

The politics of trash

By Randy Seaver
Editor

In the movie *Wag the Dog*, the president of the United States orders his staff to create a fictitious war against Albania just a few weeks before the elections in order to distract voters' attention away from a personal scandal that could hurt his campaign.

It is — some people say — a good analogy for what has happened in local politics, especially when it comes to the Maine Energy Recovery Company and its controversial, downtown Biddeford trash incinerator.

Thus, this week we will explore the politics of MERC — how public policy has been influenced by the area's solid waste debate — and how the area's solid waste problems have been affected by politics.

Political controversy has surrounded the MERC plant from the day the incinerator concept was first discussed in the mid 1980s. Shortly after city officials in Biddeford agreed to have the plant built, accusations began flying about possible collusion between local elected officials and company representatives.

The plant's chosen location, its continuing problems with foul odor, increased truck traffic and possible environmental concerns have manifested into a dependable target for those who were either seeking voters' favor or hoping to advance their own ideological campaigns.

Today, city representatives from both Biddeford and Saco are continuing to meet behind closed doors with company officials, reportedly seeking an out-of-court settlement to lawsuits that each city filed three years ago about the acquisition of MERC by Casella Waste Systems of Vermont.

While not much is known about those private meetings, it is becoming increasingly clear that the negotiations could carry through into the next local, election cycle, when candidates from both cities will vie for mayoral and city council seats in the Nov. 2005 election.

While Biddeford's negotiating team is reportedly hoping to finalize the talks by August of this year, Saco Mayor Mark Johnston is hoping that won't happen and that all sides will be able to announce their proposed remedy much sooner.

In fact, Johnston says the meetings should no longer be private and should be opened up to the public for debate.

For his part, Johnston is hoping the two cities can collectively purchase the plant within 10 years in order to shut it down and spur new forms of economic development. It is an ambitious plan — especially when considering a price tag that could exceed \$30 million and require both cities to pay increased tipping fees to another disposal facility.

Biddeford's negotiating delegation, however, is much more tight-lipped about the ongoing talks and all three of the city's representatives (Mayor Wallace Nutting and Councilors Kenneth Farley and John McCurry) would not confirm that they are concerned about a major loss of tax revenues for their city if the plant is shut down.

According to observers of the ongoing negotiations, the two cities are at least working together, saying that is a significant improvement to what was happening four years ago, when each city had vastly different ideas about how to solve their common problem.

"The two cities are joined at the hip when it comes to MERC," Johnston said, pointing to the renegotiated 'host communities' contract that both cities signed with the company in 1991. "At this point, I know that we'll never get rid of MERC without a happy Biddeford."

Ironically, it would appear that a fundamental shift in positions has taken place between the two cities during the last five years.

In 2000, Saco began unilateral meetings with Casella officials in hopes of adopting a new contract that would give the city substantially lower tipping fees and health study about MERC's potential effects upon its host communities.

At the same time, Biddeford was adopting a "get tough" position about MERC, saying the plant most affected their city and that they were growing weary with the company's unkept promises and hopes of becoming a "good, corporate neighbor."

Less than a week after Saco began its own negotiations with the company in April 2000, Biddeford officials created a new traffic standard that forced all departing waste trucks from MERC to go through the city of Saco.

Despite the appearance of retribution, city officials in Biddeford defended their actions, saying the truck re-routing move was nothing other than addressing a serious traffic safety issue at the corner of

Lincoln and Elm streets, even though the issue was never presented to any of the council's subcommittees, which is typical of new ordinances.

"I can understand how it could look to some people, but it had nothing to do with Saco," said John McCurry, the president of the Biddeford City Council who was serving his first term on the council when the April 2000 traffic ordinance was put into effect. "It was really about safety, even though I still find it inconvenient, especially when I leave Mulligan's and want to go to Dunkin' Donuts."

But Richard Rhames, who also served on the council from 1999 to 2001, says that is a bogus statement.

"Of course it was retribution, as it should have been," Rhames said. "There was no question. The idea came out of nowhere and we all knew what it was about. There were a lot of wink and nods, but sure — it was a shot across Saco's bow, and nobody knew that better than Saco."

Johnston agrees, describing it as a low point in the two cities' working relationship. "It was a move intended to make a statement, and that's all it did. I understand where they were coming from, but it wasn't a productive measure."

Later that year, as Saco continued its unilateral negotiations with MERC, Biddeford unveiled its Air Toxics Ordinance, which was modeled after a similar law used in the town of Jay.

The ordinance called for hiring an environmental code officer and for creating tougher air emission standards than what was required by either state or federal regulatory agencies.

Donna Dion, then Biddeford's mayor, said the Air Toxics Ordinance was not targeted at MERC. She said the ordinance was developed to "address the community's overall health concerns" and that it would apply to all companies that emitted chemical compounds into the air.

Again, Rhames said that logic was nothing more than political rhetoric, designed to mask the obvious and to water down what was considered by others to be politically unacceptable and risky.

"I was the one who started that ball rolling," Rhames said. "I wanted Biddeford to hire an environmental control officer to monitor MERC. But what I wanted was an incinerator ordinance. But in order to get a majority of votes on the council, I compromised. What we ended up with was this watered down Air Toxics Ordinance."

"But there was never any question that we were targeting MERC. It's what we should have done. There is nothing wrong with that concept — but not to the political class who all wanted to appear fair and logical."

Rhames, who believes his long opposition to MERC was a deciding factor in his being elected to the council in 1999 during a five-way race for two at-large seats, said Biddeford began singing a much different tune shortly after he lost his re-election bid in Nov. 2001.

Some four years later, Saco now seems much more fired up about closing MERC, while Biddeford officials say they want to primarily address health concerns yet seem reluctant to let go of the city's largest taxpayer.

The boogey man speaks out

Perhaps no other person has witnessed the political fray of the MERC debate more closely than Sam Zaitlin, the self-described "boogey man" who — by his own admission — became a political lightning rod in the ongoing MERC debate.

A former mayor of Saco (1975-1977), Zaitlin grew up in the solid waste business that his family started in Biddeford long before he entered the political arena. Zaitlin eventually became a senior vice president of Kuhr Technologies, Inc., the company that owned Maine Energy until it was acquired by Casella Waste Systems in Dec. 1999.

Although Zaitlin left the company short after the merger in order to pursue his master's degree, he continued working as an independent consultant for the company.

That, and his close friendship with former Gov. Angus King, prompted city leaders to cry foul when King offered to lend a hand in helping the cities resolve their problems with MERC in the summer of 2003.

King, who was serving the final year of his last term as governor, was rebuffed by both Biddeford Mayor Donna Dion and Saco Mayor Bill Johnson.

Both mayors described King as a "lame duck" governor and expressed doubts about what he could accomplish. More importantly,

they said, King and Zaitlin enjoyed a personal friendship that could affect the impartiality of the governor's participation.

Coincidentally, Dion and Johnson were both lame duck mayors at that time. Each of them had earlier announced they would not seek another term as their city's mayor.

It was a decision that outraged many people, including representatives from Twin Cities Renaissance, a grassroots, watchdog group that was formed to monitor MERC and eventually see it closed down.

"It was the height of arrogance," said former Biddeford Mayor Bonnie Pothier, who 12 years earlier signed the renegotiated 1991 contract with MERC. "I couldn't believe what I was hearing. It was unprecedented. So what if the governor was friends with Sam?"

"Didn't they (Dion and Johnson) think that they could have used that fact to their advantage? Think about the potential. Think of what the governor could have brought to the table. What a waste."

But on this point, Rhames agrees with the decision made by Dion and Johnson.

"I don't know what he (King) could have accomplished," Rhames said. "By and large this is an issue that the state and federal governments don't want to get involved with. This is a local issue that can be solved by local leaders. We were the ones stupid enough to accept this into the middle of our downtown. If we're going to save our asses, we'll have to be the ones to do it."

And again, Rhames also questioned Zaitlin's personal connection to the former governor. "There were a lot of people who were hand maidens in bringing MERC to Biddeford. Many of those people eventually did pretty well for themselves, and Sam Zaitlin is one of those people."

Zaitlin served on Maine's Board of Environmental Protection when the MERC plant was given its operating permit. Several years later, during King's term as governor, Zaitlin was appointed by the governor as a York County representative on the Maine Turnpike Authority.

That move vexed Bill Johnson, then Saco's mayor, who nominated his city's solicitor, Tim Murphy, for the turnpike board.

Today, Zaitlin continues serving on the turnpike's board. He is also the founder and principal of Crystal Pacific Seafood in Saco and is part of a development group that is considering the purchase of several mill buildings on Saco Island for the development of a bio-technology research center, which would be located in MERC's back yard.

And yes, Zaitlin and the former governor are still close friends, sharing their passion for Harley Davidson motorcycles and planning to take a class together at Harvard University's John F. Kennedy School of Government.

Zaitlin doesn't mince words when talking about MERC's political overtones.

"Although I don't fully understand it, it would appear that it's always easier to find a scapegoat than to deal rationally with the real issues at hand," he said. "For the better part of five years, we've been locked into an escalating series of issues and contortions that have essentially drained our community resources and accomplished very little."

Wasting time on waste

For his part, Zaitlin makes no bones about how MERC has influenced local policy decisions. "It serves as a convenient focus for local political players," he said. "Whether it's Jim Grattelo and Marc Lessard or Richard Rhames and (State Rep.) Joanne Twomey, it has served a

different purpose for each of them — as a metaphor for their ideological points of view."

Zaitlin describes MERC as an essential part of the area's infrastructure, despite what he describes as legitimate issues about odors, location and truck traffic.

Although he is quick to concede that the plant should have never been built in the middle of Biddeford and Saco's downtown area, Zaitlin said the time for developing a practical, long-term solution is long overdue.

"For obvious reasons, there is no political downside to taking on MERC," Zaitlin said. "And while we can all agree that there are legitimate areas of concern about the facility, there has been — until recently — a marked absence of thoughtful and meaningful debate on the subject. No one is held accountable for what they say. Even the plant's most vocal critics have yet to offer an alternative."

The media's role

Critics of the plant often fault local media outlets for being asleep at the proverbial wheel when MERC was nothing more than a concept at Biddeford City Hall.

Today, those same critics say the media is not doing much better, offering not much more than sound bites, and easy stories that focus upon hype, controversy and information that is spoon-fed to journalists who do not have the historical knowledge or proper editorial resources to provide clear context for those stories

On this point, Rhames and Zaitlin agree.

"I don't think the media does a very good job on this issue, primarily because of how the media itself has become a collection of corporations," Rhames said. "Then, all of a sudden, as local business people finally start to see the light about MERC, the media jumps on the bandwagon."

"But before then, the political and business class ignored the issue and to a great extent so did the media and wound up indicting themselves for the error."

Zaitlin takes a slightly different view of the media's coverage regarding MERC. "There were a whole series of significant changes in local media throughout the last few years," he said. "The Journal Tribune was sold twice during the 1990s and then the Portland Press Herald was acquired by Blethen Newspapers."

The result of those media acquisitions, Zaitlin said, resulted in a loss of editorial resources in order to compensate for the inflated purchase price of the newspapers. Thus, reporters and editors who had historical perspective went elsewhere and local news coverage suffered as a result.

Furthermore, Zaitlin points to the growing trend in media, in which increased competition has driven how news stories are collected.

"Just about any yahoo can call a press conference and everyone comes running because they don't want to get scooped by the next guy," he said. "In their rush to be first with the story, they don't have the time necessary to go much beyond the obvious sound bites and catchy headlines."

While Rhames contends that MERC would never have been built in a "politically strong" city or town, Zaitlin says those types of statements only fuel the lingering battle that has become much ado about nothing.