

Barbara McKasson
2 Hillcrest Drive
Carbondale, IL 62901
babitaji@aol.com

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Illinois Pollution Control Board
c/o Don Brown
don.brown@illinois.gov

Re- Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments Proposed New Rule for 35 ILL.ADM.Code 845 R2020-019 Rulemaking – Water

I am a concerned citizen who has been a member of Sierra Club for 46 years and a member of League of Women Voters for 48 years, plus a member of Prairie Rivers Network for at least 10 years. I have testified to the US-EPA on coal ash pollution and attended a hearing on coal ash in Joppa, Illinois. I am very concerned about the public health effects of heavy metals in coal ash polluting groundwater and also our lakes and streams, since the impoundments are usually next to water and many are unlined pits which are leaking into groundwater and/or surface water. I am also concerned about coal ash dumps that allow this waste to blow around neighborhoods. Here in Southern Illinois, I am familiar with the ash disposal areas for the coal fired power plants in Joppa and at Lake of Egypt.

First of all, thanks to the IPCB for an open and welcoming public participation period, with all sides having their say in the public hearings, and for including regular citizens in the comment process. I truly appreciate the opportunity to be heard.

I appreciate that IEPA's proposed rules include some stronger protections than the federal rules. I especially am happy to see that IEPA rules include post-closure monitoring and maintenance of coal ash ponds until groundwater quality standards are met. It is also a strength that IEPA proposed rules include a requirement for a plan for worker health and safety protections.

I am very concerned about loopholes and other weaknesses in the IEPA proposed rules that would endanger the health of workers and people in adjacent communities and possibly cause generational environmental damage through pollution of the surface and groundwater in the area that could last for centuries. Below are some of my concerns.

First of all, the IEPA rules should assure that the final disposal of the coal ash should be in a pit or landfill that has a thick impermeable barrier to water to ensure that the coal ash will remain dry to keep the heavy metals from migrating into the surrounding soil and groundwater or into nearby surface water. Also, the final disposal impoundment should NOT be in a flood plain nor in a flood fringe area. In fact, the final impoundments should be at least five feet above the uppermost zone of saturation. Any impoundment that does not meet these standards should be closed and the coal ash moved to a dry impoundment that does meet the standards. Any proposal to leave coal ash in a pit or impoundment that is below that saturation zone and relies on pumps to keep the coal ash from migrating should be denied because any failure of the pumps or failure of the responsible party to maintain the pumping puts the groundwater, the nearby environment and nearby community at risk.

The IEPA proposed rules should be strengthened by including coal ash landfills and dumps in addition to impoundments. At the coal fired plant in Joppa, Dynegey is planning to close one unlined ash pond and a landfill in place, which would allow many decades – or centuries - of pollution from high levels of cobalt and lead mixed with other pollutants. IEPA's rules should be strengthened to require Dynegey to transport this coal ash to lined, dry pits that are not in danger of coming in contact with groundwater or surface water.

The legislature in the Act has directed IEPA to protect workers and adjacent communities from the fugitive dust created during coal ash removal, and any other pollution that maybe be caused by removal of the ash, such as soot particles from diesel trucks used to haul the ash. Inhalation of mercury, silica, other heavy metals and radioactive particles can cause serious harm. Thus, the rules should also require the permit applicants to include a fugitive dust control plan in their application. In addition, there must be strict oversight of these measures by IEPA, workers and the public.

The Dynegey Plant in Joppa, IL, has in the past endangered their residential neighbors because of piles of ash lying around on the property close to people's homes. Joppa is a low income community that needs protection from this hazard. You may not realize that Southern Illinois is a hotspot for cancer and these disadvantaged people really need relief from this preventable source of pollution. That is why I strongly urge you to strengthen the proposed regulations by requiring that IEPA use the US EPA's Environmental Justice Screen and the Clean Power Plan to locate all of the communities that deserve extra protection because of the cumulative impacts of poverty, malnutrition and multiple sources of pollution in a neighborhood such as Joppa.

Closing ash impoundments and dumps properly and as quickly as possible is necessary to stop the seepage of heavy metals and other toxic pollutants into our waterways and groundwater. However, we know that corporations and even co-ops are good at stonewalling, dragging their feet and taking shortcuts. We also know that Illinois EPA is grossly underfunded and understaffed, with their staff having been cut down to less than half of what it was a couple of decades ago. Thus, it is imperative that communities and the public be given ample time and opportunity to review and comment on all plans, programs and assessments for each coal ash facility. There should be stronger requirements for public notice and there should be at least a 30 day comment period for public review. The rules should also require a public hearing, rather than putting the burden of petitioning for a public hearing on the backs of these low income working communities who already have a heavy burden.

Illinois residents need stronger protection against the federal regulation rollbacks proposed by the Trump administration, including for the federal Coal Combustion Residuals Rule. The Illinois Coal Ash Pollution Prevention Act sets the federal rule as the minimum regulation allowable in any instance, but this does not have much meaning if the federal rule is weakened. The proposed rollbacks allow several loopholes that facilities could use to avoid proper cleanup, including dumping more ash in unlined ponds before they close, allowing temporary piles that could be turned into long term piles and an unlimited amount of time allowed for removal of the ash when a pond is being closed by removal. All of these loopholes must be specifically closed by adding such language to IEPA's proposed rules.

Please include me on any list to receive responses and notices concerning these rules and these proceedings.

Sincerely,

Barbara McKasson

babitaji@aol.com