

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-2019-0362

Proposal-- Proposed Rule to Establish a  
Federal CCR Permit Program for Disposal of Coal  
Combustion Residuals from Electric Utilities

Wednesday, April 15, 2020  
9:00 a.m. through 6:00 p.m.

(Conducted via Webinar)

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<p>1 EPA PANEL 1, MORNING SESSION:</p> <p>2 STACEY YONCE, Panel Chair; Chemical Engineer,</p> <p>3 Energy Recovery and Waste Disposal Branch,</p> <p>4 Office of Resource Conservation and Recovery</p> <p>5 CRAIG DUFFICY</p> <p>6 MICHELLE LONG</p> <p>7 JESSE MILLER</p> <p>8</p> <p>9 EPA PANEL 2, AFTERNOON SESSION</p> <p>10 RICHARD HUGGINS, Panel Chair; Chief,</p> <p>11 Energy Recovery and Waste Disposal Branch,</p> <p>12 Office of Resource Conservation and Recovery</p> <p>13 STACEY YONCE</p> <p>14 MICHELLE LONG</p> <p>15 ANTHONY CARRELL</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 C O N T E N T S (continued)</p> <p>2 MORNING SESSION (continued)</p> <p>3</p> <p>4 PUBLIC COMMENTERS: PAGE</p> <p>5 JIM STEWART, Sierra Club,</p> <p>6 Lakewood, California 51</p> <p>7 CELESTE FLORES, Faith in Place and Clean</p> <p>8 Power Lake County 54</p> <p>9 CHRISTINE MAIN, Citizens for a Greener</p> <p>10 Illinois, Champaign, Illinois 63</p> <p>11 J. HENRY FAIR, Private Citizen, New York 69</p> <p>12 DAVID MAIN, M.D., Physicians for Social</p> <p>13 Responsibility and Prairie Rivers Network,</p> <p>14 Urbana, Illinois 70</p> <p>15 CHRISTINE SANTILLANA, Earthjustice,</p> <p>16 Chicago, Illinois 75</p> <p>17</p> <p>18 AFTERNOON SESSION</p> <p>19</p> <p>20 PUBLIC COMMENTERS: PAGE</p> <p>21 AUTUMN CROWE, West Virginia Rivers Coalition 95</p> <p>22</p>
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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 us started. 4 MS. YONCE: Good morning, and thank you for 5 attending today's public hearing on the 6 Environmental Protection Agency's proposal to 7 establish a Federal permit 8 program for disposal of coal combustion 9 residuals, or CCR. 10 Before we begin, I would like to say that 11 we appreciate you taking the time to address the 12 proposed rule, and we look forward to receiving 13 your comments. This is a virtual public 14 hearing. 15 My name is Stacey Yonce. I am a chemical 16 engineer the Energy Recovery and Waste Disposal 17 Branch in EPA's Office of Resource Conservation 18 and Recovery. I will be chairing this session 19 of 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. 2 The final rule requires owners and 3 operators of CCR units to document compliance 4 with these requirements in the facility's 5 operating record. In addition, the facility 6 must notify the State of decisions and maintain 7 a publicly accessible website of compliance 8 information. This final CCR rule became 9 effective on October 19th, 2015, and owners or 10 operators of CCR units are required to be in 11 compliance with all applicable requirements. 12 In 2016, Congress passed and the President 13 signed the Water Infrastructure Improvements for 14 the Nation, or the WIIN Act. The WIIN 15 Act, among other things, requires EPA to 16 implement a Federal CCR permit program in Indian 17 Country and subject to the availability of 18 specific appropriations to carry out a program 19 in nonparticipating States. 20 The Fiscal Year 2019 and 2018 Omnibus 21 Appropriations Acts provided appropriations to 22 EPA to develop and implement a</p>
<p style="text-align: right;">Page 7</p> <p>1 from EPA are Craig Dufficy, Michelle Long, and 2 Jesse Miller. 3 Before we begin the hearing, I would like 4 to provide some background information and 5 briefly describe the proposed rule on which we 6 are taking comments today. 7 CCR are generated from the combustion of 8 coal in coal-fired boilers to produce 9 electricity by electric utilities and 10 independent power producers. CCR include fly 11 ash, bottom ash, boiler slag, and flue gas 12 desulfurization materials. CCR can be disposed 13 of in on-site or off-site landfills or surface 14 impoundments or can be beneficially used. 15 On April 17, 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 Federal CCR permit program. 2 EPA is proposing to establish a new Federal 3 permit program to implement the regulations 4 governing the disposal of CCR established in 5 the 2015 final rule. 6 This proposal contains procedures and 7 requirements to issue Federal permits in Indian 8 Country and in nonparticipating States. 9 This includes the following. 10 Applications would be required with sufficient 11 information for EPA to determine applicability 12 of requirements in the CCR rule and write permit 13 terms to require compliance with them. Permit 14 applications would be due no earlier than 18 15 months after the effective date of the final 16 rule. Application deadlines will be tiered, and 17 the first tier would include facilities with a 18 high hazard surface impoundment. 19 Permits would be issued with no expiration 20 date. Permit holders would be required to apply 21 for modifications to keep the permit current 22 with changes to operations at the unit or</p>

<p style="text-align: right;">Page 10</p> <p>1 changes in the applicable requirements in the</p> <p>2 CCR rule.</p> <p>3 EPA could also initiate a permit</p> <p>4 modification, if needed, to ensure the permit</p> <p>5 continues to require compliance with all</p> <p>6 applicable requirements in the CCR rule.</p> <p>7 Procedural requirements applicable to other</p> <p>8 EPA permitting programs would generally be</p> <p>9 utilized in this program. Public notice would</p> <p>10 be accomplished electronically rather than</p> <p>11 newspaper.</p> <p>12 Now I'll cover some logistics for the</p> <p>13 comment portion of today's public hearing.</p> <p>14 Today's hearing will work as follows.</p> <p>15 Speakers, if you pre-registered to speak, you</p> <p>16 should have received an email with a 30-minute</p> <p>17 time slot during which you are scheduled to give</p> <p>18 your 5 minutes of testimony. To guarantee that</p> <p>19 slot, we have asked that you sign into the</p> <p>20 webinar 10 minutes before that 30-minute time</p> <p>21 slot. We will call speakers in groups. After</p> <p>22 your name is called, EPA will ask you to state</p>	<p style="text-align: right;">Page 12</p> <p>1 other than English will be translated into</p> <p>2 English in the written transcript.</p> <p>3 If you have additional comments after</p> <p>4 today, please follow the instructions in the</p> <p>5 Federal Register notice for this proposal to</p> <p>6 submit your comments by May 20th, 2020.</p> <p>7 Everyone who has pre-registered will have</p> <p>8 an opportunity to speak, and we will do our best</p> <p>9 to accommodate speakers that have not</p> <p>10 pre-registered. Today's hearing is scheduled to</p> <p>11 close at 6:00 p.m., but we will keep the hearing</p> <p>12 open later if necessary. If, however, time does</p> <p>13 not allow you to orally present your comments,</p> <p>14 please provide a written comment in lieu of oral</p> <p>15 testimony. These written comments on the</p> <p>16 proposal will be given the same weight as oral</p> <p>17 testimony.</p> <p>18 If you would like to testify but have not</p> <p>19 yet registered to do so, please send a message</p> <p>20 to staff by way the Questions box, and they will</p> <p>21 do their best to fit you into the schedule.</p> <p>22 We plan to take occasional breaks,</p>
<p style="text-align: right;">Page 11</p> <p>1 your name and your affiliation, if any, and</p> <p>2 proceed with your testimony. We may ask you to</p> <p>3 spell your name for the court reporter, who is</p> <p>4 on the line transcribing your comments for the</p> <p>5 official record. The audio from the public</p> <p>6 hearing will be recorded for the official</p> <p>7 record.</p> <p>8 In order to accommodate all speakers and</p> <p>9 provide all speakers with the same speaking</p> <p>10 opportunity, testimony is limited to 5 minutes,</p> <p>11 even if there are no additional speakers</p> <p>12 waiting. A countdown clock will be shown on the</p> <p>13 screen so speakers know how much time they have</p> <p>14 left. In addition, if you have a written</p> <p>15 testimony prepared, please send it to the email</p> <p>16 you received your confirmation email from,</p> <p>17 EPAwebinar@indecon.com.</p> <p>18 We are here today to hear your comments on</p> <p>19 EPA's proposal. We will not respond to</p> <p>20 questions; however, from time to time, members</p> <p>21 of the panel may ask questions to clarify your</p> <p>22 testimony. Any comments spoken in languages</p>	<p style="text-align: right;">Page 13</p> <p>1 according to the agenda. We will shorten the</p> <p>2 breaks if needed in order to allow as many</p> <p>3 people as possible to provide their comments.</p> <p>4 We ask for your patience as we proceed. We</p> <p>5 may need to make some minor adjustments as the</p> <p>6 day progresses, and if so, we will make the</p> <p>7 appropriate announcements.</p> <p>8 Thanks again for participating today.</p> <p>9 Let's get started. We will now turn it over to</p> <p>10 EPA's contractor Industrial Economics to discuss</p> <p>11 the logistics for today's hearing.</p> <p>12 EMCEE: Thank you.</p> <p>13 Before we begin, we'd like to go over some</p> <p>14 logistics for today's webinar. As a reminder,</p> <p>15 all attendees are muted automatically. We will</p> <p>16 unmute you when it is your turn to speak.</p> <p>17 Also, if you have called in using a phone</p> <p>18 and are planning to speak, you must enter your</p> <p>19 individual audio PIN. If you are having trouble</p> <p>20 with the PIN, a staff member will send you a</p> <p>21 message via the webinar interface. Please make</p> <p>22 sure that if you called in via phone, the radio</p>

<p style="text-align: right;">Page 14</p> <p>1 button is on "Phone Call" and not "Computer 2 Audio." Finally, please use the Questions box 3 in the upper right corner to request a speaking 4 slot. 5 Now we will begin our public comments. The 6 expected speaking order for the next half hour 7 will be Frank Holleman, followed by Marya 8 Bradley and Jennifer Cassel. 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 The first speaker will be Frank Holeman. 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 MR. HOLLEMAN: Hello. My name is Frank 18 Holleman. I live in Greenville, South Carolina. 19 I am a senior attorney with the Southern 20 Environmental Law Center, and for almost 9 21 years, I've worked with community groups 22 throughout the Southeast who are concerned about</p>	<p style="text-align: right;">Page 16</p> <p>1 even have waterways flowing through them that 2 are dammed for the storage of the ash. 3 And the rule is written without recognizing 4 that there are constantly changing 5 circumstances. For example, in Alabama, we have 6 one sites that's allowed to be capped in place. 7 It has already been discovered to continue to 8 pollute groundwater. There are occasionally 9 failures of these sites. We have changing water 10 levels with climate change, and the utilities 11 constantly discover problems such as unknown 12 pipes and other issues they had not recognized 13 before. 14 As a result of all those factors, these are 15 the changes that need to be made. First of all, 16 unlike the EPA's proposal, there needs to be an 17 opportunity for enhanced public input. There 18 needs to be a public comment period and a 19 hearing for each and every site. 20 Second, there is no way to legitimate grant 21 a permit for life for these sites. The permits 22 need to come up for review and reexamination</p>
<p style="text-align: right;">Page 15</p> <p>1 coal ash pollution and disposal in their local 2 areas. 3 The EPA's proposal for its own permitting 4 program for coal ash sites appears to be--is 5 written without recognition of the realities on 6 the ground, and these key factors, I think this 7 rule ignores. 8 First, the intent of the local public 9 interest in what happens at these sites. If the 10 senior leadership at the EPA had come to any of 11 our public hearings in North Carolina on each of 12 the 14 sites in the State, it would have seen 13 the intense level of public interest, knowledge, 14 and concern as to each site. 15 Second, this rule is written without 16 recognition, that each of the sites has many 17 different circumstances. For example, their 18 size range from less than a million tons through 19 tens of millions of tons. Some are in the 20 Piedmont overlooking rivers. Some are setting 21 in wetlands or in low-lying coastal areas. Some 22 are sitting on top of karst topography, and some</p>	<p style="text-align: right;">Page 17</p> <p>1 because changes and problems and for additional 2 public input. 3 Third, there's no way you can use general 4 permits for these sites, as though they were 5 minor changes in circumstances. Each of these 6 sites require intense attention from engineers, 7 from the regulators, and from the public. 8 And, finally, you should not have so little 9 review by EPA itself. Each of these sites, as 10 we see in North Carolina, have even required 11 years of study and modeling to determine what 12 should be the appropriate way for them to be 13 finally closed. 14 In short, this EPA proposal isn't really a 15 serious attempt to manage and determine the 16 appropriate outcome for each of these sites but 17 simply a way for the agency to check a box and 18 put something behind it. Instead, this 19 permitting program needs to become a major 20 program of an ongoing program of the EPA that 21 provides for intense public input and 22 examination, it provides for intense scrutiny</p>

<p style="text-align: right;">Page 18</p> <p>1 and examination of each of these sites, and it 2 provides a periodic review of how coal ash is 3 stored and disposed of in communities across the 4 country. 5 Thank you. 6 EMCEE: Thank you for your comment. 7 The next speaker will be Marya Bradley, 8 followed by Jennifer Cassel and then Joyce 9 Blumenshine. The next speaker will be Marya 10 Bradley. 11 EPA, are you ready to proceed? 12 EPA PANEL MEMBER: Yes. 13 Please proceed, and state your name and 14 affiliation for the record. 15 MS. BRADLEY: Hello. My name is Marya 16 Bradley, and I'm calling from Milwaukee, which 17 is near the Oak Creek coal-fired power plant in 18 Wisconsin, and I am one of those citizens that 19 Mr. Holleman referred to. I live right on Lake 20 Michigan, and I am very, very concerned about 21 what is happening in terms of diminishing the 22 amount of public say in what is happening to our</p>	<p style="text-align: right;">Page 20</p> <p>1 we clearly face a planetary health and climate 2 crisis and are witness to massive extinction of 3 species. 4 The time has come for us to refuse these 5 permits and to make it illegal to continue to 6 destroy the fabric of life. There can be no 7 good long-term consequence in perpetuating the 8 fossil fuel industry's destruction of life for 9 profit. 10 I call on you to do your duty, to take it 11 up, and protect the problem, heed the public, 12 the people who are directly affected, and their 13 land, water, and air, and compel the industry to 14 defend what it's asking to do and actually to 15 have it shift to commit to creating a 16 sustainable form of energy that is compatible 17 with life and respectful of all life. 18 Thank you. 19 EMCEE: Thank you for your comment. 20 The next speaker will be Jennifer Cassel, 21 followed by Joyce Blumenshine. The next speaker 22 will be Jennifer Cassel.</p>
<p style="text-align: right;">Page 19</p> <p>1 communities in relation to the deadly effects of 2 coal ash. 3 The deleterious and deadly effects of coal 4 ash from coal-fired power plants are well 5 documented and widely known both in and outside 6 of this industry and those charged in regulating 7 the industry. The massive die-offs of fish, the 8 sterilization and deformation of fish and birds 9 and mammals, the long list of diseases and 10 deformations of--and fetal diseases that coal 11 ash and its constituents cause in human beings, 12 liver and lung disease, various forms of cancer 13 of numerous organs, hypertension, asthma, fetal 14 lung disease, developmental delays, hemoglobin 15 damage, vision impairment, neuropathy, and the 16 list is long of all the various constituents 17 contained and associated with coal ash that 18 cause these illnesses. 19 There can really be no defensible or 20 justifiable reason to permit an industry that is 21 actually failing to continue to pollute and 22 poison our air and waters, especially now when</p>	<p style="text-align: right;">Page 21</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 MS. CASSEL: Hi. Good morning. My name is 6 Jennifer Cassel. I am a staff attorney with 7 Earthjustice, based in Chicago, the heartland of 8 this country where we have so much coal ash 9 fouling our waters. 10 I have the privilege, honor, and burden of 11 reading today a joint statement from 75 groups 12 representing millions of members across the 13 country at this public hearing. This joint 14 statement will--because it involves so many 15 signatories, it's likely I won't complete the 16 list during my testimony, and therefore, 17 colleagues of mine testifying later today will 18 complete the list. 19 Here is the joint statement. Seventy-five 20 groups representing many millions of members 21 declare together our opposition to the Trump 22 administration's holding of this virtual public</p>

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<p>1 hearing in the midst of the global COVID-19  2 pandemic when Americans nationwide are unable to  3 exercise their right to participate, although  4 all 75 organizations strongly oppose the coal  5 ash permitting proposal. Many of our members  6 are unable to speak with you today due to  7 obstacles presented by the COVID-19 pandemic.  8 Do you expect someone who has fallen ill or has  9 a sick family member to be on the phone today?  10 What about the health care workers, the parents  11 like myself who are busy trying to home-school  12 their children, and the millions of Americans  13 who are so worried that it's hard to think about  14 anything else?</p> <p>15 During this global pandemic, a national  16 health emergency, the EPA's actions to weaken  17 health and environmental protections from coal  18 ash pollution are unconscionable. The EPA  19 should be working to make Americans safer, not  20 endanger them further by throwing protections  21 from toxic pollution out the window.  22 The coal ash permitting proposal will</p>	<p>1 Alabama State Association of Cooperatives; Amy  2 Adams on behalf of Appalachian Voices; Charles  3 Scribner on behalf of Black Warrior Riverkeeper;  4 José Manuel Díaz Pérez on behalf of Campamento  5 contra las cenizas de Peñuelas; John Laszlo on  6 behalf of Central Illinois Healthy Communities  7 Alliance; Kevin Jeselnik on behalf of  8 Chattahoochee Riverkeeper; Mary Ellen DeClue on  9 behalf of Citizens Against Longwall Mining;  10 Ellen Rendulich on behalf of Citizens Against  11 Ruining the Environment; Jennifer Peters for  12 Clean Water Action; Amanda Strawderman for Clean  13 Water for North Carolina; Victor Alvarado Guzmán  14 on behalf of Comité Diálogo Ambiental; Clark  15 Bullard on behalf of Committee on the Middle  16 Fork; Steven Dudley on behalf of Coosa  17 Riverkeeper; Lisa Evans, my colleague, on behalf  18 of Earthjustice; Lan Richart on behalf of  19 Eco-Justice Collaborative; Pastor Scott Onque on  20 behalf of Faith in Place and Faith in Place  21 Action Fund; Beth Porter on behalf of Green  22 America; Colleen Smith on behalf of Illinois</p>
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<p>1 expose more Americans to hazardous pollution  2 from coal ash, including to carcinogens like  3 arsenic, hexavalent chromium, and radium;  4 neurotoxins like lithium and lead; and poisons  5 that kill fish and wildlife like selenium and  6 cadmium. We ask EPA to stop trying to gut the  7 proposed health protections in the coal ash rule  8 and instead strengthen the rule as ordered by  9 the Federal Court of Appeals.</p> <p>10 The EPA has suspended enforcement of  11 environmental laws, no longer expecting  12 compliance with routine monitoring and reporting  13 of pollution, with no end date in site. Yet the  14 agency somehow expects communities to timely  15 submit comments and participate in these  16 hearings among the pandemic?</p> <p>17 The Trump administration should press pause  18 on this dangerous plan, extend the comment  19 period, and give Americans a meaningful chance  20 to weigh in when the crisis is over.</p> <p>21 And that has been signed by Cindy Lowry if  22 the Alabama Rivers Alliance; John Zippert of</p>	<p>1 Environmental Council; Jeff Stant, Indiana  2 Forest Alliance; Kerri Johannsen, Iowa  3 Environmental Council; Mary Love, Kentuckians  4 for the Commonwealth; Patricia Schuba, Labadie  5 Environmental Organization; Nancy LaPlaca,  6 LaPlaca and Associates Lieutenant Colonel; Terry  7 Miller, Lone Tree Council; Toni Optt, Metro East  8 Green Alliance; Cheryl Nenn, Milwaukee  9 Riverkeeper; Casi Callaway, Mobile Baykeeper;  10 Anne Hedges, Montana Environmental Information  11 Center; Rebecca Hammer, National Resources  12 Defense Council; Susan Wind Richard on behalf of  13 New Jersey Sustainable Business Council.</p> <p>14 And I will stop there and leave it to my  15 colleagues to finish. Thank you.</p> <p>16 EMCEE: Thank you for your comment.</p> <p>17 The next speaker will be Joyce Blumenshine,  18 followed by Karen Rangel. The next speaker will  19 be Joyce Blumenshine.</p> <p>20 EPA, are you ready to proceed?</p> <p>21 EPA PANEL MEMBER: Yes.</p> <p>22 Please proceed, and state your name and</p>

<p style="text-align: right;">Page 26</p> <p>1 affiliation for the record.</p> <p>2 MS. BLUMENSHINE: This is Joyce</p> <p>3 Blumenshine. I am a concerned citizen in</p> <p>4 Peoria, Illinois. I am commenting in opposition</p> <p>5 to this EPA proposed hazardous and solid waste</p> <p>6 management system, disposal of CCR residuals.</p> <p>7 I don't see how this is in any way an</p> <p>8 improvement, but it is a tragic dismantling of</p> <p>9 basic protections for the public and for the</p> <p>10 environment.</p> <p>11 My father became ill and died of cancer</p> <p>12 while I was in high school, and my mother</p> <p>13 suffered for years and died with COPD.</p> <p>14 I drive regularly on a highway by a local</p> <p>15 area, coal-fired power plant with ash ponds that</p> <p>16 are wind-blown dust across the highway into area</p> <p>17 residences.</p> <p>18 We are well aware that the groundwater is</p> <p>19 contaminated at all of the coal-fired powerplant</p> <p>20 ash ponds in my area, and I am very concerned</p> <p>21 about the detrimental public health and</p> <p>22 detrimental environmental impacts of this</p>	<p style="text-align: right;">Page 28</p> <p>1 Environmental justice locations, with high</p> <p>2 levels of poverty and resources, such as</p> <p>3 neighborhoods near where I live, lack the means</p> <p>4 to participate in a virtual hearings. The</p> <p>5 virtual hearings deny those impacted the chance</p> <p>6 to be seen and heard in their own region. EPA</p> <p>7 should be strengthening regulations to protect</p> <p>8 public health, to protect natural resources, and</p> <p>9 especially to protect water resources.</p> <p>10 The current proposal weakens basic</p> <p>11 regulatory protections, and this is not</p> <p>12 acceptable. It is a particularly grievous</p> <p>13 concern for regions with some of the most</p> <p>14 extreme water shortages. EPA is putting water</p> <p>15 resources and the health of regions are clear</p> <p>16 risk of further harm and contamination. How can</p> <p>17 this be a proper regulation with owners of CCR</p> <p>18 locations given permits without an end date and</p> <p>19 they have essentially no effective oversight?</p> <p>20 How can this be a proper regulation in allowing</p> <p>21 the EPA to let sites operate in noncompliance</p> <p>22 with non restrictions on how long the</p>
<p style="text-align: right;">Page 27</p> <p>1 proposal.</p> <p>2 What EPA is doing is unjust. It will</p> <p>3 result in generations of ongoing life, health,</p> <p>4 safety, and natural resources harms. These</p> <p>5 completely inadequate regulations will impact</p> <p>6 Native Americans, minorities, Tribal lands,</p> <p>7 territories, and States, and the EPA is</p> <p>8 proceeding with this hearing and proposed</p> <p>9 changes during this unprecedented time of</p> <p>10 national COVID-19 pandemic crisis.</p> <p>11 Current statistics report 26,000 deaths,</p> <p>12 well over 600,000 documented cases of the virus</p> <p>13 in the U.S., and those numbers are probably</p> <p>14 barely the surface because there's inadequate</p> <p>15 testing.</p> <p>16 People are struggling to manage their</p> <p>17 lives. EPA is again holding a virtual hearing.</p> <p>18 This requires a computer or phone with internet</p> <p>19 access. How is that fair when the changes being</p> <p>20 proposed specifically impact citizens in remote</p> <p>21 areas or perhaps areas without adequate internet</p> <p>22 access?</p>	<p style="text-align: right;">Page 29</p> <p>1 noncompliant situation can continue and what</p> <p>2 appears to be no controls on what aspects can be</p> <p>3 in noncompliance? It's like a carte blanche for</p> <p>4 pollution. This is not environmental</p> <p>5 protection.</p> <p>6 The proposal fails provisions for adequate</p> <p>7 public participation. EPA must include</p> <p>8 provisions requiring local public hearings and</p> <p>9 local posting of the permit application</p> <p>10 materials where individuals without computer</p> <p>11 access can review what is being proposed.</p> <p>12 Locations impacted by poverty, remote areas, and</p> <p>13 our nation's shameful legacy of abuse and</p> <p>14 discrimination of the nation's first people's of</p> <p>15 this land and minorities. It should mean that</p> <p>16 extra protection, strong oversight, and</p> <p>17 regulation and control of pollution must occur,</p> <p>18 not this rollback of basic safeguards and</p> <p>19 procedures.</p> <p>20 People deserve the right to know about what</p> <p>21 is going to happen that could affect their</p> <p>22 lives, health, water resources, and future</p>



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1 generations. Public participation and coal ash  
2 permits is essential, no matter where the  
3 location. It is highly discriminatory and  
4 unethical of EPA to be imposing blatantly weak  
5 and inadequate regulations that impact Tribal  
6 and minority areas. What is proposed will not  
7 take into consideration known information about  
8 the extent of water pollution from CCR location.  
9 It basically gives approval of permits with  
10 minimal or no review. That is not acceptable.

11 It is essential that permits take into  
12 consideration of the specific geologic land use  
13 and other conditions of each area, and this  
14 proposal does not.

15 I urge this proposal to be put on hold  
16 until the COVID pandemic is over and ensure that  
17 multiple public hearings are held in appropriate  
18 locations across the country.

19 EMCEE: Thank you for your comment

20 The next speaker will be Karen Rangel.

21 EPA, are you ready to proceed?

22 EPA PANEL MEMBER: Yes.

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

3 [No audible response.]

4 EMCEE: Karen, I think you might be  
5 self-muted.

6 [Pause.]

7 MS. RANGEL: Hello?

8 EMCEE: Okay. Karen, we're going to send  
9 you some instructions. It looks like you called  
10 in by phone and also have computer audio, and  
11 that's why we're getting the feedback. If you  
12 can go to the audio portion, there's a little  
13 spot where you can select "Computer" or "Phone  
14 Call." So just select one, and then this should  
15 work.

16 When you're ready, please try stating your  
17 name and affiliation for the record.

18 [Pause.]

19 EMCEE: Karen, try unmuting and then  
20 stating your name.

21 MS. RANGEL: Hi. I'm sorry about that.  
22 This is Karen Rangel from St. Louis County,

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1 Missouri.

2 I just first wanted to state that I think  
3 these rulings are kind of sneaky and  
4 underhanded. The EPA is not doing its job in  
5 taking care of and protecting the people of the  
6 United States. It's very disappointing that I  
7 had to find out about this. I missed all of the  
8 hearings last week. We shouldn't be hiding  
9 things from people like this.

10 Just a little background, in my family, I  
11 have over 125 years of service for Ameren UE,  
12 one of my local coal plants. Of my uncles and  
13 grandfathers that were employed by there, all of  
14 them died of cancers that are very possibly  
15 attached to having worked at coal-fired plants.  
16 Their deaths were not pleasant, and people like  
17 that need to be taken care of.

18 Our waterways need to be protected, and by  
19 not giving the public a chance to participate or  
20 widely known, this just is not right. It's  
21 sneaky and underhanded, and that is all I'd like  
22 to say on the record today.

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1 Thank you.

2 EMCEE: Thank you for your comment.

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

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

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

12 [Pause.]

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

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

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

22 [Pause.]

<p style="text-align: right;">Page 34</p> <p>1 EMCEE: We have no more speakers lined up 2 for the current time slot. So we will begin a 3 brief recess. 4 EPA, when would you like to reconvene? 5 EPA PANEL MEMBER: The hearing is now on 6 recess until ten o'clock a.m., Eastern Time. 7 [Recess taken from 9:42 a.m. to 10:00 a.m.] 8 EMCEE: This is IEC, EPA's contractor. It 9 is ten o'clock, Eastern, and we are now 10 rejoining EPA's public hearing about the 11 proposed Federal coal combustion residuals 12 permit program regulations. 13 At this time, we have no one else scheduled 14 to speak in this current time slot. 15 If there is anyone who did not register to 16 speak today but would like to speak, please use 17 the Questions box to identify yourself, and we 18 will get you into the lineup shortly. 19 We'll now pause to see if anyone else would 20 like to make a statement. 21 [Pause.] 22 EMCEE: We have no one else scheduled to</p>	<p style="text-align: right;">Page 36</p> <p>1 EPA, when would you like to reconvene? 2 EPA PANEL MEMBER: The hearing is now on 3 recess until 10:30 a.m., Eastern Time. 4 [Recess taken from 10:15 a.m. to 10:30 5 a.m.] 6 EMCEE: This is IEC, EPA's contractor. It 7 is now 10:30, Eastern, and we are rejoining 8 EPA's public hearing about the proposed Federal 9 coal combustion residuals program, residuals 10 permit program regulations. 11 At this time, we have no one else scheduled 12 to speak during this particular 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 35</p> <p>1 speak in this current time slot. 2 If there is anyone who did not register to 3 speak today or is registered to speak later in 4 the day but would like to speak now, please use 5 the Questions box to identify yourself, and we 6 will get you into the lineup shortly. 7 We'll now pause to see if anyone else would 8 like to make a statement. 9 [Pause.] 10 EMCEE: We have no one else scheduled to 11 speak during the current time slot. 12 If there is anyone who did not register to 13 speak today or anyone who is registered to speak 14 later today and would like to speak now, please 15 use the Questions box to identify yourself, and 16 we will get you into the lineup shortly. 17 We'll continue to pause to see if anyone 18 else would like to make a statement. 19 [Pause.] 20 EMCEE: We have no more speakers lined up 21 for the time being. So we will begin a brief 22 recess.</p>	<p style="text-align: right;">Page 37</p> <p>1 speak today or is registered to speak later in 2 the day and would like to speak now, please use 3 the Questions box to identify yourself, and we 4 will get you into the lineup shortly. 5 We'll continue to pause to see if anyone 6 else would like to make a statement. 7 [Pause.] 8 EMCEE: We have no one else scheduled to 9 speak during the current time slot. 10 If there is anyone who did not register to 11 speak today or is registered to speak later 12 today and would like to speak now, please use 13 the Questions box to identify yourself, and we 14 will get you into the lineup shortly. 15 We will 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. So we will begin a brief 20 recess. 21 EPA, when would you like to reconvene? 22 EPA PANEL MEMBER: The hearing is now on</p>

<p style="text-align: right;">Page 38</p> <p>1 recess until eleven o'clock a.m., Eastern Time.  2 [Recess taken from 10:45 a.m. to 11:00  3 a.m.]  4 EMCEE: This is IEC, EPA's contractor. It  5 is now eleven o'clock, Eastern, and we are  6 rejoining EPA's public hearing about the  7 proposed Federal coal combustion residuals  8 permit program regulations.  9 The expected speaker order for the next  10 half hour will be Erica Frank, followed by  11 Catharine White, Harriett Jones, Jim Stewart,  12 and Christine Main.  13 The first speaker will be Erica Frank.  14 I will be introducing each speaker in turn,  15 but please wait for EPA to ask you to proceed  16 before starting your comment.  17 EPA, are you ready to proceed?  18 EPA PANEL MEMBER: Yes.  19 Please proceed, and state your name and  20 affiliation for the record.  21 DR. FRANK: Hi. Am I audible? Yes?  22 EMCEE: Yes, we can hear you. Please</p>	<p style="text-align: right;">Page 40</p> <p>1 I do appreciate this opportunity to  2 comment, but I'll start with saying that I do  3 strongly oppose EPA's decision to proceed with  4 today's hearing during a global pandemic and  5 national health emergency. I've attended in  6 person, public--EPA public hearings in the past,  7 and this is a very important part of the  8 democratic process.  9 That being said, the meta point today is  10 that EPA should be working to make Americans  11 safer, not endanger us and our patients further  12 by throwing protections from toxic pollution out  13 the window. The Part B proposal or the coal ash  14 permitting proposal is going to expose more  15 Americans, if it happens, to hazardous pollution  16 from coal ash, part of the reason why I moved to  17 Canada from the United States in 2006 when EPA  18 did this before with the mercury ruling,  19 including providing exposures to carcinogens  20 like arsenic and hexavalent chromium and radium;  21 genetic toxins like lithium and lead; and to  22 poisons that kill fish and other wildlife like</p>
<p style="text-align: right;">Page 39</p> <p>1 proceed.  2 DR. FRANK: Super. My name is Dr. Erica  3 Frank, and I grew up in Pennsylvania and New  4 Jersey. And I've lived for my medical training  5 and practice in Georgia, Ohio, New York, and  6 California. I appreciate the opportunity to  7 speak today. I now live in Clear Lake,  8 Washington, and in British Columbia. I'm a  9 physician and master's in public health and a  10 fellow of the American College of Preventive  11 Medicine, and I'm here as a specialist and  12 representing Physicians for Social  13 Responsibility, which is the twice Nobel  14 Prize-winning organization that I was the  15 president of in 2008 and on the board of for a  16 decade.  17 I'm now the Canada Research Chair in  18 Preventive Medicine and Population Health at the  19 University of British Columbia, and I'm calling  20 in today to speak out in opposition to EPA's  21 proposal to weaken the 2015 coal ash rule  22 safeguards.</p>	<p style="text-align: right;">Page 41</p> <p>1 selenium and cadmium.  2 So we're asking EPA to stop trying to gut  3 the public health protections in the coal ash  4 rule and instead to strengthen the rule as  5 ordered by the Federal Court of Appeals.  6 Hazardous chemicals that are present in  7 coal are concentrated in the ash when coal is  8 burned, and this can cause cancer, heart  9 disease, reproductive failure and stroke, and  10 can inflict permanent brain damage on children.  11 It is impossible for me to think as an American  12 physician that we are purposefully considering  13 doing this to our population going forward.  14 When such toxic waste is dumped without  15 proper safeguards, as has occurred now for  16 decades throughout the United States, hazardous  17 chemicals are routinely released to air and  18 water, harming nearby communities and fouling  19 water resources.  20 Coal ash also, as I mentioned, harms  21 aquatic life and other wildlife and the  22 ecosystem. Selenium is a common coal ash</p>

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<p>1 contaminant. It's deadly to fish at very low 2 levels, and it bioaccumulates in fish tissue. 3 This kind of extensive damage to aquatic life 4 from coal ash is well documented, including a 5 recent report by Earthjustice and the 6 Environmental Integrity Project, finding that 92 7 percent of the coal plants with coal ash ponds 8 report groundwater monitoring data in the Obama 9 EPA coal ash rule have found contaminated 10 groundwater, 92 percent of them with toxic 11 pollutants exceeding Federal health standards. 12 So to conclude, the 2015 coal ash rule is 13 currently the best protection we have for 14 thousands of American communities. Despite some 15 weaknesses in the current rule, coal plant 16 owners have already completed hundreds of 17 inspections, published critical groundwater 18 quality data, identified over a hundred sites 19 where cleanup of contaminated water must soon 20 begin, and disclosed the identity of already 21 leaking and dangerous coal ash plans that must 22 close.</p>	<p>1 [Pause.] 2 EMCEE: Okay. Erica, we'll circle back to 3 you. We'll be in touch via the chat, and we 4 will find a way for you to conclude the very end 5 of your comment. I think you had about 45 6 seconds left when you dropped. 7 At this point, we will move on to our next 8 speaker. The speaker order is Catharine White 9 followed by Harriett Jones, Jim Stewart, and 10 Christine Main, although we might slide in Erica 11 Frank so she can finish hers. But the next 12 speaker will be Catharine White. 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. WHITE: My name is Catharine White, and 18 I am a member of Trinity Lutheran Church in 19 Evanston, Illinois, 350 Chicago, and Faith in 20 Place, Illinois's branch of Interfaith Power and 21 Light. I've also done work for the Union of 22 Concerned Scientists, Sierra Club, and the</p>
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<p>1 The commonsense standards of the 2015 rule, 2 which received more than half a million 3 supporting comments from the public, are helping 4 to protect clean water and safeguard public 5 health. 6 The Trump administration's attempt to 7 weaken this rule is nothing more than a total 8 and dangerous giveaway to industry. It--[audio 9 break]. 10 EMCEE: Erica, it sounds like we lost you. 11 We'll pause your time, and we'll see if we can 12 get you back. 13 [Pause.] 14 EMCEE: Erica Frank, it looks like you 15 might have dropped offline. If you are still on 16 the line, please say hello. Otherwise, we will 17 circle back to you and see if we can finish up 18 your comment. 19 [No audible response.] 20 EMCEE: Erica? 21 [No audible response.] 22 EMCEE: You might be self-muted, perhaps.</p>	<p>1 Evanston Interreligious Sustainability Circle. 2 Thank you for the opportunity to make a 3 statement. 4 I'm going to address this issue from the 5 viewpoints of both science and ethics. Racism, 6 xenophobia, and classism kill people, especially 7 when they underlie policy. 8 As I understand them, the policies being 9 proposed in this hearing involve a Federal 10 permitting rule that in the long run will allow 11 companies to establish coal ash ponds and 12 landfills in Tribal lands, territories, and 13 States that don't have approval to implement 14 their own programs. 15 Shockingly, these permits would never 16 expire, permitting these companies in perpetuity 17 to violate the same safeguards that will 18 continue to protect the health and safety of 19 communities not included in the rollback. 20 Predictably, the communities not included are 21 white and middle class or wealthy, while those 22 affected by the rollback at Native American,</p>

<p style="text-align: right;">Page 46</p> <p>1 African American, poor, and immigrant.</p> <p>2 It's not news that coal ash is toxic and</p> <p>3 carcinogenic. It contains some of the</p> <p>4 deadliest-known heavy metals. Arsenic, lead,</p> <p>5 lithium, cobalt, radium, and hexavalent chromium</p> <p>6 cause cancer, heart disease, infertility, and</p> <p>7 stroke. They are particularly hard on children</p> <p>8 and the elderly. They kill marine animals and</p> <p>9 poison those that are eaten. They poison the</p> <p>10 water and ground near the coal ash pools.</p> <p>11 Giving companies permission to dump these</p> <p>12 toxins anywhere is horrifying, but it's</p> <p>13 particularly unethical to dispose of them in</p> <p>14 communities without the power to fight sinful</p> <p>15 policies.</p> <p>16 It is our job as decent human beings to</p> <p>17 protect the vulnerable among us, and it's the</p> <p>18 job of the EPA to make sure that this dangerous</p> <p>19 rollback doesn't happen. Please do your job.</p> <p>20 Protect the environment, not the corporations.</p> <p>21 [Technical interruption.]</p> <p>22 EMCEE: Everyone, please make sure that</p>	<p style="text-align: right;">Page 48</p> <p>1 We'll now circle back to Erica Frank so she</p> <p>2 can deliver the end of her statement before she</p> <p>3 was dropped.</p> <p>4 EPA, are you ready to proceed?</p> <p>5 EPA PANEL MEMBER: Yes.</p> <p>6 Please proceed, and state your name and</p> <p>7 affiliation for the record.</p> <p>8 DR. FRANK: Oh, there we go. Thank you</p> <p>9 again. So Dr. Erica Frank, and I'm just</p> <p>10 finishing my last seconds of comments here, my</p> <p>11 conclusions.</p> <p>12 So the 2015 coal ash rule, to circle back</p> <p>13 around to that, is currently the best protection</p> <p>14 that we have for thousands of American</p> <p>15 communities, and despite some weaknesses in the</p> <p>16 current rule, coal plant owners have already</p> <p>17 completed hundreds of inspections, published</p> <p>18 critical groundwater quality data, identified</p> <p>19 over a hundred sites where cleanup of</p> <p>20 contaminated groundwater must soon begin, and</p> <p>21 disclosed the identity of leaking and dangerous</p> <p>22 coal ash plants that already have been found</p>
<p style="text-align: right;">Page 47</p> <p>1 you're on mute if you're a panelist or you're</p> <p>2 not doing the speaking. Thank you.</p> <p>3 [Technical interruption.]</p> <p>4 MS. WHITE: I don't know whether to speak</p> <p>5 or not.</p> <p>6 EMCEE: I know. Sorry for that. Hang on</p> <p>7 just one second.</p> <p>8 Stop her time, please.</p> <p>9 [Pause.]</p> <p>10 EMCEE: Okay. Catharine, why don't you go</p> <p>11 ahead and proceed, and we'll add a couple--you</p> <p>12 know, 20 more seconds on to your clock if it</p> <p>13 looks like you're going to run out of time. Go</p> <p>14 ahead and proceed.</p> <p>15 MS. WHITE: It is our job as decent human</p> <p>16 beings to protect the vulnerable among us, and</p> <p>17 its' the job of the EPA to make sure that this</p> <p>18 dangerous rollback doesn't happen. Please do</p> <p>19 your job. Protect the environment, not the</p> <p>20 corporations.</p> <p>21 Thank you.</p> <p>22 EMCEE: Thank you for your comment.</p>	<p style="text-align: right;">Page 49</p> <p>1 that must close.</p> <p>2 These commonsense standards from the 2015</p> <p>3 rule, which received more than half a million</p> <p>4 supporting comments from the public, are helping</p> <p>5 to protect clean water and safeguard public</p> <p>6 health. This attempt to weaken this rule is an</p> <p>7 inexcusable from a public health medical</p> <p>8 perspective and dangerous giveaway to industry</p> <p>9 at the cost of Americans' health and must be</p> <p>10 rejected.</p> <p>11 Thank you very much.</p> <p>12 EMCEE: Thank you for your comment.</p> <p>13 The next speaker will be Harriett Jones,</p> <p>14 followed by Jim Stewart, and then Christine</p> <p>15 Main. The next speaker will be Harriett Jones.</p> <p>16 EPA, are you ready to proceed?</p> <p>17 EPA PANEL MEMBER: Yes.</p> <p>18 Please proceed, and state your name and</p> <p>19 affiliation for the record.</p> <p>20 MS. JONES: My name is Harriett Jones. I'm</p> <p>21 a member of the Sierra Club and a longtime</p> <p>22 resident of Florida. Can you hear me?</p>

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1 EMCEE: Yes, we can. Please proceed.

2 MS. JONES: Oh, thank you. I didn't see  
3 any notification.

4 Yes. My main concern is, living here in  
5 Florida, we depend desperately on the EPA to  
6 help us with our water and our toxic problems  
7 we're having in the State now. Our former  
8 Governor Scott lowered the regulations on  
9 pollutants in our water. We're having problems  
10 with mercury here, and I was out in Glacier  
11 National Park a couple of years ago, and we  
12 couldn't eat the fish because of the mercury.

13 But, once again, my main emphasis is that  
14 we cannot depend on our State governments to  
15 protect us, and we have numerous coal ash piles  
16 in this area. And we do not feel that we will  
17 be protected by our State government, and we  
18 feel that this is a betrayal to all the  
19 citizens. And it is also reducing protection  
20 for our most vulnerable population, and I noted  
21 that a lot of regulations concerning children  
22 were taken out previously.

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1 Thank you. I'm finished.

2 EMCEE: Thank you for your comment.

3 The next speaker will be Jim Stewart,  
4 followed by Christine Main and Celeste Flores.  
5 The next speaker will be Jim Stewart.

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 MR. STEWART: Hello. This is Jim Stewart.  
11 Can you hear me?

12 EMCEE: Yes, we can. Please proceed.

13 MR. STEWART: I am a retired professor of  
14 physics and also the co-chair of the Energy  
15 Climate Committee for Sierra Club California.

16 I have studied this issue of climate change  
17 for many decades, and I think that for the  
18 record, you need to be clear that the climate is  
19 going to, as it warms up, dump a whole lot more  
20 rain. We've already seen that, the increase in  
21 the flooding in the Midwest, and actually many  
22 places in the United States has increased. And

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1 we know and you know that as the increase in  
2 rainfall and flooding happens, it affects these  
3 coal ponds, and these coal ponds need not to  
4 have a weakened permitting process. They need  
5 to have a strengthened permitting process  
6 because, as the previous speakers have said,  
7 these coal ponds, ash ponds are full of all  
8 kinds of carcinogens and neurotoxins and poisons  
9 that kill fish and wildlife, and we need to  
10 protect the people and the wildlife. And that's  
11 EPA's job.

12 Ans so all of us call upon you to  
13 strengthen these regulations. There should be  
14 no way that any permit could be essentially for  
15 life. The climate is changing too rapidly.  
16 We've got to be able to have these permits be  
17 very, very short time periods and evaluate them  
18 as this increased rainfall and flooding affects  
19 more and more of these ponds.

20 So, therefore, we all call upon you to  
21 recognize the climate catastrophe that is  
22 already damaging the U.S. economy and health

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1 across the country and to make this process of  
2 the coal ash permitting be rigorous,  
3 time-shortened, and protect the people.

4 Thank you very much.

5 EMCEE: Thank you for your comment.

6 The next speaker will be Christine Main,  
7 followed by Celeste Flores. Christine Main will  
8 be the next speaker.

9 EPA, are you ready to proceed?

10 EPA PANEL MEMBER: Yes.

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

13 [No audible response.]

14 EMCEE: Christine, please make sure you  
15 have not muted yourself, and then continue to  
16 speak.

17 [No audible response.]

18 EMCEE: Christine, if you're using a phone  
19 line, your audio PIN should have been entered,  
20 and then you can unmute. We have unmuted your  
21 line.

22 [Pause.]

<p style="text-align: right;">Page 54</p> <p>1 EMCEE: We'll move on to the next speaker,  2 and, Christine, we'll be in touch via chat to  3 work through the technical issues. And then  4 we'll try to get you back on after the next one.  5 We'll move on now to our next speaker,  6 Celeste Flores.  7 EPA, are you ready to proceed?  8 EPA PANEL MEMBER: Yes.  9 Please proceed, and state your name and  10 affiliation for the record.  11 MS. FLORES: Hi. Celeste Flores. I am  12 with Faith in Place and Clean Power Lake County.  13 Can you guys hear me?  14 EMCEE: We can, yes.  15 MS. FLOREST: I was born and raised in Lake  16 County, and I'm calling today on behalf 700,000  17 Lake County residents, the third most populous  18 county in Illinois, to speak out in opposition  19 of the EPA's Federal permit rule proposal.  20 While I appreciate this opportunity to comment,  21 I strongly oppose EPA's decision to proceed with  22 today's hearing during a global pandemic and</p>	<p style="text-align: right;">Page 56</p> <p>1 which the coal ash rule does not apply.  2 One of the wells that Midwest Generation  3 has designed to moderate is located just  4 footsteps from this ash landfill and most  5 certainly shows contamination from the landfill  6 through contamination from coal ash landfills  7 and possibly the coal ash ponds. The  8 groundwater at the Waukegan site is unsafe, with  9 dramatic elevated concentration of multiple coal  10 ash pollution, including arsenic, boron,  11 chromium, lithium, sulfate, and much more.  12 This community has been advocating for a  13 just transition for the coal plant, which  14 includes proper removable coal ash ponds, both  15 the active and the inactive landfills, and  16 removal with community input and safeguard for  17 those workers.  18 It's critical for the Federal permit rule  19 proposal. It does not give corporations a free  20 range on permits. The current proposal would  21 not only guarantee owners of these facilities  22 permits that never expire with little to on</p>
<p style="text-align: right;">Page 55</p> <p>1 national health emergency. By refusing to delay  2 today's hearing, this agency knowingly and  3 willingly is turning its back on community and  4 its task to be protective. Rather, it's  5 allowing corporations to destroy the health of  6 those living and working near coal ash.  7 So often, the effects of exposure are not  8 immediately visible, and in an environmental  9 community like Waukegan, where we have  10 crippling, cumulative impact, this is something  11 that's disastrous. And it's been apparent for  12 decades.  13 NRG, a subsidiary of Midwest Generation,  14 owns and operates the Waukegan Generation  15 Station on the shores of Lake Michigan.  16 Originally build in 1923, the coal plant is one  17 of the oldest in the country and remains the  18 largest source of air and water pollution in  19 Lake County.  20 In addition to the two unlined ash ponds,  21 the property has large unlined coal ash  22 landfills immediately west of the ash ponds to</p>	<p style="text-align: right;">Page 57</p> <p>1 oversight and minimal opportunity for public  2 participation, but also unlawfully lets the EPA  3 authorize coal ash dump owners to violate  4 safeguards.  5 We fought so hard for the Federal coal ash  6 rule. This agency should be working towards  7 making all of its rules stronger. This proposed  8 rule would only gut protections that were put in  9 place to safeguard community members from  10 exposure to carcinogens that do irreparable  11 damage, not only to our health, but also our  12 source of drinking water.  13 The proposal should not allow the EPA to  14 grant permits for life to coal ash dumps. The  15 proposal should not allow the EPA to issue  16 permits with little to no public participation.  17 The proposal should not allow the EPA to  18 grant one-size-fits-all permits for life that do  19 not account for highly favorable risk of coal  20 ash ponds and landfills.  21 The proposal should not allow the EPA to  22 automatically approve permits with little to no</p>

<p style="text-align: right;">Page 58</p> <p>1 review by the permitting agency.</p> <p>2 The proposal unlawfully allows EPA to</p> <p>3 authorize noncompliance with no restrictions on</p> <p>4 how long noncompliance would be tolerated or</p> <p>5 safeguards a permit that would continue to</p> <p>6 violate.</p> <p>7 The proposal fails to take into account</p> <p>8 extensive recent industrial collective data by</p> <p>9 revealing widespread and several water</p> <p>10 pollutions from coal ash dumps.</p> <p>11 Communities across the nation rely on the</p> <p>12 protection of the EPA to stand with the</p> <p>13 community and the well-being, not the polluting</p> <p>14 industry. Our health must be considered when</p> <p>15 this agency is considering any proposals that</p> <p>16 weaken guidance and standards.</p> <p>17 Thank you for your time.</p> <p>18 EMCEE: Thank you for your comment.</p> <p>19 We'll now circle back to Christine Main to</p> <p>20 see if we can get your comment.</p> <p>21 EPA, are you ready to proceed?</p> <p>22 EPA PANEL MEMBER: Yes.</p>	<p style="text-align: right;">Page 60</p> <p>1 circle with some dots. If you click on that,</p> <p>2 you'll probably see a box with some chat</p> <p>3 message. Go ahead and click that, and that's</p> <p>4 how you can respond to our team.</p> <p>5 [Pause.]</p> <p>6 EMCEE: All right. We're going to continue</p> <p>7 to work with Christine on the technical issues.</p> <p>8 Right now, we don't have anyone else signed</p> <p>9 up in this current slot, but if there is anyone</p> <p>10 who would like to speak who did not register to</p> <p>11 speak but would like to, please use the</p> <p>12 Questions box to identify yourself, and we will</p> <p>13 get you into the lineup shortly.</p> <p>14 We'll just continue to pause to see if</p> <p>15 anyone else would like to make a statement, and</p> <p>16 we will work with Catharine on the technical</p> <p>17 issues.</p> <p>18 [Pause.]</p> <p>19 EMCEE: We'll now continue our public</p> <p>20 comments.</p> <p>21 The next speaker will be Christine Main.</p> <p>22 EPA, are you ready to proceed?</p>
<p style="text-align: right;">Page 59</p> <p>1 Please proceed, and state your name and</p> <p>2 affiliation for the record.</p> <p>3 [No audible response.]</p> <p>4 EMCEE: Christine, please make sure your</p> <p>5 phone or computer is not self-muted. Try again.</p> <p>6 [No audible response.]</p> <p>7 EMCEE: Christine, please try again.</p> <p>8 [No audible response.]</p> <p>9 EMCEE: If you're calling in on Computer</p> <p>10 Audio, it could be that the input/output is not</p> <p>11 working correctly. It looks good from our end,</p> <p>12 but we are unable to hear you.</p> <p>13 [Pause.]</p> <p>14 EMCEE: We could also try having you call</p> <p>15 in from a phone. If you are on Computer Audio,</p> <p>16 try the Phone or vice versa. Sometimes it works</p> <p>17 better one way or the other.</p> <p>18 [Pause.]</p> <p>19 EMCEE: We are also sending you chat</p> <p>20 message to try to work through the technical</p> <p>21 issues. The chats are over on the right side.</p> <p>22 You might see in the Menu Bar, there's an orange</p>	<p style="text-align: right;">Page 61</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 [No audible response.]</p> <p>5 EMCEE: Christine, please make sure that</p> <p>6 your phone line is not on mute. We have unmuted</p> <p>7 you.</p> <p>8 [Pause.]</p> <p>9 EMCEE: Please proceed.</p> <p>10 [No audible response.]</p> <p>11 EMCEE: Christine, it looks like we should</p> <p>12 be able to hear you, but we are not able to. If</p> <p>13 you are on your phone, please make sure that</p> <p>14 it's not self-muted, and if you're on Computer</p> <p>15 Audio, then it could be an issue with the</p> <p>16 speakers.</p> <p>17 We will continue to work with you over chat</p> <p>18 and see if we can work this out. It does look</p> <p>19 like you should be able to speak right now,</p> <p>20 though.</p> <p>21 [Pause.]</p> <p>22 EMCEE: At this time, we have no other</p>



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1 speakers scheduled for this slot.

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

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

10 And, Christine Main, your PIN is #193#.  
11 That could be part of the problem. Try putting  
12 that in, #193#. That's your personal PIN.

13 [Pause.]

14 EMCEE: Christine Main, if you called in  
15 using the phone, please enter #197#. That's  
16 your personal PIN.

17 [Pause.]

18 EMCEE: If you look at the Audio tab, it  
19 should also have that same number.

20 [Pause.]

21 EMCEE: We'll now continue with our public  
22 comments.

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1 but then we know it's not really a distinction  
2 at all because all across our great country,  
3 coal ash pits and landfills are leaking at a  
4 rate of about 90 percent, causing untold damage  
5 to our great American lakes and rivers and  
6 streams.

7 Thankfully, in my State of Illinois, we  
8 have a forward-thinking governor who supports  
9 coal ash pollution prevention, and we have a  
10 general assembly that believes in mitigating the  
11 effects of coal ash pollution instead of making  
12 them worse.

13 In addition, our State EPA observes the  
14 democratic process of securing public  
15 participation in the enactment of laws and rules  
16 that determine how coal ash is disposed of.  
17 Regrettably, the same cannot be said of the  
18 proposals we are discussing here today.

19 Anyone reviewing these highly regressive  
20 proposals would have to think they were reading  
21 a document written in the middle of the last  
22 century before we became painfully aware that

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1 The next speaker will be Christine Main.  
2 EPA, are you ready to proceed?

3 [No audible response.]

4 EMCEE: EPA, are you ready to proceed?

5 EPA PANEL MEMBER: Yes.

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

8 MS. MAIN: This is Christine Main. Am I  
9 being heard?

10 EMCEE: Yes, you are. Please proceed.

11 MS. MAIN: All right. Thanks for your  
12 patience. I regret my part in that difficulty.

13 My name is Christine Main. I'm speaking  
14 today from Champaign, Illinois.

15 In my State, we have more coal ash pits and  
16 landfills than any other State in the country.  
17 This is a dubious distinction in that virtually  
18 all of them are leaking into our States, rivers,  
19 lakes, streams, and our groundwater, and a fair  
20 number of them are located in low-income  
21 communities and communities of color.

22 One might say it's a shameful distinction,

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1 our coal combustion residue causes cancer,  
2 neurological disorders, and reproductive  
3 problems, just to name a few of the many  
4 destructive health effects.

5 As we all know, it poisons groundwater and  
6 surface water, depriving us of the most  
7 important ingredient for life, and it destroys  
8 critical aquatic ecosystems.

9 An uninformed reader of these proposals  
10 might be forgiven to thinking it was 1950, 20  
11 years before the formation of the Federal EPA  
12 created by Richard Nixon for the purpose of  
13 protecting the environment. Mr. Nixon, whether  
14 you liked him or not, he had some very wise  
15 things to say.

16 In July of 1970, while he was contemplating  
17 the Executive Order that would create the EPA,  
18 he said the Congress, the administration, and  
19 the public, all share a profound commitment to  
20 the rescue of our natural environment and the  
21 preservation of the earth as a place both  
22 habitable by and hospitable to man.

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1 In a different speech, he said restoring  
2 nature to its natural state is a cause beyond  
3 party and beyond factions. It has become a  
4 common cause of all the people in this country.

5 Ronald Reagan also had some good things to  
6 say: Preservation of our environment is not a  
7 liberal or a conservative challenge. It's just  
8 common sense.

9 This wise counsel conveys the wisdom that  
10 caring for our earth should have nothing to do  
11 with party politics because it's too critical to  
12 be mired in the muck of political warfare or  
13 traded away like a stack of casino chips by a  
14 leader wanting to shore up his constituency.

15 And, finally, for wisdom and common sense,  
16 we can look to the common crow who knows better  
17 than to soil her own nest. She relieves herself  
18 elsewhere in a safe place so she can rear her  
19 hung in a clean nest.

20 What I'm trying to say is that we have to  
21 be wiser and smarter than these proposals  
22 suggest. It is incumbent on us to accept the

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1 dangerous plan, to roll back critical  
2 protections of the 2015 rule and instead act  
3 swiftly to strengthen much needed safeguards.

4 Thank you for your time.

5 EMCEE: Thank you for your comment.

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

14 [Pause.]

15 EMCEE: Our next speaker will be Henry  
16 Fair.

17 EPA, are you ready to proceed?

18 EPA PANEL MEMBER: Yes.

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

21 EPA PANEL MEMBER: Yes.

22 Please proceed, and state your name and

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1 science and embrace the common sense that tells  
2 us coal combustion residue cannot continue to be  
3 poured into leaking pits and landfills in 37  
4 States right next to our precious waterways,  
5 right above our groundwater, right next to our  
6 aquifers. It flies in the face of earlier  
7 precedents set by this very group.

8 Furthermore, we simply cannot issue permits  
9 for life or permits with no closer date or  
10 closer plans. It's virtually unprecedented, and  
11 it shames the agency in a way that history will  
12 long remember.

13 In addition, a, quote/unquote,  
14 "demonstration process" that yields such highly  
15 complex data that no one understands it is just  
16 another way to obfuscate what we know is  
17 prolonged water pollution, plain and simple.

18 Lastly, robust public input is what our  
19 country was founded on and has sustained our  
20 democracy since its inception. Let's not  
21 retreat from this principle.

22 In closing, I urge the EPA to abandon this

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1 affiliation for the record.

2 MR. FAIR: Hi. My name is Henry Fair. I'm  
3 an artist in New York.

4 EMCEE: Thank you, please proceed.

5 MR. FAIR: Coal ash contains many known  
6 toxins and endocrine disrupters, and it is a  
7 highly unregulated or lightly regulated waste  
8 product and my understanding is the largest  
9 waste stream in the United States. It has  
10 caused numerous catastrophic accidents,  
11 destroying homes and lives, polluting waterways,  
12 and that's just the physical. It's also well  
13 known to be contaminating groundwater at  
14 numerous sites around the United States.

15 So, as a concerned citizen, I would  
16 advocate a more highly regulated treatment of  
17 this waste stream, and I think that to leave  
18 this waste stream unregulated is a disservice to  
19 the American people.

20 Thank you very much.

21 EMCEE: Thank you for your comment.

22 The next speaker will be Dr. David Main.

<p style="text-align: right;">Page 70</p> <p>1 EPA, are you ready to proceed?</p> <p>2 EPA PANEL MEMBER: Yes.</p> <p>3 Please proceed, and state your name and</p> <p>4 affiliation for the record.</p> <p>5 [No audible response.]</p> <p>6 EMCEE: David, please proceed.</p> <p>7 [No audible response.]</p> <p>8 EMCEE: David, perhaps you are--hang on one</p> <p>9 second. We're going to unmute the line. One</p> <p>10 second.</p> <p>11 Okay. Please proceed.</p> <p>12 DR. MAIN: Yeah. This is Dr. David Main.</p> <p>13 Can you hear me?</p> <p>14 EMCEE: Yes, we can. Please proceed.</p> <p>15 DR. MAIN: Yes. I'm Dr. David Main, M.D.,</p> <p>16 Urbana, Illinois. I practice pulmonary,</p> <p>17 occupational, and environmental medicine at</p> <p>18 Carle Clinic in Urbana, Illinois. I'm also</p> <p>19 affiliated with Physicians for Social</p> <p>20 Responsibility as well as the Prairie Rivers</p> <p>21 Network here in Illinois.</p> <p>22 I ask the EPA to not make any weakening</p>	<p style="text-align: right;">Page 72</p> <p>1 ash standard. If there's any change to be made,</p> <p>2 the changes should offer more protection from</p> <p>3 these toxic pollutants, not less. In other</p> <p>4 words, I'm asking the Environmental Protection</p> <p>5 Agency to do its job to protect the environment.</p> <p>6 Please do what's right.</p> <p>7 Thank you.</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 this slot.</p> <p>11 If there's anyone who did not register to</p> <p>12 speak today but would like to, please use the</p> <p>13 Questions box to identify yourself, and we will</p> <p>14 get you into the lineup shortly.</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 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 71</p> <p>1 changes in the 2015 coal ash rule. These would</p> <p>2 allow use of unlined pits for coal ash disposal</p> <p>3 and may lead to other changes that would allow</p> <p>4 the coal ash residual to leave their</p> <p>5 impoundments.</p> <p>6 The arsenic, mercury, selenium, cadmium,</p> <p>7 and other toxic materials in coal ash represent</p> <p>8 public health hazards too important to ignore.</p> <p>9 Any measure on EPA's part that would allow any</p> <p>10 of these toxic materials to enter our</p> <p>11 groundwater and surface waters or, indeed, any</p> <p>12 natural systems should not be undertaken.</p> <p>13 A Dynegy-owned coal ash pit near my own</p> <p>14 hometown of Danville, Illinois, is known to leak</p> <p>15 several of these toxic materials. There's</p> <p>16 evidence of leakage from this site into the</p> <p>17 middle fork of the Vermillion River in Illinois.</p> <p>18 That's a national scenic river. This is just</p> <p>19 not acceptable to my patients or to me as a</p> <p>20 specialist in occupational and environmental</p> <p>21 medicine.</p> <p>22 So I ask EPA to not weaken the 2015 coal</p>	<p style="text-align: right;">Page 73</p> <p>1 will get you into the lineup shortly.</p> <p>2 We'll now pause to see if anyone else would</p> <p>3 like to make a statement.</p> <p>4 [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'll continue to pause to see if anyone</p> <p>12 else would like to make a statement.</p> <p>13 [Pause.]</p> <p>14 EMCEE: 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 EPA PANEL MEMBER: The hearing is now on</p> <p>19 recess until 12:15 p.m., Eastern Time.</p> <p>20 [Recess taken from 12:00 p.m. to 12:15</p> <p>21 p.m.]</p> <p>22 EMCEE: This is IEC, EPA's contractor. It</p>

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<p>1 is now 12:15, Eastern, and we are rejoining 2 EPA's public hearing about the proposed Federal 3 coal combustion residuals permit program 4 regulations. 5 At this time, we have no one else scheduled 6 to speak during the current time slot. 7 If there is anyone who did not register to 8 speak today but would like to speak, please use 9 the Questions box to identify yourself, and we 10 will get you into the lineup shortly. 11 We'll now pause to see if anyone else would 12 like to make a statement. 13 [Pause.] 14 EMCEE: At this time, we have no one else 15 scheduled to speak during this slot. 16 If there is anyone who did not register to 17 speak today but would like to speak, please use 18 the Questions box to identify yourself, and we 19 will get you into the lineup shortly. 20 We'll continue to pause to see if anyone 21 else would like to make a statement. 22 [Pause.]</p>	<p>1 Right now, we are facing a very real and 2 terrifying state of emergency that has left 3 millions of people unemployed. Thousands have 4 died in the U.S. alone, and I am in complete 5 disbelief that the EPA has given industry a 6 break on enforcement standards while impacted 7 communities and concerned individuals are 8 expected to participate in today's virtual 9 hearing, despite the myriad of issues we are all 10 facing during this crisis. This is clearly 11 reflected in the underwhelming turnout of 12 speakers today. 13 My colleague, Jennifer Cassel, spoke this 14 morning against the EPA's proposal in addition 15 to reading aloud the names of various 16 individuals on behalf of their organizations who 17 are invested in upholding the 2015 Federal coal 18 ash rule, who greatly oppose this agency's 19 Federal permit program proposal, but who could 20 not participate in today's hearing due to the 21 pandemic. 22 The remaining names are as follows: Alex</p>
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<p>1 EMCEE: We will now continue our public 2 comments. 3 The next speaker will be Christine 4 Santillana. 5 EPA, are you ready to proceed? 6 EPA PANEL MEMBER: Yes. 7 Please proceed, and state your name and 8 affiliation for the record. 9 MS. SANTILLANA: Yes. Can you hear me? 10 EMCEE: Yes, we can. 11 MS. SANTILLANA: Thank you. 12 Good afternoon. My name is Christine 13 Santillana. I serve as associate legislative 14 counsel for Earthjustice. 15 I'm speaking today in opposition to the 16 EPA's coal ash Federal permit proposed program, 17 which among many other troubling factors would 18 grant lifetime permits for coal ash dumps, would 19 incorporate no permitting authority review, and 20 would allow for minimal to no public 21 participation whatsoever in the issuance of 22 permits.</p>	<p>1 Cunha, Northern Plains Resource Council; Jason 2 Flickner, Ohio River Waterkeeper; Vivian 3 Stockman, Ohio Valley Environmental Coalition; 4 Phillip Musegaas, Potomac Riverkeeper Network; 5 Shannon Anderson, Powder River Basin Resource 6 Council; Andrew Rehn, Prairie Rivers Network; 7 Kristin Camp, Protect the Middle Fork Citizen's 8 Advocacy Group; Barbara Jennings, Seventh 9 Generation Interfaith Investment; Kent Minault, 10 Sierra Club; Frank Holleman, Southern 11 Environmental Law Center; Pat Langley, 12 Springfield CLEAN; Lisa Rinaman, St. Johns 13 Riverkeeper; Axel Ringe, Tennessee Chapter 14 Sierra Club; Kathy Hawes, Tennessee Clean Water 15 Network; Justin Bloom, Suncoast Waterkeeper; 16 Lisa Hallowell, Environmental Integrity Project; 17 Kerwin Olson, Citizens Action Coalition of 18 Indiana; Indra Frank, Hoosier Environmental 19 Council; Roberto José Thomas Ramírez, IDEBAJO, 20 Vivian Stockman, Ohio Valley Environmental 21 Coalition; Madeleine Foote, League of 22 Conservation Voters;</p>

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1 Jason Flickner, Lower Ohio River Waterkeeper;  
 2 Christine Ellis, Winyah Rivers Alliance; Celeste  
 3 Flores, Clean Power Lake County; Ted Evgeniadis,  
 4 Lower Susquehanna Riverkeeper Association; Casi  
 5 Callaway, Mobile Baykeeper; Phyllis Richardson,  
 6 Georgia WAND Education Fund; Eliza Stokes,  
 7 MountainTrue; Lloyd Klinedinst representing  
 8 himself as an individual; Ellen Rendulich,  
 9 Citizens Against the Environment; Rachel  
 10 Ventura, Will County Board, District 9; Anne  
 11 Havemann, Chesapeake Climate Action Network;  
 12 Anne Hedges, Montana Environmental Information  
 13 Center; Aimee Erickson, Citizens Coal Council;  
 14 and Christine Main, Citizens for a Greener  
 15 Illinois.

16 Thank you.

17 EMCEE: Thank you for your comment.

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

20 If there is anyone else who would like to  
 21 speak, please use the Questions box to identify  
 22 yourself, and we will get you into the lineup

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

10 [Pause.]

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

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

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

19 [Pause.]

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

22 If there is anyone who did not register to

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1 shortly.

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

4 [Pause.]

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

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

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

14 [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'll continue to pause to see if anyone  
 22 else would like to make a statement.

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

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

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

15 [Pause.]

16 EMCEE: We are now at the end of our  
 17 morning session. EPA, are you ready to recess  
 18 until after the scheduled lunch break?

19 EPA PANEL MEMBER: Yes. The morning  
 20 session is concluded as of 12:59 p.m. We will  
 21 reconvene at two o'clock, p.m., Eastern Time.

22 [Recess taken from 12:59 p.m. to 2:00 p.m.]

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## AFTERNOON SESSION

EMCEE: Good afternoon, and welcome back to the EPA public hearing. We are now ready to begin.

Before I turn it over to EPA to get us started, we'll do a brief sound check. If any of the EPA speakers are on the line, test your audio, and I can confirm that I hear you and that we all hear you.

EPA PANEL MEMBER: Sound check.

EMCEE: Okay.

EPA PANEL MEMBER: Sound check.

EPA PANEL MEMBER: Sound check.

EPA PANEL MEMBER: Sound check.

EMCEE: Great. I just heard four voices.

EPA PANEL MEMBER: Sound check.

EMCEE: Great. That's Richard. All right. Excellent. I think we're now ready to begin.

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

MR. HUGGINS: Good afternoon, and thank you

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coal in coal-fired boilers to produce electricity by electric utilities and independent power producers. CCR include fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. CCR can be disposed of in on-site or off-site landfills or surface impoundments or can be beneficially used.

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

The final rule requires owners and operators of CCR units to document compliance with these requirements in the facility's operating record.

In addition, the facility must notify the State of decisions and maintain a publicly

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for attending today's public hearing on the Environmental Protection Agency's proposal to establish a Federal permit program for disposal of coal combustion residuals, or CCR.

Before we begin, I would like to say that we appreciate you taking the time to address the proposed rule, and we look forward to receiving your comments. This is a virtual public hearing.

My name is Richard Huggins. I am the chief of the Energy Recovery and Waste Disposal Branch in EPA's Office of Resource Conservation and Recovery. I will be chairing this session of today's hearing.

With me on the panel today from EPA are Stacey Yonce, Michelle Long, and Anthony Carrell.

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

CCR are generated from the combustion of

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accessible website of compliance information. This final CCR rule became effective on October 19th, 2015, and owners or operators of CCR units are required to be in compliance with all applicable requirements.

In 2016, Congress passed and the President signed the Water Infrastructure Improvements for the Nation, or WIIN Act. The WIIN Act, among other things, requires EPA to implement a Federal CCR permit program in Indian Country and subject to the availability of specific appropriations to carry out a program in nonparticipating States. The Fiscal Year 2018 and 2019 Omnibus Appropriations Acts provided appropriations to EPA to develop and implement a Federal CCR permit program.

EPA is proposing to establish a new Federal permit program to implement the regulations governing the disposal of CCR established in the 2015 final rule. This proposal contains procedures and requirements to issue Federal permits in Indian Country and in

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1 nonparticipating States.

2 This includes the following.

3 Applications would be required with sufficient  
4 information for EPA to determine applicability  
5 of requirements in the CCR rule and write permit  
6 terms to require compliance with them. Permit  
7 applications would be due no earlier than 18  
8 months after the effective date of the final  
9 rule. Application deadlines will be tiered, and  
10 the first tier would include facilities with a  
11 high hazard surface impoundment. Permits would  
12 be issued with no expiration date. Permit  
13 holders would be required to apply for  
14 modifications to keep the permit current  
15 with changes to operations at the unit or  
16 changes in the applicable requirements in the  
17 CCR rule. EPA could also initiate a permit  
18 modification, if needed, to ensure the permit  
19 continues to require compliance with all  
20 applicable requirements in the CCR rule.  
21 Procedural requirements applicable to other EPA  
22 permitting programs would generally be utilized

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1 provide all speakers with the same speaking  
2 opportunity, testimony is limited to 5 minutes,  
3 even if there are no additional speakers  
4 waiting. A countdown clock will be shown on the  
5 screen so speakers know how much time they have  
6 left. In addition, if you have a written  
7 testimony, please send it to the email you  
8 received your confirmation email from at  
9 EPAwebinar@indecon.com.

10 We are here today to hear your comments on  
11 EPA's proposal. We will not respond to  
12 questions; however, from time to time, members  
13 of the panel may ask questions to clarify your  
14 testimony. Any comments spoken in languages  
15 other than English will be translated into  
16 English in the written transcript.

17 If you have additional comments after  
18 today, please follow the instructions in the  
19 Federal Register notice for this proposal to  
20 submit your comments by May 20th, 2020.

21 Everyone who has pre-registered will have  
22 an opportunity to speak, and we will do our best

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1 in this program. Public notice would be  
2 accomplished electronically rather than  
3 newspaper.

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

6 Today's hearing will work as follows.  
7 Speakers, if you pre-registered to speak, you  
8 should have received an email with a 30-minute  
9 time slot during which you are scheduled to give  
10 your 5 minutes of testimony. To guarantee that  
11 slot, we have asked that you sign into the  
12 webinar 10 minutes before that 30-minute time  
13 slot. We will call speakers in groups. After  
14 your name is called, EPA will ask you to state  
15 your name and your affiliation, if any, and  
16 proceed with your testimony. We may ask you to  
17 spell your name for the court reporter, who is  
18 on the line transcribing your comments for the  
19 official record. The audio from the public  
20 hearing will be recorded for the official  
21 record.

22 In order to accommodate all speakers and

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1 to accommodate speakers that have not  
2 pre-registered. Today's hearing is scheduled to  
3 close at 6:00 p.m., but we will keep the hearing  
4 open later if necessary. If, however, time does  
5 not allow you to orally present your comments,  
6 please provide a written comment in lieu of oral  
7 testimony. These written comments on the  
8 proposal will be given the same weight as oral  
9 testimony.

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

14 We plan to take occasional breaks,  
15 according to the agenda. We will shorten the  
16 breaks, if needed, in order to allow as many  
17 people as possible to provide their comments.

18 We ask for your patience as we proceed. We  
19 may need to make some minor adjustments as the  
20 day progresses, and if so, we will make the  
21 appropriate announcements.

22 Thanks again for participating today.

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1 Let's get started. We will now turn it over to  
2 EPA's contractor Industrial Economics to discuss  
3 some logistics for today's hearing.

4 EMCEE: Thank you.

5 Before we begin, we'd like to go over some  
6 additional logistics for today's webinar. As a  
7 reminder, all attendees are muted automatically.  
8 We will unmute you when it is your turn to  
9 speak.

10 Also, if you have called in using a phone  
11 and are planning to speak, you must enter your  
12 individual audio PIN. If you are having trouble  
13 with the PIN, a staff member will send you a  
14 message via the webinar interface. Please make  
15 sure that if you called in via phone, the radio  
16 button is on Phone Call and not Computer Audio.  
17 Finally, please use the Questions box in the  
18 upper right corner to request a speaking slot.

19 We will now begin our public comments. The  
20 expected speaking order for the next half hour  
21 will be Autumn Crowe, followed by Jonathan  
22 Levenshus, Amanda Strawderman, Richard Phelps,

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1 and environment.

2 There are currently seven coal ash disposal  
3 facilities in West Virginia: Mount Storm, Fort  
4 Martin, Harrison Power Station, Mitchell Plant,  
5 Pleasants Power Station and Mountaineer Plant,  
6 and the John E. Amos Plant. These facilities  
7 have a combined total of 169 million cubic yards  
8 of coal ash waste.

9 According to their annual groundwater  
10 monitoring and corrective action reports, all  
11 seven facilities have found statistically  
12 significant increases in groundwater  
13 contaminants or previous impacts to surface  
14 water. Five of the facilities have unlined coal  
15 ash disposal ponds, and three of the facilities  
16 have detected groundwater pollutants that are  
17 above State and/or Federal standards, including  
18 contaminants such as arsenic, barium, fluoride,  
19 molybdenum, lithium, and radium 226 and 228 that  
20 puts the public's health at risk.

21 This proposed rule would grant these  
22 facilities a permit without an expiration date

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1 Charles Carpenter, and Tim Maloney.

2 I will be introducing each speaker in turn,  
3 but please wait for EPA to ask you to proceed  
4 before starting your comment.

5 The first speaker will be Autumn Crowe.

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 MS. CROWE: Hi. Can you hear me?

11 EMCEE: Yes, Autumn. We can hear you.  
12 Please proceed.

13 MS. CROWE: Okay, thanks.

14 My name is Autumn Crowe, A-u-t-u-m-n,  
15 C-r-o-w-e. I'm the staff scientist for West  
16 Virginia Rivers Coalition.

17 West Virginia Rivers is opposed to the coal  
18 combustion residual permit program that would  
19 put the health of West Virginia residents at  
20 risk in a State that already has the third  
21 highest cancer death rate in the nation. This  
22 rule would have lasting effects on our health

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1 allowing these facilities to continue to operate  
2 indefinitely.

3 Additionally, issuing a permit without an  
4 expiration date removes the public participation  
5 from the reissuance process.

6 The existing facilities in West Virginia  
7 are a threat to West Virginians' access to clean  
8 drinking water. The Mitchell Plant in Marshall  
9 County, which has already been found to harm  
10 aquatic life, contains an unlined bottom ash  
11 pond that is located within the drinking water  
12 protection area for Sistersville Municipal  
13 Water.

14 The Mountaineer Plant, which has an unlined  
15 bottom ash pond that is contributed to elevated  
16 levels of lithium in the groundwater is within  
17 the New Haven Water Department wellhead  
18 protection area.

19 Additionally, the Pleasants Power Plant in  
20 Pleasants County contains an unlined coal ash  
21 disposal impoundment that is contaminating the  
22 groundwater with arsenic, barium, fluoride,



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1 lithium, and radium 226 and 228, and it's  
2 located within the drinking water protection  
3 area for the city of Parkersburg.

4 These facilities have known contamination  
5 issues that are posing unnecessary risks to  
6 drinking water supplies.

7 EPA's proposed permit puts the public's  
8 health and well-being in jeopardy, and it's  
9 inexcusable to allow these facilities to  
10 continue polluting water resources. It's the  
11 agency's duty to protect the water and the  
12 public's health from toxic coal ash.

13 Issuing a one-size-fits-all general permit  
14 does not take into account threats to drinking  
15 water sources. Individual permits should be  
16 required for coal ash disposal that has the  
17 potential to contaminate drinking water.  
18 Permits should not be issued for facilities that  
19 are knowingly contaminating drinking water.  
20 Those facilities should be issued a  
21 cease-and-desist and ordered to close and  
22 remediate all groundwater contamination.

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1 Additionally, West Virginia Rivers is  
2 opposed to the permit shield provision that  
3 shields facilities from citizens' suits, which  
4 is often the only means of enforcement actions  
5 when regulatory agencies fail to address citizen  
6 concerns.

7 Also, as a side note, West Virginia Rivers  
8 requests that EPA suspend all rulemaking actions  
9 until the pandemic has ended. There are too  
10 many impacted residents who are left out of the  
11 rulemaking process because they do not have  
12 access to high-speed internet in their homes.  
13 These hearings should be conducted in-person  
14 following the lifting of the statewide stay-home  
15 orders that are currently in place for West  
16 Virginia.

17 Thank you.

18 EMCEE: Thank you for your comment.

19 The next speaker will be Jonathan  
20 Levenshus, followed by Amanda Strawderman and  
21 Richard Phelps.

22 EPA, are you ready to proceed?

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1 [No audible response.]

2 EMCEE: We had a bit of an audio  
3 abnormality there. So I'm just going to do a  
4 brief sound check.

5 All right. Our next speaker will be  
6 Jonathan Levenshus.

7 EPA, are you ready to proceed?

8 EPA PANEL MEMBER: Yes.

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

11 MR. LEVENSHUS: Hello. My name is Jonathan  
12 Levenshus, and I am from Indianapolis, Indiana.  
13 I'm an employee of the Sierra Club Beyond Coal  
14 Campaign, and I'm joining today's virtual  
15 hearing to oppose the EPA's Federal permitting  
16 rule proposal.

17 This proposal would not only grant owners  
18 of dirty coal ash dumps permits that never  
19 expire with little to no oversight and minimal  
20 opportunity for public participation, but this  
21 proposal also unlawfully lets the EPA-authorized  
22 coal ash dump owners to violate safeguards the

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1 public fought so hard for in the 2015 Federal  
2 coal ash rule.

3 I want to highlight several specific  
4 problems with this proposal. First, the  
5 proposed Federal rule would grant permits for  
6 life to all coal ash dumps, new or old, lined or  
7 unlined. Never-expiring permits are nearly  
8 unheard of for Federal permitting programs.  
9 Water permit as well as permits for hazardous  
10 waste and municipal solid waste landfills each  
11 expire and much be reviewed and renewed. EPA  
12 regulations do not contemplate permits for life.

13 Second, the proposed Federal rule would  
14 result in permits for new coal ash landfills  
15 being issued by the EPA with no opportunity for  
16 public participation. For general permits  
17 covering a yet-to-be-determined group of coal  
18 ash ponds and lagoons, the EPA would deprive the  
19 public of the opportunity to comment on whether  
20 individual coal ash facilities meet the  
21 requirements for that permit.

22 This is less opportunity for the public to

<p style="text-align: right;">Page 98</p> <p>1 weigh in than permits for household trash dumps, 2 where EPA requires public input into permitting 3 decisions.</p> <p>4 With the subset of coal ash permits for 5 which EPA would allow public input, EPA proposes 6 weaker public process than for waste permits, 7 including no requirements to publish notice in 8 local newspapers or on broadcast media.</p> <p>9 Granting disposal permits with no or 10 minimal opportunity for public participation 11 violates a key statutory requirement of the 12 Resource Conservation and Recovery Act.</p> <p>13 Third, the proposed Federal permitting rule 14 would grant one-size-fits-all permits for life 15 that do not account for the highly variable 16 risks of coal ash ponds and landfills. Coal ash 17 ponds and landfills pose unique risks that 18 cannot be adequately addressed absent 19 site-specific analyses, tailoring permit 20 conditions to that facility.</p> <p>21 For example, coal ash ponds and landfills 22 located near densely populated areas may require</p>	<p style="text-align: right;">Page 100</p> <p>1 that have to close. The commonsense safeguards 2 of the 2015 rule, which received more than a 3 half million supporting comments from the 4 public, are helping to protect clean water and 5 safeguard public health.</p> <p>6 I therefore urge the EPA to abandon all of 7 their dangerous plans to roll back critical 8 protections of the 2015 rule. Instead of 9 proposing a weak Federal permitting program, the 10 EPA should be swiftly acting to work with States 11 and utilities to strengthen much needed 12 safeguards in our communities from toxic coal 13 ash pollution.</p> <p>14 Thank you for the opportunity to share my 15 views with you today. Thank you.</p> <p>16 EMCEE: Thank you for your comment.</p> <p>17 Our next speaker will be Amanda 18 Strawderman, followed by Richard Phelps and 19 Charles Carpenter.</p> <p>20 EPA, are you ready to proceed?</p> <p>21 EPA PANEL MEMBER: Yes.</p> <p>22 Please proceed, and state your name and</p>
<p style="text-align: right;">Page 99</p> <p>1 additional protections, including setbacks from 2 residential neighbors, air monitors, and truck 3 washing areas to ensure communities are not 4 harmed by ash dust or other toxic coal ash 5 releases.</p> <p>6 Finally, the proposed Federal permit rule 7 would unlawfully allow the EPA to authorize 8 noncompliance without restrictions for how long 9 noncompliance would be tolerated for which 10 safeguards a permittee could continue to 11 violate. This provision in the proposal would 12 allow EPA to try to permit operators to violate 13 the CCR rule and immunize them from liability 14 for failing to comply with protections like 15 conducting regular inspections of the ash dumps, 16 testing for water pollution, controlling 17 fugitive dust or halting for further pollution.</p> <p>18 The 2015 coal ash rule has some weaknesses, 19 but the rule was working. Sites were identified 20 where cleanups of contaminated water had to 21 begin. It requires utilities to disclose the 22 identity of leaking and dangerous coal ash ponds</p>	<p style="text-align: right;">Page 101</p> <p>1 affiliation for the record.</p> <p>2 [No audible response.]</p> <p>3 EMCEE: Amanda, I think you might be 4 self-muted. Do you mind checking your audio 5 line?</p> <p>6 MS. STRAWDERMAN: Hi. Can you hear me?</p> <p>7 EMCEE: Yes, we can. Please proceed.</p> <p>8 MS. STRAWDERMAN: Yes. My name is Amanda 9 Strawderman, S-t-r-a-w-d-e-r-m-a-n. I am with 10 Clean Water for North Carolina.</p> <p>11 Right now, Americans are dealing with the 12 day-to-day realities of the global pandemic. 13 This is not the time to be burdened by worries 14 about increase pollution that could further 15 threaten human health and the environment.</p> <p>16 While the EPA is easing pollution controls 17 on industry, Americans are expected to show up 18 for virtual public hearings to speak out, a 19 process that is ineffective, ill-timed, and 20 excludes many.</p> <p>21 Virtual hearings are unfair and absence of 22 opportunities for face-to-face meetings because</p>

<p style="text-align: right;">Page 102</p> <p>1 they take away the ability for people to come 2 together and hear each other's concerns. 3 Whereas, an in-person meeting would last 2 to 3 4 hours, these virtual hearings drag on all day 5 long, sometimes multiple days, meaning that a 6 person would have to be on their phone or 7 computer 8 to 16 hours to hear all the comments. 8 Only those with internet access at home could 9 feasibly participate, leaving out many rural 10 citizens who can't access public internet 11 resources at this time. 12 The low turnout for this hearing doesn't 13 mean that people don't care about this issue, 14 but rather it is an indication of the poor 15 process and timing of these proceedings. 16 Few people can find the time or energy to 17 attend a hearing during the COVID-19 health 18 crisis, and many are busy at home schooling 19 their children or caring for sick loved ones. 20 Clean Water for North Carolina is opposed 21 to the Federal permitting rule. This rule would 22 allow the EPA to issue permits for life, for</p>	<p style="text-align: right;">Page 104</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. PHELPS: Yes. I am Richard Phelps, 6 P-h-e-l-p-s. I'm a resident of Middle 7 Tennessee, and I'm speaking today on behalf of 8 Appalachian Voices located in Charlottesville, 9 Virginia, and Boone, North Carolina. 10 I'm a retired environmental analytical 11 chemist and consultant. I have extensive 12 experience with analysis of coal and CCR and 13 also the disposal of CCR from powerhouses which 14 burned about 10 million pounds of Southwest 15 Virginia high-sulfur and low-sulfur coal daily. 16 Thank you for the opportunity to comment 17 regarding this proposal, better known as Part B. 18 These revisions will unfortunately revise 19 the improved 2015 ash disposal rules. Coal ash 20 is clearly toxic. It was incorrectly judged 21 nontoxic by EPA largely because of the use of an 22 inappropriate test method known as the Toxicity</p>
<p style="text-align: right;">Page 103</p> <p>1 coal ash landfills, with less public 2 participation in household dumps. These permits 3 would apply to all coal ash dumps, regardless of 4 whether they are lined or unlined. Ninety-two 5 percent of all reporting coal ash sites are 6 known to be contaminating groundwater. 7 One-size-fits-all permits for life do not 8 account for site-specific hazards or community 9 considerations. These permits would be issued 10 with little to no public participation and with 11 little or no review by the permitting agency. 12 We find the weakening of protections from 13 the 2015 rule to counter EPA's mission to 14 protect the public and the environment. We feel 15 the EPA should suspend all rulemaking action 16 until all States have rescinded their 17 stay-at-home orders and can have meaningful 18 participation and public hearings. 19 Thank you. 20 EMCEE: Thank you for your comment. 21 The next speaker will be Richard Phelps, 22 followed by Charles Carpenter and Tim Maloney.</p>	<p style="text-align: right;">Page 105</p> <p>1 Characteristic Leaching Procedure, or TCLP. 2 This procedure cannot and does not properly 3 enable the analysis of the toxic chemicals and 4 metals absorbed on the CCR. 5 Of course, there was also great political 6 pressure which drove EPA to this erroneous and 7 destructive action. This must not be made worse 8 by this proposal. 9 This toxic material must be stabilized or 10 reused in secondary processes. Continuing to 11 apply CCR in unlined impoundments was recognized 12 as dangerous by the 2015 rules. These rules 13 must not be weakened, as currently proposed. 14 Specifically, Part B has inappropriate and 15 dangerous provisions, which obviously favor 16 current industrial and power generation disposal 17 practices over public and environmental 18 protection. 19 Many coal ash disposal ponds are unlined 20 and partially leak. These were to be closed. 21 The proposed rule allow these ponds to be left 22 open and in use indefinitely; thus, creating</p>

<p style="text-align: right;">Page 106</p> <p>1 ongoing potential for groundwater pollution and 2 also other pollutions.</p> <p>3 Dam breaches can occur as occurred at the 4 Harriman TVA ponds. These ponds were found to 5 have up to 92 percent leakage of toxics by EPA. 6 These would include the heavy metals and many 7 other toxic materials.</p> <p>8 Industry has also sought to create a 9 lengthy delay by adding or inserting technical 10 requirements, which are unsubstantiated by 11 actual measurements or assessments. This has 12 the effect of extending their operational period 13 and removes public protection.</p> <p>14 The 2015 rule prevents further CCR dumping 15 into the higher-risk ponds. This must not be 16 allowed. Conversely, the proposed rule will 17 allow continued use of these dangerous ponds.</p> <p>18 This would allow industry to use these 19 ponds for up to 15 years and does not limit the 20 quantities of ash, which may be dumped.</p> <p>21 The 2015 coal ash rule has been reasonably 22 effective and should not be potentially</p>	<p style="text-align: right;">Page 108</p> <p>1 There are four reasons for this belief. 2 One, it grants the so-called permits for life. 3 They can never be reviewed, despite inevitable 4 geographic, seismic, and hydrology changes, not 5 to mention changes in management and control.</p> <p>6 This is unprecedented in the Federal 7 permitting process, whether for air, water, 8 hazardous waste, or as previous commentators 9 have pointed out, even trash.</p> <p>10 Secondly, there's no public review for the 11 permitting process. I would argue that this 12 violates the Resource Conservation Recovery Act.</p> <p>13 Third, it applies basically a 14 one-size-fits-all permitting process that 15 largely ignores variation and pit design in the 16 neighboring community.</p> <p>17 Fourth and finally, it allows for permits 18 to be approved in absentia. If EPA does not act 19 within 45 days, the permit is considered 20 approved. Quite frankly, the EPA is now 21 renowned for its inability to act.</p> <p>22 As weak as the permitting process is,</p>
<p style="text-align: right;">Page 107</p> <p>1 weakened.</p> <p>2 Also, abandoning CCR ponds are now just the 3 discussion of mine lands in coal-rich States and 4 will create ongoing hazards.</p> <p>5 In conclusion, I would like to have these 6 comments included in the record and ask EPA to 7 rescind this ill-considered and very dangerous 8 proposal.</p> <p>9 Thank you.</p> <p>10 EMCEE: Thank you for your comment.</p> <p>11 The next speaker will be Charles Carpenter, 12 followed by Tim Maloney and Lisa Hallowell.</p> <p>13 EPA, are you ready to proceed?</p> <p>14 EPA PANEL MEMBER: Yes.</p> <p>15 Please proceed, and state your name and 16 affiliation for the record.</p> <p>17 MR. CARPENTER: Hi. My name is Charles 18 Carpenter, C-a-r-p-e-n-t-e-r. I'm a volunteer 19 with the Michigan Chapter of the Sierra Club.</p> <p>20 I oppose the proposed coal ash permitting 21 proposal. I believe it is fundamentally 22 dishonest to call it a permitting process.</p>	<p style="text-align: right;">Page 109</p> <p>1 enforcement is clearly anticipated to be weaker. 2 The proposal would allow the EPA to authorize 3 noncompliance of these weak and overly 4 generalized permits. This would in turn 5 immunize operators from legal liability for 6 failing to comply with protections like regular 7 inspections, testing for water pollution, or 8 controlling fugitive dust.</p> <p>9 As your scientists know, particulate air 10 matter has now been identified as a risk factor 11 for death from COVID-19. So in addition to all 12 the weaknesses in the permitting process itself, 13 this action by EPA exacerbates the public health 14 crisis that has been declared a national 15 emergency by the President of the United States 16 and most reasonable governors.</p> <p>17 Thank you.</p> <p>18 EMCEE: Thank you for your comment.</p> <p>19 The next speaker will be Tim Maloney, 20 followed by Lisa Hallowell and Bob Jorgensen.</p> <p>21 EPA, are you ready to proceed?</p> <p>22 EPA PANEL MEMBER: Yes.</p>

<p style="text-align: right;">Page 110</p> <p>1 Please proceed, and state your name and 2 affiliation for the record.</p> <p>3 MR. MALONEY: Good afternoon. This is Tim 4 Maloney. I am the senior policy director for 5 the Hoosier Environmental Council in Indiana.</p> <p>6 The council is opposed to the Federal 7 permitting rule for CCR as proposed by EPA, and 8 let me start with a quick recap of what the 9 situation is in Indiana with coal ash and the 10 environmental problems of our 17 power plant 11 sites that are home to over 80 closed or open 12 coal ash surface impoundments.</p> <p>13 Fourteen of those sites have documented 14 exceedances of groundwater quality standards, 15 and at seven of them, the ash in surface 16 impoundments is actually sitting in the 17 underlying groundwater. So we know that the 18 disposal of coal ash in surface impoundments is 19 simply not an acceptable disposal practice. So 20 any program, permitting program that allows coal 21 ash impoundments to continue to remain open with 22 perhaps a shield from noncompliance enforcement</p>	<p style="text-align: right;">Page 112</p> <p>1 permits and robust public participation.</p> <p>2 I would also comment on what the other 3 commenters have said about the great concern 4 about proceeding with these virtual hearings 5 during the pandemic and would endorse the 6 recommendation for suspending rulemaking during 7 this time period and have a return at the 8 appropriate time to more robust public 9 participation process that includes in-person 10 public hearings on the proposed rule.</p> <p>11 Finally, I would say that if this 12 permitting rule goes into effect, it actually 13 would be weaker than what we already have in 14 Indiana, where our State agency regulates coal 15 ash landfills and requires individual permits 16 for these coal ash landfills under the State's 17 restricted waste site permitting program. So 18 this would be a significant step backwards.</p> <p>19 For all those reasons, we are opposed to 20 the proposed rule. Thank you.</p> <p>21 EMCEE: Thank you for your comment.</p> <p>22 The next speaker will be Lisa Hallowell,</p>
<p style="text-align: right;">Page 111</p> <p>1 is just not acceptable.</p> <p>2 Among the elements of the rule that other 3 elements that we oppose is the granting of 4 permits with no expiration dates. That's 5 contrary to standard environmental permitting 6 programs really in every environmental media.</p> <p>7 We are opposed to rule language that 8 established both general permits for coal ash 9 disposal facilities and permit by rule 10 provisions for coal ash facilities. It really 11 marks a return to the self-implementing aspects 12 of the original coal ash rule.</p> <p>13 We are greatly concerned about the weak 14 provisions for review and public participation 15 for CCR permits and again concerned about the 16 opportunity for permits to authorize 17 noncompliance with the CCR standards for an 18 indeterminate amount of time.</p> <p>19 Any permitting program for coal ash 20 disposal facilities should be at least as 21 stringent as that for municipal solid waste 22 landfills, including requirements for individual</p>	<p style="text-align: right;">Page 113</p> <p>1 followed by Bob Jorgensen and Faith Bugel.</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. HALLOWELL: Hello. Can you hear me? 7 My name is Lisa Hallowell, and I am a senior 8 attorney with the Environmental Integrity 9 Project. I'm offering--</p> <p>10 EMCEE: Yes, Lisa, we can hear you. Please 11 proceed. Sorry for interrupting.</p> <p>12 MS. HALLOWELL: Thank you. Thanks for 13 confirming.</p> <p>14 I am offering my comments today on the CCR 15 Federal permitting rule, proposed rule, to 16 convey two main points.</p> <p>17 First, I would like to express my shock and 18 outrage that the administration has not offered 19 meaningful public participation options on the 20 CCR Federal permitting rule proposal, especially 21 in light of the global pandemic that is putting 22 the majority of this country under extraordinary</p>

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<p>1 circumstances and especially considering the</p> <p>2 fact that this rule could be applied to nearly</p> <p>3 all CCR-covered units, with the exception of</p> <p>4 those in the two States whose programs have been</p> <p>5 approved, potentially.</p> <p>6 I have participated in previous in-person</p> <p>7 public hearings EPA has held, including on the</p> <p>8 underlying 2015 CCR disposal rule on which</p> <p>9 nearly half a million individuals provided</p> <p>10 public comment, and it is clear the public is</p> <p>11 disadvantaged by EPA not offering the</p> <p>12 opportunity for an in-person dialogue in the</p> <p>13 form of an in-person public hearing.</p> <p>14 This disadvantage is exacerbated by the</p> <p>15 fact that EPA has not even offered a second</p> <p>16 virtual public hearing or given any additional</p> <p>17 time for the public to prepare for this one</p> <p>18 virtual public hearing in the midst of a</p> <p>19 pandemic.</p> <p>20 And the problem is even further compounded</p> <p>21 by the recent avalanche of EPA's attempts to</p> <p>22 weaken the 2015 coal ash rule. Affected</p>	<p>1 grant permits for life to all coal ash dumps,</p> <p>2 new or old, lined or unlined. Such never</p> <p>3 expiring permits are nearly unheard of among</p> <p>4 Federal permitting programs at EPA and would</p> <p>5 preclude or delay the incorporation of updated</p> <p>6 standards, new information, or public input into</p> <p>7 a permit at the costly and potentially</p> <p>8 irreparable expense of health and the</p> <p>9 enforcement.</p> <p>10 In addition, the proposal would allow for</p> <p>11 issuance of permits with little to no public</p> <p>12 participation. The proposal would also grant a</p> <p>13 one-size-fits-all general permit that does not</p> <p>14 account for the highly variable risks of coal</p> <p>15 ash ponds and landfills, almost all of which</p> <p>16 have been shown to be leaking toxic pollutants,</p> <p>17 according to my organization the Environmental</p> <p>18 Integrity Project's March 4th, 2019, report</p> <p>19 entitled "Coal's Poisonous Legacy."</p> <p>20 The proposal would also automatically</p> <p>21 approve permits with little or no review by the</p> <p>22 permitting agency and would unlawfully allow EPA</p>
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<p>1 communities have had a hard time keeping track</p> <p>2 of all of the proposed rollbacks, let along</p> <p>3 having had the time amidst the current public</p> <p>4 health crisis and the upheaval to daily life</p> <p>5 that that has caused to meaningfully participate</p> <p>6 in this one virtual hearing offered for this</p> <p>7 Federal permitting rule, a rule that will affect</p> <p>8 the majority of coal ash disposal sites.</p> <p>9 Second, the proposed CCR Federal permitting</p> <p>10 rule is replete with deficiencies that will</p> <p>11 jeopardize health and the environment. It</p> <p>12 simply cannot ensure there will be no reasonable</p> <p>13 probability of adverse effects to be held</p> <p>14 through the environment, which is required by</p> <p>15 RCRA.</p> <p>16 It also fails to fulfill the WIIN Act's</p> <p>17 requirement that a Federal permitting rule must</p> <p>18 require that each CCR unit will achieve</p> <p>19 compliance with applicable criteria established</p> <p>20 by the Administrator under Part 257. The</p> <p>21 deficiencies with EPA's proposed Federal CCR</p> <p>22 permitting rule include that the proposal would</p>	<p>1 to authorize noncompliance, which together</p> <p>2 almost entirely defeat the purpose of having a</p> <p>3 permitting authority to begin with.</p> <p>4 The proposal also appears to entirely fail</p> <p>5 to take into account extensive recent industry</p> <p>6 data revealing widespread and severe water</p> <p>7 pollution from coal ash disposal units.</p> <p>8 EIP and our partners compiled and organized</p> <p>9 this data, which revealed that 91 percent of</p> <p>10 U.S. coal-fired power plants with monitoring</p> <p>11 data are contaminating groundwater with unsafe</p> <p>12 levels of toxic pollutants.</p> <p>13 The CCR Federal permitting rule proposed by</p> <p>14 EPA is simply another unjustifiable attempt to</p> <p>15 weaken the safeguards of the 2015 Federal rule.</p> <p>16 There is alarming evidence of potential harm to</p> <p>17 public health and the environment from these</p> <p>18 sites, and the D.C. Circuit has mandated that</p> <p>19 EPA take steps to reduce the danger from these</p> <p>20 sites.</p> <p>21 The data industry itself has released</p> <p>22 further demonstrations conclusively that EPA</p>

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<p>1 must increase, not decrease Federal safeguards 2 applied to CCR disposal units.</p> <p>3 RCRA requires EPA standards to ensure no 4 reasonable probability of adverse effects to the 5 health and environment. This proposed rule 6 clearly fails to meet this required standard. 7 EPA must offer meaningful in-person public 8 hearings on this proposal with more time for the 9 public to consider and comment and must 10 dramatically improve the proposal in order to 11 comply with the applicable Federal statutes and 12 ensure the protection of health and the 13 environment.</p> <p>14 Thank you.</p> <p>15 EMCEE: Thank you for your comment. 16 The next speaker will be Bob Jorgensen, 17 followed by Faith Bugel.</p> <p>18 EPA, are you ready to proceed? 19 EPA PANEL MEMBER: Yes. 20 Please proceed, and state your name and 21 affiliation for the record. 22 MR. JORGENSEN: I'm Bob Jorgensen. I'm with</p>	<p>1 EMCEE: Are you able to hear us? 2 [No audible response.]</p> <p>3 EMCEE: But, are you able to hear us? 4 MR. JORGENSEN: I'm here.</p> <p>5 EMCEE: Okay. You sound better now. How 6 about you try starting from the beginning? 7 MR. JORGENSEN: Okay. Thank you.</p> <p>8 This online hearing is not really, in my 9 view, a public hearing. There's little or no 10 press coverage. It's discriminatory to people 11 that have poor computer skills, like I do, 12 obviously, also those who don't have access to 13 computers.</p> <p>14 I live in East Peoria, Illinois. The city 15 is right on the Illinois River. There have been 16 numerous coal plants that have closed in the 17 area recently. Some have old liners to hold the 18 coal ash in the retention ponds. Some have no 19 liners at all. They're all right by the 20 Illinois River, and of course, being by the 21 river, they're prone to flooding and runoff. 22 Close to East Peoria, there is an old coal</p>
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<p>1 the East Peoria Green Team and quite a few other 2 environmental groups in the area.</p> <p>3 Can you hear me?</p> <p>4 EMCEE: Yes, Bob. We can hear you. If you 5 don't mind, maybe speak a little closer to your 6 microphone.</p> <p>7 MR. JORGENSEN: Thank you.</p> <p>8 EMCEE: Bob, do you mind starting your 9 comments again? 10 [No audible response.]</p> <p>11 EMCEE: Bob, are you able to hear us? 12 MR. JORGENSEN: Yes. There is a little 13 cross-coverage.</p> <p>14 EMCEE: Yes. Bob, we think you might have 15 called in--if you are on--are you using Computer 16 Audio or Phone Audio? 17 MR. JORGENSEN: I'm trying to use Phone 18 Audio.</p> <p>19 EMCEE: Okay. We're still getting some 20 feedback. Do you mind switching to your 21 Computer Audio, if you have that as an option? 22 [No audible response.]</p>	<p>1 ash plant that's on the Vermillion River, which 2 is a scenic byway, and as you paddle down the 3 river, you can look over and see the pollutants 4 being rinsed right into the Vermillion River and 5 then into the Illinois River. Naturally, cities 6 downstream get drinking water from the river. 7 Since there are no liners or old, poorly 8 constructed liners, the pollutants can go into 9 the groundwater that the City of East Peoria 10 pumps drinking water from.</p> <p>11 I have not stated the facts very well, but 12 you really already know the facts. The speakers 13 before me have given you a long list of medical 14 and environmental facts. So really this call, 15 this hearing has just given me the chance to beg 16 for the health and lives of my family and my 17 friends, and I think the whole thing is 18 outrageous. And, naturally, I oppose what 19 you're doing.</p> <p>20 Thank you for your time. 21 EMCEE: Thank you for your comment. 22 The next speaker will be Faith Bugel.</p>

<p style="text-align: right;">Page 122</p> <p>1 EPA, are you ready to proceed?</p> <p>2 EPA PANEL MEMBER: Yes.</p> <p>3 Please proceed, and state your name and</p> <p>4 affiliation for the record.</p> <p>5 MS. BUGEL: Hi. My name is Faith Bugel,</p> <p>6 and I am representing the Sierra Club.</p> <p>7 I am concerned about the number of</p> <p>8 rollbacks proposed to the 2015 Federal CCR rule.</p> <p>9 That rule--that was a long rulemaking, totally</p> <p>10 informed the public participation that developed</p> <p>11 an important rule for the protection of public</p> <p>12 health and the environment, and I'm very</p> <p>13 concerned with all the rollbacks that this</p> <p>14 administration has proposed to that rule and all</p> <p>15 the ways that this administration is weakening</p> <p>16 the 2015 Federal rule.</p> <p>17 Basically, this administration is writing a</p> <p>18 blank check to industry to dump coal in units</p> <p>19 that are already leaking or leaching, whether</p> <p>20 they are landfills or ponds, units that are</p> <p>21 already contaminating the groundwater, polluting</p> <p>22 surface waters, and posing a threat to public</p>	<p style="text-align: right;">Page 124</p> <p>1 is documented by groundwater monitoring that</p> <p>2 that unit is already leaking and leaching to the</p> <p>3 groundwater, contaminants from coal ash, and</p> <p>4 that they have to have a continual pump at that</p> <p>5 unit to stop the plume from expanding farther</p> <p>6 than it is now.</p> <p>7 It is adjacent to a low-income minority</p> <p>8 community, where hundreds of homes get their</p> <p>9 drinking water from wells that are immediately</p> <p>10 next to that site.</p> <p>11 It's just showing that the impact from coal</p> <p>12 ash dumps, coal ash landfills, and coal ash</p> <p>13 ponds tend to hit low-income and minority</p> <p>14 communities disproportionately, and that's just</p> <p>15 wrong. That environmental justice impact needs</p> <p>16 to be considered. We should not burden unduly</p> <p>17 burdened, certain segments of our citizens with</p> <p>18 more pollution.</p> <p>19 There are water fowl that live on land at</p> <p>20 that site. You can see the water fowl on the</p> <p>21 ponds, and the pond is groundwater that has coal</p> <p>22 ash sitting in it. So right there at that unit,</p>
<p style="text-align: right;">Page 123</p> <p>1 health and the environment.</p> <p>2 Giving a free rein to industry is being</p> <p>3 done at the expense of public health and the</p> <p>4 environment, and it's not balanced. As quoted</p> <p>5 by other speakers, there are already studies out</p> <p>6 there by Environmental Integrity Project and</p> <p>7 other organizations that show the damage being</p> <p>8 done by existing impoundments and existing coal</p> <p>9 ash landfills. These rollbacks that are</p> <p>10 proposed are not addressing the damage being</p> <p>11 done, and they're just proposing to make the</p> <p>12 protections weaker and allow more damage to be</p> <p>13 caused.</p> <p>14 I have personally visited multiple coal ash</p> <p>15 units. One that comes to mind is the Lincoln</p> <p>16 Stone Quarry, which is owned by Midwest</p> <p>17 Generation, which is owned by NRG. They're used</p> <p>18 for ash disposal from the Joliet 9 and 29</p> <p>19 plants. That unit is a quarry, and at the</p> <p>20 bottom of it, it's deep enough that it is in</p> <p>21 contact with groundwater. So any coal ash put</p> <p>22 in that unit is in contact with groundwater. It</p>	<p style="text-align: right;">Page 125</p> <p>1 you can see the risk to the environment, not</p> <p>2 just public health, but the environment and</p> <p>3 flora and fauna.</p> <p>4 In addition, that day that I visited that</p> <p>5 unit, that unit sits immediately adjacent to the</p> <p>6 Des Plaines River, and there were sustenance</p> <p>7 fishers, people fishing for food in the Des</p> <p>8 Plaines River that is immediately adjacent to</p> <p>9 that site. The hydrology shows that the</p> <p>10 groundwater is connected to the surface waters.</p> <p>11 So any contamination going into the groundwater</p> <p>12 there poses a risk to the Des Plaines River,</p> <p>13 which poses a risk to the health of people who</p> <p>14 sustenance fish on the Des Plaines River.</p> <p>15 So those are my general concerns. I am</p> <p>16 concerned specifically that this proposal today</p> <p>17 grants permits for life, permits that never</p> <p>18 expire, and that's unheard of in Federal</p> <p>19 permitting programs. It's issuing permits with</p> <p>20 little to no public participation. These are</p> <p>21 one-size-fits-all permits that don't account for</p> <p>22 the variability of different ponds and</p>



<p style="text-align: right;">Page 126</p> <p>1 landfills, and they are automatically approved  2 with little or no review by the permitting  3 agency, with little consideration of the unique  4 situation, the unique permit and the unique  5 site. And these unlawfully allow EPA to  6 authorize noncompliance with no restrictions on  7 how long noncompliance can be tolerated. There  8 should never be a blanket authorization of  9 noncompliance. That's just not how our laws are  10 supposed to work.  11 And they also fail to take into account  12 expensive recent industry-collected data that  13 reveal the widespread and severe groundwater  14 pollution and surface water pollution from coal  15 ash.  16 Thank you for the opportunity to offer  17 comment today.  18 EMCEE: Thank you for your comment.  19 At this time, we have no one else scheduled  20 to speak during the current time slot.  21 If there is anyone who did not register to  22 speak today but would like to speak, please use</p>	<p style="text-align: right;">Page 128</p> <p>1 rejoining EPA's public hearing for a proposed  2 rule change to the disposal of coal combustion  3 residuals.  4 The expected speaking order for the next  5 half hour will be Ginnie Judd. I will be  6 introducing each speaker in turn, but please  7 wait for EPA to ask you to proceed before  8 starting your comment.  9 EPA, are you ready to proceed?  10 EPA PANEL MEMBER: Yes.  11 Please proceed, and state your name and  12 affiliation for the record.  13 MS. JUDD: Good afternoon. My name is  14 Ginnie Judd. I am the operations and finance  15 director for Faith in Place in Illinois, a  16 nonprofit, which works with people of all faiths  17 to be leaders and caring for the earth and which  18 provides resources to educate, connect, and  19 advocate for healthier communities.  20 I'm calling today on behalf of all of us  21 living and working in Illinois, as well as those  22 in every corner of our nation, to speak out in</p>
<p style="text-align: right;">Page 127</p> <p>1 the Questions box to identify yourself, and we  2 will get you into the lineup shortly.  3 We'll now pause to see if anyone else would  4 like to make a comment.  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'll now pause to see if anyone else would  13 like to make a statement.  14 [Pause.]  15 EMCEE: We have no more speakers lined up  16 for the time being. So we will begin a brief  17 recess.  18 EPA, when would you like to reconvene?  19 EPA PANEL MEMBER: The hearing is now on  20 recess until 3:15 p.m., Eastern Time.  21 [Recess taken from 3:00 p.m. to 3:15 p.m.]  22 EMCEE: It is 3:15 p.m., and we are now</p>	<p style="text-align: right;">Page 129</p> <p>1 opposition to EPA's Federal permitting rule  2 proposal.  3 While I appreciate this opportunity to  4 comment, I strongly oppose EPA's decision to  5 proceed with today's hearing during a global  6 pandemic and national health emergency. By  7 refusing to delay today's hearings, this agency  8 is knowingly and willingly turning its back on  9 the communities it has been tasked to protect.  10 Rather, it allows corporations to destroy the  11 health of those living and working near coal  12 ash.  13 So often the effects of exposure are not  14 immediately visible but are cumulative, with the  15 crippling effects of exposure becoming apparent  16 decades later.  17 In my own family, I have immediate family  18 with asthma, others with COPD. I have friends  19 who also suffer from asthma or COPD. The health  20 of human beings should take priority over the  21 profits of corporations.  22 Instead of this ill-conceived proposal, we</p>

<p style="text-align: right;">Page 130</p> <p>1 should all be--and many of us are--advocating  2 for a just transition plan including proper  3 removal of the coal ash ponds as well as from  4 old unregulated coal ash landfills. We should  5 be working toward removal with community input  6 and safeguards put in place for workers.  7 It is critical that the Federal permitting  8 rule proposal does not give polluting  9 corporations free rein on the permit program.  10 The current proposal would not only grant owners  11 of these facilities, permits that never expire,  12 with little to no oversight and minimal  13 opportunity for public participation, but also  14 unlawfully let EPA authorize coal ash dump  15 owners to violate safeguards we fought to hard  16 for in the Federal coal ash rule.  17 This agency should be working towards  18 making all rules stronger. This proposed rule  19 would gut critical protections that were put in  20 place to safeguard community members from  21 exposure to carcinogens that do irreparable  22 damage not only to our health but also our</p>	<p style="text-align: right;">Page 132</p> <p>1 from coal ash dumps.  2 Communities across the nation rely on the  3 protection of the EPA. Stand with the community  4 and our well-being, not with polluting industry.  5 Our health must be considered when this agency  6 is considering any proposal that weakens  7 guidelines and standards.  8 Thank you for your time.  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'll now pause to see if anyone else would  17 like to make a statement.  18 [Pause.]  19 EMCEE: At this time, we have no one else  20 scheduled to speak during the current time slot.  21 If there is anyone who did not register to  22 speak today but would like to speak, please use</p>
<p style="text-align: right;">Page 131</p> <p>1 source of drinking water. The proposal should  2 not allow EPA to grant permits for life to all  3 coal ash dumps, new or old, lined or unlined.  4 Never expiring permits are nearly unheard of for  5 Federal permitting programs.  6 The proposal should not allow EPA to issue  7 permits with little to no public participation.  8 The proposal should not allow EPA to grant  9 one-size-fits-all permits for life that do not  10 account for the highly variable risk of coal ash  11 ponds and landfills.  12 The proposal should not allow for the EPA  13 to automatically approve permits with little or  14 no review by the permitting agency.  15 The proposal unlawfully allows the EPA to  16 authorize noncompliance with no restrictions on  17 how long noncompliance would be tolerated or  18 which safeguards a permittee could continue to  19 violate.  20 The proposal fails to take into account  21 extensive recent industry-collected data  22 revealing widespread and severe water pollution</p>	<p style="text-align: right;">Page 133</p> <p>1 the Questions box to identify yourself, and we  2 will get you into the lineup shortly.  3 We'll now pause to see if anyone else would  4 like to make a statement.  5 [Pause.]  6 EMCEE: We have no more speakers lined up  7 for the time being. So we will begin a brief  8 recess.  9 EPA, when would you like to reconvene?  10 EPA PANEL MEMBER: The hearing is now on  11 recess until 3:45 p.m., Eastern time.  12 [Recess taken from 3:30 p.m. to 3:45 p.m.]  13 EMCEE: This is IEC, EPA's contractor. It  14 is 3:45 p.m., and we are now rejoining EPA's  15 public hearing for a proposed rule change to the  16 disposal of coal combustion residuals.  17 At this time, we have no one else scheduled  18 to speak.  19 If there is anyone who did not register to  20 speak today but would like to speak, please use  21 the Questions box to identify yourself, and we  22 will get you into the lineup shortly.</p>

<p style="text-align: right;">Page 134</p> <p>1 We will now pause to see if anyone else 2 would like to make a statement. 3 [Pause.] 4 EMCEE: At this time, we have no one else 5 scheduled to speak during the current time slot. 6 If there is anyone who did not register to 7 speak today but would like to speak, please use 8 the Questions box to identify yourself, and we 9 will get you into the lineup shortly. 10 We'll now pause to see if anyone else would 11 like to make a statement. 12 [Pause.] 13 EMCEE: At this time, we have no one else 14 scheduled to speak during the current time slot. 15 If there is anyone who did not register to 16 speak today but would like to speak, please use 17 the Questions box to identify yourself, and we 18 will get you into the lineup shortly. 19 We have several speakers scheduled to speak 20 beginning at 4:00 p.m. 21 We'll now pause to see if anyone would like 22 to make a statement.</p>	<p style="text-align: right;">Page 136</p> <p>1 to proceed with today's hearing, given the 2 national health emergency we are now facing. 3 The comment period for these changes should have 4 been extended, and today's hearing should have 5 been delayed. By refusing to do this, EPA and 6 the Trump administration is failing to take 7 seriously the impact this proposal will have on 8 millions of Americans and communities impacted 9 by coal ash pollution. 10 The need to do this virtually in these 11 times also means the public will have less of an 12 opportunity to comment. I ask the EPA to pause 13 this process and extend the comment period until 14 after we return to our normal lives post the 15 COVID-19 pandemic. 16 The duty of the EPA is to protect people 17 and the environment and work towards a safe 18 water, clean air, and healthy environment. This 19 proposal endangers the health of Americans by 20 weakening the Federal oversight over coal ash 21 polluters whose activities are responsible for 22 the release of carcinogens, neurotoxins,</p>
<p style="text-align: right;">Page 135</p> <p>1 [Pause.] 2 EMCEE: Our next speaker will be Alessia 3 Eramo. 4 EPA, are you ready to proceed? 5 EPA PANEL MEMBER: Yes. 6 Please proceed, and state your name and 7 affiliation for the record. 8 MS. ERAMO: Hello? 9 EMCEE: Yes, Alessia, we can hear you. 10 MS. ERAMO: Okay, good. Sorry. 11 My name is Alessio Eramo. I'm from 12 Clifton, New Jersey. I don't have an 13 affiliation. I'm just a concerned citizen, and 14 I'm on the environmental commission of my city, 15 and I have a Ph.D. in environmental engineering. 16 So my background has given me advanced knowledge 17 of the link between human health and 18 environmental pollution. 19 I'm calling today to speak out in 20 opposition to EPA's permitting proposal for coal 21 ash ponds and landfills. 22 Firstly, I strongly oppose EPA's decision</p>	<p style="text-align: right;">Page 137</p> <p>1 poisons, and other chemicals into air, 2 groundwater, and surface water. 3 The EPA's mandate is to protect people. 4 However, this proposal makes it much more 5 difficult for the EPA to do that by allowing 6 permits for life for coal ash dumps and 7 streamlining the permitting process to the point 8 that true risks cannot be assessed. 9 Furthermore, the proposal would allow 10 permits to be automatically approved with little 11 or no review. How does this ensure protection 12 for people or the environment? 13 In addition, the proposal would allow 14 little to no public participation in the 15 permitting process from the people that EPA is 16 supposed to serve. This proposal fails to take 17 into account and effectively respond to 18 extensive industry-collected data revealing the 19 extent of severe water pollution from coal ash 20 dumps. 21 This proposal assists polluters are the 22 expense of people and the environment's health.</p>

<p style="text-align: right;">Page 138</p> <p>1 It is contrary to the EPA's mission and 2 responsibility. 3 EPA should not ignore the damage done to 4 people's health when polluters are allowed to 5 dump hazardous waste into their communities. 6 The EPA needs to look at the science and data to 7 enforce regulations that protect people, not 8 weaken the regulations. 9 I ask the EPA to withdraw this proposal 10 immediately. 11 Thank you. 12 EMCEE: Thank you for your comment. 13 At this time, we have no one else scheduled 14 to speak during the current time slot. 15 If there is anyone who did not register to 16 speak today but would like to speak, please use 17 the Questions box to identify yourself, and we 18 will get you into the lineup shortly. 19 We'll now pause to see if anyone else would 20 like to make a statement. 21 [Pause.] 22 EMCEE: We have no more speakers lined up</p>	<p style="text-align: right;">Page 140</p> <p>1 MS. RICHARD: It is absolutely 2 unconscionable that the Environmental Protection 3 Agency would hold this virtual hearing at this 4 time. We are in the middle of a global pandemic 5 and a national health emergency when the 6 attention of many people is rightful turned to 7 preserving their lives and the lives of their 8 loved ones. 9 Many essential workers are needed to keep 10 our country running and cannot afford to take 11 off to formulate comments, much less testify. 12 Those who are not working and are not in 13 immediate fear for their lives from COVID-19 14 often lack proper internet access to 15 participate. Poor, elderly and/or rural 16 Americans often struggle with internet access. 17 In many cases, people who would otherwise 18 participate are also limited by their level of 19 computer literacy. 20 These factors could potentially be overcome 21 with the help of a library and librarians. 22 However, in the middle of a pandemic, libraries</p>
<p style="text-align: right;">Page 139</p> <p>1 for the time being. So we will begin a brief 2 recess. 3 EPA, when would you like to reconvene? 4 EPA PANEL MEMBER: The hearing is now in 5 recess until 4:30 p.m., Eastern Time. 6 [Recess taken from 4:15 p.m. to 4:30 p.m.] 7 EMCEE: This is IEC, EPA's contractor. It 8 is 4:30 p.m., and we are now rejoining EPA's 9 public hearing for a proposed rule change to the 10 disposal of coal combustion residuals. 11 The expected speaking order for the next 12 half hour will be Virginia Richard. We have no 13 further speakers scheduled. 14 EPA, are you ready to proceed? 15 EPA PANEL MEMBER: Yes. 16 EMCEE: Okay, Virginia. Please proceed, 17 and state your name and affiliation for the 18 record. 19 MS. RICHARD: Hi. My name is Virginia 20 Richard. I am commenting as a private citizen, 21 and are you ready for my comment? 22 EMCEE: We are. Please proceed.</p>	<p style="text-align: right;">Page 141</p> <p>1 across the country are closed. When they're not 2 closed, if someone happens to have access to the 3 library and transportation, EPA is asking that 4 person to risk their very lives and the lives of 5 everyone they come in contact with to venture 6 out into these public places. 7 What a shame. The very agency that is 8 supposed to protect people and allow us to 9 participate in the rulemaking is doing its best 10 to exclude the American public. 11 Whatever happened to for the people and by 12 the people? Let me remind you of the EPA's 13 mission as posted on its website. The mission 14 of EPA is to protect human health and the 15 environment. EPA works to ensure that Americans 16 have clean air, land, and water. National 17 efforts to reduce environmental risks are based 18 on the available scientific information. 19 Federal laws protecting human health and the 20 environment are administered and enforced 21 effectively and as Congress intended. 22 Environmental stewardship is integral to U.S.</p>

<p style="text-align: right;">Page 142</p> <p>1 policies concerning natural sciences, human 2 health, economic growth, energy, transportation, 3 agriculture, industry, and international trade, 4 and these factors are similarly considered in 5 establishing environmental policy. 6 All parts of society, communities, 7 individuals, businesses, and State and local and 8 Tribal governments have access to accurate 9 information sufficient to effectively 10 participate in managing human health and 11 environmental risks. Contaminated lands and 12 toxic sites are cleaned up by potentially 13 responsible parties and revitalized and 14 chemicals in the marketplace are reviewed for 15 safety. 16 EPA, having a hearing at this time is a 17 blatant attack on our rights to participate as 18 American citizens in protecting our own lives, 19 our land, and our livelihood. 20 In addition, this particular proposal 21 allows some unlined coal ash ponds to operate 22 indefinitely, despite a 2018 Federal court order</p>	<p style="text-align: right;">Page 144</p> <p>1 have the necessary expertise to evaluate these 2 complex demonstrations, nor is there an 3 opportunity for meaningful public review. So, 4 basically, you have now allowed coal companies 5 and power plants to poison the American people 6 while hiding under a pile of paperwork. 7 I could continue on, but the letter and the 8 comments that I'm submitting will reference 9 further issues that I have with these rollbacks. 10 Shame on you, EPA. Shame on you for not 11 protecting the American people or at least 12 carrying out this process in a way that we can 13 participate. 14 Thank you. 15 EMCEE: Thank you for your comment. 16 At this time, we have no one else scheduled 17 to speak during the current time slot. 18 If there is anyone who did not register to 19 speak today but would like to speak, please use 20 the Questions box to identify yourself, and we 21 will get you into the lineup shortly. 22 We'll now pause to see if anyone else would</p>
<p style="text-align: right;">Page 143</p> <p>1 requiring closure of all unlined coal ash ponds 2 due to the high risk of groundwater 3 contamination posed by such toxic ponds. The 4 Part B proposal would allow operators of unlined 5 ponds to develop alternate liner demonstrations 6 that will allow them to avoid closure. 7 Even though such pits have no actual liner, 8 an operator would be able to make a 9 demonstration that the pit should be considered 10 lined and therefore not be required to close. 11 This is absolute insanity. 12 Having a hypothetical or demonstrated liner 13 versus a real liner is the difference between 14 life and death for Americans. 15 EPA's proposed demonstration process would 16 also allow unlined ponds to remain open for an 17 unlimited time while EPA or State regulators 18 evaluate complex information submitted by 19 industry, including highly technical models and 20 other data purporting to show hydrological 21 impact. 22 Neither EPA nor State regulators, however,</p>	<p style="text-align: right;">Page 145</p> <p>1 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 EPA PANEL MEMBER: The hearing is now on 8 recess until five o'clock p.m., Eastern Time. 9 [Recess taken from 4:45 p.m. to 5:00 p.m.] 10 EMCEE: This is IEC, EPA's contractor. It 11 is five o'clock p.m., and we are now rejoining 12 EPA's public hearing for a new proposed Federal 13 permit program for the disposal of coal 14 combustion residuals. 15 At this time, we have no one else scheduled 16 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'll now pause to see if anyone else would 22 like to make a statement.</p>

<p style="text-align: right;">Page 146</p> <p>1 [Pause.]</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'll now pause to see if anyone else would</p> <p>9 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 have no more speakers lined up for the</p> <p>18 time being. So we will begin a brief recess.</p> <p>19 EPA, when would you like to reconvene?</p> <p>20 [Pause.]</p> <p>21 EPA PANEL MEMBER: The hearing is now in</p> <p>22 recess until 5:30 p.m., Eastern Time.</p>	<p style="text-align: right;">Page 148</p> <p>1 like to make a statement.</p> <p>2 [Pause.]</p> <p>3 EMCEE: At this time, we have no one else</p> <p>4 scheduled 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'll now pause to see if anyone else would</p> <p>10 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'll now pause to see if anyone else would</p> <p>19 like to make a statement.</p> <p>20 [Pause.]</p> <p>21 EMCEE: At this time, we have no one else</p> <p>22 scheduled to speak during the current time slot.</p>
<p style="text-align: right;">Page 147</p> <p>1 [Recess taken from 5:15 p.m. to 5:30 p.m.]</p> <p>2 EMCEE: This is IEC, EPA's contractor. It</p> <p>3 is 5:30 p.m., and we are now rejoining EPA's</p> <p>4 public hearing for a new proposed Federal permit</p> <p>5 program for the disposal of coal combustion</p> <p>6 residuals.</p> <p>7 At this time, we have no one else scheduled</p> <p>8 to speak.</p> <p>9 If there is anyone who did not register to</p> <p>10 speak today but would like to speak, please use</p> <p>11 the Questions box to identify yourself, and we</p> <p>12 will get you into the lineup shortly.</p> <p>13 We will now pause to see if anyone else</p> <p>14 would like to make a statement.</p> <p>15 [Pause.]</p> <p>16 EMCEE: At this time, we have no one else</p> <p>17 scheduled to speak during the current time slot.</p> <p>18 If there is anyone who did not register to</p> <p>19 speak today but would like to speak, please use</p> <p>20 the Questions box to identify yourself, and we</p> <p>21 will get you into the lineup shortly.</p> <p>22 We'll now pause to see if anyone else would</p>	<p style="text-align: right;">Page 149</p> <p>1 If there is anyone who did not register to</p> <p>2 speak today but would like to speak, please use</p> <p>3 the Questions box to identify yourself, and we</p> <p>4 will get you into the lineup shortly.</p> <p>5 We'll now pause to see if anyone else would</p> <p>6 like to make a statement.</p> <p>7 [Pause.]</p> <p>8 EMCEE: At this time, we have no one else</p> <p>9 scheduled to speak during the current time slot.</p> <p>10 If there is anyone who did not register to</p> <p>11 speak today but would like to speak, please use</p> <p>12 the Questions box to identify yourself, and we</p> <p>13 will get you into the lineup shortly.</p> <p>14 We'll now pause to see if anyone else would</p> <p>15 like to make a statement.</p> <p>16 This hearing will conclude at 6:00 p.m.</p> <p>17 [Pause.]</p> <p>18 EMCEE: We are now at the end of our</p> <p>19 afternoon session. EPA, are you ready to recess</p> <p>20 until after the scheduled dinner break--I'm</p> <p>21 sorry. That is incorrect. This public hearing</p> <p>22 is now concluded. EPA, are you ready to</p>

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1 adjourn?

2 EPA PANEL MEMBER: Yes.

3 Thank you to everyone who attended and  
4 spoke during today's virtual public hearing.

5 The hearing is concluded as of six o'clock p.m.

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