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Resident claims regarding Wheatfield landfill rise

WHEATFIELD: Town officials say they're still waiting on funds for fence.

By Mia Summerson mia.summerson@niagara-gazette.com Jan 25, 2017



This map shows the exact location of the Niagara Sanitation Landfill, which can be found off of Nash Road near Niagara f

WHEATFIELD — The number of notices of claim filed concerning a town landfill continues to grow following reports of several nearby residents who are claiming that they have become sick due to exposure from the landfilled chemicals, which were moved there from Love Canal in the 1960s.

As of Wednesday, a total of 21 notices have been filed against the town, each for \$60 million, Town Clerk Kathleen Harrington-McDonnell said. That's up from four families as reported by the Investigative Post last week.

The landfill, located off of Nash Road near Niagara Falls Boulevard, underwent a remediation process in late 2015, after which it was reclassified from being not being considered a threat to public safety to being a significant threat to public safety after 80 truckloads of material were hauled away from the site late in the year. Despite much discussion about installing a fence around the site, the landfill remains unsecured.

One town resident, Laurie Galbo, mentioned an effort on the part of state Sen. Robert Ort to direct \$75,000 of state money to contribute to the cost of the project but noted that the project has still not begun. She criticized elected officials for not taking more immediate action to improve safety for those living near the landfill.

"You felt that the fence at the Nash Road landfill was is not an emergency, that the cost of the fence is a taxpayer burden, but we the taxpayers will be strapped with litigation for years to come," Galbo said. "The fence and the landfill cleanup is an emergency. Every town board since 1968 has known of this toxic landfill. Every town board has ignored DEC recommendations since the '80s."

Wheatfield Supervisor Robert Cliffe did acknowledge that recommendations from the state Department of Environmental Conservation to put a fence around the site have been in existence for decades, noting that the DEC has also held control of the site since the '80s. He also explained that the money promised by Ort would take the form of a grant which, like other grants, takes time to process, up to three more months, he said.

He added that, although the town could "jump the gun" by getting a head start on the design work and the bidding process, construction on the fence would not be able to start until the grant comes through. Galbo argued that there's not much time to waste, as the negative impacts of the buried chemicals have already become apparent.

"We built our house where we did to be as far away from Love Canal as possible, and not to find out that all I have to do is walk through my backyard and I'm in the dump," she said. "These processes, I understand, have to take place, but things have to move along. You have people that have already died on Forbes (Street)." She added that the town should have been more cautious in allowing the building of streets near the landfill.

Cliffe said that the remediation process on the landfill is not yet complete, but that "the worst" of the material has been removed and incinerated. Some chemicals that have been found to still be in the ground include lead and polychlorinated biphenyl compounds from batteries and electrical waste respectively, among other materials.

He said the DEC is working on figuring out the next step of the landfill clean up process, and in the meantime, they've begun working "potentially responsible parties," or the current incarnations of the companies that were responsible for landfilling the material nearly half a century ago. He added that Town Attorney Matthew Brooks has been working with lawyers for those companies to determine who else may have been involved.

"Under the law, if you created a chemical which is hazardous, you own that chemical until it no longer exists," Cliffe said.

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