

March 31, 2005

**Mr. William Thibeault, President
New Ventures, LLC
85-87 Boston Street
Everett, MA 02149
7 Glen Drive
Lynnfield, MA 01940**

Re: Crow Lane Landfill

**NOTICE OF VIOLATION
AND
ORDER FOR CORRECTION**

Dear Mr. Thibeault,

On Wednesday evening March 30, 2005 and throughout the evening into early morning on Thursday March 31, 2005 the Crow Lane Landfill created odor problems to abutting neighbors. This problem was also identified by the Newburyport Fire Department and reported to the Director of Public Health at approximately 8:40pm on March 30, 2005.

As you are aware, this has been an ongoing problem and is currently being addressed by the Massachusetts Department of Environmental Protection as part of the landfill closure plan which addresses odor and leachate control. However, the problem has become a major nuisance and creates a violation of Massachusetts General Laws Chapter 111, Section 122, (creating a Public Health nuisance) and Newburyport Board of Health rules and regulations, Chapter 5, Section 5.5.001 (allowing offensive odors to escape into the environment). It is a situation which impedes abutting property owners from the use and enjoyment of their property.

A site visit of the Landfill on March 31, 2005 at approximately 2:30pm revealed that leachate is discharging from nearly all areas of the Landfill from the Northeast section to Southeast section and is contributing to the odor problems being experienced by abutting residents. In addition, hydrogen sulfate readings reported by New Ventures were consistent at 17ppb – 30ppb which clearly is detectable and constitutes a nuisance relative to Massachusetts General Laws Chapter 111, Section 122 and Newburyport Board of Health Rules and Regulations Chapter 5, Section 5.5.001.

ORDER

Therefore, New Ventures is hereby ordered to take the following actions immediately;

- 1. Utilize microbial technology in an effort to reduce odors caused from the Landfill. This technology has been offered by Higgins Environmental Associations (Newburyport L.S.P.) and you are ordered to contact him immediately to develop a plan for implementation. This plan must be submitted to the Board of Health, on or before Monday April 4, 2005 and implemented on or before Tuesday April 5, 2005. All costs associated with consultation fees for this project shall be paid by New Ventures.**
- 2. New Ventures is ordered to cease and desist pumping and re-circulating leachate immediately.**
- 3. New Ventures is further ordered to apply posi shell covering to the entire land fill immediately.**

Failure to comply with this order will result in further legal action and fines as the law allows. Violations of Massachusetts General Laws Chapter 111, Section 122 is subject to a \$1000.00 per day fine and violations of Newburyport rules and regulations is subject to \$300.00 per day fines. In addition, further enforcement action may commence if compliance with this order is not met.

RIGHT TO A HEARING

You have a right to a hearing before the Newburyport Board of Health if you submit a written request within 7 days of receipt of this order.

If you have any questions regarding this matter please feel free to contact me.

Sincerely,

John W. Morris

**cc: Jonathan B. Higgins, C.P.G., LSP
John A. Carrigan, Section Chief, Solid Waste Management
Mayor Mary Anne Clancy
Heather Rowe**