

PUBLIC MEETING
Preliminary Injunction Order for the Toa Alta Landfill
Date: February 23, 2022
Time: 5:30 p.m. - 9:00 p.m.

*Registration begins at 5:30 p.m. and the following announcement is made to
those present*

Eduardo González: Welcome everyone to this public meeting. We ask that if anyone is going to present a video or a photo or something that you would like to present that you let us know at this time so that we can coordinate it.

Record starts at 6:07 p.m.

Carmen Guerrero:

Good evening to all of you. We are about to begin the community meeting, the public meeting. We acknowledge the Secretary of the Department of Natural Resources who is coming in right now. We also know that the Mayor of Toa Alta is here with us. Thank you, Mayor. My name is Carmen Guerrero Pérez. I am the director of the Caribbean Division of the Federal Environmental Protection Agency, also known as the EPA, and I'm going to be helping to facilitate this meeting in the company of José Font, Deputy Director of the Caribbean Division. You can see José over there on the right, he was welcoming you as part of this activity. We want to excuse our EPA Region 2 Regional Administrator, Lisa García, who wanted to travel to Puerto Rico to participate in this public meeting but had to excuse herself due to personal matters and will be visiting Puerto Rico soon. First and foremost, we want to thank all of you for setting aside some of your time this afternoon,

this evening, to participate in this public meeting on the proposed injunction order by the EPA and the Federal Department of Justice for the Toa Alta landfill. Before officially starting the meeting, I would like to let you know how the meeting agenda will be carried out and introduce you to the key people who will be participating in the meeting. First, we will have a few words of welcome from the Mayor of Toa Alta, Clemente "Chito" Agosto. Afterwards, from the Secretary of the Department of Natural and Environmental Resources, Rafael Machargo. Then, we will have a presentation from the EPA technical team, Eduardo González, and Carl Plössl. At the same time, our team is accompanied by the Federal Department of Justice team, for legal and procedural matters, David Gordon and Elizabeth "Betty" Yu. If you could raise your hands; they're there, up front. We will also have a presentation from the Department of Natural and Environmental Resources by María Victoria Rodríguez, "Vicky", thank you for being here. She is the Director of the Land Pollution Area of the Department of Natural Resources. And after these presentations and messages we will move on to the public comment session and questions and answers that you may have. Later, we're going to be giving you more details on how we're going to handle the order of the presentations. We want to make sure that everyone who participates in this meeting is heard, so we ask that if you are interested in making a presentation or giving us your comments and recommendations, that you make sure that your name is on the attendance list or the list of participants that José was attending to at the entrance and that you indicated on the list that you are interested in making a presentation. This way, we ensure that we don't miss anyone who would like to speak. If you prefer to write your questions or comments, you can also write them on these cards. There are some cards that Eduardo is going to show you there, that

we will be distributing, and we can address and present those questions for you during the meeting. We would also appreciate it if everyone would sign the attendance list to keep you informed in the future about everything related to this court case and the preliminary injunction order, through phone and email contacts. So that we can then keep you informed. If, for some reason, you have already brought your written comments today, you can hand them to José Font. We also want to emphasize that this public meeting is not the only opportunity you have to submit your comments. The public comment period runs through Friday, March 4. So, you can get your comments and recommendations to us on or before this date, by email or regular mail. We also have a web page where you will find all the information that we are going to present to you today and a folder with reference information at the Mayor's Office in Toa Alta, as well as the information table that you see back there, to my right, to your left. Our team is willing to be here with you for as long as necessary. After the meeting we are also available to address all your questions and concerns, as well as at a later date, if you request it. Well then, now I want to talk a little bit about some logistical matters to inform you. First, we would like to thank the municipality of Toa Alta, its mayor and Rafael Giusti and all his work team for lending us the facilities of the Coliseo Lauro Dávila. It has truly been an ideal place for the COVID situation; to be able to be here together. We also want to let you know that we have a translation team here behind me, to my left, and as you can see, we have the various equipment to listen to the translations. Why are we telling you this? Because we have several colleagues who only speak English, so we have coordinated simultaneous translation for those of you who need translation. In regard to the transcript. The audio of this meeting will be recorded and then the public will have a transcript of the meeting in

Spanish and English. We will make it available on our Toa Alta landfill web page. As for the microphones, we would appreciate it if when you go to ask your comments or questions, if you could come near the microphone. We have several here, this one you have here and the one I have in my hand if you prefer to be seated. And that you identify yourself with your first and last name, sector where you reside or entity you represent, because we will be collecting that as part of the transcript. Several members of the public asked us to make video recordings of the meeting. Since it is a public meeting, it can be video recorded. If anyone is not interested in being recorded on video, please let us know so that we can make the appropriate arrangements, as there are different mechanisms for submitting your comments. If you have any questions, please contact José. Restrooms. The restrooms are located at the back of this part of the court, here to your right. Emergency exits. In case of an emergency, please go to the different exits that are in the Coliseo, this one here where you entered, that gate there is open, although it seems to be closed, it can be opened, it does not have the padlock on, and there is an exit this way and this way also. So, we have several exits in case of an emergency, we hope it does not happen. Finally, the COVID protocol to protect ourselves against COVID. We appreciate if everyone has their masks on - I apologize because I had my mask on and my glasses were fogging up - keep the recommended distance and use hand sanitizer, which we have several throughout the Coliseo. Before moving on to the welcoming remarks, we want to start with a little context and general background to highlight the main purpose of this meeting. The EPA and the Federal Department of Justice are collaborating on the development of a draft of a preliminary injunction order that would require the municipality of Toa Alta to implement a series of urgent measures to

immediately address the serious problems at its landfill. No final order has been agreed upon. In this meeting we want to present to you the terms that are being considered, are proposed, to be included in this order, to receive your comments. This is an important and necessary step in trying to obtain comments on the terms of the order to ensure that our agencies integrate the comments of all the residents who have been historically impacted by the operations of this landfill. We want to hear from all interested communities and individuals. The terms considered in the landfill order aim to implement short-term measures to protect public health and the environment and position the municipality of Toa Alta to completely close the landfill in a safe and permanent manner, under the supervision of the Puerto Rico Department of Natural and Environmental Resources. In Puerto Rico, the Department of Natural Resources is the agency responsible for requiring municipalities to comply with landfill and sanitary landfill regulations, while the EPA is empowered to address urgent problems at landfills that pose an imminent and substantial danger. The EPA and the Department of Justice claim that the municipality of Toa Baja is operating the landfill in a manner that poses an imminent and substantial risk to human health and the environment. The municipality of Toa Alta has continued to dispose of waste in the unlined portions of its landfill, has not consistently applied the daily cover, has no leachate collection, has no controls on landfill gas or runoff, and has created steep slopes that potentially pose a risk of collapse. This is why in February 2021, the Federal Department of Justice filed on behalf of the EPA, a lawsuit in the Federal Court of Puerto Rico against the municipality of Toa Alta, claiming that the conditions at the landfill constitute an imminent and substantial endangerment. Since then, both agencies have been in negotiations with the municipality of Toa Alta to reach

a final agreed order to file in Federal Court. Again, the main objective today is to hear and receive all your comments and recommendations before finalizing the terms of the order that will eventually be filed in Federal Court. So, with that introduction and background context, we are going to officially start the meeting and I would like to allow the Mayor of Toa Alta to say a few words of welcome.

Clemente "Chito" Agosto:

Good evening to all of you. First, we thank God for another day of life that He gives us to be here participating in this public meeting related to the issue of the landfill in our municipality of Toa Alta. Warm greetings to all the EPA personnel who are visiting us from Puerto Rico and the Caribbean as well as from the United States. To the Secretary of Natural Resources who is with us and to each and every one of you; citizens, friends and officials who are here. As you have heard from Carmen Guerrero, this is a public meeting to listen to you. We, on behalf of the municipality, also have our position, which we will be expressing, and we have been in continuous dialogue with the different agencies and that is why it is part of this process to be here tonight. So welcome to all of you and I hope that everything goes in order and harmony and that we can leave here as the good brothers and sisters that we are and that we can reach an agreement for the benefit of our people of Toa Alta.

Carmen Guerrero:

Thank you very much, mayor. Now I would like to invite the Secretary of the Department of Natural and Environmental Resources, Mr. Rafael Machargo, for a few words of welcome.

Rafael Machargo:

Good evening to the people of Toa Alta. We are here as part of the work done by the officials of the Department of Natural Resources and the EPA, and to express that the public policy of the Department of Natural Resources is to close the landfill as quickly as possible, ensuring that health and safety conditions are met and that the health of the environment and of the residents is protected. That is why we have set aside state and federal funds to help the municipalities, including the municipality of Toa Alta, to achieve the closure and ensure that the residents are no longer affected, neither by the leachate nor by the runoff, and that all the slopes are stabilized. That is the policy of the Department. Thank you very much.

Carmen Guerrero:

Thank you very much, secretary. Well now we are going to move on to the presentation of part of the EPA technical team. Engineer Eduardo González is going to lead the presentation with the support of Carl Plössl for additional technical data. Eduardo.

Ing. Eduardo González:

Thank you very much. Good evening to all of you. It is a pleasure for me to have you all here. I thank the participation of government officials as well, both municipal, state, and

federal, and I would like to introduce my technical work partner, the coordinator of the work that will be carried out at the Toa Alta landfill, Carl Plössl. What we are going to try to present to you today are the terms of the preliminary injunction order that is being worked on in collaboration between the EPA and the Department of Justice in order to demand corrective actions from the municipality of Toa Alta to minimize or eliminate all the imminent and substantial endangerment that exists at the landfill. And most importantly, we are seeking your comments throughout this process, since this is a preliminary injunction order in which all your input will be evaluated, will be considered, and will be used to carry out the final order against the municipality of Toa Alta. Carl is part of the work team and can comment at any time, add or elaborate on any of the topics. The presentation is in both languages, Spanish and English, and the purpose of the presentation is to summarize the proposed terms of the injunction order. That order entails certain short-term actions to address the imminent or substantial risk that exists there, as we know in the evolution of this stipulation in the federal case for the Toa Alta landfill. Carl, do you want to add anything or say something right now? Please do so at any time.

Transcriber's Note:

We move on to the presentation on screen. We move on to slide #2.

Ing. Eduardo González:

Here is an aerial view of the landfill. The important thing for us, we have some diagrams and posters, so that you can locate where your community is in terms of the landfill. We

have communities to the north area, to the east area, to the west, to the south area with their unique concerns, right? We remind you that if you need translation, we have equipment available so that you can be up to speed in the English language, to follow along with us in the presentation. *(Transcriber's note: We move on to the next slide)* Well, again here we have the Toa Alta landfill. This is the photo I think it was taken last year. *(Transcriber's note: We move on to the next slide)* Here you can see the aerial photo of it. Here is the tank of the Aqueducts and Sewers Authority that is on the same road, near it and the entrance of the landfill. We have another slightly more detailed aerial view over the landfill. *(Transcriber's note: We move on to slide #5)* Here we have the map of the landfill and I wanted to show you some areas of interest. What you see in a blue outline, a blue line is what we know as the north slope, which we're going to talk more about later. What you see in a white line is what is known as the southeast cell. It's a place where we had previously put what's known as, the anglicism, a liner, it's a bottom lining, which is like a shoe sole that's put in to be able to hold and control and manage the seepage of rainwater that enters inside the landfill and has contact with the waste. And we also have a red line that you can't see very clearly, which is the delineation of the determination of all the impact that has been.... where the waste has been put into the landfill. This was in the handouts that were distributed to the community. It is available for you to have a little more detail of the map that we are presenting. *(Transcriber's note: We move on to slide #7)* Well, as Carmen mentioned, in February 2021, the Department of Justice filed on behalf of EPA, a lawsuit in the Federal Court of Puerto Rico against the municipality of Toa Alta, claiming the condition of the municipal landfill constitutes an imminent and substantial endangerment. That is the reason why the EPA enters, with an order type

7003, which was the previous one we had for 2017. In July 2021, the Department of Justice filed an application to the Federal Court requiring the municipality to immediately address the hazards posed by the landfill. All of this is in the information provided to the entire community. There were three types of documents, which was the community summary and there was also the information sheet. Everything is there. *(Transcriber's note: We move on to slide #9)* What are the parties? We have the EPA, the Department of Justice, representing our agency, the municipality, who have been in discussions about the potential agreement of this preliminary and injunction order, which is why in this process we are seeking your comments so that we can consider them in determining or designing this final order. Remember, there is no final order agreed upon. That is very important. Your input is extremely important and the reason for this public meeting. Comments can be submitted by various means, by e-mail, by regular mail and can be directed to our staff. *(Transcriber's note: We move on to slide #11)* What are the terms of the Order? In this injunction order we must immediately stop the deposit of solid waste to the landfill. We must clarify or announce that the landfill is closed. It also includes daily cover requirements. We are going to talk about what is intermediate cover. We're going to talk about cover maintenance. Leachate controls, which is the juice that is generated through seepage of rainwater that enters the mass contained in the landfill. What else do we have? We're going to address the north slope. We're going to look at how we're going to manage that north slope, which constitutes a risk currently. We're going to talk about the southeast cell. We are going to learn about the reports that the municipality must submit. We are going to talk briefly about the access that must allow state and federal agencies to enter the landfill. We are going to talk about community participation. This is

part of the community participation process. And we also have the reservation, which the order does not cover, and which is not under our federal jurisdiction. *(Transcriber's note: We move on to slide #13)* Let's talk about solid waste. The municipality will have to stop the deposit of solid waste in the landfill immediately, only apart from the potential of what we call the north slope. The north slope, well, has a risk situation for the workers where it can slide down because it is very steep and if any garbage is received, within an agreement, that garbage will be used to be able to condition or alleviate the slope of that north area. We are going to talk about the planning part of the landfill that is closed. The municipality must install signs at the entrance of the landfill, indicating, both in Spanish and English, that any operation... That it is closed, that is the most important thing, and that any operation that continues at the landfill will be done in compliance with the terms of the injunction order that we are working on. Daily cover requirement. This requirement is to put six inches of soil on all that trash that is exposed or at the end of each day to have all this trash covered, as far as weather conditions permit. But all that exposed trash must be covered with this type of daily cover. *(Transcriber's note: We move on to slide #15)* We are now going to talk about intermediate cover. In those areas that are not active in the landfill, we are asking for intermediate cover to be installed, which in this case instead of six inches as the daily cover, is one foot. We are going to put it in at a rate of one acre per month the first year and two acres per month in the second year, until the full extent of the landfill is covered. We must make an exception for those areas that already have cover similar to the intermediate cover and also the area that has a lot of vegetation that it is not necessary to implant or put this type of cover, that is a protection similar to the cover that we are saying that they have to put in these areas that do not

have it. Maintenance of cover, every two weeks, any rain event, it is the responsibility of the municipality to monitor the stability and the structure of this intermediate cover for erosion problems and repair it where necessary. Yes, Carl, please.

Carl Plössl:

Just to clarify. When we say closing a landfill, we mean, technically, a full cap on it that will significantly restrict any rainfall that gets in. Intermediate cover is essentially the first step for that. There are additional layers that need to be done in order to fully close a landfill.

Ing. Eduardo González:

Thank you very much, Carl. In other words, let's say we have like three types of coverage. We have the daily cover to cover the trash that is deposited in the active areas. We have the intermediate, which is kind of the base to be able to start the final cover closure. And that intermediate cover is what we're talking about. This is not the final landfill closure cover. There is an engineering design for that final cover. *(Transcriber's note: We move on to the next slide. Slide #16)* Here's a picture, I hope you can see it, of an unmaintained soil cover. It's soil, but it's not properly applied, that's what I wanted to tell you. *(Transcriber's note: We move on to slide #18)* Now we are going to discuss the subject of leachate. The leachates are those liquids that are generated on the slopes, within the landfill itself, because of the rain, the seepage of the rain through the mass of the waste in the landfill. What are the requirements of the terms of the injunction order? They would have to prepare a plan, install controls to reduce and collect the liquid that is generated at this landfill, known as leachate. The controls would have to be designed to reduce the

emission of this leachate by 90 percent within the two years. We also have that they should get a permit from the Aqueduct and Sewer Authority to be able to dispose of these leachates if they are collected. That is, they collect them and must take them to a wastewater treatment plant. They would also have to monitor the surface of the landfill to see which face, which slope and where there is leachate generation, and make the appropriate repairs, to ensure that the leachate does not escape outside the perimeter of the landfill. *(Transcriber's note: We move on to slide #20)* Here is a diagram of the leachate controls. This is the landfill; in this case we have no liner. Here you have how the juices from the landfill look like once it rains on the surface of the landfill and in many cases, obviously we impact the groundwater.

Carl Plössl:

We should be clear, in that the primary environmental threat being addressed in the preliminary injunction is the continuing release of leachate to the aquifer. Some thirty million gallons each year. There are other environmental risks associated with the landfill, but this is the primary one we've identified, and the primary one we're dealing with, with the preliminary injunction.

Ing. Eduardo González:

Thank you, Carl. Within that term that we talked about imminent and substantial endangerment, is the direct impact of the concentration of the contaminants from this rainfall passing through the waste mass, directly impacting the aquifer and that's the primary reason for the major risk identified under this order. *(Transcriber's note: We move*

on to slide #22) Here's a view of one of the lateral phases of the landfill, with the leachate unchecked. I don't know if you have seen it before. It is like a brown liquid, consistent, even if the event has already occurred, leachate continues to emanate from these areas of the landfill face.

Carl Plössl:

Now when I said thirty million gallons of leachate, most of that, the vast majority, will not be visible. It's leaving from the bottom of the landfill through the sinkhole into the aquifer. There is a small portion that's visible. But this, you can see how it will be contaminated, the storm water, rainfall that falls on the landfill then flows into the neighboring properties. So, we're only talking about one percent of the leachate that's causing all the storm water contamination. But this is a clear picture of why that happens.

Ing. Eduardo González:

As my project partner explained to you, this is the smaller percent of what you see outside, the superficial, external part of the landfill, the larger part goes directly to and impacts the aquifer that is located adjacent to or under the landfill. *(Transcriber's note: We move on to slide #24)* Another of the terms that the order requires is runoff water control. What is runoff water? Rainfall. You have seen that quite a few significant rain events happen here. What is being requested? Within 30 days the municipality would have to implement measures to control mosquitoes, using herbicide, pesticides and the elimination of standing water and erosion controls. Second, the municipality would have to prepare a runoff water control plan to get this water from the surface of the landfill, either directed

to retention ponds or discharge points. Also reducing the seepage of runoff water into the landfill mass. That's what we want to do. If you reduce the amount of rainwater that enters and seeps into the landfill, you also reduce the amount of leachate generation from the landfill. You would also have to do sampling, environmental sampling to see if the discharge of this runoff water is contaminated and if so, make repairs to prevent this contaminated water from getting to or reaching places outside the perimeter of the landfill. And it would have to properly manage the water from the northern ponds. We are going to present that later in an aerial photo, and the one to the south.

Carl Plössl:

Now, of course also the eastern pond.

Ing. Eduardo González:

We continue. In the East Lagoon. *(Transcriber's note: We move on to slide #26)* Here is a diagram of the North Lagoon. The concern with the steep slope that this north slope has is that in many places it is greater than 2.5 feet horizontally for every vertical foot. And this is what they teach us in engineering school, you do this, and you can see that this slope is three to one. If you fold it in half, you're going to see that it's a much sharper slope. And that is the actual slope that it represents. It's a hazard to workers and any movement in the ground. It's greater than 2.5 horizontal for every vertical unit.

Carl Plössl:

The delineation of the north slope is simply that part of the slope that's greater than 2.5:1. It's not a determination that all this area is a particular risk.

Ing. Eduardo González:

(Transcriber's note: We move on to slide #28) We are now going to talk about the north slope. We're going to talk about the corrective actions that are being proposed in the preliminary injunction order. Here you have that we are going to limit the instability of reducing the amount of runoff water seeping into the north slope within 30 days. We are saying that we have to prevent the rainwater that enters the landfill from seeping into or reaching the north side. For this there are certain controls. Controls like detours, banks, berms, sediment control barriers to divert runoff water over the upper landfill platform away from the north slope area. We must prevent that water from reaching the northern area because it represents a risk to it. We also have erosion controls like gutters, devices to reduce the velocity of rainwater on the surface to move this runoff water away from the slope towards the base of the landfill. So, here we are working with some corrective measure for the north slope. As everybody knows, once it rains and you have some kind of soil, it becomes like mud, which has no stability, no strength and it starts to slip, and it can become a landslide layer on the slope. That's what my colleague asked me to clarify.

(Transcriber's note: We move on to slide #30) We continue with the corrective measure of the north slope. We need to make the north slope less steep. By "less steep" we are saying stabilize it, raise it, so that the hazard is not there. There are three options that are going to be considered. For this I want you to be very clear, within the terms of the Order, what is being proposed. The first one, which is going to be explained in more detail, is to deposit the waste that is received at the landfill. This waste is going to be used to be able to stabilize or fill in the northern slope and this is used as the base before putting some

intermediate layer and a final layer that is required in a final closure plan. The second is the deposit of new waste, after approval by the Department of Natural Resources here, of the final closure plan. And the last one, we are going to correct the waste slope with existing waste in the same landfill. Do you see the three differences? One is the waste that comes in we are going to deposit it in order to stabilize the slope. Number two is a plan approved by the Department of Natural and Environmental Resources that determines the amount of waste that must be placed in that area. And third, to use the existing garbage inside the landfill. Very well, I am going to make a clarification on a comment made by my colleague. It is not that the northern area is the biggest problem in the landfill, but it is one of the areas that we must take care of immediately.

Carl Plössl:

It's become the most detailed element of the negotiation. It does not mean that it is the most important part of the preliminary injunction. It is not. It clearly does not represent the main environmental risks at the site. Just because we're talking about it a lot, doesn't mean we think it's the most important element of the preliminary injunction.

Ing. Eduardo González:

Thank you, Carl. Because we talk a lot about the north slope, it doesn't mean it's the current major risk at the landfill, but it's part of the terms of the preliminary injunction order that are being considered. *(Transcriber's note: We move on to slide #32)* Let's talk about option 1. Option 1 proposed in the plan, calls for a design of a wall and final waste collection overseen under the Department of Natural and Environmental Resources. That

waste that is received is going to be overseen through Natural Resources to stabilize and fill in the north slope to stabilize it. Within option 1 there are two alternatives. With Option 1A is going to determine how much garbage the municipality can deposit on the north slope and for how long, depending on the amount and duration of the deposit of that waste. Option 1B is going to prepare a very specific map of how much, where and for how long all this waste is going to be deposited in the northern area. That is the difference between option 1A and option 1B. One is with a map with a design of how much waste, where and for how long. The other a little bit more flexible in terms of time and amount of garbage received to stabilize the northern area. I am also informed that we can consider an option that combines 1A and 1B. This is not written in stone, and this is not final, but it is a preliminary injunction order process in which we are getting input from all of you. *(Transcriber's note: We move on to slide #34)* What else do we have in this option 1? What else do we have here in waste deposit? When it says "new waste" it is that the waste that is accepted at the landfill, goes strictly to the north slope. Some ongoing environmental impacts, for example increased contaminants to the aquifer, typical of a landfill with no liner, no bottom liner. What does the EPA think about allowing this action? That they are going to have minor impacts, if the municipality complies with the liner placement requirements, with the leachate control requirement and with the runoff water control requirement. That is the impact. It will be minimized if, and only if, the three other actions are met. It may also reduce costs of correcting the steep slope rather than using some other type of engineering design for that northern area. Third, it will delay the disposal of landfill waste outside the municipality of Toa Alta. And some compliance and monitoring of volumetric quantities. *(Transcriber's note: We move on to slide 36)* Let's go

to option 2. Option 2, which is presented in the terms of the order, is a compliance with daily cover requirements, leachate controls, runoff controls during the deposit of new waste on the north slope that is subject to monitoring by the Department of Natural Resources. What more can you ask for? It's a deposit of this waste on the north slope, it would be integrated into a final closure plan approved by Natural Resources. A little different. We must wait for that plan to be approved so that they continue to receive waste to place it, if necessary, and it is indicated in the closure plan, on the north side. It proposes to abandon the slope risk. We have already mentioned that there is risk of landslides and other pertinent hazards on that slope. Also landfill disposal costs because it would resume disposal to the north with Natural Resources approval and continue until the stabilization project is completed. What are we talking about? That this plan must be approved, then we are able to determine where to put this garbage that is going to be accepted, if it is permitted, and it may involve additional litigation between Natural Resources and the municipality. Which could delay the process. In other words, we are talking about a master plan for the closure of the entire landfill, in its entirety. *(Transcriber's note: We move on to slide 38)* Let's go to option 3. Option 3, in the corrective measures part, no new waste is going to be deposited. When I say "new waste" it is not that it is not waste that is entering the landfill. We are going to relocate and recondition the landfill with existing waste inside the landfill. We are going to look for those areas where we can reuse those wastes already present in the landfill and relocate them within the landfill to stabilize the slopes. We also have that it presents a physical risk to the workers, as they will be working on these slopes. And the increase in odors. Why? Because you are going to be excavating waste that is already decomposing inside the

landfill. And it's more expensive than the previous options. We're going to be using the waste that's inside the landfill.

Carl Plössl:

The increased risk to landfill workers is a controversial subject since there's a significant risk in placing daily cover to landfill workers also.

Ing. Eduardo González:

As you heard, there is a danger to the landfill workers when working on these steep slopes inside the landfill. (*Transcriber's note: We move on to slide #39*) Here's another diagram.

Carl Plössl:

We gave 3 options or 4, depending how you count them. This is not a vote. There are other options that could be done. Any engineer in the audience could describe other ways to accomplish the same thing. So don't think this is the only things you can vote on or the only things you can comment on. We are looking to solicit any comment from the public. If you have other options that you think would be better, write them down. Again, this is not like a voting ballot. You don't have to pick 1, 2 or 3.

Ing. Eduardo González:

As Carl well described, this is not like an election that you must choose only between options 1, 2 and 3. These are the ones that have been discussed in this process of negotiation between the parties, but any other options are welcome and that is why we are seeking your comments or a combination of them.

Ivette Calise Cintrón:

Ivette Calise Cintrón. I've lived there for all my life. I ran the country. I drank all the water. But now we can't even look at it. This is why I'm saying, 50 years we've been trying to remove a landfill that is basically a nightmare. So, think about it a little bit. And we gotta wait 50 years more? I just want to know. What we want is justice! We don't want the landfill anymore. You know, 'cause I see the people that work there. They comment that they work together. But they are not working together because I live in front row place everyday. I see the garbage for 3 months everyday. They don't remove it. They bring it out more for the sinkholes. So, you tell me what more can we...

Transcript and sound technician:

For the record, could you identify your full name? It couldn't be heard. Into the microphone.

Ivette Calise Cintrón:

Ivette Calise Cintrón

Carl Plössl:

Comments like this would be best kept to the end, but you're already here, so we will respond. I first inspected this landfill in 2005. I've been by it since then. I was one of the primary authors on the EPA unilateral order to shut down the landfill and I am the project

coordinator. So, I have a good understanding about the risk it represents, and how long it's been here, and what its capacity is, and the conditions. So, I have a lot of sympathy for your position.

Ing. Eduardo González:

Thank you very much, Ivette. Remember, these are options for its final closing. They are alternatives, proposals in the order that are not limited to these that are here. Any comment or any idea, any proposal is welcome. Well, okay, we have here a diagram again, we have the North Lagoon, the Southeast Lagoon, here we have the southeast cell, where we must work on the north slope buffer area and liner, and this is the situation we currently have. This is what the landfill looks like. It is important that you can locate yourselves in your communities in relation to the position of the landfill. If you have any doubts on the north, southwest, east, among many others. *(Transcriber's note: We move on to slide #41)* Let's talk about the white line which is the southeast cell. This cell was built with a bottom liner, which is the "liner", it is an anglicism, "liner". It has a pumping system to be able to remove and eliminate the leachate generated inside the landfill that accumulates in that liner. The system is currently not functioning, and we are working to find a solution for the leachate system in the southeast cell. The proposed order does not include plans for the southeast cell pumping system and any feasible repairs to this system are going to be done in the future after the federal court approves the order. This part is somewhat a little bit independent. It is going to be taken care of. It is being addressed so that this leachate pumping system is working and it is being worked on. *(Transcriber's note: We move on to slide #43)* Let's go to the reports. The municipality

must submit detailed monthly reports to the EPA, the Department of Justice and Natural and Environmental Resources on compliance with all the requirements contained in the order. In this case it would be the final injunction order of resolution. Ok, the access. The municipality must provide access to the EPA, the Department of Justice, to Natural and Environmental Resources, for purposes of confirming compliance with all these provisions that we have explained with the preliminary injunction order of resolution. And community participation, which is the activity that we are carrying out tonight for the input of your comments. *(Transcriber's note: We move on to slide #45)* Reservations. Why are we talking about reservations? Because the preliminary injunction order does not cover everything or has its limitations. Among them: the resolution order does not prohibit the municipality from obtaining a permit from Natural Resources to build a new cell. That is not on our part, that is not part of the preliminary order that we are discussing. That is a jurisdiction that is enforced and handled by Natural and Environmental Resources. Nor does the order limit the municipality from being able to deposit waste in different parts of the landfill if required by the final closure plan approved by Natural Resources. And also, the EPA and the Department of Justice reserve the right to any actual lawsuit or other separate legal action if conditions at the landfill present an imminent and substantial endangerment. Are we clear? These are kind of the limitations of the order. *(Transcriber's note: We move on to slide #47)* Permanent steps or future action for the sanitary landfill. For the purposes of the federal case and the proposed preliminary injunction order of resolution is to address imminent and substantial hazards that the EPA believes exist at the Toa Alta landfill. That is what is directing us to take remedial action at the landfill. They also need to understand that Natural and Environmental Resources is responsible for

ensuring that the municipality properly addresses the north slope and the permanent closure of the landfill. *(Transcriber's note: We move on to slide #48)* Questions? And here we have a website that has all the information presented here and a lot of other related information. *(Transcriber's note: Refers to the following link in the slide: <https://www.epa.gov/pr/toa-alta-municipal-landfill>)* And in a moment we are going to present a slide with contact information.

Carl Plössl:

Now this is the point that we will entertain questions about the material in the presentation. This is not the public comment period.

Ing. Eduardo González:

I thank you for your attention and your dedication in listening to us tonight. Any comments, any suggestions, questions are welcome.

Carmen Guerrero:

Yes, we also want to let you know that we know that there are some people who could not make it to this meeting tonight. We want you to know that a presentation of this same presentation given by Carl is being uploaded on that website and it has Spanish subtitles for anyone who couldn't get here and is interested in the details of the presentation. Any technical questions before we move on to the Department of Natural and Environmental Resources presentation? We have two technical questions.

Samuel Torres:

Good afternoon, my name is Samuel Torres, I live in Barrio Río Lajas in Toa Alta. What is the impact on the groundwater? Because what we are talking about is, I know about this landfill situation 30 years ago, and I don't know if there has been any evaluation of the groundwater. And I don't know if any evaluation of the groundwater has been taken. Do we know how contaminated it is? Because right now I'm not clear, for example, on the timeline of your project. You are talking about, once this order is approved, within 30 days, the municipality must execute certain things, but then you are talking about impacts from the project at 18 months to 24 months, where other things are stabilized. Do we currently know what the impact on groundwater is?

Carl Plössl:

This will be a tricky question because there's about 6 questions that are embedded. This landfill was originally built into a sinkhole. Which means, all the local water flowed down and did not flow off site.

Ing. Eduardo González:

I also wanted to add that before we got to the point where we are, part of the evaluations that were made in the geology and hydrology part, was to see the direct impact that this landfill has on the seepage of runoff and rainwater into the aquifer.

Carl Plössl:

So, we've modeled extensively the amount of leachate that would be generated by this landfill. Per year, because there's a lot of variance, it's from like 25 to 40 million gallons a year; most of which disappears into the aquifer. Now, because of the unique situation in the north coast aquifer. There's two north coast aquifers that are slanted up at this part of Puerto Rico. The lower aquifer is not currently used very much, but it can only be recharged in this narrow belt the landfill is on and it stretches from east to west across Puerto Rico. So, while that aquifer is normally protected, this landfill is in a perfect spot to actually contaminate it. But it is a future resource for Puerto Rico that's not currently used extensively. So, what we're talking about is a risk to a resource to future generations that this represents. We have no evidence that it's significantly affecting local ground water sources.

Ing. Eduardo González:

Thank you very much. Remember that also one of the requirements in this preliminary order is the monitoring by the municipality of this water that is going to be collected. And the final closing action will be a cover that will redirect all this rainwater to a collection point. In other words, there will no longer be a direct impact on the aquifer, which, obviously, we are discussing.

Carl Plössl:

Now, with any landfill or open dump that's closed, if you cap it, then you will starve off the leachate. So over 10 or 20 years you will significantly reduce the leachate that's being released. But there's a reason why the regulations do not allow unlined landfills. It's because there is no good solution to them. The only solution is to cap it with an

impermeable cap and overtime it'll generate a lot less leachate. The same thing sort of work in reverse with landfill gas, which it's coming up out of the landfill and will continue to do so for years and years, even after closure.

Ing. Eduardo González:

As mentioned, having your final layer will prevent that water from seeping into the aquifer and that is the reason why, as a requirement of the sanitary landfill management regulations, is to put that bottom liner. That like a shoe sole, a liner, to protect the aquifers from water infiltrating into the landfill waste mass. And something that my colleague Carl mentioned is the generation of decomposition gases from the biological material that is continuously and uncontrollably emitted at the landfill. Any other questions?

Miguel Sarriera:

Yes, good evening, one question. How much does this plan cost? Where is the money and how long is it going to take to implement?

Sound Technician:

Identify yourself, please.

Miguel Sarriera:

Miguel Sarriera.

Carl Plössl:

Well, we don't have really good numbers on the cost of this. I can dig up my spread sheet that does the calculations. What I will say is that all of the work represented here, in this draft proposal, is a small percentage of the cost ultimately of closing a landfill. So, in one sense, it's not a significant cost, because the municipality must, eventually, fully cap the landfill and put a landfill gas collection and control system in, significantly interception systems, all this work, which will be a very expensive cost. This work is a small percentage of that. I know I didn't answer your question, but that's the best I can do in this forum.

Ing. Eduardo González:

As my colleague Carl presented, we have experience, we have some calculations made based on previous landfill operations and closures, in which we have an idea of how much it would cost to close the landfill completely. What we are presenting today, the cost is a fraction of the total cost of closing the landfill completely and it is something that is going to be considered to take care of the serious problems that the landfill has in the short term. But in relation to the source of the money and when and from where, I believe that this is up to the municipality.

Jorge Luis Rivera:

Good evening, Pastor Jorge Luis Rivera Rivera. Pastor of the Mission Board Church in Barrio Contorno in Toa Alta. First, I ask if along with this process of closing or plan to close the landfill, which is going to be permanent, have you been thinking about a recycling plan at this time as well?

Carl Plössl:

No. However, we've had experience with other landfills. We've had other landfill orders that have incorporated recycling in them and we're pretty knowledgeable on it and we can provide you with material on designing a municipal recycling plan. And we even have a draft plan that is essentially a form that you can work through to come up with a reasonable recycling plan. So yes, we can work with the municipality, but we have not been asked to do so.

Ing. Eduardo González:

In summary, we have some guidelines on how to develop a recycling plan for municipalities, that we have it available and based on our experience, we can help the municipality to, concurrently with the closure, also implement some recycling program.

Jorge Luis Rivera:

In line with that, it seems to me that it is important that this is being considered, because it reduces the tons of garbage that could eventually go to a landfill. Once this landfill is permanently closed, where will the garbage of the residents of the town of Toa Alta go?

Carl Plössl:

That is beyond our mandate to answer. There are other landfills, for example Vega Baja, which temporarily have capacity. And in fact, Vega Baja receives waste from Toa Alta when it cannot dispose within the landfill, which occurs at times. At times in the past, Toa

Alta has sent their waste to Vega Baja. Longer term, there needs to be additional capacity in Puerto Rico for municipalities.

Ing. Eduardo González:

Yes, later the director of the Land Division of Natural and Environmental Resources can answer the question. She is going to present, she is going to depose now, and she can answer that question, what are the plans, or the direction that Natural and Environmental Resources is going to have with respect to the final destination of waste from the town of Toa Alta.

Jorge Luis Rivera:

Ok, yes, I ask this question because...

Ing. Eduardo González:

Ah, and the municipality.

Jorge Luis Rivera:

...to solve the situation in our town is important, but we also want to make sure that the same problem is not being created for other towns, for other people, for other communities. And so, we want to... We do not want to complicate anyone else's life, knowing that we have already been affected for a long time. We are also concerned about that. In other words, what is the plan so that nobody else is affected as we are?

Carl Plössl:

We appreciate how you worry about that. I worry about that a lot. However, currently the Vega Baja landfill has a lined cell that the waste is going into. So, it represents a significantly less of an environmental risk than does putting it on unlined landfill. As to the future, that's beyond.

Ing. Eduardo González:

And this is not the first time this situation has arisen. You have municipalities like Guaynabo, which closed its landfill and is responsibly disposing in another municipality that has a sanitary landfill system, a landfill in compliance. I am told that the Natural and Environmental Resources Department will answer that question later.

Jorge Luis Rivera:

And finally, after this whole process that is being explained is carried out, when, to your understanding, is the date of the permanent closing projected to be? When do you expect that this official, final closing will take place?

Carl Plössl:

We could defer that question. If you could come back up when the DRNA representative is standing up since we have indicated that final closure will be the purview of the Department of Natural and Environmental Resources.

Ing. Eduardo González:

As we have indicated, the final responsibility lies with the Department of Natural and Environmental Resources. On one occasion I mentioned about the final closure plan, which must be submitted by the municipality and with its consultants, to be approved by that agency, to then execute the final closure plan. But within this preliminary order there are some activities that were mentioned regarding the acceptance of more garbage, which is part of the terms proposed within it.

Jorge Luis Rivera:

Therefore, if Natural Resources already has an estimated date, we would appreciate it if you could at least let us know when it will be and thus have an idea of how everything will go.

Carl Plössl:

If you disagree on how we've laid out the process, it's a good public comment. We'd appreciate reading it.

Carmen Guerrero:

I would like to add that now we want to give the Department of Natural Resources the opportunity to give the background, because I believe that many of the questions you were asking are related to information that the Department has and at the same time the municipality of Toa Alta is also going to make a presentation that I believe is important because the final determination of where they are going is a combination of the proposal

of the municipality of Toa Alta and then what the Department of Natural Resources is approving. So, I think that will clarify many of your questions. What Carl said just now, we have several ways in which you can send us your comments, either by e-mail or regular mail. There's the website that we talked to you about, that includes all that information there as well, to make sure that everybody knows how to submit the information. We are told that we also have flyers here where we can give you all those details. So, we will proceed now, if it's okay with you, to be able to answer a lot of those questions.

Jorge Luis Rivera:

Very well, thank you very much.

Carmen Guerrero:

Thank you. We now go to the Department of Natural Resources. We have, as I said earlier, Maria Victoria Rodriguez "Vicky", the director of the Land Pollution Area of the Department of Natural Resources, where she will give us a technical presentation on some of the aspects that we have discussed today and will give more details in response to some of the questions that we have been asked. Thank you, Vicky.

María Victoria Rodríguez:

Thank you. Good evening. My name is María Victoria Rodríguez, I am the director of the Land Pollution Control area of the Department of Natural and Environmental Resources. As part of the functions that we have in our program is to regulate all the facilities that

handle solid waste, as in the case of tonight, the Toa Alta landfill. (*Transcriber's note: We move on to slide #1*) What is the Department of Natural and Environmental Resources going to do? First, the Department of Natural and Environmental Resources will be requesting the preparation of a closure plan for all the operations of the Toa Alta landfill. This closure plan must include all remediation measures, such as that required for the north slope area, to protect the community and the environment from the generation of leachate, runoff water and gas emissions. The evaluation of the closure plan will be conducted in accordance with the new landfill system regulations, which were enacted in October 2021. All design options that utilize best engineering practices and recommend safe decommissioning and ensure a post-closure maintenance process will be evaluated. After the sanitary landfill systems or landfills are closed, they must be maintained, and this is supported by the regulations. We will be working with an operating permit that considers all the requirements and conditions of the new landfill regulations, and is in accordance with the closure plan to be submitted by the municipality of Toa Alta. They will be required to submit a closure plan. We will also recommend the installation of a sign, in addition to the sign indicated by the EPA colleagues, indicating the effective date of the permit that is going to be granted and indicating that all the activities that will be carried out will lead to the closure of the sanitary landfill system or the landfill. You can also, any information that you need from us, you can direct it to either Yolanda Díaz or Pedro Guevara. These are the e-mails of the individuals designated for you to submit information or any request that you deem necessary. This will also be the mailing address for you to submit any information by mail. That will be all. Regarding the gentleman's question about the date. We depend on that closure plan to be submitted, which are

engineering design constructions, and that will give us the information to establish the date that it is going to have, the permit that we are going to grant. And that is when you will know on what date and how long it is going to take to close the landfill. If that answers your question. Then, in relation to the other question of what we are going to do with the garbage. A solid waste characterization study is going to be carried out. Also, a comprehensive infrastructure plan is going to be done. What is that going to do for us? We are going to be able to see the complete macro of the entire island of Puerto Rico to be able to install those facilities that all these municipalities are going to need to be able to manage their own waste. So, all of that is going to be considered in the plan that we are going to carry out.

Gerica Santiago:

Good evening, my name is Gerica Santiago. I just wanted to ask, while that is happening, that they prepare their closure plan, do we, the residents must continue to put up with them continuing to work the way they have been working until today, without knowing how long that may take?

María Victoria Rodríguez:

We are going to take care of it as soon as possible. We are already planning a meeting. We also have a legal process that we are carrying out. So, it is an internal process that is going to be carried out, but yes, we are going to attend to it with haste.

Rafael Machargo:

I would also like to express to the community that the instruction that the land pollution control area has is to conduct periodic inspections to make sure that they are in compliance and when they do not comply with something, the violation is noted. That is part of what is going to be evaluated in the closure plan and the permit.

María Victoria Rodríguez:

Thank you, secretary.

Héctor Collazo:

Good evening, everyone, my name is Héctor Collazo. I am a citizen of Toa Alta, from Barrio Galateo. I have a very important question. Who is going to be asked for the landfill closure plan?

María Victoria Rodríguez:

The municipality of Toa Alta.

Héctor Collazo:

Those who for the last 10 years have had more than 5 supervisors in the municipality and have achieved what we have today? I have a very big concern as a citizen. I believe that both Natural Resources and the EPA - for which I am very grateful to be here this afternoon - have the best intentions with our communities. But I believe that we must

Speak clearly to the people. We, the Toalteños, not only want the closure of the landfill, but we also want a logical, structured, and organized transition. Just now they were talking about slopes. One of the options is to dump garbage to fix that slope. I believe that our community, which has had a landfill for 30 or 40 years, which has been very poorly managed in the last 10 years, and is the reason we are here today, there is no other, because if it had been properly managed and the engineering work had been done, the mitigation work, this would not be happening. But there is a reality that we must work hastily, because there is a community that, after 30 years cannot stand it any longer. And I recognize that there are also some problems with the garbage, Toa Alta has 80 thousand inhabitants with an amount of garbage that must be deposited, and we have to work on a structured plan. But those who created the problem cannot solve it. I believe that Natural Resources and the EPA should work in tandem and look for a way to guide the municipality, which has not known how to handle this situation. It has created municipal companies to work the landfill, and nothing has been achieved. I believe that a joint effort should be made so that they can then guide the municipality, so that they have enough tools to be able to create a plan that really helps the final and firm closure of the landfill, so that our community is no longer affected and the future problem we may have with the garbage can also be mitigated. That is all. Very good evening.

María Victoria Rodríguez:

Thank you. That is our intention to participate as well and to be here today. As I indicated, we have an address. Let me put it here (*Transcriber's note: We move on to the slide where DRNA's contact information is presented*). So that anything, any communication,

you can send the information. And yes, we heard the information that you point out to us today and we're going to work for it. So, you can count on us.

Carmen Guerrero:

Thank you very much, Vicky. So now we are going to start the public comment process. Among the people who have signed the attendance list and participants, we have 17 people who have said they want to make a presentation, give some comments, we want to hear from all of you. Obviously, we also want to respect everybody's time, so we ask you to be brief however you can. We don't want to set a specific time allowance, but we want this opportunity to let you know that we have 17 people and maybe others who also want to comment now and give their recommendations. In terms of protocol, we are going to start with the elected officials. So first we are going to allow the municipality of Toa Alta to give their presentation and their words. Then, if we have representatives from the municipal legislature and the central legislature. I want to recognize Representative Yazzer Morales, who is also here, if he would like to give a few words later. Thank you, Mayor.

Clemente "Chito" Agosto:

Thank you, Guerrero. Well, good evening and greetings to everyone again. We have here tonight, as I told you earlier. We are now going to be giving our presentation on behalf of the municipality. Thank you to everyone present here and to the relevant agencies. The municipality of Toa Alta owns the municipal landfill that has been in operation since approximately the nineteen sixties. The landfill property consists of about 45 acres, of

which more than 35 acres have been used for the disposal of solid waste. In particular, the landfill added and constructed a cell in the south side, of approximately 5 acres by 2006, which complied with the required environmental requirements, including having a liner and a leachate control system, among others. The operation of the landfill, which has been in operation for more than 50 years, has provided a service to all residents of Toa Alta and has been able to assist in providing disposal areas to several neighboring municipalities, with the operation of the landfill being in the hands of both the municipality and several private entities. However, in recent years, as with any landfill operation, the municipality has had to plan with its consultants how to prepare the landfill facility for closure. Particularly when the available lateral space is eliminated or significantly reduced, making it difficult to continue a profitable and adequate operation. During this planning process, which is a complex one and needs a lot of effort, both from an engineering and economic perspective, it has been allowed for all entities involved to sit at the table to establish an open dialogue with the understanding that the closure process is a complex and long one; which requires the assistance of experts such as engineers, which takes time and requires a commitment from the municipality, for a significant injection of funds, which allows the work to be done in an adequate and correct manner. In particular, the Federal Environmental Protection Agency, known as the EPA, in its oversight role, issued a revised administrative order on June 14, 2017, against the municipality of Toa Alta, for being the owner and operator of the facility at that time, against Landfill Technologies of Toa Alta for having been the operator of the landfill between the years 2001 to 2014 and against CMA for claiming to have been an operator from 2014 to 2017. In this administrative order, the EPA requested that the municipality

of Toa Alta begin the process of closing the landfill and take additional measures to improve its environmental compliance, among other things. In addition, it requested Landfill Technologies of Toa Alta to take measures to evaluate and remediate the leachate system of the south cell. And finally, it required CMA to perform a delineation of the boundary of the waste within the landfill property. Compliance with this administrative order was further complicated by the fact that months later Puerto Rico was affected by Hurricane María, requiring an effort and commitment from the municipality to address the needs of its residents, including handling significant amounts of waste generated by the loss of vegetation and debris. As a result, the process of beginning to attend to the order's observations was delayed due to such emergency. Nevertheless, the municipality of Toa Alta and its work team were in continuous conversations and negotiations with the EPA aimed at reaching agreements and understandings, but within a reasonable and enforceable framework within the different financial restrictions suffered by the municipality. These negotiations continued for several years, where the EPA and the municipality reached several understandings on certain issues, but in other aspects an agreement was not reached. One of the agreements reached was to bring in a private operator with experience that could manage the operation of the landfill better than the municipality had done. Given this and with the EPA's concurrence the municipality made a significant financial effort by bringing in Toa Alta Eco Park to be the operator and who has served in the operation since November 2019. As we have described above, it is important to understand that because closure is a very complex process, there may be different visions of how to achieve closure of a landfill, particularly from a technical or engineering point of view, and in that framework, were the conversations held between

the parties throughout this time. At the same time, during the entire negotiation process, the Covid-19 pandemic emerged in 2020, which also affected the process of the conversations between the parties, and throughout this process, the municipality and its advisors, engineers and consultants were diligent in offering alternatives both for compliance with the administrative order of the EPA, as well as in any conversation or negotiation related to the eventual closure of the landfill. However, for reasons beyond the municipality's control, a full agreement could not be reached. Therefore, the EPA and the U.S. Department of Justice made the decision to file a lawsuit in Federal Court in February 2021, with the purpose of completing the landfill closure process, which the municipality has always been willing to do, but within a reasonable financial framework given the circumstances and in a feasible and practical manner from an engineering point of view. This point is extremely important because many times, when discussing the process of closing a landfill, some people think that the process is just closing the gate and putting a padlock on it so that no more solid waste is produced. But that is not the case. The closure process requires a significant investment of funds, not only to plan the work, but then to execute it. On the other hand, the process may involve the approval of other government agencies to carry out certain acts necessary for an orderly closure, which also takes time and resources and is not 100 percent within the municipality's control. Therefore, in Puerto Rico the experience has been that a landfill prepares for closure but continues to operate in order to have revenues to pay for the significant investment for closure. These planning works involve engineering analyses to determine the capacity of the landfill, to have a disposal plan designed that allows depositing the waste in places and conditions that prepare the landfill for closure, to study and analyze

the management of runoff water based on the contours of the landfill, to design water control systems that reduce impacts to water bodies, among others. These analyses and plans are then what guide the operation of the landfill in its preparation stage for closure, which is exactly what has been happening during these years. Now it is time to start implementing the specific measures for closure, gradually reducing the operation of the landfill. Therefore, the landfill is only receiving waste to be deposited as part of the process of mitigating the north slope, which is an area that needs to be leveled to comply with the geo-technical requirements of having stable slopes that are safe and allow adequate management of runoff water. The receipt of waste for purposes such as this is completely normal and known by regulatory agencies such as the EPA and the Department of Natural and Environmental Resources and has even been implemented at other landfills in Puerto Rico, such as those in Toa Baja and Vega Baja, for example. At this time, the municipality has taken on the task, with the assistance of the operator, to better prepare the landfill to begin implementing the closure measures that are pending and that have been discussed by the EPA as part of this public hearing. There should be no doubt that the municipality of Toa Alta and I have a firm commitment to ensure that the landfill can be closed in an adequate, organized and cost-effective manner. Therefore, the preliminary agreement reached with the EPA, which is the result of hours of negotiation and work by lawyers and engineers of both parties, is of the utmost interest that it be validated, since it allows the municipality to comply with the measures within a reasonable time, under engineering standards acceptable to the EPA and without creating a significant impact on municipal finances. The garbage collection and disposal process is an extremely costly process that requires approximately \$5 million of the

municipal budget. If a more rigorous and costly process is demanded or required, it would definitely have negative effects on the municipal coffers and therefore, on the services we provide to our citizens. It is for this reason that we have fought and worked all these years to ensure that garbage services are not affected, so we count on your collaboration and support to ensure that the Toalteños receive the best services in compliance with the regulations. Furthermore, the agreement to be signed with the EPA, as mentioned above, is the result of multiple conversations and negotiations. In particular, it is worth noting that engineers from both parties have evaluated the measures taken considering, among other factors, the time to implement them, the cost to the municipality and their environmental impact. After weighing all these variables, the engineers were able to reach an understanding that the lawyers have captured in a draft agreement in the terms outlined tonight by the EPA. We want to acknowledge the work of both EPA and municipal counsel, who worked together to find the most efficient, cost-effective and least environmentally impactful solutions. For this reason, we emphasize again that for all these efforts to be productive and effective, we count on your support, collaboration and approval to be able to work on the implementation of this closure plan, which, as we understand, we need several years to execute it in an organized and cost-effective way for the municipality. So again, I am very grateful for the opportunity to talk to you about this important issue. I remain at your service, that of the officials and those present here.

Good evening.

Carmen Guerrero:

Thank you very much, Mayor and all the representatives of the municipality. Now we would also like other elected officials. I would like to start with representatives of the municipal legislature, if there are any representatives of the municipal legislature who would like to say a few words.

Domingo Hernández:

Good evening, everyone, fellow members of the municipality of Toa Alta, residents, members of the EPA and Natural Resources. This problem of the municipal landfill that some want to blame on the current administration, is a landfill that has been operating for 55 years and in those 55 years it has not only been operated by the municipality. It has also been operated by private companies. The municipality is now operating it to comply with the requirements of the EPA and Natural Resources. What we should not do in this process - we all agree that after 55 years the operations should be closed to ensure the safety and compliance that they are demanding of us and the health of our people - the best legacy we can give to our people, watching over their health, is to avoid politicizing the problem of the closure of the landfill. That part has no place here, it has no place. Here there is a negotiation that is being carried out between the officials of the municipality, the EPA and Natural Resources, which are the expert agencies in this problem. We must give them the space to conclude these negotiations. That the improvements required by the landfill for its closure be carried out, without affecting the domestic garbage collection services of our people. I would like it to be closed tomorrow, but we know that this is not the case. In order for the municipality to be able to close it, it has to follow some guidelines, which have already been explained here by the EPA and

Natural Resources. The cost of this closure is not 10 dollars, it is not 10 quarters. It is a lot of money. If the municipality had all those economic resources to be able to comply and close it tomorrow, I assure you that the municipal administration would have already done it and would be making a contract with another municipality that has a landfill to deposit that garbage. Because we know that the cost is going to increase. I believe that the municipal administration entered into a shutdown at the worst moment the people of Puerto Rico were going through, 2017, September 2017, Hurricane María. This increases the deposit of debris and garbage in the municipality, aggravating it even more. It had to be deposited somewhere. Then came the pandemic and it became even more complicated. This further delays the process of complying with the guidelines issued by the EPA to begin the closure process. The closure process is necessary, but you have to comply, and it is tedious, and it prolongs the process. And it is not just the municipality. There are other agencies involved in this process that have already done advanced work. Advanced. And I believe that both federal and state agencies have given the current administration the best moment and the best alternative to prepare the closure plan. What we must be clear about, and we must keep in mind, is that Natural Resources, as the leading agency in the supervision of these landfills, has a responsibility and must also contribute economically so that this landfill can be closed in an effective and orderly manner, but also so that it does not affect the services of our people who need to have their garbage picked up daily and deposited somewhere. I believe that the EPA has made it clear that there is an orderly process to be able to comply, to deposit only the garbage from Toa Alta, nothing else, garbage is no longer being deposited from outside. The landfill already has the closure signs that were required. But we must comply in an orderly

manner. Let us get politics out of the way in this process and let us see to it that the closure is carried out in an orderly manner, with the safety and health of our people in mind. Thank you very much.

Carmen Guerrero:

Thank you very much. Any other request from any representative of the municipal legislature? Then I would like to allow a moment for representative Yazzer Morales to say a few words.

Yazzer Morales:

Good evening, for the record my name is Yazzer Morales, representative of District 9 of Toa Alta/Bayamón. Good evening to all and blessings. It is good to have you here. I think it is important for you to be here to carry the message of what the residents of Toa Alta feel about the Toa Alta landfill. It is sad that on a day like today, when we are discussing something so important, there is talk of politicizing. Of politicizing. It is sad when there are residents and people here who have suffered the ravages of the landfill. And I, listening like this, I listen to the mayor, who I have always put myself at his disposal. And he knows that this fight is about health. One man's blessing cannot be another man's curse. And we recognize that Toa Alta has a garbage problem. We recognize that Toa Alta has grown in population. But we also recognize that there are people who live around the landfill who have suffered for more than 30, 40, 50 years. At the time the landfill was built, possibly the EPA was there, but it was not so demanding, because progress continues to be made, science continues to advance, studies continue to be done and many deficiencies of the

landfills are found along the way. I am going to tell you the reality of the situation, I am not going to come here with stories, because the reality is that if it had been managed in the right way, we would not be here today. If the work had been done properly, this meeting would not have taken place today. If the regulations had been followed, we would not be here today. And it is sad that we are here because of what is happening, the event. Long story short, I am going to summarize it simple terms. The landfill, the EPA has knowledge and Natural Resources. There are bodies of water adjacent to the landfill. For years and years all that water has been contaminated, which goes through La Plata and possibly water that is treated for us. I believe that Mayor, regarding the money, for Rural, 20 million was approved for the closure of the Toa Alta landfill. But, if there is concern about who is going to cover the costs - I was talking to the Secretary - and the commitment of Governor Pedro Pierluisi is that if the money is needed, we are going to provide it. There is no excuse to close the landfill. We do have to look for solutions, and in 10 years, 20 years, 30 years and perhaps there will be future successors, we hope that this landfill issue will have been resolved. But they must come with the mentality that if there is a problem, if I inherit a problem, I have to know that this problem is going to be there, and I have to deal with it and I have to look for people who can give me a hand and who can fight with me. And I have always told the mayor, from the first day, that he has a person right here that he can count on, in whatever he needs and that can help him, we are here to serve him. If I am called upon and asked for help. In the meantime, we will continue with the struggle, where I estimate, and I am not an expert in this, but according to the meetings I have held with the Secretary of Natural Resources, we are expecting that in two years or a year and a half we will have the total closure. At least, that no more garbage

is deposited in the Toa Alta landfill. So, with that said, let us continue to pray a lot for these people who are suffering. Engineers, well, the engineers are put in place by the EPA to be able to manage and continue with the closure process. Natural Resources is also going to be following the process. So, there are a number of agencies that are going to be keeping an eye on the process so that the process is carried out in an orderly and structured manner for the benefit of all the residents and for the benefit of the people of Toa Alta. So, my people, let's work as a team, let's forget about colors. We are going to work together for the welfare of all these people who are suffering with this landfill in the conditions it is in. So, let's hold hands, let's work as a team and let's move forward. God bless you all. Good night. You can always count on me.

Carmen Guerrero:

Thank you very much, Representative. We would like to begin. We know we have several people from the audience who want to address us. Some have presentations, pictures and videos. The Federal Environmental Protection Agency, its administrator Michael Regan and the regional administrator Lisa García, received a letter from dozens of people and residents of the municipality, represented through a petition for environmental justice, before the Federal Environmental Protection Agency. The attorney who represented all these different sectors that signed that letter is Mr. Miguel Sarriera and I would like to allow Miguel to begin with his presentation. I know that we have to coordinate some technical aspects, and perhaps while we are working on those technical aspects, we can also assist other people who would like to make their presentation. Yes, if we could allow,

while Miguel is setting up the presentation and connecting the computer, if someone would like to come in to give their presentation or paper.

Jason Pizarro:

Warm greetings.

Carmen Guerrero:

And remember that when you speak, we need your first name, last name, sector you represent or entity you represent in the community. We appreciate it so we can make sure that we include it in the transcript. Thank you, Widy, you tell us. Ready? Please.

Jason Pizarro:

Warm greetings to all present, to those from the EPA, the municipality, all the other agencies and my neighbors in Toa Alta. My name is Jason Pizarro. Jay Pizarro, as I am known. I am from Barrio Contorno. I was born in the largest city in Puerto Rico, at the time, Manhattan. It's been more than five decades now. My parents brought me to Puerto Rico at a young age, against my will. I lived in the city of Bayamón for 40 years. And because of life, I was forced to move to Toa Alta. I was explaining to someone where I lived, and he told me "you live in Cielito Arriba" and since then I have called where I live Cielito Arriba. Two weeks ago, I found out that it's not called Cielito Arriba, it's called Barrio Contorno. But I still call it Cielito Arriba or El Cielito, because I really live in El Cielito (Translator's note: "El Cielito" translates to "Little Heaven"). Not because of the elevation,

but because of the peace I experience in that place. There I am healing personal wounds and I am helping others to heal through our non-profit institution, Iglesia Villa Trinidad. Having said these beautiful things about my Barrio, the people of Toa Alta have a very serious public health problem, and it is called the landfill. Among the things we experience daily is the excessive noise of the machines and trucks, from before six in the morning. Rats that look like cats. Flies, gnats, mosquitoes, among other vermin. I have neighbors who have died of cancer due to the contamination of the landfill. For this reason, we are present here, before this serious problem that we face. We also understand that there are private economic interests that oppose the closure. To those, we say that we have our ears to the ground, as our ancestors did, and we ask that all that is hidden be brought to light. And we ask the authorities that when they work with this, they have the same mercy that they have had with the people. And that we are from the land of Josco Bravo and that we will die fighting for the closure. I am a son, I am a nephew, I am an uncle, I am a brother and when I die, I want my ashes to be scattered throughout this beautiful land. Thank you for listening to me. Apart from these things, I want to talk to the mayor, he knows that I sympathize with him. But there is already a proposal that the money is there. So, there is no excuse that there is no money. The fellow said that they are not responsible. Yes, they are not responsible because this place has been open for more than 50 years and they have been there for 12 years, but they have not worked with the problem for 12 years. Americans say, "if you can't stand the heat stay out of the kitchen". You knew this problem existed and you got involved, so now we must solve it. Chito, the money is there. The governor said so. And you know, we will remember this day in two

years from now if you don't work with the people. Thank you for listening to me. Have a lovely evening.

Carmen Guerrero:

Thank you very much, Jay. Attorney Miguel Sarriera tells me that he is still uploading the presentation. Is there anyone else who is interested in coming forward now to make their presentation? Please. And also, if you prefer to speak from this microphone, as well, as you prefer.

Lcdo. Libardo Hernández:

Good evening, everyone. For the record, Attorney Libardo Hernández Pérez. I thank you all, I join the protocol greeting, Mr. Mayor, Mr. Representative, Municipal Legislature, to our good friend Carmen Guerrero. It is good to see you again. We have another pending matter in Toa Alta, which is the asphalt plant we have less than a mile from here, which we will touch on later. And colleagues from the DOJ, welcome to my hometown Toa Alta. Thank you very much for helping these people here, hearing what their claims are and bringing justice for us. To my colleagues from the Federal Department of Justice, thank you very much, welcome to Toa Alta and thank you for listening to the claims of these people and bringing justice for us. I am a resident of Toa Alta for over 30 years and an active participant in environmental issues in our town. I had the opportunity to review the draft settlement agreement that was filed with the Federal Court and that presents the guidelines established by both the EPA and the Federal Department of Justice for the closure of the landfill. We emphasize that the information available does not present the

position of the municipality of Toa Alta. I was wondering if it had a proposal, but we heard the proposal of the municipality through the mayor and it gives us at least a notion of what the municipality, which is the one that must work with the closure, since the guidelines are already established in the order, by the pertinent agency, but it is the municipality that has to work with the solution. We understand that of the alternatives included in the draft agreement, option 1B is the most convenient for our town. However, I am concerned about the time frame of 18 to 24 months that it establishes. We understand the urgency of the closure, as we are close to the deadline to complete this process. I remember that in 2012, when I was legal advisor to the previous municipal administration, the municipality of Toa Alta had already been told that it had 11 years to close the landfill. Although I agree with the municipality of Toa Alta, I do not agree with the time period that our colleague, Mr. Carlos Rivera, representative of the municipality, established of 15 years to close the landfill. I understand that it is too long. It is too long. I believe that the people have suffered too much to wait for 15 years. But I do agree that the time proposed is too short. We suggest a shorter period, since we know that, although this closure is necessary, the closure process will have a domino effect on the operation and administration of the municipality. To begin with, we must determine the economic impact that the closure will have on the budget of the municipality of Toa Alta. For years, the landfill has been a major source of recurring resources for the municipality's operation. Closing it means a reduction and with the workload that is being imposed on it, it is necessary to look for those resources. The final impact is twice as adverse, not only will the municipality stop accruing income from the deposit, but they will also start incurring expenses. If we do not have an economic plan, the services offered by the municipal

agencies will be put at risk and the closure of the landfill will be put at risk. In addition to this, the implementation of immediate remediation actions entails operational expenses, such as the purchase of materials. The municipality would need machinery. We would need soil to be able to pour over the landfill and make these covers. Payroll, among additional resources to be contracted. All this represents additional expenses that, according to the municipal administration, they do not have the budget to cover. That is why it is extremely necessary to understand where the funds to carry out the closure are going to come from. The EPA granted the municipality of Toa Alta \$300,000 dollars to clean up contaminated properties. I ask the EPA representative if this allocation of funds can be transferred by the municipality to assist in this closure of the landfill and help the surrounding residents in Barrio Contorno and Cielito. Will the EPA be able to help subsidize these expenses? At least at the time of making my statement I was not clear if there were expenses. We have already heard that the representative for District 9, the Honorable Yazzar Morales, mentioned that there is money to do that. I know that in the United States the EPA has been directly involved in assisting in landfill closures with funds. The question remains on the table. If the EPA has the funds and if the municipality has the resources to request those funds from the EPA, because I know that the municipality must request them, the EPA does not provide them if there are no requests. Second, the closure process will directly or indirectly impact all Toalteños. This is why we recommend that within the agreement the following be established. (1) Create an oversight committee or board that includes residents from various communities of Toa Alta. This committee or board will be in charge of monitoring the Work and Economic Plan of the Municipality of Toa Alta in compliance with the order. Although the agreement

establishes that the corresponding agencies have access and will be monitoring, but who better than the neighboring residents, who are the ones who have suffered for decades and are the ones living next to the landfill, they are the best monitors that you have at your disposal. I understand that it is a good resource to bring to the court when the agreement is made to create a committee with residents of Toa Alta. (2) To provide transparency of information by disclosing the information related to this matter in the available cyber media. When I say cyber media, I mean the agencies' websites, the municipality's website and social networks. The EPA and the Department of Justice are required by the "Free Information Act" to provide this information. Unfortunately, in Puerto Rico there is still no law like the "Free Information Act". We would be requesting, and we come back, which is part of the order that talks about the reports, but does not clarify, that these reports have to be available to the citizens, and when I say available to the citizens it is not only that they are in the agencies, it is that they are in the social networks and that they are accessible from as simple a method as a cell phone. That would be another request that we would be making to the Department of Justice and to Mr. Rivera to include in the agreement that is going to be reached. While it is true that the municipality of Toa Alta is responsible for complying with the agreement that is established, it, too, is extremely important that the people of Toa Alta be informed and participate in this process, since the results affect us all. Finally, this process is an opportunity to promote social awareness and responsibility in our town. For this we suggest the implementation of a recycling program as part of the landfill closure process. I believe that the municipality of Toa Alta, together with the help of federal agencies, is in the best moment to start a recycling program and a solid waste disposal program in Toa Alta. Not only to put us at

the forefront of these times, as is the municipality of Guaynabo, the municipality of Bayamón and soon the municipality of Toa Baja. It is time for us to be included as well, and it is a solution to the landfill problem. As I said, this would not only alleviate the burden of the landfills, but we would also be doing our bit in the global fight against climate change. I think it is time not to look back, but to look forward, to look for solutions, to unite our wills to solve this situation that affects us so much. And here to the agencies and the municipality, I present myself and offer myself as a resource to help in any way we can. We are at your disposal and, as always, at the disposal of my people of Toa Alta. Thank you very much. Have a good night.

Ing. Eduardo González:

Those comments are very well received, and I wanted to add that we have some computer pages where there are federal funding resources and with their required application, including other federal agencies. So that's another source of funding that can be investigated. Who else wants to depose or is that it? Anyone else who would like to make a deposition, please. Okay, thank you very much.

Sary Rosario:

Good evening to all of you. God bless you. God bless you Mr. Mayor, all the lawyers, the people from the EPA, from Natural Resources and all those who are here also from Federal Justice. My name is Reverend Sary Nitza Rosario Ferreira. I am the pastor of the Discípulos de Cristo Christian Church here in Toa Alta Pueblo. We have here the brothers and sisters of the church, because they are supporting the community that is suffering from the environmental problems. I am not from Toa Alta, I was not born in Toa Alta, but

I have been pastoring in Toa Alta for 17 years, so I feel like I am from here. I already feel adopted. I came to this town 9 years ago to pastor the church. The Discípulos de Cristo Church in Toa Alta Pueblo has been here for more than 100 years, serving the community since 1914. I have learned to love this place, its people; we have walked together. God has allowed me to meet families who have experienced firsthand the pain produced by environmental pollution in their lives. We are here in affirmation and companionship to our community that has suffered the ravages of the contamination of the Toa Alta landfill. We support this struggle from the Christian and biblical values of faith and justice, from the ethics of care that seeks the common good for human habitation. That is why we are here, because the injustice caused by the environmental crisis of the Toa Alta landfill must be addressed decisively. When I arrived in the town of Toa Alta, the first visit I made was to Rafael and Irma's family in Barrio Contorno. When I went to their house, I smelled some very strong odors and they explained to me: "Pastor, those odors are from the landfill". I was shocked because I was making a visit. In other words, I was going to leave, but they could not leave. That struck deep in my heart because I did not know the magnitude of what the people were going through here in this town. Rafael continued to get sick. We kept visiting him in the hospital, we kept visiting him at home. Until sadly the time came when this family had to leave. He had to leave his home. I don't know who here has had to leave their house because something happens suddenly. But this family had to leave their home because Rafael and Irma's health could not take it anymore. They were displaced. This is not the only family. Also, two families that lived in Rabo del Buey, the sector, also in Contorno, had to relocate to other, more distant places. I asked what we could do. A person from the community told me: "Pastor, there is no hope". That's what

they told me. What can we do about the landfill problem? They told me there is no hope because this has been going on for a long time and nothing could be accomplished. So really what I did was listen. She said, "They don't listen to us. Since we are not wealthy people and our sectors are humble sectors, they don't pay importance to us, we are invisible". That also touched me deeply in my heart. I do not judge her for having lost hope, but I realized the magnitude of this problem, not only in terms of justice and physical health, but also in terms of the mental and emotional health of our people. Then God allowed me to meet one of the leaders who struggled in this broad trajectory. When I went to visit this leader who sells alcapurrias up there. They're very good, by the way. When I went to visit her at her house, she said, "Pastor, don't come in yet." She had to take a gallon of kerosene, which is like a gas, pour it on the screen door so that the flies would leave the entrance of the house and I could enter her home. So, these pictures seem to be unrealistic or surreal, but they are reality, they are everyday life. Maybe we are here now and then we leave, but they stay in this reality. We in Puerto Rico are a country of mixed race, with high rates of low income due to the level of poverty, according to the United States. A pattern of pollution and environmental degradation is observed in the poorest places. As Puerto Ricans, we have experienced environmental racism in our own land, when no action is taken to finally close this landfill that has reached its limit. State closure orders have not been complied with, we have been waiting almost four years, almost 5, for this 2017 order. With all that has been explained, we are not oblivious to what has happened, but the lack of action by the authorities has been a constant or has not been completed. This makes us reflect on our communities about environmental justice. I have no doubt that our community here in Toa Alta is a community of

environmental justice. It is a community that has had to fight and has almost no strength left. It is very unfortunate that justice is not equal everywhere, because it is supposed to be so. It is not fair either, as I understand, being proposed to choose between continuing with the pollution they have suffered so much or paying for garbage collection. I think that that should not even be an option, at least not for the communities that have suffered so much, because they have already paid a high cost. There is a lot of talk here about the economic cost and it is true, that is the reality. But there is also a high cost in health. There is a high cost that some people have had to pay in life, because people have died here. Do you remember Rafael, the one I mentioned? Well, a few weeks ago we were at his funeral. In the quest to help our community in our congregation, I took on the task of investigating about how to help. How we can help. God allowed me to pursue a doctorate in ministry and I chose to do my thesis with the problems we live here in Toa Alta. "Stories of Hope" is the name of the research. "Church interventions for eco-justice and the challenge of the environmental crisis of the Toa Alta landfill." When we did this research at Texas Christian University at Bright Divinity School, what we were pursuing was to understand as a church, how we could help our neighbors here in the community. What we could do. And as we did this research we discovered several things, including that there have been several closure orders. This is not the first one. There have been other previous closure orders in previous decades. The unfortunate thing is that none of them have been completed. We also discovered that in 1995, Mrs. Carmen Josefina Meléndez, president of Toalteños por la Salud, at that time, asked the EPA to work this case as an environmental justice case. At that time, in 1995, they replied that the Puerto Rican authorities had to take charge of this matter. We hope that today the answer will be

different. There was a new hope in 2017, with the closure order, but that has not been completed either. We also discovered that of the water and gas contamination monitoring, required by the facility, there is almost no data. When I looked for the data, there was almost no pollution data from the monitoring. But the EPA closure order gave us a lot of data. But there is a doctor named Estela Betancourt, who did a study of the Toa Baja landfill and the Toa Alta landfill, and she discovered these things that are in our investigation. She discovered that there are high concentrations of Zinc above the levels established by the EPA. There was also chromium and lead found in both the Toa Alta and Toa Baja landfills. Chromium is a carcinogen, and lead is not only carcinogenic, but also affects and causes permanent damage to the central nervous system in humans. Toa Alta belongs to the region of Puerto Rico, which is the region of Bayamón, where there are more cases of high incidence of cancer. In 2012, the Chronic Diseases report of the Department of Health stated that for every 100,000 inhabitants, 124 people died of cancer. It is no coincidence that the high concentrations of these elements and carcinogens are connected and linked to cancer and the cumulative effects. Cumulative because we are saying that this contamination has been going on for years and years and years. The research looks at these communities and other environmental justice communities. That's what we did. We saw other communities, like in Peñuelas, in Arecibo, in Dorado and in Guaynabo, that did get involved and helped to get their communities out of the problem. This is a problem that we must work on together. The mayor is not alone here, nor is the EPA alone, nor is Justice. I think it is a problem of human dignity, justice, ethics, and dignity. So, I think it is up to all of us to collaborate. For this and for all that our neighbors have suffered, we are here. For those who have died, for those who are

bedridden and could not come today, who cannot seek cleaner air, who cannot appear before you. For the future of these communities that resist being displaced from the land of their ancestors. For the flora and fauna and 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 affected by this contamination through water and air. When we did the project, we discovered that there are many more things I could share, but I don't want to take too long, because we want to continue listening to the people. But I will leave you with this, one of the young women in our church said to us, "Pastor, despite all that is happening, we can cultivate hope." And I loved that phrase she said. Because we really need to cultivate hope. This is a systemic problem. This is a long-standing problem. And as you were saying just now - at the beginning the mayor greeted us - we are not here for politics; we are here for the ethics of care towards Creation. We are here so that actions can be taken, so that both Federal Justice and the EPA, as well as all of us here, can be united in such a way that this justice can reach everyone, so that recycling can become a reality. There are alternatives. We hope that these alternatives can become a reality. Thank you for your time, for your efforts in this vital matter, not only for Toa Alta, but for all the beautiful Creation in this city of Josco. And well, here is the thesis, I am not going to read it to you, because we are not finished here. But for me it has been a great blessing to be able to express myself. Thank you very much and thank you to all those who are working for environmental justice. It is up to all of us, sooner or later, to respond. God bless you.

Ing. Eduardo González:

Thank you very much, Sary Nitza. Here is the main page of the Pastor's thesis presentation if you are interested. Thank you very much.

Carmen Guerrero:

One of the colleagues who was here let us know that this purple cell phone was left in the bathroom. Thank you. Miguel, please.

Miguel Sarriera:

Yes, good evening to all the public present and to the officials of the EPA, of the Government of Puerto Rico, Municipality, etc. We are here today because there has been a total and absolute failure of the regulatory system. We are here because the law has not been implemented. We are here because those responsible for complying with the law have not complied with it. We find ourselves here also because the people who are supposed to enforce the law have not done so either. And this has given rise to an environmental disaster, which is what we are experiencing in Toa Alta. An environmental disaster that has a first and last name, environmental justice. Here the law has not been implemented as it is implemented in other places in the United States and it has been done to a community of scarce resources, a community that has economic problems and a community that does not have access to the resources of engineers, of lawyers, necessary to be able to make their points and convince the authorities that they can do things correctly. There has been no environmental justice here. This landfill process has been going on for years, years. I don't have the presentation at hand, because in it there is the list of violations that have occurred. Here, there was a construction of a cell in 2007, which was filled up in 2017, I think it was. Not before. I have the numbers there. But the cell that was built with the liner was filled more than 10 years ago and garbage continued to be dumped there, indiscriminately, in violation of the law. I had to listen here today to

officials from the municipality saying that they are making a closure plan. That they are working towards the closure plan, and they have not filed an application for the closure plan with the Department of Natural Resources, which is the first step they must follow. Here the law violations continue and do not cease. There are many problems here. One of the problems that I want to bring to all of you is the problem of the landfill gases. When you pass by and smell that landfill you say "Oh, what a stench it has, what a stench it has". Let me explain something about that. That is a mixture of gases, what is in there. A mixture of gases, of which many are toxic. The law requires that the municipalities, the entities in charge of operating those landfills, have gas collection systems. Other landfills in Puerto Rico do. The Toa Baja landfill does, but the Toa Alta landfill does not. And those gases are methane and carcinogenic gases, they are hazardous to health and the law requires that systems be established to collect them. When they say here that people are dying because the landfill is killing them, I assure you that being exposed to those gases, constantly, is a factor that really must have caused an increase in mortality. Because these regulations exist to protect people's health and to prevent these things from happening. So, the municipality, not this administration, let's be fair, this has been going on for many years. But the municipal administrations that have passed, the municipal administrations that have been here since 2013, already designed a system to collect those gases and they had a project and they never got to build it. And you in Toa Alta, you are smelling all those gases, inhaling all those toxics, and suffering from your health. When people say: "ah, so-and-so lived next to the landfill and died of cancer" and someone else says "ah, you don't know what you are talking about, you don't have a study, you don't have an engineer, you don't have a doctor, you don't have a doctor."

Look, it is an increased risk that you are suffering in this community. And you're suffering because you don't have environmental justice. Because the government does not enforce the laws. This situation, of these landfills in state non-compliance, this does not exist in the United States. There is no place where there is a landfill in such a poor, deplorable and illegal condition as the one here in Toa Alta. And then the EPA has known about this for years and has done nothing, they have done nothing. Now they are coming to act, which is certainly appreciated. But they should have done it many, many years ago, many, many years ago. And they have engaged in bureaucratic fights about whether I should intervene in Puerto Rico, whether the Puerto Rican government should do it, whether I should do it, whether it is my job, whether it is not my job. And they have failed to implement it, they have put the procedure above the results. This situation here in Toa Alta is serious, very serious. When you compare it with other situations in the United States, it is incomprehensible that this has been allowed in this country in this manner for so long. It is really outrageous to see the way we have been treated as a community, we have been treated as Puerto Ricans and we have been subjected to a degraded environment. A degraded environment that the EPA does not allow anywhere else. They only allow it here in Puerto Rico. I must be here listening to the municipal officials, who are going to give us solutions to all the problems, but if they have the problem in their hands, they created it, they kept it, they had to be sued. How can we expect solutions from the people who caused and maintained the problem? That doesn't make any kind of sense. It defies logic. The logic is, they said it here very, very candidly, and I appreciate it because it is known, that the municipality depends on the landfill revenues to keep its finances stable and that requires dumping garbage and dumping garbage and dumping

garbage. That is the focus of the municipality. Therefore, this agreement that is being proposed to the extent that it allows the dumping of garbage in the landfill to continue for any reason and in any way, that is the Trojan horse that will destroy this whole process. If the municipality is allowed to dump garbage, forget about going to the Department of Natural Resources, "you can't do it", motion for reconsideration, 10 years fighting it. "No, judge, look he is not doing it, give him a spanking". Because they tie their hands. Management ties the hands of the lawyers, and they don't allow them to do the things in court that they have to do with the mayors. That is the Trojan horse. No settlement can be allowed that includes, in any way, shape or form, garbage disposal. Because as soon as it is allowed, this is not going to work. This problem is going to continue. The solution is going to be postponed for a thousand years and the degradation is going to continue. So, it seems inconceivable to me, not only is this relationship of dependence on the landfill funds for the operation of the municipality recognized, but that an agreement is proposed ignoring the problem of the gases. There is nothing in that agreement that says "look, you have to control these toxic gases that are coming out there". But why? These are federal regulations. Why isn't that there? Why is this community being deprived of the right to have a clean environment? Why isn't the law being implemented? Ah, "because that's not up to me, that's up to the Department, that's up to other people". It is unacceptable. It is environmental justice. The law must be implemented to protect the people. You would require it anywhere else, but here it is not required, and it is about time that there is equal treatment. Enough of this situation of abuses, that atrocities like this are allowed. I look at the aerial photos and I see those sinkholes full of leachate. My God, what an outrage that is! Using a sinkhole to dump all the crap that comes out of water from a landfill? That's

an environmental crime, in any scale. And there it is. And nobody does anything about it. I mean, they have to act. This is too little, too late. If they allow the garbage, it's not going to work, and they have to include the gas problem. It is not a complete remedy, it is an incomplete remedy, which does not protect public health and does not protect the community. And I think it is about time for them to understand up there that they cannot enter a discussion of "no, this is not my problem, this is Puerto Rico's problem. Oh, well, I won't do anything. Oh, Puerto Rico doesn't do anything, well, screw it". And nobody does anything, and years go by, and years go by and absolutely nothing happens here. That is fundamental. I am very sorry. You are doing a job. I know it is very well done, but this must be taken much further for it to be effective, for people to be adequately protected, for public health and the environment. Again, I think it is outrageous that the municipality is working on a closure plan and negotiating conditions of a closure plan that has neither been submitted nor approved by the Department. I find it outrageous that they are operating without a permit. They filled the landfill for which they had a permit and have continued to dump garbage all over it. The violation is blatant, blatant. And these people are not going to solve our problems. What they're going to do is they're going to complicate it and they're going to stretch it, which they do all the time. This is Battery Recycling again. Same old story. "Yes tomorrow, yes the day after, yes motion for reconsideration, yes I'll look at it later," and by the time you go check it's already an unmanageable problem. In other words, environmental justice. We're going to give a comprehensive remedy and we're going to give a realistic remedy. A realistic remedy so that people can say, "Well, yes, this is going to work." Is it known where the money is? How long is this going to take? I mean, who is going to do it? Is it a complete remedy or

is it not? And myself, the last thing I want to say to you is that the agreement, including the garbage, is the Trojan horse. If you come up with an agreement that allows the municipality to dump garbage, this agreement is not going to work. This is going to take 50 more years and this community is going to be affected. There can't be garbage, there can't be garbage. If they must fill, let them fill with soil, let them use another material. "Oh, but we have economic issues". It doesn't matter. You wanted to be mayors, you must solve this problem for the benefit of the community and public health. In other words, there are no excuses. "I don't have money, I have to be serious, I have to be structured." Four years go by, I leave and let the next guy deal with this, which is what has always happened. So again, I personally and on behalf of my clients, Gerica Santiago and Ivette Calise, we are tenaciously opposed to any agreement that includes the use of garbage for any closing or compliance purposes. If they must backfill let them backfill with soil, but no trash, because we are sure, sure, that this problem is not going to be solved. Thank you very much.

Carmen Guerrero:

Thank you very much, Miguel, for your comments. I would like to allow this time, would anyone else like to make a presentation? I have several people here. I know that we would have the gentleman and then afterwards.

Ivette Calise Cintrón:

Thank you all. I thought I was going to be alone in this problem. Ivette Calise Cintrón. I want to say one thing in English. My grandfather earned this land. I loved it! There was a

lot of rivers, there was a lot of animals. I ran all those mountains by myself. So, when I got here, I let my sister deal with it because she was the one who was representing Environmental Quality. But it's really personal because I lost my father at 64, my sister, who fought with this, at 63. My mother inherited the other land from her father and her grandfather. This is what I put together, but I'd like to say it from my heart. I am writing to you on behalf of my own family, but especially my sister, Concetta Calise Cintrón, who fought so hard for her health and for the quality of life of our people and environment. My sister, being a teacher, prepared herself and studied in scientific areas. In particular, she has a certificate in Environmental Regulation Law: An Environmental Perspective from the University of Puerto Rico at Río Piedras. She obtained this certification on December 17, 1994. She intentionally trained herself to continue helping the community in the face of the havoc that the Toa Alta landfill has caused and is causing in our ecosystem, health and environment, by "Buzo" and all the mayors that have been there in the last 50 years. Both my sister and my father Rafael Calice, a marine, a U.S. Navy veteran, fought in life for the quality of life and the closure of this landfill along with my family. Sadly, both my sister and my father died of cancer from exposure to many environmental things and many things like that, in our bodies, received from the objectionable odors, as well as from the leachate contaminated water. The smoke from the landfill burning, for many years, as it burned garbage for many years, generally pollutants adverse to health, affecting my family and my neighborhood. Our sufferings have not only been physical, but emotional and mental in seeing so much abuse and lack of action in this community. The pristine part of the farm where there are beautiful guava trees, which is a sinkhole, is now the oxidation pit, which houses the leachate, which goes directly into the

groundwater, which is contaminated throughout the area. It is a regrettable environmental crime what has happened in our community. My family experienced firsthand the struggle of the Toalteños por la Salud organization, who worked hard for decades for environmental justice for all of us. Sadly, Hurricane Maria delayed this closure. My sister passed away in October 2020. My family's home is two minutes from this sinkhole. My grandparents' land is part of the landfill. But I still love the land as it was when it was clean. Many communities, not even in 2005, not even the EPA, not even anyone here, has run through here as I have, because I ran marathons. I know all the rivers, I used to run along all the rivers, all that mountain and I see them all the way to where she works. I have seen it coming up and coming out all over the community of Toa Alta, from the other wells. No one here has gone to see these sites for real. They have no idea of the damage, only those who have lived there for 50 years. When the land was like this and now it is like this, it is because I have lived through this. I have it in front of me, the horses, the animals. The millipedes were red and now they are black. It doesn't matter the color, but it is not what one is used to seeing, a red millipede. My family's house is adjacent to the oxidation pits, a few meters from the Toa Alta landfill. My family has experienced this for over 50 years, but it has gotten worse over the years, and the odors have become unbearable. The landfill trucks have damaged the roads multiple times and have not fixed them, being another side effect of the operation of this landfill in our surrounding communities. Here I stand before you because this is a lifelong fight. Justice. Justice. Justice. I wanted to call Nydia Velázquez, people in New York, to see if they can help us. I have walked, I walk to the sinkholes. I walk to the house of the lady who is around here. I will take you there. You want to contact me, and you want to see what happened in 2007

or '14, now '22? This has not changed. Nothing has changed. And it doesn't matter if you are a PNP. It doesn't matter what you do. All those rivers come together, and they are polluted. The bubbles, there are videos. You must bring justice. I ask you to please - I know my land is not going to be the same - but I want to feel that I can be there. I want to die here. My mother died here. My grandparents from 1867 were farmers. They passed away and now they are changing their land. The CRIM's office is another big problem I have. But anyway, I am not going to leave. I am going to stay in Toa Alta until we close this landfill. My friends, like Rafael, my neighbor, sleep with the doors all locked. They are locked up all day because they can't smell the odors there. My cousins who are on the land in front of the dump, they are there with their 85-year-old mother, with her own conditions as well. They have the garbage in front of them. We have the garbage in front of us. The gentleman here, the animals drink from that water, the birds drink from that water. I don't know what else to expect from the mayor. I went to the mayor, and I said, "Look, my grandmother died in 1867, I've been here since then". He said to me: "but you are not that age". And I said, "But this is family land. I'm not going to leave." And my mom decided in keeping the land. Thanks to all of you for listening. I hope that the Federal Justice will support us. I ask you, please help these Toalteños. Not for me, I don't need anything, I can leave and say goodbye. But this is not what we want. Thank you to everyone who was able to help, to the church and everyone who is here. Because I thought it was just me.

Carmen Guerrero:

Thank you very much, Ivette, for your words. We would like to allow... I know the colleague, please, and Gerica. I understand she is here, perfect. Well, the colleague and then you.

Jorge Luis Rivera:

Good evening again, Pastor Jorge Luis Rivera Rivera, pastor of the Mission Board Church of Barrio Contorno in Toa Alta. I want to go back to the last question I asked in my previous participation. About the closing date. It seems to me that 50 years later, to have the opportunity that we have today and to leave here without a date, even if it is estimated, for the closure of this situation and of this landfill, it seems to me that it would be to leave here unsatisfied. Someone said that the closure could take place in two or two and a half years. On the other hand, there is talk of 15 to 20 years. I would like to know, exactly, for my personal benefit and for the benefit of all those who are here, and of all those who will ask me after I leave here, "Pastor, when is the final and official closing going to take place? That I can tell them: "Look, this is the date that is being projected. The works are directed for it to be in X year, on this date". In other words, it seems to me that we should leave here clear about the closure. Because everything that has been said is extremely important, but the most important thing that should happen is the permanent closure, as it should be. So, I come back and ask, what is the estimated date for the closure of the Toa Alta landfill?

Carmen Guerrero:

Important question and I know it has come up from several statements. Specifically, as we have said before, the closure plan is being worked on. Now, the governor, and here is why I was looking to see if I could see the Secretary of the Department of Natural Resources. The governor made an announcement in October of last year, where he announced a plan for the closure of landfills such as the Toa Alta landfill, the permanent closure, and it had to be done in a period of four years or less. Now, we know that some of the measures that were presented today require certain steps to stop receiving garbage in a shorter period. It is as our colleagues were just explaining, that the closure of the landfill is not a matter of putting a padlock on it and closing it immediately, it is a series of steps that must be implemented. Today we received several comments from the citizens. We here, Natural Resources, the Department of Justice, are listening to hear their proposals and to see the different alternatives, because one element is the suspension of the receipt of new garbage that is deposited in the landfill, and the closure process, which is a process that has several elements or several steps to be able to be achieved. But I would like to allow... I don't know if Natural Resources has anything to add.

Jorge Luis Rivera:

How far is this closure process going to go? When is this closure process going to end?

Carmen Guerrero:

Well, the closure plan will determine how long it takes. A landfill closure process, as we were talking about just now, must include a leachate management plan, the issue of gases must be addressed, which is another of the areas that you have brought up as proposals, several elements of runoff management must be addressed, the final and firm cover that is going to be in that landfill, all this is going to take many more years. In other words, a closure plan may take more than ten years to implement.

Jorge Luis Rivera:

In other words, what I want us to be clear about is that I know that the plan will take some time. But plans are made in the short, medium, or long term and a date must be set, deadlines, timelines, so that all efforts are directed to that date. If we do not have a date, processes can continue to lengthen, new studies can continue to emerge and we continue to study and study and study and study, when we should be thinking that the plan, whatever it is, must include a date so that all efforts are focused on achieving it by that date. That is my opinion.

Carmen Guerrero:

We agree and that must be included in the closure plan. Therefore, the presentation made by Natural Resources is to receive that input and once that closure plan is available, we can determine the next steps to ensure that a meeting is held to be able to present the next steps with the precise dates of the closure plan.

Jorge Luis Rivera:

At a subsequent meeting like this one, would we be informed what that date might be then?

Carmen Guerrero:

Correct and obviously coordinate it and verify it with the municipality of Toa Alta and the Department of Natural Resources, who are the ones working on the terms of the closure plan.

Jorge Luis Rivera:

Ok, thank you very much.

Carmen Guerrero:

Thanks. But it is an important question. Thank you. Gericca.

Gericca Santiago:

Good evening, Gericca Santiago, again. I wanted to show you some videos where you can see the leachate falling into the creek near us residents. I was not able to connect, but those who like can come and see it directly from the computer. That is an issue that everyone knows about. I believe that the EPA did its part, the municipality did its part to inspect those waters, and it is known that they are highly polluted. In other words, that has been left in the air, but the evaluation and inspection was done. I say that we are

seeing, for example, the proposal they must receive garbage for 18 to 24 months. I am in total disagreement with receiving waste for a term, not even for a year. Why? Because we have seen since 2017 a landfill that has a closure order. That has a closure order by the EPA, that has a closure order by Natural Resources and neither agency has shown that authority for them to stop what they must. This is not a secret, the violations. I think we all know that. Who are the people who are going to put a stop to it? We still don't know and that is why we are here, waiting. Waiting for that moment where we can have quality of life. Where we can enjoy our homes without having to face the situations, we see every day. In 2018, yes, yes, indeed, there were certain situations, such as Hurricane María. But it is also known that he requested an extension due to the hurricane, which was granted until June 30, 2018. Only to dump in certain areas that were established, not at a height greater than five meters above the slopes that were already there. In other words, what happened from 2018 to 2022? We continue to present the same problems, that there is no control. In that 2018 letter, the municipality of Toa Alta is also asked to submit a report every month detailing how the operation has been going. My question is, was that report submitted to the EPA month by month from 2018 to the present? Then, how are we going to trust that the inspections are going to be done, when as of today we have never seen that it has been fulfilled, neither with the reports, nor with the inspections, nor with anything that is promised? So, we cannot, we cannot believe in promises. In other words, I believe that we have allowed too many things. I know that this is a process. I am not an engineer; I do not know. But how is it possible that we are going to reward a municipality, a mayor, an administrator, for not doing a correct job from day one? Because then today we, the citizens and the residents have to pay because they did not do their

job right from day 1. Then we have to say, "ah, well you have to dump garbage so you can stabilize the slope." Is it up to us to keep exposing our health, our family, to compensate a person who did not do the job right from the beginning? So where do we leave the law, where do we leave the right thing to do? In other words, we reward those who do not do things right and those who work hard every day to have a house, to have a safe place for our children, for our family, are sacrificed. So, does this seem fair to you? It is an abuse; it is a mockery. What the municipality of Toa Alta, its administrator, its mayor, everyone - I include the mayor of Toa Alta because he knows that he sent me a letter of expropriation, and I think it is the right time for him to answer me, if in fact the EPA requested that expropriation, because the EPA tells me that it did not. So, it is funny to see a letter of expropriation signed by the mayor of the municipality of Toa Alta, where he says that he is doing this because the EPA requested it, pay attention, concerned about the welfare, concerned about health, concerned about the citizens. And then, where is the concern now? The same concern from that day where he had a closure order already for 2017, eventually it was changed to June 30, 2018, and that letter came out on July 10, 2018. That is, even after having a closure order anyway. He has never cared about the closure orders that have been issued by any agency. And so, to this day I had to invest in lawyers, I had to invest, and I have not received a response. To this day, I live in fear, whether they are going to take my house away or not. In other words, there are many things that we have had to allow, and it does not seem fair to me at all, that because the job wasn't done properly, because the closure of the landfill didn't happen yesterday, the closure of the landfill has been coming for some time. And then we must pay and compensate them now and tell them: "keep throwing garbage, because you have to

stabilize the slopes". No! I know it is not the most economical thing to do, but unfortunately, they can stabilize with backfill. We do not want to continue receiving garbage. I have land and my neighbors know too; our land is damaged. People from the EPA have been here who can confirm, where you take a step, and the terrain is spongy. Why do we have to have damaged land that does not belong to the municipality's area? Because the work was not done properly from day one. So, we have a person who does not do the job properly from day one and wants second chances, third chances, fourth chances and he keeps on being given chances and we keep on paying the consequences. Because from now until a resident can communicate with someone who can give them a hand, years can go by, and we continue with the outrage that is being committed. I ask you to please consider all the things that are happening. We do not want more garbage. There are other ways. They are not the most economical, but they knew what they were exposing themselves to. There are funds. So let all the funds be exhausted, let all the possible alternatives be exhausted, but let us not continue having to put up with them throwing garbage at us and continue disrespecting us and running over us in the way they have done. Thank you very much.

Carmen Guerrero:

Gerica, I know you mentioned some questions, we can talk about them afterwards. I am not familiar with the expropriation issue, so then we can address that later. In terms of your question of the municipal reports after the 2018 order, we haven't received them all. So, we need to clarify that.

Gerica Santiago:

So, with that we prove that we cannot trust a municipality that has failed us since day one. A municipality that has never gone to the community. In fact, it is a good question, why wasn't this announced on social media? We must have communication with the citizens. Why didn't this come out on the municipality's page? Why didn't they share this as they share the COVID kits? No, because there are things not so important for people to know. And I think that this abuse must stop now. With that you can see, it is not that we are just talking. You are aware that what we are saying is true. They do not deliver. Everything remains in promises, promises, promises. We do not want any more promises. We want them to make a decision. I believe that after failing to comply, and I do not know if I am wrong, there must be something, if a person fails to comply so many times, is there not something that can be done to say "okay, it is over now. There are no more opportunities". I mean, there is an agency that must have the authority over that so that they don't continue. We must be worried every day about whether they are going to dump garbage in this area, whether they are going to dump garbage in the other area, whether you can't enjoy your land because you have leachate. What is leachate? I mean, leachate is water that is black. Leachate has chemicals, that is dangerous, that is not a game. In other words, if we continue to receive garbage, the leachate problem will not end. This is not going to end in 18 or 24 months. We do not want more garbage, so that then these problems can be corrected. Because you can't correct a problem by throwing more garbage. You are not solving the problem. You are aggravating the problem. And let's be clear, this does not only harm us, the residents of Toa Alta. That leachate reaches the La Plata River, where all of Puerto Rico is harmed. Let's not see this as something that is

simply the Contorno area, it's simply Toa Alta. No, it is not Toa Alta. This does not stay here. This affects all of Puerto Rico, you know, and this is very important.

Carmen Guerrero:

Thank you very much, Gerica. Thank you for your statement. I'd like to see anybody else who would like to speak. Do you have any questions, comments, recommendations? If not, on behalf of the EPA team, the Federal Department of Justice, the Department of Natural Resources we want to thank you. It's almost nine o'clock at night and it shows your presence, your commitment to this issue. We know the importance of this environmental justice issue. You can count on our team to attend to it with the diligence it deserves. We know that it has been many years and there is an urgency to address this situation. I also thank the municipality, its mayor, who has been present here, listening to all your statements and we will be taking them into consideration, as part of the negotiation process of what would eventually be the final injunction order that will be presented before the Federal Court. As I said, we want to keep you informed of the whole process. We have your contact information. Also, on the EPA website. And you can feel free to contact us. I know that through all the information that we've shared there is the direct contact of Eduardo González, who can assist you directly, any further questions that you have. Remember that any further written comments that you want to send us you have until March 4th, Friday, March 4th to get those to EPA and the Federal Department of Justice. Thank you all very much. I would also like to thank Rafael Giusti for lending us the space, the municipality, because we truly have had an atmosphere where we are able to share and listen to all this important information from the citizens. So, thank you very

much to Rafael, to your team and to the mayor and the municipality for lending us this space. Have a good night and get home safely. Good health.

TRANSCRIBER CERTIFICATE

I, Aledawi Figueroa Martínez, transcriber from Smile Again Learning Center, Corp. CERTIFY:

That the preceding constitutes the translation of the transcript of the recording made during the meeting held at the place and on the date indicated on page one of this transcript.

I further certify that I have no interest in the outcome of this matter and that I am not related in any degree of consanguinity to the parties involved in this matter.

In Isabela, Puerto Rico, April 18, 2022.

A handwritten signature in blue ink, reading "Aledawi Figueroa Martínez", written over a horizontal line.

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