

U.S. Environmental Protection Agency
Office of Resource Conservation and Recovery
Office of Land and Emergency Management

Virtual Public Hearing
U.S. EPA Public Hearing
For Proposed Rule Change:
No. EPA-HQ-OLEM-2019-0173

Proposal--A Holistic Approach to Closure Part B:
Alternate Demonstration for Unlined Surface
Impoundments and Implementation of Closure

Tuesday, April 7, 2020
9:00 a.m. through 6:00 p.m.

(Conducted via Webinar)

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<p style="text-align: right;">Page 7</p> <p>1 P R O C E E D I N G S</p> <p>2 MORNING SESSION</p> <p>3</p> <p>4 EMCEE: Good morning. Welcome to the EPA</p> <p>5 public hearing. We are now ready to begin.</p> <p>6 I'll turn it over to EPA to get us started.</p> <p>7 MR. HUGGINS: Good morning, and thank you</p> <p>8 for attending today's public hearing on the</p> <p>9 Environmental Protection Agency's proposal</p> <p>10 titled "A Holistic Approach to Closure Part B:</p> <p>11 Alternate Demonstration for Unlined Surface</p> <p>12 Impoundments and Implementation of Closure,"</p> <p>13 which was published in the Federal Register on</p> <p>14 March 3rd, 2020. Before we begin, I would like</p> <p>15 to say that we appreciate you taking the time to</p> <p>16 address the proposed rule, and we look forward</p> <p>17 to receiving your comments.</p> <p>18 My name is Richard Huggins. I am the Chief</p> <p>19 of the Energy Recovery and Waste Disposal Branch</p> <p>20 in EPA's Office of Resource Conservation and</p> <p>21 Recovery. I will be chairing this session of</p> <p>22 today's hearing. With me on the panel today</p>	<p style="text-align: right;">Page 9</p> <p>1 post-closure care of CCR units. The final rule</p> <p>2 requires owners and operators of CCR units to</p> <p>3 document compliance with these requirements in</p> <p>4 the facility's operating record. In addition,</p> <p>5 the facility must notify the State of decisions</p> <p>6 and maintain a publicly accessible website of</p> <p>7 compliance information. This final CCR rule</p> <p>8 became effective on October 19th, 2015, and</p> <p>9 owners or operators of CCR units are required to</p> <p>10 be in compliance with all applicable</p> <p>11 requirements.</p> <p>12 While the major protections and</p> <p>13 requirements of the April 2015 rule remain in</p> <p>14 place, EPA is working on several regulatory</p> <p>15 proposals to carry out new requirements under</p> <p>16 the Water Infrastructure Improvements for the</p> <p>17 Nation Act, respond to petitions, address</p> <p>18 litigation, and ensure smoother implementation</p> <p>19 by applying lessons learned.</p> <p>20 EPA is proposing four main changes with</p> <p>21 this action: Procedures to allow a limited</p> <p>22 number of facilities to continue using alternate</p>

<p style="text-align: right;">Page 10</p> <p>1 liners at existing CCR surface impoundments if 2 they can demonstrate to EPA or a participating 3 State Director that the unit would not adversely 4 affect groundwater, human health, or the 5 environment; conditions under which CCR can be 6 used in the closure of landfills and surface 7 impoundments; an additional closure option for 8 CCR units from which CCR is being removed that 9 cannot complete groundwater corrective action by 10 the time all other closure by removal activities 11 have been completed--under this new provision, 12 groundwater remediation must continue until 13 groundwater protection standards are achieved 14 during a post-closure care period--and 15 requirements for annual closure progress reports 16 that facilities must prepare during the period 17 that a CCR unit is being closed so as to provide 18 the public with more information about the 19 progress of closure. 20 Now I'll cover some logistics for the 21 comment portion of today's public hearing. 22 Today's hearing will work as follows.</p>	<p style="text-align: right;">Page 12</p> <p>1 testimony prepared, please send it to the email 2 you received your confirmation email from at 3 epawebinar@indecon.com. 4 We are here today to hear your comments on 5 EPA's proposal published on March 3rd. We will 6 not respond to questions; however, from time to 7 time, members of the panel may ask questions to 8 clarify your testimony. Any comments spoken in 9 languages other than English will be translated 10 into English in the written transcript. 11 If you have additional comments after 12 today, please follow the instructions in the 13 March 3rd Federal Register notice for this 14 proposal. Comments must be submitted by April 15 17th, 2020. 16 Everyone who has pre-registered will have 17 an opportunity to speak, and we will do our best 18 to accommodate speakers that have not 19 pre-registered. Today's hearing is scheduled to 20 close at 6:00 p.m., but we will keep the hearing 21 open later if necessary. If, however, time does 22 not allow you to orally present your comments,</p>
<p style="text-align: right;">Page 11</p> <p>1 Speakers, if you pre-registered to speak, you 2 should have received an email with a 30-minute 3 time slot during which you are scheduled to give 4 your 5 minutes of testimony. To guarantee that 5 slot, we have asked that you sign into the 6 webinar 10 minutes before that 30-minute time 7 slot. We will call speakers in groups. After 8 your name is called, EPA will ask you to state 9 your name and your affiliation, if any, and 10 proceed with your testimony. We may ask you to 11 spell your name for the court reporter, who is 12 on the line transcribing your comments for the 13 official record. The audio from the public 14 hearing will be recorded for the official 15 record. 16 In order to accommodate all speakers and 17 provide all speakers with the same speaking 18 opportunity, testimony is limited to 5 minutes, 19 even if there are no additional speakers 20 waiting. A countdown clock will be shown on the 21 screen so speakers know how much time they have 22 left. In addition, if you have a written</p>	<p style="text-align: right;">Page 13</p> <p>1 you may provide a written comment in lieu of 2 oral testimony. These written comments on the 3 proposal will be given the same weight as oral 4 testimony. 5 If you would like to testify but have not 6 yet registered to do so, please send a message 7 to staff via the Questions box, and they will do 8 their best to fit you into the schedule. 9 We plan to take occasional breaks, 10 according to the agenda. We will shorten the 11 breaks, if needed, in order to allow as many 12 people as possible to provide their comments. 13 We ask for your patience as we proceed. We 14 may need to make some minor adjustments as the 15 day progresses, and if so, we will make the 16 appropriate announcements. 17 Thanks again for participating today. 18 Let's get started. We will now turn it over to 19 EPA's contractor Industrial Economics to discuss 20 some logistics for today's hearing. 21 EMCEE: Thank you. 22 Before we begin, we'd like to go over some</p>

<p style="text-align: right;">Page 14</p> <p>1 logistics for today's webinar. As a reminder, 2 all attendees are muted automatically. We will 3 unmute you when it is your turn to speak. 4 Also, if you called in using a phone and 5 are planning to speak, you must enter your 6 individual audio PIN. If you are having trouble 7 with the PIN, a staff member will send you a 8 message via the webinar interface. Please make 9 sure that if you called in via phone, the radio 10 button is on "Phone Call" and not "Computer 11 Audio." Finally, please use the Questions box 12 in the upper right corner to request a speaking 13 slot. 14 Now we will begin our public comments. The 15 expected speaking order for the next half hour 16 will be Autumn Crowe followed by Joyce 17 Blumenshine, Toni Oplt, Lisa Evans, and Kat 18 Haber. 19 I will be introducing each speaker in turn, 20 but please wait for EPA to ask you to proceed 21 before starting your comments. 22 The first speaker will be Autumn Crowe.</p>	<p style="text-align: right;">Page 16</p> <p>1 of 169 million cubic yards of coal ash waste. 2 According to the annual groundwater 3 monitoring and corrective action reports, all 4 seven facilities have found statistically 5 significant increases in groundwater 6 contaminants or previous impacts to surface 7 water. Five of the facilities have unlined coal 8 ash disposal ponds, and three of the facilities 9 have detected groundwater pollutants that are 10 above the State or Federal standards, including 11 contaminants such as arsenic, barium, chloride, 12 molybdenum, lithium, and radium 226 and 228. 13 That puts the public's health at risk. This 14 proposed rule would allow these facilities to 15 continue to operate indefinitely. 16 These facilities are already a threat to 17 West Virginians' access to clean drinking water. 18 The Mitchell Plant in Marshall County, which has 19 already been found to harm aquatic life, 20 contains an unlined bottom ash pond that is 21 located within the drinking water protection 22 area for Sistersville Municipal Water.</p>
<p style="text-align: right;">Page 15</p> <p>1 EPA, are you ready to proceed? 2 MS. LONG: Yes. 3 Please proceed, and state your name and 4 affiliation for the record. 5 MS. CROWE: Can you hear me? 6 EMCEE: Yes. Please proceed. 7 MS. CROWE: Okay. My name is Autumn Crowe. 8 I'm the staff scientist with West Virginia 9 Rivers Coalition. 10 West Virginia Rivers Coalition is opposed 11 to the coal combustion residual Part B, which 12 details a holistic approach to the closure of 13 coal ash facilities. However, this proposed 14 rule is not holistic but would instead put the 15 health of West Virginia residents at risk in a 16 State that already has the third highest cancer 17 death rate in the nation. 18 This rule affects seven facilities in West 19 Virginia: Mount Storm, Fort Martin, Harrison 20 Power Station, Mitchell Plant, Pleasants Power 21 Station, Mountaineer Plant, and the John E. Amos 22 Plant. These facilities have a combined total</p>	<p style="text-align: right;">Page 17</p> <p>1 The Mountaineer Plant, which has an unlined 2 bottom ash pond, is contributing to elevated 3 levels of lithium in the groundwater that is 4 within the New Haven Water Department wellhead 5 protection area. 6 Additionally, the Pleasants Power Plant in 7 Pleasants County contains an unlined coal ash 8 disposal impoundment that is contaminating the 9 groundwater with arsenic, barium, fluoride, 10 lithium, and radium 226 and 228, and is located 11 within the drinking water protection area for 12 the City of Parkersburg. 13 These facilities have known contamination 14 issues that are posing unnecessary risk to 15 drinking water supplies. EPA's proposal puts 16 the public health and the well-being in 17 jeopardy. EPA must strengthen the coal ash 18 combustion residual rule, not weaken it. 19 It is inexcusable to allow these facilities 20 to continue polluting water resources. It's the 21 agency's duty to protect the water and the 22 public health from toxic coal ash. Please close</p>

<p style="text-align: right;">Page 18</p> <p>1 these facilities.</p> <p>2 EMCEE: Thank you for your comment.</p> <p>3 The next speaker will be Joyce Blumenshine,</p> <p>4 followed by Toni Oplt, Lisa Evans, and then Kat</p> <p>5 Haber. The next speaker will be Joyce</p> <p>6 Blumenshine.</p> <p>7 EPA, are you ready to proceed?</p> <p>8 MS. LONG: Yes.</p> <p>9 Please proceed and state your named and</p> <p>10 affiliation for the record.</p> <p>11 MS. BLUMENSHINE: My name is Joyce</p> <p>12 Blumenshine. I live in Peoria, Illinois, which</p> <p>13 is along the Illinois River, about 3 hours south</p> <p>14 of Chicago. I'm a volunteer with various</p> <p>15 environmental groups, but today I'm making</p> <p>16 comments as a concerned citizen on my own who</p> <p>17 lives in a community impacted by coal ash.</p> <p>18 I live downwind of three old coal-fired</p> <p>19 power plants, which all have coal ash</p> <p>20 impoundments that have been proven to have</p> <p>21 polluted groundwater and put the Illinois River</p> <p>22 at risk.</p>	<p style="text-align: right;">Page 20</p> <p>1 no deadline because of the COVID-19 crisis, yet</p> <p>2 today you're holding a hearing on incredibly</p> <p>3 important rule rollbacks and you continue</p> <p>4 destroying and rolling back essential</p> <p>5 environmental regulations which have been</p> <p>6 protecting our air, water, and land upon which</p> <p>7 life depends. What a farce.</p> <p>8 The regulatory changes under consideration</p> <p>9 today will cause more sickness, deaths, and</p> <p>10 environmental degradation, all for the</p> <p>11 convenience of industry and their profits, all</p> <p>12 being done while the world and this country and</p> <p>13 the public is trying to cope with the COVID-19</p> <p>14 crisis. Unconscionable.</p> <p>15 Environmental justice community members are</p> <p>16 clearly at greater risk of this rollback because</p> <p>17 the proposed Part B will allow many, many more</p> <p>18 years, unending, for coal ash sites to continue</p> <p>19 with millions more tons of coal ash placed at</p> <p>20 unlined locations.</p> <p>21 Reports from Italy currently show areas</p> <p>22 with greater air pollution have higher levels of</p>
<p style="text-align: right;">Page 19</p> <p>1 I strongly oppose the proposed changes</p> <p>2 titled, euphemistically, "A Holistic Approach to</p> <p>3 Closure Part B" because there is nothing</p> <p>4 holistic for the public, for the public health,</p> <p>5 for providing environmental protection in this</p> <p>6 Part B. Maybe EPA missed that.</p> <p>7 The U.S. EPA is destroying clearly</p> <p>8 established requirements for closure of unlined</p> <p>9 and polluting coal ash sites, ignoring the 2018</p> <p>10 court-ordered closure timelines, and removing</p> <p>11 essential safeguards for the health of the</p> <p>12 public, the environment, and protection of</p> <p>13 essential water resources in this proposal.</p> <p>14 Today, Tuesday, April 7th, 2020, the United</p> <p>15 States and most of the world are in the midst of</p> <p>16 the COVID-19 pandemic. We are in unprecedented</p> <p>17 times. Schools are closed. Most businesses are</p> <p>18 closed. Most Americans must stay home,</p> <p>19 home-school their kids while working at home,</p> <p>20 and on one hand, you, the EPA, has given all</p> <p>21 U.S. industries a waiver of pollution</p> <p>22 regulations and even monitoring reporting with</p>	<p style="text-align: right;">Page 21</p> <p>1 COVID-19. Environmental justice residents are</p> <p>2 at much greater difficulty at this time with the</p> <p>3 financial and family stresses. Libraries are</p> <p>4 closed. There are not alternative sites for</p> <p>5 access to computers adequate to do this</p> <p>6 conference virtually, and recent statistics are</p> <p>7 that 17 million Americans filed for</p> <p>8 unemployment, the highest number ever in the</p> <p>9 entire history of this country.</p> <p>10 Many Americans live paycheck to paycheck.</p> <p>11 Libraries are closed, which I said, and holding</p> <p>12 public hearings at this time is shameful.</p> <p>13 Today we are also rapidly advancing in</p> <p>14 climate crisis. It will be 80 degrees here in</p> <p>15 Illinois on April 7th. We are in the midst of</p> <p>16 the fabric of the web of life on which humans</p> <p>17 depend. Our oceans, weather, species are</p> <p>18 pulling apart, and today we are looking at yet</p> <p>19 another essential environmental protection for</p> <p>20 water resources, public health being torn down.</p> <p>21 It is absolutely not acceptable for the U.S. EPA</p> <p>22 to enable unlined coal ash locations to escape</p>

<p style="text-align: right;">Page 22</p> <p>1 closure and more protective actions by claiming 2 alternative liners.</p> <p>3 Where I live, the Edwards Coal Plant has 4 unlined ash ponds built in the flood plain soil 5 of the Illinois River. The ash is stated to be 6 71 feet deep, with at least 10 feet of ash below 7 ground level. This site should not be allowed 8 to continue, period.</p> <p>9 The Powerton plant at the other side of the 10 river has several closed ash pits and open ones, 11 and none are lined. Their groundwater shows 12 arsenic levels 50 times above what is safe.</p> <p>13 The Duck Cree plant to the south where I 14 live has unlined ash ponds. Their groundwater 15 has contaminated high levels of boron into the 16 soil and other toxins. They have a cooling pond 17 surrounded by these ash ponds, which discharges 18 in to the Illinois River. The whole site sits 19 on the ridge above the Rice Lake water, fish, 20 and wildlife area where people fish and 21 recreate, and there are important environmental 22 species there, osprey, eagle, and many others.</p>	<p style="text-align: right;">Page 24</p> <p>1 Metro East Green Alliance, the Sierra Club, and 2 the Illinois Clean Jobs Coalition.</p> <p>3 I will express my thanks today for being 4 allowed to comment on this misguided coal ash 5 proposed rollback Part B, but I will not stay 6 silent in my opposition and anger over the 7 Trump-EPA's decision to attack our democracy and 8 limit our free speech by refusing to delay 9 and/or extend the commend period on these 10 dangerous proposals now before us, despite the 11 fact that our country is in crisis as we battle 12 COVID-19.</p> <p>13 These Trumpian virtual hearings have always 14 fallen short of any true democratic process and 15 reveal the cowardly approach to public input 16 that is signature of this administration.</p> <p>17 But to refuse to take seriously the impact 18 that these proposal will have on millions of 19 Americans and communities impacted by coal ash 20 pollution by moving forward in our current state 21 of crisis is nothing short of criminal.</p> <p>22 As I explained, I live in a part of</p>
<p style="text-align: right;">Page 23</p> <p>1 This Part B proposal will allow polluting 2 coal ash pits to continue operating with tons 3 and tons more toxic coal ash compounding the 4 problems and pollution for generations to come.</p> <p>5 I urge you to stop this proposal 6 immediately, restore protections for a true 7 holistic survival of society and the health of 8 the public, which this proposal ignores.</p> <p>9 EMCEE: Thank you for your comment.</p> <p>10 The next speaker will be Toni Oplt, 11 followed by Lisa Evans, Kat Haber, and Elizabeth 12 Cramp. The next speaker will be Toni Oplt.</p> <p>13 EPA, are you ready to proceed?</p> <p>14 MS. LONG: Yes.</p> <p>15 Please proceed, and state your name and 16 affiliation for the record.</p> <p>17 MS. OPLT: My name is Toni Oplt. I live in 18 Edwardsville, Illinois, in an area known as the 19 Metro East. Where many communities are directly 20 impacted by the health of the Mississippi River, 21 surrounding wetlands, flood plains, and myriad 22 streams and tributaries. I am a member of the</p>	<p style="text-align: right;">Page 25</p> <p>1 Illinois known as the Metro East, across the 2 Mississippi from St. Louis, Missouri, and 3 downstream from the active Sioux Energy Center 4 on the Missouri side, where there are multiple 5 coal ash ponds with multiple leakage problems.</p> <p>6 And the shuttered Wood River Power Station 7 located in East Alton on the Illinois side, 8 these sites harbor dangerous leaking coal ash 9 ponds, and currently, the Wood River site is 10 being demolished for resale, with plans to cap 11 the ponds in place on a flood plain, adjacent to 12 the Wood River Creek and across the highway from 13 the iconic Mississippi, both of which now flood 14 yearly, thanks to climate change.</p> <p>15 Commercial liability partners holds the 16 responsibility for the ash ponds at East Alton. 17 No doubt, they see great opportunity if these 18 rollbacks become law. Likewise, our communities 19 see great danger ahead in terms of public 20 health, polluted water, and economic loss. So 21 perhaps you can understand why I'm strongly 22 opposed to the rollbacks in protections against</p>

<p style="text-align: right;">Page 26</p> <p>1 coal ash pollution. You see, these communities 2 have already been greatly harmed by the coal 3 industry. 4 Since you feel economic bailouts for the 5 dying coal industry trumps public safety 6 concerns, let's talk economy or rather economic 7 loss and devastation suffered by the East Alton 8 and Alton communities, where Dynegy Energy 9 abruptly shuttered its Wood River Power Station 10 without notice and care in 2016, sending 11 hundreds out of work and decimating local tax 12 bases. 13 It's taken time, but these communities are 14 coming through by embracing a new economy: 15 Ecotourism. Over the past few years, hundreds 16 of thousands of visitors have come to this area 17 for birdwatching, eagle sighting, boating, 18 hiking, and fishing. They spend consumer 19 dollars up and down the river in hotels, 20 restaurants, bars, gift shops. People love the 21 river. Some decide to make their home here. 22 There is great promise to be sure, but it all</p>	<p style="text-align: right;">Page 28</p> <p>1 threshold and more than double Illinois' 2 standard. 3 Rollbacks on the 2015 coal ash protections 4 are flat out wrong, and you have the data to 5 prove this, even though you would prefer to bury 6 science and common sense under a coating of ash, 7 propping up fossil fuel polluters, making them a 8 few more billions to line their CEO and 9 shareholder pockets, while creating sacrifice 10 zones that threaten our entire population from 11 sea to shining sea. 12 Thank you. 13 EMCEE: Thank you for your comment. 14 The next speaker will be Lisa Evans, 15 followed by Kat Haber, Elizabeth Cramp, and then 16 Robert Essman. 17 The next speaker will be Lisa Evans. 18 EPA, are you ready to proceed? 19 MS. LONG: Yes. 20 Please proceed and state your name and 21 affiliation for the record. 22 MS. EVANS: Lisa Evans, Earthjustice.</p>
<p style="text-align: right;">Page 27</p> <p>1 depends on one critical factor: A healthy 2 ecosystem. 3 Relaxing regulations on the four ponds at 4 the Wood River Power Station site that sit in 5 jeopardy of flooding and groundwater 6 contamination several times a year risks 7 everything--a struggling and hopeful economy and 8 the health and safety of the people who live and 9 work here. 10 The required monitoring of coal ash ponds 11 that was instituted via the 2015 coal ash rule 12 that you are so separate to dismantle confirmed 13 that groundwater at Wood River is unsafe, with 14 dangerously elevated concentrations of arsenic, 15 boron, lithium, molybdenum, and sulfate. 16 Groundwater testing revealed arsenic at 17 concentrations nearly 6 times safe levels, boron 18 at concentrations at 23 times the health 19 threshold and nearly 35 times Illinois' 20 groundwater standard, molybdenum at 21 concentrations nearly 9 times safe levels, and 22 sulfate at concentrations 72 percent over health</p>	<p style="text-align: right;">Page 29</p> <p>1 Good morning. I hope that the EPA 2 officials present today as well as all those 3 listening and their loved ones are well and 4 safe. 5 Earthjustice believes that law, public 6 policy, and human decency dictate that this 7 hearing be postponed and the comment period for 8 EPA's latest rollback be suspended due to the 9 global pandemic. 10 I did not prepare a personal statement. I 11 cannot and will not. There is rarely a moment 12 when my thoughts are not with my 92-year-old 13 mother recovering from pneumonia alone in a 14 nursing facility in Milwaukee, where National 15 Guard troops have already been sent to two 16 nursing homes due to outbreaks and deaths from 17 COVID-19. 18 This morning, I am honored to read the 19 following statement signed by 58 groups from 20 across the country who cared enough to make 21 their voices heard today in opposition to this 22 hearing and this outrageous rollback of health</p>

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<p>1 protections during this terrible moment in our 2 history.</p> <p>3 It goes as follows: "The following 58 4 groups representing at least 9.5 million members 5 declare together opposition to the Trump 6 administration's holding of this virtual public 7 hearing in the midst of the global COVID-19 8 pandemic when Americans nationwide are unable to 9 exercise their right to participate. Although 10 all 58 organizations strongly oppose the Part B 11 proposal, many of our members are unable speak 12 to you today due to obstacles presented by the 13 pandemic.</p> <p>14 "Do you expect someone who has fallen ill 15 or has a sick family member to be on the phone 16 today? What about the health care workers, the 17 parents who are busy trying to home-school their 18 children, and the millions of Americans who are 19 so worried that it's hard to think about 20 anything else?</p> <p>21 "During this global pandemic and national 22 health emergency, the EPA's actions to weaken</p>	<p>1 "The Trump administration must press pause 2 on this dangerous plan and give Americans a 3 meaningful chance to weigh in when the crisis if 4 over."</p> <p>5 This statement representing Americans from 6 across the country is respectfully submitted by 7 Cindy Lowry, Alabama Rivers Alliance; John 8 Zippert, Alabama State Association of 9 Cooperators; Beverly Collins-Hall, American 10 Indian Mothers; Amy Adams, Appalachian Voices; 11 Andrew Behar, As You Sow; Charles Scribner and 12 Nelson Brooke, Black Warrior Riverkeeper; José 13 Manuel Díaz Pérez, Campamento contra las cenizas 14 de Peñuelas; John Laszlo, Central Illinois 15 Healthy Communities Alliance; Kevin Jeselnik, 16 Chattahoochee Riverkeeper; Kevin Olson, Citizens 17 Action Coalition of Indiana; Mary Ellen DeClue, 18 Citizens Against Longwall Mining; Ellen 19 Rendulich, Citizens Against Ruining the 20 Environment; Henry Cole, Clean Air Prince 21 Charles; Jennifer Peters, Clean Water Action; 22 Amanda Strawderman, Clean Water for North</p>
Page 31	Page 33
<p>1 health and environment protections from coal ash 2 pollution are unconscionable. The EPA should be 3 working to make Americans safer, not endanger 4 them further by throwing protections from toxic 5 pollution out the window.</p> <p>6 "EPA's Part B proposal will expose more 7 Americans to hazardous pollution from coal ash, 8 including the carcinogens like arsenic, 9 hexavalent chromium, and radium; neurotoxins 10 like lithium and lead; and poisons that kill 11 fish and wildlife like selenium and cadmium.</p> <p>12 "We ask EPA to stop trying to gut the 13 public health protections in the coal ash rule 14 and instead strengthen the rule, as ordered by 15 the Federal Court of Appeals.</p> <p>16 "The EPA has suspended enforcement of 17 environment laws, no longer expecting compliance 18 with routine monitoring and reporting of 19 pollution with no end in sight, yet the agency 20 somehow expects communities to timely submit 21 comments and participate in these hearings amid 22 the pandemic.</p>	<p>1 Carolina; Ruth Santiago and Victor Alvarado 2 Guzmán, Comité Diálogo Ambiental; Clark Bullard, 3 Committee on the Middle Fork; Steven Dudley, 4 Coosa Riverkeeper; Lan Richart, Eco-Justice 5 Collaborative; Lisa Hallowell, Environmental 6 Integrity Project; Pastor Scott Onque, Faith in 7 Place and Faith in Place Action Fund; Beth 8 Porter, Green America; Indra Frank and Tim 9 Maloney, Hoosier Environmental Council; Colleen 10 Smith, Illinois Environmental Council; Jeff 11 Stant, Indiana Forest Alliance; Nadira Narine, 12 Interfaith Council on Corporate Responsibility; 13 Kerri Johannsen, Iowa Environmental Council; 14 Mary Love, Kentuckians for the Commonwealth.</p> <p>15 EMCEE: Ms. Evans, thank you so much for 16 your comment. Unfortunately, we're required to 17 limit every comment to 5 minutes to ensure that 18 all speakers have an equal opportunity. You 19 have reached the 5 minutes; however, we 20 encourage you to provide the full comment and 21 any additional comments of any length to 22 EPAwebinar@indecon.com. And that's the email</p>

<p style="text-align: right;">Page 34</p> <p>1 that you received your speaking time slot from.</p> <p>2 At this point, we will continue our public</p> <p>3 comments. The next speaker will be Kat Haber,</p> <p>4 followed by Elizabeth Cramp, and then Robert</p> <p>5 Essman. Kat Haber will be the next speaker.</p> <p>6 EPA, are you ready to proceed?</p> <p>7 MS. LONG: Yes.</p> <p>8 Please proceed, and state your name and</p> <p>9 affiliation for the record.</p> <p>10 [No audible response.]</p> <p>11 EMCEE: Kat, we're unable to hear you right</p> <p>12 now. We will keep trying. Let's see if we can</p> <p>13 get you your audio PIN. Hang on one second. If</p> <p>14 we can't get this worked out, then we will</p> <p>15 circle back to you, but--</p> <p>16 [Pause.]</p> <p>17 EMCEE: Kat, is that you?</p> <p>18 MS. HABER: Are you able to hear me now?</p> <p>19 EMCEE: I can, yes. Please proceed.</p> <p>20 MS. HABER: Thank you.</p> <p>21 In 2014, I walked across the country in the</p> <p>22 Great March for Climate Action. When we began,</p>	<p style="text-align: right;">Page 36</p> <p>1 concern for earth. Our very health is dependent</p> <p>2 on the relationship between how we live in our</p> <p>3 places and how we can survive in our places.</p> <p>4 When we pollute them and destroy the</p> <p>5 relationship between the air and the water and</p> <p>6 the land, human beings will not be able to</p> <p>7 survive.</p> <p>8 We must learn how to live in balance and in</p> <p>9 harmony. Destroying the air that we need to</p> <p>10 breathe will not allow human beings to survive.</p> <p>11 Destroying the water in which we live and drink,</p> <p>12 we cannot live more than a few days without</p> <p>13 clean water. We cannot pollute our waters.</p> <p>14 Lining ponds with insufficient barrier</p> <p>15 between the land and the water allows the water</p> <p>16 to seep into the land. If our land is polluted,</p> <p>17 we will not be able to grow food to survive.</p> <p>18 This is simply a survival issue.</p> <p>19 Forgive me if my voice is not strong and</p> <p>20 bold, but I do ask you to be very careful and</p> <p>21 wise in making this decision. These spills,</p> <p>22 these accidents can all be avoided by being</p>
<p style="text-align: right;">Page 35</p> <p>1 there were 2,000 people in the port near--called</p> <p>2 Wilmington, California. Most of those people</p> <p>3 were either suffering from respiratory diseases</p> <p>4 or nurses caring for people who were suffering</p> <p>5 from respirator diseases.</p> <p>6 Along the way, we encountered many people</p> <p>7 who were suffering from L.A. to D.C. over those</p> <p>8 8 months, people who were in shadows of coal ash</p> <p>9 ponds and had breathing problems, asthma, heart</p> <p>10 conditions. A large part of this was caused</p> <p>11 from not taking care of our places. We need to</p> <p>12 act with precaution now.</p> <p>13 I'm currently in isolation with COVID, and</p> <p>14 I'm speaking with great pain in my heart and</p> <p>15 heaviness in my chest for all the people who are</p> <p>16 suffering from respiratory conditions because of</p> <p>17 coal-powered plants.</p> <p>18 I live in Edwards, Colorado, where there</p> <p>19 are a half a dozen plants that are not even</p> <p>20 scheduled to close yet. During the time of this</p> <p>21 administration, over 50 plants have closed.</p> <p>22 It's so important that we take great care and</p>	<p style="text-align: right;">Page 37</p> <p>1 smart and wise and taking care of the places</p> <p>2 that we live. Please be precautionary. Please</p> <p>3 do not allow coal ash to further pollute our</p> <p>4 places where coal-powered plants are still</p> <p>5 permitted to work.</p> <p>6 Thank you.</p> <p>7 EMCEE: Thank you for your comment.</p> <p>8 The next speaker will be Elizabeth Cramp,</p> <p>9 followed by Robert Essman and then Joseph</p> <p>10 Appell.</p> <p>11 The next speaker will be Elizabeth Cramp.</p> <p>12 EPA, are you ready to proceed?</p> <p>13 MS. LONG: Yes.</p> <p>14 Please proceed, and state your name and</p> <p>15 affiliation for the record.</p> <p>16 MS. CRAMP: Good morning. My name is</p> <p>17 Elizabeth Cramp, and I am a citizen of Virginia,</p> <p>18 a former teacher, and most importantly, a mom</p> <p>19 and soon-to-be grandmother. And I am opposed to</p> <p>20 the EPA's proposed rollbacks of the 2015 coal</p> <p>21 ash rule safeguards.</p> <p>22 Thank you for this opportunity to make my</p>

<p style="text-align: right;">Page 38</p> <p>1 public comment.</p> <p>2 As a lifelong resident of Virginia, I am</p> <p>3 very familiar with the over 100 coal mines and</p> <p>4 the toxic coal ash disposal sites that have been</p> <p>5 causing health and environmental impacts for</p> <p>6 decades, and although Virginia did not have the</p> <p>7 over 100 deaths and extensive environmental</p> <p>8 impacts from the Kingston, Tennessee, spill in</p> <p>9 2008, nor the huge human environmental impacts</p> <p>10 from the Dan River in North Carolina spill in</p> <p>11 2014, I understand the great risks of living</p> <p>12 near coal ash sites.</p> <p>13 These huge spills and their aftermath of</p> <p>14 death, long-term human suffering, and</p> <p>15 detrimental environment effects are the legacy</p> <p>16 of what happened when coal ash disposal was not</p> <p>17 regulated before the 2015 coal ash rules were</p> <p>18 established with great public support.</p> <p>19 Some of my knowledge came from EPA's own</p> <p>20 human and ecological risk assessment for coal</p> <p>21 combustion waste report that determined that</p> <p>22 living next to coal ash disposal sites increased</p>	<p style="text-align: right;">Page 40</p> <p>1 avoid closure, despite a 2018 Federal court</p> <p>2 order, and it would allow huge volumes of coal</p> <p>3 ash to be dumped in dangerous ponds that were</p> <p>4 required to be closed.</p> <p>5 In addition, the Federal permitting rule</p> <p>6 would establish a permitting program that would</p> <p>7 grant permits that never expire for new or old,</p> <p>8 lined or unlined sites, with little oversight.</p> <p>9 Possum Point is an unlined site 30 minutes</p> <p>10 from my home, and it is set to be closed. Our</p> <p>11 governor, Ralph Northam, recently and</p> <p>12 successfully completed a 4-year fight to have</p> <p>13 Dominion Energy recycle or safely dispose of</p> <p>14 over 27 million cubic yards of coal ash at this</p> <p>15 site and other sites in my State.</p> <p>16 Why are you fighting against my State and</p> <p>17 its citizens' wishes in favor of industry?</p> <p>18 Because these companies don't want to pay the</p> <p>19 price for cleaning up their toxic messes, and</p> <p>20 you are putting their greedy wants over</p> <p>21 Americans' health and the health of our land,</p> <p>22 air, and water.</p>
<p style="text-align: right;">Page 39</p> <p>1 the risks among many--increased the risk of</p> <p>2 cancer among many other health concerns.</p> <p>3 And a report from the U.S. Commission on</p> <p>4 Civil Rights found that people of color and</p> <p>5 those from low-income communities are</p> <p>6 disproportionately affected by the siting of</p> <p>7 coal ash waste disposal facilities.</p> <p>8 These events and studies led to the current</p> <p>9 2015 coal ash rules that are protecting</p> <p>10 Americans in communities of all color and all</p> <p>11 economic levels. So although my family may not</p> <p>12 be directly affected, the health and lives of my</p> <p>13 fellow Americans are, and they may not have the</p> <p>14 ability to lift their voices and fight the coal</p> <p>15 and utilities industries.</p> <p>16 I'm here because I care for my fellow</p> <p>17 Americans' health, and your agency should too.</p> <p>18 Your Part B proposal will expose more</p> <p>19 Americans to hazardous toxins and carcinogens</p> <p>20 that the EPA knows are toxic and lethal to</p> <p>21 humans, fish, and other wildlife. It would</p> <p>22 allow unlined coal ash ponds to operate and</p>	<p style="text-align: right;">Page 41</p> <p>1 I never felt the need to make public</p> <p>2 comment until this administration came into</p> <p>3 office. I last gave in-person public comment to</p> <p>4 the Council on Environmental Quality. They too</p> <p>5 wanted to roll back environmental protections,</p> <p>6 this time from NEPA, the National Environmental</p> <p>7 Policy Act, and also wanted to allow minimal</p> <p>8 opportunity for public participation.</p> <p>9 Even today's virtual hearing is stifling</p> <p>10 the many voices of people who may face obstacles</p> <p>11 to participating during this crisis on an issue</p> <p>12 of vital importance. The EPA should stop this</p> <p>13 injustice and extend the public comment period</p> <p>14 until after this health crisis has subsided.</p> <p>15 In closing, I find it ironic that during</p> <p>16 this time of the COVID-19 pandemic, when this</p> <p>17 administration did not listen to President</p> <p>18 George W. Bush's 2005 call for America to</p> <p>19 prepare for it and then in 2018 dismantled</p> <p>20 President Barack Obama's White House National</p> <p>21 Security Council directorate for global health</p> <p>22 security and biodefense, which was dedicated to</p>

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<p>1 preparing for a pandemic, yet this same 2 administration would not learn this lesson that 3 government should be used to protect its 4 citizens, that we have agencies like the 5 Environmental Protection Agency to protect our 6 environment and our health and not to save money 7 for greedy polluting industries. 8 EPA, please do your job and protect our 9 land, water, air, and most importantly, our 10 health and our lives. Do not implement your 11 proposed rollbacks to the protected 2015 coal 12 ash rules. 13 Thank you for your time. 14 EMCEE: Thank you for your comment. 15 The next speaker will be Robert Essman, 16 followed by Joseph Appell. 17 The next speaker will be Robert Essman. 18 EPA, are you ready to proceed? 19 MS. LONG: Yes. 20 Please proceed, and state your name and 21 affiliation for the record. 22 MR. ESSMAN: Yes. It's Robert Essman,</p>	<p>1 any health. The bugs need help. So it's more 2 than profit, short-term profit. It's long-term 3 health for our children and their children. 4 Thank you. 5 EMCEE: Thank you for your comment. 6 The next speaker will be Joseph Appell, 7 followed by Suzy Lawrence. 8 [Pause.] 9 EMCEE: Joseph Appell, we can't hear you 10 yet, but we will work on making sure that we get 11 your line opened up. 12 [Pause.] 13 EMCEE: Joseph, you may be self-muted. Can 14 you make sure that you are not muting yourself? 15 Hello, Joseph? 16 [No audible response.] 17 EMCEE: Joseph, it looks like you should be 18 able to speak. Can you try again? 19 [No audible response.] 20 EMCEE: Joseph, we will come back to you. 21 We'll work with you by email or by chat to sort 22 out your audio issues.</p>
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<p>1 American citizen for my whole 57 years. I would 2 like to say excuse me for my unpreparedness, but 3 I don't believe citizens should have to do this 4 to make our government protect us. 5 The science is very clear-- and it's been 6 very clear for hundreds of years--what we're 7 doing to the air--sorry--and the water. 8 Pollution is not the solution. We know that. 9 You can't fix a river once it's destroyed. You 10 can't any more than you can repair an old-growth 11 forest. It can't be done. 12 Profits can be changed. Profits are clear. 13 The math is clear on what the coal-burning power 14 plants--the math is clear on the profits. The 15 math is clear on the cleanup costs. There is no 16 math for cleaning up a river. 17 Pollution is not the solution. Please do 18 your job. Protect our future. Our future is 19 almost done. The land, the water, and the air 20 is almost finished, destroyed. To even think 21 about adding more toxicity to our rivers when we 22 don't have fish in them anymore--we don't have</p>	<p>1 At this time, we'll move on to Suzy 2 Lawrence. Suzy Lawrence will be our next 3 speaker. 4 EPA, are you ready? 5 MS. LONG: Yes. 6 State your name and affiliation for the 7 record. 8 [No audible response.] 9 EMCEE: Suzy, please proceed. 10 [No audible response.] 11 EMCEE: It looks like you may be 12 self-muted. Can you go ahead and take yourself 13 off mute and then try? 14 [No audible response.] 15 EMCEE: Suzy Lawrence, I'm not sure that 16 you are connected to the audio. We will keep 17 working with you. One second. 18 [Pause.] 19 EMCEE: We'll continue to work with Suzy 20 and Joseph so that their audio works. 21 At this time, we will--actually, at this 22 time, we have no more speakers scheduled for</p>

<p style="text-align: right;">Page 46</p> <p>1 this slot.</p> <p>2 If there's anyone else who did not register</p> <p>3 to speak today but would like to speak, please</p> <p>4 use the Questions box to identify yourself, and</p> <p>5 we will get you into the lineup shortly.</p> <p>6 We'll now pause to see if anyone else would</p> <p>7 like to make a statement, and we will continue</p> <p>8 to work with those two speakers to ensure that</p> <p>9 their audio works.</p> <p>10 [Pause.]</p> <p>11 EMCEE: We will now continue our public</p> <p>12 comments.</p> <p>13 The next speaker will be Joseph Appell.</p> <p>14 EPA, are you ready to proceed?</p> <p>15 MS. LONG: Yes.</p> <p>16 Please state your name and affiliation for</p> <p>17 the record.</p> <p>18 MR. APPELL: Yes. Can you hear me?</p> <p>19 EMCEE: Yes, we can. Please proceed.</p> <p>20 MR. APPELL: Thank you.</p> <p>21 My name is Joseph Appell, and I am an</p> <p>22 outraged citizen. I know coal very well, having</p>	<p style="text-align: right;">Page 48</p> <p>1 out and leave all of the nuclear waste</p> <p>2 underground? It's not the way it should work,</p> <p>3 and it doesn't take a rocket scientist to know</p> <p>4 that soil is porous. Pipelines leak. They</p> <p>5 always leak. Liners will leak. No one wants</p> <p>6 these in their neighborhood, county, or next to</p> <p>7 the waterways.</p> <p>8 As was pointed out by other people, the</p> <p>9 water is rising. Ponds will be breached.</p> <p>10 And although I appreciate a chance to talk,</p> <p>11 as was pointed out earlier, there are so many</p> <p>12 people that want to talk who can't. This time</p> <p>13 frame is ridiculous considering how long this</p> <p>14 has been going on. This is an attempt just to</p> <p>15 ram it through with the less opposition</p> <p>16 possible.</p> <p>17 I ask that comment period be opened up and</p> <p>18 that we actually look into increasing</p> <p>19 regulations because it's for the environment</p> <p>20 and, therefore, for all of us.</p> <p>21 Thank you for your time.</p> <p>22 EMCEE: Thank you for your comment.</p>
<p style="text-align: right;">Page 47</p> <p>1 grown up in LaSalle County. My father worked</p> <p>2 the mines, and I watched him die.</p> <p>3 I am outraged that we are actually talking</p> <p>4 about going back on regulations. We actually</p> <p>5 need to strengthen them. There is no such thing</p> <p>6 as beautiful clean coal. Putting a scrubber on</p> <p>7 a power plant is like putting a catalytic</p> <p>8 converter on a car. It just means it's not as</p> <p>9 dirty, but you cannot drive that car in your</p> <p>10 enclosed garage and let it run. It just takes</p> <p>11 longer to kill you than before.</p> <p>12 Also, when I grew up, EPA meant</p> <p>13 environmental protection agency, not fossil fuel</p> <p>14 protection agency, and this whole thing has</p> <p>15 morphed into these fossil fuel companies donate</p> <p>16 dollars to the politicians, who then vote on</p> <p>17 huge subsidies to coal, oil, gas, and they also</p> <p>18 do rollbacks on regulations. The tail is</p> <p>19 wagging the dog.</p> <p>20 Coal ash belongs to the companies, not the</p> <p>21 citizens. I mean, what would we say if a</p> <p>22 nuclear plant shut down and decided just to move</p>	<p style="text-align: right;">Page 49</p> <p>1 At this time, we have no one else scheduled</p> <p>2 to speak during this slot.</p> <p>3 If there's anyone who did not register to</p> <p>4 speak today but would like to speak, please use</p> <p>5 the Questions box to identify yourself, and we</p> <p>6 will get you into the lineup shortly.</p> <p>7 We'll now pause to see if anyone else would</p> <p>8 like to make a statement.</p> <p>9 [Pause.]</p> <p>10 EMCEE: At this time, we will continue our</p> <p>11 public comments.</p> <p>12 The next speaker will be Suzy Lawrence.</p> <p>13 EPA, are you ready to proceed?</p> <p>14 MS. LONG: Yes.</p> <p>15 Please proceed, and state your name and</p> <p>16 affiliation for the record.</p> <p>17 MS. LAWRENCE: Hi. Can you hear me okay?</p> <p>18 EMCEE: Yes, we can. Please proceed.</p> <p>19 MS. LAWRENCE: My name is Suzy Lawrence,</p> <p>20 and I am a citizen.</p> <p>21 My comments are there. I strongly urge EPA</p> <p>22 to protect the public and the wildlife. It's</p>

<p style="text-align: right;">Page 50</p> <p>1 fairly audacious, the proposed rules to grant 2 permits for life. 3 Also, all coal ash dumps should be lined. 4 Unlined should never be allowed. There must be 5 strict regulations to make sure they're all 6 placed above 100-year flood level so that we 7 don't have any blowouts like we had on the Dan 8 River. 9 There needs to be very strict permitting 10 with lots of public input and scientist input. 11 Coal has so many toxic qualities of 12 carcinogens, neurotoxins, poisons, arsenic, 13 boron, chromium, lead, lithium--the list goes on 14 and on--and radioactive substances. These 15 things get in drinking water. They get in water 16 for recreation. 17 I'm a kayaker. I also like to swim. They 18 kill the aquatic life, the fish, the 19 salamanders, anything that lives in the water. 20 Selenium is very dangerous to fish at very low 21 levels. 22 So these rules are just totally inadequate</p>	<p style="text-align: right;">Page 52</p> <p>1 We'll continue to pause to see if anyone 2 else would like to make a statement. 3 [Pause.] 4 EMCEE: We will now continue are public 5 comments. 6 The next speaker will be Christine 7 Santillana, followed by Celeste Flores. 8 Christine Santillana will be the next speaker. 9 EPA, are you ready to proceed? 10 MS. LONG: Yes. 11 Please proceed, and state your name and 12 affiliation for the record. 13 [No audible response.] 14 EMCEE: Christine, please proceed. 15 [No audible response.] 16 EMCEE: Christine, please proceed with your 17 comment. 18 [No audible response.] 19 EMCEE: We'll give it a minute while we try 20 to sort out the technical issue. 21 [Pause.] 22 EMCEE: Christine, we'll circle back to</p>
<p style="text-align: right;">Page 51</p> <p>1 and is basically a push through for the coal 2 industry and the power industry. 3 So I strongly urge EPA to step up and 4 protect the public and not protect the coal and 5 power industries. 6 Thank you. 7 EMCEE: Thank you for your comment. 8 At this time, we have no one else scheduled 9 to speak in this current slot. 10 If there is anyone who did not register to 11 speak today but would like to speak, please use 12 the Questions box to identify yourself, and we 13 will get you into the lineup shortly. 14 We'll now pause to see if anyone else would 15 like to make a statement. 16 [Pause.] 17 EMCEE: At this time, we have no one else 18 scheduled to speak during this current spot. 19 If there is anyone who did not register to 20 speak today but would like to speak, please use 21 the Questions box to identify yourself, and we 22 will get you into the lineup shortly.</p>	<p style="text-align: right;">Page 53</p> <p>1 you. 2 Let's try moving on to our next commenter, 3 and then we will come back. 4 The next commenter will be Celeste Flores. 5 EPA, are you ready to proceed? 6 MS. LONG: Yes. 7 Please proceed, and state your name and 8 affiliation for the record. 9 MS. FLORES: Hi. Can you all hear me? 10 EMCEE: Yes, we can. Please proceed. 11 MS. FLORES: Good morning. My name is 12 Celeste Flores, and I am the Lake County 13 Outreach Director with Faith in Place and a 14 co-chair for Clean Power Lake County. 15 I was born and raised in Lake County, and I 16 work in Waukegan, which is home to 5 of the 13 17 Superfund sites in Illinois, and I'm calling 18 today on behalf of over 700,000 Lake County 19 residents, the third most populous county in 20 Illinois to speak out in opposition of the EPA's 21 proposal to weaken the 2015 coal ash rule 22 safeguards.</p>

<p style="text-align: right;">Page 54</p> <p>1 While I appreciate this opportunity to 2 comment, I strongly oppose EPA's decision to 3 proceed with today's hearings during a global 4 pandemic and a national health emergency. By 5 refusing to delay today's hearing, this agency 6 is knowingly and willingly turning its back to 7 the communities, which it has been tasked to 8 protect. Rather, it allows corporations to 9 destroy the health of those living and working 10 near coal ash ponds.</p> <p>11 So often the effects of exposure are not 12 immediately visible. The environmental justice 13 communities like Waukegan, we are consumed with 14 cumulative impact, which is propelling the 15 effects of exposure becoming apparent decades 16 later.</p> <p>17 The proceedings today also eliminate a 18 critical right for the public to participate in 19 rulemaking and directly address EPA on the 20 issue. The agency should pause this proceed 21 immediately and provide a chance for the public 22 to participate when this pandemic is over.</p>	<p style="text-align: right;">Page 56</p> <p>1 Additionally, to the two unlined ash ponds, 2 the property has large unlined coal ash 3 landfills immediately west of the coal ash 4 ponds, to which the coal ash rule does not 5 apply. One of those wells that Midwest 6 Generation has designed has upgraded MW-09 is 7 located within the on-site ash landfills and 8 also certainly shows contamination from landfill 9 through contamination from coal ash landfills 10 and possibly the coal ash ponds. The 11 groundwater at the Waukegan site is unsafe, with 12 dramatic levels concentrated in multiple coal 13 ash pollutions, including arsenic, boron, 14 chromium, lithium, sulfate, and much more.</p> <p>15 Monitoring at the sites has revealed 16 extreme high concentrations of arsenic and 17 chromium on the uptake. Then, as well, our 18 community has been advocating for a coal plant 19 which includes a proper removal of all coal 20 ponds, those active and the old ones as well.</p> <p>21 So I think it's critical for the 2015 rule 22 to not be rolled back, and this agency should be</p>
<p style="text-align: right;">Page 55</p> <p>1 Community members in Waukegan are literally 2 dealing with life-and-death situations due to 3 the pandemic. This agency blatantly disrespects 4 and proceeds, and this shows how disconnected 5 you all are from the reality of the communities 6 being impacted.</p> <p>7 This is not the first time this agency has 8 failed to allow direct community engagement. In 9 January, the EPA violated a law by not holding 10 even one in-person public hearing for the same 11 proposal.</p> <p>12 The only means available for the public, 13 myself included, to address these concerns about 14 the proposed coal ash rollback was a virtual 15 hearing. This limits the participation with 16 those who have access the internet.</p> <p>17 NRG's subsidiary, Midwest Generation, owns 18 and operates the Waukegan Generation station on 19 the shores of Lake Michigan. It was originally 20 built in 1923. It is one of the oldest in the 21 country and remains the largest source of 22 pollution in Lake County.</p>	<p style="text-align: right;">Page 57</p> <p>1 working towards making these rules stronger. 2 The proposed rule would critically gut 3 protections that were put in place to safeguard 4 community members from exposure to carcinogen. 5 That will do reputable damages not only to our 6 health, but also to our drinking water.</p> <p>7 So communities across the nation rely on 8 these protections from the EPA. I'm 9 asking--demanding that you all stand with the 10 community at this time over polluters. Our 11 health must be considered when this agency is 12 considering any proposals that weaken guidance 13 and standards.</p> <p>14 I want to thank you for your time and 15 invite you to come visit us in Waukegan and see 16 firsthand not only coal ash but every toxic 17 chemical that we live with on a daily basis. I 18 leave asking you guys the question if you would 19 be swimming in a body of water that has nuclear 20 waste, coal ash, and several other carcinogens.</p> <p>21 EMCEE: Thank you for your comment. 22 The expected speaking order will now be</p>

<p style="text-align: right;">Page 58</p> <p>1 Daryl Downing, followed by Christine Santillana. 2 The next speaker will be Daryl Downing. 3 EPA, are you ready to proceed? 4 MS. LONG: Yes. 5 Please proceed, and state your name and 6 affiliation for the record. 7 MR. DOWNING: My name is Daryl Downing, and 8 I am the chair of the Virginia Chapter of the 9 Sierra Club. 10 Coal-fired power plants in the U.S. burn 11 many hundred million tons of coal every year, 12 producing more than 110 million tons of solid 13 waste in the form of fly ash, bottom ash, 14 scrubber sludge, and boiler slag, commonly known 15 as coal ash. 16 Hazardous chemicals present in coal are 17 concentrated in the ash after the coal has 18 burned. Coal ash contains carcinogens, 19 neurotoxins, and poisons, including arsenic, 20 boron, hexavalent chromium, lead, lithium, 21 mercury, selenium, and radioactive substances. 22 This toxic pollution can cause cancer, heart</p>	<p style="text-align: right;">Page 60</p> <p>1 issued a final rule governing the disposal of 2 coal ash from electric utilities in April 2015. 3 The final rule establishes national minimum 4 criteria for existing and new coal ash landfills 5 and surface impoundments, including a 6 requirement that companies test the groundwater 7 near their dumps to make sure hazardous 8 chemicals are not leaking into drinking water 9 sources. 10 The 2015 coal ash rule also requires all 11 U.S. coal plants to prevent air and water 12 pollution from coal ash landfills, pits, and 13 piles by suppressing dust, controlling polluted 14 runoff, conducting inspections, monitoring 15 groundwater, and cleaning up contaminated water. 16 Nevertheless, Trump's EPA continues to 17 finalize and propose new rules to remove the 18 commonsense safeguards put in place in 2015, 19 which will once again put our water, air, and 20 public health at risk. 21 My State, Virginia, passed a law that 22 requires all coal ash in the Chesapeake Bay</p>
<p style="text-align: right;">Page 59</p> <p>1 disease, reproductive failure, and stroke, and 2 can inflict permanent brain damage on children. 3 When this toxic waste is dumped without proper 4 safeguards, as has occurred for decades 5 throughout the U.S., hazardous chemicals are 6 released into the air and water, harming nearby 7 communities and fouling water resources. 8 Coal ash also harms aquatic life, wildlife, 9 and ecosystems. Selenium, a common coal ash 10 contaminant, is deadly to fish at very low 11 levels, and the poison bioaccumulates fish 12 tissue. Extensive damage to aquatic life from 13 coal ash contamination is well documented. 14 A recent report by the Environmental 15 Integrity Project and Earthjustice found that 92 16 percent of the coal plants with coal ash dumps 17 reporting groundwater monitoring data for the 18 2015 Obama EPA coal ash rule have contaminated 19 groundwater with toxic pollutants, exceeding 20 Federal health standards. 21 After decades of inadequate oversight, 22 States and inaction at the Federal level, EPA</p>	<p style="text-align: right;">Page 61</p> <p>1 watershed that has lined pits to be dug up. At 2 least 25 percent must be recycled, and the ash 3 that's not recycled must be moved to a landfill 4 and protect people and the environment. 5 The EPA would do well to follow example of 6 States like Virginia that are leading in the 7 area of dealing with toxic dumps. 8 The military has an expression: "Lead, 9 follow, or get the hell out of the way." I 10 strongly encourage the EPA to lead when it comes 11 to environmental protection and follow those 12 states that are leaders in this field. 13 It is unconscionable that a government 14 agency that exists to protect health would take 15 action in support of an industry that would 16 negatively impact people and the natural world 17 for decades to come. 18 I say again: Lead. Thank you for this 19 opportunity to speak. 20 EMCEE: Thank you for your comment. 21 The next speaker will be Christine 22 Santillana.</p>

<p style="text-align: right;">Page 62</p> <p>1 EPA, are you ready to proceed?</p> <p>2 MS. LONG: Yes.</p> <p>3 Please proceed, and state your name and</p> <p>4 affiliation for the record.</p> <p>5 MS. SANTILLANA: Hello. My name is</p> <p>6 Christine Santillana. I serve as Associate</p> <p>7 Legislative Counsel with Earthjustice. I'm here</p> <p>8 today in great opposition of EPA's proposed</p> <p>9 rulemaking to further gut the 2015 coal ash</p> <p>10 rule, and more than that, I'm hear to read off</p> <p>11 the names of those in addition to my colleague,</p> <p>12 Lisa Evans, who previously listed names who came</p> <p>13 together with a joint statement in opposition to</p> <p>14 today's virtual hearing.</p> <p>15 We're in the midst of a pandemic. As we</p> <p>16 know, millions of people have filed for</p> <p>17 unemployment. Death cases are rising. EPA has</p> <p>18 sought to suspend enforcement of certain</p> <p>19 environmental laws, and yet I'm baffled that</p> <p>20 we're here today expected to have communities</p> <p>21 here participating in this rulemaking.</p> <p>22 To continue reading off the names that have</p>	<p style="text-align: right;">Page 64</p> <p>1 Citizens Advocacy Group; Barbara Jennings,</p> <p>2 Seventh Generation Interfaith Investment; Dalal</p> <p>3 Aboulhosn, Sierra Club; Frank Holleman, Southern</p> <p>4 Environmental Law Center; Virginia Richard,</p> <p>5 South Wings; Pat Langley, Springfield CLEAN;</p> <p>6 Lisa Rinaman, St. Johns Riverkeeper; Justin</p> <p>7 Bloom, Suncoast Waterkeeper; Kathy Hawes,</p> <p>8 Tennessee Clean Water Network; Larissa Liebmann,</p> <p>9 Waterkeeper Alliance; and Bob LaResche, Western</p> <p>10 Organization of Resource Councils.</p> <p>11 Thank you.</p> <p>12 EMCEE: Thank you for your comment.</p> <p>13 At this time, we have no one else scheduled</p> <p>14 to speak during this slot.</p> <p>15 If there's anyone who did not register to</p> <p>16 speak today but would like to speak, please use</p> <p>17 the Questions box to identify yourself, and we</p> <p>18 will get you into the lineup shortly.</p> <p>19 We'll now pause to see if anyone else would</p> <p>20 like to make a statement.</p> <p>21 [Pause.]</p> <p>22 EMCEE: Hi, all. Please make sure that</p>
<p style="text-align: right;">Page 63</p> <p>1 been listed previously, those who would have</p> <p>2 been here today but are unable to participate</p> <p>3 begin with Roberto Jose Thomas Ramirez with the</p> <p>4 organization Iniciativa De Ecodesarrollo</p> <p>5 De Bahia De Jobos; Madeleine Foote, League of</p> <p>6 Conservation Voters; Terry Miller, Lone Tree</p> <p>7 Council, Jason Flickner, Lower Ohio River</p> <p>8 Waterkeeper; Toni Oplt, Metro East Green</p> <p>9 Alliance; Cheryl Nenn, Milwaukee Riverkeeper;</p> <p>10 Casi Callaway, Mobile Baykeeper; Anne Hedge,</p> <p>11 Montana Environmental Information Center;</p> <p>12 Rebecca Hammer, Natural Resources Defense</p> <p>13 Council; Acacia Cadogan, North Carolina</p> <p>14 Environmental Justice Network; Richard Lawton,</p> <p>15 New Jersey Sustainable Business Council; Alex</p> <p>16 Cunha, Northern Plains Resource Council; Jason</p> <p>17 Flickner, Ohio River Waterkeeper; Vivian</p> <p>18 Stockman, OVEC, Ohio Valley Environmental</p> <p>19 Coalition; Phillip Musegaas, Potomac Riverkeeper</p> <p>20 Network; Shannon Anderson, Powder River Basin</p> <p>21 Resource Council; Andrew Rehn, Prairie Rivers</p> <p>22 Network; Kristin Camp, Protect the Middle Fork</p>	<p style="text-align: right;">Page 65</p> <p>1 you're on mute.</p> <p>2 [Pause.]</p> <p>3 EMCEE: We will now continue our public</p> <p>4 comment.</p> <p>5 The next speaker will be Ben Martin. EPA,</p> <p>6 are you ready to proceed?</p> <p>7 MS. LONG: Yes.</p> <p>8 Please proceed, and state your name and</p> <p>9 affiliation for the record.</p> <p>10 MR. BEN MARTIN: Ben Martin, 350</p> <p>11 Connecticut.</p> <p>12 EMCEE: Thank you. Please proceed.</p> <p>13 MR. BEN MARTIN: Okay. Hi. My name is Ben</p> <p>14 Martin. I live in Connecticut. 350 Connecticut</p> <p>15 is an environmental organization that has been</p> <p>16 working against the climate movements that</p> <p>17 affects the State of Connecticut, and I'm very</p> <p>18 disturbed by this attempt to roll back</p> <p>19 regulations that are protecting land and water</p> <p>20 across the United States.</p> <p>21 These protections have been woefully</p> <p>22 inadequate for a long time, and to make them</p>

<p style="text-align: right;">Page 66</p> <p>1 even less effective is a travesty in a time when 2 millions of people across the country are 3 suffering from sickness and can't oppose these 4 sort of rollbacks by being outside their homes. 5 And it is disturbing to me that the people 6 that are supposed to represent us are doing 7 their best to roll back every regulation that's 8 protecting us from pollution and climate harm in 9 the midst of a pandemic because they see an 10 opportunity where people are not paying 11 attention to get the things that they've wanted 12 to do. 13 Remember that these--the EPA was started 14 when a river caught on fire because there was 15 too much pollution in it, and we had degraded 16 the natural world to the point where we couldn't 17 live in it anymore. And the EPA's name is the 18 Environmental Protection Agency. So they should 19 be concerned with protecting the environment and 20 not protecting a dying industry which needs to 21 be replaced with renewable energy and other 22 forms of energy that actually benefit the air</p>	<p style="text-align: right;">Page 68</p> <p>1 them. 2 There is no reason to produce more coal 3 ash, and making it harder to store it is one way 4 to hasten the transition to renewable energies 5 and new industries. 6 So I will just say that this is a bad idea 7 not only for the people who live near these coal 8 ash ponds, but for all the people across the 9 United States, because it sticks us with an 10 industry which is in the past and will be gone 11 and will cause more job losses and more economic 12 harm than actually stopping the production of 13 coal ash and transitioning to a renewable energy 14 future where we don't have to breathe dirty air, 15 drink dirty water, or grow food on land that has 16 been contaminated with carcinogenic chemicals. 17 So I implore the EPA to stop this process, 18 which is leaving people out, and restart the 19 process of outlawing coal ash when people can 20 attend hearings in person and make their opinion 21 known. 22 Thank you.</p>
<p style="text-align: right;">Page 67</p> <p>1 and the land and the water versus harming it, 2 which these rollbacks would do. 3 What these rollbacks will cause is more 4 deaths from cancers. They will cause more 5 deaths from respiratory problems. They will 6 cause more deaths from basically the pollution 7 of people's bodies, and the majority of them 8 will be pollution of low-income and 9 less-advantaged people's bodies. This is a 10 problem for all of us, but it's mostly for 11 people who have less power to fight it. 12 So, as I said, the EPA is supposed to be 13 protecting the environment, and this is not 14 protecting the environment. And it is a 15 last-ditch effort to save an industry which will 16 be gone soon. 17 The EPA would be doing a better job by 18 implementing things like the Green New Deal and 19 providing work for people in a time when 20 economics is causing people to lose jobs, to be 21 hiring more people to regulate these coal ash 22 ponds rather than lowering the regulations on</p>	<p style="text-align: right;">Page 69</p> <p>1 EMCEE: Thank you for your comment. 2 At this time, we have no one else scheduled 3 to speak during this slot. 4 If there's anyone who did not register to 5 speak today but would like to speak, please use 6 the Questions box to identify yourself, and we 7 will get you into the lineup shortly. 8 We'll now pause to see if anyone else would 9 like to make a statement. 10 [Pause.] 11 EMCEE: Our next speaker will be Cindy 12 Shepard. 13 EPA, are you ready to proceed? 14 MS. LONG: Yes. 15 Please proceed, and state your name and 16 affiliation for the record. 17 MS. SHEPARD: My name is Cindy Shepard, and 18 I am with Faith in Place, an environment 19 nonprofit in Illinois. 20 Thank you for the opportunity to speak this 21 morning. I'm chagrined to note that there are 22 so few people ready to testify this morning</p>

<p style="text-align: right;">Page 70</p> <p>1 because this has been scheduled during the midst 2 of a huge health crisis that has put many people 3 and especially vulnerable parts of our 4 communities at risk. It's very difficult to 5 attend to all the things that need attention at 6 this time, and I'm sorry that the hearing is 7 happening now.</p> <p>8 Nonetheless, I think it's important that 9 you heard that there is a broad range of folks 10 out in the communities all across the United 11 States who are concerned about this issue.</p> <p>12 I want to tell you about my own story. 13 This is the 50th anniversary of Earth Day this 14 year, and 50 years ago, I was a middle school 15 student in Topeka, Kansas, and my science 16 teacher organized a few of us to go out to the 17 power plant, a KPL plant that was near our home. 18 We did not have permission to be on the grounds, 19 but he was kind of crazy, I guess, because he 20 let the poor middle school students go.</p> <p>21 We opened the barbed-wire fence and went in 22 and sampled some water that was running from the</p>	<p style="text-align: right;">Page 72</p> <p>1 When I think back to my experience 50 years 2 ago as a child, I realize how optimistic I was, 3 how naive I was, how little I knew, and now I 4 have seen how environmental protections seem to 5 validate my optimism. The EPA has been an 6 important force for protecting communities, and 7 it has been backed by policymakers from both 8 sides of the political aisle.</p> <p>9 I think Richard Nixon was the President 10 when I was going in middle school. That's how 11 long ago it was.</p> <p>12 Now we know that we can protect the 13 environment if we set our mind to it and are 14 resolute in our determination to do that.</p> <p>15 We also know that if we turn taking care of 16 the earth into an issue where people are more 17 concerned on one side about their own power and 18 financial resources than they are about the 19 earth and the future for the children of the 20 earth, we're in a mess.</p> <p>21 And I implore the EPA to say, "Enough. 22 Enough. We're going to do the right thing."</p>
<p style="text-align: right;">Page 71</p> <p>1 effluent part of the plant to see if it was 2 polluted, and we took it back to our science 3 classroom and did our experiments and found that 4 it was okay, which was great.</p> <p>5 What we didn't know then, of course, is 6 that the water pollution that comes from power 7 plants comes from the coal ash that they bury 8 beside the rivers that they use to cool the 9 plant, and that the pollution doesn't appear 10 right away at the top but after it seeps into 11 the groundwater and pollutes the wells and the 12 rivers that run through that land.</p> <p>13 Now we know that. I didn't know that as a 14 middle school child, but I know it now. And you 15 know it now too. You know all the chemicals 16 that cause damage to wildlife and to the people 17 that depend on clean water. You know how coal 18 ash is often cited in vulnerable communities 19 where people whose access to health care and 20 other goods are already limited, and then 21 they're subjected to environmental injustice as 22 well. We know that now.</p>	<p style="text-align: right;">Page 73</p> <p>1 I am no longer naive. I am no longer 2 ignorant, but I am because of my experience in 3 the last 50 years. I am still hopeful because I 4 still believe that people know the right and 5 have the power to do the right. What we need is 6 to stand together, and I want the EPA to know 7 that there are thousands and millions of people 8 here who will stand with you as you say no to 9 deregulation of coal ash and yes to maintaining 10 the important momentum toward doing the right 11 thing.</p> <p>12 Thank you for this opportunity to speak. 13 EMCEE: Thank you for your comment. 14 The next speaker will be Barbara Winner. 15 EPA, are you ready to proceed? 16 MS. LONG: Yes. Please proceed and state 17 your name and affiliation for the record. 18 MS. WINNER: This is Barbara Winner. I am 19 from Arnold, Maryland, and I am mother and 20 grandmother who is extremely concerned about our 21 exposure to the toxins that negatively affect 22 our lives and our future generations.</p>

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1 Coal ash has been dumped into giant unlined
2 pits for decades. These pits allow toxic
3 chemicals to seep into water and soil and also
4 to blow into the air, and these toxins can cause
5 cancer, heart disease, reproductive failure,
6 stroke, and can inflict permanent brain damage
7 on children.

8 If the EPA finalizes the Part B proposal,
9 utilities will be allowed to continue dumping
10 millions of tons of toxic ash in 37 States,
11 including high-hazard ponds and ponds in flood
12 plains for up to 15 years, with no limits on the
13 amount they could dump.

14 In addition, this would be done without
15 public input and potentially without EPA or
16 State approval and oversight.

17 The EPA estimates that operates would dump
18 an average of more than 600,000 tons in these
19 dangerous ponds, and according to the EPA
20 itself, this dumping will increase harm to
21 health and the environment.

22 More than ever during this unprecedented in

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1 input? I really do not understand this proposal
2 that has been placed by the Environmental
3 Protection Agency.

4 I would like for you to clean the air and
5 the water for us. My future generations and all
6 future generations depend on the positive
7 actions that you take toward helping us to clear
8 our environment.

9 As an individual, I clean our environmental
10 as much as I can in my own backyard. I've been
11 composting for 30 years. I recycle. I reuse.
12 I don't use plastic. Please, please help us to
13 clean our earth.

14 Thank you for this opportunity to speak.

15 EMCEE: Thank you for your comment.

16 At this time, we have no one else scheduled
17 to speak during this slot.

18 If there's anyone who did not register to
19 speak today but would like to speak, please use
20 the Questions box to identify yourself, and we
21 will get you into the lineup shortly.

22 We'll now pause to see if anyone else would

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1 time of the COVID-19 pandemic, we need the APA
2 to work toward clean water and air, and because
3 the coronavirus is a respiratory illness, this
4 is no time to pollute the air with more coal ash
5 toxins.

6 Where has the protection gone in the
7 Environmental Protection Agency, especially when
8 the EPA knows that the Part B proposal will
9 increase harm to health and environment?

10 In 2015, the coal ash rule prohibited
11 dumping additional toxic waste in ponds that are
12 required to close because they are either
13 leaking hazardous chemicals, are structurally
14 unstable, or are located in groundwater,
15 wetlands, seismic zones, fault areas, and
16 unstable areas.

17 In 2018, a Federal court order required
18 closure of all unlined coal ash ponds. Does the
19 EPA no longer follow Federal court rulings? How
20 can the citizens of these United States trust
21 the EPA to protect us when they defy court
22 rulings and propose to no longer allow public

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1 like to make a statement.

2 [Pause.]

3 EMCEE: At this time, we have no one else
4 scheduled to speak during this slot.

5 If there's anyone who did not register to
6 speak today but would like to speak, please use
7 the Questions box to identify yourself, and we
8 will get you into the lineup shortly.

9 We will continue to pause to see if anyone
10 else would like to make a statement.

11 [Pause.]

12 EMCEE: We will now continue our public
13 comments.

14 The next speaker will be K. Kirk.

15 EPA, are you ready to proceed?

16 MS. LONG: Yes.

17 Please proceed, and state your name and
18 affiliation for the record.

19 [No audible response.]

20 EMCEE: I believe you're self-muted.

21 Please take yourself off mute, and then we
22 should be able to hear you.

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1 MS. KIRK: Can you hear me now?

2 EMCEE: Yes, we can. Please proceed.

3 MS. KIRK: My name is Karen Kirk. I'm from
4 Williamsport, Pennsylvania. I'm actually a
5 private citizen who is very interested in this
6 issue of the rollbacks for the proposal, Part B
7 proposal.

8 The proposal will allow utilities to keep
9 dumping enormous amounts of toxic ash and
10 unlined leaking in structurally unsound coal ash
11 ponds as well as those located in groundwaters,
12 flood plains, and unstable areas. This is a
13 huge--[audio break]--polluters and endangering
14 the public health and the environment.

15 As our country currently is going through
16 this pandemic and addressing coronavirus at
17 unprecedented levels, for the EPA to stand up
18 and start trying to roll back these safety
19 measures for our public and public health is
20 egregious. It's actually an insult to all of
21 us.

22 I live within 30 miles of an unlined coal

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1 ash pond, which is also located within 10 miles
2 of the Susquehanna River. Susquehanna River
3 alone has 22 billion gallons flowing through it
4 daily. It's a large contributor to the
5 Chesapeake Bay, and it affects what happens in
6 Susquehanna, and the Susquehanna River affects
7 the Chesapeake Bay, health, and its
8 productivity. It affects millions of people.
9 This one unlined coal ash pond can have huge
10 impacts on millions of people.

11 We also live in an area which is fracking,
12 one of the fracking capitals of the country, and
13 we've already seen the impacts of poor
14 regulations on these utilities that they're
15 extracting from the ground. So this proposal
16 actually does nothing to protect us, and it
17 actually is only protecting the polluters.

18 In this time when we need the most
19 protection we could get, I plead for the EPA, as
20 a private citizen, that you do all you can to
21 protect us and not the polluters.

22 Thank you.

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1 EMCEE: Thank you for your comment.

2 We have no more speakers lined up for the
3 time being. So we will begin a brief recess.

4 EPA, when would you like to reconvene?

5 MS. LONG: The hearing is now on recess
6 until eleven o'clock a.m., Eastern Time.

7 [Recess taken from 10:42 a.m. to 11:00
8 a.m.]

9 EMCEE: This is IEC, EPA's contractor. It
10 is now eleven o'clock, Eastern, and we are
11 rejoining EPA's public hearing about the
12 proposed rule change to the disposal of coal
13 combustion residuals.

14 The expected speaking order for the next
15 half hour will be Don Ferber, followed by Jim
16 Stewart.

17 I will be introducing each speaker in turn,
18 but please wait for EPA to ask you to proceed
19 before starting your comments.

20 The first speaker will be Don Ferber.

21 EPA, are you ready to proceed?

22 MS. LONG: Yes.

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1 Please proceed, and state your name and
2 affiliation for the record.

3 MR. FERBER: Thank you.

4 My name is Don Ferber, F-e-r-b-e-r, and I
5 am the State chair of the Sierra Club in
6 Wisconsin. So a lot of what I'll be speaking
7 about relates to Wisconsin, but I'm sure a lot
8 of it pertains elsewhere.

9 What I'm concerned about today is that a
10 lot of people are already being impacted by
11 various forms of pollution that cause a range of
12 health impacts, and the particular issues that
13 we know a little about, the cumulative impacts
14 of being exposed to multiple pollutants, which
15 is certainly something we have going on here at
16 Wisconsin.

17 At a time when a strong immune system is
18 critical with our current pandemic, it is the
19 very worst time to lower environmental
20 protections and expose people to further harms.

21 Here in Wisconsin, we have people impacted
22 by coal dust and coal ash that has been making

<p style="text-align: right;">Page 82</p> <p>1 people sick. That's including, we found, coal 2 ash dust coating children's playground with kids 3 being exposed to this, and we've also had a coal 4 ash spill in Lake Michigan. And we've had 5 contaminants of the groundwater from coal ash. 6 So we certainly don't need to add to the risk. 7 We have coal trains going through Wisconsin 8 that also expose people to a lot of coal dust as 9 they can go through the State, tons literally 10 from each train. 11 We also have a lot of mercury as a result 12 of burning coal that's in our lakes, and the 13 fish that people eat from them is especially 14 harmful and particularly to children and 15 pregnant mothers where it's really a concern 16 with the impacts on children and youth. 17 Tourism is a big portion of our economy, 18 especially in parts of the State, and all this 19 pollution and the impacts are putting that 20 industry and a lot of people's livelihoods at 21 risk. 22 We also have contaminated water from large</p>	<p style="text-align: right;">Page 84</p> <p>1 diseases. This especially impacts low-income 2 people, communities of color, and has a very 3 disparate impact in Wisconsin. And we really 4 need to do something about lowering those levels 5 of pollution, which not only impact people by 6 the freeways but everywhere. 7 Studies have also shown that in general 8 that the health costs of pollution far outweigh 9 the cost to control it, and also those that are 10 impacted are often least able to financially 11 cope with these added burdens. 12 In many cases, the technologies that are 13 developed to control pollution often create many 14 well-paying new jobs and provide an economic 15 stimulus. So I think it is a fiction that this 16 is--by lowering contaminant levels or permit to 17 pollute that this will actually be a stimulus to 18 the economy. If anything, it will be the 19 opposite, and that's in part because we add a 20 lot to health care cost, to sickness that people 21 experience, and time off of work. It just 22 doesn't match the amount of savings that might</p>
<p style="text-align: right;">Page 83</p> <p>1 factory farms that is poisoning the groundwater 2 with nitrates and other pollutants. 3 We also have excessive amounts of lead in 4 many of our water systems, and more recently, it 5 has come to light that we have many areas of 6 significant levels of PFAS contamination, whose 7 health effects we are only beginning to 8 understand. 9 So I think we're also losing a lot of 10 family farms who are trying to do the right 11 thing but allowing the major factory farms to 12 pollute a lot. 13 We also have large amounts of pollution 14 from papermills and many other industries in the 15 State that are sickening to people and can 16 contaminate our waterways for many years, and 17 we're only starting to make progress on cleaning 18 those up. 19 Transportation has now become the top 20 source of climate change emissions in Wisconsin, 21 and people who live near freeways have much 22 higher levels of asthma and other respiratory</p>	<p style="text-align: right;">Page 85</p> <p>1 potentially be there from lowering 2 anti-pollutant levels. 3 So I am requesting today that the EPA 4 adhere to its mission to protect human health 5 and the environment. 6 We need to acknowledge that people are 7 human beings, not externalities, which is how we 8 treat them much of the time, when the risks at 9 hand can only be done by basing our decisions 10 that we make on solid science and strengthening 11 EPA's regulations, not weaken it. 12 Thank you very much for this opportunity to 13 speak. 14 EMCEE: Thank you for your comment. 15 The next speaker will be Jim Stewart 16 followed by Daryl Gale and then Ann Harvey. Jim 17 Stewart will be the next speaker. 18 EPA, are you ready to proceed? 19 MS. LONG: Yes. 20 Please proceed, and state your name and 21 affiliation for the record. 22 [No audible response.]</p>

<p style="text-align: right;">Page 86</p> <p>1 EMCEE: Jim, please proceed. I believe you 2 might be self-muted. Try taking yourself off 3 mute. 4 Whoops. It sounds like you need just a 5 couple minutes. We will move on to-- 6 MR. STEWART: Okay. 7 EMCEE: --the next one and come back. 8 Oh, is that Jim Stewart? 9 MR. STEWART: Often I say yes. So can you 10 hear me now? 11 EMCEE: Yes. Yes, we can hear you. Please 12 proceed. 13 DR. STEWART: Okay, great. Thank you very 14 much. 15 So I'm Jim Stewart, and I have a Ph.D. in 16 physics, and I've looked at this climate crisis 17 for many, many years. And I am very, very 18 concerned about what you all know well, which 19 is that the climate is increasing the rainfall. 20 We're having much more floods, more destructive 21 hurricanes, and it's going to get worse and 22 worse. And yet your proposal, B, seems to make</p>	<p style="text-align: right;">Page 88</p> <p>1 So we're in deep trouble, and we're all 2 praying that in a few, 10 months, on January 3 20th of 2021, this nightmare will be over. And 4 you guys who are faithful public servants and 5 trying--well, and hopefully, then you will be 6 able to return to protecting the environment, 7 the kind of job that you were hired to do, 8 instead of destroying our health. 9 So we ask you to delay this proceeding 10 because of the virus, and stop all of this 11 baloney about trying to hurt the environment and 12 hurt public's health with these ridiculous 13 regulations. 14 Thank you. 15 EMCEE: Thank you for your comment. 16 We're swapping this order just a little 17 bit. We're going to go next to Ann Harvey, and 18 then followed by Ann will be Daryl Gale. So 19 next speaker is Ann Harvey. 20 EPA, are you ready to proceed? 21 MS. LONG: Yes. 22 Please proceed, and state your name and</p>
<p style="text-align: right;">Page 87</p> <p>1 it much, much easier to dump a whole lot more of 2 this horrible toxic gook with all of these bad 3 chemicals that you know the list of--arsenic, 4 chromium, radium, lithium, et cetera--and when 5 these floods come, they spread throughout the 6 whole countryside because they overflow these 7 ridiculously sited, unkept ponds. 8 And we know they failed, and we know 9 they're going to continue to fail. And you must 10 stop this more pollution dumped in these coal 11 ponds. There are ways to treat this waste, but, 12 of course, they're more expensive. But what's 13 more expensive than killing people and wildlife, 14 destroying these streams when these ponds 15 overflow? This is an environmental catastrophe. 16 Thank God that the Obama administration in 17 2015 put in some decent regulations, and now 18 you're just trying to roll them back. And we 19 know why. You've got an administrator who wants 20 to take care of his buddies in the coal industry 21 and a President who somehow manages to avoid all 22 mention of science and anything like that.</p>	<p style="text-align: right;">Page 89</p> <p>1 affiliation for the record. 2 [No audible response.] 3 [Pause.] 4 EMCEE: Hello. This is Derek 5 Ehrnschwender. Are you able to hear me better 6 now? 7 MS. LONG: Yes. 8 EMCEE: Excellent. 9 Our next speaker will be Daryl Gale. 10 EPA, are you ready to proceed? 11 MS. LONG: Yes. 12 Please proceed, and state your name and 13 affiliation for the record. 14 MR. GALE: Hi. This is Daryl Gale, Sierra 15 Club, Angeles Chapter Environmental Justice 16 Committee. 17 Why are we even considering allowing more 18 arsenic, lead, and mercury into our drinking 19 water, land, and air? All over the country, 20 polluting industries have had carte blanche for 21 years and years with impunity to dump their 22 toxic effluents into our common areas. The</p>

<p style="text-align: right;">Page 90</p> <p>1 local citizens do not benefit at all 2 financially. The local governments do not 3 benefit at all, but they are seriously impacted 4 and affected by the health and financial 5 burdens. 6 Do not let coal companies create more 7 environmental expensive hazards. Thank you. 8 EMCEE: Thank you for your comment. 9 The next speaker will be Ann Harvey. 10 EPA, are you ready to proceed? 11 MS. LONG: Yes. 12 Please proceed, and state your name and 13 affiliation for the record. 14 [No audible response.] 15 EMCEE: Ann, you may be self-muted. Take 16 yourself off mute, please. 17 [Pause.] 18 EMCEE: Ann, I can hear that you--it sounds 19 like you're speaking, but we can't hear you. So 20 we are going to just sit tight for a second and 21 keep trying this. Please ensure that you're off 22 mute, and then begin by stating your name and</p>	<p style="text-align: right;">Page 92</p> <p>1 EPA, are you ready to proceed? 2 MS. LONG: Yes. 3 Please proceed, and state your name and 4 affiliation for the record. 5 [No audible response.] 6 EMCEE: Robert, please ensure that you are 7 not muted yourself. 8 [No audible response.] 9 EMCEE: Robert, we are unable to hear you. 10 It looks like we should be able to. So I think 11 you might have the mute button on. Please try 12 to unmute and then speak. 13 [No audible response.] 14 EMCEE: Robert Jensen, please try to speak. 15 [No audible response.] 16 EMCEE: I believe you are self-muted. You 17 should be able to now speak. Your line is open. 18 [No audible response.] 19 EMCEE: Okay. We'll continue to work with 20 you also via the chat to try to work out these 21 audio problems. 22 At this time, we have no one else scheduled</p>
<p style="text-align: right;">Page 91</p> <p>1 affiliation. 2 [Pause.] 3 EMCEE: Also, sometimes if you call in 4 using computer audio, you might have better luck 5 switching it to phone call or vice versa. I 6 would suggest that you try with a phone, if 7 you're able. 8 [Pause.] 9 EMCEE: We should be able to hear you, 10 unless you are self-muted. 11 [Pause.] 12 EMCEE: Ann, we are still going to try to 13 work with you. If this doesn't work out here, 14 then we will message with you. 15 You might want to try using your audio PIN, 16 #144#. 17 [Pause.] 18 EMCEE: All right, Ann. We will continue 19 to work with you offline. We'll move on to our 20 next speaker, and then we will circle back to 21 you. 22 Our next speaker will be Robert Jensen.</p>	<p style="text-align: right;">Page 93</p> <p>1 to speak, other than the two folks that we are 2 trying to work through the audio with. 3 If there's anyone who did not register to 4 speak but would like to, please use the 5 Questions box to identify yourself, and we will 6 get you into the lineup shortly. 7 We'll take a pause and see if anyone else 8 would like to make a statement, and we will 9 continue to work with both Ann and Robert to see 10 if we can get their audio working. 11 Thank you. 12 [Pause.] 13 EMCEE: We'll now continue with our public 14 comments. 15 The next speaker will be Ann Harvey, 16 followed by Robert Jensen. 17 EPA, are you ready to proceed with the next 18 speaker, Ann Harvey? 19 MS. LONG: Yes. 20 Please proceed, and state your name and 21 affiliation for the record. 22 [No audible response.]</p>

<p style="text-align: right;">Page 94</p> <p>1 EMCEE: Ann, please proceed, and make sure 2 you have not muted yourself by accident. 3 DR. HARVEY: Hello. Can you hear me now? 4 EMCEE: We can, yes. Please proceed. 5 DR. HARVEY: Oh, great. Okay. Thank you. 6 My name is Ann Harvey. I'm a private 7 citizen. I live in Oakland, California. I'm a 8 family doctor. 9 Bringing coal with its many toxins up from 10 underground, concentrating those toxins into ash 11 by burning it, and then storing that in a way 12 that promotes both air and water pollution is a 13 recipe for enormous human costs and 14 environmental cost and also economic cost of 15 having-- 16 EMCEE: Hey, Ann, I'm so sorry to 17 interrupt. You're very muffled. Can you try 18 speaking into the microphone? It's a little 19 difficult to hear you. Thank you. 20 DR. HARVEY: Oh, I'm sorry. Okay. I will 21 try again. 22 What I wanted to say, that bringing coal</p>	<p style="text-align: right;">Page 96</p> <p>1 local residents as well as in taxpayers rather 2 than by the utility, the electricity production, 3 it's a total distortion on our economy, so that 4 we are--the EPA is causing us to favor the 5 dirtiest electricity production that we have. 6 So I would ask you to scrap this idea, as 7 others have said. It's shameful to be doing 8 this now and rushing this through. So please--I 9 would say put it on hold, but put it on--put it 10 in the dustbin. 11 Thank you. 12 EMCEE: Thank you for your comment. 13 The next speaker will be Robert Jensen, 14 followed by Janet McDonnell and then Catalina 15 Wagers. The next speaker will be Robert Jensen. 16 EPA, are you ready to proceed? 17 MS. LONG: Yes. 18 Please proceed, and state your name and 19 affiliation for the record. 20 [No audible response.] 21 EMCEE: Robert, we're not able to hear you 22 right now. It looks like you may be self-muted.</p>
<p style="text-align: right;">Page 95</p> <p>1 which has many toxins, as has been pointed out 2 by other speakers, up from underground and then 3 concentrating those toxins into the ash and then 4 storing it in a way that promotes both air 5 pollution from the dust and water pollution 6 seeping into groundwater and at times with 7 catastrophic spills into rivers is a recipe for 8 huge human, environmental, and economic costs. 9 The economic costs as well as the human and 10 environmental costs are mostly borne out by 11 disadvantaged, disempowered frontline 12 communities and not either by the absentee 13 owners and directors of the power plants and 14 coal mines. 15 Also, because of the ways that our 16 regulations are favoring coal and especially 17 this new rulemaking that you want to do, they're 18 not paid for as much as they should be by long 19 distance customers, like me, of the utilities. 20 This totally distorts the economies. So we 21 don't--when the production of electricity 22 through coal, the costs of that are borne by</p>	<p style="text-align: right;">Page 97</p> <p>1 Please try again now. 2 [No audible response.] 3 EMCEE: Robert, your line is unmuted. 4 Please make sure that you have not self-muted by 5 accident. 6 [Pause.] 7 EMCEE: Robert, we are still unable to hear 8 you. So we will work with you via chat to try 9 to work through these technical issues. Let's 10 try one last time. 11 [No audible response.] 12 EMCEE: Okay. Let's move on. Robert, we 13 will come back to you shortly. 14 Was that you, Robert? 15 [No audible response.] 16 EMCEE: Okay. We'll continue the next 17 speakers. The order is Janet McDonnell, 18 followed by Catalina Wagers. So the next 19 speaker will be Janet McDonnell. 20 EPA, are you ready to proceed? 21 MS. LONG: Yes. 22 Please proceed, and state your name and</p>

<p style="text-align: right;">Page 98</p> <p>1 affiliation for the record. 2 [No audible response.] 3 EMCEE: Janet, I believe you might be 4 self-muted. 5 [Pause.] 6 EMCEE: Okay. We will come back to you 7 also, Janet. 8 At this point, let's try moving on to 9 Catalina Wagers. 10 EPA, are you ready to proceed? 11 MS. LONG: Yes. 12 Please proceed, and state your name and 13 affiliation for the record. 14 MS. WAGERS: Okay. This is Catalina 15 Wagers. Can you hear me? 16 EMCEE: Yes, we can. Please proceed. 17 MS. WAGERS: Yes. Hello. My name is 18 Catalina Wagers. I live in Cleveland Heights, 19 Ohio, and I just want to make a very brief 20 statement. 21 On the website, the EPA mission is stated 22 as protecting human and environmental health.</p>	<p style="text-align: right;">Page 100</p> <p>1 I'm an employee of the Sierra Club's Beyond Coal 2 Campaign, and I'm joining this virtual hearing 3 to oppose the EPA's Part B proposal. 4 While I appreciate the opportunity to speak 5 today, I'm disappointed the EPA is holding 6 hearings while the nation stares down the 7 worsening coronavirus pandemic. Despite 8 requests from over 60 public interest groups to 9 delay these hearings and extend the comment 10 period on the Part B proposal, the EPA has thus 11 far refused to do so. 12 I hope you'll reconsider your decision and 13 allow for more meaningful public input when the 14 nation is not responding to the immediate 15 crisis. 16 I also hope that you'll reconsider your 17 Part B proposal because it will put millions of 18 people across the country in harm's way. The 19 Part B proposal will allow utilities to keep 20 dumping enormous quantities of toxic coal ash 21 into unlined, leaking, and a structurally 22 unsound coal ash ponds as well as ponds located</p>
<p style="text-align: right;">Page 99</p> <p>1 That is their purpose for being. If this is the 2 purpose of the agency, I am absolutely puzzled 3 as to why in the world you are planning to 4 reverse current policy knowingly that it will 5 harm environment and human health. This doesn't 6 make sense at all. There is nothing that can be 7 spun or stated that makes these changes 8 viable and make sense. It does not make sense, 9 and it really goes against the whole reason for 10 the EPA's being. 11 That's it. It's very, very upsetting. 12 EMCEE: Thank you for your comment. 13 The next speaker will be Jonathan 14 Levenshus, followed by Robert Jensen and then 15 Janet McDonnell. The next speaker will be 16 Jonathan Levenshus. 17 EPA, are you ready to proceed? 18 MS. LONG: Yes. 19 Please proceed, and state your name and 20 affiliation for the record. 21 MR. LEVENSHUS: Hello. My name is Jonathan 22 Levenshus, and I am from Indianapolis, Indiana.</p>	<p style="text-align: right;">Page 101</p> <p>1 in the groundwater--in groundwater, flood 2 plains, and unstable areas. 3 The Part B proposal contains two very 4 dangerous provisions. First, the proposal 5 allows some unlined coal ash ponds to operate 6 indefinitely. Despite its 2018 Federal court 7 order requiring closure of all unlined coal ash 8 ponds due to the high risk of groundwater 9 contamination posed by such toxic compounds, the 10 Part B proposal will allow operators of unlined 11 ponds to develop a, quote, "alternate liner 12 demonstration," unquote, that will allow them to 13 avoid closure. 14 Even though such pits have no actual liner, 15 an operator could make a demonstration that the 16 pit should be considered lined and, therefore, 17 not be required to close. 18 Continued operation of these unlined ponds 19 also contradicts both EPA's 2014 risk assessment 20 that found a high risk of arsenic contamination 21 from unlined ponds and monitoring data revealing 22 that 92 percent of the industry's coal ash pits</p>

<p style="text-align: right;">Page 102</p> <p>1 are leaking toxic contaminant, such as arsenic, 2 cobalt, lithium, and radium, above Federal 3 health standards.</p> <p>4 Second, the proposal allows huge volumes of 5 coal ash to be dumped in hundreds of dangerous 6 ponds that were required to close by the 2015 7 rule. EPA is proposing to remove the 2015 8 rule's prohibition on dumping additional toxic 9 waste in ponds that are required to close 10 because they are leaking hazardous chemicals, 11 are structurally unstable, or are located in 12 dangerous locations such as groundwater, 13 wetlands, and seismic zones.</p> <p>14 Removing this prohibition will allow 15 operators to continue dumping millions of tons 16 of toxic coal ash in ponds for up to 15 years 17 without limits on the amount of ash they could 18 dump. All of this would be done without public 19 input and potentially even without EPA or State 20 approval on oversight.</p> <p>21 EPA estimates that operators would dump an 22 average of more than 600,000 tons in these</p>	<p style="text-align: right;">Page 104</p> <p>1 the rule has already identified sites where 2 cleanup of contaminated groundwater must soon 3 begin and disclose the identity of leaking and 4 dangerous coal ash ponds that must close.</p> <p>5 The common sense in the 2015 rule are 6 helping to protect clean water and safeguard 7 public health. I, therefore, urge the EPA to 8 abandon this dangerous plan to roll back 9 critical protections of the 2015 rule and 10 instead act swiftly to strengthen these much 11 needed safeguards.</p> <p>12 Thank you for this opportunity to share my 13 views with you today. Thank you.</p> <p>14 EMCEE: Thank you for your comment.</p> <p>15 At this time, we are continuing to work 16 with Robert Jensen and Janet McDonnell on their 17 audio issue.</p> <p>18 If there is anyone else who did not 19 register to speak today but would like to speak, 20 please use the Questions box to identify 21 yourselves, and we will get you into the lineup 22 shortly.</p>
<p style="text-align: right;">Page 103</p> <p>1 dangerous ponds, but this appears to be grossly 2 underestimated.</p> <p>3 According to EPA itself, the dumping will 4 increase harm to health and the environment, 5 disproportionately harm low-income communities 6 and communities of color, result in fewer sites 7 where coal ash is completely removed, and reduce 8 safer cycling of coal ash into products like 9 concrete because enormous volumes of ash will be 10 dumped into closing pits and, thus, be 11 unavailable for reuse.</p> <p>12 Finally, it's worth noting that the Part B 13 proposal is inconsistent with the 2018 order of 14 the U.S. Court of Appeals, which requires EPA to 15 strengthen, not weaken its 2015 rule, and to 16 close unlined coal ash ponds in unstable, 17 high-risk areas, which jeopardize daily our 18 nation's waters and catastrophic spills in 19 unchecked toxic pollution.</p> <p>20 As you are well aware, the 2015 coal ash 21 rule currently is protecting thousands of 22 American communities. Despite some weaknesses,</p>	<p style="text-align: right;">Page 105</p> <p>1 We'll now pause to see if anyone else would 2 like to make statement.</p> <p>3 [Pause.]</p> <p>4 EMCEE: We will now continue our public 5 comments.</p> <p>6 The next speaker will be Janet McDonnell, 7 followed by Robert Jensen. The next speaker is 8 Janet McDonnell.</p> <p>9 EPA, are you ready to proceed?</p> <p>10 MS. LONG: Yes.</p> <p>11 Please proceed, and state your name and 12 affiliation for the record.</p> <p>13 MS. McDONNELL: Hello. My name is Janet 14 McDonnell, and I'm from Arlington Heights, 15 Illinois. I'm a member of the Sierra Club.</p> <p>16 EMCEE: Hi, Janet.</p> <p>17 MS. McDONNELL: Hi.</p> <p>18 EMCEE: Janet, can I stop you real quick? 19 We can hear you, but you're a little far away. 20 Can you move closer to the microphone, please?</p> <p>21 MS. McDONNELL: Sure. Can you hear me 22 better now?</p>

<p style="text-align: right;">Page 106</p> <p>1 EMCEE: Just a little bit. Yeah. Just 2 speak up, and we should be fine. Thank you. 3 MS. McDONNELL: Okay. My name is Janet 4 McDonnell, and I'm from Arlington Heights, 5 Illinois. I'm a member of the Sierra Club, and 6 I'm calling today to speak out in opposition to 7 EPA's proposal to weaken the 2015 coal ash rule 8 safeguard. 9 While I appreciate this opportunity to 10 comment, I strongly oppose EPA's decision to 11 proceed with today's hearing during a global 12 pandemic and national health emergency. By 13 refusing to delay today's hearing or extend the 14 public comment period on this proposal, then 15 Trump administration is failing to take 16 seriously the impact it will have on millions of 17 Americans and communities impacted by coal ash 18 pollution. 19 And, obviously, the difficulty that 20 commentators are having connecting to this call 21 is evidence that this is a real challenge to 22 those wishing to exercise their First Amendment</p>	<p style="text-align: right;">Page 108</p> <p>1 protecting thousands of American communities. 2 Despite some weaknesses in the current rule, 3 coal plan owners have already completed hundreds 4 of inspections, published critical groundwater 5 quality data, identified over a hundred sites 6 where cleanup of contaminated groundwater must 7 soon begin, and disclosed the identity of 8 leaking and dangerous coal ash ponds that aren't 9 closed. 10 The commonsense standards of the 2015 rule, 11 which received more than half a million 12 supporting comments from the public, are helping 13 to protect clean water and safeguard public 14 health. 15 President Trump's attempt to weaken this 16 rule is nothing more than a total giveaway to 17 the industry and must be rejected, and I would 18 just like to add that near my home in North 19 Chicago, the West Ash Pond has been found to 20 have significant contamination. So this means 21 it affects all of us now and affects future 22 generations, and I think we must think of our</p>
<p style="text-align: right;">Page 107</p> <p>1 rights and speak out against this policy. 2 Proceeding today also eliminates the 3 critical right of the public to meaningfully 4 participate in rulemakings and directly address 5 the EPA on this issue. The EPA should pause 6 this process immediately, extend the comment 7 period, and provide a chance for the public to 8 participate when the crisis is over. 9 The EPA should be working to make Americans 10 safer, not endanger them further by throwing 11 protections from toxic pollution out the window. 12 The Part B proposal will expose more Americans 13 to hazardous pollution from coal ash, including 14 to carcinogens like arsenic, hexavalent 15 chromium, and radium; neurotoxins like lithium 16 and lead; and poisons that kill fish and 17 wildlife like selenium and cadmium. 18 We ask the EPA to stop trying to gut the 19 public health protections in the--[audio 20 break]--and instead strengthen the rule as 21 ordered by the Federal Court of Appeals. 22 The 2015 coal ash rule is currently</p>	<p style="text-align: right;">Page 109</p> <p>1 children and health of vulnerable populations 2 everywhere. 3 Thank you. 4 EMCEE: Thank you for your comment. 5 The next speaker will be Robert Jensen. 6 EPA, are you ready to proceed? 7 MS. LONG: Yes. 8 Please proceed, and state your name and 9 affiliation for the record. 10 [No audible response.] 11 EMCEE: Robert, I believe you are 12 self-muted. Please make sure that your phone is 13 not on mute. Please proceed. 14 [No audible response.] 15 EMCEE: It looks like it should work. You 16 are unmuted from our end. 17 [Pause.] 18 EMCEE: Robert, please look at the chat 19 box. If you look on the right-hand side in the 20 webinar interface, there is a box that will have 21 some messages and instructions. 22 [Pause.]</p>

<p style="text-align: right;">Page 110</p> <p>1 EMCEE: Robert, if you called in using a 2 phone, if you can just make sure that you have 3 not pushed mute by accident? And then you can 4 begin your statement. 5 [Pause.] 6 EMCEE: Robert. We will continue to work 7 with you over chat or also over email, if you 8 would like to check your email, and we can work 9 through these technical issues. 10 While we're waiting, if there's anyone else 11 who would like to speak, please use the 12 Questions box to let us know, and we will get 13 you into the lineup shortly. 14 We'll pause and see if anyone else would 15 like to make a statement. 16 [Pause.] 17 EMCEE: Robert, try entering your PIN. 18 It's #330#. 19 [Pause.] 20 EMCEE: Also, for folks who might have 21 raised their hand, please check the chat box to 22 get a message from our organizers, and we can</p>	<p style="text-align: right;">Page 112</p> <p>1 [Pause.] 2 EMCEE: Please proceed. 3 [No audible response.] 4 EMCEE: Larry, I'm not sure where you went. 5 I did hear you, and now I don't. Please 6 continue. 7 [No audible response.] 8 EMCEE: Perhaps you're self-muted. 9 [Pause.] 10 EMCEE: Okay. It looks like we lost the 11 connection with Larry. 12 We will come back. We will come back, and 13 let's check in on Robert Jensen. Perhaps we can 14 go back to him and see if we can get his 15 comments. 16 Robert Jensen, you will be the next 17 speaker. 18 EPA, are you ready to proceed? 19 MS. LONG: Yes. 20 Please proceed, and state your name and 21 affiliation for the record. 22 [No audible response.]</p>
<p style="text-align: right;">Page 111</p> <p>1 get you into the lineup. 2 [Pause.] 3 EMCEE: We'll now continue our public 4 comments. 5 The next speaker will be Larry 6 Castle-Fericks. 7 EPA, are you ready to proceed? 8 MS. LONG: Yes. 9 Please proceed, and state your name and 10 affiliation for the record. 11 MS. CASTLE-FERICKS: Yes. My name 12 is--[audio break]. I live in Park City, Utah. 13 EMCEE: Sorry. Please say your name again. 14 You cut out. 15 MS. CASTLE-FERICKS: I appreciate the 16 effort you all are making today to-- 17 EMCEE: I'm sorry. Sorry to stop you 18 again. We didn't hear your name. One more 19 time. Can you try it? 20 MS. CASTLE-FERICKS: Sorry. Yes. It's 21 Larry Ann Castle-Fericks. 22 EMCEE: Perfect. Thank you.</p>	<p style="text-align: right;">Page 113</p> <p>1 EMCEE: Robert Jensen, please proceed. 2 [No audible response.] 3 EMCEE: Unfortunately, Robert, we cannot 4 hear you. It sounds like our audio troubles are 5 continuing. We will keep working with you via 6 email to try to work this out. We will also 7 circle back to Larry once she has rejoined the 8 webinar. 9 Okay. It looks like Larry Ann is back on. 10 Let's try to circle back to her and start over. 11 EPA, are you ready to proceed? 12 MS. LONG: Yes. 13 Please proceed, and state your name and 14 affiliation for the record. 15 MS. CASTLE-FERICKS: My name is Larry Ann 16 Castle-Fericks, and I live in Park City, Utah. 17 And I will continue where I left off with my 18 previous comment. 19 Considering the enormous impact of the 2015 20 regulations on public health, I think it's 21 important to reflect on how they started. For a 22 hundred years, coal ash has been polluting the</p>

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<p>1 groundwater in unlined landfills. One example 2 in Utah is the Hunter Plant in Castle Dale, and 3 this plant is the number eight worst in the 4 country. 5 Lithium and cobalt are at levels that are 6 over 200 percent what is recommended for safe 7 drinking water, and that's not to mention the 8 dust from the ash that is breathed by local 9 residents. 10 The data from the Environmental Integrity 11 Project shows that 91 percent of these unlined 12 groundwater--these unlined ponds are polluting 13 groundwater throughout the country. The 14 electric utilities must be held to these 2015 15 rules. The EPA is in a place to protect the 16 environment, preventing industries from 17 polluting water and air during their processes. 18 The American people have suffered the 19 consequences of unregulated disposal of coal ash 20 for far too long. We breathe the dust and drink 21 the contaminated water. 22 Solid science dictates more regulation and</p>	<p>1 like to make a statement. 2 [Pause.] 3 EMCEE: At this time, we have no one else 4 scheduled to speak, other than the folks we are 5 working with on their technical issues. 6 If there's anyone who did not register to 7 speak today but would like to speak, please use 8 the Questions box to identify yourself, and we 9 will get you into the lineup shortly. 10 We'll continue to pause to see if anyone 11 else would like to make a statement. 12 [Pause.] 13 EMCEE: We will not continue our public 14 comments. The expected speaking order will be 15 N.K. Acevedo, followed by Sarah Dolley. N.K. 16 Acevedo will be the next speaker. 17 EPA, are you ready to proceed? 18 MS. LONG: Yes. 19 Please proceed, and state your name and 20 affiliation for the record. 21 MS. ACEVEDO: Hello? 22 EMCEE: Okay. We're not able to hear</p>
Page 115	Page 117
<p>1 oversight, not less. EPA must adhere to its 2 founding mission to protect public health. The 3 Part B proposal should be abandoned. It 4 facilitates unwarranted support of the 5 coal-fired power plants that should be phased 6 out in order to mitigate climate change, anyway. 7 I would like to speak in opposition to the 8 Part B alternative demonstration for unlined 9 surface impoundments and continue with our 2015 10 regulations and not be lessening the impact of 11 those at all. 12 Thank you. 13 EMCEE: Thank you for your comment. 14 At this time, we have no one else scheduled 15 to speak, other than the folks that we are 16 working through the technical difficulties with. 17 If there is anyone else who did not 18 register to speak today but would like to, 19 please use the Questions box to identify 20 yourself, and we will get you into the lineup 21 shortly. 22 We'll now pause to see if anyone else would</p>	<p>1 you--oh, there you are. Please state your name 2 and affiliation. 3 MS. ACEVEDO: Sure. My name is Christine 4 Acevedo. I'm a citizen. I am a very concerned 5 citizen, actually. I'm originally from New 6 York. I live in Boston. 7 And I am kind of flabbergasted and just 8 shocked at how these are the measures that are 9 being taken, which is basically slim to none. 10 Considering the amount of things that have 11 happened over the past--I don't know how many 12 decades of knowing what the issues are from 13 pollution, the air quality, to water pollution 14 as well as air pollution, and the EPA is 15 supposed to do everything possible to keep 16 people in this country safe. 17 They're supposed to be able to actually 18 take consideration of all the things that are 19 supposed to be going on to help us instead of 20 actually siding with certain other government 21 organizations or other people in Congress that 22 are friends with all the wrong people, which is</p>

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<p>1 essentially the oil and gas companies, and all 2 the other people that are basically making a 3 crapload of money.</p> <p>4 The issues that we run into when you are a 5 minority, when you are living in an area where 6 you don't have the same amount of privilege as 7 other people, there's a reason why things have 8 happened from Katrina to other things like in 9 Detroit with the land, to be specific, is 10 because of the fact that when things, it's 11 because of the fact that when things affect 12 black and brown people, nobody cares. Everybody 13 just looks at that to be "Oh well, that's too 14 bad. They're poor. They can't do anything 15 about it."</p> <p>16 When you have people that live in areas of 17 whether it's a nuclear power plant or some other 18 company that basically is just spewing all kinds 19 of sludge and other chemicals that are 20 completely toxic that affect people who are 21 pregnant and children, whether it's led or other 22 things, that are basically in the water and in</p>	<p>1 near a power plant so they can understand the 2 ramifications of what that means to their 3 families and what would do if they actually have 4 to sit there and deal with something like that.</p> <p>5 There are people who don't have the same 6 kind of plumbing. There are people who rely on 7 well water. There are people who rely on other 8 things. To be able to think that they believe 9 it's safe, because that's what the government is 10 telling them, when it actually isn't, and that's 11 shameful. That is completely shameful.</p> <p>12 And do you think other countries run into 13 this? For a first-world country, the amount of 14 people that have so many medical issues because 15 of the lack of being able to understand what 16 they're going through and taking into 17 consideration how the fault is--these government 18 agencies aren't protecting them. That's a 19 really big problem, and you should be ashamed of 20 yourself. And you should be doing everything in 21 your power to fight those that are in Congress 22 that are letting this go by the wayside and not</p>
Page 119	Page 121
<p>1 the soil that end up being something that is 2 beyond what we should allow. And nobody does 3 anything about it.</p> <p>4 And EPA's role is to make sure that these 5 things don't happen. You're supposed to be able 6 to sit there and have the research and be able 7 to have the funding and have the people to be 8 able to make sure that whenever these things 9 happen on such a grand scale, that those that 10 are at fault are actually going to be punished.</p> <p>11 And I'm not talking about just millions of 12 dollars or however much it ends up being for 13 some of these mega corporations where it's just 14 chump change, but actually having the people who 15 make these decisions that are currently in 16 whether office or in charge of these 17 organizations and companies are really actually 18 being punished properly by going to jail and by 19 actually having things be taken away from them.</p> <p>20 Maybe they should be drinking the water 21 that is completely brown coming out of Flint, 22 Michigan. Maybe they should be the ones living</p>	<p>1 making this a number one priority, because the 2 way COVID-19 is spreading, climate crisis has 3 been going on for decades, and it's only going 4 to get worse if you don't do something about it 5 right now.</p> <p>6 EMCEE: Thank you for your comment. 7 The next speaker will be Sarah Dolley. 8 EPA, are you ready to proceed? 9 MS. LONG: Yes. 10 Please proceed, and state your name and 11 affiliation for the record. 12 [No audible response.] 13 EMCEE: Sarah, I believe you are 14 self-muted. Please proceed. 15 MS. DOLLEY: Okay. I believe I'm unmuted 16 now; is that correct? 17 EMCEE: Yes. Yes, correct. Please state 18 your name and proceed. Thank you. 19 MS. DOLLEY: Thank you. 20 My name is Sarah Dolley. I don't have an 21 affiliation. I am asking you to not roll back 22 Federal coal ash protections.</p>

<p style="text-align: right;">Page 122</p> <p>1 My dad grew up in Pennsylvania. When he</p> <p>2 was a kid, he would play in places where coal</p> <p>3 mines used to be, and as he got older, he would</p> <p>4 go hunting out with his stepdad. And he saw the</p> <p>5 kind of damage caused by coal ash and by the</p> <p>6 remains of the coal mining industry.</p> <p>7 He is now a retired pediatrician, and as a</p> <p>8 doctor, he understands very well the kind of</p> <p>9 damage that can be done by this sort of</p> <p>10 pollution. The coal ash protections are put in</p> <p>11 place for a reason. We need to pay attention to</p> <p>12 what the scientists have done and keep the</p> <p>13 protections in place so that people can be</p> <p>14 protected from pollution.</p> <p>15 And that is the end of my statement.</p> <p>16 EMCEE: Thank you for your comment.</p> <p>17 Just a reminder that if folks have raised</p> <p>18 their hand, if you can please check the chat</p> <p>19 window on the right-hand side of the webinar</p> <p>20 interface, there might be some messages from the</p> <p>21 organizers.</p> <p>22 Let's go ahead and try Robert Jensen.</p>	<p style="text-align: right;">Page 124</p> <p>1 if there's anyone else who did not register to</p> <p>2 speak but would like to, please use the</p> <p>3 Questions box to identify yourself, and we'll</p> <p>4 get you into the lineup shortly.</p> <p>5 We'll pause and see if anyone else other</p> <p>6 than Robert would like to make a statement, and,</p> <p>7 Robert, we'll continue to chat you to work out</p> <p>8 these issues.</p> <p>9 [Pause.]</p> <p>10 EMCEE: At this time, we have no one else</p> <p>11 scheduled to speak, other than the folks that</p> <p>12 we're working through technical difficulties</p> <p>13 with.</p> <p>14 If there is anyone who did not register to</p> <p>15 speak today but would like to speak, please use</p> <p>16 the Questions box to identify yourself, and we</p> <p>17 will get you into the lineup shortly.</p> <p>18 We'll now pause to see if anyone else would</p> <p>19 like to make a statement.</p> <p>20 [Pause.]</p> <p>21 EMCEE: We'll continue our public comments.</p> <p>22 Robert Jensen will be the next speaker.</p>
<p style="text-align: right;">Page 123</p> <p>1 Let's see if we can get that audio working.</p> <p>2 EPA, are you ready to proceed?</p> <p>3 MS. LONG: Yes.</p> <p>4 Please proceed, and state your name and</p> <p>5 affiliation for the record.</p> <p>6 [No audible response.]</p> <p>7 EMCEE: Robert, please proceed.</p> <p>8 [No audible response.]</p> <p>9 EMCEE: Can you state your name and</p> <p>10 affiliation for the record?</p> <p>11 [No audible response.]</p> <p>12 EMCEE: It looks like you're on a phone</p> <p>13 line, not an audio line, and it should be open</p> <p>14 as long as you are not self-muted. It should</p> <p>15 work.</p> <p>16 [Pause.]</p> <p>17 EMCEE: Robert, we might ask you to hang up</p> <p>18 and then try calling back in again. Sometimes</p> <p>19 that helps. I'm sorry that we're having so many</p> <p>20 difficulties.</p> <p>21 We'll go ahead and pause now. I don't have</p> <p>22 any other speakers lined up for this slot. So</p>	<p style="text-align: right;">Page 125</p> <p>1 EPA, are you ready to proceed?</p> <p>2 MS. LONG: Yes.</p> <p>3 Please proceed, and state your name and</p> <p>4 affiliation for the record.</p> <p>5 [No audible response.]</p> <p>6 EMCEE: Robert, it is showing that you are</p> <p>7 self-muted. We're not able to hear you. Please</p> <p>8 proceed.</p> <p>9 [No audible response.]</p> <p>10 EMCEE: Robert, we will continue to reach</p> <p>11 out to you to work through these issues.</p> <p>12 At this time, we have no more speakers</p> <p>13 lined up. So we will begin a brief recess.</p> <p>14 EPA, when would you like to reconvene?</p> <p>15 MS. LONG: The hearing is now in recess</p> <p>16 until 12:30 p.m., Eastern Time.</p> <p>17 [Recess taken from 12:00 p.m. to 12:32</p> <p>18 p.m.]</p> <p>19 EMCEE: This is IEC, EPA's contractor. It</p> <p>20 is now 12:32, and we are rejoining EPA's public</p> <p>21 hearing about the proposed rule change to the</p> <p>22 disposal of coal combustion residuals.</p>

<p style="text-align: right;">Page 126</p> <p>1 The expected speaking order for the next</p> <p>2 section will be Robert Jensen.</p> <p>3 EPA, are you ready to proceed?</p> <p>4 MS. LONG: Yes.</p> <p>5 Please proceed, and state your name and</p> <p>6 affiliation for the record.</p> <p>7 [No audible response.]</p> <p>8 EMCEE: Robert Jensen, please proceed.</p> <p>9 [No audible response.]</p> <p>10 EMCEE: Robert, from the chat, I think you</p> <p>11 can hear us. I do know that we have asked for</p> <p>12 some additional information in the chat. If you</p> <p>13 can take a look at that chat or Questions box on</p> <p>14 the right-hand side of the interface, then we'll</p> <p>15 try to get that additional information from you</p> <p>16 and get you so that you can speak. Thank you</p> <p>17 for your patience.</p> <p>18 At this time, we don't have anyone else</p> <p>19 scheduled.</p> <p>20 If there's somebody who is on the line and</p> <p>21 would like to speak but has not registered to do</p> <p>22 so, please use the Questions box to identify</p>	<p style="text-align: right;">Page 128</p> <p>1 scheduled to speak, other than the folks that we</p> <p>2 are working through the technical issues with.</p> <p>3 Robert Jensen, if you can please check the</p> <p>4 chat messages, we have some additional questions</p> <p>5 for you that will help us work through your</p> <p>6 audio.</p> <p>7 If there is anyone else who did not</p> <p>8 register to speak but would like to, please use</p> <p>9 the Questions box to identify yourself, and we</p> <p>10 will get you into the lineup shortly.</p> <p>11 We'll continue to pause to see if anyone</p> <p>12 else would like to make a statement.</p> <p>13 [Pause.]</p> <p>14 EMCEE: Robert Jensen, you are now unmuted.</p> <p>15 Can you try to speak?</p> <p>16 [No audible response.]</p> <p>17 EMCEE: At this time, we don't have anyone</p> <p>18 else scheduled other than the folks that we are</p> <p>19 working through the audio issues wit.</p> <p>20 If there's anyone else who did not register</p> <p>21 to speak today but would like to speak, please</p> <p>22 use the Questions box to identify yourself, and</p>
<p style="text-align: right;">Page 127</p> <p>1 yourself, and we will get you into the lineup</p> <p>2 shortly.</p> <p>3 We'll take a pause and see if anyone else</p> <p>4 would like to make a statement.</p> <p>5 [Pause.]</p> <p>6 EMCEE: Robert Jensen, please send a</p> <p>7 question to our staff using the Questions box.</p> <p>8 That's the easiest way for us to communicate</p> <p>9 with you. We need to get some additional</p> <p>10 information in order to get your audio working.</p> <p>11 [Pause.]</p> <p>12 EMCEE: At this time, we have no one else</p> <p>13 scheduled to speak, other than the folks we are</p> <p>14 working through the audio difficulties with.</p> <p>15 If there's somebody who is on the line and</p> <p>16 would like to speak but would like to, please</p> <p>17 use the Questions box to identify yourself, and</p> <p>18 we will get you into the lineup shortly.</p> <p>19 We'll continue to pause and see if anyone</p> <p>20 else would like to make a statement.</p> <p>21 [Pause.]</p> <p>22 EMCEE: At this time, we have no one else</p>	<p style="text-align: right;">Page 129</p> <p>1 we will get you into the lineup shortly.</p> <p>2 We'll now pause to see if anyone else would</p> <p>3 like to make a statement.</p> <p>4 And, Robert Jensen, please check the chat</p> <p>5 or Questions messages on the right-hand side to</p> <p>6 look for our request for additional information.</p> <p>7 We're also going to try you one more time right</p> <p>8 now, Robert. Please speak.</p> <p>9 [No audible response.]</p> <p>10 EMCEE: Unfortunately, Robert, we are</p> <p>11 unable to hear you. If you are speaking, we</p> <p>12 cannot hear it.</p> <p>13 [Pause.]</p> <p>14 EMCEE: Robert, if you could also please</p> <p>15 send an email to EPAwebinar@indecon.com. That's</p> <p>16 the same email address that you got your</p> <p>17 registration from. We can work with you via</p> <p>18 email to sort out the audio issue.</p> <p>19 [Pause.]</p> <p>20 EMCEE: At this time, we have no one else</p> <p>21 scheduled to speak in this current time slot.</p> <p>22 If there is anyone who did not register to</p>

<p style="text-align: right;">Page 130</p> <p>1 speak today but would like to speak, please use 2 the Questions box to identify yourself, and we 3 will get you into the lineup shortly. 4 We'll continue to pause to see if anyone 5 else would like to make a statement. 6 [Pause.] 7 EMCEE: We are now at the end of our 8 morning session. 9 EPA, are you ready to recess until after 10 the scheduled lunch break? 11 MS. LONG: Yes. 12 The morning session is concluded as of 13 12:59 p.m. We will reconvene at 2:00 p.m., 14 Eastern Time. 15 [Luncheon recess taken from 12:59 p.m. to 16 2:00 p.m.] 17 18 AFTERNOON SESSION 19 20 EMCEE: Good afternoon, and welcome to the 21 EPA public hearing. 22 Before we begin, we will do a brief sound</p>	<p style="text-align: right;">Page 132</p> <p>1 which was published in the Federal Register on 2 March 3rd, 2020. Before we begin, I would like 3 to say that we appreciate you taking the time to 4 address the proposed rule, and we look forward 5 to receiving your comments. 6 My name is Richard Huggins. I am the chief 7 of the Energy Recovery and Waste Disposal Branch 8 in EPA's Office of Resource Conservation and 9 Recovery. I will be chairing this session of 10 today's hearing. 11 With me on the panel today from EPA are 12 Frank Behan, Michelle Long, and Jesse Miller. 13 Before we begin the hearing, I would like 14 to provide you some background information and 15 briefly describe the proposed rule on which we 16 are taking comments today. 17 CCR are generated from the combustion of 18 coal in coal-fired boilers to produce 19 electricity by electric utilities and 20 independent power producers. CCR include fly 21 ash, bottom ash, boiler slag, and flue gas 22 desulfurization materials, commonly known as</p>
<p style="text-align: right;">Page 131</p> <p>1 check. 2 At this time, I would ask Frank Behan at 3 EPA to unmute himself and check to make sure 4 that we can hear him. 5 MR. BEHAN: This is Frank Behan. 6 EMCEE: Great, Frank. We can hear you. 7 And, Jesse Miller, would you like to do the 8 same? 9 MR. MILLER: This is Jesse Miller. 10 EMCEE: Could you try that one more time, 11 Jesse? It was a little fuzzy. 12 MR. MILLER: This is Jesse Miller. 13 EMCEE: Great. Sounds good. Thank you. 14 MR. MILLER: Yep. 15 EMCEE: We are now ready to begin. I'll 16 turn it over to EPA to get us started. 17 MR. HUGGINS: Good afternoon, and thank you 18 for attending today's public hearing on the 19 Environment Protection Agency's proposal titled 20 "A Holistic Approach to Closure Part B: 21 Alternate Demonstration for Unlined Surface 22 Impoundments and Implementation of Closure,"</p>	<p style="text-align: right;">Page 133</p> <p>1 coal ash. CCR can be disposed of in on-site or 2 off-site landfills or surface impoundments or 3 can be beneficially used. 4 On April 17th, 2015, EPA published a final 5 rule establishing a comprehensive set of minimum 6 requirements for the disposal of CCR in 7 landfills and surface impoundments. The rule 8 created a self-implementing program which 9 regulates the location, design, operation, and 10 groundwater monitoring and corrective action for 11 CCR disposal, as well as the closure and 12 post-closure care of CCR units. The final rule 13 requires owners and operators of CCR units to 14 document compliance with these requirements in 15 the facility's operating record. 16 In addition, the facility must notify the 17 State of decisions and maintain a publicly 18 accessible website of compliance information. 19 This final CCR rule became effective on October 20 19th, 2015, and owners and operators of CCR 21 units are required to be in compliance with all 22 applicable requirements.</p>

<p style="text-align: right;">Page 134</p> <p>1 While the major protections and 2 requirements of the April 2015 rule remain in 3 place, EPA is working on several regulatory 4 proposals to carry out new requirements under 5 the Water Infrastructure Improvements for the 6 Nation Act, respond to petitions, address 7 litigation, and ensure smoother implementation 8 by applying lessons learned.</p> <p>9 EPA is proposing four main changes with 10 this action: Procedures to allow a limited 11 number of facilities to continue using alternate 12 liners at existing CCR surface impoundments if 13 they can demonstrate to EPA or a participating 14 State Director that the unit would not adversely 15 affect groundwater, human health, or the 16 environment; conditions under which CCR can be 17 used in the closure of landfills and surface 18 impoundments; an additional closure option for 19 CCR units from which CCR is being removed that 20 cannot complete groundwater corrective action by 21 the time all other closure by removal activities 22 have been completed--under this new provision,</p>	<p style="text-align: right;">Page 136</p> <p>1 on the line transcribing your comments for the 2 official record. The audio from the public 3 hearing will be recorded for the official 4 record.</p> <p>5 In order to accommodate all speakers and 6 provide all speakers with the same speaking 7 opportunity, testimony is limited to 5 minutes, 8 even if there are no additional speakers 9 waiting. A countdown clock will be shown on the 10 screen so speakers know how much time they have 11 left. In addition, if you have a written 12 testimony prepared, please send it to the email 13 you received your confirmation email from at 14 EPAwebinar@indecon.com.</p> <p>15 We are here today to hear your comments on 16 EPA's proposal published on March 3rd. We will 17 not respond to questions; however, from time to 18 time, members of the panel may ask questions to 19 clarify your testimony. Any comments spoken in 20 languages other than English will be translated 21 into English in the written transcript.</p> <p>22 If you have additional comments after</p>
<p style="text-align: right;">Page 135</p> <p>1 groundwater remediation must continue until 2 groundwater protection standards are achieved 3 during a post-closure care period--and 4 requirements for annual closure progress reports 5 that facilities must prepare during the period 6 that a CCR unit is being closed so as to provide 7 the public with more information about the 8 progress of closure.</p> <p>9 Now I'll cover some logistics for the 10 comment portion of today's public hearing.</p> <p>11 Today's hearing will work as follows. 12 Speakers, if you pre-registered to speak, you 13 should have received an email with a 30-minute 14 time slot during which you are scheduled to give 15 your 5 minutes of testimony. To guarantee that 16 slot, we have asked that you sign into the 17 webinar 10 minutes before that 30-minute time 18 slot. We will call speakers in groups. After 19 your name is called, EPA will ask you to state 20 your name and your affiliation, if any, and 21 proceed with your testimony. We may ask you to 22 spell your name for the court reporter, who is</p>	<p style="text-align: right;">Page 137</p> <p>1 today, please follow the instructions in the 2 March 3rd Federal Register notice for this 3 proposal. Comments must be submitted by April 4 17th, 2020.</p> <p>5 Everyone who has pre-registered will have 6 an opportunity to speak, and we will do our best 7 to accommodate speakers that have not 8 pre-registered. Today's hearing is scheduled to 9 close at 6:00 p.m., but we will keep the hearing 10 open later if necessary. If, however, time does 11 not allow you to orally present your comments, 12 you may provide a written comment in lieu of 13 oral testimony. These written comments on the 14 proposal will be given the same weight as oral 15 testimony.</p> <p>16 If you would like to testify but have not 17 yet registered to do so, please send a message 18 to staff via the Questions box, and they will do 19 their best to fit you into the schedule.</p> <p>20 We plan to take occasional breaks, 21 according to the agenda. We will shorten the 22 breaks, if needed, in order to allow as many</p>

<p style="text-align: right;">Page 138</p> <p>1 people as possible to provide their comments.</p> <p>2 We ask for your patience as we proceed. We</p> <p>3 may need to make some minor adjustments as the</p> <p>4 day progresses, and if so, we will make the</p> <p>5 appropriate announcements.</p> <p>6 Thanks again for participating today.</p> <p>7 Let's get started. We will now turn it over to</p> <p>8 EPA's contractor Industrial Economics to discuss</p> <p>9 some logistics for today's hearing.</p> <p>10 EMCEE: Thank you.</p> <p>11 Before we begin, we'd like to go over some</p> <p>12 additional logistics for today's webinar. As a</p> <p>13 reminder, all attendees are muted automatically.</p> <p>14 We will unmute you when it is your turn to</p> <p>15 speak.</p> <p>16 Also, if you have called in using a phone</p> <p>17 and are planning to speak, you must enter your</p> <p>18 individual audio PIN. If you are having trouble</p> <p>19 with the PIN, a staff member will send you a</p> <p>20 message via the webinar interface. Please make</p> <p>21 sure that if you called in via phone, the radio</p> <p>22 button is on "Phone Call" and not "Computer</p>	<p style="text-align: right;">Page 140</p> <p>1 fossil plant and the millions of tons of coal</p> <p>2 ash next to it in unlined settlement ponds,</p> <p>3 right by the Clinch River. I have friends who</p> <p>4 live near those coal ash containments who</p> <p>5 mention apparent health impacts from coal ash in</p> <p>6 their neighborhood.</p> <p>7 Now, I'm concerned that the effects of coal</p> <p>8 ash will be felt in my community long after the</p> <p>9 Bull Run plan closes in 2023.</p> <p>10 I live with my family in a city committed</p> <p>11 to reducing greenhouse gases and moving toward a</p> <p>12 sustainable future, but how can we reach that</p> <p>13 sustainable future if the toxins in that coal</p> <p>14 ash continue leaking into our rivers and</p> <p>15 streams? Already, the Tennessee River is listed</p> <p>16 as the fourth most polluted river in the country</p> <p>17 by Renee and Pestano in their environmental</p> <p>18 working group paper.</p> <p>19 And the Tennessee Department of</p> <p>20 Environmental and Conservation has advisories on</p> <p>21 fish consumption from 23 different waterways in</p> <p>22 East Tennessee. The advisories show elevated</p>
<p style="text-align: right;">Page 139</p> <p>1 Audio." Finally, please use the Questions box</p> <p>2 in the upper right corner to request a speaking</p> <p>3 slot.</p> <p>4 Now we will begin our public comments. The</p> <p>5 first speaker scheduled in the next half hour</p> <p>6 will be Kent Minault.</p> <p>7 EPA, are you ready to proceed?</p> <p>8 MR. BEHAN: Yes.</p> <p>9 Please proceed, and state your name and</p> <p>10 affiliation for the record. Thank you.</p> <p>11 [No audible response.]</p> <p>12 EMCEE: Kent, we think you might be</p> <p>13 self-muted.</p> <p>14 MR. MINAULT: I was. I just unmuted</p> <p>15 myself. Can you hear me now?</p> <p>16 EMCEE: Yes, we can. Please proceed.</p> <p>17 MR. MINAULT: Okay. I sure will.</p> <p>18 I'm Kent Minault from Knoxville, Tennessee,</p> <p>19 and I volunteer with the Sierra Club here. I'm</p> <p>20 speaking today in opposition to EPA's proposal</p> <p>21 to weaken the 2015 coal ash rule safeguards.</p> <p>22 Now, I live a few miles from the Bull Run</p>	<p style="text-align: right;">Page 141</p> <p>1 levels of mercury in the fish in most of these</p> <p>2 cases, and the largest source of mercury in the</p> <p>3 region is coal combustion and leaching of toxins</p> <p>4 from those coal ash settlement ponds.</p> <p>5 TDEC advises people eat fish from these</p> <p>6 waters only once a month and never for pregnant</p> <p>7 women. Why can we not enjoy the economic and</p> <p>8 recreational benefits of clean water in this</p> <p>9 beautiful part of the world? Rather than</p> <p>10 rolling back protected regulations on the</p> <p>11 pollution that is already having dire effects on</p> <p>12 our health and prosperity, should we not be</p> <p>13 strengthening protections and creating a cleaner</p> <p>14 and healthier environment?</p> <p>15 This attempt to weaken the 2015 coal ash</p> <p>16 rule is a blatant giveaway to a polluting</p> <p>17 industry and must be forcefully rejected. Coal</p> <p>18 ash is some of the most poisonous stuff on the</p> <p>19 planet containing arsenic, boron, hexavalent</p> <p>20 chromium, lead, lithium, mercury, selenium, and</p> <p>21 radioactive substances.</p> <p>22 Our part of the country has been a leader</p>

<p style="text-align: right;">Page 142</p> <p>1 in retiring coal-fired power, bringing our 2 electrical grid to the point of providing about 3 60 percent of our electricity carbon-free. Coal 4 is not the energy source of the future, and the 5 people of Tennessee deserve to be protected as 6 we transition to a carbon-free energy source. 7 The 2015 coal ash rule required all U.S. 8 coal plants to prevent air and water pollution 9 from coal ash landfills, pits, and piles by 10 suppressing dust, controlling polluted runoff, 11 conducting inspections, monitoring groundwater, 12 and cleaning up contaminated water. Let's keep 13 those protections in place as we prepare to 14 retire Bull Run in 2023 and ensure that people 15 who live nearby and rely on drinking water 16 sourced from the Clinch and Tennessee Rivers can 17 live healthy lives and look forward to waterways 18 that are cleaner and less polluted every year. 19 Thank you. 20 EMCEE: Thank you for your comment. 21 At this time, we have no additional 22 speakers scheduled to speak. At this time, we</p>	<p style="text-align: right;">Page 144</p> <p>1 thank the Environmental Pollution [sic] Agency 2 for this hearing on coal ash. 3 The number one question I have is who 4 suggested this idea to violate the law to poison 5 people, to sicken communities, and destroy land 6 and water at the only agency that I know of 7 which is responsible for safeguarding people and 8 land and air and water. 9 I'm not going to say this is a giveaway to 10 an industry, because it's coming from inside the 11 EPA. So it is the EPA itself. It is the people 12 who believe that this proposed rule change makes 13 sense who are guilty, and I want to be very 14 clear about that, guilty of murder. 15 So I'd like to take a moment of my time to 16 allow the hearing to grieve for the family 17 members who will be buried, the mothers and 18 fathers and children, and I'd like for you to 19 hear their voices. 20 We're in the midst of a pandemic, which is 21 shutting down industries to try to save 22 thousands of lives. I'd like for the hearing to</p>
<p style="text-align: right;">Page 143</p> <p>1 don't have anyone else scheduled. 2 If there is anyone who did not register to 3 speak today but would like to speak, please use 4 the Questions box to identify yourself, and we 5 will get you into the lineup shortly. 6 We will now pause to see if anyone else 7 would like to make a statement. 8 [Pause.] 9 EMCEE: Our next speaker will be Michael 10 Foster. 11 EPA, are you ready to proceed? 12 MR. BEHAN: Yes. 13 Please proceed, and state your name and 14 affiliation for the record. 15 Thank you. 16 MR. FOSTER: My name is Michael Foster, 17 "Michael Foster," as it sounds, and-- 18 EMCEE: Thank you, Michael. Please 19 proceed. 20 MR. FOSTER: Okay. 21 I am an individual, a citizen of the U.S., 22 and I speak only for myself. And I want to</p>	<p style="text-align: right;">Page 145</p> <p>1 hear the voices of the thousands of lives who 2 will be silenced painfully by this rule change. 3 You are responsible. You are guilty. 4 I'm going to take one minute, 60 seconds, 5 right now to allow you to hear their voices or 6 do your best to try to block them out of your 7 mind, because they are on you. 8 One minute of silence now. Thank you. 9 [Moment of silence.] 10 MR. FOSTER: How many will die? It depends 11 on you. Can you hear them? Changing laws and 12 rules to try to make it legal to murder doesn't 13 take away your shame and your guilt. You are 14 responsible for their lives. 15 EMCEE: Thank you for your comment. 16 At this time, we have no one else scheduled 17 to speak during the current time slot. 18 If there is anyone who did not register to 19 speak today but speak but would like to speak, 20 please use the Questions box to identify 21 yourself, and we will get you into the lineup 22 shortly.</p>

<p style="text-align: right;">Page 146</p> <p>1 We'll now pause to see if anyone else would 2 like to make a statement. 3 [Pause.] 4 EMCEE: At this time, we have no one else 5 scheduled to speak during the current time slot. 6 If there is anyone who did not register to 7 speak today but speak but would like to speak, 8 please use the Questions box in the webinar 9 interface to identify yourself, and we will get 10 you into the lineup shortly. 11 We'll now pause to see if anyone would like 12 to make a statement. 13 [Pause.] 14 EMCEE: Our next speaker will be Karen 15 Cisler. 16 EPA, are you ready to proceed? 17 MR. BEHAN: Yes. 18 Please proceed. Please state your name and 19 affiliation for the record. Thank you. 20 MS. CISLER: Karen Cisler. Can you hear 21 me? 22 EMCEE: Yes, Karen. We can hear you.</p>	<p style="text-align: right;">Page 148</p> <p>1 for the time being. So we will begin a brief 2 recess. 3 EPA, when would you like to reconvene? 4 MS. LONG: The hearing is now on recess 5 until 2:45 p.m., Eastern Time. 6 [Recess taken from 2:21 p.m. to 2:45 p.m.] 7 EMCEE: This is IEC, EPA's contractor. 8 It is 2:45, and we are now rejoining EPA's 9 public hearing for a proposed rule change to the 10 disposal of coal combustion residuals. 11 At this time, we have no one else scheduled 12 to speak. 13 If there is anyone who did not register to 14 speak today but would like to speak, please use 15 the Questions box to identify yourself, and we 16 will get you into the lineup shortly. 17 We will now pause to see if anyone else 18 would like to make a statement. 19 [Pause.] 20 EMCEE: Our next speaker will be Trisha 21 Vaidyanathan. 22 EPA, are you ready to proceed?</p>
<p style="text-align: right;">Page 147</p> <p>1 MS. CISLER: I have been an analytical 2 chemist for my entire career working on coal and 3 oil shale and the effects of the environment. 4 It would seem like to me that we are all at 5 fault because we all love electricity. We are 6 all dependent on our electrical devices. 7 What we need to do is take a step back and 8 slow our consumption down, try to reuse what 9 we've got or fix what we've got rather than 10 buying more. 11 That's the end of my statement. 12 EMCEE: Thank you for your comment. 13 At this time, we have no one else scheduled 14 to speak during the current time slot. 15 If there is anyone who did not register to 16 speak today but would like to speak, please use 17 the questions box to identify yourself, and we 18 will get you into the lineup shortly. 19 We'll now pause to see if anyone else would 20 like to make a statement. 21 [Pause.] 22 EMCEE: We have no more speakers lined up</p>	<p style="text-align: right;">Page 149</p> <p>1 MR. BEHAN: Yes. 2 Please proceed, and state your name and 3 affiliation for the record. 4 Thank you. 5 MS. VAIDYANATHAN: Hi. My name is Trisha 6 Vaidyanathan, and I am a graduate student at the 7 University of California, San Francisco. 8 So I live in San Francisco, California. I 9 am not a member of any environmental or public 10 health organization. I'm also not personally 11 impacted by coal ash, but I know many people 12 across my State and this country are. And I'm 13 here because I'm very frustrated that the 14 terrible--at the terrible timing and the format 15 of this hearing, which I think is effectively 16 keeping out people who are impacted. I'm 17 outraged by this timing, and I'm here in 18 solidarity for those people who are affected. 19 Right now, I feel it's like the EPA is 20 attempting to host something called a public 21 hearing to hear from the people. All these 22 people are right nearby but completely unable to</p>

<p style="text-align: right;">Page 150</p> <p>1 speak, and I think that's a complete tragedy. 2 Navigating COVID-19 is incredibly 3 stressful. This is not a normal time. 4 For me personally, I am a graduate student. 5 I'm completing my Ph.D. in neuroscience, and my 6 entire lab's research has been halted. I'm 7 spending every day desperately trying to keep 8 our essential equipment running so that we can 9 hopefully continue our work when this is over in 10 a normal capacity to the best that we can, but 11 the future feels very uncertain. 12 In addition, I'm, of course, worried about 13 my own health as well as the health of my 14 friends and family. My partner, who I live 15 with, suffers from asthma, and so he's 16 especially vulnerable if he contracts the virus. 17 So we've been taking extra precautions to ensure 18 he can remain healthy. 19 I have friends and coworkers who are barely 20 managing to keep up with work while taking on 21 all the additional child care that they now have 22 to deal with every day, and so participating in</p>	<p style="text-align: right;">Page 152</p> <p>1 myself very, pretty tech savvy. So please take 2 that into know. 3 Thank you so much for your time. 4 EMCEE: Thank you for your comment. 5 At this time, we have no one else scheduled 6 to speak. 7 If you would like to make a comment, please 8 use the Questions box in the webinar interface 9 to identify yourself, and we will get you into 10 the lineup shortly. 11 We will now pause to see if anyone else 12 would like to make a comment. 13 [Pause.] 14 EMCEE: At this time, we have no one else 15 scheduled to speak during the current time slot. 16 If there is anyone who did not register to 17 speak today but would like to speak, please use 18 the Questions box to identify yourself, and we 19 will get you into the lineup shortly. 20 We will now pause to see if anyone else 21 would like to make a statement. 22 [Pause.]</p>
<p style="text-align: right;">Page 151</p> <p>1 a hearing like this for those people would be 2 impossible. 3 I know that I'm very fortunate, all things 4 considered, and so that's why I'm speaking here. 5 I'm taking the time to speak in solidarity with 6 all the people who are deeply affected by this 7 issue but cannot be here to talk. 8 Even as everyone across this country is 9 dealing with this ongoing and growing pandemic, 10 the Trump administration is continue its support 11 for polluters by refusing to delay this hearing 12 or extend opportunities even to comment. Many 13 people are unable to participate because of all 14 these obstacles that are presented by this 15 crisis. 16 I'm here because I know many people who are 17 affected by this rulemaking are not going to be 18 able to be here today, and so I wanted to make 19 sure I can give my statement on behalf of them. 20 The last thing I just want to know is that 21 it was really difficult and confusing to figure 22 out how to speak here today, and I consider</p>	<p style="text-align: right;">Page 153</p> <p>1 EMCEE: Our next speaker will be Marjory 2 Donn. 3 EPA, are you ready to proceed? 4 MR. BEHAN: Yes. 5 Please proceed, and state your name and 6 affiliation for the record. Thank you. 7 MS. DONN: Hello. This is Marjory Donn of 8 Greenbelt, Maryland. I'm a citizen. Can you 9 hear me? 10 EMCEE: Yes, Marjory, we can hear you. 11 Please proceed. 12 MS. DONN: All right. I just have two 13 short statements. 14 Do not gut the existing environmental 15 enforcement. Please make no changes that would 16 relax the strictness of standards on coal ash. 17 Thank you very much. 18 EMCEE: Thank you for your comment. 19 MS. DONN: You're welcome. 20 EMCEE: At this time, we have no one else 21 scheduled to speak during the current time slot. 22 If there is anyone who did not register to</p>

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<p>1 speak today but would like to speak, please use</p> <p>2 the Questions box to identify yourself, and we</p> <p>3 will get you into the lineup shortly.</p> <p>4 We will now pause to see if anyone else</p> <p>5 would like to make a statement.</p> <p>6 [Pause.]</p> <p>7 EMCEE: We have no more speakers lined up</p> <p>8 for the time being. So we will begin a brief</p> <p>9 recess.</p> <p>10 EPA, when would you like to reconvene?</p> <p>11 MS. LONG: The hearing is now on recess.</p> <p>12 [Recess taken from 3:00 p.m. to 3:15 p.m.]</p> <p>13 EMCEE: At this time, we have no one else</p> <p>14 scheduled to speak during the current time slot.</p> <p>15 If there is anyone who did not register to</p> <p>16 speak today but would like to speak, please use</p> <p>17 the Questions box to identify yourself, and we</p> <p>18 will get you into the lineup shortly.</p> <p>19 We will now pause to see if anyone else</p> <p>20 would like to make a statement.</p> <p>21 [Pause.]</p> <p>22 EMCEE: At this time, we have no one else</p>	<p>1 speak today but would like to speak, please use</p> <p>2 the Questions box to identify yourself, and we</p> <p>3 will get you into the lineup shortly.</p> <p>4 We will now pause to see if anyone else</p> <p>5 would like to make a statement.</p> <p>6 [Pause.]</p> <p>7 EMCEE: At this time, we have no one else</p> <p>8 scheduled to speak during the current time slot.</p> <p>9 If there is anyone who did not register to</p> <p>10 speak today but would like to speak, please use</p> <p>11 the Questions box to identify yourself, and we</p> <p>12 will get you into the lineup shortly.</p> <p>13 We will now pause to see if anyone else</p> <p>14 would like to make a comment.</p> <p>15 [Pause.]</p> <p>16 EMCEE: The expected speaking order for the</p> <p>17 next half hour will be Anita Manning followed by</p> <p>18 Frank Holleman.</p> <p>19 I will be introducing each speaker in turn,</p> <p>20 but please wait for EPA to ask you to proceed</p> <p>21 before starting your comment.</p> <p>22 I'm sorry. We have a change to the</p>
Page 155	Page 157
<p>1 scheduled to speak during the current time slot.</p> <p>2 If there is anyone who did not register to</p> <p>3 speak today but would like to speak, please use</p> <p>4 the Questions box to identify yourself, and we</p> <p>5 will get you into the lineup shortly.</p> <p>6 We will now pause to see if anyone else</p> <p>7 would like to make a statement.</p> <p>8 [Pause.]</p> <p>9 EMCEE: We have no more speakers lined up</p> <p>10 for the current time slot. So we will begin a</p> <p>11 brief recess.</p> <p>12 EPA, when would you like to reconvene?</p> <p>13 MS. LONG: The hearing is now on recess</p> <p>14 until 3:45 p.m., Eastern Time.</p> <p>15 [Recess taken from 3:25 p.m. to 3:45 p.m.]</p> <p>16 EMCEE: This is IEC, EPA's contractor.</p> <p>17 It is 3:45 p.m., and we are rejoining EPA's</p> <p>18 public hearing for a proposed rule change to the</p> <p>19 disposal of coal combustion residuals.</p> <p>20 At this time, we have no one else scheduled</p> <p>21 to speak.</p> <p>22 If there is anyone who did not register to</p>	<p>1 speaking order. Our first speaker will be Frank</p> <p>2 Holleman.</p> <p>3 EPA, are you ready to proceed?</p> <p>4 MR. BEHAN: Yes.</p> <p>5 Please proceed, and state your name and</p> <p>6 affiliation for the record. Thank you.</p> <p>7 MR. HOLLEMAN: Hello. My name is Frank</p> <p>8 Holleman, and I live in Greenville, South</p> <p>9 Carolina. And I am a senior attorney with the</p> <p>10 Southern Environment Law Center, where I have</p> <p>11 worked with community groups across the</p> <p>12 Southeast dealing with the issue of coal ash</p> <p>13 pollution and coal ash storage in our region.</p> <p>14 And I've signed up to comment in order to</p> <p>15 express opposition and really dismay at this</p> <p>16 proposal by the EPA to weaken protections of</p> <p>17 communities and clean water from coal ash</p> <p>18 pollution and improper coal ash storage.</p> <p>19 Disturbingly, this proposal is put forward</p> <p>20 purely to save the worst-behaving and worst-run</p> <p>21 utilities, mining. This is an inherently</p> <p>22 primitive way of storing industrial waste, to</p>

<p style="text-align: right;">Page 158</p> <p>1 dump it into unlined pits dug beneath the water 2 table sitting beside our major rivers, lakes, 3 and drinking water reservoirs across the country 4 and particularly across the Southeast. And this 5 proposal, rather than encouraging the removal of 6 that ash to save dry-lined storage actually 7 encourages and allows additional ash to be 8 dumped in these primitive sites when the country 9 as a whole is turning against them. 10 For example, in our region, every unlined 11 pit like this in South Carolina either has been 12 or is being excavated from our rivers and lakes. 13 In North Carolina, the legislature and 14 court orders have required Duke Energy to 15 excavate every--many of the sites. It has, and 16 recently, the State Environmental Agency 17 required the rest to be excavated, and now Duke 18 Energy has agreed to remove some 126 million 19 tons of coal ash from pits across the State. 20 In Virginia, the legislature passed a bill 21 without opposition from the utility to require 22 Dominion to excavate all of its ash and remove</p>	<p style="text-align: right;">Page 160</p> <p>1 particularly the leadership of our Environmental 2 Protection Agency would push forward during this 3 pandemic period when we are learning how 4 important it is to work together as a country to 5 address public health concerns, to propose to 6 dismantle requirements that protect our public 7 health and our environment and also to do it 8 while people are less able to participate in the 9 public comment and public hearing process. 10 I just do have to ask in my own mind and at 11 this hearing: What is the leadership of our 12 Environmental Protection Agency? 13 Thank you. 14 [Pause.] 15 EMCEE: Thank you for your comment. 16 The expected speaking order for the next 17 half hour will be Alice Neuhauser followed by 18 Marc Imlay. I will be introducing each speaker 19 in turn, but please wait for EPA to ask you to 20 proceed before starting your comment. 21 The first speaker will be Alice Neuhauser. 22 EPA, are you ready to proceed?</p>
<p style="text-align: right;">Page 159</p> <p>1 it from all its unlined pits, and only this 2 year, again with the agreement of the utility, 3 passed a bill to require Appalachian Power, the 4 remaining utility in the State, to remove ash 5 from its only unclosed and unlined pit in the 6 State. 7 According to our calculation now in our 8 region, some 70 percent of all then unlined 9 impoundments subject to the CCR rule of being 10 excavated and others are being--are currently 11 under despoilment and utilities are removing 250 12 million tons, yet our Environmental Protection 13 Agency is proposing to make it federally 14 permissible to dump more ash into these unlined 15 pits and to allow them to operate longer, even 16 when they are already admittedly malfunctioning 17 and are in dangerous locations. 18 The final point I would like to make is 19 this is a particularly inappropriate proposal 20 and a particularly inappropriate way to proceed 21 during this coronavirus crisis. It's just hard 22 to believe that our national government and</p>	<p style="text-align: right;">Page 161</p> <p>1 MR. BEHAN: Yes. 2 Please proceed, and state your name and 3 affiliation for the record. Thank you. 4 MS. NEUHAUSER: My name is--I'm sorry. My 5 name is-- 6 EMCEE: Go ahead. 7 MS. NEUHAUSER: --Alice Neuhauser, and I'm 8 a--my name is Alice Neuhauser, and I'm a citizen 9 of the United States of America. 10 And I'm really angry today. I'm angry 11 millions of people within our borders had to 12 file for unemployment in just the last 2 weeks, 13 because we have an attitude in this country that 14 we can't do two things at once. We can't 15 prosper at the same time that we can take care 16 of our land and our air and our water and our 17 people. 18 This is a lie. It's been a lie for the 19 last 40 years. We put the financial interests 20 of corporations above the living interests of 21 people and water and land and air. We have 22 utterly failed to truly address our</p>

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<p>1 environmental degradation all in the service of 2 corporations. We see the product of this now 3 regularly with our devastating wildfires, 4 crippling storms, and extreme floods.</p> <p>5 This has to stop. These proposed changes, 6 so-called rollbacks, but actions that poison and 7 will kill Americans. We have to acknowledge 8 that what we do and what we don't do has a 9 dramatic impact on the world around us.</p> <p>10 Taking incremental steps to bolster the 11 riches of corporations will not save us, and 12 certainly going backward as proposed now by the 13 Trump administration and its EPA is disastrous. 14 This administration and its management of EPA 15 has been nothing less than corrupt, self-serving, 16 and fallacious.</p> <p>17 Time after time, courts have determined 18 that this administration has failed in its 19 statutory duties to Americans under the 20 Environmental Protection Act. Most 21 specifically, according to an order from the 22 Federal court in August 2018, EPA must</p>	<p>1 So let's stop taking 19th century actions, 2 and let's lead in the 21st century. We've seen 3 other countries take the lead as we fall farther 4 and farther behind, leading to the corporate 5 interests. Let's use our science and our 6 creativity and our abilities to both prosper and 7 survive.</p> <p>8 EPA exists to serve and protect the 9 American public. They should encourage public 10 participation in their rulemakings, and I do 11 appreciate at least having this webinar 12 available. But they also need to listen to the 13 voices of all residents and act for the American 14 public, not for corporate lobbyists.</p> <p>15 Thank you.</p> <p>16 EMCEE: Thank you for your comment.</p> <p>17 The next speaker will be Marc Imlay, 18 followed by Lee McGirr.</p> <p>19 I will be introducing each speaker in turn, 20 but please wait for EPA to ask you to proceed 21 before starting your comment.</p> <p>22 The first speaker will be Marc Imlay.</p>
Page 163	Page 165
<p>1 strengthen the 2015 coal ash rules, not weaken 2 them. EPA is mandated to guarantee safe water, 3 clean air, and healthy environment, not when 4 corporations want to, not on a scheduled 5 determined by corporations.</p> <p>6 Every day over the last several months, 7 we've been fed lies, and facts and science are 8 ignored. This has now reached utter devastating 9 to millions of people. We cannot pretend any 10 longer that our actions and our inactions do not 11 make a difference.</p> <p>12 Every industry has always complained that 13 regulations would destroy them. However, 14 without strong regulations, their actions have 15 destroyed many. In reality, we know that more 16 stringent regulations lead to both prosperity 17 and greater innovation, and indeed, if we 18 perform a legitimate cost-benefit analysis that 19 includes all of the costs that corporations 20 externalize on to the public, it is clear that 21 we benefit more by enacting real protections by 22 allowing ever more environmental degradation.</p>	<p>1 EPA, are you ready to proceed?</p> <p>2 MR. BEHAN: Yes.</p> <p>3 Please proceed, and state your name and 4 affiliation for the record. Thank you.</p> <p>5 [No audible response.]</p> <p>6 EMCEE: Hello, Marc. Are you able to hear 7 me? You might still be on self-mute.</p> <p>8 [No audible response.]</p> <p>9 EMCEE: All right. We think we may have 10 Marc Imlay for the time being. We'll come back 11 to him.</p> <p>12 In the meantime, let's move on to our next 13 speaker, Lee McGirr.</p> <p>14 EPA, are you ready to proceed?</p> <p>15 [No audible response.]</p> <p>16 EMCEE: Our next speaker will be Lee 17 McGirr.</p> <p>18 EPA, are you ready to proceed?</p> <p>19 MR. BEHAN: Yes.</p> <p>20 Please proceed, and state your name and 21 affiliation for the record. Thank you.</p> <p>22 MS. MCGIRR: Yeah. This is Lee McGirr</p>

<p style="text-align: right;">Page 166</p> <p>1 speaking. So I'm from Delaware. I work as a 2 craftsman in the jewelry industry, and I want to 3 say that I'm here in solidarity with the voices 4 and people that could not make this call. 5 I just actually heard about this call 6 yesterday, and I also want to say, before I get 7 started, that I think the timing of this hearing 8 is really problematic, and I think that the 9 format has been difficult to find and sign up 10 for. And in the midst of so many people filing 11 for unemployment and working from home, I think 12 a lot of the less privileged people that may be 13 affected by coal ash would probably have trouble 14 making it to this call when they're trying to 15 source child care or find new jobs and might 16 possibly be working overtime at grocery stores. 17 At the moment, I'm not personally or 18 directly, I guess I would say, affected by coal 19 ash, but I do--so I work as a jeweler and an 20 artisan. Everything that I do, I work with 21 ethically sourcing materials, and I try to get a 22 lot of my supplies--and not just like the actual</p>	<p style="text-align: right;">Page 168</p> <p>1 store, you go to the hospital, you see nurses. 2 You see people just bagging your goods, and 3 they're at risk of exposure to COVID. If 4 they're in a place that's been affected by coal 5 ash, they might already have respiratory issues. 6 So we're putting them at high risk and then 7 telling them they're essential workers and then 8 not caring for them, and I think the EPA needs 9 to be doing more. And I think that we need to 10 take this moment and figure out how to better 11 side with our community interests and how to 12 figure out a way to build up our country from 13 the communities and not from the corporate 14 interests that are currently writing the 15 legislation and the way that we enforce the 16 rules at EPA. 17 I think that's pretty much where I'm at. I 18 want to say again that I want to say that I'm 19 here in solidarity with all the people that I 20 know couldn't make it because they might be 21 bagging your groceries or delivering your 22 DoorDash, if you didn't even feel like going to</p>
<p style="text-align: right;">Page 167</p> <p>1 stones or metal, but like the energy, the 2 torches that I use, the gas--I try to make sure 3 that I'm getting all of those from ethically 4 sourced companies and from fair-minded 5 opportunities when possible. 6 I do a lot of work like following up and 7 researching in mining and working to make sure 8 that I am only spending money to benefit places 9 that really care for their workers and their 10 communities. 11 I have to say that the way that we handle 12 coal ash in the United States, it's deeply 13 embarrassing. We have totally sided with 14 corporate interests. We are allowing them to 15 use unhealthy cleanup practices. We're creating 16 widespread health issues, and we're also willing 17 to let the money talk. And there are noted and 18 proven instances of us moving coal ash from 19 high-income areas to lower-income communities 20 that can't afford to foot the bill to fight 21 this. We're not looking out for our people, and 22 especially in these times, you go to the grocery</p>	<p style="text-align: right;">Page 169</p> <p>1 the grocery store today. 2 So if you are privileged enough to be here 3 on this call and taking our comments and working 4 from home for the foreseeable future, let's take 5 this moment and pause and think of all the 6 people that don't have that privilege in their 7 lives and all the damage that we're willingly 8 letting companies do to them and to their 9 families. 10 EMCEE: Thank you for your comment. 11 Our next speaker will be Marc Imlay. 12 EPA, are you ready to proceed? 13 MR. BEHAN: Yes. 14 Please proceed, and state your name and 15 affiliation for the record. 16 [No audible response.] 17 EMCEE: Hello, Marc. Are you able to hear 18 us? 19 [No audible response.] 20 EMCEE: All right. I think we will have to 21 continue working with Marc to get his system to 22 work.</p>

<p style="text-align: right;">Page 170</p> <p>1 At the current time, we have no other 2 speakers scheduled to speak. 3 If there is anyone who did not register 4 during the current time slot--I'm sorry. It 5 looks like we do have another speaker scheduled. 6 Our next speaker will be Biana Lauren. 7 EPA, are you ready to proceed? 8 MR. BEHAN: Yes. 9 Please proceed, and state your name and 10 affiliation for the record. 11 [No audible response.] 12 EMCEE: Bianca, we need you to choose an 13 audio type. If you're calling in via phone, 14 select phone, and if you're using your computer 15 audio, select that option. 16 [No audible response.] 17 EMCEE: Okay. Bianca, we think you're 18 ready. Are you able to hear us? 19 MS. LAUREN: Yes. Thank you. 20 EMCEE: Great. We can hear you as well. 21 Go ahead. 22 MS. LAUREN: My name is Bianca, and I am</p>	<p style="text-align: right;">Page 172</p> <p>1 kids at home. But I think that I'm privileged 2 to be able to say these things, and that 3 everyone is taking it differently. And everyone 4 has their own stresses going on right now. 5 So I think there's too many obstacles right 6 now for the EPA to take this as the right time 7 to be doing this hearing, and I don't think this 8 is a good time for people to speak up. I think 9 this is a serious issue, so we should be taking 10 it seriously. 11 The health of a lot of these communities is 12 too important to rush through regulatory 13 process, especially during this pandemic. 14 So thank you for hearing me. 15 EMCEE: Thank you for your comment. 16 At this time, we have no one else scheduled 17 to speak during the current time slot. 18 I remind we have two different speakers. 19 We'll try Marc Imlay again, followed by Drew 20 Martin. I will introduce each speaker in turn, 21 but please wait for EPA to ask you to proceed 22 before starting your comment.</p>
<p style="text-align: right;">Page 171</p> <p>1 living in California where there is not a lot of 2 coal ash, but I have family in Pennsylvania and 3 other States. And I want to speak on their 4 behalf because they're not able to speak right 5 now, and so while I'm not directly impacted, I 6 think that it's a super important problem. And 7 it's unfair that I'm not affected while they 8 are. 9 And so I just don't understand how there 10 are communities who aren't able to be told that 11 this is happening, this hearing is happening. I 12 think the timing of the hearing is really 13 unfortunate with the pandemic, and I don't know 14 why it wasn't moved to a later date. And I'm 15 not sure how people are supposed to know that 16 it's happening, and I think the EPA is trying to 17 keep people out who are going to be impacted, 18 and they're not allowing them to speak up for 19 themselves. 20 I'm personally taking things day by day, 21 wondering what's going to happen with my job and 22 my family, and I feel grateful that I don't have</p>	<p style="text-align: right;">Page 173</p> <p>1 Our next speaker will actually be Drew 2 Martin. 3 EPA, are you ready to proceed? 4 MR. BEHAN: Yes. 5 Please proceed. Please state your name and 6 affiliation for the record. Thank you. 7 [Audio break.] 8 MR. DREW MARTIN: [In progress]--the Sierra 9 Club, and I'm extremely concerned, as was your 10 previous speaker, about the timing of this 11 hearing. But more than that, I'm concerned 12 about your changes to the EPA rule on coal ash. 13 I understand based on reading your proposal 14 that the companies to close coal ash ponds that 15 are dangerous to the public, that these ponds 16 will continue, that you will allow some unlined 17 pits to continue to operate. 18 The second proposal will allow you to no 19 longer ask people to cease and desist the use of 20 unlined pits, and these coal ash pits or ponds 21 are extremely dangerous. It will allow EPA to 22 issue never expiring permits, also issue permits</p>

<p style="text-align: right;">Page 174</p> <p>1 with no review. The rollback would weaken the 2 2015 coal ash rule.</p> <p>3 The effects of coal ash are significant. 4 Coal ash contains lead, cadmium, chromium, 5 arsenic, mercury, boron, thallium, molybdenum, 6 and silica. Just to talk about some of the 7 dangers, the dangers of lead are kidney disease, 8 hearing impairment, and high blood pressure; 9 cadmium, kidney and lung distortions; chromium, 10 ulcers in the small intestine; arsenic, bladder 11 cancer, kidney and lung problems; mercury, harm 12 to the nervous system; boron, impairments using 13 the brain. Molybdenum can be serious as well. 14 Thallium, heart, liver, and lung impairment; and 15 silica causing lung cancer.</p> <p>16 These are at risk will all be for the 17 public for an industry that really is no longer 18 necessary. We should be moving away from coal 19 altogether, but further, you saw where there was 20 a coal pond above a school. And those ponds are 21 extremely dangerous. Should that pond have 22 broken, all those students would have been in</p>	<p style="text-align: right;">Page 176</p> <p>1 yourself, and we will get you into the lineup 2 shortly.</p> <p>3 We are still working with a few speakers to 4 sort out your audio problems.</p> <p>5 We'll now pause to see if anyone else would 6 like to make a statement, and we'll reconvene 7 once we have someone ready to speak.</p> <p>8 [Pause.]</p> <p>9 EMCEE: Our next speaker will be Marc 10 Imlay.</p> <p>11 EPA, are you ready to proceed?</p> <p>12 MR. BEHAN: Yes.</p> <p>13 Please proceed, and state your name and 14 affiliation for the record.</p> <p>15 MR. IMLAY: How do I unmute?</p> <p>16 EMCEE: We can hear you, Marc. Go ahead 17 with your comment.</p> <p>18 MR. IMLAY: You can hear me. Good.</p> <p>19 Okay. I am Marc Imlay. I am the National 20 Places Chair of the Maryland Chapter of the 21 Sierra Club, and what I'd like to talk about is 22 something very important with coal ash that</p>
<p style="text-align: right;">Page 175</p> <p>1 extreme danger of being injured or possibly 2 killed.</p> <p>3 This is an extremely dangerous material, 4 this coal ash, and I don't believe this is the 5 time for EPA to be reducing the oversight of 6 these coal ash ponds and coal ash facilities, 7 that this is, instead, a time when we have the 8 COVID-19 virus. And people are having breathing 9 problems. We should be reducing the amount of 10 pollutants in the atmosphere, including the 11 pollutants from coal-fired power plants, not 12 making it easier and saving the coal industry \$1 13 billion by moving forward with this EPA 14 reduction in the protections of the public from 15 coal ash production.</p> <p>16 Thank you.</p> <p>17 EMCEE: Thank you for your comment.</p> <p>18 At this time, we have no one else scheduled 19 to speak during the current time slot.</p> <p>20 If there is anyone else who did not 21 register to speak today but would like to speak, 22 please use the Questions box to identify</p>	<p style="text-align: right;">Page 177</p> <p>1 people tend not to think about. And I did send 2 a nice summary with the--about half an hour ago. 3 It gives the references and so forth.</p> <p>4 But, basically, I'm talking about filter 5 feeders. Coal ash is one of the greatest 6 threats to filter feeders. One of the most 7 important ones is Menhaden fish. They're a 8 keystone species in the aquatic ecosystem for 9 fisheries, and they're filter feeders. So coal 10 ash has particles the same size as the 11 microscopic particles of each, and so they die. 12 They starve to death.</p> <p>13 Another example is fresh water mussels. A 14 number of fresh water mussels, we listed as 15 endangered. One of the reasons was coal ash was 16 releasing particles in the water that were the 17 same size as the microscopic particles of food, 18 microalgae and so forth that they eat, and so 19 they starve to death.</p> <p>20 So we need to pay attention to oysters, 21 clams, Menhaden fish and so forth. Coal ash is 22 the primary source of the wrong particle size.</p>

<p style="text-align: right;">Page 178</p> <p>1 And some of the endangered species around 2 here, they are showing the cause of them dying 3 is particles, the wrong particle size from fly 4 ash and coal ash and some kinds of 5 sedimentation. 6 And in what I sent to you, I gave 7 references of this original research. One of 8 the references shows you this is by--you'll see 9 it in what I sent you, Alice--[audio 10 break]--1936. So one-fourth inch to one inch of 11 very fine--[audio break]--probably not 12 overloaded strength killed the mussels. They 13 actually gave percentages of maps, diagrams of 14 different sizes of particles that would kill 15 these endangered species. This was something 16 very well known when I worked for the precursor 17 of EPA, Federal Water Pollution Control 18 Administration, years ago before Nixon combined 19 it with Air Pollution and so forth. And we all 20 knew about this problem. 21 So I want to make sure that you people look 22 at the impact of coal ash on endangered species</p>	<p style="text-align: right;">Page 180</p> <p>1 the Questions box to identify yourself, and we 2 will get you into the lineup shortly. 3 Sorry. Instead, we will begin a brief 4 recess. 5 EPA, when would you like to reconvene? 6 MS. LONG: The hearing is now on recess 7 until 4:45 p.m., Eastern time. 8 [Recess taken from 4:30 to 4:45 p.m.] 9 EMCEE: Hello. This is Zoe with IEC. We 10 apologize for the delay. We're working out a 11 couple of our own technical difficulties. 12 At this time, we currently have no speakers 13 lined up to speak for this current slot. 14 However, if you would like to give a 15 statement, please send us a message in the chat 16 box, and we will work with you to the lineup 17 shortly. 18 [Pause.] 19 EMCEE: At this time, we have no one else 20 scheduled to speak during the current time slot. 21 If there is anyone who did not register to 22 speak today but would like to speak, please use</p>
<p style="text-align: right;">Page 179</p> <p>1 and Menhaden fish and other species that will be 2 called filters feeders. 3 And I also list the Northwest mussels who 4 are on the Endangered Species List as an example 5 here in this area, and a reminder, no Federal 6 agency may authorize, fund, or carry out any 7 action which may jeopardize the future of any 8 species pursuant to Section 4 of this Act. 9 So when you deposit the coal ash, it's very 10 important to make it sure it's not a threat to 11 certain endangered species. 12 Any questions? 13 EMCEE: No. Thank you for your comment, 14 Marc. 15 MR. IMLAY: Can you hear me? 16 EMCEE: Yes, Marc. Thank you for your 17 comment. 18 MR. IMLAY: Great. Okay. 19 EMCEE: At this time, we have no one else 20 scheduled to speak during the current time slot. 21 If there is anyone who did not register to 22 speak today but would like to speak, please use</p>	<p style="text-align: right;">Page 181</p> <p>1 the Questions box to identify yourself, and we 2 will get you into the lineup shortly. 3 We will now pause to see if anyone else 4 would like to make a statement. 5 [Pause.] 6 EMCEE: At this time, we have no one else 7 scheduled to speak during the current time slot. 8 If there is anyone who did not register to 9 speak today but would like to speak, please 10 identify yourself using the Questions box, and 11 we will get you into the lineup shortly. 12 We'll now pause to see if anyone else would 13 like to make a statement. 14 EPA, can you also confirm that you are able 15 to hear me? 16 MS. LONG: Yes, we can hear you. 17 EMCEE: Great. Thank you. 18 [Pause.] 19 EMCEE: At this time, we have no one else 20 scheduled to speak during the current time slot. 21 If there is anyone who did not register to 22 speak today but would like to speak, please use</p>

<p style="text-align: right;">Page 182</p> <p>1 the Questions box to identify yourself, and we</p> <p>2 will get you into the lineup shortly.</p> <p>3 We will now pause to see if anyone else</p> <p>4 would like to make a statement.</p> <p>5 [Pause.]</p> <p>6 EMCEE: At this time, we have no more</p> <p>7 speakers lined up for the time being. So we</p> <p>8 will begin a brief recess.</p> <p>9 EPA, when would you like to reconvene?</p> <p>10 MS. LONG: The hearing is now on recess</p> <p>11 until 5:30 p.m., Eastern time.</p> <p>12 [Recess taken from 5:05 p.m. to 5:30 p.m.]</p> <p>13 EMCEE: This is IEC, EPA's contractor.</p> <p>14 It is 5:30 p.m., and we are now rejoining</p> <p>15 EPA's public hearing for a propose rule change</p> <p>16 to the disposal of coal combustion residuals.</p> <p>17 At this time, we have no one else scheduled</p> <p>18 to speak.</p> <p>19 If there is anyone who did not register to</p> <p>20 speak today but would like to speak, please use</p> <p>21 the Questions box to identify yourself, and we</p> <p>22 will get you into the lineup shortly.</p>	<p style="text-align: right;">Page 184</p> <p>1 microphone was flipped in the wrong orientation.</p> <p>2 At this time, we have no one else scheduled</p> <p>3 to speak during the current time slot.</p> <p>4 If there is anyone who did not register to</p> <p>5 speak today but would like to speak, please use</p> <p>6 the Questions box to identify yourself, and we</p> <p>7 will get you into the lineup shortly.</p> <p>8 We will now pause to see if anyone else</p> <p>9 would like to make a statement.</p> <p>10 [Pause.]</p> <p>11 EMCEE: At this time, we have no one else</p> <p>12 scheduled to speak during the current time slot.</p> <p>13 If there is anyone who did not register to</p> <p>14 speak today but would like to speak, please use</p> <p>15 the Questions box to identify yourself, and we</p> <p>16 will get you into the lineup shortly.</p> <p>17 We will now pause to see if anyone else</p> <p>18 would like to make a statement.</p> <p>19 [Pause.]</p> <p>20 EMCEE: At this time, we have no one else</p> <p>21 scheduled to speak during the current time slot.</p> <p>22 If there is anyone who did not register to</p>
<p style="text-align: right;">Page 183</p> <p>1 We will now pause to see if anyone else</p> <p>2 would like to make a statement.</p> <p>3 [Pause.]</p> <p>4 EMCEE: At this time, we have no one else</p> <p>5 scheduled to speak during the current time slot.</p> <p>6 If there is anyone who did not register to</p> <p>7 speak today but would like to speak, please use</p> <p>8 the Questions box to identify yourself, and we</p> <p>9 will get you into the lineup shortly.</p> <p>10 We will now pause to see if anyone else</p> <p>11 would like to make a statement.</p> <p>12 [Pause.]</p> <p>13 EMCEE: At this time, we have no one else</p> <p>14 scheduled to speak during the current time slot.</p> <p>15 If there is anyone who did not register to</p> <p>16 speak but would like to speak, please use the</p> <p>17 Questions box to identify yourself, and we will</p> <p>18 get you into the lineup shortly.</p> <p>19 We will now pause to see if anyone else</p> <p>20 would like to make a statement.</p> <p>21 [Pause.]</p> <p>22 EMCEE: I apologize. I realized my</p>	<p style="text-align: right;">Page 185</p> <p>1 speak today but would like to speak, please use</p> <p>2 the Questions box to identify yourself, and we</p> <p>3 will get you into the lineup shortly.</p> <p>4 We will now pause to see if anyone else</p> <p>5 would like to make a statement.</p> <p>6 [Pause.]</p> <p>7 EMCEE: At this time, we have no one else</p> <p>8 scheduled to speak during the current time slot.</p> <p>9 This time slot will conclude at 6:00 p.m.</p> <p>10 If there is anyone who did not register to</p> <p>11 speak today but would like to speak, please use</p> <p>12 the Questions box to identify yourself, and we</p> <p>13 will get you into the lineup shortly.</p> <p>14 We will now pause to see if anyone else</p> <p>15 would like to make a statement.</p> <p>16 [Pause.]</p> <p>17 EMCEE: Our next speaker will be Christine</p> <p>18 Hemphill.</p> <p>19 EPA, are you ready to proceed?</p> <p>20 MR. BEHAN: Yes.</p> <p>21 Please proceed, and state your name and</p> <p>22 affiliation for the record. Thank you.</p>

<p style="text-align: right;">Page 186</p> <p>1 [No audible response.]</p> <p>2 EMCEE: Hello. Christine, we're not able</p> <p>3 to hear you.</p> <p>4 MR. DREW MARTIN: Okay. She's on the</p> <p>5 telephone. Can I go ahead and just relay what</p> <p>6 she's saying?</p> <p>7 EMCEE: Drew, because you have already</p> <p>8 spoken, I think we need her to speak.</p> <p>9 MR. DREW MARTIN: Okay. She called in on</p> <p>10 the phone.</p> <p>11 EMCEE: Okay.</p> <p>12 MR. DREW MARTIN: I can give you her</p> <p>13 number. Would that help you unmute her</p> <p>14 telephone line?</p> <p>15 EMCEE: I think it's all right if you just</p> <p>16 want to relay what she has to say. We can</p> <p>17 record it, as necessary.</p> <p>18 MR. DREW MARTIN: I'm going to try to see</p> <p>19 if she can speak loudly into the phone, if you</p> <p>20 can hear her.</p> <p>21 Go ahead and yell.</p> <p>22 [No audible response.]</p>	<p style="text-align: right;">Page 188</p> <p>1 Christine's comment?</p> <p>2 MR. DREW MARTIN: Yes, it is.</p> <p>3 EMCEE: Okay. Thank you for helping that.</p> <p>4 At this time, we have no one else scheduled</p> <p>5 to speak during the current time slot.</p> <p>6 It is now 6:00 p.m. EPA, would you like to</p> <p>7 adjourn for the evening?</p> <p>8 MS. LONG: Yes. Thank you to everyone who</p> <p>9 attended and spoke during today's virtual public</p> <p>10 hearing.</p> <p>11 The hearing is concluded as of six o'clock,</p> <p>12 p.m.</p> <p>13 [Whereupon, at 6:00 p.m., the virtual</p> <p>14 public hearing concluded.]</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 187</p> <p>1 EMCEE: I think we can just barely hear</p> <p>2 her. I don't think this audio is going to be</p> <p>3 sufficient.</p> <p>4 MR. DREW MARTIN: Okay. I'm going to</p> <p>5 just--she's going to say--she's going to talk to</p> <p>6 me--</p> <p>7 EMCEE: Okay.</p> <p>8 MR. DREW MARTIN: --because she's on the</p> <p>9 phone, but I guess you can't unmute her line.</p> <p>10 Okay. So she says her name is Christine</p> <p>11 Hemphill. She's a biologist and a volunteer</p> <p>12 with the Sierra Club.</p> <p>13 Go ahead.</p> <p>14 [Pause.]</p> <p>15 MR. DREW MARTIN: Okay. She says, "I'm</p> <p>16 worried about coal ash getting into the rivers</p> <p>17 and into the air."</p> <p>18 She says, "I don't support changes." She</p> <p>19 says, "I do not support changes to the 2015 EPA</p> <p>20 rule. Thank you."</p> <p>21 Okay.</p> <p>22 EMCEE: Is that the conclusion of</p>	

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