

Owner of Central Islip property agrees to remove contaminated fill

July 21, 2015 by JENNIFER BARRIOS / jennifer.barrios@newsday.com



The owner of a Central Islip property where Suffolk prosecutors say contaminated fill was dumped as part of a broad scheme has signed an agreement with state environmental authorities to remove the debris from the site.

But L-C Real Estate Group, which owns the 1-acre lot at 1625 Islip Ave., and the state Department of Environmental Conservation still need to negotiate whether the fill needs to be trucked off Long Island -- an often more costly option -- or disposed of here.

The agreement, signed July 1 and 2, requires the owner to submit a work plan to the DEC within 30 days describing how the material will be removed, safety and health measures to be taken, and a plan for endpoint sampling to ensure all the material is gone, among other measures.

L-C Real Estate then would have 225 days from the date the work plan is accepted to remove and pay for disposal of the material, which testing found contained hydrocarbons, pesticides and metals.

The agreement also calls for a \$500,000 penalty that would be suspended as long as L-C Real Estate, which is not facing criminal charges, adheres to the agreement.

While the order on consent does not specify where the material must go once it's removed from the site, an October report by C.A. Rich Consultants of Plainview, a firm hired by the site's owner to investigate and characterize the fill, concluded that the material "will likely" need to be disposed of off Long Island due to some sample results of contaminant levels in excess of state standards for protection of groundwater.



advertisement | [advertise on newsday](#)

But Frederick Eisenbud, a Ronkonkoma attorney representing the owner, said he believed the material would meet standards for disposal at a Long Island landfill.

"It can all stay on Long Island if it meets the criteria for permitted facilities on Long Island," Eisenbud said, adding that his client was in talks with facilities both on and off Long Island.

"DEC will continue discussions with the representatives of L-C Real Estate Group as we review the work plan for the removal of material from this site," agency spokesman Bill Fonda said. "Through these discussions removal timetables, end-point sampling and material-disposal protocols will be agreed upon."

Eisenbud also said the amount of fill on the lot "is significantly lower than what the DEC has estimated" -- between 10,000 and 15,000 cubic yards.

The site is one of four that Suffolk prosecutors have said is part of a wider dumping scheme across and around Islip Town. Six individuals, including Thomas Datre Jr. and his politically connected father, businessman Thomas Datre Sr., and four companies were indicted in December in connection with that scheme. All have pleaded not guilty to the charges.

L-C Real Estate was not named in that indictment, and its attorneys have maintained that it was the victim of a crime in the dumping case.

In March, L-C Real Estate filed a civil suit against three Datre family members and nine companies associated with the Dattres, among other individuals and companies, accusing them of being responsible for the dumping at the site.

That suit seeks damages of at least \$3 million for the cost of properly disposing of the fill. Attorneys for the defendants named in the suit have said the case is meritless.

CORRECTION: The office of lawyer Frederick Eisenbud was incorrect in an earlier version.

[< back to article](#)