

Subj: **RE: Hg lawsuit**
Date: 7/15/2005 12:27:53 PM Eastern Standard Time
From: kmcginty@state.pa.us
To: Pacoal1@aol.com

thanks george. understand your position on trading, etc. and just glad you are pressing the subcategorization issue too. thx!

-----Original Message-----

From: Pacoal1@aol.com [<mailto:Pacoal1@aol.com>]
Sent: Thursday, July 14, 2005 1:34 PM
To: kmcginty@state.pa.us
Subject: Re: Hg lawsuit

Katie –

PCA, as part of the ACBMR Coalition – American Coal for Balanced Mercury Regs – will be challenging the Hg rule.

However, the basis for our suit will not be designed to overturn the federal rule or direct EPA towards a MACT-based standard. We support the cap-and-trade approach, the 38 ton Phase I cap and other aspects of the existing rule. This is where we differ with the Commonwealth.

Our challenge will focus on the inequities in the coal rank-based allowance allocations and the resulting bias against bituminous coal. While the allocation ratios in the final rule are a marked improvement over those set forth in the original proposal, EPA still has yet to justify the need for any differences in allowance allocations.

PCA also wants to be a participant in any court ordered settlement discussions, which appears to be an inevitable part of the appeals process. This is another reason why we decided to join the lawsuit.

Please call me if you have any questions or comments concerning our position on this matter.

George

All–i believe monday the 18th is the deadline for filing suit on key parts of the hg rule, including the prejudicial treatment of bituminous coal. We have led an effort to have a variety of states join us in charging that the disparate trmt is illegal. Our brief leads w this issue and presents a v strong case.
Happy to share that language so you might challenge too. Do you plan to?
Thx–k

Friday, July 15, 2005 America Online: Pacoal1