

II

COMMENTS ON IMPLEMENTATION OF EXISTING LAW

The Water Quality Act of 1965 was landmark legislation in every sense of the word, and, as passed, had the support of the CMA. We wish to comment briefly on two aspects of the implementation of this law.

Among other things, the law provided for Secretarial approval of water quality standards for "coastal waters." Under HEW a definition of coastal waters was established which seemed in accord with the intent of Congress: "Those waters of the marginal sea which are seaward of the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters." When the FWPCA was moved to interior, this definition was superseded by one which included the same waters plus "all inland waters subject to the ebb and flow of the tides."

We respectfully request that Congress make clear its intent in this matter, preferably by amending the law.

The Secretary of the Interior has also interpreted his mandate to enhance the nation's water quality by issuing a guideline to the effect that the quality of all water, everywhere, must be at least maintained. Where an area is already developed, such a standard could normally be defended. Where it is desired to retain the virgin character of a wild river, this guideline also makes sense. For the great majority of other cases, it does not. Simply put, its effect would be to force almost all new development into areas already possessing industry and population. In areas where there are now well developed industry and population centers, the new plant or residential development coming in knows that its discharges which reach public waters will be controlled and treatment will be required, but can still be sure that discharges will be authorized. Similar development efforts going into an area where there is now very little population and industry will be faced with the requirement to meet far higher standards for their discharges to public waters than they would in a developed area. This would add more difficulty and, in many cases, could cause abandonment of such planned development.

In response to a storm of criticism and some outright defiance, this guideline has been modified to provide for development where the Secretary of the Interior specifically approves each and every case in detail. This is still intolerable.

Neither the statute nor the record makes clear what the intent of Congress is in this case. We respectfully request that the Congress provide guidance.

CMA suggests that a reasonable approach would be for the state to notify the Secretary of cases where they will allow development to lower the existing water quality. If, within 90 days, the Secretary desires, he may call for hearings in the same manner provided in the law for cases where he disagrees with state standards.

This would provide a safeguard against any true degradation while avoiding delay and routine Federal bureaucratic control of a state's internal development.

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HON. GEORGE H. FALLON,
Chairman, Committee on Public Works,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: At your suggestion, the American Water Works Association, on behalf of more than 20,000 members concerned with improving water service to the public, is happy to comment on the provisions of H.R. 15907, on which your Committee is conducting hearings. In general, we will comment on the sections of the bill related to the public water supply business in which AWWA has special competence. In addition, it should be pointed out that in a large and growing number of communities water supply and pollution control facilities are jointly administered, so that water utilities have a direct interest in the wastewater field.

Generally, AWWA is in full accord with the intent and provisions of H.R. 15907. This bill includes some provisions for assuring competent managers and