

UNCLAS

F: EPA

1203

CLASSIFICATION

CIRCLE ONE BELOW

MODE

PAGES 42

IMMEDIATE

DACOM # III

RELEASER LB

PRIORITY

DEX # ---

DTG 040158Z

ROUTINE

TTY # ---

FROM/LOCATION/

1. ADELA GONZALES

TO/LOCATION/TIME OF RECEIPT

1. CRAIG FULLER/SAN FRANCISCO/TOR: 040526Z

INFORMATION ADDRESSES/LOCATION/TIME OF RECEIPT

1. \_\_\_\_\_

2. \_\_\_\_\_

SPECIAL INSTRUCTIONS/REMARKS: "BEST COPY AVAILABLE"

FOR DELIVERY IN A.M.

UNCLAS

CLASSIFICATION

3/4  
I thought you might want to clear the EPA alerts pertaining to Superfund. I see no problems  
CS



THE WHITE HOUSE

WASHINGTON

March 3, 1983

NOTE FOR CRAIG L. FULLER

FROM: ADELE

RE: EPA Issue Alerts on Superfund

As requested, attached are EPA memoranda specifically on Superfund, and some that merely make a reference to it. On the latter ones, I have marked the portion of the memo where Superfund is mentioned. Among the memoranda is one concerning the VULCANUS incinerator ship, which I mentioned to you this morning.

The Issue Alerts are as follows:

CA STAFFING MEMO

DATE AND SUBJECT OF EPA MEMO

068958CA -- 5/11/82

May 10: Guidelines for Using Superfund Enforcement Authorities. [Note: Please note date and signature.]

068969CA -- 5/19/82

May 11: Guidelines for Using Superfund Enforcement Authorities. [Note: Same memo as one above but with different date and Gorsuch's signature.]

May 13: EPA Weekly Report (re dioxin in Missouri) FYI

077301CA -- 6/14/82

June 9: Miami Drum Services, Miami, Florida

077349CA -- 7/1/82

June 16: Chemical Waste Disposal by Incinerator Ship [VULCANUS]

077368CA -- 7/9/82

July 7: EPA Weekly Report See first item: "Superfund Contracts for Freehold, New Jersey Landfills"

n/a

September 28: Note from Rita Lavelle; subject: Press Conference Briefing. See last page entitled "Superfund"

077543CA -- 10/18/82

October 11: EPA Weekly Report  
See second item: "Cong. Dingell  
Criticizes Administration  
Enforcement Record." [Superfund  
mentioned on page 2.]

[OPD SM -- 12/29/82]

[December 21: Memo from Martin L.  
Smith to Harper re Hazardous  
Wastes; "EPA Environmental News"  
and Gorsuch Statement re release  
of a national priority list of  
hazardous waste sites.

077688CA -- 1/3/83

December 20, 1982: EPA Weekly  
Alert. See page 2, item 3,  
"PCBs in the Hudson River."

07707CA -- 1/7/83

January 4, 1983: "EPA ACTION  
ITEM" re Procurement Under  
Assistance Agreements Regulation  
-- Final Rule Effective for all  
Agency Grant Programs.

Whew!

I apologize for the delay in getting the report to you. Hope  
it's of some use to you.

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 10 1982

EPA ACTION ITEM

OFFICE OF  
POLICY AND RESOURCE MANAGEMENT

TO: Craig L. Fuller  
Assistant to the President  
for Cabinet Affairs

NON-CONTROVERSIAL

SUBJECT: Guidelines for Using Superfund Enforcement  
Authorities

Background

Section 106 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) required EPA to establish and publish guidelines for using the imminent hazard, enforcement, and emergency response authorities of Superfund and other statutes.

Importance

CERCLA established a June 1981 publication date for these guidelines. Under a consolidated suit brought by EDF, Inc., New Jersey, et. al., and the State of Connecticut against Anne M. Gorsuch, EPA, David Stockman and OMB, the U.S. District Court for the District of Columbia issued a mandatory injunction requiring the EPA to issue the Section 106(c) guidelines by May 13, 1982. These guidelines satisfy that order.

Current Status

I plan to sign these guidelines by May 13, 1982.

OMB Position

OMB has reviewed these guidelines and is expected to concur.

Expected Reaction

It is uncertain whether further litigation will result. Original parties to the suit will likely appreciate the policy neutrality of the guidelines. Numerous suggestions advanced by the Chemical Manufacturers Association have not been incorporated--CMA will be opposed, but is unlikely to sue.

*Joseph A. Cannon*  
Joseph A. Cannon,  
Acting Associate Administrator

**CABINET AFFAIRS STAFFING MEMORANDUM**

DATE: 5/11/82 NUMBER: 068958 CA DUE BY: \_\_\_\_\_

SUBJECT: EPA Information Items

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	<input type="checkbox"/>	<input type="checkbox"/>	Baker	<input type="checkbox"/>	<input type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	Clark	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input type="checkbox"/>	<input type="checkbox"/>	<del>Darman (For WH Staffing)</del>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Defense	<input type="checkbox"/>	<input type="checkbox"/>	Harper	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	Jenkins	<input type="checkbox"/>	<input type="checkbox"/>
Interior	<input type="checkbox"/>	<input type="checkbox"/>	Gray	<input type="checkbox"/>	<input type="checkbox"/>
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
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_____	<input type="checkbox"/>	<input type="checkbox"/>	CCLP/Uhlmann	<input type="checkbox"/>	<input type="checkbox"/>
			CCNRE/Boggs	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMARKS: Attached are two items of information from EPA:  
 1) Use Authorization for Polychlorinated Biphenyls (PCB's) in Electrical Equipment  
 2) Guidelines for Using Superfund Enforcement Authorities

RETURN TO:  Craig L. Fuller  
 Assistant to the President  
 for Cabinet Affairs  
 456-2823

Becky Norton Dunlop  
 Director, Office of  
 Cabinet Affairs  
 456-2800

ATTACHMENT 2  
**CABINET AFFAIRS STAFFING MEMORANDUM**

PROJ  
 PRO11  
 EEOC 5-15  
 RACE/1  
 FZ006  
 FG 122,  
 R3  
 FG006-11  
 FG006-06

DATE: 5/19/82 NUMBER: 068969CA

DUE BY: \_\_\_\_\_

SUBJECT: Environmental Protection Agency Reports

	OPTIONAL	FTH		ACTION	FTH
ALL CABINET MEMBERS	<input type="checkbox"/>	<input type="checkbox"/>	Baker	<input type="checkbox"/>	<input type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	Clark	<input type="checkbox"/>	<input type="checkbox"/>
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Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	Jenkins	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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CEQ	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCEA/Porter	<input type="checkbox"/>	<input type="checkbox"/>
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_____	<input type="checkbox"/>	<input type="checkbox"/>	CCLP/Uhlmann	<input type="checkbox"/>	<input type="checkbox"/>
			CCNRE/Boggs	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

- Attached are the following reports from EPA:
- 1) Premanufacture Notification Exemption - FINAL RULE
  - 2) GM Cadillac Seville Recall Order
  - 3) Proposed Regulations for Real Property Acquisition and Relocation Assistance
  - 4) Guidelines for Using Superfund Enforcement Authorities
  - 5) Weekly Report 5/13/82

RETURN TO:

Craig L. Fuller  
 Assistant to the President

Becky Norton Dunlop  
 Director, Office of



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 11 1982

EPA ACTION ITEM

THE ADMINISTRATOR

TO: Craig L. Fuller  
Assistant to the President  
for Cabinet Affairs

NON-CONTROVERSIAL

SUBJECT: Guidelines for Using Superfund Enforcement  
Authorities

Background

Section 106 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) required EPA to establish and publish guidelines for using the imminent hazard, enforcement, and emergency response authorities of Superfund and other statutes.

Importance

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Current Status

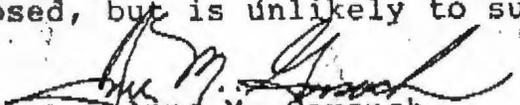
I plan to sign these guidelines by May 13, 1982.

OMB Position

OMB has reviewed these guidelines and is expected to concur.

Expected Reaction

It is uncertain whether further litigation will result. Original parties to the suit will likely appreciate the policy neutrality of the guidelines. Numerous suggestions advanced by the Chemical Manufacturers Association have not been incorporated--CMA will be opposed, but is unlikely to sue.

  
Anne M. Gorsuch



EPA WEEKLY REPORT 5/13/82

To: Craig Fuller  
Assistant to the President

Environmental Waste Removal Inc.

Environmental Waste Removal Inc., one of the largest operators of hazardous waste transfer and storage facilities in New England, operates a hazardous waste site in Waterbury, Connecticut. In the summer of 1981, EPA fined this company \$25,000 for RCRA violations. The company continued to violate RCRA regulations so EPA in Boston referred the case to the Department of Justice on April 20, 1982.

An EPA employee, acting as a private citizen held a press conference which drew attention to what heretofore had been a quietly conducted EPA enforcement action. Congressional and citizen interest is now very high. I plan to be in Boston, May 24, on other business and expect to deal with the press on this issue at that time.

Construction Grants Revised Regulations

The revised Construction Grants Regulations were published May 12. The revised rules reflect the amendments to Title II of the Clean Water Act signed by the President. The revisions reduce the complexity of the regulations and give State and local government more flexibility in administering the program.

Congressional committee members have been briefed and were generally satisfied with the proposed revisions. There will be a 30-day period for public comment before the regulations may become final. Anticipated public reaction will generally be positive.

page 2

Dioxin Contamination of the Spring River in Missouri

On March 25, The State of Missouri announced that EPA laboratory results indicated the presence of low levels of dioxin contamination in fish samples from the Spring River Basin near Verona, Missouri. The State also recommended against eating the fish from that area.

Since the State's announcement, EPA in Missouri has continued sampling and has pinpointed approximately 12 sources of dioxin in the Spring River Basin. In addition EPA has been meeting with the Syntex Corporation, a company which has volunteered to help with the clean-up project, to develop monitoring plans.

Public and press interest in this problem has increased in the past three weeks. Although Senators Eagleton and Danforth have publicly expressed their concern for this problem, they are not dissatisfied with the State's or EPA's actions so far.

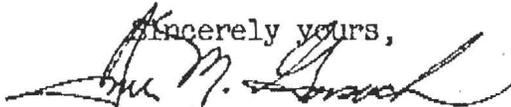
Love Canal Study

The National Bureau of Standards (NBS) has completed its portion of the Love Canal Study. NBS forwarded a copy of its report to EPA, for review and release in June. Although the contents of the report are embargoed until June, Congressman LaFalce requested a meeting with NBS, to discuss the study, May 12. NBS cancelled the meeting and referred the Congressman to EPA.

Congressman LaFalce has been continuously interested in this report because Love Canal is in his congressional district.

In the event LaFalce makes an issue of not being allowed to see the report, EPA will respond by emphasizing the importance of evaluating the report as a whole, the three parts of which should not be reviewed out of context.

Sincerely yours,



Anne M. Gorsuch

CABINET AFFAIRS STAFFING MEMORANDUM

10/11/82  
FCM  
BILL  
HUTTS  
FCM  
FCM

DATE: June 14, 1982

NUMBER: 077301 CA

DUE BY: HUTTS

SUBJECT: EPA Issue Alerts

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	<input type="checkbox"/>	<input type="checkbox"/>	Baker	<input type="checkbox"/>	<input type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	Clark	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input type="checkbox"/>	<input type="checkbox"/>	Darman (For WH Staffing)	<input type="checkbox"/>	<input type="checkbox"/>
Defense	<input type="checkbox"/>	<input type="checkbox"/>	Harper	<input type="checkbox"/>	<input type="checkbox"/>
Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	Jenkins	<input type="checkbox"/>	<input type="checkbox"/>
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OSTP	<input type="checkbox"/>	<input type="checkbox"/>	CCFA/Boggs	<input type="checkbox"/>	<input type="checkbox"/>
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REMARKS: Attached are several items which might be of interest. Any comment should be addressed to Becky Dunlop.

- (1) Proposed Common Issues Settlement, Consolidated Permit Regulations
- (2) Proposed Rule: PCBs in Closed and Controlled Waste Manufacturing Processes: Exclusion from Ban on PCB Manufacturing
- (3) Minority Business Enterprise and Womens Business Enterprise
- (4) Simplified Program Grant Regulations
- (5) Proposed Revisions to NEPA Implementation in Construction Grants
- (6) Inorganic Chemicals Effluent Guidelines, Final Rule
- (7) EPA Workplan



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

EPA WEEKLY REPORT  
6/9/82

To: Craig Fuller  
Assistant to the President

MIAMI DRUM SERVICES - MIAMI, FLORIDA

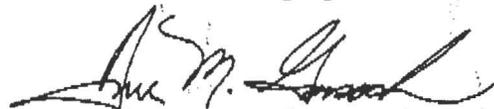
EPA announced June 4, that \$1.75 million in Superfund monies will be expended to complete clean up of the Miami Drum Services hazardous waste site located near the Biscayne Aquifer, which supplies Miami's drinking water. This site was one of three sites ranked by the State of Florida as top priority for Superfund action.

Miami Drum Services, which ceased operation in April 1981, operated a drum recycling facility in Miami for 15 years. Several thousand drums containing industrial waste materials, including organic compounds, PCB's, heavy metals, oil and grease, were handled at the site.

Dade County initiated clean up in January 1982, and has removed drums and contaminated soil. The \$1.75 million will be used to reimburse the County and complete excavation and disposal of contaminated surface materials.

Public interest has been high. Senator Paula Hawkins has been particularly concerned and has tracked progress on the clean up of this site.

Sincerely yours,

  
Anne M. Gorsuch

Handwritten notes:  
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3...  
FG122  
FG106-11  
FG106-11  
TNLL5

**CABINET AFFAIRS STAFFING MEMORANDUM**

DATE: 7-1-82 NUMBER: 077349CA DUE BY: \_\_\_\_\_  
SUBJECT: EPA Issue Alerts

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	<input type="checkbox"/>	<input type="checkbox"/>	Baker	<input type="checkbox"/>	<input type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	Clark	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input type="checkbox"/>	<input type="checkbox"/>	Darman (For WH Staffing)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	Jenkins	<input type="checkbox"/>	<input type="checkbox"/>
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Transportation	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
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MARKS: Attached is information on:

- 1) Inorganic Chemicals Effluent Guidelines, Final Rule
- 2) Revised Consent Decree for Alabama By-Products Corporation
- 3) Chemical Waste Disposal by Incinerator Ship



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 16 1982

THE ADMINISTRATOR

MEMORANDUM

TO: Craig Fuller  
Assistant to the President

SUBJECT: Chemical Waste Disposal by Incinerator Ship Moderate Significance

Background

EPA conducted a public hearing in Brownsville, Texas, on Tuesday, May 25, regarding future permit requests to burn chemicals in the Gulf of Mexico aboard the hazardous waste incinerator ship, Vulcanus. At the meeting, a representative of the Texas Farmers Union said he had written the President of Mexico requesting that public hearings be held on both sides of the border before more permits are granted. About 60 people expressed concern about incineration and asked for further hearings. Public concern in the Brownsville area apparently involves misunderstandings over the amount of hazardous wastes and the method of disposal. There are fears that the Gulf will be the main incineration site for the U.S., and that wastes will be dumped directly into the Gulf. There are plans, however, for another site off the coast of Delaware.

Another hearing was held in Mobile, Alabama, on May 26, but there were few participants. Public concern in Mobile focuses on the safety of shipping hazardous materials through the city and the amount of hazardous materials to be assembled in the Mobile area. Mobile is the home port of the Vulcanus.

In December 1981, Chemical Waste Management, Inc., conducted a test to evaluate the feasibility of burning PCB's on board the Vulcanus in the Gulf of Mexico about 350 miles southwest of Mobile, Alabama. EPA feels that incineration is safe, and that the test burn was successful, with 99.95% of the PCB's being destroyed. However, since some of the samples from the test burn were destroyed, EPA is requesting a second test burn to ensure that the data are statistically valid. No new permits have been granted, although there may be another, possibly as early as July.

### Importance

Incineration of hazardous wastes at sea is definitely a growth industry. The method represents an effective way of completely destroying these wastes with minimal environmental impact, well away from populated areas. Within five years, as many as six additional ships, representing potentially \$1 billion in private investment, will be operation. This technology will therefore become far more visible to the public and may well be the source of additional public controversy.

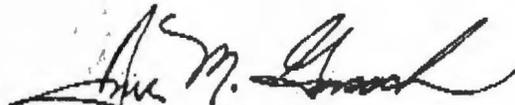
### Current Status

No more hearings have been scheduled, and no more permits have been issued, although EPA has requested another test burn.

### Expected Reaction

The White House may receive correspondence or requests for further hearings from the Mexican government; from Congressmen from Texas, Louisiana and Florida; or from citizens in the Brownsville and Mobile areas.

If you need additional materials on this subject, please let me know.



Anne M. Gorsuch

**CABINET AFFAIRS STAFFING MEMORANDUM**

DATE: 7/9/82 NUMBER: 077368CA DUE BY: \_\_\_\_\_

SUBJECT: EPA Issue Alerts

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	<input type="checkbox"/>	<input type="checkbox"/>	Baker	<input type="checkbox"/>	<input type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	Clark	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input type="checkbox"/>	<input type="checkbox"/>	Darman ( <i>For WH Staffing</i> )	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Defense	<input type="checkbox"/>	<input type="checkbox"/>	Harper	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	Jenkins	<input type="checkbox"/>	<input type="checkbox"/>
Interior	<input type="checkbox"/>	<input type="checkbox"/>	Cribb	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Commerce	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Labor	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HHS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HUD	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Transportation	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Energy	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Education	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Counsellor	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
OMB	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
CIA	<input type="checkbox"/>	<input type="checkbox"/>	CCCT/Gunn	<input type="checkbox"/>	<input type="checkbox"/>
UN	<input type="checkbox"/>	<input type="checkbox"/>	CCEA/Porter	<input type="checkbox"/>	<input type="checkbox"/>
USTR	<input type="checkbox"/>	<input type="checkbox"/>	CCFA/Boggs	<input type="checkbox"/>	<input type="checkbox"/>
CEA	<input type="checkbox"/>	<input type="checkbox"/>	CCHR/Carleson	<input type="checkbox"/>	<input type="checkbox"/>
CEQ	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCLP/Uhlmann	<input type="checkbox"/>	<input type="checkbox"/>
OSTP	<input type="checkbox"/>	<input type="checkbox"/>	CCNRE/Boggs	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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_____	<input type="checkbox"/>	<input type="checkbox"/>			

REMARKS: Attached for your information is:  
1) 7/7/82 EPA Weekly Report



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

EPA WEEKLY REPORT  
7/7/82

To: Craig Fuller  
Assistant to the President

Superfund Contracts for Freehold, New Jersey Landfills

Today, at a press conference with Governor Keene and Congressman Rinaldo, I signed two Superfund Agreements which together amount to \$3.4 million for action on two sites, Lone Pine Landfill and Kin-Buc Landfill.

The Lone Pine Landfill is an 85-acre inactive landfill from which chemical wastes have been found to be leaking into the headwaters of the Manasquan River. The Superfund contract for this site will be for planning long term clean up action. Public concern about this site has increased in the past two months after EPA announced test results which show groundwater contamination in the area.

The Kin-Buc Landfill is a 30-acre inactive landfill from which groundwater contamination has been detected. The contract for this site includes funds for initial remedial clean up action and funds for planning long-term clean up action.

We expect favorable media response to the signing of these contracts.

M.K. Ranches, Gulf County, Florida

EPA and DOJ assert that M.K. Ranches, a large farming operation, illegally dredged and filled wetland areas without proper permits. DOJ, EPA, M.K. Ranches and the State of Florida have reached tentative agreement on a Consent Order which will settle a \$30 million lawsuit against M.K. Ranches. Under the terms of the Consent Order, M.K. Ranches will restore 8,500 acres of endangered wetlands in Gulf County, Florida.

This matter is confidential because as yet the presiding Federal judge has not reviewed the order. Signature is expected at the end of this month.

This project is probably the largest effort undertaken by a defendant as a result of a Federal action under Section 404 of the Clean Water Act and the 1899 Rivers and Harbors Act. Polluted runoff

page 2

There has been no public or Congressional interest in this matter to date.

Love Canal Report - Niagara Falls, New York

The EPA Love Canal Report is scheduled for public release on July 14 in Niagara Falls, New York. It is an analytical study of the possible movement of pollutants from the Love Canal area where chemical wastes were buried as long as 30 to 40 years ago. Although the findings are confidential, you will be receiving a complete discussion of the report and its findings as soon as this is prepared.

NAACP Suit

We have just received notification from the Justice Department that the Agency has been sued in Federal District Court by the Warren County, North Carolina chapter of the NAACP, for alleged discrimination because a hazardous waste landfill was sited in predominantly black Warren County.

The landfill in question is designed to handle PCB-contaminated roadside dirt from North Carolina roads where illegal dumping occurred two years ago. EPA has permitting and siting responsibility for PCB disposal under the Toxic Substances Control Act (TSCA).

Press coverage and Congressional attention are likely. We will send you additional details as these become available.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Anne M. Gorsuch".

Anne M. Gorsuch

ATTACHMENT 6

OFFICE OF THE ASSISTANT ADMINISTRATOR  
SOLID WASTE AND EMERGENCY RESPONSE  
WASHINGTON, DC 20460

September 28, 1982

MEMORANDUM

SUBJECT: Press Conference Briefing

FROM : Rita M. Lavelle *RML*  
Assistant Administrator

TO : Craig Fuller  
Assistant to the President  
for Cabinet Affairs  
The White House

Attached is the material on the North Carolina  
PCB-Site demonstrations I promised.

Attachment

DRAFT PRESS CONFERENCE RESPONSE

Question: Do you have any comment on the North Carolina demonstrations against depositing PCB-contaminated soil in Warren County, North Carolina?

Answer: Governor Hunt and his State administration are dealing with the problem in a responsible manner. It would not be appropriate for me to complicate Governor Hunt's handling of this case.

IF PRESSED

The State, working with EPA regional experts, has gone to great lengths to provide a technologically sound repository for the contaminated soil which is now being trucked to the site in Warren County. There is no danger to the health of residents.

North Carolina is one of the leading States in the nation in taking responsibility for handling its own hazardous wastes. We have every confidence in the design of the landfill and in the State's ability to provide for the protection of its own citizens and their environment.

## BACKGROUND: NORTH CAROLINA PCB SITE

### Safety at the Landfill

The landfill for the PCB-contaminated roadside material was subject to exhaustive technical review by EPA and the State of North Carolina to ensure that the site, along with the proposed construction and operation, met the requirements for a chemical waste landfill. EPA issued final approval for the landfill on December 14, 1981.

EPA has confidence in the design of the landfill, which incorporates use of multiple liners, mechanisms for collection and removal of liquids if they develop in the landfill, and a capping system to prevent infiltration of rainwater into the landfill after it is closed.

Also, EPA is confident that the State of North Carolina has the ability to construct and operate the landfill as it has been approved.

EPA believes that the site when completed will provide for safe and secure disposal of the PCB contaminated roadside material.

Most of the site not to be used for the landfill itself, about 120 acres, has been deeded to the county. Deed restrictions ensure that this acreage will remain a buffer zone and that the landfill site will be used only for disposal of the contaminated soil and associated waste involved in the 1978 PCB incident.

### History of the Case

The North Carolina PCB Roadside Waste sites resulted from the deliberate discharge of over 30,000 gallons of PCB-contaminated industrial

waste liquids along approximately 210 noncontiguous miles of State highway shoulder between June 1978 and August 1978.

Federal criminal actions were filed against four responsible parties for violations of the Toxic Substances Control Act (TSCA). In June 1981, the four defendants were sentenced and one defendant is currently serving a prison sentence, two are on probation and the fourth defendant has appealed his conviction.

The State has filed a multimillion-dollar civil suit against the four responsible parties and the company which generated the PCB-contaminated wastes.

#### Recent Events

High interest continues in Warren County and is unlikely to abate in the near future. In the last few weeks, focus has shifted to racial motivation for siting of landfill and away from environmental concerns. "Outsiders," including Love Canal protester Lois Gibbs, seem to be taking over from the local residents. The Southern Christian Leadership Conference out of Atlanta, under the leadership of Dr. Joseph Lowery, also is involved. Lowery was among those jailed last week. Other activists include Ken Ferruccio, head of the Warren County Concerned Citizens Against PCBs, and Floyd McKissick. D.C. Delegate Fauntroy was also arrested yesterday during demonstrations and a "National March."

So far EPA has been in the background, with the State taking the most heat. Gordon Kenna, Region 4 Office of Public Affairs (OPA), has been EPA's lead person and has gotten considerable exposure in the press. Gordon

has high praise for the North Carolina information staff. EPA has consistently attempted to maintain a low federal profile, and the State has been anxious to maintain the lead.

Editorials in Warren County and in Raleigh to date have been pro-State and have criticized outside intruders, particularly Gibbs. The protestors, along with their attorney, visited the editors of the local paper to "change their editorial viewpoint." Region 4 reports that a change is highly unlikely. The protestors have visited Chapel Hill to "recruit" helpers, with limited success.

Governor Hunt held a press conference Thursday (9/23) and EPA Regional Administrator Jeter sent him a supportive telegram which was referenced in the press conference. The Governor held another press conference this morning (9/28). Three experts from the EPA regional office were present to answer charges made by William Sanjour, an EPA headquarters employee, at a meeting in Warren County on Sunday (9/26).

A "National March" was held yesterday and 114 people were arrested, among them Fauntroy.

So far around 375 people have been arrested, and the State has declared that it will not back down. Trucks continue to roll. The landfill is nearly one-third full. Work is proceeding ahead of schedule and will be completed in three weeks.

Governor Hunt stated in his press conference that extra security is costing the State \$200,000 per week.

SUGGESTED STRATEGY

Keep the President and EPA headquarters out of the case.

So far, EPA Region 4 has been working with the State, which has been taking the lead and doing well so far, taking the demonstrators' heat while keeping the transfer of contaminated soil moving.

North Carolina Governor Hunt has been personally involved. The pace of soil transfer has been increased to conclude the operation in an estimated four weeks instead of six. Three more weeks of work remain.

## Superfund

In December 1980, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund. The law provides for a \$1.6 billion trust fund to be raised over five years: 86 percent from special taxes on the chemical industry, and the remainder from general revenues. The money is to be used to clean up hazardous waste spills and to provide long-term remedies at abandoned hazardous waste sites. Prior to passage of Superfund, the Federal government had no authority to clean up such sites.

Overall, Superfund has moved quickly. In August 1981, the U.S. Environmental Protection Agency was delegated responsibility for carrying out the law. In the year since then, EPA has designated 160 priority sites for Superfund action. The list of priority sites will be expanded to 400 shortly. Federal activity is underway at 105 of the current 160 priority sites.

By September 15, 1982, EPA allocations for long-term remedial actions totaled \$78 million at 63 sites. Eighty-one emergency removals had been completed at a cost of \$27 million. EPA Region 2, which includes the States of New York and New Jersey, has the highest total dollar allocation for activity at the greatest number of sites.

States have signed cooperative agreements to plan and manage Superfund responses at 30 sites. Similar agreements with States for 18 additional sites are pending.

EPA stresses private party participation in cleanup activities when responsible parties can be identified. Nationwide, enforcement actions have generated some \$82 million in private support for cleanup at 24 imminent hazard sites.

10/1/82

**CABINET AFFAIRS STAFFING MEMORANDUM**

*ATTACHMENT 7*

DATE: 10-1-82

NUMBER: 077511CA

DUE BY: \_\_\_\_\_

SUBJECT: EPA Weekly Report - 9/27/82

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	<input type="checkbox"/>	<input type="checkbox"/>	Baker	<input type="checkbox"/>	<input type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	Clark	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input type="checkbox"/>	<input type="checkbox"/>	Darman ( <i>For WH Staffing</i> )	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Defense	<input type="checkbox"/>	<input type="checkbox"/>	Harper	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	Jenkins	<input type="checkbox"/>	<input type="checkbox"/>
Interior	<input type="checkbox"/>	<input type="checkbox"/>	Cribb	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Commerce	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Labor	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HHS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HUD	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
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Education	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Counsellor	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
OMB	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
CIA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
UN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
USTR	<input type="checkbox"/>	<input type="checkbox"/>	CCCT/Gunn	<input type="checkbox"/>	<input type="checkbox"/>
CEA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCEA/Porter	<input type="checkbox"/>	<input type="checkbox"/>
CEQ	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCFA/Boggs	<input type="checkbox"/>	<input type="checkbox"/>
OSTP	<input type="checkbox"/>	<input type="checkbox"/>	CCHR/Carleson	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	CCLP/Uhlmann	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	CCNRE/Boggs	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMARKS:



THE ADMINISTRATOR

EPA WEEKLY REPORT  
9/27/82

TO: Craig Fuller  
Assistant to the President

PCB Disposal (Update)

Last week's report discussed North Carolina's decision to dispose of PCB contaminated soil at a landfill in Afton, North Carolina. High interest continues in Warren County and is unlikely to abate in the near future. In the last few weeks focus has shifted to racial motivation for the siting of the landfill and away from environmental concerns. Non-residents including Lois Gibbs, from Love Canal, New York, seem to be taking the lead in the protests. The Southern Christian Leadership Conference out of Atlanta under the leadership of Dr. Joseph Lowery is also involved. Lowery was among those jailed last week. Other activists include Ken Ferruccio, head of the Warren County Concerned Citizens against PCBs, and civil rights activist Floyd McKissick. Arrested this Monday was D.C. congressional delegate Walter Fauntroy.

Superfund

Positive publicity was garnered with the announcement last Friday that EPA was awarding \$800,000 under the Superfund hazardous waste clean-up program to the state of Ohio for removal of radium contamination from a residence and factory in Cleveland. The award was announced in conjunction with the Governor's office, and came in the wake of widespread public attention, including a petition requesting government help signed by 6,500 citizens.

Anne M. Gorsuch

FG 182

# CABINET AFFAIRS STAFFING MEMORANDUM

his  
FG 006-11

DATE: 10-18-82

NUMBER: 077543CA

DUE BY:

FG 006-03

SUBJECT: EPA Weekly Report 10/11/82

FG 006-06

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	<input type="checkbox"/>	<input type="checkbox"/>	Baker	<input type="checkbox"/>	<input type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	Clark	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input type="checkbox"/>	<input type="checkbox"/>	Darman (For WH Staffing)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Defense	<input type="checkbox"/>	<input type="checkbox"/>	Harper	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	Jenkins	<input type="checkbox"/>	<input type="checkbox"/>
Interior	<input type="checkbox"/>	<input type="checkbox"/>	Cribb	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Commerce	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
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HHS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HUD	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Transportation	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
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Education	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Counsellor	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
OMB	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
CIA	<input type="checkbox"/>	<input type="checkbox"/>	CCCT/Gunn	<input type="checkbox"/>	<input type="checkbox"/>
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USTR	<input type="checkbox"/>	<input type="checkbox"/>	CCFA/Boggs	<input type="checkbox"/>	<input type="checkbox"/>
CEA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCHR/Carleson	<input type="checkbox"/>	<input type="checkbox"/>
CEQ	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCLP/Uhlmann	<input type="checkbox"/>	<input type="checkbox"/>
OSTP	<input type="checkbox"/>	<input type="checkbox"/>	CCMA/Bledsoe	<input type="checkbox"/>	<input type="checkbox"/>
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REMARKS:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EPA WEEKLY REPORT  
10/11/82

THE ADMINISTRATOR

TO: Craig Fuller  
Assistant to the President

Ferriamicide Update

In last week's report, I noted that EPA had granted emergency exemptions for use of the pesticide, ferriamicide, to control fire ants in the states of Mississippi, Texas and Arkansas. I pointed out that while, thus far, public reaction had been slight, criticism would likely mount if and when environmental groups took court action to try to block the exemption.

EPA's Office of Pesticides and Toxic Substances informed me this week that such a suit is imminent. Within a few days, the National Audubon Society and the Lone Star Chapter of the Sierra Club are expected to challenge the emergency exemption in federal court. The exact grounds of their suit are not yet known, but will probably include charges of violating both FIFRA and the Administrative Procedures Act. OPTS believes the outcome of this suit could go either way.

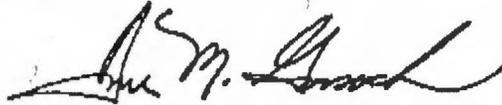
Cong. Dingell Criticizes Administration Enforcement Record

In October 11th press release, Congressman John D. Dingell (D-Mich.), Chairman of the Subcommittee on Oversight and Investigations of the House Energy and Commerce Committee, made public a preliminary staff study highly critical of Administration efforts to enforce the Nation's environmental laws.

Dingell charged that EPA's "performance continues to fall short of the record of the previous Administrations". He also criticized the "poor performance of the Justice Department in filing in the Federal courts civil cases referred by EPA".

Saying that "the Administration must recognize that 'new Federalism' is not an excuse for undermining the basic foundation of our Nation's environmental laws", Dingell claimed that States were ill-equipped financially to play a greater role in environmental enforcement.

The Congressman announced that his Oversight and Investigations Subcommittee planned to conduct a hearing later this year to probe the enforcement issues identified in the Subcommittee staff study and to continue its review of EPA's administration of the Superfund statute. The story was reported in the Washington Post and a few other papers, but was not given prominent coverage. EPA rejects the Dingell charges and stands ready to argue them if asked to testify.



Anne M. Gorsuch

OFFICE OF POLICY DEVELOPMENT

ATTACHMENT 9

STAFFING MEMORANDUM

DATE: 12/22/82 ACTION/CONCURRENCE/COMMENT DUE BY: 12/29/82  
 SUBJECT: HAZARDOUS WASTES

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HARPER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BARR	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
BLEDSON	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	COBB	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	PROPERTY REVIEW BOARD	<input type="checkbox"/>	<input type="checkbox"/>
DENEND	<input type="checkbox"/>	<input type="checkbox"/>	OTHER		
FAIRBANKS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
FERRARA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GALEBACH	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
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GUNN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LI	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MONTOYA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
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ROPER	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
SMITH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
UHLMANN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
ADMINISTRATION	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Do you have a list of the sites?

THE WHITE HOUSE  
WASHINGTON

POLICY DEVELOPMENT  
1982 DEC 21 P 12:02

DECEMBER 21, 1982

MEMORANDUM FOR EDWIN L. HARPER

FROM: MARTIN L. SMITH *ML*

SUBJECT: Hazardous Wastes

Because of your continued interest in dioxin in Missouri, I thought you would be interested in the enclosed material on EPA's Superfund program. Yesterday, Administrator Gorsuch announced 418 national priority sites for remedial action under Superfund. The enclosed material provides the location of these sites and previous actions which the Reagan EPA has taken to alleviate these abandoned waste sites.

Hazardous wastes and ground water protection will be the major environmental issues of the next two years. It is imperative that the Reagan Administrator take leadership in these areas.

*Do you have a list of the sites?*

*E*



# Environmental News

FOR RELEASE: MONDAY, DECEMBER 20, 1982

Woods (202) 382-4379

## EPA ANNOUNCES 418 PRIORITY SUPERFUND SITES

U.S. Environmental Protection Agency Administrator Anne M. Gorsuch today announced completion of a proposed national priority list of 418 hazardous waste sites, ranked by their potential threat to health and the environment.

Most of the sites are located near industrial areas of the East, Midwest and South. New Jersey, Michigan and Pennsylvania have the largest number of priority sites.

They all are targeted for cleanup by federal and state governments cooperating under EPA's Superfund, which is to accrue some \$1.6 billion by 1985, 86 percent from taxes on hazardous waste generators and handlers, 14 percent from general revenues. Superfund was authorized by Congress in December 1980 with passage of the Comprehensive Environmental Response, Compensation and Liability Act.

The proposed list when final will replace the current Interim Priority List of 160 sites. All but seven sites from the Interim List are proposed on the final list.

"We have now defined the nation's first five-year agenda for ending decades of neglect of our hazardous waste problem," Mrs. Gorsuch said. "Problems which took three decades or more to develop have now been classified and rated for priority cleanup action."

"It is only 16 months since President Reagan assigned EPA the lead role in implementing the Superfund law. Given the complexities of searching out and ranking by threat the major uncontrolled sites, we can take satisfaction in having moved so far so fast."

She added that since enactment of Superfund, EPA

Fire, explosions, and the possibility of direct contact receive separate evaluation as more appropriate for emergency action.

Before Superfund money can be committed at the priority sites, states must contribute at least 10 percent of the actual long-term costs of cleanup per site unless the site is publicly owned. On publicly-owned sites, the state is required to pay or assure at least 50 percent of the costs.

Rita M. Lavelle, EPA's assistant administrator in charge of Solid Waste and Emergency Response, said "The Superfund program has made remarkable and gratifying progress, especially in the past year. That progress is an eloquent demonstration of the Reagan Administration's determination to clean up the nation's worst hazardous waste sites promptly and effectively.

"We are far along in mobilizing local, state and national governments, combined with the technological forces of private industry, to do the job. Prototype systems for safe containment of the hazardous waste have been designed and put into operation," she said.

Detailed plans for cleanups will be worked out in conjunction with the states. Cleanup can occur through three mechanisms: direct federal contracts managed by the U.S. Army Corps of Engineers; cooperative agreements under which the state takes the lead in directing cleanup action, and private cleanups through voluntary or court-ordered action. In all three cases, private contactors do the actual site work.

\* \* \*

STATEMENT  
BY  
ANNE M. GORSUCH, ADMINISTRATOR  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
ON  
THE RELEASE OF A NATIONAL PRIORITY LIST  
OF HAZARDOUS WASTE SITES

The problem of abandoned hazardous waste sites is one that concerns all Americans. No part of the country appears to be immune from the potential health threat posed by toxic materials that were improperly handled in years gone by.

These serious problems will not be quickly remedied. But I'm pleased to announce today that EPA has completed a comprehensive agenda for carrying out the cleanup task that is already well begun.

It was just 16 months ago that President Reagan assigned to the Environmental Protection Agency the task of developing the national priority list of hazardous waste sites targeted for cleanup under the Superfund law. The law itself mandates the designation of at least 400 such sites.

The list we are releasing today includes 418 sites. These are the "worst cases" among several thousand abandoned waste sites scattered across the country. They fully warrant priority attention to protect the health of those nearby. And they will get priority attention as EPA carries out its responsibilities under the Superfund program.

Completion of this list of 418 sites establishes a five-year agenda for cleanup work under Superfund. It is an important milestone, but it does not mark the beginning of this national effort.

doing, we aren't doing fast enough; that we are using Superfund money to balance the national debt instead of spending the money on cleanup activities. I believe the record says otherwise. I don't know of another new government program of this complexity that has gotten off the mark faster. As of September 30, the end of fiscal 1982, we had obligated 83 percent of the money available to Superfund, and the balance was carried over to be spent this year.

I believe that Rita Lavelle, our assistant administrator for solid waste and emergency response, and her staff deserve the highest marks for the remarkable progress they have achieved. I commend and compliment them.

In the end, though, praise or blame is not crucial to our task. The important challenge we have is to end the fear that toxic waste will endanger the health of any man, woman or child in the United States.

We are meeting that challenge squarely and there will be no slackening of our effort until the job is done.

‡ ‡ ‡

## SUPERFUND RESULTS

With publication of the proposed National Priorities List, EPA has designated 418 sites for action according to priority as determined by its Hazard Ranking System.

- ° Federal activities are under way at 112 sites; State cleanup at 29 others.
- ° Emergency removal actions have been approved for 98 sites and \$29.5 million has been allocated.
- ° Remedial actions, meaning longer-term site work, have been ordered at 71 sites and \$88 million has been allocated.
- ° Five priority sites have been cleaned up, at Chemical Metals Industries, Baltimore, Md.; Walcotte Chemical/Warehouses, Greenville, Miss.; Luminous Processes, Athens, GA; Butler Tunnel, PA; and Chemical Metals Industries, Ohio.
- ° Private parties are addressing 39 sites at total savings to Superfund of \$121 million
- ° Nineteen States have entered into cooperative agreements to address problems at 36 sites.
- ° Superfund is taking the lead in addressing problems at 29 sites in 16 states.
- ° From December 1980 when the Superfund law was passed until Sept. 30, 82 the end of Fiscal Year 1982, Superfund had obligated \$221 million of \$265 million appropriated, or 83 percent; the remainder will be carried over into this fiscal year.

## RCRA RESULTS

The regulated community of hazardous waste generators and handlers is comprised of 54,000 generators; 12,900 transporters; and 9,100 other facilities, including 8,100 treatment and storage facilities; 510 incinerators and 900 land disposal facilities.

Twenty-three states have solid waste plans approved or partially approved.

Thirty-five states are in the first phase of interim authorization and are operating their own regulatory programs in lieu of EPA. Seven states (Georgia, North Carolina, Arkansas, Texas, Mississippi, South Carolina and Oklahoma) are in the second phase.

In fiscal year 1982, EPA called in 734 facility permits, received permit applications from 196 existing facilities and 52 from new facilities; permits were issued to three existing facilities and five new facilities.

## ENFORCEMENT RESULTS

The cumulative total in private party support for actions at uncontrolled (Superfund) sites stands at more than \$121 million for 39 sites.

In addition the States have recovered \$13.5 million in costs.

Since Fiscal Year 1980, some 1,760 notice letters to possible responsible parties have been issued in connection with action at 106 sites; negotiations are being conducted for responsible party support at 56 sites; similar negotiations have been completed at 38 sites.

Forty-three Superfund cases have been referred to the Department of Justice. Seven administrative orders to take remedial actions have been issued.

Under RCRA, 15,896 inspections have been conducted at operating facilities since Oct. 1981, 1,654 of them by EPA and 14,242 by the States.

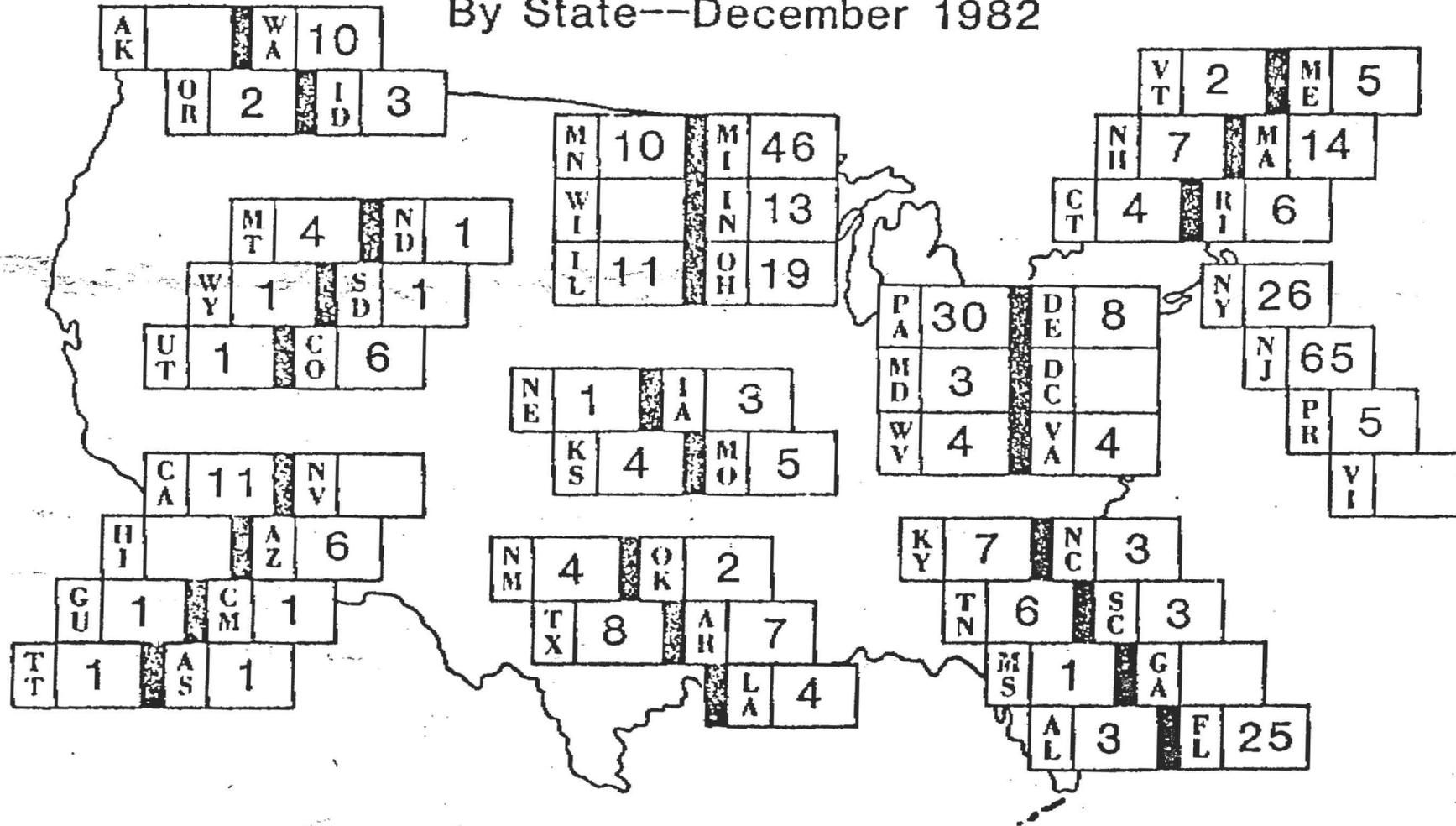
Warning letters have been issued to 1,023 facilities; complaints to 233, and final orders to 153.

... which is 16 percent greater than

# Distribution of Hazardous Waste Sites

On Proposed Superfund Priorities List

By State--December 1982



1110  
1110

**CABINET AFFAIRS STAFFING MEMORANDUM**

FG122  
JED07-01  
CM001  
FG006-11  
FG006-06

DATE: 1-3-83

NUMBER: 077688CA

DUE BY:

SUBJECT: EPA Issue Alerts

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	<input type="checkbox"/>	<input type="checkbox"/>	Baker	<input type="checkbox"/>	<input type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	Clark	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input type="checkbox"/>	<input type="checkbox"/>	Darman (For WH Staffing)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Defense	<input type="checkbox"/>	<input type="checkbox"/>	Harper	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	Jenkins	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Interior	<input type="checkbox"/>	<input type="checkbox"/>	Cribb	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
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HHS	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
HUD	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Transportation	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Energy	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Education	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Counsellor	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
OMB	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
CIA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
UN	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
USTR	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
CEA	<input type="checkbox"/>	<input type="checkbox"/>	CCCT/Gunn	<input type="checkbox"/>	<input type="checkbox"/>
CEQ	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCEA/Porter	<input type="checkbox"/>	<input type="checkbox"/>
OSTP	<input type="checkbox"/>	<input type="checkbox"/>	CCFA/Boggs	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	CCHR/Carleson	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	CCLP/Uhlmann	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	CCMA/Bledsoe	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	CCNRE/Boggs	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMARKS: Attached for your information are the following EPA Issue Alerts:

- 1) EPA Weekly Report 12/20/82
- 2) Several Changes to the 1984 Heavy and Light Truck Emission Regulations
- 3) Proposed Significant New Use Rule (SNUR) under TSCA

RETURN TO:



EPA WEEKLY REPORT  
12/20/82

TO: Craig Fuller  
Assistant to the President

Enclosed is a list of several items which should be coming to the fore within the next couple of weeks. Some could be controversial. ))

*Paul Milbauer*

Paul Milbauer  
Special Assistant  
to the Administrator

Enclosure

1. Jones and Laughlin Steel Corporation "Stretchout" Petition.

This action to be signed December 29 and published in January denies J and L's request to extend deadlines for compliance with the Clean Air Act. The Act allows compliance extensions if (1) a company uses the money it saved from deferring pollution control expenditures for capital investments to improve the steel facilities, and (2) if the company is in compliance with federal consent decrees or violations are minimal. In this case, J&L is in violation of two consent decrees for plants in Pennsylvania and Indiana. Once "stretch out" is denied, enforcement of existing decrees would follow.

The action will be controversial. Senators Heinz and Specter and Congressmen Williams, Brown and Atkinson have appealed to the White House. The affected states include Pennsylvania, Ohio and Indiana. State and local officials have been neutral. J&L was given opportunity to withdraw application but did not and is likely to fight the denial in court.

2. Three Truck Emission Final Regulations. These actions (1) set a standard for evaporative emissions of hydrocarbons from heavy-duty truck gas tanks and gas lines; (2) set tighter emission standards for 1984 and later light-duty trucks to be sold in high-altitude areas; and (3) delay for a year or more several emission standards for 1984 and later light-duty trucks to be sold in high-altitude areas; and (3) delay for a year or more several emission standards for heavy-duty trucks.

Reactions will be mixed. GM may object to the evaporative emissions standard because GM may have to build a new testing facility, but Ford and Chrysler already have testing facilities. The manufacturers did not object to the new high-altitude standard. The delays for heavy-duty trucks were supported by the manufacturers, but will be opposed by environmentalists.

3. PCBs in the Hudson River. This action is in response to the contamination of the Hudson River bottom by PCBs deposited during a thirty-year period until the early 1970's. A full clean-up, dredging of the river, would cost more than \$40 million. New York State has requested use of a specially authorized appropriation of \$20 million under the Clean Water Act. The Agency has decided to propose adding the site to the Superfund program list and use its authority to protect water supplies on the river at lower costs.

Reactions will be strong and mixed. Senator Moynihan, Congressman Fish, New York State and New York City support taking action now to dredge the Hudson and deposit the contaminated soil in landfills. However, Congressman Solomon and local environmental groups have expressed concern about the possibility of future contamination from the landfills. Solomon will be very supportive of the Superfund approach.

4. Arizona's Control Strategy for Sulfur Oxides. This action approves revised strategies for control of sulfur dioxide emissions from seven copper smelters in Arizona. EPA is also requiring Arizona to submit

fugitive emissions control strategies for each smelter by August 1984. The Arizona Department of Health Services supports EPA's action. The Environmental Defense Fund commented extensively on the proposal and may challenge the action.

5. PCBs in Railroad Transformers. This action (1) provides new interim deadlines and extends a final deadline; (2) allows transformers to contain up to 0.2% PCBs; and (3) makes disposal of transformers easier. Environmental groups should support the interim deadlines but may challenge the 0.2% provision. Some railroads may challenge the interim deadlines.

6. Responses to the Interagency Testing Committee's Recommendations to Test 13 Chemicals. Acting under a court-ordered deadline of December 31, 1982, EPA has completed actions on 13 chemicals that may pose substantial risk to health or the environment. A decision to test would be required if there is (1) evidence of risk or exposure; (2) not enough data to determine extent of risk; and (3) testing is not already underway. In all 13 cases, EPA decided not to require testing by rule because companies agreed to voluntary testing programs, or ongoing testing by industry or government was considered by EPA to be adequate to satisfy the concerns of the ITC. However, environmental groups have objected to voluntary settlements saying they are not enforceable.

7. Uranium Mill Tailings at Inactive Sites. Two actions have been taken: (1) promulgation of final rules (relaxed significantly from the proposal) for the stabilization and clean-up of tailings at inactive sites; and (2) a proposal that EPA will consider a relaxed standard (relying on fences rather than dirt cover) at lower priority sites in unpopulated areas. Environmental groups may react negatively to the proposal, arguing it weakens the final standards.

8. High-level Radioactive Wastes. This action establishes (1) numerical radionuclide release limits for 10,000 years; and (2) qualitative requirements for waste disposal, e.g., prompt disposal, use of natural barriers, and permanent markers. The standards should help establish the public confidence necessary for the national waste disposal program to proceed. The nuclear industry, DOE and NRC generally support the action. Environmental groups may argue that technical data used to set the numerical limits are too uncertain to be relied upon.

9. Revocation of Hydrocarbon (HC) NAAQS. This action revokes the National Ambient Air Quality Standard for HC because scientific evidence shows that HC does not cause adverse health or welfare effects at present ambient air levels. However, HC is a major precursor of ozone. Thus HC should continue to be controlled, which can be done separately. EPA or states can still regulate HC if controls are needed in special cases. All comments on the proposal (May 1981) support revocation.

# CABINET AFFAIRS STAFFING MEMORANDUM

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FEB 12 9  
FEB 06 83  
MEMO 71  
310011

DATE: 1-7-83

NUMBER: 07707CA

DUE BY: FEB 11 83

SUBJECT: EPA Issue Alerts

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	<input type="checkbox"/>	<input type="checkbox"/>	Baker	<input type="checkbox"/>	<input type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	Clark	<input type="checkbox"/>	<input type="checkbox"/>
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OSTP	<input type="checkbox"/>	<input type="checkbox"/>	CCNRE/Boggs	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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DB  
FH  
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REMARKS: The following EPA Issue Alerts are attached for your information:

- 1) "All Altitude" Emission Standards for 1984 Cars
- 2) Procurement Under Assistance Agreements Regulation -- Final Rule Effective for All Agency Grant Programs

RETURN TO:  Craig L. Fuller       Becky Norton Dunlop  
Assistant to the President      Director, Office of



JAN 4 1983

EPA ACTION ITEMOFFICE OF  
POLICY AND RESOURCE MANAGEMENT

TO : Craig Fuller  
Secretary to the Cabinet

FROM : Joseph A. Cannon *Joseph A. Cannon*  
Associate Administrator for  
Policy and Resource Management

SUBJECT: Procurement Under Assistance Agreements      CONTROVERSIAL  
Regulation -- Final Rule Effective for All  
Agency Grant Programs

Background

This regulation contains the requirements placed on procurement actions undertaken by recipients of EPA financial assistance, including Construction Grants and cooperative agreements under Superfund. Previous regulations went far beyond OMB guidelines and created a burden on grantees through time-consuming, process-oriented requirements. It also contains our Minority Business and Women's Business Enterprise (MBE/WBE) regulation which no longer requires a goal for participation by communities or contractors.

Importance

The revised, consolidated rule reduces EPA's role in routine grantee procurement actions and places increased responsibilities on grantees, while guarding against waste, fraud, and abuse. The result should be speedier, less costly procurement, particularly in the construction of wastewater treatment facilities in the Construction Grants Program. MBE's and WBE's are unhappy with the absence of a goal in the regulations. However, this MBE/WBE rule is in conformance with OMB Circulars and the latest White House MBE/WBE draft policy.

Current Status

I intend to issue this regulation in final form, effective for all Agency programs.

OMB Position

OMB is fully in agreement on this regulation and has cleared it.

Expected Reaction

There is strong support from current and potential grantees, and some minor adverse reaction from equipment manufacturers who want EPA to impose tighter payment requirements than are called for by OMB Circulars.

Since EPA is the first agency to remove goals from the MBE/WBE grant programs we believe the WBE/MBE community will not support this rule and can be expected to lobby Congress and the White House against it.