

RECEIVED JUL 19 1983

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, et al.,
Plaintiffs

v.

HOOKER CHEMICALS & PLASTICS
CORPORATION, et al.

CIV -79-989C

(Hyde Park Landfill)

SIR: Take notice of ^{two} ~~an~~ ORDERS ~~XXXXXXXXXX~~ of
which the within is a copy, duly granted in the within
entitled action on the 13th day of July, 1983, and
entered in the Office of the Clerk of the United States
District Court, Western District of New York, on the
13th day of July, 1983.

Dated: Buffalo, New York

July 13, 1983

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

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

-vs-

CIV-79-989C
(Hyde Park Landfill)

HOOKEK CHEMICALS & PLASTICS CORPORATION,
et al.,

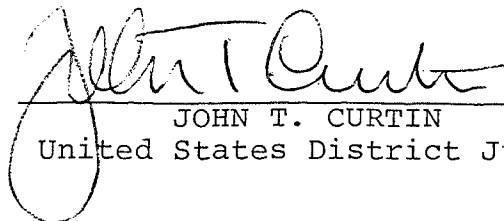
Defendants.

SUPP. ORDER #8

Plaintiffs United States of America and the State of New York and defendant Hooker Chemical Company have all requested additional time to submit responses to plaintiff-intervenor College Heights Property Owners Association's motion for costs and attorneys' fees.

In light of the Supreme Court's very recent decision in Burford v. Sierra Club, No. 82-242, which may affect this case, the parties are directed to file a response to plaintiffs' motion on or before August 17, 1983.

So ordered.


JOHN T. CURTIN
United States District Judge

Dated: July 13, 1983

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

-vs-

CIV-79-989C
(Hyde Park Landfill)

HOOKEK CHEMICALS & PLASTICS CORPORATION,
et al.,

Defendants.

SUPP. ORDER #9

In the spring of 1983, intervenor College Heights Property Owners Association brought several motions to halt drilling activity taking place at the Hyde Park Landfill. This activity is part of the remedial efforts now underway at the landfill site. On March 8, 1983, the court denied intervenor's motion for a temporary restraining order, since it was not clear that the drilling plan would cause irreparable harm to the Association (Supp. Order #4). At the same time, the court directed the federal government to obtain further information from the Environmental Protection Agency [EPA] concerning its air monitoring program at the site.

The Association now believes that the court should order that modifications be made in the current health and safety plan at the landfill site. Specifically, the Association requests that the State and federal governments

as well as the defendants undertake "comprehensive and continuous vapor, particulate and flamability" air monitoring. The Association also believes that additional safety measures and guidelines are necessary.

The EPA has been conducting a limited air monitoring study, and an evaluation of the collected data has now been filed with the court (Docket Item 275). The EPA has concluded that their "field data do not support the conclusions that drilling activities are having or will have adverse impacts in the community." (Docket Item 257, Spatola Affidavit, ¶39; Docket Item 275, Spatola Affidavit, ¶7.) Further, the State has established new safety procedures after the release of methane gas from a well on March 9, 1983 (Docket Item 251).

For these reasons, the court does not find it essential to implement the Association's proposed modifications at this time. While the exposure to chemicals found in the landfill should be minimized in every possible way, there has been no demonstration of the requisite irreparable harm to warrant a preliminary injunction or a demonstration that the present safety procedures are inadequate. This does not mean that future modifications may not be appropriate, but at this time and under these circumstances, the safety procedures are satisfactory to

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protect the workers at the landfill site and the adjacent local residents.

So ordered.


JOHN T. CURTIN
United States District Judge

Dated: July 13, 1983