Message

From: Sullivan, Melissa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54F0DE262EE645199291218AE02AC210-SULLIVAN, M]
Sent: 9/10/2021 7:54:12 PM
To: Mike Tony [mtony@hdmediallc.com]
CC: EPA Press Office [Press@epa.gov]
Subject: RE: Media Inquiry: ELG Rule Compliance Questions

Thank you for your flexibility and patience. I will be in touch on Monday.

Melissa A. Sullivan (She/Her/Hers)
Office of Public Affairs
U.S. Environmental Protection Agency
202 913 3840
Sullivan.Melissa@epa.gov

From: Mike Tony <mtony@hdmediallc.com>
Sent: Friday, September 10, 2021 3:52 PM
To: Sullivan, Melissa <sullivan.melissa@epa.gov>
Cc: EPA Press Office <Press@epa.gov>
Subject: Re: Media Inquiry: ELG Rule Compliance Questions

Hi Melissa,

Yes, I can extend to Monday. Thank you again.

Best,
Mike

From: Sullivan, Melissa <sullivan.melissa@epa.gov>
Sent: Friday, September 10, 2021 3:48 PM
To: Mike Tony <mtony@hdmediallc.com>
Cc: EPA Press Office <Press@epa.gov>
Subject: RE: Media Inquiry: ELG Rule Compliance Questions

CAUTION:

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Good afternoon Mike,

We continue to work on this for you.

In order to be as responsive as possible, we require more time.

Are you able to extend to Monday?

Thank you,
Melissa

Melissa A. Sullivan (She/Her/Hers)
Office of Public Affairs
U.S. Environmental Protection Agency
202 913 3840
Sullivan.Melissa@epa.gov

From: Mike Tony <mtony@hdmediallc.com>
Sent: Friday, September 10, 2021 11:48 AM
To: Sullivan, Melissa <sullivan.melissa@epa.gov>
Cc: EPA Press Office <Press@epa.gov>
Subject: Re: Media Inquiry: ELG Rule Compliance Questions

Thank you, Melissa. I appreciate it.

From: Sullivan, Melissa <sullivan.melissa@epa.gov>
Sent: Friday, September 10, 2021 8:26 AM
To: Mike Tony <mtony@hdmediallc.com>
Cc: EPA Press Office <Press@epa.gov>
Subject: Re: Media Inquiry: ELG Rule Compliance Questions

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Thank you, Mike.

We will do our best to meet your deadline.

On Sep 9, 2021, at 6:34 PM, Mike Tony <mtony@hdmediallc.com> wrote:

Would you be able to provide responses to my questions by tomorrow at 3 p.m.? Thank you again.

From: Mike Tony <mtony@hdmediallc.com>
Sent: Thursday, September 9, 2021 5:35 PM
To: Sullivan, Melissa <sullivan.melissa@epa.gov>
Cc: EPA Press Office <Press@epa.gov>
Subject: Re: Media Inquiry: ELG Rule Compliance Questions

What's in question here, for further clarity, is the argument that under the ELG rule, American Electric Power subsidiaries could submit a NOPP in October but later decide not to take advantage of the early retirement option and instead make ELG retrofits and continue operating power plants past 2028. The statute in question seems to be 40 C.F.R. § 423.13(o)(1)(i)(A), (o)(1)(ii)(B). Thank you again for any insight you can provide.

From: Mike Tony <mtony@hdmediallc.com>
Sent: Thursday, September 9, 2021 5:28 PM

To: Sullivan, Melissa <sullivan.melissa@epa.gov>
Cc: EPA Press Office <Press@epa.gov>
Subject: Re: Media Inquiry: ELG Rule Compliance Questions

I will be filing this story shortly, but I would still be grateful for any response that you can provide whenever you can provide it. Thank you again.

From: Sullivan, Melissa <sullivan.melissa@epa.gov>
Sent: Thursday, September 9, 2021 5:19 PM
To: Mike Tony <mtony@hdmediallc.com>
Cc: EPA Press Office <Press@epa.gov>
Subject: Media Inquiry: ELG Rule Compliance Questions

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Good afternoon Mike,

We at HQ received your inquiry from our colleagues.

We are checking on your questions.

Is an extension is possible?

Thank you,
Melissa

From: Mike Tony <mtony@hdmediallc.com>
Sent: Thursday, September 09, 2021 12:34 AM
To: White, Terri-A <White.Terri-A@epa.gov>; Seneca, Roy <Seneca.Roy@epa.gov>; Sternberg, David <Sternberg.David@epa.gov>
Subject: ELG Rule Compliance Questions

Hope you're doing well. I'm working on a story on the Appalachian Power and Wheeling Power electric utilities requesting that the West Virginia Public Service Commission reopen a case in which they're seeking approval for implementation of and cost recovery for compliance with the EPA's coal combustion residual and effluent limitation guidelines at three different in-state coal-fired power plants. I have the following questions that I was hoping you could provide responses for by my deadline of 3:30 p.m. today. Thank you very much regardless.

1. The utilities say that there is an Oct. 13 deadline for them to notify the West Virginia Department of Environmental Protection whether they intend to retire the plants to comply with the ELG rule. Is that true, and if so, can that deadline be extended?

2. If the Companies later decide not to complete ELG compliance improvements for some units, will they be required to cease coal operations at those units by each unit's ELG compliance deadline (June 30, 2023 for Mitchell, Dec. 31, 2022 for Amos and June 1, 2022 for Mountaineer)?
3. Is it true, as the utilities report, that the EPA has tolled an April 11, 2021 deadline date to begin closing bottom ash ponds at the three coal-fired power plants (the Amos, Mitchell and Mountaineer facilities) pending its decision on the extension requests and has not issued a decision regarding their requests to extend the CCR rule deadline? (pages 20 and 21 here)

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