

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WSG 18

Date Signed: August 21, 1979

**Revised:** November 1998

**Revised by:** Wendy Warren

MEMORANDUM

SUBJECT: Illegal Use of Variance/Declaratory Judgment

FROM: Alan Levin, Director (signed by Alan Levin)  
State Programs Division, ODW (WH-550)

TO: Regional Water Supply Representatives, I-X

Attached is a memorandum regarding the potential utilization of the declaratory judgment process for illegally issued variances - you will note that this is jointly issued by the Office of Enforcement and the Office of General Counsel.

While we are not advocating the use of this procedure at this time, the States should be aware of its potentiality. You may wish to share this guidance with the Regional Enforcement Division. I have not enclosed the attachments mentioned in the memorandum as these were attached to original guidance document of July 13, 1979.

Attachment