

Occidental contends new tests confirm no leakage of Wheatfield landfill



Residents of the area near the former Niagara Sanitation landfill have conducted their own tests and say the results are different from those done by the DEC.

By Thomas J. Prohaska

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One of the companies being sued by residents who live near a closed Wheatfield landfill said new tests confirm the state's finding that no Love Canal waste or other toxins are leaking from the landfill.

In a letter, an attorney for Occidental Chemical Co. wrote the lead attorney for the residents Friday that samples of soil, air and indoor dust taken in January and February at homes near the former Niagara Sanitation landfill confirm that there is no off-site migration of chemicals from the Nash Road dump.

"Contrary to your public statements, chemistry indicative of Love Canal material was not found on the properties or in the homes sampled by plaintiffs," Kevin M. Hogan, Occidental's attorney, said in the letter to Ashley M. Liuzza of New Orleans, the residents' lead attorney.

The letter comes as the state Department of Environmental Conservation prepares to hold a public meeting Saturday to discuss its report.

Liuzza contended earlier this month that the March 6 DEC report included material contradicting the agency's own conclusions and showed that the waste could in fact be flowing toward the nearby homes. The DEC said Liuzza misinterpreted the data.

Claiming the chemicals have harmed their health, hundreds of current and former residents of nearby streets in Wheatfield and North Tonawanda are suing the Town of Wheatfield, which owns the 18.7-acre landfill, along with companies that used the landfill before it closed in 1968.

The state moved waste to Niagara Sanitation from Occidental's Love Canal landfill after it was disturbed during the construction of the LaSalle Expressway in 1968.

At the DEC's orders, a contractor hired by Occidental removed the Love Canal material from the Wheatfield site in 2015, but residents' attorneys contend that private tests of their clients' homes and yards in 2017 show the presence of dioxin and other chemicals associated with Love Canal.

This year, technicians hired by the plaintiffs' attorneys collected new samples inside and outside 11 homes near the Wheatfield landfill. In line with a federal judge's instructions, the samples were taken as defendants' representatives looked on and were shared with the companies so both sides could test them independently.

The DEC did not test inside houses during its 2018 sampling that led to a 333-page report concluding that there was no off-site migration of waste from Niagara Sanitation.

Hogan said the lawsuits should be dropped "because the claims lack any valid scientific or factual merit."

DEC representatives will be available from 11:30 a.m. to 3:30 p.m. in the Wheatfield Community Center behind Town Hall, 2800 Church Road.



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