Reference #6

RGC

ORIGINAL (Red)

[illegible] Delaware

[illegible]

January [illegible], 1976

[illegible]

[illegible]

[illegible]

[illegible] that the Llangollen Landfill [illegible] for groundwater supplies in the area, in particular, the Artesian Water Company; and we concur that [illegible] in responsible fashion to provide an adequate solution or terms for solution of this problem.

Unfortunately, there does not appear to be any suitable provisions in PL 93-[illegible], The Safe Drinking Water Act, which would allot federal money for such a problem as the Llangollen Landfill. Demonstration grants under 93-523 are available only for projects which: 1. demonstrate new or improved technology for providing safe drinking water supplies or 2. demonstrate and investigate health implications in the reuse of waste waters for drinking purposes. Also, the latest draft of the Proposed Underground Injection Control Program regulations sets a new definition of underground-injection which henceforth excludes all forms of landfills. Obviously this removes all regulatory power under PL 93-523 over landfill operations.

You should become familiar, however, with section 1431 of PL 93-523, "Emergency Powers", which gives the Administrator power to take such actions as he may deem necessary to protect the health of persons who are dependent upon a public water supply which is or is likely to become contaminated. The Administrator's action may include issuance of orders, commencement of civil action for appropriate relief, restraining orders, and fines of not more than $5,000 per day. It is my opinion that substantial grounds exist already for commencement of civil action for the appropriate relief.

[illegible]
[illegible]

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