

Box 74-11

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SUBJECT: Commerce on the Nation's waterways

Navigation is free in this country. There are no user charges for vessels which use the navigable waters of the United States. There are no taxes on fuel used to power vessels on the navigable waters of the United States. A myriad of 19th Century laws -- 18th Century traditions and 17th Century customs governed govern the use of the nation's waters. The ports, the harbors, the rivers, the locks and dams are free to the barges and the boats which commerce among the states. Unfortunately, there are cost associated with this commerce. The dams and the locks cost money to build, the ports and harbors cost money to maintain. The rivers themselves must be dredged periodically to maintain their navigability. All or at least almost all of this is done at no expense to the vess- industry which profits from commerce on the waterways. The U.S. Army Corps of Engineers is an appendage of that industry. It conducts free of charge maintenance dredging for all the existing channels and in fact constructs free of charge fantastic waterways for vessels to come and go from the ocean. Perhaps the most ambitious is the proposed navigation complex which will make Oklahoma City a port one day, a project well underway, financed solely by the taxpayers of the United States. for the benefit solely from the people who profit from commerce on the nation's waterways.

There is but one slight burden on the people who profit from commerce in the navigable waterways and that is so-called channel maintenance. That is the dredging out of the slips along docks which vessels use to pick up and deliver industrial products. All of this work performed by private contractors for the steel and other industries requires dredging. The material taken from along these slips is some of the most highly polluted, toxic substances found anywhere. The waste of untreated dumping from the very mills they serve. Accumulations of upstream silt, pesticides, fertilizers, plus local deposits of heavy metal and other sludge. All of this material is cleaned

out, put on barges and taken someplace else in the waters and dumped to either settle (they hope) or disburse into the receiving water (more likely). The toxic metals quickly are assimilated by fish. The nutrients disburse to exilerate- accelerate the eutrophication of lakes and still bodies of water. Other pollutants combined to effect adversely aquatic life of all kinds. The cost of maintaining these channels is minimal. Dredges move up and down the waterways maintaining the shall channel for the Corps of Engineers and moving in and out of private slips for marginal cost to the industries which benefit thereby. However, it is plain that any other method of disposal of the highly polluted junk that is taken from these channels and slips would close down the nations navigation. It is too expensive to find other places to dispose of polluted sludge materials. It is too expensive to find better more environmentally sound ways of disposing of these materials. And of course it is too expensive when you can do it for nothing and the only thing hurt is a Lake Erie,^a/Lake Michigan or/^aLake Superior. Of course it is more expensive when you have never had to pay the real cost of doing business on the navigable waterways. Of course it is more expensive, it is too expensive if your profits have been the result of public subsidies. But the fact is that it is not too expensive. The estimates of cost for disposing of polluted dredge spoil in an environmentally sound manner have never exceeded the cost of disposing other solid waste. Of carbage, of by-product material that is not ~~emmit~~ permitted to be dumped into the nations navigable waters. But polluted dredge spoil must be a separate case. The dredging lobby composed of representatives of the Nation's major industries, including major manufacturing industries and the-Nation's-h-- those who make a profit from commerce ^{of}en/the waterways as well as those private contractors who dredge and maintain the slips and channels is making an all out effort to make sure that the cost of disposal of dredge spoil is always borne by the environment/and never borne by the

people who are responsible for its presence and who make a profit from its removal. Backed by the U.S. Army Corps of Engineers which for years has sanctioned this environmentally unacceptable practice of dumping highly toxic material into the Great Lakes and along the coast, the dredging lobby has mounted an all out effort to kill two provisions of two separate bills both of which are pending in conference. The first bill so-called ocean dumping legislation requested by the Administration would regulate the dumping of material off the coast of the U.S. While there are disagreements as to exactly the area which that legislation would cover, there is no greater disagreement as to how the disposal of polluted dredge materials will be handled. Under the Senate passed bill the Administrator of the Environmental Protection Agency will have the responsibilities-- responsibility of determining whether or not polluted dredge material will have an adverse effect on the aquatic environment and if he so finds may deny a permit for the disposal of such material. Under the House bill the U.S. Army Corps of Engineers would retain the responsibility for making decision, a responsibility that has been carried out in the past solely for the purpose of maintaining the liability/viability of commerce on the navigable waterways and without regard to the public interest in the disposal of dredge spoil. This legislation has been in conference for months. The only real difference between the two bills, the only difference of substance, the only reason for delay is the effective lobbying of the dredging industry with Congressman Edward Garmatz, retiring Chairman of the House Marine and Fishery Committee and Alton Linden, ranking member and Chairman of the Subcommittee which handles the legislation. The Senate conferees have stood fast but no compromise, no change is acceptable to the dredging industry except one which accepts the House bill and the Corps of Engineers' responsibilities- responsibility.

The second piece of legislation is the pending bill which would amend the Federal Water Pollution Control Act in conference between the Senate and House Public Works Committee. The latter committee long an extension of the U.S. Army Corps of Engineers and exponent of industrial use of the navigable waterways holds strongly that only the corps should regulate the disposition of dredge spoil. The Environmental Protection Agency will only delay the needed channel maintenance by unwarranted refusals to grant permits for the disposition of highly toxic dredge spoils. But the House public works committee is not without its allies in the Senate. Chairman Jennings Randolph of the Senate Public Works Committee has long supported the dredging industry efforts. Repeatedly he has made efforts to see that dredging is not slowed or deterred by the environmental interests or the people who would control water pollution. He was rebuffed by his own Committee during consideration of the pending legislation by a vote of 6 to 9. Later in an abortive attempt on the Senate floor to remove the environmental Protection Agency from consideration of permits for disposition of dredge spoil Randolph, joined by Senator Ellender, Chairman of the Appropriations Committee joined by Senators Jennings-Randolph and Stennis, lost again. The provision was weakened but the EPA lead role was maintained. Now Randolph thinks he has got the vote. He has long been supported in this effort by ranking minority member, John Sherman Cooper. But, other than that, a quick look on the Senate conferees would suggest that Randolph would be rebuffed again. In the Senate Committee on Public Works, Senator Muskie led the battle against Randolph and he was joined by Senators Bayh, Eagleton, Tunney, Boggs and others. Senator Tunney has recently replaced Senator Bayh on the panel and thus it would appear that Muskie has a solid three-four votes against Randolph and the dredging industry. Senator Baker, absent to attend the Stockholm conference, has given his proxy to Senator Cooper which calls for the determination of the issuance of permits

for disposition of dredge spoils by the Administrator of the EPA. This would appear to make the Senate vote a clear 5-2.

But

With that assumption is based on ignorance. Already the dredging industry has dispatched a cable to Senator Baker in Stockholm through a major Republican financial contributor in Tennessee, asking him to withdraw his position on dredge spoils. Extreme pressure has been brought to bear on Senator Boggs of Delaware from local industries which benefit greatly from public subsidy of dredging of navigation and from cheap disposition of dredge spoils. It appears that even Senator Tunney may be wavering in his support of the public interests and the role of the EPA. ϕ

~~On _____ the bill ordered reported by the Committee on December _____ was finally filed in the House and after two days of debate on _____ and _____ the House passed the bill by a vote of _____. Almost immediately a spate of editorials appeared~~