

POLLUTION CONTROL

All navigable water bodies of the United States, including coastal waters, are now subject to Federal pollution control jurisdiction. Action to abate intrastate pollution can be initiated only at the request of the Governor of the State. A request for Federal action to abate interstate pollution may also be initiated by a municipality if such request has the concurrence of the Governor and the State water pollution control body. The Secretary of the Interior, on his own initiative rather than waiting for a State request, may call a conference as a preliminary step in the Federal enforcement procedure "whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution * * * endangering the health or welfare of persons in the State other than that in which the discharge or discharges originate is occurring."¹⁹ Under the 1965 amendments to the Water Quality Act, the establishment of water quality standards for interstate waters is required by June 30, 1967. If the States fail to adopt acceptable standards, the Secretary of the Interior is authorized to establish them directly. The underlying objective of Federal water pollution control policy is, however, to strengthen State water quality programs so that problems can be resolved at the State level without Federal action.

Federal enforcement procedure has three stages. First, there is a conference with all affected interests, public and private. For example, at a recent conference on pollution in Puget Sound, the Washington Pollution Control Commission invited representatives of pulp and paper mills, other industries utilizing Puget Sound for waste disposal, mayors, county health officers, sportsmen's councils, Federal agencies, fisheries groups, State legislators, members of the University of Washington faculty, and officials of the Association of Washington Cities, the Seattle Harbor Advisory Committee, the Municipality of Metropolitan Seattle, and the Northwest Pulp & Paper Association.

If the problem cannot be worked out at the conference, a public hearing is held before a board appointed by the Secretary of the Interior. The final step, when necessary, is Federal court action. As of May 1965 only one case had gone to court.

The Public Health Service has estimated that conferences and hearings will have resulted in construction of about \$500 million of waste treatment facilities. Since 1956, 34 enforcement actions have been undertaken, involving 40 States, the District of Columbia, and 1,000 municipalities and about the same number of industrial plants; 7,000 miles of major waterways were affected by these actions.

In general, the cooperative approach of the Public Health Service has been successful. In most instances, State health departments and water pollution control agencies have welcomed Federal assistance in enforcing of State water pollution controls. The combination of Federal assistance grants under the 1956 act, in conjunction with conferences and hearings, has often been successful in securing the construction of municipal sewage treatment facilities.

Federal enforcement action is particularly appropriate to control industrial pollution and may in fact be the only effective governmental

¹⁹ 33 U.S.C. 466(c) (1).