

CONFIDENTIAL

FM EXTOTT GNT-0281

TO WSHDC DELBY 200900

INFO ENVHULL/EPS/SALLOUM/HAY/IAD/WILSON ENVHULL/ADM/EPS/ROBINSON/

ADM/ECS/MOUNTAIN ENVTOR/SLATER

REF TOOZE/CRONIN TELCON

SUBJ: NIAGARA RIVER - HYDE PARK LANDFILL SITE

FOLLOWING IS TEXT OF NOTE FOR DELIVERY TO STATE DEPT RE AGREEMENT BETWEEN U.S. GOVT, STATE OF N.Y. AND HOOKER CHEMICAL AND PLASTICS CORP, PERTAINING TO REMEDIAL ACTION AT HYDE PARK LANDFILL SITE. APPRECIATE YOUR FORWARDING NOTE NO LATER THAN MAY 20.

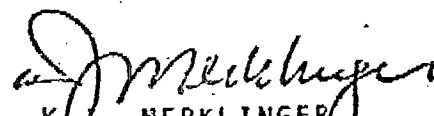
2. POLLUTION PROBE AND OPERATION CLEAN NIAGARA APPLICATION FOR AMICUS CURIAE STATUS IN NY COURT HAS RECEIVED CONSIDERABLE PRESS ATTENTION HERE. COUPLED WITH SCA DISCHARGE AND HIGH DEGREE OF CDN POLITICAL AND PUBLIC INTEREST IN ANYTHING TO DO WITH NIAGARA AREA, PROPOSED MEETING TO DISCUSS HYDE PARK AGREEMENT AND TO PROVIDE GENERAL UPDATE ON SITUATION IN NIAGARA APPEARS HIGHLY ADVISABLE IN TERMS OF MANAGING SITUATION. WOULD BE PLEASED TO CONSIDER ANY DATE PRIOR TO JUNE 30 SUGGESTED BY STATE DEPT.

3. TEXT READS QUOTE: THE EMBASSY OF CANADA PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF STATE AND HAS THE HONOUR TO REFER TO AN AGREEMENT BETWEEN THE UNITED STATES GOVERNMENT, THE STATE OF NEW YORK AND THE HOOKER CHEMICAL AND PLASTICS CORPORATION. THIS AGREEMENT PERTAINS TO PROPOSED REMEDIAL ACTION TO HALT AND

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LYNDA CRONIN

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K. J. MERKLINGER

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PREVENT FURTHER MIGRATION OF TOXIC CHEMICALS, INCLUDING DIOXINS, FROM ^{THE} HYDE PARK LANDFILL SITE IN NIAGARA FALLS, N.Y., AND IS NOW PENDING RATIFICATION BY U.S. DISTRICT COURT IN BUFFALO.

THE CANADIAN GOVERNMENT IS AWARE OF THE EFFORTS BEING MADE BY THE UNITED STATES AND NEW YORK STATE GOVERNMENTS TO RECTIFY PROBLEMS ASSOCIATED WITH INADEQUATE PAST TOXIC WASTE DISPOSAL PRACTICES IN THE NIAGARA FALLS, N.Y. AREA. THE POTENTIAL IMPACT OF THIS SITUATION ON THE LEVELS OF TOXIC SUBSTANCES IN THE NIAGARA RIVER AND LAKE ONTARIO HAS BEEN A MATTER OF CONCERN FOR SOME TIME. THE CANADIAN GOVERNMENT ON NUMEROUS OCCASIONS HAS EXPRESSED CONCERN ABOUT THE NEED TO TAKE ACTION TO IMPROVE THE STATE OF WATER QUALITY IN THE NIAGARA RIVER. IN PARTICULAR, THE EMBASSY'S NOTE OF DECEMBER 5, 1980, CITED THE MANUFACTURE OF 2,4,5 TRICHLOROPHENOL BY THE HOOKER CHEMICAL CO. IN NIAGARA FALLS, NY. AS A POSSIBLE SOURCE OF 2,3,7,8-TCDD (DIOXIN), WHICH HAS BEEN DETECTED IN THE GREAT LAKES SYSTEM AND IS NOW A MATTER OF CONCERN TO BOTH GOVERNMENTS. THE CANADIAN GOVERNMENT WAS SUBSEQUENTLY PLEASED TO RECEIVE THE ASSURANCE IN THE STATE DEPARTMENT'S NOTE OF FEBRUARY 12, 1981 THAT THE U.S. GOVERNMENT FULLY SHARES CANADIAN CONCERNS AND WILL ADVISE THE CANADIAN GOVERNMENT ON A REGULAR BASIS WITH REGARD TO U.S. REMEDIAL AND CLEANUP ACTIVITIES.

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THE CANADIAN GOVERNMENT IS CONCERNED THAT THE AGREEMENT BETWEEN THE UNITED STATES GOVERNMENT, ^{THE STATE OF NEW YORK} AND HOOKER CHEMICAL ^{AND} PLASTICS CORPORATION DOES NOT APPEAR ADEQUATE TO PREVENT THE LEAKAGE OF TOXIC SUBSTANCES FROM THE HYDE PARK LANDFILL INTO THE NIAGARA RIVER AND LAKE ONTARIO. THE EMBASSY THEREFORE WISHES TO BE SATISFIED, PRIOR TO FINALIZATION OF THE AGREEMENT, THAT ALL REASONABLE AND PRACTICAL MEANS ARE BEING UNDERTAKEN TO PREVENT THE RELEASE INTO THE GREAT LAKES SYSTEM OF ANY TOXIC MATERIALS, CONSISTENT WITH THE COMMITMENT IN THE GREAT LAKES WATER QUALITY AGREEMENT THAT QUOTE THE DISCHARGE OF TOXIC SUBSTANCES IN TOXIC AMOUNTS BE PROHIBITED AND THE DISCHARGE OF ANY OR ALL PERSISTENT SUBSTANCES BE VIRTUALLY ELIMINATED UNQUOTE (AND TO COMPLY WITH THE SPECIFIC OBJECTIVES OF THE AGREEMENT CONTAINED IN ANNEXES 2 AND 12).

IN ACCORDANCE WITH THE EXPRESSED DESIRE OF BOTH GOVERNMENTS FOR CLOSE AND CONTINUING COOPERATION IN THIS AREA, THE EMBASSY REQUESTS THAT:

- (A) AN EARLY MEETING, INCLUDING AN ON-SITE VISIT, BE CONVLINED TO DISCUSS THE MEASURES PROPOSED TO CONTAIN OR DISPOSE OF MATERIALS AT THE HYDE PARK LANDFILL SITE AND RELATED MATTERS SUCH AS PROVISIONS FOR LIABILITY IN THE EVENT OF FURTHER PROBLEMS;

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- (B) AN INVENTORY OF ALL WASTE DISPOSAL SITES WITH A POSSIBLE IMPACT ON THE GREAT LAKES BE PROVIDED. THIS INVENTORY SHOULD INCLUDE ALL SITES WHERE IT IS KNOWN OR SUSPECTED THAT DIOXIN OR OTHER TOXIC WASTES MAY BE PRESENT AS WELL AS INFORMATION REGARDING INVESTIGATIONS CURRENTLY UNDERWAY CONTEMPLATED REGARDING ANY OF THESE SITES;
- (C) IN VIEW OF THE POTENTIAL ADVERSE TRANSBOUNDARY IMPACTS, INFORMATION BE PROVIDED AND CONSULTATIONS BE HELD ~~BETWEEN OUR TWO GOVERNMENTS~~ ^{AS NECESSARY} PRIOR TO ANY DECISIONS BEING TAKEN ON DISPOSAL OR CONTAINMENT MEASURES REGARDING SITES IN THE GREAT LAKES AREA KNOWN OR SUSPECTED TO CONTAIN DIOXIN OR OTHER TOXIC SUBSTANCES.

THE EMBASSY AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE DEPARTMENT OF STATE ASSURANCES OF ITS HIGHEST CONSIDERATION. UNQUOTE.