

MAY 17, 2024



MUNICIPALITY OF TOA ALTA APRIL 2024  
MONTHLY REPORT  
Civ. No. 3:21-01087-DRD



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## I. DISTRIBUTION LIST

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## 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 summarizes the order requirements and the compliance status for each requirement. *Please note that Task IDs are not related to the paragraphs assigned to the order.*

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

Section 3 is a list of weekly inspections performed, and

Section 4 is the projection of next month's activities.

Section 5 includes all the attachments to the report.

## III. Section 1: SUMMARY

Municipality of Toa Alta Civ. No. 3:21-01087-DRD		
Reporting Period:	April 1 to April 30, 2024	
Reporting Number:	19	
Reporting Official:	Nivia Ayala, PE/TerraTek	
Reporting Date:	05/17/2024	
Description of Compliance with Each Requirement of the Order		
ID	Requirement	Compliance Status
1	Access	In-Compliance
2	Daily Cover	In Compliance
3	Cessation of Waste Disposal	In-Compliance
4	Posting of Signs	In Compliance
5	Intermediate Cover	A new intermediate cover phase will cover approx. 4.5 acres and it is schedule to start during this quarter.
6	Maintenance of Cover	In-Compliance
7	Slope Stability	In compliance with agreed short-term controls, safety barrier fencing, and H&S program.
8	Leachate Management	
8a	Leachate Management Plan	A formal Leachate Management Plan was submitted with the Preliminary Closure Plan on October 31, 2023.
8b	Management of Leachate Collected from Landfill	Permit Approved GDG-24-706-001
9	Stormwater Management	
9a	Short Term Controls	In- Compliance
9b	Survey of Leachate Seeps	In-Compliance
9c	Stormwater Management Plan	In-Compliance
9d	Discharges of Stormwater Not from Pond	N/A
9e	Discharge/Disposal of Pond Liquid	N/A
Additional Requirements		
The volume, acreage, and location of the Intermediate Cover that was applied.		None

The volume and disposition of leachate-contaminated stormwater collected.	None
Results Of Any Sampling Analysis Performed	On March 19, 2024, a Leachate Sample was collected from the LTA Storage Tanks. Results are included as Attachment 1.
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 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 5: Intermediate Cover

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 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.
7. The Municipality of Toa Alta, in its continued effort to receive assistance for obtaining the funds required for the landfill closure, received a letter from the Department of Housing informing the designation of the Community Development Block Grant - Mitigation Program (CDBG-MIT) funds for strategic, transformative, and high-impact projects that will strengthen the island's resilience to future natural disasters by improving critical infrastructure. As part of this analysis, the Toa Alta Solid Waste Management Project was selected as a Strategic Project that will be receiving funds from this program to implement the landfill closure activities. Based on this designation, the Municipality of Toa Alta has commenced the meetings with the



Department of Housing in order to complete all the required documentation required for the final issuance of the award. The Municipality will continue working with the Department of Housing to complete the required processes in order to receive the grant funds for this important project.

8. Additional meetings and information requests have been occurring between the MTA and PRDOH to complete the award issuance of CDBG-MIT funds.
9. Next meeting is programmed for May 22, 2024.

Department of Natural and Environmental Resources (DNER)

1. 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.
2. The Municipality designated \$3 Million of their ARPA funds to commence the execution of the required Intermediate Cover tasks.
3. The \$1.3M was reimbursed for planning and design in February 2023.
4. 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.
5. 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.
6. 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.
7. The RFP was awarded to LC Group on August 16, 2023.
8. The Intermediate Cover activities started on August 29, 2023.
9. A meeting with DNER Technical Personnel was held on February 29, 2024, regarding formal comments regarding the Preliminary Closure Report submitted on October 31, 2023. After the DNER evaluation the following are the discussed comments:
  1. Verify Closure Turf Stability Safety Factor calculated for the North Slope (2.4:1?)
  2. Verify the results of the static and seismic Safety Factors.
  3. Revise and include HELP Assumptions and used factors.

4. Revise Help Calculation results \*227 ft<sup>3</sup> or 2.267x10<sup>3</sup> ft<sup>3</sup>
5. Clarify if the Stormwater Pond capacity calculation was performed using the existing water level or on an empty pond.
6. Verify profile A-A' used on Drawing 8.

A revised Preliminary Closure Plan will be submitted by April 15, 2024.

1a. ID 5: Intermediate Cover

The initial phase of intermediate cover started on August 29, 2023 and ended on February 23, 2024, covering 5.24 acres. A total of 8264 cubic meters had been applied as intermediate cover at the facility. A new intermediate cover phase will cover approx. 4.5 acres and it is schedule to start during next quarter.

C. EPA REVISIONS, REQUESTS AND VIRTUAL MEETINGS

- On February 22, 2024, a 2-hour discussion of the EPA HELP Model as it pertains to the Toa Alta Landfill was organized by Mr. Carl Plossl. The first hour was a general presentation of the suitability and use of the HELP Model in estimating leachate generation, stormwater flows, and other water flows in and out of Puerto Rico's landfills. The second hour was focused on aspects of the Toa Alta Landfill.
- On February 23, 2024, a discussion was held at the request from Mr. Carl Plossl, regarding the Stormwater Management Plan submitted in July 2023. An extensive list of comments was discussed. A revised Plan was submitted by MTA on February 26, 2024.
- On February 27, 2024 a kmz file containing the second phase intermediate cover information was submitted to Mr. Carl Plossl.
- We want to note our appreciation to Mr. Plossl for preparing and Updated ET Cover Design Elements for the Toa Alta Landfill Intermediate Cover received on January 23, 2024.
- On March 4, 2024 we had a telephone conference call with Mr. Carl Plossl to discuss the Stormwater Management Plan Update. Mr. Plossl kindly share with us the following documents:
  - Toa Alta Landfill SWPPP prepared in 2021.
  - A drawing showing what he understands to be the stormwater offsite release points/areas at the Toa Alta Landfill.



Needs to be reviewed and corrected

- On April 16, 2024 Mr. Carl Plossl informed us the following:  
Intermediate cover is required under the 1<sup>st</sup> Stip to be installed at a rate of 1-acre/month for the 1<sup>st</sup> year and then at the rate of 2-acres/month thereafter. By the end of March, 2024, some 24-acres were to be installed. As only 5.24-acres are currently covered, the Municipality of Toa Alta is not in compliance. Your reports must reflect this lapse in compliance.

## V. SECTION 3: WEEKLY INSPECTIONS PERFORMED DURING THE REPORTING PERIOD

Inspections were performed by TerraTek Engineering Group personnel on the following days:

April 5, 2024

and April 26, 2024

April 12, 2024

## VI. SECTION 4: PROJECTION OF NEXT MONTH'S ACTIVITIES

May 3, 2024

Weekly Inspection

May 10, 2024

Weekly Inspection

May 17, 2024

Weekly Inspection

May 24, 2024

Weekly Inspection

May 31, 2024

Submit the project status report to the OGP (Puerto Rico's Office of Management and Budget).

Follow up the next phase of intermediate cover RFP process.

Start with the HUD CDBG-MIT Environmental Review Process.

These dates are subject to change.

## VII. Section 4: Attachments

Attachment 1: Weekly Inspections

Attachment 2: Lecahate Sample Results