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INTERIOR NOMINATION

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HEARING BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

EIGHTY-NINTH CONGRESS

SECOND SESSION

ON

THE NOMINATION OF FRANK C. DI LUZIO TO BE ASSISTANT
SECRETARY OF THE INTERIOR

JULY 20, 1966

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Committee on Interior and Insular Affairs



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NOMINATION OF FRANK C. DI LUZIO TO BE ASSISTANT SECRETARY OF THE INTERIOR

WEDNESDAY, JULY 20, 1966

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10:10 a.m., in room 3110, New Senate Office Building, Senator Henry M. Jackson (chairman) presiding.

Present: Senators Jackson, Anderson, Bible, Kuchel, Jordan of Idaho, and Fannin.

Also present: Senator Edmund S. Muskie.

Staff members present: Jerry T. Verkler, staff director; Stewart French, chief counsel; Roy M. Whitacre and Richard W. C. Falknor, professional staff members; and E. Lewis Reid, minority counsel.

The CHAIRMAN. The committee will come to order.

Mr. Di Luzio, will you have a chair?

This is an open, public hearing by the Committee on Interior and Insular Affairs on the nomination by President Johnson of Frank C. Di Luzio to be an Assistant Secretary of the Interior. Mr. Di Luzio's biographical sketch is before the committee, and without objection I will direct that it be printed in full at this point in our hearing.

(The biographical sketch referred to follows:)

PERSONAL HISTORY RÉSUMÉ OF FRANK C. DI LUZIO

Address: 9504 Barroll Lane, Kensington, Md., Telephone: 949-1345.

Personal information:

Date of birth: September 2, 1913.

Place of birth: Rome, Italy.

Marital status: Married, 2 children.

Height: 5'6½".

Weight: 150 lbs.

Citizenship: U.S.

Security clearance:

Military DOD—Top Secret.

U.S. Atomic Energy—"Q".

January 25, 1965 to Present: Title: *Director*, Office of Saline Water. Completed formulation of and placed into effect an aggressive and accelerated program for economically feasible means of desalting sea and brackish waters. Instituted short, medium, and long-range programs leading to increased emphasis in engineering for practical application of desalting techniques.

April 20, 1963 to January 25, 1965: Title: *Staff Director*, Committee on Aeronautical and Space Sciences, United States Senate.

October 15, 1962 to April 20, 1963: Title: *Vice President & Director*, Fairbanks, Morse & Co., Hydraulic and Special Projects Division. In charge of engineering design, applications engineering, sales, and project administration. Responsible for the management and coordination of English Electric and Vickers-Armstrong, London, England license agreements covering their hydraulic products. Served as member of R & D Committee, and Management committees of both Fairbanks, Morse & Co., and Fairbanks Whitney Corp.

October 1, 1961 to October 15, 1962: Title: *Vice President*, Engineering, Fairbanks, Morse & Co., Beloit Division. In charge of all product and special engineering, reporting to Vice President, Group Executive. Products consist of motors, diesel engines, pumps, magnetos, compressors, etc. Engineering organization has a staff of approximately 325 professional and sub-professional people.

January 1, 1961 to October 1, 1961: Title: *General Manager*, Albuquerque Research Center, Fairbanks, Morse & Co., reporting to Vice President, Government Products. In addition, was also assigned as Assistant for Research and Development to President of Fairbanks, Morse & Co. Coordinated R & D corporation-wise, served as Chairman of R & D committee, and evaluated engineering proposals related to national defense programs.

May 19, 1957 to January 1, 1961: Title: *Deputy Manager*,¹ Atomic Energy Commission, G.S. 18, Albuquerque Operations Office, assisting Manager in performance of executive duties, covering all functions assigned to ALO. Directly responsible for the evaluation, coordination, and taking appropriate action regarding performance of functions assigned to the operating divisions in the areas of research, development, manufacturing and quality assurance on atomic ordnance. Directed activities related to storage operations, nuclear materials, management and security administration. Upon special assignment from the Atomic Energy Commission, Washington, D.C. executed programs for AEC headquarters organizations other than the Division of Military Application. Coordinated for the AEC-Division of Military Application the exchange of weapon technology between the United States and United Kingdom Atomic Energy establishments at Aldermaston and Harwell, England.

January 15, 1956 to May 19, 1957: Title: *Asst. Manager for Manufacturing*, AEC, G.S. 17, Albuquerque. Directed and coordinated Albuquerque Operations Office development and production complex in design, development, and manufacture of nuclear and non-nuclear weapons and weapons components. Developed from broad DMA directives detailed ALO Directives and Planning Schedules, allocating responsibility and establishing delivery requirements, time schedules, and procurement authorizations for the several contractors involved. Coordinated plans for all major changes in existing or new development or manufacturing facilities and equipment resulting from mission or programmatic changes. Planned and directed the execution of ALO programs and policies designed to effectively coordinate design activities with the manufacturing processes; planned and coordinated program reporting needs of the Manager and the preparation of periodic consolidated progress summaries and program statistics. Coordinated weapons development, testing and production with Armed Forces Special Weapons Command—Defense Atomic Support Agency for military weapons input.

August, 1952 to January 15, 1956: Title: *Manager*, G.S. 16, Los Alamos Area office of AEC. Administered assigned programs in the field of research and development of atomic weapons and in this capacity administered AEC's contract with the Los Alamos Scientific Laboratory. Planned and executed a comprehensive program for construction and maintenance of technical and other project facilities. Provided supervision of all contract operations, including Architect-Engineer, and construction and supply contracts.

April, 1950 to August, 1952: Title: *Director*, Community Management Division, AEC, G.S. 15, Los Alamos. Participated as a member of Area Manager's staff in the continuous review of the assigned Los Alamos Office program and all community facilities and activities. Responsible for the following general areas of activities: (a) Administration of the contract of operating contractor (The Zia Company), (b) Maintenance and operation of community properties and facilities within Los Alamos County.

April, 1946 to April, 1950: Title: *Director, Engineering and Construction Division*, AEC, G.S. 14, Los Alamos. During this period assumed positions of progressively greater responsibility. Initially responsible for overall negotiations and renegotiations of Architect-Engineer and construction contracts. Responsible for overall supervision of engineering and construction work, coordination, and inspection of all construction. During this period had direct and primary responsibility for a total construction program involving design and construction of technical facilities and transformation of Los Alamos from a temporary project to a permanent community involving the expenditure of approximately \$248,000,000.

¹ See attached organization chart.

July, 1944 to July, 1946: Title: *Civil Engineer*, Military Service and P. 6, U.S. Army, Los Alamos. Assigned to Manhattan Engr. District, which was charged with the responsibility of constructing facilities for the production of the atomic bomb. Charged with the responsibility of negotiation and renegotiation of all Architect-Engineer contracts, and construction contracts, and preparation of plans and specifications. Assisted the Chief Engineer in engineering problems of a complex nature.

October, 1941 to July, 1944: Title: *Engineer*, P. 5, Corps of Engineers, Ravenna, Ohio. Assigned important duties during the construction of (a) Ravenna Ordnance plant, Ravenna, Ohio; (b) Lordstown Ordnance Depot, Warren, Ohio; (c) Keystone Ordnance Plant, Meadville, Pa.

Title: *Engineer*, Corps of Engineers. Assigned as Chief Engineer and Assistant Resident Engineer during the construction of Mosquito Creek Dam, Warren, Ohio. The dam was an earth-filled structure, reinforced concrete spillway and water intake tower.

September, 1940 to October, 1941: Title: *Engineer*, U.S. Bureau of Reclamation, Parker Dam, California. Field inspection of Power Plant (one shift), checked field changes in construction, steel setting, construction details and procedures.

March, 1938 to September, 1940: Title: *Jr. Engineer*, U.S. Bureau of Reclamation, assigned to Coulee Dam, Washington. Field Engineer inspection of placing of concrete, setting reinforcing steel, and installation of power plant equipment and drum gate mechanism.

Professional organizational membership:

International Association for Hydraulic Research.

Association for Applied Solar Energy, Scientific Member, Tempe, Arizona.

National Society of Professional Engineers.

Professional Engineer New Mexico Registration No. 3252.

Professional Engineer Alaska Registration No. 859-E.

Professional Engineer Maryland.

American Geophysical Union, National Academy of Sciences, Washington, D.C.

Seismological Society of America.

Selective membership:

Member, Rivers and Harbors Congress (New Mexico Advisory Board)
15 years—1948-1962.

Member, Economic Development Commission. State of New Mexico
(Water Resources Development & Utilization) Resigned 1962.

The CHAIRMAN. Also, the committee has received a letter of commendation and endorsement from Mr. James T. Ramey, Commissioner, Atomic Energy Commission, and one from Senator Gruening. I direct that these letters appear in the record.

(The letters referred to follow:)

U.S. SENATE,
Washington, D.C., July 13, 1966.

HON. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SCOOP: Because I will be away from Washington on July 20th, I will not be able to participate in hearings which you have set that day on confirmation of the nomination of Frank C. Di Luzio to be Assistant Secretary of the Interior for Water Resources.

I would appreciate your having the record show that I hold Mr. Di Luzio in high regard, having been able particularly to observe his performance in connection with Alaska earthquake rehabilitation efforts.

I hope the committee will act favorably and promptly on this excellent nomination.

Cordially yours,

ERNEST GREUNING, U.S.S.

ATOMIC ENERGY COMMISSION,
Washington, D.C., July 13, 1966.

HON. HENRY M. JACKSON,
Committee on Interior and Insular Affairs,
Congress of the United States.

DEAR SENATOR JACKSON: I have noted with considerable interest and pleasure that President Johnson, as he had earlier announced, sent to the Senate of the United States on July 11, 1966, the nomination of Frank C. Di Luzio of New Mexico to be Assistant Secretary of Interior (a new position) with primary responsibility for direction of water pollution activities of the Federal Government.

In view of my long association with Mr. Di Luzio and my close working relationships with him in many areas of governmental activity, I desire to bring to your attention my enthusiastic support to the President's selection of Mr. Di Luzio for this very important post and to urge respectfully favorable action on the nomination by your Committee and the Senate.

My association with Mr. Di Luzio goes back nearly twenty years when we were both members of the Atomic Energy Commission; he at Los Alamos and I at the Chicago Operations Office. In subsequent years our contacts became much more frequent when I was serving as Executive Director of the Joint Committee on Atomic Energy of the Congress and Mr. Di Luzio as AEC Manager of Los Alamos and later Deputy Manager of the Albuquerque Operations complex testified before the Committee frequently on vital atomic energy programs.

During the past two years I have been closely concerned with the application of our atomic energy resources and capabilities in the power reactor field to the matter of desalting sea water—a program of immense importance to this nation and to the world. As you know, I have been designated as the principal Atomic Energy Commission representative in the development of this program, and accordingly my contacts with Mr. Di Luzio in his capacity as Director of the Office of Saline Water and advisor to Secretary Udall in the area of desalination have been on a continual basis. His dedication to the economical, timely and comprehensive solution to the problems associated with desalination, including the role of nuclear power, and the even broader area of adequate management and use of water resources is widely acknowledged throughout the Federal Government, industry and in many foreign countries. I believe his competence and enthusiasm to deal effectively with the manifold and extremely difficult tasks which are invested in this new Assistant Secretaryship have been well demonstrated in his direction of the Office of Saline Water. I confidently anticipate a sound program of Federal, state, and local government cooperation and achievement in the crucial area of water pollution control and abatement under his leadership.

I appreciate the opportunity to submit to your Committee my views on Mr. Di Luzio's nomination and to inform you that we look forward with pleasure to working with him in many areas of mutual interest and joint responsibility.

Respectfully,

JAMES T. RAMEY, *Commissioner.*

The CHAIRMAN. It goes without saying that Mr. Di Luzio is well qualified for his post both because of this training and of his experience. The position to which Mr. Di Luzio has been nominated is a new one created by section 2 of Reorganization Plan No. 2 of 1966. Section 5 of the plan abolished the office of Assistant Secretary of Health, Education, and Welfare which had responsibility for the administration of the water pollution control program. This program was transferred to the Interior Department, and its administration will be within the jurisdiction of the new Assistant Secretary.

However, it is my understanding that the responsibilities of Mr. Di Luzio, once he is confirmed, will be substantially broader than water pollution control. For example, it is reported that his office will have jurisdiction over the Office of Water Resources Research, which, as the members will recall, was established by legislation introduced by Senator Anderson and reported by this committee in the 88th Congress. The present responsibility of Mr. Di Luzio for the saline water program should continue although he will, of course, be supervising that program from a higher echelon.

The Interior and Insular Affairs Committee is the organ of the Senate that has overall responsibility for legislation affecting supplies of usable water and water resources development in general. That is why I want to say, we welcomed the move of pollution control to the Interior Department. I think we can all agree that it is obvious that Federal water programs should be under unified responsibility instead of a proliferation of authorities, both in the Congress and the executive branch. It is my wish that the creation of Mr. Di Luzio's post will mark the beginning of a trend toward such unification of responsibility and authority.

I should express my earnest hope that Mr. Di Luzio will direct his efforts toward bringing some order out of the chaos that now characterizes the water activities of the Federal Government and that the administration will lend its very considerable weight to his efforts.

Now, before asking Mr. Di Luzio to make a statement, the Chair will be happy to recognize the distinguished senior Senator from New Mexico, the home State of Mr. Di Luzio.

Senator Anderson.

STATEMENT OF HON. CLINTON P. ANDERSON, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator ANDERSON. Thank you, Mr. Chairman.

I have known Frank Di Luzio for 20 years. I thought you might be interested in some of the things I can tell you about him. The committee has a copy of his biographical sketch, which will become part of the record; but in presenting him to the committee, I wanted to touch briefly on a few personal experiences.

I first became acquainted with Frank when he was manager of the Los Alamos Community for the Atomic Energy Commission. Running a community to support the Los Alamos Scientific Laboratory was

no easy tasks. Frank is a civil engineer by training, but at Los Alamos, which has attracted many of the world's most distinguished scientists, he also had to be a skilled diplomat.

There is the story about Frank and Enrico Fermi, the brilliant physicist, who had come from Italy to escape Fascist persecution. Fermi had played a leading role in the development of the first atomic bomb. After the war Professor Fermi used to come back to Los Alamos regularly during the summer months to teach and do research. He had a cottage and the maintenance people were upset because Professor Fermi was not cutting the grass around the place, but no one would approach the great man about the grass. Finally Frank, who was born in Rome, went over to the Fermi cottage one day and asked Fermi if he wanted special privileges. Fermi assured him he did not; the only problem was that he had no room in his car—filled with books and papers—to haul a lawnmower back and forth each year from Los Alamos. "We'll let you borrow one," said Frank. And the small crisis was over. I think Frank's tact, good humor, and commonsense were valuable in that situation. I think they will be very useful in the period that lies ahead.

When I became chairman of the Senate Committee on Aeronautical and Space Sciences, I asked Frank to join the committee as staff director. He did an extremely effective job and earned the respect of the officials of the National Aeronautical and Space Administration, the Department of Defense, and the members of the committee, both Democrats and Republicans. He brought a high degree of professionalism to the operations of the committee.

In the midst of the work of the Space Committee, Alaska was shaken by a disastrous earthquake on Good Friday 1964. President Johnson asked that I take over the chairmanship of a special relief and reconstruction commission. We had to borrow staff from Government departments. I asked Frank to become my special assistant in that work—without taking off his hat as staff director of the Space Committee. I am indebted for his fine assistance in the Alaska reconstruction program. When we started up the work of the Alaska commission, Frank informed me that he had a license as a civil engineer in Alaska. I think that is typical of the many facets of this man.

Frank didn't stay with the Space Committee as long as I would have liked. The President of the United States and the Secretary of the Interior discovered his qualifications and abilities and asked me to let him go over to head the Office of Saline Water. Reluctantly I agreed. The result has been some very fine work in desalination processes that will pay great dividends not only in the United States but in the arid regions of the world as well.

I think Frank will bring to his new post a broad understanding of water problems for he is quite sensitive to the interlocking of these problems, seeing them in their totality. I think this is the approach we need—viewing the water problem on a regional basis, rather than just as a local matter.

It will be no easy task to reverse the tide of apathy, half-effort, intergovernmental controversy, and myopia which have afflicted our streams and river basins. But I think Frank Di Luzio can measure up to the assignment.

I think Frank will bring good professional training to this job and I am very happy that the President and the Secretary of the Interior have made this appointment.

The CHAIRMAN. Any other comments at this time?

(No response.)

The CHAIRMAN. The Chairman is very happy to welcome to the committee this morning—in response to an invitation previously extended—the chairman of the Public Works Subcommittee dealing with many of these problems. Senator Muskie, I am delighted to have you with us.

**STATEMENT OF HON. EDMUND S. MUSKIE, A U.S. SENATOR FROM
THE STATE OF MAINE**

Senator MUSKIE. Thank you, Mr. Chairman.

I may say that Senator Randolph, who is chairman of the full Committee on Public Works, is tied up, presiding over an executive session of that committee, or he would be here. He asked me to say for the record that he had a most satisfactory interview with Mr. Di Luzio and is very pleased with this nomination and gives it his support.

I had a similar experience with Mr. Di Luzio, and I suspect that in the future, we will have many meetings together over problems of water pollution.

I would like to ask Mr. Di Luzio a few questions bearing upon his attitude toward some of these problems, so we may have an idea of how he views the future of water pollution control.

At this point, I would like to say that not only am I greatly satisfied with Mr. Di Luzio's appointment, but also by the recognition that his appointment gives to the importance of water pollution and water matters generally in the affairs of Government. For 3 years, we struggled to get the water pollution program raised to the highest possible level in the Federal hierarchy and succeeded last year in the Department of HEW. This year, of course, we have the transfer to the Department of the Interior, and the recognition that water should be placed at the highest possible level in that Department as well. I think we have this whole problem, this whole subject now at the appropriate policymaking level of the Federal Government.

Mr. Di Luzio, as the first policymaker at that level, has an unusual opportunity to shape the future course of our Government in dealing with these problems. I congratulate him upon the appointment and upon this opportunity.

The CHAIRMAN. Thank you, Senator Muskie.

Mr. Di Luzio, we shall be happy to hear from you at this time. Possibly you could give a brief rundown on your biography. It is in the record, but I think it would be useful for the purpose of the open hearing.

**STATEMENT OF FRANK C. DI LUZIO, NOMINEE TO BE ASSISTANT
SECRETARY OF THE INTERIOR**

Mr. DI LUZIO. Thank you, Mr. Chairman.

I approach this assignment, if the Senate finds me worthy of the confirmation, with the knowledge that it is not going to be an easy task. I also approach it with humility because it is an honor to be selected by President Johnson for this project. I have every hope that my background and past experiences will serve me in good stead in trying to do the best job that I possibly can in this new position.

The CHAIRMAN. I note with interest that you got your start in Government engineering at Coulee Dam.

Mr. DI LUZIO. Yes, my first civil service job was at Grand Coulee Dam in the State of Washington, working for the Bureau of Reclamation. From there the Bureau sent me to Parker Dam. Then I was transferred on a loan basis to the Construction Quartermaster Corps during the early war years to work on the construction of powder plants and ordnance plants, with the idea that I would return to the Bureau at some later date. I never did get back to the Bureau of Reclamation.

About that time, 1943, if I remember correctly, the Construction Quartermaster Corps was transferred over to the Corps of Engineers. That was the beginning of my Corps of Engineers experience.

My first job with the corps was working on the construction of Mosquito Creek Dam at Warren, Ohio. I started in the corps as an enlisted man, and later attended officer candidate school, but I was injured and could not pass the final physical.

In 1944, I was assigned to the Manhattan Engineering District, to undertake the atomic bomb project. I was sent to Los Alamos and remained there until 1956.

I became Assistant Chief Engineer, the Director of the Engineering and Construction Division, the Director of the Community Management Division; and finally, the manager of the Los Alamos area office of AEC.

In 1956, I was transferred to Albuquerque as Assistant Manager for Manufacturing, in charge of manufacturing atomic weapons.

About 6 months later, in 1957, I became the Deputy Manager of the Albuquerque Operations Office, which had full responsibility in the area of atomic weapon design, testing, and fabrication.

I left the AEC in 1961 to join Fairbanks-Whitney, a private industrial organization. I had been wanting to work in the industrial field for a number of years. I was assigned to Fairbanks-Morse to work on industrial problems, including the engineering and development of desalting techniques.

In 1963 I left Fairbanks-Morse and joined Senator Anderson's staff as staff director of the Aeronautical and Space Sciences Committee and, of course, on January 25 of last year, I joined the Office of Saline Water as its Director.

Most of my experience has been engineering and administration. I do not consider myself a highly talented technical person. One thing I think, however, is that I can detect when I need technical help and I know where to seek it. I consider myself more of an engineering administrator than a technical oriented person. It has been years and years since I actually have done design work, so I consider myself a coordinator of technology or an interpreter of technology, whichever term you prefer.

The CHAIRMAN. You have no hesitancy in saying that, as you look at some of these problems, you know how to identify the problem areas, and if you want to get a specialist in, of course, you will get him in.

Mr. DI LUZIO. That is absolutely right, Mr. Chairman. I think the problems involved in this new assignment are wide and varied, technical and social. There are economic, engineering, and political problems. There is no single expert who can resolve these complex problems, just as there is no single process to provide water for future generations. Eventually three or four technical processes may have to be put together to provide incremental supplies of potable water, including advanced methods of waste water recovery.

In the Office of Saline Water I have always maintained, and my speeches will support this, that there is no single answer to the water supply problem. Stripped of all the nice adjectives that have been associated with desalting, it is not a miracle maker, it is just one piece of pollution control. It has to be considered in a total water resource program to really make its contribution.

The CHAIRMAN. Mr. Di Luzio, I wonder whether you would expand on the water-quality responsibilities of the organs established under the Water Resources Planning Act; namely, the Water Resources Council and the river basin commissions?

Mr. DI LUZIO. I am not too familiar with that, Mr. Chairman, except I do know when one looks at a river basin and talks about planning a river basin development program, one critical element in that plan obviously will have to be pollution control of one form or another. It is an integral part of any water system or any watershed, and to separate it and say supply people should not concern themselves with quality, is really begging the question. There is no water scheme or no water plan that should not look at either prevention or correction of pollution.

The CHAIRMAN. I take it that you believe you should work very closely with the Water Resources Council, which is chaired currently by the Secretary of the Interior, and monitor very closely, as well, the river basin commissions that are being set up under that act?

Mr. DI LUZIO. Yes, sir, coordination with the Water Council has to be very, very close, just as it must be very close with the work on pollution or water quality which is being conducted by other bureaus within the Department of the Interior. We must have a strong coordinated program to avoid duplication of effort and to get the best out of each of the bureaus as we seek the solution of the common problem.

The CHAIRMAN. I hope you will really move in to try to do something in that regard because there are so many agencies involved in the area of water quality that if we are going to make any progress, we must get better coordination. I trust that as Assistant Secretary

dealing with the problems of water quality, you will make every effort to achieve better coordination and direction.

Mr. DI LUZIO. Yes, Mr. Chairman.

The Chairman. Senator Kuchel?

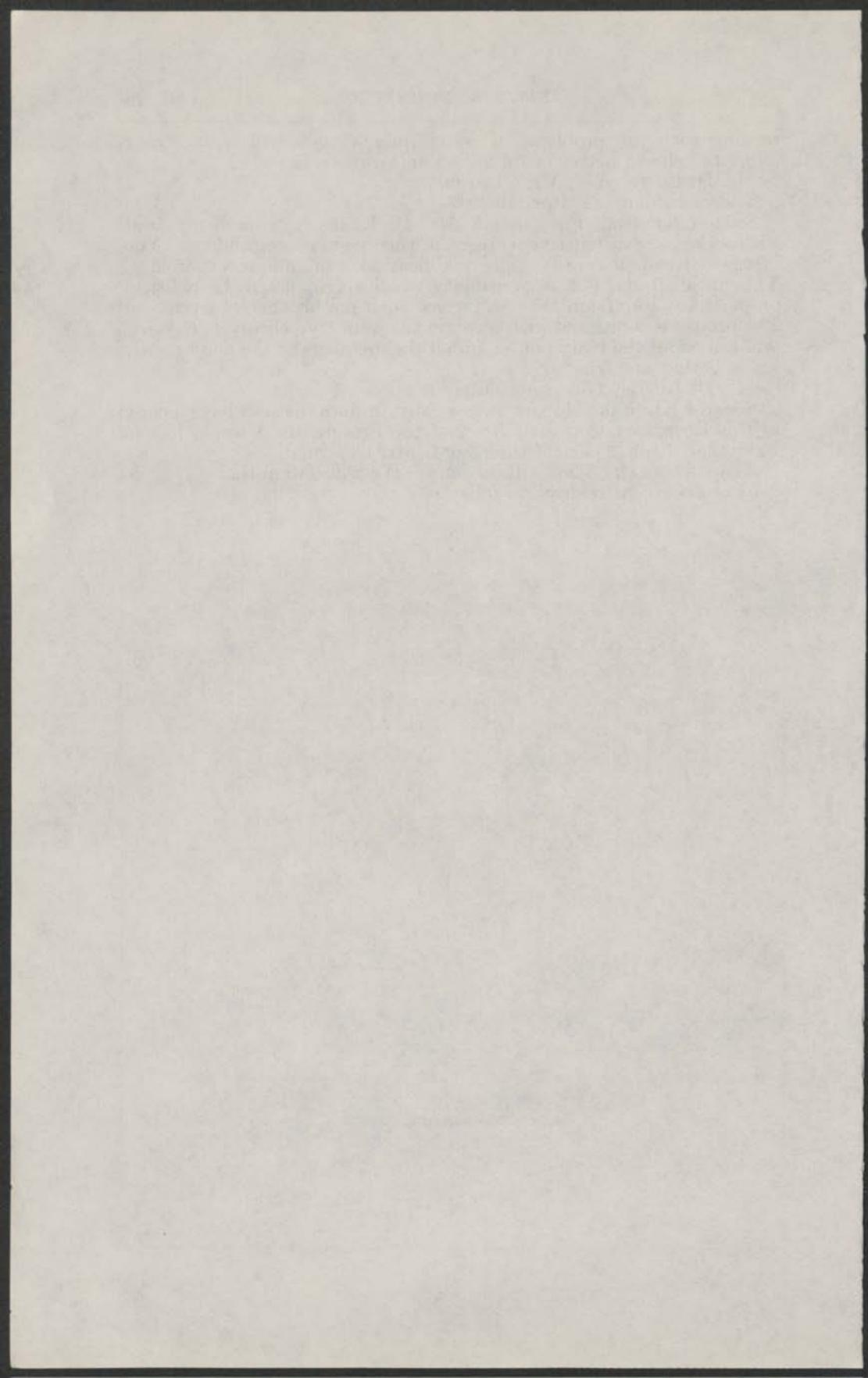
Senator KUCHEL. First of all, Mr. Di Luzio, you have my best wishes for a constructive career in this new responsibility. You bring to it an obviously high qualification and unique experience. This, incidentally, is a responsibility which ought not to be political or partisan, and I am sure you agree with me on that observation. The problems connected with water in this country, wherever they are, will fall on all the body politic, on all the members of the body politic alike, is that not true?

Mr. DI LUZIO. This is absolutely true.

Senator KUCHEL. Do you have a copy, or does the staff have a copy of this Reorganization Plan No. 2 of the President? I would like to have that made a part of the record, Mr. Chairman.

The CHAIRMAN. That will be done. We will obtain that.

(The document referred to follows.)



REORGANIZATION PLAN NO. 2 OF 1966

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

REORGANIZATION PLAN NO. 2 OF 1966, PREPARED IN
ACCORDANCE WITH THE PROVISIONS OF THE
REORGANIZATION ACT OF 1949, AS AMENDED, AND
PROVIDING FOR REORGANIZATION OF CERTAIN
WATER POLLUTION CONTROL FUNCTIONS



FEBRUARY 28, 1966.—Referred to the Committee on Government
Operations, and ordered to be printed
with accompanying papers.

LETTER OF TRANSMITTAL

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 2 of 1966, prepared in accordance with the provisions of the Reorganization Act of 1949, as amended, and providing for reorganization of certain water pollution control functions.

Thirty-five years ago Justice Oliver Wendell Holmes said: "A river is more than an amenity, it is a treasure."

Only recently has the truth of this observation entered the public conscience. For we now recognize that the Nation's rivers, far from being treasured, have been carelessly neglected for too long.

Today we face a harsh reality. Our waters are burdened with blight. We know that every river system in America suffers from some degree of pollution. This menace is growing more serious with every passing day.

We have just begun to take the steps to clean and restore our waters.

The task is immense. The journey will be long.

If our new programs are to succeed we must combine our efforts—Federal, State, local, and private—in new and creative partnerships.

The attack against water pollution should be unified and coordinated.

It should be carried forward as an integral part of comprehensive planning for the development of river basins.

But, most importantly, the Government's management structure must be strengthened and reshaped to meet the challenges that lie ahead.

In my February 23 message on the quality of our environment I stated:

* * * we must reorganize the Federal effort. In the past, the Federal anti-pollution effort has been organizationally separate from water conservation and use programs.

One agency should assume leadership in our clean water effort.

That agency should be the Department of the Interior.

The Department of the Interior, for many years, has been concerned with the comprehensive management and development of the Nation's water resources.

It plans, constructs, and operates multiple-purpose water and related land resources projects.

It carries on research and development on the removal of minerals from water.

It administers the Water Resources Research Act.

The Secretary of the Interior also serves as Chairman of the Water Resources Council responsible for coordinating river basin planning. Under the Clean Rivers Restoration Act of 1966 and other legislation

which I have recently proposed, the Secretary will become the focal point for Federal efforts in this area.

It is wise management to place under his control the related resources and authority now in the Department of Health, Education, and Welfare.

The reorganization plan maintains a proper and effective role for the Department of Health, Education, and Welfare with respect to the health aspects of pollution. At the same time it places in the Department of the Interior all of the necessary tools to move forward the drive to clean America's waters.

The reorganization plan herewith transmitted will transfer to the Secretary of the Interior the functions of the Department of Health, Education, and Welfare under the Federal Water Pollution Control Act except for responsibilities relating to public health for which the Department of Health, Education, and Welfare has special competence. That Department will retain responsibility under section 3(b) of the act for advising on public health questions involved in determinations by Federal agencies of the need for and value of the inclusion of storage for water quality control in Federal reservoirs. The Federal Water Pollution Control Administration would be transferred to the Department of the Interior.

The Secretary of the Interior in administering the act will also be required to consult with the Secretary of Health, Education, and Welfare on public health aspects relating to water pollution. This consultative responsibility is now vested in the Surgeon General by section 2(k) of the Water Quality Act of 1965. The plan transfers that responsibility to the Secretary of Health, Education, and Welfare.

The Water Pollution Control Advisory Board and the hearing boards provided for in the act would be transferred to the Department of the Interior, together with their respective functions. The reorganization plan also makes the Secretary of Health, Education, and Welfare a member of the Advisory Board and gives him the opportunity to select a member of each hearing board.

The reorganization plan would in no way impair the rights and benefits of commissioned officers of the Public Health Service who may transfer to the Water Pollution Control Administration.

The reorganization to be accomplished by the plan transmitted herewith will enable the Federal Government to organize for action against pollution on a river basin basis under the unified leadership of the Secretary of the Interior.

After investigation, I have found and hereby declare that each reorganization included in the accompanying reorganization plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended. I have also found and hereby declare that it is necessary to include in the accompanying reorganization plan, by reason of the reorganizations made thereby, provision for the membership of the Secretary of Health, Education, and Welfare on the Water Pollution Control Advisory Board and for the appointment and compensation of an additional Assistant Secretary of the Interior. The rate of compensation fixed for that officer is that which I have found to prevail in respect of comparable officers in the executive branch of the Government.

The reorganizations provided for in the reorganization plan transmitted herewith will produce significant long-range savings and economies by reason of the efficiencies in organization and in the elimination of duplication of effort it will bring about. It is, however, impracticable to specify or itemize at this time the reductions of expenditures which it is probable will be brought about by the taking effect of the reorganizations included in the reorganization plan.

I recommend that the Congress allow the accompanying plan to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 28, 1966.*

REORGANIZATION PLAN NO. 2 OF 1966

PREPARED BY THE PRESIDENT AND TRANSMITTED TO THE SENATE AND THE HOUSE OF REPRESENTATIVES IN CONGRESS ASSEMBLED, FEBRUARY 28, 1966, PURSUANT TO THE PROVISIONS OF THE REORGANIZATION ACT OF 1949, 63 STAT. 203, AS AMENDED

WATER POLLUTION CONTROL

SECTION 1. TRANSFERS OF FUNCTIONS AND AGENCIES.—(a) Except as otherwise provided in this section, all functions of the Secretary of Health, Education, and Welfare and of the Department of Health, Education, and Welfare under the Federal Water Pollution Control Act, as amended, hereinafter referred to as the Act (33 U.S.C. 466 et seq.), including all functions of other officers, or of employees or agencies, of that Department under the Act, are hereby transferred to the Secretary of the Interior.

(b) The Federal Water Pollution Control Administration is hereby transferred to the Department of the Interior.

(c)(1) The Water Pollution Control Advisory Board, together with its functions, is hereby transferred to the Department of the Interior.

(2) The functions of the Secretary of Health, Education, and Welfare (including those of his designee) under section 9 of the Act shall be deemed to be hereby transferred to the Secretary of the Interior.

(3) The Secretary of Health, Education, and Welfare shall be an additional member of the said Board as provided for by section 9 of the Act and as modified by this reorganization plan.

(d)(1) The Hearing Boards provided for in sections 10(c)(4) and 10(f) of the Act, including any Boards so provided for which may be in existence on the effective date of this reorganization plan, together with their respective functions, are hereby transferred to the Department of the Interior.

(2) The functions of the Secretary of Health, Education, and Welfare under the said sections 10(c)(4) and 10(f) shall be deemed to be hereby transferred to the Secretary of the Interior.

(3) The Secretary of the Interior shall give the Secretary of Health, Education, and Welfare opportunity to select a member of each Hearing Board appointed pursuant to sections 10(c)(4) and 10(f) of the Act as modified by this reorganization plan.

(e) There are excepted from the transfers effected by subsection (a) of this section (1) the functions of the Secretary of Health, Education, and Welfare and the Assistant Secretary of Health, Education, and Welfare under clause (2) of the second sentence of section 1(b) of the Act, and (2) so much of the functions of the Secretary of Health, Education, and Welfare under section 3(b)(2) of the Act as relates to public health aspects.

(f) The functions of the Surgeon General under section 2(k) of the Water Quality Act of 1965 (79 Stat. 905) are transferred to the Secre-

tary of Health, Education, and Welfare. Within 90 days after this reorganization plan becomes effective, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall present to the President for his approval an interdepartmental agreement providing in detail for the implementation of the consultations provided for by said section 2(k). Such interdepartmental agreement may be modified from time to time by the two Secretaries with the approval of the President.

(g) The functions of the Secretary of Health, Education, and Welfare under sections 2 (b), (c), and (g) of the Water Quality Act of 1965 are hereby transferred to the Secretary of the Interior: *Provided*, That the Secretary of the Interior may exercise the authority to provide further periods for the transfer to classified positions in the Federal Water Pollution Control Administration of commissioned officers of the Public Health Service under said section 2(b) only with the concurrence of the Secretary of Health, Education, and Welfare.

(h) The functions of the Secretary of Health, Education, and Welfare under the following provisions of law are hereby transferred to the Secretary of the Interior:

(1) Section 702(a) of the Housing and Urban Development Act of 1965 (79 Stat. 490).

(2) Section 212 of the Appalachian Regional Development Act of 1965 (79 Stat. 16).

(3) Section 106 of the Public Works and Economic Development Act of 1965 (79 Stat. 554).

SEC. 2. ASSISTANT SECRETARY OF THE INTERIOR.—There shall be in the Department of the Interior one additional Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall, except as the Secretary of the Interior may direct otherwise, assist the Secretary in the discharge of the functions transferred to him hereunder, who shall perform such other duties as the Secretary shall from time to time prescribe, and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

SEC. 3. PERFORMANCE OF TRANSFERRED FUNCTIONS.—The provisions of sections 2 and 5 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262) shall be applicable to the functions transferred hereunder to the Secretary of the Interior to the same extent as they are applicable to the functions transferred to the Secretary thereunder.

SEC. 4. INCIDENTAL PROVISIONS.—(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of the Interior or the Department of the Interior by this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of the Interior at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) This reorganization plan shall not impair the transfer rights and benefits of commissioned officers of the Public Health Service provided by section 2 of the Water Quality Act of 1965.

SEC. 5. ABOLITION OF OFFICE.—(a) There is hereby abolished that office of Assistant Secretary of Health, Education, and Welfare the incumbent of which is on date of the transmittal of this reorganization plan to the Congress the Assistant Secretary of Health, Education, and Welfare designated by the Secretary of Health, Education, and Welfare under the provisions of section 1(b) of the Act.

(b) The Secretary of Health, Education, and Welfare shall make such provisions as he shall deem to be necessary respecting the winding up of any outstanding affairs of the Assistant Secretary whose office is abolished by subsection (a) of this section.

Senator KUCHEL. In general terms, Mr. Di Luzio, will you describe for the committee what your responsibility will be in this new Assistant Secretaryship?

Mr. DI LUZIO. My basic responsibility, of course, will be acting for the Secretary of the Interior in coordinating the pollution efforts of the Nation under the provisions of the Water Planning Act, and presumably, if the Muskie bill becomes law, under that particular act. This includes not only the planning on a river basin basis, but also the establishment of water quality standards for various areas and the enforcement of those quality standards.

The implementation of these responsibilities will require serious discussions of pollution problems with the various agencies of Government involved and with the various States. I will make a very serious attempt to get people into the mood of moving themselves in the right direction without waiting until someone cracks a whip. I think there is more of a selling job and an educational job to lead water planners, water groups, and river basin commissions down the right path. Eventually, there has to be a final decision on programs.

The Muskie bill, which has been passed by the Senate, gives the Secretary the authority to take action so that needed programs do not hang in limbo forever. The pollution problem is great and it is going to get worse.

Senator KUCHEL. I think a little later on in this hearing, I would like to listen to my friend from Maine describe what, in his view, are the high points of the legislation which passed, which I think every member of this committee supported. But now, for my purposes, your responsibilities will deal with the problems of the quality of water available to the American people and your responsibility as Assistant Secretary of the Interior will cover the entire country and include that problem in all 50 States, is that correct?

Mr. DI LUZIO. Yes, sir.

Senator KUCHEL. Does saline water conversion constitute a part of the problem of the quality of water so you will still have jurisdiction over saline conversion legislation, and responsibilities?

Mr. DI LUZIO. The decision as to whether Office of Saline Water will come under the new Assistant Secretary has not yet been made. It is under very active consideration. My own feeling is it is so closely related to pollution control, uses the same kinds of disciplines, has the same inherent problems, that it would be well to place it under the jurisdiction of the new Assistant Secretary.

Senator KUCHEL. I respectfully suggest to the chairman and to my colleagues that the Secretary of the Interior should by now make that decision.

I agree with you, Mr. Di Luzio, that the problem involved in saline water conversion again is something which all the members of this committee have pushed over the years as a problem of quality. That is vital of importance.

The CHAIRMAN. Will the Senator yield?

Senator KUCHEL. Yes.

The CHAIRMAN. The Chair had been under the impression that the decision had been made that the Office of Saline Water would be under the direction of the new, to-be Assistant Secretary.

Senator KUCHEL. That is good news. The only reason I raise the point, Mr. Chairman, is—

The CHAIRMAN. If it is not, it should be.

Senator KUCHEL. So we agree, Mr. Chairman, because Mr. Di Luzio has said that decision apparently has not been made. I agree with the chairman it should be.

It is of particular importance to me as a Californian, because I am sure you know there is a question whether or not a multilateral contract involving the Federal Government and a number of agencies, public and private, in California, may eventuate and, as a Californian, as well, I think, as an American, I am interested in the success of that venture. So I would want to know that in your new responsibilities, I will be looking to you for assistance.

The chairman has given me a July 7 news release from the Department saying that transfer of the Office of Saline Water, now under the Assistant Secretary for Water and Power, Kenneth Holum, and the Office of Water Resources Research, which of course is now directed by the Secretary, to the area to be supervised by Mr. Di Luzio, is under consideration.

We would hope that the consideration might move with dispatch toward a decision.

Senator ANDERSON. I was just reminded, Senator, that I think Mr. Di Luzio has been in California with Mr. Ramey of the Atomic Energy Commission trying to work out some of the problems in California.

Senator KUCHEL. On that conversion problem?

The CHAIRMAN. A dual purpose plan.

Senator KUCHEL. That is right, it is a dual purpose plan.

The CHAIRMAN. Nuclear power and desalination.

Senator KUCHEL. I have no further questions, except again to say that I give you my best wishes. This is a position that permits you to use much of the knowledge that you have acquired in a highly classified field involving the security of the American people and using many of the same techniques now to advance the cause of peace and the cause of a better life for human beings.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Bible?

Senator BIBLE. Thank you, Mr. Chairman. I, too, welcome Mr. Di Luzio to this hearing. I have known him well and favorably, and all of my contacts with him have been of the highest order. I think he comes here exceptionally well qualified.

There are a number of questions that occur to me. I know one of the areas of great difficulty lies along the Colorado River. There is a great salinity problem there. I am wondering if you would indicate how that problem will be handled? I do not want the ultimate solution, but would you create a regional office in Boulder City, which is the headquarters of Hoover Dam, or would you have one in Salt Lake City, which is the regional headquarters of the Bureau of Reclamation? How do you get into that particular problem?

I am not asking that you suggest the answer to the problem, but it is a very critical one and all of us who are interested in the Colorado River know that the problem is not getting better, it is getting worse. We have had complaints from Mexico and our good friends from California that the water contains too much salt, and I am even getting that complaint from my own State of Nevada, and we know there is also that problem in Arizona.

How do you cope with that type of a problem? What is your thinking on it? How do you set it up to come to grips with it?

Mr. DI LUZIO. That is a very difficult question to answer in complete detail, but I can respond by telling you what I feel one must do to even begin to look at the problem properly.

One of the greatest values of the California plant that Senator Kuchel mentioned is to blend the desalted water it produces with the Colorado River water used by the city of Los Angeles. It is distilled water. By blending on the basis of 1 gallon of desalted water to 2 gallons of Colorado River water, it will not only soften the Colorado River water but it will also reduce the salinity to something around 400 parts per million. One of the attractive features of desalting is to either provide an alternate source of supply for major cities now taking water out of the Colorado in substantial quantities and thus leave the flow higher so it has a dilution effect in the lower basin, or look at it in terms of plants in the lower basin, which is becoming more and more briny or salty. The Mexican study, which is now going on, is looking at the feasibility of extremely large water plants on both sides of the border. This project could put distilled water behind Imperial Dam to improve the quality of water.

These are the kinds of large-scale problems one has to look at. The canal system did suffice for a period of time, but the more we pump out of the Colorado River, the parts per million increases and salinity becomes a more severe problem. Studies show that the salinity, which now averages almost 700 parts per million at Parker Dam, and substantially exceeds 1,000 parts per million during periods of low flow, will reach 2,000 parts during low-flow periods in the years ahead. This is about double the salinity citrus crops can take, and it exceeds the Public Health standards for human consumption. Exotic minerals in this river, such as boron, create special problems.

One approach to the California problem, it seems to me, is to provide large quantities of distilled water for blending purposes, and to study the effect of reducing the drawdown on the Colorado by communities now taking water from it. This will contribute to the reduction of salinity in the Colorado and start solving that particular problem.

Senator BIBLE. Do you do this regionalwise or on a State-by-State basis, or do you bring in all of the seven Colorado River Basin States? Do you contact their Governors; get hold of their responsible State agencies or directors? Then do you have a big meeting, and where do you handle this from? Do you handle it from Washington or do you handle it from the region?

Mr. DI LUZIO. I believe in putting the firemen as close to the fire as possible, but I think the planning itself is so complicated by the border States and Mexico, that it will have to be handled at the highest level, which probably will involve bringing them here to Washington. The implementation of whatever plan we come up with, or the pieces of it, will require us to put the best talent we can find right there on the scene. One cannot operate efficiently by remote control. I think we would use the agencies of every available existing organization.

For example, the existing regional offices of the Water Pollution Control Administration and the Bureau of Reclamation will all have a part to play in this, and all we really have to provide is coordination and, at some point, a decision as to what has to be done. The actual

implementation of programs will be accomplished through existing organizations. I do not believe in superimposing organizations on top of organizations. I think the fewer people we have between the decisionmakers and the problem itself, the faster and more direct the results are going to be.

Senator BIBLE. Do you become the decisionmaker under this new law?

Mr. DI LUZIO. I will become a decisionmaker to the extent that I will make my recommendations to the Secretary, who probably will have to coordinate some of our activities with other departments of the Government. I will have to document the reasons we must do things in a certain fashion, but the Secretary would be the one who would give us the go ahead with the project.

Senator BIBLE. The second problem that has come before the State of California and the State of Nevada is the Lake Tahoe pollution problem. I believe you have some familiarity with it.

Mr. DI LUZIO. Yes, sir.

Senator BIBLE. I think the Secretary, within the last week, called a conference with the Governor of California and the Governor of Nevada and the interested agencies, the responsible agencies, in each State to come to grips with that problem. Where do you fit in with that particular type of problem? Without giving me the solution, how do you get down to work at it? How do you do this?

Mr. DI LUZIO. The technical solution to the problem, of course, belongs in the hands of the experts in the pollution control field. The decisions that have been made to implement or to fund certain parts of these programs and to really understand how everyone is going to participate in these programs would be the kind of decisions in which I would participate. The meeting which is going on right now at Lake Tahoe is really a function of the enforcement group. They are meeting to consider possible solutions. Unless there is a serious difference of opinion between the enforcement group and the Governors of the States, or the plan has not been formulated and it is still kind of on the fence, I probably would not step in, if the program is going in the right direction. If it starts slowing down and if voluntary participation is lacking or it requires some kind of enforcement, I would certainly discuss this with the enforcement people to find out what the problems are. Then I would make another run to the sources of the decisions, the Governors of the States, or the commissioners, or whomever it may be, to get things moving.

I am a great believer in trying to get people to do the right thing, but there must be a time limit. At some point, a decision has to be made to get things rolling.

Senator BIBLE. It seems to me that is the correct attitude. There is some feeling—which I have heard from State and local officials—that there is a little too much Federal interference at this stage of the game. Perhaps you do need that to hurry them along and get the job done, because there is a problem there that has to be taken care of.

Let me just ask you two more questions.

Where will weather modification fit into this entire picture? Do you get into weather modification? Is that a part of your responsibilities? The Bureau of Reclamation is doing it at the present time.

Mr. DI LUZIO. No, sir; weather modification was never considered for transfer into the new Assistant Secretary's Office. I think it will remain under the Bureau of Reclamation.

Senator BIBLE. It will remain under the Bureau of Reclamation as nearly as you know now?

Mr. DI LUZIO. Yes, sir.

Senator BIBLE. Are there sufficient qualified personnel to staff your division, people who are trained in this very complicated field?

Mr. DI LUZIO. If you are talking about my own personal staff in the Assistant Secretary's Office, I think I can get qualified people to join me. I expect to be able to do it on a name basis. I know many talented technical people and I pick them up by specific disciplines.

If you are referring to the field talent required to implement this rather extensive law which the Senate just passed, I am not too sure that there is enough qualified talent in each of the States at the present time to really come up with comprehensive plans within the time frame set forth in the law. Senator Muskie and I discussed the possibility of putting trained people into the field through a Government-sponsored fellowship program to entice high-level, qualified students who are majoring in civil or mechanical engineering, or some discipline that is related to resource development, into the water field. Water is becoming a glamor subject. I think it is fast taking the role away from space. Now is the time to try to get some of the bright students in their junior or senior years, and see if we cannot get them into the water planning field, regardless of whether they finally end up in Federal Government employment or at the State level. We need them across the country.

Senator BIBLE. How do you operate organizationwise? I do not know that I have your thinking on this question. When you are working on the Colorado River problem, do you create offices somewhere in Los Angeles or Boulder City, Nev., or Salt Lake City, Utah, or Denver, Colo., in Albuquerque or Santa Fe, or Phoenix, to handle the problems that come up? Would you follow the Bureau of Reclamation organizational chart, in other words?

Mr. DI LUZIO. Senator, I have not really considered that in depth, and I will not know the answer to that until I have studied it a little closer.

Senator BIBLE. I anticipate at this point you would have some field offices under your command. In Lake Tahoe, for instance, if something comes up, they do not have to come all the way back to Washington to talk about it. They talk to somebody in Sacramento.

Mr. DI LUZIO. To be honest about it, Senator, I have not looked at the details of the situation. I hesitate to give you an answer at this time.

Senator BIBLE. I understand. I appreciate sharing some views with you, and I appreciate your direct and obviously very carefully thought out answers.

The CHAIRMAN. Senator Jordan?

Senator JORDAN. Thank you.

Mr. DI LUZIO. I am impressed by your training and your background and your enthusiasm for this job. I think it is one of the most important jobs in the Government today, especially quality control over the rivers and waters of the country. I think it is a national disgrace that the Potomac River, which flows through the

Capital, is in the terrible condition that it is in. I think that the fact that the Hudson River of New York is an open sewer is a matter of disgrace. We hear reports that Lake Erie is getting to be a Dead Sea. How do you propose to get into this matter in an effective way?

For years, people have been talking about quality control and nobody has done anything about it. Here at long last, it looks like we are setting up legislation that will make possible getting into this. What are your ideas about how to do this? To what extent is a private user responsible for quality control? To what extent is it the responsibility of local and State governments? What is the proper sphere of the Federal Government? What is your general view of this whole problem?

Mr. DI LUZIO. The Federal Government, under this present legislation that has been passed, obviously has jurisdiction over interstate streams, and also the navigable streams which come under the Corps of Engineers authority. I think with the bill which has just been passed by this body, this control has been strengthened.

It also has provided a carrot to the local bodies to participate in pollution control, an incentive; for example, the 30 percent State contribution will automatically increase the Federal contribution by 10 percent. I think this carrot could well bring the States into line to try to do things within their own borders.

The States, under the Water Quality Act, must establish quality control levels for water within their boundaries. The Federal Government has the authority to police these controls.

The problem, as I see it, is really between the States and the cities, because of the institutional division between these two.

Part of this problem will be corrected by the reapportionment bills which have been passed by the States which gave the cities a greater voice in State legislatures. Most of the States have priorities for water programs within their boundaries, but there now will be a different list of priorities. We are still very much concerned that some of the States may not really help the big cities to the extent that they should.

This is a problem which the carrot offered under the Muskie bill may just be the incentive to bring the States into line. They will eventually have to face up to the problem; the Muskie bill may speed up the process.

I do not think the Federal Government should step in and make a plan for each community, but pending authority provided by the act to enforce quality control on a violator who insists on putting materials into streams and into watersheds which are defiling the property of others is necessary. The right of citizens to sue anyone who puts materials into water which damages their property or products is, I think, a real whip. There are some who fear that this may encourage capricious suits, but I doubt it very much.

This bill recognizes the rights of States themselves to work within their boundaries. If a situation should develop where we find five contiguous States on a given watershed and only three of them will do something about water pollution and two resist, we may not be able to come up with a comprehensive plan for that particular stream or watershed. We still might come up with a plan which is much smaller in size and less desirable, but because we cannot find the perfect solution it does not mean that we do nothing. This is a problem, but

being a Christopher and a Catholic at heart, I always say it is better to light a candle than to curse the darkness. We will take what we can get and we will get the best out of every situation that we possibly can.

It is going to take a long educational process before we can get the States lined up to participate in the Federal program. If the State government does not want protection, it will not act. They must be made to realize that the Federal Government is serious about this problem, that it wants to bring them in wherever it can, voluntarily if possible, but its police powers and authority will be used as a desperation, last-ditch movement.

Senator JORDAN. Do you believe that along with the right to use water goes the responsibility to restore that water to a potable state so that the next user of it can have the same quality, or as nearly so as possible, that the first user had?

Mr. Di LUZIO. Senator, I agree with the principle that the man who defiles the water and puts it back into the stream to the detriment of the downstream people, ought to be stopped from doing it. It is a responsibility to the public. Looking at the history of the evolution of the development of the river basins, people have just built industry along the rivers' banks and there has been little or no enforcement. There has been official licensing of these kinds of activities without any requirements or police powers to control pollution.

The State of Ohio, for example, has licensed industries along the banks of the Cuyahoga River without instituting controls. So we find we have to contend with jurisdictional problems. They have received the power to function without giving Cleveland or the people who live on the Cuyahoga's banks the ability to do anything about it. Before we curse these industries, we must do whatever is necessary to straighten out jurisdictional conflicts between the cities and the States on these major watersheds. These people have been doing it based on custom and precedent, and it is going to take time to say, Stop, reverse yourself. I think they deserve a warning period. Then, if that fails, we tighten down. Then, whatever happens to them is their own responsibility.

Senator JORDAN. How much time and how many dollars is it going to take to get this water cleaned up and in an acceptable state?

Mr. Di LUZIO. Senator, I do not know the answer to that. The problem is too big. There are areas where I think we should move very, very quickly. The examples are areas which the Muskie bill proposes, such as the separation of sanitary sewers from storm sewers, or the development of processes that might mean the treatment of industrial waste and municipal waste at the same time. We certainly will immediately look at the effluents of industrial plants which are toxic or very exotic in nature. I do not think we can say every industrial waste can be treated as a normal sewage load, but I think there are things that we should not permit to be dumped into our waters. They ought to be stopped at the plant boundary, not in the stream. There are all kinds of little bits of solutions we will have to apply.

Some we can do right now. For example, we now know enough about sewage treatment to build adequate facilities to stop untreated human wastes from going into our streams. We do not know the perfect answer to tertiary treatment. We know how to do it, but it

is a costly process. Research has to be devoted to coming up with a newer and fuller process for the treatment of waste waters.

Senator JORDAN. Thank you, Mr. Chairman. I want to hear Senator Muskie's questions.

The CHAIRMAN. Senator Muskie, you may ask your questions now, if you wish.

Senator MUSKIE. Thank you, Mr. Chairman.

In my discussions with Mr. Di Luzio prior to this hearing and from the very pertinent questions put to him by the members of this committee, I think he and I have very similar views. Nonetheless, it might be helpful to touch upon last year's legislation and also the pending legislation for the purposes of this record.

Last year's Water Quality Act included the river basin concept in our water pollution control policies for the first time. The river basin concept involves two points that I think are important. First, the resource itself, if it is to be intelligently managed, must be managed on a river basin basis.

Second, river basin management involves participation of Federal, State, and local institutions, which must somehow be stimulated to work together more cooperatively and more effectively. The basic law recognizes the primary responsibility of State and local governments to deal with the problems. Yet, as they have failed to do this job effectively, either because of lack of will or lack of resources, the Federal presence in the field has been enlarged. Last year, under the Water Quality Act, it was enlarged in the form of greater authority to do the job.

Under last year's bill, and I would like to touch upon that first. The States were given until July 1, 1967, to develop water quality standards on interstate streams. The first question I would like to ask is, To what extent have the States indicated that they are in the process of undertaking that very difficult, complex, and technical task before this deadline?

Mr. DI LUZIO. I looked into this matter. I found it was one of the questions that would have to be answered, and Secretary Udall, from whom I obtained this information, tells me that 37 States have already replied that they will be ready with the standards. There is every assurance from the other States that the deadline will be met.

Senator MUSKIE. The Secretary of the Interior has promulgated and delivered to the States guidelines indicating the criteria which he will be looking for prior to approval of the water quality standards. I think the record ought to be clear that the water quality standards presented by the States must be approved by the Secretary of the Interior before they become the applicable standards.

Mr. DI LUZIO. Yes, sir; that is true.

Senator MUSKIE. I think those guidelines are excellent.

I think, Mr. Chairman, it would be appropriate to include them in the record at this point.

The CHAIRMAN. Without objection, those guidelines will be included in the record at this point.

(The document referred to follows:)

U.S. DEPARTMENT OF THE INTERIOR, FEDERAL WATER POLLUTION CONTROL
ADMINISTRATION

GUIDELINES FOR ESTABLISHING WATER QUALITY STANDARDS FOR INTERSTATE
WATERS (UNDER THE WATER QUALITY ACT OF 1965, PUBLIC LAW 89-234) MAY 1966

The Water Quality Act of 1965 amended the Federal Water Pollution Control Act to provide for establishment of water quality standards for interstate waters. In the absence of State action, such standards will be adopted by the Secretary of the Interior under procedures set forth in the Act.

Standards adopted by a State will become the standards applicable if:

1. The Governor or water pollution control agency files by October 2, 1966, a letter of intent that the State, after public hearings, will, before June 30, 1967, adopt (a) water quality criteria applicable to interstate waters or portions thereof within the State, and (b) a plan for the implementation and enforcement of the criteria; and,
2. The State subsequently adopts such criteria and plan; and,
3. The Secretary determines that the State criteria and plan are consistent with the purposes of the Act, i.e., " * * * to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

It is the position and purpose of the Federal Water Pollution Control Administration to encourage and support the States in establishing their own standards. The guidelines that follow are presented to assist the States in the development of the required water quality criteria and the plan for the implementation and enforcement thereof, and to delineate factors which will be considered in the Secretary's determination of whether the criteria and plan are consistent with the purposes of the Act.

Guidelines in the act and its legislative history

First consideration should be given to the substantive guidelines on Congressional intent and purpose in establishing the water quality standards requirement that are contained in the Federal Water Pollution Control Act, as amended by the Water Quality Act of 1965, and in its legislative history:

1. "Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, agricultural, industrial, and other legitimate uses." (Section 10(c)(3) of the Act.)

2. "The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of * * *" the Act. (From Section 10(c)(5) of the Act).

3. "Economic, health, esthetic, and conservation values which contribute to the social and economic welfare of an area must be taken into account in determining the most appropriate use or uses of a stream. There ought to be a constant effort to improve the quality of the water supply, it being recognized that the improvement of the quality of water makes it available for more uses." (Senate Report No. 10 on the Federal Water Pollution Control Amendments of 1965, 89th Congress, 1st Session).

4. "Water quality standards would provide an engineering base for design of treatment works by municipalities and industries. Such standards would enable municipalities and industries to develop realistic plans for new plants or expanded facilities, without uncertainties about waste disposal requirements on interstate waters." (Senate Report No. 10, as above).

5. "Water quality standards are not designed for use primarily as an enforcement device; they are intended to provide the Secretary and State and local agencies with additional tools for objective and clear public policy statements on the use or uses to which specific segments of interstate waters may be put. Their principal objective is the orderly development and improvement of our water resources without the necessity of adversary proceedings which inevitably develop in enforcement cases." (Senate Report No. 10, as above).

6. "The committee must reemphasize its intent that water quality standards are not designed to 'lock in' present uses of water or to exclude other uses, not

now possible. The standards are not a device to insure the lowest common denominator of water quality but to enhance the quality and productivity of our water resources." (Senate Report No. 10, as above).

7. "The committee intends that water quality standards should be applied on the basis of the water quality requirements of present and future uses of a stream or section of stream, after due consideration of all factors and variables involved." (Senate Report No. 10, as above).

Policy guidelines

No one has the right to pollute. As President Johnson expressed it when he signed into law the Water Quality Act of 1965, "No one has a right to use America's rivers and America's waterways that belong to all the people as a sewer. The banks of a river may belong to one man or one industry or one state, but the waters which flow between those banks should belong to all the people."

In support of the President's position, the specific provisions of the Water Quality Act of 1965, and expressions of policy by the Congress in enacting that legislation, the following additional policy guidelines are set forth:

1. Water quality standards should be designed to "enhance the quality of water." If it is impossible to provide for prompt improvement in water quality at the time initial standards are set, the standards should be designed to prevent any increase in pollution. In no case will standards providing for less than existing water quality be acceptable.

2. No standards of water quality will be approved which provide for the use of any stream or portion thereof for the sole or principal purpose of transporting wastes.

3. Water quality criteria should be applied to the stream or other receiving water or portions thereof. The criteria should identify the water uses to be protected and establish limits on pollutants or effects of pollution necessary to provide for such uses. Numerical values should be stated for such quality characteristics where such values are available and applicable. Where appropriate, biological or bioassay parameters may be used. In the absence of appropriate numerical values or biological parameters, criteria should consist of verbal descriptions in sufficient detail as to show clearly the quality of water intended (e.g., "substantially free from oil").

4. The measure of time period and limiting values which will govern for purposes of the criteria should be defined (e.g., annual arithmetic mean concentration, single daily maximum concentration). Where appropriate, the specified recurrence and duration of the accepted design streamflow should be defined (e.g., 25-year recurrence of minimum lowflow of 10-day duration).

5. Water quality criteria should be accompanied by a description of present water quality and uses, together with uses expected in the future and the water quality required to make those uses possible. The water quality standards proposed by a State should provide for:

(a) Potential and future water uses as well as the present intended use and uses;

(b) The upgrading and enhancement of water quality and the use or uses of streams or portions thereof that are presently affected by pollution;

(c) The maintenance and protection of quality and use or uses of waters now of a high quality or of a quality suitable for present and potential future uses.

6. The plan for implementing and enforcing the water quality criteria should be submitted in sufficient detail to describe the nature of the actions to be taken to achieve compliance, a time schedule for such compliance, the controls and surveillance for measuring compliance, and the enforcement authority and measures for ensuring compliance. It is recognized that there are a number of ways that the water quality standards can be effectively implemented and enforced by the States; achievement of the purposes of the Act, rather than the methods by which this is done, is paramount.

7. The plan should include consideration of all relevant pollutional sources, such as municipal and industrial wastes, cooling water discharges, irrigation return flows, and combined sewer overflows.

8. No standard will be approved which allows any wastes amenable to treatment or control to be discharged into any interstate water without treatment or control regardless of the water quality criteria and water use or uses adopted. Further, no standard will be approved which does not require all wastes, prior to discharge into any interstate water, to receive the best practicable treatment or control unless it can be demonstrated that a lesser degree of treatment or control

will provide for water quality enhancement commensurate with proposed present and future water uses.

9. Public hearings are required to be held by States establishing standards in accordance with the provisions of the Act.

A summary of each public hearing, accompanied by certification as to notice and conduct of such public hearing in conformity with procedures provided therefor, should be provided the Secretary. The summary should adequately advise him of:

- (a) The waters which were the subject of the public hearing;
- (b) The interests and interest groups represented, including those in downstream or adjacent States which would be affected by the standards;
- (c) The views expressed on water quality and water uses by the various interests and interest groups;
- (d) Statistical data, reports and other information submitted in support of statements, views and positions expressed at the hearing, including those provided by the State or States holding the hearing.

When necessary to the Secretary's determination that the State criteria and plan are consistent with the purposes of the Act, a full transcript of the hearing and supporting data will be requested.

In the review of the hearing record to determine whether the State criteria and plan are consistent with the purposes of the Act, attention will be given to the extent to which there was expression of views by conservation, civic, recreation, agricultural, industrial and planning interests, as well as by Federal, State, interstate and local agencies. Particular attention will be given to the extent to which there was opportunity for participation by interests downstream or adjacent States which would be affected by the standards.

10. State standards will be reviewed in terms of their consistency and comparability with those for affected waters of downstream or adjacent States. Coordination is encouraged among States to assure such consistency.

11. The use or uses of the waters concerned, the water quality criteria to provide for such use or uses, and the plan for implementing the water quality criteria should be in conformity with any comprehensive water pollution control program developed pursuant to Section 3 of the Federal Water Pollution Control Act, as amended; should encompass any remedial program recommended by the Secretary as a result of an enforcement action taken under Section 10 of the Act; and should be revised to reflect any recommendations resulting as such programs and actions develop.

12. To meet the goals established by the Act, water quality standards must be adequate to protect and upgrade water quality in the face of population and industrial growth, urbanization, and technological change. In accordance with the provisions of the Act, it is anticipated that after the initial setting of standards, periodic review and revision will be required to take into account changing technology of waste production and waste removal and advances in knowledge of water quality requirements developed through research.

Waters to which standards provisions apply

Water quality standards, under Section 10(c)(1) of the Act are to be established for, and made applicable to, interstate waters or portions thereof within the State.

1. The term "interstate waters," as defined in Section 13(e) of the Act, means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

2. Within this definition, waters that flow across or form a part of State boundaries are subject to the provisions of Section 10(c)(1) of the Act.

3. Waters that flow across or form a part of the international boundary between a State and a foreign country are interstate waters within the meaning of the definition provided in Section 13(e) of the Act and similarly subject to the provisions of Section 10(c)(1) of the Act.

4. Coastal waters subject to the provisions of Section 10(c)(1) of the Act are the ocean waters along straight coasts, the waters along indented coasts which are subject to the ebb and flow of the tides, and the waters of the Great Lakes.

5. As noted above, the definition of "interstate waters" is in terms of water bodies—"rivers," "lakes" and "other waters"—and is not limited to only those portions of these water bodies at the point at which they flow across or form a part of State boundaries. In effect, therefore, water quality standards are to be established for and made applicable to the entire stretch of the interstate waters within a State.

6. Tributaries of interstate waters, which are not in themselves interstate waters, are not subject to the requirements of subsection 10(c)(1) of the Act. However

it is important to note that the discharge of any matter into such tributaries which reaches interstate waters and reduces the quality of such interstate waters below the established water quality standards is subject to abatement under Section 10 (c) (5) of the Act.

Cooperative assistance

Within the limits of its resources, the Federal Water Pollution Control Administration will assist the States in developing their water quality criteria and plans upon request.

1. Requests for technical assistance and other information should be directed to the appropriate Regional Director of the Administration.

2. In addition, the Administration will establish national technical committees, one for each major water use defined in the Act, to review scientific findings on water quality requirements for each specific use and to advise the Secretary concerning this. Persons scientifically and technically qualified will be invited to serve. The technical committees will review and update these reports periodically to reflect new information. The findings of these committees, subject to review and approval by the Secretary, will serve as guides for approving water quality criteria and subsequent revisions thereof. These findings will be provided to the States as they become available.

3. The Administration has long-term water quality requirements research underway, and this will be accelerated. The results of this research will be made available as standards are revised, enforcement actions are taken, and programs of water quality enhancement progress.

4. The Administration encourages and will support cooperative State-Federal activities in connection with any State water quality standards implementation and enforcement plan. Initial discussions should be with the appropriate Regional Director.

Senator MUSKIE. It seems to me that in order to do the job effectively, the States are going to have to work together during this next year. Is there any indication that they are planning or preparing to associate together in developing common standards on streams which they share?

Mr. DI LUZIO. Senator, I am not aware of this. I am sure that the answer is available for you, but I just do not know the answer to that particular question.

Senator MUSKIE. Do you conceive it to be your responsibility to stimulate this kind of cooperative approach to the development of water quality standards?

Mr. DI LUZIO. Yes, sir, definitely.

Senator MUSKIE. I think it is proper that the States have this opportunity to do the job, but I think we ought to recognize, first, that the time period involved is very short for such a complex job; and second, that to do the job effectively requires a great deal of fieldwork which the States may not be in a position to do. It is possible that the States may be disappointed with the results of their efforts in this next year. I think your leadership in this next year is going to be critical in developing this very important policy. The standards of performance which are set on all the interstate streams in this country are going to greatly influence the progress that we make in this water quality field for some years ahead. If we stumble and accept poor standards to start with, we can be set back for a long time to come, and such a setback will be tremendously costly in dollars as well as in water quality.

Would you agree with that?

Mr. DI LUZIO. I certainly do. And I just remembered something which earlier escaped my mind. There is a group in the Federal Water Pollution Control Administration which passes on to States what other States have done. I feel, as you do, that the States need

help in this critical planning period. Federal assistance should take the form of offering suggestions on how to approach the problem. Whenever one State comes up with a good standard, it should be made known to the other States to give them a pattern to study. If this is not being done now, it should be done.

Senator MUSKIE. I would urge the Department to provide all the assistance which the States are interested in and are willing to take from the Department. I think this next year is a very critical period.

I would like to touch upon one other point with respect to last year's act. I have been encouraged in the one or two States where I have had an opportunity to observe developments to see that the States are considering developing water quality standards for their intrastate streams to match the standards which they are contemplating for interstate streams. Do you have any indication as to the extent to which other States are considering that kind of development?

Mr. DI LUZIO. Yes, they are looking at it very carefully, because I think they have suddenly discovered that most of these streams within their boundaries are really parts of watersheds which eventually become interstate streams. It is better to start cleaning up pollution as close to home as possible, because they will have real problems when it gets into the common waterways.

Senator MUSKIE. In my State, we have three papermill streams. One of them is interstate, two of them are intrastate. The State obviously finds itself in a dilemma if it proposes establishing, on the interstate stream, the water quality standards required by the Federal law while, at the same time, requiring a lesser performance on the streams that are wholly intrastate. I think in my State, we can expect to see quality standards on both kinds of streams.

Now, moving to this year's bill, title I incorporates a modified version of the President's clean rivers restoration program which proposes to further develop the river-basin concept and to further stimulate a cooperative effort among the Federal, State and local governments in developing plans for the clean-up of entire river basins. As you have indicated, the stimulus in the bill for that kind of development is additional Federal assistance, increasing the basic Federal contribution on sewage treatment plants from 30 percent to 50 percent if the States will do certain things in return.

Among these things are the development of water quality standards on all navigable streams within the State. Does the Department view this as a sound provision in the bill?

Mr. DI LUZIO. To the best of my knowledge, yes, sir.

Senator MUSKIE. I do not know that it is necessary to get into the money aspects of the bill, on which the administration and the Senate are in disagreement. I think it is fair to say, and I would like you to comment on this, that the money involved in the bill which the Senate passed is a realistic reflection of the costs with which we are involved, and I think that administration testimony supports that observation. Would you agree with that?

Mr. DI LUZIO. Yes, it does support it. There is some question about the funding being considered for the 6-year program, not because it is an unrealistic estimate or unrelated to the size of the problem, but just purely in terms of the financial resources going into this kind of program at this particular time.

Senator MUSKIE. Let me touch just briefly upon the river basin concept written into the bill which the Senate has approved.

Under the bill, a river basin planning commission can be established only upon express request of the Governors of the States involved. Is that not accurate?

Mr. DI LUZIO. That is right.

Senator MUSKIE. Do you consider this an appropriate approach to the problem, or do you think the Secretary ought to have authority, on his own initiative, to establish a river basin commission?

Mr. DI LUZIO. I would hate to try to answer the question, because I do not yet know enough of the details about how strong the effort is to avoid the necessity of doing that. It seems to me we are still in the period when we should lead rather than drive too hard. We will know soon enough whether or not the States will move with the kind of a carrot that has been offered them in your bill.

Eventually, if the States do not move in the right direction, then it would seem to me that something else ought to be done to protect the waters of this country. I do not know whether it would make sense, at the present time, to say the Secretary ought to have authority to establish a river basin commission even though the Governors may disagree with it. Time is running out; the situation is becoming worse. But I am not too sure that now is the time to really move in and hit them with something different without first using some of the remaining time for education.

Senator MUSKIE. May I make this observation about the carrot that is in the bill to stimulate the States to move on this river basin approach. I think it is also a stick in this situation, because as of July 1, 1967, under last year's bill, the States opportunity to influence the programing on interstate streams will expire and the river basin concept embodied in this year's bill gives them an additional opportunity thereafter to participate in the program. I would think that they would grab this opportunity and would take advantage of it, not only because of the financial incentives in the bill, but because of the nature of the stick in last year's bill. Would you agree with that?

Mr. DI LUZIO. Yes, sir; and I think I would like to make one more statement on that point.

The drive in the Senate and the House to do something about water pollution has really strengthened the position of the city fathers and the State leaders who now can recommend to the electorate bond issues and financing schemes which, before this, have been defeated at the polls. Now they can say, we have to do something because if we do not, somebody else will. This, to me, is how the carrots you are talking about will really motivate the States.

It is my belief that even people who believe that something should be done never were really sure the electorate would vote the bond issue to do it. After all, a politician can only do what is paid for by the taxpayers. In one instance, a bond issue was defeated three times, then they were assured that the Federal Government was going to do something, and the fourth time, it passed.

Senator MUSKIE. One of the carrots involved is the increase in the Federal contribution from 30 to 50 percent if the States will put up 30 percent leaving the community with the responsibility of financing the remaining 20 percent of sewage treatment plant costs. Now, only two States contribute 30 percent of local project costs. Is this

too harsh a requirement? Is this a realistic requirement, in your judgment?

Mr. DI LUZIO. My own personal feeling is, it is a little bit too harsh. I think some States just will not be able to meet that, and it may mean the program in some States will go down the drain because the States will not produce 30 percent and the local communities are not capable of producing 20 percent. I think, as we have discussed, there should be some kind of a graduated scale. There is some serious concern about whether the State participation being required to be 30 percent will not really result in putting on the small communities or the cities, the 20-percent requirement which they cannot meet. The State still has some jurisdiction over what is done within its boundaries.

So they have the authority to decide priorities to some extent without the obligation of providing funding to do it. I, like you, believe that eventually the States will see the light; they have to move in and they will have to do something if they are to retain their role in the scheme of things. But there is some concern that some of the conditions are just too harsh at the present time.

Senator MUSKIE. The philosophy behind the committee's approach is this: As you know, the committee bill, as first introduced, raised the Federal contribution to a straight, across-the-board 30 percent because they felt that the Federal contribution to big cities was too small. Because of the President's concern for cleaning up entire river basins in a massive way, we felt that an opportunity exists, by increasing the Federal contribution in these critical areas to 50 percent, to motivate the States to put in their 30 percent. Most of the States most seriously affected are the bigger States, because the problem is the greatest where there are more people. We think this is a way of getting the river basin approach really started. Some of the States with lesser resources may be slower to take advantage of this incentive, but I submit that my State, which is not one of the wealthy States, has been contributing 30 percent since my second term as Governor, and apparently is able to handle the load. I think the States are in a better position to contribute than many of them have done up to this point.

I have two other questions, Mr. Chairman, on related subjects.

First of all, I was happy to note your comment that there is no single answer to this problem of the water needs of the future. Desalinization is a very important answer, the treatment of waste waters is another very important answer, and another one, a controversial one that is being discussed, is the transfer of waters from surplus areas of the country to areas of water shortage. I will not ask your judgment on that question at this point.

The CHAIRMAN. That is sort of irrelevant, anyway.

Senator KUCHEL. No; that is going too far, Mr. Chairman. But I do suggest to the Senator from Maine that the record is rather full on the importance of this.

Senator MUSKIE. I have just one other question.

Have you had an opportunity to note the hearings which we held on the question of radioactive materials in the Colorado River? Do you have any information on tailings in the Colorado?

Mr. DI LUZIO. Yes; I read your statement and I think Senator Cooper also made two or three statements on the floor. I read the record on that subject very, very carefully.

Senator MUSKIE. I realize that there is a very nice question of jurisdiction as between your office and the Atomic Energy Commission, but it seems to me there will have to be some kind of a relationship established. I am interested in getting whatever views you may have developed at this point in the record on that problem.

Mr. Di LUZIO. Well, I am talking about an organization which I was a part of for 16 or 17 years, and I think I can speak with some knowledge of the organization. Under the recent Executive order—which the President signed about 3 or 4 weeks ago—he placed the responsibility for Federal operations, taking care of its own pollution, under the Secretary of the Interior. He is going to police this. I do not think that the Executive order left out any agency or gave any agency the right to remain outside the jurisdiction of the Secretary of the Interior.

I do not know enough about the pollution caused by the uranium and other tailings, nor the current levels—there is an argument on this subject, as you know. The AEC claims it is not really dangerous, and the pollution control people say it is. I do not know whether there is an answer to this question at the present time as to what is dangerous and what is not. I know when the AEC sets standards, they generally lean over heavily backward to be on the safe side. Radiation rules is a good example of that.

I do not know where the merit lies, whether the AEC is right in saying it is not really serious or whether the enforcement people are right when they say that it is a dangerous problem. But whether it is or is not, I do not think that the AEC is exempt from the Executive order which says they must comply.

We still have to use a rule of reason, even though we may have jurisdiction to do something about it.

Senator MUSKIE. At some point, when you have a chance to get this one under your belt, I am sure we would like to get into it with you. I will not take any further time at this point.

I just want to endorse one other point that you made in response to another question; that is, your concern with the availability of trained manpower.

Senator Cooper and Senator Kennedy of Massachusetts have both expressed concern—as a matter of fact, both offered amendments to the pending bill which were adopted by the Senate. There is critical shortage, very similar, I suggest, to that which faced the States when the Interstate Highway Act was adopted. The States eventually geared up to that shortage, and I think can do so with respect to this one. But skilled manpower is getting a little short in this country. As a matter of fact, manpower generally is getting a little short with respect to a lot of these massive problems.

I was delighted to get your affirmative response to the problem and your desire to do everything you can with the authority that is being given to you to develop the manpower needed to do the job.

Thank you.

The CHAIRMAN. Senator Fannin?

Senator FANNIN. Thank you, Mr. Chairman.

Mr. Di Luzio, I am indeed pleased that you are being considered for this very important assignment, although I hope you will not lose the supervision of the saline water program, since I feel the Office of Saline Water has been very well administered during your term in that assignment.

Would you want to comment on whether or not we are utilizing the services of the industries as well as we should be doing? In other words, you have had some very practical experience working with the entities that are involved in the desalination program, and I am wondering if we are giving them the type of encouragement that will bring forth new developments, or whether we should do more in that regard?

Mr. DI LUZIO. In the development of any new process the Office of Saline Water has really tried to bring industry into the program at a very early date, because eventually they will have to build the plants. The evil of failing to bring industry into the development of a technology is when you ask them the figures on the cost of building plants, if they have not been trained or exposed to the evolution of the technology, one of two things happens: Either they come in with an exceedingly high figure, which automatically kills the project because it is uneconomical, or they come in with the buy-in attitude; that is, whatever the cost, the "heck" with it. Then the program is killed for second-generation plants, because we can never reproduce the economics.

I think both are evils. What we try to do is bring in industry very early in the cycle and give them contracts to start developing hardware and to gain experience. It is not easy to sell a process without knowing who is capable of building the final hardware. So we go out of our way to very early bring industry into our process development programs.

While we are working very hard to do this, industry itself has never really looked at the problem and voluntarily tried to help. They talked about organizing an association for desalting equipment manufacturers, but it was a defensive organization to prevent the Federal Government from encroaching into their sphere, which, of course, is the construction of plants. They came and talked to me, and I said the idea of the association was wonderful, but their purpose was backward.

I asked why don't you organize to assist the Federal Government by getting involved in developing the technology of new hardware, new tubing, valves, pumps, and so on, so that when we are ready to hit the road with a new process, you can build it economically?

They have changed their approach. They are now looking at ways they can participate with the Office of Saline Water and keep current on the technology. Whenever we find we are asking them to do something unreasonable, such as the development of new tubing techniques, for instance, we award engineering development contracts. We feel we are going to get more for the dollar we invest in that manner, in terms of cost to the public, than any other dollar we spend.

Senator FANNIN. I was very much impressed with the worldwide water symposium you were in charge of here in Washington. Are we going to develop a central repository of information with regard to these water programs?

Mr. DI LUZIO. Yes, sir; the Department of the Interior has a repository which has all the water resource data and the technical reports from Office of Saline Water, Geological Survey, and the Bureau of Reclamation. We are going to also incorporate the Federal water pollution data which, incidentally, is related to the same basic water characteristics.

We are doing this because the development of information is only the beginning of the answer. The real problem is getting this information into the hands of the people who need this data in usable form. That will really push the state of the art.

Strangely enough, this problem of getting information out to industry, and out to other interested people, is sometimes looked at backward. Everyone looks at the idea of getting information printed faster, but no one worries enough about getting it out the other end of the pipeline. The people who really need the data have the least capability to interpret the technical information in the form provided. That is why we went to the University of New Mexico and had the university graduate school and the engineering center provide technical assistance to the industries in the State to draw the data out of these banks of information and interpret it into language they could understand and use. Everybody talks about stuffing more technical data into the pipe, but nobody is talking about how you get it out the other end and apply it.

Large industries have in-house talent and do not need assistance. It is the smaller and middle-sized industries that most often cannot afford a strong technical staff where help is needed.

Senator FANNIN. So you are coordinating the efforts?

Mr. DI LUZIO. Absolutely. I think this is a very vital part of our responsibility.

Senator FANNIN. Mr. Di Luzio, in one of your statements, you said you anticipated that salinity in the Colorado River flow would be as high as 2,000 parts per million. At what time would you say that might happen?

Mr. DI LUZIO. I would like to submit exact data for the record. This was a curve drawn by the Bureau of Reclamation, I think for the year 1975.

Senator FANNIN. Would this be below the Mohave?

Mr. DI LUZIO. It would be above.

Senator FANNIN. At Lees Ferry?

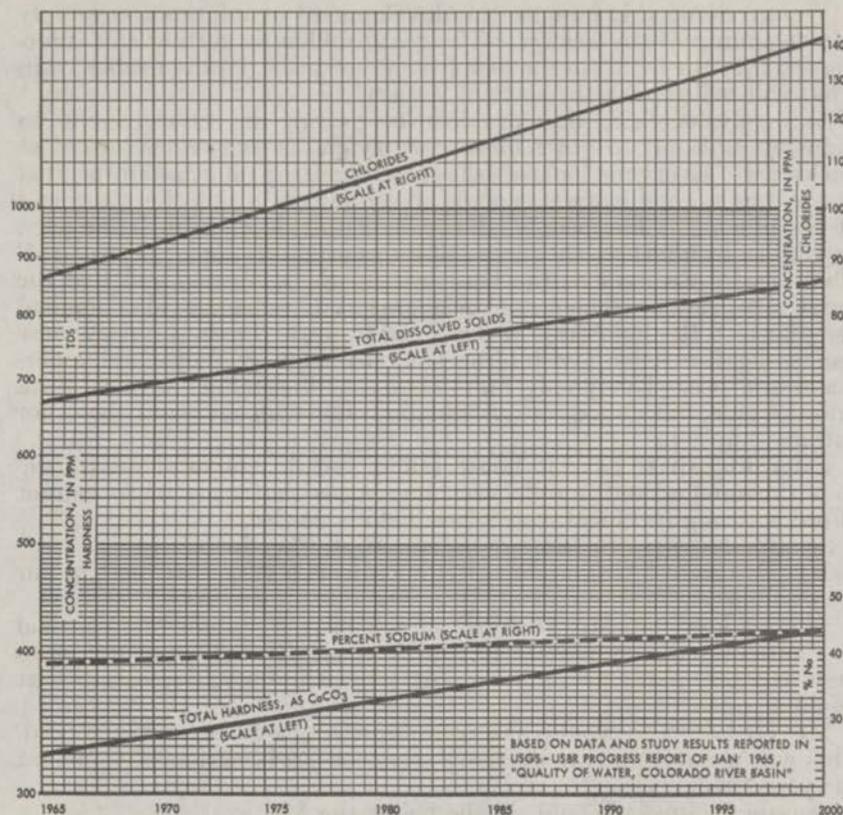
Mr. DI LUZIO. Yes.

Senator FANNIN. Below Glen Canyon Dam?

Mr. DI LUZIO. Yes. I will submit the correct data for the record, because this is a curve that has been developed by the Bureau.

Senator FANNIN. Thank you.

(The chart referred to follows:)



PROJECTED WATER QUALITY FROM
COLORADO RIVER AT PARKER DAM - 1965-2000

The CHAIRMAN. Senator Burdick?

Senator BURDICK. Mr. Di Luzio, I am pleased to hear your statements. We hear a lot about pollution of streams by municipal and industrial wastes. We hear about Lake Erie and other problems. I am wondering if you have ever heard of the Land of Sky Blue Waters? It refers to the region in the northern part of the country up by the Canadian border—Minnesota, Wisconsin, that area.

As you know, Minnesota advertises that it has 10,000 lakes. Those lakes are gradually deteriorating. I know one lake in Minnesota about 40 miles from my home in North Dakota, that has been inhabited by cottage people and vacationers for about 40 or 50 years and is practically worthless today. It is silting and polluted water is coming in from septic tanks and things of that nature. Do you think you have the authority and the tools to do something about this problem? Because, in a matter of time, there will not be any fresh water lakes. Clearing up pollution would be a great addition to recreation in this country.

I have been told that the areas in the Middle West—Indiana, Ohio, Illinois—had a great number of fresh water lakes years back

and they have gone. This is the last area. Now we see, in 50 years, some of these lakes going. Do you feel this is a problem? Is there something you can do about it to take care of them, and do you think you have the authority?

Mr. DI LUZIO. I really cannot answer the question except to say if these lakes are on a watershed which become part of a regional water problem and polluted water from these lakes is flowing into streams, an overall program for that region obviously would have to include these lakes.

Going to a specific lake by name and saying, this is a water resource we have to do something about would perhaps be stretching it too far. If it is in a watershed and perhaps part of a regional development plan, then I think there would be a solution through a State program.

Senator BURDICK. Would you place that on your agenda in your term of office?

Mr. DI LUZIO. I am sure you will remind me if I do not. Yes; I will.

Senator BURDICK. This is a serious problem.

Mr. DI LUZIO. I know it is.

Senator BURDICK. It is really appalling to see a fresh water lake in a new area—this is not an old area; this is a new area—practically destroyed in 50 years. This is sad.

Mr. DI LUZIO. It surely is.

Mr. BURDICK. One more question. In a hearing we held here earlier this year in regard to a bill authorizing a study of the water resources of the Delmarva Peninsula, this development occurred: We discovered that the Secretary of the Interior testified on September 8, 1965, about the general drought conditions in the Northeast area. At that time, he did not relate the fact that an underground channel of water-bearing rocks had been discovered on the Eastern Shore of Maryland. On October 7 a press release from the Department related the discovery of this underground channel on the Eastern Shore, which is assumed to be adequate to provide waters for about a million people. The Secretary had not been informed of this discovery.

My point is that the Secretary came before the committee and did not reveal the work being done in this area. But less than a month later someone else tells us the discovery has been made and known about in the Department for quite a while before the Secretary's appearance. It would appear that there is little rapport between the various agencies within the Department.

Will you see to it that the right hand knows what the left hand is doing in the Department?

Mr. DI LUZIO. To the extent I can, yes. But the same thing also happened concerning New Jersey. A report on the availability of ground water in New Jersey came out the day after the Secretary had made a public statement on the water shortage crisis. I called Geological Survey and found that the report had been under preparation for months. There is absolutely no foolproof system of advising the Secretary of all of these thousands of details of each of the bureaus. It upset me, and I am sure it upset the Secretary, because we had been talking to the State of New Jersey about a water supply program which included waste water recovery and desalting plants.

The day after we had been talking to the Governor of New Jersey here comes this announcement of a ground water discovery. Of

course, this is a little embarrassing, especially when it happens within the same Department.

I do not think it is going to happen again, but it is a very big Department and the Secretary cannot know everything that is going on.

This is one of the areas where the Geological Survey people, who are making ground water surveys with State participation, come up with this type of information which they do not really attach any importance to except that it is a good technical report about a survey of ground water, without realizing it has an impact on water planners. This is the kind of situation that Luna Leopold and I have been talking about for weeks, and I think they have now developed a system where they are going to give us this data at the same time we are working on water resource problems.

Senator BURDICK. Mr. Di Luzio, I wish you well in your new responsibilities.

Mr. DI LUZIO. Thank you very much, Senator.

The CHAIRMAN. Thank you, Senator Burdick.

Are there any other questions?

(No response.)

The CHAIRMAN. Mr. Di Luzio, under date of July 19, has advised the chairman of the fact that he does not own any stock or have any options to purchase stock. In short, he does not have any business interests of any kind that would in anywise interfere with the fair, impartial discharge of his duties.

Is that correct?

Mr. DI LUZIO. Yes, sir.

The CHAIRMAN. The Chair will entertain a motion to report the confirmation.

Senator ANDERSON. I move we report the confirmation.

Senator KUCHEL. I second the motion.

The CHAIRMAN. All in favor, say, "Aye"; opposed, "No".

(Chorus of ayes.)

The CHAIRMAN. It appears to be unanimous; it is unanimous.

Mr. Di Luzio's nomination will be reported to the Senate.

The Chair would like to suggest that in the report we make reference to the fact that we hope and trust the Secretary of the Interior will take expeditious action to include in Mr. Di Luzio's purview the other activities related to water quality within the Department of the Interior.

The Chair will ask that the Senator from New Mexico report the nomination.

Senator ANDERSON. Thank you, Mr. Chairman.

The CHAIRMAN. That concludes the morning business. Our congratulations to you, Mr. Di Luzio. You may have a fight on the floor, of course.

Mr. DI LUZIO. Thank you very much.

(Whereupon, at 11:25 a.m., the hearing in the above-entitled matter was concluded.)



