

Message

From: Elliott, Don [DElliott@cov.com]
Sent: 5/31/2017 3:46:47 PM
To: Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]
Subject: Good Example of Regional Overreach and Defying HQ Policy
Attachments: Elliott Letter to Tennenbaum.5 25 17..pdf; 2000 OAR Letter.pdf

Justin,

Attached is an example of a regional attorney trying to change 17 years of agency and state policy (IDEM) via a notice of violation. As far as we can tell, this has not been coordinated with OAQPS, much less announced to the regulated community. Region V is the worst offender in my experience, particularly when there is no political appointee supervising. Hope we can discuss this general problem at our lunch on June 9. I recently spoke to the Large Public Power Council (LPPC) and they said that Administrator Pruitt had spoken to them the day before and suggested setting up individual coordinators for each state, which might help.

As for the particular matter itself, I might like to set up a meeting to come in and discuss with you and Lori Schmidt, as well as possibly Susan Bodine at OECA. I see a few general policy issues that I would think would concern OGC: fair notice, regional consistency and the status of the Obama Administration's purported "indefinite stay" of a Bush era rule under a statutory provision that is specifically limited to 90 days and does not postpone the rule's effectiveness. All discussed in the attached letter.

Let me know if you'd be receptive to setting up such a meeting and I'll make an official request.

Don

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