

We have initiated work with the Office of Research and Development to categorize best available technology feasible to be applied to various classes of industries and other sources of pollution. This will be provided to the Regional Directors for guidance as soon as it is available. We will make continuing efforts to keep this information updated and refined.

d. Determine whether or not projected water quality changes will interfere with water use. In making such determinations, use the report of the National Technical Advisory Committee on Water Quality Criteria and other pertinent information as a guide.

5. *Decisions with Respect to Conformance or Nonconformance with Policy*

a. If our evaluation indicates that best available technology is not being applied, the State or Federal agency concerned should be notified, with a request for upgrading.

b. If the best available technology is being applied, but significant interference with water use will occur, the State or Federal agency should be so notified, and the Regional Director would recommend denial for locating the proposal development. (In such cases, the ultimate recourse would be a request for revision of standards in accordance with procedures established in the Act.)

c. If the increased pollution will not cause significant interference with existing water uses, but will cause degradation, then we must make a determination that "such change is justifiable as a result of economic or social development."

If the projected water quality degradation would not interfere with water use and if the best available treatment was being applied, the proposed activity could usually be deemed consistent with "economic or social development."

Consideration of "economic and social development" would appear most necessary where there is considerable use of and public concern about the water resource involved, and where there is major doubt as to the effects of the proposed waste discharge on the resource, and where inordinate expenses and treatment levels might be required. Examples might be complex chemical wastes being discharged after high levels of treatment to waters of outstanding ecological value.

In these cases such questions as the availability of alternate sites, the relative value of the resource being protected, the economic significance of the polluting activity (e.g., numbers of persons employed, etc.), and the views of the public and other governmental agencies must all be considered.

These cases will generally involve considerable controversy or uncertainty concerning the effects of a pollutant on valuable resource. They should be referred to Headquarters on an individual basis. (See No. 7 below.)

6. *Views of Other Agencies.* It will be extremely important for the Regional Director to determine the views of other States and Federal agencies concerned:

a. Where developments in one State would significantly degrade water quality in an adjacent State, the Regional Director should make arrangements for review of this matter by that State. This can best be accomplished after the evaluation outlined in item 4 has been completed.

b. In evaluating the effects of the proposed development upon water use, the Regional Director will be responsible for checking with other Federal agencies concerned to determine their views.

7. *Approval Procedure*

a. Regional Directors will have the authority to indicate approval for location of proposed developments which would lower water quality, but which clearly meet the requirements of the Secretary's policy. Such approval should be expressed in a qualified form, to reflect the future possibility of additional control requirements, should circumstances warrant. Appropriate wording will be developed and provided to the Regional Directors for their general use.

b. Approval for municipal and private developments should be expressed to the State water pollution control agency concerned. The Construction Grants program should be administered in accordance with this activity.

c. Approval for Federal developments should be expressed through procedures established in the July 1967 Guidelines.

d. Approval for water resources projects and related activities should be expressed through interagency review procedures and other established procedures.

Headquarters will provide the Regional Directors with specific instructions concerning points c and d.