

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 15, 1968.

HON. LURLEEN WALLACE,
Governor of Alabama, Montgomery, Ala.

DEAR GOVERNOR WALLACE: A review of the situation with regard to the Alabama water quality standards has convinced me it is possible to approve your standards with certain exceptions that were noted in my previous letter to you. I believe that such an action will allow translation into Federal Standards of the bulk of the fine Alabama Standards and narrow down the remaining items yet to be resolved to the dissolved oxygen and temperature criteria for Fish and Aquatic Life as well as the requirement for a statement on the degradation of waters of existing high quality.

In the course of approving the various standards submitted by the States, it has become obvious to me that some of those approved last summer were not of the same quality which we are now requiring. Accordingly, we have embarked on a program to review those earlier approvals and to require upgrading of such parameters as temperature and dissolved oxygen to make them consistent with those we are now requiring for other States. I point this out to you, particularly since this is the case with one of your neighboring States, and I want to assure you that we will ask for adoption of temperature and dissolved oxygen parameters as well as a water quality degradation statement similar to those requested of Alabama.

For these reasons, I am pleased to inform you that, except as noted below, I have approved the water quality standards of the State of Alabama based upon my determination that they are consistent with protection of public health and welfare, enhancement of water quality, and the purposes of the Federal Water Pollution Control Act, as provided by Section 10(c) (3) of that Act. Accordingly, the standards as approved are those applicable under the Act to the interstate waters of Alabama.

A basic policy of the Act is to protect and enhance the quality and productivity of the Nation's waters. Our review and study of standards to date has reinforced our conclusion that implementation of this policy requires a standard substantially in accordance with the following:

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at their existing high quality. These and other waters of your 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 the Interior that such change is 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. This will require that any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology, and, since these are also Federal standards, these waste treatment requirements will be developed cooperatively.

The standards submitted by your State did not include a comparable provision, and, since it is our mutual desire to carry out the purposes and intent of this Act, I would appreciate your early concurrence with regard to incorporating such a comparable provision as a part of the enforceable standards of your State. Please advise, in addition, the time when the procedure for this purpose can be initiated and completed.

I am excepting from my approval the temperature and dissolved oxygen parameters as set forth in the State's submissions of specific water quality criteria for shellfish harvesting and for fish and wildlife for all interstate waters specifying these uses. I believe these criteria can be upgraded so that they protect existing high quality and reflect improved conditions in presently polluted waters as these are expected to result from implementation of treatment requirements. The numerical changes required to accomplish this are relatively small, and I hope you will agree to have your staff work with mine to resolve the problem rapidly.

In the course of earlier discussions between our respective staffs, a number of agreements were reached which led to revisions in the standards I am now approving. One component of these agreements which I consider particularly sig-