Another section, relating to interstate matters, calls upon the Federal authorities to "encourage compacts between States for the prevention and control of water pollution."

Finally, in that section of the act dealing with Federal enforcement, the procedures outlined are designed to stimulate and not attempt to emasculate the exercise of State responsibilities.

These sections of the act in particular, and other provisions in general, would seem to leave no doubt that it was the intention of the Congress for the Federal Government to employ its resources to act in concert and not in competition with State efforts. There is reason to question, however, that the conduct of several components of Federal activity are achieving this purpose.

Perhaps the major departure from the intent of the Congress has occurred in the conduct of relationships on enforcement. Originally, the act provided for a four-step procedure in situations where a Governor may request intervention on interstate pollution, or when the Secretary of HEW believes that such pollution may exist.

The first step is the calling of a conference of such State and interstate agencies that may be involved for the purpose of exchanging views and examining evidence relating to the alleged conditions.

The second step is a determination by the Secretary, based on the evidence, as to what, if any, remedial measures should be undertaken by the appropriate State agency; 6 months were allowed for the State to initiate corrective action.

If at the end of this 6-month period the Secretary was not satisfied that appropriate action has been taken he is empowered to call a public hearing. Based on findings of the hearing board a formal notice and schedule for compliance would then be issued to those persons (public or private) who are causing pollution. This constituted the third step in procedures spelled out in the act.

The fourth and final step open to the Secretary, if compliance lagged behind the established schedule, was to refer the matter to the U.S. Attorney General for prosecution.

What has troubled the States is that these carefully drawn procedures, designed to encourage the exercise of their responsibilities and to provide backup support, have been bastardized in a manner that does exactly the opposite. What has occurred is this: The Federal authorities have not sought to confer with the State agencies in the sense that the parties concerned are brought together for an intimate exchange of facts and viewpoints. Instead, the so-called conference is conducted virtually as a public hearing, generally in the ballroom of a large hotel and with advance publicity guaranteed to generate the attendance of hundreds of people.

These meetings have been shrouded with the atmosphere of an adversary proceeding. Formal presentations of the Federal authorities often leave no alternative for the States than to adopt a defensive attitude. Conditions are hardly conducive for dispassionate appraisal of the issues involved and their resolution. Quite to the contrary the State conferees are confronted with "recommendations and findings" that are normally formulated in advance of the conference by the Federal authorities and therefore not necessarily reflective of subsequent State evidence.

The amendments to the Federal act, which were signed into law only on October 3, 1965, call for a fresh approach to Federal enforcement