

Gardner Landfill

Opposing the Proposed Gardner Sludge Landfill Expansion:

A Healthy Vision for our Watershed

Welcome! The Millers River Watershed Council (MRWC) is opposing this ill-conceived project, which will, if approved, have substantial negative consequences for our region and beyond. The area of the proposed project expansion is within 1,300 feet of the Otter River and contains several vernal pools certified by MRWC.

MRWC has been working for several years with residents of Gardner to urge the City to adopt a cleaner, safer and more economically sensible solution to managing its sludge waste. Besides the adverse impacts the project would cause on the local and regional environment, we believe that approval of this project would send the wrong message to communities and stakeholders state-wide about the future of wastewater solids management throughout the State. We don't believe the Chair City's legacy is to become Dump City for the rest of the Commonwealth.

On this page you will find:

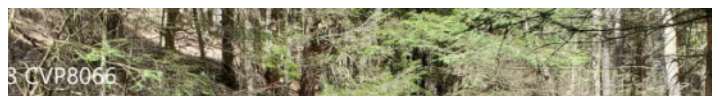
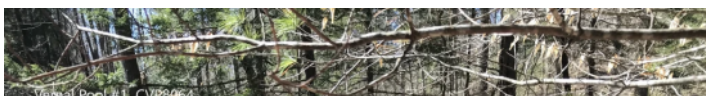
- [Project Map: 1-mile radius](#)
- [Update: Victory for Vernal Pools in Gardner, March 2021](#)
- [Detailed Project Information](#)
- [chronology of events below...](#)
- [Future updates will provide information on other actions you can take to support this work.](#)
- [Environmental Justice statement May 2022 addition](#)
- [last update 5/18/22](#)



UPDATE: VICTORY FOR VERNAL POOLS IN GARDNER

At the Gardner Conservation Commission's meeting on March 8, 2021, the Commission voted unanimously for a positive determination of applicability on the three certified vernal pools under the Gardner Wetland Protection Ordinance. The vernal pools are located in the Wildwood Cemetery Forest and Cummings Otter River Conservation Area. This finding was in response to a Request for Determination of Applicability (RDOA) filed on December 16, 2020 by Ivan Ussach (MRWC Director) on behalf of MRWC and Alan Rousseau (property abutter). Matt Marro (Environmental Consultant) did a great job in presenting our position and addressing questions on vernal pool #3's location that arose at the 1/25/21 meeting. In addition, Nathaniel Stevens, Esq. (McGregor & Legere, P.C.) attended the meeting in order to provide legal support. The RDOA was seeking a determination that the three **state-certified vernal pools** are subject to the jurisdiction of the Gardner Wetland Protection Ordinance. Recognition of these state-certified vernal pools is important, considering that the City of Gardner has been proposing a large expansion of the sludge landfill in the Wildwood Cemetery Forest.

We thank the many concerned local citizens who attended these meetings in support of a positive determination





DETAILED PROJECT INFORMATION

I. PROJECT OVERVIEW:

The City of Gardner proposes a major expansion of the Sludge Landfill on the almost 200-acre Wildwood Cemetery Forest property, located at 850 West Street in Gardner MA. The property abuts the city-owned 122-acre Cummings Otter River Conservation Area (established in 2012). The property also abuts a 69-acre privately owned property enrolled in Chapter 61 (Forestry) and is within ½ mile of the newly acquired North County Land Trust's 157-acre Ebenezer Keyes Conservation Area.

The Wildwood Cemetery Forest is a 189-acre city-owned property that includes 119 acres of undeveloped forest and wetlands, including a large intact esker, two certified vernal pools, a kettle-hole level bog, and hiking trails. Over the years, this property has undergone some development on 70 acres including a 23-acre closed (and capped) Solid Waste Landfill & recycling / trash transfer station, a 22-acre large scale photovoltaic solar array, the 13-acre Wildwood Cemetery, and the 12-acre Sludge Landfill. *The expansion is planned for approximately 4-5 acres of undeveloped land to the west of the existing sludge landfill. To date, the City has invested about \$640,000 in engineering and planning for the expansion. (italics 4/2022 update)*



II. Objections to the landfill expansion include:

1. Risk of future ground water contamination with potential impact to drinking water. Approximately 60 private residential wells and the Templeton Otter River Town Well are within a 1-mile radius. The abutting 69-acre Rousseau property has two spring fed ponds and a private well. The entire area of the Wildwood Cemetery Forest, Cummings Conservation Area, and Rousseau property has many wetlands, drains via Bailey Brook (a cold water fishery) to the Otter River—the largest tributary to the Millers River.
2. Destruction of **4.2** acres of natural resources in the Wildwood Cemetery Forest, including wildlife habitat, forest, natural esker, and certified vernal pools.
3. Continued source of ongoing strong sewer-type odors as evidenced by many years of odor complaints originating from the existing landfill by residents of Gardner and Templeton.
4. Negative impacts to public's recreational use and enjoyment of the abutting **122**-acre Cummings Otter River Conservation Area established by the City in 2012 with \$402,000 of state and federal Funding. Likely negative impacts include odors and the unsightly view of sludge landfill itself right at the Cummings property line.
5. Failure of the City to present a thorough and accurate examination of the various sludge management options and their costs.

III. Project Alternatives Exist

There are many feasible alternatives to the Sludge Landfill Expansion, including recycling to soils (composting, fertilizer), hauling out for Incineration, and Anaerobic Digestion (AD). Currently, AD seems to offer the best choice for an alternative that is a cost effective and environmentally friendly, with the added benefit of being consistent with Massachusetts' goals for renewal energy. In 2015, a CDR Maguire consultant created an alternatives analysis for the City. However, this consultant had previously worked on the expansion planning (as early as 2012) and now is the project manager for the expansion project. The City needs to initiate an independent feasibility study to explore AD options.

IV. Opposition strategy:

In 2020, MRWC and an abutter (A. Rousseau) hired the prestigious Boston-based environmental law firm of **McGregor and Legere PC** for legal services and **Matthew S. Marro Environmental Consulting** for environmental services. We are challenging the proposed expansion on several legal and regulatory fronts, as well as working to muster public opposition through various means.

2021 August: MRWC announces the formation of a statewide *Coalition For a Sustainable Alternative to Expanding the Gardner Sludge Landfill*. The Coalition includes the following nine local, regional and statewide groups and organizations (we hope to add a few more): Millers River Watershed Council, Gardner Clean Air, Athol Bird and Nature Club, Clean Water Action, Connecticut River Conservancy, MassPIRG, Mass Rivers Alliance, Mount Grace Conservation Land Trust and North County Land Trust.



V. Chronology of Major Events:

1985 – City receives site assignment approval for existing Sludge Landfill

1990 – Operations begin at existing Sludge Landfill

2005 – Solid Waste Landfill Closes – Also emits terrible odors for 2-3 years after capping

2012 – CDR Maguire begins evaluations for Sludge Landfill expansion

2012 – Cummings Otter River Conservation Area is established by the City of Gardner with state and federal grants.

2013 – Sludge Landfill reaches maximum capacity per design specifications.

2014 – Major odor problems reported by residents results in a Board of Health Public Meeting at which the Board Chair commits to further discussion and action as covered by local newspaper articles.

2014 – Gardner Clear Air grassroots group is founded and advocates for alternative solution to expansion.

2015 – United Water (landfill operator) implements work procedure changes to reduce odors. Odors reduced, but continue to the present time.

2015 – CDR Maguire consultant prepares alternatives analysis for sludge disposal and concludes Sludge Landfill expansion is determined to be lowest cost option.

2016 (Feb) – MADEP approves 30-foot vertical expansion of existing Sludge Landfill.

2016 (Nov) – Gardner Clean Air partners with the Millers River Watershed Council (MRWC).

2016 (Dec) – After a well-attended City Council public hearing in October, in which not a single person spoke in favor of the project (except for the Mayor), and during which Gardner Clean Air submitted a petition with over 300 signatures of residents opposing the project, the City Council approves the Mayor's order to endorse the Sludge Landfill expansion.

2017 (Oct) – City submits initial application for expansion, DEP advises that a different application for required.

2018 (May) – DEP & City execute Individual Project Rule.

2019 – MRWC certifies three vernal pools with NHESP. NHESP notifies Gardner Conservation Commission of certification.

2020 (Feb) – DEP & City Meeting on expansion.

2020 (Jun) – Gardner Conservation Commission issues Order of Resource Area Delineation (ORAD) confirming the accuracy of the boundaries of the bordering vegetated wetlands and vernal pool (identified as B series) under the MA Wetlands Protection Act.

2020 (Jun) – Abutter Alan Rousseau files appeal to ORAD

2020 (Jul) – During MADEP field visit to review wetlands delineation, City learns of certified vernal pools within and near proposed expansion area. MADEP requests that City provide water resource calculations for the vernal pools.

2020 (Aug) – City informs MADEP of inability to provide the requested information due to recent special election for a new Mayor and budgetary constraints.

2020 (Dec) – MRWC and Alan Rousseau (abutter) jointly file a Request for Determination of Applicability (RDA) under the Gardner Wetland Protection Ordinance to have the Conservation Commission recognize the certified Vernal Pools and confirm that work near them requires Conservation Commission approval.

2020 (Dec) – North County Land Trust (NCLT) acquires the 157-acre Ebenezer Keyes Conservation Area in order to establish a new conservation area in Gardner. This property is in the ½ to 1 mile radius of the proposed expansion.

2021 (Mar) – Gardner Conservation Commission votes unanimously for a positive determination on the Request for Determination of Applicability. This is a great victory for protecting the 3 vernal pools!

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Bird and Nature Club, Clean Water Action, Connecticut River Conservancy, MassPIRG, Mass Rivers Alliance, Mount Grace Conservation Land Trust and North County Land Trust.

2021 (Sept.) – MassDEP issued a Superseding Order of Resource Area Delineation (SORAD) on 9/17/21. This was in response to our ANRAD appeal filed on 6/25/20. This resulted in an accurate Wetland Delineation Map that now depicts correct wetland boundaries, labeling of state certified vernal pools, and 100 foot buffers. Many thanks to Matt Marro, Environmental Consultant who filed the appeal on our behalf!

2021 (October) – The City resumed SLF expansion design work.

2021 (November) – On 11/16/21, we received an email from Dane Arnold (Gardner DPW Director), resulting from a recent public records request indicating that:

- * The expansion plan footprint is now reduced to 4.2 acres. This is very good news! We are now in the process of reviewing the environmental impacts of the new plan.

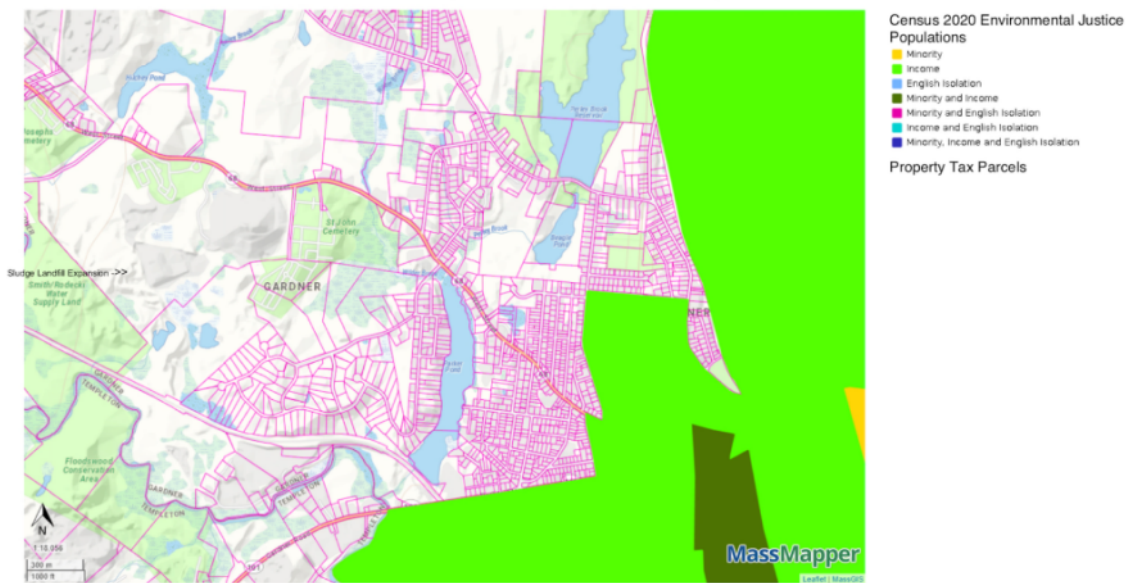
- * The City is aiming to submit a WP 33 permit application to MassDEP the week of 1/3/22. This will trigger the IRP (Individual Rule Project), an agreement between the City and MassDEP that specifies a schedule of administrative and technical reviews, public comment and public hearing, and MassDEP decisions. The IRP includes public notification and comment via the Massachusetts Environmental Policy Act (MEPA) process. We will be providing more information on the IRP and public review process in the near future. We will need many voices to comment on the permit application and address the need for environmentally sustainable alternatives!

2022 (January) – City of Gardner submits its WP33 Permit Application to MassDEP on 1/18/22 to expand the existing sludge landfill. Coalition members prepare an Environmental Justice (EJ) Fact Sheet and meet with state EJ officials. (See EJ fact sheet and Gardner sludge landfill EJ map below) [Coalition Environmental Justice Statement link.](#)

2022 (February) – On 2/17/22 A MassDEP issues an Administrative Deficiency Letter to Gardner, requiring additional work on the WP33 permit application.

2022 (April) – State Environmental Justice officials convene a pre-filing meeting with City of Gardner to address EJ concerns as part of the MEPA review process. [Environmental Justice link.](#)

Gardner EJ Population and SLF Expansion 1/10/22



[Map link](#)

2022 (May) — MassDEP issues a Determination of Administrative Completeness in response to Gardner’s March submission replying to DEP’s Administrative Deficiency Letter of February. DEP puts its technical review of Gardner’s application “on hold” awaiting “Other Agency Determination” as part of the MEPA review process.

Press Links

Athol Daily News, May 12, 2022 – https://www.atholdailynews.com/Sludge-landfill-expansion-proposal-awaits-next-step-46304064?utm_source=HeadlineAlerts&utm_medium=DailyNewsletter&utm_campaign=HeadlineAlerts

Athol Daily News: <https://millersriverwatershed.files.wordpress.com/2021/12/athol-daily-news-article-3nov2021.pdf>

MRWC Coalition: <https://millersriverwatershed.files.wordpress.com/2021/12/mrwc-coalition-press-release-1nov2021-1.pdf>

Gardner News: Gardner sludge landfill nearing capacity; officials seeking solutions (thegardnernews.com)