



\$9.6M contract awarded to cap Fenimore Landfill

William Westhoven, 7:58 p.m. EDT July 28, 2014

The state has awarded a \$9.6 million contract to Conti Enterprises of South Plainfield for the controversial capping of Fenimore Landfill.

While protestors continue to criticize the state Department of Environmental Protection's decision to cap the landfill rather than excavate the materials producing dangerous and foul-smelling hydrogen-sulfide gas, Mayor Jim Rilee announced the cap contract at a council meeting last week.

DEP spokesperson Larry Ragonese said the project would begin next month and expected it to be completed before the end of the year.

"This contract is 23 percent higher than originally budgeted," said Bob Schultz, president of the resident group Roxbury Environmental Action Coalition. "And Conti is affiliated with AshBritt, the contractor involved with the whole Hurricane Sandy debacle, which goes back to Chris Christie. It makes us wonder if this company was hired to sweep everything under the rug."

A DEP report conducted by Geosyntec Consultants estimated the cost of capping Fenimore at \$7.8 million. The same report estimated the cost of excavating and removing the offending materials at \$38.7 million.

Florida-based AshBritt received an emergency \$100 million, no-bid contract from the Christie Administration shortly after Hurricane Sandy to remove debris in the aftermath of the storm. Christie critics, including Democratic State Senate President Steven Sweeney, denounced what they termed at the time to be a "sweetheart deal" for the politically-connected contractor.

A federal audit in March found no wrongdoing in the awarding of the AshBritt contract, and the company said it eventually was paid about \$150 million to remove almost 3 million cubic yards of vegetation, construction and demolition debris, as well as destroyed vehicles and appliances after Sandy.

A 2013 probe by the state comptroller focused on AshBritt's billing practices and determined that the company had overcharged eight Ocean County towns more than \$300,000. The comptroller

found no "persuasive evidence" that the overbilling was intentional and AshBritt promptly deducted the amount from the towns' bills.

According to a report by the Asbury Park Press, those who marketed AshBritt's services to Jersey Shore officials included Ocean County Republican Organization Chairman George Gilmore and Maggie Moran, former deputy chief of staff to Democratic Gov. Jon Corzine. Moran said last year that she worked for the Conti Group to help manage the project for AshBritt. Moran's husband, Matthew Doherty, is mayor of Belmar. Moran said she was not involved in any Belmar work on behalf of Conti.

The Roxbury Police Department last week also issued a memo on its Facebook page warning residents to expect increased truck traffic on established truck routes to and from the site as clean fill is brought in for the ongoing remediation of the site. DEP currently is operating a system at Fenimore to collect and burn off the gas, but announced last spring that capping the site would be the most expedient and effective long-term solution.

The problem has plagued the township since late 2012, when the gas odors were first detected. Blame was quickly aimed at Strategic Environmental Partners, the company that obtained permission to accept tipping fees from construction and debris materials to pay for a permanent cap and a solar farm on the site.

Others fault DEP for permitting SEP to reopen the landfill, which had operated for more than 25 years before closing in 1979. The landfill was never capped, but was not considered a hazard until after SEP reopened it in 2010.

DEP used an emergency order to seize the site and begin remediation efforts in June of 2013, but increased odors last summer fueled an increasingly angry series of protests by the nonprofit resident group REACT, the Sierra Club and other environmental stewards.

Anecdotal evidence suggests the odor problem has improved since last summer, but opponents to the capping plan also have concerns about groundwater contamination and other contaminants that may be hard to detect. DEP's refusal to let them, the township or SEP to obtain and test soil samples (a decision that has been affirmed by state and federal courts) has added to resident concerns and the angry tone of the protests. REACT members have gone on the offensive in recent weeks, staging protests outside the county at public events attended by Christie and Morris County legislators.

"Our immediate concern is that they will bring more toxic material into the site," Schultz said. "Clean fill does not mean that it is non-toxic. It just has to be less toxic than what is already there. But how do they know what is there when they have not tested the soil? It may be more

toxic or less toxic. The thing is we don't know. And the New Jersey shell game of moving toxic material around just continues."

In denying soil samples to Roxbury and SEP, DEP said further testing was unnecessary because it had conducted its own tests in preparation for capping.

REACT, the Boonton-based New Jersey Highlands Coalition and the New Jersey chapter of the Sierra Club and the Pinelands Preservation Alliance, among others, plan to conduct a press conference and rally today Tuesday in Trenton, where they have commissioned a billboard criticizing DEP's handling of the matter.

© 2014 www.dailyrecord.com