

STATUS OF HAZARDOUS DUMP SITES
AND TOXIC SUBSTANCE REGULATION
IN NEW YORK STATE

PUBLIC HEARING

CHAIRMAN: ASSEMBLYMAN ALEXANDER B. GRANNIS

Niagara Falls, New York
May 3, 1979

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SPEAKERS:

William Ginsberg

Senator John Daly

Assemblyman Alexander Grannis

Assemblyman Joseph Pillittere

Peter Millock

Bruce Davis

Michael Cuddy (testifying on behalf of William
Hennessy, NYS Dept. of Transportation;
Chairman of Governor's Love Canal Interagency
Task Force)

Lois Gibbs

Calvin Richards

John Degnan (City of Lockport)

Frances Arcara (Lake Erie Basin, League of
Women Voters)

Dennis Virtuoso (Pres. of Grief Bros. Union)

Clifford Van Epps

Carl Sapey (Local #12230)

Grace McCaulf (Board of Directors, Love Canal
Owners' Assoc.)

Lee Simonson (Niagara Co. Legislator)

Kate Riddleburger (Hamburg League of Women
Voters)

Richard Berger (Attorney)

Mr. Burgire (former Hooker employee)

Howard Beemer (former Hooker employee)

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SPEAKERS (Continued):

George A. Orr, Jr. (Attorney for Town of Porter)

Thomas Tower (Town of Porter Environmental
Commission)

G. N. Richardson (Operation Clean)

Donna H. Ogg (Town of Lewiston Environmental
Commission)

Lawrence Kew (Operation Clean)

Jo Ann Hall (Love Canal Homeowners' Assoc.)

Paul Moore (Edumentical Task Force)

Debbie Cerrillo (Love Canal Homeowners' Assoc.)

Laurie Nowak (Love Canal Homeowners' Assoc.)

Nora Preuster (Love Canal Homeowners' Assoc.)

Marie Pozniak (Love Canal Homeowners Assoc.)

Molly Irish (presenting testimony for Donald H.
Henry of Operation Clean)

Patricia Grunzee (Love Canal Homeowners' Assoc.)

Nancy Rebon (Love Canal Homeowners' Assoc.)

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4 MR. GINSBERG: My name is William Ginsberg.
5 I'm the Hearing Officer appointed for the
6 hearings of the Interagency Task Force on
7 Hazardous Waste appointed by Commissioner _____
8 the Department of Environmental Conservation.
9 After these hearings I will be reporting to the
10 Commissioner _____, Commissioner Axelrod of
11 the Department of Health and to Region II of the
12 Federal Environmental Protection Agency.

13 We're holding joint hearings this morning
14 with the legislators who are sitting to my right.
15 Assemblyman Grannis, Chairman of the Assembly for
16 Environmental Conservation Committee Task Force
17 on Toxic Substances. Senator John Daly, Chairman
18 of the Senate Subcommittee on Toxic Substances
19 in Hazardous Waste. Assemblyman Pillittere,
20 Assemblyman Matthew Murphy, Assemblyman Hoyt;
21 Assemblyman Gallagher; Senator Sullivan and
22 Assemblyman _____. We also have a
23 representative from Congressman's Sullivan's
24 office, Mr. Gleason.

25 We will establish certain ground rules in
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2 order to enable as many of you as possible to be
3 heard, and when we begin our testimony, I will
4 read off the names of those who will be speaking
5 in the next two or three hours. The rest of you
6 who wish to speak, certainly are welcome to
7 remain. But if you have personal matters to take
8 care of, you can come back later, at least you
9 will know you will not be speaking for the first
10 two or three hours.

11 We are here today to address what President
12 Carter has called the grimmest discoveries of the
13 industrial era. The National awareness of the
14 hazardous waste problem has resulted in study and
15 proposals by state and federal governments.
16 That awareness has arisen in large part from the
17 events that took place in the Love Canal. In
18 response to those events the State Commissioner on
19 Environmental Conservation appointed the Inter-
20 agency Task Force on Hazardous Waste. That Task
21 Force consists of representatives from the Depart-
22 ment of Environmental Conservation, State Depart-
23 ment of Health and the Environmental Protection
24 Agency, Region II. Members of that Task Force are
25 with us today and we will be able to (unintelli-

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gible) the draft portion of that Task Force containing therein the basis of their findings (unintelligible) Tuesday here in Niagara Falls and yesterday _____. In addition the testimony should be directed toward Federal, State and both government programs on hazardous waste disposal, remedial measures appropriate and the need for new legislation, particularly State legislation in the area.

I want to emphasize the purpose of these hearings is to gather whatever information the legislators feel they need which is appropriate and for you to give us your reactions to the drafting for the Task Force to be taken, particularly in Erie and Niagara counties, the companies which have generated wastes we're discussing today in the communities in which they are located. These hearings are a part of the process to enable us to frame a response, we have for many years benefited from products of a highly industrialized society and now after having accepted those benefits, we have become concerned and have to learn how to deal with the consequences.

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2 At this point I would like to turn the
3 meeting over to Senator Daly for the introduction
4 of statements from the legislators.

5 MR. DALY: Thank you very much, Dr. Ginsberg.

6 Good morning, ladies and gentlemen. And I,
7 too, apologize for our late beginning this
8 morning.

9 Let me start off by saying that what you have
10 before you today is really a combination of three
11 different groups, that deal with the problems of
12 toxic waste which is the most significant problem
13 facing the State of New York today. And rather
14 than have you appear at three different meetings
15 and waste your time, we are combining forces.

16 The Assembly Subcommittee on Toxic Waste
17 chaired by Assemblyman Grannis on my right and
18 the Senate Subcommittee on Toxic Waste which I
19 had the honor of chairing agreed earlier that we
20 would join forces and hold joint hearings
21 throughout the State again to avoid complications
22 and duplication really of the wasting of the time
23 of the citizens and when we heard after we were
24 forced to postpone our original meeting because
25 of budgetary problems and we heard the Department

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2 of Environmental Conversation was holding a
3 hearing on the Task Force report we thought again
4 it would be appropriate if we joined forces with
5 them, again to avoid duplication and to allow you
6 to appear before all three groups at one time.

7 It is certainly a sad note that the legis-
8 lative subcommittees on toxic waste holds one of
9 its major hearings in the Niagara Falls area,
10 because certainly it's been our error and parti-
11 cular the situation that occurred in the Love
12 Canal has focused the eyes of the world literally
13 on a monumental problem that we had been ignoring.

14 What we've witnessed in western New York
15 does show the potential catastrophic situation
16 facing our Nation which has been caused by poor
17 handling and containment of hazardous waste by
18 industry and by local, state and federal govern-
19 ments. I might add that it's a shame the
20 Federal government, by the way, has not seen fit
21 to assist the people in New York State in a much
22 more positive way than they have.

23 The situation we face, particularly in
24 Niagara County, has created significant health
25 problems. It has also caused many serious

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2 emotional stress on individuals which has placed
3 a severe problem on the family structure. The
4 Love Canal stands not only as a monument to man's
5 carelessness in his stride for a better standard
6 of living but also is a constant reminder of our
7 heter responsibility to commit ourselves to a
8 positive solution.

9 The question isn't whether or not we can
10 solve this problem, whether or not we can afford
11 to solve the problem. The question truly is
12 because we know we cannot avoid the problem. We
13 must solve it, no matter what the cost and we
14 must do this with the greatest dispatch. We must
15 set in motion the means to insure that never
16 again do we have to face a tragedy like the Love
17 Canal. The solution to the chemical toxic waste
18 problem mandates much closer and more stringent
19 control of toxic waste and greater participation
20 in the actual handling of those wastes by the
21 state and federal governments. It necessitates
22 a firm and unwaivering commitment to stop putting
23 toxic agents into our environment. In assessing
24 the situation one must come to the conclusion
25 that both the federal and state governments

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2 share in much of the responsibility both for the
3 problem and for the solution.

4 We must also admit that many of the errors
5 in the past permitted by government and by the
6 producers of chemical waste were caused by a lack
7 of knowledge of the damage to the environment and
8 to the health of the public.

9 Our technology in recent years has grown to
10 such an extent that we have much greater ability
11 to analyze substances and the effect of those
12 substances on human beings. We now realize that
13 many of the materials we have been and still are
14 putting in the ground should not be handled that
15 way. We also realize the laws allowing the
16 direct disposal of chemicals into our lakes and
17 waters have been too lax for the common good.
18 We can now objectively look at the mistakes that
19 were made in the past in regard to the hazards of
20 chemical wastes to make sure that we do not make
21 the same mistakes in the future, and certainly as
22 a nation we have not spent the necessary money
23 that we should have spent to properly guard
24 against damaging the environment by hazardous
25 waste.

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2 We now realize that we cannot afford not to
3 spend whatever is necessary in order to protect
4 the environment. This means that we must get
5 away from and eliminate the simple and least
6 expensive method of just burying the toxic
7 material in the ground or feeding it to our
8 waters.

9 Prior to the meeting today and one of the
10 reasons that we were late is that a press con-
11 ference was held in another room in this building
12 at which we announced, Senator Grannis and myself
13 and our colleagues and the subcommittee from
14 both houses that we are pushing for legislation
15 for a bond issue of \$150,000,000, and I'm going
16 to ask that Senator Grannis touch upon that and
17 tell you what we're trying to do in our first
18 step to try to help us out of this problem.

19 ASSEMBLYMAN GRANNIS: I'd just like to
20 start off, that I have a statement that I issued
21 with Assemblyman _____, who's chairman
22 of the Assembly Committee on Environmental Con-
23 servation and it's available up here rather than
24 take your time to read it to you -- we have
25 copies available. I'd also like to note before

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2 I talk on bond issues although it may be a little
3 trite, it may have been mentioned earlier, I
4 think it's entirely fitting with a hearing like
5 this dealing with an issue like the Love Canal
6 it's (unintelligible). It certainly was a
7 tragedy for the people who lived on the Love
8 Canal and a tragedy for the State that we had to
9 have a Love Canal to bring this issue up before
10 the public and before the legislature and for the
11 government to react to it.

12 The bond issue that Senator Daly and I
13 talked about at our press conference is
14 \$150,000,000. It is to pay for the construction
15 and the acquisition of site, construction and
16 operation of solid waste or not solid waste,
17 toxic waste and treatment facilities in the
18 State on a regional basis. These should be
19 State-run, State-owned facilities to eventually
20 be paid for by user fees charged to industries
21 that would be required these facilities for
22 treatment of toxic waste. This is one of six
23 hearings we're holding throughout the State.
24 Last Friday it was up here in Syracuse and I
25 visited a toxic site that had been run as a

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2 private enterprise, the company had gone bankrupt,
3 a legacy for the people of Oswego, represented by
4 Assemblyman _____. We had 8,000 barrels
5 of highly toxic material stored above ground and
6 the owner was unable to treat them, unable to
7 process them and nobody was quite sure what to do
8 with these materials.

9 The kind of program that we're talking about
10 that will have to come before the legislature
11 would be a program to utilize the most highly
12 available, most available technology, the most
13 sophisticated technology for dealing with toxics.
14 Incineration, high temperature incineration, is
15 certainly one of those processes, it would involve
16 storage facilities for waste, programs where
17 wastes are traded back and forth between indus-
18 tries, a site for storing the wastes so that
19 uses could be found by other industries, we found
20 in our hearings that some industries' wastes are
21 products that other industries could use. We
22 need places to store those types of wastes so
23 they can be used, that are secure and away from
24 the public.

25 The technology that's available now, not
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2 only in this country but in Europe, is sufficient
3 and will be sufficient in the future for dealing
4 with some of the problems with toxics. We
5 won't have to rely on an in-ground disposal and
6 ultimately dispose of these products through
7 sophisticated, technological measures that will
8 remove them completely from our (unintelligible).
9 We won't have an ultimate disposal site that has
10 to be in-ground and worry about all the problems
11 that have come out of the Love Canal, Hyde Park
12 and other sites throughout the State.

13 The work done by BBC and the Task Force
14 report is also the subject of this hearing and
15 its a monumental task with New York State right
16 in the forefront, trying to deal with our
17 problems.

18 Again, our bond issue is not the only
19 solution for us. We hope the Federal government
20 will come in on the model (unintelligible)
21 program and provide matching funds. We think
22 its a National responsibility for goods produced
23 in Niagara Falls and New York State travel
24 throughout the economies of the world, throughout
25 the economies of the country. It's a problem

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2 of waste left behind and should be a problem to
3 be dealt with on a National level.

4 I'm going to call on the Congressional
5 delegation to push strongly for a National
6 program which our money, \$150,000,000 bond issue,
7 will hopefully provide a match. If that's not
8 forthcoming, we're prepared to go up front. We
9 have in the past, to deal with the problem, it's
10 the most severe environmental and health problems
11 the State has faced in a long time.

12 SENATOR DALY: I might add that this program
13 is the first of its kind, this proposal. It's
14 innovative, it hasn't been tried anywhere else in
15 this country. We think it's an extremely
16 interesting program that will lead us down the
17 only path we can go in solving this very, very
18 serious problem.

19 Assemblyman Pillittere I think would like
20 to make a statement.

21 ASSEMBLYMAN PILLITTERE: I want to ask
22 something of my colleagues who have come here
23 from other parts of the State to hear what
24 Niagara residents have to say about the terrible
25 problem we are faced with toxic wastes. I ask

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2 you as you listen today to do a little imagining
3 about yourselves, about your families. You worked
4 hard all your life and every cent you have spent
5 was invested in your house and now you learn that
6 your house stands on poisoned land and you can
7 neither live in it or sell it. All those years
8 of working and saving have simply evaporated.
9 Imagine the anger you would feel. Imagine that
10 your wife had a miscarriage and now you learn
11 that your home was poisoned and your wife and
12 the unborn child whom you lost were probably the
13 victims of that poison. Imagine your anger.

14 Or imagine, most painful of all, that your
15 own child suffers from a genital injury to his
16 body or his mind. And now you learn that your
17 child's suffering is no trick of nature, but the
18 direct and avoidable consequence of other men's
19 carelessness and greed. Imagine your anger.

20 Imagine at the very least that these hard-
21 ships have befallen your own neighbors and you
22 must keep wondering what hazards your family may
23 have been exposed to.

24 please keep this in mind as you listen to
25 the testimony.

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2 You will be going home tomorrow. But this
3 is our home.

4 The Assembly task force and the Senate Sub-
5 Committee on Toxic Waste have a specific task.
6 To draw up legislation that will enable the
7 State to clean up or control hazardous waste
8 dump sites which already exist and affix the
9 financial responsibility wherever possible to
10 those who created the contamination.

11 We have several proposals before us today.
12 I have introduced a bill, Assembly Bill 6752,
13 which would grant emergency powers to the
14 Commissioner of Environmental Conservation to
15 ban the importation into New York State of any
16 hazardous waste which is found to pose an
17 imminent peril to health or the environment. The
18 bill would also provide for a systematic cleanup
19 of existing dump sites and its financing provi-
20 sions, place the responsibility where it belongs
21 on industries which produce toxic wastes and
22 particularly on the companies which create
23 existing dumps.

24 Other legislators have introduced different
25 bills with the same general purpose. There are
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2 also a number of sound proposals put forward by
3 Commissioner Flack (phonetic spelling) of the
4 State Environmental Conservation Department and
5 just this week the Carter administration after
6 much urging by Congressman _____ and others
7 has proposed a nationwide cleanup program with a
8 major financial commitment by the federal govern-
9 ment.

10 I'm sure that the testimony we hear today
11 will help us to approve -- improve on all these
12 proposals.

13 But there is another aspect to the toxic
14 waste problem which was not so apparent when
15 these hearings first started. It is now clear
16 that toxic waste contamination in Niagara County
17 has been the subject of a cover-up. Not of
18 gravel and clay, but of deceit and silence. It
19 is now clear that toxic waste contamination in
20 Niagara County has been the subject of a cover-up.
21 Not of gravel and clay, but of deceit and silence.
22 It has been revealed that Hooker Chemical knew
23 as long ago as 1958 that the toxic waste buried
24 in Love Canal was threatening the health of the
25 families that lived there and the school children

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2 who played there. They could have given warning
3 to the public. They could have saved many fami-
4 lies from financial catastrophe and from the
5 tragedies of failed health, birth defects and
6 miscarriages. And for 20 years Hooker was silent,
7 deliberately silent because they knew that if Love
8 Canal residents were aware of what was happening
9 to them they would sue.

10 Love Canal residents suffered and children
11 from the neighborhood played in the poisoned
12 schoolyard and Hooker was silent.

13 It has been revealed also that the Board of
14 Education and county health officials had infor-
15 mation and warning that should have alerted them
16 to the hazards. Although they may not have been
17 in as good a position as Hooker to understand
18 how toxic these materials are, they apparently
19 made little effort to follow up and learn more,
20 and they too were silent.

21 While the Task Force and Subcommittee on
22 Toxic Waste continue to work in developing a
23 cleanup program, we must also make sure that
24 the public is never again imperiled by deceitful,
25 self-serving silence of corporate or public

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officials. To that end, Assemblyman Stanley Fink has appointed at my request an Assembly Task Force in disclosure of public hazards consisting of Maurice Henchy (phonetic spelling) who was to have been here today, as the chairman of the Assembly Committee on Environmental Conservation, James Talon, the chairman of the Health Committee, and Melvin Miller, the chairman of the Co's Committee. The Task Force and disclosure of public hazards will first make a complete investigation of the Love Canal cover-up. They will find out who knew what about Love Canal, the 102nd Street, Hyde Park, the S area, and what was done with the information and why Love Canal residents were never warned of the danger they were in.

The Task Force will have in its own investigative staff and full subpoena power. Then using the findings from this investigation, the Task Force will develop laws to hold corporate officials personally accountable when they knowingly withhold information about threats to the public's health or safety through the environment.

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2 We must make sure that the legal sanctions
3 for remaining silent about public hazards far
4 outweigh any private advantage that might come
5 from hiding the truth.

6 Mishandling of toxic waste has already
7 caused great suffering in Niagara County. There
8 is a threat of far greater damage here than other
9 parts of the State and Nation. We are trying to
10 find ways to meet that threat. We are holding
11 this hearing today to learn what we can of the
12 experience and advice of the people of Niagara
13 County.

14 Thank you.

15 MR. GINSBERG: I would at this time like to
16 introduce the director and counsel to the inter-
17 agency Task Force on Hazardous Waste who prepared
18 this report so many of you would see.

19 MR. MILLOCK: My name is Peter Millock.
20 I am the counsel with the New York State Environ-
21 mental Conservation and since September I've been
22 the director of the interagency Task Force on
23 Hazardous Waste.

24 I'd like to take a few minutes to introduce
25 the members of the Task Force. To my right is
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2 Mr. John _____, he was an engineer with the
3 New York Hazardous Waste, New York State Depart-
4 ment of Environmental Conservation in Albany.

5 Mr. _____ who's largely responsible for the
6 descriptions of the large chemical companies that
7 appear in the report. Next is Mr. Peter Smith,
8 who is the Director of the Bureau of Water Supply,
9 Department of Health, in Albany. Mr. Smith was
10 largely responsible for the description of the
11 non-generator on the sites in the report. Next
12 is Mr. Richard _____, Attorney with the
13 Region II office of ETA, New York City. He was
14 responsible for the description of the federal
15 government activity which appears in a separate
16 report. Next in line is Dr. Fred Muller, who did
17 some elaborate research in the New York State
18 Health Department. Dr. Muller is largely respon-
19 sible for the description of large manufacturing
20 companies in the report. Next in line is Mr.
21 Shanahan, who is also an attorney with the Water
22 Enforcement granting of ETA in its Region II
23 office in New York City. (Unintelligible) Next
24 in line is Jack Tigert who is with the office of
25 ETC in Buffalo. And Mr. Tigert is responsible

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2 for the description of the (unintelligible)
3 After Mr. Tigert, Mr. Schreiber with the Depart-
4 ment of Health laboratories and research in
5 Albany. He is responsible for the description of
6 the smaller chemical companies in the report.
7 Last in the row is Mr. David _____, radio
8 biologist with the Health Department in Buffalo,
9 and he was responsible for the description of
10 the metal companies and also the description of
11 companies handling radio active material.

12 When the Task Force was established in
13 September we were given several jobs to do. Our
14 prime responsibility was to identify the waste
15 disposing plants in Niagara County and as part of
16 the responsibility we were also asked to deter-
17 mine what, how much, in what manner, when and by
18 whom hazardous waste had been disposed of in such.
19 We were also asked to make recommendations with
20 respect to legal action at these sites, with
21 legislation and litigation. The report, which
22 I am sure many of you have seen, is a summary of
23 the information that we gathered. It also
24 includes our recommendations for repeal action
25 and legislative action.

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2 With respect to recommendations for litiga-
3 tion our material was passed to the Governor's
4 office and was referred to in the Governor's
5 office to the Attorney General six weeks ago
6 which asks the Attorney General to investigate
7 the possibility of legal action with respect to
8 (unintelligible).

9 I will not take your time to summarize in
10 detail the report. It is 337 pages, where it
11 identifies 215 disposal sites in the two counties.
12 Of those sites, 36 were placed in what we call
13 Category 1, which we set up to include sites
14 which definitely (unintelligible); 16 sites are
15 in what we call Category 2 (unintelligible);
16 152 sites either have or may have a significant
17 quantity of hazardous waste.

18 The report we issued also included several
19 recommendations for real action on non-site
20 legislation but I won't go into that now.
21 (Unintelligible) legislative action. I'd like
22 to make a few general points on the work that
23 we are doing here in Niagara Falls.

24 First, I think (unintelligible). We went
25 down by Adams waste disposal site (unintelligible)

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2 and also as I indicated we represent (unintel-
3 ligible) at this point if people have comments
4 and criticisms and suggestions for issues, and
5 we are open to your comments (unintelligible).

6 Finally, I would also like to indicate we
7 are open to your comments here (unintelligible)

8 Before closing, I'd like to express my
9 thanks to several people who have made our work
10 possible. Commissioner Hurley who was the
11 Commissioner of Environmental Conservation and
12 Commissioner Flack (unintelligible)

13 I'd like to thank finally, Mr. Ginsberg,
14 for giving us his comments and his statements.
15 Thank you.

16 MR. GINSBERG: Thank you, Mr. Millock.

17 In the interest of trying to give everyone
18 an opportunity to be heard, your legislators
19 and the Task Force would like to ask that you
20 follow the following procedures.

21 Anyone who wishes to speak should fill out
22 one of these cards and give them to the hearing
23 clerk who is sitting at a table down here on my
24 right.

25 We will accept written testimony. In fact,
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2 we find it extremely useful, if you would turn a
3 copy of it in. If you cannot speak or have to
4 leave, please leave any written material that
5 you have.

6 The hearing will be held open for written
7 testimony until May 16th, and you can mail
8 information to the Task Force, Emergency Task
9 Force on Hazardous Waste, 50 Wolf Road, Albany,
10 New York, 12233.

11 We're going to have a presentation first
12 this morning, the first speaker will be from
13 Hooker Chemical Company. Subsequent to that we
14 have a preregistered list of approximately 40
15 speakers. We are going to keep going. We will
16 not take a lunch break, you may take a couple of
17 minutes if you wish to stretch.

18 After Hooker Chemical, we will hear from
19 Mr. Hennessy, or on behalf of Mr. Hennessy,
20 Commissioner of the New York State Department of
21 Transportation and the Chairman of Governor's
22 Love Canal Task Force. Lois Gibbs; Frances
23 Arcera, Calvin Richards; John Degan; Dennis
24 Virtuoso; Grace McCaulf; Lee Simonson. We will
25 hear from those and I will call them. But I did

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2 want to give the others an opportunity to stretch
3 or if you have business and want to be out, to do
4 so, but you're certainly welcome to stay.

5 We're going to limit the time of presenta-
6 tions to a maximum of 10 minutes and we hope
7 there will be some that are less than that.
8 We ask you to understand that there will be
9 questions from your legislators, possibly from
10 myself or members of the Task Force and we will
11 try to be as brief as possible in our questioning
12 but hope that you will understand that there are
13 many who may be heard.

14 If any of you have specific questions of
15 a factual nature with respect to the Task Force
16 if you will put them in writing with your name
17 and address and we will attempt to answer them.

18 A stenographic record is being made of these
19 proceedings. It will be available to the
20 legislators as well as to the Task Force.

21 I'd like to call now Mr. Bruce Davis of
22 Hooker Chemical.

23 MR. DAVIS: I'm Bruce Davis, President of
24 the Industrial Chemical Group of Hooker Chemical
25 Company.

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2 I'm pleased to be able to appear before this
3 joint hearing to discuss problems and technology
4 of the disposition of hazardous waste, a matter
5 about which Hooker shares your deep concern.

6 My remarks will be from a prepared statement,
7 a copy of which will be made available to the
8 clerk at the conclusion of my remarks.

9 Our company celebrated the 75th anniversary
10 of its founding in 1978. For most of that time
11 the Niagara Falls area has been the focal point
12 of our chemical manufacturing operations and we
13 now employ approximately 3100 people here.

14 Our major products include chlorine, caustic
15 soda, plastics and a number of chemical inter-
16 mediates and especially products which are
17 widely used in paper, textiles, automobiles and
18 especially products in home appliances and agri-
19 cultural products.

20 In other words, chemicals which are a part
21 of everything you see or use, Hooker and its
22 employees have been and continue to be a major
23 factor in the economic and social growth of this
24 area.

25 Now Hooker is deeply and vitally concerned

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2 with the problem of disposal of waste. What we
3 as individuals and as a society no longer want,
4 no longer need, or no longer use, not just
5 locally, but nationally, for this is indeed a
6 problem national in its scope. When your focus
7 is on hazardous waste, it should be borne in mind
8 that such wastes are only part of a larger problem
9 of waste disposal ranging from the merely
10 unsightly or unpleasant to the more persistent
11 and hazardous form.

12 Waste arises from a variety of sources, such
13 as the by-product of manufacturing and industrial
14 processes, from discarding used materials or
15 consumer products, from all kinds and applications
16 of activities.

17 As a society we have shared in the economic
18 gains, improved health, increased mobility,
19 convenience and comfort brought by modern tech-
20 nology. We enjoy our cars, our comfortable
21 housing, our bountiful food, and the quality of
22 life which we live. Improved sanitation and
23 improved modern medical care. These improvements
24 and the quality of life are due substantially to
25 modern development in the use of chemicals

1
2 through science and technology.

3 Recently, the products associated with
4 chemical residue disposals created in the manu-
5 facture of these desirable chemical products have
6 attracted public attention to the chemical
7 industry, and quite frankly to Hooker Chemical
8 Company in particular. Without seeking to mini-
9 mize Hooker's problems, I urge you not to let the
10 focus of recent public attention or the focus of
11 my remarks today on the chemical industry leaves
12 you to believe that the problem of hazardous waste
13 is limited to industry alone. Hazardous waste may
14 be a problem of ordinary municipal refuse as well.
15 Normal household activity, especially the discard
16 of used products, may generate hazardous waste.
17 Municipal waste disposal sites, as well as indus-
18 trial waste disposal sites, must therefore be
19 taken into account when considering the improve-
20 ment of past disposal practices.

21 With that broader perspective in mind, let me
22 turn now to a discussion of the questions posed
23 in your notice of hearings in related matters.

24 First as to the report of the Interagency
25 Task Force, I congratulate the members of that
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2 Task Force on their accomplishments. Their report
3 reflects the first and commendably comprehensive
4 effort to detail the nature and extent of
5 hazardous waste disposal practices and sites, and
6 to identify potential problems undertaken anywhere
7 ever.

8 Now we at Hooker believe that similar efforts
9 should be undertaken elsewhere throughout this
10 State and throughout the country. For needless
11 to say, the conditions and problems reported by
12 the Task Force are not peculiar to the Niagara
13 frontier.

14 We are now reviewing the draft report in
15 detail. We may have specific comments and sug-
16 gestions for clarifications and corrections in
17 the report, and if we do, we will furnish them
18 to you in writing within a very short time.

19 Turning now, if I may, to the issues sug-
20 gested by the committees for discussion today.

21 We can only judge the adequacy of state,
22 local and federal responses to hazardous waste
23 emergencies on the basis of our own experience
24 with such agencies with respect to our own closed
25 land-fill problems. Our dealings have been

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2 primarily with the State departments of Environ-
3 mental Conservation and Health, the Niagara County
4 Health Department and the City of Niagara Falls.
5 From our perspective the relationships have been
6 candid and constructive. There have been frequent
7 meetings with free and open exchanges of infor-
8 mation and ideas. There have been disagreements,
9 to be sure. But we have been able to reach
10 agreements on where and how test wells are to be
11 drilled, what tests are to be made, how they are
12 to be made and what remedial measures are to be
13 carried out. The complexity of these programs
14 is staggering because of so much of what is being
15 done has not been done before anywhere. I'll
16 describe them briefly in a moment.

17 Throughout this process, the state, county
18 and the city, and we, have adopted a singularly
19 practical approach. It has been a cooperative and
20 non-legalistic venture in which we have not
21 required a showing by government of its legal
22 authority to ask us to do things. And government
23 for its part, has proceeded without requiring
24 formal administrative or judicial process. As a
25 result, these extremely technically complex,

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2 remedial programs have proceeded quickly and
3 without the delay necessary to resolve the
4 tangled legal issues which we in the state and
5 local agencies involved could not be expected to
6 concede. Indeed, if state and federal authorities
7 were to begin litigation, its most likely effect
8 would be to disrupt the ongoing effort to the
9 state, the county and Hooker to solve technolo-
10 gical problems presented by our closed land-fills.

11 We do not believe these difficult abatement
12 programs could or can be handled in the courts.
13 There is no need here for compulsion. Hooker has
14 cooperated fully with the appropriate agencies to
15 complete these projects as rapidly as technically
16 feasible, and we will continue to do so. More-
17 over, the courts do not have the necessary
18 expertise to develop appropriate remedial measures,
19 nor can they handle the myriad literally day-to-
20 day adjustments, additions or subtractions,
21 required to respond to on-site conditions.

22 In terms of abatement, I do not believe there
23 is anything that a court would add to what the
24 state and Hooker are already doing.

25 One area where we have had difficulty in

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2 prompt local response, has been in obtaining
3 building permits in the Town of Niagara in order
4 to complete odor control projects at the Hyde
5 Park land-fill. These projects have been deter-
6 mined by the Department of Environmental Conser-
7 vation as necessary to avoid air pollution. When
8 the town did not issue the permits, Hooker
9 redesigned these projects so as to avoid the
10 necessity of such permits. Subsequent events have
11 required additional redesign of these projects.

12 If building permits are again required,
13 Hooker may be in the untenable position of
14 choosing with whether to comply with the State
15 Air Pollution Directive or a local ordinance with
16 criminal sanctions. Your committee may wish to
17 provide explicit, clarifying legislation, giving
18 precedence to State directives in such cases.

19 As a result of our working with the State
20 and county agencies, we have developed programs
21 to define accurately the degree and scope of any
22 problems and to design remedial measures. These
23 measures are well underway at Hyde Park Boulevard,
24 Bloody Run, 102nd Street and the S area. Hooker
25 has designed and is implementing a far-reaching

1
2 comprehensive and complex program for testing
3 and monitoring the various land-fill sites at
4 Niagara Falls upon which sound plans for any
5 required action can be based.

6 We have already drilled over a hundred test
7 wells and plan to drill many more. The program
8 also includes surveying countour mapping, and
9 extensive soil and water sampling, and analysis
10 for possible pollutants. On the basis of such
11 data we will be able to determine ground water
12 movement and conditions. These programs are so
13 extensive and the chemical testing required is so
14 specialized, that qualified laboratories have
15 been employed in Texas, Nebraska, Iowa and
16 California to supplement our own capabilities and
17 those in the nearby area. We literally have had
18 thousands of test samples being taken and
19 developed every month and the budget for that is
20 in excess of a million dollars this year just for
21 the tests and analysis of those test samples.

22 Deadlines, milestone dates and program
23 content have been developed in detail for each
24 land-fill site, then carefully integrated into
25 overall programs with review and approval by the

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2 State and local agencies. We're on schedule and
3 we've met all milestone dates.

4 With the information derived from the
5 testing and monitoring programs, we are able in
6 cooperation with the governmental agencies, to
7 design appropriate remedial programs. Much
8 remedial work has already been completed, parti-
9 cularly at Hyde Park where at least eight
10 reduction and collection systems have been
11 approved. Further remedial programs for Hyde
12 Park, Bloody Run, 102nd Street and the Niagara
13 plant, including the S area, will be designed as
14 needed and will be implemented when completed.
15 The remedial measures Hooker is and will be
16 designing and executing for its various land-fills
17 will serve as a precedent for at least some of
18 the hazardous waste problems which may be
19 encountered elsewhere. It is likely, of course,
20 that each site will be somewhat different.

21 We've recognized for some time, of course,
22 that burial of waste is not the ideal method of
23 disposal. With the benefit of our experience
24 and to improve efficiency and produce less waste,
25 we have initiated extensive process improvements

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2 to convert waste by-products into useful
3 materials. These methods, which eliminate waste
4 at the inception, are generally the most desirable
5 solution to our present and future disposal
6 problems, but it must be kept in mind that these
7 kinds of solutions are not always technically
8 feasible. In that regard, it may be useful to
9 your committee and the Interagency Task Force to
10 have some technical background on hazardous wastes
11 and their disposal.

12 Perhaps the central fact is that there is no
13 single disposal method and that each available
14 method is technically complex.

15 For example, there are three separate
16 technologies involved in the incineration of
17 waste. The technology involved to incinerate
18 liquid waste is quite different from the techno-
19 logy required to incinerate solid industrial
20 waste, and both of these technologies in turn
21 are very different from the technology required
22 to incinerate municipal refuse. And regardless
23 of what form of waste is being disposed, it is
24 not possible or safe to incinerate all waste.
25 There will be some waste for which secure burial

1
2 will still be required. Hooker has developed a
3 disposal method for liquid toxic waste that is
4 not only technically feasible but is also
5 economically and environmentally sound. It is
6 the use of high temperature destruction for
7 liquid chemical waste. We've been in the fore-
8 front of this research since the late 1950s.
9 There were many problems associated with the
10 development of this process because chemical waste
11 is just not like other wastes. To illustrate,
12 consider for example the presence of carbon
13 tetrachloride which is often found in chemical
14 waste. Perhaps you know this chemical is one
15 that was used for many years in fire extinguishers.
16 How do you burn nonflammable materials? After
17 years of persistent efforts, Hooker's researchers
18 found a way which not only incinerates liquid
19 waste chemicals but does so without using an
20 external fuel source, except during the start.
21 Now this was done long before the energy crisis
22 in the 1970s.

23 We constructed our own commercial inciner-
24 ation unit and started it up in October of 1961.
25 It was so successful that we later built another.

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2 Over the years we modified the original design to
3 handle even more kinds of liquid organic chemical
4 residues and from 1961 to 1978, we've incinerated
5 more than 200,000 tons of liquid chemical waste
6 that otherwise might have gone to land-fill
7 areas. In addition, this reactor can process
8 two and a half million gallons of acridus waste
9 per year. Today essentially all of Hooker's
10 organic liquid residues are burned.

11 As significant as Hooker's incineration
12 development was, and is, it's not a pancea for
13 all waste. It does not solve the problem of
14 disposing of thick sludges nor solid materials.
15 While a technology exists for the incineration
16 of those thick sludges and solid materials,
17 commercial experience in this area is quite
18 limited.

19 Now Dow conducted solid waste incineration
20 using rotary kiln technology for some time and
21 I also understand that Kodak in Rochester also
22 has had a new rotary kiln unit operating over the
23 last few years.

24 There are still operating problems with this
25 technology. Down time is likely to be excessive

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2 because of problems such as refractory failure,
3 feed mechanism upsets, handling of extremely hot
4 ash, and the need for a nearby land-fill. Cost
5 estimates for these types of facilities are
6 reported to be between ten and one hundred million
7 dollars, depending on the size and complexity,
8 and clearly not an inexpensive proposition.

9 Besides rotary kilns, there are other tech-
10 nologies for solid industrial waste incineration,
11 including fluid bed and grate type incineration.
12 In the future others may be developed.

13 We believe that it is essential that govern-
14 ment policy and regulations encourage innovations
15 in this field. Government mandates directing
16 how incineration shall be performed discourage
17 such innovation. Government should mandate
18 results, not the methods. As an example, EPA
19 regulations currently mandate how PCBs must be
20 incinerated. As a result the incineration of
21 PCBs is permitted at only one place in the
22 country, although there are other facilities,
23 including our own, that could destroy PCBs
24 safely and effectively.

25 Incineration of solid industrial waste is
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2 probably desirable, but there are other problems
3 which must be considered. Compared to the
4 incineration of other forms of waste which
5 generally require little if any fuel, solid
6 industrial waste incineration generally consumes
7 a significant amount of energy. Even if this
8 technology is developed to its optimum, there is
9 no possibility that secure land fill disposal
10 can be entirely avoided. The reason for this
11 statement is that some materials could not be
12 burned at all. Further, ash from any inciner-
13 ation process is very likely to contain suffi-
14 cient amounts of toxic materials to require
15 secure land filling. More research is needed in
16 this area and in other nonburial techniques.
17 These are alternatives that Hooker is looking at
18 for the future.

19 Right now, Hooker is also pursuing techno-
20 logy of a different type of incineration process
21 than that required for liquid or solid chemical
22 waste. It's the incineration of municipal
23 garbage, or as we call it, energy from waste.
24 Though again, this will not solve the industrial
25 waste problem, it will reduce land-fill needs

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2 for Erie and Niagara counties. When it's com-
3 pleted next year, this \$70,000,000 project will
4 take 2400 tons each day of formerly useless and
5 potentially hazardous municipal refuse and
6 convert it to 600,000 pounds per hour of steam
7 and 25 megawatts of electrical power. This will
8 free the equivalent of 18,000,000 gallons of oil
9 per year, or enough fuel to heat 45,000 homes
10 annually.

11 Finally, I will share with you some thoughts
12 and concerns about legislation dealing with the
13 disposal of hazardous waste.

14 In our efforts to be responsible corporate
15 citizens of this city, county and state, Hooker
16 has cooperated with government agencies to solving
17 land-fill problems even when it did not feel any
18 legal responsibility to do so.

19 While the question of legal liability in
20 these environmental matters may be in dispute,
21 Hooker accepts the moral responsibility to help
22 remedy any problems that may have arisen from
23 Hooker's past practices, no matter how well
24 intentioned, and that responsibility will be
25 discharged.

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2 In developing legislation, legislative
3 approaches to deal with the problems emanating
4 from past disposal practices, however, we believe
5 it's essential to keep in mind that in both
6 origin and scope these problems run far more
7 broadly than Hooker or the chemical industry or
8 even industry as a whole, and run far more
9 broadly than the Niagara frontier and New York
10 State. These problems are truly national, and
11 accordingly we believe the cost of remedial work
12 should be widely borne.

13 Hooker is not yet prepared to recommend the
14 mechanism for spreading such costs. We believe
15 that a variety of flexible approaches should be
16 explored. In view of the national scope of the
17 problem, however, substantial federal funding
18 appears to be appropriate.

19 Apparently the simply solution such as the
20 land owner or waste depositor should be held
21 responsible for remedial costs will produce some
22 very complex and undesirable results. The deter-
23 mination of responsibility must be influenced by
24 a variety of social and historical considerations.
25 Disposal standards have changed. Our angles of

1
2 capabilities have also changed. We can now
3 measure chemical substances in parts per billion
4 and parts for trillion. Many people at great
5 distances from the Niagara frontier have often
6 benefited directly or indirectly from the products
7 requiring this disposal.

8 This State's Commissioner on Environmental
9 Conservation has stated the entire country has
10 gained the benefits of products made in highly
11 industrialized areas. The entire country should
12 share in the cost of cleaning up the waste.

13 Also important is the fact that the society
14 has encouraged industrial development. This
15 development has often been concentrated in parti-
16 cular areas, leading to the current realization
17 that chemical waste disposal sites are numerous
18 in these areas.

19 In addition, we believe it to be an erroneous
20 assumption that hazardous waste will not be found
21 in ordinary refuse disposed of in municipal land
22 fills. We believe that a study of the leech egg,
23 that's the water-borne contamination and the
24 surface and ground waters under and around
25 municipal land fills, will disclose that

1
2 hazardous wastes are not solely a problem of
3 industry, and certainly not a problem solely of
4 the chemical industry. A review of waste disposal
5 sites will show, we believe, that the hazardous
6 waste problem is not limited to any one industry
7 and not to any one town, village, city, county or
8 state. Hazardous wastes are found in virtually
9 every waste disposal site and many of the trouble-
10 some sites will turn out to be owned by local
11 governments. That many, and indeed probably most
12 land fills or waste disposal sites with hazardous
13 waste problems, the depositor and/or the depos-
14 itors of the hazardous waste will be unknown, no
15 longer in business or without financial resources.
16 While the owners can usually be determined, it is
17 likely that the cleanup costs will often exceed
18 the financial resources of any one person, busi-
19 ness or local government owner.

20 Legislator responses to hazardous waste
21 disposal problems, present and future, also can-
22 not be limited to penalties and liabilities, but
23 must include incentives for acceptable behavior
24 so that secure land-fills are created, nonburial
25 waste handling techniques are developed, and

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2 recovery and recycling of materials are promoted.

3 As we have noted in our discussion of long-
4 term technical possibilities for the treatment
5 of hazardous waste, the need for landfilling will
6 continue. In addition, there are presently too
7 few secure disposal facilities for the amount and
8 the types of wastes being generated. This
9 situation is a direct result of more stringent
10 regulations, limited means of modern disposal,
11 risk of liability for damage, potential civil and
12 criminal penalties and the scarcity of available
13 and suitable land.

14 In addition, by no means to underestimated,
15 our problems result even from local public
16 resistance to the siting of such facilities.
17 Methods for resolving technical and political
18 problems in selecting sites for such facilities
19 must be developed. There is presently public
20 consideration of regional, hazardous waste
21 disposal facilities and I think your press
22 announcement this morning indicates your belief
23 in that approach. Some believe they should be
24 publicly operated and some believe they should
25 be privately operated. These issues cannot be
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2 resolved without more information about techno-
3 logy and the needs of large, medium and small
4 companies on the Niagara frontier.

5 We recommend, therefore, that your committee
6 might consider sponsoring an industrial govern-
7 mental and academic conference of technical and
8 scientific specialists to explore various possi-
9 bilities for the disposal of hazardous waste.
10 There should be some highly skilled technical
11 experts appointed to coordinate this conference
12 to insure technically useful, in-depth presenta-
13 tions.

14 The complexity and far-reaching societal
15 and health implications associated with this
16 nationwide problem, past, present and future,
17 are certainly of considerable interest and
18 concern to the Hooker Chemical Company and the
19 entire chemical industry. We're working very
20 closely with the Manufacturing Chemists Associ-
21 ation to develop industrywide recommendations.
22 We are also looking forward to continued cooper-
23 ation between industry and government for the
24 benefit of all, so the society today and the
25 future generation can continue to enjoy the

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2 improved quality of life that has come in a great
3 part from the advancement made through chemistry.

4 Thank you for allowing me this opportunity
5 to present my company's views on this matter.

6 MR. GINSBERG: If any of you would like to
7 ask some questions --

8 QUESTION: Mr. Davis, in your opinion, have
9 we in industry and government applied ourselves
10 as intensively as we should have to the proper
11 detoxification, the proper handling of the
12 hazardous waste by-products that we've created?

13 MR. DAVIS: Well, Senator Daly, I think we
14 certainly continue to learn more and more every
15 year about the problems associated with the
16 chemicals we manufacture and the disposition of
17 waste materials, and also, we have learned a lot
18 more about the ability to analyze for those. I
19 think you want to be certain that you judge your
20 actions today by the technology of today and the
21 actions of 20 or 30 years ago by the technology
22 at that time. As I say, we've learned a lot in
23 the last 25 or 30 years and we're continuing to
24 learn. By today's standards we would do a lot
25 of things differently than we did 25 or 30 years

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2 ago. But that's not fair judgment. I think that
3 industry is addressing itself to this problem.
4 I think it recognizes it must address itself to
5 this problem, and I think more importantly,
6 industry and government together have to work
7 this problem out. I'm confident we can do it and
8 I think the idea -- it must be a cooperative
9 venture and I think that the chemical industry,
10 and I can't speak for the chemical industry, but
11 I can speak for our company, is dedicated to this
12 kind of a commitment to work closely and cooper-
13 atively with government to get these problems
14 resolved. I think we're doing that, as a matter
15 of fact, right now with the various state agencies
16 with whom we're working on the problems in
17 Niagara Falls.

18 QUESTION: From what I get from your testi-
19 mony, you stated that at the present time we are
20 preparing -- we are producing hazardous waste
21 by-products, that we can't handle, that we don't
22 know how to detoxify; is that correct?

23 MR. DAVIS: Well, we know how to handle now
24 only that we are adhering to the current regu-
25 lations. These regulations incorporate the best
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2 technology available today. It may, Senator,
3 that five years from now we will have learned
4 an awful lot that will say what we did right now
5 using the best technology we know now, was
6 inadequate.

7 QUESTION: You said in your testimony that
8 we still have to bury some waste; correct?

9 MR. DAVIS: Yes.

10 QUESTION: And my comment is down the road
11 we're going to have to resolve the situation
12 where we don't have to bury it while it's still
13 toxic and that perhaps at the present time we do
14 have to do that because we have not applied our-
15 selves as a society developing the technology to
16 handle every by-product that we make in the
17 State now.

18 MR. DAVIS: Senator, I hear what you say,
19 I agree with what you're saying, but let me just
20 point out that there are some things we don't
21 believe technology will ever allow to be disposed
22 of other than by solid waste land-fill sites.
23 Asbestos is one. Heavy metals that do not burn
24 and cannot be incinerated is an example of one
25 other type of material. Toxic, yes. Capable of

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2 incineration, no. And so those types of materials
3 we will always have to dispose of in some sort of
4 waste disposal facility, and the idea there is
5 just to make it as secure as our technology tells
6 us how to do it.

7 QUESTION: Well, the point I'm making, too,
8 is that incineration certainly should not be
9 the actual technology there to develop. In the
10 handling of materials such as you mentioned, is
11 there a possibility as you proceed down the line
12 of developing technology outside of incineration?
13 In other words, another way of handling that
14 kind of material. And I'm not saying we should
15 put all our eggs in the incineration basket. I
16 know we can't. Are there other areas in which we
17 can go? The point again, are we now -- are we
18 applying ourselves in our knowledge and in our
19 expertise more directly to this problem than we
20 were say 10 years ago? Do we emphasize doing it?
21 Are our technical experts in this field spending
22 more time -- can we expect that down the road,
23 two, three, four, five years, recommendations
24 from industry and from scientists in our society
25 as to better methods to handle toxic waste than

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2 we know today?

3 MR. DAVIS: Well, I certainly can't speak
4 for all the companies in the chemical industry,
5 but I certainly can speak for Hooker and I can
6 advise you that Hooker is engaged in such
7 activities to find better ways of disposing of
8 this chemical residue material besides inciner-
9 ation.

10 QUESTION: Many of the constituents that
11 called in our discussions, they state that
12 industry had taken a calculated risk but did not
13 inform those who were affected that it was a one-
14 sided calculated risk. My question is, supposing
15 the Love Canal citizens -- My question is, I'll
16 repeat it, a number of people have said quote,
17 that industry has taken a calculated risk and
18 those affected were not a part of that calculated
19 risk, they did not know of it. It was a one-
20 sided calculated risk. And my question is this,
21 had the people in the Love Canal area not come
22 forward and addressed the news media and brought
23 this to the surface, would industry have brought
24 this to the surface themselves, or would this
25 have come about in five or ten years when someone
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2 else brought it to the surface? Where was
3 industry -- or what was the position of, say, your
4 firm on May of 1978. Were you aware of the
5 problem or did you just find out that the
6 problem was as bad as it was in June of 1978 when
7 the Home Owners' Association and everyone came
8 forward and it became a National catastrophe or
9 a National problem? What was the transition that
10 occurred with industry up until that point?

11 MR. DAVIS: Sir, I think you've asked me
12 several questions and I'll try to answer each one
13 of them. If I miss one, please tell me which one
14 I missed and I'll try to address that as well.

15 First of all, I think industry has learned
16 a lot. From the time when we first put our
17 chemical residue materials in the Love Canal
18 site between 1947 and 1952 and what we know now.
19 Rachel Carlson's book, "The Silent Spring," came
20 out in 1962 and people suddenly became aware of
21 the long-term environmental effects of many of
22 the chemicals that were being used at that time.
23 Chemicals which had very substantial beneficial
24 effects upon the quality of life the American
25 people enjoyed. And that was the first time

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2 that people became aware of some of the effects,
3 the long-term effects of these chemical materials.
4 The Environmental Protection Agency wasn't
5 created until 1970. So did the industry take a
6 calculated risk on the lives of people back in
7 1945 and 1950 when we disposed of chemical mate-
8 rials at the Hyde Park land-fill? No, sir. We
9 did not know what we know now when we did that
10 then. We thought what we were doing incorporated
11 the best technology for the disposal of chemical
12 residue materials. We knew some of those chemicals
13 were toxic in nature, and we certainly made every-
14 body aware of that when we turned over that
15 property to the Board of Education and the City
16 of Niagara Falls. We incorporated what we thought
17 was the best technology available of incapsulating
18 those chemicals within clay. Now, things occurred
19 subsequent thereto and I don't want to get into
20 all the details about what happened subsequent
21 thereto. We first learned of leachate material
22 escaping from the Love Canal site in October or
23 November of 1978. Our records quite clearly show
24 that was the first time that we were aware of the
25 fact there was a problem with leachate leaving

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2 the Canal site. And I must say, sir, to comment
3 on your earlier remarks, we did not know in 1958
4 about leachate material leaving the Canal site.
5 The incidents that occurred in 1958 and subsequent
6 thereto were exposure of people to chemicals
7 within the Canal site where the clay cover had
8 been removed. And so at that point in time we
9 went back to the Board of Education, City of
10 Niagara Falls and repeated our warnings to them
11 and had them cover up the exposed chemicals.

12 In October of 1976 -- if I said '78 earlier,
13 I meant 1976, I apologize -- we first became
14 aware of the problem. That's when we got together
15 with the County Health Commissioner and the City
16 of Niagara Falls. We started to run extensive
17 tests of the area, soil samples, ground water
18 samples. We developed, we helped to finance,
19 cooperatively, an engineering study to determine
20 what was required to correct the situation. Two
21 engineering studies were undertaken. The second
22 one, the (unintelligible), we contributed one-
23 third of the cost of that study. That program
24 was developed and made available, I believe, in
25 May or June of 1978. It was approved by the

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2 State DEC as an acceptable program for correcting
3 the situation, and in August when the Love Canal
4 situation received National publicity, we
5 offered to contribute one-third of the cost, the
6 estimated cost of that program, which was esti-
7 mated at \$850,000 to complete the program around
8 the southern section of Love Canal. We offered
9 to pay one-third of the cost of that in order to
10 get the program moving as quickly as possible.
11 So we did not know about the problem about the
12 leachates escaping from Love Canal until October
13 of 1976. And, again, we at no point in time
14 took a calculated risk on anybody's health or
15 lives. I think we've learned a lot, and looking
16 back, I'll tell you quite honestly now, looking
17 back, what we know today and the technology we
18 have today to what we did 25 to 30 years ago, I
19 think we could have done some things differently.
20 I don't think there's any question about that.
21 I think we probably would have put a fence around
22 Love Canal. But, you know, it's a little late
23 to apply the technology and the requirements of
24 1978 to something that was done in 1952.

25 Does that answer the question that you

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1
2 raised, sir?

3 QUESTION: Partially. Really the question
4 I have is, in 1962, this report you refer to,
5 stated that these toxic wastes were hazardous.
6 And, you know, many times we find out that certain
7 things are hazardous, like smoking, we put a
8 sign, "Do Not Smoke," we find out that the aerosol
9 sprays would affect the ozone, we put a sign,
10 "don't use aerosol sprays." Had anybody in 1962
11 when they found out that the chemicals, they were
12 buried there, could or would be a hazard because
13 leachate will always occur, eventually it's going
14 to leach. Had anybody considered to put signs on
15 the homes saying that these are a potential
16 hazard, that in 1962 when you found out that
17 Myrex was a very hazardous substance and PCBs
18 and all that, had anybody at that time considered
19 putting some type of warning out so that those
20 homeowners who lived there could have chose to
21 leave or chose to stay or made some decision.
22 The question I have really is, what was in every-
23 body's mind? Why did we wait from 1962, and I'm
24 not blaming Hooker, I'm not blaming anybody, it's
25 just a question that bothers me that we have

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2 something that was a potential danger, that in
3 1962 we knew was a potential danger, we did not
4 use some mechanism to notify those people living
5 there that there was such a potential danger, we
6 waited until it was oozing out of the ground in
7 1978 and said, "Okay, now you've got a problem,
8 evacuate." So what was the thinking between 1962
9 and 1978, a sixteen-year period, that we can
10 prevent this from happening again?

11 MR. DAVIS: Sir, first of all, the notifi-
12 cation with regard to the nature of the chemicals
13 and the dangers associated with those chemicals,
14 is a matter of public record in our deed of 1952
15 of the property where we warned the Board of
16 Education about the dangers associated. That is
17 a matter of public record and it's been on public
18 record since 1952. Now, I don't know what we
19 could have done in 1958, for example, when the
20 incident of a child who got burned with some of
21 the chemicals because he played in some dirt that
22 had been excavated on the top of the Love Canal
23 when they were putting a roadway across the top
24 of the Canal site. If you are required to take
25 a public advertisement, for example, in a news-

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2 paper to warn people about it, do you do that
3 every year thereafter, because people move in and
4 out of the area. I don't know what the correct
5 procedure would be. Now, it's quite clear under
6 the solid waste regulations that you must fence
7 in and put a sign up indicating that there are
8 hazardous chemical materials located in that
9 land fill site, and that might have been done in
10 1962 or 1968, it wasn't. Again, it was not
11 property owned by Hooker at the time. It was
12 owned by the City, the Board of Education.

13 QUESTION: Mr. Davis, what would be your
14 reaction or the company's reaction to the
15 proposal this morning of a bond issue to finance
16 a regional site for toxic waste?

17 MR. DAVIS: Sir, I think that's a very
18 constructive suggestion. First of all, we are,
19 as I mentioned in my testimony, disposing right
20 now of all of our liquid chemical residue
21 materials. We've had a very active program to
22 reduce our solid waste disposal requirements.
23 We would continue to do that because we believe
24 we are doing that in a very environmentally
25 sound manner. It's monitored on a regular basis

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2 by the State DEC and they are quite satisfied
3 with our practices. But we still have a solid
4 waste disposal problem which we have not been
5 able to solve. The problem, as I mentioned in
6 my testimony, is a very complex one. There's
7 a variety of complex chemicals and it requires
8 extreme care in the way in which these materials
9 are disposed of so that you don't solve a solid
10 waste disposal problem and create an air pollution
11 problem instead. And I'm sure that the legis-
12 lature is aware of the technical complexities of
13 this problem. But I think it must be done. And
14 it probably can be most efficiently and effec-
15 tively done if there's a large central facility
16 to do it, and I commend the legislature for their
17 thinking in this matter.

18 QUESTION: What you're saying is that that
19 material, that solid material that is the
20 residue or the deposit of your industrial
21 process, that you can't deal with on site, with
22 your disposal on this, that you would ship to
23 one of these regional -- should this bond issue
24 pass or should this idea prosper in the next
25 several years, you would ship this residue you

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2 can't handle by yourself to a State-run regional
3 facility and then pay a user tax. The State
4 actually would levy some kind of a fee on the
5 company to do this. That type of plan coming out
6 of the experiences that you've gone through the
7 last couple of years, you think would be a
8 feasible way of dealing with the problems you now
9 face?

10 MR. DAVIS: Well, I certainly would expect
11 industry would think it entirely proper to pay a
12 fee for the use of these facilities. We pay a
13 fee right now to a private firm for handling this
14 material and to secure land-fill that is moni-
15 tored by the State DEC. So there is a cost right.
16 It's not an unsubstantial cost, it's about
17 \$200,000 a month for us to dispose of our
18 chemical solid waste materials right now from our
19 Niagara Falls plant in a chemical land-fill area.
20 I think your approach is very forward thinking
21 and it's consonant with the kind of efforts that
22 have been made recently by this State to attract
23 industry into the State to create jobs, because
24 you will be providing probably a more efficient
25 and more cost-effective way of disposing of
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2 chemical residue materials than if each company
3 were required to do it by itself, and there are
4 some economies in scale. And so I think every
5 state is going to have to do something along
6 these lines and I think you might be giving an
7 advantage to industry in New York State and maybe
8 attracting some chemical industry into this State
9 who can, in turn, operate in an environmentally
10 safe manner.

11 QUESTION: There's one quick question. You
12 made a point of saying that your company has now
13 turned toward incineration rather than burying
14 your residue, turned to incineration lately. Are
15 you absolutely convinced or has the State given
16 you the seal of approval that if you incinerate
17 you're not creating an air pollution problem?

18 MR. DAVIS: Yes, sir, we are absolutely
19 certain that we are not creating an air pollution
20 problem. Every time we require the incineration
21 of a new chemical, we have to go and appear before
22 the State DEC and request a permit to incinerate
23 that chemical residue material. Then extensive
24 tests are run by the State, they come in, extract
25 samples and so forth, to make certain there is

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2 nothing leaving that stack that would be harmful
3 to the environment. Then they come back on a
4 regular basis and they monitor the stack of fluid.
5 We do the same thing and we keep extensive
6 records, and if we find any deviation, we are
7 under an obligation to report that to the State.
8 So we are convinced that we are operating our
9 incinerator right now in an environmentally sound
10 manner.

11 QUESTION: Two questions, Mr. Davis. One
12 is, Hooker in the past at the dumping sites had
13 any mapping system so they knew 50,000 chemical
14 layers were put in this area, 60,000 chemical --
15 et cetera, et cetera -- has there been any
16 mapping system at all, because it seems you've
17 described constant testing to find out what
18 we've put and where?

19 MR. DAVIS: First of all, we have kept
20 extensive records on the chemicals that we have
21 disposed of in solid waste land-fill sites. We
22 began doing that about five years ago. Although
23 I don't believe that was required until about a
24 year or a year and a half ago by the State regu-
25 lations. Prior to that time we did not keep

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2 extensive records, and the information which
3 we provided to the Interagency Task Force is
4 extremely extensive and it was information which
5 we developed from looking back over past records
6 on productions, sales, talking to people,
7 retirees. We tried to put together the best
8 information we could, and we spent many man years
9 of time in putting this together to provide this
10 information to the Task Force. We're not a
11 hundred percent sure of those figures. They are
12 our best estimate. The figures and some of the
13 materials in those land-fill sites may be higher
14 or may be lower than we designated. But right
15 now, we're required by law to do that and for
16 about the last four or five years we've been
17 keeping extensive records and know exactly where
18 we placed everything.

19 QUESTION: My second question may just be
20 giving my ignorance as a New York City legis-
21 lator and someone who does not come from this
22 area, but I'm curious to know since you state
23 that rather than go through extensive litigation
24 and everything, Hooker has a moral obligation to
25 help remedy some of the problems that occurred

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2 as to what part of the expenses of the now
3 operation Hooker Chemical has picked up or has
4 obligated itself to pick up?

5 MR. DAVIS: Well, I think what I indicated
6 to you was that at the outset, at the conclusion
7 of the (unintelligible) report, where the
8 estimated cost for correction was under one
9 million dollars, we offered to pick up one-third
10 of that cost, which was about \$280,000 to get the
11 program moving. That is the extent of our offer
12 at this time. We are not discussing legal
13 liability. I was talking about moral liability.

14 QUESTION: Mr. Davis, you touched upon legal
15 versus the moral responsibility of your company
16 in this particular matter. But for us as
17 legislators it is the financial responsibility
18 that companies have to bear for this problem.
19 We have indeed called for the creation bond
20 indebtedness of \$150,000,000. There is a provi-
21 sion in the bond issue that has been drawn which
22 would amortize the cost of those bonds by charging
23 user fees to industries such as Hooker which
24 would be using the site. I'd like your comments
25 as to the general principal that the cost of

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2 these bonds over the lifetime of the bond should
3 be borne under our proposal as its drawn by
4 those industries which use the site. Would you
5 give your comments in answer to that, please?

6 MR. DAVIS: I'd be glad to, sir. The
7 disposal of chemical residues, residue materials,
8 or for that matter any industrial residue
9 materials by an industrial producer involves a
10 cost, even what is done now. Even what was done
11 20 or 30 years ago, there was a cost associated
12 with it. That cost is getting greater and
13 greater. The cost of placing chemical residue
14 materials in a secure land fill is increased very
15 substantially in the last several years because
16 of very strict regulations under the solid waste
17 disposal laws. Industry expects this as part of
18 doing business. I certainly think that with your
19 proposed bond issue and the cost associated with
20 the operation of that being charged to the users
21 would be entirely appropriate. I would only
22 suggest that you be certain that the cost
23 associated and the charges associated allow the
24 manufacturers of New York State to be competitive
25 with manufacturers in other parts of the country,

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2 and if the fee is reasonable and not punitive.
3 We are in business, we do have to compete, thank
4 God for our free enterprise system, we still have
5 to be competitive. But within that constraint,
6 yes, we would expect to pay.

7 QUESTION: Using your own figures, you
8 mentioned the cost of \$200,000 marked for secure
9 land-fill disposal of some of your waste?

10 MR. DAVIS: That's what we are spending right
11 now to put material into a secure land-fill site
12 operated by an independent contractor who was
13 monitored rigorously by the State DEC.

14 QUESTION: And you also mentioned the cost
15 like over a million dollars to contribute to the
16 testing that's been done at the various sites
17 here in Niagara County by the Hooker company.

18 MR. DAVIS: The test programs that we
19 currently have underway right now at all of our
20 land-fill sites, we are taking ground water
21 samples and dirt samples and things like that
22 and having them run by laboratories all over the
23 United States is costing us about a million
24 dollars this year, just for those special tests.

25 QUESTION: So it's costing you about 3.4

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2 million dollars to deal with the problem on a
3 year to year basis at this point in time?

4 MR. DAVIS: I would hope that we would not
5 have to continue the extensive sample and testing
6 program that we have under way forever. We would
7 continue to monitor our disposal sites after we
8 had done whatever programs were necessary to
9 make them more secure, but I don't imagine that
10 they would be quite that extensive, but certainly
11 the solid waste disposal costs would continue
12 year after year and there would be some chemical
13 analysis costs associated with our monitoring,
14 yes.

15 QUESTION: Along the same line with
16 (unintelligible) other legislation has been
17 drawn to deal with old sites which create sort of
18 a post liability insurance possible, you may be
19 familiar with --

20 MR. DAVIS: Yes, sir.

21 QUESTION: That would be that you would be
22 charged in the future on the wastes that have
23 generated a certain surcharge which would be put
24 in a fund accumulated and then used for cleaning
25 up sites that come to light in the future. Do

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2 you think that that's a viable approach, that the
3 State should take that approach and furthermore
4 that the federal government should take that
5 approach with some sort of matching legislation
6 to mirror what New York State has done?

7 MR. DAVIS: Well, we have supported the
8 concept of the superfund and the testimony which
9 I have given before the Senate and the House
10 Subcommittees. Again, the details of such super-
11 funds, their financing, restrictions on how
12 they're used and so forth at this point in time
13 still have to be evolved in the proposed legis-
14 lation. The concept we subscribe to, I would
15 prefer not to seek conflicting superfund legis-
16 lation between the State and the federal govern-
17 ment. Our position in Hooker, I think, has been
18 fairly clear --

19 QUESTION: I want to ask your opinion on
20 this -- you made a point of saying we should
21 keep New York State competitive but if the
22 federal government fails to enact some sort of
23 a nationwide superfund and New York State acts
24 unilaterally, would it put you in a position of
25 being uncompetitive, should we be encouraged to

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2 want to do things like superfund rather than just
3 see New York act unilaterally?

4 MR. DAVIS: Absolutely. Yes, sir, that's the
5 point I'm trying to make, is that it should be a
6 federal superfund, uniform throughout the United
7 States and applied to problems that have occurred
8 with past land fills that have been abandoned.
9 The point I was trying to make is that while we
10 have several land fill sites here in Niagara
11 Falls which we discontinued the use of, we have
12 continued to maintain the ownership of that
13 property and we are addressing the solution of any
14 problems associated with that property, even
15 though we don't use that land-fill site any more,
16 because we figure that's our responsibility and
17 we're paying the money right now to do that, at
18 Hyde Park, the S area on our property and what-
19 ever other land-fill sites where we still own
20 that property, and I think that would be an
21 entirely appropriate incorporation in any legis-
22 lation. But the problem with the superfund is
23 associated with abandoned land-fill sites where
24 the ownership or where a lot of people have used
25 it and the identity of the source of the chemicals

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2 or the hazardous waste materials cannot be fully
3 ascertained.

4 QUESTION: Just one final question, if I may,
5 along the same line as the financing. The bond
6 issue that's been drawn proposes \$150,000,000,
7 \$120,000,000 for actual capital costs, \$30,000,000
8 for research and development. Do you have any
9 comments on the adequacy of the figures we have
10 chosen? Do you think it's too high, too low, or
11 do you agree with them?

12 MR. DAVIS: Offhand, I'd like to talk to
13 our technical experts whether \$30,000,000 for an
14 RD program would be appropriate. Certainly, from
15 Hooker's viewpoint we would have no problem at
16 all in disclosing the technical information which
17 we have about our incineration techniques and so
18 forth to the appropriate State organization. The
19 results of our RD program we would make available
20 to the State for whatever they could use it for
21 in the design of their incineration equipment.
22 We'd have no problem at all doing that. If
23 other industries offered the same, I think it
24 would allow you to reduce the cost of your develop-
25 ment program.

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2 QUESTION: I think it would be helpful to
3 the members of this Committee and the Interagency
4 Task Force if you would provide us with your
5 written evaluation of the bond proposal and to
6 the financial obligation it creates on your
7 industry particularly, what you think the federal
8 government should be doing in light of what has
9 been proposed by this bond issue and any other
10 comments you have that would take more time to
11 develop. I realize I just sprung this on you,
12 but it is a major issue, I think it may pass this
13 year so it would be good to have (unintelligible)

14 MR. DAVIS: All right. We'll certainly
15 respond to your request.

16 QUESTION: What we're calling for really is
17 300,000,000 bunch of money, \$150,000,000 State
18 with a matching fund of \$150,000,000 federal.

19 QUESTION: I think we're all agreed that
20 the federal government ought to pay a greater
21 role in this, the idea of having national
22 standards instead of state standards seems to
23 make some sense, probably more to you than to
24 us. I was wondering if you, your industry or
25 any trade association of which Hooker is a

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2 member has taken a position on National standards.
3 I have a copy of testimony here before the House
4 Subcommittee on analysis over sites. I don't
5 see anything in there calling for National
6 standards as opposed to State standards. Has
7 any trade association that you work with taken
8 that position?

9 MR. DAVIS: Yes, sir, as I mentioned in my
10 testimony here today, we are working very closely
11 with the Manufacturing Chemists Association which
12 represents over 200 chemical manufacturing
13 companies in the United States and they are
14 developing a very comprehensive position of the
15 chemical industry which incorporates the best
16 thinking of all of those chemical companies into
17 their proposals to be made to the Senate and to
18 the House committees. So, yes, there is coming
19 forth an industrywide statement with regard to
20 proposed federal legislation relating to hazardous
21 waste, disposal practices and land fills.

22 QUESTION: I'd like to see a copy of that
23 when it comes through with some other hearings
24 that we've had and other issues as well if
25 industries will come before State bodies and

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2 say National legislation and then we'll go to
3 Washington and lobby against National legislation
4 saying it's not to be handled locally. I'd like
5 to see a copy of that industry statement when it
6 comes.

7 I want to go back on one other -- this is an
8 issue that you alluded to before. You said when
9 you turned over the site in 1952, the Love Canal
10 site --

11 MR. DAVIS: Yes, sir.

12 QUESTION: -- you made the knowledge that
13 your company had in that site known to the Board
14 of Education. Had you made your reference then
15 as you did in your prior statement to the House
16 Subcommittee that that was by way of the deed
17 restriction or the deed notification that the
18 waste site involved a great level of waste
19 products resulting from manufacturing chemicals?
20 Was that the extent of your notification to the
21 Board? A warning that carried out in the deed
22 that in fact chemical waste had been buried in
23 the Love Canal?

24 MR. DAVIS: No. In our records and in our
25 files there's extensive correspondence between

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2 ourselves and the Board of Education notifying
3 them about the chemicals that were contained in
4 there. Again, let me assure you that we did not
5 know at that point in time the longevity of many
6 of these chemical materials, but we did notify
7 them about the dangerous nature of the chemicals.
8 We went back after the deed, about five years
9 later, I think, in 1957, when they were getting
10 ready to transfer some of that property to an
11 owner, and once again warned them about it and
12 told them about the dangerous nature of the
13 chemicals, the fact that any excavation in the
14 Canal site would create serious problems and
15 that no building of any kind should be done on
16 the Canal site, and that was done in 1957, five
17 years after we deeded the property.

18 QUESTION: It comes back to a broader issue
19 then and it involves a possible legislative
20 solution.

21 There is a great deal of skepticism about
22 the degree of corporate social responsibility.
23 It's a movement that's had its effect on a great
24 many kinds of legislation that is coming out of
25 Washington and out of various states. Part of
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2 the charges that have come up in Love Canal issues,
3 which happens to be the highlight of what this is
4 all about, is that the company knew what was going
5 on and what the possibilities were a long time ago.
6 I have these statements that were written up in
7 the paper after your testimony, stated by
8 Mr. Wilkenfeld (phonetic spelling) in 1958, and
9 other statements that came out of the FEC report.
10 Hooker knew, had reason to know, that there was
11 a greater possibility of harm to the public in
12 and around the Love Canal site than they expressed
13 to the people there. You were worried and
14 probably rightly so about possibly legal liabil-
15 ity, in fact the term was expressed, the corporate
16 reaction to that was to keep quiet. How do we
17 go about making sure that that kind of a situation
18 never comes up again? If we have a sufficient
19 legal handle on corporate executives, whether
20 opening your records or holding you absolutely
21 liable, corporations absolutely liable for
22 certain types of situations where there was prior
23 knowledge and that knowledge wasn't passed on to
24 proper health officials. Again, it's a broad
25 issue. Is that a kind of possibility, to try to

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2 instill a greater social concern among corporate
3 executives so that the issues come up sooner
4 rather than later, so that we don't reach a point
5 where 635 homes have to be bought. We have these
6 horrible health problems.

7 MR. DAVIS: Well, again, let me, if I might,
8 first of all, make a correction to the record.

9 We did not know in 1958 that there was a
10 problem with the chemicals that were in Love
11 Canal, getting out of Love Canal. Now the record
12 is clear and there are things that came up in 1958
13 and the incidents that occurred subsequent there-
14 to, and there were several of them, where
15 children were exposed to some chemicals, where the
16 clay cover had been removed, and we were notified
17 of it. We went back to the Board of Education
18 and said cover up the area that you have scraped
19 off and fill in those areas. But in all cases,
20 all that did was to reconfirm the knowledge that
21 we had that the chemicals that were in the Love
22 Canal site were in fact dangerous and harmful.
23 There was no indication from any of those
24 incidents that the chemicals had gotten out of
25 the Canal site. Those incidents all related to

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2 chemicals within the Canal site and it was not
3 until 1976, in October of '76, that we became
4 aware that the chemicals had migrated out of the
5 Canal site to the adjacent homes in the form of
6 leaching, and that's when we got involved. So,
7 let me make it very clear that there was no
8 corporate cover-up of knowledge that the chemicals
9 had left the Love Canal area as early as 1958 or
10 at any time prior to 1976, and there was no
11 cover-up then because it was known by the City,
12 it was known by the County Health Commissioner
13 and we were working with him. Now, in answer to
14 your second question, under most of the current
15 environmental regulations and laws, and this also
16 is associated with solid waste disposal sites, if
17 anybody in the company is aware of an environ-
18 mental problem, they're under an obligation by
19 the laws to disclose that to the appropriate
20 administrative agencies. For example, if we
21 violate one of our permits because we have an
22 interruption in our process, it causes a blip
23 in our operations and we exceed our permit
24 limits. We have an obligation to immediately
25 report that to the appropriate State agencies,

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2 and we are guilty if we don't do that. We cannot
3 cover that up. We must disclose it and we do.
4 So I think there may very well be the appropriate
5 legislation that obligates industry and corporate
6 officials to disclose any information that they
7 have, that they've created any kind of an environ-
8 mental problem, to the appropriate administrative
9 agencies right now on the books. And if they
10 cover that up, then they're guilty of a criminal
11 act.

12 QUESTION: Are you able, by looking back at
13 your records, you talked about going back in your
14 records to determine waste inventories, by
15 looking at an analysis of what your produced
16 and what you bought to produce it, determine
17 for any period of time what the by-products were
18 of that production process?

19 MR. DAVIS: That's about what we did when
20 we developed the information for the Interagency
21 Task Force. In other words you can take your
22 sales records of your finished product, know
23 the process that you employed during that period
24 of time, the various raw materials that were
25 used, the approximate (unintelligible) you

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2 encountered and hence the residue materials that
3 were created and you can approximately determine
4 exactly how much material you disposed of and
5 then knowing what area we were disposing of them
6 at the time reconstruct where we disposed of the
7 chemical materials and that's exactly what we did
8 in the Interagency Task Force.

9 QUESTION: Can that be done for any number
10 of years back?

11 MR. DAVIS: Well, we had trouble when they
12 asked us to go back to the 1930s and it's pretty
13 hard to get records back into the '30s and to get
14 people who can recall what was done back in the
15 30s. We tried to go back as far as we could and
16 do the best job we knew how.

17 QUESTION: Just one final comment. In
18 yesterday's paper there was a story about prior
19 testimony to the Task Force this week by
20 Mr. Robert Power saying that the places for some
21 of these dump sites were done specifically
22 because they were in the proximity of water,
23 which would be the natural attraction point for
24 any wastes to put in these dump sites. Do you
25 care to comment on Mr. Power's testimony? I've
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2 only seen the newspaper report.

3 MR. DAVIS: I certainly don't think that
4 Love Canal would fall into that category. I don't
5 think Hyde Park would fall in that category.
6 Neither one of them are approximate to water.
7 They'd have to travel a considerable distance
8 before the material got into the water or into
9 the river. Both of those were selected because
10 they were on clay. They were both picked because
11 they were surrounded with clay, which was
12 impermeable. So I think that those two sites
13 clearly indicate that that was not a criteria
14 that was used in the selection of the land-fill
15 sites.

16 QUESTION: Hyde Park and Bloody Run Creek.

17 MR. DAVIS: Yes, and Bloody Run Creek has
18 to run a considerable distance. It's not a
19 flowing creek. It's an area where any drainoff
20 water during heavy rains flows into the creek.
21 It's a ditch, really, and takes any ground water
22 runoff and then gradually after a considerable
23 distance, gets down into the Niagara Gorge, but
24 believe me, it's a considerable distance from
25 the Gorge itself.

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2 QUESTION: One last question, Mr. Davis.
3 Obviously Hooker feels at different levels of
4 responsibility between Love Canal, what to do
5 about Love Canal, and what to do with the Hyde
6 Park land-fill area. Would you want to delineate
7 Hooker's present position as to what it feels
8 its responsibilities are in regards to those two,
9 let us say, Hyde Park versus Love Canal?

10 MR. DAVIS: Well, first of all, with regard
11 to Love Canal, again we've maintained that
12 regardless of what the legal liability is and we
13 maintain that we do have no legal liability
14 associated with Love Canal. We do have a moral
15 responsibility. We've tried to exercise that
16 moral responsibility by working with the various
17 governmental authorities. Prior to that when the
18 State came in and took over the management of the
19 Love Canal correction program. We've continued
20 to work closely with them subsequent thereto and
21 to their people. As they've encountered problems
22 in the corrective action program, our technical
23 people have been out there working with them.
24 They've encountered about, I think, 4,000 gallons
25 of rather heavy residue materials that collected

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2 in the bottom of their collection tank. We have
3 advised them that we will incinerate that material
4 in our incinerator at absolutely no cost to
5 anybody. Just go ahead and get it into our
6 incinerator and we'll incinerate it in an environ-
7 mentally sound manner. We have an ongoing liason
8 with the State and local authorities in order to
9 help them out in any way possible in the program
10 at Love Canal. Now, as contrasted with that, in
11 Hyde Park, for example, we've said we have total
12 responsibility for that and we've laid out the
13 programs for sampling, we've cleared it, worked
14 with the State. We report every month to them
15 exactly what we've found out, what new develop-
16 ments have come out, what programs we're proposing
17 and we will go ahead and finance that, to make
18 sure that that land-fill site is environmentally
19 secure and as sound as we know how to make it
20 and anybody knows how to make it. We believe
21 that's our obligation. We still own that
22 property and we will go ahead and take care of it.

23 QUESTION: For the record, then, what you're
24 saying is all the costs involved in the proper
25 handling of Hyde Park should be borne by Hooker

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2 Chemical Company?

3 MR. DAVIS: We have undertaken that respon-
4 sibility. I don't believe that under the
5 current solid waste land-fill legislation of
6 Section 360 of the State that we have a legal
7 obligation to do that under that legislation,
8 but that makes no difference, we're going to do
9 it.

10 QUESTION: Mr. Davis, you have received a
11 copy of Mr. Davenport's report, I take it?

12 MR. DAVIS: Yes, sir.

13 QUESTION: As far as you or your company
14 (unintelligible) if you have comments or sugges-
15 tions, I'm going to ask you to give them at this
16 time.

17 MR. DAVIS: May I just turn to my technical
18 adviser over here and ask him?

19 I asked him. I understand that we have a
20 few minor corrections and statements to make
21 with regard to the report where there are some
22 technical inaccuracies, but by and large we
23 agree with the conclusions of the report and
24 the material contained therein and a good part
25 of it, we're delighted with the Interagency

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2 Task Force.

3 QUESTION: So this minor corrections is with
4 factual material (unintelligible).

5 MR. DAVIS: By and large it is accurate,
6 yes.

7 QUESTION: Is my understanding correct with
8 respect to the Love Canal situation that thus
9 far there have been no direct extension of funds
10 by the Hooker Chemical Company on that situation?

11 MR. DAVIS: Subsequent to the time that the
12 State came in and took over the responsibility
13 for handling the program and administering the
14 program, there have been no costs associated by
15 Hooker other than the fact that we provided all
16 kinds of technical assistance. We've agreed to
17 incinerate the chemical materials that have been
18 collected, heavy materials that are in the
19 leachate collection tanks and so forth. But
20 other than that we have undertaken no expenses
21 associated with Love Canal. But our offer of
22 that \$280,000 which we made at the outset we
23 felt was a fair share of a fair cost of the
24 program. That still stands.

25 QUESTION: I take it that even since that
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2 offer there is recognition that there may be
3 other dollars involved.

4 MR. DAVIS: Well, I understand the cost of
5 of the program now is considerably in excess of
6 the original estimate. We have made no under-
7 taking at all to pick up any such costs. We
8 don't intend to.

9 MR. GINSBERG: Before we take a break, I'd
10 like the members of the Task Force ask a couple
11 of questions.

12 QUESTION: At first I'd like to thank
13 Mr. Davis for his cooperation (unintelligible).

14 MR. DAVIS: We've tried to be very cooper-
15 ative with you and your organization.

16 QUESTION: I have a few questions on a
17 variety of subjects.

18 You indicated, Mr. Davis, that (unintelli-
19 gible -- could not understand this individual)

20 MR. DAVIS: Well, I'd rather hesitate to
21 answer that until I have proper advice of legal
22 counsel, but let me just say this. Our position
23 has been clearly one of working very closely
24 with the State on any troubled area in the
25 Niagara Falls area associated with our past land-
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2 fill sites. We would like very much to continue
3 that cooperative working relationship. If legal
4 action is brought against Hooker that in some
5 way could interfere with that cooperative spirit,
6 and I think the real objective is to make sure
7 whatever needs to be done now and gets the
8 problem solved now, ought to be done now, and
9 we would prefer to have nothing interfere with
10 that spirit of getting on with the job. Now if
11 there's an awful lot of legal action brought that
12 involves criminal liability, civil liability and
13 so forth, it seems to me that that could only
14 serve as an impediment to the basic cooperative
15 spirit which we have right now with the various
16 State agencies.

17 QUESTION: (Unintelligible)

18 MR. DAVIS: I can't at this time, point in
19 time, say whether that would serve as an
20 impediment or not. It could, because it could
21 have some additional legal connotations
22 associated with the actions that we would under-
23 take in the other land-fill sites. So, you know,
24 I'm just saying it realistically, we might have
25 a problem. I prefer not to have that problem.

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2 I prefer to make sure we get the job done as
3 quickly as possible.

4 QUESTION: With respect to the (unintelli-
5 gible)

6 MR. DAVIS: It's our intention that what-
7 ever we find as a result of this test work may
8 very well lead to some additional programs that
9 would need to be instituted. It is our intention
10 at this point in time that we would pay for those
11 and get those things done, yes. Now, that's not
12 an all-inclusive, total comprehensive, unlimited
13 commitment. But I'm saying that we intend to
14 move forward with programs that are necessary
15 once we get this work done, and if we find that
16 a program is necessary, it is our intention to
17 go on with the program.

18 QUESTION: I would like to also ask about
19 the distinction at Love Canal between the
20 commitment up to the point of the August order
21 by the Health Department, why didn't you go into
22 monitoring programs before that date (unintel-
23 ligible) and unwilling to bear a portion of much
24 heavier costs by the State and by the city since
25 that date?

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2 MR. DAVIS: Well, I think the program that
3 we agreed to was more than a monitoring program.
4 It was in the southern section of the Love
5 Canal. It was really the corrective program,
6 the E.J. corrective system, which was estimated
7 by (unintelligible) to cost about \$850,000 in
8 their engineering report. We, as I say, agreed
9 to pick up a third of that in order to get the
10 program moving quickly so we could get the thing
11 done before the cold weather set in in 1978. We
12 knew that there was a deadline there and
13 completed the program before winter weather.
14 Now, there was a considerable change of scope
15 in that entire project in the Love Canal area
16 between that which was conceived by the (unintel-
17 ligible) organization and what in fact was finally
18 implemented and the way in which it was done.
19 And that was entirely handled by the State and
20 to some extent with commitments by the Federal
21 government. Hooker was not involved in that at
22 all. We were involved in the program that was
23 developed -- which, by the way is one that was
24 finally put in out there, and so we felt com-
25 fortable in making that commitment in an effort

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to get the program moving forward quickly.

QUESTION: (Unintelligible)

MR. DAVIS: Well, again, when we made the original commitment, we made it very clear that we did not assume any legal liability whatsoever. The only sole purpose for making a commitment was in order to expedite the implementation of the proposed program. We have been very consistent in our position with regard to legal liability related to Love Canal. Now when you go from a program that was estimated to be \$850,000 in which you participated and helped finance the study which came up with that program and technically you believed in that program to a program that's estimated to be many, many times that, and have had no chance to contribute anything at all to that program whatsoever or your comments were not even solicited. We don't feel we have a reason to make such a commitment.

QUESTION: (Unintelligible)

MR. DAVIS: Well, we certainly think that some sort of an incineration installation would be appropriate. Their proposal seems to fly in the face of the proposal that has just come out
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2 on the part of the State to put several of these
3 in and around the State. They're a very competent
4 organization who do a very good job in handling
5 solid waste and hazardous waste material. The
6 State DEC is probably a better authority on the
7 evaluation than we are, but we think they do a
8 pretty good job from our technical people.

9 QUESTION: Excuse me, the _____ people could
10 turn that right down (unintelligible)

11 MR. DAVIS: So we have to believe that
12 NUCO has some very technically competent people
13 to do the job. Whether they will be in conflict
14 with what the State proposes or not, I at this
15 point in time can't tell. But I think it would
16 be worthwhile to have a solid incineration unit
17 somewhere in this area to handle the waste from
18 industry, to minimize that which has to go to a
19 solid waste land-fill site.

20 QUESTION: Do you have any plans to build
21 such an incinerator yourself?

22 MR. DAVIS: We were actively -- we have been
23 actively looking at the technology and the cost
24 of one for the past several years. There are
25 a lot of problems associated with this as I

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2 mentioned in my testimony. There's a lot of
3 problems associated with adequate incineration
4 of solid materials.

5 QUESTION: So you at present (unintelligible)

6 MR. DAVIS: We have not authorized an expen-
7 diture for an incineration unit at this point in
8 time. Now, the plans, yes, we have looked at it,
9 we have them in our capital forecast over a five-
10 year period, but we do not have any appropriation
11 of money at this point in time.

12 QUESTION: With respect to the S site, could
13 you tell us what efforts were being made to
14 advise the city and county or the state agencies
15 of the distance of the S site, due to its
16 proximity to (unintelligible).

17 MR. DAVIS: We, to my knowledge, made no
18 effort to disclose any information about an
19 onplant, onsite, land-fill area to the State
20 agencies until the information was provided to
21 the Interagency Task Force at your request and
22 then we completely disclosed everything that we
23 believed went into that land-fill site. We
24 didn't think we had a problem there until the
25 incident that occurred in August of last year

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2 in which they did find some chemical material
3 in a portion of the water treatment plant, although
4 there is clearly evidence there is no problem
5 associated with the drinking water in Niagara
6 Falls then or now, or nor has there been. The
7 water is of very fine quality. But there was
8 evidence of some chemicals and that's the first
9 time we knew about it, and that's what percipi-
10 tated our developing a program for putting
11 monitoring wells around the perimeter of our
12 plant. And that program was finally developed
13 and reviewed with the State in December of this
14 year. But it actually began right after we
15 discovered, or the city discovered the presence
16 of some chemicals on their water treatment plant
17 property.

18 QUESTION: (Unintelligible)

19 MR. DAVIS: Well, Hooker put a clay cap on
20 the Canal site where it had disposed of chemical
21 residue materials. That is in the southern
22 section of the Canal site which we used from
23 approximately 1947 to 1952. And also in the
24 northern section of the Canal site where some
25 material had been disposed of prior to that time.

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2 In the central section of the Love Canal site,
3 that was not used for chemical residue materials
4 whatsoever. That's the area right by the 99th
5 Street school. That was subsequently filled in,
6 I believe, by the city and then they put the
7 playground and so forth over that filled in site.
8 Again, Hooker did not cover that up with clay
9 because there was nothing disposed out there.

10 QUESTION: Your last answer -- subsequent
11 to the transfer of the Love Canal site to the
12 Board of Education, did Hooker in fact do any
13 further programs at that site in terms of covering
14 it (unintelligible)

15 MR. DAVIS: I don't believe so, but let me
16 just double check as to whether we put anything
17 or helped to put anything into that central
18 section. Just a moment.

19 The two extremities of Love Canal which we
20 covered over with clay and built a clay dam in
21 the lower section of it to make sure that we had
22 enclosed the chemicals at both ends, when we
23 turned over the property to the Board of Education
24 at that point in time that was the extent of the
25 work that was done. Subsequent thereto I'm

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2 advised that we with the permission of the city
3 put fly ash and other rubble type of material
4 from excavation work in there at their request
5 to help to just fill it up so you could get it
6 up to grade level so they could go ahead and put
7 a playground on it. There were no chemical
8 materials that went into that area subsequent to
9 1952. We did not dispose of any chemical residue
10 materials in Love Canal subsequent to our deeding
11 the property to the Board of Education.

12 QUESTION: Did you take any action to cover
13 the materials that were already there subsequent
14 to the transfer?

15 MR. DAVIS: No. What we did we put approxi-
16 mately a four-foot clay cover over the drums
17 after we had placed them in the Love Canal site
18 and that was up to grade level and there was a
19 slight crown on that clay cover and that was it.

20 QUESTION: That was prior to transfer?

21 MR. DAVIS: That was prior to transfer.

22 QUESTION: Subsequent to transfer, the only
23 physical activity by Hooker at the site was with
24 the permission of the owner in depositing non-
25 toxic materials.

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2 MR. DAVIS: In the center section in order to
3 fill that up so they could use that for a play-
4 ground, that is correct.

5 QUESTION: And approximately when did that
6 take place?

7 MR. DAVIS: Offhand I don't know but we'll
8 get back to you if you'd like us to with more
9 specific information. I don't know. Whenever
10 they started putting the school playground in,
11 I guess. We'll check that point and come back
12 to you.

13 QUESTION: There has been some question about
14 the cost of legal action, I believe Senator
15 Moynihan indicated the cost somewhere around
16 \$50,000,000, do you have any further comments to
17 offer to clarify this.

18 MR. DAVIS: Well I certainly don't agree with
19 the estimates that were mentioned by Senator
20 Moynihan and the basis for the statement that he
21 made was on an engineering report that was made
22 available as a result of an unfavorable and
23 unfriendly takeover effort in which we had no
24 chance to reply to the allegations made in that
25 engineering report. We do not believe that the

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2 cost will be anywhere near that. As a matter of
3 fact in cases where we have already done some
4 work to take care of problems of cost, and it
5 has been many, many times less than those esti-
6 mated in that report so we think that pretty well
7 attacks the credibility of the report.

8 QUESTION: Just some brief questions. There
9 has been some discussion about mandatory
10 (unintelligible) companies to be required to
11 furnish to the State and the Health Department
12 on a regular basis the same sort of information
13 that you supplied us last fall. What is your
14 position on that. The second part of that is,
15 there have also been some discussions about
16 giving State departments like _____
17 free access to company records on hazardous waste
18 disposal activity. What would be your answer on
19 that?

20 MR. DAVIS: Well, first of all, I think it
21 would be entirely appropriate for some sort of
22 legislation that would require industry to do
23 exactly what we did to the Interagency Task Force
24 in chronicalling to the best of our company's
25 knowledge what it did with its various waste

1 materials in the past so that the government can
2 get a pretty good handle on exactly what types of
3 materials are where in this country and how
4 serious the various problems might be with the
5 multitude of land-fill sites located all over the
6 country. So I think that would be an entirely
7 appropriate type of legislation, to have access
8 to written records and documents of the company
9 that at any point in time the federal government
10 of State government personnel can come in and
11 rummage through the files, I think I'd be opposed
12 to that because unfortunately those are taken out
13 of context many times, and they certainly have
14 been in our case where a lot of those records
15 have been made available to federal and State
16 agencies again as a result of this unfriendly
17 takeover proceeding where they were completely
18 taken out of context, and so they don't disclose
19 exactly what happened, what conclusions were
20 reached. They were just carefully selected out.
21 Never, to my knowledge, in the history of American
22 industry, has any company been subjected to the
23 exposure of its internal documents to the extent
24 that Hooker Chemical has. So I don't think that
25

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2 that would be appropriate. Again, if there were
3 any cover-up and criminal sanctions were placed
4 against cover-up, I think you already got an
5 awful lot of laws to take care of that. If
6 somebody did try to cover up the facts, then I
7 think it would be appropriate. I think there are
8 laws to cover that right now.

9 QUESTION: I have just three questions of
10 Mr. Davis. Question number one, in reference
11 to his statement he just made to Mr. Millock.
12 (Unintelligible)

13 MR. DAVIS: We have evidence that that was
14 not true. We would be glad to make any such
15 information that we have on that matter available
16 to the Interagency Task Force. We don't believe
17 that it's correct, but we would be glad to
18 review that information with you at a later date.
19 We don't have it now.

20 QUESTION: (Unintelligible)

21 MR. DAVIS: (Something lost in change of
22 tape) . . . the fact that there's no evidence
23 of any chemical migration from our property to
24 any of the surrounding areas. To my knowledge
25 there is no evidence of any such migration of
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2 chemicals outside of that land-fill site right
3 now into the adjacent property. I believe there
4 may have been some question about material getting
5 into one of the sewer lines. But other than that,
6 I don't believe there's any evidence of any
7 migration, but we do have ongoing programs there.

8 QUESTION: My final question. (unintelli-
9 gible) Is Hooker prepared to handle the
10 situation and if so, how do you plan to handle
11 those things?

12 MR. DAVIS: Well, we are obviously concerned
13 about the problem if secure land-fill sites were
14 not available to us in the Niagara Falls area,
15 what we would do. It would be a very serious
16 concern to us and it would present a very
17 serious problem. The nearest incineration unit
18 that I am aware of where this material might be
19 disposed of is located down in the southern part
20 of the U.S. so that rail cars of residue
21 materials would have to be sent down there for
22 incineration.

23 QUESTION: I have a few questions, sir.
24 The first question is a follow-up of Mr. _____
25 question. The fact that you had unavailability

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2 of solid waste disposal sites, are there presently
3 any of the inactive sites that were in the
4 Task Force report which would be capable and be
5 in a position at the present time to accept
6 Hooker Chemical's waste?

7 MR. DAVIS: You mean land-fill sites which
8 we closed up in the past?

9 QUESTION: That is correct.

10 MR. DAVIS: I don't think we would propose
11 to use any of them.

12 QUESTION: You had also mentioned (unintelligible)
13 Task Force report. Do you have any
14 indication of the type of work that was conducted?

15 MR. DAVIS: Well, I think I may have men-
16 tioned a little earlier, we had our technical
17 people, we had several technical people, including
18 Mr. Cull who is the manager of our special
19 environmental programs and who is a focal point
20 for putting all of this information together
21 and preparing the answer that you received was
22 in contact with our various technical people in
23 our various divisions. He also went out to the
24 plant, he met with people that were involved
25 with taking material from these land-fill sites,
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2 he interviewed and talked with retirees, some
3 of our people in the environmental group in the
4 Niagara Falls plant did the same thing, and
5 finally all of this information, including a
6 review of our sales records, annual reports,
7 our research and development work, our production
8 records, all of this was put together to try to
9 develop, to the best of our ability a summary of
10 exactly what happened in each of our land-fill
11 sites. And, as I said, the process is to some
12 degree inaccurate, but we think it's the best
13 possible job that could have been done in light
14 of the information that was available.

15 QUESTION: Has this type of effort continued
16 in other words, the same type of (unintelligible)

17 MR. DAVIS: No, we have not -- of course
18 we still are acquiring information but not in the
19 same concerted effort that was done in order to
20 prepare the work in reply to your request and
21 meet the deadlines there. We are continuing to
22 try to put together information and every once
23 in a while we learn something new about what's
24 happened in the past, but by and large there's
25 no concerted effort whatsoever to address

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2 ourselves to the past land-fill sites or past
3 land-fill practices beyond what we made available
4 to you.

5 Q UESTION: You have no knowledge of any
6 other sites that may have been used that have
7 not been before the Task Force?

8 MR. DAVIS: Not to my knowledge and I think
9 that the relationship that we have right now and
10 our working relationship with the State DEC, if
11 we had any such knowledge they'd know about it
12 right away, because we just don't play games with
13 them, we're working very cooperatively and we're
14 very candid and open in the entire manner in
15 which we deal with them.

16 QUESTION: Does Hooker keep a (unintelligible)
17 of the waste that is generated?

18 MR. DAVIS: Yes, a very detailed one which
19 defines exactly where it was made, what the
20 process was, how much material, the date of it,
21 where it went, and so forth. Yes, sir. We've
22 been doing that for several years. Even before
23 it was required by law.

24 QUESTION: And where would these records be
25 kept?

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2 MR. DAVIS: They're kept in our plant. Part
3 of our records are in our environmental depart-
4 ment.

5 QUESTION: And that would be the responsi-
6 bility, I guess, of the Department of the
7 Environmental Coordinator.

8 MR. DAVIS: That would be within the Depart-
9 ment of Mr. Luck of our Niagara Falls plant.

10 QUESTION: A final question, you've been
11 talking about Hooker Chemical has programs
12 (unintelligible) and you were also spending
13 substantial sums of money going out to consul-
14 tants in different areas of the country, can you
15 give us any indication of the timing of this
16 program?

17 MR. DAVIS: Of the timing of this program?

18 QUESTION: Yes. In other words, when does
19 Hooker Chemical feel they would have an accurate
20 assessment of migration problems (unintelligible)?

21 MR. DAVIS: We have, as I mentioned I think
22 in my testimony, extensive programs at each of
23 our land-fill sites. Because of the nature of
24 the many samples and inability to analyze many
25 of those samples, we have established priorities

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2 in conjunction with the State DEC as to which
3 land-fill sites are the ones they're the most
4 interested in. They happen to be Bloody Run and
5 S area, and so they have the highest priority and
6 the samples taken out there receive the highest
7 priority for analysis. The area which we think
8 has got the least potential for any harm is the
9 102nd Street land-fill area and so the priority
10 for that is the lowest. We would expect to have
11 all of our sampling work done and the results in
12 no later than the middle of next year which would
13 be the last date for 102nd Street. We would
14 expect to have our information for Bloody Run
15 and Hyde Park, or rather the S area, completed
16 by the summer of this year.

17 QUESTION: Mr. Davis, we all recognize the
18 problem of detoxifying solids is a most difficult
19 one and that incineration increases the gases
20 and liquids to solids. All of this may depend
21 on burning oxygen which is free and the con-
22 centration in the air is about _____ percent.
23 A lot of things do burn. A lot of things that
24 we don't ordinarily consider it's possible to
25 burn (unintelligible) Has your company

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2 investigated what cost per ton it becomes
3 economically feasible to use (unintelligible)
4 in high temperature incineration of solid toxic
5 wastes?

6 MR. DAVIS: I've been advised by my technical
7 adviser that we have not done it.

8 QUESTION: I have one question, Assemblyman
9 Grannis a while ago made reference to a statement
10 of Mr. Power, an employee of Hooker Chemical.
11 The statement was made before us a couple of days
12 ago. That statement concerned the selection by
13 Hooker in the past of some sites near water
14 bodies so that perhaps these water bodies would
15 facilitate the waste disposal. I believe your
16 response to that was that such was certainly not
17 the case in Love Canal and Hyde Park. Was that
18 the case in regard to the other sites?

19 MR. DAVIS: Again, I don't know that there
20 was any thought that that was the way to dispose
21 of chemical material, if so, if that was the main
22 threat I guess it would have been a lot easier
23 to dump it in the river, rather than dump it
24 into disposal areas. So I'm not sure that that
25 was the basis for our selection of any of our

1
2 other land-fill sites. We had a bunch of them
3 on our plant property and we designated that to
4 the Interagency Task Force. Many of those were
5 not in any way approximate to water. So I would
6 say that that was not an overriding factor in
7 the selection of land-fill sites the fact that
8 they had to be located adjacent to the river.
9 That entire area was used as a land-fill area
10 for municipal waste, for industrial waste, it
11 was done with the approval of a corps of
12 engineers for about 20 years.

13 MR. GINSBERG: Mr. Davis, at this time I
14 would like to thank you very much for your
15 patience. You've been on your feet a long time
16 and I know you will (unintelligible).

17 MR. DAVIS: We'll certainly try to meet your
18 May 16th deadline with those replies if that's
19 satisfactory for you.

20 MR. GINSBERG: Thank you very much, thank
21 you for your patience.

22 MR. DAVIS: Thank you for the courtesy of
23 the group here and I appreciate their questions
24 and I think it was very helpful. Thank you, sir.

25 MR. GINSBERG: We're going to proceed with
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1
2 the next testimony.

3 MR. CUDDY: My name is Michael Cuddy and
4 I am Commissioner Hennessy's on-site represen-
5 tative for the Love Canal Task Force. Commis-
6 sioner Hennessy, Chairman of the Love Canal
7 Task Force has asked me to offer testimony at
8 these hearings on behalf of the Department of
9 Transportation and the Love Canal Task Force in
10 order to assist the committees in understanding
11 the magnitude and severity of the problem of
12 chemical waste on sites in New York State and
13 at the Love Canal in particular. I hope this
14 testimony is useful in helping the legislature
15 to formulate proper State actions on these
16 issues.

17 I would like to place into the record a
18 longer, written synopsis of the Love Canal
19 situation and I've given copies of that to the
20 clerk.

21 But let me make my remarks to the highlights
22 of the developments at the Love Canal. Also the
23 bulk of my testimony will attempt to comment on
24 only the first of the eight issues to which
25 these public hearings are addressed. Namely, the

1
2 adequacy of present local, state and federal
3 government responses to hazardous waste emergen-
4 cies.

5 The Love Canal site is unique in that it is
6 set in the middle of a densely populated resi-
7 dential area containing a grammar school, a
8 housing development and hundreds of middle-class
9 homes. This makes the Love Canal problem a
10 hazardous waste emergency.

11 The City of Niagara Falls and Niagara County
12 were the first levels of government to respond
13 to the Love Canal situation. The area residents
14 who brought this problem to the attention of the
15 local officials in the mid-1970s aroused by
16 foul smells and presence of colored liquids on
17 the surface of the Canal and in their back yards
18 and basements. The local residents demanded
19 action. The Canal was pouring out its buried
20 waste as a result of the rusting of drums and
21 the migration of liquids.

22 In January of 1977, the City of Niagara
23 Falls hired a consultant to conduct hydro-
24 geological investigations of the site and
25 to develop a conceptual pollution abatement
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2 system. The report was completed by the
3 Calstand (phonetic spelling) Corporation of
4 Buffalo in August of 1977. This preliminary
5 report indicated the need for more intensive
6 investigation and in February of 1978, the City
7 hired the consulting firm of Conastoga Rovers
8 (phonetic spelling) to develop a plan that could
9 be quickly implemented to control the chemicals
10 that were spreading throughout the neighborhood.

11 The City of Niagara Falls was becoming aware
12 of the problem and was preparing to undertake a
13 remedial construction plan for what was then
14 thought to be a relatively small problem. The
15 costs being discussed at that time were less than
16 one million dollars.

17 When the New York State Department of Health
18 issued its order in 1979, describing the health
19 problems which residents were experiencing and
20 recommending relocation, it became obvious that
21 the City, the City's resources alone could not
22 and were not able to deal with all aspects of
23 this situation.

24 Because of the added health risk determined
25 by the State's Department of Health, the State's

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2 response to the Love Canal were swift and much
3 more dramatic. It was evident that large scale
4 evacuations, health studies and remedial work
5 were immediately necessary.

6 On August 3rd, 1978, Governor Carey,
7 recognizing the complexity of the problem and
8 the necessity for close coordination of all
9 State assistance, directed the formulation of
10 the Love Canal Task Force to be directed by
11 Transportation Commissioner, William C. Hennessy.
12 The Task Force operation centered around three
13 main objectives. Relocation of the affected
14 families to be handled by the Department of
15 Transportation; a construction project to prevent
16 further migration of the toxic chemical wastes
17 to be handled by the City of Niagara Falls and
18 the Department of Environmental Conservation;
19 and a continuation of the health and environ-
20 mental studies to be conducted by the Department
21 of Health.

22 At present 235 of 239 families eligible for
23 permanent relocation have been moved. One-third
24 of the remedial work is practically complete and
25 the health and environmental studies are

1
2 continuing. As a result of these continuing
3 studies, a supplemental Health Order was issued
4 on February 8th, 1979 that recommended other
5 portions of the population residing in a wider
6 area around the Love Canal should be temporarily
7 relocated. To date, 20 of 41 families eligible
8 under the findings of that supplemental Health
9 Order have been relocated.

10 State personnel and efforts have answered
11 and continue to the emergency situation. But
12 resources are severely strained. A special
13 appropriation was requested of the legislature
14 for approximately \$22,000,000, with a belief
15 that a large portion of this funding would be
16 reimbursed by the federal government to the
17 Federal Disaster Assistance Administration. The
18 federal government's response to the Love Canal
19 has been disappointing, both in emergency relief
20 and long-term restoration. The federal assistance
21 delivery with a promise of creative interpretation
22 of their standing regulations and laws has been
23 limited by a narrow view with the various
24 federal agencies which is their responsibility.

25 To summarize, local governments are

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2 overwhelmed by the magnitude of chemical waste
3 problems. The State government, although able
4 to take emergency action, cannot afford the
5 entire burden of clean-up and liability. The
6 federal government has no program to deal with
7 hazardous waste sites, nor can they apparently
8 help much under the Federal Disaster Relief laws
9 and policies.

10 I would now like to comment briefly on the
11 other questions that these committees have asked
12 and how they have affected the Task Force opera-
13 tions.

14 With regard to the identification and
15 classification of hazardous waste dump sites,
16 one of the first questions that the Task Force
17 had to answer at the Love Canal was what is in
18 the Canal. This has not been completely
19 answered yet. A requirement should be
20 placed upon industry which would require companies
21 to identify the type, concentration and amount of
22 waste they produce, and to catalog the storage
23 locations. This would be a first step that
24 would allow quicker response to the cleanup of
25 pollution problems caused by such storage.

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2 Ideally, cradle to grave responsibility for
3 chemical waste must to assigned to the waste
4 producer.

5 With regard to the liability for the cost of
6 cleanup. It is absolutely necessary that we
7 establish a clear legal framework for liability.
8 The present search for cleanup funding among the
9 various government levels points up to the confu-
10 sion on this issue. Initiation of the remedial
11 work was often slowed until this question was
12 resolved.

13 With regard to hazardous waste disposal
14 technology, the search must continue for more
15 effective techniques other than in the ground
16 storage with drainage systems and capping.

17 At the Love Canal we are using this method
18 because it is the quickest and most direct work
19 that will intercept my grading chemical leachates.
20 We will not be surprised if it is not a final
21 solution. In fact, the method we are using is
22 not ideal because it will require perpetual main-
23 tenance.

24 The best way of handling toxic chemical
25 wastes today are methods that are on line at the

1
2 waste producer's plant and will eliminate or
3 neutralize waste products as they are produced,
4 or by high temperature incineration. Of course
5 it is important to recycle as much waste as
6 possible in order to reduce the amount of
7 material requiring disposal.

8 Thank you for this opportunity to appear
9 before this Committee and I hope my testimony
10 aids in your deliberation and recommendations.

11 QUESTION: Mike, the Task Force, I believe,
12 has done a credible job in working with the
13 citizens and their problems, but one of the com-
14 plaints that I constantly hear is that local
15 governments oftentimes, the Health Department
16 or the City government or the County government,
17 they found out that our information is revealed
18 through the press to them. It would seem to me
19 that there should be and there should have been
20 for a long time, a greater relationship in
21 dealing with the local government since many of
22 the responsibilities are passed onto them by
23 the Health Department in mandates that they're
24 requiring. Is there any attempt to somehow in
25 the future bring the information to the local

1
2 officials, the Health Department, the City govern-
3 ment, the County to attempt to give their input
4 into the resolution of some of the new problems
5 that may come up.

6 MR. CUDDY: Senator Murphy, you're correct.
7 There are from time to time some lapses on the
8 part of the Task Force in keeping everybody who
9 should be informed and everybody who should have
10 input gathering that input. One of the problems
11 is that the Task Force is a new type of organi-
12 zation. Many of its functions are carried out
13 in Albany in the labs and in the administration
14 there and there has been a failure at some time
15 to communicate all decisions first to get local
16 input. I think we've improved that situation
17 substantially in the recent past. The City of
18 Niagara Falls in particular has offices in the
19 same school that the Task Force has offices in,
20 and I talk to the city representatives on a
21 continuing basis. I do expect that in the future
22 that problem will become minimal.

23 QUESTION: More specifically, what I'm
24 concerned with is the Health Department's
25 relationship in a number of these matters. I

1
2 would ask you to impress upon Mr. Hennessy the
3 importance of the Commissioner of Health dealing
4 with the local health officials.

5 MR. CUDDY: Yes, I will.

6 QUESTION: Mr. Cuddy, I just have a couple
7 of questions.

8 Talking about migrating leachates. Where is
9 it migrating to?

10 MR. CUDDY: It's a very good question. One
11 of the problems with the whole Love Canal situ-
12 ation is that very rarely are there any definite
13 answers. Right now our best guess, our best
14 state of knowledge is that it's migrating probably
15 in two ways. One is a general seepage into the
16 area from the Canal boundary. That is probably
17 not a long distance migration. The other theory,
18 hypothesis is that it has been migrating down
19 swells which are tradition wet areas. When I say
20 that's hypothesis, because there is contradictory
21 information on that. Contradictory in the terms
22 that recent soil samples have shown that we can-
23 not confirm that these wells are actively
24 carrying leachate and there is a feeling that
25 perhaps it was a soil that was used to fill these

1
2 swells that was contaminated, and there is no
3 leaching along those areas.

4 Have I answered your question?

5 QUESTION: Do you have a target date when
6 you're going to have the answers to that ques-
7 tion, because it relates to another situation,
8 one that has been raised already about the
9 perimeter of the houses and the homes that are
10 affected by -- they're technical, they're words
11 that ought to stand out, not knowing the answer
12 is a very serious question. It got in the base-
13 ment of the first peer home and the second peer
14 home and that leachate is moving out along a
15 lateral line to reach out further. I would hope
16 that the position of the Governor within the
17 Commissioner of Health and Transportation is
18 not going to wait for the problems to recurr.
19 You get that sedative, scientific statistical
20 data of miscarriages, deformities, and other
21 problems, and you say, well, now we know and
22 now we'll buy up those homes on the next two
23 or three circles.

24 MR. CUDDY: To date, there is very poor
25 correlation between environmental pollution and
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2 health problems, and to date we have been
3 operating on the findings of health problems. If
4 we find a pattern of added health risk to a
5 portion of the population, we've been acting on
6 that finding. That was the reason behind the
7 recent February 8th temporary relocation. The
8 environmental data is not convincing enough to
9 recommend the expenditure of large amounts of
10 money and purchasing homes. We feel that we must
11 have some substantiation before we can recommend
12 such moves.

13 QUESTION: What are the criteria for removing
14 such limits for children, families of pregnant
15 women and families of children?

16 MR. CUDDY: Children under 2.

17 QUESTION: Was there any concern about
18 women of child-bearing age? What happens? Would
19 you wait until a woman in that category is
20 pregnant and then make a determination?

21 MR. CUDDY: Yes. Right now that is the way
22 we've been operating.

23 QUESTION: I'm not a doctor, but sometimes
24 she finds out -- a woman doesn't know if she's
25 pregnant until she's three or four or five months

1
2 pregnant.

3 MR. CUDDY: That's correct.

4 QUESTION: At that point, my understanding
5 is that what happens is that the fetus because
6 it's very rapidly growing is much more susceptible
7 to the exposure at different levels of (unintel-
8 ligible) than you and I would be ourselves. It
9 seems to me that that is really a judgmental
10 thing obviously but I think at that point you're
11 dealing with -- unless you say don't get pregnant.
12 We're telling you don't get pregnant unless you
13 know what's going to happen, or go away and get
14 pregnant and come back when your child is three.
15 Let me rationalize this, I know that these are
16 questions that are being encountered. I think
17 it's a very difficult situation and it's an air
18 on the part of many dollars or health. I was
19 hoping a decision was made and we certainly would
20 do our part in legislature, that it's made on
21 the side of dollars, we can recoup the dollar.

22 MR. CUDDY: That was probably one of the
23 hardest decisions that had to be made by the
24 Task Force. What you are saying is a concern.
25 We are completely aware of it. I would really
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2 preface my remarks by saying these are health
3 matters and they should be answered by a doctor.
4 Okay? But I will give you my layman's inter-
5 pretation of that Health Department recommenda-
6 tion.

7 The only reasonable way of implementing the
8 concern for possible pregnancies would be to
9 evacuate an extremely large area, based on
10 information that shows an added risk to a fetus.
11 The added risk, while present and identifiable
12 is not a huge risk. It's about twice what is
13 to be normally expected and is in the same cate-
14 gory as if a mother smoked during pregnancy.

15 QUESTION: That's an issue I know a great
16 deal about because (unintelligible) and I followed
17 that issue when the federal law states, it's not
18 without human experimentation, the slightest
19 indication of carcinogenic, cancer causing agents
20 that come out of saccharin, the federal govern-
21 ment mandates to remove the product from the
22 market, not waiting until it's a human problem
23 but they started with animals. When you start
24 weighing this and say that you're prepared to
25 accept the exposure level similar to the mother

1
2 smoking while she's pregnant, what we're finding
3 out (unintelligible) far greater than we ever
4 realized.

5 MR. CUDDY: I think the problem --

6 QUESTION: I think perhaps we can distin-
7 guish between voluntary reception and one who
8 is exposed with choice, and involuntary reception
9 to which a woman is subjected without choice.

10 MR. CUDDY: I was just going to address it.
11 The problem we have, this is not a voluntary
12 choice. This is a choice of circumstances.
13 You're there and there's a risk of discovery.
14 I think that the reason we have gone this way is
15 because of the magnitude of the problem and the
16 costs involved to it. Not just the Love Canal,
17 but throughout the State we would then be
18 relocating anybody from an area and these areas
19 are not small areas, from my conversations and
20 being a part of conversations, a great deal of
21 Staten Island, a great deal of the central part
22 of Manhattan would be declared unsafe for people
23 who possibly could become pregnant for living.

24 What I'm trying to say is that the State
25 just has not prepared a policy on that yet and

1
2 we're trying to act in a reasonable manner and
3 it is not a totally satisfactory answer I'm
4 giving you, I realize that. But what I'd like
5 to get across is that we are, the Health Depart-
6 ment and the Task Department are aware of all the
7 circumstances and all the unsatisfactory resolu-
8 tions to our recommendations.

9 QUESTIONS: Just two more quick questions.
10 One of the points raised by the Senate Subcomit-
11 tee, was the failure on the part of government,
12 (1) to deal data and (2) explain what that data
13 meant, give out the raw results of what's hap-
14 pening and understand what is meant. Has that
15 particular problem been addressed by the Task
16 Force? Senator Murphy asked about (unintelli-
17 gible) what's going on and then be kept up to
18 date on what the Health Department and the State
19 is finding out and what the position of the State
20 will be.

21 MR. CUDDY: The Homeowners' Association of
22 which Mrs. Gibbs is the President of, has a
23 number of consultants, some are voluntary and
24 one who the Task Force has hired. The Health
25 Department has had a number of meetings and

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2 onworking relationships with those technical
3 experts to review data, to review findings, to
4 usually before they are made public, usually
5 before I am aware of them. I can say that there
6 is nothing that I know that Mrs. Gibbs doesn't
7 know. I will say probably because I can't be
8 (unintelligible). There is probably nothing that
9 the Health Department doesn't have that is not
10 available to Mrs. Gibbs or to any of her con-
11 sultants. The Health Department has some
12 problem, apparently there is a law which
13 prohibits the giving of information that can be
14 traced, health information that can be traced
15 back to an individual. There's a privacy caveat
16 or something that prohibits my telling you what
17 Mr. Smith's blood results are --

18 QUESTION: Without Mr. Smith's consent.

19 MR. CUDDY: Without Mr. Smith's consent,
20 correct. This makes it a problem to answer
21 every question at every time, but just last
22 week Mr. Axelrod did meet with Lois and did
23 promise that anything he could legally make
24 available he would.

25 QUESTION: Mr. Cuddy, do we have a time

1
2 table on the completed report of exactly what
3 went on, where the problems (unintelligible) ?

4 MR. CUDDY: A swell report per se -- I'm
5 not aware of a separate such thing. You want the
6 question resolved, okay.

7 QUESTION: One of the suspicions is that
8 perhaps it's muddy and intoxic agents are
9 migrating along swells and I gather now that
10 we are doing a series of subsoil testing in order
11 to determine whether or not scientifically we
12 can say that that operation is occurring along
13 the swells. When will that study be completed?

14 MR. CUDDY: I suspect that the earliest that
15 that study will be completed with some firm
16 definition, some firm results and some firm
17 feeling, would be at the timetable when the EPA,
18 GEC grants are expected to be completed. Right
19 now it's my understanding it's in two or two and
20 a half years.

21 QUESTION: Let's go back and start over
22 this. Because actually right now we are doing,
23 we are emphasizing, I gather, that needs are
24 (unintelligible) throughout the area and we're
25 concentrating our efforts in that subsoil

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testing, is that right?

MR. CUDDY: That's correct.

QUESTION: Now the results of that test should tell us, should it not, if the swells are carrying intoxicatants more so than other parts of the Love Canal area, is that right?

MR. CUDDY: Perhaps, and because as you say the latest thought is that the soil used to fill the swells was contaminated soil and that chemicals are not actively traveling presently down those swells.

QUESTION: Now the swell testing that you do, if we've used soil cover, in most cases probably we've used different soil in different areas along let's say the same swell, and if we find in one area that there is no migration up to a given point and beyond we find that there is intoxicatants in the ground, then we suspect that it was placed there rather than having migrated?

MR. CUDDY: That's not necessarily either because a third theory is that the swells were active for a very short period of time, one season or two seasons and material float over

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2 swells very quickly and settle into some low
3 points of the swells but didn't necessarily
4 stand or be actively transmitted in the swells
5 over a number of years.

6 QUESTION: Let's go to another possibility.
7 The federal government has offered its services
8 to mediate the difference in the findings between
9 Dr. Pagan and the State. Have you been in touch
10 with the federal government to establish a time
11 table with the federal government as to how long
12 it will take them to evaluate the figures of
13 both parties and come up with a deadline?

14 MR. CUDDY: I personally am not involved
15 in that. Dr. Axelrod or the Health Department
16 are involved in that time table.

17 QUESTION: One of the complaints I'm getting
18 more than any other is the slowness in reporting
19 back to the people, going along with what
20 Senator Murphy said before, slowness in getting
21 back to the people with results of the subsoil
22 testing. I'll give you one example. Two weeks
23 ago when I did my radio show in Albany during
24 the week, I had six phone calls within half an
25 hour, six different people in the Love Canal

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2 area and everyone of those calls concerned, when
3 are they going to go down and test -- do the
4 subsoil testing of my property, or two, they've
5 done it and what are the results, they did it on
6 March 4th. Well, I checked with one lady who
7 had it done on March 4th and I checked in Albany
8 and found out it was not received in Albany until
9 March 28th. It seemed to me an awful lot of time
10 to take the soil and have it sent here to Albany.
11 And that her report won't be ready until probably
12 early June. I think we all realize that the
13 emotional aspects of the situation and that the
14 people living out there, when something like that
15 is so significant, much more significant to them
16 than it is to us, that if somehow we could speed
17 up the time table so that we could get back to
18 the people and alleviate their fears, but
19 certainly to be kept on edge for three, four or
20 five months to me just does not seem too humane,
21 does it? I ask you to take back to the Commis-
22 sioner and to Dr. Axelrod a very strong feeling
23 that somehow we speed up the testing of the soil
24 and get back directly to the people with results.
25 I think that would be quite necessary.

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2 MR. CUDDY: One of the problems we have is
3 that we attempted to do that early on the Task
4 Force with the blood results and we were severely
5 criticized for returning blood results without
6 any meaning, without an opportunity to review
7 them and analyze them, put them into a pattern
8 and try to put a significance to them. We're
9 trying to respond to that type of criticism by
10 taking the samples in a more planned manner, in
11 a more scientific manner, and trying to get our
12 ducks in a row before we come out with any con-
13 clusions as to what the sample results mean. We
14 have found that there is much misinformation
15 given out by partial results or uninterpreted
16 results than by losing perhaps some time in giving
17 out results that we can't explain or theorize
18 about.

19 Saying that, I think I would like to say
20 also that we are right now -- the Health Depart-
21 ment labs in Albany are literally chuck full of
22 some water samples, creek samples, sewer samples,
23 air samples, water samples from drinking water,
24 soil samples and we are producing samples at the
25 rate of approximately, we're trying to get 20

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2 property sites a day done, and at each property
3 site we're taking approximately five samples, so
4 we're producing about 100 samples a day. It's
5 going to take a while. I cannot say it any fur-
6 ther than that.

7 QUESTION: Are there any possibilities of a
8 contract with _____ Laboratories or
9 obtaining another laboratory source?

10 MR. CUDDY: There are two problems, the
11 basic one of those is cash. But there is not
12 that many facilities available in the country to
13 do the analysis that we want done. They simply
14 don't exist. The other thing is there is a
15 problem with putting samples of any type into
16 different labs. Each lab has its own built-in
17 errors and in order to take that as a whole
18 analysis, we prefer to do all the samples at
19 one set of rules with one procedure.

20 QUESTION: Mr. Cuddy, the County of Erie
21 has just completed the building of a hospital
22 that has a facility that cost \$13,000,000. With
23 the assistance of the University of Buffalo in
24 some way (unintelligible), was that explored at
25 all, the possibility of using the Erie County lab?

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2 MR. CUDDY: For what type of sampling --
3 for blood sampling, yes, we use the local VA,
4 local blood clinics. I don't recall exactly what
5 labs we did -- the blood sampling we put out to
6 various and sundry labs in the area. The soil
7 labs for soil analysis, air analysis, it's my
8 understanding require special techniques which
9 are not generally available.

10 QUESTION: Is the University of Buffalo
11 being used in any way?

12 MR. CUDDY: For sampling analysis, not
13 that I know of.

14 QUESTION: I have some quick questions
15 (unintelligible -- overtalking)

16 MR. CUDDY: The original thought was that
17 the swells were, oh, I guess comparative^{ly} stream
18 ~~based~~^{ly} based. They were not streams and they were only
19 filled or flowed in during rain time. The
20 thought was that two things would happen. One
21 is that when you do have water flowing down a
22 path it tends to carry the fines along with it
23 and leave a gravel or a boulder bottom to it.
24 The second thought was that when those swells
25 were filled in, they were perhaps filled with

1
2 rubble and other reasonable permeable materials
3 and therefore the swells may have been continuing
4 to act in a more permeable manner than the
5 surrounding soil.

6 QUESTIONS: So you don't know what the swells
7 were filled with?

8 MR. CUDDY: No. As I say, the latest soil
9 samples indicate that there is clay in the swells
10 and that the clay had some chemical contamination
11 to it. The one thought is that and the question
12 that has never been resolved to my satisfaction
13 or to anyone's satisfaction, is the clay cap that
14 Hooker claims it has placed, what happened to it,
15 where did it go. It's not there now. One
16 thought is that during the development stages
17 of that area that clay cap was removed and used
18 to fill areas, making suitable -- it's a poor
19 choice of words -- but making them usable as
20 homesites. Can I just expand on that? If that
21 was true that would explain how the chemical
22 contamination did get into that soil.

23 QUESTION: What is involved in your relo-
24 cation, where did you relocate? Did you pur-
25 chase the homes?

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2 MR. CUDDY: It is like a permanent relocation.
3 It is a similar relocation as if the individual
4 involved was being relocated as an executive of a
5 large company, as far as aid that is given to him.
6 Okay? What we have been doing, we have been
7 using UDC as an instrument because they have a
8 lot more flexibility than normal GOT procedures
9 and they are purchasing the mortgages and in some
10 case purchasing the house outright. As far as
11 the individual was --

12 QUESTION: On those mortgages, I take it,
13 sir, there's moratorium on the payment of those
14 mortgages.

15 MR. CUDDY: UDC continues to satisfy the
16 bank.

17 QUESTION: Yes, the homeowner does.

18 MR. CUDDY: No, as far as the homeowner is
19 concerned, his house is bought. It's standard
20 GOT procedures which I can supply to the Committee
21 I'm sure, if they were interested. But basically
22 the home is appraised by an individual, that is
23 his normal job, normal function. That is the
24 basic price, if you will. That is something we
25 stock --

1
2 QUESTION: As if it were not located where
3 it is?

4 MR. CUDDY: Absolutely correct. Disregardi
5 the Canal or the effects of the Canal. We add
6 to that whatever cost is necessary to put the
7 owner of that home back into the market with a
8 similar home. If our appraisal, for argument's
9 sake, was \$25,000, but there's just not a house
10 that has three bedrooms and a dining room and a
11 garage on the market for \$25,000, we have an
12 additive amount to that that will allow the
13 individual to buy a comparable home, and we add
14 that to our basic estimate of the house's worth.
15 In addition to that, we pay a mortgage differen-
16 tial, we pay closing costs, we pay title searches
17 Almost any incidental costs that you can imagine
18 in transferring from one home to another.

19 QUESTION: How many homes have you purchase

20 MR. CUDDY: To date, I have the latest
21 number here. I think my testimony I said only
22 235 and I believe that's still correct -- 235 is
23 still correct.

24 QUESTION: (Unintelligible)

25 MR. CUDDY: Presently it's public informati
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2 It's in various pamphlets and publications of the
3 Department of Transportation.

4 QUESTION: Mr. Cuddy, do you have any
5 evidence that wastes were found outside of the
6 Love Canal, I'm not talking about the pollution
7 of clay.

8 MR. CUDDY: You're asking do I know or do
9 I think, --

10 QUESTION: Any basis for believing.

11 MR. CUDDY: Any basis for believing. I've
12 come to find in my own mind that I won't discount
13 any anecdotal stories that I've heard on the
14 Canal, because a good number of them were true.
15 I would not be surprised, if I may answer that
16 way, to find out that there was chemical dumped
17 beyond the area of the Canal.

18 QUESTION: You've heard accurate stories
19 then that --

20 MR. CUDDY: Yes, I have.

21 QUESTION: (Unintelligible)

22 MR. CUDDY: It will be all recollection. I
23 will attempt to the best I can.

24 QUESTION: (Unintelligible) the use of the
25 Canal, indicated many companies have been dumping

1
2 waste -- what evidence do you have other than
3 Hooker using the site, what evidence do you
4 have (unintelligible) other than Hooker using
5 it since 1932.

6 MR. CUDDY: That is in our history based on
7 our belief. We don't have any evidence, any
8 written evidence. I cannot imagine that it was
9 not other companies. That was in our history
10 just to indicate that there is no way that with
11 all Hooker's records, if they were all intact,
12 that we would know for sure who was in the Canal.

13 QUESTION: You do think that's a grave
14 possibility, but not based on hard information --

15 MR. CUDDY: That's correct. This is our
16 belief, though. It was simply a large open area
17 that was not controlled, access was not controlled
18 to it. I am fully convinced that anybody who
19 had something they wanted to get rid of could
20 dump it in the Love Canal.

21 QUESTION: You base that point primarily on
22 characteristics in the site that were found?

23 MR. CUDDY: And anecdotal stories and that
24 type of thing, yes.

25 QUESTION: Was any of the Canal any of the
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2 property that Hooker sold to the Board of Educa-
3 tion subsequently used for the housing that took
4 place around the Canal, property that was used
5 for homes?

6 MR. CUDDY: This is a confused issue. I'll
7 tell you what I believe at this point, okay?

8 The name Hooker does not appear in any of
9 the title searches we have done prior to buying
10 the homes we have bought, which are basically
11 the homes around the Canal. Based on that alone,
12 which was not my understanding when I first came
13 upon the problem, they did not own that piece of
14 property and therefore there should be no homes
15 built on dump sites.

16 QUESTION: Who owned this property prior to
17 the construction of homes?

18 MR. CUDDY: I don't know. Again it's in the
19 public record. That's is something that's going
20 to have to be completely explored. There are
21 various development companies, farmers, no one
22 in particular, it's in the same circumstances in
23 homes five blocks away or homes anywhere. My
24 particular interest was to find out if Hooker's
25 name appeared in that search. It hasn't. And

1
2 the only thing that kind of confirms that to me
3 is that the school, I did look at their deed, and
4 they had to purchase additional property to own
5 the complete block the school is on, which
6 indicated to me the Canal just goes down the
7 center of that block. If Hooker had owned to the
8 curb they would not have had to have that
9 separate real estate transaction. Again, I will
10 get whatever information we have on that, title
11 searches or, we do have a copy of their deed, I
12 will compile it and have it sent.

13 QUESTION: I have just one more question to
14 ask. (Unintelligible) between Hooker or any
15 private deeds?

16 MR. CUDDY: Not that I'm aware of.

17 QUESTION: (Unintelligible) studies . . .
18 what do you look for . . .

19 MR. CUDDY: I think the Love Canal test was
20 truly a Task Force with limited goals and limited
21 assignments. I think you're asking a policy
22 question which I'm frankly not able to respond to.
23 I would think that if there were similar circum-
24 stances and there was a waste site in the center
25 of a community, that we perhaps would get involved.

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2 If we're talking of a waste site that's relatively
3 remote, I would think that perhaps we would not
4 be involved.

5 QUESTION: One final question, you indicated
6 (unintelligible) in acquiring property and
7 purchasing property around the Canal. Do you
8 think . . .

9 MR. CUDDY: We didn't condemn the homes. I
10 make that correction. It had to be a willing
11 buyer, a willing seller arrangement. Most GOT
12 policies, procedures for home or land purchase
13 deal with acquisition for highway purposes and
14 they are built around the possibility of condem-
15 nation and the legal ramifications of that
16 relationship. We did not want to get into that.
17 We wanted it as streamlined as possible, and UDC
18 offered that possibility. I don't think that we
19 would want to change normal procedures that we
20 have established for acquiring property because
21 normally there is not a great rush to get some-
22 body moved from their home in a two-month period.
23 This is basically what we did. Highways, hospitals,
24 any kind of public buildings are usually many
25 years in the planning and there is not that sense

1
2 of urgency. I wouldn't recommend that present
3 policies for those purposes be modified.

4 QUESTION: Unless you bring in . . .
5 you indicated a moment ago participation in the
6 solution of a similar problem again.

7 MR. CUDDY: That's correct.

8 QUESTION: There was some discussion
9 earlier in these hearings about (unintelligible)
10 do you have any information indicating if any
11 company had disposed of materials there during
12 that part of the Love Canal?

13 MR. CUDDY: Just what I read in the newspapers,
14 which is -- I can give you the clippings. I'm
15 sure you have them.

16 QUESTION: When Mr. _____ asked you about
17 the anecdotal reports of other dumping outside
18 the Love Canal site, what's your action at that
19 point. Did you follow up on those or is that
20 just a --

21 MR. CUDDY: We've been referring those to
22 Mr. Millock's committee which when Mr. Millock
23 first came on the site we had a discussion as
24 to that happening. I was saying we were getting
25 a lot of information from people who were

1
2 attempting to be helpful and attempting to give
3 us a handle on what the problem is, and we have
4 as a matter of routine referred those people to
5 Mr. Millock's committee.

6 QUESTION: Did they name companies that
7 they think that did it. In other words, did they
8 say Hooker?

9 MR. CUDDY: The names varied, Hooker is
10 often mentioned. The United States Army is often
11 mentioned. Those are the two that spring right
12 to my mind. I don't have the report, but I have
13 a cover letter that was on the report from --
14 I forget the individual's name, but it was under
15 Secretary of the Army, saying that they have
16 investigated and they find that the Army dumped
17 nothing there. That's the total information I
18 have.

19 MR. GINSBERG: Mr. Cuddy, do you have addi-
20 tional copies of your statement with you now?

21 MR. CUDDY: Yes, sir.

22 MR. GINSBERG: We'd like to proceed with
23 Mrs. Lois Gibbs, President of the Love Canal
24 Homeowners' Association. Mrs. Gibbs.

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2 MRS. GIBBS: I want to thank you for
3 allowing me to testify here today.

4 My name is Lois Gibbs, and I'm President
5 of Love Canal Homeowners' Association. The Love
6 Canal Homeowners' Association is a citizens group
7 consisting of over a thousand families, represen-
8 ting more than 90 percent of the residents in the
9 area. Love Canal Homeowners' Association was
10 formed to deal with the problems of living in
11 Love Canal dumpsite.

12 I would like to address the issue of
13 adequacy of present, local, State and federal
14 governments response to the hazardous waste
15 emergency.

16 At the start, I would like to say that upon
17 learning of the situation at Love Canal, the
18 State moved very quickly to begin house and
19 environmental studies. They also put into effect
20 a remedial construction plan which would attempt
21 to reduce the chemical migration from the Love
22 Canal.

23 Although there are many problems which I
24 could discuss, I will limit my testimony namely
25 to the experiences I have had dealing with

1
2 different State agencies involved at the Love
3 Canal.

4 Probably the most difficult obstacle to
5 relieving the problems at Love Canal has been
6 being the first. Neither the State nor the
7 federal agencies who could help were responsible
8 for the situation and neither one would take
9 financial responsibility for cleaning it up,
10 arguing between State and federal authorities
11 over who should pay for what expenses has con-
12 tinued since the first discovery of contamination.

13 In fact the remedial work for the middle
14 section of the Canal which was supposed to start
15 in mid-March has been postponed to mid-summer.
16 The reasons given are that the construction con-
17 tract is going from an emergency status to an
18 open bidding process and ETA who is partially
19 funding the work refuses to review the construc-
20 tion plans until they know who is paying for what
21 portion. This is especially alarming since on
22 March 9th, thick, black, oily leachate was found
23 running off the north section of the Canal onto
24 the street and into our storm sewers. Remedial
25 work on this section of the Canal which was not

1
2 begun at all now must await the decision of
3 bureaucrats while residents remain in a con-
4 taminated area which is not being remedied.

5 The second problem is the lack of objectivity
6 in the scientific studies underway. The State is
7 conducting major studies to define the health
8 problems and chemical contamination in the area.
9 The outcome of these studies will be the basis
10 of any decisions to relocate families because of
11 chemical contamination resulting in health effects.

12 Twice it has been necessary to relocate
13 people in different areas around the Canal. In
14 each instance the State had to absorb most of the
15 costs to buy homes, or temporarily relocate these
16 families. However, many people with health
17 problems still remain and many questions about
18 the extent of contamination still remain to
19 be resolved. Meanwhile the State is conducting
20 a scientific study, the results of which may end
21 up costing the State many millions of dollars
22 if the results indicate further contamination.
23 This is especially alarming since continued
24 announcements by State officials has been made
25 that they do not intend to relocate any more

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families because of the lack of cause and effect linkage between chemical contamination from Love Canal and health effects found in the area.

The political and bureaucratic pressures to be absolutely certain of the results, place great constraints on the objectivity of the scientists working in these studies. The very nature of the uncertainties of determining or establishing the significance of low level contamination of many chemicals preclude obvious conclusions of cause and effect.

Therefore, the Health Department in obvious conflict of interest must make suggestive recommendations to the politicians who will decide what must be done. I want to stress that objectivity necessary for good science will be near impossible in these circumstances.

The lack of resources that the State and local authorities have at their disposal is another real problem. The means and capability of the State and local resources were and still are simply not sufficient to protect public health and welfare residents during such an emergency. In fact the ability of the govern-

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2 mental body to react to public needs is limited
3 by both laws defining its responsibilities and
4 appropriations limiting its ability to function.

5 For example, it was necessary to pass
6 special legislation to give the Commissioner of
7 Health authority and financing to investigate
8 the problems and determine the actions to solve
9 them. \$500,000 was provided but it has been
10 estimated the total costs would be at least
11 \$22,000,000.

12 The following comments provide other examples
13 of necessary actions taken by the State which
14 are very much out of the ordinary:

15 First, thousands of blood samples were taken
16 from residents within a matter of a few weeks.
17 The Health Department does not, as a general
18 matter perform laboratory tests on people of this
19 magnitude.

20 Second, a large-scale epidemiological,
21 environmental sampling which was undertaken is
22 not a matter of normal operating conditions,
23 especially testing for soil and some contamination.
24 The identification of unknown chemicals compli-
25 cated the limitations even more. When dioxin,

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one of the most toxic chemicals known was found in the Canal, the State was unable to determine with any degree of certainty just what areas are contaminated with dioxin. This is because of expense and the difficulty in measuring this chemical.

Three, very little is known about the contamination of many chemicals. The Health Department made its best estimate of what the levels found in the homes may suggest. However, the best minds in the country should have been called in to evaluate what these levels of contamination mean.

Fourth, a large scale epidemiological effort was implemented to describe the nature of the health problems of the residents. This has only been duplicated in similar major disasters and not part of the prior experience of the Health Department. Although the State reacted to the circumstances as best they could, they were not able to provide the kind of assistance needed in emergency situations to protect the health of its residents.

Insensitivity of the State authorities is
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2 the other problem in a situation where people are
3 exposed to a threat, the magnitude which no one
4 understands. There have been many anxious
5 moments. The residents have been very scared
6 and emotional.

7 For example, prior to testing -- prior to
8 starting the remedial construction on the south
9 portion of the Canal, I received a draft safety
10 plan for the construction. Although it included
11 precautions for the workers, no considerations
12 were provided to protect residents from possible
13 dangers of the results of construction.

14 Eventually a total safety plan was prepared and
15 presented to the residents. However, the con-
16 fidence in this plan was greatly shaken by a
17 statement made by a State Health Department
18 person who, when asked to comment on what he
19 would do if toxic vapors were released through
20 the neighborhood, he replied quote I wouldn't
21 wait for the bus, I would run like hell unquote.

22 Another problem was the flow of information
23 to the residents. A lot of data and information
24 was given to residents without any explanation
25 of what the data meant. Air values of chemicals

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2 found in the homes were given to the residents
3 without any interpretation of what that value
4 represented. A need to understand the signi-
5 ficance of these values was a major concern of
6 the people.

7 Many residents were asked to go for
8 repeated blood tests without any explanation of
9 why. With so many people afraid their health
10 was at risk, it would greatly alleviate the fear
11 of the unknown to have someone accessible to the
12 residents who could answer the questions.

13 There were also many instances where neither
14 the residents or their representatives were
15 invited to meetings held by State officials during
16 which decisions affecting our lives were being
17 decided. We were often told that we were not
18 professionals and that we would disrupt the
19 ability of people to speak freely. These
20 closed-door meetings fostered mistrust, confusion,
21 and also about the Health Department's concern
22 for the residents.

23 Finally, I would like to say that we have
24 faced many problems at Love Canal, some of which
25 have been solved and many, many others remain.

1
2 I hope you who are here today have grasped
3 the sense of awfulness of our situation. Not
4 only has our neighborhood become a test site for
5 scientists, but no authorities or agencies are
6 willing to take a stand and help us.

7 I ask that you do what you can for us and
8 do what you must to prevent what has happened
9 to Love Canal from ever happening again. The
10 next generation is at stake. Let's not harm
11 that generation as we have been harmed by past
12 generations.

13 And in reference to the Interagency Task
14 Force, I agreed with most of the recommendations
15 in the back of the book, but I believe you left
16 out one of the most important recommendations.
17 That is the need for an epidemiological study to
18 be done in both Priority 1 and Priority 2 dump
19 sites. The report recommends all types of very
20 necessary environmental studies, but nothing
21 about public health. After working at Love
22 Canal and reviewing environmental and health
23 data, I found that they both don't always fit
24 together. Our studies show that health problems
25 along wet areas get the environmental data, does

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2 not completely back that up. As a result of this
3 experience, I believe that health studies,
4 including the distribution of health surveys
5 throughout the area to finding former residents
6 within a 10-year period and three blood tests be
7 taken in the areas where the surveys indicate any
8 problem.

9 I also believe that the studies should be
10 done jointly by the federal and State governments.
11 The studies being done jointly would eliminate
12 the conflicts of interest I have seen in the
13 Love Canal area. With just the State handling
14 the studies and the outcome of the results
15 possibly costing millions of dollars, you just
16 cannot have an objective, scientific conclusion.

17 Thank you.

18 QUESTION: The one thing you mention about
19 wanting the federal government and the State
20 government to work together, I agree with you a
21 hundred percent, but it seems that the federal
22 government has chosen not to get involved. I
23 feel they're afraid to set a precedent here in
24 Niagara County. I think you're correct. If
25 the federal government were to take the same

1
2 data as the State government does, then the
3 people in the area would feel more comfortable
4 with the data, but until the ETA and the
5 federal government accepts this role that I feel
6 is good play, we are more or less stuck with the
7 one piece of data that the State has.

8 MRS. GIBBS: Well, some of the federal
9 health officials have stepped in and are working
10 Dr. Axelrod right now, I believe. I wish there
11 was a way I could find to get the federal govern-
12 ment in. I mean -- a little story of what I have
13 been through, you know. I have talked to Com-
14 missioner Hennessy who has put numerous applica-
15 tions into the federal government for aid. I
16 talked to federal officials who have come back
17 and said they have never received applications.
18 Now, I'm just a little man down here. I don't
19 know what they're doing, but all I get is the
20 runaround that the feds want to help but haven't
21 received the applications. And the State says,
22 we've submitted applications and the federal
23 government doesn't want to help. It's just a
24 circle of bureaucracy.

25 QUESTION: I'm sure you're concerned. We've
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2 been trying to get the federal government in it,
3 too.

4 MRS. GIBBS: Do you have any suggestions in
5 the way that the Homeowners -- we'd be more than
6 glad to support you.

7 QUESTION: If I did, I would have taken the
8 approach myself. I don't know how you get a unit
9 as big as the federal government to accept the
10 responsibility in state where knowing that once
11 they start, they will open themselves up to the
12 thousands and thousands of dump sites throughout
13 the country. I don't know the answer to that.

14 QUESTION: Along those lines, I'd just like
15 to comment on what has really concerned the
16 (unintelligible) but the \$50,000,000 scare . . .
17 I don't know if you remember the headlines
18 bringing up all of the dump sites all over the
19 United States -- \$50,000,000 -- this is the
20 figure that was thrown back at us from the
21 federal government when we asked them to get
22 involved -- well, we can't get involved because
23 the costs are \$50,000,000 and I just want to
24 public state and take a very strong exception
25 to that. That's why I questioned Mr. Davis

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2 before about the responsibility for a corporation
3 such as Hooker at S site and at 102nd Street and
4 at Hyde Park, and of course they are responsible
5 for it and rightfully so, they should pick up the
6 costs for that. So for the federal government
7 to say the costs is \$50,000,000, to me is
8 an absolute, outright lie and ridiculous state-
9 ment. I won't say any more on that.

10 QUESTION: I just have a couple of questions.
11 First of all (unintelligible) applications . . .
12 you let us know, we'll find out.

13 MRS. GIBBS: Yes, I'd like to know which
14 ones were and weren't.

15 QUESTION: The young lady talked about
16 (unintelligible) in an effort to get the State
17 to purchase more homes around the Love Canal, do
18 you know of any . . . who either have access to
19 information or have seen information that shows
20 it should be done now.

21 MRS. GIBBS: Yes, we do. We did a study
22 ourselves without consulting Dr. Beverly Pagan
23 from Roswell. I will submit her testimony if
24 you like she's not --

25 A VOICE: (Unintelligible)

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2 MRS. GIBBS: Okay. On that study it indi-
3 cates that along the historically wet areas or
4 the swampy areas there were above a normal amount
5 of birth defects or miscarriages and various
6 other diseases to the central nervous system.
7 This evidence is all verifiable, but we cannot
8 verify it because we are not physicians. We've
9 asked Commissioner Axelrod to please sit down
10 with us and go over our list. He doesn't have to
11 show us his data, and take resident 1, 2, 3, and
12 4 and see if it's verified that he has the same
13 thing. What we found out is we talked to
14 _____, is the easier one to relate to.
15 In the last four years we have blocked them off,
16 there were 16 children born. Out of the 16
17 children that were born, now this is from 100 to
18 130, not in the evacuated zone, 9 of them had
19 birth defects ranging from mental retardation
20 down to six toes, club feet, which gives us a
21 56 percent birth defect. That's way above
22 normal. On my street alone, last year, there
23 were two miscarriages and there were two live
24 births. And these are just my neighbors on my
25 own street. The two live births, one child had

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2 six toes, the other child who was just born had
3 club feet. This, as well as the Health Department
4 themselves are saying, the fetus is in danger
5 on 100 to 103rd, fetus is an indicator.

6 A story we can relate to is the canaries in
7 the mines, back in the old mining days. The
8 miners took canaries in, when the canaries stopped
9 singing they took the miners out. Here they're
10 taking our canaries out and leaving the men in
11 the mines.

12 It's an indicator that there is a definite
13 problem and what they've done is they have
14 evacuated them so my next-door neighbor with a
15 child that's under 2 can leave because of
16 potential danger, and yet my child who is 2½
17 has to stay.

18 QUESTION: The information you're talking
19 about came from testimony with the house sub-
20 committee, when you had the meeting with
21 Dr. Axelrod February 6th, that's when a decision
22 was made to evacuate children under 2 and
23 pregnant women. Based on the information, you
24 think that he didn't go far enough, based on
25 evidence?

1
2 MRS. GIBBS: No, that's not a fair statement.
3 I don't know what he based his decision on to tell
4 you the truth.

5 QUESTION: It wasn't your study?

6 MRS. GIBBS: He hasn't recognized our study.
7 He has acknowledged it periodically that the swell
8 theory may be legit, but basically he's come back,
9 he's told me time and time again, it's unscien-
10 tific, it was gathered unscientifically and
11 therefore it's useless data.

12 QUESTION: That's the study that I was
13 talking to Mr. Cuddy about that federal government
14 has (unintelligible).

15 MRS. GIBBS: Right.

16 QUESTION: That's what I want to find out,
17 what has happened to them.

18 MRS. GIBBS: The reason I say that the study,
19 you know, the Health Department did their study,
20 two line, two page survey, but when the Health
21 Department, you know, did their studies they
22 threw these studies off the doors. You know,
23 "Hello, Mrs. Gibbs, fill this up, come pick it
24 up. I'll pick it up this evening." Nobody
25 cared about the survey. It was 22-page, it was

1
2 very detailed, some of the words, I didn't under-
3 stand and I worked for the hospital for three
4 years. There was no room on the whole study for
5 a child. So if you had a child who was very ill
6 there was no place to put him, therefore they
7 didn't receive that data.

8 When we did our study, we went and we spoke
9 to every person face-to-face, we asked them
10 every question in detail. And this is why I think
11 we have more information than the Health Depart-
12 ment and we are trying to share it with them but
13 having a hard time.

14 QUESTION: Did you submit that to Dr. Axelrod?

15 MRS. GIBBS: Yes, Dr. Pagan has done that.

16 QUESTION: What you're talking about, the
17 results of your own association survey?

18 MRS. GIBBS: Right. We have submitted that
19 in detail to the Health Department.

20 QUESTION: Mrs. Gibbs, you indicated that
21 you might have a copy of Dr. Pagan's testimony
22 in Washington?

23 MRS. GIBBS: Yes, I can get you one.

24 QUESTION: I think it would be very helpful
25 if Mr. _____ and I have copies of it.

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2 QUESTION: Now, this is the final point,
3 Mrs. Gibbs. I guess it's my way of making sure
4 of what you're saying, is that they did not post
5 the proper data, they have not reacted properly
6 to data that you supplied them, the Health
7 Department?

8 MRS. GIBBS: That's right.

9 QUESTION: (Unintelligible) ought to be
10 concern for young people, pregnant women and
11 women of child-bearing age.

12 MRS. GIBBS: That's very true.

13 QUESTION: Could you tell us who financed
14 your study?

15 MRS. GIBBS: Dr. Pagan is doing it volun-
16 tarily at no cost to anybody. She's a very great
17 person. There's not too many people around who
18 will put all that work for --

19 QUESTION: Has your association taken any
20 position with respect to any other types of
21 remedial work should be made in Love Canal,
22 particularly has the association made any decision
23 with respect to excavation of waste for (unintel-
24 ligible).

25 MRS. GIBBS: The only thing we've been

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2 participating in the construction plans, holding
3 meetings and trying to understand it and having
4 input to our different experts, Dr. Vincent
5 Ebert. The problem that bothers us most right
6 now as far as construction and contamination
7 outside the area, if there is no construction or
8 remedial work planned for outside 99th and 97th
9 Streets, we looked through the soil samples that
10 were taken. These were the first soil samples
11 the Health Department did on the swells and the
12 historically wet areas. We came up with a 75
13 percent positive reading versus a less than 40
14 percent positive reading on a nonwet area. We
15 asked them what they were going to do to remedy
16 this problem, especially the main swell. They
17 have no plans. They are not discussing any plans
18 and we don't even know if there will be one in
19 the future. A tile drain system, even if it is
20 just a matter of digging up the dirt and replacing
21 it with clean dirt. So we are trying to push to
22 have something done on the outside area.

23 QUESTION: (Unintelligible) Do you have
24 any problems with what we voted on the Love
25 Canal. Do you have access to the information

1
2 . . . or otherwise that is contrary to the
3 information that we have . . .

4 MRS. GIBBS: Well, I do have -- I don't
5 personally, my research committee does have
6 information as to the Army dumping in the Love
7 Canal and who it may be, you know, as far as
8 witnesses. And other small industries possibly
9 dumping in the Love Canal at one time or another.

10 QUESTION: Do you have information of
11 (unintelligible) having dumped there?

12 MRS. GIBBS: Yes, but I don't know if they
13 have verification. I'd have to check with the
14 research committee who was working on that and
15 get back to you.

16 QUESTION: Would you do that?

17 MRS. GIBBS: Yes, I would.

18 QUESTION: There is a statement in our
19 description of Love Canal and Hooker -- perhaps
20 you can answer the question for me. Description
21 of Hooker's use of the Army chemical plant, their
22 disposal of waste from that plant at Love Canal.
23 Do you have any information on that particular
24 question?

25 MRS. GIBBS: Well, the only thing I really

1
2 heard about the Army, and again, you know, I
3 don't have any verification that they had buried
4 canisters in there and they have eye-witnesses
5 who said they looked like beer kegs. One person
6 said it was nerve gas. I don't have any verifi-
7 cation of it. This is just witnesses and people
8 who said they either buried it themselves or put
9 dirt over the top of it.

10 QUESTION: We would appreciate whatever
11 information you have you make available to us
12 by the 16th.

13 There has been some discussion of either to
14 change the Statute of Limitations or to clarify
15 the Statute of Limitations in the State to enable
16 people to bring action within a certain length
17 of time after discovery of some impact of certain
18 waste. Could you tell us when you were first
19 aware of the impact of Love Canal, toxic impact
20 of Love Canal on your own health, your family's
21 health.

22 MRS. GIBBS: I personally wasn't aware of
23 it until April of '78.

24 QUESTION: How long had you lived at Love
25 Canal before that?

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2 MRS. GIBBS: Six years. There were residents
3 prior to that who were though, as far back as
4 1958.

5 QUESTION: Who were what?

6 MRS. GIBBS: Who were aware of chemicals and
7 problems at Love Canal.

8 QUESTION: In other words they were aware of
9 specific physical problems that were happening
10 which they felt were directly connected to the
11 presence of chemicals at the Love Canal?

12 MRS. GIBBS: Yes, sir. As in burning of
13 their feet, chemicals coming down into the yard.
14 I believe there was a woman who submitted a
15 petition to City Hall in 1958 from the Love Canal
16 are.

17 QUESTION: You don't have a copy of that?

18 MRS. GIBBS: No, I had someone go and see
19 if they could find it and it seems to be mis-
20 placed or lost or --

21 QUESTION: Are you aware of any specific
22 actions that were taken by any of those people,
23 or did they (unintelligible)?

24 MRS. GIBBS: I am not aware of anything
25 other than the complaint and they did receive

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2 action from the City or the County Health Depart-
3 ment after getting a load of clay in their back-
4 yard, to bring the level of their yard as high as
5 the Canal.

6 QUESTION: Did the City at that time -- what
7 day are we talking about?

8 MRS. GIBBS: I'm talking about in '58 and it
9 was the City or the County, I again don't know
10 which one.

11 QUESTION: The City or the County at that
12 time brought in clay to raise the levels of the
13 backyards?

14 MRS. GIBBS: Just the one woman who was
15 complaining.

16 QUESTION: Do you have the name of that
17 woman?

18 MRS. GIBBS: Yes, I can get it for you.

19 QUESTION: I have one other question. You
20 suggested that , you recommend that we increase
21 conducting (unintelligible) Are you suggesting
22 that the Health Department . . . around other
23 sites that you've identified, or are you sug-
24 gesting that studies similar to the ones that
25 have been carried out around Love Canal should

1
2 be conducted elsewhere or do you think . . . ?

3 MRS. GIBBS: I think that at Priority 1
4 dump site it's an expensive study as in the
5 22-page Health survey or maybe something less
6 complicated than that should be distributed.
7 Again, you know, the environmental data doesn't
8 always back up the health data.

9 In Priority 2 homes or areas, I believe
10 that they should have a smaller health study
11 done. Just maybe miscarriages, birth defects,
12 things like that since the fetas seems to be the
13 indicator of a problem.

14 In Priority 1 I believe they should have a
15 health study and then if any problem, no matter
16 how minute, they should have blood test. Now
17 who would do this, I assume it would be the
18 County or the State.

19 QUESTION: You had mentioned that on
20 March 9th there was a thick, oil leachate
21 coming off the northern section, making its
22 way to storn sewers. Was this an isolated
23 occurrence or was it repeated at any time?

24 MRS. GIBBS: This is repeated time and time
25 again. That was the first time it happened.

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2 What the State did is they asked NUCO who was
3 the contractor on the site to come out and dig
4 a shallow hole to collect this runoff and then
5 it was pumped out periodically by the NUCO
6 pumping truck and treated at the treatment
7 center. The problem was the hole wasn't big
8 enough, and when it rains, the small shallow
9 hole overflow into the street with bright orange
10 leachates. It was running down the storm sewer
11 once again, so what they did, which is foolish
12 if you ask me, they dug a bigger hole, a large
13 hole, then they put a trench from the small hole
14 to the large hole and we have an 8-foot hole and
15 we have a 3-foot hole, we have 12 feet of trench,
16 we have the hot sun beating down and the air is
17 just horrible. We have a snow fence around it,
18 although children are not supposed to be in that
19 area, children do come down and bring their
20 friends to see what's in Love Canal, just out of
21 curiosity. There's a snow fence around it and
22 it's dangerous. The snow fence is only around
23 the part that faces the street so the children
24 could cut through the vacant homes, get on the
25 Canal and possibly fall into this large hole.

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2 We called DEC office, we asked Mr. Spagnoli, I
3 believe his name is, to come out and see what he
4 could do to remedy the air because it smelt so
5 bad. He came out two weeks ago Friday, he said
6 if he had to put newspapers on it, he'd do some-
7 thing because it really stinks. That was two
8 weeks Friday and he still hasn't been out, the
9 hole is still there and the leaching is still
10 going on.

11 QUESTION: Who dug the hole?

12 MRS. GIBBS: NUCO dug the hole on the City's
13 orders. We don't know who gave him the order.
14 I believe it was Dr. McDougal from the City.

15 QUESTION: I'm very happy to meet you, I
16 read about you in the paper and I think it's a
17 shame that the community -- you've become such
18 an expert on this issue that I'm sure the
19 community is very glad to have you become such
20 an expert, it's not often that people take the
21 time to battle some of the bureaucracies, that
22 you've had to do, that the community had to do,
23 to make sure that the proper attention was taken.
24 Just a final question, though, are you satisfied
25 now, at least with the response that you're

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getting, the action you're getting from the issues you raised from the Governor's Task Force and Mr. Cuddy and his colleagues?

MRS. GIBBS: I think they're getting better, but I'm not really satisfied, as I said, Commissioner Axelrod still has the door closed and you know, the Health Department is running this show although the Governor has his Task Force, it really all comes back down to the Health Department and until we have complete cooperation, you know.

QUESTION: I think the members of the Task Force (unintelligible) we have had Dr. Axelrod testify before us and we think his commitment is firm and not open enough, if that's your issue, we certainly do what we can to help you with that. . . . are very firm in doing what is right.

A VOICE: I can only add that the reason we wanted to make sure there was going to be a hearing in Niagara Falls, because I think it's very appropriate that all of my colleagues from all over the State realize actually what the Love Canal is all about, not only from a health

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2 standpoint but as I mentioned in my opening
3 remarks, of the serious, emotional problem it's
4 created in families, literally dividing families
5 because the husband wants to stay, the mother
6 wants to go. I was delighted that you did testify.

7 MRS. GIBBS: Thank you.

8 MR. GINSBERG: Just prior to the witness
9 speaking a copy of the written testimony should
10 be given to the stenographer.

11 MR. RICHARDS: I would like to address the
12 adequacy of present State and federal governments
13 response to hazardous waste emergencies and also
14 touch on the lack of communications.

15 During environmental problems affecting the
16 Town of Niagara, the local Health Department and
17 the DEC did not inform the town government of
18 the hazard and potential effect on the town. As
19 an example, these agencies kept silent on develop-
20 ments at Hooker's Hyde Park land-fill and at
21 NUCO's land-fill.

22 In 1976, the Town of Niagara notified
23 Niagara County Health Department of serious
24 leaching problems in the Hyde Park land-fill. The
25 Town of Niagara stated at the time, we suspected

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2 Hyde Park Land-fill of being a major contributor
3 to the pollution of Niagara River and Lake
4 Ontario. No response from the regulatory
5 agencies.

6 The Town of Niagara questioned the feasi-
7 bility of remedial work at Hyde Park land-fill
8 wherein drainage was installed at least 19 feet
9 above the bottom of Hyde Park land-fill. We
10 questioned the environmental impact resulting
11 from remedial work and went into court seeking
12 temporary injunction to stop the work. The
13 courts did not act and EPA and DEC seemingly
14 adopted a hands-off attitude.

15 Subsequently, an inspection by the Town of
16 Niagara of the Hyde Park land-fill on April 25th,
17 1979 disclosed the following:

18 A newly installed drainage system, part of
19 their remedial work, has overflowed and a waste
20 escape from the confines of Hyde Park land-fill
21 now is lying in open ditches. The workers at
22 the factories adjoining the land-fill spend their
23 workdays exposed to this hazard. The Town of
24 Niagara notified the Niagara County Health Depart-
25 ment on April 26th.

1
2 The leachates being collected in the lagoon
3 system at the Hyde Park land-fill is presently
4 being incinerated by Hooker Chemical at the rate
5 of 8,000 gallons per day. However, there is at
6 this time at least 300,000 gallons of storage at
7 NUCO Chemical facilities.

8 The Town questioned the excavation of the
9 lagoon at the Hyde Park land-fill and the
10 depositing of soil atop Hyde Park land-fill, to
11 no avail. The Town questioned what happens in
12 regard to leaching through the bottom of the
13 Hyde Park land-fill. No answer.

14 Time labs and testing reports.

15 Many requests for analysis in areas of
16 concern resulted in either no reply or incomplete
17 results. The Town asked for soil tests in a
18 large vegetable garden located a few yards away
19 from the Hyde Park land-fill. No response .
20 The Town asked for tests at a wet well located
21 at Niagara Steel Finishing. No response. Red
22 Tap. Much time elapsed due to procedures man-
23 dated by the structure of State government.

24 Recently the Town of Niagara suffered
25 because of some "new process started by NUCO"

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2 which resulted in a stench which hung over our
3 town for weeks.

4 Niagara County Health Department investigated
5 this problem and cited NUCO for many violations.
6 While DEC and NUCO negotiated what fines should
7 be levied, the stench continued and the residents
8 suffered.

9 Some of the findings of the Niagara County
10 Health Department in regard to this situation are
11 as follows:

12 "a) The primary waste treatment facility
13 existed in calamitous state as a result of over-
14 loading of the facility. Hazardous waste fills,
15 erosion, broken or nonfunctioning equipment, and
16 a failure to complete construction and render
17 operational needed support of secondary facil-
18 ities.

19 "b) Odors detected emanating from this
20 facility will continue to emanate and should
21 increase in intensity and at further distant
22 points from this complex as the ambient air tem-
23 perature increases.

24 "c) In addition, as further tanks and
25 drying beds are installed, the surface area of

1
2 exposed volatile organics will increase, further
3 increasing the source and magnitude of odors.
4 Attempts of controlling the odor by restriction
5 and balancing of in-coming waste streams has
6 proven to be unreliable and as evidence has
7 failed to control the odors.

8 The Town of Niagara has for years disputed
9 DEC, EPA rights to issue permits for so-called
10 secure land-fills within our Town. Permits were
11 issued despite our protests and warnings of
12 dangers to the residents.

13 Permits given to handle hazardous waste
14 material should have local government approval
15 in addition to DEC and EPA.

16 What plans are now in existence to cope
17 with the disastrous accident at a chemical
18 disposal land-fill? Do we suffer while agencies
19 determine what can be done? Do we evacuate the
20 area while bureaucracy ponders the solution?

21 Also there is grave concern in the Town
22 of Niagara of potential accidents in the area
23 of transportation of toxic substances. We
24 believe that very little has been addressed to
25 this danger by a regulatory agency. We question

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2 the practice of trucks hauling toxic waste over
3 the highway from other states and other countries.
4 Only recently has DEC begun checking drivers for
5 their necessary permits to transport these
6 wastes. Where were the regulatory enforcement
7 agencies in the past years?

8 Thank you.

9 MR. GINSBERG: Thank you. First I want to
10 express our appreciation for your participation
11 and we wanted local government to do so.

12 If you would, there are questions from the
13 legislators.

14 QUESTION: The question I have is to the
15 first portion of your statement, you stated in
16 1976, the Town of Niagara notified the County
17 Health Department -- was this in writing or was
18 it verbal?

19 MR. RICHARDS: It was in writing.

20 QUESTION: I'd like to see the documents
21 if you make them available. You referred to
22 other modifications, if you have documents.

23 MR. RICHARDS: What I'm referring to speci-
24 fically there is when the proposed remedial
25 work began at the Hyde Park land-fill and the

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2 Town of Niagara did not agree with the procedure
3 being used and we did refuse to issue any permits
4 involving any kind of remedial work at that site.

5 QUESTION: Your other statement about the
6 towns. We presently are proposing legislation
7 to Chairman Morriccini's committee to give towns
8 and villages the ultimate responsibility to be
9 able to deny land-fills being built in their
10 towns, specifically those that are close to any
11 body of water, so we are trying to address this
12 problem. We realize that you do have a land-fill,
13 one that you probably didn't want. You are
14 getting toxic waste from other states and other
15 countries which I'm sure you don't want. So we
16 are addressing this problem. They may be slower
17 than you would like but sometimes it's very
18 difficult to do the proper thing.

19 MR. RICHARDS: My fears are the importation
20 of wastes. By the time something is enacted,
21 all the waste on the Eastern seaboard will be
22 in Niagara County and what do we do with Niagara
23 County at this moment?

24 QUESTION: Mr. Richards, again, going back
25 to what I said before, as you know we discussed

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2 this Philadelphia versus New Jersey position.
3 The very Constitution of our country prevents
4 a state from preventing transportation from
5 different states (unintelligible) high fees,
6 setting up . . . etc. might be helpful at least
7 to boats coming in.

8 But going back to your report or your
9 testimony, on Page 2 you made comments . . .
10 excavations at Hyde Park land-fill . . . of whom
11 did you ask?

12 MR. RICHARDS: Niagara County Health.

13 QUESTION: I would like to know if the
14 requests made of the State were ignored and you
15 weren't even given the courtesy of an answer. I
16 would like to know when that occurred.

17 MR. RICHARDS: We have some of those.

18 QUESTION: If you will let me know which were
19 ignored by the State and we will follow up on
20 them.

21 MR. RICHARDS: Yes, sir.

22 QUESTION: (Unintelligible)

23 MR. RICHARDS: Niagara County acts as Town's
24 agent.

25 QUESTION: Did Niagara County take a position

1
2 on either of those proposals (unintelligible)?

3 MR. RICHARDS: Yes, sir, the Town Board has
4 gone on record of opposing any construction of
5 this type by the Nuco concern.

6 QUESTION: What is (unintelligible) ought to
7 be?

8 MR. RICHARDS: I think it is safe to say our
9 past experiences our past relationships.

10 QUESTION: (Unintelligible)

11 MR. RICHARDS: I think the rotary kiln
12 incinerator is a fine idea.

13 QUESTION: Why does the town oppose the
14 construction of a pump facility at Hyde Park?

15 MR. RICHARDS: We don't oppose the construc-
16 tion of a pump facility, as far as the pump
17 operation. We have no jurisdiction of any permit
18 issued as far as operating a pump. We have no
19 jurisdiction over the lagoon. They didn't ask
20 for any building permits to install pumps or
21 excavate a lagoon. The permits were to cover the
22 structures, to cover the pumps and to cover the
23 lagoon.

24 QUESTION: Why did the town oppose the
25 construction of those facilities?

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2 MR. RICHARDS: On advice of counsel because
3 we became involved in litigation with the Hooker
4 Company. We were asking for revocation of the
5 permit, charging that they had violated their
6 original permit. We were asking for economic
7 damages and on advice of counsel we did not choose
8 to be involved at all in the remedial process.

9 QUESTION: Did you favor excavation of the
10 Hyde Park site, moving the waste elsewhere?

11 MR. RICHARDS: Absolutely.

12 QUESTION: There is some discussion in our
13 report of the Town of Niagara site which is
14 located here in (unintelligible), could you tell
15 us whether the information that we presented in
16 that report is accurate . . . and the follow-up
17 what efforts the Town makes toward the possibility
18 (unintelligible).

19 MR. RICHARDS: We control the access to the
20 facilities and the only refuse brought to it
21 is household refuse.

22 Question: Is there somebody, a town employee,
23 at the site, 24 hours a day?

24 MR. RICHARDS: Not 24 hours a day. The gate
25 is locked when the --

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2 QUESTION: There is no employee there when
3 the gate is locked and the site is completely
4 enclosed?

5 MR. RICHARDS: No, I can't say it's com-
6 pletely enclosed.

7 QUESTION: There might be an access to the
8 site at a time . . .

9 MR. RICHARDS: That is a possibility.

10 QUESTION: The other question I had is
11 whether (unintelligible)

12 MR. RICHARDS: I am not familiar with the
13 court.

14 QUESTION: The access to the site is not
15 meant to be (unintelligible)

16 MR. RICHARDS: It is very difficult.

17 QUESTION: But it's possible?

18 MR. RICHARDS: It is possible, yes.

19 QUESTION: Does the town have a zoning law?

20 MR. RICHARDS: Zoning law, yes.

21 QUESTION: And have you concern with respect
22 with choice of sites, a zoning law with respect
23 to the proximity in the development of such sites?

24 MR. RICHARDS: Are you asking me, do we
25 limit, does our zoning law limit --

1
2 QUESTION: Does your zoning law restrict
3 further development (unintelligible)

4 MR. RICHARDS: No, sir, at this time I would
5 say it does not.

6 QUESTION: Thank you very much.

7 MR. RICHARDS: Thank you for this opportunity.

8 MR. GINSBERG: Mr. John Degnan, City of
9 Lockport.

10 MR. DEGNAN: Good afternoon.

11 My name is John Degnan, representative for
12 the City of Lockport.

13 I have a very brief formal statement, copies
14 of it are with us here.

15 The response to hazardous waste emergencies
16 in this City from local and State agencies has
17 been good and to date we have not solicited
18 federal aid for these problems. Local firms are
19 responding to this dilemma and apparently are
20 taking the proper steps as directed by the EPA
21 and DEC to alleviate these problems.

22 Waste disposal sites as outlined by the
23 Interagency Task Force indicates research has
24 been done to pinpoint potentially hazardous
25 waste site locations. However, without imminent

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2 knowledge of a specific community, it is felt that
3 some sites may have been overlooked. We have
4 two and possibly more areas that are not on this
5 list that should be explored. One is at the old
6 Niagara Materials Company on West Avenue, and the
7 second, 18 Mile Creek, between Clinton Street and
8 Old Niagara Road. It is believed that an unknown
9 amount of silicon tetrachloride may have been
10 buried at the old Niagara Materials Company site.
11 We also have unconfirmed reports that PCBs may
12 have been dumped into the 18 Mile Creek area some
13 years ago near the site of the now defunct Flint-
14 cote Company.

15 It is estimated that hundreds of gallons of
16 PCB contaminated oil may have been disposed of
17 in this manner.

18 I believe a request to local officials across
19 the State and residents across the State would
20 uncover a number of sites not included in this
21 present list of waste disposal sites.

22 Generators of hazardous waste should be
23 responsible for security and total cleanup
24 costs of hazardous and toxic wastes when it has
25 been determined it is on their own property or

1
2 property under their direct or indirect control.
3 In many instances generators of hazardous waste
4 are unknown. Further, they have unloaded wastes
5 in/or an unsupervised location with no concern
6 for the environment.

7 As this is a national problem, the federal
8 government should assume responsibility for
9 disposal of waste in these locations as they
10 are discovered.

11 The capping of hazardous waste is no more
12 than a temporary stop-gap at best. It is felt
13 that high temperature reduction of the material
14 if economically feasible is the most logical
15 solution at this point if for no other reason
16 than compaction of the enormous bulk of the
17 material, and the remaining residuals could then
18 be stored in a safe area until technology is
19 capable of disposing of it economically.

20 Hazardous dump sites should be phased out
21 as soon as practicable. Materials should be
22 reduced by high temperature burning and final
23 disposition of residuals as outlined above.

24 Small local governments are not equipped
25 technically to rectify hazardous waste disposal

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2 problems. A State and federal agency should have
3 the authority to supervise and enforce this type
4 of program. With a program of this kind, potential
5 future dumping could be reduced if not eliminated.

6 Due to a number of accidents nationwide, both
7 by rail and truck involving toxic chemicals and
8 toxic wastes, we are implementing a disaster
9 plan to cope with this type of accident. If a
10 major accident occurred requiring evacuation of an
11 entire city, help from the State government would
12 be imperative.

13 Any legislative assistance from the State and
14 federal level would be appreciated.

15 Thank you.

16 MR. GINSBERG: Thank you, Mr. Degnan. Any
17 questions, now?

18 QUESTION: Mr. Degnan, on page 1, these
19 two sites that you mentioned as possible con-
20 tainers of hazardous waste, have there been any
21 tests made in either of these sites to indicate
22 legitimacy of this concern?

23 MR. DEGNAN: I know of no tests made on the
24 West Avenue site and 18 Mile Creek may have been
25 tested by DEC, they were notified of it.

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2 QUESTION: Have the proper health and county--

3 MR. DEGNAN: They're aware of this, yes.

4 QUESTION: Who can we contact in the City
5 who (unintelligible)?

6 MR. DEGNAN: I can help you with this.

7 QUESTION: Does the City of Lockport have
8 (unintelligible) on the county?

9 MR. DEGNAN: The County Health Department
10 supplies assistance in this area.

11 MR. GINSBERG: Thank you very much, Mr. Degnan.

12 Ms. Arcara, League of Women Voters?

13 MS. ARCARA: I'm Frances Arcara and I'm the
14 coordinator of the Five State Lake Erie Basin
15 committee. We're active in the Lake Erie Basin
16 state of watershed areas and we're also very much
17 involved with the Great Lakes and water pollution
18 problems in the Great Lakes.

19 Every two years the Committee receives
20 direction from the membership through a process
21 called position review. The last was completed
22 in January 1978.

23 The majority of the members were concerned
24 about nuclear facility siting and control of toxic
25 substances in the basin and the relationship of

1
2 these concern to water quality, supply and human
3 health.

4 The quality of our drinking water is
5 directly related to the quality of our environment,
6 pollutants in the air and municipal sewage dis-
7 charged into waterways and urban and agricultural
8 runoff and leachates from land-fills and dumps
9 find their way into the water sources used to
10 supply us with drinking water.

11 Development of more chemical substances and
12 new uses for old substances add to the growing
13 volume of possibly hazardous contaminants put
14 into the water that must be purified to drink.
15 Few water treatment plants are currently equipped
16 to remove the number and variety of potentially
17 hazardous contaminants being discharged to our
18 water sources.

19 Studies by UPA and the Environmental Defect
20 Fund in 1973 and 1974 demonstrated that trace
21 amounts of a large number of organic chemicals
22 are present in drinking water.

23 The health effects on humans of long-term
24 ingestion or small amounts of organic chemicals
25 and some forms of products of foreign disinfection

1
2 are unknown. Some believe they may be causes of
3 cancer, genetic mutations or birth defects after
4 prolonged ingestion.

5 Preliminary epidemiological studies have
6 found an association between a higher rate of
7 bladder and colon rectal cancer among residents
8 who drink water from polluted rivers and the
9 presence of chloroform and other carcinogens in
10 the treated water they drink. The majority of
11 organic chemicals found in drinking water have
12 not yet been examined for health effects.

13 The majority of residents from western New
14 York Erie-Niagara regions depend on Lake Erie and
15 the Niagara River for their prime source of
16 drinking water.

17 The International Joint Commission in the
18 1970 report on water pollution in the Great
19 Lakes stated one of the major problems relating
20 to public water supplies is the false sense of
21 security based on past experience in a far less
22 polluted environment.

23 The infrequency of water-borne disease
24 outbreaks does not justify complacency. Con-
25 ventional water treatment does not remove all

1
2 dissolved organic and inorganic chemicals. The
3 lack of association, the failure to recognize the
4 common interest in the total water supply waste
5 treatment cycle creates a public health problem
6 that grows more critical day by day as new
7 hazards are discovered in our drinking water.

8 What is known that many organic chemicals
9 are persistent in the environment, toxic at
10 extremely low concentrations may have (unintelli-
11 gible) effects or undergo metamollic changes
12 increasing their threat to man and the acquired
13 community.

14 We are in agreement with the recent recom-
15 mendations made by the pollution from land use
16 activities reference group to the International
17 Joint Commission advocating actions to be taken
18 to reduce pollution of the Great Lakes from toxic
19 substances.

20 1. Control of toxic substances at their
21 sources.

22 2. Closer cooperation of both countries in
23 the implementation of toxic substances control
24 legislation and programs.

25 3. Proper management and ultimate disposal

1
2 of toxics presently in use.

3 4. Identification and monitoring of historic
4 and existing solid waste disposal sites where
5 there is an existing or potential discharge of
6 toxic substances and implementation of control
7 programs at those sites as needed.

8 5. Joint expansion of efforts to assess
9 the cumulative and finer district effects of these
10 contaminants on environmental health.

11 We are concerned that future problems with
12 some industrial and municipal waste discharges
13 in complying with 1985 zero discharge into Great
14 Lakes water bowls

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16 (At this point, in the hearing, Tape
17 III registered blank for all of Side
18 I and most of side II.)
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2 SPEAKER: . . . they had pamphlets on it
3 and we had few safeguards. As part of my job we
4 went headfirst into centerfuges to scrape the
5 filter clothes clean and the fumes were terrific.

6 With bad batches, we would drop them into
7 cardboard containers with all the stench and
8 fumes that accompanied the material as it poured
9 into the cardboard containers like ice slush.

10 The finished dye powdering product we
11 barreled in cardboard containers. Many times,
12 while doing so, inhaled the myrex into our lungs
13 because our only protection was, at that time, a
14 mouthpiece which we held in our mouth. There was
15 no other thing, we just held that in our mouth.

16 In the warehouse they had a face mask which
17 they had to protect the filters on the side but
18 they became clogged very fast.

19 I also witnessed several of these myrex
20 containers standing out weathering in the yard,
21 crumpling up and the myrex running onto the
22 ground, and it merely washed away with the rains
23 and so forth.

24 I gave the supervisor at that time a page
25 and a half of safety suggestions and improvements.

1
2 They were completely ignored.

3 When Myrex closed, I also became ill at that
4 time and I lost one week of work.

5 QUESTION: You say Myrex closed?

6 MR. BEEMER: Well, they phased it out because
7 apparently -- well, they told us that it was
8 because they had lost overseas contracts and so
9 they were going to cut b ack and they sent many
10 of the rest of the men to other areas and appar-
11 ently that was -- I would assume -- just assump-
12 tion, you know, just to throw us off the --

13 QUESTION: Do you remember when that was?

14 MR. BEEMER: Yes, that was in August of
15 1975, and they claimed they weren't making myrex
16 after sometime in late '60, and that is a total
17 lie, because they were making myrex when I was
18 working there in '75, and when myrex was closed
19 I operated D-11 building which as I notice from
20 the papers is directly over one of your high
21 priority danger areas where they had been dumping
22 other toxins in earlier years. I worked there
23 for the next seven months.

24 Then I was transferred to C-56 in 1975, late
25 1975, where I worked in that highly toxic

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2 chemical on which they also had a pamphlet
3 stating the dangers of it and how highly toxic
4 it was and I worked there for about one year.

5 QUESTION: That pamphlet was --

6 MR. BEEMER: It was a Hooker provided
7 pamphlet, you know, stating that the --

8 QUESTION: To give you warning?

9 MR. BEEMER: Yes, to give to the employees
10 concern, yes. Again, our mask at that time
11 consisted of only a tiny mouthpiece which
12 eliminated one-half of one percent of the toxins.
13 I witnessed numerous spills of C-56 during -- in
14 their antiquated system they used and most of the
15 spilled C-56 was not picked up by speedy dry. I
16 would go out and I would see it -- they had an
17 intermediate where to find the level, they had
18 a glass tubing up the side. If an operator should
19 happen to not remember to shut that valve, it
20 would pour right out there and I many times went
21 out and saw it pouring out onto the ground like
22 a fountain. It was coming out just like a fountain.

23 And, as I said, most of it was not picked up
24 by speedy dry, but hoses were turned on and it
25 was washed into the city sewers.

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2 The fumes inside D-14 and D-8 which are two
3 of the C-56 buildings was horrible. Then there
4 was a turnover there that was terrific. Men
5 would go home at night with totally bloodshot
6 eyes, tears streaming down their cheeks. Also
7 a worker's lungs would feel like a hot dagger
8 had been shoved down there and left for a few
9 hours, for your own enjoyment, I guess.

10 Hooker recognized the danger of C-56 because
11 previously they had given regular checkups to
12 C-56 employees, including chest examinations, but
13 for some unknown reason they discontinued that
14 practice. Why, I don't know.

15 My plant record will verify that I complained
16 to the family doctor, I guess I shouldn't mention
17 him, to my own family doctor, to the County
18 Health Department, and finally I went to OSHA
19 in Buffalo who sent inspectors out to Hooker and
20 they ordered Hooker to make several changes in
21 their operations. It cost Hooker several
22 thousands of dollars to do this and I became
23 quite unpopular after that time.

24 QUESTION: When was that?

25 MR. BEEMER: That was in, I would say, the

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2 very tail end of 1975, in the wintertime.

3 I guess I finally got to them because I was
4 called to First Aid, told to strip naked, and
5 they gave me a completely new set of clothing and
6 said I was being transferred to D-21 which is
7 directly over another area that is quoted in the
8 paper as being a toxic disposal area in the '40s.
9 And the nurses in First Aid admitted to me at
10 that time that C-56, sort of off the record, that
11 C-56 was a horrible place to be working in.

12 During my tenure in C-56, I lost more time
13 off because of the developing illnesses that were
14 coming on me. And shortly after starting work
15 in D-21, I lost another six weeks or so of illness.
16 And, when I returned after this six weeks, a
17 certain supervisor, which I shouldn't name, called
18 me into his office and suggested that perhaps I
19 should leave my Hooker employment, that perhaps
20 I was unsatisfactory there.

21 QUESTION: Did you give (unintelligible)

22 MR. BEEMER: I explained to this gentleman
23 that I wasn't responsible for the health conditions
24 that were developing, and he dropped the subject.
25 But at the very first plant cut-back, which came

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2 soon after EPA and so forth started to involve
3 themselves, I was transferred to mowing grass and
4 other menial yard work, outside the fences of
5 Hooker and so forth.

6 Neal Hayes, the Union president, had taken
7 an interest in the fact that I had contacted
8 OSHA and he asked me where they could be reached
9 in Buffalo, and from that time on I understand
10 now that Neal Hayes is on safety committees and
11 so forth and since that 1975 period he has been
12 working on safety problems, he's been concen-
13 trating on them.

14 His offices, through the Union offices at
15 Hooker, he got me off the grass cutting job and
16 back into operating in C-24, 24 dye, they called
17 it, building, and that's where I stayed until
18 March of 1977 when I again became ill. The
19 doctor could not explain the illness. The family
20 doctor, he couldn't explain the illness, what
21 was the cause.

22 While on this sick leave, thanks to Hooker,
23 I received via registered mail, a letter to the
24 effect that I was being laid off effective as of
25 April 7th, 1977.

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2 I guess that's all I should say about C-56
3 and myrex, except that since that time I would
4 say I've had only four months employment, since
5 that time in 1977.

6 Now, I would like to mention NUCO because
7 I was hired there as a foreman, I was hired there
8 in September of 1978 as a foreman, and I know of
9 their haphazard methods, I know -- some things
10 I guess I shouldn't say -- but I once watched
11 a chemical flatbed truck that was supposed to be
12 putting the drums into a land-fill. Unfortunately
13 that land-fill was nearly topped off and they
14 were waiting for the government to give them an
15 okay and start using the other land-fill, but I
16 happened to go up the side road unbeknownst to them
17 and I saw two men, one who was in a supervisory
18 capacity there, taking the bums off of these
19 toxic drums and dumping them directly into the
20 roadway, into the ditches alongside the road.

21 In my estimation, NUCO should be watched
22 very closely in their operations because I know
23 how they worked at CHEMTRO and in my estimation,
24 it's only my opinion, they're after the almighty
25 dollar and they want to get this done as cheaply

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2 done as possible and I quit there because I would
3 not put up -- in fact, one of the supervisors
4 told me "we don't have much of a safety campaign,"
5 and he didn't have to -- I got seven safety
6 awards -- he didn't have to tell me much about
7 what kind of unsafe manner they operated, because
8 the 650,000 gallon lagoon that they operate up
9 there which the Town of Niagara has a lawsuit
10 against them now, it gave out a terrific stench.
11 It was highly acidic and so forth, there was no
12 barrier around it. I saw a fellow come in there
13 with a truck and he almost -- he had to teter on
14 the edge of maybe a four-inch wide concrete wall
15 to hook up his -- you know, for unloading and he
16 almost -- a strong wind would have pushed him
17 right in there.

18 And I complained again to OSHA about that
19 and afterwards I had been forced to construct
20 some kind of a fence around that area. And they
21 also had a conveyor belt system on which, I don't
22 know that engineer must have had high hopes in
23 heaven, I guess -- they were going to neutralize
24 the acidity with this wet limestone which was
25 left by Union Carbide years ago, and unfortunately

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2 it contained not only wet limestone but good-sized
3 rocks, and these rocks would come off and men
4 working alongside, heaven help, you just hope you
5 duck them, that's all.

6 And I complained about that and also when
7 they started up, the wet material there, the
8 vibrator on the thing which was useless with that
9 wet material, and so they had us in muddy boots
10 and what they had for screening were rovers and
11 they had us standing on top there, pushing with
12 rakes, hose, anything we could get, to try to
13 force that material through. And I refused to
14 get up on there. I said "I'm not going to go
15 through between those 8 inches maybe apart, and
16 break a leg or an arm " -- it had no fence around
17 it either and you could have fallen off for about
18 15 or 20 feet. So I complained to them about
19 that.

20 That's about all concerning NUCO which
21 bears watching where they go from the Love Canal
22 because I understand a lot of the material is
23 being transferred to the old plant there, the
24 war plant on Buffalo Avenue. And so I'm
25 wondering if they're moving the Love Canal from

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2 where it's located now up there and storing it
3 until they had the other land-fill at NUCO which
4 is directly behind the chemical treatment center
5 and were they waiting until they get the okay
6 and they'll be moving the 97th Street Love Canal
7 down to 56th Street.

8 QUESTION: We appreciate your testimony.

9 QUESTION: You stated earlier that you
10 worked on centerfuge, you cleaned the centerfuge,
11 was that manufactured myrex --

12 MR. BEEMER: It certainly was, that's why I
13 got a laugh every time I read in the paper that
14 myrex had been discontinued at an earlier date,
15 because even when I was going out of there in
16 '77, they were still moving over to the old
17 B. F. Goodrich building, they were moving bags
18 of myrex. They were bagging it up in, I guess,
19 25 or 50 pound lots, and we were manufacturing
20 myrex, they also call it dacron foss and 602 and
21 604. They had several different brands and
22 types of it, and so forth.

23 QUESTION: If my memory is correct, we can
24 verify this. In September of 1976, Commissioner
25 Bergman, because of a myrex (unintelligible) was

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inefficient, when we questioned Hooker, I believe their statement at that time was that they manufactured from 1957 to 1967 at _____ in Texas, and as I recall there was supposedly no manufacture of myrex from 1967 on.

MR. BEEMER: Nope. We must have been making soda pop in the place, that's all I can figure. Because that was myrex, which they say also goes under the trade name Dacorin, and that's what we were turning out. As I said, we would have to go in head first because that was the way of spinning the liquids out, you know, and then we had to go in and scrape with our heads first right into the centerfuge, and scrape all of that off the filter wall.

QUESTION: Did you point that out to OSHA?

MR. BEEMER: No, because with OSHA I was already over in C-56 and teed off enough about C-56.

MR. GINSBERG: Thank you very much.

My recollection is that Hooker had reported that from 1959 to 1967, they were producing myrex and from 1967 through 1975, they were grinding myrex.

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2 MR. BEEMER: That's true, that's true, they
3 were grinding myrex. That is in what they call
4 the warehouse building. They were grinding it,
5 but we in M-15 were making it. We were making
6 the stuff. In fact if they stopped in the '60s
7 is totally false.

8 QUESTION: In Building M-15 you were
9 producing myrex?

10 MR. BEEMER: We were producing myrex.

11 QUESTION: The grinding --

12 MR. BEEMER: No, no, no. That had nothing
13 to do with grinding. We were mixing the various
14 chemicals that were required, you know, to make
15 the material and baling it up, as I said, in these
16 cardboard containers.

17 QUESTION: Mr. _____, what was the
18 area in which myrex stills took place?

19 MR. BEEMER: Well, that's the M area. We
20 had onepink building directly on Buffalo Avenue.
21 I think they've repainted it now. That was M-22
22 and M-15 was the myrex building. That's the
23 building I worked in.

24 QUESTION: And the stills took place near
25 the myrex building?

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MR. BEEMER: Yes, M-15 is where they were making the myrex.

MR. GINSBERG: Thank you very much, Mr. Beemer.

MR. BEENER: Thank you for listening.

MR. GINSBERG: Let me give an idea who are the next few speakers, so you'll know who will be speaking in the immediate future, then we will take a 5-minute break.

Mr. Orr and Mr. Tower of the Town of Porter, I understand have some sort of coordinated or joint presentation.

Mr. Richardson of Operation Clean. Those will be the people we will be hearing next.

MR. ORR: I am Town Attorney for the Town of Porter. The Town of Porter is a residential and agricultural community in the northwest corner of the County of Niagara. It's bounded on the north by Lake Ontario and on the west by the Niagara River.

It's a relatively quiet community with few problems until in 1972 a new industry moved into our town.

The town fathers were advised that they

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2 would be recycling chemicals from plants in the
3 area and that was the basis upon which they
4 started.

5 By the time the town residents became aware
6 of what was actually going on, this industry had
7 already completed three or four land-fills and
8 had thousands of drums of toxic waste lying
9 around its property.

10 As a result of public outcry, a large part
11 of the problem, mainly the drums that were lying
12 around have been cleaned up.

13 This operation was known as CHEMTRO Pollution
14 Services, Inc., and is now SCA Chemical Waste
15 Services, Inc.

16 It is a 600 acre site upon which there are
17 six completed land fills, a seventh, which is
18 being currently operated with plans for three
19 more on the drawing boards.

20 Thus, the Town of Porter is concerned about
21 solid waste management and land-fill.

22 I would like to first address my comments to
23 the Task Force Report.

24 When the draft report of the Interagency
25 Task Force was issued, it was apparent that they
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2 did not address the problem of all inadequately
3 constructed, inadequately operated, but inactive
4 land fills which are part of an active facility.

5 There are three land-fills on the SDA prop-
6 erty in the Town of Porter which were completed
7 very early after 1972, before the Department of
8 Environmental Conservation had any strict control
9 and no one knows what's in there and how they
10 were built. And the community feels it was an
11 oversight on the part of the Task Force by not
12 having investigated these completed land-fills
13 on an existing site.

14 There was no assignment of Priority 1 or 2 ,
15 or any priority to this particular site and it is
16 very well possible that these original land-fills
17 could be just as hazardous as any other Priority 1
18 land-fill. The Town feels that the Task Force
19 should include in its final report a thorough
20 investigation of the land-fill areas of the SDA
21 facility even though there are active operations
22 still continuing.

23 The scope should be expanded to include the
24 study of finished land-fills on an active site.

25 The other concerns that we would like to

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2 address are with regard to the operating dump
3 site or the operating land-fills' and the future
4 of hazardous waste disposal in our area.

5 These items should be the subject, we
6 believe, of probably three areas of legislation.

7 First would be

8 (Something must have run off the
9 end of Tape III, as next doesn't quite
10 connect.)

11 The second type of legislation that we feel
12 should be implemented as soon as possible is a
13 method of providing for the perpetual care of
14 operating dump sites. The Town of Porter is
15 concerned about the eventuality of SCA Services
16 or its successor eventually finding it to be
17 uneconomical to operate in the area and departing,
18 having first made itself judgment-proof by well-
19 known means of draining the corporate assets.

20 What would be left would be land-fills that
21 require monitoring and leachate control, pumping
22 and reprocessing, an expense that would have to
23 be borne by someone and the present state of the
24 law does not provide for this in any sense at
25 all.

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2 Again, it would have to be a system that
3 would be financed by the people that want to
4 dispose of the toxic wastes. A fund should be
5 set up, financed by a per barrel, per ton, per
6 pound, per gallon charge and actuarially computed
7 to cover a particular facility operation.

8 The federal EPA has proposed in its regula-
9 tion a 20-year plan which is completely inadequate.
10 It took well over 20 years for the Love Canal
11 leachates to do its damage and we know that many
12 of these chemicals never deteriorate. They are
13 there forever.

14 The third type of legislation that we would
15 be interested in very much concerns finding
16 alternate methods of disposal other than land-
17 fills. I am pleased to see that such a proposal
18 has been put forward in part. I don't believe
19 that's the entire answer. But incineration
20 certainly is one. The disposal of hazardous
21 wastes should be carried out by high temperature
22 incineration and one such plant should be built
23 in the Niagara County area.

24 The problem that we see with the proposal
25 that was announced today for a New York State

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2 superagency to handle this is that it cannot be
3 on a one-state basis, for two reasons. One is
4 that generators could shift the stuff out of the
5 State to a place where there is less stringent
6 control, or in the alternative, the industries
7 would move out of the State to a place that has
8 less stringent control. This is assuming that
9 incineration costs would be high in comparison
10 with other methods of disposal.

11 I think that that concludes my statement.

12 MR. GINSBERG: Any questions, gentlemen?

13 A VOICE: We've spent many times talking
14 about it.

15 QUESTION: Mr. Orr, I just have one question.

16 You mentioned in the discussion of inciner-
17 ators you want them to be located in the Niagara
18 area close to the facilities, would you be able
19 to propose such a facility if a suitable one
20 could be constructed in the Town of Porter?

21 MR. ORR: I'm afraid that I couldn't answer
22 that question because I don't know what they
23 produce. I would have to see some kind of an
24 explanation of what is released into the atmos-
25 phere and what has to be done with the ash.

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QUESTION: Mr. Orr, do you have any information about the extent of the (unintelligible) one to five at the SCA site?

MR. ORR: No, we do not. That's what we felt you should have investigated.

QUESTION: I have just a couple of questions based on three of the things you said.

First of all, what happens if the federal government does enact, I think we agreed that it ought to be a multi-state, at least a regional approach to dealing with toxics -- if the federal government does enact, you're not arguing that we shouldn't act at that point, are you?

MR. ORR: Well, I think that it would be most unpleasant to have industry move out of an area because they couldn't be serviced.

QUESTION: I think it's the other way around, what our bond issue proposes to do is to provide money to provide a State service in dealing with the toxics that are generated by State industries.

MR. ORR: I understand that. It would be a question of relative cost.

QUESTION: Well, the options are to -- the only couple of options, is to either treat the

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waste or don't treat it, and if you don't treat it it either sits around above or below ground --

MR. ORR: Right, I agree.

QUESTION: At that point I think we have an obligation to commit the State to dealing with the problem because we run the risk at that point of balancing the health aspects, at having another Love Canal, deplete abatement services with the problem that they're causing as opposed to an industry loss and it goes back to difficult penalties and that's certainly one that we have to deal with.

On the question of onsite monitoring, you're arguing for a permanent onsite State monitor on the lines with the -- agricultur meat inspectors?

MR. ORR: We do not feel that the people who operate these facilities can be trusted. We've had too much experience with them in the past.

QUESTION: But the monitoring is to be done, you're not saying there ought to be a permanent onsite monitor at each major dump area, as long as it's done by some other agency other than the --

MR. ORR: As long as it's not done by them--

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2 selves. It is monitored to some degree by the
3 County Health Department and the DEC, but they
4 just don't have the personnel to be on top of it.
5 They're not there enough.

6 QUESTION: And the last question deals with
7 siting a regional facility. Would you be in
8 favor of an agency that had the authority to pick
9 a site?

10 MR. ORR: I know you already have such an
11 agency.

12 QUESTION: But not in the field of placing
13 a toxic waste treatment facility.

14 MR. ORR: I thought that the Environmental
15 Resources Authority had the siting power.

16 QUESTION: Well, I don't think anybody has
17 started with it --

18 MR. ORR: Well, they haven't used it yet,
19 but it's there and it specifically overrides
20 local laws, which we do not approve of.

21 QUESTION: But give them a need for a
22 regional facility and given what we have found,
23 nobody wants a facility in their backyard, some-
24 body is going to have to have it. How do you
25 decide where else to do if you don't have an

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2 agency that can say, we have looked at all the
3 factors, and we have decided it goes here in the
4 Town of X.

5 MR. ORR: We would not approve of that, but
6 we feel that it will probably happen, since you've
7 already started it.

8 QUESTION: What's the option?

9 MR. ORR: The option is to --

10 QUESTION: Leave it up to a veto power to
11 every town we would pick for it? We can't have
12 it that way.

13 MR. ORR: Right. No, we recognize that
14 eventually the whole operation is going to be
15 operated by government, sooner or later. And
16 when it is the local control will no longer be
17 a viable thing.

18 QUESTION: And as ^{NYS} Senator Grannis said, we
19 feel that this not only not be a negative -- if
20 New York State goes it alone it could well -- we
21 think it would be positive as far as the indus-
22 trial, the economy of the State is concerned.

23 MR. ORR: I would hope so.

24 QUESTION: We would have something to handle,
25 properly handle, these toxic wastes --

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2 MR. ORR: I believe it's strictly a matter
3 of dollars. If you can operate that facility at
4 a lesser cost to industry than what they're now
5 faced with by the pirates in the disposal
6 industry --

7 QUESTION: That's why we feel, very frankly,
8 that the State should do it, because it's going
9 to take a large amount of money, a regional
10 facility is something that an individual small
11 company could not afford to put out. And the
12 State doing it with the money that it bonds for
13 and which it pays back through users' fees, could
14 be environmentally very, very sound and it could
15 be economically sound also.

16 MR. ORR: Thank you, and I'd like to just
17 close by saying that I did file a statement,
18 parts of it that were worked on very hard by
19 people in my Town and I hope you read them.

20 A VOICE: We all have copies of that. Thank
21 you very much.

22 MR. GINSBERG: Mr. Thomas Tower.

23 Mr. Tower, we all have copies of your state-
24 ment, so if you will be so kind as to try to
25 address the members of the Task Force (unintel-

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2 (ligible).

3 MR. TOWER: Okay, I think I'll kind of just
4 go through the first four pages, they're the only
5 things that bear talking about.

6 My name is Thomas Tower. I'm a member of
7 the Environmental Commission in the Town of
8 Porter of which Mr. Orr just spoke, and we've
9 been involved with the subject of toxic waste
10 management, of course, since our inception in
11 1973. And our immediate concern was with SCA
12 Services or CHEMTRO.

13 We realize it's a local example of a nation-
14 wide problem.

15 We spent probably four years dealing with
16 the State DEC, the County Health Department,
17 writing letter after letter, trying to get infor-
18 mation, and it's only about in the last 18 months
19 or so that there's been any interest from our
20 legislators at all, even from the County Health
21 Department or the State DEC. We were labeled as
22 a bunch of emotional hotheads, dumb farmers, a
23 whole host of things. But since it's becoming a
24 politically popular idea, there's a lot more
25 interest, and rightly so. I'm very happy to see

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2 that, despite our discouragement of about four
3 years.

4 One of the biggest weaknesses we found is
5 the reliance upon self-monitoring the DEC
6 depends on, and I just picked a couple of
7 examples out of random from the DEC files in
8 Buffalo. I guess perhaps at random isn't a good
9 choice, I looked for them.

10 They're required to submit several types of
11 ground water reports, things like that, and I
12 don't pretend to think that anyone of these
13 exhibits is that earth-shattering or that
14 important, but I've only included them to develop
15 a sort of a symptomatic approach as to what is
16 going on.

17 For example, Exhibit 1 demonstrates that
18 caps on the pipes were frozen and they couldn't
19 take samples for the winter months, only about
20 four stations out of forty.

21 Exhibit No. 2 indicates that there's leachate
22 levels in all the land-fills, and it's up to
23 CHEMTRO to report what these levels are. This is
24 one of our most immediate concerns about land-fills
25 at the SCA site that they have leachate levels

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2 greatly in excess of what the State's 360 regula-
3 tions call for. To my knowledge, at least the
4 first two land-fills do not have any kind of
5 liners at all and possibly even numbers 3 and 4
6 do not have plastic liners. So they're in
7 essence no different than the Love Canal. They're
8 compacted clay, or the earlier ones are just
9 excavations in the ground with stand pipes to
10 measure the leachates.

11 I, too, was personally very upset with your
12 report in that you failed to address the problem
13 of the existing land-fill facilities at CHEMTRO.
14 I expected to have some legitimate reasons but
15 it wasn't very satisfying to a fellow who lives
16 about a mile and a half and who earns his liveli-
17 hood working on the land.

18 If and when the DEC does uncover something
19 isn't right, the usual procedure is to issue a
20 consent order to enter into an agreement with
21 SCA to say, give you a little fine, don't do it
22 again.

23 In Exhibit 3, which is a copy of a consent
24 order, involving a discharge from a 36-inch sewer
25 line which underlaid some of the land-fills and

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2 lagoons in the CHEMTRO's property which started
3 leaking on or about, I believe, January 5th, 1978,
4 and continued until January 9th, 1978. The State
5 DEC was aware of this discharge. There were
6 members of ourself, the the Environmental Commis-
7 sion, and Operation Clean, camped out watching
8 this pipe flowing into Four Mile Creek, DEC
9 dumped a couple bags of lime, which tended to
10 neutralize it somewhat but it had a PH in the
11 vicinity of .5 or 1.0, which is about on the
12 order of battery acid. And after five days of
13 hounding and calling Bill Freedman in Buffalo,
14 we finally were able to plug the line and stop
15 this line.

16 Now, that in itself is something that's
17 incidental and happens all the time, I'm sure in
18 industry and toxic waste management. But if you'll
19 note on the next consent order, the schedule to
20 which they agreed in the first one hadn't been
21 met, and so the same thing keeps cropping up.

22 In Consent Order D, which is Exhibit 4,
23 there's a whole host of kinds of things that go
24 on, you know, like they have to fence it, they
25 have to control the odors. They're in general

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2 responding to the problems in the community, but
3 it takes them six months or a year or a year and
4 a half, and there's no way of making sure that
5 it's done tomorrow.

6 Now, I operate a fruit farm and I grow
7 apples and peaches and cherries, and some wine
8 grapes. And I don't have a lot of equipment but
9 I've got trucks and tractors and baccos and
10 things like that. Now I personally could have
11 stopped that flow in about two hours. I have
12 pumping capacity. We irrigate, we do a lot of
13 things like that. It took DEC and the CHEMTRO
14 combination to put in five days to stop that
15 flow from going into Four Mile Creek.

16 That is upsetting to me. I don't think
17 that's the way things should be. So these
18 instances are just examples to demonstrate that
19 the current situation isn't working, and for you
20 people to ignore, ignore the CHEMTRO, SCA
21 operation by saying that it is permitted in your
22 report and saying that we don't have to address
23 it, I think is very foolish. You're on the
24 right track but you're on the wrong train.
25 You're thinking that if it's permitted, it's

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2 okay. Or if DEC is watching it, that it's okay
3 and it will get by for six months or a year if
4 we can squeeze through. But that's what's been
5 going on for the last four or five years, and
6 that has to change.

7 The DEC is always playing catch-up. They
8 don't have the facilities, they don't have the
9 staff. John Beech's office, he's swamped with
10 his work. The people at DEC are excellent, I
11 believe. I had a very warm reception up there.
12 But it's like trying to balance the Eiffel Tower
13 on the end of their nose. They just can't keep
14 up with it. Their walls are plastered with
15 aerial photographs of NUCO and CHEMTRO.

16 I personally support the idea that Bud
17 mentioned, about establishing on-site inspection.
18 Staffed by DEC, paid for from DEC, but reimbursed
19 by SCA or the resident, whatever company it's
20 inspecting. We pay for it in our apples we ship
21 to Canada. We have to have them inspected for
22 export. We pay for that. The guy that grows
23 meat pays for it when his meat is inspected, or
24 the packing house does. It's certainly not
25 precedent.

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2 I apologize for rambling a little bit but
3 it's kind of disconcerting -- I'm a seventh
4 generation farmer, and agriculture is very
5 important and I don't like going out in the
6 morning and not being able to breathe and choking
7 at 4:30 in the morning or 5 o'clock when that
8 stench drifts down from SCA. I know that's not
9 very scientific, it's a little bit emotional, but
10 it's pretty disgusting not to be able to breathe
11 where five years ago you could.

12 I'd like to address just a few other sort of
13 auxiliary issues, too.

14 There seems to be some sort of environmental
15 blackmail that occurs when an outfit like SCA is
16 allowed to stockpile 30 million gallons of toxic
17 waste, treated waste water. They quote-unquote
18 presently need a permit to get to the River,
19 because this 30 million gallons represents a
20 threat stockpiled over on their site. Well,
21 that 30 million gallons was acquired as a result
22 of operations underneath permit conditions from
23 the DEC. So they -- they meaning DEC -- tries
24 to just skip by for another six months, another
25 four months, and eventually you have to pay the

2 piper. So now they have been dumping it in a
3 little creek that runs down through one of my
4 vineyards. And I don't like that, you know.

5 There was a public hearing held and they
6 spent a lot of money and hired expert lawyer
7 testimony and everything and demonstrated that
8 it probably wouldn't harm too much of the fish
9 as long as they did this right and didn't do that,
10 etc., etc.

11 But there seems to be this blackmail that
12 develops without even trying. Now, they've got
13 these land-fills with high leachate levels, so
14 they have to have this water line to the River,
15 this permit to dump because they've got to treat
16 the liquid that's leachating, that's developing
17 in their land-fill because that causes a threat
18 getting out into the environment. So one thing
19 leads onto another, it's just a never-ending
20 cycle.

21 It's certainly a poor location. That's
22 been demonstrated before. It's adjacent to the
23 world's largest supply of fresh water, the
24 Great Lakes, that isn't recognized as too
25 valuable a resource at the present time but

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2 maybe in 15 or 10 or 20 years when the southwest
3 runs out of water, as they apparently are going
4 to, or if Florida runs out of fresh water, maybe
5 somebody will recognize that fresh water in the
6 northeast is a valuable resource.

7 The SCA site in the Town of Porter is
8 located on lake laid soils which are stratified
9 and contain predominantly clays, but a fair
10 amount of silts and sands, both in isolated
11 lenses or in general deposits. There is evidence
12 of leachate migrations from Ola Mathison Boron
13 (phonetic spelling) facility that was located
14 directly adjacent to CHEMTRO in the early 50s,
15 approximately 7 miles to a geranium grower in
16 Youngstown who couldn't use his well water any
17 longer to water his geraniums and he had it
18 analyzed at Cornell and it contained something
19 in the magnitude of 7,000 times the accepted
20 levels of boron and the boron in the water, it
21 hasn't been directly proven it came from this
22 Ola Mathison Boron plant adjacent to CHEMTRO, but
23 there's enough suspicion to look into it.

24 Another problem with these mammoth toxic
25 waste sites is that they represent a potential

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threat for political violence, terrorism, and things of that nature.

I'm a little concerned about your caveat on winding up when everyone else was allowed to ramble and we've waited two hours for Mr. Davis on what we've heard many times before, but I will respect your concerns.

MR. GINSBERG: I appreciate that keep going approximately 10 minutes.

MR. TOWER: Okay, that would have been a nice warning to give to a person before he starts but I'll do my best to --

In spite of all the aforementioned occurrences, SCA and all the other waste handlers just continue to go about their merry way. They generate enough money and enough dollars to fight their way into courts and get things tied up and nothing much changes.

We've all talked about alternatives. We know there are some that need looking at a lot, some of the organics can be incinerated. Certainly a stop-gap measure might involve retrievable, perhaps above ground storage for any toxic waste for an unspecified time, but certainly the
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2 indiscriminate dumping that -- and I use that
3 term not loosely, but very accurately, I've
4 spent a lot of time observing CHEMTRO's SCA
5 operations and their land-fills are not like
6 they're represented in their presentations.

7 This all leads us up to the real problem,
8 that is, where does the responsibility lie, and
9 I believe it lies with you people who make our
10 laws. I believe in democracy, I believe in a
11 country of laws and you people we elect to make
12 the laws.

13 Twenty-five years from now we'll wonder why
14 they allowed this dumping to go on, why was NUCO
15 allowed to dig these holes in the ground in 1977
16 or '78 or '79. Why was CHEMTRO allowed to do
17 this essentially the same technology that Hooker
18 employed 25 years ago, the clay containment of a
19 hole in the ground? Why were they allowed to do
20 that today, May 3rd, 1979? Why did I pass seven
21 trucks on their way to CHEMTRO to dump stuff this
22 morning? You know, that's the question we'll
23 be asking ourselves in 25 years -- why was that
24 done?

25 And, you know, there's easy book answers,
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1
2 like as long as the politicians want to get
3 elected, as long as bureaucrats want to justify
4 their existence in Albany and the DEC -- there's
5 all those kinds of pat answers. But the real
6 answer lies in your men's minds. You have to
7 make the kind of decision that's going to effect
8 us and save us. It can't come from anywhere else
9 and it sadly takes tragedies to bring it out.

10 But I would encourage you to do everything
11 in your power to just start changing the laws.
12 If a chemical can't be contained, destroyed,
13 rendered inert, maybe we can live without it.
14 Maybe we can live without carbonless paper, maybe
15 we can live without fire retardents for our
16 children's clothing, trist, maybe we can live
17 without a lot of these chemicals that we read
18 about in the newspapers, the wonderful age of
19 plastics and those sort of things.

20 So I encourage you and implore you to use
21 your best wisdom and not to listen to economics
22 of Hooker, not to listen to "we can't do that,"
23 because it will destroy us. We won't destroy
24 nature, but nature will destroy us.

25 That's all. I won't take any more of your

1
2 time.

3 MR. GINSBERG: I want to thank you very
4 much, Mr. Tower, and also (unintelligible)

5 MR. TOWER: Sure, I have lots of time.

6 QUESTION: I would just say one thing, I
7 would hope to -- that you would convey this to
8 the federal legislators because we also believe
9 inasmuch as we have the responsibility and try
10 to honor it, that environment is a national
11 problem much more so than a State problem, and
12 that hopefully good environmental laws will be
13 national in scope and that every State will be
14 able to provide to its people the same protection
15 environmentally that the other states do, and
16 that will require national legislation. I assure
17 you we are digging into State legislation pretty
18 heavily and we do hope that some of it is going
19 to tickle Washington and force them also to come
20 up with a national solution, because certainly
21 it is a national solution that really is required
22 if you want to protect the environment as a whole.

23 A VOICE: I'd like to make a comment, and
24 Tom, I agree with you a hundred percent. Operation
25 Clean and your group that's fought for the past

1 seven years, you made your cry and I guess
2 no one's been listening to it. I'm sorry I
3 wasn't there four or five years ago. I think the
4 biggest problem right now is with SCA, DEC and
5 every one else has been too lax. They've allowed
6 the condition to get worse and worse and, you
7 know, one of the things that really upsets me is
8 that the industry which we're speaking of is a
9 multi-million dollar industry and it's easy for
10 a company to get fined when they are taking in
11 millions of dollars for the toxic waste and we
12 slap them with a \$5,000 fine. I know the
13 records have shown and I'm sure yourself and
14 others have shown a number of violations, and
15 this is one of the questions I addressed to
16 Dr. Axelrod and Commissioner Flack, was there
17 one method or any method by which they can assess
18 a fine which was comparable to the profit they
19 planned on making so that if a violator was
20 taking in something that would profit him say
21 \$50,000, you would assess him a \$25,000 fine.
22 If he was taking in something giving him
23 \$200,000 profit, it would be \$100,000 fine. A
24 \$5,000 fine when someone is making \$50,000,
25

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2 \$100,000 profit, is meaningless, and there's
3 been a number of problems and you are right, I
4 wish I could say to you that the last seven years
5 should not have happened or you could have done
6 something to prevent it from happening, but I
7 agree with you a hundred percent.

8 QUESTION: Does your property abound SCA
9 Services?

10 MR. TOWER: No, it doesn't.

11 QUESTION: Where is the (unintelligible)
12 Corporation, where is that located?

13 MR. TOWER: Well, what I referenced to is
14 property that in the mid-50s was owned and
15 operated, I may be a little confused -- Ola
16 Mathison operated some sort of high energy fuel
17 plant. I believe the land was always owned by
18 the United States government, I'm not sure. I
19 believe they leased the land to Ola Mathison, it
20 was a rocket fuel program kind of a thing, and
21 they disposed of their boron waste just by
22 dumping and boring wells and deep well injection
23 and just, you know, generally kind of an undeter-
24 mined way of getting rid of it. It's right
25 adjacent to CHEMTRO. It's immediately west and

1
2 north of CHEMTRO. It's the present site of the
3 Newport Industrial Park.

4 QUESTION: You mentioned before of deep
5 well --

6 MR. TOWER: That's hearsay that I have been
7 told. Right now I can't justify that.

8 QUESTION: Have you ever viewed the CHEMTRO
9 operation, you mentioned that you saw some
10 practices that you --

11 MR. TOWER: Yes.

12 QUESTION: You have been able to view them?

13 MR. TOWER: Yes, I spent a lot of time
14 climbing trees on the surrounding property, looking
15 in -- it sounds like a story out of a book, but
16 it's true -- flying over the place. The night
17 that the spill was running for four days, we
18 slept out near the -- a couple hundred yards to
19 see if they were going to -- see, this was from
20 a line that was supposed to have been plugged.
21 All of CHEMTRO is underlined by seven separate
22 sewer line systems, sanitary water, fresh water,
23 processed water, acid waste from when the CHEMTRO
24 site was an explosives plant during World War II,
25 the Lake Ontario Ordnance Works and very well

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2 engineered -- what used to be 45 years ago was so
3 much more -- even the older plants, I've seen
4 drawings of them and blueprints -- was so much
5 more sophisticated and well run than what is
6 there now. And they dug these land-fills and
7 lagoons right over the tops of all these sewer
8 lines and they'd break the sewer lines open and
9 they'd shovel the clay in it sometimes, some-
10 times they wouldn't.

11 We have evidence that the former operators
12 of CHEMTRO and SCA, the group that now runs NUCO
13 knew about it and in fact surreptitiously used
14 these lines which eventually end up in the River,
15 for a period of about two years, from maybe late
16 '72, early '73 to '75. The Town of Lewiston
17 blocked off the line where it passed through
18 their property, by the LuPort School, and all of
19 a sudden these liquid wastes started building up
20 on the CHEMTRO property and they had a problem.
21 Before that, no one knows exactly where the
22 liquid waste went. They were taking trucks and
23 trucks and they had no build-up of liquid waste.

24 QUESTION: (Unintelligible)

25 MR. TOWER: Well, the Lake Ontario Ordinance

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Works was a combination of several things. There was a TNT factory there. There was an uranium operation, part of the Manhattan project that existed on the southern edge of the Ordinance Works. I obviously wasn't around then to remember and I don't know if the Ola Mathison plant was operated directly in conjunction with the Lake Ontario Ordinance Works, or whatever. I don't know of what dumping there may have been by any of these companies. I know that they had a very sophisticated water treatment facility, Ola Mathison did, and had it when the Ordinance Works was there, too. More sophisticated than CHEMTRO has now.

Thank you very much for this hearing.

MR. GINSBERG: G. N. Richardson.

MR. RICHARDSON: Richardson is my name. I'm a graduate electric chemical engineer with over 40 years experience in the chemical industry.

I'm a resident and also a New York State licensed professional engineer.

I'm a resident of the Town of Porter and I wish to talk about the potential 900 acre Love Canal we have down there and the list of subjects

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2 mentioned in the notice of this meeting. I will
3 deal with four.

4 1. Available technology and proven methods
5 to handle hazardous wastes. That is, what alter-
6 natives are there to capping hazardous waste
7 sites. Is this a satisfactory solution?

8 2. Methods of funding clean-up and reclama-
9 tion of hazardous waste dump sites. That is,
10 should a tax or fee be imposed on generators of
11 hazardous waste.

12 3. Expansion of power of the State Commis-
13 sion of Health and Environmental Conservation to
14 deal with hazardous waste situations.

15 4. What can be done to prevent future
16 occurrences such as the Love Canal.

17 No. 1, present methods of capping hazardous
18 waste sites is not satisfactory. The regulation
19 of the New York State Department of Environmental
20 Conservation, known as DEC, NYCRR Part 360,
21 solid waste management facilities, Section 360.8
22 contain specifications which when translated into
23 nontechnical terms will allow 33,700 gallons per
24 acre per year to pass through the liner of the
25 land-fill, and 353 days to get to the water

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2 table from the liner. The initial allowable time
3 to penetrate the liner is 8.82 days. Now, those
4 are the specifications in technical terms that are
5 in the specification for the minimal.

6 These specifications, while wholly unsatis-
7 factory, completely ignore the fact that punctures
8 of the liners by dropping drums and other heavy
9 objects on them and not thoroughly removing sharp
10 stones when you are laying the liner, are inevit-
11 able.

12 The specifications also ignore the fact that
13 the soil around the liners is not uniform, always
14 having fissures and cracks in it. There is no
15 such thing as a quote secure land fill unquote.
16 The only materials that should be allowed in the
17 land-fills are completely inert and insoluble
18 solids, chemically similar to the natural minerals
19 of the soil.

20 The technology for getting inert materials
21 is available. Several installations are working
22 in Europe as was shown in the seminar held at the
23 University of Buffalo on February 23rd of this
24 year.

25 The final step involves the making of

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melted slags which when cooled may be buried anywhere or even used in road building and making up concrete.

Another source of wastes is the aqueous solution or suspension of innumerable materials in water. The water part is now given treatment in which the proposed allowable amounts discharged into the Niagara River when translated into nontechnical terms for the proposed SCA permit, will allow 48,000 tons per year of salt and 308 tons of poisonous materials of which 38 tons are very poisonous.

The argument has been raised that these figures on a 2,000,000 gallon per day discharge are diluted by the river flow at a ratio of 65,000 to 1. This would be so only if the end of the discharge line were out in the middle of the River.

The DEC has maps showing that myrex discharged at Niagara Falls hugs the bank along the River and south shores of Lake Ontario and is nowhere diluted to the full theoretical amount.

A similar pattern was found in the late
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2 1800s and early 1900s before Buffalo put in its
3 sewage treatment plant. The sewage trickles
4 along the bank of the River and along the south
5 shore of the Lake being found as far away as
6 Lindenville, 25 miles east of the mouth of the
7 River.

8 The 48,000 tons of salt per year and the
9 proposed discharge which is 80 times as much as
10 the Town of Porter uses on its roads each winter.
11 If recycled, it would furnish much of Niagara
12 County's road salting needs. All of the proposed
13 discharge would go into the River immediately
14 whereas it is a question of how much road salt
15 gets into the River.

16 Technology for avoiding this discharge are
17 available. The contaminated water can be dis-
18 tilled and after aeration can be discharged
19 harmlessly into the River or any handy creek.
20 The residues from distillation can be recycled
21 ending up as harmless slags and flue gases.

22 Another source of danger is the dumping of
23 toxic organic compounds of which the well-known
24 polychlorinated biphenyls, pcb's, are a large
25 part. The extremely poisonous dioxins are a

1
2 constituent of many of these wastes. They may
3 be completely destroyed by high temperature
4 burning called incineration. The chlorine and
5 hydrochloric acids so produced can be caught and
6 recycled and any small amounts of solid contami-
7 nants caught and recycled to the slag part of the
8 process.

9 To those who say that such treatments are
10 too expensive, I say that in view of the Love
11 Canal and Bloody Run situations and thousands of
12 other dumps around the country yet to surface,
13 if your house is on fire or you see someone dying,
14 you don't stop to figure out any cost benefit
15 ratio before acting.

16 Of No. 2, the funding of the cleanup and
17 reclamations necessary to be charged to the
18 generators that can be proved to have made the
19 dumps into any particular site. If these gener-
20 ators cannot be found, it is obviously a govern-
21 mental -- preferably a federal -- affair.

22 Items 3 and 4 can be handled by strict laws
23 on the federal level so that any one locality
24 would not attract all the dumps. The laws should
25 mandate complete treatment as outlined above.

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2 The technologies for the treatment of
3 present waste sites would be the same as those
4 proposed above with the additional step of digging
5 up the contaminated soil, leaching the contami-
6 nants out and respreading the soil. The leaching
7 would be done with a combination of water, steam
8 and organic solvents. The leachate would go on
9 to the treatment plant. Analyses would be made
10 to see what unleachable poisons were present and
11 the sit would be managed according to what was
12 found.

13 I was very much please this morning to
14 hear about proposed legislation on complete
15 treatment. I've been hollering about it for
16 years but I didn't know that it had gotten far
17 enough so they would propose legislation and I
18 was very much pleased to hear that.

19 MR. GINSBERG: Thank you very much,
20 Mr. Richardson on your excellent testimony. I
21 would like to clarify a few things if I could.

22 You're referring to those portions of the
23 Regulation 360 that apply to hazardous waste
24 dumps, is that correct?

25 MR. RICHARDSON: That's right.
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2 QUESTION: We've heard testimony that there
3 is no such thing as a non-hazardous waste dump
4 even in the average municipal land-fill, one
5 cannot keep out hazardous materials, do you agree
6 with that?

7 MR. RICHARDSON: Well, in the old days before
8 the chemical industry became so large and impor-
9 tant, the so-called domestic wastes could be
10 called non-hazardous in the sense that they are
11 bio-degradable, if you don't pile them up in one
12 lump, spread them out reasonably thinly, the
13 processes of nature would take care of it. How-
14 ever, most of the toxic chemical wastes from the
15 chemical industries are non bio-degraded. They
16 have heart lives, well, for all practical
17 purposes forever, and the only way to treat them
18 is to destroy them by chemical reactions. There
19 are several types of chemical reactions, one of
20 which is this high temperature incineration that
21 has been mentioned and one of these gentlemen
22 over here this morning asked about using oxygen.
23 It's a perfectly feasible way, it's expensive
24 to be sure, but it's a perfectly feasible way to
25 destroy any organic material, and if it's a

1 chlorinated material, chlorinated organic, then
2 you will get either chlorine or hydrochloric
3 acid as part of the gases of combustion. But no
4 incinerator should be operated without a scrubber
5 for the flue gases and all toxic poisons for
6 polluting ingredients of the flue gases to be
7 scrubbed out and either recycled or destroyed in
8 themselves, and leaving nothing in the flue gases
9 but carbon dioxide and water vapor. Water vapor
10 is presumably harmless except when you get a
11 thunder shower or something like that. Carbon
12 dioxide is suspect in a long-term viewpoint,
13 because of the so-called greenhouse effect if
14 the concentration of carbon dioxide in the atmos-
15 phere gets too great, then the climate will become
16 tropical, the temperature will increase. That,
17 however, is something which I think can be left
18 to future generations in contradistinction to
19 these toxic wastes which are dumped which cannot
20 be left to future generations.
21

22 But, for instance, carbon dioxide, the
23 Humphrey station in Buffalo, the power station
24 in Buffalo, turns loose 40,000 tons of carbon
25 dioxide every day and nobody seems to worry

1
2 about it, but that is a real long-term affair.
3 So for all practical purposes I'd say that the
4 carbon dioxide from any incinerator, providing
5 it's not accompanied by either carbon monoxide
6 or other materials, is harmless and can be left
7 to future generations.

8 QUESTION: Mr. Richardson, I'd just like to
9 say that I'm delighted that you are pleased with
10 the plan and you can take as much credit for it
11 as any legislator because if it wasn't for my
12 conversation with you and other people in your
13 organization that really gave birth to the idea.
14 So I congratulate and thank you, sir.

15 MR. RICHARDSON: I feel very much pleased
16 with that.

17 MR. GINSBERG: Thank you very much,
18 Mr. Richardson, we appreciate your testimony.

19 MR. RICHARDSON: I was very glad to shoot
20 off my mouth.

21 MR. GINSBERG: Donna Ogg, Town of Lewiston
22 Environmental Commission.

23 Can we clarify something, we have some
24 testimony from Mr. _____.

25 MS. OGG: Yes, I would request that that be
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1 placed in the record. He was unable to be here.

2
3 MS. OGG: I am on the Town of Lewiston
4 Environmental Commission. But today I'm represen-
5 ting the Ecumenical Task Force to address the
6 Love Canal disaster.

7 Since the hour is getting late and you have
8 copies of my statement, I will simply indicate
9 that what I am asking for in this statement is
10 that the legislators and the administrative
11 branch of our State government move with immedi-
12 acy and with all speed to address the problems
13 that the people in the Love Canal area, who are
14 still unable to move, are facing.

15 Thank you.

16 QUESTION: Just one question. I read
17 recently that the Town of Lewiston voted 3 to 2
18 to add another dump site in the area. I was
19 wondering, with all the problems we have in
20 Niagara County, how you, since you represent the
21 Town of Lewiston and your other capacity, feel
22 about another dump site being built fairly close
23 to the SCA which we have been really concerned
24 about in the last seven years.

25 Ms. Ogg: I question the wisdom of that. I

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2 was not on the Environmental Commission at the
3 time that it was done, and the Environmental
4 Commission, I believe, also questioned the wisdom
5 of establishing that new dump site, but it was
6 done anyhow.

7 QUESTION: Are you, or your organization,
8 planning to oppose this in any fashion or --

9 MS. OGG: You mean so far as the Environ-
10 mental Commission is concerned?

11 QUESTION: My question is really this, I
12 mean, since (unintelligible) the time to try and
13 prevent something that you may not wish in the
14 future is really today.

15 MS. OGG: We will make a statement as we are
16 able. However, I understand that Mr. Bartlomay
17 (phonetic spelling) on the evening when the Town
18 Board voted 3 to 2, to permit this additional
19 dump site, advised the members of the Town Board
20 that the granting of permission to continue with
21 his permit application was as good as saying yes
22 to him.

23 QUESTION: I'm in the middle here in my
24 own town. I don't know what's going on. I
25 thought only the State could grant permission

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2 for hazardous waste.

3 MS. OGG: This is not listed as hazardous
4 waste, Senator Daly.

5 QUESTION: Oh, I see, it's solid --

6 MS. OGG: It's supposed to be a, you know,
7 garbage dump.

8 QUESTION: It's supposed to be able to accept
9 industrial waste?

10 MS. OGG: Certain industrial wastes that are
11 non-toxic in nature, I believe, yes.

12 QUESTION: Isn't that how we got in trouble
13 before?

14 MS. OGG: Of course.

15 QUESTION: Waste that was supposed to be
16 non-toxic in nature?

17 MS. OGG: Yes, but we understand that the
18 Town Board ultimately must give the final answer,
19 to answer Mr. Daly's question, and since this is
20 so, Mr. Bartlomay may advise them that their
21 original vote was probably the same as the final
22 thing, yes.

23 QUESTION: This is not a hazardous waste
24 dump?

25 MS. OGG: This is not a hazardous waste

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dump.

QUESTION: For the State DEC.

MS. OGG: No, right.

MR. GINSBERG: Thank you very much.

MS. OGG: Thank you.

MR. GINSBERG: At this time I would like to give the legislators and the Task Force copies of the testimony of _____ Dunbar, who asked that he be introduced later but was unable to remain.

The next witness is Lawrence Kew, Operation Clean.

MR. KEW: My name is Lawrence Kew. I live in the Village of Youngstown, in the Town of Porter. I'm a member of Operation Clean and also the Village of Youngstown Environmental Commission.

I wrote my testimony for the previous one and I addressed it to the members of the Task Force on toxic substance and chemical waste. I did not mean to leave out the legislators, but what I was driving at, I thought perhaps the Task Force could do immediately and that's my approach, an immediate solution to at least part

1
2 of the problem.

3 Today, there will be many suggestions on
4 the long-run solutions to our problems you
5 were kind to solve. Therefore I wish to ask you
6 to consider two immediate ways to stop or
7 properly control these wastes until legislation
8 such as complete treatment, can be approved and
9 enforced.

10 Number one would be to stop all waste being
11 buried for at least a year in the State of New
12 York, or, number two, immediately change the law
13 concerning all permits for land-fill companies
14 and to deny any new ones until the following can
15 be implemented.

16 a. Charge such land-fill companies at the
17 time the permit is issued, to cover the cost of
18 a full-time DEC qualified engineer to monitor the
19 facility around the clock, seven days a week,
20 completely, as follows:

21 1. To take samples and then test them
22 in the operator's laboratory.

23 2. Check manifest against all toxic
24 waste received.

25 3. See that charts are kept and turned

1
2 over to DEC daily of all chemicals put into a
3 land-fill.

4 4. Shut down immediately either active waste
5 discharge or land-fill operations if any violation
6 of the permit or permits happen.

7 5. Regional directors should rotate the
8 personnel of land-fill companies to avoid fami-
9 liarity.

10 6. Fines for violations should be imposed
11 whether accidental or not and start at a minimum
12 of \$1,000 . . .

13 (End of side)

14 . . . residents in the area in which the
15 land-fill is located.

16 Letting these companies monitor themselves,
17 as is now the case, is ridiculous and it must
18 be stopped at once.

19 Thank you.

20 MR. GINSBERG: Thank you very much.

21 Jo Ann Hall, Love Canal Homeowners.

22 MS. HALL: Gentlemen, first I'd like to
23 point out that we the people are paying baby-
24 sitters for this, and it should have been known
25 that Hooker was going to speak for almost three

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hours.

I would like to give you my personal experiences that happened at the Love Canal.

I'm an ex-president and one of the very first meetings that I attended, I attended out of curiosity, not knowing at that time a small community would make history.

My husband, myself and my child lived here for over two and a half years. We conceived our second child there.

The first meeting I went to was a briefing of the clean up work to be done. At this time the county, the State, the federal government were not really sure what was buried there, but they did say they would clean it up.

I listened to experts speak on how they were going to dig a trench and make it safe and reopen the school, but little did they know that they would uncover a time bomb.

The State Health Department came door to door, passing out health surveys, but they did not explain some of the questions or really tell us what they were for.

The next day I went to the school to ask

1
2 questions and find out about blood tests to be
3 done on area residents. I was pregnant. I
4 walked into the school, a woman approached me,
5 asked for me to meet Dr. ~~Biana~~. Here the girl
6 asked me if I was going to breast-feed my
7 child. I said I was not sure but I was thinking
8 about it and they recommended me not to.

9 At that time I realized my family was --
10 a situation dangerous to our health. I stood
11 by for about an hour and gave blood, five vials
12 they took. They said they would send the
13 results to my doctor.

14 After seven weeks, my doctor got the
15 results. One of the liver function tests was
16 elevated. Some of the other vials of blood
17 spoiled. My doctor recommended me to go to a
18 hospital lab and have the tests redone. These
19 liver function tests were even elevated more.
20 I was concerned because if the chemicals affected
21 me, what about my unborn.

22 At that time I called the State Health
23 Department in Albany, and asked them if there
24 were tests or anything that could be done to
25 test my unborn child. The answer was a simple no.

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I asked my doctor the same question again. No. No tests, no one to test the toxic effects on an unborn child.

At another time the State Health Department had another meeting. At this meeting I asked Dr. Biana if my unborn child could be tested after birth. His answer to me was quote it is your responsibility unquote.

My husband had his blood tests taken, the tests were lost in the mail. He went after that and after many pressuring phone calls, we got the results.

I feel the State Department did the job irresponsibly and very unhuman. They could have saved the State a lot of money if this was the concern by going to private hospitals and having this done individually. Not only would they have saved money, but the tests would have been more accurate and the tests would not have spoiled.

On August 2nd, the State Health Commissioner finally advised the small children and pregnant women be removed from the area. Most people that were affected by this recommendation got a telephone call the night before. I did not. I

1 read it in the newspaper the next day. The
2 Health Department notified the families except
3 for mine, as I said. But within a few days we
4 were living in a motel room, which I had a 3-year
5 old child. Then we were moved into military
6 housing and thereafter the State had bought our
7 home acquired by UCC and so on, at a so-called
8 fair market value price in a 5-minute appraisal.
9

10 I feel the State, the county and the federal
11 governments should have set up a center to ask
12 our questions with respect to these chemicals
13 and including our emotional stress that we went
14 through as individuals.

15 If you would have seen the way that we acted
16 towards our families at this time and at the
17 time of these other residents, are now acting
18 towards their families, you would understand why.

19 I feel that the money is so far put ahead
20 of this human life that their defense means
21 nothing. People are still in their situation
22 and money should not be the discussion.

23 I would also like to add, that yes, my child
24 was born with a birth abnormalty and now is just
25 another statistic of Love Canal.

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1
2 Thank you.

3 MR. GINSBERG: Mrs. Hall, I want to thank
4 you for your talk. I do understand the sacri-
5 fice that people are making (unintelligible).

6 Paul Moore?

7 MR. MOORE: You have copies of my statement
8 that I provided for you.

9 I am calling in to question the adequacy
10 of present local, State and federal government
11 response to hazardous waste emergency. I
12 represent the Ecumenical Task Force to address
13 the Love Canal disaster as its Chairman. The
14 Task Force, embracing 15 denominations, is
15 composed of Roman Catholics, Protestants, Jews
16 and Unitarians, representing in western New York
17 a combined membership of more than one million.

18 I speak as a Christian charged by God in
19 the scriptures with cultural mandate to be a
20 careful, meek and responsible steward of this
21 good earth, which in the beginning came from the
22 hand of the Creator, pure and fresh and clean,
23 a lovely living thing of exquisite beauty, a
24 magnificent habitat fitted by ingenious design
25 for God's highest creation, the human family, to

1
2 live, move, have their being and in cooperation
3 with their Creator fashion its social order
4 grounded in justice.

5 Therefore, as a creature made in the image
6 of God and charged with the responsibility for
7 the protection of the earth, I am not to pollute
8 its waters, I am not to defoul the air, I am not
9 to defile the land.

10 And when I find others corrupting our common
11 environment, I am commanded by God to challenge
12 the injustice of such cruel, irresponsible and
13 arrogant behavior. I speak for the earth. A
14 loving mother who gave us birth and faithfully
15 sustains us, I speak for her because she cannot
16 speak for herself when, as a vulnerable woman,
17 she is ravaged and raped by brutal exploiters and
18 profit-takers and then discarded as a worthless
19 bent thing, wounded and sore, it becomes my duty to
20 stoop to her weakness, bind her wounds and heal
21 her hurt.

22 I speak for the earth because wholesale
23 pollution of the air, water and land goes on,
24 oftentimes unchecked and unprotested, by local,
25 State and federal government officials.

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Therefore, as a representative of the religious community, I call upon our officials charged with the responsibility for protecting our social and physical living space, to be better caretakers of our common environment.

I am instructed also by the Scriptures regarding my pastoral responsibility towards those of my fellow creatures who suffer in distress.

Thus I am commanded to feed the hungry, clothe the naked, preach good news to the poor, comfort those who mourn, seek justice for the oppressed, and rescue the weak and helpless when exploited by the strong and powerful.

I speak particularly for those residents in the Love Canal area who still remain after the initial evacuation of the casualties of chemical contamination. I speak for those who still live in houses contaminated by chemicals.

I speak for those who still suffer from a variety of health problems.

I speak for those families whose children have been ordered by the State of New York not to enter the basement of their homes or play in

1
2 their backyards.

3 I speak for those who face financial loss
4 whose houses are unsaleable.

5 I speak for those whose social environment
6 is sadly disrupted, whose family harmony is
7 threatened by severe domestic tension.

8 I speak for those who suffer loss of
9 community, who feel cut off and isolated from a
10 larger more ordered society.

11 I speak for these particular residents of
12 Love Canal, because the federal government has
13 turned a deaf ear to their cry.

14 I speak for them because the State of New
15 York, while it has spoke to their concern, it has
16 spoken unevenly by offering a partial solution
17 that is unimaginative, devisive, restrictive and
18 wholly inadequate.

19 I speak for them because the City of Niagara
20 Falls has declared itself financially unable to
21 render them support.

22 I speak for them because the chemical
23 corporation responsible for that poison place
24 has declared itself free of any legal respon-
25 sibility to do anything for those who may suffer

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1
2 as a result of buried but migrating hazardous
3 waste.

4 Citizens deserve the right to breathe safe,
5 clean air. The right to drink safe, pure water.
6 The right to safe, environmentally clean housing.
7 The right to a safe, clean environment in which
8 to work.

9 When citizens are denied these basic rights
10 of man and nature, then the government officials,
11 local, State and federal should be called upon to
12 assume their full responsibility in assuring
13 that these basic rights for all its citizens are
14 guaranteed.

15 These basic rights have been denied to those
16 particular persons living in Love Canal.

17 Therefore, I call upon local, State and
18 federal governments to respond to the predicament
19 of all those citizens in Love Canal who live in
20 immediate danger. I call for their immediate
21 relocation to a safe, clean environment.

22 That concludes my report.

23 MR. GINSBERG: Thank you, Dr. Moore.

24 Debra Cerrillo?

25 MS. CERRILLO: Thank you.

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First of all, good morning, good afternoon and good evening.

I am Debra Cerrillo, former resident of the Love Canal tragedy.

I would like to tell you my feelings to present local, federal response to the hazardous waste.

First of all, I would like to tell you of my involvement in the Love Canal. I lived there for approximately nine years. I was drawn to the area because of its nearness to schools and shopping centers, and also the realtor who sold me the home, had no mention of a chemical waste dump site.

If proper mention of the dump by local municipalities was given, surely no one would have moved in the area. They knew of the dump and they allowed residents to build 30 feet off the edge of the canal, knowing full well the clay cap was disturbed as far back as 1953 when the school was built, also knowing at that time, injuring children as far back as 1954.

Local officials were told of the mishap and chose to ignore it completely. Also they had to

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know the severity of the problem when they began building the school and had to stop and vote on moving the school over 80 feet because of noxious fumes and chemicals surfacing and jeopardizing the health of the construction workers who were building the school.

Complaints of this matter were continually brought to the attention of our City fathers. Children burning their hands and feet, and for an example, dogs and cats dying of unknown causes.

The inadequacy of the Health Department in not telling the residents of the Love Canal the severity of the problem.

In 1976 Calstan (phonetic spelling) brought in to study the complaints of residents to the City. Our dear mayor was given the results of those studies and did absolutely nothing. The results of their studies were appalling. Eleven known animal carcinogens and two human cancer causing chemicals. Absolutely nothing was done as far as the resident or citizen could see or hear about.

Until there was a citizen pressure group
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1
2 formed, I don't believe anything would have been
3 done until much later. City officials fought us
4 all the way.

5 First, they wouldn't consider it a health
6 hazard. A child with increasing worse health
7 problems going to a school that they said it is
8 not proven and it is out of the question removing
9 that child from that school, knowing full well it
10 was built on a chemical dump.

11 When those kids and myself went to Albany
12 on August 3rd, bearing 160 signatures, backing our
13 plea to close the school, we had no input in that
14 meeting deciding on our lives.

15 Apparently Commissioner Whelan had done a
16 little homework the evening before. An order for
17 pregnant women and children under 2 be immediately
18 removed from that area.

19 And also they planned to close the school,
20 putting a snow fence to prevent the children
21 from playing on that playground in the center of
22 the canal.

23 One good thing they never did is open the
24 school again.

25 I feel the City of Niagara Falls, the mayor,
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1
2 the health officials played down a major tragedy.

3 As for the State, I believe they did a
4 decent job for stepping in and overseeing the
5 work of Niagara County.

6 The first blood testing was taken in June.
7 Of course I was the fourth in line. I personally
8 didn't have to stand in 90 degree weather for
9 hours and have my blood test, finding out that
10 they had run out of needles, or when I got to the
11 front of the line, they had run out of needles, or
12 finding out later that the blood was spoiled from
13 standing around in all that heat.

14 Many residents became anxious and suffered
15 heat exhaustion, standing outside of trucks for
16 that testing. I believe appointments for certain
17 hours in testing could have been in order.

18 Also, they handed me a 22-page health survey
19 that covered most every part of my body, with the
20 exception of my children. There was no survey
21 provided for my child. They said that we should
22 use the other side if we had any medical informa-
23 tion to offer on our children.

24 They said adults were most important at that
25 time. No personal contacts were made for the

1
2 residents to explain the content of that question-
3 naire. Some residents were unable to understand
4 the surveys, or frightened enough not to share
5 their private information with them. Some type
6 or reassurance should have been in order not to
7 alarm them.

8 The Homeowners Association did a personal,
9 one-to-one survey along with Dr. Pagan and I am
10 sure with a more personal basis we got more
11 results.

12 I've been bounced from pillar to post
13 through all of this. First, I was told to go to
14 the Health Department, which in turn they told me
15 to go to the Department of Transportation, they'll
16 refer you to a physician and so on. It was very
17 confusing and I was shuffled in the multitude.

18 Then dealing with State officials. We
19 finally got recognized as the united group of
20 homeowners. They agreed to meet with the elected
21 officials of our association. I myself, being
22 vice-president of the Homeowners Association,
23 I've been inside those closed door working
24 meetings. We discussed particular matters and
25 come to some type of final decision. The doors

1
2 are open to the public and the press and they
3 turn the story around and give a release of us
4 being unreasonable or come to no conclusion.

5 First, the closing of the school. Then the
6 first ring of homes and then later the second
7 ring of homes and then a 7-month stalemate.
8 The February 8th decision of outside ring 1 and 2,
9 pregnant women and children under the age of 2
10 be removed. They removed our indicator, just like
11 the canary again, from the coal mines. Now the
12 indicator or its fetus cannot indicate the
13 severity of the problem in a lesser stage. No
14 more to be removed. Stay there and suffer the
15 ill effects of exposure to toxic chemicals.

16 They say we cannot connect the illness to
17 the chemical exposure. We have mapped out with
18 the New York State Department's swell theory,
19 and our overlay maps and health problems cluster
20 on those swells.

21 More and more studies will be done, says the
22 State. Use them as the demonstration project, or
23 guinea pigs. We're humans and I believe we've
24 been forgotten of that fact.

25 I tell you of the inadequacy of the State.
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2 They took care of me. I'm from the first ring of
3 homes, but they have failed to address the
4 problems of my friends and neighbors left behind.
5 The problems the city officials, the commissioners
6 and the doctors, the so-called blue ribbon panel,
7 the Governor, do not see it for what it really is,
8 a chemical disaster.

9 People should not have to pay the polluter's
10 profit. The fault should lie with the polluters.
11 Make them pay. We have to turn to the State for
12 immediate help who can recoup our loss through
13 our money lawsuits.

14 First should come the citizens in their help.

15 Second should be who will pay. Human lives
16 cannot be used as guinea pigs until such time
17 beyond a shadow of a doubt they should be removed
18 from a chemically contaminated area.

19 The reading that the New York State department
20 took I hold as useless. Why? Because the reading
21 in my basement was zero, undetectable, while
22 about three weeks ago they got a dioxin soil sample
23 from my front and back yards.

24 Twenty parts to a billion. How could this be
25 possible, when my area reading was just a zero.

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2 The air readings were only checked for seven
3 chemicals. At last count there was over 207
4 chemicals buried there.

5 As to the federal government, they have
6 proposed \$4,000,000 for cleanup and that for
7 cleanup only and not for the removal of more
8 people from the contaminated area.

9 The federal government has a moral obligation
10 to step in and evacuate people from the west side
11 of 93rd to the east side of 103rd. Brookhalt's
12 Creek to Buffalo Avenue. Human lives are at stake.
13 Government at all levels must put this disaster at
14 first priority.

15 Thank you.

16 MR. GINSBERG: Thank you. We're sorry you've
17 waited so long (unintelligible) do you want to
18 submit a copy --

19 MS. CERRILLO: Certainly, I have several
20 copies.

21 MR. GINSBERG: I'd like to take a moment.
22 We have copies of _____ statement which
23 I'm going to distribute.

24 We have copies of other statements of people
25 who had to leave that will be distributed.

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1 Is Laurie Nowak here?

2
3 MS. NOWAK: Hello. My name is Laurie
4 Nowak. I've lived in the City of Niagara Falls
5 my entire life. I used to love my City, my State.
6 I hate them now.

7 My family, my parents, one sister and one
8 brother, moved to 101st in LaSalle, a suburb of
9 the City, now known as the Love Canal, when I was
10 8 years old.

11 After my family moved into our new home, we
12 were all relatively healthy, save for a cold or a
13 flu virus occasionally.

14 About three years later I began having
15 menstrual periods. They were never regular and
16 are still abnormal. Severe cramping always came
17 with it to a point of being bedridden.

18 A year after that my younger sister began
19 suffering with the same. My mother who suffers
20 from migrain headaches has become increasingly
21 worse as time goes on. She has been hospitalized
22 several times. There is nothing she can do to
23 prevent them from coming. They last usually from
24 an 8 to 24 hour period.

25 When I was about 12 years of age, I at that
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2 experienced an intense burning pain on urination.
3 When I phoned my doctor and explained my symptoms
4 my doctor seemed surprised, taken aback with my
5 words. He said what my symptoms indicated was
6 that I had a severe bladder and kidney urinary
7 tract infection, most commonly known in married
8 and sexually active women.

9 I explained, but I'm not sexually active. He
10 then stated he'd send medication and again claimed
11 it a rare happening.

12 Several years later my sister experienced what
13 I had. We still suffer these.

14 About that time I became extremely ill. I
15 began having awful chest pains. It tooks weeks
16 of suffering and worried for being diagnosed as
17 a nervous disorder. I was given tranquilizers.
18 I still take them as needed.

19 Two years later a family member tried to
20 commit suicide. Again a few years later. At
21 13 years old my scalp hair began falling out.
22 My hair had to be cut very short and I wore a
23 wig for six months. Four and a half years later
24 I was married. After leaving that house, my
25 brother, four years younger than myself, became

1
2 allergic to the heat in the house. My dad began
3 suffering hearing loss and nosebleeds. My mom's
4 headaches increased.

5 My female problems followed me where I went,
6 a few blocks away, for I had two miscarriages
7 after my son was born and I had a spontaneous
8 abortion in my present home, totalling the child
9 loss to three. But my nerves calmed down dras-
10 tically. My son was born with a facial muscular
11 disorder and stomach problems, all birth defects.

12 Three years after leaving the area we were
13 back, unknown to us that I as a young girl had
14 been chemically contaminated by living in that
15 area. We moved into a home I loved, a neighbor-
16 hood I knew and we were very happy. We had so
17 many plans for our new home. It was our first.

18 Our dream became a nightmare. My husband
19 felt sinus problems, constant upset stomachs,
20 poor circulation among other things. I became
21 asthmatic on top of all my other problems and
22 suffer allergic reactions along with the asthma
23 attacks.

24 Our son suffers extremely painful leg cramps
25 and his stomach bothers him more than ever. He

1
2 takes medication. I have cortizone treatments.
3 I could go on and on. It would take hours.

4 My most recent upset is that since it is
5 unsafe to have another child in this area, what
6 do we do? The State Health Department says
7 we're safe, but don't have any more children,
8 don't grow a garden, don't go in your contaminated
9 rooms in your home.

10 Our son is lonely, he has no one. When his
11 friends go home, he asks for a new brother often.
12 What can we tell him? We used to be able to say
13 we will one day, Joseph. Now we can't even do
14 that.

15 He cried when our friend's baby went home
16 one day -- pardon me (crying) -- he wanted her to
17 live with us. My arms ache to hold another child
18 of my own. I'm sure that will never be. The
19 State has been playing with our lives. They give
20 us hope and then they knock us down. They use us
21 as pincushions for blood tests and have us fill
22 out house surveys they conveniently misplace.

23 We are being pacified. We know this. We are
24 wise to them. We know we're in danger. We live
25 here. We feel the illnesses.

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2 Our home has a 433 tyelene (phonetic spel-
3 ling) level in it. It jumped 408 points higher
4 than the first reading the second time around.

5 We shouldn't have to live in that. We
6 shouldn't have a reading at all. Tyelene is
7 known to aggravate respiratory problems. This
8 explains my asthmatic condition, don't you think?

9 Hooker Chemical should be held responsible
10 for standing by and watching homes being built
11 on a chemical time bomb in the Love Canal. They
12 should be made to clean up each and every one of
13 their dump sites, whatever the cost. There
14 should be government laws to build high heat
15 incineration machines at all plants, regardless
16 of their cost. It will not only save human lives
17 on which there is no price on, it will be
18 beneficial to our safe and clean environment.

19 As former dump sites are discovered, they
20 should be evacuated first and cleaned off as
21 well as can be and should be uninhabited by
22 human beings.

23 Let's hope there will be no other such
24 sites, but if there are present and future sites,
25 they should put up strict regulations, the U.S.

1
2 government to protect anyone, again no matter
3 what the cost. If not by government, it should
4 be mandatory for the chemical corporations which
5 should rather pay now or later. Our government
6 does have money. Later on you not only will have
7 to pay highly for cleanup efforts but perhaps
8 some lives. Some could be your own loved ones.

9 What would our future generation think of
10 our so-called great nation if we destroy it for
11 them.

12 Our country is in serious trouble. We're
13 killing our own kind. The ABC document, "The
14 Killing Ground," hits the nail right on the head.
15 We should all be grateful to them and people like
16 Dr. Beverly Pagan for bringing this matter to
17 public attention.

18 I strongly urge anyone who has not seen the
19 film, "The China Syndrome" to do so. The impact
20 is so great and not so hard to imagine any more.

21 Our children talk of being sick and our
22 chemicals hurting us and of death, at their tender
23 ages. We cannot protect them. We try to hide it,
24 to shelter them, but they know. They know more
25 themselves than the State will admit to. If the

1
2 State thinks it's so safe, why have children
3 under 2 and pregnant women been moved out. Do
4 you really believe that it's unsafe for them and
5 safe for my 3-year old son? This isn't normal in
6 an average community, is it?

7 My husband is waiting for a fourth blood
8 test result. Three were abnormal. Why? Is he
9 very ill or is it another one of hundreds of
10 incompetent actions taken by the New York State
11 Health Department.

12 The State and local governments claim they
13 have never dealt with a disaster of this kind.
14 Therefore, they did not know how to handle it.
15 It seems to me that any child should be able to
16 figure out that a situation such as this, complete
17 and total evacuation should take place.

18 I personally think it can never be properly
19 cleaned up.

20 What about the United States Government. Our
21 President gives millions of our taxpayers' dollars
22 for other countries. Why not our own? We are
23 in greater need. Our lives are at stake.

24 Move us out or you'll never hear the end of
25 us. Do you think it would be best to move us out

1
2 and get us out of the press.

3 If the community can get back it's complexion
4 as one State man put it, you have other people who
5 may want to live here. Let those who wish to
6 leave, go. We don't want to be jailed any more
7 than you would want to.

8 And last but definitely not least, give us,
9 the people of Love Canal, a new faith in our
10 nation. We've been so disillusioned. Save us
11 from untimely deaths. I don't want to have to
12 cry any more and be reminded of the babies I have
13 lost. I know I will never be able to forget.

14 Think, gentlemen, of what your daughters and
15 granddaughters would feel. I wonder if I will
16 ever be a mother again and experience that
17 ultimate joy. Give my son a chance to have his
18 baby brother.

19 Thank you.

20 MR. GINSBERG: I feel it's hard for me to
21 understand how painful and difficult (unintel-
22 ligable) It's helpful and we appreciate it.

23 MS. NOWAK: Thank you. I also have with
24 me a note from my family doctor -- not from my
25 family doctor -- my gynecologist who advised --

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1
2 and I'll read it for you.

3 "Mrs. Laurie Nowak is presently under my
4 care. She is contemplating pregnancy and in
5 view of known facts where she resides it would
6 be desirable for her to be relocated prior to
7 conception. R. J. Perez."

8 I'll be happy to have copies made of this
9 for you.

10 MR. GINSBERG: We'd appreciate that very
11 much.

12 MS. NOWAK: Thank you.

13 MR. GINSBERG: I'd like to have a moment
14 to have that testimony that was left by _____
15 put in.

16 Nora Preuster?

17 MS. PREUSTER: Thank you, Doctor, I didn't
18 think I was going to last much longer.

19 As you have my statement in front of you,
20 I'm going to skip very quickly through this.

21 My name is Nora Preuster. I live in the
22 Senior Citizen area of the LaSalle Development,
23 and as a retired nurse, I have a great deal of
24 experience with senior citizens, either with
25 hospital or nursing home patients. I now do

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1
2 volunteer work with seniors, not only in the
3 housing area but also at the LaSalle neighborhood
4 facility.

5 In August and September of 1978, I did the
6 first survey as a volunteer worker for the Red
7 Cross through the senior citizen area of the
8 LaSalle development. I was appalled at the
9 general deterioration and the illnesses and
10 disorders which I found.

11 I would like to point out, when I say senior
12 citizen housing, it does not necessarily mean
13 people up in their 80s. In a federal housing
14 project you may be admitted at almost any age if
15 you are on disability. I do not believe that
16 applies to State housing.

17 I'm not going to go through all the symptoms
18 and the burdens which you have in front of you,
19 but I would like to add a few statements.

20 People living in the garden apartments have
21 been bitterly criticized by some on the grounds
22 that as tenants or renters they are free to move.
23 This is not necessarily so. This is a low-income
24 or fixed-income group. They do not have the
25 money to move or to go any place, and a lot of

1
2 them do not have the money now to provide
3 medical necessities for themselves and also buy
4 food.

5 I would like to call your attention that
6 approximately February 15th, 1979, I called
7 the State Health Department at 99th Street School
8 to see if they would test my apartment and I was
9 informed by a young woman that the State had
10 wasted so many thousands of dollars testing in
11 that area and that they refused to do any more
12 tests of any kind.

13 I would like to say, also, I do not believe
14 a person is living outside the contaminated
15 area has any idea of just how difficult life has
16 become for the concerned resident. Okay? And
17 I would like to ask a question which I have not
18 heard mentioned in any meeting -- what happened
19 to the quicksand areas which used to be through
20 the LaSalle Development in the old Griffin Manor
21 and extended as far as 103rd Street. I haven't
22 heard any mention of quicksand, and I would just
23 like to know where quicksand goes.

24 I would also like to, for the record, state
25 that I have submitted the statement of Loretta
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1
2 Gambino who was not able to be present today.

3 Thank you.

4 MR. GINSBERG: I have a statement from C. W.
5 Schonehart, and I will give you copies.

6 I have a statement from Michael O'Loughlin.

7 I have a statement from Ann Phillips.

8 I have a statement from C. E. Solomon.

9 Marie Pozniak.

10 MS. POZNIAK: My name is Marie Pozniak, and
11 I reside with my family on Colwin Boulevard, the
12 Love Canal area of Niagara Falls, New York. I
13 live two houses from the last boarded up house
14 on Colwin and I have lived there for the last
15 eight years.

16 The last year has been one filled with con-
17 fusion and stress, due to the mishandling of the
18 situation.

19 I would like to address the issue of what
20 can be done to prevent further occurrences such
21 as the Love Canal. However, I would like to
22 express the necessity to identify, monitor and
23 clean up all dump sites, both open and festering
24 and those buried and forgotten, ticking away as
25 public health time bombs. It is not too late to

1
2 stop what will in time be an irreversible
3 situation. If any further dumping is allowed
4 future generations will suffer irreparable
5 damage.

6 We need to immediately pass laws and form
7 agencies who can and will take on the respon-
8 sibility of finding and cleaning up these dump
9 sites.

10 From my own experiences living in the Love
11 Canal area, I have watched the New York State
12 Health Department, as well as some federal
13 agencies, avoid issues so that they would not
14 have to take any responsibility or set any
15 precedencies.

16 I'd like to give you an example. New York
17 Governor Hugh Carey at a public meeting made the
18 statement that if people in the houses were not
19 immediately evacuated, had health problems and
20 air testors showed contamination they would be
21 relocated permanently.

22 The State Health Department air test did in
23 fact show chemicals to be present in my home. On
24 the advice of two different doctors, with their
25 statements, I submitted the records of my 9-year
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2 old daughter who has an asthmatic condition, to
3 the Health Department for review. They said it
4 would take a week. The United Way Agency, upon
5 seeing the two doctor statements immediately
6 acted and provided accommodations so that she
7 would not be further exposed to the chemical
8 vapors. Then for nine long weeks the State
9 Health Department kept saying, a few more days
10 would be needed and then a few more.

11 I then received a certified letter in the
12 mail, as did 54 other families who had requested
13 relocation, that the remedial construction would
14 not hurt her. As I did not intend to have her
15 employed on the construction crew, I thought the
16 letter ridiculous and insulting. I had to ask
17 myself, had they even looked at her records. If
18 they had, they would have had to agree with her
19 two doctors who treat her and know her history,
20 that further exposure would be harmful to her
21 well-being.

22 After having her live away from her home and
23 her family for five months, during which time she
24 had only a sore throat, we were forced to bring
25 her home late in December of 1978 due to finances.

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2 She became ill immediately and has had to take
3 many varied prescriptions to try to even control
4 the problems.

5 The State Health Department's action in the
6 Love Canal area clearly shows it cannot handle
7 this job sufficiently and objectively. The
8 State and local governments are the same people
9 who will be handling the future dump sites, and
10 I am fearful if they handle them the way they
11 handled the Love Canal, the ecology as a whole
12 will be ruined.

13 Industry has been getting away with too much
14 for too long. We can no longer, as citizens,
15 afford to pay the price of their doing business.
16 The health and safety of our friends, ourselves
17 and our families is too high a price to pay. It
18 is up to the citizens here today, as well as you
19 our senators and assemblymen, to avoid future dump
20 site disasters.

21 Implement laws now to stop negligent polluters.
22 Fine them and take the profit out of polluting,
23 protect our health and environment before it is
24 completely destroyed.

25 Maybe incineration is the answer as the Love
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1
2 Canal has shown that secure land-fills are not
3 the answer.

4 We will long be remembered for our fight for
5 clean air and water, and most important, clean and
6 safe homes. It started in our small community
7 and has grown and spread across our nation. We
8 now have millions of people backing our struggle.
9 Teachers, clergy, environmental groups, unions
10 and more are actively involved.

11 The Love Canal's remaining victims do not
12 have to remain victims. The laws that are passed
13 could and should morally include them.

14 Gentlemen, go back to Washington and tell
15 your peers. The Love Canal people and our
16 children who are the future of America, demand
17 immediate action on our disaster, man-made, but
18 still a disaster, because our homes are destroyed,
19 as well as the health of us and our children by
20 chemical contamination.

21 pass the needed laws and set a precedent and
22 help the victims of the Love Canal.

23 And I enclosed the two doctors' statements.
24 They are brief but they are to the point. And
25 last Wednesday I again took my daughter to a

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specialist and I was advised again to relocate even if it means again separating her from the family. We just can't, any more, be divided as a family.

I approached Governor Carey at the Airport when he came in last week to meet with Lois, and I reminded him of his promise and he said if it was true what I said about having the statements and the child having health problems, that we would be relocated. His aide took our names and addresses, there were several other residents there. We are still waiting to be contacted to see how we will resubmit the child's records and the records of the other children.

So it's still going on. We're still being ignored.

MR. GINSBERG: (Unintelligible) this will help.

MS. POZNIAK: Thank you.

MR. GINSBERG: I understand Mr. Donald Henry sent along a representative.

MS. IRISH: I'm Molly Irish, Treasurer of Operation Clean. I'm speaking for Donald Henry, Chairman.

1
2 As Chairman of Operation Clean, I feel I've
3 had enough experience with the governmental
4 agencies responsible for monitoring hazardous
5 waste disposal to comment on their effectiveness.

6 Although I have dealt with some very con-
7 cerned and ethical people, the agencies involved
8 have not been structured in such a way as to
9 encourage a thorough job for monitoring.

10 We are told repeatedly that there is not
11 enough money for testing, and not enough staff
12 to effectively enforce the existing laws.

13 Operation Clean feels that existing law is
14 not stringent enough. But even strict enforce-
15 ment of these laws until adequate legislation
16 is passed would be a great improvement.

17 To illustrate our experiences, I would like
18 to tell you of two experiences we had with
19 governmental agencies.

20 On January 5th, 1978, a spill of green acid
21 was discovered at SCA services in the Town of
22 Porter. This is the same spill that Tom Power
23 spoke of earlier. This was discovered not by the
24 agencies responsible for monitoring, but by local
25 officials. The spill was reported to DEC who

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1
2 allowed the acid to flow for six days. They said
3 they had to first prove the acid was coming from
4 SCA Services. Considering that SCA is the only
5 chemical waste disposal facility in an area of
6 homes and cabbage fields, I feel the source of
7 the acid was pretty obvious.

8 This illustrates the type of environmental
9 protection we have come to expect from the DEC.
10 The EPA has not always been responsive to our
11 concerns either.

12 On October 2nd, 1978, SCA Services was given
13 permission to bury pcb's. In February 1979, SCA
14 Services was fined \$1500 for improper handling of
15 pcb's due to structural problems at the facility.

16 Why the facility was not completely inspected
17 and approved before the permit was issued is a
18 mystery to us.

19 On March 29th, Eckert Deck (phonetic spelling)
20 Regional Administrator of EPA stated in a letter
21 to Daniel Moniyan, "Neither the monthly reports
22 we received nor our recent site inspection indicate
23 any significant problem in the land-fill area."

24 I have a copy of that letter.

25 That may have been the truth. Yet could he
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2 have forgotten the \$1500 fine for another area
3 of the facility in one short month.

4 This type of half-truthful letter is some-
5 thing we have come to expect.

6 These two instances are only two of many
7 that we have had over the past several years.
8 They do not inspire confidence in agencies
9 that should be protecting the environment and
10 our health and welfare.

11 Now we are told that the DEC has mandated
12 that SCA Services be allowed to discharge two
13 million gallons of e _____ into the Niagara
14 River each day.

15 SCA Services, a company with an abysmal
16 record will be allowed to monitor their own
17 discharge. The perimeter of the monitoring are
18 to narrow to reflect the chemicals that could be
19 in the discharge.

20 Even if the permit conditions were followed
21 exactly, we feel the nature and amounts of the
22 chemicals allowed are unacceptable.

23 There is only one solution to the problem.
24 Dumping e _____ and discharge of hazardous
25 waste must be stopped immediately. All hazardous

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2 waste must be stored retrievably until complete
3 treatment facilities are built. All existing
4 land-fills must be monitored closely to assure
5 there is no migration of chemicals until complete
6 treatment facilities are available to reprocess
7 the waste.

8 Those handling and disposing of hazardous
9 waste must be made financially responsible for
10 the perpetual care of their facility. This is
11 not an inexpensive solution, but we have no
12 choice. The costs involved in solving the
13 problem will rise each year. Delay will be
14 costly.

15 The only positive economic effective action
16 can be the creation of a new industry.

17 To say that complete treatment will eliminate
18 jobs is analogous to saying the automobile
19 industry put blacksmiths out of work.

20 Only when affirmative action is undertaken
21 will there be a solution to what I see is
22 ultimate irony. There is those who live near
23 the hazardous waste dumps whose health and
24 quality of life are affected, who must pay three
25 times. Our tax dollars are now supporting the

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2 governmental agencies that fail to protect us.
3 We are giving of our time and money to fight
4 the hazardous waste facilities in governmental
5 agencies.

6 Finally, we will pay for cleaning up the
7 wastes when the government finally decides the
8 problem can no longer be ignored.

9 Thank you.

10 MR. GINSBERG: Thank you, Miss Irish.

11 Patricia Grunzee. Do you have copies of
12 your statement?

13 MS. GRUNZEE: I have a couple here. I
14 wasn't able to get any more. I can have more
15 made though.

16 Gentlemen, my name is Patricia Grunzee. I
17 am 26 years old, and the mother of three beautiful
18 children, Daniel 3½, Angela 2, Mathew 6 weeks.
19 That is why I am here to speak tonight, to express
20 my feelings on the federal and State government's
21 efforts to deal with inactive sites.

22 A great injustice has been done to a number
23 of law-abiding, decent taxpaying Americans. My
24 experiences over the past nine months are just
25 some of the many sad predicaments that people of

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2 Love Canal have been forced to endure.

3 July 1976, my husband, Ernest, and I, pur-
4 chased our present home, 7931 Hunter Street,
5 Niagara Falls, New York. It was our first home,
6 just right in size for our family of three, our
7 stepping stone for our future.

8 However, what we hadn't known in time,
9 because our second daughter was on her way.
10 Consequently the following year we decided to
11 sell our house for a larger one. We hadn't any
12 luck so as of April 1978, we decided to stay and
13 build our two new rooms. My husband drew up the
14 plans and so we began.

15 First, we bought a pool for our enjoyment.
16 Because our yard was continuously flooded, it
17 was necessary to add 13 yards of dirt before
18 installing the pool. While digging the soil
19 reeked of an odor we later found to be the same
20 as that of the Canal's excavations. I had also
21 frequently smelled it in the air as the wind
22 blows in direct line of our home from the Canal,
23 and what's more the bulldozer we used sunk in
24 our yard in the exact same manner as the bull-
25 dozers in the Canal sunk according to (unintel-

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2 ligible). Not yet realizing what was happening
3 around us, we spent the first half of our summer
4 improving our home, our hard work all spent in
5 vain.

6 Also in June, I brought the girls to our
7 pedetrician who was an allergy specialist in
8 fear they had allergies. Ernie and I both had
9 them and girls showed definite signs as well.
10 We weretold that they were too young to be
11 properly tested. Yet, they continued to have
12 symptoms, itchy, red, swollen, runny eyes and
13 sneezing. This year they're a little older and
14 ask, "Mommy, when will it stop?"

15 Now, my new-born baby also was wheezy and
16 congested. I fear for his health as well.

17 I wrote to the Department of Health,
18 Education and Welfare. Their letter read, "With
19 your family's allergy problems, you were wise to
20 be concerned."

21 The girls also acquired sores in their mouth
22 in early summer. I assumed it was from putting
23 dirt in their mouths as so many children do. But
24 then not everyone's dirt is chemically con-
25 taminated.

1
2 Also, I would like to state that both
3 children experience frequent ear and throat
4 infections and fevers of 104 to 105 degrees.
5 They're now starting in July 1976, the month
6 we moved in.

7 This, gentlemen, all happened before we
8 ever heard of Love Canal.

9 On August 1st, Lois Gibbs approached me with
10 a petition to close 99th Street School because
11 of health problems believed to be caused by or
12 irritated by the chemicals in the Canal. We
13 talked. She was very informative, and I signed
14 the petition.

15 Still unaware of the extent of the dangers,
16 we talked again of selling our home. The follow-
17 ing evening we attended a street meeting which
18 was very emotional and frightening. You see, at
19 this time I suspected to be, once again,
20 pregnant.

21 On the third day my suspicions were con-
22 firmed and that night we met with the State for
23 the first time. I stood informing them that I
24 lived just one street away and was pregnant.
25 They had already recommended pregnant women and

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2 children 2 and under, evacuation on 97th and
3 99th Streets.

4 Dr. Herman told me that after other resi-
5 dents on those streets were taken care of, I
6 would be as well. He said I had reason to be
7 concerned.

8 Every day thereafter I attended the school
9 to inquire what was to happen to my family, only
10 to receive remarks such as "I don't know any more
11 than you do, Mrs. Grunzee, only what we read in
12 the paper." When I quoted the papers they said,
13 "I don't know where they got that from, it's just
14 not true. I can't answer you, go see Mr. so-and
15 so," the beginning of constant contradictions and
16 runarounds.

17 And what do you suppose they did for me?
18 Well, they put up a big fence right in front of
19 my house to keep the chemicals out, you know.

20 We were continuously assured this wouldn't
21 set up the perimeter. However, even now, no
22 homes have been purchased beyond these two
23 streets, despite proven contamination, and yet
24 the thousands of dollars they wasted on their
25 stupid fence, buses, the salaries and lodgings

1
2 of State officials, could have bought all our
3 homes. And now they want to put up another
4 fence and waste more tax money.

5 On August 25th we were informed that the
6 United Way was to put us up in a hotel for ten
7 days at which time the State was to have investi-
8 gated our situation. That ten days turned out to
9 be seven long weeks for us. In that time, we,
10 and two other families put up, underwent most
11 severe anxieties and inconveniences, as we were
12 told it would be just a few more days nearly every
13 day. It seemed to be an eternity and not an easy
14 or happy experience.

15 On October 12th we received, along with
16 18 other families a telegram informing us the
17 State would not temporarily relocate us. The
18 contents of each was exactly the same, only names
19 were different, proving to us that individual
20 cases were not investigated as such.

21 All health records were in Albany for their
22 examining, all had letters from doctors to be
23 relocated. Yet their decision was based on
24 remedial work, not health problems.

25 We then moved from my parents to friends and
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2 finally to my in-laws for what extended to be
3 about four weeks. During this time pressures
4 built and ill-feelings emerged. Along with the
5 other emotional strains we already had to handle
6 it became too great for us and the children. We
7 felt if we had to lose all else, we couldn't
8 lose our relations with our families and friends
9 as well.

10 Before moving home, we tried every channel
11 we could to prevent from returning, from banks
12 to politicians. We even considered leaving our
13 house go, losing all investments. We were, how-
14 ever, informed we might still be responsible for
15 the mortgage, even if the house was repossessed.

16 Before I go any further, I'd like to state
17 that in the meantime we begged the State to test
18 our backyard as it was still flooded, even after
19 being filter preventive. We now know our house
20 sits on a wet spot or swell.

21 We also had our house air-tested for a
22 second time. Dr. King said it would probably
23 return higher as it was closed up. Yet, it
24 returned lower. When I confronted Dr. King, he
25 said he didn't understand it and there was a lot
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2 going on here he didn't understand.

3 Our blood tests returned after three long
4 months, thankfully all right. We were, however,
5 informed that we should have our children blood-
6 tested nearly every day by Dr. Pagan. We were
7 worried of such things as leukemia, cancer, lung
8 damage, allergies, asthma, liver and kidney
9 disorders, epilepsy, nervous breakdowns, heart
10 problems and genetic problems until our children
11 are grown and then some. That's not a pleasant
12 future of fears to have to face.

13 After returning home, dioxin was discovered
14 in Canal. We were told it was nothing to worry
15 by the State if 14 parts per trillion, then at
16 20 parts per billion, the State still says not
17 to worry. The fact is it takes very little
18 dioxin to hurt or kill humans.

19 Still with no satisfaction from the State
20 and absolutely no help from the federal govern-
21 ment, we began to pick up the remedial work. It's
22 December now, very cold, and I am six months
23 along. On December 16th I am arrested for not
24 allowing a truck to enter the Canal. I was
25 picketing in hopes of letting our government

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2 know we wanted out, to save our children and to
3 prevent further tracking of chemicals on the
4 trucks throughout the City, as they were not
5 following safety regulations.

6 Now, before anyone makes any judgments on
7 me for what I have done, please remember even a
8 mother bear will do anything to protect her cub.
9 Any good mother would have done the same.
10 Perhaps your own lives or mothers.

11 Also keep in mind that this is the Inter-
12 national Year of the Children for they are most
13 important. They are our future.

14 In January, I and other neighbors picketed
15 in front of the Health Department office in
16 Buffalo where Dr. Axelrod was to attend. We
17 met with him and he tried to reassure us that we
18 were safe. He told me that I and my unborn
19 child were at minimal risk.

20 Now, four weeks later he recommended
21 pregnant women and children under 2 temporary
22 evacuation, discriminating children over 2's
23 health. What makes a child 2½ or 10 or . . .

24 (End of Side 2 of Tape)

25 . . . handed to someone else to answer. All our

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2 pleading and begging and demanding to be removed
3 from this tragic disaster. We have gotten no
4 satisfaction. Complete evacuation is the only
5 answer for our problem.

6 Ev en with temporary evacuation, many
7 mistakes arise. My landlord, for instance, has
8 not received any rent. We have not received our
9 moving costs either. We have been there since
10 March 1st. Our house has been boarded up, a
11 job poorly done, unlike the homes they bought.

12 Why must we endure these added frustrations.
13 They tell me this is bureaucracy, I call it
14 stupidity.

15 The emotional stress I have carried with me
16 for nine months is now taking its toll. I have
17 been experiencing frightening dreams, all
18 resulting in the deaths of my children. My
19 3-year old talks of death continuously, even in
20 her sleep. This is very disturbing to us. I
21 have been told by a counselor that it all results
22 from the fears of the Canal. Yet we are expected
23 to take our precious three children back to this
24 contaminated home and area in two years. I just
25 can't do that, knowing the risk and dangers,

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2 Could you? What are we to do? When can we
3 establish a normal, healthy, happy home life?
4 To have a little piece of mind. Living like
5 gypsies has definitely left scars on my family.
6 What does the future hold for my babies and
7 their babies?

8 And so in closing, if I appear a little
9 bitter it's because I'm a lot bitter. Bitter
10 because my government which is one which is so
11 powerful and great to keep peace in other
12 countries, help needy people cross seas, bring
13 home dead bodies from South America, et cetera.
14 Have the time and no money to help its own
15 people when we need it? After all, charity
16 does start at home.

17 And if our tax money -- bitter, because our
18 government continues to allow big industries to
19 destroy our environment and control our lives.
20 Bitter, because doctors and politicians working
21 for the State have forgotten who they really work
22 for, the people. And have put a price on our
23 lives, use us as guinea pigs, and our local
24 government has hidden their heads in the sand and
25 neglected their responsibilities in this manner:

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1
2 caring more about the City's image rather than
3 the people who live in it. After all, the
4 City was responsible for a school and homes
5 being built to begin with.

6 Only the residents forced to live this
7 hell can truly know the anguish I express to you
8 tonight. But I beg you, try and put yourself in
9 our shoes. How would you feel if it were your
10 children with such health problems and bleak
11 futures. Your pregnant wife fearing for your
12 unborn child's life, or your parents who have
13 worked all their lives to retiring, can't sell
14 their homes to be free to leave. And then of
15 course your life savings being thrown out and
16 lost forever. All your dreams destroyed.

17 Is this the American way? We have the
18 right to good health and we have the right to
19 pursuit of happiness.

20 Please, please don't be among those respon-
21 sible for our children and us to sit here and
22 slowly die.

23 Thank you.

24 MR. GINSBERG: Thank you, Mrs. Grunzee.

25 Nancy Rebon.

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1
2 MS. REBON: Gentlemen, since August 2nd,
3 1978, I've been wondering how chemical plants
4 could have been dumping hazardous waste all over
5 Niagara and Erie Counties without any thought of
6 what was going to happen in years to come.
7 Especially dumping near the residential homes and
8 the waterways. They must have known that it
9 would eventually leach out of its confinement
10 and pose a health threat to so many people.

11 I know one person who said when he worked
12 for a chemical plant and used the 102nd Street
13 dump there were no precautions taken at all and
14 when the chemicals were poured into the dump,
15 you could see the ripples in the air.

16 My family and myself lived on 101st Street
17 the last 15 years, not even knowing there being
18 a dump just a block away from us. Fifteen years
19 ago we were a young couple, three young children,
20 renting a duplex on A Street off Hyde Park
21 Boulevard. Because of being so near all the
22 industrial plants it was always very smelly and
23 dirty, especially in warm weather. We wanted to
24 get our children out of that environment because
25 we thought the dirt and smell was not good for

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2 them. You could wash your car one day and two
3 hours later it would look the same.

4 We really couldn't afford to, but we went
5 looking at homes as far away as we could. We
6 had to live within City limits as the Board of
7 Education which employs my husband required
8 City residents at that time.

9 We found our house, brand new, three bedrooms
10 nice neighborhood, best of all, not smelly or
11 dirty. We borrowed the down payment from the
12 Credit Union and moved into our dream house.
13 We were amazed because we could wash our car and
14 it would stay clean for a whole week. God, if
15 only we had known what was in store for us.

16 The girls were 3 and 8 at the time, enrolled
17 in school and a couple of years later when their
18 brother was old enough, he also was enrolled in
19 that school. Playing near the school, our son
20 would often come home with black-green mud and
21 bring it in the house and I would tell him to
22 leave that smelly stuff outside.

23 The kids also brought home stones that when
24 they threw them on the sidewalk they'd spark.
25 They got a big bang out of that.

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2 When the girls were 11, their problems
3 started. The oldest developed severe chest
4 pains that doubled her up at times. The doctor
5 said they were from nerves. Both girls would
6 get terrible cramps along with their periods and
7 also kidney and bladder infection which the
8 doctor thought was very odd in children their
9 age.

10 When our younger daughter was about 14, she
11 swallowed a whole bottle of sleeping pills. The
12 doctor and I decided the girls should have some
13 counseling. We started them at the Behman Clinic.
14 After a while they cried and begged not to go,
15 so I quit taking them as this was very hard on me,
16 as I had to work also.

17 I cannot imagine the terror a parent feels
18 when their child tries to commit suicide. I kept
19 asking myself, "What did I do, where did I go
20 wrong?"

21 While the years went by they continued to
22 have female problems. Just before her 18th birth-
23 day our oldest daughter was married. Ten months
24 later she gave birth to a baby boy with a birth
25 defect to muscle in his face. Thank God that was

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2 all. Since that time for her marriage she has
3 moved back into the neighborhood and has had
4 three miscarriages. She has also developed
5 bronchial asthma within the last two years.

6 Since August when she started helping in the
7 office of the Love Canal Homeowners Association,
8 her attacks have been often and severe. When she
9 stays away from the office for a while but not as
10 often or severe.

11 My second daughter who was married a year
12 after her sister has moved out of the area and is
13 healthier now than she's been for years.

14 Our son three years ago in the fall developed
15 a chronic cough and congested chest. The doctor
16 gave him medicine but nothing helped. It lasted
17 all winter. The following year the same thing
18 developed in the fall. The doctor then decided
19 it was due to the dust and dry heat coming from
20 the duct in his room.

21 I closed off his source of heat in his room
22 and within a week his cough and congestion dis-
23 appeared. The chemical contamination in the base-
24 ment and the furnace was bringing it up through
25 the house.

1
2 My husband is fairly healthy except he
3 suffers from nosebleeds which I think are more
4 than a normal person should have.

5 I, myself, suffer from various severe
6 migrains that put me right to bed and I vomit --
7 I used to go to the hospital for a shot when I
8 just couldn't stand the pain any more, but I
9 just can't afford the emergency room fee every
10 time I get a headache, which is daily now.

11 It's been 6 or 7 years since I started having
12 these headaches. I've been in Cleveland Clinic,
13 Buffalo Hospital and many times to Memorial
14 Medical Center for every test you can imagine.
15 The medicine I'm presently taking controls it
16 pretty much, but sometimes nothing helps but
17 just let it wear off.

18 I'm taking C_____ which they say is not
19 good for circulation and sometimes causes flibi-
20 tus, but comparing to the headaches it's a God-
21 send.

22 I've heard that all the women that were
23 evacuated from 97th and 99th Streets that
24 suffered from these migrains are now free from
25 them.

1
2 I would love to have a chance to find out if
3 my daughter will be able to carry another baby
4 to term, and also find out what would be my
5 treatment for the pain in my head.

6 Please help us to get evacuated from this
7 dump area.

8 I would like to see stricter laws for
9 dumping hazardous waste. I don't think any
10 should be dumped within miles of residential
11 areas or waterways. I think some safe way of
12 incinerating these wastes can be found.

13 I also feel that the soil should be tested
14 and as far out as the chemicals have leached.
15 These areas should be evacuated and trenches
16 built so that it cannot go any further on the
17 outskirts.

18 I believe the trenches they are digging and
19 installing are now useless because they will not
20 bring back the chemicals that have already
21 leached out into the basements of the surrounding
22 homes.

23 Many moneys were spent uselessly to bring
24 unwanted bodies back from Guayana. Also Trident
25 submarines that are not needed.

1
2 Please help people who want to live longer
3 and pain-free. I know we all cannot accomplish
4 this but many more will die if we're forced to
5 stay here.

6 God guide you all.

7 MR. GINSBERG: Thank you, Ms. Rebon.

8 (Calling of several names.)

9 Are there any others?

10 We'll close now on behalf of (unintelligible)
11 and the Task Force.

12 I want to thank all of you who took the
13 time to wait and speak. (Unintelligible)
14 . . . your patience and your testimony will be
15 useful. We hope that it will be part of the
16 process to help us solve these problems.

17 Thank you very much.

	<u>Page</u>
1	
2	
3	
4	Ginsberg 4
5	Daly 7; 15
6	Grannis 12
7	Pillittere 15
8	Millock 21
9	Davis 27
10	Questions 48
11	Cuddy 108
12	Questions 115
13	Gibbs 142
14	Questions 151
15	Richards 169
16	Questions 174
17	Degnan 180
18	Questions 183
19	Arcara 184
20	Following pages blind-numbered:
21	Orr (13)
22	Questions (18)
23	Richardson (41)
24	Questions (47)
25	Ogg (50)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Questions

(50)

Kew

(54)

Hall

(56)

Cerrillo

(65)

Nowak

(74)

Preuster

(82)

Pozniak

(85)

Irish

(90)

Grunzee

(95)

Rebon

(107)