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COMBINED REPORT
AGENCY COORDINATION MEETING
WATER AND RELATED LAND PLANNING

OMAHA, NOVEMBER 6, 1973

BY

OFFICE OF THE CHAIRMAN
MISSOURI RIVER BASIN COMMISSION

&

REGIONS 7 and 8
ENVIRONMENTAL PROTECTION AGENCY

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PROGRAM OF THE
AGENCY COORDINATION MEETING ON
ENVIRONMENTAL PROTECTION PLANNING

November 6, 1973
Omaha, Nebraska

Introductory Remarks:

John W. Neuberger, Chairman, Missouri River Basin Commission

Panel on Regional Coordination:

Chaired by John Neuberger, MRBC Chairman

Carl Clopeck, Representative of EPA, Region 7 (Kansas City)

Charles Murray, Representative of EPA, Region 8 (Denver)

Panel on the EPA Planning Process--Program and State Inter-relationships:

Chaired by Patrick Godsil, EPA, Region 8

Victor Ziegler, EPA, Region 7

Kenneth Webb, State of Colorado, Water Quality Control

Carl Clopeck, Representative of EPA, Region 7

Charles Murray, Representative of EPA, Region 8

Statement on MRBC Policies, Processes and Programs:

Ed Imhoff, MRBC Staff

Evaluation and Concluding Remarks:

Keith Krause, Executive Director, Kansas Water Resources Board

and

Paul Bolton, Henningson, Durham & Richardson

RECOMMENDATIONS

1. Encourage the integration of EPA planning efforts with overall water resources planning, including the process of setting priorities for such programs.
2. Encourage the development of an effective program for implementation of areawide waste management plans, Sec. 208, and river basin Level B plans, Sec. 209.
3. Encourage all honest attempts to improve understandings between the Congress and EPA in regard to developing a "national strategy" for environmental protection.
4. Recognize the great importance of non-point sources of pollution in the Missouri River Basin, perhaps in contrast to the agriculture and soil conditions of the nation as a whole.
5. Urge that EPA seek to participate in the federal Water Resources Council as a full member, not as just an observer.
6. Reconsider the problems posed by the fact that the WRC Principles and Standards for planning and plans evaluation do not pertain to EPA activities.
7. Strengthen the state role in planning by real assignment of responsibilities to the states, accompanied by appropriate funding support.

INFORMATION AND COORDINATION MEETING
ON
ENVIRONMENTAL PROTECTION PLANNING

November 6, 1973 - Omaha, Nebraska

OPENING REMARKS

BY CHAIRMAN JOHN W. NEUBERGER

To set the tone for this meeting, I'd like to confide in you that I have been puzzled on occasion by the various programs and new policies established by the Environmental Protection Agency to implement P.L. 92-500 and previous supporting legislation. From the comments of other officials - some of whom are my Commission members, I know that I'm not alone in this dilemma. We urgently need to understand the "whys" and "wherefores" of EPA's responses to an Act which has the encompassing goal of "...to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

In expressing our need to know more about EPA policies and EPA planning activities, I am motivated by the awareness that EPA will be funding the second largest planning and investigations budget (\$2 million in FY 1974 in the Missouri River Basin, and it will spend about \$60 million in FY 1974 for the construction of water quality control facilities in the Missouri River Basin. Furthermore, we are each watching and wondering to what extent EPA will utilize the "related land resources" portion of its water planning responsibilities. Monumental programs such as these necessitate a full understanding by each of us so that we can make the best use of these programs in designing appropriate local, state and regional plans and action programs for wise management and use of our water resources.

Accordingly, I have requested the holding of this information meeting for coordination purposes. I do this under the authorities granted the Chairman of a river basin commission under Sec. 202 (2) and 201 (b), respectively, of P.L. 89-80 I quote:

"A chairman appointed by the President who shall serve as...a coordinating officer of the federal members of the Commission..." and "Each Commission...shall serve as the principal agency for the coordination of...plans for the development of water and related land resources...."

Needless to say, in order for the Commission to do its job, many people here need to know what is going on and have some understanding of it. Since any prerequisite to understanding must be information and communication that is what we are here to do this afternoon.

These opening remarks would be lacking if I did not reiterate that, indeed, coordination is a two-way street. That is why I have asked Ed Imhoff of the MRBC staff to follow the EPA presentation and brief you on MRBC planning policies and programs.

I should also point out that this has not been announced as a public meeting; however, anyone from the media or public interest who is here now or comes in later, will be most welcome to observe, and may make a statement after the closing of the official portion of this meeting. I want to stress that we are focussing here today on "how" programs are undertaken, rather than dwelling at length on "what" is undertaken.

Let's have a lively, fruitful session that exposes and clarifies problems and opportunities in our respective programs. I'm hopeful that together we will identify some "synergistic" opportunities to get more from joint efforts than the sum of many solo studies; so let's keep our minds open to ways of strengthening linkages between our programs. (I'm sure that our rapporteur, Mr. Keith Krause, will have something to say about that subject later.)

(end)

INFORMATION AND COORDINATION MEETING
ON
ENVIRONMENTAL PROTECTION PLANNING

November 6, 1973
Omaha, Nebraska

COORDINATION CHRONOLOGY

- 3/22/72 Missouri River Basin Commission formed as a coordination body and a joint state-federal planning entity, President's Executive Order 11658
- 9/28/72 Commission Chairman and staff review water (and related land) resources planning programs of EPA, Region 7 (Kansas City), and Region 8 (Denver)
- 2/12/73 Neuberger (MRBC) letter to Green (EPA-Denver) copy to member Jerry Svore asking review and support of a Level B Study of the James River, North and South Dakota
- 3/13/73 Green (EPA) letter to Neuberger (MRBC) stating: "We are unable to support the proposed James River Level B Study as either a Section 208 or Section 209 interagency planning activity."
- 3/19/73 Neuberger (MRBC) letter to Green (EPA) telling of necessary steps "to substitute" in James River planning for the water quality planning role deferred by EPA
- 6/27/73 Green letter to Neuberger expressing intent to improve coordination
- 7/2/73 Neuberger letter to Green suggesting coordination meeting
- 8/17/73 MRBC - EPA staff discussion in Denver on possible form and content of a coordination meeting
- 9/24/73 Regional Administrator John Green and MRBC Chairman Neuberger meet in Denver to discuss program complementarities
- 10/10/73 MRBC - EPA staff discussion in Omaha to finalize form and content of a coordination meeting
- 11/6/73 MRBC - EPA Coordination Meeting - Omaha, Nebraska

SUMMARY REMARKS

KEITH KRAUSE, RAPPORTEUR

I think the one way to begin this is to, perhaps, hit a few highlights of the discussions that have occurred here this afternoon. As we go along we can then cite some pertinent questions and, then, develop a conclusion or two. There are many possibilities, but time has not, perhaps, permitted us a chance to digest the full impact of what the discussants have conveyed to you this afternoon.

Chairman Neuberger, in his opening remarks, said this was an informational and coordination meeting and that we need some better understanding. He proceeded to cite some objectives in the '72 Act, P.L. 92-500, and to point out that about \$2 million is available for EPA financing of planning in the Missouri River Basin. This planning would probably result in construction of \$64 million worth of facilities.

Neuberger has called the meeting under the authority of the Water Resources Council Act to coordinate the activities and principal agencies operating within the water and related land use sphere in the Missouri River Basin. He went on to state that this is not a public hearing and that we really want to get at the "How?" proposition rather than the "What?" In short, he aimed at strengthening coordination through these kinds of communications.

Carl Clopeck then took up the position for EPA addressing the subject of goals and technical, social, political, and regional aspects of goals. He reviewed the past, noting that proponents of the stream quality protection idea ran into some difficulties in trying to determine exactly what treatment fit the stream quality criteria and the standards.

It was Mr. Clopeck's view that the kinds of treatment processes that were called for under this set of circumstances were easily challenged, but that EPA would, of necessity, rely on this and other ways to plan water resources. He observed that Congress had recognized this difficulty in requiring uniform standards and efforts--

as written into the 1972 Act. Also, Carl cited a number of the other goals, 1983 and 1985, and admitted that the no discharge goal objective is not yet understood. He said that violations can now be taken directly to courts without having to go through the rather cumbersome and time consuming processes that were in the older water pollution control acts. He went on to state that the primary responsibility still resides with the states, with an EPA overview.

Mr. Murray then discussed the management phase of environmental protection. He stated that the aim of management is to get the most out of the system. He said that management is not impossible under P.L. 92-500 and he noted that the national Water Quality Commission (Rockerfeller Commission) will be given three years to study the economic and other implications of P.L. 92-500. We recently listened to Mr. Joe Moore of the Commission staff on this very subject. It appears that the goal of this Commission is far-reaching indeed, perhaps more far-reaching than the Act itself.

Mr. Murray went on to say that environmental protection responsibilities will be delegated to the states when they are ready to take this responsibility. The waste discharge permits are one of the first such responsibilities. Permits are a good enforcement tool and they can be used as an economic disincentive. Also, he stated that grants are larger than they have been in the past (something on the order of five-fold in increase), in spite of executive impoundments.

I would ask a question or two as we go along here. I don't expect an answer from you fellows, but I think it's something that we must recognize. One question is: Even though the Act is a little over a year old, how many states have permits, or are available to accept permit responsibilities at this date? Very few, if any. I think we are going to have to ask how these grants, or the impoundments, affect the Missouri Basin states. A little later on Mr. Clopeck answered the last question. He told you how they were going to affect it. He said that in the '73-'74 period the states of the Missouri Basin lost funds, but he believes this was due to the lack of appropriate needs inventories. As a result of a recent inventory he feels that

these funds will be recouped. Am I not stating this correctly, Carl?

Now, Mr. Murray also pointed out that EPA has presented a strategy paper to indicate means by which they could carry out the detail of the '72 Act. I recently attended a legislative seminar in Washington, D.C., in which we visited with the staff people of Public Works Committee of both the House and Senate, and also with some of the members of the Public Works Committees, both Representatives and Senators, in discussing this very strategy paper. I must, in all fairness, state to the people of EPA here that it is my impression from the discussions there that Congress is not very happy with the strategy paper. I am very pleased to see that you are engaged in drafting a new strategy paper with certain amendments, because I think it is very timely that you do so, and I think you will make some points if you will now go back and recheck your strategy with the people in Congress. I know that this is not the usual mode of communication between the executive branch of Congress, but I think it would certainly pay you great dividends.

Mr. Murray went on to state that it is absolutely essential that we attack the largest problems first, and he points out that the point sources must come first, the non-point second. I would raise a question with you here in regard to the Missouri Basin. There are problems here with the point sources in the Missouri River Basin, but I would challenge you that they may not be the most important problems in the Missouri Basin. The non-point sources, both organic and inorganic, both surface and groundwater, are of very great importance.

We got back into discussing planning priorities based on population and quality of streams. The cost of the water pollution control effort, of course, is phenomenal. EPA now estimates that \$60 billion should be spent through '74 - '77 for public facilities. I can't help reminiscing just a little bit, Carl and Charlie,

about back in 1963 when the Bureau of the Budget asked for an analysis of the probable cost of water pollution control (public facilities in the U.S. including interceptors and STP's). Do you know what that figure was? It was \$60 billion. I conveyed the letter over to the Office of Management and Budget with these numbers on it.

I am going to say that there is something magic about \$60 billion. If you will pardon me for that little diversion from the subject here today. History has a way of repeating itself, may I say. Grants allocated on the basis of needs, of course, are quite important. I don't think we exactly disagree with this concept at all, and we certainly don't disagree with the fact that during the 73-74 period the Missouri River Basin states actually lost money under the new formulas. We know that even after we have recouped these losses, we will still have problems-- problems not only in point sources but in non-point sources.

I would have to agree with the general conclusion reached, I think, by Mr. Clopeck with regard to slowing down of programs both at the national and state level in the last couple years. I think this happens primarily as a way of reorienting and reconsidering. I hope that is what you are doing, and that business will pick up very shortly in the future, and we'll get back on the track again. Everytime when we have a reorganization or new legislation, we lose ground for two or three years before we catch up with what the new legislature tries to do. Maybe these goals are noble; maybe they are too noble. I am sometimes of the opinion that they are. This remains to be seen. We certainly are interested in the technical needs and coordination problems, and we do feel it is necessary to keep the people informed. We know it is necessary to consider land, air, water, life styles and other concerns.

Everything is occurring at a rapid-fire fashion in this inter-related nation today. I cannot help, again, bringing in a little story that exudes a good deal of truth. I went to graduate school at the University of Michigan. One of the courses there was under an M.D. who was a dermatologist in industrial hygiene.

He told us all that we took too many baths. He said that we would be healthier if we never took more than one bath a week. Now, let's just use this to demonstrate the thought that you were pointing out, Mr. Murray. What happens if 220 million people in the United States decided suddenly to take only one bath a week instead of maybe 5, 6, or 7? Well, about the first thing you think of is you would cut the soap needs by about 85%; and what do you do when you cut soap needs by 85%? When you get to thinking about this, every bar of soap is wrapped in a piece of paper, and that represents a lot of paper. Okay, what is soap made of? Well, it is made mostly of petroleum products, fats, and oils of various kinds. Suddenly you would find a great deal of materials available for other purposes, which are not going into soap. What other purposes? Lord knows, I don't.

Let's examine some of the other facets of this kind of a situation. Pulp and paper mills are, of course, one of the greatest polluters of water and air that there has ever been. Considering that water resources are not used because paper production is cut, the amount of water resources required are cut relatively 85%. Also, we would cut down the waste treatment and cut down the transportation required to carry chemicals and support treatment processes. In the meantime, how many people do you throw out of work because the truckers don't have anything to carry around, and how much fuel do you save because you don't have to run the trucks? And you don't have to run some freight trains, and you don't have to run the power plants quite so rapidly.

Thus, our little story goes on and on all over a bar of soap. You know, what is involved in this is the thinking process. It is really a decision-making process as to what you are going to do with the environment--not only after the fact, but about things foreseen or forecasted. Suppose you invented soap? I think this illustrates the real issue which confronts us. How many people in this nation are thinking about this? Well, I'll tell you one thing, there are a heck of a lot more today than there were five years ago.

We look to the laws, we look to the Congress for all these decision-making tools. Sometimes they do a good job and sometimes they don't. They sway with the emotionalism that sways the nation. I wouldn't say that this is bad, but this is the way it works.

Now, proceeding with the discussions here about the planning process. Say, there is plenty of data available; it is a matter of putting it all together in the right place. We say that coordination in the federal sphere is essential, and EPA said here that the Federal Regional Council is a good way to achieve this federal coordination. I think from my knowledge and brief association with federal councils, they are good for some things (certainly human resources), but I am not sure they can operate adequately in the field of resources management. I feel that it is somewhat difficult to see how these kinds of organizations, as they are presently constituted, can deal with resources problems. I would, therefore, say that we need to think this through a little bit further. I certainly would agree with Mr. Murray when he says that none of us have enough financial and technical resources to do all the job.

I think we need to reduce the redundancy of planning in every instance that is possible to do it. I observe a difference in philosophy between the EPA-type planning and MRBC planning. I think this difference in philosophy stems from the P.L. 92-500 legislation. Many of my former colleagues in the water pollution control business haven't changed their basic way of thinking over the years, but I think they have been forced to change their processes of thinking and, perhaps, the objectives in this process. I think it is clear that the objectives today are regulatory--in spite of the fact that the Public Works Committees indicated that they felt that Sections 208 and 209 were the guts of the entire 1972 Act.

Now, this is where they disagree with your strategy. As you have pointed out earlier in the discussion this afternoon, planning under the old acts was not spelled out in detail nearly as carefully as it is now. As a matter of fact,

I like it in the old acts better than it is now. Because it wasn't spelled out, it gave us some flexibility that was badly needed. The new legislation, in this specificity, creates a situation in which, whether you realize it or not, you are forcing the various states' problems--which are widely diverse--into the same mold. I don't think you are doing this because that's what you want to do. I think it is pretty much spelled out that that is what you have to do in the 1972 Act.

EPA stressed its philosophy of turning over responsibility to the states as rapidly as they are ready to take it. I think you are going to have to loosen up on that and let them take it whether they are ready or not. Otherwise, you are not going to get the job done and you are going to be in the same position of too late with too little.

Perhaps, I am not going to go into any great lengths in discussing the planning endeavors as they were presented by Mr. Godsil and Mr. Imhoff. I think both laid out the best way they can operate at the present time. I do think, however, that the EPA planning program and the broader water resources development program ought to be on the same side. Because of the priorities and the way the priorities have been established under P.L. 92-500, EPA is moving along at one pace over there, and in MRBC we are moving in another direction over here. I feel that these things are all a part of one package, and I have always felt that way. I tried when I was in the water pollution control business at the federal level to engage in these multi-agency discussions. I know we have differences and cross purposes, and I think that until the federal agencies can get together and to iron out these differences and get together on coordinated programs, we'll continue to have problems.

In this regard, I notice several things that bother me. I find deplorable, the fact that EPA is not a part of WRC, except as an observer. It is also not comprehensible to me how the new principles and standards laid out by WRC do not pertain to EPA. These things are indicators to me that we haven't got the best process of coordination at the federal level. This cannot be blamed solely on the executive branch of

government either. This extends back into Congress where many of these things could be ironed out. Until these things can be straightened out at the federal level, how can we expect the states and the local groups to function?

In the past most of us have been opportunists. States, as well as local groups, will do the shopping where we get the best deal. This process is still going to operate, unless and until it is very clearly understood that we are all operating on the same wave length and we do have, not lip service, but real coordination agreement in the objectives we are attempting to achieve in this broad field of water resources development and management, and very shortly in the land use management. Until we come to amalgamated philosophy, amalgamated funding, amalgamated objectives we must face the fact that the federal government can't do all of this and should not do it. It is going to have to let loose of some of those reins, and I am not just talking about EPA here, I am also including some of our other federal colleagues in this statement.

I do thank you again, John, for the opportunity to, perhaps, attempt to summarize, evaluate, and point out what I feel are weaknesses and strengths and some of the causes of them. Hopefully, the discussions that have taken place were the right steps in the right direction to better communications that we are in need of badly. Thank you very much.

(end)

TABLE 1

BUDGET SUMMARY OF EPA PROGRAM (FY 1974)
MISSOURI RIVER BASIN,
BY STATE PORTION

(Units are Federal Funds in Dollars)

(1) <u>State Portion of Basin</u>	(2) <u>Support of State Water Pollution Control Agencies</u>	(3) <u>Obligatory Authority For Funding of Waste Water</u>	(4) <u>Total Support (Columns 2 & 3)</u>
Colorado	\$ 259,000	\$ 6,554,000	\$ 6,813,000
Iowa	116,000	6,940,000	7,056,000
Kansas	228,000	6,048,000	6,276,000
Minnesota	7,000	610,000	617,000
Missouri	310,000	21,868,000	22,178,000
Montana	186,000	3,390,000	3,576,000
Nebraska	460,000	11,100,000	11,560,000
North Dakota	69,000	560,000	629,000
South Dakota	178,000	2,816,000	2,994,000
Wyoming	<u>120,000</u>	<u>740,000</u>	<u>860,000</u>
BASIN TOTALS	\$1,933,000	\$60,626,000	\$62,559,000

LISTING OF PARTICIPANTS AND OBSERVERS

EPA MEETING
November 6, 1973
Omaha, Nebraska

<u>Name</u>	<u>Agency</u>
Aldrich, H. E.	Consulting Engineer, Billings
Auberg, Joe D.	Army Corps of Engineers, Omaha
Austin, W. Burnet	Henningson, Durham and Richardson, Omaha
Bachman, G. G.	Omaha Public Power District, Omaha
Balke, Elroy	Department of Commerce, Kansas City
Bielefeld, Alvin	Department of Interior, Billings
Bolton, Paul	Henningson, Durham and Richardson, Omaha
Brabham, William C.	Iowa State Conservation Commission, Des Moines
Brueggeman, J., Major	Army Corps of Engineers, Omaha
Buswell, Grant W.	Montana Dept. of Natural Resources, Helena
Charles, C. H., Col.	Army Corps of Engineers, Omaha
Christopulos, George L.	Wyoming State Engineer's Office, Cheyenne
Clopeck, Carl C.	Environmental Protection Agency, Kansas City
Dewey, John M.	Kansas Water Resources Board, Topeka
Harley, Paul L.	Department of Interior, Omaha
Hartung, Ray	Nebr. Dept. of Environmental Control, Omaha
Hoffman, George R.	University of South Dakota, Vermillion
Imhoff, Edgar A.	Missouri River Basin Commission, Omaha
Johnson, Bill	Investor Owned Electric Companies, Pierre
Jones, William A.	Army Corps of Engineers, Omaha
Karabatsos, Gus J.	Army Corps of Engineers, Omaha
Krause, Keith S.	Kansas Water Resources Board, Topeka
Krenz, Gene	North Dakota Water Commission, Bismarck
McCann, Jim	University of South Dakota, Vermillion

Participants and Observers (Continued)

<u>Name</u>	<u>Agency</u>
Monk, Marvin E.	HEW, Kansas City
Murray, Charles	Environmental Protection Agency, Denver
Nelson, Don I.	Arkansas River Development Corp., Tulsa
Neuberger, John W.	Missouri River Basin Commission, Omaha
Ohnstad, Don	Missouri River Basin Commission, Omaha
Oleson, Martin H.	U.S. Bureau of Reclamation, Billings
Parker, Wilson J.	U.S. Department of Agriculture, Lincoln
Patterson, Bill	USDA, Soil Conservation Service, Lincoln
Ramige, Bill	Missouri River Basin Commission, Omaha
Simmons, Harold	Lincoln Journal, Lincoln
Sloth, Eric	Nebraska Public Power District, Columbus
Trustin, Harry	F-A.S.C., Omaha Dock Board, Omaha
Wald, Leon Y., Cmdr.	Department of Transportation, St. Louis
Webb, Ken	Colorado Department of Health, Denver
Young, Lenard B.	Federal Power Commission, Chicago
Zeller, Jerry	SIMPCO, Sioux City
Ziegler, Victor	Environmental Protection Agency, Kansas City
Zimmerman, Jerry	Missouri River Basin Commission, Omaha

