

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

-vs-

CIV-79-989C
(Hyde Park Landfill)

HOOKEER CHEMICALS & PLASTICS CORPORATION,
et al.,

Defendants.

SUPP. ORDER #7

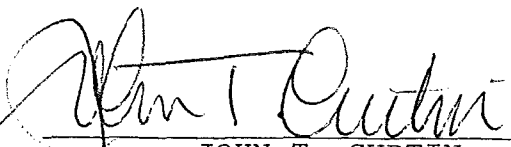
This order summarizes the status of the Past Particulate Migration Study [PPMS]. In response to the court's order directing the State to show cause why the Study cannot be undertaken as soon as possible (Supp. Order #5, March 9, 1983), the court has had several meetings with the parties, and the State has submitted an agenda for implementing this Study (Docket Item 284).

Copies of the final draft of the study have now been sent to federal and State agencies, private institutions, the defendants, intervenor College Heights Property Owners Association, and the Association's technical representatives for their comments. The State Department of Health will receive these comments by July 15, 1983, and the Department will assess these comments and finalize the Study during the month of August, 1983. Hopefully, the implementation of the Study may be undertaken in late August;

however, the court understands that under the present Department of Health plan, the Study will be implemented no later than October 1, 1983. The Department of Health has also agreed to submit a report of all external review written comments, along with its rationale for incorporating or not incorporating these comments into the final PPMS protocol. It is anticipated that completion of the Study will take approximately one year.

The State Department of Health has also agreed that if any substantial changes in this schedule occur, it will apprise the court of these changes and give reasons in writing as to why any delay is necessary. With this schedule now in place, the court is confident that the Past Particulate Migration Study will be implemented as soon as practicably possible.

So ordered.



JOHN T. CURTIN
United States District Judge

Dated: July 7 , 1983