



Investigative Post: "Facts" on Wheatfield Waste

by

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The state's "fact sheet" released last week on the toxic Wheatfield landfill off Nash Road doesn't exude much confidence in what environmental regulators know about the contamination.

The state three months ago declared the property a Superfund site, as I reported last month. The landfill previously included Love Canal waste, but state officials say the contamination on site now is left over from its historic use as an industrial and municipal landfill.

Calling the document released by both the state Department of Health and Department of Environmental Conservation a fact sheet is a stretch because it contains some big assumptions.

For example, "No *significant* off-site contamination *is anticipated* due to a naturally existing clay layer beneath and around the landfill which limits the migration of contaminants from the landfill." (Italics are mine.)

The first keyword that stuck out was "significant." In the realm of environmental regulators, "significant" means it poses a real risk to people. The impression left is lesser amounts of off-site contamination, including in residential yards, is acceptable. I've asked some neighbors of the landfill about this, and they wouldn't find it acceptable.

The word "anticipated" also stuck out. There is no evidence presented that the DEC has tested private property and therefore has definitive proof that properties outside the landfill are not

contaminated. Hence the word “anticipated.”

Finally, the “naturally existing clay layer beneath and around the landfill” is eerily similar to the reasoning used by the health department in the 1970s to discount concerns that Love Canal chemicals had oozed off site.

The 2013 lawsuit filed in state Supreme Court by three families against Niagara Falls, its water board, and the current responsible party for Love Canal raises concerns about so-called impermeable clay: “There is no such thing as ‘impermeable clay’ when NAPL is present.”

NAPL, a thick, dark, toxic stew of chemicals found at Love Canal, was also present at the Wheatfield landfill at depths of four to 12 feet. The Love Canal waste previously buried at the Wheatfield landfill was purportedly up to 27 feet below surface, according to state records.

After insisting for 25 years that the closed landfill posed no significant health threat, state officials changed their minds in December and declared it a Superfund site—a declaration made *after* contractors exhumed the Love Canal waste.

A November 2013 report commissioned by the DEC states, “elevated concentrations of contaminants, including pesticides, VOCs, SVOCs, and metals were detected in nearly all the shallow wells sampled to varying degrees.”

Nothing to worry about, according to the state’s fact sheet, because residents are served by public water. Residents of Love Canal had also been served by public water.

The DEC says the soil contamination there now that poses a significant risk to public health—heavy metals, polycyclic aromatic hydrocarbons, and PCBs—is typical of municipal landfills across the state. These same chemicals, however, were also discovered at the original Love Canal, which is not mentioned in the fact sheet.

Stephen Lester, the science director for the Center for Health, Environment, and Justice founded by Love Canal activist Lois Gibbs, said the state’s attempt to calm fears is very familiar to him.

After all, he said, the state health department in the 1970s told residents living by Love Canal that anyone living outside the chain-link fence had nothing to worry about. But “they hadn’t done any testing, they didn’t know,” he said.

“So it is interesting that 35 years later the state health department, still their first reaction to a problem like this is to define the problem their way through their eyes and tell everybody else who is potentially impacted that there is nothing to be concerned about.

“The way we interpret that at CHEJ is that when you hear government say that, the first thing you should do is pack up your bags and get out of town. There is a problem.”

All of this raises the question: Has the government truly learned its lesson from Love Canal?

The answer may be in the fact sheet.

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