

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)

1 EPA PANEL 1, MORNING SESSION:

2 RICHARD HUGGINS, Panel Chair;

3 Chief, Energy Recovery and

4 Waste Disposal Branch,

5 Office of Land and Emergency Management

6 STACEY YONCE

7 MICHELLE LONG

8

9 EPA PANEL 2, AFTERNOON SESSION

10 RICHARD HUGGINS, Panel Chair;

11 Chief, Energy Recovery and

12 Waste Disposal Branch,

13 Office of Land and Emergency Management

14 FRANK BEHAN, Environmental Engineer,

15 Energy Recovery and Waste Disposal Branch,

16 Office of Resource Conservation and Recovery

17 MICHELLE LONG

18 JESSE MILLER

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1 P R O C E E D I N G S

2 MORNING SESSION

3

4 EMCEE: Good morning. Welcome to the EPA

5 public hearing. We are now ready to begin.

6 I'll turn it over to EPA to get us started.

7 MR. HUGGINS: Good morning, and thank you

8 for attending today's public hearing on the

9 Environmental Protection Agency's proposal

10 titled "A Holistic Approach to Closure Part B:

11 Alternate Demonstration for Unlined Surface

12 Impoundments and Implementation of Closure,"

13 which was published in the Federal Register on

14 March 3rd, 2020. Before we begin, I would like

15 to say that we appreciate you taking the time to

16 address the proposed rule, and we look forward

17 to receiving your comments.

18 My name is Richard Huggins. I am the Chief

19 of the Energy Recovery and Waste Disposal Branch

20 in EPA's Office of Resource Conservation and

21 Recovery. I will be chairing this session of

22 today's hearing. With me on the panel today

1 from EPA are Stacey Yonce and Michelle Long.

2 Before we begin the hearing, I would like
3 to provide you some background information and
4 briefly describe the proposed rule on which we
5 are taking comments today.

6 CCR are generated from the combustion of
7 coal in coal-fired boilers to produce
8 electricity by electric utilities and
9 independent power producers. CCR include fly
10 ash, bottom ash, boiler slag, and flue gas
11 desulfurization materials, commonly known as
12 coal ash. CCR can be disposed of in on-site or
13 off-site landfills or surface impoundments or
14 can be beneficially used.

15 On April 17th, 2015, EPA published a final
16 rule establishing a comprehensive set of minimum
17 requirements for the disposal of CCR in
18 landfills and surface impoundments. The rule
19 created a self-implementing program which
20 regulates the location, design, operation, and
21 groundwater monitoring and corrective action for
22 CCR disposal, as well as the closure and

1 post-closure care of CCR units. The final rule
2 requires owners and operators of CCR units to
3 document compliance with these requirements in
4 the facility's operating record. In addition,
5 the facility must notify the State of decisions
6 and maintain a publicly accessible website of
7 compliance information. This final CCR rule
8 became effective on October 19th, 2015, and
9 owners or operators of CCR units are required to
10 be in compliance with all applicable
11 requirements.

12 While the major protections and
13 requirements of the April 2015 rule remain in
14 place, EPA is working on several regulatory
15 proposals to carry out new requirements under
16 the Water Infrastructure Improvements for the
17 Nation Act, respond to petitions, address
18 litigation, and ensure smoother implementation
19 by applying lessons learned.

20 EPA is proposing four main changes with
21 this action: Procedures to allow a limited
22 number of facilities to continue using alternate

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.

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

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,

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

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.

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

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.

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

1 these facilities.

2 EMCEE: Thank you for your comment.

3 The next speaker will be Joyce Blumenshine,
4 followed by Toni Oplt, Lisa Evans, and then Kat
5 Haber. The next speaker will be Joyce
6 Blumenshine.

7 EPA, are you ready to proceed?

8 MS. LONG: Yes.

9 Please proceed and state your named and
10 affiliation for the record.

11 MS. BLUMENSHINE: My name is Joyce
12 Blumenshine. I live in Peoria, Illinois, which
13 is along the Illinois River, about 3 hours south
14 of Chicago. I'm a volunteer with various
15 environmental groups, but today I'm making
16 comments as a concerned citizen on my own who
17 lives in a community impacted by coal ash.

18 I live downwind of three old coal-fired
19 power plants, which all have coal ash
20 impoundments that have been proven to have
21 polluted groundwater and put the Illinois River
22 at risk.

1 I strongly oppose the proposed changes
2 titled, euphemistically, "A Holistic Approach to
3 Closure Part B" because there is nothing
4 holistic for the public, for the public health,
5 for providing environmental protection in this
6 Part B. Maybe EPA missed that.

7 The U.S. EPA is destroying clearly
8 established requirements for closure of unlined
9 and polluting coal ash sites, ignoring the 2018
10 court-ordered closure timelines, and removing
11 essential safeguards for the health of the
12 public, the environment, and protection of
13 essential water resources in this proposal.

14 Today, Tuesday, April 7th, 2020, the United
15 States and most of the world are in the midst of
16 the COVID-19 pandemic. We are in unprecedented
17 times. Schools are closed. Most businesses are
18 closed. Most Americans must stay home,
19 home-school their kids while working at home,
20 and on one hand, you, the EPA, has given all
21 U.S. industries a waiver of pollution
22 regulations and even monitoring reporting with

1 no deadline because of the COVID-19 crisis, yet
2 today you're holding a hearing on incredibly
3 important rule rollbacks and you continue
4 destroying and rolling back essential
5 environmental regulations which have been
6 protecting our air, water, and land upon which
7 life depends. What a farce.

8 The regulatory changes under consideration
9 today will cause more sickness, deaths, and
10 environmental degradation, all for the
11 convenience of industry and their profits, all
12 being done while the world and this country and
13 the public is trying to cope with the COVID-19
14 crisis. Unconscionable.

15 Environmental justice community members are
16 clearly at greater risk of this rollback because
17 the proposed Part B will allow many, many more
18 years, unending, for coal ash sites to continue
19 with millions more tons of coal ash placed at
20 unlined locations.

21 Reports from Italy currently show areas
22 with greater air pollution have higher levels of

1 COVID-19. Environmental justice residents are
2 at much greater difficulty at this time with the
3 financial and family stresses. Libraries are
4 closed. There are not alternative sites for
5 access to computers adequate to do this
6 conference virtually, and recent statistics are
7 that 17 million Americans filed for
8 unemployment, the highest number ever in the
9 entire history of this country.

10 Many Americans live paycheck to paycheck.
11 Libraries are closed, which I said, and holding
12 public hearings at this time is shameful.

13 Today we are also rapidly advancing in
14 climate crisis. It will be 80 degrees here in
15 Illinois on April 7th. We are in the midst of
16 the fabric of the web of life on which humans
17 depend. Our oceans, weather, species are
18 pulling apart, and today we are looking at yet
19 another essential environmental protection for
20 water resources, public health being torn down.
21 It is absolutely not acceptable for the U.S. EPA
22 to enable unlined coal ash locations to escape

1 closure and more protective actions by claiming
2 alternative liners.

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.

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.

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.

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.

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.

9 EMCEE: Thank you for your comment.

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.

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. 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

1 Metro East Green Alliance, the Sierra Club, and
2 the Illinois Clean Jobs Coalition.

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 comment 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.

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.

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.

22 As I explained, I live in a part of

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.

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.

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

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

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

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.

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

1 protections during this terrible moment in our
2 history.

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.

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?

21 "During this global pandemic and national
22 health emergency, the EPA's actions to weaken

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.

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.

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.

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.

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 is
4 over."

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

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.

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

1 that you received your speaking time slot from.

2 At this point, we will continue our public
3 comments. The next speaker will be Kat Haber,
4 followed by Elizabeth Cramp, and then Robert
5 Essman. Kat Haber will be the next speaker.

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: Kat, we're unable to hear you right
12 now. We will keep trying. Let's see if we can
13 get you your audio PIN. Hang on one second. If
14 we can't get this worked out, then we will
15 circle back to you, but--

16 [Pause.]

17 EMCEE: Kat, is that you?

18 MS. HABER: Are you able to hear me now?

19 EMCEE: I can, yes. Please proceed.

20 MS. HABER: Thank you.

21 In 2014, I walked across the country in the
22 Great March for Climate Action. When we began,

1 there were 2,000 people in the port near--called
2 Wilmington, California. Most of those people
3 were either suffering from respiratory diseases
4 or nurses caring for people who were suffering
5 from respirator diseases.

6 Along the way, we encountered many people
7 who were suffering from L.A. to D.C. over those
8 8 months, people who were in shadows of coal ash
9 ponds and had breathing problems, asthma, heart
10 conditions. A large part of this was caused
11 from not taking care of our places. We need to
12 act with precaution now.

13 I'm currently in isolation with COVID, and
14 I'm speaking with great pain in my heart and
15 heaviness in my chest for all the people who are
16 suffering from respiratory conditions because of
17 coal-powered plants.

18 I live in Edwards, Colorado, where there
19 are a half a dozen plants that are not even
20 scheduled to close yet. During the time of this
21 administration, over 50 plants have closed.
22 It's so important that we take great care and

1 concern for earth. Our very health is dependent
2 on the relationship between how we live in our
3 places and how we can survive in our places.
4 When we pollute them and destroy the
5 relationship between the air and the water and
6 the land, human beings will not be able to
7 survive.

8 We must learn how to live in balance and in
9 harmony. Destroying the air that we need to
10 breathe will not allow human beings to survive.
11 Destroying the water in which we live and drink,
12 we cannot live more than a few days without
13 clean water. We cannot pollute our waters.

14 Lining ponds with insufficient barrier
15 between the land and the water allows the water
16 to seep into the land. If our land is polluted,
17 we will not be able to grow food to survive.
18 This is simply a survival issue.

19 Forgive me if my voice is not strong and
20 bold, but I do ask you to be very careful and
21 wise in making this decision. These spills,
22 these accidents can all be avoided by being

1 smart and wise and taking care of the places
2 that we live. Please be precautionary. Please
3 do not allow coal ash to further pollute our
4 places where coal-powered plants are still
5 permitted to work.

6 Thank you.

7 EMCEE: Thank you for your comment.

8 The next speaker will be Elizabeth Cramp,
9 followed by Robert Essman and then Joseph
10 Appell.

11 The next speaker will be Elizabeth Cramp.

12 EPA, are you ready to proceed?

13 MS. LONG: Yes.

14 Please proceed, and state your name and
15 affiliation for the record.

16 MS. CRAMP: Good morning. My name is
17 Elizabeth Cramp, and I am a citizen of Virginia,
18 a former teacher, and most importantly, a mom
19 and soon-to-be grandmother. And I am opposed to
20 the EPA's proposed rollbacks of the 2015 coal
21 ash rule safeguards.

22 Thank you for this opportunity to make my

1 public comment.

2 As a lifelong resident of Virginia, I am
3 very familiar with the over 100 coal mines and
4 the toxic coal ash disposal sites that have been
5 causing health and environmental impacts for
6 decades, and although Virginia did not have the
7 over 100 deaths and extensive environmental
8 impacts from the Kingston, Tennessee, spill in
9 2008, nor the huge human environmental impacts
10 from the Dan River in North Carolina spill in
11 2014, I understand the great risks of living
12 near coal ash sites.

13 These huge spills and their aftermath of
14 death, long-term human suffering, and
15 detrimental environment effects are the legacy
16 of what happened when coal ash disposal was not
17 regulated before the 2015 coal ash rules were
18 established with great public support.

19 Some of my knowledge came from EPA's own
20 human and ecological risk assessment for coal
21 combustion waste report that determined that
22 living next to coal ash disposal sites increased

1 the risks among many--increased the risk of
2 cancer among many other health concerns.

3 And a report from the U.S. Commission on
4 Civil Rights found that people of color and
5 those from low-income communities are
6 disproportionately affected by the siting of
7 coal ash waste disposal facilities.

8 These events and studies led to the current
9 2015 coal ash rules that are protecting
10 Americans in communities of all color and all
11 economic levels. So although my family may not
12 be directly affected, the health and lives of my
13 fellow Americans are, and they may not have the
14 ability to lift their voices and fight the coal
15 and utilities industries.

16 I'm here because I care for my fellow
17 Americans' health, and your agency should too.

18 Your Part B proposal will expose more
19 Americans to hazardous toxins and carcinogens
20 that the EPA knows are toxic and lethal to
21 humans, fish, and other wildlife. It would
22 allow unlined coal ash ponds to operate and

1 avoid closure, despite a 2018 Federal court
2 order, and it would allow huge volumes of coal
3 ash to be dumped in dangerous ponds that were
4 required to be closed.

5 In addition, the Federal permitting rule
6 would establish a permitting program that would
7 grant permits that never expire for new or old,
8 lined or unlined sites, with little oversight.

9 Possum Point is an unlined site 30 minutes
10 from my home, and it is set to be closed. Our
11 governor, Ralph Northam, recently and
12 successfully completed a 4-year fight to have
13 Dominion Energy recycle or safely dispose of
14 over 27 million cubic yards of coal ash at this
15 site and other sites in my State.

16 Why are you fighting against my State and
17 its citizens' wishes in favor of industry?
18 Because these companies don't want to pay the
19 price for cleaning up their toxic messes, and
20 you are putting their greedy wants over
21 Americans' health and the health of our land,
22 air, and water.

1 I never felt the need to make public
2 comment until this administration came into
3 office. I last gave in-person public comment to
4 the Council on Environmental Quality. They too
5 wanted to roll back environmental protections,
6 this time from NEPA, the National Environmental
7 Policy Act, and also wanted to allow minimal
8 opportunity for public participation.

9 Even today's virtual hearing is stifling
10 the many voices of people who may face obstacles
11 to participating during this crisis on an issue
12 of vital importance. The EPA should stop this
13 injustice and extend the public comment period
14 until after this health crisis has subsided.

15 In closing, I find it ironic that during
16 this time of the COVID-19 pandemic, when this
17 administration did not listen to President
18 George W. Bush's 2005 call for America to
19 prepare for it and then in 2018 dismantled
20 President Barack Obama's White House National
21 Security Council directorate for global health
22 security and biodefense, which was dedicated to

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,

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

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.

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

1 this slot.

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

6 We'll now pause to see if anyone else would
7 like to make a statement, and we will continue
8 to work with those two speakers to ensure that
9 their audio works.

10 [Pause.]

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

13 The next speaker will be Joseph Appell.

14 EPA, are you ready to proceed?

15 MS. LONG: Yes.

16 Please state your name and affiliation for
17 the record.

18 MR. APPELL: Yes. Can you hear me?

19 EMCEE: Yes, we can. Please proceed.

20 MR. APPELL: Thank you.

21 My name is Joseph Appell, and I am an
22 outraged citizen. I know coal very well, having

1 grown up in LaSalle County. My father worked
2 the mines, and I watched him die.

3 I am outraged that we are actually talking
4 about going back on regulations. We actually
5 need to strengthen them. There is no such thing
6 as beautiful clean coal. Putting a scrubber on
7 a power plant is like putting a catalytic
8 converter on a car. It just means it's not as
9 dirty, but you cannot drive that car in your
10 enclosed garage and let it run. It just takes
11 longer to kill you than before.

12 Also, when I grew up, EPA meant
13 environmental protection agency, not fossil fuel
14 protection agency, and this whole thing has
15 morphed into these fossil fuel companies donate
16 dollars to the politicians, who then vote on
17 huge subsidies to coal, oil, gas, and they also
18 do rollbacks on regulations. The tail is
19 wagging the dog.

20 Coal ash belongs to the companies, not the
21 citizens. I mean, what would we say if a
22 nuclear plant shut down and decided just to move

1 out and leave all of the nuclear waste
2 underground? It's not the way it should work,
3 and it doesn't take a rocket scientist to know
4 that soil is porous. Pipelines leak. They
5 always leak. Liners will leak. No one wants
6 these in their neighborhood, county, or next to
7 the waterways.

8 As was pointed out by other people, the
9 water is rising. Ponds will be breached.

10 And although I appreciate a chance to talk,
11 as was pointed out earlier, there are so many
12 people that want to talk who can't. This time
13 frame is ridiculous considering how long this
14 has been going on. This is an attempt just to
15 ram it through with the less opposition
16 possible.

17 I ask that comment period be opened up and
18 that we actually look into increasing
19 regulations because it's for the environment
20 and, therefore, for all of us.

21 Thank you for your time.

22 EMCEE: Thank you for your comment.

1 At this time, we have no one else scheduled
2 to speak during this slot.

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

7 We'll now pause to see if anyone else would
8 like to make a statement.

9 [Pause.]

10 EMCEE: At this time, we will continue our
11 public comments.

12 The next speaker will be Suzy Lawrence.

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. LAWRENCE: Hi. Can you hear me okay?

18 EMCEE: Yes, we can. Please proceed.

19 MS. LAWRENCE: My name is Suzy Lawrence,
20 and I am a citizen.

21 My comments are there. I strongly urge EPA
22 to protect the public and the wildlife. It's

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

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

21 So I think it's critical for the 2015 rule
22 to not be rolled back, and this agency should be

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.

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.

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.

21 EMCEE: Thank you for your comment.

22 The expected speaking order will now be

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

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

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

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.

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. SANTILLANA: Hello. My name is
6 Christine Santillana. I serve as Associate
7 Legislative Counsel with Earthjustice. I'm here
8 today in great opposition of EPA's proposed
9 rulemaking to further gut the 2015 coal ash
10 rule, and more than that, I'm hear to read off
11 the names of those in addition to my colleague,
12 Lisa Evans, who previously listed names who came
13 together with a joint statement in opposition to
14 today's virtual hearing.

15 We're in the midst of a pandemic. As we
16 know, millions of people have filed for
17 unemployment. Death cases are rising. EPA has
18 sought to suspend enforcement of certain
19 environmental laws, and yet I'm baffled that
20 we're here today expected to have communities
21 here participating in this rulemaking.

22 To continue reading off the names that have

1 been listed previously, those who would have
2 been here today but are unable to participate
3 begin with Roberto Jose Thomas Ramirez with the
4 organization Iniciativa De Ecodesarrollo
5 De Bahia De Jobos; Madeleine Foote, League of
6 Conservation Voters; Terry Miller, Lone Tree
7 Council, Jason Flickner, Lower Ohio River
8 Waterkeeper; Toni Oplt, Metro East Green
9 Alliance; Cheryl Nenn, Milwaukee Riverkeeper;
10 Casi Callaway, Mobile Baykeeper; Anne Hedge,
11 Montana Environmental Information Center;
12 Rebecca Hammer, Natural Resources Defense
13 Council; Acacia Cadogan, North Carolina
14 Environmental Justice Network; Richard Lawton,
15 New Jersey Sustainable Business Council; Alex
16 Cunha, Northern Plains Resource Council; Jason
17 Flickner, Ohio River Waterkeeper; Vivian
18 Stockman, OVEC, Ohio Valley Environmental
19 Coalition; Phillip Musegaas, Potomac Riverkeeper
20 Network; Shannon Anderson, Powder River Basin
21 Resource Council; Andrew Rehn, Prairie Rivers
22 Network; Kristin Camp, Protect the Middle Fork

1 Citizens Advocacy Group; Barbara Jennings,
2 Seventh Generation Interfaith Investment; Dalal
3 Aboulhosn, Sierra Club; Frank Holleman, Southern
4 Environmental Law Center; Virginia Richard,
5 South Wings; Pat Langley, Springfield CLEAN;
6 Lisa Rinaman, St. Johns Riverkeeper; Justin
7 Bloom, Suncoast Waterkeeper; Kathy Hawes,
8 Tennessee Clean Water Network; Larissa Liebmann,
9 Waterkeeper Alliance; and Bob LaResche, Western
10 Organization of Resource Councils.

11 Thank you.

12 EMCEE: Thank you for your comment.

13 At this time, we have no one else scheduled
14 to speak during this slot.

15 If there's 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: Hi, all. Please make sure that

1 you're on mute.

2 [Pause.]

3 EMCEE: We will now continue our public
4 comment.

5 The next speaker will be Ben Martin. EPA,
6 are you ready to proceed?

7 MS. LONG: Yes.

8 Please proceed, and state your name and
9 affiliation for the record.

10 MR. BEN MARTIN: Ben Martin, 350
11 Connecticut.

12 EMCEE: Thank you. Please proceed.

13 MR. BEN MARTIN: Okay. Hi. My name is Ben
14 Martin. I live in Connecticut. 350 Connecticut
15 is an environmental organization that has been
16 working against the climate movements that
17 affects the State of Connecticut, and I'm very
18 disturbed by this attempt to roll back
19 regulations that are protecting land and water
20 across the United States.

21 These protections have been woefully
22 inadequate for a long time, and to make them

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

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

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.

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

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.

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.

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.

21 We opened the barbed-wire fence and went in
22 and sampled some water that was running from the

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.

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.

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.

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.

9 I think Richard Nixon was the President
10 when I was going in middle school. That's how
11 long ago it was.

12 Now we know that we can protect the
13 environment if we set out mind to it and are
14 resolute in our determination to do that.

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.

21 And I implore the EPA to say, "Enough.
22 Enough. We're going to do the right thing."

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.

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.

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

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

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

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.

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

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.

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.

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

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

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

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

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.]

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

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.

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

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

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

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.

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

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.]

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

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

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.

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

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.

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.

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

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

1 are leaking toxic contaminant, such as arsenic,
2 cobalt, lithium, and radium, above Federal
3 health standards.

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.

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.

21 EPA estimates that operators would dump an
22 average of more than 600,000 tons in these

1 dangerous ponds, but this appears to be grossly
2 underestimated.

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.

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.

20 As you are well aware, the 2015 coal ash
21 rule currently is protecting thousands of
22 American communities. Despite some weaknesses,

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.

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.

12 Thank you for this opportunity to share my
13 views with you today. Thank you.

14 EMCEE: Thank you for your comment.

15 At this time, we are continuing to work
16 with Robert Jensen and Janet McDonnell on their
17 audio issue.

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.

1 We'll now pause to see if anyone else would
2 like to make statement.

3 [Pause.]

4 EMCEE: We will now continue our public
5 comments.

6 The next speaker will be Janet McDonnell,
7 followed by Robert Jensen. The next speaker is
8 Janet McDonnell.

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 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.

16 EMCEE: Hi, Janet.

17 MS. McDONNELL: Hi.

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?

21 MS. McDONNELL: Sure. Can you hear me
22 better now?

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

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

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

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.]

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

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.

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.]

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

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

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

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

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

1 essentially the oil and gas companies, and all
2 the other people that are basically making a
3 crapload of money.

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."

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

1 the soil that end up being something that is
2 beyond what we should allow. And nobody does
3 anything about it.

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.

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.

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

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.

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.

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

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.

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.

1 My dad grew up in Pennsylvania. When he
2 was a kid, he would play in places where coal
3 mines used to be, and as he got older, he would
4 go hunting out with his stepdad. And he saw the
5 kind of damage caused by coal ash and by the
6 remains of the coal mining industry.

7 He is now a retired pediatrician, and as a
8 doctor, he understands very well the kind of
9 damage that can be done by this sort of
10 pollution. The coal ash protections are put in
11 place for a reason. We need to pay attention to
12 what the scientists have done and keep the
13 protections in place so that people can be
14 protected from pollution.

15 And that is the end of my statement.

16 EMCEE: Thank you for your comment.

17 Just a reminder that if folks have raised
18 their hand, if you can please check the chat
19 window on the right-hand side of the webinar
20 interface, there might be some messages from the
21 organizers.

22 Let's go ahead and try Robert Jensen.

1 Let's see if we can get that audio working.

2 EPA, are you ready to proceed?

3 MS. LONG: Yes.

4 Please proceed, and state your name and
5 affiliation for the record.

6 [No audible response.]

7 EMCEE: Robert, please proceed.

8 [No audible response.]

9 EMCEE: Can you state your name and
10 affiliation for the record?

11 [No audible response.]

12 EMCEE: It looks like you're on a phone
13 line, not an audio line, and it should be open
14 as long as you are not self-muted. It should
15 work.

16 [Pause.]

17 EMCEE: Robert, we might ask you to hang up
18 and then try calling back in again. Sometimes
19 that helps. I'm sorry that we're having so many
20 difficulties.

21 We'll go ahead and pause now. I don't have
22 any other speakers lined up for this slot. So

1 if there's anyone else who did not register to
2 speak but would like to, please use the
3 Questions box to identify yourself, and we'll
4 get you into the lineup shortly.

5 We'll pause and see if anyone else other
6 than Robert would like to make a statement, and,
7 Robert, we'll continue to chat you to work out
8 these issues.

9 [Pause.]

10 EMCEE: At this time, we have no one else
11 scheduled to speak, other than the folks that
12 we're working through technical difficulties
13 with.

14 If there is anyone who did not register to
15 speak today but would like to speak, please use
16 the Questions box to identify yourself, and we
17 will get you into the lineup shortly.

18 We'll now pause to see if anyone else would
19 like to make a statement.

20 [Pause.]

21 EMCEE: We'll continue our public comments.

22 Robert Jensen will be the next speaker.

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, it is showing that you are
7 self-muted. We're not able to hear you. Please
8 proceed.

9 [No audible response.]

10 EMCEE: Robert, we will continue to reach
11 out to you to work through these issues.

12 At this time, we have no more speakers
13 lined up. So we will begin a brief recess.

14 EPA, when would you like to reconvene?

15 MS. LONG: The hearing is now in recess
16 until 12:30 p.m., Eastern Time.

17 [Recess taken from 12:00 p.m. to 12:32
18 p.m.]

19 EMCEE: This is IEC, EPA's contractor. It
20 is now 12:32, and we are rejoining EPA's public
21 hearing about the proposed rule change to the
22 disposal of coal combustion residuals.

1 The expected speaking order for the next
2 section will be Robert Jensen.

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 [No audible response.]

8 EMCEE: Robert Jensen, please proceed.

9 [No audible response.]

10 EMCEE: Robert, from the chat, I think you
11 can hear us. I do know that we have asked for
12 some additional information in the chat. If you
13 can take a look at that chat or Questions box on
14 the right-hand side of the interface, then we'll
15 try to get that additional information from you
16 and get you so that you can speak. Thank you
17 for your patience.

18 At this time, we don't have anyone else
19 scheduled.

20 If there's somebody who is on the line and
21 would like to speak but has not registered to do
22 so, please use the Questions box to identify

1 yourself, and we will get you into the lineup
2 shortly.

3 We'll take a pause and see if anyone else
4 would like to make a statement.

5 [Pause.]

6 EMCEE: Robert Jensen, please send a
7 question to our staff using the Questions box.
8 That's the easiest way for us to communicate
9 with you. We need to get some additional
10 information in order to get your audio working.

11 [Pause.]

12 EMCEE: At this time, we have no one else
13 scheduled to speak, other than the folks we are
14 working through the audio difficulties with.

15 If there's somebody who is on the line and
16 would like to speak but would like to, please
17 use the Questions box to identify yourself, and
18 we will get you into the lineup shortly.

19 We'll continue to pause and see if anyone
20 else would like to make a statement.

21 [Pause.]

22 EMCEE: At this time, we have no one else

1 scheduled to speak, other than the folks that we
2 are working through the technical issues with.

3 Robert Jensen, if you can please check the
4 chat messages, we have some additional questions
5 for you that will help us work through your
6 audio.

7 If there is anyone else who did not
8 register to speak but would like to, please use
9 the Questions box to identify yourself, and we
10 will get you into the lineup shortly.

11 We'll continue to pause to see if anyone
12 else would like to make a statement.

13 [Pause.]

14 EMCEE: Robert Jensen, you are now unmuted.
15 Can you try to speak?

16 [No audible response.]

17 EMCEE: At this time, we don't have anyone
18 else scheduled other than the folks that we are
19 working through the audio issues with.

20 If there's anyone else who did not register
21 to speak today but would like to speak, please
22 use the Questions box to identify yourself, and

1 we will get you into the lineup shortly.

2 We'll now pause to see if anyone else would
3 like to make a statement.

4 And, Robert Jensen, please check the chat
5 or Questions messages on the right-hand side to
6 look for our request for additional information.
7 We're also going to try you one more time right
8 now, Robert. Please speak.

9 [No audible response.]

10 EMCEE: Unfortunately, Robert, we are
11 unable to hear you. If you are speaking, we
12 cannot hear it.

13 [Pause.]

14 EMCEE: Robert, if you could also please
15 send an email to EPAwebinar@indecon.com. That's
16 the same email address that you got your
17 registration from. We can work with you via
18 email to sort out the audio issue.

19 [Pause.]

20 EMCEE: At this time, we have no one else
21 scheduled to speak in this current time slot.

22 If there is anyone who did not register to

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

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,"

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

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.

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.

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,

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.

9 Now I'll cover some logistics for the
10 comment portion of today's public hearing.

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

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.

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.

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.

22 If you have additional comments after

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.

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.

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.

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

1 people as possible to provide their comments.

2 We ask for your patience as we proceed. We
3 may need to make some minor adjustments as the
4 day progresses, and if so, we will make the
5 appropriate announcements.

6 Thanks again for participating today.

7 Let's get started. We will now turn it over to
8 EPA's contractor Industrial Economics to discuss
9 some logistics for today's hearing.

10 EMCEE: Thank you.

11 Before we begin, we'd like to go over some
12 additional logistics for today's webinar. As a
13 reminder, all attendees are muted automatically.
14 We will unmute you when it is your turn to
15 speak.

16 Also, if you have called in using a phone
17 and are planning to speak, you must enter your
18 individual audio PIN. If you are having trouble
19 with the PIN, a staff member will send you a
20 message via the webinar interface. Please make
21 sure that if you called in via phone, the radio
22 button is on "Phone Call" and not "Computer

1 Audio." Finally, please use the Questions box
2 in the upper right corner to request a speaking
3 slot.

4 Now we will begin our public comments. The
5 first speaker scheduled in the next half hour
6 will be Kent Minault.

7 EPA, are you ready to proceed?

8 MR. BEHAN: Yes.

9 Please proceed, and state your name and
10 affiliation for the record. Thank you.

11 [No audible response.]

12 EMCEE: Kent, we think you might be
13 self-muted.

14 MR. MINAULT: I was. I just unmuted
15 myself. Can you hear me now?

16 EMCEE: Yes, we can. Please proceed.

17 MR. MINAULT: Okay. I sure will.

18 I'm Kent Minault from Knoxville, Tennessee,
19 and I volunteer with the Sierra Club here. I'm
20 speaking today in opposition to EPA's proposal
21 to weaken the 2015 coal ash rule safeguards.

22 Now, I live a few miles from the Bull Run

1 fossil plant and the millions of tons of coal
2 ash next to it in unlined settlement ponds,
3 right by the Clinch River. I have friends who
4 live near those coal ash containments who
5 mention apparent health impacts from coal ash in
6 their neighborhood.

7 Now, I'm concerned that the effects of coal
8 ash will be felt in my community long after the
9 Bull Run plan closes in 2023.

10 I live with my family in a city committed
11 to reducing greenhouse gases and moving toward a
12 sustainable future, but how can we reach that
13 sustainable future if the toxins in that coal
14 ash continue leaking into our rivers and
15 streams? Already, the Tennessee River is listed
16 as the fourth most polluted river in the country
17 by Renee and Pestano in their environmental
18 working group paper.

19 And the Tennessee Department of
20 Environmental and Conservation has advisories on
21 fish consumption from 23 different waterways in
22 East Tennessee. The advisories show elevated

1 levels of mercury in the fish in most of these
2 cases, and the largest source of mercury in the
3 region is coal combustion and leaching of toxins
4 from those coal ash settlement ponds.

5 TDEC advises people eat fish from these
6 waters only once a month and never for pregnant
7 women. Why can we not enjoy the economic and
8 recreational benefits of clean water in this
9 beautiful part of the world? Rather than
10 rolling back protected regulations on the
11 pollution that is already having dire effects on
12 our health and prosperity, should we not be
13 strengthening protections and creating a cleaner
14 and healthier environment?

15 This attempt to weaken the 2015 coal ash
16 rule is a blatant giveaway to a polluting
17 industry and must be forcefully rejected. Coal
18 ash is some of the most poisonous stuff on the
19 planet containing arsenic, boron, hexavalent
20 chromium, lead, lithium, mercury, selenium, and
21 radioactive substances.

22 Our part of the country has been a leader

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

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

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

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.

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.

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

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?

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

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

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

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.]

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

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 will now pause to see if anyone else
5 would like to make a statement.

6 [Pause.]

7 EMCEE: We have no more speakers lined up
8 for the time being. So we will begin a brief
9 recess.

10 EPA, when would you like to reconvene?

11 MS. LONG: The hearing is now on recess.

12 [Recess taken from 3:00 p.m. to 3:15 p.m.]

13 EMCEE: At this time, we have no one else
14 scheduled 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 will now pause to see if anyone else
20 would like to make a statement.

21 [Pause.]

22 EMCEE: At this time, we have no one else

1 scheduled to speak during the current time slot.

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: We have no more speakers lined up
10 for the current time slot. So we will begin a
11 brief recess.

12 EPA, when would you like to reconvene?

13 MS. LONG: The hearing is now on recess
14 until 3:45 p.m., Eastern Time.

15 [Recess taken from 3:25 p.m. to 3:45 p.m.]

16 EMCEE: This is IEC, EPA's contractor.

17 It is 3:45 p.m., and we are rejoining EPA's
18 public hearing for a proposed rule change to the
19 disposal of coal combustion residuals.

20 At this time, we have no one else scheduled
21 to speak.

22 If there is anyone who did not register to

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 will now pause to see if anyone else
5 would like to make a statement.

6 [Pause.]

7 EMCEE: At this time, we have no one else
8 scheduled to speak during the current time slot.

9 If there is anyone who did not register to
10 speak today but would like to speak, please use
11 the Questions box to identify yourself, and we
12 will get you into the lineup shortly.

13 We will now pause to see if anyone else
14 would like to make a comment.

15 [Pause.]

16 EMCEE: The expected speaking order for the
17 next half hour will be Anita Manning followed by
18 Frank Holleman.

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.

22 I'm sorry. We have a change to the

1 speaking order. Our first speaker will be Frank
2 Holleman.

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 MR. HOLLEMAN: Hello. My name is Frank
8 Holleman, and I live in Greenville, South
9 Carolina. And I am a senior attorney with the
10 Southern Environment Law Center, where I have
11 worked with community groups across the
12 Southeast dealing with the issue of coal ash
13 pollution and coal ash storage in our region.

14 And I've signed up to comment in order to
15 express opposition and really dismay at this
16 proposal by the EPA to weaken protections of
17 communities and clean water from coal ash
18 pollution and improper coal ash storage.

19 Disturbingly, this proposal is put forward
20 purely to save the worst-behaving and worst-run
21 utilities, mining. This is an inherently
22 primitive way of storing industrial waste, to

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

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 despite 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

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?

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

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.

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.

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 ben nothing less than corrupt, self-serving,
16 and fallacious.

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

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.

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.

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.

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.

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.

15 Thank you.

16 EMCEE: Thank you for your comment.

17 The next speaker will be Marc Imlay,
18 followed by Lee McGirr.

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.

22 The first speaker will be Marc Imlay.

1 EPA, are you ready to proceed?

2 MR. BEHAN: Yes.

3 Please proceed, and state your name and
4 affiliation for the record. Thank you.

5 [No audible response.]

6 EMCEE: Hello, Marc. Are you able to hear
7 me? You might still be on self-mute.

8 [No audible response.]

9 EMCEE: All right. We think we may have
10 Marc Imlay for the time being. We'll come back
11 to him.

12 In the meantime, let's move on to our next
13 speaker, Lee McGirr.

14 EPA, are you ready to proceed?

15 [No audible response.]

16 EMCEE: Our next speaker will be Lee
17 McGirr.

18 EPA, are you ready to proceed?

19 MR. BEHAN: Yes.

20 Please proceed, and state your name and
21 affiliation for the record. Thank you.

22 MS. MCGIRR: Yeah. This is Lee McGirr

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

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

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

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.

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

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

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.

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

1 with no review. The rollback would weaken the
2 2015 coal ash rule.

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.

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

1 extreme danger of being injured or possibly
2 killed.

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.

16 Thank you.

17 EMCEE: Thank you for your comment.

18 At this time, we have no one else scheduled
19 to speak during the current time slot.

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

1 yourself, and we will get you into the lineup
2 shortly.

3 We are still working with a few speakers to
4 sort out your audio problems.

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.

8 [Pause.]

9 EMCEE: Our next speaker will be Marc
10 Imlay.

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 MR. IMLAY: How do I unmute?

16 EMCEE: We can hear you, Marc. Go ahead
17 with your comment.

18 MR. IMLAY: You can hear me. Good.

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

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.

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.

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.

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.

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

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

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

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

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 more
7 speakers lined up for the time being. So we
8 will begin a brief recess.

9 EPA, when would you like to reconvene?

10 MS. LONG: The hearing is now on recess
11 until 5:30 p.m., Eastern time.

12 [Recess taken from 5:05 p.m. to 5:30 p.m.]

13 EMCEE: This is IEC, EPA's contractor.

14 It is 5:30 p.m., and we are now rejoining
15 EPA's public hearing for a propose rule change
16 to the disposal of coal combustion residuals.

17 At this time, we have no one else scheduled
18 to speak.

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.

1 We will now pause to see if anyone else
2 would 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 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 will now pause to see if anyone else
11 would like to make a statement.

12 [Pause.]

13 EMCEE: At this time, we have no one else
14 scheduled to speak during the current time slot.

15 If there is anyone who did not register to
16 speak but would like to speak, please use the
17 Questions box to identify yourself, and we will
18 get you into the lineup shortly.

19 We will now pause to see if anyone else
20 would like to make a statement.

21 [Pause.]

22 EMCEE: I apologize. I realized my

1 microphone was flipped in the wrong orientation.

2 At this time, we have no one else scheduled
3 to speak during the current time slot.

4 If there is 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 will now pause to see if anyone else
9 would like to make a statement.

10 [Pause.]

11 EMCEE: At this time, we have no one else
12 scheduled to speak during the current time slot.

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: 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

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 will now pause to see if anyone else
5 would like to make a statement.

6 [Pause.]

7 EMCEE: At this time, we have no one else
8 scheduled to speak during the current time slot.
9 This time slot will conclude at 6:00 p.m.

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 will now pause to see if anyone else
15 would like to make a statement.

16 [Pause.]

17 EMCEE: Our next speaker will be Christine
18 Hemphill.

19 EPA, are you ready to proceed?

20 MR. BEHAN: Yes.

21 Please proceed, and state your name and
22 affiliation for the record. Thank you.

1 [No audible response.]

2 EMCEE: Hello. Christine, we're not able
3 to hear you.

4 MR. DREW MARTIN: Okay. She's on the
5 telephone. Can I go ahead and just relay what
6 she's saying?

7 EMCEE: Drew, because you have already
8 spoken, I think we need her to speak.

9 MR. DREW MARTIN: Okay. She called in on
10 the phone.

11 EMCEE: Okay.

12 MR. DREW MARTIN: I can give you her
13 number. Would that help you unmute her
14 telephone line?

15 EMCEE: I think it's all right if you just
16 want to relay what she has to say. We can
17 record it, as necessary.

18 MR. DREW MARTIN: I'm going to try to see
19 if she can speak loudly into the phone, if you
20 can hear her.

21 Go ahead and yell.

22 [No audible response.]

1 EMCEE: I think we can just barely hear
2 her. I don't think this audio is going to be
3 sufficient.

4 MR. DREW MARTIN: Okay. I'm going to
5 just--she's going to say--she's going to talk to
6 me--

7 EMCEE: Okay.

8 MR. DREW MARTIN: --because she's on the
9 phone, but I guess you can't unmute her line.

10 Okay. So she says her name is Christine
11 Hemphill. She's a biologist and a volunteer
12 with the Sierra Club.

13 Go ahead.

14 [Pause.]

15 MR. DREW MARTIN: Okay. She says, "I'm
16 worried about coal ash getting into the rivers
17 and into the air."

18 She says, "I don't support changes." She
19 says, "I do not support changes to the 2015 EPA
20 rule. Thank you."

21 Okay.

22 EMCEE: Is that the conclusion of

1 Christine's comment?

2 MR. DREW MARTIN: Yes, it is.

3 EMCEE: Okay. Thank you for helping that.

4 At this time, we have no one else scheduled
5 to speak during the current time slot.

6 It is now 6:00 p.m. EPA, would you like to
7 adjourn for the evening?

8 MS. LONG: Yes. Thank you to everyone who
9 attended and spoke during today's virtual public
10 hearing.

11 The hearing is concluded as of six o'clock,
12 p.m.

13 [Whereupon, at 6:00 p.m., the virtual
14 public hearing concluded.]

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