

# School district faces suit

## Plaintiff alleges negligence over toxic substances

BY ROBERT BRODSKY  
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School district leaders were aware of hazardous substances in the air, soil and groundwater at Northport Middle School but downplayed the community's health concerns, leading many students to suffer severe illnesses, according to a lawsuit filed in Suffolk County Supreme Court last week.

The suit, filed Sept. 3 by the law firm of Napoli Shkolnik in Melville, contends the Northport-East Northport School District "negligently" allowed students to be exposed to toxic chemicals despite numerous complaints from teachers, staff and students regarding noxious



The plaintiff's daughter attended Northport Middle School in 2017.

odors, nausea, headaches, dizziness and asthma attacks.

"When you are a child, even low levels of exposure to these contaminants can do damage," said Louise Caro, an attorney for the firm. "A lot of kids have been tested for levels of carbon monoxide in their system. And there have been former teachers and students that have cancers. There has been a lot of damage."

The suit seeks class-action status and financial compensation for injuries it says were caused by the toxic contaminants, as well as a medical monitoring program to test and identify individuals for conditions that may develop. The suit contends former students are at increased risk of contracting cancer, brain, kidney and lung damage and immune sys-

tem and central nervous system disorders.

In a statement, the district, which began in-person classes Tuesday, said they are reviewing the suit.

"Over the course of the past few years the district has conducted extensive environmental testing and remediation, most recently conducted by P.W. Grosser Consulting Inc. in consultation with representatives from the New York State Department of Health, the Suffolk County Department of Health Services, and the United States Environmental Protection Agency, as well as members of the community and the Northport-East Northport School District," the statement said.

The lone named plaintiff is Tara Mackey, whose daughter attended the middle school in 2017, the year a chemical spill was detected in a warehouse that housed chemicals under the K-wing.

At the beginning of seventh grade, Mackey's daughter, who is now 16, began experiencing intense coughing and lethargy, the suit states. She was later diagnosed with asthma, high levels of carbon monoxide in the blood and low blood platelet counts. Mackey, who moved out of state, said she petitioned the district to allow her daughter to switch schools but was denied.

"This is a lifelong condition," Mackey said. "And now, in a case like COVID, she's in a special population where we need to be extra careful because of this preexisting condition."

For years, parents of students who experienced health issues while attending classes at the Middleville Road school have urged the district to test the air and grounds for toxic chemicals.

The school was closed in January after P.W. Grosser detected elevated levels of benzene in septic tanks and mercury in cesspools.

# Legislators delay vote on water quality bill

BY RACHELLE BLIDNER  
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Suffolk County legislators on Wednesday postponed a vote on a water quality bill that would require residents who renovate their homes or build new ones to install high-tech septic systems, which cost \$20,000 on average.

Many legislators expressed support for Suffolk County Executive Steve Bellone's proposal, which aims to curb nitrogen pollution in local water bodies.

"I want to move forward as quickly as possible because we have a huge problem," Legis. Bridget Fleming (D-Noyac) said.

Several Republicans said they wanted time to review the measure because of concerns about the cost of the systems to property owners doing renovations.

"I want to clean up the bay but we can't ignore how this affects people," Legis. Steve Flotteron (R-Brightwaters) said.

The measure would require innovative alternative, on-site wastewater treatment systems in new residential and commercial construction. The measure, which would go into effect next July, also would apply to residen-



An advanced septic system that removes nitrogen is installed at a home in Flanders on Feb. 27, 2018.

tial renovations that increase the number of bedrooms.

Legislators are expected to vote on the bill on Oct. 6.

Of eight systems with provisional approval, two are not meeting nitrogen threshold limits, county data shows.

IA systems emit about a third of the nitrogen of traditional sep-

tic systems. However, the high-tech systems are allowed to release nearly double the nitrogen limit for wastewater treatment plants, county standards show.

The sanitary code proposal comes five years after Bellone declared nitrogen pollution "public water enemy No. 1" for causing algal blooms that can

degrade waterway ecosystems.

About 380,000 homes and businesses use cesspools or outdated septic systems, officials said. Wastewater is the leading source of nitrogen pollution in many Long Island waterways, including in Nassau, which is mostly sewered, studies show.

Bellone's proposal is the first

step in a \$4 billion subwatersheds wastewater plan to phase out aging septic systems and cesspools with high-tech septic systems and sewer connections over 50 years.

"This is incredibly important for protecting the health of residents and coastal ecosystems," Chris Gobler, a Stony Brook University scientist who has led research on nitrogen pollution, said at the legislative meeting Wednesday.

But a coalition of scientists and engineers say concerns about nitrogen pollution are overstated. And the Long Island Builders Institute says the bill doesn't do enough to solve the nitrogen problem.

Several critics have questioned the potential cost to homeowners.

Also, the high-tech systems cost about \$300 a year to maintain. Because they use electricity, operation can boost utility bills.

Mitch Pally, chief executive of the builders institute, said connecting more homes to sewage treatment plants, such as those in developments with unused wastewater capacity, would be more effective than construction of more IAs.