

Mr. CRAMER. The Secretary is the only one who can say "Yes" to the location of a plant along a stream, if it appears that that plant location could result in degradation of the existing water quality; right?

Mr. KINNEY. It spells it out even beyond that. It is not only an industrial plant, it is an irrigation project, and it is the enlargement of a city—

Mr. CRAMER. Yes.

Mr. KINNEY. This is going to be a little difficult to control.

Mr. CRAMER. It was my understanding in concept, and I have been through this thing, too, from the very first of the Water Pollution Control Act, that relates to congressional action, and it was my understanding that clearly what Congress intended was that certain standards should be set within the States, and that hearings would be held; and that if the evidence indicated that the degradation would not be sufficient to overcome the public interest of the clean water, the industry could be developed. In order to have industrial developments, you have to balance the two, and that the State would have that authority.

Mr. KINNEY. That was the purpose.

Mr. CRAMER. Under the standards established.

Now, it appears that this question of degradation, the States have no authority. It appears that all the authority has been taken by the Secretary.

Mr. KINNEY. It is a nice title; but the procedures transfer the State agencies into branch offices of the Secretary.

To add to that, though, and I offered to the chairman before a copy of a brief that has been prepared by a Subcommittee of Interstate Conference on Water Problems, States attorneys general, that in their opinion the agreement of such a thing by State administrative agencies is unlawful, and that only the State legislature could offer such a delegation of authority, anyhow.

It is one more state of confusion. And unless it is resolved by this committee specifically, it could well mean a court hassle.

Mr. CRAMER. It means, also, that on a stream where there has not been too much industrial development there will be no progress unless the Secretary says so.

Mr. KINNEY. That is correct. But when you read this memorandum or intra-agency memorandum, it goes beyond that. Their proposal is that so long as any quality parameter of water is good, the water qualifies as a quality water. So that means all the waters of the United States are high-quality water, in one respect or another.

Mr. CRAMER. Could you submit a copy of that—do you have an extra copy of that memorandum?

Mr. KINNEY. I can get it for you.

Mr. CRAMER. I would like to have that as part of the record.

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APPLICATION OF THE WATER QUALITY DEGRADATION POLICY

1. The Policy

The Secretary of the Interior has indicated that a provision in all State standards substantially in accordance with the following is required:

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