



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
MULTIMEDIA PERMITS AND COMPLIANCE BRANCH

**NPDES Stormwater Reconnaissance Inspection
Industrial Facility**

Owner

MUNICIPALITY OF VEGA BAJA
PO Box 4555 Vega Baja, P.R. 00693-4555

Operator

LA VEGA LANDFILL & RESOURCES, INC.
P.O. Box 582, Vega Baja, PR 00694

Facility

VEGA BAJA SOLID WASTE MUNICIPAL LANDFILL
Road PR-668 Int., Cibuco Ward, Vega Baja, PR 00694
Coordinates: 18.478408°N, 66.359097°W (Decimal)

Sections 301(a) and 402(p) of the Clean Water Act
NPDES Regulations: 40 C.F.R. Part 122

NPDES MSGP ID: PRR053137

Inspection Date: April 7, 2022

Participating Personnel:

U.S. EPA:

Jaime López
Senior Physical Scientist
Clean Water Act Team

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& Resources, Inc.:**

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6-27-2022

Date

Inspection Report
Approving Officer:

JOSE RIVERA

Digitally signed by JOSE RIVERA
Date: 2022.06.28 16:47:02 -04'00'

José A. Rivera, BSCE
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Date

1. INTRODUCTION

On April 7, 2022, Jaime López (the “EPA Inspector”), senior physical scientist, of the United States Environmental Protection Agency (“EPA”), Region 2, Caribbean Environmental Protection Division (“CEPD”), conducted a National Pollutant Discharge Elimination System (“NPDES”) Stormwater Reconnaissance Inspection (“Inspection”) at the Vega Baja Municipal Solid Waste Landfill in Vega Baja, Puerto Rico (“Landfill” or the “Facility”). The purpose of the Inspection was to gather on-site information to determine EPA’s jurisdiction and compliance with the CWA and NPDES regulations (“SW Rules”), and to evaluate La Vega Landfill & Resources, Inc.’s (“La Vega”) compliance with the NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (“MSGP”), as it relates to the operations of the Facility.

Upon showing of credentials to Mr. Martínez Fernández, Mr. Rivera Vázquez, and Eng. De Jesús Rivas, the Inspection was performed pursuant to the inspection authority under Section 308(a) of the Federal Water Pollution Control Act (“CWA” or “Act”), as amended. The Inspection consisted of an entry meeting to discuss the purpose of the Inspection; a Facility walkthrough to evaluate implementation and maintenance of Best Management Practices (“BMPs”) concerning stormwater; compliance evaluation of MSGP’s conditions; and closing meeting to discuss preliminary findings of the Inspection and areas of concern. This Inspection Report includes findings and observations resulting from the Inspection.

2. GENERAL INFORMATION CONCERNING OWNER

The owner of the parcels where the 50-acre Landfill’s property is located is the Puerto Rico Land Authority (PRLA). The Municipality of Vega Baja leased the property from the PRLA to construct and operate the Landfill. La Vega operates the Landfill since September 2011.

3. GENERAL INFORMATION CONCERNING THE OPERATOR

La Vega is a for-profit corporation organized under the laws of the Commonwealth of Puerto Rico (“PR”). La Vega was established on November 7, 2006 and is registered in the Puerto Rico Department of State (“DOS”) under registration number 167264. La Vega’s President is Mr. Joseph P. Hernández. See information about La Vega at <https://prcorpiling.f1hst.com/CorplInfo/CorporationInfo.aspx?c=167264-111>.

4. DESCRIPTION OF THE FACILITY

The Landfill is located in the municipality of Vega Baja, in the north-central region of Puerto Rico, near PR-688 Road. Based on information provided by the municipality of Vega Baja, the Land Administration of Puerto Rico owns the property where the Landfill is located. The Land Administration of Puerto Rico has authorized the municipality of Vega Baja to operate the Landfill on their property under a lease contract, and La Vega Landfill & Resources, Inc., has been the operator of the Landfill since on or about September 2011, under contract with the municipality of Vega Baja.

The Landfill is mostly surrounded by former sugar cane fields, drainage channels and some wetlands areas. The Cibuco River flows south and west of the Landfill towards the Atlantic Ocean. The Landfill is located within a 100-yr floodplain of the Cibuco River above unconfined, coastal aquifer. Groundwater beneath the Landfill flows towards coastal areas.

According to available site information, solid waste disposal activities began in the 1970's. The information gathered indicates that solid waste consisted of mostly household waste in addition to construction debris, and yard waste. Generally, municipal solid waste ("MSW") disposed at the Landfill originates in the municipalities of Vega Baja, Vega Alta, Dorado, Barceloneta, Utuado, Corozal, Morovis, Ciales, and Manati; ongoing disposal activities are occurring at the site.

The site where the Landfill is located consists of an unlined 25-acre cell (the "Cell A") and a new lined 10-acre cell (the "West Cell") that was constructed pursuant to the US EPA Administrative Consent Order, Docket Number RCRA-02-2013-7301 (the "AOC"). The AOC requires closure and post closure care of the 25-acre cell. The West Cell is being piggybacked on to the existing 25-acre cell.

Image 1 depicts an aerial photograph of the Facility and its surroundings.

Image 1¹



Description of the Stormwater Collection and Discharge System

¹ The source of the photograph is Google Earth, and the photograph is dated September 1, 2021.

The Landfill collects, conveys and discharges all storm water runoff through four (4) discharge outfalls, namely, Outfall 001, Outfall 003, Outfall 004, and Outfall 005. The storm water runoff from the drainage areas associated with Outfall 001 flow from the top and the south and southeast slope of the 25-acre cell into a drainage channel, which in turn flows and discharges into the Cibuco River. The south slope of the drainage area associated with Outfall 001 is vegetated. This drainage area has been designed to address a requirement of the AOC. Silt fences and synthetic hay bales were also installed.

The storm water runoff from the drainage areas associated with Outfall 005, formerly identified as Outfall 002, flow from the north, east, and southeasterly sides of the Landfill through a series of swales and ditches into a drainage channel, which in turn flows and discharges into the Cibuco River. Silt fences and synthetic hay bales were installed.

The storm water runoff from the drainage areas associated with Outfall 003 flow from the north, east, and southeasterly sides of the Landfill into a drainage channel, which in turn flows and discharges into the Cibuco River. Specifically, storm water runoff from this area flows down thru the northern slope of the existing 25-acre cell and to the east and southeast sides of the Landfill into the drainage channel located to the southeast of the Landfill. Silt fences and synthetic hay bales were installed.

The storm water runoff from the drainage areas associated with Outfall 004 flow from the west and the northwest sides of the Landfill into a drainage channel located northwest of the Landfill, which in turn flows and discharges into the Cibuco River. Silt fences and synthetic hay bales were installed. **Figure 1** (next page) depicts a site map of the area where the Landfill is located and flow schematic of the Facility. **Image 2** (page 7) depicts the hydrographic area near the Facility and the location of Cibuco River.

Description of the Receiving Water

The Cibuco River is classified as SD water in the Puerto Rico Water Quality Standards Regulation ("PRWQSR") promulgated by the PR Department of Natural and Environmental Resources ("DNER") on April 11, 2019.

NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity

The industrial activities at the Facility are covered under NPDES stormwater permit regulations at 40 C.F.R. § 122.26(b)(14)(v).

On June 4, 2015, EPA published the final re-issuance of the MSGP under the provisions of the CWA (the "2015 MSGP"). The 2015 MSGP became effective on June 4, 2015 and expired on June 4, 2020.

On January 15, 2021, EPA published the final re-issuance of the 2021 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (the "2021 MSGP"). The 2021 MSGP became effective on March 1, 2021 and expires on February 28, 2026.

Figure 1

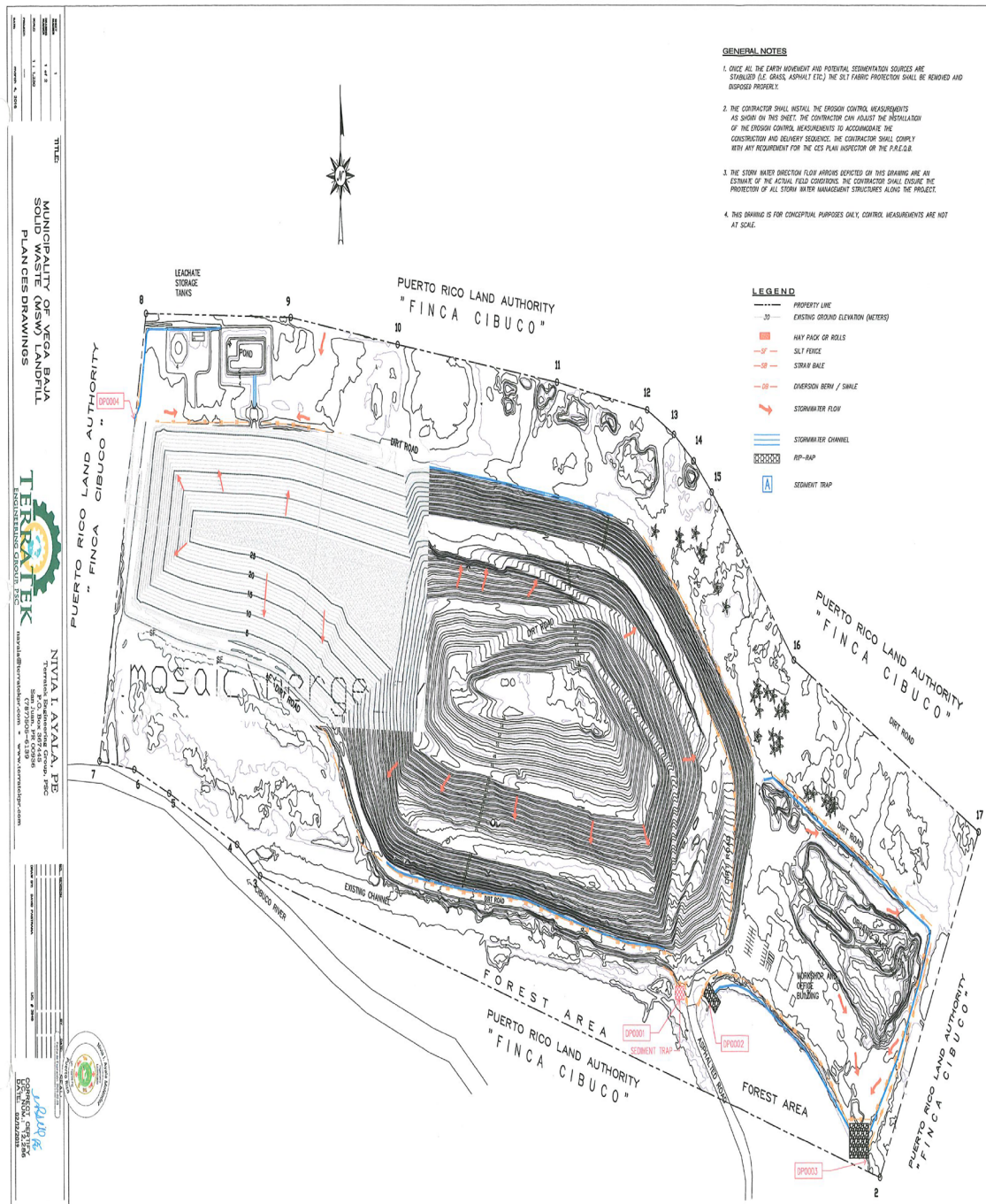


Image 2



Industrial facilities subject to 2015 MSGP and 2021 MSGP were required to prepare and implement a Stormwater Pollution Prevention Plan (“SWPPP”) for their facility. The objective of the SWPPP is three-fold: (1) identify potential sources of pollution at the facility; (2) describe control measures which are implemented at the facility to prevent stormwater pollution; and (3) provide written description of elements such as, but not limited to, inspections, record keeping, reporting and other requirements of the MSGP program that will help the facility comply with the terms and conditions of their stormwater discharge permit.

The 2015 MSGP and 2021 MSGP included Sector L: All Landfill, Land Application Sites and Open Dumps, and its applicable subsector is L2, which established additional requirements for landfill operation activities.

On March 31, 2022, the EPA Inspector conducted a review of the EPA Notice of Intent (“NOI”) database found at <https://permitsearch.epa.gov/epermit-search/ui/search>, and found that La Vega submitted an electronic Notice of Intent (“eNOI”) on April 25, 2021, seeking coverage under the 2021 MSGP for the Facility. He also found that on May 25, 2021, EPA granted La Vega with 2021 MSGP coverage for the Landfill under NPDES ID number PRR053137. See **Image 4** (next page) for a screen shoot of the database review result.

Image 4

Permit Lookup Results

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Filter Results

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Issuer	Regulated Entity Name	Program ID	Program	Coverage Type	Program Area	Action Type	Action Status	Coverage Status	Certified Date	Effective Date	Corresponding Documents
EPA	THOMAS & BETTS CARIBE, INC.	PRR053013	NPDES	General Permit	Industrial Stormwater	Termination	Approved	Terminated	05/31/2021	09/26/2015	COB ZIP
EPA	PFIZER PHARMACEUTICAL, LLC	PRR053021	NPDES	General Permit	Industrial Stormwater	Renewal	Approved	Active	05/27/2021	06/26/2021	COB ZIP
EPA	VEGA BAJA WWTP	PRR053039	NPDES	General Permit	Industrial Stormwater	Renewal	Approved	Active	05/29/2021	06/28/2021	COB ZIP
EPA	HUBBELL CARIBE LIMITED	PRR053103	NPDES	General Permit	Industrial Stormwater	Renewal	Withdrawn	Active	05/27/2021	07/10/2021	COB ZIP
EPA	HUBBELL CARIBE LIMITED	PRR053103	NPDES	General Permit	Industrial Stormwater	Renewal	Denied	Active	05/27/2021	07/10/2021	COB ZIP
EPA	HUBBELL CARIBE LIMITED	PRR053103	NPDES	General Permit	Industrial Stormwater	Renewal	Approved	Active	06/10/2021	07/10/2021	COB ZIP
EPA	VEGA BAJA MUNICIPAL LANDFILL	PRR053137	NPDES	General Permit	Industrial Stormwater	Renewal	Approved	Active	04/25/2021	05/25/2021	COB ZIP
EPA	MAPEI CARIBE, INC. SAND DRYING PLANT	PRR053148	NPDES	General Permit	Industrial Stormwater	Termination	Approved	Terminated	05/31/2021	10/19/2015	COB ZIP

5. PRE-INSPECTION ACTIVITIES

Request for Information

On February 1, 2022, EPA issued a Request for Information (“RFI”) letter to La Vega requesting information pursuant to Section 308(a) of the CWA, 33 U.S.C. § 1318(a). EPA received La Vega’s answer to the RFI on March 17, 2022. This Inspection Report does not include comments and/or observation concerning La Vega’s response to the RFI.

6. ARRIVAL AT THE FACILITY

At approximately 10:30 a.m., on April 7, 2022, the EPA Inspector arrived at an area with offices, near the entrance of the Facility. Thereafter, the EPA Inspector met with the three representatives of La Vega named in the cover of this Inspection Report. Mr. López showed his EPA credentials to the three of them.

7. ENTRY MEETING AND REVIEW OF RECORDS

Approximately between 11:00 a.m. and 12:30 p.m., the EPA Inspector and the La Vega representatives met and discussed the purpose of the Inspection, the areas that the EPA Inspector will conduct a walkthrough and informed La Vega representatives that the requested record copies in the RFI (the Storm Water Pollution Prevention Plan, Employee Training, Corrective Actions, and Inspection Reports) were reviewed offsite.

8. WALKTHROUGH OF THE LANDFILL SITE

After the Entry Meeting, the La Vega representatives accompany the EPA Inspector to perform a walkthrough of the Landfill in order to evaluate the BMPs and storm water discharges associated with industrial activities at the Landfill. The walkthrough began at approximately 12:30 p.m. and ended at approximately 3:30 p.m. Dry weather and sunny skies prevailed during the Inspection. The following includes the EPA Inspector's observations:

- a. Lack of stormwater erosion and sediment controls, stormwater runoff management measures, and BMPs (i.e., check dams, silt fences, velocity dissipation devices, and retention ponds, stabilization measures etc.). This lack of implementation was observed at the active cell dumping site area, vegetative and construction debris staging area, unloading areas, and access roads (entrance/exit points where track-out of sediments occurs)². Refer to Pictures 3 and 22.
- b. Lack of temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following: materials stockpiled for daily, intermediate, and final cover; inactive areas of the Landfill; slopes in cell areas; open dump areas that have gotten final covers but where vegetation has yet to establish itself; and Landfill areas where waste application has been completed but final vegetation has not yet been established. Refer to Pictures 2 and 5.
- c. Leachate seepage from the closed cell face slope located at the east side of the Landfill was observed, potentially reaching the storm water drainage channel, which eventually flows and discharges into Cibuco Rivera. Refer to Pictures 2, 4, and 6.
- d. Leachate residues (light brown colored water) was observed in the stormwater drainage channel located at the south of the landfill which conveys stormwater to Cibuco River.
- e. The stormwater runoff from the industrial areas of the Facility will flow into drainage channels, which in turn convey stormwater and discharge into Cibuco River. Refer to Pictures 21 and 22.
- f. The EPA Inspector identified 4 permitted discharge points, as described in Part 3 (*Description of the Stormwater Collection and Discharge System*) of this Inspection Report. Refer to Figure 1, above.
- g. The EPA Inspector observed an active Landfill, where operations and trucks seen unloading and leaving the Facility's premises through the entrance area. Refer to Pictures 9, 12 and 20.

² These areas meet the definition of industrial activities pursuant to 40 C.F.R. § 122.26(b).

- h. A sign was observed at the Landfill main road entrance depicting NPDES permit ID. Refer to Picture 1.
- i. The entrance to the Landfill area was observed without wheel washing control or crushed stone pad to minimize sediment track-out onto PR-688 Road.
- j. Soil stockpiles, vegetative materials, and construction debris piles were observed without erosion and sediment controls located in the solid waste designated staging areas of the Landfill exposed to rain. Refer to Picture 3.
- k. Lack of removal of accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition was observed. Refer to Picture 8
- l. Fuel storage area with scattered drums without labels and secondary containment were observed outside the repair and maintenance shop. Also, some oil stains were observed on the ground. Refer to Picture 10.
- m. Trash at the Landfill active dumping/tipping area was observed without the required daily soil cover. Refer to Picture 4

The EPA Inspector used his privately-owned phone camera (T-Mobile RVVLY Motorola G7) to take photographs and document his observations. Refer to **Attachment 1** of this Inspection Report for pictures depicting above and other observations. All sixteen (16) photographs taken by the EPA Inspector were unaltered transferred to an EPA computer system database (F:\INSNPDES\INSNPDES.22\Vega Baja Municipal Landfill\ La Vega Landfill & Resources. inspection file).

9. **EXIT MEETING**

After the completion of Facility walkthrough, the EPA Inspector had an exit meeting with La Vega's representatives between 3:30 p.m. and 3:45 p.m. The EPA Inspector provided a summary of his observations during the walkthrough of the Facility including the lack of implementation of stormwater erosion and sediment controls, stormwater runoff management and stabilization measures, and BMPs needed to be implemented at the Facility industrial areas (i.e., slopes, soil piles, vegetative waste staging areas, drainage channels, etc.). After the conclusion of the Exit Meeting, the EPA Inspector left the Facility on or about 4:00 p.m.

10. **POST-INSPECTION REVIEW OF RECORDS CONCERNING 2015 MSGP REQUIREMENTS**

Between May 25 and 31, 2022, the EPA Inspector performed a review of EPA NPDES databases to determine whether La Vega submitted records to EPA pursuant to the requirements of the 2015 MSGP. The review revealed the following:

- a. *Part 7.4: Reporting Monitoring Data to EPA* – This part requires the Permittee to submit to EPA all monitoring data collected pursuant to Part 6.2, using EPA's

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NetDMR. Based on the eNOI that the Permittee sent for the Facility, at a minimum, the Permittee was required to submit all effluent limits, benchmark monitoring results and all impaired waters monitoring results.³ La Vega has exceeded the effluent limits monitoring reported by La Vega for the parameters of TSS and Nitrogen, ammonia, total (as NH₃) for the period of June 2016 and January 2017. Also, La Vega has not reported impaired waters monitoring for the required periods in years 2016 to present. **See Attachment 2.**

An EPA official provided information to the EPA Inspector concerning the information found at the EPA NPDES databases in order to be determined whether the Permittee submitted the monitoring data.⁴ The review of the information revealed that La Vega had not submitted the required benchmark monitoring data to EPA for the Facility. Also, La Vega has not reported benchmark monitoring (NR Violation) for the periods of January, March, September, and December of year 2021. See **Attachment 2.**

- b. *Part 7.5: Annual Report* – This part requires the Permittee to submit to EPA an Annual Report, per Part 7.2, by January 30, 2022. An EPA official provided information to the EPA Inspector concerning the information in the EPA NPDES databases in order to determine whether the Permittee submitted the Annual Report.⁵ The review of information revealed that La Vega had not submitted the Annual Report due on January 30, 2022. See **Figure 2** (below):

Figure 2

Actions	Facility Name	NPDES ID	Submission Status	Submission Type	Coverage Status	Coverage Type	Certified / Submitted Date	Effective Date	Coverage Expiration Date	Last Modified Date
Actions	VEGA BAJA MUNICIPAL LANDFILL	PRR053137	Approved	Renewal	Active	General Permit	04/25/2021	05/25/2021	02/28/2020	05/25/2021 3:00 AM

Actions	Reporting Period	Report Year	Pending Form	Status	Created Date	Last Modified Date	Certified/Submitted Date
Actions	01/01/2021 to 12/31/2021	2021	Draft Annual Report	Inactive	02/28/2022	02/28/2022 2:48 PM	-
Actions	01/01/2020 to 12/31/2020	2020	Draft Annual Report	Active	01/26/2021	01/26/2021 4:42 PM	-
Actions	01/01/2019 to 12/31/2019	2019	-	Active	01/28/2020	01/28/2020 9:06 AM	01/28/2020
Actions	01/01/2018 to 12/31/2018	2018	-	Active	02/25/2019	02/25/2019 2:45 PM	02/25/2019
Actions	01/01/2017 to 12/31/2017	2017	-	Active	05/02/2018	05/02/2018 1:00 AM	05/02/2018
Actions	01/01/2016 to 12/31/2016	2016	-	Active	01/18/2017	01/18/2017 12:00 AM	01/18/2017

End of Report

³ Cibuco River is an impaired water of the United States.

⁴ The EPA official is Jaime López, Senior Physical Scientist, Clean Water Act Team.

⁵ Same EPA official.

Attachment 1: Photo – Documentation
Attachment 2: Reporting Monitoring Data to EPA

ATTACHMENT 1

Photo-log Documentation La Vega Landfill & Resources, Inc. April 7, 2022 Inspection

ATTACHMENT 2

Effluent Limits and Benchmark monitoring violations

La Vega Landfill & Resources, Inc.

April 7, 2022 Inspection