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Subject: Fw: Lateral Expansion & Finance Factsheets
Date: Thursday, June 23, 2005 2:23:26 PM
Attachments: [lateral expansion.wpd](#)
[Financial Requirement notes.wpd](#)

Gentlemen , we have checked the current (our translation) vs. originally submitted EQB regulations regarding lateral expansion (see attachment below). The original regulation, submitted as part of the program approval application , was written correctly but EQB has inappropriately revised it so that lateral expansion beyond the waste boundaries of an existing MSWLF unit is not necessarily considered lateral expansion. This has island - wide major implications and needs to be corrected. Your comment on our assessment is requested.

Carl , as you prepare the letter to EQB (with a copy to the Mayor of Toa Baja) objecting to the lateral expansion of the Toa Baja open dump , we should include our concerns with all the other areas on non-compliance at this facility and suggest that not only should it not be laterally expanded , but it should be closed as soon as possible because of its location . Toa Baja is one of the seven "Operation Compliance" Orders and Compliance Plans that EQB agreed to submit to EPA in draft for our review and comment and we will be commenting that the non-compliance is so severe and the Karst location so unsuitable that the facility should be closed . Thus, your letter and our comments will be consistent . Carl , RCB will be happy to provide any assistance you may wish in the drafting of the letter.

We also checked the EQB Financial Responsibility Rule (see attachment below) . This rule too , has been revised since our Determination of Adequacy .The original rule only exempted the " Central Government of the Commonwealth of Puerto Rico " from FR requirements. The current rule (567) exempts " entities of the Government of Puerto Rico " . While not that different , it is open to interpretation as to whether " entities " includes municipalities. We know that Carlos Lopez looked at it this way when we raised FR in our comments on one of the 7 orders. This needs to be corrected as well.

----- Forwarded by George Meyer/R2/USEPA/US on 06/23/2005 01:33 PM -----

Carl Plossl/R2/USEPA/US To
06/23/2005 12:23 PM George Meyer/R2/USEPA/US@EPA
cc
Subject
Lateral Expansion & Finance Factsheets

(See attached file: lateral expansion.wpd)(See attached file: Financial Requirement notes.wpd)

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