

TO: STEVE

FROM: EILEEN RE: EPA BRIEFING, 12-1-78

Paul Keough 12-1-78
Come up w/ some stuff
What EPA is doing - States!

The three issues which EPA will be handling and which the Environmental Study Conference sees as priorities are:

Air Pollution Control Program - the Act will not be renewed until 1980, amid growing pressure from industry to reopen hearings on the Act, and make legislative changes in emissions standards from coal-fired plants, autos, and health standards to be applied to cities attempting rapid economic growth.

Safe Drinking Water Act - Mandatory reauthorization is coming up. The EPA has promulgated new regulations regarding control of carcinogens, but the difficulty is for small communities which can't meet financial requirements of regs. A focus, then, may be setting up funding for community grants to meet new standards for water supplies.

TOXIC SUBSTANCES will probably be one of the major priorities. In the aftermath of the Love Canal emergency in Niagara Falls, N.Y., for which the federal share of cleanup and rehabilitation will be \$6 million (\$2 million from Fed. Disaster Assis. Admin and \$4 million as demo from EPA), OMB established a task force to assess the potential magnitude of Love Canal type incidents and to develop and assess various options for Fed. policy. Congress will need to address the abandoned sites and previous storage issues by requesting that EPA provide substantive info on recent and potential sites presenting imminent health hazards.

RCRA of 1976 mandates the establishment of a regulatory program to manage hazardous wastes from their generation to their disposal, including reg. of generators and transporters of hazardous wastes and the permitting of treatment, disposal, and storage facilities. Act requires national standards to assure nationwide uniformity of handling. Set of 7 regs is required. Three have been proposed, and remaining four will come in several weeks. EPA's final promulgation should come by January 1980.

In the meantime, the EPA is attempting to work with states and local auth. to deal with imminent problems - Section 7003 of RCRA authorizes EPA to seek injunctive relief to stop improper waste handling in imminent danger cases. Consistent with EPA's belief in state priority over its waste problems. EPA's next high priority is to encourage regulations which will cover the issue of abandoned sites - to legislate responsibilities and set up funding for victim compensation and clean-up of these abandoned sites.

Regional Offices estimate 32,254 imminently hazardous sites. Significant hazards may come from 638 of these: 103 of these were immediately identifiable. In region I(us), 1,200 sites MAY contain H.W.s; signif. quantities found in 275 of those sites, and information can be supplied on 5 of these.

In Massachusetts, two plants are identified:

Lowell - Silersim Chemical Corp.

New Bedford - Landfill/City of New Bedford

An example of kinds of problems occurring
no one but gov't to deal w/ it -
Polaroid - brought stuff in - resp.
company + took stuff out

Great issue - New Bedford, Lowell, nationally
Sponsor hearings - offer incentives
to locate facilities

State + fed
resources
man made

223-
1223
disaster resources
to prevent it
to occurring

Nov 2 1978

MITCH TYSON

OFFSHORE OIL DRILLING UPDATE

Despite the fact that everyone on the hill has taken a campaign vacation until Monday, I have managed to gather the following information re off-shore drilling regulations for the upcoming legislative session:

The environmental and regulatory considerations of off-shore drilling are covered by the following three bills:

*PORT SAFETY AND TANK VESSEL ACT -(Murphy, NY) Amended Ports and Waterways Safety Act of 1972. Became PUBLIC LAW October 17, 1978.

*COMPREHENSIVE OIL POLLUTION LIABILITY AND COMPENSATION ACT (Studds) Comprehensive legal regime for liab. & comp. for removal costs spilled oil. BLOCKED BY MUSKIE, DID NOT PASS.

★ [*OUTER CONTINENTAL SHELF LANDS ACT OF 1978 (Offshore Oil Drilling Reform Act) - Studds et al.- As cleared, amends the OCSL act of 1953. BECAME PUBLIC LAW SEPTEMBER 18, 1978.] ★

The first legislative priority Paul would want to pursue is the passage of a good, comprehensive oil pollution liab. & comp. bill. Muskie blocked passage of 6803 at the last minute, insisting that it was not comprehensive enough. The feeling is that he will reintroduce a much more comp. bill next session. Environmental groups generally agree that he set them back at least two years by that move - apparently they would have settled for the Studds bill. So a strong focus for new legislation will be getting a superfund bill through which would be comprehensive enough to supersede the provisions in the OCS law. (Sally Walker in Muskie's office is handling it but is on vacation until Monday.)

The real work for Congress will be in overseeing the promulgation and implementation of the OCS regulations. Rob Pratt and the New England Conservation Law Foundation both stress that only half the work has been done now that the bill has become law.

The Dep't of Interior must be pushed to promulgate these regulations as soon as possible - one encouraged tactic would be for Senators and Congressional members to threaten DOI with a block to leasing off shore sites until clear and comprehensive regulations are drawn up. Since the bill clears the way for off-shore drilling of oil and gas, it is crucial that the legal framework be carefully used to promulgate regulations protective of the fisheries industry and the environment. Paul should work towards seeing that the DOI allows a balanced approach toward oil and gas drilling. It would be a serious mistake to make an unalterable commitment to oil and gas in a rush to find solutions to energy problems, particularly since the long run benefit of such exploration is unlikely to be greater than the benefits of preserving the environment and fishing industry off the coast.

Similarly, efforts must be made to push regulations for tanker safety - Rob Pratt mentioned that the Caucus will be putting major efforts into this area - announcement forthcoming. The Coast Guard should be pushed to formulate comprehensive contingency plans, as none now exist.

The Georges Bank lawsuit is one example of an existing need to continue monitoring off-shore drilling projects and sites until DOI does promulgate regulation. The OCS regs. must be made in concert with the considerations of the 200 mile limit law - the Conservation Law Foundation views the preeminent resource of off-shore New England as the fisheries industry, not gas or oil. Any regulations must be implemented with extreme sensitivity to the tremendous potential of these resources - oil and gas combined would only amount to 20% of the overall revenues from fishing.

What Paul can so is to hail the passage of the OCSL Act as a major victory after more than four years of legislative struggle. But he must at the same time join colleagues such as Studds and Kennedy in seeing to it that these regulations are carefully and sensitively promulgated and implemented. Properly done, this law will provide the basis for energy production under safe and sane environmental guidelines for New England's unique coastal situation.

MAJOR PROVISIONS OF THE OCSL Act of 1978:

Title I - Calls for more aggressive management of the Outer Continental Shelf, submission of plans by lessees for active explorations and development of OCS tracts and more involvement of coastal states in OCS activities for environmental and economic concerns.

Title III - To deal with spills from offshore production and transportation of oil:

- *Establishes an Offshore Oil Pollution Compensation Fund of up to \$200 million, funded by a 3¢ per barrel fee on OCS oil.

- *Owners and operators of offshore facilities and vessels have unlimited liability for cleanup of oil spills, and a liability for damages up to \$35 million for offshore facilities...

Title IV - Provides funds for damaged fishing equipment due to OCS activities.

Title V - Amends Coastal Zones Management Act of 1976 to modify formula used to distribute OCS formula grants to base allocations of funds on new acreage leased adjacent to coastal state.

- *Ensures no state eligible would receive less than 2% of total approp.

- *Authorizes approp. of \$5million annually to help states carry out their responsibilities under the Act.
