

MAINE: STATE FINES KTI'S MERC INCINERATOR IN BIDDEFORD \$300,000: "State environmental authorities threw the book at operators of the embattled Maine Energy Recovery Co. [MERC] incinerator this morning for a history of lax operation symbolized by the periodic ash showers that blanketed the city last year. (See **Waste Not #59**). Authorities fined **MERC** \$300,000 and forced upon plant operators a \$2 million package of pollution controls, employee training requirements, health studies, and emission monitoring programs. The fine was the stiffest ever levied for pollution in Maine. 'This is the largest civil penalty in Maine to date,' said Philip Ahrens, the assistant attorney general who negotiated the penalty... 'Last summer the dream of an easy solution to our waste problem turned into a nightmare,' said (Attorney General) Tierney... The negotiated settlement is contained in a 13-page consent decree that was filed in York County Superior Court this morning... The fine cannot be passed on to towns that pay **MERC** to burn their trash, according to Biddeford Mayor Michael Cantara... The ash showers of last summer and fall were only the most visible of a series of operational shortcomings documented at the two-year old plant. The plant belched ash from the stack on three occasions between August and October and once from a filter in April. The ash was found to contain potentially dangerous levels of lead. The company also discharged coolant water that was too hot into the Saco River, discharged untreated waste water into the Saco River, didn't monitor some of its stack emissions and couldn't produce some of its records, all of which violated the terms of its original licenses. Some problems date to the very early days of the plant's opening in the summer of 1987 and went on for months. Unmentioned in the complaint were the company's acknowledged problems with noise and odor generated by the plant... In addition to the \$300,000 fine, the company will have to spend \$2 million on preventing problems in the future. The company has already begun spending \$3 million on a noise and odor abatement program that includes re-building equipment, moving some handling processes indoors and constructing containment buildings. According to the consent agreement, the company will start a regimented training program for operation and maintenance personnel that includes instructions on the license restrictions on the plant. The company will hire an outside company to conduct a health risk assessment of the long and short-term health effects of **MERC** emissions, and will include sampling soil for toxins. The company will pay the DEP \$200,000 to establish a monitoring program for lead in the outside air. The company will keep a log of complaints and make it available to the DEP." Journal Tribune, July 7, 1989, front page.

KTI RUNS FULL PAGE AD IN THE BIDDEFORD PAPER BLAMING GENERAL ELECTRIC FOR ITS PROBLEMS signed by Nicholas J. Menonna, Jr., Chairman of the Board of **KTI Energy, Inc.** "**MERC** is gratified to have resolved the disputes between our company and the Maine Attorney General and DEP... The financial impact of this on **MERC** will be significant, especially since the company has run a deficit since it began its operations... When **KTI** took over operation of the **MERC** plant in August 1988, it found extensive design and operational problems at the plant. We inherited these problems from **General Electric** who designed, constructed and, until August 1988, operated the plant. Almost all the violations alleged by the Attorney General in his complaint involve a period of time when the plant was under the sole operational control of **General Electric**. Other violations are directly traceable to **General Electric** design problems. **MERC** terminated the contracts of **General Electric** when it refused to comply with our demands that it operate the plant in compliance with all State environmental requirements. In the course of permitting the plant, **General Electric** made promises to us and to the DEP about how it would design, build and operate it and **General Electric** broke those promises. Frankly, we think that **General Electric** should have been a party to this agreement..." Journal Tribune, July 13, 1989.

INFORM VOTES AGAINST THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) STANDARDS FOR THE TRAINING OF OPERATORS OF SOLID WASTE INCINERATORS.

INFORM has participated as a member of a committee which over the last two years has shaped **ASME's** Standard for the certification of the operators of resource recovery plants. The committee has voted on its final draft of the Standard. **Inform** was the only vote against the standard. In a 6-2-89 letter to **ASME** **Inform** wrote: "...an entire section of the proposed standard describing training, deliberated at length by and agreed upon by the Training Testing and Certification subcommittee was excised. No language remains regarding training or training institutes...The omission of specific requirements which will assure sufficient formal training of future resource recovery plant operators is sufficient reason to vote against the proposed standard. The proposed standard only requires that chief facility operators and shift supervisors in the future have only a high school education...Minimizing the level of education required of the senior operators of a resource recovery facility is, by itself, sufficient reason to vote against the proposed standard. The proposed standard only covers the two highest levels of plant operators: chief facility operator and shift supervisor...Limiting the scope of education, training and certification to only two levels of resource recovery plant operator is sufficient reason to vote against the spirit of the proposed standard. No provision exists in the proposed standard which would prohibit participation as a member of the Board of Examiners by an employee of or a consultant representing the same vendor, owner, or operator of a resource recovery plant...Concern for conflicts of interest between those overseeing the provisions of the proposed standard and the industry to which the standard applies should not arise and is sufficient reason to vote against the standard"...On-site oral examination has been weakened in the standard by the inclusion of "whenever possible...Weakening the structure of the on-site examination as described in the proposed standard is sufficient reason to vote against the standard."
ASME is accepting comments on its proposed standards up to September 12, 1989. There is an \$8 charge for a copy of the draft, available from: Silvana Rodriguez, **ASME**, 344 East 47th Street, NY, NY 10017. For further information contact Maarten de Kadat at **Inform**, 381 Park Avenue South, NY, NY 10016, Tel: 212-689-4040.

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Dr. Paul Connett is Associate Professor of Chemistry at St. Lawrence University, Canton, N.Y., and National Co-Ordinator of Work On Waste, USA.

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