File
815.4

Emmett, 7/2/74 8:15

Johnson endorses E's memo
Doesn't think mods. in regs. we did enough, tho helpful
VARIANCE

In addition to the changes in regs.

Really need, A-G's opinion that there was clear leg. intent on part of state to apply & qualify for NPDES
And as a result variance would not be applicable to NPDES

Thus variance would not apply to NPDES

Make clear variance provision doesn't apply

Johnson on leave to 7/21

Must be conveyed to Ag. that program fatal unless can do "X" things

Will he accept our theory & if not, what he would accept

Taylor on vacation Thurs ← 10 days

File
815.4

Emmett, 7/9/74, 1 PM

Would expect it in form of formal A-G opinion

Expect it to say explicitly that:

Sec 342-7 of HRS, based on leg. language + hist. of Ha. NPDES leg, does not apply to NPDES permits ~~[illegible]~~; and, further, that to the extent Sec. 342-7 confers any rts. or dischargers in Ha. that are in anyway inconsistent with limitations of FWPCA & regs or guidelines issued pursuant thereto, it was/is superseded by the Ha. NPDES leg.

Further, the procedure for modification of NPDES permits is there & may be utilized by a permittee

Want this language in any opinion issued by him

Ask him about regs.