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Neighbors of Wheatfield landfill expect do-over after lawsuit is dismissed

By **Thomas J. Prohaska** (https://buffalonews.com/author/thomas_prohaska/) | Published June 18, 2019 | Updated June 18, 2019

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A federal judge has dismissed a lawsuit filed by current and former neighbors of the Niagara Sanitation landfill in Wheatfield, where some Love Canal waste was transferred in 1968 but removed in 2015.

In an 18-page decision dated Thursday, U.S. District Court Judge Christina Reiss ruled that the residents' health complaints weren't specific enough.

She said the plaintiffs must show which chemical allegedly caused each injury in order to have a chance to win damages from the Town of Wheatfield, which owns the site, and the companies that disposed of waste there, including Occidental Chemical Co., whose corporate predecessor, Hooker Chemical Co. of Niagara Falls, created Love Canal.

However, the State Department of Transportation moved the waste to Wheatfield during the construction of the LaSalle Expressway.

"We believe that we will be able to amend the suit to clarify and answer any questions the judge may have," said Michael G. Stag of New Orleans, one of the attorneys for the residents. He said he won't appeal her ruling unless the court won't accept an amended complaint.

The plaintiffs have obtained new test results in the past two months for homes along the Wheatfield-North Tonawanda border that will help him meet the court's demands, Stag said.

"We are pleased the court has dismissed the lawsuit," Occidental spokesman Eric Moses said. "We have said all along that the allegations against OxyChem were without merit, and the judge agreed."



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