

AL-16-000-7980



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 10 2016

The Honorable Tammy Baldwin
United States Senate
Washington, D.C. 20510

Dear Senator Baldwin:

Thank you for your letter of May 9, 2016 regarding the "Citizen Petition for Corrective Action or Withdrawal of NPDES [National Pollutant Discharge Elimination System] Program Delegation from the State of Wisconsin" which was filed on October 15, 2015. You requested that the U.S. Environmental Protection Agency continue to work with the petitioners to address their concerns. On May 25, 2016 my staff held a conference call with Colleene Thomas of your office to provide information on how EPA will be addressing the concerns outlined in your letter. A summary of that information is provided below.

First, your letter notes that the petitioners have requested a "discrete and reasonable" timeframe for EPA's response to their petition, including regular updates about interim steps toward corrective actions being taken by EPA and the Wisconsin Department of Natural Resources (WDNR). As discussed with Ms. Thomas, a specific timeframe for overall resolution of the petition cannot be given at this time. EPA is working to finalize a protocol which establishes our plan to investigate the allegations raised in the petition and to reach resolution. In this process, we have and will continue to engage in a substantive dialog with the petitioners and will ensure that there is a publicly accessible means of providing regular updates. We will provide expected timeframes for completion of interim steps as progress is made. We have also committed to have quarterly update briefings with your office, with the next one scheduled for August.

Second, you note that the petitioners have requested a public hearing in response to the petition to ensure that interested members of the public have a forum for providing input to both EPA and WDNR. At this time, we do not feel a public hearing is appropriate. A public meeting and hearing is usually held to provide information and obtain comments after EPA develops draft findings based on our investigation of the allegations made in the petition. We are aware of the need to provide a meaningful opportunity for members of the public to share their views during the petition process. We have received over 40 letters providing additional information in support of the petition. We consider these letters to be part of the concerns raised in the petition, and during our call with Ms. Thomas we committed to providing an update to these citizens to

manner, noting that the allegations raised in the petition are a discrete set of claims which we are committed to investigating and resolving. During our call we also committed to Ms. Thomas that we will look at additional avenues for providing information and for receiving public input outside of a public hearing.

Finally, your letter notes that the petitioners have requested transparency in understanding EPA's process for addressing and resolving, together with WDNR, the allegations raised in the petition. It is our goal to track the resolution of regulatory and rule correction issues that were identified in our July 18, 2011 letter to WDNR in a publicly-available document, posted to our website, which we will update as WDNR completes necessary actions. We are committed to posting the tracking document by the end of June. We committed to Ms. Thomas to provide your office an advance copy of this document prior to posting. Regarding additional concerns identified by the petitioners that go beyond the issues identified in EPA's letter of July 18, 2011, we will be addressing those as outlined in our protocol for investigating the allegations in the petition. Documents developed related to those additional concerns, including our final investigation protocol, will be posted to our website. The EPA website where the Wisconsin petition related information can be found is <https://www.epa.gov/wi/npdes-petition-program-withdrawal-wisconsin>.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denise Fortin or Ronna Beckmann, the Region 5 Congressional Liaisons, at 312-886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Kaplan". The signature is fluid and cursive, with a large initial "R" and "K".

Robert A. Kaplan
Acting Regional Administrator