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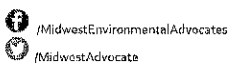
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December 08, 2014

Secretary Cathy Stepp
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921

Dear Secretary Stepp,

I am writing because we have become aware that DNR is granting new facilities coverage under the *expired* Non-Metallic Mining Operations General Permit to Discharge Under the Wisconsin Pollution Discharge Elimination System, WPDES Permit No. WI-0046515-05. Prior to its expiration on March 31, 2014, the Non-Metallic Mining General Permit authorized covered facilities to discharge contaminated stormwater and process wastewater to both surface water and groundwater of the state. Since April 1, 2014, however, there has not been a Non-Metallic Mining General Permit under which DNR could legally grant coverage to new dischargers.

We understand that DNR is actively working to draft a new permit and we support those efforts. However, we are very concerned with DNR's position that both existing and new dischargers are covered under the expired General Permit until it is reissued. This is especially troubling given that DNR has acknowledged the expired permit "doesn't work well"—an acknowledgement that was made in the face of serious water pollution events that DNR has suggested occurred in compliance with the terms of the expired General Permit.

While DNR staff has indicated that it may be administratively challenging to issue individual permits to new facilities, such challenges do not justify non-compliance with state law. New non-metallic mining operations must apply for and obtain coverage under an individual permit or postpone discharging until DNR issues a new Non-Metallic Mining General Permit.

Because DNR's actions are beyond the scope of its authority under state law, we request that DNR immediately cease granting coverage to new dischargers under the expired Non-Metallic Mining General Permit. We also request a written response to this letter to either confirm that DNR will no longer grant coverage to new dischargers under the expired General Permit, or explain the basis under which DNR believes it has the authority to do so.

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Lastly, we request that DNR notify all non-metallic mining operations that were granted coverage under the Non-Metallic Mining General Permit after March 31, 2014, that they are currently discharging without a valid permit and may be held liable for past and future discharges if they continue to discharge without an individual permit. Such liability may be determined either through an agency enforcement action or a citizen enforcement suit, as authorized by the section 505 of the Clean Water Act.

We appreciate your prompt attention to this matter.

A handwritten signature in black ink, appearing to read 'J. Parra', with a long horizontal flourish extending to the right.

Jimmy Parra
Staff Attorney

Cc: Jane Landretti, DNR Attorney
Deb Dix, DNR Environmental Enforcement Specialist
Members of the Wisconsin Natural Resources Board
Rich Budinger, President of Wisconsin Industrial Sand Association