



RECEIVED JUN 23 1981

106y

STATE OF NEW YORK
DEPARTMENT OF LAW
TWO WORLD TRADE CENTER
NEW YORK, N.Y. 10047
TELEPHONE:

212-488-3290

June 19, 1981

ROBERT ABRAMS
Attorney General

Clerk
U.S. District Court for the
Western District of New York
U.S. Court House
Buffalo, N.Y. 14202

RE: U.S. v. Hooker, et al.
Civil Action 79-989
(Hyde Park Landfill)

Dear Sir:

I enclose for filing in the above titled matter
the affidavit of Lorelei Joy Borland.

Very truly yours,

Lorelei Joy Borland
LORELEI JOY BORLAND
Assistant Attorney General

cc: Judge John T. Curtin
Counsel of Record

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,
THE STATE OF NEW YORK,

Plaintiff,

- v s -

AFFIDAVIT

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

Civil No. 79-989

Defendants.

-----X

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

LORELEI BORLAND, being duly sworn, deposes and says:

1. I am an Assistant Attorney General for the State of New York and am the lead counsel in United States of America, The State of New York v. Hooker Chemicals & Plastics Corp., et al., Civil No. 79-989.

2. On or about February 29, 1981, Ms. Nina Spiegelman, Office of Counsel, New York State Department of Environmental Conservation, telephoned me and informed me that Ms. Barbara Morrison had filed a request pursuant to the New York Freedom of Information Law with the Region 9 (Buffalo) Office of the Department of Environmental Conservation. Ms. Spiegelman informed

me that she and Mr. Jim Wilding of the Region 9 office would examine their files for documents responsive to Ms. Morrison's request, and inform me what documents were being released.

3. Although it is the responsibility of the agency to which a FOIL request is made to respond, I worked closely with Ms. Spiegelman to provide a prompt and complete response.

4. The documents responsive to Ms. Morrison's request of February 29, were made available on or about March 20, although I have been informed that Ms. Morrison did not return to the Region 9 office to obtain them until May 9, 1981.

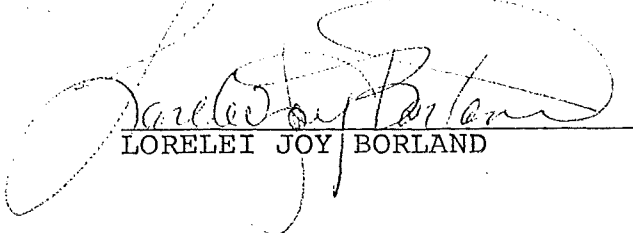
5. At this time, Ms. Morrison made a second request to the Region 9 office pursuant to the Freedom of Information Law, and materials responsive to that request were made available to Ms. Morrison by DEC.

6. During a telephone conversation with Ms. Morrison on or about June 8, 1981, she asked me whether all documents responsive to her request to DEC had been released. I informed her that I had been informed by counsel for DEC that all such documents had been released. I stated that I would review my files and inform her whether I had additional information, although no FOIL request had been made to the Department of Law.

7. Upon reviewing my files, I discovered a document marked "Confidential" which had been given to my office in May, 1980. On June 12, 1981, I telephoned Ms. Morrison to inform her that 49 pages of material were being made available to her.

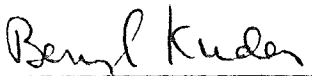
8. Ms. Morrison had previously received all but 7 pages of this 49 pages of data.

9. On June 17, 1981, I received a telephone call from Ms. Morrison requesting an extension of time to enable her consultants to review this data. I telephoned Ms. Morrison later that day and asked her how much time she was requesting. Ms. Morrison informed me that she wanted until June 30, 1981 to file her brief. I informed her that the State of New York had no objection to extending the time for filing her brief until June 30, 1981.



LORELEI JOY BORLAND

Sworn to before me this
19th day of June, 1981.


Notary Public

BERYL KUDER
Notary Public, State of New York
No. 31-4642-55
Qualified in New York County
Commission Expires March 30, 1982