From the desk of

W. B. PAPAGEORGE

3/12/75

Copies to:

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Attached is a recommendation by G.E.'s attorney which we may wish to consider as we prepare our comments.

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GENERAL ELECTRIC

CORPORATE FACILITIES SERVICES
LEGAL OPERATION
1 RIVER ROAD
SCHENECTADY, N.Y.

DIAL COMM
8*235-9058

SUBJECT: Proposed Toxic Pollutant Standards

CC:

February 25, 1975

Dr. E. L. Simons, Manager
Environmental Protection Operation
Building 36

Dear Ed:

The following remarks are for your review. I suggest they be submitted to EPA through a trade association.

ANPR / Special Waters

EPA has proposed that there be "no opportunity" for the discharge of toxic pollutants into special waters.* If the aforementioned language is intended to impose a zero discharge requirement, we believe the provision to be unwarranted for three reasons:

(1) Acute and chronic limits are themselves designed to allow establishment of effluent standards "that adequately protect against both acute and chronic toxicity for important organisms in the aquatic environment." See ANPR, Subpart I, Section C(1).

(2) If it later appears that a specific water body needs additional protection, that protection can be provided through "deviation", pursuant to the provisions of Subpart I(F)(3)(d).

(3) If it later appears that a specific water body needs additional protection, appropriate state water quality standards can be revised. See §303, FWPCA.

Sincerely,

Stu Richel

Stuart M. Richel
Attorney-Environmental Protection

SMR:am

* Subpart I, Section A(1)(f) and Subpart II, item (1) of each proposed effluent standard.

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