TAMMY BALDWIN
WISCONSIN

COMMITTEES:
APPROPRIATIONS
BUDGET
HEALTH, EDUCATION, LABOR, AND PENSIONS
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

United States Senate

WASHINGTON, DC 20510

May 9, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, D.C. 20460

The Honorable Robert Kaplan
Acting Regional Administrator
Environmental Protection Agency – Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Dear Administrator McCarthy and Acting Regional Administrator Kaplan,

I am writing regarding the Petition for Corrective Action or Withdrawal of National Pollutant Discharge Elimination System (NPDES) Program Delegation from the State of Wisconsin, which was filed on October 15, 2015 by Wisconsin residents, including several retired and previous employees of the Wisconsin Department of Natural Resources (DNR). It is my understanding that EPA Region 5 staff have engaged in productive dialog with the petitioners and the DNR in response to the petition. However, now that the petition process is underway, the petitioners have key requests of the agency that deserve response. I ask that you continue to work with the petitioners to address the following concerns they have passed along to me.

First, the petitioners have called for a discrete and reasonable timeframe for EPA's response to their petition, including regular updates about interim steps being taken by EPA and DNR. Given that EPA is working with DNR to correct issues with NPDES program delegation, an understanding of these interim steps and the time they may take are especially important to the petitioners. I ask that you also provide these updates to my office without delay.

Second, the petitioners have requested a public hearing in response to the petition, so that interested members of the public have a forum to share input on this matter with both EPA and DNR. Given the erosion of public trust in oversight over water quality and protection of drinking water sources, especially in the wake of the water crisis in Flint, Michigan, there is strong public concern that the agencies charged with preserving environmental protections are not adequately reviewing environmental concerns that arise. I urge you to explore all options available to engage the public, including holding public hearings, and then offer meaningful opportunities for the public to provide comments related to the issues addressed in this petition.

Finally, the petitioners have asked for transparency in understanding the issues EPA is addressing related to the administration of the NPDES program delegation. Specifically, they would like to see the public posting of a document tracking DNR's progress towards addressing deficiencies, which EPA indicated it would create in a February 9, 2016 letter to the DNR. Additionally, the petitioners have identified concerns in addition to the deficiencies listed in the 2011 legal deficiency letter from EPA to DNR and have requested they be addressed. These include issues with the timeframes for review of expired permits, timely updates of the WPDES program to comply with federal laws and regulations, adequacy of DNR staff resources to

address WPDES program deficiencies, and concerns that state judicial review processes limit citizen permit appeal rights in a manner that no longer meets federal requirements.

Over the past many months, I have heard from constituents across Wisconsin who have expressed concerns about the degradation of environmental protections in our state. Public confidence in both the EPA and DNR has diminished and many people believe the agencies are not taking adequate steps to uphold environmental protections. The petition filed last fall highlights many of these concerns in a manner that allows for EPA and DNR to review issues raised and engage citizen petitioners—many of whom spent their careers in service to preserving the quality and health of Wisconsin's environment—in an important discussion of water quality issues in our state, and actions necessary to continue to protect public health and the environment. As you continue your work to respond to this petition, I urge you to address the issues raised in a prompt, public and transparent manner.

Sincerely,

Tammy Baldwin
United States Senator