IN WITNESS WHEREOF:

I, OSCAR RENNEBOHM, Acting Governor of the State of Wisconsin, by virtue of the power vested in me as such Acting Governor, and pursuant to the provisions of Chapter 222, Laws of Wisconsin for the year 1947, approved June 12, 1947, which ratifies the foregoing compact, have hereunto set my hand for and on behalf of the State of Wisconsin and have caused to be affixed the Great Seal of the State of Wisconsin.

Done at the City of Madison in the State of Wisconsin, this 22nd day of December, in the year of Our Lord, one thousand, nine hundred and forty seven.

[S] OscAB RENNEBOHM,
Acting Governor.

[S] ROBERT C. ZIMMERMAN,
(Asst.) Secretary of State.

SEC. 2. Nothing herein contained shall be construed to impair or in any manner affect any right of the United States.

Approved June 30, 1948.

[CHAPTER 758]

AN ACT

To provide for water pollution control activities in the Public Health Service of the Federal Security Agency and in the Federal Works Agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the abatement of stream pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in controlling water pollution, to support and aid technical research to devise and perfect methods of treatment of industrial wastes which are not susceptible to known effective methods of treatment, and to provide Federal technical services to State and interstate agencies and to industries, and financial aid to State and interstate agencies and to municipalities, in the formulation and execution of their stream pollution abatement programs.

To this end, the Surgeon General of the Public Health Service (under the supervision and direction of the Federal Security Administrator) and the Federal Works Administrator shall have the responsibilities and authority relating to water pollution control vested in them respectively by this Act.

Sec. 2. (a) The Surgeon General shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution agencies and interstate agencies, and with the municipalities and industries involved, prepare or adopt comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any
Cooperation with States.

(b) The Surgeon General shall encourage cooperative activities by the States for the prevention and abatement of water pollution; encourage the enactment of uniform State laws relating to water pollution; encourage compacts between States for the prevention and abatement of water pollution; collect and disseminate information relating to water pollution and the prevention and abatement thereof; support and aid technical research to devise and perfect methods of treatment of industrial wastes which are not susceptible to known effective methods of treatment; make available to State and interstate agencies, municipalities, industries, and individuals the results of surveys, studies, investigations, research, and experiments relating to water pollution and the prevention and abatement thereof conducted by the Surgeon General and by authorized cooperating agencies; and furnish such assistance to State agencies as may be authorized by law.

(c) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and abatement of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

(d) (1) The pollution of interstate waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of persons in a State other than that in which the discharge originates, is hereby declared to be a public nuisance and subject to abatement as herein provided.

(2) Whenever the Surgeon General, on the basis of reports, surveys, and studies, finds that any pollution declared to be a public nuisance by paragraph (1) of this subsection is occurring, he shall give formal notification thereof to the person or persons discharging any matter causing or contributing to such pollution and shall advise the water pollution agency or interstate agency of the State or States where such discharge or discharges originate of such notification. This notification may outline recommended remedial measures which are reasonable and equitable in that case and shall specify a reasonable time to secure abatement of the pollution. If action calculated to secure abatement of the pollution within the time specified is not commenced, this failure shall again be brought to the attention of the person or persons discharging the matter and of the water pollution agency or interstate agency of the State or States where such discharge or discharges originate. The notification to such agency may be accompanied by a recommendation that it initiate a suit to abate the pollution in a court of proper jurisdiction.

(3) If, within a reasonable time after the second notification by the Surgeon General, the person or persons discharging the matter fail to initiate action to abate the pollution or the State water pollution agency or interstate agency fails to initiate a suit to secure abatement, the Federal Security Administrator is authorized to call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originate, before a board of five or more persons appointed by the Administrator, who may be officers or employees of the Federal Security Agency.
or of the water pollution agency or interstate agency of the State or States where such discharge or discharges originate (except that at least one of the members of the board shall be a representative of the water pollution agency of the State or States where such discharge or discharges originate and at least one shall be a representative of the Department of Commerce, and not less than a majority of the board shall be persons other than officers or employees of the Federal Security Agency). On the basis of the evidence presented at such hearing the board shall make its recommendations to the Federal Security Administrator concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution.

(4) After affording the person or persons discharging the matter causing or contributing to the pollution reasonable opportunity to comply with the recommendations of the board, the Federal Security Administrator may, with the consent of the water pollution agency (or of any officer or agency authorized to give such consent) of the State or States in which the matter causing or contributing to the pollution is discharged, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

(5) Before or after any suit authorized by paragraph (4) is commenced, any person who is alleged to be discharging matter contributing to the pollution, abatement of which is sought, may, with the consent of the water pollution agency (or of any officer or agency authorized to give such consent) of the State in which such matter is discharged, be joined as a defendant. The court shall have power to enforce its judgment against any such defendant.

(6) In any suit brought pursuant to paragraph (4) in which two or more persons in different judicial districts are originally joined as defendants, the suit may be commenced in the judicial district in which any discharge caused by any of the defendants occurs.

(7) The court shall receive in evidence in any such suit a transcript of the proceedings before the board and a copy of the board's recommendation; and may receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require. The jurisdiction of the Surgeon General, or any other agency which has jurisdiction pursuant to the provisions of this Act, shall not extend to any region or areas nor shall it affect the rights or jurisdiction of any public body where there are in effect provisions for sewage disposal pursuant to agreement between the United States of America and any such public body by stipulation entered in the Supreme Court of the United States. While any such stipulation or modification thereof is in force and effect, no proceedings of any kind may be maintained by virtue of this Act against such public body or any public agency, corporation, or individual within its jurisdiction. Neither this provision nor any provision of this Act shall be construed to give to the Surgeon General or any other person or agency the right to intervene in the said proceedings wherein such stipulation was entered.

(8) As used in this subsection the term "person" includes an individual, corporation, partnership, association, a State, municipality, and a political subdivision of a State.

Sec. 3. The Surgeon General may, upon request of any State waterpollution agency or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view to recommending a solution of such problem.
SEC. 4. The Surgeon General shall prepare and publish, from time to time, reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act as he may consider desirable, together with appropriate recommendations with regard to the control of water pollution.

SEC. 5. The Federal Works Administrator is authorized, subject to the provisions of section 9 (c), to make loans to any State, municipality, or interstate agency for the construction of necessary treatment works to prevent the discharge by such State or municipality of untreated or inadequately treated sewage or other waste into interstate waters or into a tributary of such waters, and for the preparation (either by its engineering staff or by practicing engineers employed for that purpose) of engineering reports, plans, and specifications in connection therewith. Such loans shall be subject, however, to the following limitations: (a) No loan shall be made for any project unless such project shall have been approved by the appropriate State water pollution agency or agencies and by the Surgeon General, and unless such project is included in a comprehensive program developed pursuant to this Act; (b) no loan shall be made for any project in an amount exceeding 33⅓ per centum of the estimated reasonable cost thereof, as determined by the Federal Works Administrator, or in an amount exceeding $250,000, whichever amount is the smaller; (c) every such loan shall bear interest at the rate of 2 per centum per annum, payable semiannually; and (d) the bonds or other obligations evidencing any such loan (1) must be duly authorized and issued pursuant to State and local law, and (2) may, as to the security thereof and the payment of principal thereof and interest thereon, be subordinated (to the extent deemed feasible and desirable by the Federal Works Administrator for facilitating the financing of such projects) to other bonds or obligations of the obligor issued to finance such project or that may then be outstanding.

SEC. 6. (a) The Surgeon General and the Federal Works Administrator, in carrying out their respective functions under this Act, shall provide for the review of all reports of examinations, research, investigations, plans, studies, and surveys, made pursuant to the provisions of this Act and all applications for loans under section 5. In determining the desirability of projects for treatment works and of approving loans in connection therewith, consideration shall be given to the public benefits to be derived by the construction thereof, the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for the loan for assuring proper and efficient operation and maintenance of the works after completion of the construction thereof.

(b) There is hereby established in the Public Health Service a Water Pollution Control Advisory Board to be composed as follows: The Surgeon General or a sanitary engineer officer designated by him, who shall be Chairman of the Board, a representative of the Department of the Army, a representative of the Department of the Interior, a representative of the Federal Works Agency, and a representative of the Department of Agriculture, designated by the Secretary of the Army, the Secretary of the Interior, the Federal Works Administrator, and the Secretary of Agriculture, respectively; and six persons (not officers or employees of the Federal Government) to be appointed annually by the President. One of the persons appointed by the President shall be an engineer who is expert in sewage and industrial-waste disposal, one shall be a person who shall have shown an active interest in the field of wildlife conservation, and, except as the President may
determine that the purposes of this Act will be better furthered by
different representation, one shall be a person representative of munici-
pal government, one shall be a person representative of State govern-
ment, and one shall be a person representative of affected industry.
The members of the Board who are not officers or employees of the
United States shall be entitled to receive compensation at a per diem
rate to be fixed by the Federal Security Administrator; together with
an allowance for actual and necessary traveling and subsistence
expenses while engaged on the business of the Board. It shall be the
duty of the Board to review the policies and program of the Public
Health Service as undertaken under authority of this Act and to make
recommendations thereon in reports to the Surgeon General. Such
clerical and technical assistance as may be necessary to discharge the
duties of the Board shall be provided from the personnel of the Public
Health Service.

Sec. 7. There is hereby authorized to be appropriated to the Federal
Security Agency for each of the five fiscal years during the period
beginning July 1, 1948, and ending June 30, 1953, a sum not to exceed
the sum of $22,500,000 for the purpose of making loans under section 5
of this Act. Sums so appropriated shall remain available until
expended.

Sec. 8. (a) There is hereby authorized to be appropriated to the
Federal Security Agency for each of the five fiscal years during the
period beginning July 1, 1948, and ending June 30, 1953, the sum of
$1,000,000, to be allotted equitably and paid to the States for expendi-
ture by or under the direction of their respective State water pollution
agencies, and to interstate agencies for expenditure by them, for the
conduct of investigations, research, surveys, and studies related to the
prevention and control of water pollution caused by industrial wastes.
Sums appropriated pursuant to this subsection shall remain available
until expended, shall be allotted by the Surgeon General in accordance
with regulations prescribed by the Federal Security Administrator,
and shall be paid prior to audit or settlement by the General Accounting
Office.

(b) There is hereby authorized to be appropriated to the Federal
Works Agency for each of the five fiscal years during the period begin-
ning July 1, 1948, and ending June 30, 1953, a sum not to exceed
$800,000 to enable the Federal Works Administrator to erect and to
furnish and to equip such buildings and facilities at Cincinnati, Ohio,
as may be necessary for the use of the Public Health Service in connec-
tion with the research and study of water pollution and the training
of personnel in work related to the control of water pollution. The
amount authorized for this purpose shall include the cost of prepara-
tion of drawings and specifications, supervision of construction and
other administrative expenses incident to the work: Provided, That the
Federal Works Agency shall prepare the plans and specifications, make
all necessary contracts and supervise construction. Sums appropriated
pursuant to this authorization shall remain available until expended.

(c) There is hereby authorized to be appropriated to the Federal
Works Agency for each of the five fiscal years during the period begin-
ning July 1, 1948, and ending June 30, 1953, a sum not to exceed the
sum of $1,000,000 to enable the Federal Works Administrator to make
grants to States, municipalities, or interstate agencies to aid in financ-
ing the cost of engineering, architectural, and economic investigations
and studies, surveys, designs, plans, working drawings, specifications,
procedures, and other action preliminary to the construction of projects
approved by the appropriate State water pollution agency or agencies
and by the Surgeon General. Grants made under this subsection with
respect to any project shall not exceed whichever of the following
amounts is the smaller: (1) $20,000, or (2) 33 1/3 per centum of the
estimated reasonable cost (as determined by the Federal Works Admin-
istrator) of the action preliminary to the construction of such project.
Sums appropriated pursuant to this subsection shall remain available
until expended.

(d) There is hereby authorized to be appropriated to the Federal
Security Agency for each of the five fiscal years during the period
beginning July 1, 1948, and ending June 30, 1953, such sum (not to
exceed the sum of $2,000,000) as may be necessary to enable it to carry
out its functions under this Act.

(e) There is hereby authorized to be appropriated to the Federal
Works Agency for each of the five fiscal years during the period begin-
ning July 1, 1948, and ending June 30, 1953, such sum (not to exceed
the sum of $500,000) as may be necessary to enable it to carry out its
functions under this Act.

SEC. 9. (a) Five officers may be appointed to grades in the Regular
Corps of the Public Health Service above that of senior assistant, but
not to a grade above that of director, to assist in carrying out the pur-
poses of this Act. Officers appointed pursuant to this subsection in
any fiscal year shall not be counted as part of the 10 per centum of
the original appointments authorized to be made in such year under
section 207 (b) of the Public Health Service Act; but they shall for all
other purposes be treated as though appointed pursuant to such section
207 (b).

(b) The Federal Security Administrator, with the consent of the
head of any other agency of the Federal Government, may utilize such
officers and employees of such agency as may be found necessary to
assist in carrying out the purposes of this Act.

(c) (1) Upon written request of the Federal Works Administrator,
from time to time submitted to the Federal Security Administrator,
specifying (a) particular projects approved by the Surgeon General,
(b) the total estimated costs of such projects, and (c) the total sum
requested for loans which the Federal Works Administrator proposes
to make for such projects, the Federal Security Administrator shall
transfer such total sum (within the amount appropriated therefor) to
the Federal Works Administrator for the making of loans for such
projects pursuant to section 5 hereof. In making such loans, the Fed-
eral Works Administrator shall adhere to the order or sequence of
priority for projects established by the Surgeon General and shall take
such measures as, in his judgment, will assure that the engineering
plans and specifications, the details of construction, and the completed
treatment works conform to the project as approved by the Surgeon
General; and the Federal Works Administrator shall furnish written
reports to the Federal Security Administrator on the progress of the
work.

(2) The Federal Works Administrator is hereby authorized (a) to
hold, administer, exchange, refund, or sell at public or private sale
any bonds or other obligations evidencing loans made under this Act;
and (b) to collect, or provide for the collection of, interest on and
principal of such bonds or other obligations. All moneys received as
proceeds from such sales, and all moneys so collected, shall be covered
into the Treasury as miscellaneous receipts.

(d) The Surgeon General and the Federal Works Administrator are
each authorized to prescribe such regulations as are necessary to carry
out their respective functions under this Act.

Sec. 10. When used in this Act—

(a) The term “State water pollution agency” means the State health
authority, except that, in the case of any State in which there is a single
State agency, other than the State health authority, charged with
responsibility for enforcing State laws relating to the abatement of
water pollution, it means such other State agency;
(b) The term "interstate agency" means an agency of two or more States having powers or duties pertaining to the abatement of pollution of waters;

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial waste of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof;

(d) The term "State" means a State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands;

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across, or form a part of, State boundaries; and

(f) The term "municipality" means a city, town, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

Sec. 11. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of the Oil Pollution Act, 1924, or sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

Sec. 12. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

Sec. 13. This Act may be cited as the "Water Pollution Control Act".

Approved June 30, 1948.