

# Lewiston Town Board Mulls Suit Over Conditions at Storage Site

By JOANN SCELSA

LEWISTON — The Town Board agreed Monday to investigate the possibility of bringing a suit against the federal government for alleged violations at the Niagara Falls Storage Site.

And, in separate meetings, the city of Niagara Falls and the village of Lewiston passed resolutions pledging their support to the town in its fight to prevent the former Lake Ontario Ordnance Works from becoming a nuclear waste repository.

Board Member Joan Gipp, who introduced the resolution to authorize the town attorney to investigate a suit, said the government has been in violation of several laws since she was a member of the Citizens Oversight Committee, formed by Rep. John J. LaFalce, D-Town of Tonawanda.

Mrs. Gipp said the site is in violation of the Resource Conservation and Recovery Act, the Clean Air Act, the Uranium Mill Tailings Act and the New York Sanitary Code, in the latter case for radon gas levels above acceptable standards.

MRS. GIPP said that under both the Resource Conservation and

Recovery Act and the Clean Air Act, local governments have the right to sue the federal government for violations. The board directed attorney Benjamin J. Hewitt to investigate if the town has adequate grounds under those or "any and all applicable laws."

The resolution also calls for an immediate halt to the remedial work being conducted at the site by the government.

Even though she originated the resolution, Mrs. Gipp asked what chance the town really has to win.

Mr. Hewitt said the only way to "get something done is to bring attention to it." He said the suit could have the effect of bringing public and media pressure to make the government drop its plans. He said he will return to the board with recommendations within three days.

About 35 residents, some of them close neighbors of the Ordnance Works site, attended the meeting to register their opposition to the repository plan.

Joyce Jordan of Porter-Center Road, close to tears, echoed the words of many residents saying, "Where are we going to go?"

"I'm scared to death to live there anymore. I want to know

what I can do to stop it."

Another resident, Mary Clark, said if, as the report states, it would be too costly and dangerous to move wastes out of the Ordnance Works site, why isn't it equally costly and dangerous to move more wastes in?

Leslie Gaines of Pletcher Road criticized Rep. LaFalce and other federal representatives "who spend their time in Washington and supposedly should know what's going on."

MRS. GIPP told the residents they should be concerned about the site even if it is not turned into a repository because of all the high-level radioactive wastes already stored there. She said the Town Board has been actively involved and concerned about the site since 1974, even though, "as we all know, the facility is still there and nothing has changed."

In their meetings Monday, both the Falls City Council and Lewiston Village Board of Trustees unanimously passed resolutions opposing a nuclear repository in Lewiston and declaring their support for the town.

Trustee Charles Norwich, who introduced the village resolution, said the board has made a commitment "to do what we can to stand behind the town." He said the resolution was written in vague language because it is not known exactly what the town might require from the village.

Asked if the resolution carried a pledge of financial support, Mr. Norwich said he didn't know but that would have to be looked at if and when the town asked for it.

Both resolutions called for copies to be sent to state and federal officials, including, in the case of the city's resolution, President Reagan.

The town also received a letter from State Sen. John B. Daly, R-Lewiston, commending it for its strong stand and declaring himself a "strong and active ally."