

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
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IN THE MATTER :

Of :

CERTAIN PROPERTY OF THE FORT CONTI CORPORATION LOCATED IN THE TOWN OF LEWISTON, NIAGARA COUNTY, STATE OF NEW YORK. :  
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ORDER

WHEREAS, the Commissioner of Health of the State of New York is directed by the Public Health Law to take cognizance of the interests of health and life of the People of the State, and of all matters pertaining thereto and to exercise the functions, powers and duties of the Department of Health prescribed by law and is directed to enforce the Public Health Law and the State Sanitary Code; and

WHEREAS, Section 16.18 of the State Sanitary Code provides:

"(a) The department may, by rule, regulation or order, impose upon any person possessing a radiation source such requirements, in addition to those set forth in this Part, as it deems appropriate or necessary to protect the public health and safety and to minimize danger to life and property from radiation hazards."; and

WHEREAS, investigation by the Commissioner of Health of the State of New York and those acting by and on his behalf has disclosed hazardous radioactive emissions from the soil of certain lands located in the Town of Lewiston, Niagara County, New York, and owned by or in the possession and the control of the Fort Conti Corporation, which said lands were formerly owned by the United States Atomic Energy Commission and used by it, among other things, as a storage area for radioactive materials; and

WHEREAS, the Department of Health has a responsibility concurrent with that possessed by other official agencies having jurisdiction or responsibility to protect the public health and safety and to minimize dangers to life and property from radiation hazards emanating from said lands; and

WHEREAS, it appears necessary to impose reasonable restrictions on the development and use of said lands for the purpose of protecting the public health and safety and to minimize danger to life and property from radiation hazards existing thereon;

NOW BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Public Health Law, the rules and regulations promulgated pursuant thereto and the State Sanitary Code,

IT IS HEREBY ORDERED:

I. THAT the aforesaid lands owned by or under the control of the Fort Conti Corporation consisting of approximately six hundred fourteen (614) acres situate on or at that certain site now or formerly under the jurisdiction and control of the United States Atomic Energy Commission and now or formerly known as the Lake Ontario Storage Area located in the Town of Lewiston, County of Niagara and State of New York, shall not be developed or used for industrial, commercial or residential purposes, except that any use thereof existing at the time of the issuance of this Order shall be and hereby is allowed to continue and to be maintained provided, however, that such existing use shall not be expanded or broadened from and after the time of the issuance of this Order.

II. THAT the aforesaid lands may, however, otherwise be used for recreational purposes provided that the owner thereof take adequate and necessary precautions to assure that no person shall be permitted to make greater than an intermittent and occasional recreational use of said lands in order to minimize exposure of such person to radioactive hazards emanating therefrom.

III. THAT any deliberate or intentional movement, displacement or excavation, by whatever means, of the soil of said lands is hereby prohibited unless otherwise expressly permitted after the

