

Probe

October 26, 1981

Hon. John Roberts
Minister of Environment
House of Commons
Ottawa, Ontario

Dear Mr. Roberts:

In the light of our experiences with the Niagara River issues, we feel that the Canadian government should be scrutinizing carefully the specific problem sites with a view to taking action to protect the river. Our feeling is that the American government is not doing what is necessary to maintain the minimal water quality requirements necessary to keep the Niagara River and Lake Ontario fit for public consumption. Therefore, we recommend the following:

1. Hyde Park Landfill - The evidence that we were able to present to the Court, with the help of Environment Canada, clearly shows that chemicals from this site are migrating away from the site and reaching the Niagara River. The remedial technology recommended in the agreement does not address the migration of chemicals through the lower layers of rock, specifically the Rochester Shale. We believe the Canadian government should immediately send a telegram to Judge Curtin urging disapproval of the settlement agreement unless there are substantial modifications made.

If this settlement agreement is approved, we feel the Canadian government should investigate its rights of suit against Hooker Chemical Company and evaluate the options. Section 310 of the Clean Water Act (U.S.) particularly applies to actions the Canadian government might consider.

2. SCA Services Inc. - This company is presently applying for modifications to its permit to discharge waste chemicals to the Niagara River through the recently constructed pipeline. It has also submitted a Ten Year Plan which has been tentatively approved by New York State's Department of Environmental Conservation. Both the plan and the modifications would result in a 100 to 100,000-fold increase in their allowable discharge. Because we felt expansion of this nature was inherent in the original pipeline proposal, we opposed it. We feel the Canadian government must act now and support opposition to these modifications since the Niagara River is already overloaded with chemical discharges. Besides publicly opposing the modifications, we also feel Environment Canada should consider offering technical assistance to Operation Clean Niagara in the upcoming hearings as a party in opposition.

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3. S Area - S Area is the second Hooker Chemical landfill site to be settled out of court in New York State. It sits directly on the Niagara River. Although it does not have the same volume of dioxin that is contained in the Hyde Park landfill, it was the repository of 70,000 tons of chemical waste. We are considering intervention in this case because it is a more powerful status than amicus. We feel that there are advantages to the Canadian government and your Ministry in giving us similar support for this intervention and in the government retaining its independent non-intervention status at the same time. We ask that you consider once again giving us the kind of invaluable technical assistance that was so crucial during the Hyde Park hearings.

We commend your Ministry on the actions that have been taken on problems related to the Niagara River. We believe that it will make a significant difference to the eventual fate of the Niagara River and Lake Ontario if the government continues to put a priority on the problems encountered in this area. We hope you will seriously weigh our recommendations and keep open the excellent channels of communication between concerned public interest groups and your Ministry.

Yours truly,

Anne Wordsworth
on behalf of
Pollution Probe and
Operation Clean Niagara