

Edgewater officials fire company hired to remove toxins from Veterans Field

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EDGEWATER — The company hired to clean up and renovate Veterans Field — which then brought new contaminants onto the site — has been fired, and borough officials say they're going after its insurance company to pay for removing the latest toxins.

“Waterside [Construction] will not be doing any more work,” borough attorney Philip Boggia said Wednesday, the morning after the council declared the company in default and voted to terminate its contract.

“They're still going to be held accountable for the breach,” Boggia continued. “We will pursue all legal remedies against the responsible party. But our first priority is to get the field completed.”

Alan Marcus, a spokesman for local developer Fred Daibes, who owns Waterside, said it would be inappropriate to comment at this time.

“Given the circumstances, there's certainly a likelihood or a potential that there will be litigation,” Marcus said.

The council hired Waterside after Veterans Field shut down in 2011 following the discovery of cancer-related toxins in the soil. But the contractor was ordered to stop work when TERMS Environmental Services, the borough's consultant, found new traces of contaminants in October. It later determined that Waterside had trucked in crushed concrete tainted with polychlorinated biphenyls from the old Alcoa aluminum plant on River Road.

Representatives for Waterside said the state Department of Environmental Protection allowed contractors to reuse material from Alcoa, so they didn't realize toxins were still present. The material was imported to Veterans Field before undergoing mandatory testing, according to TERMS.

Several council members voiced frustration this week over what's become of the borough's premier park. Among them was Vincent Monte, who abstained from voting on whether to terminate Waterside's contract because his son works for the company. He spoke Wednesday of how he and his children used to play on the field, as did other council members and their kids.

"The situation is a mess," Monte said. "But we're going to make it right. The public, the children, the people that use the field everyday, those are the people we have to make it right for. Everyone on the council feels terrible about what has happened."

Members of the public had been calling for the council to fire Waterside since November.

"What took time was to determine how much improper fill was brought to the site, where it was distributed onto the site, and what we now have to do to remediate that," Boggia said.

In a Feb. 5 letter to the borough, TERMS noted that approximately 25,000 cubic yards of soil should be excavated to reduce the PCBs to the level applied to residential properties. Waterside had proposed leaving a higher concentration of PCBs in place and putting a cap over the soil — an option that would require 8,500 cubic yards of soil remediation, according to the TERMS letter.

The council on Tuesday approved TERMS' recommended remediation plan, which would lower the PCBs to the state's strictest standard.

The plan has been submitted to the state DEP for approval. The federal Environmental Protection Agency also has 30 days to respond.

The council has not named a new contractor.

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