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May 12, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, DC 20460

Re: Utility Solid Waste Activities Group Petition for Rulemaking to Reconsider Provisions of the Coal Combustion Residuals Rule, 80 Fed. Reg. 21302 (April 17, 2015), and Request for EPA To Hold in Abeyance Challenge to Coal Combustion Residual Rule, No. 15-1219, et al. (D.C. Cir.)

Dear Administrator Pruitt:

Enclosed please find the Utility Solid Waste Activities Group's ("USWAG") Petition for Reconsideration of EPA's final rule titled Rulemaking to Reconsider Provisions of the Coal Combustion Residuals Rule ("CCR Rule"), 80 Fed. Reg. 21302 (April 17, 2015), and a Request for EPA to seek to Hold In Abeyance the Challenge to the Coal Combustion Residuals Rule, No. 15-1219, et al. (D.C. Cir.).

As set forth in the Petition, USWAG is not seeking reconsideration of the entire Rule, but only those provisions that warrant modification, revision or repeal due to recent legislation fundamentally altering the self-implementing nature of the Rule to one implemented through enforceable permit programs, as well as the Administration's Executive Orders on regulatory reform.

We also ask that EPA take action as soon as possible to extend the Rule's impending compliance deadlines given that owners/operators of coal combustion residuals ("CCR") units are making critical operating decisions based on elements of the CCR Rule that likely will be implemented differently under CCR permit programs and provisions that should be modified based on the re-evaluation of the Rule under the President's Executive Orders on regulatory reform. Extension of the compliance deadlines also is necessary to ensure alignment of the CCR Rule's

requirements with EPA's recent postponement of the compliance dates for implementation of the Final Effluent Limitations Guidelines and Standards Rule for the Steam Electric Power Generating Point Source Category ("ELG Rule"). Because it was EPA's intent that the CCR and ELG Rules work in tandem, both in terms of content and timing, extension of the CCR Rule compliance deadlines is necessary so that owners/operators of CCR units are not forced to make decisions affecting these units under the CCR Rule without first understanding their obligations under the ELG Rule.

Finally, because certain provisions of the Rule identified in the attached Petition are the subject of ongoing litigation challenging the Rule, USWAG requests that EPA seek hold the case in abeyance so that the Agency can reconsider its positions in the litigation in light of the recent statutory changes and Executive Orders.

USWAG believes that the modifications to the Rule identified in this Petition will result in a more practical and workable, yet equally protective regulatory program for CCR disposal units. We look forward to working with EPA in making these important and necessary modifications to the CCR Rule.

Sincerely,

A handwritten signature in black ink, appearing to read "James Roewer", with a long horizontal flourish extending to the right.

James Roewer
Executive Director

Enclosure

cc: Samantha Dravis
Brittany Bolen
Ryan Jackson
Byron Brown
David Fatouhi
Patrick Davis
Barry Breen
Barnes Johnson