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Radioactive hot spots pepper Niagara County

By [Dan Telvock](#)

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The first hint of radioactive waste near John Grace's home in Lewiston came from his son who carried a radiation meter for his government job. The meter would beep every time his son drove over the gravel driveway.

"He said 'something's not right here,'" said Grace, who lives at 738 Upper Mountain Road.

Turns out, he was right.

Gravel in the driveway was first tested some 40 years ago by the federal Department of Energy and found to have radiation levels some 70 times greater than what's found in the local natural environment. The driveway was still hot when tested again three years ago by the Environmental Protection Agency.



John Grace

"I just said 'you've got to be kidding me,'" Grace said. "They said it was all around Niagara County."

Indeed, this radioactive material is prevalent throughout the region.

Government documents show that state health and environmental officials have known for almost four decades that at least 60 properties throughout Niagara County and

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Grand Island, including the driveway near Grace's home, are contaminated with radioactive material that resembles gravel. The radioactivity at these properties ranges from three to more than 70 times what people are naturally exposed to in the local environment, according to state and federal documents.

"We found it in the front of driveways or underneath driveways. We found it in flower beds around people's homes, we found it in between two adjoining properties in the soil where kids play," said Brian Stamm, an attorney with the Stamm Law firm, who is investigating the problem with other attorneys and environmental engineers.

"The levels we have seen in some of our investigative testing and some of our site inspections are well above and beyond what would be qualified as a threshold for clean up," Stamm said.

Authorities are addressing two other properties not on the original list of about 60 properties. The EPA said it will remove contaminated waste from a parking lot shared by a bowling alley and building supply store off Niagara Falls Boulevard in Niagara Falls and will assess whether to clean hotspots at a cemetery off Roberts Avenue in Lewiston.

It's difficult to know what, if anything, federal and state officials are doing about the balance of the 60 properties, as state officials refused interview requests from Investigative Post and the EPA would only make available a staff member who said he didn't know the answers to most of the questions posed to him.

The state health department said in a statement that a panel of experts concluded in 1980 that the radioactive material did not pose a significant enough risk to warrant immediate removal.

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Although the exposure to the radioactive waste does not pose an immediate health risk, the EPA and the National Academy of Sciences have [concluded there is no safe level of radiation](#).

Furthermore, the group of attorneys and environmental engineers investigating some of the contaminated properties in Niagara County disagree with the state's position that the waste does not pose a significant risk.

"Is it harmful? Absolutely," said John Horn, an environmental attorney with Harter Secrest & Emery in Buffalo.

"Even though it may not be at a Superfund level, these levels we're finding on these property owners' homes is at such a significant level that it absolutely has to be cleaned up and removed," added Stamm, the attorney collaborating with Horn.

Radioactive hotspots identified

This story is based on a review of more than 8,000 pages of government documents requested under the Freedom of Information Law, property inspections with a

radiation detector, and interviews with more than a dozen experts, attorneys, residents and government officials.

The federal Department of Energy and state Department of Health identified [100 hot-spots in Niagara County and Grand Island](#) almost four decades ago. The federal government cleaned up about a third of the properties after determining the radioactive waste was linked to nuclear weapons development through the Manhattan Project. The remaining contaminated properties were left untouched at the time because the federal government believed the material was linked to commercial metallurgical companies, which have since closed.



Map created by [investigativepost](#)

Zoom in and move the map to find locations. Click the red circles to get property's maximum radiation reading. For mobile phone users, click the double arrows on the lower right corner of map to see map in full size. Map prepared by [Orbitist](#) and Dan Telvock.

The Army Corps of Engineers has determined the radioactive waste generated by the metallurgical industry was ["cheap and plentiful"](#) to anyone who wanted it for gravel to construct roads, driveways and parking lots.

"It was a byproduct that no one wanted to store anymore," said Lewiston Town Board Member Alfonso Bax. "Which makes you concerned about: how many people took advantage of this bargain?"

Radioactive material is found in locations beyond the 100 originally identified in the federal survey some 40 years ago, including roads and former industrial sites.

Greenpac Mill filed a \$50 million lawsuit in 2013 against National Grid, Occidental Chemical Corp. and Kimberly-Clark Corp. after finding 20,000 tons of radioactive soil while constructing its facility on Royal Avenue in Niagara Falls. The lawsuit was settled out of court.

There may yet be more hotspots.

"We don't know the full extent of the footprint," said Horn, one of the attorneys investigating contaminated properties. "We have studied documents that suggest that

the radioactive slag – and that’s a general term – is present significantly throughout Niagara County from the Falls stretching to Grand Island and Lewiston.”

Most contaminated properties

The state in 2013 sent the EPA a list of the most contaminated properties they were aware of to determine if they qualified for cleanup under the federal Superfund program.

Those properties include a parking lot shared by Rapids Bowling Center and Greater Niagara Building Center off Niagara Falls Boulevard, Holy Trinity Cemetery at 5401 Roberts Ave. in Lewiston, and the driveway adjacent to the 738 Upper Mountain Road house owned by Grace.

The EPA determined none of the properties qualified as Superfund sites. But the agency agreed to continue assessing the bowling alley and cemetery to determine if the waste should be removed.

State officials had previously raised concerns about the bowling alley and building supply store site. For example, New York State Energy Research and Development Authority officials wrote in a May 24, 1979, letter that “the material should be removed” from the parking lot.

Minutes from a May 24, 1979, meeting between the then-owners of the bowling alley and the adjacent building, which was at the time a Pontiac dealership, demonstrated the mixed messages the property owners would get over the years from state officials.

“The group expressed a concern over the fact that one agency had almost closed their doors, another had told them no problem, and the NYS Health Department was now saying something in between these two previous extremes,” the minutes state. “It was obvious from the discussion that there was a definite doubt in their minds as to who knew what they were doing.”

From September 2006 through July 2013, New York State Department of Environmental Conservation and state health officials conducted radiological surveys that found radiation high enough in the office and warehouse at the building supply store to recommend employees avoid the areas. In addition, officials found the parking lot and a marshy area behind the buildings had radiation readings between 55 and 80 times what people are naturally exposed to in the area.

Despite this contamination, the former property owner of the bowling alley and building supply store violated a state health directive by digging into the parking lot at least twice without any penalty from the state.

In 2001, the owner removed underground fuel tanks buried under the parking lot, prompting a written rebuke from the state health department. In 2006, the owner hired crews that scraped a section of the parking lot, leaving behind a pile of radioactive stone and soils with readings more than 60 times what is naturally in the local environment, according to a DEC field investigation report.

At approximately 1100, Frank Amendola arrived with a small fleet of vehicles from Ken Young Paving in tow. He stopped to discuss his intent to blacktop the 10 feet wide swath behind Dunn Tire. (The area was surveyed in our previous site visit on September 21, 2006 and was noted to be in poor condition.) The information was passed on to Barb Youngberg and the New York State Department of Health (NYSDOH). The decision was made to let them proceed with the paving. Prior to starting paving operations, the aforementioned roll-off container was pulled off of the swath to be paved and placed in the Dunn Tire rear lot. At approximately 1230, they were observed shoveling loose material into wheelbarrows, just north of the newly paved area, in the triangle of older pavement identified in the previous survey of September 21, 2006. After a brief introduction and discussion with Kenny (last name is unknown but assuming it is Young as he appeared to be in charge), the wheelbarrow(s) of material were moved to a low background area in the used car lot for survey. Survey of the material indicated no readings above background. The material was dumped in an existing debris pile by the fenced area. An additional two wheelbarrows of material were collected and the survey process was repeated with the same results. This triangular area was then re-paved.

In the midst of the above operation, it was observed the ten foot swath of original asphalt had been scraped prior to paving. Material not previously observed was evident along the entire length of the swath including a large pile of debris (approximately 25 feet x 13 feet x 4 ½ feet) at the end of the swath in the marshy area. The material consisted of soil, blacktop, and loose slag. The material was now mixed /covering other debris along this swath including wooden pallets and a pile of shingles. Initial survey of this area with the Exploranium showed numerous spots in excess of 550 uR/hr. Kenny stated the area had been scraped with the front bucket of a backhoe. The actual date is unknown but it happened sometime between our last visit on September 21, 2006 and today.

At 0700 on October 3, 2006 a silver Dodge pickup truck was observed circling the parking lot of Dunn Tire. At 0715, a truck from Modern arrived to pick up the roll-off container, meeting with the individual in the silver Dodge. The container was checked for contents previously but not prior to removal. Later at 0830, the silver Dodge returned pulling a small trailer and parking along the newly paved swath. After a brief introduction and discussion regarding their purpose, it was discovered they work for Frank Amendola and were sent to remove the pallets scattered along the swath. They stated they had permission from the NYSDEC and would remove pallets only, no dirt. They were asked to standby as Barb Youngberg was contacted. During the conversation with Barb, the individuals in the truck interrupted to say they were leaving. Barb contacted Frank Amendola's office, speaking with Greg Gismondi, and it was agreed to halt any removal of material until it was surveyed to prevent inadvertent removal of slag.

DEC becomes aware of potential exposures at the parking lot in 2006.

"In 2006, DOH was informed after the fact that excavation occurred," the Department of Health emailed in a prepared statement. "The property owner did not seek, nor did DOH grant, permission to pave over the existing parking lot."

The owner of the property at the time of the incidents is deceased and the current owner did not respond to requests for interviews.

The EPA has determined the parking lot and adjoining land, which totals about 4 acres, contains material that in spots is 176 to 650 times more radioactive than what is naturally found in nearby soils that are not contaminated.

"The majority of the parking lot will have to be removed," said Eric Daly, the on-scene coordinator for the EPA. The estimated cleanup cost could exceed \$7 million.

But DEC officials contested Daly's assessment, according to a series of emails from last year. Specifically, a radiation specialist with the DEC emailed Daly that removing almost four acres of contaminated ground two-feet deep seemed "extreme."

"It is better to be more conservative and worst case than to underestimate," Daly emailed Jerry Riggi, the DEC's radiation specialist, on Oct. 7, 2015.

"Is this extreme? I wouldn't call it that."

Cemetery concerns

The contamination at Holy Trinity Cemetery in Lewiston totals about three acres adjoining the gravesites. State and county officials measured radiation at the field in excess of 75 times normal readings.

State and county officials were made aware as early as 2006 that children played on the contaminated field, according to a site survey report by the DEC.

“They’re at risk and they are exposed every minute that they are out over this land,” said Stamm, one of the attorneys investigating contamination complaints.

At the same time, state officials learned that a pile of contaminated material noted in 1980 near the groundskeeper’s office had disappeared. Although no one is certain what happened to the waste, the Department of Health said “it appears that the small piles of slag first observed in a 1980 DOH survey were moved to a back area of the cemetery.”

field. An aerial photo, obtained in 2005 by the Niagara County Health Department (attached), confirm this description also showing the presence of scattered trees and brush. According to John, since the area has been mowed and manicured, neighborhood kids use the area to play field hockey. The caretaker and his staff raised a question regarding the exposed slag. At the base of some of the trees, which just so happen to be growing in the middle of the road beds, the slag is located at the surface, possibly pushed up by the roots. When they pass over these areas with the

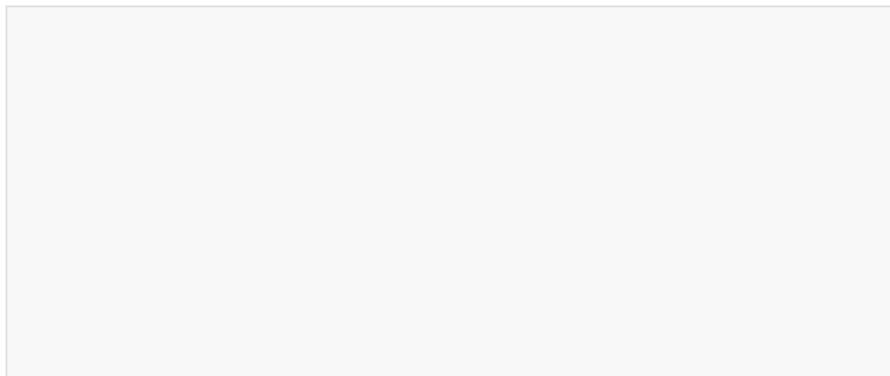
lawnmower, the blades contact the slag throwing rock dust in the air. Aside from the increased maintenance requirements (blade sharpening/replacement), they asked if breathing the dust could be harmful. It was suggested by Paul Dicky that they try to avoid these areas with the mower. That may be difficult to do as the slag is evident at the surface throughout the course of the road beds.

DEC's 2006 field investigation details potential exposures to groundskeepers and children.

In addition, the DEC site visit report states that groundskeepers said they unknowingly drove lawnmowers over contaminated rock with radioactive material 100 to 1,600 times greater than normal readings.

“They asked if breathing the dust could be harmful,” the notes state. “It was suggested ... that they try to avoid these areas with the mowers.”

Despite the state’s assertion that the waste poses no significant risk, the EPA fenced in the contaminated three acres in April until further assessments are completed.





EPA fenced in contaminated land at Holy Trinity Cemetery in Lewiston in April.

The Diocese of Buffalo declined an interview request, but said in a prepared statement that, “we expect the EPA to make sure the site is properly remediated.”

The driveway used by Grace on Upper Mountain Road, but owned by another party, is not getting the same attention, but it is equally as hot.

A summary prepared for the EPA indicates that almost 1,500 square feet of the driveway and vacant lawn near his home is contaminated. An Investigative Post reporter armed with a gamma radiation detection device found spots on the driveway in excess of 50 times background levels.

“Before, it was looking like someone was going to take care of it, then they went away and I’ve never heard from them again,” Grace said.

Other properties not addressed

The EPA is prepared to remove the waste from the parking lot off Niagara Falls Boulevard and will further assess the cemetery property. The EPA is also requesting information from at least one company that may be responsible for some of the radioactive material.

But neither the driveway adjacent to Grace’s home nor the other 60 residential and commercial properties that may be contaminated are on the cleanup list. And it’s unclear whether current property owners are aware of the radiation.

The contaminated residential and commercial properties identified decades ago are spread all over the region, including sites on:

- Ridge, Creek and Upper Mountain roads in Lewiston.
- Grand Island Boulevard in the Grand Island-Tonawanda area.
- Military, Lewiston, Porter and Portage roads and Buffalo Avenue in the Niagara Falls area.

State health officials said “it is unclear if all property owners were contacted directly at the time” of tests conducted in the 1970s, but noted “press conferences, press releases and news articles” between 1978 and 1980.

But the attorneys who are investigating the contamination said most of the property owners they’ve approached told them they were unaware of the contamination.

“For a good number of the folks that we’ve talked to, it is a surprise,” said Horn, with Harter Secrest & Emery in Buffalo.

Grace said he had planned to construct a new roof on his house to prepare it for sale.

“My concern is now: can I sell this place? And I don’t think so,” he said.

Horn said he has heard similar concerns from other residents.

“There is no question that the economic harm is of huge concern to the individuals we’ve met with up in the affected neighborhoods,” he said.

Neither state nor federal officials would comment on the remaining some 60 properties, including the contamination near Grace’s home, that are not scheduled for cleanups or further assessments.

“We know the way the government moves, very slow. They’ll outwait me,” Grace said.



Dan Telvock

Bio and story archive

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environment, Niagara County, radioactive waste

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John Cacciatore · Grand Island, New York

It is amazing that companies were allowed to send this material out for use on public property. No accountability, and who is around to address those concerns from actions

that took place 40+ years ago. You would think that public safety trumps the almighty dollar, but it apparently doesn't in this case and many others in this area

[Like](#) · [Reply](#) ·  5 · Jul 5, 2016 6:26pm



James Jackson · Summerfield, Florida

Gee wonder why the LOOW site wasn't included in the story, I see a reference to properties on creek rd and can only imagine that is one of the areas. For those that don't know about it it is the entire area surrounding the Lewiston-Porter school system. Oops don't want that cat out of the bag again, might ruin people's perfect little world finding out that info...

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Dan Whitcomb · Buffalo, New York

They are waiting for everyone that knows about that dump to die along with the story.

[Like](#) · [Reply](#) ·  3 · Jul 16, 2016 3:29pm



Chris Riley

nys is a piss hole

[Like](#) · [Reply](#) ·  4 · Jul 5, 2016 9:57pm



Dave Gromoll · Lancaster, New York

The list of sick friends and family that spent their lives working and playing in that city is a mile long, between the chemicals and radioactive waste one wonders if they have just had bad luck with their health or a helping hand from the companies that treated that city as their own personal dumping ground, and the politicians that allowed it to go on.

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Ryan Rucinski · Banquets/Concerts at Babeville

They were mostly government contractors working on high profile radioactive projects....so they were in a bind since Love Canal revealed some 'things' about how the economy was doing business for ...just...a few years. Think Manhattan project and Hiroshima bombing time period, the material is all buried over at Chem Waste management, along with lots of other radioactive material brought by rail from around the east coast. This area in NF was a booming spot for 'better living through chemistry' motto lived by scientists and industry, even before they had to regulate a single thing. Niagara falls nature was said to be like a sacrifice in the progress of humanity.

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Lynne M. Neveu · University at Albany, SUNY

How do we find out if our property is radioactive?

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Neil McCallum · Niagara-Wheatfield Senior High School

How about saying what levels actually are? The untrained public is easily scared when the term "radioactive" is used. A luminous dial watch is "radioactive"

[Like](#) · [Reply](#) ·  3 · Jul 7, 2016 7:17am



Jason Young · Niwot High School

Are you crazy, quantify something!!!

[Like](#) · [Reply](#) ·  1 · Jul 11, 2016 8:06am



John Colella · Amherst, New York

my lot 50 by 250 and i have slag drive way now what

[Like](#) · [Reply](#) · Jul 14, 2016 11:58am



Terry Syrett · Works at Printer Gateway

EPA..."there is no safe level of radiation." Silly untrained EPA! If you smile it can't hurt you;)

If you want to know what the levels actually are, read the article again..."50 times normal background radiation." If you can multiply by fifty and determine what the normal background radiation(radiationnetwork.com) is you can figure it out. There are many more factors to consider than just the levels. That being said, the amount of radiation there is nothing compared to whats coming. Look up Fukushima, Oyster Creek, Hanford, Carlsbad, Boone Dam, Port Hope(Cameco), Nevada(underground testing), any nuclear power plant in California(Active faults) or Louisiana(historic flooding), St Louis(underground fire close to radiation dump),.....and the list goes on:(Let me know what you think.

[Like](#) · [Reply](#) · Aug 20, 2016 12:33pm

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