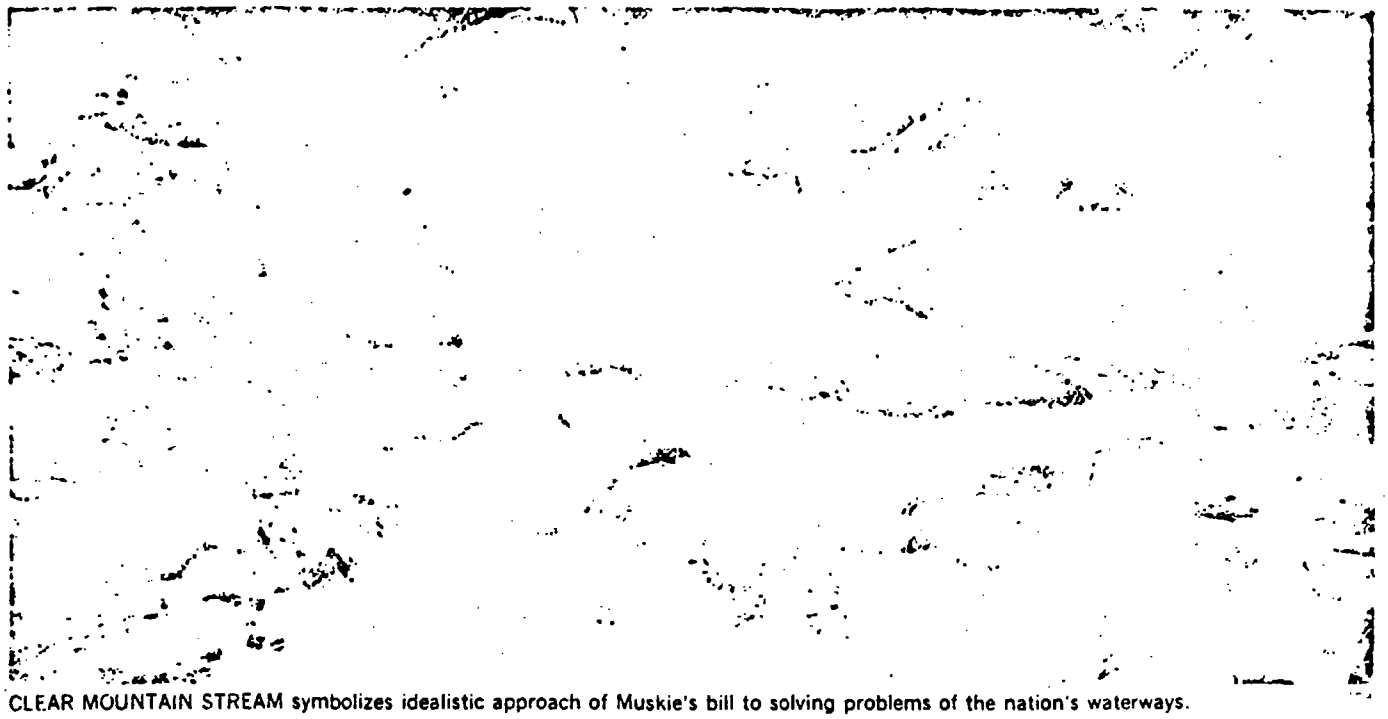

CLEAR MOUNTAIN STREAM symbolizes idealistic approach of Muskie's bill to solving problems of the nation's waterways.

Congress opts for zero water pollution by '85

Lawmakers are about to pass a bill that will prohibit any discharge of pollutants. Compliance will cost millions, but the chemical industry is not fighting the measure

Industry and municipalities will be given just 13 years in which to stop discharging pollutants into U.S. waters.

As of this week, it seems virtually certain that such an absolute prohibition on water pollution by '85, as well as other key provisions of "the new Muskie bill" (S. 2770), will be enacted into law within the next six months.

The new water pollution control bill championed by Senator Edmund Muskie (D., Me.) was recently passed by the Senate without a dissenting vote, 86-0 (*CW Technology Newsletter, Nov. 10*). In the House of Representatives, a similar bill is expected to be drafted by the Public Works Committee before Congress adjourns for the December holidays.

Capitol Hill observers are convinced that such a bill will be passed by the House without major alterations and the House and Senate will promptly adopt a harmonized version by big majorities.

Disaster or Opportunity? For chemical companies in particular, it's clear that compliance with so sweeping a law will be no trifling matter. It will be necessary for them to adopt new processes, invest many millions of dollars in new equipment, switch to different raw materials, relocate some operations, and try to raise product prices to cover their increases in manufacturing costs. One industry spokesman says enactment of the bill would be "a disaster for the industry."

But at this stage of the lawmaking process, the only active opposition is coming from the White House, which holds that the cost of ending water pollution by '85 would be excessive.

The chemical industry's leading trade associations—the Manufacturing Chemists Assn. and the Synthetic Organic Chemical Manufacturers Assn.—decline to comment on the bill's provisions or on their probable impact. No major chemical company's management is calling for the defeat of the measure.

On the other hand, several voices in the industry are saying that living with such a law might not be too traumatic an experience after all. Some industry leaders have been stressing a belief that a rigorous environmental cleanup program presents opportunities as well as obstacles.

Written in Generalities: Most of the industry's pollution control specialists have two main feelings about this incipient law. They're resigned to "making the best of it," and they're very much concerned about "clarifying the ambiguities."

Here are the bill's principal provisions:

- A new approach to water pollution control—by placing restrictions on plant effluents rather than by fixing quality standards for the receiving waters.
- A two-phase program under which industrial plants would be required (1) to use "the best practicable control technology" by '76, with secondary (chemical) treatment of wastes as a minimum; and (2) to stop discharging any pollutants by '81, unless this goal is proved to be economically impossible.
- A strengthening of the effluent permit system under the 1899 Refuse Act, with authority to be switched from the Army's Corps of Engineers to the Environmental Protection Agency (EPA).
- An immediate ban on discharge of any "toxic" pollutants, but without any definition of what substances in what concentrations are to be deemed toxic.

Disarming the Critics: The unassailable goals of the Muskie bill—e.g., halting the discharge of pollutants into navigable waterways by '85—have tended to disarm most prospective critics. Industry people feel that in many cases the technology to achieve those goals hasn't been developed; but they fear that saying so in public would draw an accusation that they were trying to establish an alibi for continued polluting.

The all-out nature of the bill's long-range goals would seem to preclude any realistic estimate of the requisite costs, although the Administration has come up with one set of figures. Chairman Russell Train and his Council on Environmental Quality, leading the White House attack on the bill, say it would cost $94.5 billion in capital expenditures, add $220 billion in operating costs from '72 to '85.

Muskie, responding to Train's indict-

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ment of the bill, asserts there is no basis for those estimates. And he adds that William Ruckelshaus, administrator of the Environmental Protection Agency, has stated that his agency cannot make such a projection

Last Chance for Change: Representative John Blatnik (D., Minn.), chairman of the House Public Works Committee, seems determined to report out a bill very much like the Muskie measure before adjournment. But the Nixon Administration is pressing for further public hearings, with particular attention to be given to the role played by the states' pollution control agencies.

The Senate-passed measure would give over-all enforcement authority to EPA, rather than to the state agencies. EPA would have the authority to pass on each application for a permit to discharge into a waterway.

Those powers would make EPA "a virtual dictator," says Gordon Fulcher, chairman of the Texas Water Quality Board. Passage of the bill, he adds, "would detract greatly from the states' control over their own problems."

This kind of reaction is the Administration's main hope of getting a bill more to its liking. The White House stand: "There should be public hearings in which the states that are very much involved in this bill can make their views known."

Just last month, when the Senate Public Works Committee was considering the Muskie bill and various other measures, SOCMA stated that it "strongly recommended primary state responsibility for establishment and enforcement of water quality standards."

Best Plants Will Set the Pace: SOCMA also objected to the switch from receiving-water standards to effluent guidelines. Explained SOCMA: "It is technically impossible to formulate uniform effluent limitations, especially for an industry as diverse as ours."

Jerome Wilkenfeld, Hooker Chemical's director of environmental health, sees effluent limits as an eventual need but agrees that it would be rash to abandon the basic plan of the '65 water law.

"The present program of water quality designations is a feasible program," he contends, "so why change it? The implication of switching to effluent control is that nothing is being accomplished, but that's not so."

If the Muskie bill becomes law, the plants within a given industry category would be required to meet standards established by the best performers in that group. Within one year after enactment, the EPA administrator would have to propose regulations for effluent controls at all new plants in each industry.

One possible loophole: if an alteration project makes a plant subject to limitations as a new source of a certain effluent, the company could request a public hearing and exemption from the new limits because of social or economic reasons.

Calling for Clarification: Another provision that could pose problems for chemical process plants is the section that would establish standards for pretreatment of any industrial wastes that are to be discharged into a municipal treatment plant. Industry people say the wording in this section is too vague.

"The intent of the bill is commendable," says C. E. Otis, director of Dow Chemical's Ecology Council, "but we are concerned about the need for better understanding of the total impact plus the need for clarifying amendments."

One example cited to *CW* by several companies' executives: the ban on discharge of toxic substances doesn't specify what quantities would be deemed toxic. They point out that almost any chemical, in high concentration, could be considered toxic.

Zeroing in on '85: But the big problem all dischargers will have to face is meeting the goal of zero pollution by '85. "I'm just glad I'll retire that year," says one company's environmental manager. And Otis warns: "It's possible that the last increment to zero discharge would come at tremendous costs—costs that could drain the country dry."

But Albert von Frank, Allied's director of air and water pollution control, is optimistic about the chemical industry's creative response. "We can't just keep putting appendages on our plants for pollution control," he observes in estimating a fivefold rise in annualized control costs with add-on equipment. "Treatment techniques haven't changed in 10 years; they've just been refined. They can't meet zero discharge because they're based on insoluble wastes. But with organics you'll always have residual solubles."

Why then the optimism? The industry, von Frank believes, will meet the new standards and also reduce its costs by "technical improvisations and new manufacturing techniques" rather than by use of conventional methods.

Whatever road it takes, industry will have to start making definite plans for putting an end to all polluting discharges. Companies can expect to feel increasing pressure from state governments, from the federal government and from private citizens' suits (formally sanctioned in the Senate bill). The big question is how rapidly the new bans will be imposed.

Coal tabs are going up

The agreement that ended the 44-day-old coal strike last week will lead to higher prices of coal and coke. The pact, which will raise industry labor costs an estimated $1.2 billion, or 39%, over three years, was reached just before Phase II started.

Because the settlement was agreed upon during Phase I, it becomes an "existing" agreement subject to Pay Board review only if it is challenged by one of the principals or by one-third of the Pay Board.

Most of the estimated 80,000 striking miners, members of the United Mine Workers union, were back at work at week's end. Their new contract provides for pay increases from the present maximum of $37/day to $50/day by '73.

Up Go Prices: Coal industry executives say they will need price hikes. The Bituminous Coal Operators Assn. reportedly has already asked if the Price Commission will consider an industry price boost request or whether individual coal companies must submit separate requests. North American Coal says price increases are needed and will be sought, since the settlement will raise costs $1.58/ton over the three-year term of the contract.

Koppers Co., a major coal user, says that if there is a coal price increase, "our profit margin is not sufficient to absorb it. We will have to pass on the higher cost on both coke and coal chemicals."

Coal users that may be unable to pass the rise on are taking that prospect less passively. FMC Corp., for example, tells *CW* that any price increase of above 5% on coal "would have to be termed inflationary." FMC would not say if it plans to switch to other fuels in the event of a sizable coal price boost.

Some Problems Ended: Despite those prospects, many CPI companies are happy to see the strike end. Case in point: FMC's American Viscose division encountered problems during the walkout in meeting a state pollution abatement deadline at Nitro, W. Va. It couldn't meet the deadline because it got caught in the middle of an energy shortage. Its gas supplier couldn't get enough coal to supply sufficient gas. As a result, the plant had to use low-quality coal, causing pollution problems. The state, though, extended its abatement deadline because of the situation, and FMC says it is now in compliance.

Monsanto expects to resume full-scale production of Acrilan fiber at Decatur, Ala., now that the coal strike is over. Other CPI casualties: closed aluminum potlines and banked coke ovens.

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