



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 15 1978

OFFICE OF ENFORCEMENT

The Environmental Protection Agency is scheduled to issue interim final regulations concerning applications for variances. The requirements will directly affect a large number of your members. Because some dischargers must apply by September 25, 1978, I thought this pre-promulgation notice would give you an opportunity to advise your members of what the Agency expects to require.

The Act allows variances from best available technology economically achievable based on the economic conditions of the particular facility [section 301(c) of the Clean Water Act] or based on the lack of environmental necessity of the specified limitations [section 301(g)]. Variances are allowed only from limitations on non-conventional pollutants. The Act also requires applicants to apply by September 25, 1978, if an applicable effluent guideline was promulgated before the enactment of the Clean Water Act [section 301(j)(1)(B)]. The enclosed list identifies each particular industrial subcategory eligible for a variance that must comply with September 25, 1978, statutory deadline.

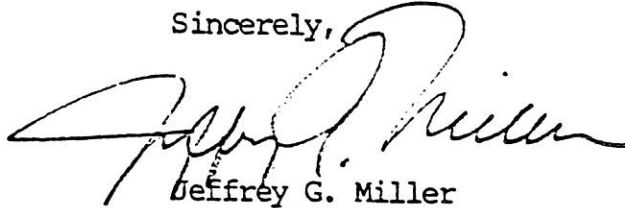
Dischargers who intend to apply for a variance must notify the Regional Office and the Director of the State program in States that issue NPDES permits. The information we need is simply to identify the discharger and the variance requested. Hence we need the discharger's:

- (1) Name;
- (2) present permit number;
- (3) outfall number;
- (4) effluent guideline subject to the request; and
- (5) whether the discharger is applying for a 301(c) or 301(g) variance or both.

The regulations detailing the evidence that will be needed to justify a variance have not been promulgated. Dischargers will not have to submit any documentation in support of a variance before those regulations are in force.

If you have any questions, please contact Scott Slesinger of my staff (202-755-0750). Once the interim regulation is ready for publication we will send you a copy.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey G. Miller". The signature is fluid and cursive, with a large initial "J" and "M".

Jeffrey G. Miller
Deputy Assistant Administrator
for Water Enforcement