

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 9/14/2017 8:18:29 PM
Subject: Pruitt to reconsider parts of 2015 coal ash rule

By Alex Guillén

09/14/2017 04:15 PM EDT

EPA will reconsider key portions of the 2015 coal ash rule, according to a [letter](#) from Administrator Scott Pruitt to industry officials released by Earthjustice.

Two petitions were filed in May by AES Puerto Rico and the Utility Solid Waste Activities Group, an umbrella group whose members include the Edison Electric Institute, National Rural Electric Cooperative Association, American Public Power Association and more than a hundred utilities and related companies.

Pruitt's letter does not specify which parts of the rule he plans to reconsider, but both USWAG and AES identified specific issues with the regulation.

[USWAG's petition](#) asked that pending deadlines be pushed back and called for the rule to be changed in the wake of a December 2016 law changing the enforcement scheme in order to accommodate new management options based on site-specific risk analyses rather than the original "burdensome, inflexible, and often impracticable requirements." USWAG also argued that various executive orders from President Donald Trump dealing with regulations justify cracking the rule open.

[AES' petition](#) focused on requirements for how power plants store their coal ash piles before they are moved off site to be disposed of or to make products such as concrete and wallboard.

Oral arguments at the D.C. Circuit Court of Appeals over the rule are currently scheduled for Oct. 17, but EPA is likely to ask the case be put on hold while it reconsiders the rule.

WHAT'S NEXT: Pruitt will initiate a formal reconsideration process. Any actual changes to the rule will have to go through public comment and will be open to legal challenge.

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