TO: Ival V. Goslin, Executive Director
FROM: Paul L. Billhymer, General Counsel
SUBJECT: S. 2947

On July 13, 1966 the Senate passed S. 2947, pp. 14849-14867, 14869-14884, 14887-14896 (daily edition) CONGRESSIONAL RECORD. Senate Report No. 1367 accompanied S. 2947. The report sets forth the purposes of S. 2947 as follows:

(1) Establish the Clean Rivers Restoration Program as a supplement to the existing water pollution control program for planning and construction of treatment works on a river basin basis. This title will enable designation of planning agencies for each river basin or portion thereof in a State or States, at the request of the Governor or Governors, for the purpose of preparing detailed pollution control and abatement plans. After designation of a planning agency, the Secretary may make grants not to exceed 50 percent of a project’s cost if (a) the Governor agrees to establish water quality standards for all rivers and streams in the State and (b) if the State provides 30 percent of the cost of each project.

(2) Eliminate existing dollar ceiling limitations on individual and joint sewage treatment construction project grants and provide a 30-percent grant for every approved project regardless of the total cost of any single or joint project.
(3) Provide a bonus of 10 percent of the total project cost for any project which conforms with a comprehensive plan developed or in process of development for a metropolitan area.

(4) Authorize a total of $6 billion in appropriations for Federal sewage treatment construction grants through fiscal year 1972.

(5) Increase the authorization for appropriations for grants to States and interstate agencies for programs support from $5 million to $10 million annually for 5 years provided the States increase their share.

(6) Authorize appropriations of $25 million annually for 5 years specifically for grants and contracts for research, development, and demonstration of advanced waste treatment and water purification methods and for development and demonstration of new or improved methods of joint treatment systems for municipal and industrial wastes.

(7) Provide for establishment of a revolving fund in the Treasury of the United States in order that the Secretary may make loans to appropriate local authorities for not more than the amount equal to the local required share for treatment works, interceptor sewers, and ancillary needs, provided such communities agree to pay the cost of maintaining and operating the facilities.

(8) Authorize the Secretary to apply to cases of international water pollution the enforcement procedures and authorities provided in the act for abating pollution situations wholly within the United States.

(9) Provide that the chairman of a conference shall afford an opportunity for any person contributing to or affected by alleged pollution to present a statement of his views to the conferees.

(10) Provide a mechanism whereby the Secretary may require submission of relevant information based on existing data on the part of any person whose alleged activities result in discharges which increase or contribute to water pollution or whose activities may affect the quality of waters involved in a conference.
(11) Provide that the Secretary shall, by January 10, 1968, submit to the Congress a comprehensive analysis of the national requirements for and cost of treating municipal, industrial, and other effluents, and other information.

(12) Amend the Refuse Act of 1899 to require consistency with the purposes of the Federal Water Pollution Control Act.

(13) Amend the Oil Pollution Act, 1924, to extend its application to navigable and interstate, as well as coastal waters, and the adjoining shorelines of the United States, and to extend application of the prohibition on oil discharges from vessels to boats, shore installations and terminal facilities.

TITLE I of S. 2947

Title I is really an amended version of S. 2987 which was the subject of a "Memorandum," dated April 25, 1966.

Section 101

Section 101 provides that the present Federal Water Pollution Control Act is amended by adding a new Title II. This new Title II is divided into twelve sections numbered Section 201 through Section 212 inclusive.

Section 201

Section 201 states the short title, namely, "Clean River Restoration Act of 1966."

Section 202

Section 202 sets forth the purpose of the title as the authorization of a pollution abatement program which will "reclaim, restore and maintain the natural waters of the Nation." This is to be accomplished through the creation of a comprehensive river basin pollution abatement and control plan with economic incentives to encourage waste treatment to insure the water quality standards required by Section 10 (c).

Section 203

Section 203 authorizes the Secretary when requested by the Governor, or Governors in case more than one state is involved, to designate a planning agency for a river basin capable of developing comprehensive water
quality control and abatement plan which is part of or consistent with a comprehensive river basin water resources plan. This planning agency must be representative of Federal, State, interstate, and international interests.

Section 204

Section 204 provides that the agency shall develop a comprehensive pollution control and abatement plan which is part of or consistent with a comprehensive river basin water resources plan and such plan shall—

1. be consistent with water quality standards as created under Section 10 (c);

2. recommend treatment works and sewer systems which will treat water and provide for the encouragement of the use of works; and

3. provide for the maintenance and improvement of water quality standards in the basin and propose methods of financing those works necessary to implement the plan.

Section 205

Section 205 requires the planning agency to submit the proposed plan to each State, each interstate agency, international commission, and local agency covered by the plan. Sixty days are given for comments and recommendations. Upon receipt of these, the planning agency can make any changes which it considers appropriate; after which the plan with the comments are to be forwarded to the Secretary.

Section 206

Section 206 provides for review by the Federal agencies. Each agency is given 60 days for comments, after which the Secretary shall review the plan and comments, or any portion thereof, and if it complies with Section 204, he shall approve the same.

Section 207

Section 207 provides for acceptance of grant applications under the Clean Rivers program. After the designation of a planning agency, such applications may be accepted by the Secretary from local, State, or interstate agencies for treatment works upon the following limitations:
(a) The grants are to be not more than 50 percent of the estimated construction costs.

(b) No grant can be made unless the Secretary determines the project--

(1) is consistent with and carries out the purposes of the Clean Rivers program;

(2) will be operated properly and efficiently;

(3) is designed to care for foreseeable growth of the area;

(4) if located in urban area, will meet any requirement "with respect to planning and programming as prescribed by the Secretary of Housing and Urban Development for water and sewer projects as per Title VII of the Housing and Urban Development Act of 1965"; and

(5) provides for joint water treatment when appropriate.

(c) No grants shall be made when other Federal grants are being received "except those from Appalachian Regional Development Area of 1965 or Title I of the Public Works and Economic Development Act of 1965."

(d) No grant is to be made unless the Governor of the State of location of the project gives assurances that Section 10 (e) state-wide standards are, or will be, established.

(e) No grant can be made absent the State's agreement to furnish 30 percent of the necessary estimated total costs.

(f) After three years from date of a basin planning agency creation, no grant may be made unless the project is in accordance with the 206 (c) approved plan.

Section 208

Section 208 provides for compliance with labor standards.

Section 209

Section 209 provides that after the approval of a basin plan or a portion thereof no grant under another Federal program can be made for construction of a treatment works absent the Secretary's approval.

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Section 210

Section 210 authorizes the Secretary to pay the expenses of the planning agencies necessary for the formulation of the plan. Such agency is to prepare a budget annually and transmit it to the Secretary. Necessary appropriation authorization for this purpose is made in this section.

Section 211

Section 211 is the definition of terms section.

(a) Planning agency is given a very broad definition so that it may include interstate agencies or commissions established by a compact approved by Congress.

(b) Local, State, or interstate agencies are given such inclusive definition that all types of such organizations are included.

(c) Under the term "construction" there is included necessary preliminary planning together with any construction resulting from such planning.

(d) River basin is given an all-inclusive definition to include not only that which is commonly associated with such term, but there is also included "coastal waters, estuaries, bays and lakes."

Section 212

Section 212 provides that this new law is not to be construed as in any way altering or amending the authority of established joint authorities or international commissions.

Title II of S. 2947

Title II of S. 2947 amends the present Federal Water Pollution Control Act.

Section 201 of Title II of S. 2947

Section 201 inserts the heading, before Section 1 of the Federal Water Pollution Control Act, "Title I - Water Pollution Control Program."
Section 202 of Title II of S. 2947

Section 202 amends Section 5 of the Federal Water Pollution Control Act (hereinafter referred to as "Control Act") in two particulars. Section 5 of the "Control Act" provides for the pollution research program in the Interior Department.

1. Effective July 1, 1967 Section 5 (d) (2) is amended by increasing the funds available for research grants to $20 million for fiscal year ending 1968, $25 million for fiscal year ending 1969, and $30 million for fiscal year ending 1970 and each fiscal year thereafter.

2. There is also added a new subsection to Section 5 which directs the Secretary to make a three-year study of effects of pollution in "estuaries and estuarine zones" in the United States. Three million dollars are authorized for this study.

Section 203 of Title II of S. 2947

Section 203 completely revises Section 6 of the "Control Act" which is the grant section for research carried on by local agencies.

1. In addition to the authority to make grants for the development of improved methods of controlling storm water pollution, grants can be made for projects which will demonstrate advance waste treatment and water purification methods or new or improved methods of joint treatment for municipal and industrial wastes.

2. The Secretary is authorized to grant up to 75 percent of the estimated costs instead of the present 50 percent.

3. Twenty-five Million Dollars per fiscal year is authorized for grants under the new added program.

4. The present single project ceiling of 5 percent of the fiscal year authorization is raised to 12.5 percent.

Section 204 of Title II of S. 2947

Section 204 amends Section 7 of the "Control Act" by increasing the amount available for grants for the five years following fiscal year 1967 to $10 million per fiscal year. Section 7 covers grants to States and interstate agencies to aid in the establishment of water pollution control programs. Provision is also made for these grants to cover the "training of personnel of public agencies."
Section 205 of Title II of S. 2947

Section 205 amends 8 (b) of the "Control Act" by removing the dollar ceiling on the amount of grant for construction of treatment works. The only limitation under the proposed amendment is 30 percent of the estimated cost of the works.

Section 206 of Title II of S. 2947

Section 206 amends 8 (c) of the "Control Act" so that local agencies can build their projects and receive a reimbursing grant from this section at a later date when the funds are available. This authority is to last until July 1, 1972.

Section 207 of Title II of S. 2947

Section 207 provides for a $6 billion authorization for the grant program through fiscal year 1972 by amending Section 8 (d) of the "Control Act."

Section 208 of Title II of S. 2947

Section 208 amends Section 8 (f) of the "Control Act" so that the 10 percent bonus provision available for combined metropolitan water treatment projects will now apply to the total construction costs instead of the amount of the grant.

Section 209 of Title II of S. 2947

Section 209 adds a new subsection (b) to Section 8 of the "Control Act" which authorizes the Secretary to make a loan to the State, local, or interstate agency for its share of the construction costs of the treatment works. $250 million are authorized for the loan program.

Section 210 of Title II of S. 2947

Section 210 amends 10 (d) of the "Control Act" by adding a new paragraph 2 and redesignating present paragraphs 2 and 3 as paragraphs 3 and 4. This new paragraph provides for the use of the conference procedure for problems of international pollution, i.e., pollution arising in the United States which is injurious to another country if such foreign country extends to the United States essentially the same rights with respect to the prevention and control of pollution arising in such country and injurious to the United States. This new paragraph does not alter the 1909 Boundary Waters Treaty with Canada.
Section 211 of Title II of S. 2947

Section 211 amends redesignated Section 10 (d) (3) of "Control Act" by requiring the conference chairman to see that all persons contributing to the alleged pollution or affected by it has an opportunity to present a full statement on the matter before the conference.

Section 212 of Title II of S. 2947

Section 212 amends Section 10 of the "Control Act" by adding a new subsection (k). This new subsection provides the Secretary with authority to secure relevant information as to the type discharge and facilities used to reduce pollution from alleged polluters. No trade secrets can be interfered with by this authority. There is a penalty provision for failure to file a required report. U. S. Attorneys, under the Attorney General's direction, are required to prosecute such penalty provision.

Section 213 of Title II of S. 2947

Section 213 adds two new sections to the Control Act at the end thereof.

1. The first new section requires the Secretary to, on or before January 10, 1968, furnish Congress with a comprehensive cost estimate necessary to carry out the provisions of this Act, together with the requirements necessary for the treating of municipal, industrial, and other effluents to obtain standards of quality established pursuant to this Act or State law. Such study is to forecast the costs and needs for the five-year period beginning July 1, 1968.

2. The second new section requires that the Secretary complete a study by July 1, 1967 on pollution resulting from ships and boats in the Great Lakes, and other navigable waters of the United States. The Secretary is authorized to appoint a technical committee to aid in this program.

Section 214 of Title II of S. 2947

Section 214 amends Section 13 of the Act of March 3, 1899 (Rivers and Harbors Act, 1899) by providing that the Secretary of the Interior must concur with the Secretary of War (Army) before deposits can be made in navigable waters of the United States. This merely makes the law consistent with the Pollution Control Law.
Section 215 of Title II of S. 2947

Section 215 amends the "Oil Pollution Act of 1924." The amendments are of major importance.

1. The application of the Act is to be not only to the coastal waters but also to all navigable and interstate waters.

2. Discharge of oil is prohibited from vessels, boats, and shore installations and terminal facilities.

3. Secretary of the Interior is given administrative authority.

4. The person responsible for the discharge of oil into the protected waters is required to remove the same, or be liable for the costs of the Secretary doing it. If a boat or vessel is involved, such costs are a lien against such boat or vessel. In case of a shore installation involved, a libel in personam is authorized for these costs. This is in addition to penalties authorized.

5. Penalties run not only against the persons responsible, but also to boats or vessels or shore installations, in case these are involved.

Hearings in the House Public Works Committee have been completed on this and similar bills but as yet no report has come forth.