

New York Sues Reputed Mobster to Force Cleanup of Landfill

By ARNOLD H. LUBASCH

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New York State filed a Federal lawsuit yesterday to force the cleanup of a hazardous dump site said to be owned by a group that includes a man accused as a Mafia leader.

The suit, focusing on the disposal of industrial wastes and chemicals at a landfill in Poughkeepsie, identifies one of the site's owners as Matthew Ianniello. He has been described by the Federal authorities as a captain in the Genovese organized-crime family.

Mr. Ianniello, known as Matty the Horse, is now a defendant in a Federal racketeering trial on charges that include extortion. He is also serving a six-year prison sentence for a 1985 conviction that involved skimming \$2 million from bars and restaurants.

His lawyer in the criminal cases, Jay Goldberg, said he had no comment on the state's civil suit, which was filed in Federal District Court in Manhattan. Damaging Freshwater Wetlands

According to the suit, hazardous substances from the dump site are damaging a freshwater wetlands area associated with Casper Creek to the southeast of the site.

The wetlands are described in the suit as "unique natural resources of the State of New York, which have been and are being damaged by the release of hazardous substances from the landfill."

Casper Creek and the local groundwater are also being harmed, the suit said. It noted that the contamination included several industrial chemicals, solvents and metals.

State Attorney General Robert Abrams said the dump, which operated from 1977 to 1985, has been designated an inactive hazardous waste site by the state's Department of Environmental Conservation.

"Our suit," Mr. Abrams said, "alleges that waste generated by industry and dumped at the site over the years is responsible for serious contamination." 'Common Law of Public Nuisance'

"Under the Federal Superfund Law and New York's common law of public nuisance," he said, "the dump's current and past owners and operators can be held entirely responsible for creating the hazardous waste site and required to pay for its cleanup."

The suit said the landfill is owned by a partnership called F.I.C.A. The partners are identified as Mr. Ianniello, Benjamin Cohen and three others -Joseph, Anthony and Michael Fiorillo, who are said to be brothers.

The present operator of the site is identified as J&T Recycling Inc., a New York corporation.

From 1977 to 1980, the suit said, the landfill was owned and operated by the Dutchess Sanitation Services Inc., which is defunct and whose shareholders were Mr. Ianniello and the same partners.

Mr. Cohen was convicted with Mr. Ianniello in the 1985 skimming case. They and the Fiorillo brothers were acquitted last year of illegally controlling the collection of garbage from the Consolidated Edison Company.

The dump site is commonly known as the F.I.C.A. landfill or the Dutchess Sanitation landfill, the suit said. It does not charge that the dumping was illegal but that it created a hazard that must be cleaned up.