

exceedingly difficult. On at least three occasions, members of our State Water Pollution Control Commission and staff members of our Water Pollution Control Division have met with representatives of the Federal Water Pollution Control Administration to resolve differences regarding our Colorado Water Quality Standards. At the conclusion of each of these meetings, it was felt by both State and Federal representatives that an agreement had been reached and this agreement was conveyed in letter form to your office.

The last such meeting between our Commission and staff and representatives of the Federal Water Pollution Control Administration was held in Denver on November 14, 1967. The understanding between the State of Colorado and your representatives was conveyed to you in a letter dated December 11, 1967. A reply to this letter was received on February 7, 1968. In this reply, it was stated, in essence, that your department could agree, with one exception, to the changes proposed to our water quality standards once they had been formally adopted after the due process of public hearings. The one exception was with regard to temperature criteria for cold water and warm water fishing areas. Specifically, the question arises as to whether we should set definite numerical limits for temperature changes allowed in warm and cold water fisheries. A member of our Water Pollution Control Commission, who is also a staff member of our Game, Fish and Parks Department, points out that in Colorado the fish are often dropped into lakes and streams with as much as a 10° temperature differential. In many of our streams the difference between day and night temperatures in the stream have often exceeded the temperature changes recommended by your department. We have not found that this temperature change has affected the fish in any way. Furthermore, due to the scarcity of water in Colorado, cooling towers are normal at most plants and consequently, very little warm water is discharged into the waters of the state. We feel that we are adequately protecting both the cold and warm water fish in our state by the following statement:

"No temperature rise will be permitted which will interfere with spawning or other aspects of fish life."

On February 14, 1968, we received your news release dated February 8, 1968, entitled: "Water Quality Degradation issue Resolved." We are particularly disturbed with some of the statements made in this release. In Colorado we have many streams whose existing water quality is better than the established standard for that stream and we intend to maintain this high quality as long as is humanly possible. By requiring secondary treatment of municipal wastes and the equivalent for industrial wastes for all waters of our state, we feel that we have shown that we intend to preserve the quality of our State's waters. However, we also realize that as our state grows and as more industry and people move into our state, limited degradation will occur. We feel that even with this limited degradation we will be able to maintain the high quality of our waters.

The one statement in your release that especially disturbs us is as follows: "These and other waters of a state will not be lowered in quality unless and until it has been affirmatively demonstrated to the state water pollution control agency and the Department of Interior that such changes are justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of or presently possible in such waters."

Colorado does not feel that any state should be asked to give to a federal agency or department the authority to control the economic growth and development of that state. As we interpret this statement, this is exactly what we feel you are asking us to do. We strongly feel that the economic growth and development of any state should be within the prerogatives of that state and that state alone. We feel that to carry out such a policy is in direct opposition to Section 1(c) of the Federal Water Quality Act which states:

"Nothing in this Act shall be construed as impairing nor in any manner affecting any right or jurisdiction of the states in respect to the waters (including boundary waters) of such states."

Therefore, the Colorado Water Pollution Control Commission requests that the vacillation back and forth with regard to our water quality standards be resolved by your office. The Commission has stated in all of their correspondence, meetings with representatives of your office, as well as in our Plan of Implementation and State Plan, that our state intends to meet the spirit of both the Federal and State Law. We, therefore, request immediate approval of our standards so that we can get on with the job of abatement and control.

Sincerely,

JOHN A. LOVE.