

To: Dravis, Samantha[dravis.samantha@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Kelly, Kerry
Sent: Fri 3/24/2017 8:46:42 PM
Subject: FW: Clean Air Act Rules for MSW Landfills
Landfill Air Rules Summary.docx

Dear Samantha and Robin:

I meant to copy you on this email I just sent to George and pressed send too quickly. The attached materials are a follow-up to a conference call the Landfill Sector had with him this Tuesday to discuss recently promulgated Clean Air Act rules. He mentioned his intent to brief you on all of this, but I wanted to keep you in the loop with all our correspondence. If you have any questions, please do not hesitate to call.

I hope we will have the opportunity to meet soon.

Warm regards,

Kerry

Carter Lee “Kerry” Kelly

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From: Kelly, Kerry
Sent: Friday, March 24, 2017 3:10 PM
To: Sugiyama, George <sugiyama.george@epa.gov>
Cc: Kelly, Kerry <KKelly5@wm.com>
Subject: Clean Air Act Rules for MSW Landfills

Dear George,

We appreciated the opportunity to talk with you about our concerns with the revised New Source Performance Standards (new Subpart XXX) and Emission Guidelines (new Subpart Cf) for MSW Landfills, promulgated at the end of the Obama Administration as part of its Climate Action Plan. Although EPA determined that the “best system of emissions reduction” remained unchanged, the Agency significantly lowered the regulatory threshold at which controls must be installed for both new and existing sources based solely on estimated GHG benefits premised on the “Social Costs of Methane and Carbon.” We believe these rules offer an ideal opportunity for EPA to meet President Trump’s directives to reduce regulatory costs through needed rule revisions, and the potential to eliminate two regulations that could serve as an offset for any other EPA regulation.

The attached document summarizes our concerns and our recommendation for an immediate administrative stay of the rules pursuant to CAA Section 307. We believe that this important interim step is the easiest way for the Agency to begin a reconsideration or rulemaking process to correct the rules’ deficiencies, while also allowing the states to halt expending precious resources on developing implementation plans. It will also give the Agency time to consider and grant an administrative stay under APA Section 705, while completing a remedial rulemaking process.

We believe time is of the essence. Already we are facing potential compliance risks associated with surprising regulatory interpretations of new Subpart XXX emerging from the Regions that are not based on regulatory text. We hope the attached will provide you with the information you need to set up a meeting with Samantha Dravis, but please do not hesitate to call if we can provide additional explanations. I will call you to follow up on this email.

Warm regards,

Kerry

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