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An aerial view of the Crow Lane landfill.
(Bryan Eaton/Staff Photo)

Port landfill contractor charged with breaking agreements with state

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NEWBURYPORT — The company capping the Crow Lane landfill has violated agreements with the state Department of Environmental Protection.

Mayor Mary Anne Clancy says she's not surprised, given that the company, New Ventures LLC, has "been violating the agreements with the city for some time."

The company, headed by William Thibeault and his sister Della Thibeault, owns the landfill and has been topping it with thousands of tons of construction and demolition debris. The project will add 25 feet to the landfill's elevation, now 90 to 100 feet above sea level, making it one of the tallest points in the city.

The state gave New Ventures permission to work on the landfill with stipulations on how the landfill cap should be built and how the debris placed on it should be managed. A landfill cap is placed so that it sheds water, rather than let it filter through the buried rubbish and carry pollution deeper into the ground.

On Tuesday, the state agency outlined a series of violations of those agreements. Among several other problems, the order noted that black water, smelling of sewage, had been leaking from the landfill and that material was not properly covered.

In capping the former dump, the company is supposed to supplement processed construction debris with soils. It had not been using enough soil, the state agency said. Stored material at the site was not secured well enough to prevent erosion. The state ordered New Ventures to take various other measures, such as monitoring landfill gases and keeping odors from wafting off the rubbish heap.

If the company does not comply with the agency's order, it could face daily fines. The company has not been fined at this point, said department spokesman Joe Ferson. The department hopes, rather than punishing the company, to encourage it to bring the landfill into compliance with the state's requirements, he said.

Clancy said Newburyport would take stronger action against the company for violating agreements with the city.

"We're not going to be as lenient," she said.

The agreement, dated October 2002, before the state gave the company permission to work at the landfill, was meant to ensure that early morning truck traffic did not bother neighbors and followed a safe route. The agreement also aimed to allow the city to monitor the project and, with money provided by New Ventures, hire a professional environmental scientist.

Clancy said the company has routinely violated the agreement on limiting deliveries of material at the landfill to weekdays between 8 a.m. and 5 p.m., and Saturday 9 a.m. to 4 p.m.

She said the city's environmental scientist, John Higgins of Amesbury, has cited other violations. Higgins sent New Ventures notice of those violations, which included demolition debris landing in neighboring yards, trucks taking the wrong exit out of Crow Lane and work going on at the site outside of agreed-upon hours. Higgins sent a copy of the letter to the state.

The city expected an immediate response from the company, but did not receive one until just a few weeks ago.

In the response, Thibeault said no deliveries of material had been made before 8 a.m., but other work began at the landfill at 7 a.m. He wrote that Crow Lane is swept with a street-sweeper at least two times a day, that trucks are covered to keep material from blowing into yards, and that trucks are all cleaned before leaving the site.

Thibeault has consistently refused to speak with The Daily News.

Clancy said she will meet Monday at City Hall with Higgins, state officials, state Rep. Michael Costello, D-Newburyport, and New Ventures representatives to work out the problems.

Clancy said she is tired of telling the company it is violating city agreements. She said she and New Ventures both want the landfill capped, but it needs to be capped properly.

Ferson said the Department of Environmental Protection will continue to monitor the landfill to make sure New Ventures follows the right procedures and brings the landfill into compliance with the way it is supposed to be capped.

"There are a number of steps for enforcement, short of issuing a penalty," he said.