

For information

MAY 23 1980

Mr. Douglas M. Costle
Administrator
Environmental Protection Agency
401 M Street S.W.
Washington, D.C. 20460

Dear Mr. Costle:

May I express my gratitude to you for your warm reception during my visit of April 18. I am looking forward to our close co-operation in the future.

I thought you would be interested to learn that Dr. Harry Parrott, the Ontario Minister of the Environment, announced on May 1, 1980 in the provincial legislature the issuance of a new draft pollution control order covering the INCO smelter operations in Sudbury.

Dr. Parrott and I have been in consultation on this matter for some time and the decision to take action requiring improved control by the largest single Canadian source of acid-causing pollutants is, I believe, a timely and significant step in the acid rain battle. The new control order would reduce INCO's emissions to 2,500 tons a day from the currently allowable 3,600 tons a day, require a further reduction to 1,950 tons a day by December 1982 and oblige the company to prepare a detailed report by December 1981 on the means of reducing their emissions "to the lowest possible level." An Ontario-Canada governmental task force will examine the implications of such reductions and provide an independent engineering capacity to assess INCO's report.

The implications for INCO and for the economy of the Province of Ontario could be significant since the new order would prevent any increase in production at the Sudbury smelter beyond the present level of 70 per cent of capacity. The draft order is soon to be the subject of a public hearing process but I am confident that it will be sustained and that much larger reductions will follow over the next few years.

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A major factor in my confidence, however, is my hope that comparable action might be initiated in the United States. I cannot stress too strongly the importance for Canada of some significant move within present United States legislative limits which will not only begin to address our serious environmental concerns but would also be supportive of the difficult decisions which we in Canada have before us. United States willingness to sign a substantive memorandum of intent pending development of a meaningful air quality agreement would, of course, be very helpful.

I have sent a similar report on acid rain to Secretary Andrus for his information and will continue to ensure that both of you are kept well informed of related Canadian activities.

I would also like to comment briefly on the proposed Canada-United States agreement designed to control the export and import of PCBs for disposal. As you know, our two countries have co-operated closely for some time on this matter. Historically, Canadian PCB wastes have moved freely across our border to United States storage and disposal facilities. Canada has appreciated this open border policy which has allowed us to take advantage of the best disposal alternatives as well as the economies of scale and the favourable north-south logistics offered by the proximity of the United States facilities. At the same time, I recognize and commend the United States on your present position of principle requiring a guarantee for the acceptable disposal of any PCBs whether imported or exported. I fully understand your reason for adopting this position.

While we consider the concept of using common criteria a good one, your proposed draft agreement unfortunately presents serious problems for us largely because of the nature of Canadian federal authority in this area. Regrettably, we could not in the near term meet the criteria set forth in Appendix "A" of the draft agreement. In effect, this means the border would for some time remain closed. The net result would be to make the safe disposal of PCBs more difficult with potentially serious adverse effects on the environment in both Canada and the United States. As you are aware, many Canadian generators of PCB wastes are located close to our common frontier. The bodies of water that we share as well as our common air-sheds are threatened by these wastes. It would be unfortunate if a

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well intentioned policy designed to prevent improper disposal of PCBs outside the United States would in Canada have an effect exactly opposite to that intended. Surely it is not beyond our ability to devise a means of preventing so undesirable a result.

I understand that our officials are meeting to discuss these concerns with a view to arriving at an agreement that would be acceptable to both parties. I trust that the case I have made for the uniqueness of the U.S.-Canadian situation can provide the basis for a special arrangement with Canada at least for the near term. In the meantime Canada would strive to promote the application of common criteria in harmony with the United States across all ten of our provinces. I am hopeful that this objective can be achieved in the long term.

Finally, I would like to refer to another matter which we discussed on April 18. May I urge you again to re-examine the proposed discharge of treated effluent from SCA chemical waste treatment facilities near Niagara Falls, New York. As you well know, there is considerable public concern in both countries about the proposal on health grounds and because of the potential conflict with the objectives of the Great Lakes Water Quality Agreement. I know you are as anxious as I to meet these concerns and I look forward to receiving the results of your review.

In conclusion I would repeat my thanks for your warm welcome last month. I hope it will not be too long before I can receive you here.

Yours sincerely,

Original signed by
John Roberts

John Roberts



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

MAY 2 1990

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A handwritten signature in dark ink, appearing to be "D. Costle", written over a horizontal line.

THE ADMINISTRATOR

Mr. John Roberts
Minister of Environment
Ottawa, Canada K1A 0H3

Dear John:

I see by the press coverage you are true to your word when you said you were going public on the acid rain issue. The INCO decision will be very helpful.

Again, I would like to thank you for coming to Washington. I appreciated the opportunity to meet with you. As promised, I am enclosing a copy of our Niagara River update.

If our schedules work out, I hope to see you at the Air Pollution Control Association meeting in Montreal in June to further discuss our common problems.

Sincerely,

/s/ Doug
Douglas M. Costle

Enclosure



DEC 14 1980

Mr. Tom McMillan, M.P.
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. McMillan:

In reply to the question which you raised in the House on October 15, I am happy to provide you with copies of the following letters and documents that I or my colleague, the Honourable Mark MacGuigan, transmitted to the United States Government requesting explanations and reassurances on the proposed SCA pipeline discharge to the Niagara River. I am taking the liberty of forwarding the material directly to you in view of the delay which would be encountered in having it translated for tabling in the House. Included are:

- A diplomatic note sent to the United States Embassy in Ottawa on December 14, 1979.
- A diplomatic note sent to the United States State Department on February 15, 1980.
- A diplomatic note sent to the United States State Department in Washington on April 15, 1980.
- A letter from Mr. Costle to me, dated May 2, 1980.
- A letter from me to Mr. Costle, dated May 23, 1980.
- The Environment Canada report entitled "Review of the SCA, Chemical Waste Services, Inc., Proposed Discharge to the Niagara River", transmitted to United States EPA officials in July, 1980.
- A diplomatic note sent to the United States State Department on November 28, 1980.

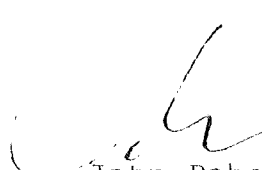
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My predecessor, the Honourable John Fraser, met with the Administrator of the United States Environmental Protection Agency (EPA), the Honourable Douglas Costle, in Ottawa on January 21, 1980. I have also met with Mr. Costle and discussed the SCA question on three occasions, the latest meeting being on August 5, in Washington. At my June 23 meeting with Mr. Costle in Montreal, I specifically requested his reaction to recommendations that would be made in my Department's review of the proposed discharge. The review (noted above) was released in July and a copy conveyed via the Canadian Science Counsellor in Washington to Mr. Conrad Kleveno of the United States EPA.

We have received good co-operation and feedback from the United States on SCA and on the Niagara Falls Sewage Plant at the technical level. My officials have received regular reports on the progress made by the American authorities in diagnosing the underlying cause of the sewage plant's malfunction and in formulating plans for its repair.

I will be seeking the views of the new Administrator of the Environmental Protection Agency once he has been appointed by the new Administration.

Yours sincerely,



John Roberts