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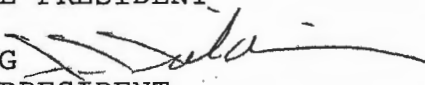
THE WHITE HOUSE

WASHINGTON

September 30, 1981

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MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: Executive Order Exempting Fort
Allen from Environmental Statutes

We have reviewed the proposed Executive Order which is designed to exempt the operation of Fort Allen from the Federal Water Pollution Control Act, The Clean Air Act, The Noise Control Act, and the Solid Waste Disposal Act. This Executive Order is patterned after Executive Order 12244 which expires October 1, 1981. The President is authorized to grant additional exemptions; however the period of such exemption may not exceed one year. Accordingly, Section 1-105 of the draft Executive Order which reads "... beginning October 2, 1981 and ending October 2, 1982" should be changed to read "... beginning October 2, 1981 and ending October 1, 1982."

We also recommend that the following additional changes be made:

1. The designation "1-102" at the beginning of paragraph 2 on page 1 should read "1-101."
2. In paragraph 2, line 5, the word "section" should read "sections_."
3. In paragraph 1-103, line 3, the word "source" should read "sources_."

With these changes, we have no objection to the President signing the Executive Order.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 1, 1981

EXECUTIVE ORDER

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EXEMPTION FOR FORT ALLEN

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 313 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323), Section 118 of the Clean Air Act, as amended (42 U.S.C. 7418), Section 4 of the Noise Control Act of 1972 (42 U.S.C. 4903), and Section 6001 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6961), and in order to provide for the immediate relocation and temporary housing of Haitian nationals, who are located in the State of Florida and presently in the custody of the United States, at a Federal facility known as Fort Allen, located in the Commonwealth of Puerto Rico, and having determined it to be in the paramount interest of the United States to exempt Fort Allen from all the requirements otherwise imposed on it by the said statutes, it is hereby ordered as follows:

1-101. Consistent with the provisions of subsection (a) of Section 313 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)), each and every effluent source located at Fort Allen is exempted from compliance with the provisions of that Act; except that no exemption is hereby granted from Sections 306 and 307 of that Act (33 U.S.C. 1316 and 1317).

1-102. Consistent with the provisions of subsection (b) of Section 118 of the Clean Air Act, as amended (42 U.S.C. 7418(b)), each and every particular emission source located at Fort Allen is exempted from compliance with the provisions of that Act; except that no exemption is hereby granted from Section 111 and 112 of that Act (42 U.S.C. 7411 and 7412).

1-103. Consistent with the provisions of subsection 4(b) of the Noise Control Act of 1972, as amended (42 U.S.C. 4903(b)), each and every single activity or facility, including noise emission sources or classes thereof, located at Fort Allen, are exempted from compliance with the provisions of that Act; except that no exemption is hereby granted from Sections 6, 17 and 18 of that Act (42 U.S.C. 4906, 4916 and 4917).

1-104. Consistent with the provisions of Section 6001 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6961), each and every solid waste management facility located at Fort Allen is exempted from compliance with the provisions of that Act.

1-105. The exemptions granted by this Order shall be for the one-year period beginning October 2, 1981, and ending October 1, 1982.

RONALD REAGAN

THE WHITE HOUSE,
October 1, 1981.

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