

INTEROFFICE COMMUNICATION

Saddle Brook, N. J.

S. Minott
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TO: Environmental Health Engineers/Plant Managers May 28, 1971

SUBJECT: NATIONAL ASSOCIATION OF MANUFACTURERS
INDUSTRY/GOVERNMENT TELECONFERENCE ON POLLUTION CONTROL

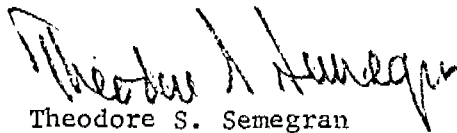
An excellent closed circuit television conference between industry and government representatives gave industry an insight into recent and future pollution legislation.

I have written down some notes taken during the conference which may be of interest to you at your location. (Item 11 is of special interest and should be pursued.)

- (1) Emission surveys -- the importance of these surveys as a way of detailing total emissions into watersheds/air regions to enable the government to establish current levels and forecast future levels was highly stressed. If we give too little data now, future regulations may prohibit those chemicals not included in emission surveys. These surveys will be used to determine the effect of emissions on ambient standards. It was recommended that industry should participate with the various States to help them determine the relationship of emission standards with ambient standards. As of this date the correlation of ambient and effluent standards is still very primitive.
- (2) Definition of navigable water -- The Corps of Engineers definition is anything that floats a log - and it was stated that there may be one or two streams in the country that would not be covered by the Corps of Engineers permit system.
- (3) Penalties for not filing for a Permit -- There is no penalty for not filing. Nevertheless, a plant can be given a civil injunction to stop pollution as well as be criminally prosecuted under the 1899 Refuse Act.
- (4) New facilities built or under construction before April 3, 1970 -- State Certification is not necessary until 3 years from the above date.
- (5) Time for Permit to be given Complete Approval -- The Corps says that a minimum of 45 days but up to two years will be required to process Permit Applications.
- (6) Cooling water -- Cooling water taken from a navigable stream, used in a plant, and returned to the stream requires a Corps of Engineers permit.

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- (7) NOTE: Municipal sewers going to a navigable stream --
Flow into Municipal sewers going directly to a navigable stream without treatment at a municipal sewage plant requires a Corps of Engineers permit.
- (8) Adjacent Property Owners -- List only those on your side of a navigable stream.
- (9) Permit data -- The data you use in filling out the permit will be the maximum you are allowed without filing for a new permit or permit change.
- (10) Denial of Permit -- A permit denial can only be contested in Federal courts and not with local Corps of Engineers personnel.
- (11) Confidential data -- Production levels, raw material usage and other data considered confidential can be placed on a separate sheet of paper and submitted during the initial application stage. It is suggested that you speak to the local Corps office to see how this should be handled. Remember, this data goes into public files.
- (12) Signing the Permit -- Who is Liable? -- Even though a corporate officer signs the permit, only those actually knowledgeable of a specific omission would be liable. If an honest omission of data is discovered later on, no liability is implied -- only dishonest omissions are liable.
- (13) Is public information useful for collecting fines --
The EPA says that public records cannot be used by the public to collect part of the fines, if they are imposed, under the Refuse Act provisions.
- (14) What data is required on the Permit -- Include analysis of only those materials the plant itself might put into the water effluents. It is not necessary to analyze for zinc, for example, if we do not use zinc in the plant.
- (15) Data submitted with Permit -- All data submitted with the application will be used to fix maximum limits for the plant. If you are uncertain as to the data, clarify the data by explaining how it was obtained, i.e. one sample, two samples.


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TSS/jj

cc: J.D.Burns, T.R.Samsell

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