Mr. Chairman and members of the Committee:

We are pleased to appear before this Committee today to discuss the work that the General Accounting Office is doing at the Water Quality Office of the Environmental Protection Agency, (EPA).

In view of congressional interest in the water pollution control program, we have endeavored to keep the staffs of the appropriate Committees informed as to the nature of our ongoing work. In this regard, we have met with the staff of this Committee on several occasions since November 1968.

We also appeared before this Committee in March 1969 to discuss the work we were doing at that time in the water pollution area. Since 1968, we have issued 11 reports on the results of our work including four reports to the Congress, three reports to the Chairman, Subcommittee on Air and Water Pollution, Senate Committee on Public Works, and four reports to agency officials. We have attached to this statement, a list of these reports.
REPORTS TO THE CONGRESS

Our reports to the Congress dealt with the following areas.

1. The effectiveness of the construction grant program for abating, controlling, and preventing water pollution.

2. The award of Federal grants to construct waste treatment facilities which benefit industrial users.

3. The need for improved operation and maintenance of municipal waste treatment plants.

4. The progress and problems in controlling industrial water pollution.
Effectiveness of the construction grant program

In November 1969, we issued a report to the Congress on the effectiveness of the construction grant program for abating, controlling, and preventing water pollution. We concluded that the benefits obtained from the expenditure of about $5.4 billion for the construction of more than 9,400 waste treatment projects were not as great as they could have been because many waste treatment facilities had been constructed on waterways where major industrial and municipal polluters located nearby continued to discharge untreated or inadequately treated waste into the waterways.

We found that the construction grant program had been administered for the most part using a "shotgun" approach, that is, awarding grants on a first-come-first-served or readiness to proceed basis with little consideration being given to the benefits to be attained by the construction of individual waste treatment plants.

We recommended that the Water Quality Office, in approving grants give consideration to (1) the benefits to be derived from the construction of the facilities and (2) the actions taken, or planned to be taken, by other polluters of the waterways. We recommended also that the Water Quality Office consider utilizing systems analysis techniques in the planning for and implementing of water pollution control programs.

The agency agreed that a more systematic means should be used in awarding construction grants, and in July 1970, issued regulations requiring that grants for the construction of new waste treatment projects be in accordance with
comprehensive river basin programs and metropolitan and regional plans for pollution abatement.

Under its policy, the Water Quality Office generally required secondary treatment facilities for inland waters. We recognized that the requirement of secondary treatment may be desirable as the ultimate objective; but, in view of the magnitude of the problem and the limited Federal funds available, we expressed the belief that, as an interim measure, consideration should be given to less than secondary treatment when such treatment would result in enhancing water quality or in attaining the States' water quality standards.

The agency stated, however, that interim goals should not be established and that providing less than secondary treatment would not be acceptable except on some coastal waters. Since issuing our report we have given this matter further consideration, and we remain of the view that less than secondary treatment should be considered under certain circumstances.

Section 8(a) of the Federal Water Pollution Control Act provides that the States establish priorities for Federal construction grants on the basis of financial and water pollution control needs. We reported that the requirement that financial need be a factor in establishing priorities could result in the Water Quality Office's awarding grants for the construction of projects which provide little benefit in terms of appreciably improving water quality or uses. Accordingly, we recommended that the Congress consider amending section 8(a) of the act to provide that priorities for grant awards be established on the basis of benefits to be realized.
Waste treatment facilities which benefit industrial users

In May 1970, we reported that a large amount of Federal grant funds had been awarded by the Water Quality Office to municipalities for the construction of facilities to treat significant quantities of industrial wastes.

We identified seven grants totaling about $503,000 which had been awarded for the construction of facilities to treat industrial wastes only. Also, a partial Water Quality Office list of waste treatment facilities in which industrial wastes represented 50 percent or more of the total volume of wastes treated showed that Federal grants of about $81 million were awarded for the construction of 381 facilities.

The Water Quality Office was not requiring industrial plants to finance any part of the cost of constructing waste treatment facilities. We expressed the belief that if the trend toward municipal treatment of industrial wastes continued, it might well be that much of the cost for constructing industrial waste treatment facilities, which was industry's responsibility, might become eligible for Federal assistance and result in a heavy demand on future construction grant funds.

We suggested that the Congress (1) clarify its intent as to whether Federal grants were to be awarded to municipalities for the construction of facilities for the treatment of industrial wastes only, and (2) consider alternatives for financing the costs associated with the construction of facilities for the treatment of industrial wastes.
The agency concurred in the need to examine existing policies and to develop new policies where appropriate. In July 1970, the agency issued regulations which provide that a Federal grant may be made for a waste treatment project designed to treat industrial wastes if the project provides for integrated waste disposal for a community, metropolitan area, or region. The regulations also require that the applicant assure the Commissioner of the Water Quality Office that it has, or will have in effect when the project is placed in operation, an equitable system of cost recovery.

In February 1971 in the Senate and March 1971 in the House, legislation was introduced to require grantees to make provision for the full recovery from industrial users of that portion of the estimated reasonable cost of construction allocable to the treatment of industrial wastes. The cost to each industrial user shall be equitable based on the proportion which the volume and strength of such user's wastes bear to the volume and strength of all wastes being treated by the project. Revenues derived from such cost recovery, to the extent apportionable to the Federal share of eligible project costs allocable to the treatment of industrial wastes, shall revert to the Treasury of the United States, unless the grantee has a user charge system and other legal, institutional, managerial and financial capability to assure adequate operation, maintenance, expansion, and replacement of treatment works throughout the grantee's jurisdiction, in which case such revenues may be retained by the grantee.
Operation and maintenance of municipal waste treatment plants

In September 1970, we reported that operation and maintenance problems for municipal waste treatment plants had been widespread for many years and had resulted in inefficient plant operations. These problems resulted from a lack of qualified operating personnel, inadequate controls over industrial wastes, and inadequate plant design or lack of adequate equipment.

Our review of 69 plants in six States showed that:

--40 of the plants had operational, mechanical, or structural problems,

--28 of the plants bypassed some sewage without treatment, and

--59 of the plants did not meet fully the minimum provisions for personnel, laboratory controls, or records recommended by a 1963 Conference of State Sanitary Engineers.

We recommended that the agency (1) establish, in cooperation with the States, comprehensive guidelines for use by municipalities, States, and the Water Quality Office in determining the provisions necessary for ensuring proper and efficient operation and maintenance of municipal waste treatment plants and (2) gather and disseminate information to help the States identify, develop, and implement more effective procedures for the prevention, detection, and correction of plant operation and maintenance problems.

The agency agreed substantially with our findings and stated that certain actions then underway, along with
additional planned actions, should aid in the solution of operation and maintenance problems.

In July 1970, the Water Quality Office amended its regulations to require (1) assurances from grant applicants that possibly harmful industrial wastes will receive pre-treatment prior to discharge to the municipal sewage system and (2) assurances from the State water pollution control agencies that newly completed facilities would be inspected at least annually for the first three years and periodically thereafter. The agency also prepared guidelines dealing with plant design and operation and maintenance, and established an operation and maintenance function in each region to assist the States in developing their own programs.
Controlling industrial water pollution

In December 1970, we reported that some progress had been made in abating industrial water pollution, but that much more needed to be done. Our review in five States showed that the approach, emphasis and achievements attained varied from State to State. In some States, action by the State government had spurred industry to action, while in other States, few tangible results could be seen. We found wide variances in the level of financing and staffing of the five State pollution control agencies.

Effective planning had been hampered by such problems as the lack of data on the types and extent of pollutants being dumped into the waterways by industry and the lack of knowledge of the effect of certain pollutants on the water. In addition, enforcement action against polluters had been hindered by a lack of (1) information on trends in water quality and progress being made to meet State implementation schedules, (2) authority to enforce specific effluent restrictions, and (3) authority to enforce dates set for implementing abatement measures without also having to show a violation of water quality standards or endangerment of health and welfare—a procedure which could be costly and time consuming.

We recommended that the agency (1) encourage the States to strengthen their staffs, (2) develop an inventory of industrial polluters, and (3) obtain data on trends in water quality and progress being made to meet abatement target dates.
The agency has initiated action in accordance with these recommendations. Also, in February 1971, in the Senate and March 1971, in the House, legislation was introduced to substantially increase the funds available for State administrative grants over the next four years. The proposed legislation provided that factors to be considered in awarding additional grant funds to the States include whether a State is providing adequate manpower to implement its program and is instituting measures for recruiting and developing personnel.

Guidelines for the preparation of State implementation plans are currently being revised. The proposed revisions require that the plans include a time-phased schedule of construction to attain water quality standards. At least quarterly the States shall submit status reports identifying polluters not in compliance, reasons for non-compliance, and the nature of State enforcement actions.

The agency plans to develop an industrial waste inventory through two sources. Information on industries discharging into navigable waters will be obtained through the Corps of Engineers permit program in accordance with Executive Order 11574. In addition, information from other industries will be obtained through questionnaires.

The Water Quality Office is attempting to obtain water quality data from the States to be used in its water quality information system. Since we found such information generally lacking at the State level, however, it appears to us that it will be some time before the system will be fully operational.
CURRENT REVIEW EFFORTS

With the exception of our report on controlling industrial pollution, our past audit effort was directed primarily toward the grant program for constructing municipal waste treatment plants. Currently we are reviewing certain aspects of several other programs and activities in the Water Quality Office:

1. Effectiveness of the research and development, and demonstration grant programs.

2. Effectiveness of the enforcement program.

3. Problems relating to combined storm and sanitary sewer systems.

4. Effectiveness of EPA's efforts to meet water pollution control manpower and training needs.

I would like to emphasize that we have not completed our reviews of these matters, and consequently, our observations at this point in time are tentative and subject to change. Of course, at the completion of our reviews, our findings and conclusions will be available to the Congress.
Effectiveness of the research, development and demonstration grant program

Since 1956, the Congress has appropriated about $300 million for the research, development, and demonstration grant program. The objectives of our review of this program are to examine into:

1. The in-house research program including the utilization of laboratory facilities, equipment, and personnel.

2. The extramural research and development program including both research grants and contracts (Section 5) and demonstration grants (Section 6).

Our review indicates that in some cases, the in-house research program has been hampered, and laboratory facilities underutilized, because laboratory researchers have devoted considerable time to managing extramural grants and contracts, which limited the time they had available for in-house research. At one laboratory the research staff spent about 40 percent of its time monitoring extramural grants.

Our review at the laboratories showed a need for laboratory management to direct increased attention to the identification of underutilized and excess equipment within the laboratories. We found a number of items of equipment that were excess to current needs or that could be better utilized through the use of equipment pools or other sharing arrangements.

In our review of research grants and contracts, we are examining into such things as cost overruns, timeliness in completion of projects, adequacy of monitoring, fulfillment of project objectives, and dissemination of results.
With regard to the demonstration grant program, the Federal Water Pollution Control Act states that no grant shall be made for any project unless the project is to serve a useful purpose in the development or demonstration of a new or improved method of treating municipal and industrial wastes or otherwise preventing pollution of waters by industry through methods which shall have industry-wide application.

During fiscal years 1966 through 1971, appropriations for the demonstration grant program totaled about $132 million. Our review indicates that a significant amount of demonstration grant funds have been used for projects which have not demonstrated new methods of treating wastes but rather, were essentially modifications of conventional treatment practices and appeared to benefit primarily the recipient of the grant. Substantial portions of the grants were for the construction of waste treatment facilities and the subsequent operation and maintenance of such facilities.

For example, a fruit processing company's existing treatment facilities were inadequate and a State water pollution control agency ordered the company to treat the wastes so as to remove suspended solids and 90 percent of the organic content of the wastes. The company subsequently requested a demonstration grant to determine the most economical method of removing 90 percent of the organic waste from its effluent.

Prior to award of the grant, the proposal received several reviews by Water Quality Office personnel. Some of the review comments indicated that the project was not unique and had little technical merit, and that the probability of success was assured. Nevertheless, the Water Quality Office awarded
the company a demonstration grant of $374,669 or 70 percent of the eligible project cost of $535,242.

The Research and Development Office, in awarding the grant, stated that the project would provide for (1) an evaluation of the effectiveness and economy of various operating procedures for use in reducing pollution, and (2) information which would have applicability to other similar wastes from the food canning industry.

Based on the Federal Government's financing 70 percent of the estimated project costs, the grant funds were to be used as follows:

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<th>Percentage</th>
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<td>Construction</td>
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<td>73.5%</td>
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<tr>
<td>Operation and Maintenance</td>
<td>71,330</td>
<td>19.0%</td>
</tr>
<tr>
<td>Research and Development Studies</td>
<td>28,000</td>
<td>7.5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$374,669</strong></td>
<td><strong>100.0%</strong></td>
</tr>
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Our review showed that only conventional construction was used on this project. The equipment used was available from a number of suppliers and was not new or unique. The treatment process, according to the final project report, "is not a new concept but has been tried quite extensively on pulp and paper waste streams and somewhat in the fruit and vegetable processing industry."
Effectiveness of the enforcement program

The principal objectives of our review of the enforcement program are to (1) examine into the extent and effectiveness of Federal and State water pollution enforcement activities; (2) ascertain the problems encountered by the States and EPA in their enforcement activities; and (3) consider the adequacy of existing legislation as it relates to enforcement.

Historically the States have had the primary responsibility for abating and controlling water pollution. Federal enforcement action has been considered as "back-up" to the States to be taken when the States either failed to act or requested Federal assistance. Federal enforcement action has been initiated by EPA, the Corps of Engineers, and the U.S. Attorney's Offices. Our review has shown that some of these actions have been taken independently, without coordination, and without consultation with the appropriate State agencies.

State officials have told us that this situation has caused a good deal of confusion among industrial personnel in that they did not know which Federal or State agency had responsibility for the water pollution program. There appears to be a need for greater coordination among the Federal agencies with regard to the water pollution enforcement program.

State officials have indicated that there is a need for EPA to define its policy in terms of when, and under what circumstances EPA would initiate enforcement action. They have stated that advance public knowledge as to the circumstances under which the Federal Government would take
enforcement action would in effect force polluters, State agencies, and State Courts to act within specific time constraints to avoid Federal intervention.

EPA enforcement action under the procedures introduced in the Federal Water Pollution Control Act of 1956 has generally been slow and cumbersome. Such action involves a three stage process-- (1) a conference to identify polluters and to decide on corrective action, (2) a hearing involving a specific polluter not following the agreed-upon correction plan, and (3) Federal court action, as a final resort, against a polluter not making reasonable efforts at abating pollution. A minimum of 58 weeks is required under law between the time EPA decides to call a conference and the date EPA can refer the case to the Attorney General for court action.

Between 1956 and 1970, fifty-one enforcement conferences were called, four public hearings held, and one court action taken. State and local officials told us that the conferences have been beneficial to the extent that they have focused attention on pollution problems, identified the major sources of pollution, and provided an opportunity for Government and industry to plan a course of action and establish implementation schedules for abating pollution. Unfortunately, however, many of the actions agreed to by the conferees were never taken and, in the opinion of the officials, the conferences have not been very effective as an enforcement procedure.

The Water Quality Act of 1965 provided EPA with another enforcement tool--the 180 day notice. Under this act, the Administrator of EPA can initiate court action--without
need for a formal conference or hearing--where the discharge of matter into interstate waters reduces the quality of such waters below the established State water quality standards. Before initiating court action, however, the Administrator is required to give the alleged polluter 180 days to take or agree to take action voluntarily to abate the pollution so as to meet water quality standards. As of May 1, 1971, EPA had issued twenty 180 day notices--8 to municipalities and 12 to industries.

Our review indicates that the 180 day notice policy sometimes contributes to additional delay in enforcing water quality standards implementation plans in that such notices have been issued to a number of polluters who have failed for long periods of time to abate their pollution in accordance with Federal and State implementation schedules. Under such circumstances it appears to us to be unreasonable to give polluters an additional six months to take, or agree to take, long overdue abatement action.

Our review indicates that the Federal Water Pollution Control Act has additional limitations which have hindered EPA enforcement efforts. Under the present Act, EPA cannot enforce specific effluent standards. Nor can it enforce implementation dates without showing an impairment of water use or a danger to health and welfare--which can be a lengthy and costly process. Also, EPA cannot move unilaterally against a polluter unless the pollution is interstate in nature. For EPA to act in cases of intrastate pollution
the consent of the Governor is needed, or there must be substantial economic injury from the inability to market shellfish.

Thus, EPA can act under the present law, only after water pollution is already a problem. The use of specific effluent standards would permit the setting of treatment requirements for municipalities and industries before pollution becomes a problem. Under such a system, enforcement actions would also be easier. Showing that there is a failure to meet the established effluent standards, rather than showing that the polluter's discharge causes a violation of the water quality, would constitute sufficient grounds to act.

At present, it may be difficult to show impairment of water quality because tests must be made over an extended period to show water quality trends. Even then it is difficult to relate a change in water quality to a specific municipal or industrial discharge. Consequently, a polluter may delay putting in treatment facilities by claiming that its discharge is not lowering the water quality.
**Combined storm and sanitary sewers**

Discharges from combined storm and sanitary sewer systems are a major source of water pollution in some regions of the United States. Combined sewers carry municipal and/or industrial wastes at all times and, during storm or thaw periods, also carry stormwater runoff from streets and other sources. The normal flows in the systems are relatively low and slow moving, which permit a buildup of solids in the systems. During storms, the high flow and fast movement create a flushing effect that washes the buildup of solids out of the sewers.

Waste treatment plants usually provide some excess capacity but are not designed to handle the increased flows of waste water than can occur during a storm. Accordingly, so as not to overload the treatment plants, combined systems generally include by-pass facilities which allow a part of the storm period flow to be diverted directly into receiving waters. These by-passed flows consist of a mixture of municipal sewage and stormwater runoff and constitute untreated, polluting discharges into receiving waters. Even in those cases where all or a significant part of the storm period flows are routed through the treatment facilities, the efficiency of the plants is severely reduced and the resultant effluent is of lower quality than under dry weather conditions.

A 1967 report by the American Public Works Association indicated that nationwide about 54 million people lived in municipalities partially or wholly served by combined sewer systems, and that there was a total of 55,000 miles of combined sewers. Nationwide separation of combined sewers was estimated to cost as much as $48 billion.
Many municipalities (including most newer communities) have separate storm sewers to eliminate the problem of combined sewer overflows. The separate storm sewer discharges are seldom treated and generally had been regarded as non-polluting. Recent Water Quality Office studies, however, have shown that untreated stormwater can be a significant source of water pollution. Stormwater sewer discharges contain high concentrations of organics, inorganics, bacteria, and floatable solids. These pollutants result in the lowering of dissolved oxygen, bacterial contamination, aesthetic nuisances, and other adverse impacts on water quality with attendant curtailment of water use. Thus, separation of combined sewers without treatment of the stormwater is not necessarily the best solution to the combined sewer pollution problem.

Because sewer separation was estimated to cost $48 billion, and is not now considered in many cases to be the best solution to the problem, the Water Quality Office is attempting to develop alternative solutions. As of May 19, 1971, the Water Quality Office, under its research, development and demonstration program, had awarded 100 grants and contracts totaling about $33 million to develop and demonstrate methods to control combined sewer problems. Ten of the grants were for $1 million or more. Non-federal funds for the projects totaled $40 million.

We recently initiated a review of this area. Our objectives are to examine into the extent of the combined storm and sanitary sewer problem; and EPA, State, and local efforts and progress in solving the problem. We will look into:
1. The significance of the problem in terms of costs, sources, and pollutional effects of untreated combined sewer discharges or separated stormwater discharges.

2. EPA, State, and local planning to overcome the combined-sewer problem.

3. The extent and adequacy of coordination within EPA; with other Federal agencies having programs which involve sewer construction including the Departments of Housing and Urban Development and Transportation, the Economic Development Administration, and the Farmers Home Administration; and with State and local agencies.

4. The consideration given to the problem in establishing water quality standards, including State implementation plans.

5. EPA's research, development and demonstration program as it pertains to combined sewers.

In view of the magnitude of the problem and the limited funds available, we believe that priorities for solving the problem should be established on the basis of benefits to be attained or expected improvement in water quality or water use.
Effectiveness of EPA's efforts to meet water pollution control manpower and training needs

Rapid expansion of environmental protection efforts at all levels of Government, and in the private sector, has placed critical demands upon manpower available to do the work. In recognition of the critical manpower need, the Congress has authorized several manpower development and training programs including Federal financial and technical assistance to States, local governments, and others. The legislation has required the Environmental Protection Agency to submit reports to the Congress covering manpower and training needs and means of using existing Federal programs to train the required personnel, with particular emphasis on State and local government needs.

The objectives of our review in this area are to evaluate the effectiveness of EPA's efforts to meet water pollution control manpower and training needs including its program planning efforts, in-house training programs, extramural grant program, and assistance to State and local governments.

This review was initiated only recently. We plan to examine into the following areas:

1. The adequacy of EPA's efforts to assess manpower needs.

2. Progress in implementing the agency actions proposed in Senate Document 49, dated August 2, 1967 for meeting manpower and training needs of State and local government.

3. The possible need for more emphasis on the training of technicians and plant operators.

4. The extent of State and local manpower training activities and the possible need to clarify Federal,
State and local training objectives and responsibilities.

5. The employment status of individuals who received Federal training grants.
GENERAL ACCOUNTING OFFICE REPORTS
ON WATER POLLUTION

Reports to the Congress

1. Examination Into the Effectiveness of the construction Grant Program For Abating, Controlling and Preventing Water Pollution, November 3, 1969. B-166506


Reports to Chairman, Subcommittee on Air and Water Pollution, Senate Committee on Public Works

1. Personnel, Staffing, and Administration of the Federal Water Pollution Control Administration--April 11, 1969. B-166506


Reports to Agency Officials


HISTORY OF FEDERAL WATER POLLUTION CONTROL PROGRAM


1954 - DIVISION OF WATER POLLUTION CONTROL WAS REDUCED TO A BRANCH AND WAS CONSOLIDATED WITH OTHER DIVISIONS INTO THE NEW DIVISION OF SANITARY ENGINEERING SERVICES.

1959 - WATER POLLUTION CONTROL BRANCH AND OTHER WATER POLLUTION RESEARCH AND TECHNICAL FUNCTIONS BECAME THE DIVISION OF WATER SUPPLY AND POLLUTION CONTROL.

1960 - DIVISION OF WATER SUPPLY AND POLLUTION CONTROL WAS GROUPED WITH OTHER DIVISIONS TO FORM THE ENVIRONMENTAL HEALTH SEGMENT OF THE BUREAU OF STATE SERVICES, PUBLIC HEALTH SERVICE.

1961 - RESEARCH AND TRAINING GRANTS RESPONSIBILITIES UNDER THE CONTROL OF THE NATIONAL INSTITUTES OF HEALTH WERE TRANSFERRED TO THE DIVISION OF WATER SUPPLY AND POLLUTION CONTROL.

1965 - DIVISION OF WATER SUPPLY AND POLLUTION CONTROL BECAME THE FEDERAL WATER POLLUTION CONTROL ADMINISTRATION, A SEPARATE ADMINISTRATION WITHIN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE.

1966 - FEDERAL WATER POLLUTION CONTROL ADMINISTRATION WAS TRANSFERRED TO THE DEPARTMENT OF THE INTERIOR IN ACCORDANCE WITH REORGANIZATION PLAN NO. 2.

1967 - FEDERAL WATER POLLUTION CONTROL ADMINISTRATION WAS REORGANIZED.

1968 - FEDERAL WATER POLLUTION CONTROL ADMINISTRATION WAS REORGANIZED.

1970 - FEDERAL WATER POLLUTION CONTROL ADMINISTRATION BECAME THE FEDERAL WATER QUALITY ADMINISTRATION.

1970 - FEDERAL WATER QUALITY ADMINISTRATION WAS TRANSFERRED TO THE ENVIRONMENTAL PROTECTION AGENCY IN ACCORDANCE WITH REORGANIZATION PLAN NO. 3, AND BECAME THE WATER QUALITY OFFICE.

1971 - WATER QUALITY OFFICE BECAME THE OFFICE OF WATER PROGRAMS AND WITH THE OFFICE OF AIR PROGRAMS WAS PLACED UNDER THE ASSISTANT ADMINISTRATOR FOR MEDIA PROGRAMS.
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*ESTIMATE
TOTAL EXPENDITURES:
$46,475,000.00