

# State to ask court to jail owner of Superfund site

Originally published: April 2, 2014 5:24 PM

Updated: April 2, 2014 10:02 PM

By JENNIFER BARRIOS [jennifer.barrios@newsday.com](mailto:jennifer.barrios@newsday.com)



A view of the gated and fenced entry way into Lawrence Aviation Industries Inc. in Port Jefferson Station on April 2, 2014. (Credit: Daniel Brennan)

New York State is asking the State Supreme Court to jail the owner of a Port Jefferson Station industrial Superfund site unless he immediately cleans up hazardous petroleum spills that he promised to address more than seven years ago. The state attorney general plans to go to Suffolk County Supreme Court in Riverhead next week to seek criminal and civil contempt charges against Lawrence Aviation Industries Inc., and its owner and president, Gerald Cohen of St. James.

In two filings made with the court last month, state Assistant Attorney General Andrew Gershon argued that Cohen has not cleaned up petroleum leaks and machine pits filled with waste oils. Cohen had agreed to do this in a 2006 consent judgment, made after the state sued him and his company for numerous violations of state environmental laws.

"The contamination within the facility poses a growing threat to public health and safety and the environment," Gershon wrote in an affirmation filed with the court. According to court records, Gershon sent Cohen a letter in February warning him that the state would seek a contempt order against him and his company unless Cohen cleaned up the property himself, or allowed contractors with the state Department of Environmental Conservation onto the property to do the work. Cohen never responded, wrote Gershon, calling that inaction by him and his company "egregious." "They have no excuse for standing in the way of DEC coming on-site with a contractor to get it done," Gershon wrote. The state argued that if Cohen does not clean up the property or allow DEC to do it within several days of the court finding him in contempt, he should be jailed until he complies.

Cohen did not respond to requests for comment.

Lawrence Aviation, which shut down in 2003, had made titanium parts for the aeronautical industry since it was founded in 1959. Solvents, acids, oils and other wastes were dumped into the ground for decades at the property, which was declared a federal Superfund site in 2000. The DEC's Nicholas Acampora said in an affidavit that the agency had "held back" to a degree on enforcing the consent judgment against Cohen, who was supposed to have cleaned up the petroleum by June 2007, because of a federal criminal environmental case against him and his company.

Cohen served time in federal prison after pleading guilty in that case, and the U.S. Environmental Protection Agency has spent millions cleaning up the 126-acre property and a resulting underground plume of chemicals that contaminated surrounding groundwater. The state began pursuing contempt charges against Cohen after the EPA made clear last year it would not clean up the petroleum spills, according to court documents.

Meanwhile, Acampora wrote that Cohen had hired a metal scavenger to take machinery from the site without notifying the EPA or DEC. The removals released asbestos and mercury into the environment, which had to be addressed in emergency actions by the EPA, according to Acampora. "The state can't wait any longer to act," he wrote.