



New questions about company involved in fatal trench collapse

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Neighbors have complained about the overpowering stench emanating from an Atlantic Drain Service Co. lot in Hyde Park. The city Thursday ordered the lot to be cleaned up.

By Nestor Ramos and Kay Lazar

GLOBE STAFF OCTOBER 29, 2016

Even before a South End water line break drowned two workers in a flooded trench, the troubled company the men worked for had been told it would not receive permits for new work in Boston until it got its house in order.

The city's admonition came Sept. 28 — just two days after Atlantic Drain Service Co. had received approval to run a new sewer line to a brownstone at 12 Dartmouth St., a Globe review of records and interviews with current and former Atlantic workers show.

A spokeswoman for the Water and Sewer Commission confirmed that Atlantic had fallen so far behind on paperwork and inspections that any applications for new construction would be delayed.

The problems with unfinished paperwork and incomplete inspections were only discovered Sept. 28, the spokeswoman said, because Atlantic was filing its second application in three days — an emergency repair in Mission Hill that was approved. It was the last permit Atlantic received in the city.

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The circumstances of the Oct. 21 South End incident in which Kelvin Mattocks, 53, and Robert Higgins, 47, died remain murky. Somehow, the trench in which they were working suddenly filled with water, swallowing both men in moments.

Two workers killed in South End

Boston firefighters are conducting a recovery operation and are looking for a second worker.

Families of men killed are reeling
Editorial: City, state let contractor slip through cracks

The city has declined to release Atlantic's permit for the job, issued Sept. 26, or the application filed with Water and Sewer that describes the work being performed. It has also not revealed when and whether inspectors were on site. The Occupational Safety and Health Administration, or OSHA, and the Suffolk district attorney's office are investigating.

A spokesman for the Boston Fire Department said last week that Atlantic Drain was not using a trench box, one of several available safeguards against a cave-in, at the site the day of the accident.

It was unclear whether Atlantic was using another type of shoring. Firefighters spent hours digging through the rubble to recover the two workers' bodies.

"If there was a trench box there, we would have seen it," Fire Department spokesman Steve MacDonald said.

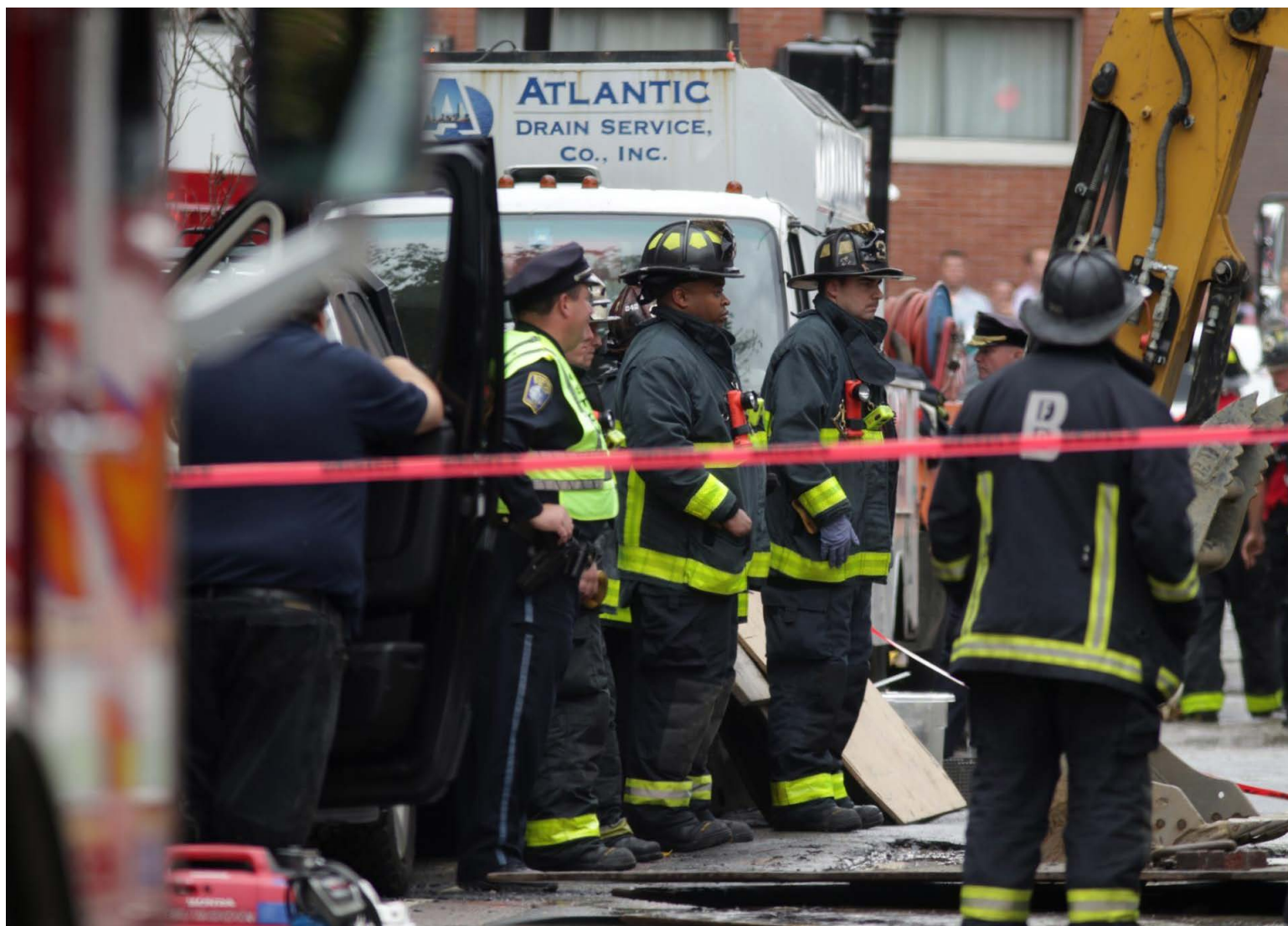
Long before excavators pierced the pavement, Atlantic Drain was a company in disarray, according to a Globe review of tax records, legal filings, and interviews with former employees.

The company and its owner were facing lawsuits, OSHA fines, tax liens, and complaints from neighbors aghast at the overpowering stench emanating from an Atlantic lot in Hyde Park.

Atlantic was being sued for about \$100,000 in unemployment contributions to the state, court records show. About \$103,000 in OSHA fines relating to job site safety remain unpaid. And owner



Kevin Otto, whose father founded Atlantic in 1978, was named in a \$209,921.76 federal tax lien in August.



JONATHAN WIGGS/GLOBE STAFF

Firefighters responded to the Oct. 21 trench collapse on Dartmouth Street in the South End.

Atlantic Drain referred questions to Otto's lawyer, Camille Sarrouf Jr., who said in a brief interview that he did not have enough information about the company to comment on its track record.

Small claims filings show Atlantic had bounced a \$3,000 rent check and a \$270 check to an employee in recent years.

Three former Atlantic Drain employees said their paychecks would often bounce. They asked that their names not be used because they worried about retribution from the company.

They said Otto suggested employees cash those checks at a nearby check-cashing company. But that

arrangement forced the employees to pay a fee — 1 percent of the amount they were paid, plus \$1 — just to get their pay.

And two days before the incident, Otto was sued over a March 2015 car crash involving one of his employees, Dominick Revell, who police say was high on heroin when he rear-ended a 77-year-old motorist at a McDonald's drive-thru in Roslindale while at work for Atlantic. The resulting OUI was Revell's fourth, police said.

Business owners in Hyde Park say they have been complaining to city officials for at least the past three years about sludge that Atlantic Drain Service has been dumping in a lot it rents near them on Providence Street.

When it rains, they said, the stench from the sludge, which seeps onto their properties along the gravel road, is foul.

Emmanuel Jean-Louis, who owns a car repair shop two lots down, said he repeatedly called the mayor's hotline to complain and was referred to other city agencies.

No one ever called him back, he said.

Bonnie McGilpin, a spokeswoman for Mayor Martin J. Walsh, said the city has no record of any complaints about the property.

But shortly after the Globe called city officials, staffers from three city agencies arrived Thursday on Providence Street and issued violations and citations ordering the trash- and sludge-filled lot to be cleaned up within one week.

The \$1,265 violation written by the city's Code Enforcement office was issued to Thomas Faletra, a Mansfield resident who owns several properties along Providence Street, including the one rented to Atlantic Drain.

Faletra did not return phone calls.

The violation written by the city's Public Health Commission against Faletra and Atlantic Drain describes the "illegal outdoor contractor lot" as a "threat to the public health" and said no city or state permits had been issued to the company that would allow them to store waste on that property.

Two former employees of Atlantic Drain said the company routinely dumped waste there to avoid having to pay to dispose of it legally.

Lisa Timberlake, a spokeswoman for the city's Inspectional Services Department, said her agency would send an inspector back to the site in seven days to reinspect the property.

"This is just a disaster," said Marcy Goldstein-Gelb, executive director of the workplace safety group MassCOSH, after the chaos at Atlantic was described to her by a reporter. On Thursday, MassCOSH called for state and federal investigations into the deaths of Higgins and Mattocks.

Through the turmoil of the past year, Atlantic kept taking jobs, a review of the city's permit database shows. The Dartmouth Street job was Atlantic's 25th of the year and its largest.

The database indicates Atlantic's permit allowed for 5-foot-by-21-foot and 5-foot-by-37-foot cuts in the street and sidewalk, and paid a permit fee of \$3,435.30.

Fees are based on the size of the excavation. Atlantic has paid the city at least \$212,605 in permit fees since 2012, records show.

Goldstein-Gelb said MassCOSH has been studying the permitting process for trench work — among the most dangerous types of construction work — after the incident.

So far, the group has not found a municipality that regulates the work effectively.

"I'm not going to be focused on blaming the city of Boston because this isn't a city of Boston issue," Goldstein-Gelb said.

"This is something that's going on across the commonwealth and nationally."

In an interview last week, the mayor said the ongoing investigation barred him from discussing the specifics of the incident.

But the city's oversight of contractors is somewhat limited, Walsh said.

"The hard part is that it's a free society, and we can't tell private people who to hire and who not to hire," Walsh said. "If they have a valid license to do this type of work, there's not a lot we can do."



KEITH BEDFORD/GLOBE STAFF

An impromptu memorial has popped up on a lamp post near the site of the fatal incident.

Matt Rocheleau and Astead W. Herndon of the Globe staff contributed to this report. Nestor Ramos can be reached at nestor.ramos@globe.com. Follow him on Twitter [@NestorARamos](https://twitter.com/NestorARamos). Kay Lazar can be reached at kay.lazar@globe.com. Follow her on Twitter [@GlobeKayLazar](https://twitter.com/GlobeKayLazar).

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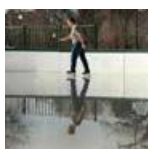
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