

# United States Senate

WASHINGTON, DC 20510

April 27, 2018

The Honorable Scott Pruitt  
Administrator  
U. S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20012

Dear Administrator Pruitt:

We write to request that the U.S. Environmental Protection Agency (EPA) extend the public comment period for proposed changes to the disposal of coal combustion residuals (CCR) or “coal ash” rule to 90 days and to use this extra time to hold additional public hearings in affected communities. The CCR rule is highly technical, and we are concerned the allotted time is insufficient given the complexity of the proposed rule. Additionally, we are concerned that because EPA is only holding one hearing on the rule in the Washington, D.C., area, there is a lack of opportunity for affected communities to weigh-in on potential impacts.

Our constituents were taken by surprise when the 45 day public comment period was announced in the Federal Register. When the EPA submitted its status report on November 19, 2017 to the U. S. Court of Appeals, it expressed a commitment to provide a 90-day public comment period. This 90 day period was about half the time for comparable rules which have had 150 – 195 days. We believe our constituents have valuable insight to contribute to having the right regulation for public health, and should be given sufficient time to share those perspectives.

To understand how the proposed changes would impact groundwater and human health, experts from the fields of hydrology, subsurface geology, aquatic biology, civil engineering, and toxicology must be consulted. We are concerned that the April 30, 2018, deadline does not allow for sufficient time for experts to collaborate and submit comments. We ask that EPA extend the deadline to June 14, 2018. This will ensure the comments submitted will be high quality and encompass multiple scientific fields, thereby helping EPA to make a sound decision based on the best available evidence.

Additionally, we request that EPA hold additional hearings in communities across the country. We request at least four more public hearings in separate EPA regions. We believe hearings in the following locations would ensure that EPA hears voices from geographically and socioeconomically diverse affected communities.

1. Pittsburgh, Pennsylvania – Pennsylvania ranks 1<sup>st</sup> in the United States for coal ash generation.

2. Chicago, Illinois – Illinois has the largest number of coal ash ponds and ranks 8<sup>th</sup> in the United States for coal ash generation.
3. Durham, North Carolina – North Carolina has the highest concentration of “high hazard” dams and ranks 9<sup>th</sup> in the United States for coal ash generation.
4. Guayama, Puerto Rico – There are 36 documented coal ash dumps in Puerto Rico and the territory is facing major contamination issues.

We ask for an extension on the comment period and that additional hearings held in impacted communities so that any changes to the 2015 coal ash rule is informed by the highest quality stakeholder input and does not ignore the needs of the local communities that will be most affected by it.

Sincerely,

  
RICHARD J. DURBIN  
United States Senator

  
SHELDON WHITEHOUSE  
United States Senator

  
TAMMY DUCKWORTH  
United States Senator

  
THOMAS R. CARPER  
United States Senator