

years past, however, it is clear that our goal now and in the years ahead, in an age of vast industrial expansion and rapid urbanization, must be to prevent any sort of water pollution.²

While one might agree philosophically with the conclusion, there still remains the question of what kind and what amount of "waste" constitutes pollution. In brief, pollution is a relative matter. For all practical purposes, as previously noted, pollution of water is an alteration of quality prejudicial to the suitability of the water for defined uses. If the addition of a waste effluent does not adversely affect desired uses, such waters might well not be considered as polluted.

No clue may be found in Federal legislation, nor in the pronouncements or practices that pertain to its application, that provides enlightenment on how pollution should be defined. It might be noted, however, that in drafting a Suggested State Water Pollution Control Act based on the experiences of successful State agencies, the Federal Department of Health, Education, and Welfare punctiliously asserts: "The most important definition in the act is the definition of pollution."³

While the Federal agency saw merit in laying down a detailed guideline for the States it has seen no virtue thus far in adopting a similar guideline for its own conduct.

Meantime, the Congress and the public are barraged with statements from the U.S. Public Health Service that stream pollution is increasing and that "billions" of dollars will be needed for corrective measures. So long as the Federal authorities sidestep the issue of defining what is meant by "pollution" there is reason to question the validity of appraisals of the magnitude of the problem and the estimates of costs associated with remedial action.

Who is in charge?—Another key issue with respect to legislative intent relates to the question: Who is in charge? This involves the sensitive area of relationships between Federal and State authorities and those who are subject to regulation.

Laid to rest in 1948 with the passage of the first Federal Water Pollution Control Act—but only after years of prolonged debate—was the matter of whether or not the National Government should assert a direct role in stream cleanup efforts. The decision was yes. But in reaching this conclusion in Congress envisioned a partnership wherein Federal actions would be designed to abet and supplement State efforts, but not to supersede them unless a State actually defaulted in meeting its obligations.

Three sections of the original and recently amended Federal Water Pollution Control Act are positive with respect to congressional intent. One of these is the preamble, which declares it to be national policy to recognize, preserve, and protect the primary responsibilities and right of the States in preventing and controlling water pollution.

² James M. Quigley, Assistant Secretary of HEW, in a 1961 address before the Izaak Walton League in Chicago.

³ As set forth in the May 1965 revision of the act we read: " 'Pollution' means such contamination, or other alteration of the physical, chemical, or biological properties, of any waters of the State, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the State as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life."