

the exercise of that judgment, it unfortunately would seem as though a court action will be required to determine whether that discretionary authority is being properly accepted unless this committee speaks out.

This committee has heard testimony about how serious many people are viewing the Secretary's policies. Legal opinions by reputable lawyers bluntly state he is out of order. The Secretary reported to this committee he does not agree with this legal interpretation. So unless this committee calls the shot and clarifies the situation, a legal hassle is in the making—and that hassle could stop the whole program.

That hassle can be in one of two ways:

The states which agree to the Secretary's demands may have to go to court to enforce the standards and there determine whether they have adopted unenforceable standards;

The secretary may withhold program grant monies from states which have not acceded to the Secretary's demands on the grounds the state must have an acceptable program—which the Secretary considers as including standards he approved—before the state can qualify. Since the state staffs are now financed in large part ($\frac{1}{4}$ to $\frac{1}{2}$) by federal grants, this curtailment cripple a state program.

Incidentally, neither of these is remote. Some states have informally been told that unless their standards are acceptable by July 1, the program grant monies will be withheld.

Thus, I suggest this committee with its understanding of what is needed to keep the program going—the program which this committee devised—could:

1. Provide that the administrator of the program be a person who has demonstrated a competency in this field and delegate the policy making authority to him under guidelines promulgated by the Congress;
2. Provide that there be an advisory committee of state administrators—the men who have to do the job—who would provide policy recommendations and proposals for joint federal-state research and administration demonstration projects to the administrator and to the Congress.

We are fortunate now in having a competent administrator. Joe Moore knows his business and demonstrated by his work in Texas that he knows the problems and approaches for their solution. However, as was brought out in the Tuesday questioning by the committee, the policies were established before he assumed office. Since the important issue is accomplishment of water quality control, not pride of authorship of policy, the responsibility given to the administrator to achieve quality control should include responsibility for policies. Making him work under policies which preceded his arrival is asking a lot.

Also, since the central problem is obviously one of attaining effective federal-state working relationships, Mr. Moore should have the assistance of people who are by experience knowledgeable of state problems. Replacement of the planners whose competency is theory with advisors whose competency is experience would mean a reorientation of the federal hierarchy which would result in accomplishment. This could and should be done by the Secretary and this committee could encourage such action.

"ANTIDegradation"

The committee has heard much about the antidegradation policy statement proposed by the Secretary and adopted by some five states at his insistence. Suffice it to say that the title proposes a benefit while the fine print contains an insidious mechanism to reduce the states to branch offices of the Secretary.

An intra-agency memorandum in FWPCA outlined how such a statement could be interpreted and implemented. High quality water would not be limited to headwaters or pristine lakes but rather would apply to all waters in which any single quality parameter was acceptable. Also, the FWPCA in Washington would make final determination as to whether a discharge would be permitted and would condition approval on whether the latest technology is employed and whether the social and economic development warrants it.

Actually, all states now have as routine practice a true antidegradation policy. Once uses are defined and standards of quality to protect those uses are promulgated, the installation of developments which would reduce that stipulated quality is banned. It takes a formal hearing to determine whether there should be a change in uses permitted.