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THE WHITE HOUSE

WASHINGTON

September 26, 1983

MEMORANDUM FOR MICHAEL K. DEEVER  
DEPUTY CHIEF OF STAFF  
AND ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING   
COUNSEL TO THE PRESIDENT

SUBJECT: Litigation Regarding Rita Lavelle

The Justice Department has requested our permission to use certain White House documents regarding Rita Lavelle in its perjury prosecution of her and to release those documents to Lavelle's defense attorneys. Additionally, Justice advises that it may be necessary to call you (and Craig Fuller) as witnesses in that trial.

Three of the White House documents that Justice will be using in its prosecution of Lavelle include letters or memoranda written to you by Lavelle. Those documents are:

(1) a September 23, 1981 letter from Lavelle to you indicating her interest in being appointed Assistant Administrator of EPA for Solid Waste Management;

(2) a September 13, 1982 memorandum (with attachments) from Lavelle to you recommending that the President announce the award of certain Superfund grants during his September 17 trip to New Jersey; and

(3) the September 16, 1982 response from you to Lavelle indicating that the schedule for the President's trip was finalized before your receipt of her suggestion.

Copies of those documents are attached for your information.

The Lavelle trial is scheduled to begin on November 16, 1983. The Justice Department intends to use your testimony to authenticate and discuss the documents described above. It is possible, however, that the court would permit the defense to question you on other issues such as allegations of political manipulation of Superfund grants.

I have authorized the Justice Department to use the attached documents in connection with the Lavelle trial and have stated that you are prepared to cooperate with them in this case to the fullest extent possible. Additionally, we have informed the Justice attorneys handling this case that if they wish to meet with you before this trial they should be aware that you

will be out of the country with the President from November 2 through November 15, 1983 and that any requests for meetings with you should be coordinated through this office.

If you have any questions regarding this matter, please do not hesitate to contact me.

Attachments



Rita M. Lavelle  
Director of Communications

Aerojet  
Liquid Rocket  
Company

P.O. Box 13222  
Sacramento,  
California 95813

23 September 1981

Mr. Michael Deaver  
Special Assistant to the President  
Deputy Chief of Staff  
c/o White House  
Washington, D.C. 20500

Dear Mike:

Called last week to drop by and see you, Shirley and the gang but you were "on the road with the President" I'm so proud of all of you! The reason I'm writing is to tell you of my application for a position with the administration, update you on my professional activities since leaving the team in 1976, and ask for your convinced support in rejoining the Reagan team.

The position I am seeking is Assistant Administrator: Solid Waste and Emergency Response in the Environmental Protection Agency. It is a position I feel uniquely qualified for and one where I think I could make an excellent contribution as well as advance in my career experiences. My company is convinced this would be a wonderful opportunity also and is willing to offer me a leave of absence.

Do hope you feel I would be an asset to the team in this new role.

Thank you for your attention.

Sincerely,





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

September 13, 1982

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Positive Environmental Action for President

FROM : Rita M. Lavelle *Rita M. Lavelle*  
Assistant Administrator for  
Solid Waste and Emergency Response

TO : Michael Deaver  
Deputy Chief of Staff  
The White House

EPA has Federal monies totaling about \$ 5.2 million ready for award for various types of remedial and cleanup work at six hazardous waste sites in New Jersey. This brings to \$9 million the EPA awards to New Jersey in the year and a half Superfund has been in existence.

This is an opportunity for the President to announce the awards and stress the accomplishments of his Administration under Superfund nationwide.

The sites are Spence Farm, Friedman, Goose Farm, Pijak Farm, LiPari, D'Imperio, Price's Landfill, and Kin-Buc. Two of these lie in the district of Republican Congressman Edwin B. Forsythe, of the Sixth District of New Jersey. Two others lie in the district of Democratic Congressman James J. Florio, of the First District of New Jersey, leading critic of EPA in the House of Representatives.

Many of the sites are in or near the Trenton-Philadelphia area, so that Trenton would be a suitable place for the President to make the announcement, with Governor Kean of New Jersey, Congressman Forsythe, EPA Administrator Anne M. Gorsuch, Senate Republican Candidate Fenwick and others at his side.

Next Friday, September 17, would be an appropriate day. A time in the morning, around 10 a.m., would be best for maximum media coverage.

From this platform the President can summarize the successes of all of EPA as well as support the candidacies of New Jersey candidates, including Millicent Fenwick.



We are also proposing that the President may wish to go to Seymour, Indiana, in October to participate in announcement of private-sector cooperation in remedial action at another large hazardous-waste site.

Mrs. Gorsuch will be able to rearrange her schedule to accompany the President. Two other staff members should accompany her to provide technical backup.

I await your decision.

Mike -

Background is attached. We also can have our speechwriters available to offer words of wisdom. This is a very definite environmental success story - one this administration can and should start claiming.

Again thanks for the opportunity. A know Anne and the Governors would love to share the 'limelight'.

Rita



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

Shirley -

This will be a  
good one for the  
President. As always  
thanks a million!

Rth

---

Bill - Take a  
good look!  
please.

## HAZARDOUS WASTE CONTROL: 1982

After careful preparation and rigorous review of scientific inputs, the Environmental Protection Agency has completed a broad program for protecting the American people and their part of the continent from industry-generated hazardous wastes.

Present-day generators and handlers of hazardous wastes have been put under strict regulation. Abandoned repositories for hazardous wastes have been ranked and those deserving priority attention are being subjected to cleanup.

Thanks to the close cooperation of the States, the American people for the first time can now be assured that the nationwide hazardous-waste threat is no longer increasing, but can be expected to diminish in the months and years ahead.

Chemical companies, metals processors, oil refiners and processors, and other generators of hazardous waste now operate and are monitored under standards of safety established in Federal and State law. Transporters now must report sources and destinations of the hazardous waste they carry. Storage facilities must comply with Federal and State safety standards. Treatment plants processing hazardous wastes must meet suitable safety levels. Land disposal facilities, existing and new, must meet stiff requirements for preventing leakage of hazardous wastes into ground water, surface water and air.



Hazardous wastes comprise less than one percent of all the solid waste generated in this country. Disposal of more than 70 percent of this hazardous waste is handled on the industrial site where it is produced. The great bulk of these hazardous biproducts are disposed of responsibly by the generators and other handlers. Over the years, however, when the dangers of hazardous wastes were less well understood, many unsafe deposits were made, particularly in the big industrial areas.

It is the mission of the EPA Office of Solid Waste and Emergency Response, under Miss Rita M. Lavelle, to protect the public and the environment from all these hazardous waste threats, both those accumulated in the past and those newly generated. Her office is organized into three divisions to carry out its mission.

Ongoing generation and handling is the concern of the Office of Solid Waste, whose principal task is to administer the Resource Conservation and Recovery Act (RCRA).

Cleanup of uncontrolled or abandoned sites, and dispatch of emergency response forces to deal with emergency incidents (such as chemical spills) is managed by the Office of Emergency and Remedial Response, which administers the Comprehensive Environmental Response, Compensation and Liability Act, nicknamed Superfund.

And a reinvigorated program to persuade parties responsible for abandoned hazardous-waste accumulations to finance cleanups is administered by the Office of Waste Programs Enforcement.

These offices have now put in place a three-pronged attack that has ended the expansion of the problem and begun a gradual diminution

in the quantities of dangerous substances that could threaten the American people and their environment.

The story of the Reagan Administration's efforts to reach this turning point in the history of hazardous-waste protection can be summarized in recent accomplishments of the three divisions of the Office of Solid Waste and Emergency Response.

#### RCRA

Regulations governing hazardous waste are now being complied with by some 56,000 generating plants and 13,000 transporters of hazardous waste. For about 10,000 facilities that treat, store and dispose of hazardous waste, detailed regulations for issuing operating permits were promulgated in January 1981 and, most recently, on July 13, 1982.

The core of the program for protecting against new wastes thus has been completed. The cradle-to-grave control of hazardous wastes has now been defined in a broad program to be administered jointly by the States and EPA.

Beginning in mid-January 1983, EPA will be issuing land-disposal permits, and denying permits to some firms, based on the strict regulations for new and existing facilities. At that point, EPA will have authority to issue permits to all facilities for the treatment, storage and disposal of hazardous waste.

Meanwhile EPA's New Federalism campaign, to share the regulatory load with the States, has shown steady progress. As of early August, 32 States have been authorized to administer their own programs for hazardous waste generators and handlers.



Four States, Arkansas, Texas, North Carolina and Georgia, have been granted so-called Phase II authorization, qualifying them in addition for permitting hazardous-waste incinerators and storage facilities, including containers, tanks, surface impoundments and waste piles.

EPA projects that 45 States will have achieved either interim or final authorization for cradle-to-grave regulations of hazardous waste by October 1, 1983, and that 1,700 permits will have been issued by October 1, 1984.

#### SUPERFUND

Lead responsibility for administering Superfund cleanup of uncontrolled sites and for preparing the National Contingency Plan was assigned to EPA on August 14, 1981. The first Superfund appropriation of \$68 million had gone to EPA the month before.

After coordination throughout the Executive Branch, the National Contingency Plan was proposed March 12, 1982. More than 150 comments were received during the next month, and EPA promulgated the plan in final form on July 16, 1982.

By October 1981, only two months after EPA had assumed lead responsibility for Superfund, the first interim priority list of 115 hazardous waste sites eligible for cleanup had been announced. By July 1982 EPA had initiated work on 99 of the sites and therefore added 45 more sites, with the advice of the States.

By August 6, 1982, EPA allocations for remedial actions out of Superfund totaled \$63 million at 59 sites. Emergency removals had been completed at 76 sites at a total cost of \$25 million.



Total Fiscal Year 1982 expenditures under Superfund amounted to some \$176 million by early August and an estimated \$86 million is expected to be allocated by the end of the fiscal year. That will exhaust the monies appropriated by Congress for the 1982 fiscal year.

Meanwhile, work is proceeding on schedule for proposing, by Fall 1982, a National Priority List of 400 hazardous-waste sites, as mandated by Congress.

#### ENFORCEMENT

Superfund is intended for use only when responsible parties cannot be identified or are unwilling or unable to pay for cleanup at the sites where their hazardous wastes were deposited.

The task of the Office of Waste Programs Enforcement is to seek out responsible parties to undertake their fair share of cleanup costs. This task is facilitated by provisions in the law for possible collection of triple damages from responsible parties if Superfund support is provided for prompt cleanup and the courts confirm the responsibility of reluctant parties.

Enforcement actions have generated some \$82 million in private support for cleanup at 22 imminent hazard sites. That is about the same amount as has been allocated by Superfund for both emergency removal and remedial actions so far.

## SUMMARY

Thus EPA's Office of Solid Waste and Emergency Response has now put into operation a comprehensive program for protecting America from the hazardous-waste by-products of its vast industrial complex.

Ongoing generation, the transport and the various dispositions of hazardous waste are being handled by OSWER's Office of Solid Waste, administering RCRA, in cooperation with the States, as mandated by law and endorsed by President Reagan's New Federalism program.

Past accumulations, which once were uncontrolled, now are being cleaned up, on a priority basis, mostly at Federal expense, partly by the States, partly by the parties responsible as they are brought forward.

These efforts are being shaped in a way that keeps the great preponderance of the hazardous-waste network operating within the legal framework established by Congress. Care is being taken to avoid giving incentives for surreptitious dumping or other illegal and dangerous actions. The program is designed to keep the costs of legal disposition of hazardous wastes low enough so that neither large nor small operators will be tempted to take extra-legal measures. Where extra-legal measures are attempted, of course, the enforcement arm of EPA intends to take swift action.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE AUG 18 1982

SUBJECT Decision Memorandum: Superfund State Contract with the State of New Jersey for the LiPari Landfill Site.

FROM Jacqueline E. Schaffer  
Regional Administrator

TO Decision Official  
Rita M. Lavelle  
Assistant Administrator for  
Solid Waste and Emergency Response

Thru: Recommending Official  
William Hedeman, Director  
Office of Emergency and Remedial Response

I. Objective of the Proposed Project

The objective of the proposed project is to control the source of contamination emanating from the site as previously delineated in the Record of Decision executed on August 3, 1982. The project provides for completion of design activities and construction of a 360° groundwater cut off wall and surface seal (cap) encircling and covering the sixteen (16) acre affected area of the site. In addition, further evaluation concerning future collection and treatment alternatives is included as part of this project. The proposed Contract, subject to future amendment, also addresses the design and construction of the collection and treatment system.

II. Relationship of the Project to CERCLA's Goals

The proposed project has been developed to address the potential health and environmental hazards associated with the LiPari Landfill Site. This project is consistent with the goals set forth in CERCLA (PL 96-510). To accomplish the specific tasks involved, the New Jersey Department of Environmental Protection (NJDEP) has negotiated the attached Contract with the EPA, as authorized under CERCLA and encouraged by current EPA policy.

III. Relationship to Other Efforts

The proposed project will not duplicate any other efforts to remedy the situation at the site. The tasks delineated in the attached Contract represent the next steps required to implement remedial action at the site consistent with the Record of Decision.

#### IV. Recommendation

Region II recommends that the attached Contract with the State of New Jersey be executed. The Contract is for the amount of \$1,777,150. The State share is 10%, which amounts to \$177,715. The Region has negotiated extensively with the State and has resolved all the outstanding issues.

It should, however, be noted that due to the very recent exemption for funding of maintenance of the containment, the previously estimated funding allocation needs to be increased to reflect the above amounts. In addition, the State has requested additions to the Operation and Maintenance (Section I) of the Contract. The additions are acceptable to the Region. The additions are similar to the language used in previous Region II Cooperative Agreements and Contracts. The State's rationale for these additions is that they qualify its operation and maintenance assurance so that it is not an open ended commitment which would be in violation of State Law.

#### V. Reviews

Detailed within the Contract are the roles and responsibilities assigned to both parties. All key work plans, work assignments, and reports are to be reviewed and approved by the EPA Region II project officer concurrently with the State.

#### VI. Regional Project Officer

To oversee this effort, I have designated Robert Ogg as the Project Officer for Region II. He can be contacted at (212) 264-2647 at the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278.

Attachments



LiPari Landfill  
Mantua Township, New Jersey

Site Background

The LiPari Landfill occupies approximately six acres of a former gravel pit in the Township of Mantua, Gloucester County, New Jersey. Between 1958 and 1971, household waste, liquid and semi-solid chemical wastes, and other industrial wastes and materials, were accepted for disposal at the site. Best estimates are that 3 million gallons of waste liquids have been disposed at the site. A stream Chestnut Branch, flows in a northwesterly direction along the northern and northeastern borders of the landfill. Another stream, Rabbit Run, flows in a northwesterly direction and borders the western area of the landfill and enters Chestnut Branch and eventually flows into Alcyon Lake approximately 1000 feet downstream from the landfill. Occupied homes are located just across the edge of the northeastern border of the landfill site on the opposite side of Chestnut Branch.

The hazardous wastes dumped at the landfill have percolated into the ground waters under the site and have leached out of the embankments of Rabbit Run and Chestnut Branch, contaminating the surface waters which run in these respective streams.

Response Actions to Date

Starting in early 1980, EPA funded a feasibility study with funds provided under Section 311 of the Clean Water Act. The initial recommendation proposed that the site be contained with a clay cap and slurry wall. Further evaluation and monitoring of the site led to a second report in September 1981, which recommended a two-phased approach: ground water cut-off wall containment with a cap and further evaluation to collect and treat the encapsulated contents.

A cost-effective analysis of alternatives was conducted in accordance with CERCLA and resulted in a Record of Decision approved on August 3, 1982, selecting the proposed project as the cost-effective remedial action.

Proposed Project

The proposed projects include the installation of a leachate cut-off wall and cap for a 16 acre area. The need for the collection of ground water within the encapsulated area and treatment at a nearby publicly owned treatment plant is subject to further evaluation in a treatability study currently being prepared. The total amount of the State Superfund Contract is \$1,777,150 with the State contributing 10% of the cost.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE AUG 18 1982

SUBJECT Decision Memorandum: Superfund State Contract with the State of New Jersey for the D'Imperio Property Site

FROM Jacqueline E. Schafer  
Regional Administrator

TO Decision Official  
Rita M. Lavelle  
Assistant Administrator for  
Solid Waste and Emergency Response

Thru: Recommending Official  
William Hedeman, Director  
Office of Emergency and Remedial Response

I. Objective of the Proposed Project

The objective of the proposed project is to begin to remedy the situation at the D'Imperio Property Site. The first step is to design and erect a fence encircling the site. The next step is to conduct a feasibility study for the site. This study will (1) establish present conditions, filling any gaps in the existing data, and (2) based on present conditions, evaluate alternative remedial actions. The recommended action will be the most cost-effective and environmentally-sound alternative for safeguarding the public health and welfare.

The Contract includes four specific tasks:

- Task I - Feasibility Study
- Task II - Design and Construction of a Fence to Surround the Site
- Task III - Design of Selected Remedial Action
- Task IV - Implementation of Selected Remedial Action

The proposed project presently covered by this Contract includes Tasks I and II.



A community relations program will be developed and agreed upon prior to initiating any field activities. The program will be conducted concurrently with the execution of Tasks I and II to ensure that the general public and elected/appointed officials, local, state, and federal, (1) are kept informed of the nature of the problems and of the progress of the project, and (2) have an opportunity to provide input to decision making.

II. Relationship of the Project to CERCLA's Goals

The proposed project has been developed to best address the potential health and environmental hazards associated with the D'Imperio Property Site. This project is consistent with the goals set forth in CERCLA (PL 96-510). To accomplish the specific tasks involved, the New Jersey Department of Environmental Protection (NJDEP) has negotiated the attached Contract with the EPA, as authorized under CERCLA and encouraged by current EPA policy.

III. Relationship of the Project to Other Efforts

The proposed project will not duplicate any other efforts to remedy the situation at the D'Imperio Property Site. A preliminary hydrogeologic study was conducted for a private developer. EPA has completed a Remedial Action Master Plan (RAMP). The feasibility study and fence design and construction delineated in the attached Contract represent the next steps required to remedy the situation at the site consistent with the recommendation of the RAMP. The decision to conduct a feasibility study and erect a fence is based upon the existing data. The study itself is designed to build upon that data and to expand the data base.

The proposed project as presented in the Contract represents a logical approach consistent with previous efforts, EPA goals, and funding availability.

IV. Recommendation

The potential health and environmental hazards posed by the D'Imperio Property Site warrant immediate attention. Recent efforts by EPA and NJDEP to analyze existing data and develop a logical approach to site remediation, including the preparation of the RAMP, assure consistency with CERCLA goals and objectives.



Region II recommends that the attached Contract be entered into with the State of New Jersey for the amount of \$331,600, which represents 90 percent of the estimated total project cost of \$368,444.

Please note that the allocation for the D'Imperio Site must accordingly be increased by \$21,600 beyond the \$310,000 originally allocated by the Action Memorandum. This represents EPA's 90 percent share of Task II, an increase in project scope agreed to in negotiating this Contract. We have been given assurances by Headquarters that this increase does not necessitate any revision of the original Action Memorandum.

Attached you will find a copy of the Contract negotiated with the State. It includes all the necessary State assurances.

We have negotiated extensively with NJDEP and resolved all the outstanding issues. The State has agreed now to be responsible for any operation and maintenance costs associated with the fence designed and constructed in Task II for a one-year period.

V. Reviews and Approvals

Detailed within the Contract are the roles and responsibilities assigned to both parties. All key work plans, work assignments, and reports are to be reviewed and approved concurrently by the NJDEP and EPA Region II Project Officers.

VI. Regional Project Officer

To oversee this effort, I have designated Robert Ogg as the Project Officer for Region II. He can be contacted at (212) 264-2647 at the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278.

Attachment



D'Imperio Property Site, (Motel Dennis)  
Hamilton Township, New Jersey

Site Background

The D'Imperio Site is located approximately 100 yards south of the Dennis Motel on Route 322 in Hamilton Township, Atlantic County. The site is approximately one (1) acre in area. There are an unknown number of buried drums and about fifty (50) badly corroded, partially exposed drums. The site is privately owned, and according to current information, it has always been an undeveloped parcel.

Considerable contamination of soil and ground water has been documented. To date, the contaminating substances are known to include 1, 2-dichloroethane, carbontetrachloride, vinyl chloride, trichloroethylene, bromoform and toluene. A plume of contamination is moving to the southwest in the direction of Gravelly Run Creek. It is not certain if contamination is also moving in other directions from the site. The contamination has resulted from the improper disposal of various hazardous materials and the exact quantity of which is presently unknown.

Proposed Project

The proposed projects are to provide security for the site with the installation of a fence and to conduct a remedial investigation and feasibility study to evaluate and recommend a cost effective remedial action for the site. Total amount of the State Superfund Contract is \$368,444.00 with the State contributing 10% of the cost.



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

AUG 17 1982

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Authorization to Proceed with Remedial Activities at the Pijak Farm Site, Plumsted Township, New Jersey--ACTION MEMORANDUM

FROM: William N. Hedeman, Jr., Director *[Signature]*  
Office of Emergency and Remedial Response (WH-548)

TO: Rita M. Lavelle, Assistant Administrator  
for Solid Waste and Emergency Response (WH-562-A)

PURPOSE

The purpose of this Action Memorandum is to request authorization to undertake a feasibility study for the Pijak Farm site in New Jersey.

New Jersey is seeking a Cooperative Agreement to manage the remedial activities at the Pijak Farm site.

BACKGROUND

The Pijak Farm site is on the Interim Priority List.

Pijak Farm is located in Plumsted Township, Ocean County, New Jersey. The site lies west of Fischer Road and south of Lakewood Road in a fairly remote, rural area. The Town of New Egypt, the population center of the Township, is approximately one mile away to the southwest.

The five-acre site consists of flat, actively-cultivated farmland dropping off into a marshy, wooded floodplain. It is alleged that between 1963 and 1970, drums and free-flowing liquids were dumped into a natural ditch which traversed the site and were later covered with soil. The deteriorated remains of drums are visible along the bank of the floodplain.

Presently, there are no containment or diversion systems for the waste or for leachate emanating from the site. The location of this site in the bank of and possibly within an active floodplain makes the hazardous waste particularly susceptible to erosion by flood waters and surface runoff.



The nearest homes are approximately one-quarter mile away. Pijak Farm is located near the junction of Stony Ford Creek and an unnamed tributary. Stony Ford Creek is a tributary of Crosswicks Creek, which is a tributary to the Delaware River. Although it is not known to be used as a source of potable water supply anywhere along its route, the Creek does flow through New Egypt, a significant population center.

Contaminants found at the site include known and suspected carcinogens, halogenated hydrocarbons, PCBs, phenolic compounds, and oil sludges.

A stream sample taken adjacent to the site showed a high COD. Ground water samples from the site indicate the presence of a number of inorganic and organic priority pollutants, including arsenic, selenium, zinc, 2-chlorophenol, 2,4-dichlorophenol, 4-nitrophenol, di-n-butyl phthalate, fluorene, pyrene, anthracene, and Arochlor 1254.

To date, the Pijak Farm site has had no known documented effects upon the local human population. However, ground water is used as the major source of potable water throughout the area. Leachate breakouts from the bank into the adjacent marshy floodplain have been reported.

The New Jersey Department of Environmental Protection (NJDEP) has performed a limited site investigation of the Pijak Farm site, but no remedial activities have been undertaken. A Remedial Action Master Plan (RAMP) was completed for the Pijak Farm site.

#### ENFORCEMENT

The State has completed negotiations with the only identified responsible party, and has expressed an interest in pursuing litigation under the New Jersey Spill Fund. EPA has issued a Notice Letter. In its response, the responsible party requested an information meeting, the outcome of which was a commitment by the responsible party and EPA to continue discussions.

The identified responsible party appears capable of sustaining the costs of the remedial activities at the site. However, in past discussions with NJDEP, the company has indicated a willingness only to contribute to cleanup efforts.



Most of the previous enforcement activity has been negotiations between NJDEP and the company. NJDEP has attempted to convince the company to assume full responsibility for the wastes dumped at the site, but the company has consistently denied sole responsibility.

NJDEP has communicated the details of its allegations about the firm to several Federal agencies that contract with the company. The company responded by writing those same agencies in an effort to refute NJDEP's charges, at the same time admitting partial responsibility.

Little has resulted from the NJDEP negotiations, and the State investigation in preparation for possible litigation continues.

EPA has been conducting background research as the technical basis for a lawsuit. The decision to conduct litigation has not been made by New Jersey or EPA, nor has it been determined whether, if any litigation were undertaken, it would be a cooperative venture.

A Notice Letter was sent to the company on March 18, 1982. A response, dated April 1, 1982, was received requesting a meeting to discuss a number of questions concerning EPA's investigation. Representatives of EPA met with company officials on July 7, 1982, and agreed to continue discussions, but the firm maintains that it is not solely or even primarily responsible for the problems at the site.

The recommendation is to pursue Federally-funded actions while continuing preliminary discussions with the company. No change in this approach is warranted until such time as the company indicates to EPA a willingness to take part in the remedial activities.

#### PROPOSED PROJECT

Consistent with the findings of the RAMP for the Pijak Farm site, the proposed project is to undertake a feasibility study. The feasibility study will: (1) establish present conditions at the site, filling any gaps in the existing data, and (2) based on the present conditions, evaluate alternative remedial actions which will result in a recommended remedial action. Among other things, the feasibility study will consider the nature and extent of the hazardous wastes at the site, flood water evaluations, downstream water uses, the presence of leachate, the hydrogeology, and any contamination of the shallow and deeper aquifers. A community relations program will be carried out during the course of the study.

The proposed project will be funded in FY 82. The estimated total cost of the project is \$325,000, with EPA's 90 percent share equalling \$292,500. The proposed project, including procurement and agency review periods, is scheduled for completion within twelve months of signing the Cooperative Agreement.

The NJDEP will be the lead agency for all remedial activities under the proposed project. The State's share of the cost of the remedial activities at the Pijak Farm site has been authorized by the State legislature from the issuance of New Jersey's Hazardous Waste Bond.

Pijak Farm is one of three CERCLA Interim Priority sites in Plumsted Township, and one of four Interim Priority sites within a two-mile radius. The other sites are Goose and Spence Farms in Plumsted and Friedman Property (formerly called the Upper Freehold Township site) in Upper Freehold Township, Monmouth County. The decision has been made to sign a separate Cooperative Agreement for the Pijak Farm site: (1) in light of the different status of remedial activities at the four sites, and (2) to simplify and improve the management of the four sites. Nonetheless, the State intends to bid as separate tasks under a single contract as many of these sites as possible at the time of procurement in order to expedite procurement.

## RECOMMENDATIONS

I recommend that you approve our plans to proceed to negotiate a Cooperative Agreement with the State of New Jersey for remedial activities at the Pijak Farm site, and that \$292,500 be allocated for the feasibility study at that site.

I am available to discuss this request in more detail at your convenience.

Approve

Disapprove

Date \_\_\_\_\_

Acting Answer



PREVIOUS EDITION IS OBSOLETE



Pijak Farm Site  
Plumsted Township, New Jersey  
EPA/State Cooperative Agreement

Background

- . The Pijak Farm site occupies a five-acre tract of land in Plumsted Township, Ocean County, New Jersey, approximately one mile northeast of the Town of New Egypt. Much of the property is active agricultural land. Pijak Farm is one of four Interim Priority sites with a two-mile radius in Ocean and Monmouth Counties.
- . The site is located immediately adjacent to a marshy, wooded flood plain and a stream which is a tributary of the Crosswicks Creek. The Crosswicks Creek and the Delaware River, into which it empties, are potable water sources. Private homes are located within 1,500 feet of the site.
- . Drums and free-flowing liquids were allegedly dumped on the site between 1963 and 1970, and later covered with soil. Deteriorated remains of drums are visible along the bank of the flood plain.
- . The New Jersey Department of Environmental Protection (NJDEP) has performed a limited site investigation. Contaminants found include known and suspected carcinogens, pesticides, halogenated hydrocarbons, PCBs, and oil sludges. Stream and ground water samples indicate the presence of a number of organic and inorganic priority pollutants.
- . Leachate breakouts from the bank have been reported; no containment or diversion systems are in place.
- . One responsible party, who is also the single responsible party at the Spence Farm, Goose Farm, and Friedman Property sites, has been identified and a notice letter has been sent. Negotiations between EPA and the company have failed to produce any voluntary participation in remedial actions.

The Cooperative Agreement

- . This Cooperative Agreement awards the State \$292,500 to undertake a feasibility study at the Pijak Farm site. The project is scheduled for completion within twelve months of signing the Cooperative Agreement.
- . The feasibility study will establish present conditions at the site, fill any gaps in the existing data, and evaluate alternative remedial actions which will result in a recommended remedial action. It will consider the nature and extent of the hazardous wastes at the site, flood water elevations, downstream water uses, the presence of leachate, the hydrogeology, and any contamination of the shallow and deeper aquifers.

- . The NJDEP will be the lead agency for all remedial activities under the proposed project. The State's share of the cost of the remedial activities at the Pijak Farm site has been authorized by the State legislature from the issuance of New Jersey's Hazardous Waste Bond.
- . An amendment to this Cooperative Agreement may be requested by the State in FY 1983, to provide funds for remedial design and implementation based on the recommendations of the feasibility study.



# Jersey, With U.S. Help, To Clean 2 Waste Sites

**FREEHOLD TOWNSHIP, N.J., July 7 (UPI)** — More than \$3 million will be spent to clean up two of the state's worst toxic-waste dumps under an agreement signed today by Governor Kean and Anne M. Gorsuch, head of the Federal Environmental Protection Agency.

The Federal Government is to provide 90 percent of the money from the so-called superfund that was set up by Congress in 1980 to finance the cleaning of the nation's worst hazardous-waste sites. The state is to provide the remaining 10 percent.

The agreement provides that \$300,000 will be spent for a feasibility study of Lone Pine, an inactive 85-acre landfill adjacent to the headwaters of the Manasquan River in Freehold Township.

A total of \$2.8 million more will go toward cleaning up Kin-Buc, a 220-acre site in Edison Township that had been used as a landfill until it was closed in 1976. Under the contract, \$2.5 million will be used for the actual cleanup and the remainder for a long-term feasibility study.

## Start of Cleanup Uncertain

"It's pleasant to be getting tax dollars back from the Federal Government to help with a very difficult problem," Governor Kean said during a news conference in the Freehold Township municipal building.

Mrs. Gorsuch, who attended the news conference, said it was impossible to predict when the actual cleanup would begin at Lone Pine. She said the E.P.A. would wait for the results of the six-month feasibility study before deciding the most cost-effective way to remove hazardous wastes that had been dumped at the site. No money for the cleanup of Lone Pine has been provided.

"The Federal Government is not noted for its speed," Mrs. Gorsuch said, "but we intend to make superfund an exception to that rule."

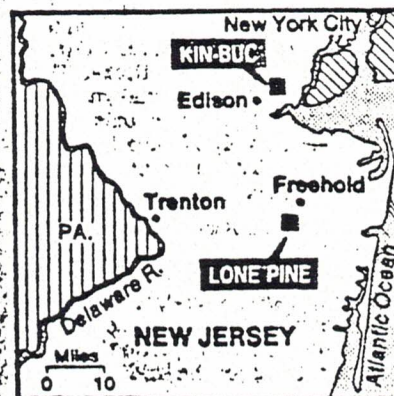
About 50,000 drums of chemical wastes are believed to have been illegally dumped in the Lone Pine landfill. State officials have found that thousands of gallons of leachate from the site flow into the Manasquan River daily, and that toxic chemicals dumped there have already contaminated the Vincentown and Red Bank aquifers, which lie beneath it.

The need for the cleanup has been made more pressing by the proposed construction of the Manasquan Reservoir 11 miles downstream from the site.

The reservoir, scheduled to be completed by 1987, would be a source of drinking water for many coastal towns in Monmouth County.

The Kin-Buc landfill in Middlesex

County accepted more than 70 million gallons of industrial wastes before it was closed. The landfill is contaminated with polychlorinated-biphenyls, or PCB's, known carcinogens.



The New York Times / July 8, 1982  
The two landfills are among the state's worst toxic-waste dumps.



United Press International

In Freehold Township, N.J., Governor Kean and Anne M. Gorsuch, head of the Federal Environmental Protection Agency, sign the cleanup pact.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

*Mike*

JUL 9 1987

*file*

OFFICE OF  
ADMINISTRATION

Shirley Moore  
The White House  
Washington, DC 20500

Dear Shirley:

The other day we put together a list of the things that we have managed to accomplish in the Office of Administration in the first year. I am kind of proud of it. I thought you might be interested.

Sincerely,

A handwritten signature, likely of John P. Horton, is written over the word "Sincerely,". The signature is stylized and appears to be "JL".

John P. Horton  
Assistant Administrator

ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF ADMINISTRATION ACCOMPLISHMENTS

July 1, 1981 - July 1, 1982

- o Cash Management - By reducing the size of imprest funds by one-fourth, the level of cash advances to grantees by \$4 million, and the extent of travel advances to agency employees by \$300,000, EPA will save the U.S. Treasury close to \$750,000 in interest in FY 82.
- o Overtime - We have cut EPA's overtime costs from \$2.9 million in FY 80 to a projected FY 82 cost of less than \$1 million.
- o Leased Space - By consolidating our leased space holdings in Headquarters, RTP, Cincinnati, and the regions, we anticipate saving \$400,000 this year and \$1,020,000 in the next year.
- o Publication Distribution - By consolidating the publication distribution operations in Cincinnati, EPA will save about \$202,000 in the first year.
- o Grants Closeouts and Deobligations - By the end of May, we had closed out almost 1000 assistance agreements which had been completed but not formally closed, resulting in deobligations of more than \$5.8 million. More than 60% of these deobligated funds will revert to the U.S. Treasury and the remainder will return to EPA for discretionary reobligation.
- o Consolidation of Regional Data Handling - We have consolidated management of data entry and handling contracts in the regions, which will save EPA \$100,000 in FY 82 and upgrade data verification and quality control.
- o Telephones - We expect to save \$670,000 in FY 82 and \$1,395,000 in FY 83 as a result of restricting dial-9 long distance and removing unnecessary equipment. The average monthly dial-9 long distance phone bill at Headquarters alone had been running at \$30,000 and has been reduced to an average of \$6000.
- o Travel Management - We have revised procedures to reduce administrative costs and to maximize our use of off-peak and other discount pricing. We are also planning to pilot a new automated travel management system within the Office of Administration. The system, when totally implemented, will benefit both the accounting office and the program office in the processing of travel.
- o Contract Closeouts and Deobligation - We have developed "fast track" procedures to close out administratively many contracts which had long been completed. Of 444 contracts targeted, 352 have been closed out as of May 31. In addition, we have targeted 103 contracts for potential funds deobligation. As of May 31, 71 deobligated contracts have yielded \$3.3 million.
- o Grants Administration - We are revising our grants regulations and procedures to strengthen management and simplify administrative requirements for recipients. This will streamline them while controlling better against waste, fraud, and abuse. Our revisions will also eliminate unnecessary requirements, limit the paper work required of grantees, and develop consistency across all of EPA's financial assistance programs. For instance, we are



revising the regulations governing grantee procurements to allow grantees to use their own procurement systems and to self-certify. Another proposed revision would allow applicants to use their own fiscal year instead of the federal fiscal year in developing their assistance applications. This would enable the state agency to develop a single work program for both its own purposes and for the EPA assistance application. These changes should save the state both resources and paper work.

- o Contracts Administration - We have also revised our contracting procedures to strengthen management and simplify administrative requirements. To date we have strengthened our procurement planning process to: require contracts over \$100,000 to be approved at the Assistant Administrator level; improve level of effort contracting through restrictions on the use of options and improved financial reporting; and require Office Directors to be involved in major source selections and award fee determinations. In addition, we have reduced the operating costs of our Contract Information System by 15 percent.
- o General Administrative Procedures - We have eliminated or simplified many agency forms and records, are automating new aspects of our personnel and financial management systems, have reorganized several of our operations to increase efficiency, and have refined and fully automated our Merit Pay System.
- o Printing/Duplicating - We will save about \$100,000 in FY 82 by condensing our Federal Register notices, taking advantage of discounts available for prompt payment of invoices, buying supplies in greater quantities, and \$173,000 in FY 82 by purchasing instead of leasing some of our copy machines.
- o Facility Operating Costs - Through our comprehensive attempt at controlling our service contracts and heating and ventilating systems we will reduce our utility costs by approximately \$37,200 in FY 82.
- o Library Savings - We reviewed all the subscriptions received by the headquarters library to reduce the number which unnecessarily duplicate subscriptions held by other parts of the agency. We expect to reduce EPA's costs by \$50,000 in FY 82.
- o Data Processing Operations - We have reduced operating costs of the National Computer Center (NCC) by \$2.4 million over FY 81 with no appreciable degradation in services by eliminating excess equipment, realigning telecommunications facilities, and introducing more efficient operating software.
- o Capital Equipment Control Program - We have instituted a centralized screening process with standardized procedures to control the purchase of capital equipment. We expect that this will lead to redeployment of excess laboratory equipment and eliminate duplicative purchases of new equipment.

- o Waterside Mall Clean-Up - We have completed the cleaning of the East and West Towers, have inspected and eliminated safety hazards, and have identified and recycled unused or broken furniture and equipment through our property management system. We are continuing this program in the mall area. The immediate results we have noted are fewer complaints to our Trouble Desk and an improved sense of pride in our employees. Through this program we have broken an overwhelming problem into solvable problems. The benefits from this program have transcended the physical improvements.
- o Audit Resolutions - In the past year we have resolved over 1000 audits (including the elimination of an initial backlog of 558 unresolved audit reports), required that interest be paid on all overdue audit recoveries including appealed audit decisions (to discourage frivolous appeals and delaying tactics), instituted a quarterly reconciliation of automated Accounts Receivable and IG records to ensure that all amounts due EPA are billed and collected, and strengthened our management to prevent future accumulation of another backlog of unresolved audits.
- o Pilot Streamlined Procurement Process - This pilot program reduces the optimum lead time for new competitive contracts under \$500,000 by 33%, speeding up our operation while reducing our resource needs.
- o Consolidated Financial Assistance - We are consolidating financial assistance programs to make it easier for states to do business with us. Our consolidation allows a single application for all program funds, a single comprehensive public review, a coordinated EPA review process, consolidated reporting by the grantee, a single evaluation, and an integrated audit. Our approach recognizes that needs vary from state to state. Consolidation is voluntary, and an agency which prefers to receive separate categorical awards may do so. The mechanism is flexible so that an agency may consolidate some of its assistance while continuing to be eligible for categorical awards under other programs. Consolidation is also adaptable, and the decision whether or how much to use the mechanism to coordinate program activities will be made by each state agency.
- o Revised Directives System - Piloting a new analytical methodology, the Management and Organization Division conducted a cost/effectiveness review of the agency's Directives System. The result of the study was a plan to redesign the System to improve its effectiveness while lowering the agency's costs by about \$700,000.
- o Forms and Publications Contract - By renegotiating our Forms and Publications Center contract, we will reduce our annual expenditure by \$49,177.
- o Delivery and Receiving Contracts - We have combined these two functions into a single solicitation at a savings of \$68,388 annually--without any change in service.



- o RTP Facility Services - During FY 82 we expect to save approximately \$114,000 in RTP facility operating costs by eliminating two guard stations and substituting card readers, and by reducing the frequency of some custodial tasks.
- o Protection of Workers Doing Superfund Clean Up - We are working on three levels to protect workers involved in Superfund activities.
  - EPA employees are required to have 24 hours of approved training in field safety and use of protective equipment prior to performing this work, and we are evaluating safety activities at field location vis-a-vis the safety programs we have developed for protecting EPA employees. We are using special experts from NIOSH for these evaluations.
  - Our primary contractors are well aware of our insistence that their programs to protect their employees be models of good practice, so that their programs can be adopted by other employers.
  - We are working under a Memorandum of Understanding with DOL/OSHA, DHHS/NIOSH and DOT/Coast Guard to develop the occupational health and safety programs required by the National Contingency Plan.
- o Regional Reorganization - The Agency's Regional Offices have been reorganized to improve accountability and communication links between Headquarters and the Regions. The Assistant Administrator for Administration, as the final approval authority for the reorganizations, assured the compliance of the Regional Administrators' reorganization plans with the Administrator's organization structure objectives.
- o Reorganization of the Office of Air, Noise and Radiation (OANR) - OANR has been reorganized recently to integrate further the enforcement/compliance functions with the mobile and stationary source programs. The reorganization also eliminates the Office of Noise Abatement and Control, reflecting Congress' intention to abolish that program by fiscal year 1982.
- o Committee Management - We have evaluated the participation of EPA personnel in over 860 different international, interagency, EPA and other committees and discontinued participation in over 130 resulting in savings of \$2.1 million in reduced investment of staff resources in these functions. These savings translate into greater productivity of personnel in their non-committee work assignments.

Copy

September 16, 1982

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Dear Rita:

This is to thank you for your memorandum of September 13 to me about the Federal monies EPA has ready for award for various types of remedial and cleanup work at six hazardous waste sites in New Jersey.

Although the President's schedule for his trip to New Jersey already had been set by the time your memorandum reached me, I do want to assure you that your suggestion he announce these awards in Trenton was indeed appreciated.

With my best wishes to you,

Sincerely,

MICHAEL K. DEEVER  
Assistant to the President  
Deputy Chief of Staff

X  
Ms. Rita M. Lavelle  
Assistant Administrator for  
Solid Waste and Emergency Response  
United States Environmental Protection  
Agency  
Washington, D.C. 20460

MKD:WKS:MHR:rs--

inf copy to Mike McManus