

RECEIVED NOV 30 1982

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA and
STATE OF NEW YORK.

Plaintiffs

v.

CIV -79-989C
(Hyde Park Landfill)

HOOKER CHEMICALS & PLASTICS
CORP., et al.,

Defendants

SIR: Take notice of an ORDER, ~~XXXXXXXXXX~~ of
which the within is a copy, duly granted in the within
entitled action on the 23rd day of Nov., 1982, and
entered in the Office of the Clerk of the United States
District Court, Western District of New York, on the
23rd day of Nov., 1982.

Dated: Buffalo, New York

November 24, 1982

JOHN K. ADAMS, CLERK
U.S. District Court
Western District of New York
U.S. Courthouse
Buffalo, New York 14202

TO: Jack S. Penca, Esq.
Mary Ellen Burns, Esq.
Thomas H. Truitt, Esq.
Louis Nizer, Esq.
David K. Floyd, Esq.
Robert Paul Merino, Esq.
Edward Pl. Jesella, Jr.
Barbara Morrison, Esq.
Stanely Crossman, Esq.
Lewis Steele, Esq.
Robert J. Sugarman, Esq.
Steven Shapiro, Esq.
Richard J. Lippes, Esq.
✓ Toby Vigod, Esq.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA and
STATE OF NEW YORK,

Plaintiffs,

-vs-

CIV-79-989C
(Hyde Park Landfill)

HOOKEER CHEMICALS & PLASTICS CORP.;
HOOKEER CHEMICAL CORP.; OCCIDENTAL
PETROLEUM INVESTMENT CO.; OCCIDENTAL
PETROLEUM CORP.; THE TOWN OF LEWISTON;
and THE TOWN OF NIAGARA, NEW YORK,

Defendants.

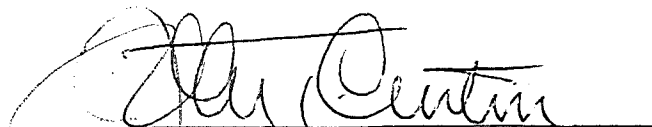
SUPP. ORDER #1

On October 27, 1982, the court considered oral argument on the application of the Colege Heights Property Owners Association to enjoin the drilling of survey wells at the Hyde Park Landfill Site. Applicants argue that the work being conducted is covered by the definition of special construction activity, and because of that, air monitoring equipment must be used at the drilling of each well.

During the hearing, an explanation was made of the work being conducted. After listening to the argument, the court decided that the drilling of the survey wells as described was not covered under the definition of special construction activity. An oral decision was made, and a transcript of the order shall be filed.

The application for a restraining order is denied.

So ordered.


JOHN T. CURTIN
United States District Judge

Dated: November 23, 1982

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA & 1,
Plaintiffs

v.

CIV -79-989C

HOOKER CHEMICALS & PLASTICS CORP.,
et al.,

Defendants

SIR: Take notice of an ORDER, ~~XXXXXXXXXX~~ of
which the within is a copy, duly granted in the within
entitled action on the 5th day of Oct., 1982, and
entered in the Office of the Clerk of the United States
District Court, Western District of New York, on the
5th day of Oct., 1982.

Dated: Buffalo, New York

October 6, 1982.

JOHN K. ADAMS, CLERK
U.S. District Court
Western District of New York
U.S. Courthouse
Buffalo, New York 14202

TO: Jack S. Penca, Esq.
Robert Abrams, Esq.
Mary Ellen Burns, Esq.
Thomas H. Truitt, Esq.
Louis Nizer, Esq.
David K. Floyd, Esq.
Barbara Morrison, Esq.
Stanley Grossman, Esq.
Robert Paul Merino, Esq.
Edward P. Jesella, Jr., Esq.
Richard Lippes, Esq.
Lewis Steele, Esq.
Robert J. Sugarman, Esq.
✓ Toby Vigod, Esq.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA and
THE STATE OF NEW YORK,

Plaintiffs,

-vs-

CIV-79-989C
(Hyde Park Landfill)

HOOKEE CHEMICALS & PLASTICS CORP.;
HOOKEE CHEMICAL CORP.; OCCIDENTAL
PETROLEUM INVESTMENT CORP.; OCCIDENTAL
PETROLEUM CORP.; THE TOWN OF LEWISTON,
NEW YORK; AND THE TOWN OF NIAGARA, NEW
YORK,

Defendants.

Plaintiff-Intervenor College Heights Property Association has submitted a motion for clarification of responsibilities of the parties to the Hyde Park Settlement Agreement, which was approved by this court on April 30, 1982. See United States v. Hooker Chemicals & Plastics Corp., 540 F. Supp. 1067 (W.D.N.Y. 1982). Plaintiff-Intervenor has requested information, as well as a mechanism for its participation in various aspects of the settlement agreement. These requests include advance notice of scheduling arrangements for implementing the terms of the settlement agreement, information concerning the exchange and submission of documents required by the agreement, as well as access to and free copies of relevant materials.

Many of these requests are important to the efforts of involving citizens in the decision-making process, and these concerns are recognized and shared by the court and the named parties to the agreement. At oral argument, the State and

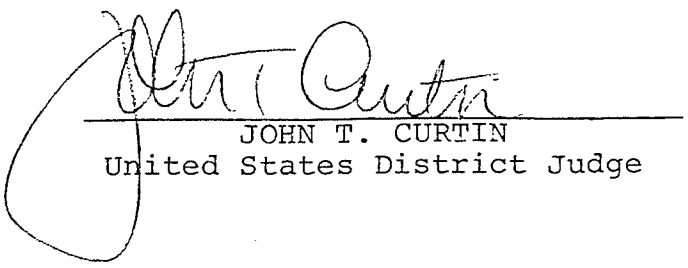
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federal governments outlined their proposal for the Hyde Park Community Relations Plan. This plan seems designed to assist in meeting many of the concerns expressed by the intervenor in providing and maintaining access to information as well as a means to involve citizens and receive public comments concerning the settlement agreement.

The court directs that the State circulate draft copies of this proposed plan to the court and the parties for comments. Upon receipt of these comments, the State may wish to make modifications, and a final plan shall be filed with the court by November 4, 1982.

Plaintiff-Intervenor also requests that the court permit it to attend meetings of two or more of the named parties to the settlement agreement. As explained at oral argument, such a request is both unmanageable and unwarranted at this time. The present efforts of the named parties to consult with and involve intervenor in the settlement agreement are sufficient to include the intervenor in these ongoing discussions.

So ordered.



JOHN T. CURTIN
United States District Judge

Dated: October 5, 1982