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Roberts, John G.: Files SERIES I: Subject File



U.S. Department of Justice
Office of
The Deputy Attorney General

Washington, D.C. 20530

August 27, 1984

TO: John Roberts

FROM: Roger Clegg

FYI.

DRAFT

STATEMENT OF THE ATTORNEY GENERAL

We are extremely pleased to be able to join with the Environmental Protection Agency in announcing the consent decrees filed today in the General Motors cases. These decrees represent a substantial step forward in EPA's pretreatment program and protect the multi-billion dollar investment that the public has made in waste water treatment plants. By seeing that certain metals and toxic substances are removed from the waste stream before it leaves the plant, the EPA and regulated community assist the public treatment works in doing the job of cleaning our water.

Most significantly, these decrees underscore the importance and effectiveness of an integrated nation-wide enforcement program. Here, the Environmental Protection Agency moved swiftly to identify non-complying G.M. plants and initiate enforcement proceedings against 8 plants in 7 states. The fact that we are able to announce the filing of these decrees today is a tribute to EPA's aggressive and responsible approach to environmental enforcement. We are proud to have played a role in this successful effort. These filings represent the first step in EPA's effort to bring industrial users into compliance with the Clean Water Act and this regulatory scheme.

DRAFT

FOR IMMEDIATE RELEASE
FRIDAY, AUGUST 24, 1984

LNR
202-633-2007

The Department of Justice today filed civil complaints and simultaneous consent judgments requiring the General Motors Corporation to comply with standards limiting the amount of metals and toxic substances discharged into public sewage systems by electroplating operations at eight automobile assembly plants.

Attorney General William French Smith said the suits were the first filed by the federal government to enforce the electroplating pretreatment standards of the Clean Water Act that became effective last June 30.

The case was developed jointly by the Environmental Protection Agency (EPA) and the Justice Department, Attorney General Smith said.

The judgments cover General Motors assembly plants in Arlington, Texas; Van Nuys, California; Doraville, Georgia; Atlanta, Georgia; Kansas City, Missouri; Kansas City, Kansas; Linden, New Jersey; and Norwood, Ohio.

The suits and judgments were filed in federal district courts in Fort Worth, Texas; Los Angeles, California; Atlanta, Georgia; Kansas City, Missouri; Kansas City, Kansas; Newark, New Jersey; and Cincinnati, Ohio.

The Clean Water Act standards govern the amount of metals and toxic substances from electroplating operations that can be discharged as part of industrial wastewaters into publicly-owned sewage treatment systems.

The consent judgments noted that General Motors had said that 80 of its facilities met the standards by the deadline.

However, the filings said that pretreatment standards at the eight plants covered by today's judgments could not be met on a consistent basis after June 30.

The company also had said that additional efforts would have to be carried out before compliance could be achieved.

EPA and the Justice Department conducted negotiations with General Motors when it became apparent the firm would be unable to ensure continuous compliance with the standards after the June 30 deadline. The talks resulted in today's consent judgments.

Under the judgments, General Motors agreed to build additional treatment facilities or to make modifications to existing treatment facilities at the eight plants by September 28, 1985.

General Motors also agreed to take a series of specific interim measures prior to construction of the additional treatment facilities which will best enable the company to meet the standards. All the interim treatment measures were in place by June 30, 1984.

The judgments, which require monthly reports by General Motors, contain a schedule of penalties to be paid by the firm if there are compliance failures after June 30, 1984. Penalties for future violations would range from a minimum of \$1,000 a day for each excessive pollutant discharge to a maximum of \$320,000 for continuous violations. In addition, if General Motors fails to demonstrate compliance by September 28, 1985, it shall pay a penalty of \$25,000 per day until it comes into compliance.

The complaints cited reports by General Motors listing the amounts of pollutants discharged by the electroplating facilities at the eight plants prior to the deadline. In each instance, there was at least one discharge in excess of the standards that later went into effect on June 30.

As an example, the Norwood, Ohio, plant discharged what would have been excessive amounts of zinc and lead into the facilities of the Metropolitan Sewer District of Cincinnati without the measures provided for in the decree. The concentration of total metals also would have exceeded EPA standards.

In addition to metal pollutants, the other seven plants also discharged what would have been excessive amounts of toxic organic substances without the measures provided for in the decree.

The consent judgments listed in detail the steps that General Motors will take to bring the eight facilities into continuous compliance.

The consent judgments will not become final until there is a 30-day public comment period.

F. Henry Habicht, II, the Assistant Attorney General in charge of the Land and Natural Resources Division, said: _____

_____.

Courtney M. Price, EPA's Assistant Administrator for Enforcement and Compliance Monitoring, said: _____

_____.

Electroplating is used in industry to coat metals with such substances as paint or chrome. The process results in toxic substances being discharged as part of the plant's industrial waste water. Chemical treatment, settling tanks, and other standard processes are used to treat or divert toxic substances before industrial waste water is discharged into public sewage systems.

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8/27 Class report

- Civil authority policy to set base from N.Y.
larger military commitment w/center zone.
larger economic expense in Panama. detail
to info, → m, → filing.

- CFC case, today/tomorrow: brief in S. Ct.

- 7th Cir ~~not~~ moved. To 9th Cir. brief
reinter. Dist ct: what findings of
evidence apparent here; must's order.



U.S. Department of Justice
Office of
The Deputy Attorney General

Washington, D.C. 20530

August 28, 1984

TO : John Roberts

FROM: Roger Clegg

Per our telephone conversation
yesterday.

No.

In the Supreme Court of the United States

OCTOBER TERM, 1984

DONALD J. DEVINE, DIRECTOR,
OFFICE OF PERSONNEL MANAGEMENT, PETITIONER

v.

NAACP LEGAL DEFENSE AND EDUCATIONAL FUND,
INC., ET AL.

**PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

REX E. LEE

Solicitor General

RICHARD K. WILLARD

Acting Assistant Attorney General

KENNETH S. GELLER

Deputy Solicitor General

CAROLYN F. CORWIN

Assistant to the Solicitor General

ANTHONY J. STEINMEYER

Attorney

Department of Justice

Washington, D.C. 20530

(202) 633-2217

JOSEPH A. MORRIS

General Counsel

Office of Personnel Management

Washington, D.C. 20415

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