

The Public Works Committee did not report the bill until September 1964. *See* H.R. Rep. No. 1885, 88th Cong., 2d Sess. (1964). Although the House accepted the Senate's revision of the Act's stated purpose, it rejected the mandatory water quality standards provision. As the House Report states: "[T]he committee has modified the provision of section 5 of the bill as passed by the Senate to provide that the Secretary, instead of promulgating standards, may recommend standards . . ." for adoption by the States. *Id.* at 6. Final House action was not forthcoming during the 88th Congress, and S. 649 died with adjournment.

Senator Muskie renewed his fight in the 89th Congress. The new Muskie bill, S. 4, retained the purpose and water quality standards provisions of the Senate's amended version of S. 649 in the prior Congress. Because of the lengthy hearings held on S. 649, Senate hearings on S. 4 were limited to a single day of testimony. And with only minor amendments, the Senate Public Works Committee reported S. 4 on January 27, 1965.

Following rejection of an amendment by Senator Tower, which would have given the Secretary the authority to issue *recommended*—rather than mandatory—water quality standards, the Senate passed the Water Quality Act of 1965 (S. 4) on January 28, 1965.

Three days of House hearings were held in February 1965. *See Hearings on H.R. 3988 and S. 4 Before the House Comm. on Public Works*, 89th Cong., 1st Sess. (1965). Again the House Committee rewrote the bill prior to reporting it. Although the stated purpose of the bill did not change, the water quality standards provision in the Senate-passed version was eliminated. In its place, a severely limited standard-setting procedure, tied to the authorization of Federal funds, was inserted. *See* H.R. Rep. No. 215, 89th Cong., 1st Sess. 3 (1965).

The house version of S. 4 was debated and passed by the House on April 28, 1965. 111 Cong. Rec. 8652-90 (1965). Senate disagreement with the House amendments sent the bill to conference. As it emerged from the Conference Committee on September 17, 1965 (*see* H.R. Rep. No. 1022, 89th Cong., 1st Sess. (1965)), the Water Quality Act of 1965 contained a water quality standards provision more like the Senate version of S. 4 than its House counterpart. The compromise standards provision provided for the adoption of Federal standards only in the event that the State standards were found by the Secretary not to be consistent with the Act. Following final Congressional approval on September 21, 1965, the Water Quality Act was signed into law by the President on October 2, 1965.

II. THE WATER QUALITY STANDARDS PROVISIONS OF THE FEDERAL WATER POLLUTION CONTROL ACT

The water quality standards provisions of the Water Quality Act of 1965 were enacted as section 10(c) of the Federal Water Pollution Control Act. Initially the governor or the State water pollution control agency must file a letter of intent indicating that the State will hold public hearings and thereafter adopt water quality criteria applicable to interstate waters within the State, as well as a plan for the implementation and enforcement of the criteria.

The State's water quality criteria and implementation plan, adopted after public hearings, are submitted to the Secretary, who must determine whether such State criteria and plan are consistent with section 10(c)(3) of the Federal Act. That section provides that the standards adopted under the Act must "protect the public health or welfare, enhance the quality of water and serve the purposes of this Act," and that in establishing such standards, the use and value of the stream in question for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial and other legitimate uses must be considered.

If the Secretary approves the State criteria and plan, they become the water quality standards applicable to the interstate waters in question under both State and Federal law.

If the Secretary fails to approve the State standards as submitted (or if the State does not follow the established submission procedure), the Secretary may notify all interested parties and convene a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involve. Having complied with the conference procedure, the Secretary may prepare regulations setting forth the standards of water quality to be applicable to the interstate waters in question. The State is then given a six-month period within which to adopt water quality standards