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DEC Accuses U.S. Of Dumping Runoff From Ordnance Site

By PETER SIMON

The state environmental conservation commissioner Friday charged that the federal government illegally discharged 700,000 gallons of runoff construction water from the former Lake Ontario Ordnance Works in Lewiston and directed that "appropriate enforcement measures" be taken.

Commissioner Robert Flacke said the state had been informed of the federal government's desire to discharge the water and had requested information needed to issue a state discharge permit.

The federal government, however, discharged the water into a central drainage ditch, which in turn discharges into Lake Ontario, before providing the necessary information to the state, Mr. Flacke said.

"The department strongly protests the release of this water without the U.S. Department of Energy having obtained a New York State discharge permit," Mr. Flacke said in a letter to Dr. Franklin Coffman, director of the federal Office of Terminal Waste Disposal and Remedial Action. "Accordingly, I have directed Regional Director John J. Spagnoli to promptly initiate appropriate enforcement measures in this matter."

MR. SPAGNOLI said Friday evening that the federal government provided the requested data only after releasing the water and that preliminary indications are that the water presents no health hazard and "is basically runoff."

The issue, he said, is the apparent disregard of state environmental standards by the federal government.

"We told them not to release the water until they gave us the date, just like we would tell any industry," Mr. Spagnoli said. "But they pulled the plug."

"My concern is that they unilaterally made a decision. If they were an industry, I'd be jumping down their throats right now."

MR. SPAGNOLI termed the matter "kind of a unique thing" and said it is unclear what action the state can take against the federal government. "My attorney will be working probably half of next week to determine what rights the federal government has and what our rights are," he said.

Mr. Flacke said the federal Energy Department informed the state last March of its desire to discharge from the Lewiston site, but never provided enough information for the state to issue a permit. The release took place Nov. 11, he said.

The old Ordnance Works, now known as the Niagara Falls Storage Site, contains 16,000 tons of radioactive wastes stored there since the atomic bomb project during World War II. It has been proposed that it be used for permanent storage of nuclear wastes.