

PROGRESS UNDER THE WATER QUALITY ACT

I am sure I needn't remind the members of this Committee of the many months of effort and the extensive discussions that culminated in the 1965 amendments to the Federal Water Pollution Control Act. That important legislation, which is just now beginning to be implemented, is far more than a step forward. It is a comprehensive program for effective action to protect and enhance the quality of the nation's waters.

The excellent response of the states to the challenge of setting water quality standards—within a tight time schedule—has justified the confidence of the Congress in the ability of the states to do the job.

Already, as a result of the sense of urgency generated by all this standard-setting activity, one can see signs of real progress. Within my own industry, for example, almost every week the trade papers carry a story of plans for some major improvement in an oil facility's waste water treatment system.

For these reasons, I am confident that the Water Quality Act of 1965, if given a fair trial, will prove effective in achieving a high degree of water quality control. I might add that—under that act—we can look forward to orderly progress in reducing any type of pollution—including oil pollution—that may result from inadequate or improper waste disposal practices.

FEDERAL CONTROL OF OIL RELEASES FROM SHORE FACILITIES

This brings me to what we in the petroleum industry believe to be one of the most important questions raised by S. 2760. This is the question of whether additional federal legislation is needed or actually can bring about better control of accidental oil releases—or releases of any other common pollutant—from shore facilities.

Federal regulation of vessels within our territorial waters is clearly desirable because vessels move from place to place. Regulation of mobile sources of pollution by multiple jurisdictions is just not practical. In the air pollution control field, for quite similar reasons, Congress has provided for federal regulation of vehicles, but has left control of stationary sources of air pollution to the states. Traditionally, Congress has also left control of stationary sources of water pollution to the states, believing that—because the states are closest to the problem—they are in a better position both to determine their needs and to carry out the huge job of policing and enforcement.

Thus, in the Declaration of Policy of the Federal Water Pollution Control Act, the following statement appears:

“* * * it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution * * *”

The declaration goes on to say:

“Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.”

In the general enforcement section of the act—Section 10—the following statement appears:

“Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not . . . be displaced by Federal enforcement action.”

As we see it, the net effect of including shore installations in S. 2760 now before you would be to render the policy declaration of the Water Pollution Control Act meaningless, and to open the door to direct federal regulation of not only oil as a pollutant but of every water pollutant from every possible source along every waterway in the nation.

NEED NOT SHOWN

The recent joint report on oil pollution by the departments of Interior and Transportation places great stress on the *possibility* of oil pollution from shore installations. The report cites statistics on the quantity of oil being handled in commerce and points to its pollution *potential*.

As we see it, such figures by themselves do not build a plausible case for federal regulation of shore facilities. The figures show that there are huge amounts of oil being handled every year. Yet to find just three significant shore