

of enforcement techniques and procedures to attain the desired environmental situation.

Any enforcement program, therefore, to be effective must be related to a series of authoritatively established "value judgments." This infers that the beneficial use of the environment can be specified or defined in quantitative terms, that adverse effects can likewise be quantified and that there are means available to protect the public health and to provide for future needs. All of this must be capable of being translated into a series of "thou shalt" and "thou shalt not" rules.

There must be some effective means to determine if indeed an adverse situation in relation to the desired utility is actually existing. The relationship between environmental quality and enforcement also involves a means by which the regulatory procedures shall be enforced. In the Senate report on this subject (S. Rept. No. 10, on the Federal Water Pollution Control Amendments of 1965, 89th Cong., 1st sess.) it was stated that water quality standards, as an example were not designed for use primarily as an enforcement device. Rather their principal objective was intended to be for the orderly development and improvement of resources "without the necessity of adversary proceedings which inevitably develop in enforcement cases." This "performance standard basis" is utilized by a number of legislative authorities. This approach envisions that such "standards" provide an engineering base or series of engineering benchmarks or guidelines for the development of plans for facilities.

On the other hand, some regulatory agencies insist that they must check each individual project and engineering design to the last detail. In some instances, precise requirements are specified in the legislative action or in the enabling regulations, or that some permits or similar specific authorizations be utilized. This may result in a failure to provide adequately for changes in technology.

From the foregoing, it is evident that different requirements should and will exist for environmental quality depending upon geographical location and the desired utility of the environment at that location. Further, the time phasing of necessary actions will depend upon the current situation, anticipated future requirements, and the need for flexibility to accommodate the changing needs and desires of the community.

The range of environmental pollution control requirements for different geographical locations is the result of a number of considerations. These include the extent of the need; and the variety of available measures to control pollution; the structure of local laws and regulations; and to some extent the functional position of the enforcement authority within the particular governmental entities involved. This is not to say that there cannot be some general agreement regarding the quality objectives for the various usages.

In the case of water, and perhaps in the case of the air resource, objectives can provide a basis for both the required degree of treatment before injection of a potential pollutant into the environment and the quality of the environment desired as a source of supply. The approach used by the Food and Drug Administration in setting a tolerance for residues of pesticides on raw agricultural products is a case in point. That which is permitted is somewhere between what is prac-