CORPS SETS APRIL 17 DEADLINE FOR COMMENTS ON PROPOSED DISCHARGE PERMIT FORMS

Army Corps of Engineers has published, in the Mar. 18 Federal Register, the permit form it proposes to use in authorizing discharges into navigable waters and will allow 30 days for public comment, including suggestions and objections. Proposed regulations, setting forth the policy and procedures governing permit applications, were published Dec. 31 and are now being reviewed.

Body of the permit is a set of 15 General Conditions governing the authorization. Preceeding these conditions is a short statement of authorization for discharge of material (1) as specifically identified, (2) at a location measured in miles and 10ths from a definite point in the nearest well-known locality, preferably a town or city, and (3) in accordance with plans and drawings attached. Identification of the nature of the discharge shall include, if applicable, limitations with respect to chemical content, water temperature differentials, toxins, sewage, type and quantity of solids, amount and frequency of discharge.

Conditions Governing Discharge Authorization

The following 15 General Conditions are listed: (a) All discharges shall be consistent with the permit and discharges of anything not specifically identified and authorized, or more frequently or at a greater level than identified, shall constitute a violation which may result in legal proceedings as well as modification, suspension, or revocation of the permit. (b) Authorized discharges shall be consistent with applicable water standards, including implementing schedules. If two or more sets of standards are applicable, the discharge must conform to the more stringent standard. (c) Discharges will be treated or modified to conform to any upgrading of applicable water quality standard during the term of the permit, within 6 months after upgrading of a standard or such other period determined by the District Engineer in consultation with the Regional EPA Representative.

(d) Permittee must comply promptly with any directives affecting the discharge issued by the EPA Administrator and with recommendations of any enforcement conference under the Federal Water Pollution Control Act. (e) Authorized Corps representatives and designees may visit plants to inspect records, take samples, or make other onsite inspections to monitor compliance with the permit. Visits shall be at reasonable times, within reasonable limits, with presentation of appropriate credentials and a receipt describing any sample obtained. Permittee shall provide such assistance as may be necessary to effectively and safely conduct such sampling or inspection. (f) Permittee shall maintain detailed records of the nature and frequency of discharges and provide the District Engineer and Regional EPA Representative with periodic reports, at least annually and more often if required by the District Engineer after consultation with the Regional Representative.

(g) Permit may be modified, suspended, or revoked and legal proceedings undertaken if information and data provided by permittee in connection with permit application prove false or inaccurate, which may result in fines and imprisonment. (h) Public shall have access without restriction to information and data provided by an applicant or permittee identifying nature and frequency of a discharge, comments of all governmental agencies on an application, and water quality certifications under section 21(b) of the Federal Water Pollution Control Act, and to other permit application or report data unless applicant can demonstrate violation of trade secrets protection. (i) Permit shall not preclude Federal Government from future imposition of taxes or other charges relating to discharge.

(j) Permit does not convey any property rights or exclusive privileges, does not authorize injury to private property, invasion of rights, or any infringement of laws or regulations. (k) Permit does not authorize construction of physical structures or any work in navigable waters or tributaries, unless specifically provided in permit. (l) Permit may not be transferred without prior written approval of the District Engineer.

(m) Permit may be modified, suspended, or revoked in case of determination by Army, in consultation with EPA, of imminent hazard to public health or safety, effective upon receipt of notice by the permittee. After complying with notice, permittee may request

(Continued on following page)

DSW 329395

STLCOPCB4076103

CORPS ASKS COMMENTS ON PROPOSED DISCHARGE PERMIT (Cont.)

a public hearing, to be held before authorized representatives of the Army and EPA, final decision to be made by Army after consultation with EPA. (n) Permit may be suspended or revoked for a violation of any terms or conditions, effective 30 days after receipt of written notice, unless within the 30 days permittee can demonstrate that violation did not occur or was accidental and permittee is in compliance and will remain so, or permittee requests public hearing. If, after hearing before Army and EPA, Secretary determines permit should be suspended or revoked, action is effective upon receipt of notice by the permittee. (o) Modification, suspension, or revocation of the permit shall not be the basis for any claim for damages against the United States.

Special Conditions and Comment Procedure

A short final section on Special Conditions provides space for the term of the contract from date of permittee's signature and allows for signatures and date of signing by the District Engineer and the Permittee.

Comments to the proposed permit form should be submitted in writing to the Office of Chief of Engineers, Washington, D.C. 20314, Attention: ENGCW-ON.

* * *

AEC CHALLENGED ON KANSAS SITE FOR DUMPING NUCLEAR WASTES

An Atomic Energy Commission proposal to locate the first national repository for radioactive wastes in salt beds of Lyons, Kan., has raised questions concerning health and safety precautions, AEC's authority, and the future development of nuclear power in this country. Testifying before the Joint Committee on Atomic Energy, Sen. Robert J. Dole (R.-Kan.) and Rep. Joe Skubitz (R.-Kan.) have asked for additional assurances on safety factors and questioned the procedures which will determine the disposal sites for nuclear wastes.

Since AEC both promoted and evaluated the proposal, Dole requested an independent review of AEC's environmental impact statement by a scientific advisory panel of the Senate Public Work's Committee. On the basis of that review, the Senator questioned the adequacy of AEC's consideration of the effects of the storage project on the quality of the environment in Kansas, the level of radioactive emissions from the repository, provision for continuous environmental monitoring, and provision for retrieval if it were necessary later, due to intrusion of water into the salt formation or a spill of radioactive materials.

Risk of contaminating local water supplies, possibility that water use and withdrawal rates could affect the stability of the salt beds in which the radioactive material is to be stored, and the effect on ground waters in the vicinity of Lyons has not been clarified, Dole said. Hazards during transit of the material in Kansas and from its source have not been sufficiently explored. All these questions should be resolved preferably before site development is begun, but certainly before the site is put into use, he said.

AEC Plans Don't Warrant Funding

AEC's plans are "incomplete, inconclusive, and do not warrant funding for the actual construction of a waste disposal facility," Skubitz charged, pointing to grave questions raised by U.S. Department of Interior, Kansas State Geological Survey, Kansas professors and scientists, summarized by Kansas Gov. Robert Docking as major problems of transportation, geological and site integrity, and retrievability. Skubitz said the project jeopardizes the life of Kansas people, as well as a great many people in other states; since there are 400,000 square miles of salt beds in the country, citizens of some other states may have to face the same issue.

Quoting expert testimony, Skubitz raised questions of the salt being affected by solutional activity, erosion, or other stresses; disposal of an average 320,000 tons of salt a year that would be excavated from the disposal site; the heat flow problem which might, in interaction, break the seal of overlying rocks and permit entry of surface or subsurface waters, and possible radioactive damage to the salt itself, which the State Geological Survey regards as critical to safe storage of radioactive wastes. AEC was charged with showing little interest in these last two problems and AEC's Environmental Statement was described in many parts as "meaningless and a public relations effort designed to relieve the fears of critics."

DSW 329396