



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 21 1975

THE ADMINISTRATOR

Dear Governor Godwin:

With great pleasure I am today approving your request 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 Amendments of 1972 (the Act). Pursuant to Section 402(c) of the Act, I am suspending, as of this date, the issuance of permits by the Environmental Protection Agency under subsection (a) of Section 402 of the Act as to discharges subject to the authority of the Commonwealth of Virginia.

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 Understanding signed by the Regional Administrator of Region III, and Eugene T. Jensen, Executive Secretary of the Virginia State Water Control Board (Va. WCB), which I have also approved today (copy enclosed). I urge Virginia to carry out its plan to adopt specific regulations regarding Interim Treatment Plants in furtherance of the goals and policies set forth in the Memorandum of Understanding.

I wish to stress particularly the necessity of issuing NPDES permits to dischargers in the Commonwealth of Virginia as soon as possible, and add my support to Virginia's commitment, as set forth in paragraph III 8(e) of the Memorandum of Understanding, to act on all remaining permit applications within 210 days of this date of approval. Prompt permit issuance is important because any facility discharging without an NPDES permit after December 31, 1974, could be construed to be in violation of the Act and possibly subject to severe penalty provisions. Also, prompt issuance of NPDES permits is necessary in order to place dischargers on timely, specific and enforceable cleanup schedules.



Several significant concerns were raised by environmental groups and others at the December 16, 1974, public hearing in Richmond and the subsequent public meeting on January 15, 1975. The public hearing testimony often indicated the need for the Va. WCB to institute a more positive, aggressive program of public participation. Section 101(e) of the Act and 40 CFR 105 require an active program of public involvement. The hearing also demonstrated the need for better relations between the State Water Control Board and concerned environmental organizations in Virginia.

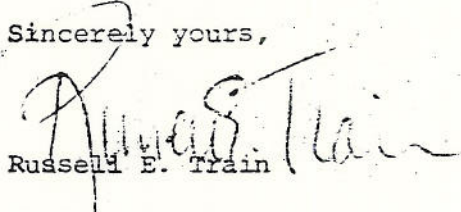
The possibility that there would be a less than vigorous State enforcement effort was voiced as a matter of deep concern by several witnesses at the December and January hearings. At these hearings, representatives of both the Virginia Attorney General's Office and the staff of the Va. WCB went on record in support of a strong State enforcement program. From this date Virginia will have primary responsibility for enforcing permit violations, and experience has shown that only a strong, consistent enforcement program will succeed in realizing the water quality goals of the NPDES program. Where necessary, federal enforcement proceedings under Section 309 of the Act are available to obtain compliance with NPDES permits.

Given the concern expressed by those who participated in the public hearings, I am asking my Region III staff to follow up this approval with an open meeting between those parties and Va. WCB staff approximately six months from now. Such a meeting could prove very constructive and would give the Va. WCB an opportunity to describe its public participation and enforcement programs and their progress in detail. Our Regional Office will be in touch with the Va. WCB to discuss this follow-up meeting further.

The Memorandum of Understanding establishes the procedural framework for an effective enforcement program and I add my support to its implementation. Accordingly, I have asked Daniel J. Snyder, III, Regional Administrator, Region III and his staff to work closely with the staff of the Virginia Water Control Board to ensure that aggressive, fully-coordinated NPDES compliance monitoring inspection and enforcement programs are carried out. In this regard, I look for the timely development and consummation of the operational agreement on compliance sampling called for in paragraph IV 3(d) of the Memorandum of Understanding.

Virginia has demonstrated a great deal of capability, initiative and cooperation in the successful development and conduct of its permit program. We welcome your desire and commitment to conduct the NPDES permit program and look forward to working with you, the State Water Control Board, and your staff, to continue the progress you have made toward environmental improvement in the Commonwealth.

Sincerely yours,

  
Russell E. Train

Honorable Mills Godwin, Jr.  
Governor of Virginia  
Richmond, Virginia 23219

Enclosure

cc: Mr. Raymond Edwards, Chairman  
Virginia State Water Control Board

Mr. Eugene T. Jensen, Executive Secretary  
Virginia State Water Control Board