



January 11, 2008

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COUNCIL OF  
THE STATES

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South Carolina Department of  
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R. Steven Brown  
Executive Director

Marcus Peacock  
Deputy Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: NPDES Permit Fees Rule  
Docket ID No. OW-2006-0765

Dear Mr. Peacock:

We are writing on behalf of the States to request that the agency withdraw the above-reference rule from issuance in the Federal Register.

We originally wrote on March 2, 2007, to Mr. Grumbles stating our opposition based on belief that the Clean Water Act was clear about giving States discretion on how best to manage their water programs. We also cited other reasons in that letter which are still pertinent.

Our current request is also based on language in the recently enacted Omnibus Appropriation which states "The Agency may not withhold funds for an NPDES permit fees pilot program..." In our opinion, the intent of Congress is clear on this matter.

Sincerely yours,

David Paylor, President  
Environmental Council of the States

Amey Marrella, Chair  
ECOS Water Committee