into between the U.S. and Mexico, and the 1942 Convention On Nature Protection in The Western Hemisphere, signed by the U.S. and several Latin American countries.

Penwalt Agrees To Limit Mercury

Penwalt Corporation has agreed to limit to an average of less than eight ounces a day the mercury discharge from its Calvert City, Ky., plant.

The agreement filed in U.S. District Court in Louisville also requires the company to seek means of further reducing the discharge.

Penwalt was one of the firms the Justice Department sued in an effort to stop mercury pollution in the waterways of seven states.

Litigation

EDF SUES DDT MAKER, COUNTY; CALLS ON AIRPORTS TO SET SST NOISE LIMITS

The Environmental Defense Fund, Stony Brook, N.Y., has filed a complaint charging violations of both state and federal law by a Torrance, Calif., manufacturer of DDT and the county sewer system into which the firm's effluent is discharged.

EDF's suit, filed October 22 in Federal District Court in Los Angeles, named as defendants the Montrose Chemical Corporation and the Sanitation Districts of the county of Los Angeles.

The complaint charged Montrose with discharging an effluent whose DDT content had measured 157 parts per billion into the White Point Sewage Treatment Plant. EDF alleged that the Los Angeles County sewage authority was at fault for permitting Montrose's DDT discharges.

EDF charged violations of the California Porter-Cologne Water Quality Control Act (Environment Reporter – State Water Laws 721:0103), the California Fish and Game Code, county sanitation district Rules and Regulations, the Federal Water Pollution Control Act (Environment Reporter – Federal Laws 71:5101), the Refuse Act of 1899 (Environment Reporter – Federal Laws 71:5501), the National Environmental Policy Act of 1969 (Environment Reporter – Federal Laws 71:0101), and the Ninth and Fourteenth Amendments to the Constitution.

EDF is asking that Montrose, reportedly the world's largest manufacturer of DDT, be enjoined from any further discharge of DDT into the county sewage system, and that the Sanitation Districts of the County of Los Angeles be enjoined from permitting further violations of law by Montrose.

SST Noise Limit

EDF also request seven municipal airport authorities to set limits on noise produced by the operation of supersonic transport (SST) aircraft.

The environmental group believes airport authorities should not permit "an unnecessary increase in noise, and that if they do so they may be undertaking liability" for damage to the health of those who live close to airports.

EDF sent the request on October 21 to authorities in Boston (Logan Airport), New York (Kennedy), San Francisco, Los Angeles, Seattle, Anchorage, and Honolulu.

Airport authorities were asked to set standards for approach and takeoff noise which would apply to SST's and be "just as strict as those for subsonic jets."

Citing a Supreme Court decision, EDF warned that airport-area residents conceivably could inundate authorities with suits for damages due to excessive noise.

EDF also cited a study by Laurence I. Moss, executive secretary of the National Academy of Engineering's public engineering policy committee, showing that an area within a 26-mile radius of Kennedy Airport in New York would become inadvisable for single-family residential dwellings.

The EDF petition quotes a Presidential SST review panel as admitting SST noise probably will produce a significant amount of complaints and legal action, plus intolerable noise levels for many of those exposed to SST noise.

Enforcement

OHIO EDISON TO CUT HAZARDOUS EMISSIONS AT TORONTO PLANT IN AGREEMENT WITH HEW

Air pollution from the operation of seven low-pressure steam boilers at Ohio Edison Company's Toronto plant virtually will be eliminated by December 31, 1970, according to John T. Middleton, commissioner, National Air Pollution Control Administration.

Dr. Middleton said October 27 the company has agreed to put the boilers on "cold reserve" status by the end of the year, and use them only in emergencies until then. The shutdown of the boilers may take place even earlier if the company completes installation of electrostatic precipitators to clean the smoke of three high pressure boilers before December 31, he said.

Dr. Middleton noted that Ohio Edison's action was in "substantial compliance" with recommendations issued in August 1969 by the Department of Health, Education, and Welfare. The recommendations were based on information received at an abatement conference in New Cumberland, W.Va., and in Knox Township, Ohio, in July 1969.

At the conference a NAPCA official testified that the Ohio plant was "a major source of particulate and sulfur oxide pollution" that endangered the health and welfare of New Cumberland residents.

HEW Recommendations

Following the conference HEW had recommended that the company install air pollution control equipment on the three high pressure boilers by July 1, 1970; and that one of several measures be adopted to control pollution from seven low pressure boilers.

The suggested measures were: shut down the boilers by March 1, 1970; install by December 31, 1970, controls similar to those for the high pressure boilers; substitute low-sulfur, low-ash fuels for coal burned at the plant by July 1, 1970; or take other equally effective and timely steps to cut the pollution (Environment Reporter–Federal Laws 41:1201).

According to Dr. Middleton, the company contended it could not comply precisely with HEW's recommendations because the seven old boilers would be needed until the end of the year in power-shortage emergencies, and during

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