

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 8/14/2017 5:47:19 PM
Subject: EPA to revamp 2015 power plant discharges rule

By Annie Snider

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EPA will conduct a new rulemaking to "potentially revise" portions of a 2015 regulation limiting toxic discharges from coal-fired power plants, according to a [letter](#) sent by Administrator Scott Pruitt to the U.S. Small Business Administration Friday and obtained by POLITICO today.

The 2015 rule set new technology-based limits on heavy metals like mercury and arsenic that power plants discharge into waterways. The previous limits had not been updated in more than 30 years.

The portions of the rule Pruitt said could be revised are the most contentious and expensive ones governing how coal waste is managed by power plants.

"This new rulemaking has the potential to gut the rule. The two most impactful provisions of the rule by far — in terms of the amount of toxics that power plants are dumping into water bodies, and the costs to industry of complying with the rule — are the two main ones that EPA is reconsidering," Thomas Cmar, an Earthjustice attorney, said in an email.

Pruitt's letter indicates EPA will ask the 5th Circuit Court of Appeals to put challenges to the 2015 rule from the coal industry on hold while EPA conducts the new rulemaking. The letter makes no mention of other lawsuits joined with that litigation from environmental groups and drinking water utilities that challenge the overall rule.

EPA did not immediately reply to a request for comment.

WHAT'S NEXT: EPA would need to file an official notice in order to launch a new rulemaking. The agency is also due to update the 5th Circuit Court of Appeals today on the status of its review of the 2015 rule.

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