REPORT OF MEETING

ENVIRONMENTAL PROTECTION AGENCY

WATER PLANNING DIVISION

PLACE OF MEETING:	EPA OFFICES, EAST TOWER WATERSIDE MALL WASHINGTON, D. C.
DATE AND TIME:	TUESDAY, MARCH 4, 1975 1:00 PM to 4:00 PM

PARTICIPANTS:

Industry

William Beazer	American Iron & Steel Institute
Dan Cannon	National Association of Manufacturers
Thomas J. Duffy	Nat'l Assoc. of Photo. Manufacturers
Keith Fry	American Paper Institute for International Paper Co.
James Graham	U. S. Chamber
James Hamilton	U. S. Steel Corporation
J. Roy Spradley, Jr.	Nat'l. Assoc. of Electrical Companies
Walter Umstead	American Petroleum Institute
William Van Wart	NEMA Staff

E.P.A.

Jeff Goodman
Walter S. Groszyk
Diane L. Olson
Dave Ziegler

CONVENER: WALTER S. GROSZYK, Deputy Director, Water Planning Div.

DSW 283568

EXHIBIT "B"

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PURPOSE OF MEETING

To review, discuss and incorporate industry viewpoints into the draft of the EPA Water Quality Strategy Paper.

SUMMARY

The EPA acknowledged that there were several areas within their strategy that could be improved, especially with industry input. However, due to the short time remaining to revise Part 1, Overview, comments were needed before March 11, 1975 and only minor, non-philosophical points could be changed. Regarding Part 2, Modules, detailed views of the major programs within the EPA, there was more time available to effect a change based on industry viewpoints. A second meeting was tentatively scheduled for March 25th or 26th, 1975 for industry to review Part 2 and it was hoped that at this time the association representatives would have had sufficient time to review the modules with their membership.

DISCUSSION

A. Background and Purpose of the Strategy Paper

The present draft is the third in a series of yearly documents on the view of the EPA on the control of water pollution. In retrospect, the first paper was an ivory tower approach, while the second involved the regional and State points of view.

The third paper, to be used as a non-regulatory document to provide regional program guidance, contains more industry input than the previous papers. EPA pointed out that industry input was obtained by comments received on the second edition, published last year.

The EPA expects to widely distribute Part 1, Overview, via the EPA mailing list and a notice in the Federal Register. It is expected that this method will result in all interested parties receiving a copy of the EPA program and a chance to submit their comments.

Regarding Part 2, Modules, containing a more detailed analysis of the various segments of the strategy, these will be printed separately and can be obtained on an individual bases by those interested in the particular subject matter.

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B. Review of Part 1, Overview

Mr. Groszyk, EPA, suggested that as the Overview represented a sequence of implementation through 1983, it would be the best starting point for this discussion. Those present noted that the documents had not been received until February 28th and they did not have the opportunity to review the draft in detail. However, several significant points had been noted and were discussed as follows:

1. Revision of EPA strategy

Those present noted a need for a procedure to be developed wherein revisions could be introduced into the EPA's thinking. Even though the industry appreciated this opportunity to introduce changes into EPA strategy,there was little time left before publication of the draft and only insignificant points could be changed at this time. Industry noted that more flexibility was needed so that industry viewpoints could be incorporated within the strategy.

EPA acknowledges this limitation to their program and thought that some procedure could be developed before the next draft is developed, late 1975 or early 1976.

2. Cost Assessment of Programs Required by the EPA

Industry questioned the logic of cost effectiveness noting that it must apply equally to industrial as well as municipal programs. In addition, it should be more general based and not per each particular problem.

EPA noted that this was a prime consideration of theirs and that one of the most pressing questions to answer was what is the cost effectiveness of going from the 1977 mandated best practical technology to the 1983 best available technology. EPA will review this matter in the forthcoming year.

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3. Weakness of Guidelines Program

Industry voiced its concern that this program did not demonstrate the environmental benefits gained by each additional expenditure (e.g., going from mandated 1977 best practical technology to 1983 best available technology).

EPA pointed out that the whole program was under intensive review.

4. Water Quality Standards

It was pointed out that the 1965 Law which established the program of water quality standards contained a very definite policy of non-degregation of bodies of water. Industry questioned where is the line drawn on further degregation of a body of water. As an example it was pointed out that the Potomac River is classified as a water quality limited body, and therefore, no new construction which allows drainage into the Potomac River would be allowed under the non-degregation policy. The EPA was questioned on where must the construction stop. At one house, 200 houses, 300 houses, just where would it stop.

EPA responded that this is also a very difficult question and it was more a question of the States limiting building permits. In addition, they stated that they could not answer this question at this time and will investigate it in more depth during the coming year.

5. Use Designations of Bodies of Water

It was pointed out that the EPA had definite classifications for bodies of water such as, propagation of fish and wildlife, recreation, industrial feedwater, etc. The EPA was questioned on why it is setting limits for swimable water on a body of water that it is not phycially condusive to swimming at a high cost. In addition, industry questioned the basis of the use classification system as the Law does not define the minimum standard for all streams. Why is it not left to the States, was another question.

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The EPA responded that this was based on their goals and were so noted where obtainable. Further, if it were an economic burden to meet the Clean Water Act, the EPA would consider suspending the use designation but not downgrade the water quality level established. Again it was pointed out that this was a function of the State to establish whether the water was to be used for fishing, swimming or industrial use.

6. Establishment of Goals

Industry stated that the limits for best available technology mandated for 1983 cannot be established until the impact of the best practical technology (1977) was known. It was their feeling that there were many unknown factors that could not be evaluated until the effects of the best possible technology was studied. Further it was their opinion that it was uneconomically sound to put the nation through the cost of best available technology before knowing the impact of best practical technology.

The EPA noted that they would reconsider this point, but pointed out that this is a grey area involving all States and local communities deciding the classification of the water. The municipality in fact could mandate a higher level in water quality than contained in the Federal mandates.

7. Water Supply Act - 1974

It was stated that the present EPA regulations must be interfaced with the new Water Supply Act of 1974. It was pointed out that there was considerable inconsistancies between the present act allowing certain hazzardous substances in water and the stringent requirements of the 1974 Safe Drinking Act. This was further compounded, EPA stated, by such problems as air pollution, material shortages, agricultural run-off, etc.

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8. Compliance

Industry questioned the EPA on the matter that certain plants will not be able to meet the 1977 requirements and/or municipalities that will not have their new plants on line for this date.

EPA stated that they were aware that certain discharges would not meet the 1977 guidelines. Further, it was pointed out that the individuals permits would expire before this date and any further relief would be be then up to the Congress. Those present then asked if the EPA would consider a waiver for an industrial discharge going to the best available technology when within a year or two they would be connecting to a municipal plant that was held up due to the lack of funding.

EPA stated that the industry and municipalities should be on the same schedule and that this was a fundamental argument of the EPA. However, it was up to the region to establish the compliance dates. Also noted, was that most regions are waiting to see how compliance is going before issuing any exemptions to industrial plants.

9. Permit Program

Industry noted that there were many reasons why certain plants could not meet the deadlines established by the EPA, which were out of their control and questioned the EPA on the addition of a force majeure clause. It was also questioned whether this should be put into the EPA strategy or considered part of the Permit Program.

The EPA stated that they had applied similar rulings to municipalities on the installation of waste treatment plants delayed due to a delay in Federal funding. They would further study the addition of a general force majeure statement within the permit program.

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10. Multiprocess-Complex Industries

Industry noted that under the present guidelines program, a variety of guidelines could be established for each plant site in a complex industry. It was suggested that guidelines were needed by industry not by use of water. Further it was pointed out that the concepts should be the environmental impact on the total discharge, not on each individual discharge within the plant.

The EPA stated it is intending to delete segment classifications based on waste load calculations and water quality analysis, but this is a very large job. They realize they must recognize compound factors in multiprocess complex industries and will give this further study in the forthcoming year.

11. Individual Pollution vs. Commercial Pollution

It was pointed out that the present EPA policy is to place limitations on institutions not on individuals. Several examples were cited in which commercial institutions were limited to the discharge but that the same discharge from many more individuals was not being considered by the EPA. Examples cited were phosphate pollution from a commercial car wash vs individuals washing their own car, and nutrient pollution from run off on farms vs the home gardeners.

The EPA stated that they were well aware of this problem, but at the present time had no firm policy to follow. Further it was recognized that a program must be developed to limit the pollution from individuals.

C. Review of Part 2 - Modules

Effluent Guidelines

Those present indicated that they themselves had very little time to review this section and no time at all to review the section with their membership. However, there were several points that were noted in the brief review of this section.

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The question was asked, are variances being given based on pure economics and if economics is a viable factor in considering a variance.

EPA stated that this was a significant problem. Could offer no answers at this time.

It was questioned if Part 301, subpart C, apply to new sources or was strictly involved with the existing point sources.

EPA responded that Part 306 was for new source performance standards covering new installations.

RECOMMENDATIONS

As several present had to leave shortly to make connecting flights the question was asked, was it necessary to hold a further meeting to discuss the other modules in the strategy paper. Those present felt that it was essential to meet again before the modules were printed as final EPA strategy. Mr. Groszyk suggested that the meeting be tentatively scheduled for March 25, or 26, and that he would contact all those present at this meeting on their availability for the second meeting date.

The modules to be discussed at the second meeting are as follows:

1. Toxic Pollutants
2. Oil and Hazzardous Substances
3. Compliance Monitoring and Enforcement
4. Municipal Construction
5. Program Management
6. Water Quality Standards
7. None Point Source Pollution Management Program
8. Water Monitoring
9. National Water Quality Surveillance System

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