

# Electronic Filing: Received, Clerk's Office 10/27/2020 P.C. #95

**From:** [Tom Huntsha](#)  
**To:** [Brown, Don](#)  
**Subject:** [External] Written Public Comment on Proposed Coal Ash Rules  
**Date:** Monday, October 26, 2020 5:43:26 PM

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Dear Mr. Don Brown:

This email message provides public comments in R20-19.

I have four primary concerns about the rule as currently proposed:

- (1) The rule needs to prevent coal ash from getting wet after closure and especially from being in contact with groundwater;
- (2) The rule should cover coal ash fill and dumps, which also release harmful pollution into our waters and air;
- (3) The rule needs to enhance requirements for worker and community protections;
- (4) Members of the public, including non-English speakers, need to have access to all documents and a meaningful opportunity to provide public comment on all documents considered in permitting decisions.

The rules must ensure that coal ash, wherever it is stored, does not get wet either now or in the future. Illinois EPA's rule should explicitly state that coal ash cannot be closed-in-place if ash is or will remain wet. Additionally, the requirements for cleaning up groundwater contamination must be clear: clean-up will not be treated as complete until ash is no longer exposed to water.

In addition to coal ash impoundments, many power plants have very old coal ash dumps (or landfills) and coal ash scattered around the plant site because it was used as "fill" for construction. The draft rule covers only coal ash impoundments, but excludes coal ash fill and landfills. The draft rule should cover scattered coal ash, coal ash fill, and coal ash landfills and dumps in addition to impoundments. By leaving them out of the rulemaking, we are only solving part of the coal ash pollution problem.

Removing coal ash responsibly requires worker protections and dust restrictions to protect communities and workers. The draft rule includes some onsite worker protections, but there are major gaps. Increased monitoring of coal ash dust is necessary to ensure that workers and communities are protected. Safety and health plans that are a required part of closure permits must contain all the necessary safety and health measures to prevent workers' exposure to ash. Finally, the rules must require that all transportation alternatives for coal ash removal are considered, including barge, rail, and very low polluting trucks (i.e., electric).

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Community members, members of the public, and non-English speaking communities must have access to and an opportunity to review all documents supporting permit applications. The proposed rules need to make all key documents available for public review in an easily-accessible place and with sufficient time for review. The final rules should include additional requirements for both Illinois EPA and industry to meaningfully engage non-English populations. As proposed, there is only one isolated requirement for translating anything in the rule. The final rules should require that, if requested, interpreters be present at the meetings and hearings, and translated permit materials be made available well in advance of comment deadlines. If there is a non-English language predominantly spoken in a community near a coal ash pond, the final rules should also require that notice for a public hearing be in that non-English language. This ensures that communities have a voice and are protected and that owners and operators are complying with required safeguards.

Thank you the time and effort you are putting into developing strong and effective coal ash rules and thank you for considering these comments.

Sincerely,

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