

NEW YORK: LONG ISLAND CIVIC GROUP SUES EPA IN FEDERAL COURT TO GET A DECISION ON WHETHER RECYCLING IS A SAFER ALTERNATIVE THAN THE PROPOSED 750 TPD OGDEN MARTIN INCINERATOR FOR HUNTINGTON.

FEDERAL SUIT: The civic group **CLEAR (Citizens for a Livable Environment and Recycling, Inc.)** filed the suit on 9-29-89 in the U.S. Court of Appeals in N.Y. The suit asks the EPA to review a decision by the New York State Department of Environmental Conservation (**DEC**) granting Huntington a permit to build a 750 tpd mass-burn incinerator. **CLEAR** alleges that the DEC issued the permit without evaluating recycling to reduce environmental damage. EPA administrator William Reilly denied **CLEAR's** 7-9-89 petition to review the DEC's action. The petition noted that emissions from the incinerator planned for Huntington, which is 40 miles from N.Y. City, "would be 145 to 1,412 greater than levels considered significant by EPA current standards." **CLEAR** asked the EPA to compare the intended incinerator air pollution with recycling to determine which protects the environment better.

THE PROPOSAL: The initial proposal was that **Combustion Engineering** would build the 750 tpd incinerator. **Combustion Engineering** pulled out of the proposal in June 1989 paying a 1/2 million dollar penalty to the Town of Huntington. **Ogden Martin** then took it over. The vendor's name is **C-E Huntington Ltd. Partnership**, now a wholly owned affiliate of **Ogden Corporation**. Huntington's population is 205,000.

ROLE OF THE NY DEC: Basically, the State has been a major player in the Huntington incinerator proposal. According to residents the DEC "has bent over backwards" to expedite this proposal. The DEC have awarded a **\$14 million subsidy** to the project. The \$14 million comes from the 1972 Environmental Quality Bond Act. The **New York State Environmental Facilities Corp. (NY EFC)** have issued the bonds for the incinerator. Thomas Jorling, Commissioner of the DEC, is also the Chairman of the Board of the **NY EFC**. The DEC have issued all but one major permit for the incinerator. The outstanding permit will be given when ash disposal is settled. The DEC has given these permits without a comprehensive costed-out recycling plan to achieve NY's mandate of 40% recycling.

SITING OF THE INCINERATOR: The site is bounded on three sides by a residential area. The location is in the Town of Huntington on the town line with Smithtown. There are two old dumps on this site. The DEC has ordered that remediation of toxic contaminants be undertaken at the incinerator site while construction of the site is ongoing. Without bidding, the Town of Huntington awarded **Ogden Environmental Services** the remediation contract at the incinerator site. According to residents the soil that is contaminated is being shifted to the second adjoining landfill and used as a cover material. The adjoining landfill is 200 feet high and was technically closed by order of the DEC in 1983. This landfill, though 'technically closed', continues to receive 'special wastes' such as sewer sludge, white goods and grass cuttings.

COSTS: The total cost of the incinerator is **\$236.8 million**. This does not include ash disposal. **\$157 million** to construct the incinerator. **\$28 million** in consultant fees. **\$17 million** debt service reserve fund and **\$33.9 million** in capitalized interest -- the bonds were floated and reinvested.

ASH DISPOSAL: **Ogden Martin** proposes to longhaul the ash to **Grand Central Sanitary Landfill** in Penn Argyl, PA. Local and state approval from Pennsylvania has not yet been received. [Incinerator ash from the Warren County, NJ, incinerator is dumped at the **Grand Central Sanitary Landfill**.]

MAJOR PROPONENTS have been the Town of Huntington's officials. They have handed over this project to an array of consultants which account for **\$28 million in consultancy fees.**

MAJOR CONSULTANTS:

Bonds obtained through:	New York State Environmental Facilities Corp. (NY EFC)
Counsel to the NY EFC:	Hawkins, Delafield & Wood, New York City
Counsel to Town of Huntington:	Hawkins, Delafield & Wood, New York City
Contract written by:	Hawkins, Delafield & Wood, New York City
Engineering/Environmental:	Dvirka & Bartilucci, Syosset, L.I.
Counsel to Ogden Martin:	Nixon, Hargraves, Devans & Doyle, New York City
Bond Underwriter:	Dillon, Read & Co. Inc. New York City
Bond Trustee:	National Westminster Bank, New York City
Environmental Counsel to Town:	Shea & Gould, New York City

POLLUTION CONTROLS: Baghouse, dry scrubber and thermal de-NoX.

EXPECTED FIRST YEAR ELECTRIC REVENUES: \$5.3 Million
LONGHAULING ASH OFF L.I. FOR FIRST YEAR: \$5 Million
ESTIMATED TIP FEE: \$144 per ton

COST COMPARISONS: INCINERATOR: \$236.8 Million, INTENSIVE RECYCLING: \$90 Million

For further information contact Dorothy or George Gibson, CLEAR, 21 Platt Place, Huntington, N.Y. 11743-3527. Tel: 516-673-9638.

MAINE: TWO YEAR OLD K.T.I. INCINERATOR IS CRITICIZED FOR ERODING PROPERTY VALUES.

"Everybody, it seems, is now saying the downtown location of the MERC incinerator was a blunder. 'It doesn't take a Ph.D. in land use planning to recognize the location of the plant was a mistake,' says Robert Dodge, Biddeford's community development director. The two-year old plant that was fined \$300,000 in July (see **Waste Not #59 & # 62**) for stinking up the downtown area and belching ash last year, is now being criticized for eroding property values and stunting waterfront development efforts. **Saco city councilors verbally attacked assessor Mark Caldwell recently when he said downtown property values showed no effect from the proximity of MERC across the river.** The redevelopment of Biddeford's waterfront into an upscale promenade, shops, and housing is being stalled by the presence of MERC nearby, says Dodge. Even former Biddeford Mayor Robert Farley, who five years ago discarded in a wastebasket petitions seeking a city-wide referendum on MERC's location, now says the plant doesn't belong downtown. 'In retrospect it was probably a mistake to put it there,' he concedes. The second thoughts are stirring all types of accusations about how the location was picked. Anti-MERC activist Jo Ann Twomey suggests collusion and payoffs. City Clerk Luc Angers blames it all on the late Biddeford Mayor Martin Reilly, a plant booster Angers claims was overly deferential to MERC's desires ...'The most valuable lesson in this is to separate the financial lure of the company from what strikes you as flat out common sense,' said Biddeford Economic Development Director Brian Ruel. 'The line they kept getting fed was 'state of the art technology', and 'no odor,' essentially an invisible operation. Common sense should tell you that just doesn't sound right.' The press didn't do an adequate job of scrutinizing the development of the project, according to (activist) Truman. While the media covered every official step along the way, the coverage often didn't reflect the changing nature of the project. Whatever the reason, **MERC stands in downtown Biddeford...**" Journal Tribune Weekend 10-21-89, front page. For a full copy of this article: "**MERC: How did it ever get there?**" please send a SASE to Waste Not.

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