SALE ITEM: Voters were asked Wednesday to approve the sale of several properties owned by the Niagara Falls School District, including this building - the old Niagara Falls South Junior High School, located at the corner of Walnut Avenue and Portage Road. The building has been vacant for 20 years.

SALE APPROVED

City voters support school district effort to sell off surplus properties, including South Junior HS

BY JUSTIN SONDEL
justin.sondel@niagara-gazette.com

The Niagara Falls School District will be shedding some real estate in the coming year.

LEWISTON

LOW findings debated

ADVISORY BOARD: Technical chair questions data on radioactivity released by Army Corps last month.

BY TIMOTHY CHIPPE

Restoration Advisory Board Technical Chair Ann Roberts is thoroughly convinced the U.S. Army Corps of Engineers is contradicting itself about uranium contamination at a particularly troubling location in Lewiston.

She says the interim waste containment structure on the grounds of the Niagara Falls Storage Site in the Lake Ontario Ordnance Works is, indeed, leaking. And despite claims to the contrary by the site's

SEE LOW ON PAGE 7A

NIAGARA

Richards hearing

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Richardson wrote in the majority decision that Con Ed's interpretation of the insurance provision that it has liability for third parties was too tenuous and that he would have allowed Col. Larry Silverstein and other defendants to be held liable. However, the insurance company has since filed motions on Monday asking the court to reconsider that decision.

Richards' defense requested a new trial because the jury was presented with "multiple defects in the indictment." The verdict was based on evidence that was "insufficient to prove the charges against him." The defense said that the indictment failed to establish that the defendant intended to commit the alleged offenses.

"Either that's the longest theft in all mankind or there's more to be looked at here," the judge said.

Kloch said he would listen to arguments over those issues from Personius and state prosecutors.

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...caretakers, she said the most recently released data can prove it

"What they're reporting is not what they've found," Roberts said during a RAB meeting Wednesday.

Roberts' disagreement stems from a report given by the Corps to the LOOW Community Action Council two weeks ago that attempted to dispel any concerns over leakage coming from its IWCS structure. Instead, the report claims, high levels of uranium in the soil surrounding the site stem from residual and historical contamination from before the structure was built between 1982 and 1986.

During the Army Corps' presentation, representatives cited data showing contamination levels at specific trouble spots held constant at about 900 micrograms per liter, unthinkably high levels of uranium in groundwater near a supposedly properly operating containment structure. They seemed to claim that the crime occurred from March of 2002 through March of 2012.

"Either that's the longest theft in all mankind or there's more to be looked at here," the judge said.

Kloch said he would listen to arguments over those issues from Personius and state prosecutors.

Richards, however, is accused of taking a shotgun from the town police department.

Richards is free on his own recognizance. He faces a maximum of two and 1/3 to seven years in state prison if convicted of the highest charges in the indictment.

LOOW...

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During the Army Corps' presentation, representatives cited data showing contamination levels at specific trouble spots held constant at about 900 micrograms per liter, unthinkably high levels of uranium in groundwater near a supposedly properly operating containment structure. They claimed it was safe, though, because the constant level showed there's no threat of leaking and that the environmental effects of the uranium were minimal as no drinking water source was affected.

But the RAB technical chair said the numbers she's seen fly in the face of the assertion. It turns out, she said, uranium levels are jumping by large numbers. She's basing her claim on two studies done by the Army Corps, including its 2003 remedial investigation.

At that time, she said, one particular trouble spot south of the IWCS mound showed contamination of 958 micrograms per liter. By comparison, natural occurrence is about five micrograms per liter and the federally mandated drinking water standard is 30 micrograms per liter.

By the time 2011's study came along, which the Corps presented last month, Roberts said the reading had ballooned to show levels of 2,680 micrograms per liter.

She also studied the readings coming from well OW-11B, which the Corps also highlighted in its presentation. She concluded the opposite of the Corps at this location as well, saying contamination increased from 248 micrograms of uranium per liter in 2003 to 1,760 micrograms per liter in 2011.

"To me, that sends up a red flag," she said. "These levels are not typical of what we've seen at the site in the past. You don't get levels like that.

"The obvious explanation... is that if uranium levels are increasing in groundwater around the IWCS, then it would be leakage coming from the site."

The argument from the Corps that any contamination of the soil and groundwater at the site was due to historical storage practices before the IWCS's creation between 1982 and 1986 is also incorrect, Roberts said.

She said soil from surrounding areas was dredged up and buried with any barrels of material as the IWCS was created. This would eliminate any extreme elevated presence in many of the locations in question, she said.

If the site is leaking, the question becomes 'How?'

RAB members like Roberts wonder if maybe there's some pipes not plugged at the south end of the structure, perhaps coming from a previously demolished building not incorporated into the mound despite housing radioactive materials pre-IWCS.

Roberts said the Corps has admitted previously finding pipes connected to other buildings to the west of the structure not in their plans, so it's possible.

According to maps of current wells on the property provided by the Army Corps, there has been no monitoring of the area between the demolished building and the mound, though Roberts said this might soon change.

"If they're seeing increases in uranium at this magnitude, there has to be a source," she said. "Uranium tends to stay near the surface, but this is completely at the subsurface. I can think of only one source."

The fuel burned for hours in the building after hijacked planes struck the two nearby towers, flinging debris into the smaller skyscraper. Con Edison had maintained that fuel from the diesel tanks heightened the fire's intensity.

The fire department decided to let Tower 7 burn because it was unable to reach adequate water supplies, there were no people in the building and 843 firefighters had already been killed that day, the appeals court noted.

Lawyers for the plaintiffs did not immediately respond to messages for comment. Bud Perrone, a Silverstein spokesman, said he was pleased with the appeal ruling.

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