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Canadians Decry River Pollution

Scientists Rap U.S. Report Minimizing Hyde Park Threat

By Bob Dearing

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Two Canadian scientists, one representing his nation's top environmental agency, have concluded that 80,000 tons of chemical waste buried in a Niagara County landfill are slowly moving deep under the earth to contaminate the Niagara River. They have also denounced two U.S. government studies that minimize the threat.

The Canadians' comments are in papers filed this weekend with U.S. District Court Judge John T. Curtin by attorneys representing three environmental groups.

The papers attack two U.S. government reports filed with the same court last month that raised doubts about the likelihood of any substantial deep underground migration from the Hyde Park Landfill in the Town of Niagara to the Niagara River.

The unusual Canadian involvement in an American court case reflects the growing concern across the border about the pollution problems of the Niagara River and Lake Ontario.

The Hyde Park landfill, just north of the Niagara Falls city line in the Town of Niagara, is believed to be one of the nation's worst

toxic-waste dumps. It contains a ton of dioxin, more than exists in one place anywhere else in the world. Dioxin, one of the deadliest known chemicals, has been linked to cancer, kidney disease and serious skin ailments.

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In a precedent-setting case, Judge Curtin must decide whether to sign a contested out-of-court settlement between the state and federal governments and the Hooker Chemicals & Plastics Corp. that would require Hooker to pay \$16.5 million to clean up the contaminated landfill.

The three environmental groups say the proposed settlement will not stop the landfill from polluting the river because it makes Hooker responsible only for halting the horizontal flow of chemicals from the uppermost layers of the site.

The groups seek to prove that a serious threat is posed by the chemicals that sink deep beneath the landfill and then flow into the Niagara River through the lower rock face of the Niagara Gorge.

Pollution Probe and Operation Clean Niagara, both Canadian groups, and the Ecumenical Task Force of the Niagara Frontier, an American group, are the organizations challenging the agreement through attorneys Barbara Morrison and Toby Vigod. The proposed settlement was

submitted to Judge Curtin in January 1981.

The groups want all the chemicals buried at the site excavated and have called for geologic tests of the Rochester Shale, the rock formation 200 feet below the surface of the landfill they say is carrying contaminants from the site to the river.

Under the agreement, Hooker is responsible only for halting migration through the Lockport Dolomite, the upper bedrock formation immediately beneath the loose surface soil.

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Hooker and the state and federal governments have argued against any changes in the proposed agreement, saying it is adequate and farther-reaching than any other in assuring the removal of the hazards posed by a toxic dumpsite. The agreement settled lawsuits totaling \$206 million filed against Hooker by the state and federal governments for the company's dumping practices at the site between 1953 and 1975.

H.L. Ferguson, regional director general of Environment Canada, agreed to a request by Morrison and Vigod to review two documents filed with Judge Curtin on Feb. 19 by the U.S.

HYDE PARK

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Hyde Park Polluting Niagara, Canadian Scientists Charge

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Department. Dr. Dou-
Hallett and Richard Jackson
the Canadian agency reviewed
American submissions along
E. Grant Anderson, a hy-
geologist working for a private
Canadian consulting firm.

Anderson attacked a computer
model submitted to the court two
years ago by the U.S. Justice De-
partment that shows that only 5 per-
cent of the migration occurs through
the lower Rochester Shale forma-
tion. All the rest, according to the
model, migrate through the upper
level and the Lockport Dolo-

mitic model was prepared by Mor-
ris Maslia and Richard H. Johns-
on of the U.S. Geological Survey.

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Grant Anderson, a Canadian hy-
geologist for Gartner Lee Associ-
ates of Toronto, said the model's re-
sults are "useless and misleading"
because they were based on incor-
rect assumptions about the nature
of the actual landfill. The assump-
tions, he said, included an incorrect
assumption that the clay cap now in
place over the site is 100 percent
effective in preventing the infiltra-
tion of precipitation and that there
is no groundwater moving down-
ward through the bottom of the Ro-
chester Shale.

Anderson said his company has
conducted tests in the Rochester
area across the river in Ontario
that has proven that the formation
can carry groundwater and, there-
fore, can carry toxic materials.

"I cannot emphasize strongly
enough that chemicals will move
through the Rochester Shale," he
said in his review.

"The agreement as it is constitut-
ed will continue to allow the con-
tents of the Hyde Park Landfill to
slowly and continuously leak
through the underlying layers of
rock into the Niagara River," An-
derson concluded.

Morrison and Vigod, in their cov-
er letter to Judge Curtin, also ques-
tioned the legitimacy of the model
and accused the government of us-
ing it to belatedly justify the sci-
entific premises of the proposed agree-
ment.

They noted that during the 1981
hearing, attorneys for both the state
and federal governments had insist-
ed that there was insufficient data
to determine how groundwater
would flow under the landfill.

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Johnston, reached yesterday at
his home in Brunswick, Ga., would
not comment on the criticisms but
said he hoped to meet with Ander-
son to discuss his objections.

Accompanying the model two
weeks ago was a study of soil and
water samples taken from the face
of the Niagara Gorge near the land-
fill. They showed extremely low con-
centrations of chemicals known to
be in the landfill, and are similar to
concentrations more than a mile
downstream of the landfill's sus-
pected seepage point.

The similarities in the concentra-
tions make it hard to prove that the
Hyde Park site is directly responsi-

ble for polluting the river. Other
landfills along the river could be
contributing to the waterway's pol-
lution problems.

The findings also show no traces
of dioxin, which the environmental
groups say is reaching the river.

The results were prepared by an
EPA contractor, West Coast Techni-
cal Services, and were attacked by
Dr. Hallett, who said the company
did not follow proper EPA proce-
dures in analyzing the samples and
that WCTS conclusions about the
complete absence of lindane, mirex
and some dichlorobenzenes were
therefore invalid.

Dr. Hallett also said WCTS does
not have the equipment capable of
testing for the presence of dioxin
and therefore should not have re-
ported that dioxin was non-detecta-
ble in soil samples.

Officials of WCTS could not be
reached for comment yesterday.

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Dr. Hallett said the report does
nothing to alter the conclusions of
the environmental groups and said
some of the WCTS data, including
their findings of PCBs and trichloro-
phenol, two known Hyde Park con-
taminants, "serves to substantiate
their conclusion that groundwater
contaminated with marker chemi-
cals from the Hyde Park landfill
permeates the deep rock strata of
the Niagara Gorge to the bottom of
the Rochester Shale and whirlpool
sandstone formations (underneath
the shale) and is seeping from the
face of the Niagara Gorge."