

Councilman Panico Calls for Attorney General to Shut Down Duck Farm

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Moriches, New York - Citing ongoing pollution discharges into the Forge River and "regulatory paralysis" caused by a recent bankruptcy filing, Brookhaven Town Councilman Dan Panico today called on the New York State Attorney General to move quickly to force a shutdown of the controversial Jurgielewicz Duck Farm until a new treatment facility is put in place to protect the river. Panico was joined at a press conference by representatives of the Save the Forge River Coalition, the Affiliated Brookhaven Civic Organization (ABCO), and the Peconic Baykeeper.

In a letter to Attorney General Andrew Cuomo, Panico stated: "The pollution of the Forge River with duck waste has gone on for far too long, and despite past enforcement actions, it appears that there is no end in sight," said Councilman Panico. "We need enforcement at the state level to put a stop to this destruction of the River and the South Shore Estuary into which it flows."

The Forge River was added to the New York State list of impaired waters in 2006, after several years of effort by the Peconic Baykeeper and local activists responding to fish kills and foul odors resulting from excess nitrogen pollution in the River. A Forge River Protection Task Force created by the Town is spearheading efforts to address the pollution, and hundreds of thousands of dollars are being spent to the study situation.

According to Panico, an investigation by the Suffolk District Attorney and the New York State Department of Environmental Conservation in 2004 led to the arrest of the farm's operator, and a forced clean up of duck waste from the river. In 2007, DEC modified the farm's State Pollution Discharge Elimination System (SPDES) permit, requiring that the farm upgrade its treatment system to reduce the amount of nitrogen discharged into the Forge by more than 75 percent. In 2009, DEC commenced a new enforcement action against the farm for failing to make the required improvements, and for continuing to pollute the river.

In 2007, the owners of the farm received nearly \$5.8 million from County and Town taxpayers to purchase the development rights for the farm, and purchased another duck farm directly north of the original facility, for \$1.9 million. The new farm is operating without a permit, and has discharged untreated duck waste directly into the Forge River during storm events.

"We cannot allow the Duck Farm to continue to pollute the Forge River. The owners have an affirmative obligation to use the money to comply with the DEC regulation, and it appears that his claims of bankruptcy may not be valid and lawful as reasons for his non compliance. I join with Brookhaven Town Councilman Dan Panico in calling on the Attorney General to fully investigate this matter so that we can continue to clean up this watershed," commented Suffolk County Legislator Ed Romaine.

"Regretfully, the Forge River has the unfortunate distinction of being classified as "Impaired Waters" due to the excessive levels of nitrogen entering the river. The Jurgielewicz duck farm is a contributor to the problem. If this polluter is incapable of correcting its problems and complying with the law, then its time for the farm to move on." said Kevin McAllister.

In 2010, the farm's owners filed for bankruptcy protection, and argued that the business does not have the money to make the improvements to its waste treatment facilities necessary to comply with strict new permit limits. In its filings, the Farm's owner said its largest debt; \$1.2 million is to a company called South Shore Acres. A review of public records has revealed that South Shore Acres is owned by the same owner as the duck farm. Meanwhile, the pollution continues unabated, and the Farm's owners have failed to pay property taxes on the Farm, forcing other taxpayers to make up the difference.

"When a business with a proven history of non-compliance can file for bankruptcy arguing that it owes money to a company owned by the same owner, and use that situation to continue polluting, that's wrong," said Panico. "It is time for the Attorney General to step in, put an end to this corporate shell game, stop the pollution, and hold this facility accountable for its actions."

Panico also pointed out that the possibility exists that County and Town taxpayers could be out the nearly 5.8 million dollars spent to acquire the development rights of the 47 acres given the bankruptcy judge's ruling. "I am hopeful that the Honorable Dorothy Eisenberg, U.S. Bankruptcy Court Eastern District, will reject any application to have the

Court approve the notice of the sale and bidding process for the sale of the duck farm that does not uphold and express the development rights previously purchased by the Town and County," commented Panico. Additionally, he stated that he is exploring the option of introducing a resolution to rescind the Town of Brookhaven purchase of two parcels for over 1 million dollars in East Moriches from South Shore Acres until these collective matters are resolved. The resolution to acquire these parcels was done so during the period of time when the 6th Town Council District was without representation, following Keith Romaine's passing, but before the special election of March 9th.

"The purchase of the development rights of the Jurgielewicz Duck Farm was something Save the Forge River always opposed. The opposition was simple. You shouldn't buy development rights from corporate polluters and allow them to continue to pollute," stated Ronald Lupski, President of Save the Forge River.

"Mr. Jurgielewicz needs to do the right thing or shut it down," stated MaryAnn Johnston, President of ABCO. "We can't continue to do this to our river."

"The Jurgielewicz Duck Farm received over \$5 million of taxpayer money to guarantee this site would not be a polluter on our environment going forward," stated Legislator Kate Browning. "This farm continues to harm the river and refuses to comply with DEC regulations. I join Councilman Panico in calling on our Attorney General to shut down the Jurgielewicz Duck Farm and to take whatever enforcement actions are necessary to stop the pollution of our beautiful natural resources."

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