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Niagara Gazette

Tuesday, October 19, 1982 —3A'

Town mulls suit over LOOW plan

Hewitt asked to study legality of Bechtel proposed waste site

By DON DEPERRO
Gazette Staff Writer

LEWISTON — The Town Board decided Monday to consider suing the federal Department of Energy in order to block the agency from turning the former Lake Ontario Ordnance Works into a radioactive waste repository.

In a report publicized Oct. 6 by the Niagara Gazette, a federal consultant recommended to the DOE that the 191-acre Pletcher Road site be transformed into a regional center for the disposal of radioactive wastes.

Board member Joan Gipp, who recommended Town Attorney Benjamin Hewitt investigate the possibility of a lawsuit, said she believes Bechtel National Inc.'s recommendations would violate the Clean Air, Resource Recovery Conservation and Uranium Mill Tailings acts, and the state Sanitary Code.

"There may be more violations," Gipp said.

Hewitt said he would respond to the council in three days. He said he received the Bechtel report for the first time late Friday. It was distributed to the board Monday.

Gipp noted that a copy of the report sent to Hewitt was labeled "draft." She said she was certain the Gazette copy was not similarly labeled.

Board member Alvin Ogg said an addition was made to the report on Oct. 14 — eight days after the news story was published. The addition asks for comments from residents on the plan.

City Council throws support to Lewiston in LOOW fight

The City Council has thrown its support behind Lewiston in the town's opposition against the proposed storage of radioactive materials at the Lake Ontario Ordnance Works.

In a resolution sponsored by Councilman Joseph J. Smith, the council said Monday that a "renewed utilization of LOOW poses an imminent threat to the life, safety and welfare of the Niagara community."

Smith said the recommendation made by Bechtel National Inc. to the federal Department of Energy affects the entire community as well as Lewiston.

He suggested the addition was made only after the report was publicized by the Gazette.

Hewitt said it would not be difficult to find grounds for filing a suit, but "to win is another thing." He suggested the board and residents conduct a fight against the government and its plans.

"It seems to me the only way we could win this thing is to draw attention to it," Hewitt said.

Board member Richard Kolke added to Gipp's motion, asking that all remedial work being performed at the LOOW site be stopped immediately.

The LOOW site has been used since 1944 for the disposal and storage of radioactive materials from the government's Manhattan Project. The project led to development of the first atomic bomb.

The board agreed the Bechtel recommendation may be an attempt by the government to receive a return on millions of dollars it has spent to clean up the site. The government currently has a contract with a Belgian company, Union Miniere du Haut Katanga, which stores radioactive residues on site.