

**The original documents are located in Box 7, folder “Safe Drinking Water Act” of
the Norman Ross Files, 1974-75
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SAFE DRINKING WATER ACT
PROPOSED SIGNING STATEMENT

I am pleased to be signing the Safe Drinking Water Act today. As all of you here know, as much effort has gone into the development of this legislation as there has for any enacted in this session of Congress.

There were several Safe Drinking Water Acts submitted to the 93rd Congress including one by this Administration. All of these bills had the same objectives and were similar in most respects. Compromises had to be made before this bill could reach my desk today. It is a strong bill and reflects the combined efforts of all of you here.

This legislation will provide for the safety of drinking water supplies in this country through the establishment and enforcement of national drinking water standards. The Environmental Protection Agency will have the primary responsibility for establishing the national standards. The States will have the primary responsibility of enforcing them and for otherwise supervising the quality of drinking water. Although in some situations where States fail to enforce the standards, the Federal Government could, I believe this will seldom be necessary.

The bill establishes for the Federal Government a sound base upon which to conduct comprehensive research into the health effects of contaminants in drinking water. Recent news



stories have highlighted the necessity for more research. How to prevent and control sub-microscopic contamination in drinking water such as the asbestos particles in Lake Superior; the extent of and how to control contamination of drinking water by substances suspected of being carcinogenic are examples of problems this legislation will help us do what is need to protect the health of our citizens. I am pleased to say that we are already moving on these problems.

During the extensive consideration of this legislation spokesmen for the Administration have opposed extensive Federal involvement in what has traditionally been State and local enforcement matters, and unnecessary costs to the Federal Government. Even with substantial compromises that were made, I still have some reservation with those two aspects of this bill; and I intend that it be administered, consistent with the mandates set out, keeping Federal involvement and costs at a minimum.

Nothing is more essential to the life of every single American than clean air, pure food, and safe drinking water. There have been strong national programs to improve the quality of our air and the purity of our food, but drinking water has been left behind. This bill today will go down as landmark legislation. It will provide us with the protection we need for drinking water. I congratulate all of you for the contributions you made toward making it possible for me to now sign the Safe Drinking Water Act.



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Paul
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NORM -
SAFE Drinking Water.

12/13



United States
Environmental Protection Agency
Washington, D.C. 20460

File

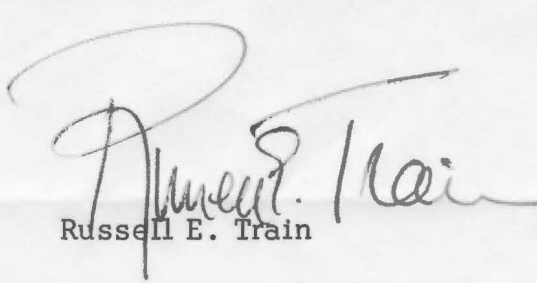
December 4, 1974

The Administrator

MEMORANDUM TO THE PRESIDENT

RL Since the drinking water bill finally passed the Congress yesterday, it may come to you for action while I am in the Soviet Union next week. Thus, while I am sure EPA, which is the lead agency under the legislation, will have a formal opportunity to comment to OMB, I do wish to reinforce personally the views I expressed to you last Wednesday on the importance I attach to approval of the legislation.

There is widespread public interest in the quality of drinking water around the country. Last Monday, at Houston for the National League of Cities meeting, I was asked by press from city after city about the situation of their own home city drinking water supplies. There are major public health concerns on this matter. I am firmly convinced that the legislation is vitally needed, does not represent an undue Federal enforcement presence, and that its disapproval would have a very adverse public reaction.


Russell E. Train



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NEROSS/ee

Dec. 14/74



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Dec. 14/74



DECEMBER 17, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

SAFE -

STATEMENT BY THE PRESIDENT

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Norman Ross -

Here's the paper I
talked to you about. This
is not formal AP&L
policy but does reflect the
general feeling in the
industry. It is of the
record and for White House
eyes only. Call me if I
can help further

Tom Lino

833 5996



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Under Part C of S. 433, the proposed Safe Drinking Water Act, there is substantial Federal encroachment into the area of subsurface injection which is effectively handled at present by state oil and gas regulatory agencies. Under the bill, the Administrator of the Environmental Protection Agency determines which states require subsurface injection permit programs and sets standards with which state programs must comply. The Administrator has the authority to reject state programs and promulgate Federal regulations which would apply directly to such states. We are opposed to this arbitrary intrusion of Federal regulatory authority into an area traditionally held to be the responsibility of state oil and gas regulatory agencies which have the needed expertise to regulate local oil and gas operations.

We are very concerned that the Administrator of the Environmental Protection Agency could, by means of EPA standards and regulations issued under the bill, require that state water pollution control agencies handle implementation of state subsurface injection plans. Nothing in the bill, as it passed the Senate and House, would prevent the Administrator from requiring by regulation that subsurface regulatory authority be switched from the state oil and gas regulatory agencies to state water pollution control agencies or similar agencies lacking the technical expertise required to effectively regulate oil and gas exploration and production operations. Such operations currently are regulated by agencies which have built up over the years a high level of technical expertise and operational sophistication in the drilling and injection areas. The regulatory function is being performed effectively on the state level.



We are also concerned that the language in Section 1424 provides an incentive for environmental activists and others to needlessly delay oil and gas drilling operations. Section 1424 provides that "any person" may petition the Administrator to have an area of the state designated as an area in which no new underground injection well may be operated during the period beginning on the date of the designation and ending on the date on which the applicable injection control program covering the area takes effect. The Administrator may so designate an area within a state if he finds that the area has one aquifer which is the sole or principal drinking water source for the area, and which, if contaminated, would create a significant hazard to public health.

A vital part of the nation's energy supply is dependent upon subsurface injection to increase oil recovery and prevent surface pollution. The need for domestic oil supplies is so great that a continuation of these practices is mandatory. The handling of subsurface injection is such an integral part of the oil production process, now effectively regulated by the states, that any sudden intrusion by Federal authority, accompanied by arbitrary standards and regulations, will produce confusion and conflict which can only contribute to a loss of production of much needed oil without enhancing the environment.



WATER POLLUTION

Question:

What impact do you see of construction grants on the economy of our states?

Answer:

Right now there is a \$2 billion worth of construction going on in the Southeast. The impact of this construction grant program has been to establish 50,000 jobs associated with the construction and operation of wastewater treatment plants. In addition, the EPA has just released at my request \$4 billion in funds for construction of municipal facilities. You will recall that this is one of the total of \$9 billion that had been reserved from prior year funds. We have not yet allocated these \$4 billion by state. This \$4 billion will soon be allocated among the various states.



N. E. ROSS
1/31/75

SAFE DRINKING WATER

Question

Mr. President, I understand that the Environmental Defense Fund has petitioned EPA under the new Safe Drinking Water Act to take emergency action on the drinking water problem at New Orleans. What will be your course of action?

Answer

A recent EPA report did not define the health significance of these substances. The question of carcinogenicity has been raised regarding New Orleans drinking water and the Federal Government is seriously investigating the question, but the health evaluations will not be available for a period of time.

Background

Federal, State, and local agencies, in consultation with one another, are also urgently evaluating water treatment systems which might afford additional margins of safety at reasonable cost.

Under the Federal Water Pollution Control Act and its Permit Program, EPA and State agencies are well along the way in requiring abatement schedules of pollutant discharges which will result in a substantial improvement in stream water quality, and in turn help alleviate the burden on municipal water treatment systems.

N. E. ROSS
1/31/75



THE WHITE HOUSE

WASHINGTON

ACTION

Last day - Tuesday, Dec. 17

December 13, 1974

MEMORANDUM FOR: THE PRESIDENT

FROM: KEN COLE

SUBJECT: Enrolled Bill: Safe Drinking Water Act--
S. 433

BACKGROUND

Attached for your consideration is Senate bill, S. 433, sponsored by Senator Byrd of West Virginia and three others. This bill directs EPA to establish national health standards for public drinking water, requires public notice of violations, and provides for citizen suits as enforcement mechanisms. The bill also provides Federal enforcement of national standards, regulation of the quality of intake water, the operation and maintenance of treatment plants and even the siting of treatment plants plus a grant program to pay the administrative costs of State regulatory agencies.

ARGUMENTS FOR SIGNING

The quality of drinking water bears directly on human health, and the evidence shows that the quality of public drinking water does fall below national health standards with some frequency. It is this fact that led the Administration to support authority for the Federal Government to set standards for all public water supply facilities.

The Federal enforcement role under the bill is generally the same in concept as that in the Clean Air Act and the Federal Water Pollution Control Act. The bill does allow up to two years before interim standards have to be enforced and up to four and one-fourth years before final standards must be enforced. With respect to the control of groundwater injection, the bill provides that the program shall not



go into effect until three years after enactment. This will enable EPA to carry forward its research to define the problems and develop solutions.

If States are expected to undertake these new enforcement responsibilities, then it would be appropriate to give them funding assistance at the beginning. These grants are subject to budgetary control.

The bill passed the House by a vote of 296-84, and in the Senate by a voice vote.

ARGUMENTS FOR VETO

The Administration carefully avoided preempting State and local regulatory authority in submitting its own bill. It was considered that adequate enforcement was provided for by requiring notice of violations to all water users, and providing authority for citizen suits against suppliers. While it is true that the Federal enforcement mechanism in this bill is no more far-reaching than the air and water pollution control mechanisms, the latter are designed to deal with problems where there is no direct link between those who suffer from polluted air and water and those who cause such pollution.

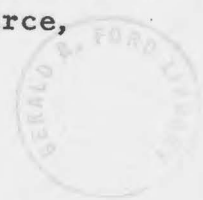
The groundwater regulation program that would be established by the bill is premature. At this time there is not yet any real definition of the problem, much less a basis for inaugurating a program aimed at solving it.

Budget costs for grants to State agencies are unjustified in this period of strong Administration opposition to unnecessary programs. Experience has shown that a combination of Federal standards and demonstration grants almost inexorably moves toward a construction grant program which could run into billions of dollars for water supply systems throughout the Nation.

It should be possible to meet criticism about a veto by reiterating strong Administration support for improved drinking water quality without pervasive and continuous Federal regulation, or added Federal taxation to pay both Federal and State bureaucracies.

STAFF AND AGENCY POSITIONS

Bill Timmons, Ken Cole and the Counsel's Office recommend that you sign S. 433. EPA and CEQ recommend approval. Commerce,



Labor, and CEA have no objection to the approval of S. 433. Justice, Agriculture, Interior and HEW defer to EPA.

Roy Ash recommends veto of S. 433. Mr. Ash provides you with additional background information in his enrolled bill report (Tab A).

DECISION - S. 433

Sign (Tab B) _____

Veto _____
(~~Sign veto message at~~
~~Tab C~~)

