

Message

From: Roewer, James [JRoewer@eei.org]
Sent: 9/14/2017 8:55:52 PM
To: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]
Subject: USWAG Rulemaking Peition
Attachments: EPA CCR Letter August 16.pdf

Patrick,

We appreciate what EPA has done to bring some clarity to the CCR rule and to establish a framework for approval of state permit programs to implement the federal standards.

We are very pleased to receive EPA's response to our petition for reconsideration and indication that it intends to reconsider the rule's provisions identified in the petition.

Revisions to the CCR are necessary the underlying federal rule to put back into the rule the site-specific flexibility that EPA originally proposed but decided not to include in the final rule because there was no permitting authority. The WIIN Act and the ability of States to implement the rule through permit programs eliminates this concern.

While we appreciate EPA's efforts for rapid roll out of State implementation under the WIIN Act, it is critical that EPA extend, through notice and comment rulemaking, the upcoming deadlines in the CCR rule for the groundwater monitoring and related requirements to allow time for transition to state permitting programs and for rule revisions.

If we don't get these extensions, we will be making significant capital investments to comply with requirements that may be not be necessary once the state begins implementing the rule (for example, site-specific groundwater monitoring requirements). These unnecessary investments will be extremely difficult to recover. In some instances, upcoming deadlines will trigger the closure of disposal units that may lead to the closure of certain coal-fired plants. The attached letter underscores these points.

We also understand that EPA is reassessing its position in industry's litigation challenging the CCR rule. In light of the Agency's decision to propose revisions to the rule and deadline extensions, EPA should reassess their position in the litigation and move to hold the case in abeyance until its rulemakings can play out.

We believe that EPA has time to extend the CCR rule deadlines through a rulemaking. Would be glad to discuss this further with you.

Please contact me with any questions, etc.

Jim