

Getting Your Fill Of The Crow Lane Landfill Capping Issue

For the past two years, we have received only limited information regarding the future of the Crow Lane landfill: that it will eventually be capped, and that it might be utilized thereafter as a soccer field. More recently, the public was finally made privy to the details involved. As required by the Department of Environmental Protection (DEP), the current landfill owner Mr. William Thibeault of New Ventures LLC held a public hearing on March 6th during which he presented more detailed plans for the project.

The meeting was informative, but ultimately engendered more questions than answers. Mr. Thibeault, two of his lawyers and a project engineer presented their plans for the site as though there were no alternatives. We were led to believe that the size of the proposed capping process was what the DEP deemed reasonable, yielding a 10-15% profit margin for New Ventures. When asked repeatedly about the *minimum* amount of fill necessary to cap the landfill, they were either unable or unwilling to answer. They did not engage in attempts from neighbors to discuss other options that might be preferable to the city. Nor did they promise to build a soccer field on the property; if the city chooses to pursue this, we will foot the expense. Yes, the landfill needs to be capped and this will clearly benefit the community. But at what price?

Most notable is the sheer enormity of the proposed project. If implemented as planned, our historical Northeastern seaport will sport a new landmark in the shape of a Southwestern mesa that will dwarf the surrounding topography. It will not be comprised of red rock a la Sedona, but rather a pile of solid waste covered with a polyethylene membrane, sand and grass; 70-75 feet in height with sloping sides, with an area of 6 acres at the top. If the land is to be used for active recreation (e.g., soccer fields), an active ventilation system will need to be employed which utilizes an intermittently flaring gas "chimney". To create this mountain, approximately 19,000 tractor-trailer loads of fill will be trucked in over the course of three years. The amount of disruption this will create for our community is significant. Traffic and safety concerns are paramount, as the only access to this parcel of land is through residential neighborhoods. The issue of heavy truck traffic and the associated dust, noise and pollution must be adequately addressed before this project is allowed to move forward.

Flooding potential was another concern on many residents' minds - fourteen acres of impervious surface translates into an enormous amount of runoff. The plans presented during the public hearing did not include any meaningful mechanism of dealing with storm water drainage. Downstream neighbors already have had to deal with substantial flooding problems, which this project will only serve to exacerbate without clear flood control mechanisms.

Finally, how closely will the potential toxicity of the fill be monitored? Much of the fill that will be used will come from another of Mr. Thibeault's businesses, a construction/demolition debris recycling facility in Everett. Thus his business interests will be behind obtaining, transporting and disposing of the waste in question. Who will be monitoring the quality of what is allowed in? How involved can we expect the DEP to be? The city needs to take an active role and not just assume that everything will be taken care of.

Unfortunately, the city seems woefully unprepared to play a meaningful role in negotiating for our own best interests. Other cities apparently hire consultants with the necessary expertise to handle these situations; ours seems to be giving Mr. Thibeault the green light to move ahead, no questions asked. To be sure, the land is private property, but the city has a clear interest in mitigating the project's potential impact on our community and the environment. Furthermore, the city must also remain cognizant of its potential liability in this process, both for what was dumped there during the active landfill years (including sewer sludge) as well as for what might transpire in the coming years after the land is deeded back to the city (which will presumably occur when the capping process is complete). Fortunately, several City Councilors (most notably Brenda Reffett) are beginning to realize the impact this project will have on our community, and are currently working to find a means of strengthening our position at the bargaining table. But time is running short; the public comment period is only 21 days from the date of the hearing, after which the permitting process ensues.

The city cannot afford to be a passive bystander in this process. First, we must have a consultant who will negotiate for the city's interests in the planning stages of the project. Once the process is underway, it will be imperative that we protect our community from potential health hazards, negative environmental impacts and possible legal liability. To this end, the city needs to create a committee including a solid waste expert and legal counsel charged with monitoring the project. We need to employ a mechanism of "quality control" to ensure that the fill being trucked in is truly clean. Remember, the capping process will take at least 3 years. Until the impervious membrane is applied in the final stages, whatever is being used for fill can leach out into the surrounding wetlands.

We should not blindly depend on the DEP to protect our safety and quality of life. One need only look as far as Woburn to see how this can go awry. When Woburn began capping its landfill, the original DEP permit allowed for 300,000 tons of fill. This was subsequently expanded by *800,000 tons!* There are allegations that materials such as contaminated soil, coal ash and medical waste were dumped and buried under other fill layers before an investigation could be conducted. We need to be an active participant in the process to avoid a similar outcome. (To learn more about what happened in Woburn, visit www.johncashell.com).

New Ventures purchased the Crow Lane landfill with the intention of capping it for profit, and it is certainly their right to make a return while doing so. However, the financial data presented by New Ventures at the hearing hardly seem credible. They estimated that completing the project would cost them around \$3.5 million, and that under DEP regulations they are allowed to make a profit between 10-15% of that figure. (DEP regulations also require posting bond of approximately \$5-10 million for 10 years). They therefore estimated their profit at \$300,000-500,000 over the 3-year period. It seems a small amount of profit for such a long, expensive process. Is there more to this story than we have been told? Indeed, New Ventures estimates that 440,000 cubic yards (or approximately 500,000 tons) of fill will be used to complete this project. If an average of \$100 is charged per ton of fill, (G.Mello Disposal Corp. of Georgetown, Mass charges \$120 per ton for disposal of construction debris, for example), simple calculation yields a potential net income of \$50 million. Obviously, there will be substantial expense involved. But who is to say that there won't also be substantial gain? Again, this is where a consultant for the city is crucial: how else will we ensure that we are receiving a fair deal and that we can believe the data being presented to us?

One issue which should be investigated immediately is an allegation brought up by several neighbors at the hearing, who stated that illegal dumping has already occurred on the property since it has been owned by New Ventures, including acetylene tanks, fire hydrants, and other debris. They said that this material was then covered with a layer of crushed concrete, obscuring what lies below. No permit was issued for this dumping. Mr. Thibeault and his lawyer denied any knowledge of the illegal dumping, although they did admit to depositing crushed concrete without a permit (they felt a permit was not required). They tell us that they will be vigilant when it comes to controlling the quality of the fill that goes in during the capping process. Should we believe them?

There are far too many unknowns in this process. We need an expert consultant to fill in the pieces of this puzzle for us. The city and DEP must work together to come up with a compromise that can be supported by the community. Meanwhile, every citizen who is concerned about the size, monitoring and sequelae of this project should write to DEP at the address below. Citizens may also request an extension of the comment period. For more information about the landfill issue, visit www.cebport.org The landfill should and ultimately will be capped, but it is up to the citizens of Newburyport to insist that it be done in a way that respects our health, our environment and our quality of life.

The public is encouraged to write letters expressing their concern over the capping of the landfill to the DEP before 3/26/02.

Letters should be address to:

Department of Environmental Protection
Northeast Regional Office
Bureau of Solid Waste
205 A Lowell St.
Wilmington, MA 01887
ATTN: Mr. David Adams
RE: Crow Lane Landfill, Newburyport, MA, File No. ACO-NE-01-4001

People can also fax their comments to the DEP at (978) 661 7615