



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV 14 1973

THE ADMINISTRATOR

Dear Governor Evans:

Your request dated September 14, 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 Amendments 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 Washington 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 X and the Director of the Washington State Department of Ecology, which I have also approved today.

In addition, this approval is based upon your November 7 letter to Mr. Agee in which you state that modification of Washington's civil and criminal penalties will be recommended to the next regular session of the State legislature "so as to bring the State's laws into the same condition as counterpart Federal laws, both in terms of amount and in nature of conduct subject to such penalties." We feel maximum civil penalties of \$10,000 and maximum criminal fines of \$25,000 are desirable and necessary to avoid any weak links in the national chain of state permitting programs.

I also note in approving Washington's program today that you have made a commitment to submit amendatory legislation, including appropriate amendments to Chapter 99.45 RCW, to the January, 1975, legislative session in order to

solve inconsistencies between Washington's recently adopted NPDES regulations and earlier statutes. These adjustments should help to avoid unnecessary challenges to Washington's authority to issue and enforce NPDES permits.

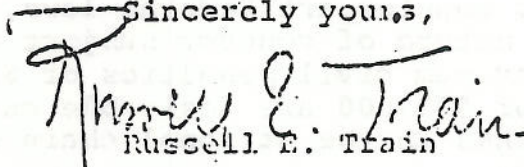
I wish to emphasize my concurrence with Washington's goal as set forth in paragraphs 1 and 2 of II. POLICIES on page 2 of your Agreement with Region X, of issuing NPDES permits to all dischargers in the State of Washington by December 31, 1974. Because of the severe consequences that could accrue to facilities discharging without an NPDES permit after that date, we urge that every effort be undertaken to ensure that this important commitment is achieved. The Region X staff stands ready to assist you in the writing and issuance of these permits. Washington has already set a good example by issuing more permits during its period of interim permit-issuing authorization than any other state.

I personally am encouraged by the following statements in your November 7 letter to Mr. Agee:

"The NPDES is the heart of our nation's effort to eliminate the blight of water pollution. Successful implementation of its provisions is imperative. That achievement can come about only if the best efforts of both the state and federal governments are provided. By my submission, the State of Washington is so committed."

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

Sincerely yours,

  
Russell E. Train

Honorable Daniel J. Evans  
Governor of Washington  
Olympia, Washington 98504