

of above definitions, depending upon the interpretation which State or Federal officials choose to use on any occasion. The closing paragraph of Secretary DiLuzio's reply merits special attention:

A high degree of waste treatment or control should implement our goal of preventing water quality degradation down to some limiting value required for specific water uses. It will also meet Secretary Udall's goal of making water as clean as possible, not unclean as possible.

Here we can see the beginning of what is now called the nondegradation policy which Secretary Udall announced publicly on February 8, 1968. We will return to this problem shortly.

On December 13, 1967, prior to Secretary DiLuzio's reply, James Watt addressed the Association of State and Interstate Water Pollution Control Administrators at its annual meeting in Hartford, Conn., concerning the enforceability of a blanket secondary treatment requirement, Mr. Watt remarked:

If your State's legislation calls for a program to assure acceptable water quality, you, as the administrator of the program, will have to show that the discharges are damaging that quality. Whether or not the alleged offender—municipality or industrial plant—does or does not have a secondary treatment facility is not the material issue. If the court finds that the water quality is not impaired by the waste discharged, the standards which include a requirement for secondary treatment could be thrown out, even though approved by the Secretary of the Interior. Thus, the efforts to implement a meaningful water pollution control program would be set back for an indefinite period of time. We cannot afford this risk. We need a meaningful and a determined program that will secure for ourselves and future generations a desirable quality of water.

The National Chamber's concern over the enforceability of the standards modified and approved by the Secretary was heightened in January by letters sent by the Secretary to the Governors of several States. The letters to Governor George Romney of Michigan, and Governor Lurleen Wallace, of Alabama, spelled out in detail the nondegradation policy and stated that approval of all State standards was conditional upon the inclusion of a nondegradation statement. Soon after this, the Secretary made public the nondegradation policy, indicating that even those 10 States whose approval he had previously announced would have to resubmit their standards for the inclusion of a nondegradation statement.

It was now obvious that the Secretary was playing one State off against another so that he could achieve his goal of making water as clean as possible and, in addition, make the water quality standards Federal standards. If this committee will recall the legislative history of the Water Quality Act of 1965, both of these principles were present in the original administration bill, but were rejected by this committee and not included in the final version of the bill. This nondegradation policy of Secretary Udall has set the stage for a procedure which Congress has expressly rejected—"treatment for treatment's sake" to make waters "as clean as possible."

Many States are resisting the Secretary's demands. The national chamber, serving as a clearinghouse for information on this subject, has distributed copies of correspondence between Secretary Udall and Governors Romney, Rhodes of Ohio, Wallace, and Love of Colorado. We hope that the full text of these letters will be included in the record. However, some of the comments made by Governors Love and Rhodes on the nondegradation statement are so notable that we want to quote them at this time.