



Next to a sign on the Graue Family's lawn in North Tonawanda are from left, Brett, wife Becky and daughter Samantha with environmental attorney Christen Civileto on Tuesday, March 28, 2017. (Robert Kirkham/Buffalo News)

Residents feel 'trapped' by Wheatfield landfill, once home to Love Canal waste

By **Thomas J. Prohaska** (https://buffalonews.com/author/thomas_prohaska/) | Published April 3, 2017 | Updated April 3, 2017

([HTTP://WWW.FACEBOOK.COM/SHARER.PHP](http://www.facebook.com/sharer.php))

([HTTPS://TWITTER.COM/INTENT/TWEET](https://twitter.com/intent/tweet))

NORTH TONAWANDA – Cancer patient Brett A. Grawe needs a liver transplant to survive.

His wife, Rebecca, says her feet are perpetually numb. Their four children also have dealt with health problems: a stomach blockage, numbness and missing teeth.

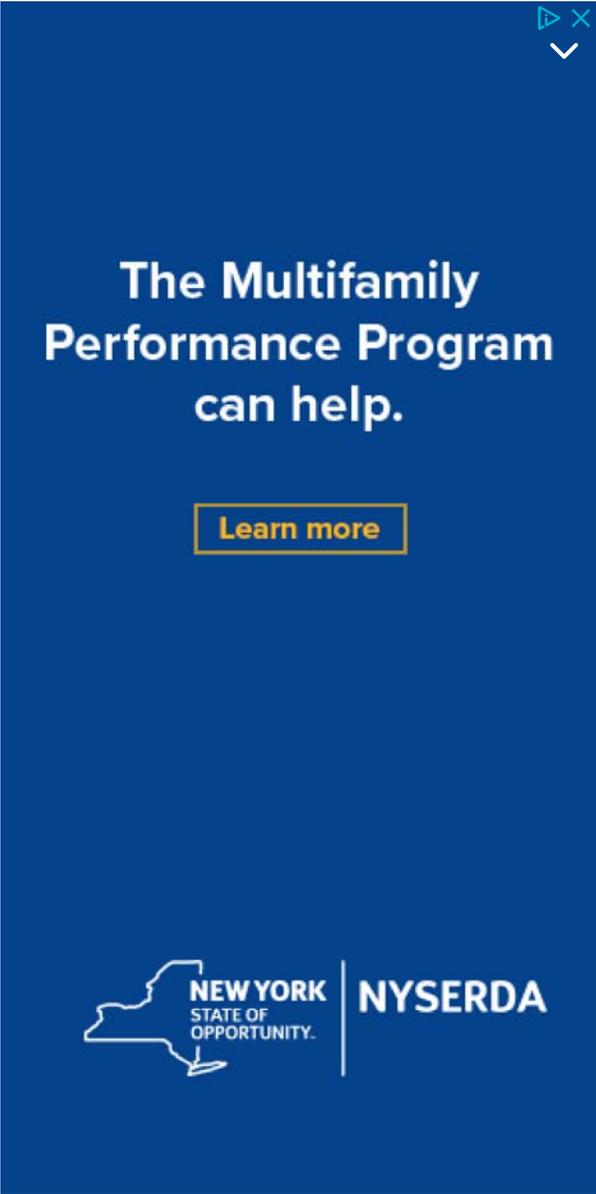
The family blames the toxic waste landfill next to their home of 27 years for the health problems.

The Grawes and 63 of their current and former neighbors have filed a lawsuit seeking damages from the Town of Wheatfield, which owns the old Niagara Sanitation Co. landfill, and several companies believed to have dumped industrial waste there in the 1960s or earlier.

Brett Grawe called the lawsuit his way “to keep my family safe, getting us out of here so we can live a normal life again.”

The couple’s 27-year-old son, Zachary, was born without enamel on his teeth. They had to be ground down and capped, Brett Grawe said.

Their 18-year-old daughter, Samantha, was born prematurely and has some learning disabilities, her father said. For the past two years, she’s noticed numbness in her right side.



The Multifamily Performance Program can help.

[Learn more](#)

NEW YORK STATE OF OPPORTUNITY | NYSERDA

The advertisement is a dark blue rectangular box. At the top right, there are small icons for a play button, a close button (X), and a downward arrow. The main text is centered and reads "The Multifamily Performance Program can help." Below this is a yellow-bordered button with the text "Learn more". At the bottom, there is a logo for the New York State of Opportunity, featuring a white outline of the state and the text "NEW YORK STATE OF OPPORTUNITY." to its right, followed by a vertical line and the text "NYSERDA".

Their 13-year-old son, Benjamin, was born with a rare birth defect that blocked food from exiting his stomach into his intestines. Surgery corrected the problem, but now more problems seem to be occurring.

Alexis, 17, was born without 13 of her permanent teeth. Some of her baby teeth are still in her mouth, but doctors say they can't install tooth implants until they're sure she has stopped growing.

"She doesn't have molars to chew, so she has difficulty eating," her mother said.

"It's an awful way to live," Rebecca said. "I'm trapped in this house. I have children. What are these children getting from living here?"

Love Canal legacy?

The Niagara Sanitation landfill covers 18.7 acres of a 20.8-acre lot off Nash Road in Wheatfield, just north of the North Tonawanda city line. Forbes Street, where the Grawes and other plaintiffs live, is the first street inside the city limits.

The state Department of Environmental Conservation says there is no proof the landfill leaks.

The landfill operated since the mid-1950s. In the summer of 1968, the state Department of Transportation moved about 1,600 cubic yards of material from the Love Canal landfill to Niagara Sanitation. The waste was disturbed during the construction of the LaSalle Expressway in Niagara Falls.

The Love Canal waste wasn't removed until 2015, and an attorney for the families asserts not all of it was removed.

The DEC disagrees with that contention.

“Information available at this time indicates that contaminated soil, sediment and groundwater appears to be confined to the landfill property and is not impacting surrounding residential properties,” an agency spokesperson said.

The private-sector defendants include Occidental Chemical Corp., the successor of Hooker Chemical Co., which generated the Love Canal wastes, and the corporate successors of former dumpers that allegedly included Carborundum Co., Continental Can Co., Bell Aerospace, Frontier Chemical and Greif Brothers.

The lawsuit speculates that Hooker's construction of a brine pipeline along the edge of the landfill in 1969-70, used to move brine from Wyoming County to its Niagara Falls plant, may have created a conduit for the landfilled waste to leak out.

“We are not aware of the specific allegations against Occidental Chemical, and we will vigorously defend the case,” Oxy spokesman Eric Moses said.

The DEC, which reclassified the site as hazardous in December 2015, last week began further soil testing at the landfill after issuing a new statement on conditions there. The DEC spokesman said the agency will test outside the landfill’s borders if the results show that’s necessary.

The residents’ attorneys say that privately obtained tests show as many as 20 toxic chemicals on properties and inside homes near the landfill, including cancer-causing dioxin.

“We’re finding it in the kitchens, in the bedrooms, not just in the basements,” said Michael G. Stag, a New Orleans attorney working for the residents. “The type of dioxin we’re seeing is an exact fingerprint of the Love Canal waste.”

The residents’ attorneys have not shared their chemical test results with the DEC.

“They haven’t asked us for them,” Stag said.

A life on the line

The most serious illness is the cancer destroying Brett Grawe’s liver.

"I do need one," he said of a transplant. "I have an appointment with all the surgeons ... to find out where I sit on that list."

He was diagnosed with a liver disease in 2014, which also turned his gall bladder into what Brett, 51, called "a shriveled-up prune." The diagnosis was changed to cancer in November 2015.

Jeffrey C. Miecznikowski of the University at Buffalo said it seems unusual that a family of six all would have rare health problems. But more research would have to be done into the overall prevalence of the disorders and the family's genetics in order to establish the probability that environmental factors caused the diseases.

"You need the odds of those events and then you have the challenge of establishing the odds that those events are occurring simultaneously," said Miecznikowski, an associate professor of biostatistics at UB's School of Public Health and Health Professions. "Statisticians eventually could put a number on it. It would require a fair amount of research and careful consideration."

Wheatfield's response

"Anyone who's sick for any reason, we have empathy," Wheatfield Town Attorney Matthew E. Brooks said. "We're a small town. We don't have our own environmental department. The tests they've done in the past say there's been no migration (of waste), so we've had to rely on what we've been told."

The lawsuit asserts that environmental agencies advised Wheatfield to install a new cap and a fence at the landfill as far back as 1989. However, that wasn't done. In February, the Town Board appropriated money to pay for a fence, but the design work hasn't been completed yet and bids have yet to be sought on an estimated \$152,000 job.

"If it stays at the \$152,000, we would have the opportunity of proceeding and trying to get it done this year," Supervisor Robert B. Cliffe said.

Stag said 167 prospective plaintiffs have sent notices of claim, a mandatory preliminary to a lawsuit, to the Wheatfield Town Clerk's Office.

The first lawsuit filed in State Supreme Court is silent on the exact amounts being sought.

"You don't want to limit yourself," Stag said. He said the plaintiffs want "any and all damages possibly conceivable."

The residents' attorneys, who also include Louise R. Caro of New York City and Christen E. Civiletto of Clarence, want to turn their case into a class action on behalf of all North Tonawanda or

Wheatfield property owners who may have been exposed to the chemicals, whose property values may have been reduced because of the landfill, or who may face future costs for environmental testing and remediation.

In addition to punitive damages against the town and the former dumpers, the lawsuit wants defendants to pay for future medical costs and ongoing medical monitoring of the plaintiffs' families, research into possible cures for chemical-related diseases and a public outreach and education program regarding the impact of the landfill.

Grawes aren't alone

Others in the landfill area complain of long-running health problems. Cory D'Agostino, 47, of Forbes Street, said he has scarring on his lungs, but not from smoking. He said his doctor, unable to zero in on a cause, asked him if he lives near some environmental hazard.

His son's liver is malfunctioning and his daughter has hormonal disorders.

"I don't care about money. I want my family out of the house into a safer place," D'Agostino said.

Kathy Daigler, a 16-year resident of Forbes Street, said she has respiratory issues, including the feeling that she always has a cold or sinus congestion.

Daigler said her backyard is always wet, but never fully freezes, no matter how cold it gets. She said foam is visible when the ground is very wet. And Daigler said the mud is "not brown. It's kind of a mustardy golden color."

“I would already be gone if I could afford to,” said Todd Carson of Nash Road. “But I don’t have a choice. I’m trapped.”

There are a few real estate signs on Forbes Street, but they are outnumbered by the homemade signs that say “Danger/Do Not Enter/Toxic Dump Site.”

“Obviously people want to sell their houses, but they’re not going to be able to, I believe,” Rebecca Grawe said. “I would not sell my house at this point in time. In good conscience, who would sell their house to somebody, knowing what’s going on here?”



(https://buffalonews.com/author/thomas_prohaska/) **Thomas J. Prohaska**

– Thomas Prohaska has been a reporter for The Buffalo News since 1995. A graduate of Starpoint Central High School and St. Bonaventure University, he previously worked at WLVL Radio in Lockport.

0

There are no comments - be the first to comment

0

Recommended for you