



JOED VIERA/STAFF PHOTOGRAPHER

Nearly 10 years ago, EPA officials left Fisherman's Park shocked over how packed the fishing hole is with anglers, considering the severity of the state health department's warning to not eat any fish caught there.

# Troubled waters

## Regulators are at cross purposes at Eighteen Mile Creek

BY DAN TELVOCK  
AND PHILIP GAMBINI  
Investigative Post

### ABOUT THE SERIES

The Union-Sun & Journal is partnering with Investigative Post on a series of stories detailing environmental concerns throughout the region. This is the first part of the series.

**E**ighteen Mile Creek in Niagara County is so polluted that the state Department of Health doesn't want people to eat the fish caught there.

It's one of only six waterbodies in the state with such a warning.

This hasn't stopped

another arm of the state, the Department of Environmental Conservation, from stocking the contaminated creek each year with an average of 160,000 of what are considered among the most desirable of fish:

salmon and trout.

As a result, a section along Eighteen Mile Creek in Newfane has become a fishing hotspot, part of the Lake Ontario watershed's \$113 million recreational fishing industry.

"This fishing industry is a multi-million dollar industry and they don't want to hurt it," said Shirley Nicholas, a City of Lockport resident who lives by the creek.

Nicholas and her friend Jean

Kiene were instrumental in getting the Environmental Protection Agency in 2012 to add Eighteen Mile Creek to its Superfund program. The banks and bottom of the creek are laced with a number of toxins, including PCBs, which can cause cancer. The contamination is so bad the agency evacuated five families along the creek in 2015.

DEC officials defended the stocking program, saying the fish spend most of their lives in nearby Lake Ontario. They return to the creek to spawn and die, and so there's a slim chance the fish can get contaminated.

"We are managing for recreational fisheries," said Steve LaPan, who is in charge of the DEC's Great Lakes fisheries

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An ominous tag rests on the Eighteen Mile Creek bank in Lockport.

**TOXIC  
LEGACY**



# CREEK...

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section. "And the goal of the policy is to protect public health, but to also encourage the beneficial uses that we are providing by stocking."

But some believe stocking a toxic creek undermines the health warning.

"I've listened to their justification, it really doesn't make any sense," said Joe Gardella, chemistry professor at the University at Buffalo and a lifelong fisherman.

"It just seems counter to what the department of health is trying to do on that creek, which is stop people from seeing it as a source of food," said Gardella, who is also chairman of the Buffalo Environmental Management Commission and serves on the EPA's Science Advisory Board.

## HISTORY OF CONTAMINATION

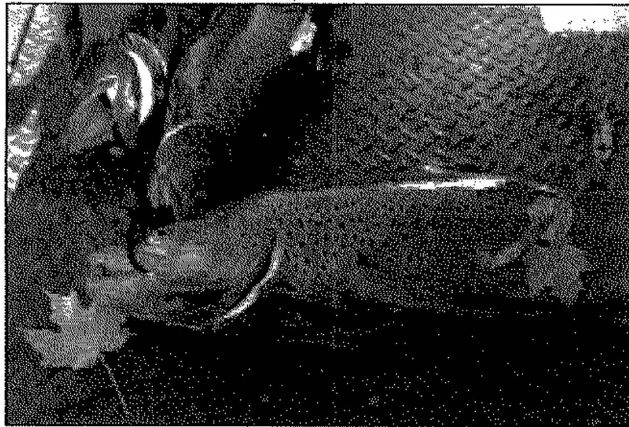
Eighteen Mile Creek begins north of the city of Lockport and meanders through the Newfane before emptying into Lake Ontario at Olcott Harbor.

Michael J. Pillot, a lifelong Lockport resident, recalled a "cloudy haze" from factories, dead fish, sick animals and chemical dumping in the creek during an August 2013 meeting about the creek.

"I thought that Eighteen Mile creek was worse than Love Canal, and I still believe that," he told the EPA at the meeting. "This is not a new problem that just arose. It's been ongoing for years."

In 1987, the International Joint Commission, which manages shared waters along the U.S.-Canadian border, added Eighteen Mile Creek to a list of 43 badly polluted waterways that needed extra attention. The sources of the contamination are believed to come from sewer overflows and old industrial plants, most of which operated on the edge of the creek in Lockport.

In 2008, the DEC notified nearly 100 property owners



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**Brown trout caught at Fisherman's Park in Newfane.**

by mail that they live near a state Superfund site that poses a significant risk to public health.

Nicholas got one of those letters: "And it says right here: A fish advisory — eat none of all species — is in place for Eighteen Mile Creek due to this contamination."

## SUPERFUND SITE

In 2012, the EPA added Eighteen Mile Creek to its federal Superfund program.

After evacuating five families in 2015, the EPA razed their homes on Water Street in Lockport. The EPA also demolished the contaminated former Flintkote factory on Mill Street, which manufactured felt products from 1928 to 1971. The EPA expects to launch the second of three phases of cleanup next year. That work will address some of the contamination in the bottom of the creek, in the soil and at two other industrial properties on Mill Street.

The contamination is the reason the health department advises fishers to not eat fish coming from the entire length of the creek, above and below Burt Dam.

## FISHING HOTSPOT

Fisherman's Park by Burt Dam in Newfane attracts more than 10,000 visitors each year.

The DEC's stocking program provides a huge boost for recreational fishing at the creek. State data from

2011 to 2015 shows the DEC has stocked the creek below Burt Dam with more than 800,000 salmon and steelhead.

"We made a conscious decision not to prohibit recreational fishing as a consequence of chemical contamination," said LaPan of the DEC.

Nonetheless, the popularity of the fishing hole did concern EPA officials.

According to a Niagara County Soil and Water Conservation District survey published in 2008, EPA officials visited the park to check on the creek's health. The survey noted the glut of fishermen at the park — a scene that shocked EPA officials because of the health department's fishing advisory.

EPA officials also noticed the lack of warning signs.

The 2008 county survey states EPA officials worked with the health department to design signs to warn fishermen against eating the fish. Although Fisherman's Park includes about a dozen various signs, none directly advise against eating the fish. Fishers told Investigative Post that they did not recall seeing any signs along the creek in Lockport, either.

Beau Brooks said "never in a million years" would he eat fish from the creek. He recently fished a section of the creek in the city, not far from the fenced-in Superfund property, where the stench of sewage was strong.

He also said there are other species of fish not stocked by the DEC, such as walleye and bass, that attract fishermen. Those fish likely spend more time in the creek, and are therefore exposed longer to contaminants.

In addition, the creek bank is littered with garbage, such as TV sets, printers, mattresses, wrappers and plastic bottles.

"Fish is always going to taste like the body of water that it comes from and judging by the smell, I wouldn't want to taste that," Brooks said.

One of the few ways fishers can learn of the health department advisory is to leaf through the state's 80-page fishing guide. Brooks said he would not have known not to eat the fish if his father hadn't warned him years ago.

"There's no way that everybody there is taking the time to flip through a guide to find a couple of sentences on one specific tributary in the entire state of New York," he said. "That's unreasonable."

DEC officials said they thought they saw warning signs in past visits to the creek. Town of Newfane officials refused to discuss the lack of warning signs at Fisherman's Park, but the 2008 survey states that Newfane officials at that time "decided not to erect signage."

"At the end of the day people have to make a decision on what they're going to do with those fish," said LaPan.

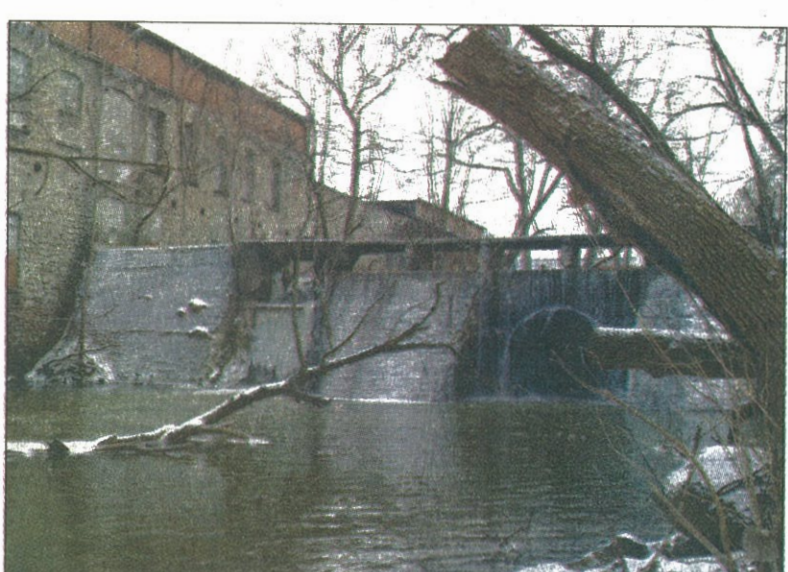
Greg Giusti, an adviser for forest and wildlife ecology at the University of California, said the prudent response from state and local governments would be to erect warning signs in visible locations along the entire creek.

"But it strikes me as odd that in a place where the recommendation is don't eat the fish, that some of the most highly desirable fish to catch and eat are being planted. It seems counterintuitive," he said.

"To me that's baiting"



# EPA finalizes plan for second phase of Eighteen Mile Creek work 2.1.2017



LEFT: Upson Park is among the contaminated sites along Eighteen Mile Creek that is slated for cleanup by the EPA. RIGHT: Eighteen Mile Creek flows behind 62 Mill St., the former Lockport Paperboard property. This section is on the EPA's list for dredging to remove PCBs, lead and other contaminants.

PHOTOS BY JOED VIERA/STAFF PHOTOGRAPHER



LEFT: The former White Transportation property at 30 Mill St. on Eighteen Mile Creek will be among the parcels cleaned up in the second phase of the EPA's remediation project. RIGHT: Eighteen Mile Creek flows behind the former Flintkote Plant at 198 Mill St. The EPA will be dredging and capping the site as part of a \$23 million project.

## \$23 million project to include dredging, capping and removal of contaminated sediment at numerous sites

BY TIM FENSTER  
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The EPA has finalized its plans for the second phase of cleanup at Eighteen Mile Creek — an approximately \$23 million project to address soil contamination along a corridor south of Harwood Street.

The EPA's plan, which was presented to the public Sept. 7 and was finalized Tuesday, will utilize a combination of dredging and capping at Upson Park, former residences and closed manufacturing facilities along a one-mile stretch of the creek.

The work is expected to cause closures at Upson

*PCBs are believed to cause cancer and can damage the immune, reproductive, nervous and endocrine systems in humans and animals; lead can damage the nervous system and cause other health complications.*

Park and some area roads, but residents needn't plan for those inconveniences just yet. The design of the work plan is expected to take at least a year and a half, according to Michael Basile, EPA community involvement coordinator.

Basile could not predict how long the work itself will last, saying it is much too early in the process to know that.

"This phase is going to be done in a multifaceted approach," Basile said.

The second phase will include dredging contaminated sediments at the former United Paperboard Company property, 62 to 70 Mill St.; the White Transportation property, 30 to 40 Mill St.; Upson Park; former residential properties on Water Street; and near the dilapidated Clinton and

William Street dams, which will be removed. The former Flintkote Plant property, 198 and 300 Mill St., will undergo dredging and capping.

Contaminated sediment will be moved to facilities that are permitted to handle such materials.

"There are a lot of properties, a lot of work to be done," Basile said.

Eighteen Mile Creek was

added to the Superfund National Priorities List in March 2012. Investigations found the presence of PCBs, lead and other contaminants in the sediment in and around the creek.

PCBs are believed to cause cancer and can damage the immune, reproductive, nervous and endocrine systems in humans and animals; lead can damage the nervous system and cause other health complications.

The Superfund program operates on the principle that polluters should fund the cleanups, not taxpayers. However, Basile said the creek's history of industrial use dates back

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to the 1800s and dozens of industrial facilities have called the banks of the creek home. Basile said this complicates efforts to determine which companies are responsible for the pollution. Most Superfund sites, he said, are in more concentrated areas with just one or two industries.

The agency is still reviewing the information on the companies that are potentially responsible.

"We can't point fingers until we have all the information," Basile said.

Until the responsible parties have been identified, the plan — with its estimated cost of \$23 million — will be funded with federal dollars.

In May 2016, the EPA finished the first phase of the

cleanup, which included the removal of the former Flintkote building and the buyout and relocation of five families on Water Street. Basile explained that those residents had to be removed because each time the creek flooded, new contamination washed onto their yards.

During the second phase, crews will excavate the Water Street properties during the cleanup of

creek sediment to avoid recontamination of both the properties and the creek.

The third phase of the cleanup, which Basile expects to be the largest phase, will address groundwater and contaminated sediment along a 14-mile stretch from Harwood Street to Olcott, where the creek empties into Lake Ontario. That phase is still being investigated.