



Lawsuit filed against Town of Wheatfield & others, over possible soil contamination

By Callan Gray, News 4 Reporter (<http://wivb.com/author/wivbcallangray/>)

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WHEATFIELD, N.Y. (WIVB)- Legal action against the Town of Wheatfield is moving forward.

Some Niagara County residents say they're sick from contamination from Love Canal waste disposed of at the Niagara Sanitation Landfill.

The DEC finished remediation of the Love Canal waste at the landfill last year and plans to do more testing this spring.

A complaint has now been filed on behalf of at least 60 people who live near the landfill.

The Napoli Shkolnik PLLC, Smith Stag L.L.C., and lawyer Christen Civileto are representing the residents.

Louise Caro, the head of the environmental law department for Napoli Shkolnik, told News 4 summons will go out on Monday to the Town of Wheatfield, Niagara Sanitation Company, Occidental Chemical Corporation, Bell Helicopter Textron Inc., Saint-Gobain Abrasives, Roe Consolidated Holdings, Graphite Specialties, Crown Beverage Packaging, and Grief Inc.

Since January, more than 160 notices of claim have been filed. Caro told News 4 the Town of Wheatfield has 30 days to respond to those notices of claim but that time has run out for some of those notices.

This complaint represents only some of the notices of claim, Caro said there will be more lawsuits filed.

The complaint filed on March 26 seeks monetary damages for personal injury, monetary damages for property damage, and calls for medical monitoring.

Medical monitoring would require a fund be set up to have doctors test residents to see what they have been exposed to.

"A lot of people are sick, a lot of people are sick, it's amazing how many people are sick actually," said Caro.

The complaint alleges not enough action was taken to prevent residents from exposure to toxic chemicals. The three law firms have been conducting soil tests and the complaint outlines each of the toxins they say they discovered.

"We continue to do testing and we're finding more contamination," said Caro. "We're finding contamination in people's homes that are unlivable."

She said environmental cases can take years to resolve.

"Here I think we need some movement and action sooner than normal because it's that

critical," said Caro.

She told News 4 they expect more affected neighbors to come forward.

We will be reaching out to the parties named in the complaint once businesses open on Monday.

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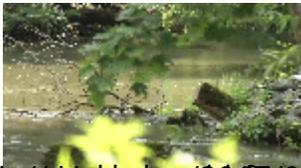
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