

existing high quality. These and other waters of a State will not be lowered in quality unless and until it has been affirmatively demonstrated to the State water pollution control agency and the Department of the Interior that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently possible in, such waters. This will require that any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology, and, since these are also Federal standards, these waste treatment requirements will be developed cooperatively.

2. Waters to Which the Policy Applies

Basically, the policy is designed to protect all waters whose existing quality is better than the established standards. We should be particularly alert to apply it to significant new waste sources on waters which are now considered relatively unpolluted; e.g., location of a new pulp mill on an unpolluted estuary.

In addition, however, we must recognize that the policy to be effective should also apply to waters which, while already polluted in one respect, would be damaged by a new source of pollution in another respect. For example, waters with high total dissolved solids content may still be of high quality with respect to dissolved oxygen. Any new source of pollution which would lower the dissolved oxygen, thus causing a threat to aquatic life, would be subject to the policy.

An alternative approach would be to categorize and list the specific waters to which the policy would apply. An inventory of the waters might be made, based upon evaluations of existing quality and water uses, e.g., waters which now support good fisheries or recreational uses. In effect, this would be selection or zoning of certain waters which merit an extra measure of protection. (This is a matter which will have to be resolved at an early stage.)

3. Initiation of the Process

The policy applies to all developments—such as new or increased municipal or industrial waste discharges, powerplants, or irrigation projects—which would cause new or increased pollution with respect to any parameter. The first step is for FWPCA to obtain notification of all such proposed developments at an early stage.

a. The Regional Directors will be responsible for contacting all States within their jurisdiction to make arrangements for such notification. Each State should be contacted as soon as it has agreed to inclusion of the required antidegradation provision or its equivalent in its standards. Regional Directors should also become familiar with the mechanisms available to each State to regulate such developments (e.g., permit systems). As soon as arrangements have been made with a State for such notification, Headquarters should be advised.

b. For Federal activities, such notification should be accomplished in accordance with the July 1967 "Guidelines for Federal Departments, Agencies, and Establishments in the Prevention, Control, and Abatement of Water Pollution by Federal Activities."

c. Where other appropriate notification mechanisms exist (e.g., Interagency Agreement with the Department of Defense on dredging permits; Federal Power Commission licensing procedures) these will be utilized. (Note: Headquarters will prepare a list of all such arrangements for the guidance of the Regional Directors.)

4. Determining Conformance with the Policy

When the Regional Director is advised of a proposed new development which might degrade water quality, he should:

a. Assemble all existing water quality data, in cooperation with the State or States concerned, and evaluate it to determine the levels of existing quality.

b. Obtain information on the projected wasteloads or other developments, and forecast their effects on water quality. It will be the responsibility of the waste dischargers to provide such information, which should then be evaluated independently by FWPCA.

c. Obtain information on the proposed treatment or waste reduction methods. These methods may be developed through joint discussions with the State, waste dischargers, and design engineers. Determine whether or not the proposed methods represent the best available technology.