



January 31, 2020

The Honorable Andrew Wheeler, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Re: Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; A Holistic Approach to Closure Part A: Deadline to Initiate Closure
Docket ID No. EPA-HQ-OLEM-2019-0172

Administrator Wheeler:

West Virginia Rivers Coalition (WV Rivers), on behalf of our members and the undersigned organizations, respectfully submit the following comments on the Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; A Holistic Approach to Closure Part A: Deadline to Initiate Closure, Docket ID No. EPA-HQ-OLEM-2019-0172. WV Rivers is opposed to the revisions of the Coal Combustion Residuals Rule.

This proposal extends the deadline of compliance for coal ash disposal and thus delays the closure of coal ash ponds up to 5 to 8 years. Meanwhile, coal ash ponds will continue to pollute groundwater with cancer causing toxins in a state with the third highest cancer deaths rates in the country. This rule affects 7 facilities in WV, Mount Storm, Fort Martin, Harrison Power Station, Mitchell Plant, Pleasants Power Station, Mountaineer Plant and the John E. Amos Plant that have a combined total of 169 million cubic yards of coal ash waste. According to their annual groundwater monitoring and corrective action reports, all seven facilities have found statistically significant increases in groundwater contaminants or previous impacts to surface water. Five of the facilities have unlined coal ash disposal ponds and three of the facilities have detected groundwater pollutants that are above state and/or federal standards including contaminants such as arsenic, barium, fluoride, molybdenum, lithium, and radium 226 and 228 that puts public health at risk.

These facilities are a threat to West Virginian's access to clean drinking water. The Mitchell Plant in Marshall County which has already been found to harm aquatic life, contains an unlined bottom ash pond that is located within the drinking water protection area for Sistersville Municipal water. The Mountaineer Plant which has an unlined bottom ash pond that is contributing to elevated levels of lithium in the groundwater is within the New Haven Water department wellhead protection area. Additionally, the Pleasants Power Plant in Pleasants county contains an unlined coal ash disposal impoundment that is contaminating the groundwater with arsenic barium, fluoride lithium and Radium 226 and 228 and is located within the drinking water protection area for the City of Parkersburg. These facilities have known contamination issues that are posing unnecessary risks to drinking water supplies. EPA 's proposal puts the public's health and well-being in jeopardy. EPA must strengthen the Coal Combustion Residual Rule, not weaken it. It is inexcusable to allow these facilities to continue polluting water resources. It is the agency's duty to protect the water and the public's health from toxic coal ash.

Additionally, WV Rivers is opposed to the lack of opportunity for the public to participate in this rule changing process. One online "public hearing" is not adequate to satisfy the requirement of public participation. Many rural residents in WV do not have access to internet in their homes and the nearest library may be an hour away, and therefor were excluded from the public process. We request public hearings to occur within the communities impacted by EPA's proposal.

Furthermore, the public comment period is inadequate. The comment period fell over a holiday when many people take several weeks off to travel and spend time with family. WV Rivers requests a 30-day extension to the comment period to account for the comment period falling during the busiest holiday season of the year.

We appreciate your thorough consideration of these comments.

Signed,
Angie Rosser
West Virginia Rivers Coalition

Cindy Rank
West Virginia Highlands Conservancy

Vivian Stockman
Ohio Valley Environmental Coalition

Brent Walls
Upper Potomac Riverkeeper