

FEDERAL GOVERNMENT TAKING ACTION AT TOA ALTA LANDFILL TOA ALTA, PUERTO RICO

AUGUST 2022

The U.S. Environmental Protection Agency (EPA) and U.S. Department of Justice (DOJ) filed an interim settlement order to require the Municipality of Toa Alta to take a series of immediate actions to address serious issues at its landfill. This settlement order reflects input that EPA and DOJ sought from the affected communities. The settlement order has been approved by a federal judge.

Terms of the Order

The settlement order would require the Municipality of Toa Alta (Toa Alta) to take several immediate actions to address urgent human health and environmental concerns at the landfill.

Specifically, the order will require Toa Alta to:

- Provide immediate and unimpeded access to the landfill to EPA and the Puerto Rico DNER.
- Ensure all areas of exposed waste are covered by daily cover (a term defined in the proposed order).
- Stop all waste disposal at the landfill, with possible exceptions if allowed or required as part of a revised permanent closure plan for the landfill, prepared in accordance with Puerto Rico regulations and approved by DNER before any such disposal.
- Install, within 15 days after waste disposal has stopped, signs in Spanish and English stating the landfill is closed.
- Install stormwater controls (berms, chutes, etc.) to stabilize the North Slope area.

- Cover the landfill with “intermediate cover” at the rate of one acre per month period during the first year commencing October 1, 2022, and two acres per month thereafter until the entire Landfill has been covered.
- Develop a leachate management plan by October 1, 2022, and implement that plan.
- Develop a stormwater management plan by January 1, 2023, and implement that plan.

The order also includes reporting requirements and steps the municipality must take to keep the community informed of developments at or concerning the landfill.

Toa Alta has already implemented a number of the measures under the proposed settlement order. Toa Alta informed DOJ that, as of April 2022, it had stopped accepting waste, and as of June it has fixed all the areas that needed daily cover, has been inspecting the cover regularly, and has been regularly repairing any damaged cover. Toa Alta also has implemented some of the stability controls for the North Slope, including the stormwater diversion requirements and most of the erosion controls. Toa Alta has already started preparing the required leachate and stormwater plans. EPA will review all of these plans and Toa Alta’s reports to ensure that Toa Alta complies with the requirements of the order.

Public Input on the Order



EPA and DOJ solicited public feedback on proposed terms of the order earlier in 2022 through a public comment period and in-person community meeting at the Coliseo Lauro Dávila in Toa Alta. The community input process was designed to help ensure that all voices in the community were heard and that all views about the terms of the potential order were considered. A summary of comments received and EPA's responses to comments can be found here: <https://www.epa.gov/pr/toa-alta-municipal-landfill>

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Background

The Municipality of Toa Alta (Toa Alta) has been operating its solid waste landfill since 1966. Most of the landfill does not have a required bottom liner, and is considered an “open dump.” The regulations applicable to landfills, which came into effect in 1993, require that all open dumps be closed by 1998 and that all landfills be operated properly including measures such as daily and intermediate cover, leachate collection, and landfill gas and stormwater controls. In Puerto Rico, the Department of Natural and Environmental Resources (DNER) is directly responsible for requiring compliance with landfill regulations, while the EPA has additional statutory authorities to address urgent problems at landfills which pose “imminent and substantial endangerments.” EPA and DOJ contended that Toa Alta operated the landfill in a manner that creates risk to human health and the environment. Toa Alta continued to dispose of waste in the unlined (open dump) portions of its landfill; it had not consistently applied daily cover; it did not have leachate collection; it did not have landfill gas controls or adequate stormwater controls; and it created steep slopes which risk collapse.

In February 2021, the U.S. Department of Justice (DOJ) filed, on behalf of EPA, a complaint in the Federal Court against Toa Alta claiming that the conditions at the landfill constitute an “imminent and substantial endangerment.” In July 2021, DOJ filed a request that the Federal Court issue an order requiring Toa Alta to immediately address various urgent problems at the landfill. In September 2021, DNER filed an administrative complaint against Toa Alta and plans to require Toa Alta, among other things, to permanently close the landfill, including the installation of a gas collection and control system and a permanent cover. In October 2021, DNER announced a plan to address all of the “open dumps” in Puerto Rico, including Toa Alta.

From January to March 2022, EPA and DOJ solicited public comments from residents to get feedback on the proposed order before completing negotiations with the Municipality, and a public meeting was held in Toa Alta on February 23, 2022, including representatives of EPA, DNER, DOJ, and the Mayor of Toa Alta. The municipality has since informed EPA and DOJ that it stopped the disposal of waste at the landfill as of April, and as of June continues to take actions to comply with the terms of the proposed preliminary injunction order in advance of the official filing of the order with the Court and any approval by the Court.



<https://www.epa.gov/pr/toa-alta-municipal-landfill>



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