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YFACT SHEETINITIATION OF A PERMIT PROGRAM UNDER THE REFUSE ACT
FOR WATER QUALITY ENFORCEMENT PURPOSESI. Background

1. The Refuse Act--section 13 of the Rivers and Harbors Act of 1899--prohibits discharges (except from streets and sewers in liquid form) into navigable waters or their tributaries in the absence of a permit from the Secretary of the Army through the Army Corps of Engineers. Violators of the Act are subject to criminal prosecution and civil injunctive proceedings. Decisions of the United States Supreme Court have construed the Act as being directed at pollution as well as obstructions to navigation.
2. In recent years, a rapidly growing number of legal actions have been brought under the Refuse Act for water pollution control purposes in cases of discharges in the absence of a permit. Recent proceedings by the Justice Department against firms discharging mercury are an example. However, the permit authority contained in the Refuse Act has never been used.
3. In order to make the most effective use of existing Federal legislation to achieve compliance with water quality standards, a permit program under the Refuse Act is being initiated pursuant to an Executive Order of the President. This program will be actively used to supplement enforcement authorities in the Federal Water Pollution Control Act. Initiation of the program, however, will not diminish Administration efforts to obtain needed improvements in that Act. (Proposals to strengthen the Act, submitted to the Congress last February, have not been acted upon during this session.)

II. The Permit Program

The Permit Program will:

1. Require all present and prospective dischargers into navigable waters or

their tributaries to obtain a permit under the Refuse Act from the Secretary of the Army through the Army Corps of Engineers. Under the terms of the Refuse Act, municipalities are generally exempt from this requirement. Permits for new discharges will be required upon final promulgation of regulations which the Department of the Army will issue for comment very shortly.

2. Provide a July 1, 1971, deadline for the submission of permit applications for existing discharges, to permit an orderly commencement of the program in cooperation with the states. However, discharges in violation of water quality standards are not exempt from legal action under the Act during this time.
3. Cover, according to rough estimates, at least 1,000 new discharges every year and 40,000 existing discharges.
4. Require, prior to issuance of any permit, assurance from the appropriate state or interstate agency that the discharge for which the permit is sought will be consistent with applicable water quality standards. With respect to interstate waters (covered by the Federal Water Pollution Control Act) and with respect to possible hazardous discharges into intrastate waters, affirmative state or interstate agency recommendations relating to issuance of a permit will be subject to review by the Environmental Protection Agency, which will make all necessary determinations on behalf of the Federal Government for the water quality aspects of the Refuse Act program. No permit will be issued contrary to the recommendation of either the Administrator of the Environmental Protection Agency or the appropriate state or interstate agency.
5. Require, with respect to discharges into interstate waters (covered by the Federal Water Pollution Control Act) that the discharge either presently comply with applicable water quality standards or be consistent with an approved implementation schedule for achieving compliance. With respect to all new discharges, full and immediate compliance will be required.

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6. Require, as conditions of each permit, that the permit holder provide periodic reports on the nature and amount of the discharge and remain in compliance with applicable water quality standards and any revisions thereof. "Interim" permits, issued to applicants which have not yet achieved an adequate level of treatment but which are complying with the timetable in an approved implementation plan to achieve compliance with water quality standards, will require periodic progress reports and continued adherence to the implementation schedule.

III. Effluent Guidelines

To facilitate more precise determinations of compliance with applicable water quality standards, most of which presently require "secondary treatment or its equivalent," the Environmental Protection Agency will refer to and encourage states to use effluent guidelines which it is now developing to define the industrial equivalent of secondary treatment as well as a "best available level of treatment" for major industries. Most of these guidelines are scheduled for completion by June of 1971 and will be used as soon as they are completed.

IV. Enforcement

1. The criminal and injunctive measures that are available to deal with Refuse Act violations will be actively utilized to achieve compliance with water quality standards, with respect to continuous discharges from manufacturing operations as well as accidental or infrequent discharges. Current guidelines of the Department of Justice with respect to litigation under the Refuse Act are being revised in accordance with this policy.
2. The Environmental Protection Agency will continue to vigorously employ authorities that are available for dealing with violations of water quality standards by municipalities, which are generally exempt from the Refuse Act's permit requirement.

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V. The Role of States

1. Although the Refuse Act permit program will significantly enhance Federal water quality enforcement capabilities, it will be used to bolster rather than in any way to supplant the primary authority and responsibility of the states for enforcement of water quality standards.
2. EPA review of state comments and recommendations on permit applications will be selective rather than duplicative and will be premised on the expectation that the states will contribute significantly to the permit program.

VI. Benefits of the Program

The permit program provides:

1. A systematic, orderly means to obtain compliance with water quality standards.
2. An enforcement mechanism that is swifter, more comprehensive, and more streamlined than those currently available under the Federal Water Pollution Control Act.
3. A means for giving clear guidance to states and industries on requirements for meeting water quality standards and for providing assurance and recognition to those who are complying with such standards.

INDUSTRIAL WASTES STUDIES PROGRAM

COPY

STUDY GROUP	INDUSTRY	CONTRACTOR	START DATE	CONTRACT PRICE ¹	PROJECT OFFICER Technical Project Off.
1	Pulp & Paper Mills	WAPORA, Inc. 1725 De Sales St. N.W. Washington, D.C. (202/833-8510)	11/24/70	\$70,940 ² (CPFF)	George Webster — George Webster
2	Paperboard, Building Paper and Board Mills	WAPORA, Inc. 1725 De Sales St. N.W. Washington, D.C. (202/833-8510)	12/30/70	\$45,322 (FP)	Michael LaGriff — George Webster
3	Organic Chemicals & Petrochemicals	Roy F. Weston Lewis Lane West Chester, Pa. 19380 (215/892-3030)		\$78,820 (CPFF)	Michael LaGriff —
4	Plastic Materials, Synthetics, Etc.	Celenese Research Co. Box 1000 Summit, N. J. 07901 (201/273-6600)	12/30/70	\$35,800 (FP)	Michael LaGriff —
5	Alkalies & Chlorine; Inorganic Chemicals	General Technologies Corp. 1821 Michael Faraday Dr. Reston, Va. 22070	12/30/70	\$38,605 (FP)	Michael LaGriff —
6	Fertilisers	Wellman-Lord, Inc. P. O. Box 2436 Lakeland, Fla. (813/646-5011)	12/30/70	\$49,060 (FP)	Michael LaGriff — John Fairall
7	Petroleum Refining & Products	Roy F. Weston Lewis Lane West Chester, Pa. 19380 (215/892-3030)	11/23/70	\$44,367 (CPFF)	Michael LaGriff —

1. FP - Fixed Price; CPFF - Cost plus Fixed Fee
2. Contract also provides for R&D State-of-the-Art study

INDUSTRIAL WASTES STUDIES PROGRAM

STUDY GROUP	INDUSTRY	CONTRACTOR	START DATE	CONTRACT PRICE ¹	PROJECT OFFICER TECHNICAL PROJECT OFF.
8	Basic Steel Works & Foundaries	Cyrus Rice Division WUS Manor Oak Too 1910 Cochran Rd. Pittsburgh, Pa. 15220 (412/343-9200)	11/25/70	\$54,185 (CFF)	Ed Dulaney — Ed Dulaney
9	Basic Nonferrous Metals Works & Foundaries	Gurnham & Associates, Inc. Inc., 223 W. Jackson Blvd. Chicago, Ill. 60606 (312/939-0568)	12/30/70	\$44,436 (FP)	Michael LaGriff —
10	Motor Vehicles and Aircraft - Plating and Finishing	Gurnham & Associates, Inc., 223 W. Jackson Blvd. Chicago, Ill. 60606 (312/939-0568)	12/30/70	\$44,436 (FP)	Michael LaGriff —
11	Flat Glass, Cement, Asbestos Products, Etc.	Sverdrup & Parcel and Associates, Inc. 800 W. 12th Blvd. St. Louis, Mo. 63101 (314/436-7600)	12/30/70	\$50,700 (FP)	Michael LaGriff —
12	Textile Mill Products	Arthur D. Little, Inc. Acorn Park Cambridge, Mass. 02140 (617/864-5770)	12/30/70	\$50,000 (FP)	Michael LaGriff —
13	Meat Products	North Star R&D Institute 3100 - 38th Ave. So. Minneapolis, Minn. 55406 (612/721-6375)	12/30/70	\$39,880 (FP)	Michael LaGriff —
14	Dairy Products	A.T. Kearney & Co., Inc. 100 S. Wacker Dr. Chicago, Ill. 60606 (312/782-2868)	12/30/70	\$44,443 (FP)	Michael LaGriff —

INDUSTRIAL WASTES STUDIES PROGRAM

STUDY GROUP	INDUSTRY	CONTRACTOR	START DATE	CONTRACT PRICE ¹	PROJECT OFFICER TECHNICAL PROJECT OFF.
15	Canned & Preserved Fruits and Vegetables	SCS Engineers 4014 Long Beach Blvd. Long Beach, Ca. 90807 (213/427-7437)	12/30/70	\$56,888 (FP)	Michael LaGriff
16	Grain Milling	Overdrup & Parcel and Associates, Inc. 800 W. 12th Blvd. St. Louis, Mo. 63101 (314/436-7600)	12/30/70	\$44,900 (FP)	Michael LaGriff —
17	Sugar	No Award			
18	Beverages	Associated Water & Air Resources Engineers 2907 12th Ave. S. Nashville, Tenn. 37212 (615/297-3549)	12/30/70	\$37,723 (FP)	Michael LaGriff —
19	Leather Tanning & Finishing	Stanley Consultants, Inc. Stanley Building Muscatine, Iowa 52761 (319/263-0494)	12/30/70	\$49,420 (FP)	Michael LaGriff —
20	Livestock Feedlots	Midwest Research Institute 425 Volker Blvd. Kansas City, Mo. 64110 (816/561-0202)	12/30/70	\$50,680 (FP)	Michael LaGriff —
21	Steam Generation-Power Plants	Freeman Laboratories 9290 Evenhouse Ave. Rosemont, Ill. 60018 (312/696-3360 - Ext. 61)	12/30/70	\$25,000 (FP)	Michael LaGriff —