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## Earning cap on landfill is lifted

By **Katie Liesener**/ Daily News StaffSunday, March 12, 2006 - Updated: **02:34 AM EST**

**WAYLAND** -- At a selectman's urging, the Board of Health is pursuing a lucrative contract for landfill cover that will generate thousands of dollars -- money the town could have bankrolled for years had it not accepted a decade's worth of dirt from the Albert J. Welch Corp. for free.

"I was concerned when I saw we weren't getting paid," said Selectman Joe Nolan. "But I'm happy we're putting some money in the town coffers for an asset we weren't getting paid for."

The Board of Health decided Tuesday night to offer a one-year contract with a two-year option to EndCap Technology, which will pay the town \$144,000 annually to deposit 18,000 tons of dirt.

EndCap Vice President Tom Carroll said that payment amount could only increase.

"The dirt market is very big," he said. "The lucky people are the ones capping their landfills right now."

Yet as Big Dig construction drove excavation companies to hunt for nearby places to displace dirt, the Wayland landfill was accepting untold tons of dirt for free from Welch.

In the past year, Welch deposited 12,000 tons of material, estimated Charles Kiley, landfill superintendent. At EndCap's rate of \$8 a ton, that would have generated \$96,000 for the town in a single year.

Steve Calichman, director of the Health Department, said he did not know there was money to be made until Nolan brought it to his attention.

"You have to understand where we were coming from," Calichman said. "The town went from spending tens of thousands of dollars for cover material to our spending zero."

The town used to pay just over \$4 per ton for dirt from various providers before its agreement with Welch, according to Kiley.

Neither the Health Department nor the Highway Department, which used to oversee the landfill, could provide contractual records of the town paying for cover material.

According to Kiley, he helped arrange a deal with Welch in 1993 or 1994 to bring free dirt to the landfill for weekly cover operations. As part of the deal, Welch provided equipment and manpower on an as-needed basis to move the dirt.

Welch did pay the town more than \$500,000 in 2003 to deposit a large amount of dirt for the landfill's partial-capping project, though it continued to deposit weekly cover material without payment.

In 1998, Welch signed a contract with the town to provide free dirt for three years. After that time elapsed, Welch continued dumping its dirt at the landfill for another five years without a contract.

When asked why the town would do business with a company without a contract, Calichman said, "We try to keep contracts going. Do you know how busy we are?"

Calichman could not identify any other services the Health Department has accepted without a contract.

In September, Kiley told the Board of Health he would like to renew the contract with Welch for free cover material. In an interview, Kiley said, "We decided to put a contract together because people were questioning" the association with Welch.

When Nolan saw from the board's meeting minutes that they agreed to the contract, he asked them to reconsider before signing. An executive coordinator of construction for the MBTA, he knew the agency was paying money to get rid of their dirt.

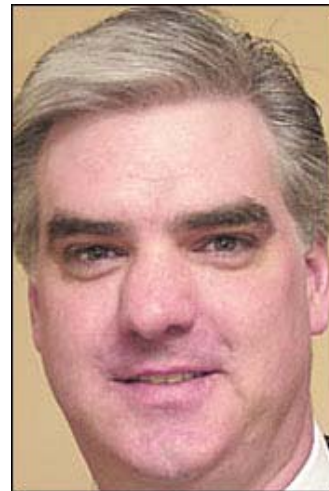
"It's always a challenge on any construction project with sub-surface work to find a place to put that material," said John Carlin, president of construction support company EST Associates. "It's a very competitive market."

At Nolan's suggestion, Kiley sent a request for proposals to at least 17 excavation companies in February. The letter contained an unusual clause that equipment and manpower be available upon the town's request.

Kiley said he could see how that provision would be a deterrent to interested companies.

"But that's the way we've always been," he said. "Welch has always provided the equipment and the manpower."

Rich Sullivan, co-owner of Metro Equipment Corp., looked at the Wayland landfill and said the



Joe Nolan

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clause didn't make sense to him.

"I can't have an exact price when I don't know how much time we're going to be there," he said. His company unloads its dirt at other places for \$15 per ton without providing equipment or labor.

Among the companies Kiley said he contacted, three that returned a reporter's phone call said they had no recollection of receiving Kiley's letter.

Wayland received offers from two companies. EndCap bid for \$8 per ton, and Welch for \$2 per ton -- the difference between \$144,000 and \$36,000 a year.

EndCap is providing its payment as a lump sum, from which the town can deduct equipment and staffing costs as needed. The rest would go to the town's general fund.

At Tuesday's meeting, Carroll said EndCap was willing to make the upfront payment "because we want a good relationship with the town of Wayland."






Calichman supported EndCap's proposal, but added, "With Mr. Welch, when we have needed a piece of equipment he has responded very, very quickly. To run the landfill, it's a very important item that we get a piece of equipment when we need it."

Nolan sees the boon to the town's tight finances as most important.

"No amount of support would justify not getting a certain amount of dollars," he said.

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