

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)

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<p style="text-align: right;">Page 6</p> <p style="text-align: center;">P R O C E E D I N G S M O R N I N G S E S S I O N</p> <p>1 EMCEE: Good morning. Welcome to the EPA 2 public hearing. We are now ready to begin. 3 I'll turn it over to EPA to get started.</p> <p>4 MR. HUGGINS: Good morning, and thank you 5 for attending today's public hearing on the 6 Environmental Protection Agency's proposal 7 titled "A Holistic Approach to Closure Part B: 8 Alternate Demonstration for Unlined Surface 9 Impoundments and Implementation of Closure," 10 which was published in the Federal Register on 11 March 3rd, 2020. Before we begin, I would like 12 to say that we appreciate you taking the time to 13 address the proposed rule, and we look forward 14 to receiving your comments.</p> <p>15 My name is Richard Huggins. I am the Chief 16 of the Energy Recovery and Waste Disposal Branch 17 in EPA's Office of Resource Conservation and 18 Recovery. I will be chairing this session of 19 today's hearing. With me on the panel today</p>	<p style="text-align: right;">Page 8</p> <p>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.</p> <p>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.</p> <p>20 EPA is proposing four main changes with 21 this action: Procedures to allow a limited 22 number of facilities to continue using alternate</p>
<p style="text-align: right;">Page 7</p> <p>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.</p> <p>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.</p> <p>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</p>	<p style="text-align: right;">Page 9</p> <p>1 liners at existing CCR surface impoundments if 2 they can demonstrate to EPA or a participating 3 State Director that the unit would not adversely 4 affect groundwater, human health, or the 5 environment; conditions under which CCR can be 6 used in the closure of landfills and surface 7 impoundments; an additional closure option for 8 CCR units from which CCR is being removed that 9 cannot complete groundwater corrective action by 10 the time all other closure by removal activities 11 have been completed--under this new provision, 12 groundwater remediation must continue until 13 groundwater protection standards are achieved 14 during a post-closure care period--and 15 requirements for annual closure progress reports 16 that facilities must prepare during the period 17 that a CCR unit is being closed so as to provide 18 the public with more information about the 19 progress of closure.</p> <p>20 Now I'll cover some logistics for the 21 comment portion of today's public hearing. 22 Today's hearing will work as follows.</p>

<p style="text-align: right;">Page 10</p> <p>1 Speakers, if you pre-registered to speak, you 2 should have received an email with a 30-minute 3 time slot during which you are scheduled to give 4 your 5 minutes of testimony. To guarantee that 5 slot, we have asked that you sign into the 6 webinar 10 minutes before that 30-minute time 7 slot. We will call speakers in groups. After 8 your name is called, EPA will ask you to state 9 your name and your affiliation, if any, and 10 proceed with your testimony. We may ask you to 11 spell your name for the court reporter, who is 12 on the line transcribing your comments for the 13 official record. The audio from the public 14 hearing will be recorded for the official 15 record.</p> <p>16 In order to accommodate all speakers and 17 provide all speakers with the same speaking 18 opportunity, testimony is limited to 5 minutes, 19 even if there are no additional speakers 20 waiting. A countdown clock will be shown on the 21 screen so speakers know how much time they have 22 left. In addition, if you have a written</p>	<p style="text-align: right;">Page 12</p> <p>1 you may provide a written comment in lieu of 2 oral testimony. These written comments on the 3 proposal will be given the same weight as oral 4 testimony.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>21 EMCEE: Thank you. 22 Before we begin, we'd like to go over some</p>
<p style="text-align: right;">Page 11</p> <p>1 testimony prepared, please send it to the email 2 you received your confirmation email from at 3 EPAwebinar@indecon.com.</p> <p>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.</p> <p>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.</p> <p>16 Everyone who has pre-registered will have 17 an opportunity to speak, and we will do our best 18 to accommodate speakers that have not 19 pre-registered. Today's hearing is scheduled to 20 close at 6:00 p.m., but we will keep the hearing 21 open later if necessary. If, however, time does 22 not allow you to orally present your comments,</p>	<p style="text-align: right;">Page 13</p> <p>1 logistics for today's webinar. As a reminder, 2 all attendees are muted automatically. We will 3 unmute you when it is your turn to speak.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>21 The first speaker will be JoAnn McIntosh. 22 EPA, are you ready to proceed?</p>

<p style="text-align: right;">Page 14</p> <p>1 EPA PANEL MEMBER: Yes.</p> <p>2 Please proceed, and state your name and</p> <p>3 affiliation for the record.</p> <p>4 MS. McINTOSH: This is JoAnn McIntosh, and</p> <p>5 I am a member of the Sierra Club.</p> <p>6 EMCEE: Thank you. Please proceed.</p> <p>7 MS. McINTOSH: I'm calling today to speak</p> <p>8 against EPA's recent proposals to weaken coal</p> <p>9 ash safeguards, particularly Part B.</p> <p>10 I really appreciate this opportunity to</p> <p>11 speak to you on this subject and also to hear</p> <p>12 other members of the public speak on this as</p> <p>13 well.</p> <p>14 I'm disappointed, however, that these</p> <p>15 hearings are being held during a global</p> <p>16 pandemic, despite the fact that EPA has received</p> <p>17 letters from many organizations asking to</p> <p>18 postpone these hearings.</p> <p>19 Many of EPA's actions in recent months are</p> <p>20 in direct conflict to your statement that you</p> <p>21 made in 2018, and I quote, "EPA is returning to</p> <p>22 its core mission of protecting human health and</p>	<p style="text-align: right;">Page 16</p> <p>1 families are directly impacted. I'm asking you</p> <p>2 today to adhere to your mission statement in</p> <p>3 protecting human health and the environment, to</p> <p>4 appreciate that the Part B regulation rollbacks</p> <p>5 come with a price tag on health and quality of</p> <p>6 life that far exceeds any savings to a few coal</p> <p>7 industry interests, and to return to the pursuit</p> <p>8 of implementing timeless scientific truths over</p> <p>9 the transient winds of any political</p> <p>10 administration.</p> <p>11 Thank you very much for your time.</p> <p>12 EMCEE: Thank you for your comment.</p> <p>13 The next speaker will be Elena Arrigo.</p> <p>14 EPA, are you ready to proceed?</p> <p>15 EPA PANEL MEMBER: Yes.</p> <p>16 Please proceed, and state your name and</p> <p>17 affiliation for the record.</p> <p>18 [No audible response.]</p> <p>19 EMCEE: Elena, please make sure you haven't</p> <p>20 muted yourself by accident.</p> <p>21 [Pause.]</p> <p>22 EMCEE: Elena, unfortunately, we can't hear</p>
<p style="text-align: right;">Page 15</p> <p>1 the environment. We are committed to providing</p> <p>2 clean and safe air, water, and land for all</p> <p>3 Americans. We are building on the enormous</p> <p>4 progress EPA has made since it was established</p> <p>5 in 1970, increasing the safety of lakes and</p> <p>6 rivers and so on," end quote.</p> <p>7 That statement was made in 2018. That same</p> <p>8 year, the U.S. Court of Appeals issued an order</p> <p>9 requiring EPA to strengthen its 2015 rule and to</p> <p>10 close unlined coal ash ponds, but in March of</p> <p>11 this year, EPA published its Part B proposal,</p> <p>12 which weakens previous safeguards and allows</p> <p>13 coal plant operators to continue dumping</p> <p>14 millions of tons of toxic waste in unlined</p> <p>15 leaking pits, including those currently required</p> <p>16 to close due to leaking, instability, or</p> <p>17 dangerous siting.</p> <p>18 I live in Clarksville, Tennessee, which is</p> <p>19 within an hour's drive of three dangerous coal</p> <p>20 ash sites, and although my family might not be</p> <p>21 in direct danger from the coal ash toxins that</p> <p>22 are being released, I have many friends whose</p>	<p style="text-align: right;">Page 17</p> <p>1 you, although please try again now. If you've</p> <p>2 dialed in by your phone, just make sure that you</p> <p>3 haven't self-muted. We've opened up your line.</p> <p>4 [Pause.]</p> <p>5 EMCEE: Elena, we will send you a chat</p> <p>6 message to try to work through some of the</p> <p>7 technical issues. I think it's just that you're</p> <p>8 self-muted, but we will again send you some</p> <p>9 chats. And we will sort this out.</p> <p>10 At this time, we have no one else signed up</p> <p>11 to speak in this current slot.</p> <p>12 If there is anyone who did not register to</p> <p>13 speak today but would like to speak, please use</p> <p>14 the Questions box to identify yourself, and we</p> <p>15 will get you into the lineup shortly.</p> <p>16 We'll now pause to see if anyone else would</p> <p>17 like to make a statement, and we will continue</p> <p>18 to work with Elena on the technical issue.</p> <p>19 [Pause.]</p> <p>20 EMCEE: Elena, let's try this again. I'll</p> <p>21 have EPA ask you to proceed, but I think this</p> <p>22 should work.</p>

<p style="text-align: right;">Page 18</p> <p>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</p>	<p style="text-align: right;">Page 20</p> <p>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.</p>
<p style="text-align: right;">Page 19</p> <p>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</p>	<p style="text-align: right;">Page 21</p> <p>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.</p>

<p style="text-align: right;">Page 22</p> <p>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.</p>	<p style="text-align: right;">Page 24</p> <p>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</p>
<p style="text-align: right;">Page 23</p> <p>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</p>	<p style="text-align: right;">Page 25</p> <p>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</p>

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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.

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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

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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?

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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

<p style="text-align: right;">Page 30</p> <p>1 having a lining when in fact it doesn't have a 2 lining.</p> <p>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.</p> <p>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?</p> <p>19 That's my comment. Thank you.</p> <p>20 EMCEE: Thank you for your comment.</p> <p>21 The next speaker will be Mary Ellen DeClue, 22 followed by Peggy Simonson. The next speaker</p>	<p style="text-align: right;">Page 32</p> <p>1 unhealthy conditions to enhance profits, not the 2 safety or survival of U.S. citizens.</p> <p>3 My special concern today is the proposed 4 weakening of the 2015 clean coal ash rule 5 safeguards.</p> <p>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.</p> <p>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</p>
<p style="text-align: right;">Page 31</p> <p>1 will be Mary Ellen DeClue.</p> <p>2 EPA, are you ready to proceed?</p> <p>3 EPA PANEL MEMBER: Yes.</p> <p>4 Please proceed, and state your name and 5 affiliation for the record.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p style="text-align: right;">Page 33</p> <p>1 reckless and leave citizens with no protections 2 from toxic coal ash, contaminating their 3 groundwater and land.</p> <p>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.</p> <p>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.</p> <p>17 EPA, do your job and save the health of 18 communities.</p> <p>19 Thank you.</p> <p>20 EMCEE: Thank you for your comment.</p> <p>21 The next speaker will be Peggy Simonsen. 22 EPA, are you ready to proceed?</p>

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<p>1 EPA PANEL MEMBER: Yes.</p> <p>2 Please proceed, and state your name and</p> <p>3 affiliation for the record.</p> <p>4 MS. SIMONSEN: My name is Peggy Simonsen.</p> <p>5 I am a conservation activist in Illinois. I'm</p> <p>6 on the board of directors of Citizens for</p> <p>7 Conservation, and I believe that this proposal</p> <p>8 directly contradicts the mission of the EPA.</p> <p>9 Your mission is not to help corporations become</p> <p>10 more profitable. Your mission is not to make it</p> <p>11 easier for corporations to dump toxic waste but</p> <p>12 to keep the air and water cleaner, not dirtier.</p> <p>13 Cleaner.</p> <p>14 Over the years, the EPA has made huge</p> <p>15 strides in that regard. Remember when EPA was</p> <p>16 started and Lake Erie was on fire and some</p> <p>17 horrible situations were going on? And the EPA</p> <p>18 has made great strides over the years. Why</p> <p>19 reverse that now?</p> <p>20 I know the President is opposed to any kind</p> <p>21 of regulation on any corporation for any reason</p> <p>22 whatsoever, but the EPA does not have to follow</p>	<p>1 get you into the lineup shortly.</p> <p>2 We'll continue to pause to see if anyone</p> <p>3 else would like to make a statement.</p> <p>4 [Pause.]</p> <p>5 EMCEE: We have no more speakers lined up</p> <p>6 for this current time slot. So we will begin a</p> <p>7 brief recess.</p> <p>8 EPA, when would you like to reconvene?</p> <p>9 EPA PANEL MEMBER: The hearing is now on</p> <p>10 recess until 10:30 a.m., Eastern Time.</p> <p>11 [Recess taken from 10:20 a.m. to 10:30</p> <p>12 a.m.]</p> <p>13 EMCEE: This is IEC, EPA's contractor. It</p> <p>14 is now 10:30, Eastern, and we are rejoining</p> <p>15 EPA's public hearing about the proposed rule</p> <p>16 change to the disposal of coal combustion</p> <p>17 residuals.</p> <p>18 At this time, we have no one else scheduled</p> <p>19 to speak in this slot. There are speakers later</p> <p>20 this morning, however, and later today.</p> <p>21 If there is anyone who did not register to</p> <p>22 speak but would like to, please use the</p>
Page 35	Page 37
<p>1 suit. Going forward, this particular proposal</p> <p>2 to ease regulations on coal ash is absolutely</p> <p>3 contrary to your mission.</p> <p>4 EMCEE: Thank you for your comment.</p> <p>5 At this time, we have no one else scheduled</p> <p>6 to speak in this slot.</p> <p>7 If there is anyone who did not register to</p> <p>8 speak today but would like to speak, please use</p> <p>9 the Questions box to identify yourself, and we</p> <p>10 will get you into the lineup shortly.</p> <p>11 Similarly, if you are scheduled to speak</p> <p>12 later today but would like to speak earlier,</p> <p>13 please use this Questions box, and we will you</p> <p>14 in earlier.</p> <p>15 We'll now pause to see if anyone else would</p> <p>16 like to make a statement.</p> <p>17 [Pause.]</p> <p>18 EMCEE: At this time, we have no one else</p> <p>19 scheduled to speak during this time slot.</p> <p>20 If there is anyone who did not register to</p> <p>21 speak today but would like to, please use the</p> <p>22 Questions box to identify yourself, and we will</p>	<p>1 Questions box to identify yourself, and we will</p> <p>2 get you into the lineup shortly.</p> <p>3 We'll now pause to see if anyone else would</p> <p>4 like to make a statement.</p> <p>5 [Pause.]</p> <p>6 EMCEE: We have no more speakers lined up</p> <p>7 for the time being. So we will begin a brief</p> <p>8 recess.</p> <p>9 EPA, when would you like to reconvene?</p> <p>10 EPA PANEL MEMBER: The hearing is now on</p> <p>11 recess until 10:45 a.m., Eastern Time.</p> <p>12 [Recess taken from 10:35 a.m. to 10:45</p> <p>13 a.m.]</p> <p>14 EMCEE: This is IEC, EPA's contractor. It</p> <p>15 is now 10:45, Eastern, and we are rejoining</p> <p>16 EPA's public hearing about the proposed rule</p> <p>17 change to the disposal of coal combustion</p> <p>18 residuals.</p> <p>19 At this time, we have no one else scheduled</p> <p>20 to speak in this block.</p> <p>21 If there is anyone who did not register to</p> <p>22 speak today but would like to speak, please use</p>

<p style="text-align: right;">Page 38</p> <p>1 the Questions box to identify yourself, and we</p> <p>2 will get you into the lineup shortly.</p> <p>3 We'll now pause to see if anyone else would</p> <p>4 like to make a statement.</p> <p>5 [Pause.]</p> <p>6 EMCEE: At this time, we have no one else</p> <p>7 scheduled to speak in this time slot.</p> <p>8 If there is anyone who did not register to</p> <p>9 speak today but would like to speak, please use</p> <p>10 the Questions box to identify yourself, and we</p> <p>11 will get you into the lineup shortly.</p> <p>12 We'll continue to pause to see if anyone</p> <p>13 else would like to make a statement.</p> <p>14 [Pause.]</p> <p>15 EMCEE: At this time, we have no one else</p> <p>16 scheduled to speak in this slot.</p> <p>17 If there is anyone who did not register to</p> <p>18 speak today but would like to speak, please use</p> <p>19 the Questions box to identify yourself, and we</p> <p>20 will get you into the lineup shortly.</p> <p>21 If you are signed up for a speaking slot</p> <p>22 later today but are ready to speak, please</p>	<p style="text-align: right;">Page 40</p> <p>1 public is siloed in their homes or offices and</p> <p>2 not given a chance to gather and speak in person</p> <p>3 with other concerned individuals.</p> <p>4 As for the Part B rule, this rule</p> <p>5 significantly weakens health and environmental</p> <p>6 protections for communities living near coal ash</p> <p>7 sites. Allowing any coal ash pit to remain</p> <p>8 unlined is irresponsible. Ninety-two percent of</p> <p>9 these coal ash sites have already been shown to</p> <p>10 be leaking toxic contaminants above Federal</p> <p>11 health standards, not to mention the</p> <p>12 contamination that is yet to be regulated.</p> <p>13 Allowing these sites to continue as they</p> <p>14 sit, many below the groundwater table, endangers</p> <p>15 drinking water sources for many Americans.</p> <p>16 Toxins like arsenic, cobalt, radium, and other</p> <p>17 carcinogens like hexavalent chromium would be</p> <p>18 allowed to endanger human health in these</p> <p>19 communities.</p> <p>20 And Provision 2, removing the 2015 rule to</p> <p>21 prohibit additional dumping in current pits only</p> <p>22 exacerbates the current problem. Fifteen more</p>
<p style="text-align: right;">Page 39</p> <p>1 mention that in your Question chat to us.</p> <p>2 We'll now pause to see if anyone else would</p> <p>3 like to make a statement.</p> <p>4 [Pause.]</p> <p>5 EMCEE: We will now continue our public</p> <p>6 comments.</p> <p>7 The expected speaking order will be Amanda</p> <p>8 Strawderman.</p> <p>9 EPA, are you ready to proceed?</p> <p>10 EPA PANEL MEMBER: Yes.</p> <p>11 Please proceed, and state your name and</p> <p>12 affiliation for the record.</p> <p>13 MS. STRAWDERMAN: Hello. This is Amanda</p> <p>14 Strawderman. I am with Clean Water for North</p> <p>15 Carolina.</p> <p>16 EMCEE: Thank you. Please proceed.</p> <p>17 MS. STRAWDERMAN: First, I'd like to say</p> <p>18 that his hearing and comment period should have</p> <p>19 been postponed until after all State orders</p> <p>20 regarding COVID-19 had ceased.</p> <p>21 Second, the Federal Government should not</p> <p>22 be relying solely on virtual hearings where the</p>	<p style="text-align: right;">Page 41</p> <p>1 years of limitless coal ash dumping into pits</p> <p>2 that are already leaking is outrageous. Many of</p> <p>3 these pits are disproportionately impacting</p> <p>4 low-income residents and communities of color,</p> <p>5 and therefore, that makes this an environmental</p> <p>6 justice issue that can't be ignored. Any</p> <p>7 rollbacks of the 2015 rules endanger public</p> <p>8 health and the environment.</p> <p>9 Thank you.</p> <p>10 EMCEE: Thank you for your comment.</p> <p>11 The next speaker will be Patricia Schuba.</p> <p>12 EPA, are you ready to proceed?</p> <p>13 EPA PANEL MEMBER: Yes.</p> <p>14 Please proceed, and state your name and</p> <p>15 affiliation for the record.</p> <p>16 MS. SCHUBA: Hello. My name is Patricia</p> <p>17 Schuba, and I'm the president of Labadie</p> <p>18 Environmental Organization and a citizen of</p> <p>19 Labadie, Missouri.</p> <p>20 EMCEE: Thank you. Please proceed.</p> <p>21 MS. SCHUBA: Good morning. My name is</p> <p>22 Patricia Schuba, and I live in Labadie,</p>

<p style="text-align: right;">Page 42</p> <p>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.</p> <p>7 Our organization of volunteers represents 8 the community of some 2,500 local supporters.</p> <p>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.</p> <p>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,</p>	<p style="text-align: right;">Page 44</p> <p>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.</p> <p>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.</p> <p>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</p>
<p style="text-align: right;">Page 43</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>22 So I'm participating today. I actually</p>	<p style="text-align: right;">Page 45</p> <p>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?</p> <p>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.</p> <p>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.</p>

<p style="text-align: right;">Page 46</p> <p>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.</p>	<p style="text-align: right;">Page 48</p> <p>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.</p>
<p style="text-align: right;">Page 47</p> <p>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</p>	<p style="text-align: right;">Page 49</p> <p>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.</p>

<p style="text-align: right;">Page 50</p> <p>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</p>	<p style="text-align: right;">Page 52</p> <p>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</p>
<p style="text-align: right;">Page 51</p> <p>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.</p>	<p style="text-align: right;">Page 53</p> <p>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</p>

<p style="text-align: right;">Page 54</p> <p>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</p>	<p style="text-align: right;">Page 56</p> <p>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</p>
<p style="text-align: right;">Page 55</p> <p>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</p>	<p style="text-align: right;">Page 57</p> <p>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?</p>

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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.

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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.

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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.

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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.

<p style="text-align: right;">Page 62</p> <p>1 EMCEE: Thank you. Please proceed.</p> <p>2 MS. RICHARD: Thank you for this</p> <p>3 opportunity to comment.</p> <p>4 I would like to draw attention to the fact</p> <p>5 that many people directly affected by these</p> <p>6 rollbacks are not able to attend this brief</p> <p>7 virtual hearing because they are at work, do not</p> <p>8 have reliable internet access, and/or face other</p> <p>9 obstacles to participation.</p> <p>10 In fact, I strongly oppose EPA's decision</p> <p>11 to proceed with today's hearing during a global</p> <p>12 pandemic and national health emergency. By</p> <p>13 refusing to delay today's hearing or even extend</p> <p>14 the public comment period on this proposal, the</p> <p>15 Trump administration is failing to take</p> <p>16 seriously the impact it will have on millions of</p> <p>17 Americans and communities impacted by coal ash</p> <p>18 pollution.</p> <p>19 Proceeding today also eliminates a critical</p> <p>20 right of the public to meaningfully participate</p> <p>21 in the rulemakings and directly address the EPA</p> <p>22 on the issue.</p>	<p style="text-align: right;">Page 64</p> <p>1 throughout the State. These plants produce 3.2</p> <p>2 million tons of coal ash every year, and because</p> <p>3 of the high quantity of toxic heavy metals,</p> <p>4 Alabama houses the most toxic coal ash of any</p> <p>5 other State in the United States.</p> <p>6 Over 1.5 million children live near coal</p> <p>7 ash storage sites, and 70 percent of all coal</p> <p>8 ash leaking disproportionately impact low-income</p> <p>9 communities. EPA found that some coal ash ponds</p> <p>10 pose a 1:50 risk of cancer to residents drinking</p> <p>11 the contaminated water, a risk 2,000 times higher</p> <p>12 than EPA's regulatory goal.</p> <p>13 The vast majority of States do not require</p> <p>14 adequate monitoring or liners to stop the</p> <p>15 release of toxic chemicals, nor do they ensure</p> <p>16 that massive earthen dams are maintained safely.</p> <p>17 States have routinely failed to protect</p> <p>18 their citizens from coal ash, as was evident in</p> <p>19 North Carolina's recent handling of the Dan</p> <p>20 River coal ash spill.</p> <p>21 This new proposal would allow coal plants</p> <p>22 to discharge millions of gallons of coal ash</p>
<p style="text-align: right;">Page 63</p> <p>1 The EPA should pause this process</p> <p>2 immediately, extend the comment period, and</p> <p>3 provide a chance for the public to participate</p> <p>4 when this crisis is over.</p> <p>5 I myself have only been able to participate</p> <p>6 in virtual hearings, and that's because my work</p> <p>7 time allows for it. If those in-person hearings</p> <p>8 were feasible for me to attend, I certainly</p> <p>9 would.</p> <p>10 As the Gulf program manager for SouthWings</p> <p>11 and as a private citizen, I'm calling today to</p> <p>12 speak out in opposition to EPA's proposal to</p> <p>13 weaken the 2015 effluent limitation guidelines.</p> <p>14 Rather than removing more critical toxic water</p> <p>15 protections for power plants, EPA must</p> <p>16 strengthen the rules and regulations that keep</p> <p>17 toxic substances out of our water.</p> <p>18 Not only will my program area be heavily</p> <p>19 impacted, so will people whom I hold dear who</p> <p>20 live in these areas. For example, Alabama has 9</p> <p>21 coal-fired power plants with at least 44 coal</p> <p>22 ash ponds resting on rivers and creeks</p>	<p style="text-align: right;">Page 65</p> <p>1 wastewater daily, even though the technology to</p> <p>2 eliminate all ash discharges is widely used and</p> <p>3 affordable. It would also allow higher levels</p> <p>4 of arsenic and selenium in scrubber sludge</p> <p>5 discharge to lakes and rivers and give plants up</p> <p>6 to 5 years to come into compliance. That's 5</p> <p>7 years that we do not have. That's 5 years of</p> <p>8 exposure in our communities who are already</p> <p>9 bearing the brunt of this pollution. That 5</p> <p>10 years can mean the difference of life and death</p> <p>11 for many of our people.</p> <p>12 Finally, this proposal would carve dozens</p> <p>13 of coal plants out from even these weakened</p> <p>14 standards. The poor and minorities already bear</p> <p>15 a largely disproportionate burden of health</p> <p>16 risks and death when it comes to where we work</p> <p>17 and live. These rollbacks amount to wanton</p> <p>18 disregard of the lives of many Americans for the</p> <p>19 temporary marginal financial gain of a few.</p> <p>20 It is unconscionable that any agency or</p> <p>21 individual could allow these delays and</p> <p>22 rollbacks to happen. No amount of money is</p>

<p style="text-align: right;">Page 66</p> <p>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</p>	<p style="text-align: right;">Page 68</p> <p>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.</p>
<p style="text-align: right;">Page 67</p> <p>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.</p>	<p style="text-align: right;">Page 69</p> <p>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</p>

<p style="text-align: right;">Page 70</p> <p>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.</p>	<p style="text-align: right;">Page 72</p> <p>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</p>
<p style="text-align: right;">Page 71</p> <p>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</p>	<p style="text-align: right;">Page 73</p> <p>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</p>

<p style="text-align: right;">Page 74</p> <p>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</p>	<p style="text-align: right;">Page 76</p> <p>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.</p>
<p style="text-align: right;">Page 75</p> <p>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</p>	<p style="text-align: right;">Page 77</p> <p>1 We'll now pause to see if anyone else would 2 like to make a statement. 3 [Pause.] 4 EMCEE: At this time, we have no one else 5 scheduled to speak during 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</p>

<p style="text-align: right;">Page 78</p> <p>1 rejoining EPA's public hearing about the</p> <p>2 proposed rule change to the disposal of coal</p> <p>3 combustion residuals.</p> <p>4 The expected speaking order for the next</p> <p>5 half hour will be Kate Wasserman.</p> <p>6 EPA, are you--oh, actually--excuse me. I</p> <p>7 will be introducing each speaker in turn, but</p> <p>8 please wait for EPA to ask you to proceed before</p> <p>9 starting your comment.</p> <p>10 The first speaker will be Kate Wasserman.</p> <p>11 EPA, are you ready to proceed?</p> <p>12 EPA PANEL MEMBER: Yes.</p> <p>13 Please proceed, and state your name and</p> <p>14 affiliation for the record.</p> <p>15 [No audible response.]</p> <p>16 EMCEE: Kate, please proceed.</p> <p>17 [No audible response.]</p> <p>18 EMCEE: Kate, you have been unmuted, and as</p> <p>19 long as you are not self-muted, you should be</p> <p>20 able to begin your comment.</p> <p>21 [Pause.]</p> <p>22 EMCEE: Kate Wasserman, please begin your</p>	<p style="text-align: right;">Page 80</p> <p>1 that is hazardous to our health coming from coal</p> <p>2 ash, like arsenic and chromium and radium,</p> <p>3 lithium, and lead, and I feel so strongly that</p> <p>4 we need the EPA to do its job in terms of</p> <p>5 protecting our environment and human health by</p> <p>6 protecting our environment and letting other</p> <p>7 organizations deal with whatever economic</p> <p>8 consequences there might be hurting industries</p> <p>9 or whatever. But the EPA's job is to work to</p> <p>10 save Americans' lives by making policies that</p> <p>11 protect our environment and therefore protect</p> <p>12 our health.</p> <p>13 I care so much about this country. I love</p> <p>14 getting to experience its fast beauty in water</p> <p>15 and the mountains. There is so much in regards</p> <p>16 to life about just being as humans in these</p> <p>17 places in the world that does not have to do</p> <p>18 with industry, and we need to protect those</p> <p>19 places. We need to protect our water and</p> <p>20 protect basically just humans exposure to these</p> <p>21 chemicals, and the rule that is currently in</p> <p>22 progress is in order to confine coal ash so that</p>
<p style="text-align: right;">Page 79</p> <p>1 comment.</p> <p>2 MS. WASSERMAN: Hi.</p> <p>3 EMCEE: Hello. Please state your name and</p> <p>4 affiliation for the record.</p> <p>5 MS. WASSERMAN: Hold on. I got to put my</p> <p>6 headset in.</p> <p>7 Okay. Can you hear me?</p> <p>8 EMCEE: Yes.</p> <p>9 MS. WASSERMAN: All right. My name is Kate</p> <p>10 Wasserman, and I don't have an affiliation.</p> <p>11 EMCEE: Please proceed with your comment.</p> <p>12 MS. WASSERMAN: Yeah. I'm very concerned</p> <p>13 about the rollback of the 2015 coal ash rule</p> <p>14 safeguards, and I'm in opposition to EPA's</p> <p>15 proposal to weaken those safeguards at this</p> <p>16 time.</p> <p>17 The reason I am speaking today is because I</p> <p>18 love this country. I live in Texas, in Houston,</p> <p>19 and I'm not directly dealing with large amounts</p> <p>20 of coal ash dumping in waterways nearby, but I</p> <p>21 know that it's happening in this country. And</p> <p>22 there's a solid knowledge about the pollution</p>	<p style="text-align: right;">Page 81</p> <p>1 it does not leak into waterways, which are</p> <p>2 particularly vulnerable places to spread, to</p> <p>3 spread, you know, chemicals to human lives.</p> <p>4 Thank you.</p> <p>5 EMCEE: Thank you. Thank you for your</p> <p>6 comment.</p> <p>7 The next speaker would be Ella Alt.</p> <p>8 EPA, are you ready to proceed?</p> <p>9 EPA PANEL MEMBER: Yes.</p> <p>10 Please proceed, and state your name and</p> <p>11 affiliation for the record.</p> <p>12 MS. (Ella) ALT: Can you hear me?</p> <p>13 EMCEE: We can, yes. Please proceed.</p> <p>14 MS. (Ella) Alt: Hello. My name is Ella</p> <p>15 Alt. I am 13 years old and live in Labadie,</p> <p>16 Missouri.</p> <p>17 I am trying to speak between Zoom classes</p> <p>18 because my school is from nine o'clock until</p> <p>19 four o'clock here, and we are in the middle of a</p> <p>20 global pandemic with Missouri under a</p> <p>21 stay-and-home order.</p> <p>22 We don't have high-speed internet here at</p>

<p style="text-align: right;">Page 82</p> <p>1 my house because we are not on any major road 2 and live in the woods.</p> <p>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.</p> <p>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.</p> <p>15 You need to protect our environment and 16 everyone in the United States. Do your job as 17 the EPA.</p> <p>18 Thank you.</p> <p>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.</p>	<p style="text-align: right;">Page 84</p> <p>1 opportunity for the public to participate when 2 the pandemic is over.</p> <p>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</p>
<p style="text-align: right;">Page 83</p> <p>1 Please proceed, and state your name and 2 affiliation for the record.</p> <p>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.</p> <p>11 Thank you for this opportunity to comment 12 on the proposal to weaken the 2015 coal ash 13 rules.</p> <p>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</p>	<p style="text-align: right;">Page 85</p> <p>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.</p> <p>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.</p>

<p style="text-align: right;">Page 86</p> <p>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.</p> <p>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.</p> <p>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</p>	<p style="text-align: right;">Page 88</p> <p>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.</p> <p>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.</p> <p>14 We'll now pause to see if anyone else would 15 like to make a statement.</p> <p>16 [Pause.]</p> <p>17 EMCEE: We have no one else scheduled to 18 speak during the current time slot.</p> <p>19 If there is anyone who did not register to 20 speak today but would like to speak, please use 21 the Questions box to identify yourself, and we 22 will get you into the lineup shortly.</p>
<p style="text-align: right;">Page 87</p> <p>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.</p> <p>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.</p>	<p style="text-align: right;">Page 89</p> <p>1 We'll continue to pause to see if anyone 2 else would like to make a statement.</p> <p>3 [Pause.]</p> <p>4 EMCEE: We have no more speakers lined up 5 for this current time being, so we will begin a 6 brief recess.</p> <p>7 EPA, when would you like to--oh. Actually, 8 hang on one second. I think we do have a 9 speaker. One moment.</p> <p>10 [Pause.]</p> <p>11 EMCEE: We'll now continue with our public 12 comments.</p> <p>13 The next speaker will be Alessia Eramo. 14 EPA, are you ready to proceed?</p> <p>15 EPA PANEL MEMBER: Yes.</p> <p>16 Please proceed, and state your name and 17 affiliation for the record.</p> <p>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</p>

<p style="text-align: right;">Page 90</p> <p>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</p>	<p style="text-align: right;">Page 92</p> <p>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</p>
<p style="text-align: right;">Page 91</p> <p>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</p>	<p style="text-align: right;">Page 93</p> <p>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</p>

<p style="text-align: right;">Page 94</p> <p>1 speak today but would like to speak, please use 2 the Questions box to identify yourself, and we 3 will get you into the lineup shortly. 4 We'll continue to pause to see if anyone 5 else would like to make a statement. 6 [Pause.] 7 EMCEE: We 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</p>	<p style="text-align: right;">Page 96</p> <p>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</p>
<p style="text-align: right;">Page 95</p> <p>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</p>	<p style="text-align: right;">Page 97</p> <p>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.</p>

<p style="text-align: right;">Page 98</p> <p>1 We are now ready to begin. I'll turn it over to 2 EPA to get us started.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p style="text-align: right;">Page 100</p> <p>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.</p> <p>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.</p> <p>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</p>
<p style="text-align: right;">Page 99</p> <p>1 are taking comments today.</p> <p>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.</p> <p>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,</p>	<p style="text-align: right;">Page 101</p> <p>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.</p> <p>16 Now I'll cover some logistics for the 17 comment portion of today's public hearing.</p> <p>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</p>

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<p>1 slot, we have asked that you sign into the</p> <p>2 webinar 10 minutes before that 30-minute time</p> <p>3 slot. We will call speakers in groups. After</p> <p>4 your name is called, EPA will ask you to state</p> <p>5 your name and your affiliation, if any, and</p> <p>6 proceed with your testimony. We may ask you to</p> <p>7 spell your name for the court reporter, who is</p> <p>8 on the line transcribing your comments for the</p> <p>9 official record. The audio from the public</p> <p>10 hearing will be recorded for the official</p> <p>11 record.</p> <p>12 In order to accommodate all speakers and</p> <p>13 provide all speakers with the same speaking</p> <p>14 opportunity, testimony is limited to 5 minutes,</p> <p>15 even if there are no additional speakers</p> <p>16 waiting. A countdown clock will be shown on the</p> <p>17 screen so speakers know how much time they have</p> <p>18 left. In addition, if you have a written</p> <p>19 testimony prepared, please send it to the email</p> <p>20 you received your confirmation email from at</p> <p>21 EPAwebinar@indecon.com.</p> <p>22 We are here today to hear your comments on</p>	<p>1 If you would like to testify but have not</p> <p>2 yet registered to do so, please send a message</p> <p>3 to staff via the Questions box, and they will do</p> <p>4 their best to fit you into the schedule.</p> <p>5 We plan to take occasional breaks,</p> <p>6 according to the agenda. We will shorten the</p> <p>7 breaks, if needed, in order to allow as many</p> <p>8 people as possible to provide their comments.</p> <p>9 We ask for your patience as we proceed. We</p> <p>10 may need to make some minor adjustments as the</p> <p>11 day progresses, and if so, we will make the</p> <p>12 appropriate announcements.</p> <p>13 Thanks again for participating today.</p> <p>14 Let's get started. We will now turn it over to</p> <p>15 EPA's contractor Industrial Economics to discuss</p> <p>16 some logistics for today's hearing.</p> <p>17 EMCEE: Thank you.</p> <p>18 Before we begin, we'd like to go over some</p> <p>19 additional logistics for today's webinar. As a</p> <p>20 reminder, all attendees are muted automatically.</p> <p>21 We will unmute you when it is your turn to</p> <p>22 speak.</p>
Page 103	Page 105
<p>1 EPA's proposal published on March 3rd. We will</p> <p>2 not respond to questions; however, from time to</p> <p>3 time, members of the panel may ask questions to</p> <p>4 clarify your testimony. Any comments spoken in</p> <p>5 languages other than English will be translated</p> <p>6 into English in the written transcript.</p> <p>7 If you have additional comments after</p> <p>8 today, please follow the instructions in the</p> <p>9 March 3rd Federal Register notice for this</p> <p>10 proposal. Comments must be submitted by April</p> <p>11 17th, 2020.</p> <p>12 Everyone who has pre-registered will have</p> <p>13 an opportunity to speak, and we will do our best</p> <p>14 to accommodate speakers that have not</p> <p>15 pre-registered. Today's hearing is scheduled to</p> <p>16 close at 6:00 p.m., but we will keep the hearing</p> <p>17 open later if necessary. If, however, time does</p> <p>18 not allow you to orally present your comments,</p> <p>19 you may provide a written comment in lieu of</p> <p>20 oral testimony. These written comments on the</p> <p>21 proposal will be given the same weight as oral</p> <p>22 testimony.</p>	<p>1 Also, if you have called in using a phone</p> <p>2 and are planning to speak, you must enter your</p> <p>3 individual audio PIN. If you are having trouble</p> <p>4 with the PIN, a staff member will send you a</p> <p>5 message via the webinar interface. Please make</p> <p>6 sure that if you called in via phone, the radio</p> <p>7 button is on "Phone Call" and not "Computer</p> <p>8 Audio." Finally, please use the Questions box</p> <p>9 in the upper right corner to request a speaking</p> <p>10 slot.</p> <p>11 We will now begin our public comments. The</p> <p>12 expected speaking order for the next half hour</p> <p>13 will be Peter Fink, followed by Michael</p> <p>14 Zelniker, followed by Cori Bishop.</p> <p>15 I will be introducing each speaker in turn,</p> <p>16 but please wait for EPA to ask you to proceed</p> <p>17 before starting your comment.</p> <p>18 The first speaker will be Peter Fink.</p> <p>19 EPA, are you ready to proceed?</p> <p>20 MR. MILLER: Yes.</p> <p>21 Please proceed, and state your name and</p> <p>22 affiliation for the record.</p>

<p style="text-align: right;">Page 106</p> <p>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</p>	<p style="text-align: right;">Page 108</p> <p>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.</p>
<p style="text-align: right;">Page 107</p> <p>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</p>	<p style="text-align: right;">Page 109</p> <p>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</p>

<p style="text-align: right;">Page 110</p> <p>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</p>	<p style="text-align: right;">Page 112</p> <p>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</p>
<p style="text-align: right;">Page 111</p> <p>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,</p>	<p style="text-align: right;">Page 113</p> <p>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</p>

<p style="text-align: right;">Page 114</p> <p>1 hoping no one notices.</p> <p>2 It is the Environmental Protection Agency.</p> <p>3 It was created to regulate corporations because</p> <p>4 we have learned time after time after time that</p> <p>5 businesses and corporation and industry can not</p> <p>6 regulate itself. Every time we try to let them</p> <p>7 regulate themselves, they start polluting. They</p> <p>8 start hurting people, labor issues. They</p> <p>9 just--if you name it, they've done it, whether</p> <p>10 it was, you know, DDT, DDT on plants, or</p> <p>11 whatever it was Erin Brockovich worked on.</p> <p>12 We need the EPA to stand up and do its job,</p> <p>13 and its job is protecting environments and to</p> <p>14 protect the Americans who live here and are</p> <p>15 accessing that environment and are relying on</p> <p>16 that environment to keep us alive, to provide us</p> <p>17 with water and to provide us with food. And if</p> <p>18 the EPA isn't going to stand up for those</p> <p>19 things, if the EPA is going to cater to</p> <p>20 industry, what is the point?</p> <p>21 So I appreciate this opportunity. I</p> <p>22 believe the comment period needs to be extended</p>	<p style="text-align: right;">Page 116</p> <p>1 neighbors.</p> <p>2 I am calling today to speak out in</p> <p>3 opposition to the EPA's proposal to weaken the</p> <p>4 2015 coal ash rule safeguards. While I</p> <p>5 appreciate this opportunity to comment, I</p> <p>6 strongly oppose the EPA's decision to proceed</p> <p>7 with today's hearing during a global pandemic</p> <p>8 and national health emergency. By refusing to</p> <p>9 delay today's hearing or extend the public</p> <p>10 comment period on this proposal, the Trump</p> <p>11 administration is failing to take seriously the</p> <p>12 impact it will have on millions of Americans in</p> <p>13 communities impacted by coal ash pollution.</p> <p>14 Proceeding today also eliminates a critical</p> <p>15 right of the public to meaningful participate in</p> <p>16 rulemaking and directly address the EPA On this</p> <p>17 issue.</p> <p>18 The EPA should pause this process</p> <p>19 immediately, extend the comment period, and</p> <p>20 provide a chance for the public to participate</p> <p>21 when the crisis is over.</p> <p>22 The EPA should be working to make Americans</p>
<p style="text-align: right;">Page 115</p> <p>1 beyond a lockdown, and accessibility should be</p> <p>2 considered for people who have disabilities or a</p> <p>3 lack of access to internet or anything of that</p> <p>4 nature, and this rule is just--it's not going to</p> <p>5 work for us as a country. We need to do better</p> <p>6 with such a toxic substance.</p> <p>7 Thank you.</p> <p>8 EMCEE: Thank you for your comment.</p> <p>9 The next speaker will be Igor Tregub,</p> <p>10 followed by Julie Bledsoe.</p> <p>11 EPA, are you ready to proceed?</p> <p>12 MR. MILLER: Yes.</p> <p>13 Please proceed, and state your name and</p> <p>14 affiliation for the record.</p> <p>15 MR. TREGUB: Hello. My name is Igor</p> <p>16 Tregub, and I am from Berkeley, California,</p> <p>17 where I serve as an elected public servant. I</p> <p>18 am the immediate past chair of the Sierra Club</p> <p>19 SF Bay Chapter and a member of the Sierra Club</p> <p>20 California Executive Committee. These comments</p> <p>21 from me are in my individual capacity, though</p> <p>22 they reflect the position of thousands of my</p>	<p style="text-align: right;">Page 117</p> <p>1 safer, not endanger them further by throwing</p> <p>2 protections from toxic pollutions out the</p> <p>3 window.</p> <p>4 The coal ash permitting proposal will</p> <p>5 expose more Americans to hazardous pollutions</p> <p>6 from coal ash, including to carcinogens like</p> <p>7 arsenic, hexavalent chromium, and radium;</p> <p>8 neurotoxins like lithium and lead, and poisons</p> <p>9 that kill fish and wildlife like selenium and</p> <p>10 cadmium.</p> <p>11 We ask the EPA to stop trying to gut the</p> <p>12 public health protections in the coal ash rule</p> <p>13 and instead strengthen the rule, as ordered by</p> <p>14 the Federal Court of Appeals.</p> <p>15 While the State of California, where I</p> <p>16 reside, fortunately no longer includes coal</p> <p>17 plants, the threat of hauling petroleum coke</p> <p>18 exports to ports and by rail, including less</p> <p>19 than a mile from where I live, is never far from</p> <p>20 the collective conscience of the community I</p> <p>21 serve.</p> <p>22 The 2015 coal ash rule is currently</p>

<p style="text-align: right;">Page 118</p> <p>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.</p> <p>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.</p> <p>17 This concludes my comments. Thank you for 18 listening.</p> <p>19 I yield back the balance of my time.</p> <p>20 EMCEE: Thank you for your comment.</p> <p>21 The next speaker will be Julie Bledsoe.</p> <p>22 EPA, are you ready to proceed?</p>	<p style="text-align: right;">Page 120</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p style="text-align: right;">Page 119</p> <p>1 MR. MILLER: Yes.</p> <p>2 Please proceed, and state your name and 3 affiliation for the record.</p> <p>4 [No audible response.]</p> <p>5 EMCEE: Julie, We think you might be 6 self-muted. Can you see if you can unmute your 7 phone line?</p> <p>8 MS. BLEDSOE: Can you hear me now?</p> <p>9 EMCEE: Yes, we can. Please proceed.</p> <p>10 MS. BLEDSOE: Hi. My name is Julie 11 Bledsoe, a Kingston coal ash survivor worker's 12 wife.</p> <p>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.</p> <p>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</p>	<p style="text-align: right;">Page 121</p> <p>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.</p> <p>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.</p> <p>21 And we have coal ash sitting in ponds. The 22 Obama administration said study the ponds, see</p>

<p style="text-align: right;">Page 122</p> <p>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</p>	<p style="text-align: right;">Page 124</p> <p>1 speak today but would like to speak, please use 2 the Questions box to identify yourself, and we 3 will get you into the lineup shortly. 4 We 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</p>
<p style="text-align: right;">Page 123</p> <p>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 now 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</p>	<p style="text-align: right;">Page 125</p> <p>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.]</p>

<p style="text-align: right;">Page 126</p> <p>1 EMCEE:</p> <p>2 EMCEE: At this time, we have no one else</p> <p>3 scheduled to speak during the current time slot.</p> <p>4 If there is anyone who did not register to</p> <p>5 speak today but would like to speak, please use</p> <p>6 the Questions box to identify yourself, and we</p> <p>7 will get you into the lineup shortly.</p> <p>8 We will now pause to see if anyone else</p> <p>9 would like to make a statement.</p> <p>10 [Pause.]</p> <p>11 EMCEE: At this time, we have no one else</p> <p>12 scheduled to speak during the current time slot.</p> <p>13 If there is anyone who did not register to</p> <p>14 speak today but would like to speak, please use</p> <p>15 the Questions box to identify yourself, and we</p> <p>16 will get you into the lineup shortly.</p> <p>17 We will now pause to see if anyone else</p> <p>18 would like to make a statement.</p> <p>19 [Pause.]</p> <p>20 EMCEE: We have no more speakers lined up</p> <p>21 for the time being. So we will begin a brief</p> <p>22 recess.</p>	<p style="text-align: right;">Page 128</p> <p>1 will get you into the lineup shortly.</p> <p>2 We will now pause to see if anyone else</p> <p>3 would like to make a statement.</p> <p>4 [Pause.]</p> <p>5 EMCEE: At this time, we have no one else</p> <p>6 scheduled to speak during the current time slot.</p> <p>7 If there is anyone who did not register to</p> <p>8 speak today but would like to speak, please use</p> <p>9 the Questions box to identify yourself, and we</p> <p>10 will get you into the lineup shortly.</p> <p>11 We will now pause to see if anyone else</p> <p>12 would like to make a statement.</p> <p>13 [Pause.]</p> <p>14 EMCEE: The next speaker will be William</p> <p>15 Koehl.</p> <p>16 EPA, are you ready to proceed?</p> <p>17 MR. MILLER: Yes.</p> <p>18 Please proceed, and state your name and</p> <p>19 affiliation for the record.</p> <p>20 MR. KOEHL: I'm sorry. Am I unmuted now?</p> <p>21 Okay.</p> <p>22 EMCEE: Yes, we can hear you.</p>
<p style="text-align: right;">Page 127</p> <p>1 EPA, when would you like to reconvene?</p> <p>2 MS. LONG: The hearing is now in recess</p> <p>3 until 3:30 p.m.</p> <p>4 [Recess taken from 3:12 p.m. to 3:30 p.m.]</p> <p>5 EMCEE: This is IEC, EPA's contractor.</p> <p>6 It is 3:30 p.m., and we are now rejoining</p> <p>7 EPA's public hearing for a proposed rule change</p> <p>8 to the disposal of coal combustion residuals.</p> <p>9 At this time, we have no one else scheduled</p> <p>10 to speak.</p> <p>11 If there is anyone who did not register to</p> <p>12 speak today but would like to speak, please use</p> <p>13 the Questions box to identify yourself, and we</p> <p>14 will get you into the lineup shortly.</p> <p>15 We will now pause to see if anyone else</p> <p>16 would like to make a statement.</p> <p>17 [Pause.]</p> <p>18 EMCEE: At this time, we have no one else</p> <p>19 scheduled to speak during the current time slot.</p> <p>20 If there is anyone who did not register to</p> <p>21 speak today but would like to speak, please use</p> <p>22 the Questions box to identify yourself, and we</p>	<p style="text-align: right;">Page 129</p> <p>1 MR. KOEHL: All right. Thank you.</p> <p>2 Hi. My name is William Koehl. I live in</p> <p>3 Geneva, Illinois. I'm calling on--and my</p> <p>4 affiliation is actually with the League of Women</p> <p>5 Voters of Illinois on their environmental team,</p> <p>6 and I thought for today's, I'd like to just read</p> <p>7 into the record here one of EPA's own coal ash</p> <p>8 101 page.</p> <p>9 It says, "Why does the EPA regulate coal</p> <p>10 ash? Coal ash contains contaminants like</p> <p>11 mercury, cadmium, arsenic. Without proper</p> <p>12 management, these contaminants can pollute</p> <p>13 waterways, groundwater, drinking water, and the</p> <p>14 air. The need for Federal action to help ensure</p> <p>15 protective coal ash disposal was highlighted by</p> <p>16 large spills near Kingston, Tennessee, and even</p> <p>17 North Carolina, which caused widespread</p> <p>18 environmental and economic damage to the nearby</p> <p>19 waterways and property." And there's links to</p> <p>20 both of those in your own document.</p> <p>21 Below that, the last line says, "To address</p> <p>22 the risk from improper disposal and discharge of</p>

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<p>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?</p>	<p>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.</p>
Page 131	Page 133
<p>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</p>	<p>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</p>

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<p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>1 would like to make a statement.</p> <p>2 [Pause.]</p> <p>3 EMCEE: Our next speaker will be Margaret 4 Elizabeth Fuhr.</p> <p>5 EPA, are you ready to proceed?</p> <p>6 MR. MILLER: Yes.</p> <p>7 Please proceed, and state your name and 8 affiliation for the record.</p> <p>9 SR. MARGARET ELIZABETH FUHR: Can you hear 10 me?</p> <p>11 EMCEE: Yes, Margaret. We can hear you. 12 Please proceed when you're ready.</p> <p>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.</p> <p>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.</p>
Page 135	Page 137
<p>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.</p> <p>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.</p> <p>11 The proposed rule fails to adequately 12 protect public health in our limited groundwater 13 supply and should not be implemented.</p> <p>14 Thank you.</p> <p>15 EMCEE: Thank you for your comment.</p> <p>16 At this time, we have no one else scheduled 17 to speak during the current time slot.</p> <p>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.</p> <p>22 We will now pause to see if anyone else</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>

<p style="text-align: right;">Page 138</p> <p>1 need to use our knowledge and priorities for the</p> <p>2 good of all and regulate our energy production</p> <p>3 in the whole process in tune with the planet.</p> <p>4 We need to think long term rather than</p> <p>5 short-term financial gain.</p> <p>6 Thank you for the time and the opportunity</p> <p>7 to share my concerns.</p> <p>8 EMCEE: Thank you for your comment.</p> <p>9 At this time, we have no one else scheduled</p> <p>10 to speak during the current time slot.</p> <p>11 If there is anyone who did not register to</p> <p>12 speak today but would like to speak, please use</p> <p>13 the Questions box to identify yourself, and we</p> <p>14 will get you into the lineup shortly.</p> <p>15 We will now pause to see if anyone else</p> <p>16 would like to make a statement.</p> <p>17 [Pause.]</p> <p>18 EMCEE: At this time, we have no one else</p> <p>19 scheduled to speak during the current time slot.</p> <p>20 If there is anyone who did not register to</p> <p>21 speak today but would like to speak, please use</p> <p>22 the Questions box to identify yourself, and we</p>	<p style="text-align: right;">Page 140</p> <p>1 EPA's public hearing for a proposed rule change</p> <p>2 to the disposal of coal combustion residuals.</p> <p>3 At this time, we have no one else scheduled</p> <p>4 to speak during the current time slot.</p> <p>5 If there is anyone who did not register to</p> <p>6 speak today but would like to speak, please use</p> <p>7 the Questions box to identify yourself, and we</p> <p>8 will get you into the lineup shortly.</p> <p>9 We will now pause to see if anyone else</p> <p>10 would like to make a statement.</p> <p>11 [Pause.]</p> <p>12 EMCEE: At this time, we have no one else</p> <p>13 scheduled to speak during the current time slot.</p> <p>14 If there is anyone who did not register to</p> <p>15 speak today but would like to speak, please use</p> <p>16 the Questions box to identify yourself, and we</p> <p>17 will get you into the lineup shortly.</p> <p>18 We will now pause to see if anyone else</p> <p>19 would like to make a statement.</p> <p>20 [Pause.]</p> <p>21 EMCEE: We have no more speakers lined up</p> <p>22 for the time being. So we will begin a brief</p>
<p style="text-align: right;">Page 139</p> <p>1 will get you into the lineup shortly.</p> <p>2 We will now pause to see if anyone else</p> <p>3 would like to make a statement.</p> <p>4 [Pause.]</p> <p>5 EMCEE: At this time, we have no one else</p> <p>6 scheduled to speak during the current time slot.</p> <p>7 If there is anyone who did not register to</p> <p>8 speak today but would like to speak, please use</p> <p>9 the Questions box to identify yourself, and we</p> <p>10 will get you into the lineup shortly.</p> <p>11 We will now pause to see if anyone else</p> <p>12 would like to make a statement.</p> <p>13 [Pause.]</p> <p>14 EMCEE: We have no more speakers lined up</p> <p>15 for the time being. So we will begin a brief</p> <p>16 recess.</p> <p>17 EPA, when would you like to reconvene?</p> <p>18 MS. LONG: The hearing is now on recess</p> <p>19 until 4:45 p.m., Eastern Time.</p> <p>20 [Recess taken from 4:18 p.m. to 4:45 p.m.]</p> <p>21 EMCEE: This is IEC, EPA's contractor.</p> <p>22 It is 4:45 p.m., and we are now rejoining</p>	<p style="text-align: right;">Page 141</p> <p>1 recess.</p> <p>2 EPA, when would you like to reconvene?</p> <p>3 MS. LONG: The hearing is now on recess</p> <p>4 until 5:15 p.m., Eastern Time.</p> <p>5 [Recess taken from 4:52 p.m. to 5:15 p.m.]</p> <p>6 EMCEE: This IEC, EPA's contractor.</p> <p>7 It is 5:15 p.m., and we are rejoining EPA's</p> <p>8 public hearing for a proposed rule change to the</p> <p>9 disposal of coal combustion residuals.</p> <p>10 Our next speaker will be Lucas Champenois.</p> <p>11 I will be introducing each speaker in turn,</p> <p>12 but please wait for EPA to ask you to proceed</p> <p>13 before starting your comment.</p> <p>14 EPA, are you ready to proceed?</p> <p>15 MR. MILLER: Yes.</p> <p>16 Please proceed, and state your name and</p> <p>17 affiliation for the record.</p> <p>18 MR. CHAMPENOIS: Hi. My name is Lucas</p> <p>19 Champenois. I live in Raleigh, North Carolina.</p> <p>20 I'm not an official member of any environmental</p> <p>21 or public health organization.</p> <p>22 You know, I'm not personally implicated or</p>

<p style="text-align: right;">Page 142</p> <p>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.</p> <p>9 So just I'm here in solidarity for those 10 who are affected and frustrated by the format 11 this is being held.</p> <p>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</p>	<p style="text-align: right;">Page 144</p> <p>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.</p> <p>5 That's all.</p> <p>6 EMCEE: Thank you for your comment.</p> <p>7 At this time, we have no one else scheduled 8 to speak during the current time slot.</p> <p>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.</p> <p>13 We will now pause to see if anyone else 14 would like to make a statement.</p> <p>15 [Pause.]</p> <p>16 EMCEE: At this time, we have no one else 17 scheduled to speak during the current time slot.</p> <p>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.</p> <p>22 We will now pause to see if anyone else</p>
<p style="text-align: right;">Page 143</p> <p>1 that is so poorly publicized, so--it doesn't 2 seem like the right way to do this.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p style="text-align: right;">Page 145</p> <p>1 would like to make a statement.</p> <p>2 [Pause.]</p> <p>3 EMCEE: At this time, we have no one else 4 scheduled to speak during the current time slot.</p> <p>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.</p> <p>9 We will now pause to see if anyone else 10 would like to make a statement.</p> <p>11 [Pause.]</p> <p>12 EMCEE: Our next speaker will be Afsaneh 13 Mortazavi.</p> <p>14 EPA, are you ready to proceed?</p> <p>15 MR. MILLER: Yes.</p> <p>16 Please proceed, and state your name and 17 affiliation for the record.</p> <p>18 [No audible response.]</p> <p>19 EMCEE: Afsaneh, we think you might be 20 self-muted on your line. Can you confirm that 21 your line is open?</p> <p>22 MS. MORTAZAVI: Hi. Sorry. Can you hear</p>

<p style="text-align: right;">Page 146</p> <p>1 me now?</p> <p>2 EMCEE: Yes, we can. Please proceed.</p> <p>3 MS. MORTAZAVI: Hi. Thanks. Do I just</p> <p>4 begin with my statement?</p> <p>5 EMCEE: Yes.</p> <p>6 MS. MORTAZAVI: Great. So my name is</p> <p>7 Afsaneh Mortazavi, and I work as a health care</p> <p>8 consultant. And I recently moved from North</p> <p>9 Carolina to work in health care consulting and</p> <p>10 public health in California.</p> <p>11 Back in North Carolina when I was setting</p> <p>12 public health, I was the chair of the Minority</p> <p>13 Health Conference in North Carolina, and I</p> <p>14 learned about the dangers of coal ash to public</p> <p>15 health. And I am very shocked to see that EPA</p> <p>16 is proposing further revisions to Obama</p> <p>17 regulations, especially at this time.</p> <p>18 Even though I am not personally affected by</p> <p>19 coal ash, I decided to join to speak today in</p> <p>20 solidarity of people who will be personally</p> <p>21 affected by EPA's actions but are not able to</p> <p>22 join today given the timing and the format of</p>	<p style="text-align: right;">Page 148</p> <p>1 form home and I'm not being impacted, but I know</p> <p>2 that's not the case for many people.</p> <p>3 Black people in particular are on the front</p> <p>4 lines of the crisis and many other environmental</p> <p>5 crises. For example, in Michigan, 40 percent of</p> <p>6 COVID deaths are amongst black people, even</p> <p>7 though they are only 14 percent of the</p> <p>8 population.</p> <p>9 Meanwhile, scientists recently found that</p> <p>10 coronavirus patients are more likely to die if</p> <p>11 they live in areas with high air pollution.</p> <p>12 Again, I'm shocked and disappointed to see</p> <p>13 EPA's proposed regulations and this dangerous</p> <p>14 timing and how this process--and I'm curious to</p> <p>15 know how this process ensure that people</p> <p>16 affected by the problem would even find out</p> <p>17 about what is at stake and have a chance to</p> <p>18 speak.</p> <p>19 And in addition, how can EPA expect people</p> <p>20 to join, given everything that's currently going</p> <p>21 on?</p> <p>22 As I mentioned earlier in the call, I am</p>
<p style="text-align: right;">Page 147</p> <p>1 this kind of weird public hearing.</p> <p>2 I personally am working on the COVID</p> <p>3 response by creating patient-facing messages for</p> <p>4 coronavirus. So it is a very difficult time for</p> <p>5 me to join, but I felt like this was very</p> <p>6 important.</p> <p>7 The virus just isn't a new story for me and</p> <p>8 everyone I know. It is absolutely</p> <p>9 unprecedented, and our Federal agencies should</p> <p>10 act accordingly. It's very outrageous that our</p> <p>11 government is pushing regulation forward that</p> <p>12 could harm public health and the environment</p> <p>13 during this time, without adequate public</p> <p>14 participation opportunities.</p> <p>15 And I wanted to share my outreach today in</p> <p>16 solidarity with folks who are being silenced by</p> <p>17 this process.</p> <p>18 I've heard many stories and read articles</p> <p>19 about how frontline communities and</p> <p>20 environmental justice communities are feeling</p> <p>21 the impacts of COVID-19, particularly strongly.</p> <p>22 I personally am very fortunate that I can work</p>	<p style="text-align: right;">Page 149</p> <p>1 taking this meeting between meetings. I'm</p> <p>2 working on coronavirus response, and the EPA</p> <p>3 should be working to make Americans safer, not</p> <p>4 endanger them by throwing protections from toxic</p> <p>5 pollution out the window.</p> <p>6 The Trump administration has not only made</p> <p>7 it impossible for the public to directly address</p> <p>8 the agency by holding these virtual hearings,</p> <p>9 but the refusal to delay this rulemaking process</p> <p>10 during a national emergency demonstrates where</p> <p>11 its priorities rest. The EPA should pause this</p> <p>12 process immediately, extend the comment period,</p> <p>13 and provide a real chance for the public to</p> <p>14 understand the issues and participate when the</p> <p>15 crisis is over.</p> <p>16 That's my statement. Thank you for letting</p> <p>17 me speak today.</p> <p>18 EMCEE: Thank you for your comment.</p> <p>19 At this time, we have no one else scheduled</p> <p>20 to speak during the current time slot.</p> <p>21 If there is anyone who did not register to</p> <p>22 speak today but would like to speak, please use</p>

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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.

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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.]

A		
<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>

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