



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

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December 15, 2008

Timothy Henry, Acting Director,
Water Division WN-16J
US EPA Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

Subject: NPDES Vessel General Permit (VGP)
Section 401 State Water Quality Certification

Dear Mr. Henry:

This letter is in response to the EPA's November 20, 2008 grant of an extension to submit a § 401 water quality certification for the federal Vessel General Permit (VGP). Unfortunately, Wisconsin is withdrawing its request for an extension because, as EPA's letter stated, during the extension period after the permit has been issued vessels operating in Wisconsin waters would be operating without a discharge permit and subject to federal enforcement and/ or citizen suits. Although this risk of enforcement or suits is extremely low, the Department has been informed by Great Lakes Shippers that their insurance carriers will not cover their operation in Wisconsin waters given this risk.

The Department understands that, as a result of this withdrawal letter, the November 21, 2008 deadline for the Department to submit a water quality certification pursuant to 33 USC s. § 1341(a)(1) and 40 CFR § 124.53 has passed and therefore by statute, the VGP federal permit will be in effect, when issued, in Wisconsin waters. The Department has not made a finding under Wis. Adm. Code ch. NR 299 with respect to this certification.

If you have any questions, please contact me at (608) 267-7651.

Sincerely,

Russell Rasmussen, Director
Bureau of Watershed Management

cc: Susan Sylvester - WT/3