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DES says it did not approve Brady Sullivan's dumping

By MARK HAYWARD

New Hampshire Union Leader

Brady Sullivan Properties representatives insist that a state environmental official OK'd plans by the real estate company to dump contaminated soils at a company-owned gravel pit in Londonderry, according to a report filed with the state.

Not so, the state Department of Environmental Services says.

The dispute may turn out to be the most contentious issue over the dumping. And it could go a long way to determine what kind of fines the state may levy against the real estate titan.

In its June 30 report, McKibben Environmental details Brady Sullivan's side of the story.

In November 2013, Brady Sullivan's environmental consultant — Les A. Cartier and Associates — contacted DES project manager Ralph Wickson to get permission to "temporarily stockpile the soil pile on the owner's property in Londonderry until disposition was determined," the unsigned McKibben report states.

The Cartier firm collected samples from the pile in November 2013, met with Wickson and got his approval, McKibben writes.

The DES says it's not so.

In a letter sent Wednesday to Brady Sullivan, DES hydrologist Paul Rydel writes that "the department has no record of the alleged prior approval of the use of the Londonderry site for stockpiling or disposal of the contaminated soils."

According to DES records, Wickson wrote to McKibben in April 2013 and clearly spelled out proper management of tainted soil, Rydel wrote.

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"There is no indication in this letter or any other communication from Mr. Wickson that would allow for transporting such soil off site to an unauthorized facility," Rydel wrote.

Brady Sullivan's consultant goes on to explain how more soil ended up in Londonderry.

McKibben wrote that some time after November 2013, the senior project manager at Brady Sullivan, Larry St. Pierre, ordered more soil be brought to Londonderry.

Thibeault Corporation was contracted to transport the soil. In July 2014, Cartier was notified, and the firm requested a site visit.

"Mr. Bruce Luska of Luk and Sons escorted LCA to the site where it was observed that the soil was not stockpiled but spread out and filled in over the slope. It is believed that Luk and Sons spread out the soil on the site," McKibben wrote.

The contaminated soil came from the Mill West parking lot expansion and conversion of the Mill West Annex into apartments.

mhayward@unionleader.com