

# 14 Corporations Sued by the City On Toxic Waste

## Termed Liable for Cost of Cleaning Landfills

By JOYCE PURNICK

The city said yesterday that it had sued 14 major corporations, seeking compensation for the cost of cleaning up five municipal landfills that it says were polluted by the companies' toxic wastes.

The lawsuit, filed Tuesday in Federal District Court in Manhattan, also cites a carting company, contending that it disposed of the industrial and chemical wastes illegally and knowingly.

The city does not charge that the 14 companies knew about the illegal dumping. But it contends that under the Federal Superfund Act the companies are liable for damages and clean-up costs.

"Under Federal law it is academic whether the companies knew or did not know that the toxic wastes they generated were being dumped illegally," Mayor Koch said at a City Hall news conference. "Thus, they must bear the cost of cleaning up waste generated by them and disposed of in the city's landfills."

### 2 Corporations Respond

Most of the companies reached yesterday declined immediate comment. However, a spokesman for the Ford Motor Company, Dick Judy, said the lawsuit was "not justified."

The suit cites wastes produced at a Ford plant in Buffalo, but Mr. Judy said Ford had "no knowledge that any material from the Buffalo plant went into any New York City landfill at any time.

"Furthermore," he said, "a preliminary review of data indicates that the oil and oily wastes from the Buffalo plant were probably not hazardous."

The Exxon Corporation, which was also cited, said in a statement that "it is unfair and unjust" for the company "to be held accountable for the wrongful acts of the disposal companies and a city official. Therefore, Exxon intends to vigorously contest the suit."

The city has not determined the total cost of cleaning up the five landfills, but Sanitation Commissioner Norman Steisel said it would be at least \$50 million.

### No Risk to Water Supply

According to the lawsuit, the toxic wastes were dumped between 1973 and 1979 at the Pelham Bay landfill in the Bronx, the Edgemere landfill in Queens, the Brookfield landfill in Staten Island and the Fountain Avenue and Pennsylvania Avenue landfills in Brooklyn.

The materials dumped at the landfills "are hazardous or potentially hazardous to human, animal and plant life, and to land and water resources," the court papers state.

The wastes do not now pose a health hazard to the city's water supply, but are believed to be contaminating fish in Jamaica Bay, Mr. Steisel said at the news conference.

The suit contends that the toxic materials were deposited illegally at the landfills by several hauling companies. Those companies collected the wastes from the 14 corporations and were supposed to dispose of it at certified sites.

### 2 Men Sentenced

Instead, the lawsuit states, the owner of the hauling companies — Russell Mahler — bribed a Department of Sanitation employee, John Cassiliano, and disposed of the toxic wastes at the five landfills. Investigators focused on one of Mr. Mahler's hauling companies, Refinemet International Inc., which is the carting company named in the suit.

Both Mr. Mahler and Mr. Cassiliano were prosecuted. Mr. Mahler was sentenced to six months in jail and ordered to pay the city more than \$500,000 in restitution for conspiring to bribe the sanitation official. Mr. Cassiliano was sentenced to a maximum of three years in jail for accepting bribes.

According to an assistant corporation counsel, Christopher A. Amato, the city has "no evidence at this time" that any of the 14 corporations knew their wastes were being disposed of illegally.

The city has known about the contamination since 1982. "There's a tremendous amount of work to be done to show these corporations generated this waste and in fact had it delivered to these landfills," said Lorna Bade Goodman, chief of the affirmation litigation division in the Corporation Counsel's office.

The companies named in the suit, in addition to Ford, Exxon and Refinemet International, are these:

Exxon Research and Engineering Company  
Ingersoll-Rand Company  
Alcan Aluminum Corporation  
Koppers Company  
BASF Wyandotte Corporation  
Borg-Warner Corporation  
Chrysler Corporation  
United Technologies Corporation  
Carrier Corporation  
National Can Corporation  
Public Service Electric and Gas Corporation  
Turbo Products, International.