

Stipulation on Requisite Remedial Technology Program
for the Hyde Park Landfill

EXPLANATION

A. GENERAL BACKGROUND

The Hyde Park Landfill is a 15-acre chemical waste dump located in the northwest corner of the Town of Niagara, County of Niagara, New York. From about 1953 until about 1975, Hooker Chemicals and Plastics Corporation (now known as Occidental Chemical Corporation - OCC) used the Hyde Park Landfill for the disposal of an estimated 80,000 tons of chemical wastes.

The Hyde Park Site is not well-suited for the disposal of chemical wastes, and numerous environmental problems and threats to the public health resulted from its use. In 1979, the United States Environmental Protection Agency (USEPA) filed suit against OCC in an effort to require OCC to contain chemical wastes within the landfill and collect and clean up those wastes which had already escaped from the landfill.

The State of New York joined in the suit and participated in the out-of-court negotiations which resulted in the Hyde Park Settlement Agreement, a settlement to the Governments' suit against OCC. On April 30, 1982, the Agreement was approved by the United States District Court for the Western District of New York. The Settlement Agreement is a lengthy document describing in considerable detail the remedial work and investigations that OCC must do in and around the landfill under the supervision of the appropriate Federal and State Agencies.

B. DEVELOPMENT OF THE REQUISITE REMEDIAL TECHNOLOGY PROGRAM

The Settlement Agreement (signed in 1982) required that OCC perform specific remedial work to contain the landfill. However, there was not, at the time of the Settlement Agreement, enough information to determine the appropriate way to address contamination which had migrated from the landfill. Therefore, OCC was required to gather the necessary additional information and complete a Requisite Remedial Technology (RRT) Study which would evaluate available technologies and determine an appropriate remedial program for the off-site contamination.

The Agreement provides a definition for Requisite Remedial Technology (RRT) which OCC, EPA and the State must use to evaluate alternatives and determine the appropriate remedial program. In determining whether a Remedial Technology is "Requisite," the following factors are used:

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