



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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OFFICE OF THE REGIONAL
ADMINISTRATOR

AUG 10 2010

Ms. Maia Bellon, Director
Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

Ms. Kathleen Drew, EFSEC Chair
Energy Facility Site Evaluation Council
PO Box 47250
Olympia, Washington 98504-7250

Dear Ms. Bellon and Ms. Drew:

Thank you for providing me with your signed copy of the new National Pollutant Discharge Elimination System Memorandum of Agreement between the State of Washington and the Environmental Protection Agency. In return, it is my pleasure to transmit to each of you a copy of the final the MOA with my signature for your records.

This updating of the MOA was prompted by the September 2010 report by the EPA's Office of the Inspector General indicating that MOAs between the EPA and States do not ensure Agency management control and effective oversight over a national program administered by States.¹ The report recommended that the EPA ensure that all MOAs contain essential elements for a nationally consistent enforcement program, including the CWA, Code of Federal Regulations, and State Review Framework criteria. The report recommend that the EPA develop and provide a national template and guidance for a model MOA; directed the EPA regions to revise outdated or inconsistent MOAs to meet the national template and standards; and established a process for periodic review and revision of MOAs, including when the CWA or Code of Federal Regulations are revised or when State programs change. Finally, the report recommends that the EPA establish a national, public clearinghouse of all current MOAs so that the EPA, States, and the public have access to these documents.²

Following the report, the EPA reviewed existing State MOAs with the goal of updating old MOAs. As you are aware, the EPA currently has separate MOAs with Ecology and the Energy Facility Site Evaluation Council dating back to the 1970s.³ The EPA committed to updating Washington MOAs in response to the OIG report.

¹ EPA OIG. *EPA Should Revise Outdated or Inconsistent EPA-State CWA MOA*, Report No. 10-P-0224, September 14, 2010. Last updated on October 28, 2015. Retrieved from <https://www.epa.gov/office-inspector-general/report-epa-should-revise-outdated-or-inconsistent-epa-state-clean-water-act>.

² EPA. State MOAs. <https://www.epa.gov/compliance/memorandum-agreements-between-epa-and-states-authorized-implement-national-pollutant>. Last updated on March 15, 2017.

³ Ecology's MOA was originally signed November 14, 1973 with approval of Ecology's NPDES program. Amendments were signed by the EPA Regional Administrator on September 30, 1986 (Pretreatment) and September 26, 1989 (general permits), and January 9, 1990 (general update). Energy Facility Site Evaluation Council's MOA was originally signed by the EPA Administrator on August 15, 1979.

Consistent with the OIG report and recommendations, EPA R10 staff and staff from both Ecology and ESFEC used the EPA's Office of Enforcement and Compliance Assurance 'model MOA' as a starting point for the new MOA.⁴ All parties agreed to the three-party MOA between the two Washington agencies that have been delegated NPDES authority (Ecology and EFSEC) and the EPA. This MOA is intended to capture the interagency cooperation between Ecology and EFSEC in implementing the NPDES program in Washington.

Thank you again for working with us to update this very important document. If you have any questions, please feel free to contact me or have your staff contact Michael Lidgard, NPDES Permits Unit Manager, by dialing (206) 553-1755 or sending an email to lidgard.michael@epa.gov.

Sincerely,



Chris Hladick
Regional Administrator

Enclosure

cc: Ms. Heather Bartlett, Ecology Water Quality Program Manager
Mr. Stephen Posner, EFSEC Manager

⁴ EPA. *Model National Pollutant Discharge Elimination System (NPDES) Memorandum of Agreement*. Last updated on December 11, 2016. Retrieved from <https://www.epa.gov/compliance/final-documents-review-existing-stateepa-npdes-memoranda-agreement>.