

To: Dravis, Samantha[dravis.samantha@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
Cc: Kelly, Kerry[KKelly5@wm.com]; Carol McCabe (CMcCabe@mankogold.com)[CMcCabe@mankogold.com]; Ball, Christopher[cball2@wm.com]; Mack McGuffey (mack.mcguffey@troutmansanders.com)[mack.mcguffey@troutmansanders.com]; Kevin Kraushaar (kkraushaar@wasterecycling.org)[kkraushaar@wasterecycling.org]; Barry Shanoff (bss@shanlaw.net)[bss@shanlaw.net]
From: Kelly, Kerry
Sent: Wed 3/15/2017 5:20:32 PM
Subject: Waste Management, Inc. Request for a Meeting
Letter to EPA Acting Officials - Petition for Reconsideration Enclosed (1683559_1).PDF

Dear Ms. Dravis and Mr. Sugiyama:

At the suggestion of Al Collins of Occidental Petroleum (Oxy), who met with you last week and now sings your praises, I am writing to request a meeting with you at your earliest convenience to discuss a set of rules promulgated by EPA pursuant to Section 111 (b) and (d) of the Clean Air Act that impose revised performance standards for both new and existing municipal solid waste (MSW) landfills. The regulations were promulgated as part of President Obama's *Climate Action Plan: Strategy to Reduce Methane Emissions*.

Waste Management, along with Republic Services, the National Waste & Recycling Association and the Solid Waste Association of North America (associations representing both public and private organizations and professionals) identified a number of substantial issues of law and policy with the new rules, including overlap and conflict with existing rules governing the same landfill sources. We have asked EPA to stay, reconsider and revise the two climate-related rules. We petitioners have also challenged the new rules in the U.S. Court of Appeals for the D.C. Circuit.

The landfill rules share similarities with other regulations that EPA may reevaluate, including the Clean Power Plan and Oil & Gas Rules:

- The new rule for existing landfills relies on the same Section 111(d) authority for which the Clean Power Plan has been criticized; and
- The cost/benefit analyses underpinning the more stringent performance standards in the rules rely heavily on the “social cost of methane,” which is derived from the “social cost of carbon.”

Should the Agency decide to rethink those elements in other rules, we believe it would be advisable to reconsider the landfill rules as well. Although we petitioners are prepared to move forward with the judicial challenge, we believe a reconsideration of the rules could lead to a better outcome without the need for litigation. While rule revisions are our ultimate goal, an administrative stay of the rules under the Administrative Procedures Act is critical to avoid forcing the regulated community and the states to begin implementing these flawed rules. Many states are already engaged in developing their mandated state plans for implementation, which are due to the EPA by May 30, so our request for a meeting is time-critical.

I am attaching a recent letter we petitioners sent to EPA prior to Administrator Pruitt's confirmation. It includes our somewhat lengthy administrative petitions. I would be happy to follow-up next week by phone to identify a convenient time on your doubtless busy schedules. Several participants will be coming from out of town, including a former colleague of Mr. Sugiyama, Mack McGuffey of Troutman Sanders, but we can be flexible in accommodating your schedules.

Thank you in advance, and I very much look forward to meeting you.

Kerry Kelly

Carter Lee "Kerry" Kelly

Senior Director, Federal Affairs

Kkelly5@wm.com

WM Waste Management

701 Pennsylvania Ave., NW, Ste 590

Washington, DC 20004

202.639.1218 office

571.377.9202 cell

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