Toxic Trial: Engineer Mernin testifies

By DAN KENNEDY

BOSTON — Neither Woburn nor state officials considered a property formerly owned by Beatrice Foods Co. as a possible source of contamination of municipal wells G and H, Woburn City Engineer Thomas Mernin testified Monday.

Mernin, taking the witness stand in the Woburn leukemia trial in U.S. District Court, was questioned by Beatrice attorney Jerome P. Facher.

Mernin said he believed groundwater at the Beatrice property would drain into the Aberjona River, which flows between the Beatrice property and wells G and H.

"If there were anything over there (on the Beatrice land), it would never, in my mind, get to the other side of the river," Mernin said.

In related testimony Monday, Dr. Olin C. Braids, a geochemist hired by Beatrice, said the river forms an underground "flow boundary" when the wells are pumping that would prevent any groundwater at the Beatrice site from moving toward the wells.

The plaintiffs in the trial, eight East Woburn families, charge that chemical contaminants present in groundwater on the Beatrice property flowed under the river to the wells, about 700 feet to the northeast. The contamination led to six leukemia deaths and two illnesses, they say.

The property is a 15-acre parcel northeast of the Riley Leather Co. tannery, 228 Salem St. A well on the southerly end of the 15 acres provides water to the tannery.

Wells G and H were closed in 1979 after 15 years of use. Beatrice owned the Riley tannery and the 15 acres from 1978 to 1983, and retains legal liability.

Judge Walter Jay Skinner ruled last week that it is not enough for the plaintiffs to show that contaminants on the Beatrice site flowed into the wells during the years the wells were in use.

The judge said Beatrice cannot be found liable unless it can be shown that the tannery acted negligently.

Beatrice's attorneys say Mernin's testimony proves the

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tannery couldn't have been negligent, since government officials had concluded that the 15-acre property did not represent a threat to the wellfield.

Mernin, who was named city engineer in 1972, participated in plans starting in 1976 to drill a new municipal well between G and H.

The proposed well I was subjected to groundwater tests by the state Department of Environmental Quality Engineering (DEQE) and was approved in 1978, with the provision that the water be treated to remove excessive manganese, Mernin said.

He added the well was not drilled immediately because of financial constraints. The plans were shelved when chemical contaminants were found in wells G and H in May 1979.

Mernin said wells G and H were tested regularly for bacteria and excessive levels of minerals. But he said no tests were conducted for trichloroethylene — one of the chemicals cited in the lawsuit — during the years the wells were in use.

"I don't believe anybody had the technique for testing at the time," he said.

At the same time the DEQE approved the drilling of well I, Mernin said the agency rejected a plan to drill another well south of Salem Street. That rejection, he said, was based on the proposed well's proximity to a trucking terminal, a junkyard and a sewer line.

Mernin has visited the 15-acre Beatrice property numerous times to inspect sewer lines running through it. He said he has observed a number of barrels over the years, but never believed they represented a threat to the environment.

"There were barrels scattered around throughout that whole area. There wasn't anything of any major concern to my mind," he said.

Mernin was also questioned by William Cheeseman, an attorney for W.R. Grace & Co., the other defendant in the case.

The plaintiffs charge chemicals dumped at Grace's Cyrovac manufacturing plant, 369 Washington St., flowed through groundwater for a half mile into the wells, which are southeast of the property.

Mernin told Cheeseman that wells G and H were used only when there was a water emergency in effect, because chlorination treatments and excessive manganese made the water foul-smelling, foul-tasting and brown-colored.

"The people in Woburn were spoiled — they had never had chlorinated water before," he said. He added that the manganese, when combined with chlorine, caused discoloration that led to spotted laundry and dirty dishwater and swimming pools. "We had a number of complaints," he said.

Braids, in his final day of testimony, said data from a pumping test of wells G and H performed in December 1985 shows the Aberjona River acts as a barrier that prevents groundwater west of the river from flowing toward the wells.

He said the data shows that river water infiltrates into the groundwater during pumping, forming "a hump in the middle where the river is."

Under cross examination by plaintiffs' attorney Jan R. Schlichtmann, Braids conceded that he was relying in part on an interpretation provided by a hydrologist at Geraghty & Miller, where Braids is an associate.

But Braids said that, even though he lacks a hydrological background, he was confident in his opinion about how the river works.

The plaintiffs' hydrologist, Dr. George Pinder of Princeton University, testified last month that groundwater at the Beatrice property starts flowing toward the wells as soon as they are turned on, and that the river plays a negligible role in the behavior of the aquifer.

Jerome Facher, Beatrice lawyer