

20th March granted

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
THE STATE OF NEW YORK,

Plaintiffs,

- vs -

HOOKER CHEMICAL & PLASTICS CORP.;
OXY CHEMICAL CORPORATION; HOOKER
CHEMICAL CORPORATION; OCCIDENTAL
PETROLEUM INVESTMENT CO.; OCCIDENTAL
PETROLEUM CORPORATION; THE TOWN OF
LEWISTON; THE TOWN OF NIAGARA,
(Hyde Park Landfill),

Defendants.

NOTICE OF MOTION

Civil No. 79-989

SIR(S):

PLEASE TAKE NOTICE that upon the annexed Affidavit of BARBARA MORRISON, ^{and MARGHERITA HOWE} sworn to the 6th day of March, 1981, the undersigned will move this Court at the United States Courthouse in Buffalo, New York, on the 20th day of March, 1981, at 9:00 o'clock, in the forenoon of that date, or ^{at a date to be arranged by the Court} as soon thereafter as counsel can be heard, for an Order permitting the ^{PP + OC-N} Ecumenical Task Force of the Niagara Frontier to intervene in this proceeding as an amicus curiae, with the right to submit a brief and participate in oral argument therein, together with such other, additional and different relief as to this Court may seem just and proper.

Dated: Buffalo, New York
March 6, 1981

Respectfully submitted,

Barbara Morrison
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Attorney for Amicus Curiae

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BARBARA MORRISON

JAY, KAUF and MORRISON

Attorney for the Environmental Task Force
amicus curiae

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
THE STATE OF NEW YORK,

Plaintiffs,

- vs -

AFFIDAVIT IN SUPPORT
OF REQUEST FOR
AMICUS CURIAE STATUS

HOOKEr CHEMICAL & PLASTICS CORP.;
OXY CHEMICAL CORPORATION; HOOKEr
CHEMICAL CORPORATION; OCCIDENTAL
PETROLEUM INVESTMENT CO.; OCCIDENTAL
PETROLEUM CORPORATION; THE TOWN OF
LEWISTON; THE TOWN OF NIAGARA,
(Hyde Park Landfill),

Defendants.

County of Canada
Province of Ontario
STATE OF NEW YORK)
COUNTY OF ERIE) ss.:
CITY OF BUFFALO)
1500

BARBARA MORRISON, being duly sworn, deposes and says:

1. I am *a lawyer* ~~an attorney~~ *in the* ^{pol. Probe & OCN} ~~duly admitted to practice law~~ *before this*
Province of Ontario ~~Court~~ and am legal counsel for ~~the Ecumenical Task Force of the Niagara~~
~~Frontier~~. I am submitting this Affidavit in support of a motion by the
PPS OCN ~~Ecumenical Task Force~~ to appear as amicus curiae in these proceedings,
subsequent to which this Court must determine whether it will approve the
proposed settlement agreement submitted for judicial ratification by the
parties.

2. The original action was brought because of substantial
impairment to public health and severe environmental degradation *which*
were caused by and continue to occur as a result of migration of highly
of soil, air, and water surrounding the site
including the degradation of water quality in

toxic chemicals from the Hyde Park Landfill.

3. The relief originally requested by Plaintiffs sought to avoid the risks to human health and the physical environment, including the Niagara River, inherent in failure to timely take appropriate remedial action.

4. One basic question for this Court to decide from a technological perspective is whether the proposed agreement adequately and reasonably corrects present hazards and avoids future hazards as set forth above.

5. It is the position of the ~~Ecumenical Task Force~~ ^{PP 80CN} that under the facts and circumstances of this case, there exists a public interest, *on the Canadian side of the Niagara of present & future impact of these chemicals in international waters & public health* which requires any settlement to be reasonably protective of affected populations as well as the physical environment. In addition to and by virtue of the complex technical aspects of this case which must be resolved, important and unexplored ^{international} ~~statutory~~, constitutional, and public policy issues arise which may materially affect the Court's decision.

6. The Ecumenical Task Force is a non-profit, non-partisan, multi-denominational organization which is dedicated to the resolution of environmental and public health problems in Western New York originating from chemical and/or radioactive contamination.

7. The Ecumenical Task Force utilizes its Board of Technical and Scientific Advisors to assist the organization in fully identifying environmental problems and in evaluating the viability of potential solutions. Members of the Board serve pro bono and include experts in the fields of toxicology, public health, biology, human genetics, environmental engineering and toxic waste damage assessment.

8. The Ecumenical Task Force believes that it is in a unique position to assist in bringing all pertinent factors to the attention of the Court for its consideration in reaching a decision.

9. ^{PP & OCN} ~~The Ecumenical Task Force~~ ^{seeks} therefore ~~wishes~~ to submit a brief on the issues raised hereinabove and to participate in oral argument thereon. In addition, ^{PP & OCN} ~~the Ecumenical Task Force~~ ^{seeks} wishes to participate in any further proceedings, evidentiary or otherwise, to the extent that this Court, in its discretion, determines that such participation would protect the ^{Canadian} public interest.

Barbara Morrison
BARBARA MORRISON

Sworn to before me this
6th day of March, 1981.

Sue Ann Sarra

SUE ANN SARRA
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1981