

reasonable. The term "secondary treatment" seems in many cases to identify the kind of treatment which will best meet water quality standards with respect to municipal wastes. The term has little or no application as far as industrial wastes are concerned.

There may be some special situations—again, we have tried not to be categorical and inflexible—where exceptions are necessary. We sit down and discuss these particular situations if they do exist.

But generally the States have agreed with us with regard to the requirement of secondary treatment.

I think most of your water pollution control people in the country at large realize that this is very basic if we are going to have a meaningful water pollution control program in the country.

Mr. CRAMER. Will the gentleman yield on that point?

Mr. McEWEEN. Yes.

UNCERTAINTY REGARDING STANDARDS

Mr. CRAMER. I have a serious question that every State is faced with, one reason we do not have any real certainty as it relates to the State's activities. I think that is what the gentleman is getting at.

For instance, in May 1966, pursuant to the 1965 act, guidelines were issued.

Eight says that water is to receive best practicable treatment for control of pollutants under those standards, unless it can be demonstrated that a less degree of treatment of control will provide for water quality enhancement commensurate with the proposed present and future water uses.

And in no instance was there any mention of secondary treatment so long as that standard was acquired.

I understand also on Saturday, May 14, of 1966, the Federal Register carried certain requirements, and then subsequent thereto, that same publication, dated January 24, 1968, in the Federal Register. Then 15 days later, as I understand it, your Department issued by the medium of press release, I understand without hearings, notice, or rulemaking procedure, your standards or proposal with regard to the nondegradation. I think it was contemplated by Congress that, No. 1, all States should be properly noticed and have proper notice of what the standards are. It is necessary for hearings to be held if those standards are to be changed.

Third, if the standards ever should become finalized, and here we are 3 years after we passed the act, and they still do not appear to be finalized, nor do they appear to be properly published in the Federal Register.

(At this point, Mr. McCarthy assumed the chair.)

PROCEDURE IN THE ESTABLISHMENT OF WATER QUALITY STANDARDS

Secretary UDALL. Congressman, let me acquaint you with the procedure we have followed since the 1965 act was passed.

The first thing that we tried to do in laying down guidelines was to help the States, because the States under the law have the primary responsibility, if they want to exercise it, of fixing their own water quality standards. And our objective has been to work with them to