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*Residents speak their mind to representatives of the Department of Environmental Conservation regarding the Niagara Sanitation Landfill.*

*(Photo by David Yarger)*

## DEC presents Niagara Sanitation Landfill results

by [er](#)

Thu, Apr 4th 2019 12:50 pm

## ***Session on landfill near Forbes Street draws irate residents***

***By David Yarger***

***Tribune Editor***

Residents of North Tonawanda and Wheatfield showed up in full force Saturday at the Wheatfield Community Center.

On hand was the New York State Department of Environmental Conservation to present the results of the comprehensive environmental investigation for the Niagara Sanitation Landfill.

In a release last month, the DEC said the Niagara Sanitation Landfill, which operated from 1955-68, accepted various wastes from the surrounding community, including nearby industries. In 1968, the New York State Department of Transportation used a portion of the landfill to dispose of contaminated soils generated during construction of the LaSalle Expressway. Those soils were later determined to be contaminated by Love Canal waste.

Additionally, according to the release, DEC and the State Department of Health performed several investigations of the site in the 1980s and 1990s, which determined the site did not pose a significant threat to public health and the environment. DEC initiated a reevaluation of the landfill in 2013, and discovered that on-site areas of exposed waste and elevated surface contaminant concentrations were present, necessitating a reclassification to a Class 2 Superfund site in December 2015.

The reclassification requires a full comprehensive remedial investigation be performed at the site. Occidental (formerly Hooker Chemical) entered into a consent order with DEC and voluntarily removed the Love Canal-related waste in 2014 and 2015 for disposal at an approved, out-of-state facility. The Town of Wheatfield completed construction of a perimeter fence around the landfill to limit unauthorized access and potential exposure to surface soils.

Additionally, in a letter regarding the results sent to nearby residents, the DEC said, "Most importantly, DEC wants to alert you that our final analysis of data collected from our investigation of the site, including samples of surface soil, subsurface soil, sediment, surface water and groundwater, confirms DEC's preliminary findings – there is no migration of contaminants from the landfill adversely impacting surrounding properties and no exposure to contamination from the landfill site."

Despite the scientific findings by the DEC, past and current residents of Forbes Street expressed their doubts regarding the results.

Back in April of 2017, residents of Forbes Street issued a lawsuit against the Town of Wheatfield after their homes tested positive for hazardous chemical materials. In a 2017 article on [www.wnypapers.com](http://www.wnypapers.com), it reads, "The lawsuit states water accumulated at the site contains various chemicals. That water flows onto adjacent private properties and into the sewer system. It is argued the leaching of chemicals onto residential properties has caused residents to have health issues.

"The lawsuit states the plaintiffs 'suffer ongoing injuries, including significant health impairments and damage to their property as well as putting them at high risk for future, latent diseases and cancers.'

“Chemicals listed include arsenic, barium, lead and mercury.”

At a table set up in a corner of the big room at the Wheatfield Community Center, around 20-plus people gathered to share their findings from their respective homes. Residents mentioned discovering an orange sludge-like material in basements, as well as contracting illnesses as time went on.

Past resident of Forbes Street AJ Dipota described time as a young child playing on the land, which is now the landfill. He said his friends and he were told the area was suitable to play on. Now grown up, Dipota said that some of his friends who joined him on what he called their “playground” now have cancer, multiple sclerosis and other neurological issues. Dipota added that his father recently passed away of four different types of cancer and his mother, who also attended the session, was dealing with a neurological issue. He remarked that he and his brother have had their share of health issues, too.

Dipota said his issue with the findings is that he felt the DEC refused to dig further.

“The DEC is just simply refusing to test inside the homes. They’re only testing outside the perimeter with like 2 inches of surface soil. ... (It makes us) extremely angry. We’re paying their salaries for them to protect the environment and they’re not doing it. They’re testing the first 2 inches of soil. They’re not digging down to get into groundwater, they’re not testing water that has poison patches of something on top of it, they’re not testing inside the homes like inside the sump pumps where they see black goo and oil and orange patches on top of things. My parents’ house has streams of orangeish-red something coming down the walls. It’s all over the ceiling in the kitchen. And they have a brand-new roof, so it’s not a water problem, which they tried to tell me it was a water problem.”

Dipota added that his parents have since evacuated from the property and he questioned, “How many people have to die before they do something?”

Dipota noted his old Forbes Street home had private, professional testing done and the results were “astronomical.”

Chief of Staff of the DEC Sean Mahar broke down what the DEC did in its investigation.

“In 2017, Gov. Cuomo set us out to make sure that this landfill was not potentially putting area residents at any risk. We undertook a very comprehensive analysis looking at soil samples, ground water samples, surface water samples to really fully understand how this landfill is working and make sure there were not any potential exposure pathways where residents would be impacted.

“What we found is that there are not. This landfill has continued to function properly. What we want to do today is we have the opportunity to walk people through that.”

Additionally, Mahar said, “Our goal today is to show them comprehensively as we found there are no offset exposure risks that can be impacting their properties. If there was, we’d be having a totally different conversation today and we’d be doing something completely different on the ground. But what we found, scientifically, is that there is not any exposure pathways where landfill contaminants could impact their homes. We hope to give them the peace of mind and confidence in the DEC that this report was done properly and we have the scientific backing to show them comprehensively that they’re not at risk.”



Local officials including Wheatfield Supervisor Don MacSwan and North Tonawanda Mayor Arthur Pappas attended the meeting and expressed their thoughts regarding the landfill.

Pappas, who lives in the vicinity of the landfill, said, “Legally, we’re not involved, but because we’re right on the border and the dump site/landfill is on the Wheatfield side. We’re not really involved, technically. But many of our people on the one side of Forbes Street back right up to this area. That’s caused concern, because they’re claiming there’s a lot of illness on that side of the street and that’s why they put in the lawsuit. I have not had much contact with the people, because my understanding is they were told to keep it in the Wheatfield side and don’t involve the officials from North Tonawanda

“We’ve been watching it and the DEC has been keeping us informed as to what they were doing and what they were going to hopefully accomplish. They have, to my knowledge, done everything they said they were going to do. ... I know there are still people that are not convinced of the findings of the DEC.”

Pappas said he couldn’t blame the residents of Forbes Street for reacting the way they have but, at the moment, he said he has to go by what the officials tell him, and all he’s been told is there is no imminent danger.

MacSwan said the results looked favorable for the Town of Wheatfield and additional testing came back negative, as well.

“I think if I was one of the residents, I’d wanna come in and see what the results were, because, again, this is not my specialty, but I would speak with these people to see, in fact, what the results were, how much testing was done, where they tested. I think at the end of this thing it would make me more comfortable just knowing what they did.

“DEC is qualified. We have people from all aspects of DEC here, so hopefully they (residents) get the right answers.”

The DEC’s full report regarding the landfill can be found at <http://www.dec.ny.gov/chemical/37554.html>.

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