

## OUR TOWNS

### BELLPORT

# Town sued for failure to protect school from odor

Parents, teachers, pupils blame woes on landfill fumes

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Parents, students and teachers from a Bellport school and other residents filed a state lawsuit Wednesday alleging Brookhaven Town failed to protect them from what they say are noxious odors at the town landfill.

The lawsuit, filed in state Supreme Court, claims neighbors of the landfill in Brookhaven hamlet and students and staff at Frank P. Long Intermediate School have suffered ailments ranging from throat irritation to cancer resulting from emissions at the dump. The lawsuit seeks unspecified monetary damages.

The plaintiffs had signaled their intention to sue the town in August when they filed notices of claim accusing Brookhaven officials of “dereliction of duties” in maintaining the landfill.

The 192-acre landfill on Horseblock Road is due to close in 2024 when it runs out of capacity. Town officials have acknowledged that the landfill emits odors but have said they comply with state and federal health requirements.

The plaintiffs include more than a dozen students and teachers, a few neighbors and the estates of two people who had died, said E. Christopher Murray, a Uniondale lawyer representing them.

“There are people who have had cancer, there are people who have had respiratory issues, and there are people with headaches



Ruskin Moscou Faltischek Attorney, E. Christopher Murray, is joined by Adrienne Esposito of the Citizens Campaign for the Environment on Wednesday to announce a state lawsuit in Uniondale over Brookhaven’s landfill. NEWSDAY / JOHN PARASKEVAS

and rheumatoid issues,” Murray said in an interview, adding he believes Brookhaven had failed to comply with state safety requirements. “They have violated those restrictions. There are best practices that are used at landfills around the country that the town does not employ.”

In a statement emailed to Newsday, Craig V. Rizzo, a lawyer for the town, said: “While the Town of Brookhaven does not generally comment upon pending litigation, this case is without merit and will be vigorously defended.”

State Department of Environmental Conservation officials in February cited the town for two violations of air quality rules stemming from complaints in December about foul odors from the landfill.

The town was ordered to draft a plan to comply with regulations and reduce odors.

The town in January completed a project to cover, or cap, a section of the landfill that had been filled. Officials have said 75 percent of the landfill is capped with a combination of sand, topsoil and plastic liners.

Brookhaven also has installed about 268 wells to capture and remove gases from the landfill, and carts away leachate, or contaminated water from the facility. Leachate, which produces hydrogen sulfide, or “rotten egg” smell, also is treated with a hydrogen peroxide solution to tamp down odors, town officials have said.

State officials said in March that there had been a significant decline in odor complaints since January.