



E. SCOTT PRUITT
ADMINISTRATOR

September 13, 2017

Mr. Douglas Green
Ms. Margaret Fawal
Venable LLP
600 Massachusetts Avenue, N.W.
Washington, D.C. 20001

Mr. Samuel B. Boxerman
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005

Re: Petitions Concerning Coal Combustion Residuals Rule

Dear Mr. Green, Ms. Fawal and Mr. Boxerman:

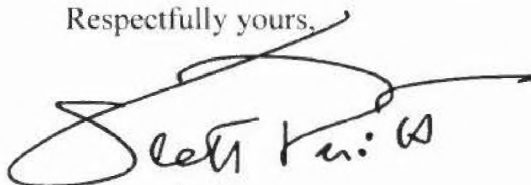
This letter concerns the petitions from the Utility Solid Waste Activities Group, dated May 12, 2017, and from AES Puerto Rico LLP, dated May 31, 2017, to the U.S. Environmental Protection Agency requesting the EPA to initiate rulemaking to reconsider provisions of the final rule titled "Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals," 80 Fed. Reg. 21,302 (Apr. 17, 2015) and requesting that the EPA seek to hold in abeyance the legal challenges to the final rule, *Utility Solid Waste Activities Group, et al. v. EPA*, No. 15-1219 and consolidated cases (D.C. Cir.).

After reviewing your petitions, I have decided that it is appropriate and in the public interest to reconsider the provisions of the final rule addressed in your petitions, in light of the issues raised in your petitions, as well as the new authorities provided in the recently enacted Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, 130 Stat. 1628 (2016). The EPA expects to respond to your requests that the agency seek to hold the litigation in abeyance prior to the September 18, 2017, deadline to submit a proposed oral argument structure to the U.S. Court of Appeals for the District of Columbia Circuit. This letter does not address the merits of any issue raised in the petitions. If the EPA decides to begin the process of potentially revising provisions of the final rule, the agency will promptly inform the court of the portions of the final rule, if any, that it will seek to have remanded to the agency.

As part of the reconsideration process, if the EPA conducts a rulemaking to potentially revise any part of the final rule, the EPA will provide an opportunity for notice and public comment.

If you have questions regarding the reconsideration process, please contact Barnes Johnson at (703) 308-8895. If you have any questions or wish to discuss the litigation, please have your counsel direct inquiries to Perry Rosen at (202) 353-7792.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large loop at the beginning and a long horizontal stroke extending to the right.

E. Scott Pruitt