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## LIBN Exclusive: Dirty Business

By: David Winzelberg July 16, 2015 0

Despite recent highly publicized cases of enforcement actions against illegal dumping here, Long Island remains a toilet for often-hazardous construction and demolition waste from New York City.

LIBN has learned that another Suffolk County site allegedly accepted thousands of tons of possibly tainted fill dug out of construction sites in Manhattan, Brooklyn and Queens.

Aerial photos of a property in Holtsville show several trucks dumping substantial amounts of dirt and debris into a giant pit that is being excavated for its sand. The nearly 10-acre property is owned by the Ciardullo family – according to public records — which also owns Deer Park Sand & Gravel in Bay Shore.

Investigators from the state's Department of Environmental Conservation, accompanied by officials from the Town of Islip, visited the Furrows Road site last week and took samples of the dumped material for testing.

David Ciardullo, the firm's president, didn't respond to requests for comment.

The Ciardullo property is adjacent to the 18-acre Pav-Co Asphalt complex at 615 Furrows Road, with which it also shares an access road.

DEC spokeswoman Lori Severino said the agency has an "ongoing investigation" at both the Pav-Co and Ciardullo sites and cannot comment further.

Pav-Co principals William Fehr Sr. and William Fehr Jr. pleaded guilty to bid-rigging charges in 2006 and were forced to forfeit more than \$2.3 million paid to them by the county and the Town of Brookhaven for paving contracts. The pair served several months in federal prison.

The trucks bound for the Ciardullo dump site must pass by the Pav-Co complex to get in and out, however the connection, if any, between the owners of the properties is unclear.

The Fehrs did not respond to requests for comment.

The investigation of the Holtsville site comes on the heels of other widely-publicized incidents of alleged dumping in Islip and in the Town of Brookhaven, which highlights the ongoing problem of tainted New York City fill finding its way to the Island.

In December 2014, a pair of local contractors and the former Islip parks commissioner were among six people charged with dumping more than 50,000 tons of New York City demolition and construction debris found to contain hazardous materials at Roberto Clemente Park in Brentwood. The contractors, Thomas Datre Jr. and his father Thomas Datre Sr., were also accused of dumping hazardous debris at a housing development for veterans in Islandia and a Police Athletic League ballpark in Central Islip. All six of the accused have pleaded not guilty.

In June 2014, Brookhaven officials went to federal court to shut down the 93-acre expansion of operations at the Brookhaven Rail Terminal in Yaphank, claiming the owners of the facility were over-excavating and allowing the illegal dumping of hazardous construction waste there.

The town of Brookhaven is seeking millions in reparations from the rail terminal operators, citing a report from an environmental consultant that found historic New York City fill laced with PCBs and hazardous "heavy metals" amidst the debris dumped at the BRT.

Attorney Robert Calica of Garden City law firm Rosenberg Calica & Birney, which represents Brookhaven in its court action against the rail terminal, called the level of dumping environmentally offensive.

"It's really vile stuff," Calica said.

According to the report from FPM Group, a Ronkonkoma-based environmental engineering firm hired by the town's attorney, the fill dumped at the BRT contains pesticides, mercury, lead and other hazardous material that if not removed promptly "may result in contamination of Long Island's sole source drinking water aquifer."

Attorney Peter Curry of Farrell Fritz in Uniondale, which represents the rail terminal, said the town's allegations are false and its consultant's analysis is mistaken.

"We vehemently deny that Brookhaven Rail Terminal has brought any New York City historic fill onto the site and we look forward to the resolution of this litigation in federal court where it belongs," Curry said.

While the rail terminal denies accepting historic fill onto its property, a Brookhaven-based truck driver, who spoke to LIBN on the condition of anonymity, said he has regularly dumped dirt, debris and other demolition waste from New York City construction sites at the BRT and at least five other properties in Suffolk. The driver, who has worked for a handful of Long Island-based trucking firms over the last decade, said he has picked up possibly tainted fill at job sites in Manhattan and waste transfer stations in Queens and dumped it at sites that include the Furrows Road property and a housing development being built in Shirley.

The trucking companies hauling the fill are paid by builders between \$700 and \$800 per 30-cubic-yard truckload to remove it, according to the driver, and pay about \$250 in cash to dump-site owners to dump it, netting the trucking companies about \$500 per trip.

By comparison, it would cost about \$2,600 per truckload to dump clean fill—screened and tested to DEC standards—at one of the four Long Island landfills that can accept it. As a result, city developers are saving thousands of dollars a day by avoiding the higher costs of properly disposing tainted fill to DEC-approved or out-of-state landfills.

Local environmentalists are angered by the recently reported incidents of illegal dumping and say the state has turned a blind eye to the problem because agencies like the DEC don't have a program in place to properly monitor

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"They have no plan on how to deal with all this solid waste," said Adrienne Esposito, executive director of Citizens Campaign for the Environment. "They totally dropped the ball on this."

But the DEC says that it has brought or referred for prosecution at least 13 cases of illegal dumping on Long Island in the last three years. Fines for illegal dumping include \$7,500 per violation plus \$1,500 for each day the violation continues. The responsible party must also cover the cost of the cleanup.

DEC spokeswoman Lori Severino defended the agency's record in an emailed statement. She said the DEC "vigorously enforces laws and regulations associated with illegal dumping on Long Island and across the state," adding that the department investigates "any and all potential violations to ensure bad actors are stopped and brought to justice, and proper remediation takes place to protect public health and the environment."

For the most serious cases, Severino said the DEC works with prosecutors to obtain criminal penalties.

In Islip, a town hit hard by illegal dumping incidents, Supervisor Angie Carpenter said the town notified the proper authorities once it was advised about the alleged dumping at the Furrows Road site.

"We immediately contacted our Town of Islip DEC commissioner who observed questionable activities that would ordinarily be regulated by state agencies," Carpenter said in an emailed statement. "Therefore, these allegations were immediately referred to the New York State DEC, and Town of Islip offered our support as needed. It is our understanding that there is an ongoing investigation and it would be inappropriate to offer any further comment at this time."

Meanwhile, Esposito called the latest dumping allegations "just the tip of the iceberg" of a very dangerous issue.

"It's the dirty hidden secret of Long Island that could be responsible for unknown diseases and health problems," Esposito said, adding that a cradle-to-grave monitoring system should be instituted for handling and disposing of potentially harmful fill.

"They do it for hazardous liquid waste," she said. "They can do the same thing for this."

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