

Mr. CARPENTER. Of reasoning, checking against the available facts?  
Dr. HIRSCH. Right.

And the other thing I think we have to realize is that the standards that are being set are part of a trend here, in continuum, to try to reverse the downgrading of these uses and the downgrading of these values that have occurred, and they will be revised.

So what we have to do is we put in this conventional treatment that is available everywhere and then if we don't know, if we are uncertain as to its effects, we measure after it has been built, after it is in operation, and we see whether or not we have met our goals and expectations fully. If we haven't at that time maybe some of the newer methods will be available.

If they are not, in some cases we may have to say, well, for the moment we have done all we can in this area. It is so densely populated, so industrialized, that we have managed to prevent nuisance, but we are not going to be able to provide fishing in here as yet. I underline that as yet.

Mr. MOORE. One of the inputs into the determination of uses, though, inevitably is historical uses.

Dr. HIRSCH. The tendency is to want to either maintain the uses that are there at the moment or the ones you remember. I sat through 30 of these hearings and heard people say "I can remember when" and what they want to do is go back to where they can remember. So there is a certain amount of this, in other words, a restoration of a preexisting level of quality being the objective. So that went into the determination of what the uses would be.

Mr. CARPENTER. Now, in this same line of questioning, the recent judgment by the Secretary that no degradation would be allowed, carries with it what some critics have termed a loophole in these words:

Unless and until it has been affirmatively demonstrated to the State Water Pollution Control Agency and the Department of Interior that such change is justifiable as a result of necessary economic and social development and will not interfere with or become injurious to assigned uses made of or presently possible in such waters.

Could you discuss this and perhaps defend against this loophole charge?

Mr. MOORE. Well, let me address myself to that question. And I think you need to appreciate I am a relative newcomer to the question.

What is involved here is first of all what does the addition of a new discharge do to an existing water quality.

Now first of all you could have a situation in which the new discharge, because of its composition, would not have any effect on the quality of the receiving water.

In other words, it may be a municipal discharge for which the highest treatment is to be provided or it may be an industrial discharge for which the technology is available to maintain the quality of water that exists in the receiving stream.

So that you could have where there is a consideration as to permitting a new discharge, a situation which the new discharge would have in the sense of the uses of the water no effect. Well, that would be the easy case.

Now it seems to me that inevitably you come to the situation where the existence of the high-quality water may also coincide with other