



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

*One Pierrepont Plaza  
Brooklyn, New York 11201*

*Mailing Address: 147 Pierrepont Street  
Brooklyn, New York 11201*

**FOR IMMEDIATE RELEASE**

**September 7, 2006**

**Contact:**

**Robert Nardoza  
United States Attorney's Office  
(718) 254-6323**

**PRESS RELEASE**

**LONG ISLAND TITANIUM MANUFACTURER AND ITS OWNER/OPERATOR  
INDICTED FOR ILLEGALLY STORING OVER 11 TONS OF HAZARDOUS WASTE  
AND ILLEGALLY OPERATING TWO DIESEL GENERATORS**

***United States Also Files Civil Suit Under the Superfund Statute to Recover  
Over \$8 Million in Clean-Up Costs***

LAWRENCE AVIATION INDUSTRIES, INC., ("LAI") and its owner and operator, GERALD COHEN, were indicted on federal criminal charges for illegally storing 11,690 kilograms -- over 11 tons -- of corrosive hazardous waste in violation of the Resource Conservation and Recovery Act ("RCRA"), and illegally operating two diesel generators in violation of the Clean Air Act, at LAI's principal place of business in Port Jefferson Station, Long Island, New York. In a separate action, the United States filed a civil lawsuit against LAI, COHEN, and six parcels of land, under the federal Superfund statute to recover over \$8 million in clean-up costs previously incurred by the United States Environmental Protection Agency ("EPA") at LAI's manufacturing facility and a judgment of liability for future clean-up costs to be incurred at the LAI site.

COHEN was arrested this morning and is scheduled to be arraigned later today before United States Magistrate Judge E. Thomas Boyle, at the U.S. Courthouse, Federal Plaza, Central Islip, New York.

The indictment was announced by **Roslynn R. Mauskopf**, United States Attorney for the Eastern District of New York, **Alan J. Steinberg**, EPA Regional Administrator, and **Mark J. Mershon**, Assistant Director-in-Charge, Federal Bureau of Investigation, New York Field Office. The civil complaint was announced by Ms. **Mauskopf** and Mr. **Steinberg**.

As alleged in the indictment unsealed this morning,<sup>1</sup> LAI began operating at the Port Jefferson Station site in 1959 and manufactured titanium sheets used primarily in the aeronautics industry. COHEN became the sole owner and operator of LAI in 1982. Part of the manufacturing process required the use of large tanks containing corrosive acid and base liquids. The indictment charges that several years prior to April 2003, LAI stopped using two of the tanks in the manufacturing operations, and instead used them to store liquids and sludge. In 2003, personnel from EPA's Criminal Investigation Division and the New York State Department of Environmental Conservation ("DEC") tested the contents of the two tanks and determined that they contained corrosive hazardous waste. The indictment alleges that LAI and COHEN violated RCRA because the contents of the two tanks had not been disposed of in a timely manner and had been stored without a permit from EPA or DEC.

The indictment also charges that between June 2001 and July 17, 2003, LAI and COHEN operated two diesel generators to provide electricity at the site without obtaining a permit from EPA or DEC, in violation of the federal Clean Air Act. A permit was required because the generators were capable of emitting 444 tons of nitrogen oxide per year, well in excess of the statutorily permissible emission of 25 tons per year in Suffolk County. The indictment alleges that nitrogen oxide contributes to the formation of dangerous ground-level ozone, commonly known as smog.

The civil complaint filed yesterday seeks reimbursement to EPA for funds it has spent, and will continue to spend, to dispose of hazardous substances at LAI's manufacturing facility and to clean up the site and the surrounding areas. The complaint was brought under the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as the Superfund statute, which was passed by Congress to help clean up toxic waste sites across the country. EPA added the LAI site to the National Priorities List of the most contaminated sites in the country in March 2000. The complaint alleges that soils, sediments, surface water, and groundwater at and around LAI's facility are contaminated. Significantly, the groundwater at the site is allegedly contaminated by a plume of trichloroethylene – a solvent used in manufacturing processes and characterized as a hazardous substance by EPA – that extends from the facility almost a mile towards Port Jefferson Harbor. EPA has secured and disposed of tanks and drums of hazardous substances at the site and developed options for remediation of the contamination of the soil and water at and around the site. To date, EPA has expended over \$8 million, and will continue to spend funds as the clean up of the site progresses.

"We are committed to protecting the public and our environment from the dangers of hazardous wastes, and soil and groundwater contamination," stated United States Attorney **Mauskopf**. "We will use every tool at our disposal, including criminal prosecutions and civil cost-recovery lawsuits, to ensure that those who pollute our environment are held accountable." Ms. **Mauskopf** thanked the DEC for its assistance.

---

<sup>1</sup> The charges in the indictment are merely allegations, and the defendants are presumed innocent unless and until proven guilty.

“For too long, this manufacturer’s activities have contaminated the surrounding area,” said EPA Regional Administrator **Steinberg**. “We are committed to making sure that polluters pay to clean up the messes they have made.”

“Vigorous enforcement of our environmental laws is how the FBI protects the region’s ecology and natural resources,” stated FBI Assistant Director-in-Charge **Mershon**. “Commerce and the economy can co-exist with conservation and the ecology, provided people conduct themselves and their businesses lawfully. When they don’t, there are consequences, both for the environment and for the wrongdoer.”

If convicted of the criminal charges, GERALD COHEN faces a maximum sentence of 15 years of imprisonment, and COHEN and LAWRENCE AVIATION INDUSTRIES, INC. each faces a fine of up to \$50,000 for each day of the RCRA violations, and a \$250,000 fine for the Clean Air Act violation.

The criminal case is being prosecuted by Assistant United States Attorney Mark J. Lesko. The civil case is being handled by Assistant United States Attorney Denise McGinn and EPA Assistant Regional Counsel Elizabeth Leilani Davis.

**The Defendants:**

LAWRENCE AVIATION INDUSTRIES, INC.  
Sheep Pasture Road, Port Jefferson, New York

GERALD COHEN  
DOB: 2/13/34