



Board of Directors

March 8, 2024

Charles Clusen
Chair

Joseph Zalewski
Regional Director
New York State Department of Environmental Conservation
Region 5
P.O. Bx 296
Ray Brook, NY 12977-0296

James McMartin Long
Michael Wilson
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**Re: Unlawful Air Emissions by WhistlePig Whiskey
Mineville, Town of Moriah, Essex County**

Nancy Bernstein
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Dean Cook
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Robert Glennon
Roger Gray
Evelyn Greene
Sidney Harring
Sheila Hutt
Dale Jeffers
Patricia Morrison
John Nemjo
Peter O'Shea
Philip Terrie
Chris Walsh

Dear Mr. Zalewski:

Protect the Adirondacks is writing to request that the Department of Environmental Conservation ("DEC") initiate an enforcement action against WhistlePig Whiskey ("WhistlePig") for its continuing violations of DEC air regulations. Specifically, warehouses owned and operated by WhistlePig have emitted and continue to emit vapor into the outside air that is causing damage to property and unreasonably interfering with the comfortable enjoyment of life or property in violation of 6 NYCRR § 211.1.

Staff

Peter Bauer
Executive Director

Claudia K. Braymer, Esq.
Deputy Director

Christopher Amato, Esq.
**Conservation Director
and Counsel**

WhistlePig purchased land in Mineville in the Town of Moriah, Essex County, in 2016 from the Essex County Industrial Development Agency and subsequently constructed seven 14,000 square foot warehouses on the property. The warehouses are used to store and age the company's whiskey products, which emit vapors containing a fungus commonly referred to as "whiskey fungus," "warehouse staining fungus" and "distillery fungus." Its scientific name is *Baudonia compniacensis*.

The vapors form as the whiskey ages. When the vapor escapes to the outdoors, it coats surfaces it contacts with a black mold, which is currently affecting homes in Mineville. As reported in the *Adirondack Explorer*, "white and yellow houses are turning gray, green metal roofs are turning brown and white gutters and fence posts are turning spotted black." Gwendolyn Craig, As distilling business expands, so does black sheen on Mineville buildings, *Adirondack Explorer* (Nov. 29, 2023). According to the *Adirondack Explorer* article, DEC has collected samples of the black mold from Mineville homes and confirmed that it is whiskey fungus.

Protect the Adirondacks

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The DEC regulations provide:

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life *or to property, or which unreasonably interfere with the comfortable enjoyment of life or property.* Notwithstanding the existence of specific air quality standards or emission limits, *this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.*

6 NYCRR § 211.1 (emphasis added).

It is clear that the whiskey fungus vapors emitted by WhistlePig are injuring property and unreasonably interfering with the comfortable enjoyment of life or property in Mineville. The impacts from WhistlePig's emissions are likely to significantly increase because the company is apparently planning on constructing additional warehouses to store and age its product. We therefore call upon DEC to enforce section 211.1 of the Department's air regulations and require WhistlePig to take all necessary steps to control its emissions of whiskey fungus vapors.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Amato", written in a cursive style.

Christopher Amato
Conservation Director and Counsel
Protect the Adirondacks
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North Creek, NY 12853
(518) 860-3696
conservationdirector@protectadks.org

cc: Aaron Love, Esq., DEC Regional Attorney
Matthew Brassard, Supervisor, Town of Moriah
Greg Furness