



**CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
JOHN F. MOAK, MAYOR**

**FOR DELAYED RELEASE:
March 25, 2009**

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**CITY OF NEWBURYPORT SIGNS ADMINISTRATIVE ORDER
FOR IMMEDIATE CLOSURE OF CROW LANE LANDFILL**

Mayor John F. Moak today announced that the Director of the City's Board of Health has signed an Administrative Order directed to New Ventures LLC, owner of the Crow Lane Landfill. The Administrative Order requires New Ventures to "immediately undertake closure of the landfill in accordance with authorizations and approvals received from the Massachusetts Department of Environmental Protection." Additionally, the Mayor and New Ventures signed a "covenant not to sue", under which New Ventures has agreed to release the City from liability under the State's waste site cleanup law, Chapter 21E.

Initiating final closure of the landfill will involve New Ventures bringing an additional amount of construction debris and clean fill to the site, as approved by the Massachusetts DEP and overseen by the City's Board of Health. However, the construction debris will be aerated and treated while still at the facility of origin in Everett, MA, to minimize to the greatest extent possible the hydrogen sulfide odors that have affected surrounding neighborhoods. It is estimated that the landfill closure process will take up to six months to complete. During this time, the Board of Health will maintain oversight of activities at the landfill and New Ventures shall comply with all Noisome Trade conditions previously imposed on it by the Board of Health. Also during this time, New Ventures will continue to pay the City for monitoring services in supervising materials brought to the landfill.

**CITY OF NEWBURYPORT
BOARD OF HEALTH**



JOHN W. MORRIS, DIRECTOR

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60 PLEASANT STREET

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City of Newburyport	}	
Board of Health	}	PARTIES
And	}	
New Ventures, LLC	}	March 25, 2009
William Thibeault	}	

ADMINISTRATIVE ORDER

In accordance with the authority accorded under the provisions of G.L. c. 111, § 122, and the Rules and Regulations of the Newburyport Board of Health, as promulgated pursuant to the provisions of G.L. c. 111, § 31, the following administrative order is entered by the Director of the Newburyport Board of Health:

WHEREAS, New Ventures, LLC ("New Ventures") is the owner and operator of a landfill located on Crow Lane in the City of Newburyport (the "Landfill"); and

WHEREAS, New Ventures has ceased to properly maintain and staff the landfill, resulting in an inability of New ventures to respond to complaints regarding odors and other conditions at the Landfill and undertake appropriate corrective action; and

WHEREAS, the Director of the Newburyport Board of Health (the "Director") has determined, based upon his own observations and complaints received by the Health Department, that the conditions at the Landfill may be injurious to the public health due to the following:

- a. odors emanating from the landfill property
- b. failure of New Ventures to properly maintain leachate collection facilities at the landfill
- c. failure of New Ventures to properly maintain and cover the flexible membrane liner ("FML") intended as a component of the Landfill cap, exposing the FML to the elements and creating a likelihood for its failure
- d. failure of New Ventures to complete closure activities and eliminate ongoing concerns with the unlined and uncapped landfill as referenced in numerous previous orders issues by the Board of Health and the Health Department; and

WHEREAS, the Director is authorized, pursuant to Section 1.2.003(a) of the Rules and Regulations of the Newburyport Board of Health to issue administrative orders.

NOW, THEREFORE, based upon the authority and findings summarized above, the Director orders the following:

1. New Ventures shall immediately undertake closure of the Landfill in accordance with authorizations and approvals received from the Massachusetts Department of Environmental Protection.
2. In undertaking such closure, New Ventures shall comply with all outstanding Orders and determinations of the Board of Health, including but not limited to the Noisome Trade Site Assignment issued with respect to the Landfill, and the existing Preliminary Injunction entered in the Essex Superior Court.
3. The Board of Health, acting by and through its Director, shall maintain oversight of the landfill in accordance with the Noisome Trade Site Assignment and the provisions of G.L. c. 111, § 122.

This Order shall not relieve New Ventures of any other obligation to the City with respect to the management or operation of the Landfill, including any ongoing obligations under the Host Community Agreement entered into between New Ventures and the City, to the extent that the provisions of that agreement do not conflict with the requirements of this Order.

This Administrative Order may be appealed to the Board of Health for further review pursuant to Section 1.2.0004 of the Rules and Regulations of the Board of Health. The Board may rescind, sustain, or modify any decision of the Director of Public Health. Said appeal must be filed within twenty-one (21) days of the date of the issuance of a decision.

John W. Morris

Newburyport Health Department
John W. Morris, Director of Public Health

B 3/25/09

Date

Received and Accepted

[Signature]

William Thibeault, President
New Ventures, LLC

3-25-09

Date