



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

April 12, 2017

THE ADMINISTRATOR

Mr. Harry M. Johnson  
Hunton & Williams, LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, Virginia 23129-4074

Mr. Major Clark  
Mr. Kevin Bromberg  
U.S. Small Business Administration  
Office of Advocacy  
409 3<sup>rd</sup> Street, SW, 7<sup>th</sup> Floor  
Washington, D.C. 20416

Re: Petitions for Agency Reconsideration and Stay of Effluent Guidelines for the Steam Electric Point Source Category

Dear Mr. Johnson, Mr. Clark and Mr. Bromberg:

This letter concerns petitions from the Utility Water Action Group dated March 24, 2017, and the U.S. Small Business Administration dated April 5, 2017, to the U.S. Environmental Protection Agency requesting reconsideration and an administrative stay of provisions of the EPA's final rule titled "Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category," 80 FR 67838 (November 3, 2015).

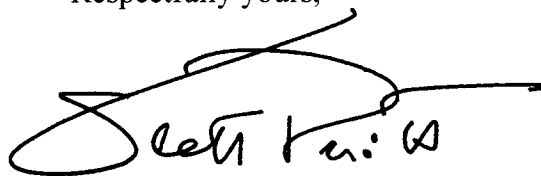
After considering your petitions, I have decided that it is appropriate and in the public interest to reconsider the rule. The EPA is acting promptly to issue an administrative stay of the compliance dates in the rule that have not yet passed pending judicial review, pursuant to Section 705 of the Administrative Procedure Act. This stay will be effective upon publication in the Federal Register. The EPA also intends to request that the U.S. Court of Appeals for the Fifth Circuit stay the pending litigation on the rule for 120 days (until September 12, 2017), by which time the agency intends to inform the Court of the portions of the rule, if any, that it seeks to have remanded to the agency for further rulemaking, after careful consideration of the merits in your petitions. Also, because an administrative stay lasts only during the pendency of judicial review, the EPA intends to conduct notice and comment rulemaking during the reconsideration period to stay or

amend the compliance deadlines for the rule. This letter does not address the merits of, or suggest a concession of error on, any issue raised in the petitions.

As part of the reconsideration process, should the EPA conduct a rulemaking to amend the rule or any part of it, the EPA expects to provide an opportunity for notice and comment.

If you have questions regarding the reconsideration process, please contact Sarah Greenwalt at (202) 564-1722. If you have any questions or wish to discuss the litigation, please have your counsel direct inquiries to Jessica O'Donnell at (202) 305-0851.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, sweeping flourish above the name.

E. Scott Pruitt