

STATE OF NEW YORK : DEPARTMENT OF HEALTH
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IN THE MATTER :
OF :
CERTAIN PROPERTY OF THE FORT CONTI CORPORATION :
LOCATED, IN PART, IN THE TOWN OF LEWISTON,
NIAGARA COUNTY, STATE OF NEW YORK :
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SUPPLEMENTARY ORDER

WHEREAS, the Commissioner of Health of the State of New York or those acting by and on his behalf did, heretofore, discover the existence of hazardous radioactive emissions from the soil of certain lands located, in whole or in part, in the Town of Lewiston, and Town of Porter, County of Niagara and State of New York, formerly owned by or in the possession and 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 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, by virtue of the authority vested in the Commissioner of Health of the State of New York and because of the existence of said hazardous radioactive emissions from those certain lands then owned by or in the possession and 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 whole or in part, in the Town of Lewiston, County of Niagara, State of New York and the Town of Porter, County of Niagara, State of New York, the said Commissioner issued an Order dated April 27, 1972 directing that the development and use thereof be restricted, except for certain specified permitted uses, until such time as said Commissioner should determine that radioactive emissions from said lands had been reduced to levels deemed acceptably safe to him; and

WHEREAS, Chem-Trol Pollution Services, Inc. has either leased or purchased from the Fort Conti Corporation approximately two hundred forty (240) acres of said lands, located in whole or in part in the Town of Lewiston, Niagara County, State of New York and the Town of Porter, Niagara County, State of New York and 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.

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 appearing to my satisfaction that radioactive emissions from said lands have been reduced to levels that are acceptably safe for certain uses;

IT IS HEREBY ORDERED:

I. THAT paragraph I of said Order dated April 27, 1972 be and the same hereby is modified to permit the aforementioned lands owned or leased by or under the control of Chem-Trol Pollution Services, Inc., as more particularly hereinafter described, to be used for industrial and commercial development; provided, however, that any industrial or commercial structures hereinafter constructed thereon shall be of slab

