA supplied laboratory results for 2019 and 2020.

Presently, we are in a very challenging situation regarding the leachate disposal that will require extensive additional time in order to renew the MTA Leachate discharge permit with PRASA. Any help from EPA Project Manager and/or LTA will be much appreciated.

### E. DNER Meeting

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

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

**Photos:**















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

April 7, 2023	Weekly Inspection
Weekly Inspection	April 28, 2023
April 14, 2023	Weekly Inspection
Weekly Inspection	RFP Public Notice
April 21, 2023	

These dates are subject to change.

## VI. Section 4: Attachments

Attachment 1: Weekly Inspections

Attachment 2: Top Deck Intermediate Cover Area Drawing

ATTACHMENT 1



Friday, March 3, 2023

**Approval Status**

Approved

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

Christian Villalta Calderón

**Email**

cristhianvillalta@gmail.com

**Fecha**

Friday, March 3, 2023

**Hora**

04:15 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 día?**

4

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

Friday, March 3, 2023

**Horas de operacion de la planta electrica**

8

**Datos de eventos de lluvia**

No hay datos disponibles de precipitación.

**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**

Al momento de la inspección no hay equipos operando.

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

Buena

**Se pueden notar brotes de lixiviado?**

SI

**Añadir fotos deal area de brotes visibles**



**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	<span>Approve</span>	Monday, March 6, 2023
 Notification	Email sent. (Your request has been approved.) cristhianvillalta@gmail.com	Monday, March 6, 2023



Friday, March 10, 2023

**Approval Status**

Approved

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

Christian Villalta Calderón

**Email**

cristhianvillalta@gmail.com

**Fecha**

Friday, March 10, 2023

**Hora**

03:30 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?**

10

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

Friday, March 10, 2023

**Horas de operacion de la planta electrica**

8

**Datos de eventos de lluvia**

No hay datos disponibles de precipitación.

**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**

Al momento solo un camion recolector de basura descargando escombros.

**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	<span>Approve</span>	Tuesday, March 21, 2023
 Notification	Email sent. (Your request has been approved.) cristhianvillalta@gmail.com	Tuesday, March 21, 2023



Friday, March 17, 2023

**Approval Status**

Approved

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

Christian Villalta Calderón

**Email**

cristhianvillalta@gmail.com

**Fecha**

Friday, March 17, 2023

**Hora**

03:28 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?**

8

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

Friday, March 17, 2023

**Horas de operacion de la planta electrica**

8

**Datos de eventos de lluvia**

No hay datos disponibles de precipitaciones.

**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	<div style="background-color: #e0f2f1; padding: 5px; display: inline-block;">Approve</div> Fotos, si puedes añade mas fotos de las areas del taller y el tanque de lixiviado.	Tuesday, March 21, 2023
 Notification	Email sent. (Your request has been approved.) cristhianvillalta@gmail.com	Tuesday, March 21, 2023



Friday, March 24, 2023

**Approval Status**

Approved

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

Christian Villalta Calderón

**Email**

cristhianvillalta@gmail.com

**Fecha**

Friday, March 24, 2023

**Hora**

03:35 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?**

8

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

Friday, March 24, 2023

**Horas de operacion de la planta electrica**

8

**Datos de eventos de lluvia**

No hay datos disponibles de lluvia.

**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**

Al momento de la inspección no operaban equipos.

**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.

**Tomar Foto de haber condiciones que necesiten mejoras**



**Signature**

**Approval Activity History**

Actor	Actions	Date
 Nivia Ayala nayala@terratekpr.com	 Approve	Tuesday, April 18, 2023
 Notification	Email sent. (Your request has been approved.) cristhianvillalta@gmail.com	Tuesday, April 18, 2023

## ATTACHMENT 2

**LEYENDA:**

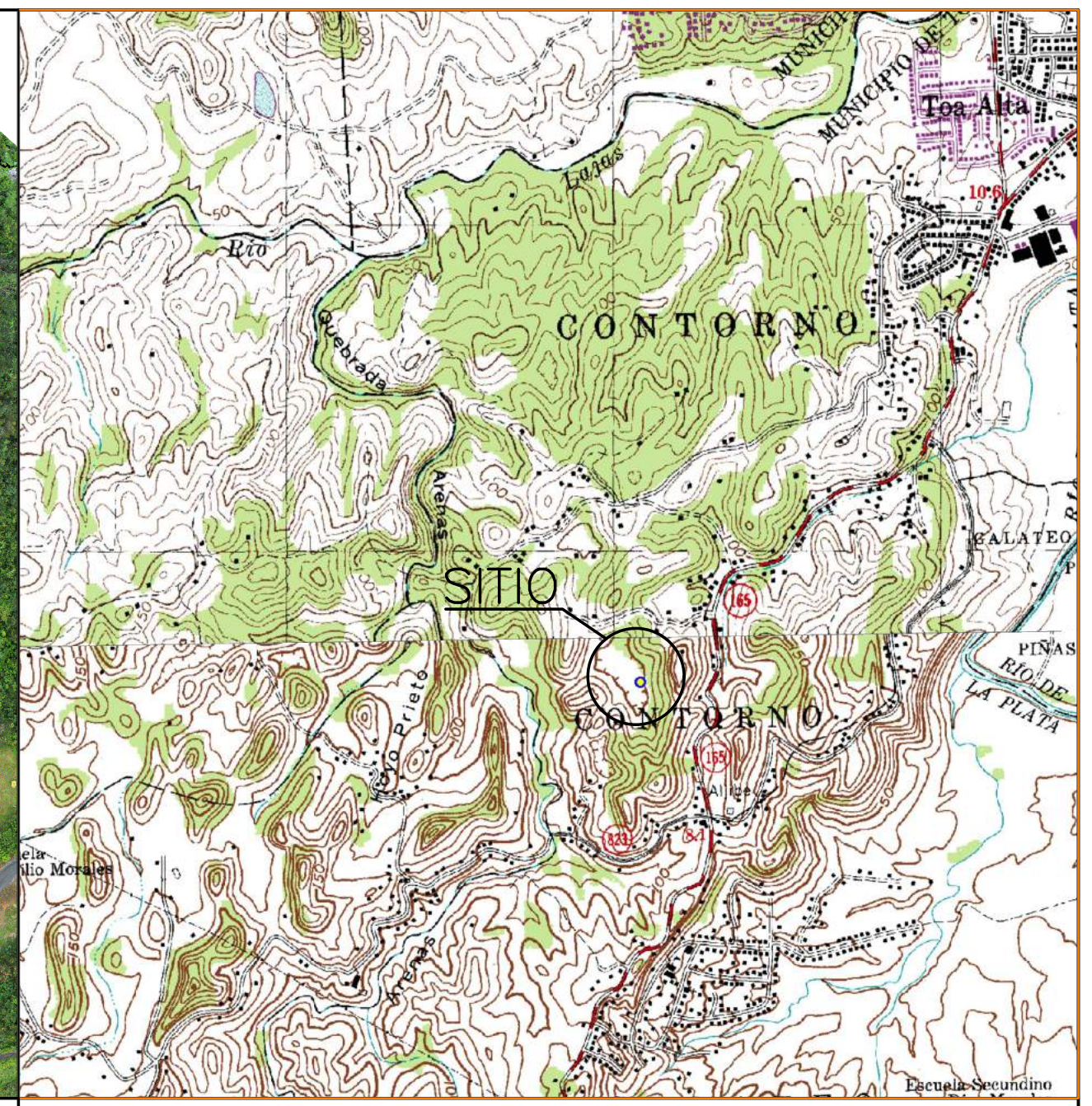
- △ ESTACION DE CONTROL HORIZONTAL
- PUNTO COLINDANCIA
- LINEA DE COLINDANCIA
- ▲ TORRE ELÉCTRICA EXISTENTE
- CONTOURNO INTERVALOS DE UN (1.00) METRO
- CONTOURNO INTERVALOS DE CINCO (5.00) METROS
- CAMINO EN TIERRA
- ▭ ESTRUCTURAS EN HORMIGÓN EXISTENTE (RESIDENCIAS)
- ☒ SUMIDERO LIXIVIADOS IDENTIFICADOS POR PERSONAL TERRATEK

**NOTAS GENERALES:**

1. TODAS LAS DISTANCIAS EXCEPTO LAS INDICADAS SE HAN EXPRESADO EN EL SISTEMA MÉTRICO.
2. LA LOCALIZACIÓN DE LOS PUNTOS SE HA HECHO CON UN MEDIDOR DE DISTANCIA ELECTRÓNICO TOTAL STATION "TOPCON" GTS 230 & COLECTOR DE DATOS NOMAD TRIMBLE.
3. LA MENSURA SE REALIZÓ POR LOS PUNTOS DE COLINDANCIA EXISTENTES SUJETOS A CONFORMIDAD DE COLINDANTES Y POSIBLE RECTIFICACIÓN.
4. CONTOURNOS A INTERVALOS DE UN (1.00) METRO.
5. ESTA MENSURA Y TOPOGRAFÍA SE LLEVA A CABO A PETICIÓN DE TERRATEK ENGINEERING GROUP, PSC.
6. EL SISTEMA HORIZONTAL ESTA REFERENCIADO A NAD-83 DE PUERTO RICO.
7. SE UTILIZÓ EQUIPO DE POSICIONAMIENTO GPS GLOBAL ESTACION VIRTUAL (VRS). DATUM: NAD-83 (2011) EP GEOD:G1BPR.
8. ESTE TRABAJO CUENTA CON EL APOYO DE FOTOGRAMETRÍA A TRAVÉS DEL USO DE "DRONE".
9. PARA LA PREPARACIÓN DE ESTE PLANO SE UTILIZÓ DATA DEL PLANO CONFECCIONADO POR EL AGREMENSOR JOSÉ M. COUVERTIER Y CERTIFICADO POR EL ING. EMILIO GUTIÉRREZ DEL ARROYO, LIC. #16,789. DEL MISMO SE UTILIZA DATOS TABLA DE MENSURA.



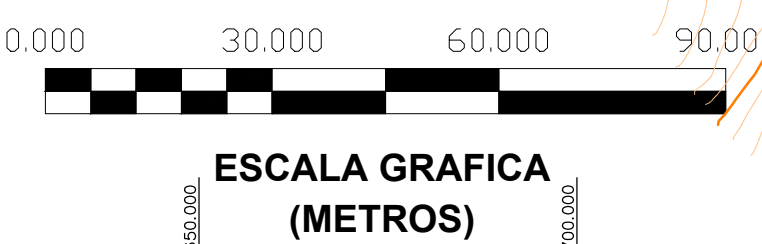
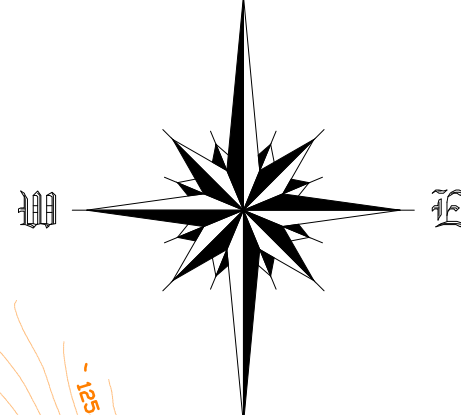
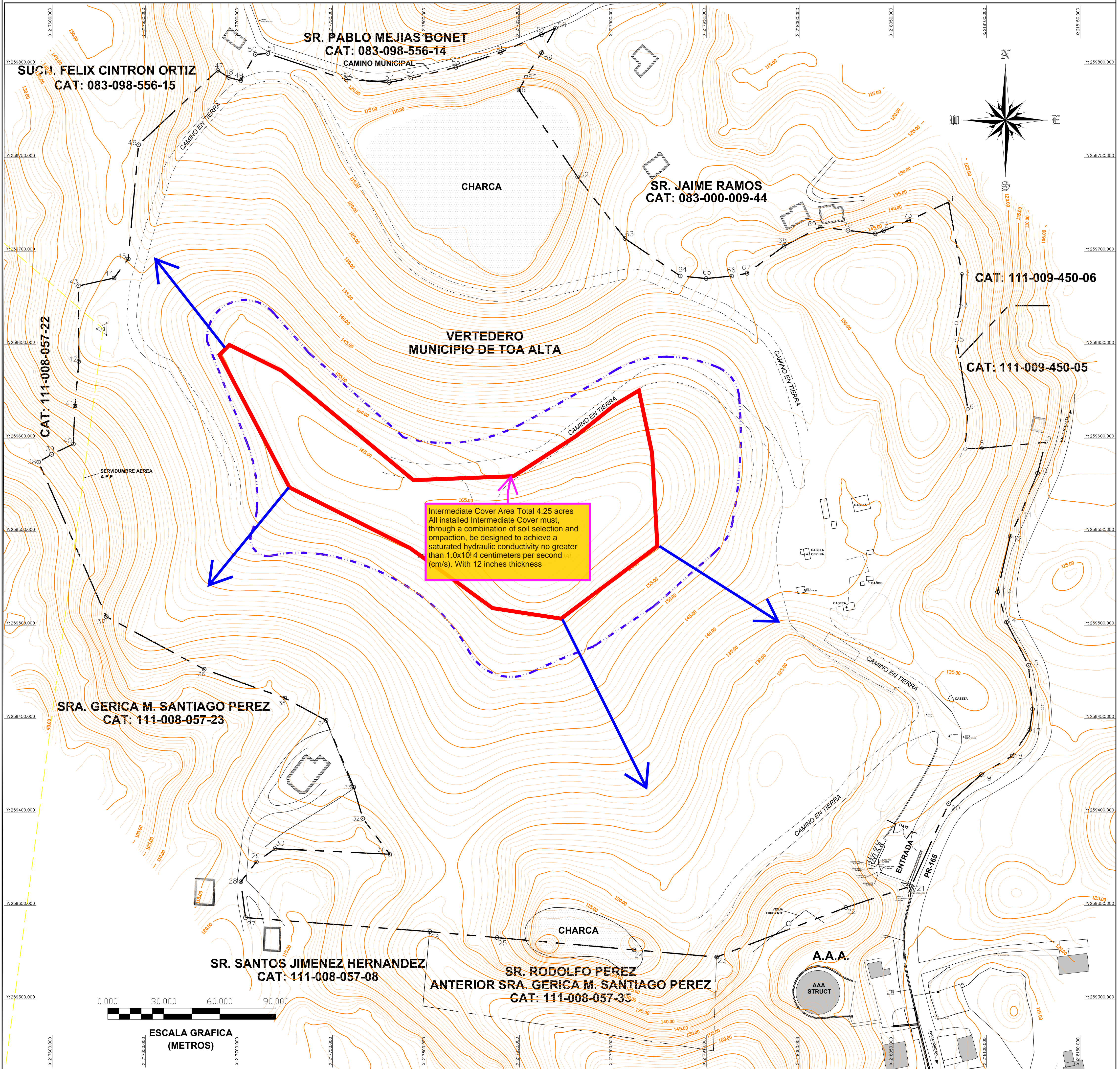
FOTO AÉREA (DRONE) N.T.S.



MAPA DE LOCALIZACIÓN 1:20,000

CONDICIONES EXISTENTES PARA DICIEMBRE 17, 2022

COORD. LAMBERT NAD-83 X= 217,876.00 Y= 259,575.00



**PLANO TOPOGRÁFICO "ASBUILT" CONDICIONES EXISTENTES**

FINCA PROPIEDAD DEL MUNICIPIO DE TOA ALTA  
 VERTEDERO RESIDUOS SÓLIDOS  
 SITA: EN CARRETERA PR-165, KM. 9.0, Bo. MAMEY  
 TOA ALTA, PUERTO RICO

FECHA: DICIEMBRE 14, 2023
DIBUJADO POR: D. PASTRANA (3949)
ESCALA: 1: 1,000

