

HYDE PARK SETTLEMENT AGREEMENT

Having reviewed the Hyde Park Settlement Agreement and other court documents related to that Agreement, I am left with the following concerns;

They are:

- 1) that the Settlement Agreement does not mention the removal and destruction of Hyde Park wastes as having been considered as part of a permanent solution to the question of migration of chemicals from the site;
removal & destruction (a)
- 2) that the containment methods proposed in the Agreement may not establish an effective negative hydraulic gradient across the boundaries of the landfill. Such a gradient would help assure that leachate and groundwater would move towards the site rather than away from it. Leachate and groundwater should be withdrawn from within the curtain-wall system described in the Settlement Agreement to encourage such a negative gradient.
containment

Containment
meant

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It seems that the agreement has been designed mainly to deal with the short and near term containment of chemical migration from the site. Such migration has been demonstrated to be a factor in affecting water quality in the Niagara River and in Lake Ontario. Containment at the site thus remains an urgent necessity and must not be delayed.

transitional

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Containment should be considered to be an interim solution however, and the door must not be closed to destruction technologies which either exist today or will be developed in the future. There seems to be no evidence that destruction technologies have been considered, in reading the Agreement.

removal
test

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In the document entitled "Response to Public Comments" dated April 3, 1981, Response to Comment 20 on page 33 states that "it is now technically infeasible to excavate the overburden and bedrock."

can't
removal & dest.
I would question this infeasibility. The practice of incinerating chemical laden soil and rock in an appropriately designed rotary kiln incinerator has been common at several locations in Europe for years. Have the risks of exposure to the chemicals during excavation and transportation actually been studied and what indeed are those risks?

removal & dest. 2
I disagree with that state
The Response to Comment 47 on page 57 says that "digging up the entire landfill would be highly impractical ..." However, incineration of both the waste and the earth together should indeed be quite possible using a rotary kiln incinerator.

removal & dest.
The possibility that destruction of wastes at the Hyde Park landfill must not be ruled out at this time or in the future and indeed such an objective should be clearly stated and agreed upon.

removal & dest.
In support of this objective a specific plan for investigating details of such a concept should be considered, tied to a definite time frame. It should be noted that 10-year plans for high technology approaches to chemical waste destruction have been required by the State of New York of firms in the chemical waste management business in Niagara County.

containment
At the same time, containment of as much of the wastes as possible is essential. To be most effective, and to prevent the downward migration of chemicals from below the site, such a containment program should include a system of leachate withdrawal wells within the curtain-wall grid described in the agreement. Leachate withdrawal from the core of a landfill is common practice and its lack of mention in the agreement is worrisome.

R. Findlay

Done 12/81

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