

Environmental groups sue Casella Waste in Southbridge

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CHARLTON - A lawsuit was filed Friday in federal court in Worcester against Casella Waste Systems, Southbridge Recycling & Disposal Park and the Town of Southbridge.

The suit alleges the Southbridge landfill has been releasing toxic pollutants to groundwater in Southbridge, Charlton and Sturbridge for years, resulting in the widespread and increasing contamination of nearby drinking water aquifers, residential drinking wells, wetlands and waterway.

In a press conference Friday, a representative of one of the two lead plaintiffs, Toxics Action Center and Environment America Inc., as well as their attorneys, gave an overview of their lawsuit against Casella.

Claire B.W. Miller, state director of Toxics Action Center, said Casella consistently employs “sneaky and aggressive strategies” to bully towns and expand their profits.

“Casella’s business strategy pattern is to enter communities with an existing trash facility and expand, expand, expand, while trying to disregard local officials and concerned residents,” Ms. Miller said. “And, while we have worked with communities to fight back, stand up to corporate bullies and won, the impact of their lax pollution control is profound.”

To date, Ms. Miller said there are 88 wells in Charlton and Sturbridge that are polluted with one or more chemicals, as well as many wells that have never been tested.

In addition, 36 homes are known for exceeding safe drinking water standards, primarily for lead and 1, 4-dioxane, which the Federal Department of Energy recognizes as a possible carcinogen, Ms. Miller said.

According to the suit, the landfill's groundwater contamination poses "an imminent and substantial endangerment to human health and the environment" in violation of the federal Resource Conservation and Recovery Act.

In addition, the claim alleges that the landfill is discharging pollutants to waters through hydrologically connected groundwater without National Pollutant Discharge Elimination System Permit authorization.

Kevin Budris, staff attorney for the National Environmental Law Center, is representing Toxic Action Center and Environment Massachusetts, while James P. Vander Salm, an attorney out of Longmeadow, is representing 99 individual neighbors of the landfill.

"The organizations in this lawsuit, Toxic Actions (and) Environment Massachusetts, are bringing claims under two different federal laws - The Clean Water Act and The Resource Conservation and Recovery Act," Mr. Budris said.

"The landfill's own monitoring and testing data shows that the landfill is producing a host of toxic pollutants at the ground water surrounding and underneath the landfill site," he said.

Mr. Budris said these pollutants include lead, iron, 1,4-dioxane, trichloroethylene, arsenic manganese, barium copper, sulfate, chlorobenzene, chloroform, benzene, naphthalene and many others.

The groups in this case allege the pollutants are transported through the groundwater to two primary locations - the wetlands that surround the landfill; and the drinking water aquifer that supply drinking water to homes in Charlton, Sturbridge and Southbridge, Mr. Budris said.

"The landfill's pollutant discharge is continuous and ongoing and each day a discharge is a violation under the Clean Water Act," Mr. Budris said. "In the lawsuit, the groups are seeking the end to these discharges to the wetland, are

seeking remediation of the existing pollution in the wetland and are going to ask the court to force the defendants to pay appropriate civil penalties for past history of violations of the Clean Water Act at this site.”

Ultimately through the lawsuit, Mr. Budris said Toxic Action Center and Environment Massachusetts hope to force the landfill to comply with federal pollution laws, prevent further pollutant releases from the site, remediate the environmental harm caused by the landfill and ensure full access to safe drinking water for all those who risk contamination.

Mr. Vander Salm said the 99 neighbors are situated on four roads around the northern end of the landfill and share the claim with Toxic Action and Environment Massachusetts under the Resource Conservation and Recovery Act.

In addition, Mr. Vander Salm said the 99 neighbors also have “common law” claims for property damage and damage to the quality of their lives.

“The landfill has been a nuisance, to put it mildly, to my clients for a long time,” Mr. Vander Salm said. “It has severely impaired the quality of their lives and the value of their property as well. And they seek compensation in this lawsuit for the damage to their lives, to the stress it has caused to their family, for the damage it has caused to their property and they seek to have the environment cleaned up or they seek injunctions from the court to prevent further ... pollution and to clean up the pollution that exists.”

Mr. Vander Salm said his clients do not just bring claims of groundwater contamination but also noise and odor pollution claims.

In Southbridge, the town election on Tuesday has a non-binding ballot question asking if the town manager should be instructed to negotiate an agreement with Casella Waste Systems, which operates the landfill on Barefoot Road, doing business as the Southbridge Recycling and Disposal Park. The proposed agreement is for continued management of solid waste activities, to include land currently used by the municipal airport and other property near the existing landfill.

Casella Waste Systems has run the 37-year-old landfill since 2003. It is expected to reach capacity in May 2018 if it does not expand. Casella has an application in to the state Department of Environmental Protection to use four parcels within the landfill's existing 51-acre footprint that could add up to four years to the landfill's life if approved by the state and local Board of Health.

Introducing himself as a member of the community group CleanWells, a father of two and a resident of the neighborhood, Christian Bousque said he wants to see the landfill expansion stopped and the landfill closed down and cleaned up.

And, Mr. Bousque said, he won't be satisfied until all of those three objectives are met.

"When you think about how long this has been going on and the fact that Casella is still seeking to expand...It boggles my mind," Mr. Bousque said. "To me, it's proof that they are willing to put profit before people."