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March 22, 1982

Hon. John T. Curtin  
District Court Judge  
Western District of New York  
United States Court House  
Buffalo, New York 14202

Re: United States of America, et al v.  
Hooker Chemicals & Plasitcs Corp.,  
et al (Hyde Park Landfill)  
(Civil Action No. 79-989)

Dear Judge Curtin:

We are in receipt of the most recent filing dated  
March 12, 1982, by counsel for the Amici.

It should be noted that last October the EPA agreed to conduct a study in response to the Court's concern about the alleged presence of contaminants at the Niagara River Gorge face. The results of the study confirm that groundwater under the Hyde Park landfill flows to the northwest toward the Niagara River Gorge face and that organic chemicals are present at the Gorge face in low parts per trillion levels -- levels which are far below any applicable public health or environmental standards or criteria. In addition, the EPA also took a "control" sample from a location which could not possibly have received groundwater flow from the Hyde Park landfill area. The results from the "control" sample were similar to those found at the Gorge face near the landfill, i.e., indicating the chemicals at the Gorge face are present only at ambient or background levels.

Regrettably, the Amici have utilized the EPA study undertaken at the Court's suggestion as a pretext to reargue, yet again, the same objections to the Settlement Agreement which they presented at last fall's hearings and restated last December in filings in conjunction with the withdrawal of the Twedell testimony. Indeed, the Amici's present filing includes two affidavits which the Court has expressly excluded from the record in the proceedings concerning the Settlement Agreement (Tr. 1795-96). Accordingly, Hooker will not engage in a point-by-point refutation of the many

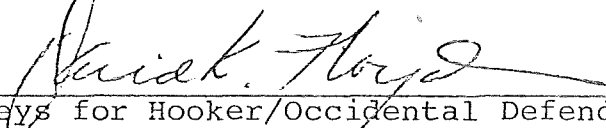
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inaccuracies and misstatements reflected in the Amici's filing. We must note, however, that Hooker believes it counterproductive for Amici continuously to reargue their objections to the Settlement Agreement long after the record has been closed (Tr.1795).

Finally, it should be emphasized that the areas of disagreement reflected in the recent filings by EPA and the Amici are essentially unrelated to the Court's consideration of the Settlement Agreement. If approved, the Settlement Agreement provides for comprehensive soil and groundwater surveys and chemical analyses. Taking account of such data collection, the Settlement Agreement also provides for the study and, if required, for the installation, operation and monitoring of technology to protect public health and the environment in the area of the Hyde Park landfill. Thus, to the extent they are relevant, existing disagreements relating to the Gorge face about groundwater flow, chemical analyses and the like will be addressed and resolved through implementation of the Settlement Agreement.

Very truly yours,

WALD, HARKRADER & ROSS  
PHILLIPS, NIZER, BENJAMIN, KRIM & BALLON  
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By   
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