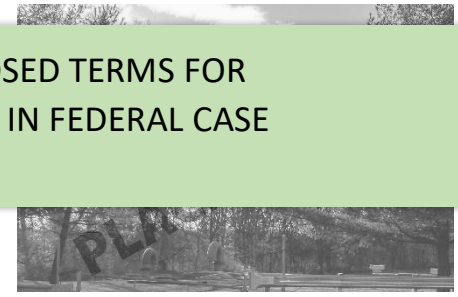
United States Environmental Protection Agency

SEEKING PUBLIC INPUT ON PROPOSED TERMS FOR PRELIMINARY INJUNCTION ORDER IN FEDERAL CASE

TOA ALTA, PUERTO RICO

JANUARY 2022



The U.S Environmental Protection Agency (EPA) and U.S. Department of Justice (DOJ) are working on a potential settlement order that would require the Municipality of Toa Alta to take a series of actions to immediately address serious issues at its landfill. DOJ and EPA are seeking the community's input on the proposed terms of the order.

Terms of the Order

The settlement order will describe several immediate actions that the Municipality of Toa Alta must undertake to address urgent human health and environmental concerns at the landfill. A summary of the terms of the potential settlement order can be found here: https://www.epa.gov/pr/toa-alta-municipal-landfill

Community Meeting

EPA and DOJ are holding a community meeting is to obtain community input about the potential settlement order:

Wednesday, February 23, 2022
5:30 p.m. – 7:30 p.m.
Coliseo Lauro Davila
PR-165R
Toa Alta, PR 00953

The community meeting will follow local COVI-19 protocols.

Public Input on the Order

EPA and DOJ also will accept written comments from the community about the potential order until March 4, 2022. The community input process is designed to help ensure that all voices in the community are heard and that all views about the terms of the potential order are considered. To provide comments to EPA and DOJ:

Read the summary document online at https://www.epa.gov/pr/toa-alta-municipal-landfill.

You can also obtain a copy of the summary document at the Office of the Mayor Ave. Muñoz Rivera, Esq. Calle Barceló, Toa Alta, PR 00953.

Please make sure that your comments include the title "Toa Alta Landfill Comments" in the subject line of your communication. Please include your name and a statement whether you are a resident of Toa Alta.

Please send your comments by email to pubcomment-ees.enrd@usdoj.gov or by standard mail to Mr. Gonzalez at the address below.

EPA must receive your comments online by Friday, March 4, 2022, or in an envelope that has a postmark with that same date.

Contact Information

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Background

The Municipality of Toa Alta (MTA) has been operating its solid waste landfill since 1966. Much of the landfill does not have a required bottom liner, and is therefore 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 responsible for requiring municipalities to comply with landfill regulations, while the EPA has the authority to address urgent problems at landfills, which are referred to as "imminent and substantial endangerments." EPA and DOJ contend that MTA is operating the landfill in a manner that creates risk to human health and the environment. MTA has continued to dispose of waste in the unlined (open dump) portions of its landfill; it has not consistently applied daily cover; it does not have leachate collection; it does not have landfill gas or stormwater controls; and it has created steep slopes which potentially create a risk of collapse.

In February 2021, the U. S. Department of Justice (DOJ) filed, on behalf of EPA, a complaint in the Federal Court against MTA 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 MTA to immediately address various urgent problems at the landfill. In September 2021, DNER filed an administrative complaint against MTA. DNER seeks an order that requires MTA, among other things, to cease disposing of waste at the landfill and to install a permanent cover on the landfill. In October 2021, DNER announced a plan to address all of the "open dumps" in Puerto Rico, including Toa Alta.

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

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