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EPA/STATE STATEMENT

Re: Hyde Park Landfill -- Requisite Remedial Technology

January 30, 1985

The United States and State of New York sued Occidental Chemical Corp. ("OCC") in 1979 and 1980, respectively, to require clean up of the Hyde Park Landfill. On April 30, 1982, a Stipulation and Judgment approving the Hyde Park Settlement Agreement was approved by the Court.

The Settlement Agreement provided that OCC conduct an initial survey and testing program to determine the extent of contamination down to the top of the Rochester Shale and to assess remedial alternatives to contain and clean up contamination at and around the Hyde Park Landfill. OCC completed this survey in December 1983 and submitted reports to the State and Federal governments at that time. By the terms of the Settlement Agreement, OCC was then required to initiate a Requisite Remedial Technology ("RRT") Study to determine what additional studies and remedial technologies were appropriate to contain and clean up the chemicals that were migrating from the Landfill.

OCC was required to submit its RRT Study within 120 days of its initiation. It submitted its Study on April 10 and May 9, 1984.

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By the terms of the Judgment, the State and Federal governments were required to submit a response to OCC within 120 days, advising OCC whether or not they considered the report to be consistent with the terms and conditions of the Judgment. The governments submitted their Response on September 5, 1984. Although OCC did the surveys and testing required under the Settlement Agreement, the governments found that OCC's Report was inconsistent with the terms and conditions of the Judgment in that more information was necessary before decisions could be made concerning RRT.

Pursuant to the Settlement Agreement, OCC is either to notify EPA/State within 120 days of the RRT Response, or longer if so stipulated, that it agrees with the actions called for by EPA/State, or within 30 days following the end of the 120-day period, EPA/State may petition the Court to require OCC to implement the actions called for by EPA/State.

The State and Federal governments have been meeting with OCC since September 1984 in an attempt to resolve differences regarding an appropriate RRT to be implemented at the Hyde Park Landfill. During this period, the parties have established that there is a reasonable likelihood that a satisfactory agreement will be reached, although substantial differences still remain. The parties

agreed to extend the 120-day period by 60 days in the hope that an agreement will be reached. (On January 4, 1985, the parties filed a Stipulation with the Court extending the period until March 4, 1985.)

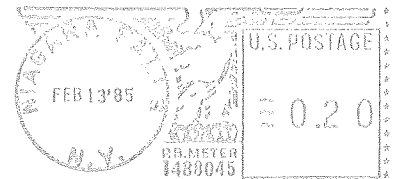
On December 12, 1984, EPA/State provided OCC with a discussion draft document which sets forth the governments' position as of that date regarding an appropriate RRT for the Hyde Park Landfill. This document does not necessarily reflect the final position of the governments, but sets forth one approach for meeting the governments' objectives. It is possible that these same objectives can be achieved in other ways. Among other things, EPA/State discussion draft sets forth a program for addressing the aqueous phase leachate ("APL") in the bedrock. However, EPA/State has not yet made a determination requiring OCC to remediate the APL bedrock plume. The parties are still in the process of discussing this issue. The APL proposal set forth in this draft merely identifies one way to remediate the APL plume in the event that OCC is ultimately required to address this contamination.

OCC provided EPA/State with a report entitled "Requisite Remedial Technology: Revised Proposal," dated December 28, 1984. This report sets forth an overview of OCC's proposal, as of that date, for RRT in the vicinity of the Hyde Park Landfill.

Both of these documents have been made available by the State of New York to the public at the U.S.E.P.A. Public Information Office located at 706 9th Street, Niagara Falls, New York. A public meeting will be held in February, 1985 at a time and place to be announced to answer questions regarding these documents and to discuss the present status of RRT discussions. Written comments from the public may be received at the Public Information Office or at the NYSDEC/Region 9 in Buffalo, New York.

The parties are continuing to meet in a serious effort to resolve technical issues and agree upon an appropriate RRT for the Hyde Park Landfill. At this time, there is still no agreement, but, as noted above, there is a reasonable likelihood that agreement may be reached. Progress is being made, but substantial differences still remain. One of the principal remaining areas of disagreement, as noted above, is whether the APL plume in the bedrock should be remediated.

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HYDE PARK LANDFILL

PUBLIC MEETINGS TO BE HELD

The State of New York and the United States Environmental Protection Agency will hold two public meetings to discuss issues surrounding the Hyde Park Landfill.

PURPOSE:

To provide a status report on the development of a remedial program for the contaminated groundwater in the vicinity of the Hyde Park Landfill, (RRT) and to receive public comment on the RRT. (*See enclosed statement)

DATE:

TUESDAY, FEBRUARY 19, 1985

PLACE:

Niagara University,
Dunleavy Hall, Room 127

TIME:

7:00 P.M.

IMPORTANT DOCUMENTS
TO REVIEW:

- : April, 1984 Requisite Remedial Technology Study, Overburden and Bedrock prepared by Conestoga-Rovers & Associates Limited for OCC
- : Hyde Park Landfill Remedial Program Benefits of Proposed Remedial Technology - Overburden and Bedrock prepared by A.D. Little for OCC
- : September 5, 1984 Hyde Park Remedial Program, EPA/State Response to OCC's Proposal for RRT
- : November 30, 1984 Review and Evaluation of EPA/State response to the Requisite Remedial Technology Study for the Hyde Park Landfill, prepared by Geological Testing Consultants for Ontario Ministry of the Environment

- : December 12, 1984 Hyde Park Landfill RRT Discussion Draft prepared by EPA/State
- : December 28, 1984 RRT: Revised Proposal, prepared by Conestoga-Rogers and Associates Limited for OCC

These documents and many other Hyde Park Landfill documents are available for your review at the following locations:

- Hyde Park Public Information Office, 706 Ninth Street, Niagara Falls, New York 14301
- Department of Environmental Conservation Region 9 Office, 600 Delaware Avenue, Buffalo, New York

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A second public meeting is also scheduled.

<u>PURPOSE:</u>	: Topics to be addressed include:
	- permanent leachate storage and handling facility - lagoons at the landfill - assessment of exposure to contaminated groundwater - schedule of work - status of health and safety plans for Special Construction Activity
<u>DATE:</u>	THURSDAY, MARCH 7, 1985
<u>PLACE:</u>	Niagara University
<u>TIME:</u>	7:00 P.M.

If you have any questions about these meetings, please call Matt Forcucci at the Hyde Park Public Information Office at 285-8842 or Anita Gabalski at the DEC Public Information Office at 297-9637.

We hope to see you at the meetings. It is important that we hear from you!

