



CITY OF NEWBURYPORT, MASSACHUSETTS
John F. Moak, Mayor

Office of the Mayor
60 Pleasant Street
Newburyport, MA 01950

Phone: 978-465-4413 • Fax: 978-465-4402

To: Councilor Kathleen O'Connor Ives

From: Mayor John F. Moak

CC: Julia Godtfredsen, Director of Policy and Administration
John Morris, Director of Public Health

Date: July 2, 2009

Re: Landfill Questions

Please find below the answers to your questions of June 22, 2009 regarding closure of the Crow Lane Landfill.

Question 1. What are the rules of operation regarding delivery of materials to the landfill? Do trucks carry bills of lading? Who certifies the quality of materials? If materials do not meet our requirements, who is responsible for rejecting loads that may exacerbate our odor problems?

There has been no change to the rules of operation for delivery of materials. The truck drivers carry weigh slips from the facility in Everett, which confirms their origin. The material coming from Everett is approved by DEP and is evaluated and treated at that site. If materials reaching Newburyport do not meet our requirements, the Health Director is responsible for requiring those materials to be placed to the side and further treated or removed.

Question 2. What is the maximum number of trucks that may enter the landfill each day? How many trucks have been delivering materials each day since the landfill reopened to truck traffic? During what hours of the day do they deliver material? Does New Ventures currently comply with the terms of the HCA?

The Host Community Agreement (HCA) puts a limit of 35 trucks bringing materials into the landfill per day. We understand this to mean 35 trucks of C&D materials, with the sand and topsoil cover materials being a separate category. Because the initiation of landfill closure began a month later than expected last spring, we have allowed more than 35 trucks into the landfill per day in order to allow the deliveries to catch up to the

originally proposed schedule of completion this fall. Many of the additional trucks per day over 35 have carried sand and topsoil cover materials. Materials are delivered from 8AM to dusk, as provided under the HCA. Never do we allow more trucks per day than our Health Department monitors are capable of adequately inspecting. In our opinion, New Ventures has been effectively in compliance with the terms of the HCA.

Question 3. What is the amount and the composition of material being deposited in the landfill? What is the percentage of construction and demolition debris? How much of that material contains gypsum? How are the amounts measured without a scale?

Materials brought to the landfill meet the DEP protocol for gypsum removal. There is no weight requirement for the landfill material, only a volume requirement. Volume is measured by the truck capacity and the landfill capacity described within the Conceptual Plan. Under the Corrective Action Design (CAD) approved by DEP, approximately 550,000 cubic yards is allowed into the landfill.

Question 4. How are materials tested, where are they tested and by whom?

The materials are covered by the Beneficial Use Determination (BUD) issued by DEP and are approved for landfill grading and shaping. These materials have been further evaluated and treated according to DEP approved methods at the Everett facility prior to being sent to Newburyport.

Question 5. What is the status of berm borings that have been taken? What do those borings tell us about the composition and physical stability of the berms? In a related manner, when will New Ventures move the berm off city property?

To date, this berm analysis is still occurring through the DEP's engineering consultant, Shaw Environmental. We have not yet received any results from the DEP. The City has a written agreement that berm material will be removed from City property prior to final closure of the landfill.

Question 6. How many days since 5/1/09 has the gas flare system operated? On what days has it not operated? Has NV or the city surveyed that gas collection system to confirm that the "as built" gas collection piping conforms to the engineered design?

The gas flare system has been operational 24 hours per day, 7 days per week since 5/1/09, with only one 4-hour shut down for maintenance purposes. Surveying the gas collection system is the responsibility of DEP.

Question 7. In a related matter, please supply a copy of the Material Safety Data Sheet (MSDS) of odor control/masking agents being applied to the landfill, and the amount and frequency of its application.

See attachment sent by e-mail.

Question 8. *What storm water management measures are in place to prevent contaminated runoff into nearby surface waters, or gullyng and entrenchment of the landfill while the membrane and cap are being installed.*

The temporary stormwater erosion and sedimentation control measures approved by DEP are in place, and in well-maintained condition. With the amount of rain we have had this spring, they have worked quite effectively.

Question 9. *What is the status of pending, active, or suspended administrative action by the city over New Ventures?*

This information will be requested from Kopelman & Paige.

Question 10. *What is the status of pending, active or suspended litigation between the city and New Ventures? Please forward to the City Council, via the City Clerk, a complete list of all litigation to date involving the Crow Lane Landfill.*

This information will be requested from Kopelman & Paige.

Question 11. *What is the status of administrative actions and/or litigation by the Massachusetts Attorney General or Department of Environmental Protection regarding the landfill?*

This question must be answered by the DEP and Attorney General. We are awaiting an answer from them.

Question 12. *What is the current timetable for completing landfill closure? And what responsibilities will the city have and will New Ventures have post-closure?*

My understanding of what will happen at the landfill during the next two months is the following: C&D materials will continue to be delivered until the valley is filled. Trucks with sand and topsoil will arrive and material will be brought to the top of the plateau and distributed over the existing FML and stockpiled for the remainder of the FML. Once a report on the berm is received, New Ventures will begin the completion of the berm and the final access road. The goal is to have a majority of the seeding done by early October. My goal is to have it completely seeded by October. Because of the 21E agreement, we have no responsibility for post-closure activities.

I hope this has adequately answered most of your questions. We will continue to work on those not yet answered. Please let me know if you need anything else.

Thank you.