

HAVERHILL, MASSACHUSETTS: THE OGDEN MARTIN STORY - PART THREE

THE HAVERHILL BOARD OF HEALTH, EVEN AT THIS LATE DATE IN OGDEN MARTIN'S CONSTRUCTION OF THE 1,650 TPD INCINERATOR, ARE STILL DELIBERTING WHETHER OR NOT TO REVOKE OGDEN'S PERMIT. THE STATE HAS GRANTED ITS APPROVAL OF THE HAVERHILL/OGDEN MARTIN INCINERATOR. BUT, THE STATE HAS EMPOWERED LOCAL BOARDS OF HEALTH THE SOLE DISCRETIONARY POWER TO REVOKE STATE APPROVED PERMITS ON THE GROUNDS OF PUBLIC HEALTH AND SAFETY. THE STATE DEQE "HAS ARTICULATED A DEFINITION OF PUBLIC HEALTH WHICH EMBRACES THE MENTAL AND PHYSICAL HEALTH AND SPIRIT OF THE COMMUNITY." "Final Report of Consultants to the Haverhill Board of Health," 5-17-88, pgs. 11-12.

James Ricci, principal investor in the landfill site that will house the **Ogden Martin** 1,650 tpd incinerator, "first approached the city (Haverhill) in 1979 for permission to operate a resource-recovery trash plant on a parcel of about 100 acres in the Ward Hill section of the city. The plant's growing fiscal problems caused Ricci to bail out of the trash business in 1986. With approval of the City Council, he turned the plant operations to **Ogden Martin Systems Inc....Ogden** told the city it would only bail out Ricci if it could build a 1,650 tpd mass-burn incinerator on the site." Haverhill Gazette, 7-29-88.

3-12-87: "Late last year, opponents collected more than 5,000 signatures of people against the incinerator. The petition asked the council to reverse its vote approving a zoning change for the incinerator. But the incinerator's builder changed the plan to escape the need for a zoning change. The international firm of **Ogden Martin** decided to sink the incinerator into the ground, to avoid needing special permission to build a structure 115 feet tall." Lawrence Eagle-Tribune.

4-29-87: "Some city councillors are upset because Mayor Ryan failed to ask them whether Haverhill should buy land near the site of a proposed trash incinerator. Nearly two weeks ago, Ryan told the owners of land near the **Ogden Martin** trash facility that Haverhill is not interested in buying the land. If Haverhill bought the land, it could have blocked a possible expansion of the **Ogden Martin** facility...'I cannot understand the mayor not getting in touch with us,' Councilor William Macek said. 'I think there is some professional standards that should be followed.'" Lawrence Eagle-Tribune.

5-20-87: Letter to the Editor: "...the proposed (Haverhill) incinerator alone is more than 80 times larger than Haverhill needs, and added to it is the huge additional landfill area also to be licensed. The combined total trash facility initiated and apparently still supported by the mayor is more than 500 times larger than Haverhill needs." Haverhill Gazette.

5-20-87: "Late last night, **Ogden Martin** attorney David Sullivan told City Council it will sue Haverhill if the council tries to keep trash from outside the city from being trucked into the company's Ward Hill dump or tries to block the incinerator from being built." Lawrence Eagle-Tribune.

5-23-87: "Haverhill trash plant owners (**Ogden Martin**) say if a new incinerator isn't built it will cause collection fees to rise millions of dollars...(Ogden Martin) say they will sue the city if it blocks the operation." Lawrence Eagle-Tribune.

6-16-87: "...nine neighborhood groups have banded to stop what they consider the most dismal alternative for disposal of the city's trash. But **Ogden Martin...is pulling out**

all the stops in its defense of the plant, including some thinly veiled threats at massive litigation if the city managers try to stop construction." Haverhill Gazette.

6-17-87: "Anyone who wanted to buy a Haverhill Gazette at a convenience store Tuesday evening was out of luck. By 6pm nearly every copy of Tuesday's paper had been scooped up by a handful of people who bought anywhere from 5 to 115 copies at a shot. The main attraction was apparently a reader survey on the **Ogden Martin Systems** trash incinerator, and some store clerks said those who purchased stacks of newspaper said they were **Ogden Martin/Refuse Fuels** employees...Robert S. Silberman, senior marketing representative for **Ogden Martin Systems**, said this morning that employees were not instructed to buy up the newspaper...Silberman said they may have done so in an effort to protect their jobs." Haverhill Gazette. The two reader surveys that the newspaper ran on the regional trash incinerator "got a big thumbs down from respondents...losing by 2-1 and 3-1 margins." 6-25-87, Gazette.

6-17-87: This letter from the Haverhill Board of Health consultants refers to Water Quality tests taken at the site of the proposed **Ogden Martin** incinerator and the operating landfill that accepts trash and ash from the **Ogden**-run Lawrence incinerator. "The water samples taken at the landfill are from streams to the Merrimack River that originate under the landfill. During the site visit the owners characterized these as ground water discharges. The enclosed table compares the sample tests to federal primary and secondary drinking water standards. The results show that the water being released to the Merrimack grossly violates the standard for fecal coliform, chromium, iron, manganese, and lead, and slightly violates the standard for cadmium...All of the pollutants are typical contaminants in municipal refuse or incinerator ash. Thus, the inescapable conclusion is that the landfill liner is broken in one or more places, leachate has flowed into the groundwater system under the landfill, and this leachate is now flowing into the Merrimack River..." Letter from Peter H. Guldberg of **Tech Environmental, Inc.** to Lee L. Bishop, Esq., **Warner & Stackpole**, Boston.

7-1-87: In regard to the above test results, this letter was sent to the Haverhill Acting Health Agent, Donna Leone, from Haverhill City Council member George Dekeon. "...I find it difficult to believe that all the members of the Board of Health were not notified of these test results prior to the last public hearing of June 18, when in fact these tests were conducted, and when in fact at that hearing, the test results and the testing procedures had been brought to my attention...you mentioned the fact that **Tech Environmental** may have conducted the tests improperly. If that be the case, I am asking you to provide, from **Tech Environmental**, an explanation of how they improperly conducted the tests and if the City would be liable for payment of tests which were improperly conducted. Relative to the tests that have been submitted to DEQE, tests that were in fact taken prior to the public hearing of June 18, it is most difficult

for me to accept the fact that members of the Board of Health have not been advised of the results of these tests. I would hope that when any violations of any magnitude relating to the operation at the **Ogden Martin** site, you, in your capacity as Acting Health Agent of the Board of Health, would make those results immediately available to all the members. It disturbs me to no end to learn also that when tests are being conducted, that the consultants of **Ogden Martin** can dispute these tests even before they are discussed with members of the Board of Health. Again, I call upon you, as Acting Health Agent, to take the necessary steps to limit the magnitude of that operation as in my opinion, it is out of control." *

* **OGDEN MARTIN** disputed the water test results. The tests were re-run, and the results were acceptable.

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