Cook, Steven

From: Cook, Steven
Sent: Monday, October 15, 2018 2:59 PM
To: 'Roewer, James'
Subject: RE: USWAG Policy Committee Meeting

Jim –

Really appreciate the detailed list below. I will be better prepared for Friday. Look forward to the discussion.

Steven

From: Roewer, James [mailto:JRoewer@eei.org]
Sent: Monday, October 15, 2018 2:21 PM
To: Cook, Steven <cook.steven@epa.gov>
Subject: USWAG Policy Committee Meeting

Steven. Thanks again for agreeing to speak to the USWAG Policy Committee this Friday, October 19, from 9:30 – 10:30 AM. We are meeting at EEI's Office, 701 Pennsylvania Avenue, NW, Washington, DC, in the 4th Floor TA Edison Conference Center. Call me on my cell with any issues, etc.: 202-262-2711

Here are some issues that we would like to tee up for discussion, to the extent that you can speak to them:

1. Implementation of Court's Judgment: What is the timing for EPA issuing rules implementing the Court's judgment? Given that many "legacy" impoundments have closed or have commenced closure since Oct. 19, 2015, many of the operational requirements for active impoundments aren't applicable to legacy impoundments. Will EPA be taking this into account when developing the rules for legacy impoundments?
2. Data Needs for Supplemental Rulemaking for Unlined Impoundments: We are eager to work with EPA in providing new data to the Agency to support a supplemental rulemaking allowing unlined and clay-lined impoundments that are not having an adverse impact on health or the environment to continue operating, as opposed to being subject to mandatory closure simply because they are unlined. We have generated some data and want to discuss with EPA the data it believes it needs to pursue this rulemaking and the timing for this rulemaking.
3. WIIN Act Implementation: We are hearing from members, who are hearing from their states, that the approval process is not moving smoothly, and in particular, when state applications deviate from but are claimed to be as protective as the federal CCR rule. In some cases, states have been advised that only a verbatim adoption of the federal rule would be approved. This is at odds with the WIIN Act which contemplates that state programs can be different from, but as protective as, the federal rule. The approval of states programs is a significant issue for the states and USWAG members.
4. Phase 2 CCR Rule Proposal: What is EPA's schedule for issuing the Phase 2 CCR proposal?
5. CERCLA 108(b): Has EPA determined which industry sector it will address next?

Please contact me with any questions, etc. We are looking forward to seeing you later this week

Jim

Jim Roewer
Executive Director
USWAG