



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20450

FEB 4 1974

Memorandum of Agreement

THE ADMINISTRATOR

Dear Governor Lucey:

Your request dated November 7, 1973, for approval to conduct a State Permit Program pursuant to the provisions of the National Pollutant Discharge Elimination System (NPDES) under Section 402 of the Federal Water Pollution Control Act of 1972 (the "Act") is hereby approved. Accordingly, as of this date I am suspending the issuance of permits by the Environmental Protection Agency under subsection (a) of Section 402 of the Act as to all discharges in the State of Wisconsin other than those from agencies and instrumentalities of the Federal Government.

The program that you conduct pursuant to this authority must at all times be in accordance with Section 402 of the Act, all guidelines promulgated pursuant to Section 304(h)(2) of the Act, and the Memorandum of Agreement between the Regional Administrator of EPA's Region V and the Administrator of the Division of Environmental Protection, Wisconsin Department of Natural Resources, which I have also approved today (copy enclosed).

In addition, this approval is based upon Mr. Frangos' December 27 letter to Mr. McDonald in which he states that interim effluent limitations will be adopted by the DNR as emergency rules by February 1, 1974 for the categories of sources listed in Wisconsin regulation NR 220. I understand that these rules as well as your procedural rules have been adopted and are presently in effect.

I strongly support Wisconsin's goal, as set forth in paragraph 4 of the November 29, 1973 letter to Region V, of issuing NPDES permits to all dischargers in the State of Wisconsin by December 31, 1974. We note with concern that some States which have assumed the NPDES program have not taken their permit issuance commitments seriously, thereby compromising their chances of meeting the December 31 deadline. Because all facilities discharging without an NPDES permit after that date will be in violation of the Act and possibly subject to severe penalty provisions, we vigorously urge the State of Wisconsin to honor this important commitment. In order to facilitate EPA's review of the State's progress in processing permits, we are

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asking our Regional Office to request from Mr. Frangos a weekly report identifying by name the permits drafted, sent to public notice, and issued by the Division of Environmental Protection.

The Memorandum of Agreement has established an important relationship between the parties for enforcement of permit violations as well as for permit issuance. It gives Wisconsin the first opportunity to take enforcement action for violations of all federally-issued permits except those issued to agencies and instrumentalities of the federal government and for Indian activities on Indian lands. Of course, if the State does not take appropriate enforcement action for violations of either State- or federally-issued NPDES permits the Agreement does not intend to and will not foreclose direct enforcement action in any case where EPA determines that federal enforcement proceedings are warranted.

We note with pleasure that Wisconsin becomes one of the first eight States to receive authority to administer the NPDES program. The Wisconsin DNR has already set a good example by drafting permits during the federal administration of the NPDES program. This achievement is accredited to the energy shown by Mr. Frangos and his staff at the DNR in their efforts to make it possible.

Speaking on behalf of the Environmental Protection Agency and its staff, let me assure you that we will do everything possible to aid you in your commitment to eliminate the blight of water pollution.

Sincerely yours,

[Signature]

Russell E. Train

Honorable Patrick J. Lucey
Governor of Wisconsin
Madison, Wisconsin 53702

Enclosure

cc: Mr. Thomas G. Frangos, Administrator
Division of Environmental Protection
Wisconsin Department of Natural Resources

bcc: AX (2)
Richard Johnson, AGW
Albert C. Printz, AGW
Valdas V. Adamkus, Deputy RA, Region V
James McDonald, Director, Enforcement Div., Region V

OGC Chron
Reading

Written by Henry Balikov, Region V, 1/2/74
Rewritten by Henry Balikov and Bob Emmett, AGW, 1/4/74
Rewritten by Henry Balikov and Bob Emmett, AGW, 1/28/74