

It is most interesting, in view of present circumstances, that dissolved oxygen and temperature criteria for fish and wildlife were not listed by the Secretary, in his letter of July 18, 1967, as issues which must be resolved. We were later advised that listing of cooling water discharges was an oversight since these discharges were specifically covered in the standards originally submitted by Alabama.

Discussions of the issues raised by the Secretary in his letter of July 18, 1967, copy attached, were initiated immediately by the Commission's staff and representatives of the Federal Water Pollution Control Administration. These discussions led to mutual agreements which were formally adopted by the Commission on August 24, 1967 and forwarded to the Atlanta Regional Office of the Federal Water Pollution Control Administration on August 30, 1967 in accordance with the Secretary's instructions. This submittal, reproduction attached, was not acknowledged by either the Federal Water Pollution Control Administration's regional office or the office of the Secretary. After two months without word on the status of our standards, and in view of scheduled hearings on water quality standards for intrastate waters of the Cahaba River and Warrior River Basins, I wired the Secretary on October 30, 1967 requesting advice as to his decision. A copy of this telegram, reproduction attached, was sent to you, and we sincerely appreciate your action on our behalf. We received no more than an acknowledgement of our telegram until the Secretary's letter to Governor Wallace dated January 19, 1968. Finally, on February 15, 1968, the Secretary expressed acceptance of the agreements adopted by the Commission and submitted on August 30, 1967.

I am convinced that water quality criteria adopted by Alabama for fish and wildlife and shellfish harvesting waters are realistic and, within limits of present knowledge, represent the most practical and reasonable approach to protection and utilization of the water resources of Alabama in the best interest of the public. The consistency of our criteria with those of states adjoining Alabama, or within the same geographical region, as well as with the criteria of several of the states, some removed from our geographical region including New York and South Dakota, whose standards have been approved by the Secretary support this contention. For your information, I am attaching listings of dissolved oxygen and temperature criteria compiled from standards adopted by states within our region and from states' standards approved by the Secretary. Information on states' standards approved by the Secretary was furnished by the Atlanta Regional Office of the Federal Water Pollution Control Administration on January 30, 1968.

The standard on degradation of waters of existing high quality which the Secretary is now requiring deserves, and should be given, most serious consideration. This standard, or statement as it is sometimes referred to, reads as follows:

"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."

There is a degree of ambiguity in this statement as the first sentence expressly states that waters of existing high quality will not be lowered in quality and the remainder of the statement sets forth how the quality of these waters can be lowered. Nevertheless, I know of no one who would disagree with the philosophy of preserving high quality waters to the maximum extent possible but not to the exclusion of developments necessary and essential to our economic and social welfare which can be permitted without endangering existing uses of these waters. In effect, the Commission is applying such a policy through its requirements of high degrees of treatment for industrial and municipal wastes and is required by Alabama law to recognize, "The existing water conditions of