

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

Thursday, April 9, 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 MICHELLE LONG

7 MARY JACKSON

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 MICHELLE LONG

15 JESSE MILLER

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1	C O N T E N T S	
2	MORNING SESSION	
3		
4	PUBLIC COMMENTERS:	PAGE
5	JOANN McINTOSH, Sierra Club,	
6	Clarksville, Tennessee	14
7	ELENA ARRIGO, Private Citizen,	
8	Evanston, Illinois	18
9	DEANVILLE CELESTINE, Private Citizen	23
10	SUSAN STRAUSS, Public Citizen	28
11	MARY ELLEN DeCLUE, Citizens Against	
12	Longwall Mining, Richfield, Illinois	31
13	PEGGY SIMONSEN, Citizens for Conservation,	
14	Illinois	34
15	AMANDA STRAWDERMAN, Clean Water for North	
16	Carolina	39
17	PATRICIA SCHUBA, Labadie Environmental	
18	Organization, Labadie, Missouri	41
19	WESLEY CHUANG, Private Citizen, California	48
20	LAURA DAVIS, Private Citizen,	
21	Inverness, Illinois	50
22	INDRA FRANK, Hoosier Environmental Council	52

1	C O N T E N T S (continued)	
2	MORNING SESSION (continued)	
3		
4	PUBLIC COMMENTERS:	PAGE
5	CHELSEA EASTER, SouthWings,	
6	Asheville, North Carolina	58
7	VIRGINIA RICHARD, SouthWings,	
8	New Orleans, Louisiana	61
9	LLOYD KLINEDINST, Labadie Environmental	
10	Organization, Villa Ridge, Missouri	69
11	CHRISTINE ALT, Private Citizen,	
12	Labadie, Missouri	71
13	KATE WASSERMAN, Private Citizen	79
14	ELLA ALT, Daughter of Christine Alt,	
15	Labadie Missouri	81
16	RICHARD STUCKEY, Save Our Illinois Land,	
17	Chicago, Illinois	83
18	ALESSIA ERAMO, Private Citizen,	
19	Clifton, New Jersey	89
20	LUKE BARBER, Private Citizen,	
21	Des Peres, Missouri	95
22		

1 AFTERNOON SESSION

2

3 PUBLIC COMMENTERS: PAGE

4 PETER FINK, Public Citizen 106

5 MICHAEL ZELNIKER, Private Citizen,
6 California 107

7 CORI BISHOP, Private Citizen 112

8 IGOR TREGUB, Private Citizen,
9 Berkeley, California 115

10 JULIE BLEDSOE, Private Citizen, Tennessee 119

11 WILLIAM KOEHL, Private Citizen,
12 Geneva, Illinois 128

13 AMY ALLEN, Private Citizen 131

14 SR. MARGARET ELIZABETH FUHR, 350 Colorado 136

15 LUCAS CHAMPENOIS, Private Citizen,
16 Raleigh, North Carolina 14117 AFSANEH MORTAZAVI, Private Citizen,
18 California 146

19

20

21

22

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

2 MORNING SESSION

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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 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 Mary Jackson 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 and operators of CCR units are required
10 to 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 have called in using a phone
5 and 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 JoAnn McIntosh, followed by Elena
17 Arrigo.

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

21 The first speaker will be JoAnn McIntosh.

22 EPA, are you ready to proceed?

1 EPA PANEL MEMBER: Yes.

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

4 MS. McINTOSH: This is JoAnn McIntosh, and
5 I am a member of the Sierra Club.

6 EMCEE: Thank you. Please proceed.

7 MS. McINTOSH: I'm calling today to speak
8 against EPA's recent proposals to weaken coal
9 ash safeguards, particularly Part B.

10 I really appreciate this opportunity to
11 speak to you on this subject and also to hear
12 other members of the public speak on this as
13 well.

14 I'm disappointed, however, that these
15 hearings are being held during a global
16 pandemic, despite the fact that EPA has received
17 letters from many organizations asking to
18 postpone these hearings.

19 Many of EPA's actions in recent months are
20 in direct conflict to your statement that you
21 made in 2018, and I quote, "EPA is returning to
22 its core mission of protecting human health and

1 the environment. We are committed to providing
2 clean and safe air, water, and land for all
3 Americans. We are building on the enormous
4 progress EPA has made since it was established
5 in 1970, increasing the safety of lakes and
6 rivers and so on," end quote.

7 That statement was made in 2018. That same
8 year, the U.S. Court of Appeals issued an order
9 requiring EPA to strengthen its 2015 rule and to
10 close unlined coal ash ponds, but in March of
11 this year, EPA published its Part B proposal,
12 which weakens previous safeguards and allows
13 coal plant operators to continue dumping
14 millions of tons of toxic waste in unlined
15 leaking pits, including those currently required
16 to close due to leaking, instability, or
17 dangerous siting.

18 I live in Clarksville, Tennessee, which is
19 within an hour's drive of three dangerous coal
20 ash sites, and although my family might not be
21 in direct danger from the coal ash toxins that
22 are being released, I have many friends whose

1 families are directly impacted. I'm asking you
2 today to adhere to your mission statement in
3 protecting human health and the environment, to
4 appreciate that the Part B regulation rollbacks
5 come with a price tag on health and quality of
6 life that far exceeds any savings to a few coal
7 industry interests, and to return to the pursuit
8 of implementing timeless scientific truths over
9 the transient winds of any political
10 administration.

11 Thank you very much for your time.

12 EMCEE: Thank you for your comment.

13 The next speaker will be Elena Arrigo.

14 EPA, are you ready to proceed?

15 EPA PANEL MEMBER: Yes.

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

18 [No audible response.]

19 EMCEE: Elena, please make sure you haven't
20 muted yourself by accident.

21 [Pause.]

22 EMCEE: Elena, unfortunately, we can't hear

1 you, although please try again now. If you've
2 dialed in by your phone, just make sure that you
3 haven't self-muted. We've opened up your line.

4 [Pause.]

5 EMCEE: Elena, we will send you a chat
6 message to try to work through some of the
7 technical issues. I think it's just that you're
8 self-muted, but we will again send you some
9 chats. And we will sort this out.

10 At this time, we have no one else signed up
11 to speak in this current slot.

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

16 We'll now pause to see if anyone else would
17 like to make a statement, and we will continue
18 to work with Elena on the technical issue.

19 [Pause.]

20 EMCEE: Elena, let's try this again. I'll
21 have EPA ask you to proceed, but I think this
22 should work.

1 So the next speaker will be Elena Arrigo.

2 EPA, are you ready to proceed?

3 EPA PANEL MEMBER: Yes.

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

6 MS. ARRIGO: Good morning. My name is
7 Elena Arrigo.

8 Can you hear me now?

9 EMCEE: We can, yes. Please proceed.

10 MS. ARRIGO: Thank you.

11 I am a concerned citizen living in
12 Evanston, Illinois, which is about 30 miles
13 south of coal ash ponds located in Waukegan,
14 Illinois.

15 I'm here to speak in opposition to the
16 EPA's proposal to weaken the 2015 coal ash rule
17 safeguards.

18 I appreciate the opportunity to comment
19 today; however, I must share that I oppose the
20 EPA's decision to continue with the hearing
21 schedule during a national health emergency when
22 so many people affected by the pandemic are

1 unable to attend.

2 I'd like to begin by noting that prior to
3 the 2015 EPA coal ash rule, there was no Federal
4 groundwater monitoring requirement. It was the
5 2015 rule that created the requirement for
6 plants to do consistent, standardized
7 groundwater monitoring.

8 A report by the Environmental Integrity
9 Project and Earthjustice found that among the
10 coal plants with coal ash ponds that have been
11 monitoring groundwater in compliance with the
12 2015 coal ash rule, 92 percent found they had
13 contaminated groundwater with toxic pollutants
14 exceeding Federal health standards. That's 92
15 percent of the monitored ponds. Ninety-two
16 percent means that in almost all cases where
17 coal ponds are monitored, they are found to be
18 polluting groundwater. This means that if the
19 2015 rule is not upheld, you will be allowing
20 our water to continue to be polluted and doing
21 it knowingly, and not just our water today, but
22 the water that our grandchildren will rely on to

1 raise their own families.

2 I'm focusing on groundwater contamination,
3 but this is just one of the multiple negative
4 environmental consequences of coal ash pond
5 pollution.

6 To those who are considering weakening the
7 coal ash rule, I sincerely ask, What might you
8 tell your grandchildren 10 years from now when
9 they ask why in 2020 during a national health
10 crisis, it was voted to not protect our health
11 and vital resources? Because we won't be able
12 to tell them that we didn't know better.

13 We may take clean air and clean water for
14 granted today because we have had mostly clean
15 air and water during our lifetime, but we have
16 had them largely because of the strength and
17 diligent, courageous work of forward-thinking
18 legislators and members of the EPA in past
19 decades.

20 EPA members, I encourage you to continue
21 your strong legacy and to work to make sure
22 Americans have safe air and water.

1 In the current political climate, please
2 choose to take a stand. Americans like myself
3 will be standing with you in support. Don't
4 underestimate your role at this time. Current
5 and future generations will be affected by what
6 you choose now.

7 The coal ash rule is currently protecting
8 thousands of communities. Despite some weakness
9 in the rule, coal plant owners have completed
10 hundreds of inspections, published critical
11 groundwater quality data, identified over 100
12 sites where cleanup is needed, and disclosed
13 leaking coal ash pond sites that must close.

14 The 2015 rule received more than a half
15 million supporting comments from the public, and
16 its smart standards are helping to protect clean
17 water and safeguard our health.

18 The attempts by the White House to weaken
19 this rule reflect the administration's
20 shortsighted economic greed and political
21 opportunism and its willingness to wittingly
22 turn its back to the common good.

1 May you have the strength and resolve to do
2 the commonsense right thing. I ask the EPA to
3 fulfill its role to protect the public health.
4 Instead of weakening the 2015 coal ash rule, I
5 ask you to strengthen it, as ordered by the
6 Federal Court of Appeals.

7 And I thank you for the opportunity to
8 speak today.

9 EMCEE: Thank you for your comment.

10 At this time, we have no one else scheduled
11 to speak during this current time slot.

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

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

18 [Pause.]

19 EMCEE: We will now continue with our
20 public comments.

21 The next speaker will be Deanville
22 Celestine.

1 EPA, are you ready to proceed?

2 EPA PANEL MEMBER: Yes.

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

5 MR. CELESTINE: Hello. My name is
6 Deanville Celestine.

7 I got the information about this call from
8 the Sierra Club. I just would like to speak
9 mostly as a concerned citizen, mainly for myself
10 and I guess for posterity, in a sense, and I'd
11 like to ask more in general the question of,
12 What would be the benefit of losing this, and
13 what would be the benefit of losing many other
14 major programs that defend the common citizen,
15 just because some person in power decided to
16 make this a lean-and-mean machine for some
17 political reason?

18 Would our taxpayer money go to anywhere
19 else? The EPA was one of the hardest hit during
20 the 2017 budget cut, was it not? So were many
21 to her programs that were hit, even though they
22 were already the lowest funded, even the

1 corporations for public broadcasting, such
2 things considered discretionary funds, just to
3 increase the military by not really much, to
4 decrease the deficit.

5 I do wonder, even as so few people vote for
6 President or even Congress members, where do
7 they get their information from to say, yes,
8 this has been agreed upon by many American
9 people to do so-and-so and such-and-such?

10 So it seems democracy really has been
11 hanging on a thread for the last many years.
12 It's usually been 40 percent of the voting
13 populous or fewer who come out and decide who
14 will be representing us in the main stage, that
15 most people around the world consider the
16 largest, deliberative, and most powerful,
17 deliberative body that decides on many issues
18 for other countries, really.

19 And we haven't really ceded ourselves to
20 such other international organizations that we
21 are part of. We have not really agreed to the
22 treaties in whole, even though such treaties are

1 very humane in what they ask of us. The UN does
2 not ask of us to do such horrible things as we
3 do in many, many parts of the world and many
4 parts of the world previously, in South America
5 or the Middle East, where we have overturned
6 dictators for such selfish goals as maintaining
7 resource flow to us.

8 The UN Declaration of Human Rights would
9 not allow us to do any of the things that we do
10 in many parts of the world and would not allow
11 us to do what we are doing right now in America
12 with our terrible response to the coronavirus
13 pandemic, and there is one man out there who is
14 trying to make it right, Anthony Fauci, even
15 with the little that he does really, just
16 speaking to many prominent people on important
17 matters.

18 But I just wonder where are we getting our
19 information from to make these decisions. Is it
20 really from the people, or is it really from
21 someone else?

22 Thank you very much for having this, and I

1 hope that many citizens will hear the messages
2 that many others will make during this time, and
3 that during many other public hearing periods,
4 they may sway you to make the right decision for
5 the people.

6 EMCEE: Thank you for your comment.

7 At this time, we have no one else scheduled
8 to speak during this 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'll now pause to see if anyone else would
14 like to make a statement.

15 [Pause.]

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

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

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

11 Also, if you have registered to speak later
12 in the day but are here and are ready to speak
13 now, please identify yourself, and we can move
14 up your slot.

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

17 [Pause.]

18 EMCEE: We have no more speakers lined up
19 for the time being, although we do have speakers
20 lined up later this morning. So we will begin a
21 brief recess.

22 EPA, when would you like to reconvene?

1 EPA PANEL MEMBER: The hearing is now in
2 recess until 10:00 a.m., Eastern Time.

3 [Recess taken from 9:40 a.m. to 10:00 a.m.]

4 EMCEE: This is IEC, EPA's contractor. It
5 is now ten o'clock, Eastern, and we are
6 rejoining EPA's public hearing about the
7 proposed rule change to the disposal of coal
8 combustion residuals.

9 The expected speaking order for the next
10 half hour will be Susan Strauss, followed by
11 Mary Ellen DeClue.

12 I will be introducing each speaker in turn,
13 but please wait for EPA to ask you to proceed
14 before starting your comments.

15 The next speaker will be Susan Strauss.

16 EPA, are you ready to proceed?

17 EPA PANEL MEMBER: Yes.

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

20 MS. STRAUSS: My name is Susan Strauss.

21 I'm a public citizen. I'm a teacher who teaches
22 in two different sites nearby where there will

1 be--there are currently ponds.

2 EMCEE: Thank you. Please proceed.

3 MS. STRAUSS: Okay. So I am a teacher. I
4 teach near Boardman, Oregon. I also teach near
5 Winnemucca in Nevada, and since I've been
6 working in Nevada, I've been learning a lot
7 about the geology there. And I am really quite
8 terrified by this proposal to open up these
9 sites.

10 I understand these sites were required to
11 have been closed by a 2015 rule, and these are
12 highly toxic substances. Already, the current
13 ponds that exist in the United States are
14 leaking by about--92 percent of them are leaking
15 substances that are highly toxic, way above
16 Federal standards.

17 When I read through this proposal, what I
18 see is that these sites are supposed to be
19 treated as if they have linings in them, even
20 though most of them have no linings, and so to
21 me, this is a flat out lie. How can you--I do
22 not understand how you can view something as

1 having a lining when in fact it doesn't have a
2 lining.

3 When I've been just--I'm a public citizen,
4 and when I've been trying to research this and
5 understand that, that anything that affects the
6 groundwater in Nevada, because of the hydrology
7 of Nevada, can travel to the entire State.
8 There's a huge aquifer under the desert in
9 Nevada.

10 And then when I look at a map of the United
11 States where all of these sites are, it's like
12 someone took a machine gun out and shot the
13 United States with a million holes in it. I'm
14 wondering why are we even proposing to do this,
15 and why do we need, quote, "research" on these
16 sites when we already know that they are highly
17 toxic, and they are infiltrating our water
18 systems?

19 That's my comment. Thank you.

20 EMCEE: Thank you for your comment.

21 The next speaker will be Mary Ellen DeClue,
22 followed by Peggy Simonson. The next speaker

1 will be Mary Ellen DeClue.

2 EPA, are you ready to proceed?

3 EPA PANEL MEMBER: Yes.

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

6 MS. DeCLUE: Hello. My name is Mary Ellen
7 DeClue. I live in Richfield, Illinois. My last
8 name is spelled D-e-C-l-u-e. I am a retired
9 chemistry teacher who is very, very concerned
10 about a the harmful components of coal and coal
11 ash.

12 I'm a member of Citizens Against Longwall
13 Mining, and I want to protect our area farmland
14 and water resources from contamination and
15 subsidence from longwall mining.

16 Our farmland is being damaged and destroyed
17 due to coal utilization and mining. Coal should
18 be left in the ground. Coal has worsened the
19 climate crisis, and it has poisoned the
20 environment. The health of our coal miners is
21 being even more compromised during the COVID-19
22 pandemic. They are forced to work under

1 unhealthy conditions to enhance profits, not the
2 safety or survival of U.S. citizens.

3 My special concern today is the proposed
4 weakening of the 2015 clean coal ash rule
5 safeguards.

6 Coffeen coal-fired power plant in my area
7 was closed, leaving many coal ash ponds that are
8 leaking contaminants into the groundwater and
9 surrounding area. The contamination in the
10 water and on the land will not--will not be
11 removed, nor will the leakage of contaminants
12 from the coal ash ponds be stopped. This is
13 irresponsible and a permanent health hazard in
14 communities.

15 I attended a U.S. EPA public hearing in
16 Chicago many year ago concerning how toxic coal
17 ash should be classified and handled in its safe
18 disposal. Coal ash is very toxic and shouldn't
19 have been classified as hazardous waste, but the
20 coal industry won again in covering up the
21 health and safety threats from coal ash. The
22 proposed rule changes for coal ash ponds are

1 reckless and leave citizens with no protections
2 from toxic coal ash, contaminating their
3 groundwater and land.

4 The coal-fired utilities have been
5 irresponsible caretakers of our environment, and
6 the regulatory agencies have facilitated their
7 careless, greedy behavior.

8 In closing, do not weaken the 2015 coal ash
9 rules. If coal ash cannot be disposed of in a
10 safe and healthy manner, then stop burning coal
11 now. We have a huge health problem already from
12 the millions of tons of coal ash distributed
13 throughout the United States. It is essential
14 that coal ash rules be maintained and
15 strengthened to protect the health of citizens
16 in coal ash communities.

17 EPA, do your job and save the health of
18 communities.

19 Thank you.

20 EMCEE: Thank you for your comment.

21 The next speaker will be Peggy Simonsen.

22 EPA, are you ready to proceed?

1 EPA PANEL MEMBER: Yes.

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

4 MS. SIMONSEN: My name is Peggy Simonsen.

5 I am a conservation activist in Illinois. I'm
6 on the board of directors of Citizens for
7 Conservation, and I believe that this proposal
8 directly contradicts the mission of the EPA.

9 Your mission is not to help corporations become
10 more profitable. Your mission is not to make it
11 easier for corporations to dump toxic waste but
12 to keep the air and water cleaner, not dirtier.
13 Cleaner.

14 Over the years, the EPA has made huge
15 strides in that regard. Remember when EPA was
16 started and Lake Erie was on fire and some
17 horrible situations were going on? And the EPA
18 has made great strides over the years. Why
19 reverse that now?

20 I know the President is opposed to any kind
21 of regulation on any corporation for any reason
22 whatsoever, but the EPA does not have to follow

1 suit. Going forward, this particular proposal
2 to ease regulations on coal ash is absolutely
3 contrary to your mission.

4 EMCEE: Thank you for your comment.

5 At this time, we have no one else scheduled
6 to speak in this slot.

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

11 Similarly, if you are scheduled to speak
12 later today but would like to speak earlier,
13 please use this Questions box, and we will you
14 in earlier.

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

17 [Pause.]

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

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

1 get you into the lineup shortly.

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

4 [Pause.]

5 EMCEE: We have no more speakers lined up
6 for this current time slot. So we will begin a
7 brief recess.

8 EPA, when would you like to reconvene?

9 EPA PANEL MEMBER: The hearing is now on
10 recess until 10:30 a.m., Eastern Time.

11 [Recess taken from 10:20 a.m. to 10:30
12 a.m.]

13 EMCEE: This is IEC, EPA's contractor. It
14 is now 10:30, Eastern, and we are rejoining
15 EPA's public hearing about the proposed rule
16 change to the disposal of coal combustion
17 residuals.

18 At this time, we have no one else scheduled
19 to speak in this slot. There are speakers later
20 this morning, however, and later today.

21 If there is anyone who did not register to
22 speak but would like to, please use the

1 Questions box to identify yourself, and we will
2 get you into the lineup shortly.

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

5 [Pause.]

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

9 EPA, when would you like to reconvene?

10 EPA PANEL MEMBER: The hearing is now on
11 recess until 10:45 a.m., Eastern Time.

12 [Recess taken from 10:35 a.m. to 10:45
13 a.m.]

14 EMCEE: This is IEC, EPA's contractor. It
15 is now 10:45, Eastern, and we are rejoining
16 EPA's public hearing about the proposed rule
17 change to the disposal of coal combustion
18 residuals.

19 At this time, we have no one else scheduled
20 to speak in this block.

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'll now pause to see if anyone else would
4 like to make a statement.

5 [Pause.]

6 EMCEE: At this time, we have no one else
7 scheduled to speak in this time slot.

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

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

14 [Pause.]

15 EMCEE: At this time, we have no one else
16 scheduled to speak in this slot.

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

21 If you are signed up for a speaking slot
22 later today but are ready to speak, please

1 mention that in your Question chat to us.

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

4 [Pause.]

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

7 The expected speaking order will be Amanda
8 Strawderman.

9 EPA, are you ready to proceed?

10 EPA PANEL MEMBER: Yes.

11 Please proceed, and state your name and
12 affiliation for the record.

13 MS. STRAWDERMAN: Hello. This is Amanda
14 Strawderman. I am with Clean Water for North
15 Carolina.

16 EMCEE: Thank you. Please proceed.

17 MS. STRAWDERMAN: First, I'd like to say
18 that his hearing and comment period should have
19 been postponed until after all State orders
20 regarding COVID-19 had ceased.

21 Second, the Federal Government should not
22 be relying solely on virtual hearings where the

1 public is siloed in their homes or offices and
2 not given a chance to gather and speak in person
3 with other concerned individuals.

4 As for the Part B rule, this rule
5 significantly weakens health and environmental
6 protections for communities living near coal ash
7 sites. Allowing any coal ash pit to remain
8 unlined is irresponsible. Ninety-two percent of
9 these coal ash sites have already been shown to
10 be leaking toxic contaminants above Federal
11 health standards, not to mention the
12 contamination that is yet to be regulated.

13 Allowing these sites to continue as they
14 sit, many below the groundwater table, endangers
15 drinking water sources for many Americans.
16 Toxins like arsenic, cobalt, radium, and other
17 carcinogens like hexavalent chromium would be
18 allowed to endanger human health in these
19 communities.

20 And Provision 2, removing the 2015 rule to
21 prohibit additional dumping in current pits only
22 exacerbates the current problem. Fifteen more

1 years of limitless coal ash dumping into pits
2 that are already leaking is outrageous. Many of
3 these pits are disproportionately impacting
4 low-income residents and communities of color,
5 and therefore, that makes this an environmental
6 justice issue that can't be ignored. Any
7 rollbacks of the 2015 rules endanger public
8 health and the environment.

9 Thank you.

10 EMCEE: Thank you for your comment.

11 The next speaker will be Patricia Schuba.

12 EPA, are you ready to proceed?

13 EPA PANEL MEMBER: Yes.

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

16 MS. SCHUBA: Hello. My name is Patricia
17 Schuba, and I'm the president of Labadie
18 Environmental Organization and a citizen of
19 Labadie, Missouri.

20 EMCEE: Thank you. Please proceed.

21 MS. SCHUBA: Good morning. My name is
22 Patricia Schuba, and I live in Labadie,

1 Missouri. It's a small rural town west of St.
2 Louis County and St. Louis City. As I said, I'm
3 the president of Labadie Environmental
4 Organization, and we have been fighting for the
5 cleanup of coal ash pollution in our community
6 since 2009.

7 Our organization of volunteers represents
8 the community of some 2,500 local supporters.

9 Ameren Missouri operates a 2,400-megawatt
10 unscrubbed coal-fired power plant in our
11 community and dumps coal ash in 100-foot-deep
12 unlined coal ash pond sitting almost entirely in
13 the water table in the flood plain of the
14 Missouri River.

15 There are not records of the depth of the
16 second pond on-site, but I've observed
17 personally what appears to be leakage from that
18 pond. So they have two coal ash ponds with some
19 total 15 million cubic yards of toxic waste that
20 they are burying in place. Monitoring as part
21 of the requirements of the 2015 coal ash rule
22 revealed toxic levels of arsenic, molybdenum,

1 mercury--sorry. Not mercury. Boron. There was
2 some 66 percent of the testing done at Labadie
3 that showed exceedances of boron as high as
4 18,200 micrograms per liter and arsenic as high
5 as 35.6 micrograms per liter in 47 percent of
6 those samples submitted. So that's 3.5 times
7 the Federal drinking water standard.

8 This company operates four power plants in
9 the St. Louis region, and the Rush Island Plant
10 in Jefferson County had the highest arsenic
11 levels. They detected 257 micrograms per liter
12 in 52 percent of the samples there.

13 All of these ash ponds at these sites are
14 not slated to be closed, except for beyond this
15 year. So the Sioux plant, that's 2021, and the
16 Meramec plant, which is the oldest in the fleet,
17 in 2023. At Labadie, they're already attempting
18 to bury the sites, and so they're planning the
19 coal ash basin closures in 2020. The volume of
20 waste at Labadie is 15 million cubic yards of
21 waste, which is huge.

22 So I'm participating today. I actually

1 haven't even written out my comments. So I'm
2 participating from my kitchen on my desktop
3 computer because I think it's crucial that you
4 hear from real people living in communities that
5 aren't paid to do any of this advocacy.

6 I'm proud of my neighbors, who for the last
7 almost 10 years have been participating and
8 demanding something better from the EPA. We
9 actually took a group of five people to the
10 original 2010 hearings in Chicago, and we were
11 hopeful that things would be better for people
12 who live in rural Missouri. And we were glad
13 when we got at least some of the basic
14 protections in the 2015 rules. So it is
15 outrageous that at this time, the EPA is trying
16 to roll back many of those protections, I mean,
17 literally to allow a utility to continue to dump
18 and to potentially close an unlined ash pond.
19 It's unbelievable to me and to my neighbors.

20 And we're talking people who've already
21 lost family members and friends and community
22 members to cancer. I live with an autoimmune

1 disease. My sister is currently being worked up
2 for an autoimmune disease. Why would the EPA,
3 the agency that represents the value of science
4 and making good policy--why would you at this
5 time be doing this?

6 And I can only surmise that our lives have
7 become a political football, and so under your
8 current leadership, which literally is a former
9 lobbyist for the coal industry, this has to
10 be--and I'm speaking to the people who work at
11 the EPA, the people who are the scientists and
12 the policy people who are there day in and day
13 out, no matter who the President is and who the
14 administration is. I'm speaking to you right
15 now that you potentially try to do what's right,
16 and I understand how that can be difficult if
17 your bosses are telling you to do something
18 different.

19 But there's no reason to have hearings
20 during a pandemic, and there's no reason to roll
21 back protections that protect communities like
22 mine.

1 EMCEE: Thank you for your comment.

2 Unfortunately, we're required to limit
3 every comment to 5 minutes to ensure that all
4 speakers have an equal opportunity, even if
5 there are no additional speakers waiting.
6 You've reached the 5 minutes.

7 However, we encourage you to provide your
8 full comment and any additional comments of any
9 length to EPAwebinar@indecon--that's
10 i-n-d-e-c-o-n--dot-com, which is the email that
11 your received your speaking time slot from.

12 Our next speaker will be Indra Frank.

13 EPA, are you ready to proceed?

14 EPA PANEL MEMBER: Yes.

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

17 MS. FRANK: Indra Frank. I'm the director
18 of Environmental Health and Water Policy for the
19 Hoosier Environmental Council.

20 EMCEE: Indra, could you try getting closer
21 to the microphone? You're a little bit
22 static-y.

1 MS. FRANK: Okay. Yeah. My name is Indra
2 Frank. Is that better?

3 EMCEE: It's still pretty scratchy but a
4 little bit louder. We'll give you a minute to
5 see if we can find a better position.

6 MS. FRANK: Okay. Is that better?

7 EMCEE: Unfortunately not. You know, let's
8 do our best, and then perhaps we can get a
9 written statement afterwards, if it breaks up.

10 MS. FRANK: Or I could call in, if you want
11 to get to the next speaker and then come back to
12 me.

13 EMCEE: Yes. Let's do that. I think
14 that's a great idea. Thanks for your patience.

15 MS. FRANK: Okay.

16 EMCEE: So while we wait to get Indra back
17 on the line, if there's anyone else who would
18 like to make a statement, please send a message
19 to our staff via the Questions box, and we will
20 get you into the lineup.

21 We'll just pause and see if anyone else
22 would like to make a statement or we get Indra

1 back.

2 [Pause.]

3 EMCEE: We'll continue with our comments.

4 The next speaker will be Wesley Chuang,
5 followed by Laura Davis. And then we'll circle
6 back to Indra Frank.

7 The next speaker will be Wesley Chuang.

8 EPA, are you ready to proceed?

9 EPA PANEL MEMBER: Yes.

10 Please proceed, and state your name and
11 affiliation for the record.

12 MR. CHUANG: Okay. Hi. So thank you.

13 First, I want to thank you, EPA, for this
14 opportunity to speak from the comfort of my
15 home, but I also want to see in the future that
16 there should be public hearings at different
17 places in the country because most of the time,
18 the front-line communities are the ones
19 who--sorry. Did I mention my name and
20 affiliation?

21 EMCEE: No. That would be great. Please
22 say that now.

1 MR. CHUANG: My name is Wesley Chuang, and
2 I'm a concerned citizen living in California,
3 and I don't live close to a coal ash pond
4 facility or anything related to that, but I'm
5 just concerned for my fellow citizens living in
6 those areas.

7 And to continue from where I left off, I
8 just want to say in the future, EPA should
9 conduct public hearings in those communities
10 also and not just all virtual and not at a time
11 where we're facing a pandemic crisis. So that's
12 just something you should be doing in the
13 future.

14 And my second point is it's not very fair
15 for EPA to conduct hearings in person with the
16 coal and energy industry back in November last
17 year and just conduct hearings online for the
18 public at this time. So there's a double
19 standard right there.

20 So that's it. That's the end of my
21 comment.

22 EMCEE: Thank you for your comment.

1 The next speaker will be Laura Davis,
2 followed by Indra Frank.

3 EPA, are you ready to proceed?

4 EPA PANEL MEMBER: Yes.

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

7 MS. DAVIS: I think I just unmuted. My
8 name is Laura Davis, and I live in Inverness,
9 Illinois.

10 And first of all, I must say that the
11 timing of this is very suspect, that when the
12 country is dealing with a pandemic and this is
13 supposed to be a public hearing, where a lot of
14 people may actually access if they want to
15 communicate or a computer through their library,
16 where they can't even get access into a library
17 right now.

18 But I know that the studies regarding the
19 dangers of coal ash, they go back years, and the
20 history of leaking of coal ash pits. Some of
21 the byproducts of the coal ash has been these
22 things that are used as seal coats, which have

1 also been demonstrated to increase carcinogens
2 in the water, in the runoff, in the streams,
3 from even driveways, and then carried into the
4 home where particularly little children are very
5 vulnerable, as it's in the carpet, and they'll
6 be walking across or playing on the ground on
7 their carpet in their own home and be exposed to
8 these carcinogens.

9 But these carcinogens, which include
10 arsenic or lithium or radium, they're very well
11 documented. Why would it even be considered to
12 allow unlined coal ash pits? There is a major
13 danger to humans, public health, animals, the
14 environment. It is also--why would it be all
15 right to allow such shortsighted rule changes
16 for something so clearly dangerous?

17 The EPA is the Environmental Protection
18 Agency, and it needs to act to protect our
19 environment.

20 Thank you very much for this opportunity.

21 EMCEE: Thank you for your comment.

22 The next speaker will be Indra Frank.

1 EPA, are you ready to proceed?

2 EPA PANEL MEMBER: Yes.

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

5 EMCEE: And please state your name and
6 affiliation for the record also, Indra.

7 MS. FRANK: Yeah. This is Indra Frank. I
8 serve as the director of Environmental Health
9 and Water Policy for the Hoosier Environmental
10 Council.

11 EMCEE: Thank you. Please proceed.

12 MS. FRANK: Thank you for the opportunity
13 to speak.

14 First, I would like to register my dismay
15 with EPA for pushing ahead aggressively with two
16 major coal ash rulemakings concurrently in the
17 setting of a pandemic.

18 Next, I'd like to register opposition to
19 the proposals for alternate liner and for the
20 use of CCR in units subject to close for cause.

21 The EPA is proposing to allow facilities to
22 request approval to operate with an alternate

1 liner based on the hydraulic conductivity to
2 underlying soil. EPA is proposing that this
3 alternate liner designation would be open to
4 coal ash impoundments that are in compliance
5 with all of the location restrictions and where
6 there is no indication of groundwater impact.

7 One ash pond in Indiana meets these the
8 criteria: The Clifty Creek boiler slag pond.
9 That would mean this pond that is otherwise
10 required to close because it is unlined would
11 stay open and continue to receive coal ash.

12 This is problematic for two reasons.
13 First, even though the Clifty Creek boiler slag
14 pond has no SSI in its groundwater record, it
15 should have them. The reason no SSI were found
16 was because the pond's monitoring wells were
17 compared to background wells that are impacted
18 by coal ash. Two of the wells' designated
19 backgrounds are downgradient from the ash pond,
20 and several of them have elevated contaminants
21 consistent with coal ash impact.

22 The alternate liner proposal says that

1 facilities that have improperly placed
2 groundwater monitoring wells would not be
3 eligible; however, placement of groundwater
4 monitoring wells has not had any oversight due
5 to the self-implementing nature of the CCR rule.

6 Of the 15 Indiana power plants subject to
7 the CCR rule, 10 have monitoring wells they call
8 "background" that are in fact impacted by coal
9 ash.

10 The second reason it would be problematic
11 to continue use of the boiler slag pond at
12 Clifty Creek by designating it lined with this
13 proposal is that this ash pond is entirely
14 located within the 100-year flood plain of the
15 Ohio River. Given the increasing frequency of
16 so-called "hundred-year floods," coal ash
17 storage should not be allowed even within the
18 current 500-year flood plain.

19 If EPA decides to proceed with this
20 alternate line of proposal, I would strongly
21 suggest that it require true background wells
22 that are unimpacted by coal ash and that the ash

1 ponds be located entirely above the 500-year
2 flood plain.

3 This Part B rule revision also includes a
4 proposal for coal ash ponds closing for cause to
5 receive additional CCR after their deadline if
6 they're in compliance with the location
7 restrictions for unstable areas. Indiana has 11
8 power plant sites that would have eligible ponds
9 under these criteria; however, 9 of those 11 are
10 in the flood plain of a major river or the flood
11 plain of Lake Michigan. Ten of the 11 have
12 contaminated underlying aquifer, rendering it
13 unsafe for human consumption.

14 These are sites where the ash should be
15 removed and taken to a lined landfill on high
16 ground. These are not sites where more coal ash
17 should be added.

18 Let me provide details of one of these
19 sites, the Harding Street Power Plant in
20 Indianapolis. The Harding Street site has a
21 total of 3.5 million cubic yards of coal ash
22 sitting in eight unlined ponds within several

1 hundred feet of the White River. The bottom of
2 the ash sits at an elevation of 570 feet. Flood
3 stage for the White River at that location is
4 673.4 feet, which is only 3.4 feet above the
5 base of the ash, and flood stage is reached
6 almost yearly.

7 The utility has proposed to close the ash
8 at Harding Street in place, and the pond could
9 be eligible to receive more CCR under this
10 current proposal. This is not a site that
11 should receive more CCR. The river goes into
12 flood stage regularly, and this is a stretch of
13 river that has been shown to meander. So the
14 course of the river could shift.

15 The cover built over the ash if it is
16 closed in place will be susceptible to the
17 repeated flood waters and potentially to the
18 shifting course of the river. The river could
19 erode into the cover and create a massive ash
20 spill. That spill will be even larger if more
21 CCR is added via this proposal.

22 The coal ash that sits in flood plains

1 should be removed, not added to. The same is
2 true of coal ash in seismic or fault zones,
3 where seismic activity could disrupt the cover
4 over the ash and lead to a massive spill. This
5 is not a location for adding more ash.

6 According to the proposal, locations where
7 the ash is already contaminating the groundwater
8 would also be eligible to receive more ash and
9 compound the contamination problem. These are
10 also not locations that should receive
11 additional ash.

12 In summary, the proposals to allow
13 alternate liners in ash ponds and to allow the
14 addition of ash to ponds that are closing for
15 cause will lead to additional threats to human
16 health and the environment in Indiana
17 neighborhood elsewhere. I urge EPA to abandon
18 these proposal.

19 Thank you.

20 EMCEE: Thank you for your comment.

21 The next speaker will be Virginia Richard.

22 EPA, are you ready to proceed?

1 EPA PANEL MEMBER: Yes.

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

4 EMCEE: Virginia, I think we're having a
5 little bit of trouble with your audio. We're
6 going to work with you and see if we can get it
7 there. If you're dialing in on the phone, then
8 you'll need to enter your PIN. If you're using
9 computer audio, then that is not registering at
10 the moment. We'll give it one more minute, and
11 then we might reach out to you by chat.

12 [Pause.]

13 EMCEE: Okay. Virginia, we'll work this
14 out with you by chat. We'll circle back.

15 The next speaker will be Chelsea Easter.

16 I'm going to just pause for a second to
17 make sure that Chelsea is ready. So we'll just
18 sit tight for one minute.

19 [Pause.]

20 MS. EASTER: Okay. We will now proceed
21 with our public comments.

22 The next speaker will be Chelsea Easter.

1 EPA, are you ready to proceed?

2 EPA PANEL MEMBER: Yes.

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

5 MS. EASTER: My name is Chelsea Easter. I
6 work for SouthWings in Asheville, North
7 Carolina.

8 EMCEE: Thank you. Please proceed.

9 MS. EASTER: Thank you.

10 This is going to be very short. I'm only
11 speaking today because it's painfully obvious
12 that scheduling a public hearing during this
13 time of crisis in our country has negatively
14 impacted the number of folks that turned out to
15 make statements. This hearing should have been
16 rescheduled until after the stay-at-home orders
17 had been lifted.

18 I chose to speak today because you have to
19 hear our concerns. I'm joining voices with all
20 the other folks who have spoken here today as
21 well as everyone who is just as concerned but
22 understandably were not able to join.

1 These revisions of the CCR rule would cause
2 devastating impacts. Please do not accept these
3 proposed changes.

4 Using restrictions on the lining of
5 impoundments will lead to leaks, which will lead
6 to groundwater and contamination, which will
7 deteriorate health, and we know that because it
8 has been clearly documented for several years.

9 No one wants to drink poisoned water, and
10 it's sad that the U.S. Government is still
11 willing to put American lives at risk just to
12 appease the coal industry. If you do accept
13 these changes, you'll not be adhering to the
14 standards in the Resource Conservation and
15 Recovery Act, which requires you to ensure that
16 there is no reasonable probability of that on
17 health or the environment.

18 You are the Environmental Protection
19 Agency. Why would you agree to any provision
20 that opposes that goal? Please protect the
21 environment. Protect our lives.

22 Thank you.

1 EMCEE: Thank you for your comment.

2 We are continuing to work with Virginia
3 Richard on the audio issue.

4 If there is anybody else who would like to
5 speak but has not registered, please use the
6 Questions box to identify yourself, and we will
7 get you into the lineup shortly.

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

10 [Pause.]

11 EMCEE: We'll continue with our public
12 comments.

13 Virginia is our next speaker, Virginia
14 Richard.

15 EPA, are you ready to proceed?

16 EPA PANEL MEMBER: Yes.

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

19 MS. RICHARD: Hi. My name is Virginia
20 Richard. I live in Bulbancha, which is now
21 known as New Orleans, and I am the Gulf program
22 manager for SouthWings.

1 EMCEE: Thank you. Please proceed.

2 MS. RICHARD: Thank you for this
3 opportunity to comment.

4 I would like to draw attention to the fact
5 that many people directly affected by these
6 rollbacks are not able to attend this brief
7 virtual hearing because they are at work, do not
8 have reliable internet access, and/or face other
9 obstacles to participation.

10 In fact, I strongly oppose EPA's decision
11 to proceed with today's hearing during a global
12 pandemic and national health emergency. By
13 refusing to delay today's hearing or even extend
14 the public comment period on this proposal, the
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 Proceeding today also eliminates a critical
20 right of the public to meaningfully participate
21 in the rulemakings and directly address the EPA
22 on the issue.

1 The EPA should pause this process
2 immediately, extend the comment period, and
3 provide a chance for the public to participate
4 when this crisis is over.

5 I myself have only been able to participate
6 in virtual hearings, and that's because my work
7 time allows for it. If those in-person hearings
8 were feasible for me to attend, I certainly
9 would.

10 As the Gulf program manager for SouthWings
11 and as a private citizen, I'm calling today to
12 speak out in opposition to EPA's proposal to
13 weaken the 2015 effluent limitation guidelines.
14 Rather than removing more critical toxic water
15 protections for power plants, EPA must
16 strengthen the rules and regulations that keep
17 toxic substances out of our water.

18 Not only will my program area be heavily
19 impacted, so will people whom I hold dear who
20 live in these areas. For example, Alabama has 9
21 coal-fired power plants with at least 44 coal
22 ash ponds resting on rivers and creeks

1 throughout the State. These plants produce 3.2
2 million tons of coal ash every year, and because
3 of the high quantity of toxic heavy metals,
4 Alabama houses the most toxic coal ash of any
5 other State in the United States.

6 Over 1.5 million children live near coal
7 ash storage sites, and 70 percent of all coal
8 ash leaking disproportionately impact low-income
9 communities. EPA found that some coal ash ponds
10 pose a 1:50 risk of cancer to residents drinking
11 the contaminated water, a risk 2,000 times higher
12 than EPA's regulatory goal.

13 The vast majority of States do not require
14 adequate monitoring or liners to stop the
15 release of toxic chemicals, nor do they ensure
16 that massive earthen dams are maintained safely.

17 States have routinely failed to protect
18 their citizens from coal ash, as was evident in
19 North Carolina's recent handling of the Dan
20 River coal ash spill.

21 This new proposal would allow coal plants
22 to discharge millions of gallons of coal ash

1 wastewater daily, even though the technology to
2 eliminate all ash discharges is widely used and
3 affordable. It would also allow higher levels
4 of arsenic and selenium in scrubber sludge
5 discharge to lakes and rivers and give plants up
6 to 5 years to come into compliance. That's 5
7 years that we do not have. That's' 5 years of
8 exposure in our communities who are already
9 bearing the brunt of this pollution. That 5
10 years can mean the difference of life and death
11 for many of our people.

12 Finally, this proposal would carve dozens
13 of coal plants out from even these weakened
14 standards. The poor and minorities already bear
15 a largely disproportionate burden of health
16 risks and death when it comes to where we work
17 and live. These rollbacks amount to wanton
18 disregard of the lives of many Americans for the
19 temporary marginal financial gain of a few.

20 It is unconscionable that any agency or
21 individual could allow these delays and
22 rollbacks to happen. No amount of money is

1 worth a human life, but putting prices on heads
2 is exactly what EPA is doing.

3 And that concludes my testimony.

4 EMCEE: Thank you for your comment.

5 The next speaker will be Christine Alt.

6 EPA, are you ready to proceed?

7 EPA PANEL MEMBER: Yes.

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

10 [No audible response.]

11 EMCEE: Christine, I believe you might have
12 yourself on mute. Can you double-check that and
13 then state your name and affiliation?

14 [No audible response.]

15 EMCEE: Christine, please proceed--oh, it
16 looks we might have just lost you. Let's try
17 one more time. We can always circle back.

18 [Pause.]

19 EMCEE: Okay. We will circle back to
20 Christine.

21 If there is anyone else who was not
22 scheduled--who did not register to speak today

1 but would like to speak, please use the
2 Questions box, and we will get you into lineup
3 shortly.

4 We'll continue to pause to see if we can
5 work out the audio issues with Christine Alt and
6 wait and see if anybody else would like to make
7 a statement.

8 [Pause.]

9 EMCEE: We'll now continue our public
10 comments.

11 The next speaker will be Christine Alt.

12 EPA, are you ready to proceed?

13 EPA PANEL MEMBER: Yes.

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

16 [No audible response.]

17 EMCEE: Christine, please make sure you're
18 not self-muted. We have opened up your line.

19 [Pause.]

20 EMCEE: Christine, please proceed.

21 [No audible response.]

22 EMCEE: Christine Alt, please proceed.

1 [No audible response.]

2 EMCEE: You are unmuted, although we are
3 unable to hear you if you are speaking.

4 [Pause.]

5 EMCEE: We'll just wait one more minute and
6 see if we can work through these audio issues,
7 and then we can move on and circle back to her.

8 [Pause.]

9 EMCEE: Christine, if you're on audio
10 through your computer, it might be helpful to
11 switch into audio on your phone. Sometimes
12 switching can help, although it does look like
13 you are unmuted and should be able to speak.

14 [Pause.]

15 EMCEE: Okay. We'll go ahead and move on
16 to our next speaker, and, Christine, we'll
17 circle back to you. And we will continue to
18 work with you on your audio issues.

19 The next speaker will be Lloyd Klinedinst.

20 The next speaker will be Lloyd Klinedinst.

21 EPA, are you ready to proceed?

22 EPA PANEL MEMBER: Yes.

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

3 MR. KLINEDINST: Okay. Lloyd Klinedinst,
4 Villa Ridge, Missouri. I am with the Labadie
5 Environmental Organization, which represents
6 over 2,500 members.

7 I want to firmly and strongly recommend
8 that we delay any decisions on action because of
9 the stressing factors of the current COVID-19
10 stay-at-home procedure, the fact that we live in
11 a rural area and our citizens don't have good
12 broadband access to the internet and can't get
13 to the libraries which are closed for access.
14 It is also Passover week. Today is Seder and
15 Eastern season as well, Easter week. All of
16 these are factors which militate against a valid
17 and open public hearing.

18 So, with that, we try to--we sent out a
19 survey to a number of our--to our members and
20 within 24 hours got 36 responses, and 63.3
21 percent do suffer from complications due to coal
22 ash and are under medical attention with regard

1 to that. 74.2 percent believed that their lives
2 are shortened because of living in the proximity
3 of coal ash plants.

4 So it is very important that the EPA do
5 everything in its power to return to the 2015
6 regulations and even strengthen them, if at all
7 possible.

8 I live within a 10-mile radius of the even
9 larger 40-mile radius of the Labadie plant's
10 sulfur dioxide emissions, and at the last look,
11 this plant is also the nation's fourth largest
12 CO2 coal-fired plant polluters. It's
13 devastating our land, our water, and our air.

14 Missouri is known as karst country because
15 of its underwater rivers. Now, imagine that
16 underground beauty transmogrified into a sewer
17 system delivering its deadly waste throughout
18 our land, and that was known since as early as
19 1992 when an unlined coal ash pond at the
20 Labadie plant, the largest coal ash plant in the
21 State, has been leaking some 50,000 gallons of
22 coal ash waste per day.

1 Again, I encourage you to please, please
2 consider our health and the health of this
3 citizen's--all across the land, actually.

4 Thank you for considering my testimony.
5 That is all.

6 EMCEE: Thank you for your comment.

7 The next speaker will be Christina Alt.

8 EPA, are you ready to proceed?

9 EPA PANEL MEMBER: Yes.

10 Please proceed, and state your name and
11 affiliation for the record.

12 MS. (Christine) ALT: My name is Christine
13 Alt. Can you hear me?

14 EMCEE: Yes, we can. Please proceed.

15 MS. (Christine) ALT: Oh, thank goodness.
16 I've been trying for a little while. I hope I
17 do not lose you.

18 I am speaking to you from my home because
19 in Missouri, we are under stay-and-home order
20 from the governor, from Governor Parsons, and
21 due to the pandemic, we are taking great caution
22 because people in our home and our family are in

1 at-risk groups.

2 My name is Christine Alt, and as I said, I
3 am a person who resides in Labadie, Missouri. I
4 have lived my entire life less than 5 miles from
5 the Ameren Labadie coal-fired plant.

6 It went online when I was a baby. My
7 husband and I and our two children live even
8 closer to it now. My entire family is directly
9 impacted by the largest coal-fired plant in
10 Missouri, and it has no scrubbers.

11 Our family relies on well water. Our
12 children attended a school that is less than one
13 more from the plant, and the pollutant is held
14 in leaking ponds and now the gigantic dump site
15 that is in our flood plain.

16 My mother-in-law died of lung cancer
17 without being a smoker. My father-in-law died
18 from heart disease. My mother has had cancer.
19 My son has an unexplained respiratory issue, and
20 my husband and I frequently cough without having
21 colds.

22 We now know how dangerous all of the

1 components of getting energy from coal ash are
2 for people and especially children and specialty
3 groups. While I am by no means an expert, I am
4 an angry parent. We do not need an expert to
5 tell us that not having scrubbers to protect us
6 is not good. We do not need an expert to tell
7 us that heavy metals being dumped and stored in
8 definitely in a flood plain is not good. We do
9 not need an expert to tell us that having
10 pollutants in the air we breathe is not good.
11 We do not need an expert to tell us that having
12 heavy metals leaching into our water that we
13 drink is not good. We do not need an expert to
14 tell us we are safe, because that would be a
15 lie, and those of us exposed to growing up and
16 living close to coal-fired power plants like the
17 Ameren plant in Labadie, Missouri, are not safe.
18 And we know it is not good.

19 What we do need is a strong and devoted EPA
20 which says no to rolling back the 2015
21 protections. Experts have said that those
22 protections were not even strong enough to

1 protect enough, but now you consider even less
2 protection for what or for whom? For industry
3 or profit?

4 What we do need is an EPA to perform the
5 duty to protect our health and the environment
6 from coal ash. What we do need is for you to
7 guarantee that my family and others like mine
8 have safe water, clean air, and a healthy
9 environment in which to live, free from toxic
10 waste.

11 We need you to hold polluters accountable
12 and not to ignore the damage to our health and
13 to our natural resources.

14 So please in this time of a pandemic,
15 realize and follow your duty to strengthen the
16 2015 coal ash rules, not weaken them.

17 You exist, the EPA exists and was created
18 to protect the American public, my family and
19 all of those like mine, not to ignore us and to
20 protect companies that profit from slowly
21 killing us all.

22 You should be encouraged for public

1 participation in all that you do and listen to
2 the voices of those residents like mine, even
3 when it's very difficult to get through.

4 I have to say that I personally am very
5 angry that access to this is so limited on a
6 good day in rural Missouri for residents, and
7 during a global pandemic that is currently
8 happening, this is ridiculous and unprecedented.

9 If the Part B proposal is finalized, you
10 will be responsible for allowing utilities like
11 Ameren in Labadie to continue to dump enormous
12 amounts of toxic ash into unlined and leaking
13 coal ash ponds that are located in our
14 groundwater, in our flood plains, and in
15 unstable areas that they are located in.

16 Withdraw your proposal and do what you are
17 supposed to be doing, which is to protect people
18 and the environment.

19 I have given my testimony before, and in
20 fact, I testified last in December. It was a
21 little bit easier then when we weren't in a
22 pandemic. I went and used high-speed internet

1 at my mom's house.

2 I strongly oppose your decision to proceed
3 with this hearing during a time of a national
4 health emergency, but think of the message at
5 this time in a global pandemic. It should be
6 even clearer to you.

7 EMCEE: Thank you for your comment.

8 Unfortunately, we are required to limit
9 every comment to 5 minutes to ensure that all
10 speakers have equal opportunity, even if there
11 are no additional speakers waiting.

12 You have reached the 5 minutes; however, we
13 encourage you to provide your full testimony and
14 any additional comments of any length to
15 EPAwebinar@indecon.com, which is the email that
16 you received your speaking slot from.

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

19 If there is anyone who did not register to
20 speak today but would like to, please use the
21 Questions box to identify yourself, and we will
22 get you into the lineup 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 this 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'll continue to pause to see if anyone
11 else would like to make a statement.

12 [Pause.]

13 EMCEE: We have no more speakers lined up
14 for the time being. So we will begin a brief
15 recess.

16 EPA, when would you like to reconvene?

17 EPA PANEL MEMBER: The hearing is now on
18 recess until 12:15 p.m., Eastern Time.

19 [Recess taken from 11:55 a.m. to 12:15
20 p.m.]

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

22 It is now 12:15, Eastern, and we are

1 rejoining EPA's public hearing about the
2 proposed rule change to the disposal of coal
3 combustion residuals.

4 The expected speaking order for the next
5 half hour will be Kate Wasserman.

6 EPA, are you--oh, actually--excuse me. I
7 will be introducing each speaker in turn, but
8 please wait for EPA to ask you to proceed before
9 starting your comment.

10 The first speaker will be Kate Wasserman.

11 EPA, are you ready to proceed?

12 EPA PANEL MEMBER: Yes.

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

15 [No audible response.]

16 EMCEE: Kate, please proceed.

17 [No audible response.]

18 EMCEE: Kate, you have been unmuted, and as
19 long as you are not self-muted, you should be
20 able to begin your comment.

21 [Pause.]

22 EMCEE: Kate Wasserman, please begin your

1 comment.

2 MS. WASSERMAN: Hi.

3 EMCEE: Hello. Please state your name and
4 affiliation for the record.

5 MS. WASSERMAN: Hold on. I got to put my
6 headset in.

7 Okay. Can you hear me?

8 EMCEE: Yes.

9 MS. WASSERMAN: All right. My name is Kate
10 Wasserman, and I don't have an affiliation.

11 EMCEE: Please proceed with your comment.

12 MS. WASSERMAN: Yeah. I'm very concerned
13 about the rollback of the 2015 coal ash rule
14 safeguards, and I'm in opposition to EPA's
15 proposal to weaken those safeguards at this
16 time.

17 The reason I am speaking today is because I
18 love this country. I live in Texas, in Houston,
19 and I'm not directly dealing with large amounts
20 of coal ash dumping in waterways nearby, but I
21 know that it's happening in this country. And
22 there's a solid knowledge about the pollution

1 that is hazardous to our health coming from coal
2 ash, like arsenic and chromium and radium,
3 lithium, and lead, and I feel so strongly that
4 we need the EPA to do its job in terms of
5 protecting our environment and human health by
6 protecting our environment and letting other
7 organizations deal with whatever economic
8 consequences there might be hurting industries
9 or whatever. But the EPA's job is to work to
10 save Americans' lives by making policies that
11 protect our environment and therefore protect
12 our health.

13 I care so much about this country. I love
14 getting to experience its fast beauty in water
15 and the mountains. There is so much in regards
16 to life about just being as humans in these
17 places in the world that does not have to do
18 with industry, and we need to protect those
19 places. We need to protect our water and
20 protect basically just humans exposure to these
21 chemicals, and the rule that is currently in
22 progress is in order to confine coal ash so that

1 it does not leak into waterways, which are
2 particularly vulnerable places to spread, to
3 spread, you know, chemicals to human lives.

4 Thank you.

5 EMCEE: Thank you. Thank you for your
6 comment.

7 The next speaker would be Ella Alt.

8 EPA, are you ready to proceed?

9 EPA PANEL MEMBER: Yes.

10 Please proceed, and state your name and
11 affiliation for the record.

12 MS. (Ella) ALT: Can you hear me?

13 EMCEE: We can, yes. Please proceed.

14 MS. (Ella) Alt: Hello. My name is Ella
15 Alt. I am 13 years old and live in Labadie,
16 Missouri.

17 I am trying to speak between Zoom classes
18 because my school is from nine o'clock until
19 four o'clock here, and we are in the middle of a
20 global pandemic with Missouri under a
21 stay-and-home order.

22 We don't have high-speed internet here at

1 my house because we are not on any major road

2 and live in the woods.

3 My home is also close to the Ameren,

4 Missouri, Labadie plant. This plant is the

5 largest in Missouri. It doesn't have scrubbers

6 to protect us from the harmful toxins that are

7 put out daily. They dump 600,000 pounds of coal

8 ash each year into unlined ponds and the new

9 dump site in our Missouri River flood plain.

10 The Ameren, Missouri, Labadie plant is one

11 of the nation's largest coal ash and coal-fired

12 power plant polluters, and it is the largest

13 unscrubbed power plant still operating. So they

14 currently pollute my air and water.

15 You need to protect our environment and

16 everyone in the United States. Do your job as

17 the EPA.

18 Thank you.

19 EMCEE: Thank you for your comment.

20 The next speaker will be Richard Stuckey.

21 EPA, are you ready to proceed?

22 EPA PANEL MEMBER: Yes.

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

3 MR. STUCKEY: Good morning. My name is
4 Richard Stuckey. That's S-t-u-c-k-e-y. I live
5 in Chicago Illinois. I'm a board member of Save
6 Our Illinois Land, a small environmental
7 organization dedicated to stopping the expansion
8 of crude oil pipelines in Illinois. I'm also
9 active in the Sierra Club and a member of many
10 other environmental organizations.

11 Thank you for this opportunity to comment
12 on the proposal to weaken the 2015 coal ash
13 rules.

14 I testified to the EPA in 2010 on coal ash,
15 and those hearings contributed to the 2015 coal
16 ash rules. I'm calling in today to speak in
17 strong opposition to the EPA's proposal to
18 weaken the 2015 coal ash rules. I strongly
19 oppose the EPA's decision to proceed with
20 today's hearing during the global coronavirus
21 pandemic. EPA should suspend these hearings,
22 extend the comment period, and provide an

1 opportunity for the public to participate when
2 the pandemic is over.

3 Coal ash contains a brew of hazardous
4 pollutants, such as arsenic, boron, chromium,
5 lead, radium, selenium, and more, which can
6 severely harm human health, fish, and wildlife.
7 The levels of multiple pollutants found in coal
8 ash ponds exceed levels that are safe for
9 humans. Most coal ash ponds are located close
10 to rivers and lakes because the plants that
11 generate need water for cooling. They're also
12 susceptible to flooding. With the increased
13 frequency and heavy storms that result from our
14 growing climate disaster, when coal ash ponds
15 burst or overflow their banks, they flood into
16 rivers and lakes that are the drinking water
17 source for millions of people. Even if they are
18 not flooding, these ponds are unlined, and the
19 poisons in them leach into the underground
20 waterways and contaminate drinking water and
21 wells.

22 Not far from where I live, there is the NRG

1 subsidiary Midwest Generation Waukegan
2 coal-fired power plant on the very shore of Lake
3 Michigan. Arsenic in that coal ash pond exceeds
4 safe levels in groundwater, monitoring wells by
5 2,000 times. Boron is more than 11 times EPA's
6 health threshold and more than 16 times the
7 Illinois drinking water standard. Chromium
8 exceeds safe levels by more than 480 times.
9 Lithium, molybdenum, and sulfate also exceed
10 safe levels many times over. This is typical
11 the pollution levels found in coal ash ponds
12 near active or retired coal-fired power plants
13 in Illinois and elsewhere.

14 As a result of the 2015 coal ash rules
15 monitoring and reporting requirements, we now
16 know the severity of the coal plants' pollution
17 of groundwater. Once groundwater is polluted,
18 it is extremely difficult to stop the
19 contamination unless the source of the pollution
20 is removed. In most cases, dangerous coal ash
21 will be left where it is, continue to pollute
22 waters for decades and centuries to come.

1 The EPA's duty is to protect the health and
2 well-being of Americans. That includes
3 protecting them from the dangers of coal ash.
4 EPA's job is to ensure safe water, clean air,
5 and a healthy environment free from toxic waste.
6 The EPA's job is not to featherbed and subsidize
7 producers, polluters, and exacerbate the damage
8 caused to our health and natural resources by
9 allowing polluters to walk away from the toxic
10 filth they have created.

11 An order from the Federal court in 2018
12 requires the EPA to strengthen the 2015 coal ash
13 rules, not to weaken them. The EPA is not
14 responsible for and should not consider changing
15 the commonsense rules put in place in 2015 in
16 order to increase the profits for the polluters
17 at the expense of the health h of Americans.

18 These are the same polluters responsible
19 for a large portion of the greenhouse gases they
20 have dumped into the atmosphere for decades that
21 are causing untold tragedies to our planet.
22 Rules for fake demonstration projects that allow

1 unlined ponds to remain open for an unlimited
2 period of time are just unacceptable gifts to
3 the polluters at the expense of public health.
4 The rules that allow ponds that are known to be
5 leaking hazardous chemicals that were required
6 to be closed under the 2015 rules should be
7 closed and cleaned up and not allowed to stay
8 open and receive additional millions of tons of
9 coal ash, even if they are structurally unstable
10 or located in dangerous locations.

11 The EPA should be requiring companies to
12 dig up coal ash dumped in unlined pits, clean up
13 waters already polluted by coal ash, and
14 strengthen standards against continued
15 contamination from other coal ash dumps. If the
16 EPA does not take strong action, harm to water
17 resources will continue and get worse, and coal
18 ash contamination will endanger aquatic
19 ecosystems and the health of Americans for
20 generations to come. Please do your job for
21 which your organization was created.

22 Thank you. Have a good day.

1 EMCEE: Thank you for your comments.

2 If you have a written testimony prepared,
3 we would appreciate it if you can send it to
4 EPAwebinar@indecon.com. That's the email that
5 you received your speaking slot from. Richard,
6 sometimes your audio cut out a little bit, and
7 we want to make sure we have it properly in the
8 record.

9 At this time, we have no other speakers
10 signed up for this slot. However, if you would
11 like to speak, please use the Questions box to
12 identify yourself, and we will get you into the
13 lineup shortly.

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

16 [Pause.]

17 EMCEE: We have no one else scheduled to
18 speak during the current time slot.

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 have no more speakers lined up
5 for this current time being, so we will begin a
6 brief recess.

7 EPA, when would you like to--oh. Actually,
8 hang on one second. I think we do have a
9 speaker. One moment.

10 [Pause.]

11 EMCEE: We'll now continue with our public
12 comments.

13 The next speaker will be Alessia Eramo.

14 EPA, are you ready to proceed?

15 EPA PANEL MEMBER: Yes.

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

18 MS. ERAMO: Okay. Here I am. Hi. My name
19 is Alessia Eramo, and I'm from Clifton, New
20 Jersey. I follow the Sierra Club. I wouldn't
21 say I'm particularly involved, but I'm also on
22 the Environmental Commission of my city in New

1 Jersey, where we're very familiar with
2 environmental contamination. And I have a Ph.D.
3 in environmental engineering. So I have, I
4 guess, advanced knowledge of the link between
5 human health and environmental pollution.

6 I'm calling today to speak--sorry. I'm
7 calling today to speak out in opposition to
8 EPA's proposal to weaken the 2015 coal ash rule
9 safeguards.

10 First of all, I oppose EPA's decision to
11 proceed with today's hearing, given the national
12 health emergency we are now facing. The comment
13 period for these changes should have been
14 extended, and today's hearing should have been
15 delayed. And by refusing to do this, the EPA
16 and the Trump administration is failing to take
17 seriously the impact this proposal will have on
18 millions of Americans and communities impacted
19 by coal ash pollution.

20 The need to do this virtually in these
21 times also means that the public will have less
22 of an opportunity to comment. So I ask that the

1 EPA pause this process and extend the comment
2 period until after we return to our normal lives
3 post the COVID-19 pandemic.

4 The duty of the EPA is to protect people
5 and the environment and work towards safe water,
6 clean air, and a healthy environment. EPA
7 should not ignore the damage done to people's
8 health when polluters are allowed to dump
9 hazardous waste into their communities.

10 EPA needs to look at the science and the
11 data to enforce regulations that protect people,
12 not weaken the regulations.

13 I have a Ph.D. in environmental
14 engineering. So I'm very familiar with the harm
15 that pollution does to the American people
16 throughout the country, and I also know about
17 the controls that can be instituted to mitigate
18 these harms.

19 The EPA's mandate is to protect people.
20 You can't simply throw out protections from
21 toxic pollution out the window. As a government
22 agency, you also should not override court

1 orders. Despite a 2018 Federal court order
2 requiring closure of unlined coal ash ponds,
3 this proposal allows their indefinite operation.
4 This does not protect people or the environment.

5 This proposal would also allow dangerous
6 ponds that were required to be closed by the
7 2015 coal ash rule to continue to operate. This
8 also does not protect people or the environment.

9 Instead and all, this proposal will expose
10 more Americans to carcinogens like arsenic,
11 hexavalent chromium, and radium; neurotoxins
12 like lithium and lead; and poisons that kill
13 fish and wildlife, like selenium and cadmium.

14 In summary, this proposal will allow
15 utilities to keep dumping enormous quantities of
16 toxic ash into unlined leaking and structurally
17 unsound coal ash ponds as well as ponds located
18 in groundwater, flood plains, and unstable
19 areas.

20 There's no basis for this proposal other
21 than helping polluters and making some people a
22 lot of money; however, it endangers public

1 health and the environment, and that is what the
2 EPA should be preventing. On the contrary to
3 this proposal, the EPA should be remediating and
4 holding industries accountable for the damage
5 they have already done.

6 This is your mandate and your job. Please
7 do your job and withdraw this proposal
8 immediately.

9 Thank you.

10 EMCEE: Thank you for your comment.

11 At this time, we have no one else scheduled
12 to speak during this 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'll now pause to see if anyone else would
18 like to make a statement.

19 [Pause.]

20 EMCEE: We have no one else scheduled to
21 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'll continue to pause to see if anyone
5 else would like to make a statement.

6 [Pause.]

7 EMCEE: We have no one else scheduled to
8 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'll continue to pause to see if anyone
14 else would like to make a statement.

15 [Pause.]

16 EMCEE: We have no one else scheduled to
17 speak during the current time slot.

18 If there is 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 continue to pause to see if anyone

1 else would like to make a statement.

2 [Pause.]

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

5 The next speaker will be Luke Barber.

6 EPA, are you ready to proceed?

7 EPA PANEL MEMBER: Yes.

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

10 [No audible response.]

11 EMCEE: Luke, please make sure that you are
12 not self-muted, and please proceed.

13 [No audible response.]

14 EMCEE: If you're on computer audio, you
15 may need to plug in a headset, and if you're on
16 your phone, you will need to put in your audio
17 PIN.

18 [Pause.]

19 MR. BARBER: Hello?

20 EMCEE: Hello. Please state your name and
21 affiliation for the record.

22 MR. BARBER: My name is Luke Barber, and

1 I'm a citizen of Des Peres. I was calling
2 because several local residents around me, we
3 live in areas close to rivers and boundaries,
4 water kind of holes like this stuff in Des
5 Peres, but there's also--and I also live kind of
6 near--have done some stuff kind of near the UMSL
7 area, kind of near the airport, in the past.
8 And several residents, particularly those of
9 African American and Latin population who do not
10 have access to the internet have expressed
11 concerns to me that they feel like they're being
12 very disenfranchised by not having in-person
13 hearings after COVID-19 is lifted.

14 So I would actually encourage you guys to
15 schedule on alternate hearing dates for those of
16 the impoverished community after COVID-19 lifts
17 because otherwise their voices aren't heard.

18 And I oppose this because by dumping coal
19 ash into--it's only going to provide higher
20 pollution counts. There was a recent scientific
21 study done that compared pollution--it was a
22 medical study done with COVID-19, and it said

1 that areas with higher pollution are actually
2 having higher death counts with COVID-19 because
3 the high pollution and the air is causing
4 people's lung capacity to deplete, which is
5 causing more people to end up on ventilators.

6 So this actually is counterproductive to
7 public health measures as well.

8 EMCEE: Thank you for your comment.

9 MR. BARBER: Thank you.

10 EMCEE: Thank you.

11 We are now at the end of our morning
12 session.

13 EPA, are you ready to recess until after
14 the scheduled lunch break?

15 EPA PANEL MEMBER: Yes. The morning
16 session is concluded as of 1:01 p.m. We will
17 reconvene at two o'clock p.m., Eastern Time.

18 [Recess taken from 1:01 p.m. to 2:00 p.m.]

19

20 AFTERNOON SESSION

21

22 EMCEE: Welcome to the EPA public hearing.

1 We are now ready to begin. I'll turn it over to
2 EPA to get us started.

3 MR. HUGGINS: Good afternoon, and thank you
4 for attending today's public hearing on the
5 Environmental Protection Agency's proposal
6 titled "A Holistic Approach to Closure Part B:
7 Alternate Demonstration for Unlined Surface
8 Impoundments and Implementation of Closure,"
9 which was published in the Federal Register on
10 March 3rd, 2020. Before we begin, I would like
11 to say that we appreciate you taking the time to
12 address the proposed rule, and we look forward
13 to receiving your comments.

14 My name is Richard Huggins. I am the Chief
15 of the Energy Recovery and Waste Disposal Branch
16 in EPA's Office of Resource Conservation and
17 Recovery. I will be chairing this session of
18 today's hearing. With me on the panel today
19 from EPA are Michelle Long and Jesse Miller.

20 Before we begin the hearing, I would like
21 to provide you some background information and
22 briefly describe the proposed rule on which we

1 are taking comments today.

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

11 On April 17th, 2015, EPA published a final
12 rule establishing a comprehensive set of minimum
13 requirements for the disposal of CCR in
14 landfills and surface impoundments. The rule
15 created a self-implementing program which
16 regulates the location, design, operation, and
17 groundwater monitoring and corrective action for
18 CCR disposal, as well as the closure and
19 post-closure care of CCR units. The final rule
20 requires owners and operators of CCR units to
21 document compliance with these requirements in
22 the facility's operating record. In addition,

1 the facility must notify the State of decisions
2 and maintain a publicly accessible website of
3 compliance information. This final CCR rule
4 became effective on October 19th, 2015, and
5 owners or operators of CCR units are required to
6 be in compliance with all applicable
7 requirements.

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

16 EPA is proposing four main changes with
17 this action: Procedures to allow a limited
18 number of facilities to continue using alternate
19 liners at existing CCR surface impoundments if
20 they can demonstrate to EPA or a participating
21 State Director that the unit would not adversely
22 affect groundwater, human health, or the

1 environment; conditions under which CCR can be
2 used in the closure of landfills and surface
3 impoundments; an additional closure option for
4 CCR units from which CCR is being removed that
5 cannot complete groundwater corrective action by
6 the time all other closure by removal activities
7 have been completed--under this new provision,
8 groundwater remediation must continue until
9 groundwater protection standards are achieved
10 during a post-closure care period--and
11 requirements for annual closure progress reports
12 that facilities must prepare during the period
13 that a CCR unit is being closed so as to provide
14 the public with more information about the
15 progress of closure.

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

18 Today's hearing will work as follows.

19 Speakers, if you pre-registered to speak, you
20 should have received an email with a 30-minute
21 time slot during which you are scheduled to give
22 your 5 minutes of testimony. To guarantee that

1 slot, we have asked that you sign into the
2 webinar 10 minutes before that 30-minute time
3 slot. We will call speakers in groups. After
4 your name is called, EPA will ask you to state
5 your name and your affiliation, if any, and
6 proceed with your testimony. We may ask you to
7 spell your name for the court reporter, who is
8 on the line transcribing your comments for the
9 official record. The audio from the public
10 hearing will be recorded for the official
11 record.

12 In order to accommodate all speakers and
13 provide all speakers with the same speaking
14 opportunity, testimony is limited to 5 minutes,
15 even if there are no additional speakers
16 waiting. A countdown clock will be shown on the
17 screen so speakers know how much time they have
18 left. In addition, if you have a written
19 testimony prepared, please send it to the email
20 you received your confirmation email from at
21 EPAwebinar@indecon.com.

22 We are here today to hear your comments on

1 EPA's proposal published on March 3rd. We will
2 not respond to questions; however, from time to
3 time, members of the panel may ask questions to
4 clarify your testimony. Any comments spoken in
5 languages other than English will be translated
6 into English in the written transcript.

7 If you have additional comments after
8 today, please follow the instructions in the
9 March 3rd Federal Register notice for this
10 proposal. Comments must be submitted by April
11 17th, 2020.

12 Everyone who has pre-registered will have
13 an opportunity to speak, and we will do our best
14 to accommodate speakers that have not
15 pre-registered. Today's hearing is scheduled to
16 close at 6:00 p.m., but we will keep the hearing
17 open later if necessary. If, however, time does
18 not allow you to orally present your comments,
19 you may provide a written comment in lieu of
20 oral testimony. These written comments on the
21 proposal will be given the same weight as oral
22 testimony.

1 If you would like to testify but have not
2 yet registered to do so, please send a message
3 to staff via the Questions box, and they will do
4 their best to fit you into the schedule.

5 We plan to take occasional breaks,
6 according to the agenda. We will shorten the
7 breaks, if needed, in order to allow as many
8 people as possible to provide their comments.

9 We ask for your patience as we proceed. We
10 may need to make some minor adjustments as the
11 day progresses, and if so, we will make the
12 appropriate announcements.

13 Thanks again for participating today.
14 Let's get started. We will now turn it over to
15 EPA's contractor Industrial Economics to discuss
16 some logistics for today's hearing.

17 EMCEE: Thank you.

18 Before we begin, we'd like to go over some
19 additional logistics for today's webinar. As a
20 reminder, all attendees are muted automatically.
21 We will unmute you when it is your turn to
22 speak.

1 Also, if you have called in using a phone
2 and are planning to speak, you must enter your
3 individual audio PIN. If you are having trouble
4 with the PIN, a staff member will send you a
5 message via the webinar interface. Please make
6 sure that if you called in via phone, the radio
7 button is on "Phone Call" and not "Computer
8 Audio." Finally, please use the Questions box
9 in the upper right corner to request a speaking
10 slot.

11 We will now begin our public comments. The
12 expected speaking order for the next half hour
13 will be Peter Fink, followed by Michael
14 Zelniker, followed by Cori Bishop.

15 I will be introducing each speaker in turn,
16 but please wait for EPA to ask you to proceed
17 before starting your comment.

18 The first speaker will be Peter Fink.

19 EPA, are you ready to proceed?

20 MR. MILLER: Yes.

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

1 MR. FINK: Hello. My name is Peter Fink,
2 and yeah. I stated what I need to. Can I
3 begin?

4 EMCEE: Yes, Peter. Please proceed.

5 MR. FINK: Okay. Yeah. So, I mean, with
6 specifically for this proposal, you know,
7 there's a lot less for me to speak about, but
8 I'd just like to speak about in general the
9 EPA's changes in response to the coronavirus,
10 specifically the worldwide regulations, because
11 I find it really frightening that in a time
12 where we're facing a public health crisis that
13 disproportionately affects people with
14 respiratory issues, we're willing to enact
15 regulations on the auto industries' efficiency
16 so that it allows more pollution long term that
17 will increase, damaging health effects to
18 respiratory systems, and as well as the sort of
19 temporary noncompliance, permitting of
20 noncompliance for EPA regulations with certain
21 aspects.

22 I think it's really a dangerous measure

1 that the EPA is taking, and I know this is
2 perhaps not the place to be speaking about that.
3 But I find that the EPA is--needs to be
4 responded to in any manner that they're engaging
5 with the public because this is an issue that
6 really matters. The people should have a right
7 to a future that isn't polluted.

8 Thank you. I yield the rest of my time.

9 EMCEE: Thank you for your comment.

10 The next speaker will be Michael Zelniker,
11 followed by Cori Bishop and Igor Tregub.

12 I will be introducing each speaker in turn,
13 but please wait for EPA to ask you to proceed
14 before starting your comment.

15 The first speaker will be Michael Zelniker.

16 EPA, are you ready to proceed?

17 MR. MILLER: Yes.

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

20 MR. ZELNIKER: Hi. My name is Michael
21 Zelniker. I am the co-chair of the Los Angeles
22 Chapter of the Climate Reality Project, Nobel

1 Laureate in former Vice President Al Gore's
2 organization.

3 The Los Angeles is the largest chapter in
4 the climate reality orbit, populated by hundreds
5 of volunteers, working proudly every day to help
6 mitigate the worst consequences of the climate
7 crisis by advocating and activating around
8 issues and policies that will wean us off of
9 fossil fuels as quickly as possible, stop the
10 ubiquitous use of single-use plastic, stop the
11 extractive fossil fuel forest in mining
12 industries from continuing to mindlessly exploit
13 the planet's natural resources, while at the
14 same time carelessly poisoning our marginalized
15 urban communities and our sacred wild spaces.

16 We inform and educate members of our
17 community to the impending catastrophic
18 consequences that climate scientists all over
19 the world are warning us about, and we work to
20 inform the public that the solutions to the
21 climate crisis are available to us right now if
22 we can only develop the political will.

1 I am here today speaking for myself only.

2 I understand that it is probably pointless
3 to raise my voice against the proposed easing of
4 regulations on coal ash, given that the current
5 Administrator of the Environmental Protection
6 Agency is Andrew Wheeler, a former coal industry
7 lobbyist.

8 I understand that Mr. Wheeler is right now
9 using the COVID-19 crisis as an excuse to ease
10 regulations on polluters all over the country
11 and cares little about anything other than
12 pleasing the companies that he spent years
13 lobbying for and getting paid by.

14 Mr. Wheeler using this pandemic as a smoke
15 screen, giving permission to polluters to
16 violate environmental law and regulation is just
17 another illustration of the profligate
18 lawlessness that is endemic among the Trump
19 administration.

20 Nevertheless, I will raise my voice, as
21 loudly as I can, strongly condemning the easing
22 of these coal ash regulations and other

1 profoundly important environmental regulations.

2 I do so because in the years to come, when
3 our children and grandchildren will surely ask
4 us what were we thinking, why didn't we do
5 something when we still had time, I want to be
6 able to tell them that I did everything humanly
7 possible to advocate and support policies that
8 will make their future on Planet Earth a safer,
9 healthier, and more habitable one, that when
10 given a choice between siding with a form of
11 energy from the 19th century that pollutes our
12 air and waterways in indescribably deleterious
13 ways and forces of energy like solar and wind
14 from the 21st century that are clean and
15 renewable, I made it clear which side I was on.

16 I wonder what Mr. Wheeler will say to his
17 children and grandchildren in the generations to
18 come, that the money he made from loyally
19 supporting the coal industry was worth the
20 catastrophic consequences that the generations
21 to come are surely going to face if we follow
22 his obsolete, existentially threatening ways of

1 doing business?

2 My question is, Do the purveyors of these
3 extractive, exploitive, destructive, unhealthy,
4 environmentally degrading forms of energy like
5 coal have no shame or conscience?

6 Let me close by quoting Chief Seattle, "We
7 do not inherit the Earth from our ancestors. We
8 borrow it from our children."

9 I sincerely hope that those of you
10 responsible for making this decision and others
11 concerning our environment and the planet on
12 which we all depend for our survival will keep
13 Chief Seattle's ageless piece of enlightened
14 wisdom in mind when making decisions.

15 I urge you to remember the name of this
16 agency is the Environmental Protection Agency,
17 not the Coal Industry Protection Agency.

18 Thank you for letting me speak.

19 EMCEE: Thank you for your comment.

20 The next speaker will be Cori Bishop,
21 followed by Igor Tregub and Julie Bledsoe.

22 I will be introducing each speaker in turn,

1 but please wait for EPA to ask you to proceed
2 before starting your comment.

3 The first speaker will be Cori Bishop.

4 EPA, are you ready to proceed?

5 MR. MILLER: Yes.

6 Please proceed, and state your name and
7 affiliation for the record.

8 MS. BISHOP: Hi . My name is Cori Bishop,
9 and I'm affiliated with probably dozens of
10 environmental groups. I've signed countless
11 petitions and sent comments to the EPA on
12 numerous occasions. I'm just a person who
13 really cares about taking care of the planet and
14 making sure it's still there for future life,
15 whether it be human or animal or plant.

16 Thank you for the opportunity to speak on
17 this issue. I would like to express my
18 opposition to the Part B proposal.

19 As other speakers have enumerated, coal ash
20 is full of numerous toxins, pollutants,
21 neurotoxins that are just terrible for the
22 environment, and technology just really hasn't

1 lived up to our expectations and hopes when it
2 comes to coal ash ponds. Obviously, unlined
3 ones are an issue and need to be closed or
4 remediated. The idea that we would leave them
5 open indefinitely is illogical, in my opinion.

6 But even the lined ones, you know, I was
7 watching, I believe, a PBS news hour, a special
8 on coal ash ponds and how they are designed for
9 hundred-year floods, but then at the same time,
10 we've been having 500-year floods recently. So
11 even as we try and improve with the climate
12 changing as it is, we're still ending up with
13 these pollutants in our groundwater and our
14 soil, and it's just deadly for plants, animals,
15 and humans.

16 This is an unusual time in our history. I
17 am lucky to be able to access this technology,
18 but it is not all that accessible for other
19 people to express their opinions, which they
20 have every right to do in our country and in our
21 government. So I feel a little bit that the EPA
22 is trying to brush this issue under the rug and

1 hoping no one notices.

2 It is the Environmental Protection Agency.

3 It was created to regulate corporations because
4 we have learned time after time after time that
5 businesses and corporation and industry can not
6 regulate itself. Every time we try to let them
7 regulate themselves, they start polluting. They
8 start hurting people, labor issues. They
9 just--if you name it, they've done it, whether
10 it was, you know, DDT, DDT on plants, or
11 whatever it was Erin Brockovich worked on.

12 We need the EPA to stand up and do its job,
13 and its job is protecting environments and to
14 protect the Americans who live here and are
15 accessing that environment and are relying on
16 that environment to keep us alive, to provide us
17 with water and to provide us with food. And if
18 the EPA isn't going to stand up for those
19 things, if the EPA is going to cater to
20 industry, what is the point?

21 So I appreciate this opportunity. I
22 believe the comment period needs to be extended

1 beyond a lockdown, and accessibility should be
2 considered for people who have disabilities or a
3 lack of access to internet or anything of that
4 nature, and this rule is just--it's not going to
5 work for us as a country. We need to do better
6 with such a toxic substance.

7 Thank you.

8 EMCEE: Thank you for your comment.

9 The next speaker will be Igor Tregub,
10 followed by Julie Bledsoe.

11 EPA, are you ready to proceed?

12 MR. MILLER: Yes.

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

15 MR. TREGUB: Hello. My name is Igor
16 Tregub, and I am from Berkeley, California,
17 where I serve as an elected public servant. I
18 am the immediate past chair of the Sierra Club
19 SF Bay Chapter and a member of the Sierra Club
20 California Executive Committee. These comments
21 from me are in my individual capacity, though
22 they reflect the position of thousands of my

1 neighbors.

2 I am calling today to speak out in
3 opposition to the EPA's proposal to weaken the
4 2015 coal ash rule safeguards. While I
5 appreciate this opportunity to comment, I
6 strongly oppose the EPA's decision to proceed
7 with today's hearing during a global pandemic
8 and national health emergency. By refusing to
9 delay today's hearing or extend the public
10 comment period on this proposal, the Trump
11 administration is failing to take seriously the
12 impact it will have on millions of Americans in
13 communities impacted by coal ash pollution.

14 Proceeding today also eliminates a critical
15 right of the public to meaningful participate in
16 rulemaking and directly address the EPA On this
17 issue.

18 The EPA should pause this process
19 immediately, extend the comment period, and
20 provide a chance for the public to participate
21 when the crisis is over.

22 The EPA should be working to make Americans

1 safer, not endanger them further by throwing
2 protections from toxic pollutions out the
3 window.

4 The coal ash permitting proposal will
5 expose more Americans to hazardous pollutions
6 from coal ash, including to carcinogens like
7 arsenic, hexavalent chromium, and radium;
8 neurotoxins like lithium and lead, and poisons
9 that kill fish and wildlife like selenium and
10 cadmium.

11 We ask the EPA to stop trying to gut the
12 public health protections in the coal ash rule
13 and instead strengthen the rule, as ordered by
14 the Federal Court of Appeals.

15 While the State of California, where I
16 reside, fortunately no longer includes coal
17 plants, the threat of hauling petroleum coke
18 exports to ports and by rail, including less
19 than a mile from where I live, is never far from
20 the collective conscience of the community I
21 serve.

22 The 2015 coal ash rule is currently

1 protecting thousands of American communities.
2 Despite some weaknesses in the current rule,
3 coal plant owners have already completed
4 hundreds of inspections, published critical
5 groundwater quality data, identified over a
6 hundred sites where cleanup of a contaminated
7 groundwater must soon begin, and disclose the
8 identity of leaking and dangerous coal ash ponds
9 that must close.

10 The commonsense standards of the 2015 rule,
11 which received more than a half million
12 supporting comments from the public for helping
13 to protect clean water and safeguard public
14 health, President Trump's attempt to weaken this
15 rule is nothing more than a total giveaway to
16 the industry. It must be rejected.

17 This concludes my comments. Thank you for
18 listening.

19 I yield back the balance of my time.

20 EMCEE: Thank you for your comment.

21 The next speaker will be Julie Bledsoe.

22 EPA, are you ready to proceed?

1 MR. MILLER: Yes.

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

4 [No audible response.]

5 EMCEE: Julie, We think you might be
6 self-muted. Can you see if you can unmute your
7 phone line?

8 MS. BLEDSOE: Can you hear me now?

9 EMCEE: Yes, we can. Please proceed.

10 MS. BLEDSOE: Hi. My name is Julie
11 Bledsoe, a Kingston coal ash survivor worker's
12 wife.

13 Here in Tennessee, we know the toxicity of
14 coal ash very well. When the dock ruptured at
15 Kingston on December 22nd, 2008, many of our
16 local men and women reported for duty to help
17 clean up the coal ash spill.

18 Today we now have 47, 48 dead workers. A
19 man died just this week, 49 years old, father of
20 four, equipment operator. He was denied a dust
21 mask while working on the cleanup. He didn't
22 sign up for this. He did not sign up to lose

1 his life. He signed up to work and do a job,
2 same as my husband, same as the other hundreds
3 of people that reported to that job site.

4 Now, I learned a lot about coal ash since
5 my husband became sick. He's a lifelong
6 nonsmoker. He actually worked in the movie
7 industry most of his life. He didn't work in
8 construction. He was out doing transportation
9 for movie companies, worked with a lot of famous
10 people, and when NAFTA signed, a lot of the
11 movie work went to other countries. So he fell
12 back on the trades to continue raising our
13 children and taking care of our family.

14 We knew nothing about the dangers of coal
15 ash. He was told it was safe. He was told,
16 "No, you cannot wear a dust mask," just like his
17 other workers.

18 We all in this area now feel that he was
19 denied a dust mask because they were worried
20 about the perception of how it would look if
21 people were down there working in coal ash
22 wearing dust masks.

1 So I've learned and I've dug and so have a
2 lot of other reporters and a lot of people
3 around the country. We've learned how harshly
4 we were let down and how these men and women
5 were discounted. They were not counted as
6 worthy.

7 We have to deal with this every single day
8 of our lives, and just a few weeks ago, I saw
9 where TVA was--it was a wonderful act. TVA gave
10 several thousand dust masks to our nurses and
11 doctors working in hospitals, and I am all for
12 those people working on the front lines of the
13 COVID virus getting everything they need to
14 protect them, but I wonder why did they discount
15 their own workers out there in their coal ash
16 spiel. Why did they allow their contractor to
17 deny them respiratory protection. They knew.
18 People have went back and studied, and they
19 knew. They already knew the toxicity of coal
20 ash.

21 And we have coal ash sitting in ponds. The
22 Obama administration said study the ponds, see

1 if they're leaching, and we now know that
2 90-something percent of our coal ash ponds are
3 leaching in the groundwater.

4 Not all States have fugitive dust laws, and
5 we know fly ash flies. Coal ash flies. We have
6 children with schools and living in communities,
7 and they're breathing the fly ash, the coal ash
8 every single day of their lives.

9 But these workers were up to it in their
10 eyeballs, and they are dying. And they are
11 suffering, and they are sick. And nothing has
12 been done to help them. Many of them don't
13 have insurance. Many of them are too young for
14 retirement. It is a disgrace. It is a disgrace
15 that the United States of America would lie
16 about the toxicity of coal ash and send a
17 thousand people into it and deny them a dust
18 mask, a simple dust mask, the same thing the
19 people that worked at 9/11--what is it about
20 this country not wanting to protect their people
21 with a simple thing as a dust mask?

22 We should have millions of them put back

1 for catastrophes. The human being's body is not
2 designed to breathe in toxic things. Basic
3 doctors and scientists know this. Why does our
4 country look the other way and let people suffer
5 like this? This is not my country. This is not
6 the place that I believe in.

7 This has got to be fixed and fixed
8 immediately. Do not allow any more of these
9 toxins to blow in our air, leach into our water
10 for the sake of a dollar. This is a Christian,
11 God-fearing nation. We're everything for
12 everybody.

13 I don't understand why. I do not, and I
14 plead. Coal ash has killed people already, and
15 it's killing people today. And a man died this
16 week because of it. A Kingston coal ash worker
17 died this week.

18 Thank you.

19 EMCEE: Thank you for your comment.

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.

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 statement.

15 [Pause.]

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

18 If there is 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 will now pause to see if anyone else

1 would like to make a statement.

2 [Pause.]

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

6 EPA, when would you like to reconvene?

7 MS. LONG: The hearing is now in recess
8 until three o'clock p.m., Eastern Time.

9 [Recess taken from 2:45 p.m. to 3:00 p.m.]

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

11 It is 3:00 p.m., and we are now rejoining
12 EPA's public hearing for a proposed rule change
13 to the disposal of coal combustion residuals.

14 At this time, we have no one else scheduled
15 to speak.

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:

2 EMCEE: At this time, we have no one else
3 scheduled 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: We have no more speakers lined up
21 for the time being. So we will begin a brief
22 recess.

1 EPA, when would you like to reconvene?

2 MS. LONG: The hearing is now in recess
3 until 3:30 p.m.

4 [Recess taken from 3:12 p.m. to 3:30 p.m.]

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

6 It is 3:30 p.m., and we are now rejoining
7 EPA's public hearing for a proposed rule change
8 to the disposal of coal combustion residuals.
9 At this time, we have no one else scheduled
10 to speak.

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

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

17 [Pause.]

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

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

1 will get you into the lineup shortly.

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

4 [Pause.]

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

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

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

13 [Pause.]

14 EMCEE: The next speaker will be William
15 Koehl.

16 EPA, are you ready to proceed?

17 MR. MILLER: Yes.

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

20 MR. KOEHL: I'm sorry. Am I unmuted now?

21 Okay.

22 EMCEE: Yes, we can hear you.

1 MR. KOEHL: All right. Thank you.

2 Hi. My name is William Koehl. I live in
3 Geneva, Illinois. I'm calling on--and my
4 affiliation is actually with the League of Women
5 Voters of Illinois on their environmental team,
6 and I thought for today's, I'd like to just read
7 into the record here one of EPA's own coal ash
8 101 page.

9 It says, "Why does the EPA regulate coal
10 ash? Coal ash contains contaminants like
11 mercury, cadmium, arsenic. Without proper
12 management, these contaminants can pollute
13 waterways, groundwater, drinking water, and the
14 air. The need for Federal action to help ensure
15 protective coal ash disposal was highlighted by
16 large spills near Kingston, Tennessee, and even
17 North Carolina, which caused widespread
18 environmental and economic damage to the nearby
19 waterways and property." And there's links to
20 both of those in your own document.

21 Below that, the last line says, "To address
22 the risk from improper disposal and discharge of

1 coal ash, the EPA has established national rules
2 for coal ash disposal and is strengthening
3 existing controls on water discharges."

4 I would like to see this continued, the
5 strengthening of the regulations, not the
6 reduction of the regulations for everyone
7 concerned.

8 Thank you very much.

9 EMCEE: Thank you for your comment.

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

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

16 We will now pause to see if anyone else
17 would like to make a statement.

18 [Pause.]

19 EMCEE: We have no more speakers lined up
20 for the time being. So we will begin a brief
21 recess.

22 EPA, when would you like to reconvene?

1 MS. LONG: The hearing is now on recess
2 until four o'clock p.m., Eastern Time.

3 [Recess taken from 3:48 p.m. to 4:00 p.m.]

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

5 It is 4:00 p.m., and we are now rejoining
6 EPA's public hearing for a proposed rule change
7 to the disposal of coal combustion residuals.

8 Our next speaker will be Amy Allen.

9 I will be introducing each speaker in turn,
10 but please wait for EPA to ask you to proceed
11 before starting your comment.

12 EPA, are you ready to proceed?

13 MR. MILLER: Yes.

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

16 MS. ALLEN: Hi. This is Amy Allen, and I'm
17 speaking as a concerned citizen. Can you hear
18 me?

19 EMCEE: Yes, Amy. We can hear you. Please
20 proceed.

21 MS. ALLEN: Okay. Thank you.

22 I speak in opposition to the proposed

1 alternative closure options, the proposal to
2 permit use of alternate liners, and the proposal
3 to permit the use of ash to cap ash pits.

4 Existing coal combustion residual
5 impoundments have already caused serious damage
6 to public health and posed a significant threat
7 to public health and water quality in the
8 future.

9 Forty employees who worked on the cleanup
10 of the Kingston, Tennessee, coal ash spill have
11 since died, deaths likely attributable to their
12 exposure to toxins and coal ash.

13 It is essential that Federal requirements
14 compromised CCR impoundments to close as
15 expeditiously as possible in a safe manner.

16 According to Earthjustice, groundwater
17 monitoring data required by the 2015 rule and
18 released by U.S. utilities shows that 92 percent
19 of coal plants with coal ash ponds and landfills
20 have polluted groundwater with unsafe levels of
21 arsenic, lithium, cadmium, cobalt, selenium,
22 mercury, lead, and other toxins.

1 Had the 2015 CCR rule not been implemented,
2 this would likely never even have come to light.

3 EPA's documentation for the proposed rule
4 states that in order for an unlined surface
5 impoundment to continue to operate, EPA is
6 proposing that the owner or operator demonstrate
7 the continued operation of the unit would pose
8 no reasonable probability of adverse effects to
9 human health or the environment in the future.

10 This is not a meaningful and protective
11 standard, and we could easily find out too late
12 that the determination was incorrect once
13 grievous further damage has been done to
14 groundwater.

15 We cannot afford to take this risk and
16 expose our limited groundwater supplies to
17 further pollution.

18 The D.C. Circuit Court of Appeals found
19 that in the context of the 2015 CCR rule, EPA
20 failed to show how continued operations of
21 unlined impoundments met RCRA's baseline
22 requirement that any solid waste disposal site

1 posed no reasonable probability of adverse
2 effects to health or the environment. This
3 continues to apply today--additionally, the time
4 and effort by EPA staff invested in evaluating
5 alternate liners or siphon needed resources from
6 efforts to mitigate water contamination from
7 coal ash and protect public health.

8 Leaking pits and pits in hazardous
9 locations should be closed as soon as possible
10 in a safe manner, and no more ash should be
11 added to them in the meantime.

12 Contrary to EPA's statement, adding more
13 ash to these pits would not facilitate closure
14 in a safe manner but would simply compound the
15 existing risks. No unlined pits should be
16 allowed to continue to operate under any
17 circumstances, and alternate liners should not
18 be permitted for existing CCR surface
19 impoundments.

20 Operators should not be allowed to use coal
21 ash to cap coal ash pits. Permitting the use of
22 coal ash to cap ash pits additionally

1 disincentivizes utilities from excavating the
2 ash and addressing the underlying source of the
3 contamination. It would allow contamination to
4 continue when pits are closed in place.
5 Additional closure options should not be
6 established.

7 Rigorous requirements for ongoing
8 monitoring are essential in order to identify
9 contamination so that actions can be taken to
10 protect public health.

11 The proposed rule fails to adequately
12 protect public health in our limited groundwater
13 supply and should not be implemented.

14 Thank you.

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 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 will now pause to see if anyone else

1 would like to make a statement.

2 [Pause.]

3 EMCEE: Our next speaker will be Margaret
4 Elizabeth Fuhr.

5 EPA, are you ready to proceed?

6 MR. MILLER: Yes.

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

9 SR. MARGARET ELIZABETH FUHR: Can you hear
10 me?

11 EMCEE: Yes, Margaret. We can hear you.
12 Please proceed when you're ready.

13 SR. MARGARET ELIZABETH FUHR: My name is
14 Sister Margaret Elizabeth Fuhr. I'm a
15 Franciscan Sister and a board member of the
16 Climate Change Group, 350 Colorado. I'm a
17 former science teacher.

18 I'm going to speak generally and
19 specifically about the regulation. I am very
20 concerned about cutting back on the regulations
21 for coal pollution. Water is life, and we
22 cannot create water.

1 I am sure you know of the warning from the
2 scientific community of the International Panel
3 of Climate Change that states that critical
4 plight of the planet because of the temperature
5 rise from greenhouse gases, which coal is a
6 great producer of that.

7 COVID-19 is the wakeup call in the
8 unhealthiness of our planet at this time, and it
9 is having very dire effects.

10 The climate emergency is another test for
11 us. Our leadership has failed the COVID-19
12 preparedness. Cutting back on the regulations
13 and relationships to coal is ignoring the
14 climate emergency.

15 The COVID-19 may be able to be controlled
16 after much life lost and much economic pain in a
17 limited amount of years.

18 As the IPCC report says, if we go over 1.5
19 degrees Centigrade--and we are at 1.1 degree
20 already--we will risk millions of lives, and it
21 will take an enormous amount of time to get the
22 Earth back into balance, maybe a century. We

1 need to use our knowledge and priorities for the
2 good of all and regulate our energy production
3 in the whole process in tune with the planet.

4 We need to think long term rather than
5 short-term financial gain.

6 Thank you for the time and the opportunity
7 to share my concerns.

8 EMCEE: Thank you for your comment.

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

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

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

17 [Pause.]

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

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

1 will get you into the lineup shortly.

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

4 [Pause.]

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

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

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

13 [Pause.]

14 EMCEE: We have no more speakers lined up
15 for the time being. So we will begin a brief
16 recess.

17 EPA, when would you like to reconvene?

18 MS. LONG: The hearing is now on recess
19 until 4:45 p.m., Eastern Time.

20 [Recess taken from 4:18 p.m. to 4:45 p.m.]

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

22 It is 4:45 p.m., and we are now rejoining

1 EPA's public hearing for a proposed rule change
2 to the disposal of coal combustion residuals.

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

5 If there is 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 now pause to see if anyone else
10 would like to make a statement.

11 [Pause.]

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

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

20 [Pause.]

21 EMCEE: We have no more speakers lined up
22 for the time being. So we will begin a brief

1 recess.

2 EPA, when would you like to reconvene?

3 MS. LONG: The hearing is now on recess
4 until 5:15 p.m., Eastern Time.

5 [Recess taken from 4:52 p.m. to 5:15 p.m.]

6 EMCEE: This IEC, EPA's contractor.

7 It is 5:15 p.m., and we are rejoining EPA's
8 public hearing for a proposed rule change to the
9 disposal of coal combustion residuals.

10 Our next speaker will be Lucas Champenois.

11 I will be introducing each speaker in turn,
12 but please wait for EPA to ask you to proceed
13 before starting your comment.

14 EPA, are you ready to proceed?

15 MR. MILLER: Yes.

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

18 MR. CHAMPENOIS: Hi. My name is Lucas
19 Champenois. I live in Raleigh, North Carolina.
20 I'm not an official member of any environmental
21 or public health organization.

22 You know, I'm not personally implicated or

1 affected by coal ash, but when I found out about
2 the public hearing in this format, it was just
3 frustrating, the timing and the format it's
4 being held in. And I even tried to speak on
5 Tuesday and logged on late and wasn't able to
6 get a comment in. Just because the technology
7 piece, I wasn't able to figure out quickly
8 enough.

9 So just I'm here in solidarity for those
10 who are affected and frustrated by the format
11 this is being held.

12 It feels like the EPA is attempting to host
13 a so-called public hearing while people are
14 afraid to leave their houses. They're not
15 focused on what they typically are focused on.
16 They're focused more on the news and the
17 developments of the virus that we see today.
18 It's very stressful for everyone. It's
19 stressful for myself. I have family members who
20 have been affected, colleagues of family members
21 who have passed away, and I think to try to
22 accomplish something so important in a format

1 that is so poorly publicized, so--it doesn't
2 seem like the right way to do this.

3 And I myself, I'm in the athletics
4 industry. I coach soccer, and when you look
5 across the entire world, every sporting event
6 from youth to the professionals to the Olympics
7 has been postponed, not canceled but postponed.
8 And I understand there's time restraints, but I
9 think the fact that we are trying to get public
10 hearings done online when people don't have
11 access to the public hearing or the information
12 or know how to get their voices heard is just
13 very, very frustrating.

14 I think my final comment is that I think
15 the EPA should pause this process, extend the
16 period for comments, and provide a real chance
17 for the public to participate. And I understand
18 it may have to be online. It would be better in
19 person, but the online form should be a lot
20 better than this, the fact that even on Tuesday,
21 I wasn't able to logon when I tried. And that
22 may be my fault, but the fact that I spent time

1 to try to get on and couldn't figure it out
2 means there's probably plenty of other people
3 who may have been in my situation and who have
4 not tried to call back today either.

5 That's all.

6 EMCEE: Thank you for your comment.

7 At this time, we have no one else scheduled
8 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 statement.

15 [Pause.]

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

18 If there is 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 will now pause to see if anyone else

1 would like to make a statement.

2 [Pause.]

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

5 If there is 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 now pause to see if anyone else
10 would like to make a statement.

11 [Pause.]

12 EMCEE: Our next speaker will be Afsaneh
13 Mortazavi.

14 EPA, are you ready to proceed?

15 MR. MILLER: Yes.

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

18 [No audible response.]

19 EMCEE: Afsaneh, we think you might be
20 self-muted on your line. Can you confirm that
21 your line is open?

22 MS. MORTAZAVI: Hi. Sorry. Can you hear

1 me now?

2 EMCEE: Yes, we can. Please proceed.

3 MS. MORTAZAVI: Hi. Thanks. Do I just
4 begin with my statement?

5 EMCEE: Yes.

6 MS. MORTAZAVI: Great. So my name is
7 Afsaneh Mortazavi, and I work as a health care
8 consultant. And I recently moved from North
9 Carolina to work in health care consulting and
10 public health in California.

11 Back in North Carolina when I was setting
12 public health, I was the chair of the Minority
13 Health Conference in North Carolina, and I
14 learned about the dangers of coal ash to public
15 health. And I am very shocked to see that EPA
16 is proposing further revisions to Obama
17 regulations, especially at this time.

18 Even though I am not personally affected by
19 coal ash, I decided to join to speak today in
20 solidarity of people who will be personally
21 affected by EPA's actions but are not able to
22 join today given the timing and the format of

1 this kind of weird public hearing.

2 I personally am working on the COVID
3 response by creating patient-facing messages for
4 coronavirus. So it is a very difficult time for
5 me to join, but I felt like this was very
6 important.

7 The virus just isn't a new story for me and
8 everyone I know. It is absolutely
9 unprecedented, and our Federal agencies should
10 act accordingly. It's very outrageous that our
11 government is pushing regulation forward that
12 could harm public health and the environment
13 during this time, without adequate public
14 participation opportunities.

15 And I wanted to share my outreach today in
16 solidarity with folks who are being silenced by
17 this process.

18 I've heard many stories and read articles
19 about how frontline communities and
20 environmental justice communities are feeling
21 the impacts of COVID-19, particularly strongly.
22 I personally am very fortunate that I can work

1 form home and I'm not being impacted, but I know
2 that's not the case for many people.

3 Black people in particular are on the front
4 lines of the crisis and many other environmental
5 crises. For example, in Michigan, 40 percent of
6 COVID deaths are amongst black people, even
7 though they are only 14 percent of the
8 population.

9 Meanwhile, scientists recently found that
10 coronavirus patients are more likely to die if
11 they live in areas with high air pollution.

12 Again, I'm shocked and disappointed to see
13 EPA's proposed regulations and this dangerous
14 timing and how this process--and I'm curious to
15 know how this process ensure that people
16 affected by the problem would even find out
17 about what is at stake and have a chance to
18 speak.

19 And in addition, how can EPA expect people
20 to join, given everything that's currently going
21 on?

22 As I mentioned earlier in the call, I am

1 taking this meeting between meetings. I'm
2 working on coronavirus response, and the EPA
3 should be working to make Americans safer, not
4 endanger them by throwing protections from toxic
5 pollution out the window.

6 The Trump administration has not only made
7 it impossible for the public to directly address
8 the agency by holding these virtual hearings,
9 but the refusal to delay this rulemaking process
10 during a national emergency demonstrates where
11 its priorities rest. The EPA should pause this
12 process immediately, extend the comment period,
13 and provide a real chance for the public to
14 understand the issues and participate when the
15 crisis is over.

16 That's my statement. Thank you for letting
17 me speak today.

18 EMCEE: Thank you for your comment.

19 At this time, we have no one else scheduled
20 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 use
10 the Questions box to identify yourself, and we
11 will get you into the lineup shortly.

12 We will now pause to see if anyone else
13 would like to make a statement.

14 [Pause.]

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

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

21 We will now pause to see if anyone else
22 would like to make a statement.

1 [Pause.]

2 EMCEE: At this time, we have no one else
3 scheduled 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 This hearing will be concluding at 6:00
11 p.m.

12 [Pause.]

13 EMCEE: The time is now 6:00 p.m., and we
14 are at the end of our afternoon session.

15 EPA, are you ready to adjourn the virtual
16 hearing?

17 MS. LONG: Yes.

18 Thank you to everyone who attended and
19 spoke during today's virtual hearing. The
20 hearing is concluded as of six o'clock p.m.

21 [Whereupon, at 6:00 p.m., the virtual
22 public hearing was concluded.]

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<p>a.m 1:19 28:2,3,3 36:10,11,12 37:11,12,13 77:19</p> <p>abandon 57:17</p> <p>able 20:11 59:22 62:6 63:5 68:13 78:20 110:6 113:17 137:15 142:5,7 143:21 146:21</p> <p>about--92 29:14</p> <p>absolutely 35:2 147:8</p> <p>accept 60:2,12</p> <p>access 50:14,16 62:8 69:12,13 75:5 96:10 113:17 115:3 143:11</p> <p>accessibility 115:1</p> <p>accessible 8:6 100:2 113:18</p> <p>accessing 114:15</p> <p>accident 16:20</p> <p>accommodate 10:16 11:18 102:12 103:14</p> <p>accomplish 142:22</p> <p>accountable 74:11 93:4</p> <p>achieved 9:13 101:9</p> <p>act 8:17 51:18 60:15 100:13 121:9 147:10</p> <p>action 7:21 8:21 9:9 69:8 87:16 99:17 100:17 101:5 129:14</p> <p>actions 14:19 135:9 146:21</p> <p>activating 108:7</p>	<p>active 83:9 85:12</p> <p>activist 34:5</p> <p>activities 9:10 101:6</p> <p>activity 57:3</p> <p>actually--excuse 78:6</p> <p>added 55:17 56:21 57:1 134:11</p> <p>adding 57:5 134:12</p> <p>addition 8:4 10:22 57:14 99:22 102:18 148:19</p> <p>additional 9:7 10:19 11:11 40:21 46:5,8 55:5 57:11,15 76:11,14 87:8 101:3 102:15 103:7 104:19 135:5</p> <p>additionally 134:22</p> <p>address 6:16 8:17 62:21 98:12 100:13 116:16 129:21 149:7</p> <p>addressing 135:2</p> <p>adequate 64:14 147:13</p> <p>adequately 135:11</p> <p>adhere 16:2</p> <p>adhering 60:13</p> <p>adjourn 151:15</p> <p>adjustments 12:14 104:10</p> <p>administration 16:10 45:14 62:15 90:16 109:19 116:11 121:22 149:6</p> <p>administration's 21:19</p>	<p>Administrator 109:5</p> <p>advanced 90:4</p> <p>adverse 133:8 134:1</p> <p>adversely 9:3 100:21</p> <p>advocacy 44:5</p> <p>advocate 110:7</p> <p>advocating 108:7</p> <p>affect 9:4 100:22</p> <p>affiliated 112:9</p> <p>affiliation 10:9 14:3 16:17 18:5 23:4 28:19 31:5 34:3 39:12 41:15 46:16 48:11,20 50:6 52:4,6 58:3 59:4 61:18 66:9,13 67:15 69:2 71:11 78:14 79:4 79:10 81:11 83:2 89:17 95:9 95:21 102:5 105:22 107:19 112:7 115:14 119:3 128:19 129:4 131:15 136:8 141:17 145:17</p> <p>afford 133:15</p> <p>affordable 65:3</p> <p>afraid 142:14</p> <p>African 96:9</p> <p>Afsaneh 5:17 145:12,19 146:7</p> <p>afternoon 2:9 5:1 97:20 98:3 151:14</p> <p>ageless 111:13</p> <p>agencies 33:6 147:9</p> <p>agency</p>

<p>1:2 45:3 51:18 60:19 65:20 91:22 109:6 111:16,16,17 114:2 149:8</p> <p>Agency's 6:9 98:5</p> <p>agenda 12:10 104:6</p> <p>aggressively 52:15</p> <p>ago 32:16 121:8</p> <p>agree 60:19</p> <p>agreed 24:8,21</p> <p>ahead 52:15 68:15</p> <p>air 15:2 20:13,15,22 34:12 70:13 73:10 74:8 82:14 86:4 91:6 97:3 110:12 123:9 129:14 148:11</p> <p>airport 96:7</p> <p>Al 108:1</p> <p>Alabama 63:20 64:4</p> <p>Alessia 4:18 89:13,19</p> <p>alive 114:16</p> <p>Allen 5:13 131:8,16,16,21</p> <p>allow 8:21 11:22 12:11 25:9,10 44:17 51:12,15 52:21 57:12 57:13 64:21 65:3,21 86:22 87:4 92:5,14 100:17 103:18 104:7 121:16 123:8 135:3</p> <p>allowed 40:18 54:17 87:7 91:8 134:16 134:20</p> <p>allowing 19:19 40:7,13 75:10 86:9</p> <p>allows</p>	<p>15:12 63:7 92:3 106:16</p> <p>already--we 137:20</p> <p>also--and 96:5</p> <p>also--why 51:14</p> <p>Alt 4:11,14,14 66:5 67:5,11,22 71:7,12,13,15 72:2 81:7,12 81:14,15</p> <p>alternate 1:14 6:11 8:22 52:19,22 53:3 53:22 54:20 57:13 96:15 98:7 100:18 132:2 134:5,17</p> <p>alternative 132:1</p> <p>Amanda 3:15 39:7,13</p> <p>Ameren 42:9 72:5 73:17 75:11 82:3,10</p> <p>America 25:4,11 122:15</p> <p>American 24:8 60:11 74:18 91:15 96:9 118:1</p> <p>Americans 15:3 20:22 21:2 40:15 62:17 65:18 86:2,17 87:19 90:18 92:10 114:14 116:12,22 117:5 149:3</p> <p>Americans' 80:10</p> <p>amount 65:17,22 137:17,21</p> <p>amounts 75:12 79:19</p> <p>Amy 5:13 131:8,16,19</p> <p>ancestors 111:7</p> <p>and/or 62:8</p> <p>Andrew 109:6</p> <p>Angeles</p>	<p>107:21 108:3</p> <p>angry 73:4 75:5</p> <p>animal 112:15</p> <p>animals 51:13 113:14</p> <p>announcements 12:16 104:12</p> <p>annual 9:15 101:11</p> <p>ant 43:15</p> <p>Anthony 25:14</p> <p>anybody 61:4 67:6</p> <p>Appeals 15:8 22:6 117:14 133:18</p> <p>appears 42:17</p> <p>appease 60:12</p> <p>applicable 8:10 100:6</p> <p>apply 134:3</p> <p>applying 8:19 100:15</p> <p>appreciate 6:15 14:10 16:4 18:18 88:3 98:11 114:21 116:5</p> <p>Approach 1:13 6:10 98:6</p> <p>appropriate 12:16 104:12</p> <p>approval 52:22</p> <p>April 1:18 7:15 8:13 11:14 99:11 100:9 103:10</p> <p>aquatic 87:18</p> <p>aquifer 30:8 55:12</p> <p>area</p>
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31:13 32:6,9 63:18 69:11
96:7 120:18
areas
49:6 55:7 63:20 75:15 92:19
96:3 97:1 148:11
Arrigo
3:7 13:17 16:13 18:1,6,7,10
arsenic
40:16 42:22 43:4,10 51:10
65:4 80:2 84:4 85:3 92:10
117:7 129:11 132:21
articles
147:18
ash
7:10,10,12 14:9 15:10,20,21
18:13,16 19:3,10,12 20:4,7
21:7,13 22:4 31:11 32:4,7,12
32:17,18,21,22 33:2,8,9,12
33:14,16 35:2 40:6,7,9 41:1
42:5,11,12,18,21 43:13,19
44:18 49:3 50:19,20,21
51:12 52:16 53:4,7,11,18,19
53:21 54:9,13,16,22,22 55:4
55:14,16,21 56:2,5,7,15,19
56:22 57:2,4,5,7,8,11,13,14
62:17 63:22 64:2,4,7,8,9,18
64:20,22 65:2 69:22 70:3,19
70:20,22 73:1 74:6,16 75:12
75:13 79:13,20 80:2,22 82:8
82:11 83:12,14,16,18 84:3,8
84:9,14 85:3,11,14,20 86:3
86:12 87:9,12,13,15,18 90:8
90:19 92:2,7,16,17 96:19
99:6,6,8 109:4,22 112:19
113:2,8 116:4,13 117:4,6,12
117:22 118:8 119:11,14,17
120:4,15,21 121:15,20,21
122:2,5,5,7,7,16 123:14,16
129:7,10,10,15 130:1,2
132:3,3,10,12,19 134:7,10
134:13,21,21,22,22 135:2
142:1 146:14,19
Asheville
4:6 59:6
asked
10:5 102:1

asking
14:17 16:1
aspects
106:21
at-risk
72:1
athletics
143:3
atmosphere
86:20
attempt
118:14
attempting
43:17 142:12
attempts
21:18
attend
19:1 62:6 63:8
attended
32:15 72:12 151:18
attendees
13:2 104:20
attending
6:8 98:4
attention
62:4 69:22
attributable
132:11
audible
16:18 66:10,14 67:16,21 68:1
78:15,17 95:10,13 119:4
145:18
audio
10:13 13:6,11 58:5,9 61:3
67:5 68:6,9,11,18 88:6 95:14
95:16 102:9 105:3,8
auto
106:15
autoimmune
44:22 45:2
automatically
13:2 104:20
available
108:21

B

B
1:13 6:10 14:9 15:11 16:4
40:4 55:3 75:9 98:6 112:18
baby
72:6
back
21:22 44:16 45:21 47:11,16
48:1,6 49:16 50:19 58:14
66:17,19 68:7,17 73:20
118:19 120:12 121:18
122:22 136:20 137:12,22
144:4 146:11
background
7:3 53:17 54:8,21 98:21
backgrounds
53:19
balance
118:19 137:22
banks
84:15
Barber
4:20 95:5,19,22,22 97:9
base
56:5
based
53:1
baseline
133:21
basic
44:13 123:2
basically
80:20
basin
43:19
basis
92:20
Bay
115:19
be--and
45:10
be--there
29:1
bear
65:14
bearing
65:9

beauty 70:16 80:14 behavior 33:7 being's 123:1 believe 34:7 66:11 113:7 114:22 123:6 believed 70:1 beneficially 7:14 99:10 benefit 23:12,13 Berkeley 5:9 115:16 best 11:17 12:8 47:8 103:13 104:4 better 20:12 44:8,11 47:2,5,6 115:5 143:18,20 beyond 43:14 115:1 Bishop 5:7 105:14 107:11 111:20 112:3,8,8 bit 46:21 47:4 58:5 75:21 88:6 113:21 black 148:3,6 Bledsoe 5:10 111:21 115:10 118:21 119:8,10,11 block 37:20 blow 123:9 board 34:6 83:5 136:15 Boardman 29:4 body 24:17 123:1 boiler	7:10 53:8,13 54:11 99:6 boilers 7:7 99:3 boron 43:1,3 84:4 85:5 borrow 111:8 bosses 45:17 bottom 7:10 56:1 99:6 boundaries 96:3 box 12:7 13:11 17:14 22:14 26:11 26:21 27:9 35:9,13,22 37:1 38:1,10,19 47:19 61:6 67:2 76:21 77:8 88:11,21 93:15 94:2,11,20 104:3 105:8 124:2,11,20 125:18 126:6,15 127:13,22 128:9 130:14 135:20 138:13,22 139:9 140:7,16 144:11,20 145:7 150:1,10,19 151:6 Branch 2:4,12 6:19 98:15 break 97:14 breaks 12:9,11 47:9 104:5,7 breathe 73:10 123:2 breathing 122:7 brew 84:3 brief 27:21 36:7 37:7 61:8 62:6 77:14 89:6 125:4 126:21 130:20 139:15 140:22 briefly 7:4 98:22 broadband 69:12 broadcasting 24:1	Brockovich 114:11 brunt 65:9 brush 113:22 budget 23:20 building 15:3 built 56:15 Bulbancha 61:20 burden 65:15 burning 33:10 burst 84:15 bury 43:18 burying 42:20 business 111:1 businesses 114:5 button 13:10 105:7 byproducts 50:21 <hr/> C <hr/> C 3:1 4:1 6:1 cadmium 92:13 117:10 129:11 132:21 California 3:19 5:6,9,18 49:2 115:16,20 117:15 146:10 call 10:7 13:10 23:7 47:10 54:7 102:3 105:7 137:7 144:4 148:22 called
--	--	---

<p>10:8 13:4,9 102:4 105:1,6 calling 14:7 63:11 83:16 90:6,7 96:1 116:2 129:3 canceled 143:7 cancer 44:22 64:10 72:16,18 cap 132:3 134:21,22 capacity 97:4 115:21 carcinogens 40:17 51:1,8,9 92:10 117:6 care 8:1 9:14 80:13 99:19 101:10 112:13 120:13 146:7,9 careless 33:7 carelessly 108:14 cares 109:11 112:13 caretakers 33:5 Carolina 3:16 4:6 5:16 39:15 59:7 129:17 141:19 146:9,11,13 Carolina's 64:19 carpet 51:5,7 carried 51:3 carry 8:15 100:11 carve 65:12 case 148:2 cases 19:16 85:20 catastrophes 123:1 catastrophic 108:17 110:20</p>	<p>cater 114:19 cause 52:20 55:4 57:15 60:1 caused 86:8 129:17 132:5 causing 86:21 97:3,5 caution 71:21 CCR 7:6,9,12,17,22 8:1,2,7,9 9:1,5 9:8,8,17 52:20 54:5,7 55:5 56:9,11,21 60:1 99:2,5,8,13 99:18,19,20 100:3,5,19 101:1,4,4,13 132:14 133:1 133:19 134:18 ceased 39:20 ceded 24:19 Celestine 3:9 22:22 23:5,6 Centigrade--and 137:19 centuries 85:22 century 110:11,14 137:22 certain 106:20 certainly 63:8 chair 2:2,10 115:18 146:12 chairing 6:21 98:17 Champanois 5:15 141:10,18,19 chance 40:2 63:3 116:20 143:16 148:17 149:13 change 1:9 28:7 36:16 37:17 78:2 125:12 127:7 131:6 136:16 137:3 140:1 141:8</p>	<p>changes 8:20 32:22 51:15 60:3,13 90:13 100:16 106:9 changing 86:14 113:12 chapter 107:22 108:3 115:19 chat 17:5 39:1 58:11,14 chats 17:9 Chelsea 4:5 58:15,17,22 59:5 chemicals 64:15 80:21 81:3 87:5 chemistry 31:9 Chicago 4:17 32:16 44:10 83:5 Chief 2:3,11 6:18 98:14 111:6,13 children 51:4 64:6 72:7,12 73:2 110:3 110:17 111:8 120:13 122:6 choice 110:10 choose 21:2,6 chose 59:18 Christian 123:10 Christina 71:7 Christine 4:11,14 66:5,11,15,20 67:5,11 67:17,20,22 68:9,16 71:12 71:12,15 72:2 chromium 40:17 80:2 84:4 85:7 92:11 117:7 Chuang 3:19 48:4,7,12 49:1,1 circle 48:5 58:14 66:17,19 68:7,17 Circuit</p>
--	--	--

133:18	21:1 31:19 84:14 107:22	60:12 62:17 63:21 64:2,4,6,7
circumstances	108:4,6,18,21 113:11 136:16	64:9,18,20,21,22 65:13
134:17	137:3,10,14	69:21 70:3,19,20,22 73:1
citizen	clock	74:6,16 75:13 78:2 79:13,20
3:7,9,10,19,20 4:11,13,18,20	10:20 102:16	80:1,22 82:7,11 83:12,14,15
5:4,5,7,8,10,11,13,15,17	close	83:18 84:3,7,9,14 85:3,11,14
18:11 23:9,14 28:21 30:3	11:20 15:10,16 21:13 44:18	85:16,20 86:3,12 87:9,12,13
41:18 49:2 63:11 96:1	49:3 52:20 53:10 56:7 73:16	87:15,17 90:8,19 92:2,7,17
131:17	82:3 84:9 96:3 103:16 111:6	96:18 99:3,8 109:4,6,22
citizen's--all	118:9 132:14	110:19 111:5,17 112:19
71:3	closed	113:2,8 116:4,13 117:4,6,12
citizens	9:17 29:11 32:7 43:14 56:16	117:16,22 118:3,8 119:11,14
3:11,13 26:1 31:12 32:2 33:1	69:13 87:6,7 92:6 101:13	119:17 120:4,14,21 121:15
33:15 34:6 49:5 64:18 69:11	113:3 134:9 135:4	121:19,21 122:2,5,7,16
city	closer	123:14,16 125:13 127:8
42:2 89:22	46:20 72:8	129:7,9,10,15 130:1,2 131:7
clarify	closing	132:4,10,12,19,19 134:7,20
11:8 103:4	33:8 55:4 57:14	134:21,22 136:21 137:5,13
Clarksville	closure	140:2 141:9 142:1 146:14,19
3:6 15:18	1:13,15 6:10,12 7:22 9:6,7,10	coal-fired
classes	9:15,19 92:2 98:6,8 99:18	7:7 32:6 33:4 42:10 63:21
81:17	101:2,3,6,11,15 132:1	70:12 72:5,9 73:16 82:11
classified	134:13 135:5	85:2,12 99:3
32:17,19	closures	coats
clean	43:19	50:22
3:15 15:2 20:13,13,14 21:16	Club	cobalt
32:4 39:14 74:8 86:4 87:12	3:5 14:5 23:8 83:9 89:20	40:16 132:21
91:6 110:14 118:13 119:17	115:18,19	Coffeen
cleaned	co-chair	32:6
87:7	107:21	coke
cleaner	CO2	117:17
34:12,13	70:12	colds
cleanup	coach	72:21
21:12 42:5 118:6 119:21	143:4	colleagues
132:9	coal	142:20
clear	7:7,12 14:8 15:10,13,19,21	collective
110:15	16:6 18:13,16 19:3,10,10,12	117:20
clearer	19:17 20:4,7 21:7,9,13 22:4	color
76:6	28:7 31:10,10,17,17,18,20	41:4
clearly	32:4,7,12,16,18,20,21,22	Colorado
51:16 60:8	33:2,8,9,10,12,14,16 35:2	5:14 136:16
Clifton	36:16 37:17 40:6,7,9 41:1	combustion
4:19 89:19	42:5,11,12,18,21 43:19 45:9	7:6 28:8 36:16 37:17 78:3
Clifty	49:3,16 50:19,20,21 51:12	99:2 125:13 127:8 131:7
53:8,13 54:12	52:16 53:4,11,18,21 54:8,16	132:4 140:2 141:9
climate	54:22 55:4,16,21 56:22 57:2	come

<p>16:5 24:13 47:11 65:6 85:22 87:20 110:2,18,21 133:2</p> <p>comes 65:16 113:2</p> <p>comfort 48:14</p> <p>coming 80:1</p> <p>comment 9:21 12:1 13:20 16:12 18:18 22:9 26:6 30:19,20 33:20 35:4 39:18 41:10 46:1,3,8 49:21,22 51:21 57:20 61:1 62:3,14 63:2 66:4 71:6 76:7 76:9 78:9,20 79:1,11 81:6 82:19 83:11,22 90:12,22 91:1 93:10 97:8 101:17 103:19 105:17 107:9,14 111:19 112:2 114:22 115:8 116:5,10,19 118:20 123:19 130:9 131:11 135:15 138:8 141:13 142:6 143:14 144:6 149:12,18</p> <p>COMMENTERS 3:4 4:4 5:3</p> <p>comments 6:17 7:5 10:12 11:4,8,11,14 11:22 12:2,12 13:14 21:15 22:20 28:14 39:6 44:1 46:8 48:3 58:21 61:12 67:10 76:14 88:1 89:12 95:4 98:13 99:1 102:8,22 103:4,7,10,18 103:20 104:8 105:11 112:11 115:20 118:12,17 143:16</p> <p>Commission 89:22</p> <p>committed 15:1</p> <p>Committee 115:20</p> <p>common 21:22 23:14</p> <p>commonly 7:11 99:7</p> <p>commonsense 22:2 86:15 118:10</p>	<p>communicate 50:15</p> <p>communities 21:8 32:14 33:16,18 40:6,19 41:4 44:4 45:21 48:18 49:9 62:17 64:9 65:8 90:18 91:9 108:15 116:13 118:1 122:6 147:19,20</p> <p>community 42:5,8,11 44:21 96:16 108:17 117:20 137:2</p> <p>companies 74:20 87:11 109:12 120:9</p> <p>company 43:8</p> <p>compared 53:17 96:21</p> <p>complete 9:9 101:5</p> <p>completed 21:9 118:3</p> <p>completed--under 9:11 101:7</p> <p>compliance 8:3,7,10 19:11 53:4 55:6 65:6 99:21 100:3,6</p> <p>complications 69:21</p> <p>components 31:10 73:1</p> <p>compound 57:9 134:14</p> <p>comprehensive 7:16 99:12</p> <p>compromised 31:21 132:14</p> <p>computer 13:10 44:3 50:15 58:9 68:10 95:14 105:7</p> <p>concern 32:3</p> <p>concerned 18:11 23:9 31:9 40:3 49:2,5 59:21 79:12 130:7 131:17 136:20</p> <p>concerning</p>	<p>32:16 111:11</p> <p>concerns 59:19 96:11 138:7</p> <p>concluded 97:16 151:20,22</p> <p>concludes 66:3 118:17</p> <p>concluding 151:10</p> <p>concurrently 52:16</p> <p>condemning 109:21</p> <p>conditions 9:5 32:1 101:1</p> <p>conduct 49:9,15,17</p> <p>Conducted 1:21</p> <p>conductivity 53:1</p> <p>Conference 146:13</p> <p>confine 80:22</p> <p>confirm 145:20</p> <p>confirmation 11:2 102:20</p> <p>conflict 14:20</p> <p>Congress 24:6</p> <p>conscience 111:5 117:20</p> <p>consequences 20:4 80:8 108:6,18 110:20</p> <p>conservation 1:3 3:13 6:20 34:5,7 60:14 98:16</p> <p>consider 24:15 71:2 74:1 86:14</p> <p>considered 24:2 51:11 115:2</p> <p>considering 20:6 71:4</p>
---	---	--

consistent 19:6 53:21	131:4 139:21 141:6	113:20 115:5 121:3 122:20 123:4,5
construction 120:8	contradicts 34:8	counts 96:20 97:2
consultant 146:8	contrary 35:3 93:2 134:12	County 42:2 43:10
consulting 146:9	contributed 83:15	courageous 20:17
consumption 55:13	controlled 137:15	course 56:14,18
contains 84:3 129:10	controls 91:17 130:3	court 10:11 15:8 22:6 86:11 91:22 92:1 102:7 117:14 133:18
contaminants 32:8,11 40:10 53:20 129:10 129:12	cooling 84:11	cover 9:20 56:15,19 57:3 101:16
contaminate 84:20	core 14:22	covering 32:20
contaminated 19:13 55:12 64:11 118:6	Cori 5:7 105:14 107:11 111:20 112:3,8	COVID 121:13 147:2 148:6
contaminating 33:2 57:7	corner 13:12 105:9	COVID-19 31:21 39:20 69:9 91:3 96:13 96:16,22 97:2 109:9 137:7 137:11,15 147:21
contamination 20:2 31:14 32:9 40:12 57:9 60:6 85:19 87:15,18 90:2 134:6 135:3,3,9	coronavirus 25:12 83:20 106:9 147:4 148:10 149:2	create 56:19 136:22
context 133:19	corporation 34:21 114:5	created 7:19 19:5 74:17 86:10 87:21 99:15 114:3
continue 8:22 9:12 15:13 17:17 18:20 19:20 20:20 22:19 27:1,15 36:2 38:12 39:5 40:13 44:17 48:3 49:7 53:11 54:11 61:11 67:4,9 68:17 75:11 77:10 85:21 87:17 89:1,11 92:7 94:4,13,22 95:3 100:18 101:8 120:12 133:5 134:16 135:4	corporations 24:1 34:9,11 114:3	creating 147:3
continued 4:1,2 87:14 130:4 133:7,20	corrective 7:21 9:9 99:17 101:5	Creek 53:8,13 54:12
continues 134:3	cough 72:20	creeks 63:22
continuing 61:2 108:12	Council 3:22 46:19 52:10	crises 148:5
contractor 12:19 28:4 36:13 37:14 77:21 104:15 121:16 125:10 127:5	countdown 10:20 102:16	crisis 20:10 31:19 49:11 59:13 63:4 106:12 108:7,21 109:9 116:21 148:4 149:15
	counted 121:5	criteria 53:8 55:9
	counterproductive 97:6	critical 21:10 62:19 63:14 116:14 118:4 137:3
	countless 112:10	crucial
	countries 24:18 120:11	
	country 48:17 50:12 59:13 70:14 79:18,21 80:13 91:16 109:10	

44:3 crude 83:8 cubic 42:19 43:20 55:21 curious 148:14 current 17:11 21:1,4 22:11 26:8,17 27:5 29:12 36:6 40:21,22 45:8 54:18 56:10 69:9 88:18 89:5 93:12,21 94:8,17 109:4 118:2 124:17 126:3,12 127:19 128:6 130:11 135:17 138:10,19 139:6 140:4,13 144:8,17 145:4 149:20 150:7 150:16 151:3 currently 15:15 21:7 29:1 45:1 75:7 80:21 82:14 117:22 148:20 cut 23:20 88:6 cutting 136:20 137:12	15:21 51:13 dangerous 15:17,19 51:16 72:22 85:20 87:10 92:5 106:22 118:8 148:13 dangers 50:19 86:3 120:14 146:14 data 21:11 91:11 118:5 132:17 dates 96:15 Daughter 4:14 Davis 3:20 48:5 50:1,7,8 day 12:15 27:12 45:12,12 70:22 75:6 87:22 104:11 108:5 121:7 122:8 DDT 114:10,10 dead 119:18 deadline 55:5 deadly 70:17 113:14 deal 80:7 121:7 dealing 50:12 79:19 Deanville 3:9 22:21 23:6 dear 63:19 death 65:10,16 97:2 deaths 132:11 148:6 decades 20:19 85:22 86:20 December 75:20 119:15 decide 24:13 decided	23:15 146:19 decides 24:17 54:19 decision 18:20 26:4 62:10 76:2 83:19 90:10 111:10 116:6 decisions 8:5 25:19 69:8 100:1 111:14 Declaration 25:8 DeCLUE 3:11 28:11 30:21 31:1,6,7 decrease 24:4 dedicated 83:7 defend 23:14 deficit 24:4 definitely 73:8 degrading 111:4 degree 137:19 degrees 137:19 delay 62:13 69:8 116:9 149:9 delayed 90:15 delays 65:21 deleterious 110:12 deliberative 24:16,17 delivering 70:17 demanding 44:8 democracy 24:10 demonstrate 9:2 100:20 133:6
D		
D 6:1 D-e-C-l-u-e 31:8 D.C 133:18 daily 65:1 82:7 damage 74:12 86:7 91:7 93:4 129:18 132:5 133:13 damaged 31:16 damaging 106:17 dams 64:16 Dan 64:19 danger		

demonstrated 51:1 demonstrates 149:10 demonstration 1:14 6:11 86:22 98:7 denied 119:20 120:19 deny 121:17 122:17 depend 111:12 deplete 97:4 depth 42:15 Des 4:21 96:1,4 describe 7:4 98:22 desert 30:8 design 7:20 99:16 designated 53:18 designating 54:12 designation 53:3 designed 113:8 123:2 desktop 44:2 despite 14:16 21:8 92:1 118:2 destroyed 31:16 destructive 111:3 desulfurization 7:11 99:7 details 55:18 detected 43:11	deteriorate 60:7 determination 133:12 devastating 60:2 70:13 develop 108:22 developments 142:17 devoted 73:19 dialed 17:2 dialing 58:7 dictators 25:6 die 148:10 died 72:16,17 119:19 123:15,17 132:11 difference 65:10 different 28:22 45:18 48:16 difficult 45:16 75:3 85:18 147:4 dig 87:12 diligent 20:17 dioxide 70:10 dire 137:9 direct 14:20 15:21 directly 16:1 34:8 62:5,21 72:8 79:19 116:16 149:7 director 9:3 46:17 52:8 100:21 directors 34:6	dirty 34:12 disabilities 115:2 disappointed 14:14 148:12 disaster 84:14 discharge 64:22 65:5 129:22 discharges 65:2 130:3 disclose 118:7 disclosed 21:12 discount 121:14 discounted 121:5 discretionary 24:2 discuss 12:19 104:15 disease 45:1,2 72:18 disenfranchised 96:12 disgrace 122:14,14 disincentivizes 135:1 dismay 52:14 disposal 2:4,12 6:19 7:17,22 28:7 32:18 36:16 37:17 78:2 98:15 99:13,18 125:13 127:8 129:15,22 130:2 131:7 133:22 140:2 141:9 disposed 7:12 33:9 99:8 disproportionate 65:15 disproportionately 41:3 64:8 106:13
---	---	---

disregard 65:18	82:9 91:8	economic 21:20 80:7 129:18 137:16
disrupt 57:3	dumped 73:7 86:20 87:12	Economics 12:19 104:15
distributed 33:12	dumping 15:13 40:21 41:1 79:20 92:15	ecosystems 87:19
dock 119:14	96:18	educate 108:16
doctors 121:11 123:3	dumps 42:11 87:15	effective 8:8 100:4
document 8:3 99:21 129:20	dust 119:20 120:16,19,22 121:10	effects 106:17 133:8 134:2 137:9
documentation 133:3	122:4,17,18,21	efficiency 106:15
documented 51:11 60:8	duty 74:5,15 86:1 91:4 119:16	effluent 63:13
doing 19:20 25:11 45:5 49:12 66:2	dying 122:10	effort 134:4
75:17 111:1 120:8		efforts 134:6
dollar 123:10	<hr/> E <hr/>	eight 55:22
double 49:18	E 3:1 4:1 6:1,1	either 144:4
double-check 66:12	earlier 35:12,14 148:22	elected 115:17
downgradient 53:19	early 70:18	electric 7:8 99:4
dozens 65:12 112:9	Earth 110:8 111:7 137:22	electricity 7:8 99:4
draw 62:4	earthen 64:16	Elena 3:7 13:16 16:13,19,22 17:5,18
drink 60:9 73:13	Earthjustice 19:9 132:16	17:20 18:1,7
drinking 40:15 43:7 64:10 84:16,20	ease 35:2 109:9	elevated 53:20
85:7 129:13	easier 34:11 75:21	elevation 56:2
drive 15:19	easily 133:11	eligible 54:3 55:8 56:9 57:8
driveways 51:3	easing 109:3,21	eliminate 65:2
due 15:16 31:17 54:4 69:21 71:21	East 25:5	eliminates 62:19 116:14
dug 121:1	Easter 4:5 58:15,20,22 59:5,5,9	Elizabeth 5:14 136:4,9,13,14
dump 34:11 44:17 72:14 75:11 82:7	69:15	Ella
	Eastern 28:2,5 36:10,14 37:11,15	
	69:15 77:18,22 97:17 125:8	
	131:2 139:19 141:4	

<p>4:14 81:7,12,14,14</p> <p>Ellen</p> <p>3:11 28:11 30:21 31:1,6</p> <p>email</p> <p>10:2 11:1,2 46:10 76:15 88:4</p> <p>101:20 102:19,20</p> <p>EMCEE</p> <p>6:4 12:21 14:6 16:12,19,22</p> <p>17:5,20 18:9 22:9,19 26:6,16</p> <p>27:4,18 28:4 29:2 30:20</p> <p>33:20 35:4,18 36:5,13 37:6</p> <p>37:14 38:6,15 39:5,16 41:10</p> <p>41:20 46:1,20 47:3,7,13,16</p> <p>48:3,21 49:22 51:21 52:5,11</p> <p>57:20 58:4,13 59:8 61:1,11</p> <p>62:1 66:4,11,15,19 67:9,17</p> <p>67:20,22 68:2,5,9,15 71:6,14</p> <p>76:7 77:4,13,21 78:16,18,22</p> <p>79:3,8,11 81:5,13 82:19 88:1</p> <p>88:17 89:4,11 93:10,20 94:7</p> <p>94:16 95:3,11,14,20 97:8,10</p> <p>97:22 104:17 106:4 107:9</p> <p>111:19 115:8 118:20 119:5,9</p> <p>123:19 124:7,16 125:3,10</p> <p>126:1,2,11,20 127:5,18</p> <p>128:5,14,22 130:9,19 131:4</p> <p>131:19 135:15 136:3,11</p> <p>138:8,18 139:5,14,21 140:12</p> <p>140:21 141:6 144:6,16 145:3</p> <p>145:12,19 146:2,5 149:18</p> <p>150:6,15 151:2,13</p> <p>emergency</p> <p>1:4 2:5,13 18:21 62:12 76:4</p> <p>90:12 116:8 137:10,14</p> <p>149:10</p> <p>emissions</p> <p>70:10</p> <p>employees</p> <p>132:9</p> <p>enact</p> <p>106:14</p> <p>encourage</p> <p>20:20 46:7 71:1 76:13 96:14</p> <p>encouraged</p> <p>74:22</p> <p>endanger</p>	<p>40:18 41:7 87:18 117:1 149:4</p> <p>endangers</p> <p>40:14 92:22</p> <p>endemic</p> <p>109:18</p> <p>energy</p> <p>2:3,11 6:19 49:16 73:1 98:15</p> <p>110:11,13 111:4 138:2</p> <p>enforce</p> <p>91:11</p> <p>engaging</p> <p>107:4</p> <p>engineering</p> <p>90:3 91:14</p> <p>English</p> <p>11:9,10 103:5,6</p> <p>enhance</p> <p>32:1</p> <p>enlightened</p> <p>111:13</p> <p>enormous</p> <p>15:3 75:11 92:15 137:21</p> <p>ensure</p> <p>8:18 46:3 60:15 64:15 76:9</p> <p>86:4 100:14 129:14 148:15</p> <p>enter</p> <p>13:5 58:8 105:2</p> <p>entire</p> <p>30:7 72:4,8 143:5</p> <p>entirely</p> <p>42:12 54:13 55:1</p> <p>enumerated</p> <p>112:19</p> <p>environment</p> <p>9:5 15:1 16:3 31:20 33:5 41:8</p> <p>51:14,19 57:16 60:17,21</p> <p>74:5,9 75:18 80:5,6,11 82:15</p> <p>86:5 91:5,6 92:4,8 93:1</p> <p>101:1 111:11 112:22 114:15</p> <p>114:16 133:9 134:2 147:12</p> <p>environmental</p> <p>1:2 3:17,22 4:9 6:9 19:8 20:4</p> <p>40:5 41:5,18 42:3 46:18,19</p> <p>51:17 52:8,9 60:18 69:5 83:6</p> <p>83:10 89:22 90:2,3,5 91:13</p> <p>98:5 109:5,16 110:1 111:16</p>	<p>112:10 114:2 129:5,18</p> <p>141:20 147:20 148:4</p> <p>environmentally</p> <p>111:4</p> <p>environments</p> <p>114:13</p> <p>EPA</p> <p>1:8 2:1,9 6:4,6 7:1,15 8:14,20</p> <p>9:2 10:8 13:19,22 14:1,16,21</p> <p>15:4,9,11 16:14,15 17:21</p> <p>18:2,3 19:3 20:18,20 22:2</p> <p>23:1,2,19 27:22 28:1,13,16</p> <p>28:17 31:2,3 32:15 33:17,22</p> <p>34:1,8,14,15,17,22 36:8,9</p> <p>37:9,10 39:9,10 41:12,13</p> <p>44:8,15 45:2,11 46:13,14</p> <p>48:8,9,13 49:8,15 50:3,4</p> <p>51:17 52:1,2,15,21 53:2</p> <p>54:19 57:17,22 58:1 59:1,2</p> <p>61:15,16 62:21 63:1,15 64:9</p> <p>66:2,6,7 67:12,13 68:21,22</p> <p>70:4 71:8,9 73:19 74:4,17</p> <p>77:16,17 78:6,8,11,12 80:4</p> <p>81:8,9 82:17,21,22 83:14,21</p> <p>86:12,13 87:11,16 89:7,14</p> <p>89:15 90:15 91:1,4,6,10 93:2</p> <p>93:3 95:6,7 97:13,15,22 98:2</p> <p>98:19 99:11 100:10,16,20</p> <p>102:4 105:16,19 106:20</p> <p>107:1,3,13,16 112:1,4,11</p> <p>113:21 114:12,18,19 115:11</p> <p>116:16,18,22 117:11 118:22</p> <p>125:6 127:1 128:16 129:9</p> <p>130:1,22 131:10,12 133:5,19</p> <p>134:4 136:5 139:17 141:2,12</p> <p>141:14 142:12 143:15</p> <p>145:14 146:15 148:19 149:2</p> <p>149:11 151:15</p> <p>EPA's</p> <p>6:20 11:5 12:19 14:8,19 18:16</p> <p>18:20 28:4,6 36:13,15 37:14</p> <p>37:16 62:10 63:12 64:12</p> <p>77:21 78:1 79:14 80:9 83:17</p> <p>83:19 85:5 86:1,4,6 90:8,10</p> <p>91:19 98:16 103:1 104:15</p> <p>106:9 116:3,6 125:10,12</p>
--	--	--

<p>127:5,7 129:7 131:4,6 133:3 134:12 139:21 140:1 141:6,7 146:21 148:13 EPA-HQ-OLEM-2019-0173 1:10 EPAwebinar@indecon--th... 46:9 EPAwebinar@indecon.com 11:3 76:15 88:4 102:21 equal 46:4 76:10 equipment 119:20 Eramo 4:18 89:13,18,19 Erie 34:16 Erin 114:11 erode 56:19 especially 73:2 146:17 essential 33:13 132:13 135:8 established 15:4 130:1 135:6 establishing 7:16 99:12 evaluating 134:4 Evanston 3:8 18:12 event 143:5 everybody 123:12 evident 64:18 exacerbate 86:7 exacerbates 40:22 exactly 66:2 example</p>	<p>63:20 148:5 excavating 135:1 exceed 84:8 85:9 exceedances 43:3 exceeding 19:14 exceeds 16:6 85:3,8 excuse 109:9 Executive 115:20 exist 29:13 74:17 existentially 110:22 existing 9:1 100:19 130:3 132:4 134:15,18 exists 74:17 expansion 83:7 expect 148:19 expectations 113:1 expected 13:15 28:9 39:7 78:4 105:12 expeditiously 132:15 expense 86:17 87:3 experience 80:14 expert 73:3,4,6,9,11,13 Experts 73:21 exploit 108:12 exploitive 111:3</p>	<p>exports 117:18 expose 92:9 117:5 133:16 exposed 51:7 73:15 exposure 65:8 80:20 132:12 express 112:17 113:19 expressed 96:10 extend 62:13 63:2 83:22 91:1 116:9 116:19 143:15 149:12 extended 90:14 114:22 extractive 108:11 111:3 extremely 85:18 eyeballs 122:10</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>face 62:8 110:21 facilitate 134:13 facilitated 33:6 facilities 8:22 9:16 52:21 54:1 100:18 101:12 facility 8:5 49:4 100:1 facility's 8:4 99:22 facing 49:11 90:12 106:12 fact 14:16 30:1 54:8 62:4,10 69:10 75:20 143:9,20,22 factors 69:9,16 failed</p>
---	---	---

64:17 133:20 137:11 failing 62:15 90:16 116:11 fails 135:11 fair 49:14 fake 86:22 familiar 90:1 91:14 families 16:1 20:1 family 15:20 44:21 71:22 72:8,11 74:7,18 120:13 142:19,20 famous 120:9 far 16:6 84:22 117:19 farmland 31:13,16 fast 80:14 father 119:19 father-in-law 72:17 Fauci 25:14 fault 57:2 143:22 feasible 63:8 featherbed 86:6 Federal 6:13 11:13 19:3,14 22:6 29:16 39:21 40:10 43:7 86:11 92:1 98:9 103:9 117:14 129:14 132:13 147:9 feel 80:3 96:11 113:21 120:18 feeling 147:20 feels	142:12 feet 56:1,2,4,4 fell 120:11 fellow 49:5 felt 147:5 fewer 24:13 Fifteen 40:22 fighting 42:4 figure 142:7 144:1 filth 86:10 final 7:15 8:1,7 99:11,19 100:3 143:14 finalized 75:9 Finally 13:11 65:12 105:8 financial 65:19 138:5 find 47:5 106:11 107:3 133:11 148:16 Fink 5:4 105:13,18 106:1,1,5 fire 34:16 firmly 69:7 first 13:21 39:17 48:13 50:10 52:14 53:13 78:10 90:10 105:18 107:15 112:3 fish 84:6 92:13 117:9 fit 12:8 104:4 five	44:9 fixed 123:7,7 flat 29:21 fleet 43:16 flies 122:5,5 flood 42:13 54:14,18 55:2,10,10 56:2,5,12,17,22 72:15 73:8 75:14 82:9 84:15 92:18 flooding 84:12,18 floods 54:16 113:9,10 flow 25:7 flue 7:10 99:6 fly 7:9 99:5 122:5,7 focused 142:15,15,16 focusing 20:2 folks 59:14,20 147:16 follow 11:12 34:22 74:15 89:20 103:8 110:21 followed 13:16 28:10 30:22 48:5 50:2 105:13,14 107:11 111:21 115:10 follows 9:22 101:18 food 114:17 football 45:7 forced 31:22 forces 110:13
---	---	--

forest 108:11 form 110:10 143:19 148:1 format 142:2,3,10,22 146:22 former 45:8 108:1 109:6 136:17 forms 111:4 fortunate 147:22 fortunately 117:16 Forty 132:9 forward 6:16 35:1 98:12 147:11 forward-thinking 20:17 fossil 108:9,11 found 19:9,12,17 53:15 64:9 84:7 85:11 133:18 142:1 148:9 four 8:20 43:8 81:19 100:16 119:20 131:2 fourth 70:11 Franciscan 136:15 Frank 3:22 46:12,17,17 47:1,2,6,10 47:15 48:6 50:2 51:22 52:7,7 52:12 free 74:9 86:5 frequency 54:15 84:13 frequently 72:20 friends 15:22 44:21 frightening 106:11	front 121:12 148:3 front-line 48:18 frontline 147:19 frustrated 142:10 frustrating 142:3 143:13 fuel 108:11 fuels 108:9 fugitive 122:4 Fuhr 5:14 136:4,9,13,14 fulfill 22:3 full 46:8 76:13 112:20 funded 23:22 funds 24:2 further 117:1 133:13,17 146:16 future 21:5 48:15 49:8,13 107:7 110:8 112:14 132:8 133:9 <hr/> G <hr/> G 6:1 gain 65:19 138:5 gallons 64:22 70:21 gas 7:10 99:6 gases 86:19 137:5 gather 40:2 general	23:11 106:8 generally 136:18 generate 84:11 generated 7:6 99:2 Generation 85:1 generations 21:5 87:20 110:17,20 Geneva 5:12 129:3 geology 29:7 getting 25:18 46:20 73:1 80:14 109:13 121:13 gifts 87:2 gigantic 72:14 give 10:3 47:4 58:10 65:5 101:21 giveaway 118:15 given 12:3 40:2 54:15 75:19 90:11 103:21 109:4 110:10 146:22 148:20 giving 109:15 glad 44:12 global 14:15 62:11 75:7 76:5 81:20 83:20 116:7 go 12:22 23:18 50:19 68:15 104:18 137:18 goal 60:20 64:12 goals 25:6 God-fearing 123:11
--	--	---

<p>goes 56:11</p> <p>going 34:17 35:1 58:6,16 59:10 96:19 110:21 114:18,19 115:4 136:18 148:20</p> <p>good 6:4,7 18:6 21:22 41:21 45:4 69:11 73:6,8,10,13,18 75:6 83:3 87:22 98:3 138:2</p> <p>goodness 71:15</p> <p>Gore's 108:1</p> <p>government 39:21 60:10 91:21 113:21 147:11</p> <p>governor 71:20,20</p> <p>grandchildren 19:22 20:8 110:3,17</p> <p>granted 20:14</p> <p>great 34:18 47:14 48:21 71:21 137:6 146:6</p> <p>greed 21:20</p> <p>greedy 33:7</p> <p>greenhouse 86:19 137:5</p> <p>grievous 133:13</p> <p>ground 31:18 51:6 55:16</p> <p>groundwater 7:21 9:4,9,12,13 19:4,7,11,13 19:18 20:2 21:11 30:6 32:8 33:3 40:14 53:6,14 54:2,3 57:7 60:6 75:14 85:4,17,17 92:18 99:17 100:22 101:5,8 101:9 113:13 118:5,7 122:3 129:13 132:16,20 133:14,16 135:12</p> <p>group</p>	<p>44:9 136:16</p> <p>groups 10:7 72:1 73:3 102:3 112:10</p> <p>growing 73:15 84:14</p> <p>guarantee 10:4 74:7 101:22</p> <p>guess 23:10 90:4</p> <p>guidelines 63:13</p> <p>Gulf 61:21 63:10</p> <p>gun 30:12</p> <p>gut 117:11</p> <p>guys 96:14</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>h 86:17</p> <p>habitable 110:9</p> <p>half 13:15 21:14 28:10 78:5 105:12 118:11</p> <p>handled 32:17</p> <p>handling 64:19</p> <p>hang 89:8</p> <p>hanging 24:11</p> <p>happen 65:22</p> <p>happening 75:8 79:21</p> <p>hardest 23:19</p> <p>Harding 55:19,20 56:8</p> <p>harm 84:6 87:16 91:14 147:12</p>	<p>harmful 31:10 82:6</p> <p>harms 91:18</p> <p>harshly 121:3</p> <p>hauling 117:17</p> <p>hazard 32:13</p> <p>hazardous 32:19 80:1 84:3 87:5 91:9 117:5 134:8</p> <p>heads 66:1</p> <p>headset 79:6 95:15</p> <p>health 9:4 14:22 16:3,5 18:21 19:14 20:9,10 21:17 22:3 31:20 32:13,21 33:11,15,17 40:5 40:11,18 41:8 46:18 51:13 52:8 57:16 60:7,17 62:12 65:15 71:2,2 74:5,12 76:4 80:1,5,12 84:6 85:6 86:1,8 86:17 87:3,19 90:5,12 91:8 93:1 97:7 100:22 106:12,17 116:8 117:12 118:14 132:6,7 133:9 134:2,7 135:10,12 141:21 146:7,9,10,12,13,15 147:12</p> <p>healthier 110:9</p> <p>healthy 33:10 74:8 86:5 91:6</p> <p>hear 11:4 14:11 16:22 18:8 26:1 44:4 59:19 68:3 71:13 79:7 81:12 102:22 119:8 128:22 131:17,19 136:9,11 145:22</p> <p>heard 96:17 143:12 147:18</p> <p>hearing 1:7,8 6:5,8,22 7:2 9:21,22 10:14 11:19,20 12:20 18:20 26:3 28:1,6 32:15 36:9,15</p>
--	---	---

37:10,16 39:18 50:13 59:12
59:15 62:7,11,13 69:17 76:3
77:17 78:1 83:20 90:11,14
96:15 97:22 98:4,18,20
101:17,18 102:10 103:15,16
104:16 116:7,9 125:7,12
127:2,7 131:1,6 139:18
140:1 141:3,8 142:2,13
143:11 147:1 151:10,16,19
151:20,22

hearings

14:15,18 39:22 44:10 45:19
48:16 49:9,15,17 63:6,7
83:15,21 96:13 143:10 149:8

heart

72:18

heavily

63:18

heavy

64:3 73:7,12 84:13

held

14:15 72:13 142:4,11

Hello

23:5 31:6 39:13 41:16 79:3
81:14 95:19,20 106:1 115:15

help

34:9 68:12 108:5 119:16
122:12 129:14

helpful

68:10

helping

21:16 92:21 118:12

hem

122:12

hexavalent

40:17 92:11 117:7

Hi

48:12 61:19 79:2 89:18
107:20 112:8 119:10 129:2
131:16 141:18 145:22 146:3

high

43:3,4 55:15 64:3 97:3 148:11

high-speed

75:22 81:22

higher

64:11 65:3 96:19 97:1,2

highest

43:10

highlighted

129:15

highly

29:12,15 30:16

history

50:20 113:16

hit

23:19,21

hold

63:19 74:11 79:5

holding

93:4 149:8

holes

30:13 96:4

Holistic

1:13 6:10 98:6

home

48:15 51:4,7 71:18,22 82:3
148:1

homes

40:1

Hoosier

3:22 46:19 52:9

hope

26:1 71:16 111:9

hopeful

44:11

hopes

113:1

hoping

114:1

horrible

25:2 34:17

hospitals

121:11

host

142:12

hour

13:15 28:10 78:5 105:12
113:7

hour's

15:19

hours

69:20

house

21:18 76:1 82:1

houses

64:4 142:14

Houston

79:18

huge

30:8 33:11 34:14 43:21

Huggins

2:2,10 6:7,18 98:3,14

human

9:4 14:22 16:3 25:8 40:18
55:13 57:15 66:1 80:5 81:3
84:6 90:5 100:22 112:15
123:1 133:9

humane

25:1

humanly

110:6

humans

51:13 80:16,20 84:9 113:15

hundred

56:1 118:6

hundred-year

54:16 113:9

hundreds

21:10 108:4 118:4 120:2

hurting

80:8 114:8

husband

72:7,20 120:2,5

hydraulic

53:1

hydrology

30:6

I

i-n-d-e-c-o-n--dot-com

46:10

idea

47:14 113:4

identified

21:11 118:5

identify

17:14 22:14 26:11,21 27:9,13
35:9,22 37:1 38:1,10,19 61:6

76:21 77:8 88:12,21 93:15
 94:2,11,20 124:2,11,20
 125:18 126:6,15 127:13,22
 128:9 130:14 135:8,20
 138:13,22 139:9 140:7,16
 144:11,20 145:7 150:1,10,19
 151:6

identity

118:8

IEC

28:4 36:13 37:14 77:21
 125:10 127:5 131:4 139:21
 141:6

ignore

74:12,19 91:7

ignored

41:6

ignoring

137:13

Igor

5:8 107:11 111:21 115:9,15

Illinois

3:8,12,14,21 4:16,17 5:12
 18:12,14 31:7 34:5 50:9 83:5
 83:6,8 85:7,13 129:3,5

illogical

113:5

illustration

109:17

imagine

70:15

immediate

115:18

immediately

63:2 93:8 116:19 123:8
 149:12

impact

53:6,21 62:16 64:8 90:17
 116:12

impacted

16:1 53:17 54:8 59:14 62:17
 63:19 72:9 90:18 116:13
 148:1

impacting

41:3

impacts

60:2 147:21

impending

108:17

implementation

1:15 6:12 8:18 98:8 100:14

implemented

133:1 135:13

implementing

16:8

implicated

141:22

important

25:16 70:4 110:1 142:22
 147:6

impossible

149:7

impoundment

133:5

impoundments

1:15 6:12 7:13,18 9:1,7 53:4
 60:5 98:8 99:9,14 100:19
 101:3 132:5,14 133:21
 134:19

impoverished

96:16

improper

129:22

improperly

54:1

improve

113:11

Improvements

8:16 100:12

in-person

63:7 96:12

include

7:9 51:9 99:5

includes

55:3 86:2 117:16

including

15:15 117:6,18

incorrect

133:12

increase

24:3 51:1 86:16 106:17

increased

84:12

increasing

15:5 54:15

indefinite

92:3

indefinitely

113:5

independent

7:9 99:5

indescribably

110:12

Indiana

53:7 54:6 55:7 57:16

Indianapolis

55:20

indication

53:6

individual

13:6 65:21 105:3 115:21

individuals

40:3

Indra

3:22 46:12,17,20 47:1,16,22
 48:6 50:2 51:22 52:6,7

Industrial

12:19 104:15

industries

80:8 93:4 108:12

industries'

106:15

industry

16:7 32:20 45:9 49:16 60:12
 74:2 80:18 109:6 110:19
 111:17 114:5,20 118:16
 120:7 143:4

infiltrating

30:17

inform

108:16,20

information

7:3 8:7 9:18 23:7 24:7 25:19
 98:21 100:3 101:14 143:11

Infrastructure

8:16 100:12

inherit

111:7

inspections 21:10 118:4	issues 17:7 24:17 67:5 68:6,18 106:14 108:8 114:8 149:14	123:14
instability 15:16		killing 74:21 123:15
instituted 91:17	<hr/> J <hr/>	kind 34:20 96:4,5,6,7 147:1
instructions 11:12 103:8	Jackson 2:7 7:1	Kingston 119:11,15 123:16 129:16 132:10
insurance 122:13	Jefferson 43:10	kitchen 44:2
Integrity 19:8	Jersey 4:19 89:20 90:1	Klinedinst 4:9 68:19,20 69:3,3
interests 16:7	Jesse 2:15 98:19	knew 120:14 121:17,19,19
interface 13:8 105:5	JoAnn 3:5 13:16,21 14:4	know 10:21 20:12 30:16 34:20 47:7 50:18 60:7 72:22 73:18 79:21 81:3 85:16 91:16 102:17 106:6 107:1 113:6 114:10 119:13 122:1,5 123:3 137:1 141:22 143:12 147:8 148:1,15
international 24:20 137:2	job 33:17 80:4,9 82:16 86:4,6 87:20 93:6,7 114:12,13 120:1,3	knowingly 19:21
internet 62:8 69:12 75:22 81:22 96:10 115:3	join 59:22 146:19,22 147:5 148:20	knowledge 79:22 90:4 138:1
into--it's 96:19	joining 59:19	known 7:11 61:21 70:14,18 87:4 99:7
introducing 13:18 28:12 78:7 105:15 107:12 111:22 131:9 141:11	Julie 5:10 111:21 115:10 118:21 119:5,10	Koehl 5:11 128:15,20 129:1,2
Inverness 3:21 50:8	just--I'm 30:3	<hr/> L <hr/>
invested 134:4	just--if 114:9	Labadie 3:17,18 4:9,12,15 41:17,19,22 42:3 43:2,17,20 69:4 70:9,20 72:3,5 73:17 75:11 81:15 82:4,10
involved 89:21	just--it's 115:4	labor 114:8
IPCC 137:18	justice 41:6 147:20	lack 115:3
irresponsible 32:13 33:5 40:8	<hr/> K <hr/>	Lake 34:16 55:11 85:2
is--needs 107:3	karst 70:14	lakes 15:5 65:5 84:10,16
Island 43:9	Kate 4:13 78:5,10,16,18,22 79:9	land
issue 17:18 41:6 61:3 62:22 72:19 107:5 112:17 113:3,22 116:17	keep 11:20 34:12 63:16 92:15 103:16 111:12 114:16	
issued 15:8	kill 92:12 117:9	
	killed	

1:4 2:5,13 4:16 15:2 32:10 33:3 70:13,18 71:3 83:6 landfill 55:15 landfills 7:13,18 9:6 99:9,14 101:2 132:19 languages 11:9 103:5 large 79:19 86:19 129:16 largely 20:16 65:15 larger 56:20 70:9 largest 24:16 70:11,20 72:9 82:5,11 82:12 108:3 late 133:11 142:5 Latin 96:9 Laura 3:20 48:5 50:1,8 Laureate 108:1 law 109:16 lawlessness 109:18 laws 122:4 leach 84:19 123:9 leaching 73:12 122:1,3 lead 57:4,15 60:5,5 80:3 84:5 92:12 117:8 132:22 leadership 45:8 137:11 League 129:4 leak 81:1 leakage	32:11 42:17 leaking 15:15,16 21:13 29:14,14 32:8 40:10 41:2 50:20 64:8 70:21 72:14 75:12 87:5 92:16 118:8 134:8 leaks 60:5 lean-and-mean 23:16 learned 8:19 100:15 114:4 120:4 121:1,3 146:14 learning 29:6 leave 33:1 113:4 142:14 leaving 32:7 left 10:22 31:18 49:7 85:21 102:18 legacy 20:21 legislators 20:18 length 46:9 76:14 lessons 8:19 100:15 let's 12:18 17:20 47:7,13 66:16 104:14 letters 14:17 letting 80:6 111:18 149:16 levels 42:22 43:11 65:3 84:7,8 85:4 85:8,10,11 132:20 libraries 69:13 library 50:15,16 lie 29:21 73:15 122:15	lieu 12:1 103:19 life 16:6 65:10 66:1 72:4 80:16 112:14 120:1,7 136:21 137:16 lifelong 120:5 lifetime 20:15 lifted 59:17 96:13 lifts 96:16 light 133:2 limit 46:2 76:8 limitation 63:13 limited 8:21 10:18 75:5 100:17 102:14 133:16 135:12 137:17 limitless 41:1 line 10:12 17:3 47:17 54:20 67:18 102:8 119:7 129:21 145:20 145:21 lined 27:18,20 36:5 37:6 54:12 55:15 77:13 89:4 113:6 125:3 126:20 130:19 139:14 140:21 liner 52:19 53:1,3,22 liners 9:1 57:13 64:14 100:19 132:2 134:5,17 lines 121:12 148:4 lineup 17:15 22:15 26:12,22 27:10 35:10 36:1 37:2 38:2,11,20 47:20 61:7 67:2 76:22 77:9
--	--	--

88:13,22 93:16 94:3,12,21 124:3,12,21 125:19 126:7,16 127:14 128:1,10 130:15 135:21 138:14 139:1,10 140:8,17 144:12,21 145:8 150:2,11,20 151:7 lining 30:1,2 60:4 linings 29:19,20 link 90:4 links 129:19 listen 75:1 listening 118:18 liter 43:4,5,11 literally 44:17 45:8 lithium 51:10 80:3 85:9 92:12 117:8 132:21 litigation 8:18 100:14 little 25:15 46:21 47:4 51:4 58:5 71:16 75:21 88:6 109:11 113:21 live 15:18 31:7 41:22 44:12,22 49:3 50:8 61:20 63:20 64:6 65:17 69:10 70:8 72:7 74:9 79:18 81:15 82:2 83:4 84:22 96:3,5 114:14 117:19 129:2 141:19 148:11 lived 72:4 113:1 lives 45:6 60:11,21 65:18 70:1 80:10 81:3 91:2 121:8 122:8 137:20 living 18:11 40:6 44:4 49:2,5 70:2	73:16 122:6 Lloyd 4:9 68:19,20 69:3 lobbying 109:13 lobbyist 45:9 109:7 local 42:8 96:2 119:16 located 18:13 54:14 55:1 75:13,15 84:9 87:10 92:17 location 7:20 53:5 55:6 56:3 57:5 99:16 locations 57:6,10 87:10 134:9 lockdown 115:1 logged 142:5 logistics 9:20 12:20 13:1 101:16 104:16,19 logon 143:21 long 2:6,14 7:1 78:19 98:19 106:16 125:7 127:2 131:1 138:4 139:18 141:3 151:17 longer 117:16 longwall 3:12 31:12,15 look 6:16 30:10 68:12 70:10 91:10 98:12 120:20 123:4 143:4 looks 66:16 Los 107:21 108:3 lose 71:17 119:22 losing 23:12,13 lost	44:21 66:16 137:16 lot 29:6 50:13 92:22 106:7 120:4 120:9,10 121:2,2 143:19 louder 47:4 loudly 109:21 Louis 42:2,2 43:9 Louisiana 4:8 love 79:18 80:13 low-income 41:4 64:8 lowest 23:22 loyally 110:18 Lucas 5:15 141:10,18 lucky 113:17 Luke 4:20 95:5,11,22 lunch 97:14 lung 72:16 97:4 <hr/> M <hr/> machine 23:16 30:12 main 8:20 24:14 100:16 maintain 8:6 100:2 maintained 33:14 64:16 maintaining 25:6 major 8:12 23:14 51:12 52:16 55:10 82:1 100:8 majority
--	---	---

64:13 making 45:4 80:10 92:21 111:10,14 112:14 man 25:13 119:19 123:15 management 1:4 2:5,13 129:12 manager 61:22 63:10 mandate 91:19 93:6 manner 33:10 107:4 132:15 134:10,14 map 30:10 March 6:14 11:5,13 15:10 98:10 103:1,9 Margaret 5:14 136:3,9,11,13,14 marginal 65:19 marginalized 108:14 Mary 2:7 3:11 7:1 28:11 30:21 31:1 31:6 mask 119:21 120:16,19 122:18,18 122:21 masks 120:22 121:10 massive 56:19 57:4 64:16 materials 7:11 99:7 matter 45:13 matters 25:17 107:6 McINTOSH 3:5 13:16,21 14:4,4,7 mean 44:16 53:9 65:10 106:5 meander	56:13 meaningful 116:15 133:10 meaningfully 62:20 means 19:16,18 73:3 90:21 144:2 measure 106:22 measures 97:7 medical 69:22 96:22 meeting 149:1 meetings 149:1 meets 53:7 member 13:7 14:1,5 16:15 18:3 23:2 28:1,17 31:3,12 34:1 36:9 37:10 39:10 41:13 46:14 48:9 50:4 52:2 58:1 59:2 61:16 66:7 67:13 68:22 71:9 77:17 78:12 81:9 82:22 83:5 83:9 89:15 95:7 97:15 105:4 115:19 136:15 141:20 members 11:7 14:12 20:18,20 24:6 44:21,22 69:6,19 103:3 108:16 142:19,20 men 119:16 121:4 mention 39:1 40:11 48:19 mentioned 148:22 Meramec 43:16 mercury 43:1 129:11 132:22 mercury--sorry 43:1 message 12:6 13:8 17:6 47:18 76:4	104:2 105:5 messages 26:1 147:3 met 133:21 metals 64:3 73:7,12 Michael 5:5 105:13 107:10,15,20 Michelle 2:6,14 7:1 98:19 Michigan 55:11 85:3 148:5 micrograms 43:4,5,11 microphone 46:21 middle 25:5 81:19 Midwest 85:1 mile 117:19 miles 18:12 72:4 military 24:3 militate 69:16 Miller 2:15 98:19 105:20 107:17 112:5 115:12 119:1 128:17 131:13 136:6 141:15 145:15 million 21:15 30:13 42:19 43:20 55:21 64:2,6 118:11 millions 15:14 33:12 62:16 64:22 84:17 87:8 90:18 116:12 122:22 137:20 mind 111:14 mindlessly 108:12 mine 45:22 74:7,19 75:2
---	---	--

miners 31:20	5:17 145:13,22 146:3,6,7	18:21 20:9 62:12 76:3 90:11
minimum 7:16 99:12	mother 72:18	116:8 130:1 149:10
mining 3:12 31:13,15,17 108:11	mother-in-law 72:16	natural 74:13 86:8 108:13
minor 12:14 104:10	mountains 80:15	nature 54:5 115:4
minorities 65:14	move 27:13 68:7,15	near 29:4,4 40:6 64:6 85:12 96:6,7 129:16
Minority 146:12	moved 146:8	near--have 96:6
minute 47:4 58:10,18 68:5	movie 120:6,9,11	nearby 28:22 79:20 129:18
minutes 10:4,6,18 46:3,6 76:9,12 101:22 102:2,14	multiple 20:3 84:7	necessary 11:21 103:17
mission 14:22 16:2 34:8,9,10 35:3	mute 66:12	need 12:14 30:15 58:8 73:4,6,9,11 73:13,19 74:4,6,11 80:4,18 80:19 82:15 84:11 90:20 95:15,16 104:10 106:2 113:3 114:12 115:5 121:13 129:14 138:1,4
Missouri 3:18 4:10,12,15,21 41:19 42:1 42:9,14 44:12 69:4 70:14 71:19 72:3,10 73:17 75:6 81:16,20 82:4,5,9,10	muted 13:2 16:20 104:20	needed 12:11 21:12 104:7 134:5
mitigate 91:17 108:6 134:6	<hr/> N <hr/>	needs 51:18 91:10 114:22
molybdenum 42:22 85:9	N 3:1,1 4:1,1 6:1	negative 20:3
mom's 76:1	NAFTA 120:10	negatively 59:13
moment 58:10 89:9	name 6:18 10:8,9,11 14:2 16:16 18:4,6 23:3,5 28:18,20 31:4 31:6,8 34:2,4 39:11 41:14,16 41:21 46:15 47:1 48:10,19 49:1 50:5,8 52:3,5 58:2 59:3 59:5 61:17,19 66:8,13 67:14 69:1 71:10,12 72:2 78:13 79:3,9 81:10,14 83:1,3 89:16 89:18 95:8,20,22 98:14 102:4,5,7 105:21 106:1 107:18,20 111:15 112:6,8 114:9 115:13,15 119:2,10 128:18 129:2 131:14 136:7 136:13 141:16,18 145:16 146:6	neighborhood 57:17
money 23:18 65:22 92:22 110:18	nation 8:17 100:13 123:11	neighbors 44:6,19 116:1
monitored 19:15,17	nation's 70:11 82:11	neurotoxins 92:11 112:21 117:8
monitoring 7:21 19:4,7,11 42:20 53:16 54:2,4,7 64:14 85:4,15 99:17 132:17 135:8	national	Nevada 29:5,6 30:6,7,9
months 14:19		never 117:19 133:2
morning 2:1 3:2 4:2 6:2,4,7 18:6 27:20 36:20 41:21 83:3 97:11,15		Nevertheless 109:20
Mortazavi		new 4:8,19 8:15 9:11 61:21 64:21 82:8 89:19,22 100:11 101:7 147:7

news 113:7 142:16 nine 81:18 Ninety-two 19:15 40:8 Nobel 107:22 noncompliance 106:19,20 nonsmoker 120:6 normal 91:2 North 3:15 4:6 5:16 39:14 59:6 64:19 129:17 141:19 146:8 146:11,13 not--will 32:10 notice 11:13 103:9 notices 114:1 notify 8:5 100:1 noting 19:2 November 49:16 NRG 84:22 number 8:22 59:14 69:19 100:18 numerous 112:12,20 nurses 121:10	121:22 146:16 observed 42:16 obsolete 110:22 obstacles 62:9 obvious 59:11 Obviously 113:2 occasional 12:9 104:5 occasions 112:12 October 8:8 100:4 off-site 7:13 99:9 Office 1:3,4 2:5,13 6:20 98:16 offices 40:1 official 10:13,14 102:9,10 141:20 Oh 71:15 Ohio 54:15 oil 83:8 Okay 29:3 47:1,6,15 48:12 58:13,20 66:19 68:15 69:3 79:7 89:18 106:5 128:21 131:21 old 81:15 119:19 oldest 43:16 Olympics 143:6 on--and 129:3 on-site 7:12 42:16 99:8 once	85:17 133:12 ones 48:18 113:3,6 ongoing 135:7 online 49:17 72:6 143:10,18,19 open 11:21 29:8 53:3,11 69:17 87:1 87:8 103:17 113:5 145:21 opened 17:3 67:18 operate 52:22 92:7 133:5 134:16 operates 42:9 43:8 operating 8:4 82:13 99:22 operation 7:20 92:3 99:16 133:7 operations 133:20 operator 119:20 133:6 operators 8:2,9 15:13 99:20 100:5 134:20 opinion 113:5 opinions 113:19 opportunism 21:21 opportunities 147:14 opportunity 10:18 11:17 14:10 18:18 22:7 46:4 48:14 51:20 52:12 62:3 76:10 83:11 84:1 90:22 102:14 103:13 112:16 114:21 116:5 138:6 oppose 18:19 62:10 76:2 83:19 90:10 96:18 116:6 opposed 34:20
<hr/> <p style="text-align: center;">O</p> <hr/>		
O 3:1 4:1 6:1 o'clock 28:5 81:18,19 97:17 125:8 131:2 151:20 Obama		

opposes 60:20 opposition 18:15 52:18 63:12 79:14 83:17 90:7 112:18 116:3 131:22 option 9:7 101:3 options 132:1 135:5 oral 12:2,3 103:20,21 orally 11:22 103:18 orbit 108:4 order 10:16 12:11 13:15 15:8 28:9 39:7 71:19 78:4 80:22 81:21 86:11,16 92:1 102:12 104:7 105:12 133:4 135:8 ordered 22:5 117:13 orders 39:19 59:16 92:1 Oregon 29:4 organization 3:18 4:10 41:18 42:4,7 69:5 83:7 87:21 108:2 141:21 organizations 14:17 24:20 80:7 83:10 original 44:10 Orleans 4:8 61:21 our--to 69:19 outrageous 41:2 44:15 147:10 outreach 147:15 overflow 84:15 override 91:22	oversight 54:4 overturned 25:5 owner 133:6 owners 8:2,9 21:9 99:20 100:5 118:3 <hr/> P <hr/> P 6:1 p.m 1:19 11:20 77:18,20 97:16,17 97:18,18 103:16 125:8,9,9 125:11 127:3,4,4,6 131:2,3,3 131:5 139:19,20,20,22 141:4 141:5,5,7 151:11,13,20,21 page 3:4 4:4 5:3 129:8 paid 44:5 109:13 pain 137:16 painfully 59:11 pandemic 14:16 18:22 25:13 31:22 45:20 49:11 50:12 52:17 62:12 71:21 74:14 75:7,22 76:5 81:20 83:21 84:2 91:3 109:14 116:7 panel 2:1,2,9,10 6:22 11:7 14:1 16:15 18:3 23:2 28:1,17 31:3 34:1 36:9 37:10 39:10 41:13 46:14 48:9 50:4 52:2 58:1 59:2 61:16 66:7 67:13 68:22 71:9 77:17 78:12 81:9 82:22 89:15 95:7 97:15 98:18 103:3 137:2 parent 73:4 Parsons 71:20 part	1:13 6:10 14:9 15:11 16:4 24:21 40:4 42:20 55:3 75:9 98:6 112:18 participate 62:20 63:3,5 84:1 116:15,20 143:17 149:14 participating 9:2 12:17 43:22 44:2,7 100:20 104:13 participation 62:9 75:1 147:14 particular 35:1 148:3 particularly 14:9 51:4 81:2 89:21 96:8 147:21 parts 25:3,4,10 passed 142:21 Passover 69:14 patience 12:13 47:14 104:9 patient-facing 147:3 patients 148:10 Patricia 3:17 41:11,16,22 pause 16:21 17:4,16,19 22:16,18 26:13,15 27:1,3,15,17 35:15 35:17 36:2,4 37:3,5 38:3,5 38:12,14 39:2,4 47:21 48:2 58:12,16,19 61:8,10 63:1 66:18 67:4,8,19 68:4,8,14 77:1,3,10,12 78:21 88:14,16 89:1,3,10 91:1 93:17,19 94:4 94:6,13,15,22 95:2,18 116:18 124:4,6,13,15,22 125:2,20,22 126:8,10,17,19 127:15,17 128:2,4,11,13 130:16,18 135:22 136:2 138:15,17 139:2,4,11,13 140:9,11,18,20 143:15
---	--	---

144:13,15,22 145:2,9,11 149:11 150:3,5,12,14,21 151:1,8,12 PBS 113:7 Peggy 3:13 30:22 33:21 34:4 people 12:12 18:22 24:5,9,15 25:16 25:20 26:5 44:4,9,11,20 45:10,11,12 50:14 62:5 63:19 65:11 71:22 73:2 75:17 84:17 91:4,11,15,19 92:4,8,21 97:5 104:8 106:13 107:6 113:19 114:8 115:2 120:3,10,21 121:2,12,18 122:17,19,20 123:4,14,15 142:13 143:10 144:2 146:20 148:2,3,6,15,19 people's 91:7 97:4 percent 19:12,15,16 24:12 29:14 40:8 43:2,5,12 64:7 69:21 70:1 122:2 132:18 148:5,7 perception 120:20 Peres 4:21 96:1,5 perform 74:4 period 9:16 39:18 62:14 63:2 83:22 87:2 90:13 91:2 101:12 114:22 116:10,19 143:16 149:12 period--and 9:14 101:10 periods 26:3 permanent 32:13 permission 109:15 permit 132:2,3	permitted 134:18 permitting 106:19 117:4 134:21 person 23:15 40:2 49:15 72:3 112:12 143:19 personally 42:17 75:4 141:22 146:18,20 147:2,22 Peter 5:4 105:13,18 106:1,4 petitions 8:17 100:13 112:11 petroleum 117:17 Ph.D 90:2 91:13 phone 13:4,9,10 17:2 58:7 68:11 95:16 105:1,6,7 119:7 piece 111:13 142:7 PIN 13:6,7 58:8 95:17 105:3,4 pipelines 83:8 pit 40:7 pits 15:15 40:21 41:1,3 50:20 51:12 87:12 132:3 134:8,8 134:13,15,21,22 135:4 place 8:14 42:20 56:8,16 86:15 100:10 107:2 123:6 135:4 placed 54:1 placement 54:3 places 48:17 80:17,19 81:2 plain 42:13 54:14,18 55:2,10,11 72:15 73:8 82:9 plains	56:22 75:14 92:18 plan 12:9 104:5 planet 86:21 110:8 111:11 112:13 137:4,8 138:3 planet's 108:13 planning 13:5 43:18 105:2 plant 15:13 21:9 32:6 42:10 43:9,15 43:16 55:8,19 70:11,12,20 70:20 72:5,9,13 73:17 82:4,4 82:10,12,13 85:2 112:15 118:3 plant's 70:9 plants 19:6,10 43:8 54:6 63:15,21 64:1,21 65:5,13 70:3 73:16 84:10 85:12 113:14 114:10 117:17 132:19 plants' 85:16 plastic 108:10 playing 51:6 plead 123:14 please 11:1,12 12:6 13:8,11,19 14:2 14:6 16:16,19 17:1,13 18:4,9 21:1 22:13 23:3 26:10,20 27:8,13 28:13,18 29:2 31:4 34:2 35:8,13,21 36:22 37:22 38:9,18,22 39:11,16 41:14 41:20 46:15 47:18 48:10,21 50:5 52:3,5,11 58:2 59:3,8 60:2,20 61:5,17 62:1 66:8,15 67:1,14,17,20,22 69:1 71:1,1 71:10,14 74:14 76:20 77:7 78:8,13,16,22 79:3,11 81:10 81:13 83:1 87:20 88:11,20 89:16 93:6,14 94:1,10,19
--	---	---

95:8,11,12,20 102:19 103:8 104:2 105:5,8,16,21 106:4 107:13,18 112:1,6 115:13 119:2,9 124:1,10,19 125:17 126:5,14 127:12,21 128:8,18 130:13 131:10,14,19 135:19 136:7,12 138:12,21 139:8 140:6,15 141:12,16 144:10 144:19 145:6,16 146:2 149:22 150:9,18 151:5	132:20 polluters 70:12 74:11 82:12 86:7,9,16 86:18 87:3 91:8 92:21 109:10,15 pollutes 110:11 polluting 19:18 114:7 pollution 20:5 42:5 62:18 65:9 79:22 85:11,16,19 90:5,19 91:15 91:21 96:20 97:1,3 106:16 116:13 133:17 136:21 148:11 149:5 pollution--it 96:21 pollutions 117:2,5 pond 20:4 21:13 42:12,16,18 44:18 49:3 53:7,8,9,14,19 54:11,13 56:8 70:19 85:3 pond's 53:16 ponds 15:10 18:13 19:10,15,17 29:1 29:13 32:7,12,22 42:18 43:13 55:1,4,8,22 57:13,14 63:22 64:9 72:14 75:13 82:8 84:8,9,14,18 85:11 87:1,4 92:2,6,17,17 113:2,8 118:8 121:21,22 122:2 132:19 poor 65:14 poorly 143:1 populated 108:4 population 96:9 148:8 populous 24:13 portion 9:21 86:19 101:17 ports	117:18 pose 64:10 133:7 posed 132:6 134:1 position 47:5 115:22 possible 12:12 70:7 104:8 108:9 110:7 132:15 134:9 post 91:3 post-closure 8:1 9:14 99:19 101:10 posterity 23:10 postpone 14:18 postponed 39:19 143:7,7 potentially 44:18 45:15 56:17 pounds 82:7 power 7:9 23:15 32:6 42:10 43:8 54:6 55:8,19 63:15,21 70:5 73:16 82:12,13 85:2,12 99:5 powerful 24:16 pre-registered 10:1 11:16,19 101:19 103:12 103:15 prepare 9:16 101:12 prepared 11:1 88:2 102:19 preparedness 137:12 present 11:22 103:18 president 24:6 34:20 41:17 42:3 45:13 108:1 118:14 pretty 47:3
---	---	--

preventing 93:2	131:10,12,14,20 136:5,7,12 141:12,14,16 145:14,16 146:2	86:22
previous 15:12	proceed--oh 66:15	prominent 25:16
previously 25:4	Proceeding 62:19 116:14	proper 129:11
price 16:5	process 63:1 91:1 116:18 138:3 143:15 147:17 148:15 149:9 149:12	properly 88:7
prices 66:1	process--and 148:14	property 129:19
prior 19:2	produce 7:7 64:1 99:3	proposal 6:9 11:5,14 12:3 15:11 18:16 29:8,17 34:7 35:1 53:22 54:13,20 55:4 56:10,21 57:6 57:18 62:14 63:12 64:21 65:12 75:9,16 79:15 83:12 83:17 90:8,17 92:3,5,9,14,20 93:3,7 98:5 103:1,10,21 106:6 112:18 116:3,10 117:4 132:1,2
priorities 138:1 149:11	producers 7:9 86:7 99:5	Proposal--A 1:13
private 3:7,9,19,20 4:11,13,18,20 5:5 5:7,8,10,11,13,15,17 63:11	production 138:2	proposals 8:15 14:8 52:19 57:12 100:11
probability 60:16 133:8 134:1	professionals 143:6	proposed 1:9 6:16 7:4 28:7 32:3,22 36:15 37:16 56:7 60:3 78:2 98:12,22 109:3 125:12 127:7 131:6,22 133:3 135:11 140:1 141:8 148:13
probably 109:2 112:9 144:2	profit 74:3,20	proposing 8:20 30:14 52:21 53:2 100:16 133:6 146:16
problem 33:11 40:22 57:9 148:16	profitable 34:10	protect 20:10 21:16 22:3 31:13 33:15 45:21 51:18 60:20,21 64:17 73:5 74:1,5,18,20 75:17 80:11,11,18,19,20 82:6,15 86:1 91:4,11,19 92:4,8 114:14 118:13 121:14 122:20 134:7 135:10,12
problematic 53:12 54:10	profits 32:1 86:16	protecting 14:22 16:3 21:7 80:5,6 86:3 114:13 118:1
procedure 69:10	profligate 109:17	protection 1:2 6:9 9:13 51:17 60:18 74:2 98:5 101:9 109:5 111:16,17
Procedures 8:21 100:17	profoundly 110:1	
proceed 10:10 12:13 13:19,22 14:2,6 16:14,16 17:21 18:2,4,9 23:1 23:3 28:13,16,18 29:2 31:2,4 33:22 34:2 39:9,11,16 41:12 41:14,20 46:13,15 48:8,10 50:3,5 52:1,3,11 54:19 57:22 58:2,20 59:1,3,8 61:15,17 62:1,11 66:6,8 67:12,14,20 67:22 68:21 69:1 71:8,10,14 76:2 78:8,11,13,16 79:11 81:8,10,13 82:21 83:1,19 89:14,16 90:11 95:6,8,12 102:6 104:9 105:16,19,21 106:4 107:13,16,18 112:1,4 112:6 115:11,13 116:6 118:22 119:2,9 128:16,18	program 7:19 61:21 63:10,18 99:15	
	programs 23:14,21	
	progress 9:15,19 15:4 80:22 101:11,15	
	progresses 12:15 104:11	
	prohibit 40:21	
	Project 19:9 107:22	
	projects	

<p>114:2 121:17</p> <p>protections</p> <p>8:12 33:1 40:6 44:14,16 45:21 63:15 73:21,22 91:20 100:8 117:2,12 149:4</p> <p>protective</p> <p>129:15 133:10</p> <p>proud</p> <p>44:6</p> <p>proudly</p> <p>108:5</p> <p>provide</p> <p>7:3 9:17 10:17 12:1,12 46:7 55:18 63:3 76:13 83:22 96:19 98:21 101:13 102:13 103:19 104:8 114:16,17 116:20 143:16 149:13</p> <p>providing</p> <p>15:1</p> <p>provision</p> <p>9:11 40:20 60:19 101:7</p> <p>proximity</p> <p>70:2</p> <p>public</p> <p>1:7,8 3:4,10 4:4 5:3,4 6:5,8 9:18,21 10:13 13:14 14:12 21:15 22:3,20 24:1 26:3 28:6 28:21 30:3 32:15 36:15 37:16 39:5 40:1 41:7 48:16 49:9,18 50:13 51:13 58:21 59:12 61:11 62:14,20 63:3 67:9 69:17 74:18,22 78:1 84:1 87:3 89:11 90:21 92:22 95:3 97:7,22 98:4 101:14,17 102:9 105:11 106:12 107:5 108:20 115:17 116:9,15,20 117:12 118:12,13 125:12 127:7 131:6 132:6,7 134:7 135:10,12 140:1 141:8,21 142:2,13 143:9,11,17 146:10 146:12,14 147:1,12,13 149:7 149:13 151:22</p> <p>publicized</p> <p>143:1</p> <p>publicly</p> <p>8:6 100:2</p>	<p>published</p> <p>6:13 7:15 11:5 15:11 21:10 98:9 99:11 103:1 118:4</p> <p>pursuit</p> <p>16:7</p> <p>purveyors</p> <p>111:2</p> <p>pushing</p> <p>52:15 147:11</p> <p>put</p> <p>60:11 79:5 82:7 86:15 95:16 122:22</p> <p>putting</p> <p>66:1</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>quality</p> <p>16:5 21:11 118:5 132:7</p> <p>quantities</p> <p>92:15</p> <p>quantity</p> <p>64:3</p> <p>question</p> <p>23:11 39:1 111:2</p> <p>questions</p> <p>11:6,7 12:7 13:11 17:14 22:14 26:11,21 27:9 35:9,13,22 37:1 38:1,10,19 47:19 61:6 67:2 76:21 77:8 88:11,21 93:15 94:2,11,20 103:2,3 104:3 105:8 124:2,11,20 125:18 126:6,15 127:13,22 128:9 130:14 135:20 138:13 138:22 139:9 140:7,16 144:11,20 145:7 150:1,10,19 151:6</p> <p>quickly</p> <p>108:9 142:7</p> <p>quite</p> <p>29:7</p> <p>quote</p> <p>14:21 15:6 30:15</p> <p>quoting</p> <p>111:6</p> <hr/> <p style="text-align: center;">R</p> <hr/>	<p>R</p> <p>6:1</p> <p>radio</p> <p>13:9 105:6</p> <p>radium</p> <p>40:16 51:10 80:2 84:5 92:11 117:7</p> <p>radius</p> <p>70:8,9</p> <p>rail</p> <p>117:18</p> <p>raise</p> <p>20:1 109:3,20</p> <p>raising</p> <p>120:12</p> <p>Raleigh</p> <p>5:16 141:19</p> <p>RCRA's</p> <p>133:21</p> <p>reach</p> <p>58:11</p> <p>reached</p> <p>46:6 56:5 76:12</p> <p>read</p> <p>29:17 129:6 147:18</p> <p>ready</p> <p>6:5 13:22 16:14 18:2 23:1 27:12 28:16 31:2 33:22 38:22 39:9 41:12 46:13 48:8 50:3 52:1 57:22 58:17 59:1 61:15 66:6 67:12 68:21 71:8 78:11 81:8 82:21 89:14 95:6 97:13 98:1 105:19 107:16 112:4 115:11 118:22 128:16 131:12 136:5,12 141:14 145:14 151:15</p> <p>real</p> <p>44:4 143:16 149:13</p> <p>reality</p> <p>107:22 108:4</p> <p>realize</p> <p>74:15</p> <p>really</p> <p>14:10 24:3,10,18,19,21 25:15 25:20,20 29:7 106:11,22 107:6 112:13,22</p>
---	---	---

reason 23:17 34:21 45:19,20 53:15 54:10 79:17	1:3 2:3,11 6:19,21 60:15 98:15,17	106:10,15,20 109:4,10,22 110:1 130:5,6 136:20 137:12 146:17 148:13
reasonable 60:16 133:8 134:1	reduction 130:6	regulatory 8:14 33:6 64:12 100:10
reasons 53:12	reflect 21:19 115:22	rejected 118:16
receive 53:11 55:5 56:9,11 57:8,10 87:8	refusal 149:9	rejoining 28:6 36:14 37:15 78:1 125:11 127:6 131:5 139:22 141:7
received 10:2 11:2 14:16 21:14 46:11 76:16 88:5 101:20 102:20 118:11	refusing 62:13 90:15 116:8	related 49:4
receiving 6:17 98:13	regard 34:15 69:22	relationships 137:13
recess 27:21 28:2,3 36:7,10,11 37:8 37:11,12 77:15,18,19 89:6 97:13,18 125:5,7,9 126:22 127:2,4 130:21 131:1,3 139:16,18,20 141:1,3,5	regarding 39:20 50:18	release 64:15
reckless 33:1	regards 80:15	released 15:22 132:18
recommend 69:7	region 43:9	reliable 62:8
reconvene 27:22 36:8 37:9 77:16 97:17 125:6 127:1 130:22 139:17 141:2	register 6:13 11:13 17:12 22:12 26:9 26:19 27:7 35:7,20 36:21 37:21 38:8,17 52:14,18 66:22 76:19 77:6 88:19 93:13,22 94:9,18 98:9 103:9 123:22 124:9,18 125:16 126:4,13 127:11,20 128:7 130:12 135:18 138:11,20 139:7 140:5,14 144:9,18 145:5 149:21 150:8,17 151:4	relies 72:11
record 8:4 10:13,15 14:3 16:17 18:5 23:4 28:19 31:5 34:3 39:12 41:15 46:16 48:11 50:6 52:4 52:6 53:14 58:3 59:4 61:18 66:9 67:15 69:2 71:11 78:14 79:4 81:11 83:2 88:8 89:17 95:9,21 99:22 102:9,11 105:22 107:19 112:7 115:14 119:3 128:19 129:7 131:15 136:8 141:17 145:17	registered 12:6 27:11 61:5 104:2	rely 19:22
recorded 10:14 102:10	registering 58:9	relying 39:22 114:15
records 42:15	regularly 56:12	remain 8:13 40:7 87:1 100:9
Recovery	regulate 114:3,6,7 129:9 138:2	remediated 113:4
	regulated 40:12	remediating 93:3
	regulates 7:20 99:16	remediation 9:12 101:8
	regulation 16:4 34:21 109:16 136:19 147:11	remember 34:15 111:15
	regulations 35:2 63:16 70:6 91:11,12	reminder 13:1 104:20
		removal 9:10 101:6
		removed 9:8 32:11 55:15 57:1 85:20 101:4
		removing 40:20 63:14
		rendering

55:12 renewable 110:15 repeated 56:17 report 19:8 137:18 reported 119:16 120:3 reporter 10:11 102:7 reporters 121:2 reporting 85:15 reports 9:15 101:11 representing 24:14 represents 42:7 45:3 69:5 request 13:12 52:22 105:9 require 54:21 64:13 required 8:9 15:15 29:10 46:2 53:10 76:8 87:5 92:6 100:5 132:17 requirement 19:4,5 133:22 requirements 7:17 8:3,11,13,15 9:15 42:21 85:15 99:13,21 100:7,9,11 101:11 132:13 135:7 requires 8:2 60:15 86:12 99:20 requiring 15:9 87:11 92:2 rescheduled 59:16 research 30:4,15 reside 117:16 residents 41:4 64:10 75:2,6 96:2,8	resides 72:3 residual 132:4 residuals 28:8 36:17 37:18 78:3 125:13 127:8 131:7 140:2 141:9 resolve 22:1 resource 1:3 6:20 25:7 60:14 98:16 resources 20:11 31:14 74:13 86:8 87:17 108:13 134:5 respiratory 72:19 106:14,18 121:17 respond 8:17 11:6 100:13 103:2 responded 107:4 response 16:18 25:12 66:10,14 67:16 67:21 68:1 78:15,17 95:10 95:13 106:9 119:4 145:18 147:3 149:2 responses 69:20 responsible 75:10 86:14,18 111:10 rest 107:8 149:11 resting 63:22 restraints 143:8 restrictions 53:5 55:7 60:4 result 84:13 85:14 retired 31:8 85:12 retirement 122:14 return 16:7 70:5 91:2 returning	14:21 revealed 42:22 reverse 34:19 revision 55:3 revisions 60:1 146:16 Richard 2:2,10 4:7,16 6:18 57:21 61:3 61:14,19,20 62:2 82:20 83:4 88:5 98:14 Richfield 3:12 31:7 Ridge 4:10 69:4 ridiculous 75:8 right 13:12 22:2 25:11,14 26:4 45:14,15 49:19 50:17 51:15 62:20 79:9 105:9 107:6 108:21 109:8 113:20 116:15 129:1 143:2 Rights 25:8 Rigorous 135:7 rise 137:5 risk 60:11 64:10,11 129:22 133:15 137:20 risks 65:16 134:15 river 42:14 54:15 55:10 56:1,3,11 56:13,14,18,18 64:20 82:9 rivers 15:6 63:22 65:5 70:15 84:10 84:16 96:3 road 82:1 role 21:4 22:3
---	--	---

roll 44:16 45:20 rollback 79:13 rollbacks 16:4 41:7 62:6 65:17,22 rolling 73:20 routinely 64:17 rug 113:22 rule 1:9 6:16 7:4,16,18 8:1,7,13 15:9 18:16 19:3,5,12,19 20:7 21:7,9,14,19 22:4 28:7 29:11 32:4,22 36:15 37:16 40:4,4 40:20 42:21 51:15 54:5,7 55:3 60:1 78:2 79:13 80:21 90:8 92:7 98:12,22 99:12,14 99:19 100:3,9 115:4 116:4 117:12,13,22 118:2,10,15 125:12 127:7 131:6 132:17 133:1,3,19 135:11 140:1 141:8 rulemaking 116:16 149:9 rulemakings 52:16 62:21 rules 33:9,14 41:7 44:14 63:16 74:16 83:13,16,18 85:14 86:13,15,22 87:4,6 130:1 runoff 51:2 ruptured 119:14 rural 42:1 44:12 69:11 75:6 Rush 43:9 <hr/> <p style="text-align: center;">S</p> <hr/> S 3:1 4:1 6:1 S-t-u-c-k-e-y	83:4 sacred 108:15 sad 60:10 safe 15:2 20:22 32:17 33:10 73:14 73:17 74:8 84:8 85:4,8,10 86:4 91:5 120:15 132:15 134:10,14 safeguard 21:17 118:13 safeguards 14:9 15:12 18:17 32:5 79:14 79:15 90:9 116:4 safely 64:16 safer 110:8 117:1 149:3 safety 15:5 32:2,21 sake 123:10 samples 43:6,12 save 4:16 33:17 80:10 83:5 savings 16:6 saw 121:8 says 53:22 73:20 129:9,21 137:18 schedule 12:8 18:21 96:15 104:4 scheduled 10:3 11:19 22:10 26:7,17 27:5 35:5,11,19 36:18 37:19 38:7 38:16 76:17 77:5 88:17 93:11,20 94:7,16 97:14 101:21 103:15 123:20 124:8 124:17 125:14 126:3,12 127:9,19 128:6 130:10 135:16 138:9,19 139:6 140:3 140:13 144:7,17 145:4 149:19 150:7,16 151:3	scheduled--who 66:22 scheduling 59:12 school 72:12 81:18 schools 122:6 Schuba 3:17 41:11,16,17,21,22 science 45:3 91:10 136:17 scientific 16:8 96:20 137:2 scientists 45:11 108:18 123:3 148:9 scratchy 47:3 screen 10:21 102:17 109:15 scrubber 65:4 scrubbers 72:10 73:5 82:5 seal 50:22 season 69:15 Seattle 111:6 Seattle's 111:13 second 39:21 42:16 49:14 54:10 58:16 89:8 Seder 69:14 see 17:16 22:16 26:13 27:1,15 29:18 35:15 36:2 37:3 38:3 38:12 39:2 47:5,21 48:15 58:6 61:8 67:4,6 68:6 77:1 77:10 88:14 89:1 93:17 94:4 94:13,22 119:6 121:22 124:4 124:13,22 125:20 126:8,17 127:15 128:2,11 130:4,16
--	--	--

<p>135:22 138:15 139:2,11 140:9,18 142:17 144:13,22 145:9 146:15 148:12 150:3 150:12,21 151:8</p> <p>seismic 57:2,3</p> <p>selenium 65:4 84:5 92:13 117:9 132:21</p> <p>self-implementing 7:19 54:5 99:15</p> <p>self-muted 17:3,8 67:18 78:19 95:12 119:6 145:20</p> <p>selfish 25:6</p> <p>send 11:1 12:6 13:7 17:5,8 47:18 88:3 102:19 104:2 105:4 122:16</p> <p>sense 23:10</p> <p>sent 69:18 112:11</p> <p>serious 132:5</p> <p>seriously 62:16 90:17 116:11</p> <p>servant 115:17</p> <p>serve 52:8 115:17 117:21</p> <p>session 2:1,9 3:2 4:2 5:1 6:2,21 97:12 97:16,20 98:17 151:14</p> <p>set 7:16 99:12</p> <p>setting 52:17 146:11</p> <p>severely 84:6</p> <p>severity 85:16</p> <p>sewer 70:16</p> <p>SF 115:19</p>	<p>shame 111:5</p> <p>share 18:19 138:7 147:15</p> <p>shift 56:14</p> <p>shifting 56:18</p> <p>shocked 146:15 148:12</p> <p>shore 85:2</p> <p>short 59:10</p> <p>short-term 138:5</p> <p>shorten 12:10 104:6</p> <p>shortened 70:2</p> <p>shortly 17:15 22:15 26:12,22 27:10 35:10 36:1 37:2 38:2,11,20 61:7 67:3 76:22 77:9 88:13 88:22 93:16 94:3,12,21 124:3,12,21 125:19 126:7,16 127:14 128:1,10 130:15 135:21 138:14 139:1,10 140:8,17 144:12,21 145:8 150:2,11,20 151:7</p> <p>shortsighted 21:20 51:15</p> <p>shot 30:12</p> <p>show 133:20</p> <p>showed 43:3</p> <p>shown 10:20 40:9 56:13 102:16</p> <p>shows 132:18</p> <p>sick 120:5 122:11</p> <p>side 110:15</p>	<p>siding 110:10</p> <p>Sierra 3:5 14:5 23:8 83:9 89:20 115:18,19</p> <p>sign 10:5 102:1 119:22,22</p> <p>signed 17:10 38:21 88:10 112:10 120:1,10</p> <p>significant 132:6</p> <p>significantly 40:5</p> <p>silenced 147:16</p> <p>siloed 40:1</p> <p>Similarly 35:11</p> <p>Simonsen 3:13 33:21 34:4,4</p> <p>Simonson 30:22</p> <p>simple 122:18,21</p> <p>simply 91:20 134:14</p> <p>sincerely 20:7 111:9</p> <p>single 121:7 122:8</p> <p>single-use 108:10</p> <p>Sioux 43:15</p> <p>siphon 134:5</p> <p>sister 45:1 136:14,15</p> <p>sit 40:14 58:18</p> <p>site 55:20 56:10 72:14 82:9 120:3 133:22</p> <p>sites</p>
---	---	--

15:20 21:12,13 28:22 29:9 29:10,18 30:11,16 40:7,9,13 43:13,18 55:8,14,16,19 64:7 118:6 siting 15:17 sits 56:2,22 sitting 42:12 55:22 121:21 situation 144:3 situations 34:17 six 151:20 slag 7:10 53:8,13 54:11 99:6 slated 43:14 slot 10:3,5,7 13:13 17:11 22:11 26:8,18 27:6,14 35:6,19 36:6 36:19 38:7,16,21 46:11 76:16,18 77:5 88:5,10,18 93:12,21 94:8,17 101:21 102:1,3 105:10 124:17 126:3 126:12 127:19 128:6 130:11 135:17 138:10,19 139:6 140:4,13 144:8,17 145:4 149:20 150:7,16 151:3 slowly 74:20 sludge 65:4 small 42:1 83:6 smart 21:16 smoke 109:14 smoker 72:17 smoother 8:18 100:14 so--it	143:1 so-and-so 24:9 so-called 54:16 142:13 soccer 143:4 soil 53:2 113:14 solar 110:13 solely 39:22 solid 79:22 133:22 solidarity 142:9 146:20 147:16 solutions 108:20 son 72:19 soon 118:7 134:9 sorry 128:20 145:22 sort 17:9 106:18 source 84:17 85:19 135:2 sources 40:15 south 18:13 25:4 SouthWings 4:5,7 59:6 61:22 63:10 spaces 108:15 speak 10:1 11:17 13:3,5 14:7,11,12 17:11,13,13 18:15 22:8,11 22:13,13 23:8 26:8,10,10,17 26:20,20 27:5,8,8,11,12 35:6 35:8,8,11,12,19,21 36:19,22 37:20,22,22 38:7,9,9,16,18 38:18,22 40:2 48:14 52:13 59:18 61:5 63:12 66:22 67:1	68:13 76:18,20 77:5,7,7 81:17 83:16 88:11,18,20,20 90:7 93:12,14,14,21 94:1,1,8 94:10,10,17,19,19 101:19 103:13 104:22 105:2 106:7,8 111:18 112:16 116:2 123:21 124:1,1,8,10,10,17,19,19 125:15,17,17 126:3,5,5,12 126:14,14 127:10,12,12,19 127:21,21 128:6,8,8 130:11 130:13,13 131:22 135:17,19 135:19 136:18 138:10,12,12 138:19,21,21 139:6,8,8 140:4,6,6,13,15,15 142:4 144:8,10,10,17,19,19 145:4 145:6,6 146:19 148:18 149:17,20,22,22 150:7,9,9 150:16,18,18 151:3,5,5 speak--sorry 90:6 speaker 13:18,21 16:13 18:1 22:21 28:12,15 30:21,22 33:21 41:11 46:12 47:11 48:4,7 50:1 51:22 57:21 58:15,22 61:13 66:5 67:11 68:16,19 68:20 71:7 78:7,10 81:7 82:20 89:9,13 95:5 105:15 105:18 107:10,12,15 111:20 111:22 112:3 115:9 118:21 128:14 131:8,9 136:3 141:10 141:11 145:12 speakers 10:1,7,16,17,19,21 11:18 27:18,19 36:5,19 37:6 46:4,5 76:10,11 77:13 88:9 89:4 101:19 102:3,12,13,15,17 103:14 112:19 125:3 126:20 130:19 139:14 140:21 speaking 10:17 13:12,15 25:16 28:9 38:21 39:7 45:10,14 46:11 59:11 68:3 71:18 76:16 78:4 79:17 88:5 102:13 105:9,12 107:2 109:1 131:17 special
--	---	---

32:3 113:7	9:13 19:14 21:16 29:16 40:11	stay
specialty	60:14 65:14 87:14 101:9	53:11 87:7
73:2	118:10	stay-and-home
specifically	standing	71:19 81:21
106:6,10 136:19	21:3	stay-at-home
spell	start	59:16 69:10
10:11 102:7	114:7,8	stop
spelled	started	33:10 64:14 85:18 108:9,10
31:8	6:6 12:18 34:16 98:2 104:14	117:11
spent	starting	stopped
109:12 143:22	13:20 28:14 78:9 105:17	32:12
spiel	107:14 112:2 131:11 141:13	stopping
121:16	state	83:7
spill	8:5 9:3 10:8 14:2 16:16 18:4	storage
56:20,20 57:4 64:20 119:17	23:3 28:18 30:7 31:4 34:2	54:17 64:7
132:10	39:11,19 41:14 46:15 48:10	stored
spills	50:5 52:3,5 58:2 59:3 61:17	73:7
129:16	64:1,5 66:8,13 67:14 69:1	stories
spoke	70:21 71:10 78:13 79:3	147:18
151:19	81:10 83:1 89:16 95:8,20	storms
spoken	100:1,21 102:4 105:21	84:13
11:8 59:20 103:4	107:18 112:6 115:13 117:15	story
sporting	119:2 128:18 131:14 136:7	147:7
143:5	141:16 145:16	Strauss
spread	stated	3:10 28:10,15,20,20 29:3
81:2,3	106:2	Strawderman
SR	statement	3:15 39:8,13,14,17
5:14 136:9,13	14:20 15:7 16:2 17:17 22:17	streams
SSI	26:14 27:2,16 35:16 36:3	51:2
53:14,15	37:4 38:4,13 39:3 47:9,18,22	Street
St	61:9 67:7 77:2,11 88:15 89:2	55:19,20 56:8
42:1,2 43:9	93:18 94:5,14 95:1 124:5,14	strength
staff	125:1,21 126:9,18 127:16	20:16 22:1
12:7 13:7 47:19 104:3 105:4	128:3,12 130:17 134:12	strengthen
134:4	136:1 138:16 139:3,12	15:9 22:5 63:16 70:6 74:15
stage	140:10,19 144:14 145:1,10	86:12 87:14 117:13
24:14 56:3,5,12	146:4 149:16 150:4,13,22	strengthened
stake	151:9	33:15
148:17	statements	strengthening
stand	59:15	130:2,5
21:2 114:12,18	states	stressful
standard	29:13 30:11,13 33:13 64:5,13	142:18,19
43:7 49:19 85:7 133:11	64:17 82:16 122:4,15 133:4	stressing
standardized	137:3	69:9
19:6	static-y	stretch
standards	46:22	56:12

strides 34:15,18 strong 20:21 73:19,22 83:17 87:16 strongly 54:20 62:10 69:7 76:2 80:3 83:18 109:21 116:6 147:21 structurally 87:9 92:16 Stuckey 4:16 82:20 83:3,4 studied 121:18 studies 50:18 study 96:21,22 121:22 stuff 96:4,6 subject 14:11 52:20 54:6 submitted 11:14 43:6 103:10 subsidence 31:15 subsidiary 85:1 subsidize 86:6 substance 115:6 substances 29:12,15 63:17 such-and-such 24:9 suffer 69:21 123:4 suffering 122:11 suggest 54:21 suit 35:1 sulfate 85:9 sulfur	70:10 summary 57:12 92:14 supplies 133:16 supply 135:13 support 21:3 110:7 supporters 42:8 supporting 21:15 110:19 118:12 supposed 29:18 50:13 75:17 sure 13:9 16:19 17:2 20:21 58:17 67:17 88:7 95:11 105:6 112:14 137:1 surely 110:3,21 surface 1:14 6:11 7:13,18 9:1,6 98:7 99:9,14 100:19 101:2 133:4 134:18 surmise 45:6 surrounding 32:9 survey 69:19 survival 32:2 111:12 survivor 119:11 Susan 3:10 28:10,15,20 susceptible 56:16 84:12 suspect 50:11 suspend 83:21 sway 26:4 switch	68:11 switching 68:12 system 70:17 systems 30:18 106:18 <hr/> T <hr/> t 3:1,1 4:1,1 122:12 table 40:14 42:13 tag 16:5 take 12:9 20:13 21:2 61:8 62:15 87:16 90:16 104:5 116:11 133:15 137:21 taken 28:3 36:11 37:12 55:15 77:19 97:18 125:9 127:4 131:3 135:9 139:20 141:5 talking 44:20 taxpayer 23:18 teach 29:4,4 teacher 28:21 29:3 31:9 136:17 teaches 28:21 team 129:5 technical 17:7,18 technology 65:1 112:22 113:17 142:6 tell 20:8,12 73:5,6,9,11,14 110:6 telling 45:17 temperature 137:4 temporary
--	--	---

65:19 106:19	12:17 47:14 104:13 146:3	37:7,11,19 38:6,7,15 44:15
ten	That's'	45:5 46:11 48:17 49:10,18
28:5 55:11	65:7	59:13 63:7 66:17 74:14 76:3
Tennessee	thing	76:5,17 77:4,14,18 79:16
3:6 5:10 15:18 119:13 129:16	22:2 122:18,21	87:2 88:9,18 89:5 93:11,12
132:10	things	93:21 94:8,17 97:17 98:11
term	24:2 25:2,9 44:11 50:22	101:6,21 102:2,17 103:2,3
106:16 138:4	114:19 123:2	103:17 106:11 107:8 108:14
terms	think	110:5 113:9,16 114:4,4,4,6
80:4	17:7,21 44:3 47:13 50:7 58:4	118:19 123:20 124:7,16,17
terrible	76:4 89:8 106:22 119:5	125:4,8,14 126:2,3,11,12,21
25:12 112:21	138:4 142:21 143:9,14,14	127:9,18,19 128:5,6 130:10
terrified	145:19	130:11,20 131:2 134:3
29:8	thinking	135:16,17 137:8,21 138:6,9
test	110:4	138:10,18,19 139:5,6,15,19
137:10	thought	140:3,4,12,13,22 141:4
testified	129:6	143:8,22 144:7,8,16,17
75:20 83:14	thousand	145:3,4 146:17 147:4,13
testify	121:10 122:17	149:19,20 150:6,7,15,16
12:5 104:1	thousands	151:2,3,13
testimony	21:8 115:22 118:1	timeless
10:4,10,18 11:1,8 12:2,4 66:3	thread	16:8
71:4 75:19 76:13 88:2	24:11	times
101:22 102:6,14,19 103:4,20	threat	43:6 64:11 85:5,5,6,8,10
103:22	117:17 132:6	90:21
testing	threatening	timing
43:2	110:22	50:11 142:3 146:22 148:14
Texas	threats	titled
79:18	32:21 57:15	6:10 98:6
thank	three	to--oh
6:7 12:21 14:6 16:11,12 18:10	15:19 125:8	89:7
22:7,9 25:22 26:6 29:2 30:19	threshold	to--we
30:20 33:19,20 35:4 39:16	85:6	69:18
41:9,10,20 46:1 48:12,13	throw	today
49:22 51:20,21 52:11,12	91:20	6:22 7:5 11:4,12 12:17 14:7
57:19,20 59:8,9 60:22 61:1	throwing	16:2 17:13 18:19 19:21
62:1,2 66:4 71:4,6,15 76:7	117:1 149:4	20:14 22:8,13 26:10,20 27:8
81:4,5,5 82:18,19 83:11	Thursday	32:3 35:8,12,21 36:20 37:22
87:22 88:1 93:9,10 97:8,9,10	1:18	38:9,18,22 43:22 59:11,18
98:3 104:17 107:8,9 111:18	tight	59:20 62:19 63:11 66:22
111:19 112:16 115:7,8	58:18	69:14 76:20 77:7 79:17
118:17,20 123:18,19 129:1	time	83:16 88:20 90:6,7 93:14
130:8,9 131:21 135:14,15	6:15 9:10 10:3,6,21 11:6,7,21	94:1,10,19 98:18 99:1
138:6,8 144:6 149:16,18	16:11 17:10 21:4 22:10,11	102:22 103:8 104:13 109:1
151:18	26:2,7,8,16,17 27:4,5,19	116:2,14 119:18 123:15
Thanks	28:2 35:5,18,19 36:6,10,18	124:1,10,19 125:17 126:5,14

127:12,21 128:8 130:13 135:19 138:12,21 139:8 140:6,15 142:17 144:4,10,19 145:6 146:19,22 147:15 149:17,22 150:9,18 151:5 today's 6:8,22 9:21,22 11:19 12:20 13:1 62:11,13 83:20 90:11 90:14 98:4,18 101:17,18 103:15 104:16,19 116:7,9 129:6 151:19 today--additionally 134:3 told 120:15,15 tons 15:14 33:12 64:2 87:8 total 42:19 55:21 118:15 town 42:1 toxic 15:14 19:13 29:12,15 30:17 32:16,18 33:2 34:11 40:10 42:19,22 63:14,17 64:3,4,15 74:9 75:12 86:5,9 91:21 92:16 115:6 117:2 123:2 149:4 toxicity 119:13 121:19 122:16 toxins 15:21 40:16 82:6 112:20 123:9 132:12,22 trades 120:12 tragedies 86:21 transcribing 10:12 102:8 transcript 11:10 103:6 transient 16:9 translated 11:9 103:5 transmogrified	70:16 transportation 120:8 travel 30:7 treated 29:19 treaties 24:22,22 Tregub 5:8 107:11 111:21 115:9,15 115:16 tried 142:4 143:21 144:4 troths 16:8 trouble 13:6 58:5 105:3 true 54:21 57:2 Trump 62:15 90:16 109:18 116:10 149:6 Trump's 118:14 try 17:1,6,20 45:15 46:20 66:16 69:18 113:11 114:6 142:21 144:1 trying 25:14 30:4 44:15 71:16 81:17 113:22 117:11 143:9 Tuesday 142:5 143:20 tune 138:3 turn 6:6 12:18 13:3,18 21:22 28:12 78:7 98:1 104:14,21 105:15 107:12 111:22 131:9 141:11 turned 59:14 TVA 121:9,9 two 28:22 42:18 52:15 53:12,18	72:7 97:17 typical 85:10 typically 142:15 <hr/> U <hr/> U.S 1:2,8 15:8 32:2,15 60:10 132:18 ubiquitous 108:10 UMSL 96:6 UN 25:1,8 unable 19:1 68:3 unacceptable 87:2 unbelievable 44:19 unconscionable 65:20 underestimate 21:4 underground 70:16 84:19 underlying 53:2 55:12 135:2 understand 29:10,22 30:5 45:16 109:2,8 123:13 143:8,17 149:14 understandably 59:22 underwater 70:15 unexplained 72:19 unfortunately 16:22 46:2 47:7 76:8 unhealthiness 137:8 unhealthy 32:1 111:3 unimpacted
--	--	---

54:22	38:9,18 52:20 54:11 61:5	vital
unit	67:1 76:20 77:7 88:11,20	20:11
9:3,17 100:21 101:13 133:7	93:14 94:1,10,19 105:8	voice
United	108:10 124:1,10,19 125:17	109:3,20
29:13 30:10,13 33:13 64:5	126:5,14 127:12,21 128:8	voices
82:16 122:15	130:13 132:2,3 134:20,21	59:19 75:2 96:17 143:12
units	135:19 138:1,12,21 139:8	volume
8:1,2,9 9:8 52:20 99:19,20	140:6,15 144:10,19 145:6	43:19
100:5 101:4	149:22 150:9,18 151:5	volunteers
unlimited	usually	42:7 108:5
87:1	24:12	vote
unlined	utilities	24:5
1:14 6:11 15:10,14 40:8 42:12	7:8 33:4 75:10 92:15 99:4	voted
44:18 51:12 53:10 55:22	132:18 135:1	20:10
70:19 75:12 82:8 84:18 87:1	utility	Voters
87:12 92:2,16 98:7 113:2	44:17 56:7	129:5
133:4,21 134:15	utilization	voting
unmute	31:17	24:12
13:3 104:21 119:6		vulnerable
unmuted	<hr/> V <hr/>	51:5 81:2
50:7 68:2,13 78:18 128:20	valid	
unprecedented	69:16	<hr/> W <hr/>
75:8 147:9	value	wait
unsafe	45:3	13:19 28:13 47:16 67:6 68:5
55:13 132:20	vast	78:8 105:16 107:13 112:1
unscrubbed	64:13	131:10 141:12
42:10 82:13	ventilators	waiting
unsound	97:5	10:20 46:5 76:11 102:16
92:17	Vice	wakeup
unstable	108:1	137:7
55:7 75:15 87:9 92:18	view	walk
untold	29:22	86:9
86:21	Villa	walking
unusual	4:10 69:4	51:6
113:16	violate	want
upheld	109:16	31:13 47:10 48:13,15 49:8
19:19	Virginia	50:14 69:7 88:7 110:5
upper	4:7 57:21 58:4,13 61:2,13,13	wanted
13:12 105:9	61:19	147:15
urban	virtual	wanting
108:15	1:7 39:22 49:10 62:7 63:6	122:20
urge	149:8 151:15,19,21	wanton
57:17 111:15	virtually	65:17
use	90:20	wants
13:11 17:13 22:13 26:10,20	virus	60:9
27:8 35:8,13,21 36:22 37:22	121:13 142:17 147:7	war

64:11 warning 108:19 137:1 was--it 121:9 wasn't 142:5,7 143:21 Wasserman 4:13 78:5,10,22 79:2,5,9,10 79:12 waste 2:4,12 6:19 15:14 32:19 34:11 42:19 43:20,21 70:17,22 74:10 86:5 91:9 98:15 133:22 wastewater 65:1 watching 113:7 water 3:15 8:16 15:2 19:20,21,22 20:13,15,22 21:17 30:17 31:14 32:10 34:12 39:14 40:15 42:13 43:7 46:18 51:2 52:9 60:9 63:14,17 70:13 72:11 73:12 74:8 80:14,19 82:14 84:11,16,20 85:7 86:4 87:16 91:5 96:4 100:12 114:17 118:13 123:9 129:13 130:3 132:7 134:6 136:21,22 waters 56:17 85:22 87:13 waterways 79:20 81:1 84:20 110:12 129:13,19 Waukegan 18:13 85:1 way 29:15 123:4 143:2 ways 110:13,22 we'll 17:16 22:16 26:13 27:1,15 35:15 36:2 37:3 38:3,12 39:2 47:4,21 48:3,5 58:10,13,14 58:17 61:8,11 67:4,9 68:5,15	68:16 77:1,10 88:14 89:1,11 93:17 94:4,13,22 we're 44:20 46:2 49:11 58:4,5 90:1 106:12,14 113:12 123:11 we've 17:3 113:10 121:3 weaken 14:8 18:16 21:18 33:8 63:13 74:16 79:15 83:12,18 86:13 90:8 91:12 116:3 118:14 weakened 65:13 weakening 20:6 22:4 32:4 weakens 15:12 40:5 weakness 21:8 weaknesses 118:2 wean 108:8 wear 120:16 wearing 120:22 webinar 1:21 10:6 13:1,8 102:2 104:19 105:5 website 8:6 100:2 week 69:14,15 119:19 123:16,17 weeks 121:8 weight 12:3 103:21 weird 147:1 Welcome 6:4 97:22 well-being 86:2 wells 53:16,17 54:2,4,7,21 84:21	85:4 wells' 53:18 went 72:6 75:22 120:11 121:18 weren't 75:21 Wesley 3:19 48:4,7 49:1 west 42:1 whatsoever 34:22 Wheeler 109:6,8,14 110:16 White 21:18 56:1,3 who've 44:20 who--sorry 48:19 widely 65:2 widespread 129:17 wife 119:12 wild 108:15 wildlife 84:6 92:13 117:9 William 5:11 128:14 129:2 willing 60:11 106:14 willingness 21:21 wind 110:13 window 91:21 117:3 149:5 winds 16:9 Winnemucca 29:5 wisdom
--	---	---

111:14 withdraw 75:16 93:7 wittingly 21:21 women 119:16 121:4 129:4 won 32:20 wonder 24:5 25:18 110:16 121:14 wonderful 121:9 wondering 30:14 woods 82:2 work 9:22 17:6,18,22 20:17,21 31:22 45:10 58:6,13 59:6 61:2 62:7 63:6 65:16 67:5 68:6,18 80:9 91:5 101:18 108:19 115:5 120:1,7,11 146:7,9 147:22 worked 45:1 114:11 120:6,9 122:19 132:9 worker 123:16 worker's 119:11 workers 119:18 120:17 121:15 122:9 working 8:14 29:6 100:10 108:5 116:22 119:21 120:21 121:11,12 147:2 149:2,3 world 24:15 25:3,4,10 80:17 108:19 143:5 worldwide 106:10 worried 120:19 worse 87:17	worsened 31:18 worst 108:6 worth 66:1 110:19 worthy 121:6 wouldn't 89:20 written 10:22 11:10 12:1,2 44:1 47:9 88:2 102:18 103:6,19,20 <hr/> X <hr/> Y <hr/> yards 42:19 43:20 55:21 yeah 47:1 52:7 79:12 106:2,5 year 15:8,11 32:16 43:15 49:17 64:2 82:8 yearly 56:6 years 20:8 24:11 34:14,18 41:1 44:7 50:19 60:8 65:6,7,10 81:15 109:12 110:2 119:19 137:17 yield 107:8 118:19 you--I 29:21 you--oh 78:6 young 122:13 youth 143:6 <hr/> Z <hr/> Zelniker 5:5 105:14 107:10,15,20,21 zones 57:2	Zoom 81:17 <hr/> 0 <hr/> 1 <hr/> 1 2:1 1.1 137:19 1.5 64:6 137:18 1:01 97:16,18 1:50 64:10 10 10:6 20:8 44:7 54:7 102:2 10-mile 70:8 10:00 28:2,3 10:20 36:11 10:30 36:10,11,14 10:35 37:12 10:45 37:11,12,15 100 21:11 100-foot-deep 42:11 100-year 54:14 101 129:8 106 5:4 107 5:6 11 55:7,9,11 85:5 11:55 77:19
--	--	--

112	2,500	3
5:7	42:8 69:6	3.2
115	2:00	64:1
5:9	97:18	3.4
119	2:45	56:4
5:10	125:9	3.5
12:15	2008	43:6 55:21
77:18,19,22	119:15	3:00
128	2009	125:9,11
5:12	42:6	3:12
13	2010	127:4
81:15	44:10 83:14	3:30
131	2015	127:3,4,6
5:13	7:15 8:8,13 15:9 18:16 19:3,5	3:48
136	19:12,19 21:14 22:4 29:11	131:3
5:14	32:4 33:8 40:20 41:7 42:21	30
14	44:14 63:13 70:5 73:20	18:12
3:6 148:7	74:16 79:13 83:12,15,18	30-minute
141	85:14 86:12,15 87:6 90:8	10:2,6 101:20 102:2
5:16	92:7 99:11 100:4,9 116:4	31
146	117:22 118:10 132:17 133:1	3:12
5:18	133:19	34
15	2017	3:14
42:19 43:20 54:6	23:20	35.6
16	2018	43:5
85:6	14:21 15:7 86:11 92:1	350
17th	2020	5:14 136:16
7:15 11:15 99:11 103:11	1:18 6:14 11:15 20:9 43:19	36
18	98:10 103:11	69:20
3:8	2021	39
18,200	43:15	3:16
43:4	2023	3rd
1970	43:17	6:14 11:5,13 98:10 103:1,9
15:5	21st	
1992	110:14	4
70:19	22nd	4:00
19th	119:15	131:3,5
8:8 100:4 110:11	23	4:18
	3:9	139:20
2	24	4:45
2:9 40:20	69:20	139:19,20,22
2,000	257	4:52
64:11 85:5	43:11	141:5
2,400-megawatt	28	40
42:9	3:10	24:12 148:5
		40-mile

70:9	56:4	
41	69	
3:18	4:10	
44		
63:21	7	
47	70	
43:5 119:18	64:7	
48	71	
3:19 119:18	4:12	
480	74.2	
85:8	70:1	
49	79	
119:19	4:13	
5	8	
5	81	
10:4,18 46:3,6 65:6,6,7,9 72:4	4:15	
76:9,12 101:22 102:14	83	
5:15	4:17	
141:4,5,7	89	
50	4:19	
3:21	9	
50,000	9	
70:21	1:18 55:9 63:20	
500-year	9/11--what	
54:18 55:1 113:10	122:19	
52	9:00	
3:22 43:12	1:19	
570	9:40	
56:2	28:3	
58	90-something	
4:6	122:2	
6	92	
6:00	19:12,14 132:18	
1:19 11:20 103:16 151:10,13	95	
151:21	4:21	
600,000		
82:7		
61		
4:8		
63.3		
69:20		
66		
43:2		
673.4		