



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 20 2013

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Mr. Nathan Mehrens  
Americans for Limited Government  
9900 Main Street  
Suite 303  
Fairfax, VA 22031

**Re: Freedom of Information Act Request No.: HQ-FOI-01880-12**

Dear Mr. Mehrens:

This letter is in reference to your Freedom of Information Act (FOIA) request received by the U.S. Environmental Protection Agency on August 22, 2012. This response provides documents that pertain to meetings and/or communications on coal ash regulations that occurred between EPA's Office of Resource Conservation and Recovery or the Office of Solid Waste and Emergency Response and representatives of the organizations listed below from January 21, 2009 to the present:

- Appalachian Voices
- Chesapeake Climate Action Network
- Environmental Integrity Project
- Kentuckians For the Commonwealth
- Montana Environmental Information Center
- Moapa Band of Paiutes
- Prairie Rivers Network
- Physicians for Social Responsibility
- Southern Alliance for Clean Energy
- Sierra Club
- Western North Carolina Alliance

The Office of Resource Conservation and Recovery (ORCR) has concluded its search for records initiated in the office that are responsive to your request, as well as records in EPA's Office of Solid Waste and Emergency Response (OSWER) that relate to these records. By this letter ORCR is providing you notification that it has no further documents in ORCR or OSWER to produce for purposes of this FOIA request. There may be additional documents that are already available to the public in the RCRA Docket No. EPA-HQ-RCRA-2009-0640 for Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities; or Proposed Rule (June 21, 2010, 75 FR 35128).

EPA is providing approximately 150 documents. Some entire records, or portions of records responsive to your request, are being withheld pursuant to FOIA exemption 5, § USC 552(b)(5) based on the deliberative process privilege, the attorney-client privilege, or the attorney work product privilege, as noted below. Withheld records for which EPA claims the deliberative process privilege are pre-decisional and deliberative and would harm government decision making if released. Withheld records

for which EPA claims the attorney-client privilege are confidential communications between and Agency attorney and client concerning legal advice. Attorney work product records are prepared by, or at the direction of, an attorney in contemplation of litigation. The list below provides further information concerning the withheld records.

1. Email chain titled "Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials" dated 7/10/2009, 2:29pm. Only the title and addressees and incoming are being released. Portions withheld are based on deliberative process.
2. Email chain titled "Re: Fw: Outline of our OMB approach" dated 12/15/2009, 12:50pm. Portions withheld are based on deliberative process.
3. Email chain titled "Re: Administrator Jackson Meeting Request: January 1, 12 or 19" dated 12/22/2010 from Mathy Stanislaus, 4:25pm. Portions withheld are based on deliberative process.
4. Email chain titled "Re: Administrator Jackson Meeting Request: January 1, 12 or 19" dated 12/22/2010 from Bob Sussman, 4:18pm. Portions withheld are based on deliberative process.
5. Email chain titled "Re: Meeting with Directors of Sierra Club, Environmental Integrity Project, Earthjustice, and Natural Resources Defense Council to discuss the issue of coal ash" dated 5/16/2011, 12:52pm. Portions withheld are based on deliberative process.
6. Email chain titled "Re: ACTION: Meeting Request" dated 12/23/2010, 3:17pm. Portions withheld are based on deliberative process and attorney-client privileges.
7. Email chain titled "Fw: Request for a meeting, from Physicians for Social Responsibility" dated 7/31/2012, 12:08pm. Portions withheld are based on deliberative process.
8. Email chain titled "Re: CCR" dated 11/14/2011, 5:44pm. Portions withheld are based on attorney-client privileges.
9. Email chain titled "Fw: Notes from Meeting with Public Interest Groups" dated 10/14/2010, 11:30am. Portions withheld are based on deliberative process.
10. Email chain titled "Fw: Physicians for Social Responsibility request to meet with Bob S – recommendation" dated 4/20/2012, 11:11am. Portions withheld are based on deliberative process and attorney-client privileges.
11. Email chain titled "Re: FYI: letter requesting 5 EPA public hearings on CCR proposed rule" dated 5/13/2010, 3:13pm. Portions withheld are based on deliberative process.
12. Email chain titled "Re: Re[2]: 4 states for public hearings on CCR proposed rule = IL, MI, NC, OH" dated 5/14/2010, 8:02am. Portions withheld are based on deliberative process.
13. Email chain titled "Re: Roane County, Tennessee Citizen's Hearings on the proposed coal combustion residual's rule (Scheduled for September 2, 2010 in Harriman TN)" dated 8/24/2010 6:14pm. Portions withheld are based on deliberative process.
14. Email chain titled "Fw: Center for Public Integrity Report on another 19 coal ash related damage cases" dated 12/12/2011, 6:26pm. Portions withheld are based on deliberative process.
15. Email chain titled "Fw: New report on coal ash" dated 2/2/2011, 9:38am. Portions withheld are based on deliberative process.
16. Email chain titled "BU Methodology Calls" dated 7/9/2012, 8:43am. Portions withheld are based on deliberative process.
17. Email chain titled "Fw: Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines" dated 5/22/2012, 8:38pm. Portions withheld are based on deliberative process.
18. Email chain titled "Re:Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines" from dated 5/23/2012, 9:48am. Portions withheld are based on deliberative process.

19. Email chain titled "Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines" from dated 5/23/2012, 2:48pm. Portions withheld are based on deliberative process.

This letter concludes the response of ORCR and OSWER to your request. You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, NW (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue NW, Room 6416J, Washington, DC 20001.

If you have any questions concerning this response please contact Mary Jackson of my staff at 703-308-8453.

Sincerely,



Betsy Devlin, Director  
Materials Recovery and Waste Management Division

cc: Valerie Ward  
Enclosure(s)





**Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials**

**Lana Suarez** to: Mary Jackson

08/08/2012 02:18 PM

From: Lana Suarez/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

History: This message has been forwarded.

----- Forwarded by Lana Suarez/DC/USEPA/US on 08/08/2012 02:17 PM -----

From: Matt Hale/DC/USEPA/US  
To: John Sager/DC/USEPA/US@EPA  
Cc: Thea Mcmanus/DC/USEPA/US@EPA, Truett Degeare/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Maria Vickers/DC/USEPA/US@EPA, Lana Suarez/DC/USEPA/US@EPA, Kelly Greene/DC/USEPA/US@EPA, Betsy Smidinger/DC/USEPA/US@EPA  
Date: 07/10/2009 02:29 PM  
Subject: Re: Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials

Thanks. Matt

John Sager

Thanks for talking with me and Thea this afterno...

07/09/2009 04:27:57 PM

From: John Sager/DC/USEPA/US  
To: Matt Hale/DC/USEPA/US@EPA  
Cc: Thea Mcmanus/DC/USEPA/US@EPA, Truett Degeare/DC/USEPA/US@EPA  
Date: 07/09/2009 04:27 PM  
Subject: Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials

— Forwarded by John Sager/DC/USEPA/US on 07/09/2009 04:16 PM —

From: Robert Spoerri <rspoerri@beneficialreuse.com>  
To: "thadams@acaa-usa.org" <thadams@acaa-usa.org>, "janderson@greenleafadvisors.net" <janderson@greenleafadvisors.net>, "chbenson@u.washington.edu" <chbenson@u.washington.edu>, Truett Degear/DC/USEPA/US@EPA, "levans@earthjustice.org" <levans@earthjustice.org>, "kfendler@environmentalintegrity.org" <kfendler@environmentalintegrity.org>, "fitzkrc@aol.com" <fitzkrc@aol.com>, "dave@dcgoss.com" <dave@dcgoss.com>, Matt Hale/DC/USEPA/US@EPA, "jason.harrington@dot.gov" <jason.harrington@dot.gov>, "kinch.rich@epa.gov" <kinch.rich@epa.gov>, Paul Koziar <pkoziar@beneficialreuse.com>, John Sager/DC/USEPA/US@EPA, "eschaeffer@environmentalintegrity.org" <eschaeffer@environmentalintegrity.org>, "psimms@nrdc.org" <psimms@nrdc.org>, Betsy Smidinger/DC/USEPA/US@EPA, Robert Spoerri <rspoerri@beneficialreuse.com>, Mathy Stanislaus/DC/USEPA/US@EPA, "jeffreystant@sbcglobal.net" <jeffreystant@sbcglobal.net>, "bwaldrop@fcsi.biz" <bwaldrop@fcsi.biz>  
Date: 07/01/2009 04:01 PM  
Subject: Meeting re: use of coal combustion byproducts as geotechnical construction materials

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I am pleased to invite you to join a discussion on the Beneficial Reuse of Coal Combustion By-Products as Geotechnical Construction Material on July 29 from noon – 4pm. The meeting will be held at the offices of the Environmental Integrity Project, located at 1920 "L" Street NW Suite 800, Washington, DC. Thanks very much to Eric Schaeffer for hosting the session, and to Kate Fendler at EIP for helping facilitate the conference.

The meeting's objective is to advance a shared technical understanding of the beneficial reuse of coal combustion byproducts as geotechnical construction material. A draft agenda and list of invited participants is attached. Please contact me with any questions, suggestions or comments.

Please RSVP to me with a copy to Kate Fendler ([kfendler@environmentalintegrity.org](mailto:kfendler@environmentalintegrity.org)) at EIP. We look forward to working together with you to advance the environmental and economic benefits that can be gained from beneficial reuse of byproduct materials in a safe and appropriate way.

Sincerely,

Bob Spoerri



212 W. Superior St., Suite 402  
Chicago, IL 60654  
Direct phone: 312-784-0303  
[www.beneficialreuse.com](http://www.beneficialreuse.com)

7-29-09 CCP Conference.pdf



**Fw: Outline of our OMB approach**  
**Richard Benware** to: Mary Jackson

08/13/2012 12:13 PM

From: Richard Benware/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
History: This message has been forwarded.

=====  
Richard Benware  
Program Analyst, U.S. EPA  
Economics & Risk Assessment Staff  
1200 Pennsylvania Ave, NW  
Mail Code 5305-P  
Washington, DC 20460  
benware.richard@epa.gov  
Phone: 703.308.0436  
Fax: 703.308.0509  
=====

----- Forwarded by Richard Benware/DC/USEPA/US on 08/13/2012 12:13 PM -----

From: Becky Cuthbertson/DC/USEPA/US  
To: Alexander Livnat/DC/USEPA/US@EPA  
Cc: Richard Benware/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Lee Hofmann/DC/USEPA/US@EPA  
Date: 12/15/2009 12:50 PM  
Subject: Re: Fw: Outline of our OMB approach

Alexander Livnat | I understand - please address more fully when y... | 12/11/2009 01:48:32 PM

From: Alexander Livnat/DC/USEPA/US  
To: Becky Cuthbertson/DC/USEPA/US@EPA  
Cc: Richard Benware/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA  
Date: 12/11/2009 01:48 PM  
Subject: Re: Fw: Outline of our OMB approach

I understand - please address more fully when you have the time.

Thanks,

Alex Livnat, Ph.D  
Materials Recovery and Waste Management Division  
Office of Resource Conservation and Recovery  
US EPA (MC: 5304P)  
1200 Pennsylvania Ave, NW  
Washington, DC 20460-0001

Tel: (703) 308-7251  
Fax: (703) 605-0595  
Email: livnat.alexander@epa.gov

Delivery address: Two Potomac Yard (North Bldg)  
2733 South Crystal Drive (N-5824)  
Arlington, VA 22202

Becky Cuthbertson Alex, I'm crunching on a discounted/nondiscoun... 12/11/2009 01:44:11 PM

From: Becky Cuthbertson/DC/USEPA/US  
To: Alexander Livnat/DC/USEPA/US@EPA  
Cc: Richard Benware/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA  
Date: 12/11/2009 01:44 PM  
Subject: Re: Fw: Outline of our OMB approach

Alex,  
I'm crunching on a discounted/nondiscounted annualized risk spreadsheet for Matt H right now (and for much of the rest of today)  
so I only have the briefest of time to react to this: I

Alexander Livnat Attached (at the bottom of this chain) please find... 12/11/2009 01:29:32 PM

From: Alexander Livnat/DC/USEPA/US  
To: Becky Cuthbertson/DC/USEPA/US@EPA  
Cc: Richard Benware/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA  
Date: 12/11/2009 01:29 PM  
Subject: Fw: Outline of our OMB approach

Attached (at the bottom of this chain) please find a pdf file focusing on the nexus between selenium and biological deformities in fish, written by Lemly, including an exhaustive reference list.

There is a fish advisory/selenium issue on which I'll appreciate your feedback:

Three of our 27 proven damage cases involve fish advisories issued in the 1990s by the Texas health authorities for large, cooling water ponds that accepted (some by design, others - by accident) discharges from CCR surface impoundments; the selenium standard on which these fish advisories were issued was 2 ppm (dry weight). Early this Century, Texas has amended their selenium standard to 6 ppm (dry weight), based on which they have rescinded all three fish advisories. Rich has gathered the following information from Texas state sources:

EPA chronic oral RfD: 0.005 mg/kg-day  
ATSDR chronic oral MRL: 0.005 mg/kg-day  
NAS NAS UL: 0.400 mg/day (0.005 mg/kg-day)  
RfD or MRL/2: (0.005 mg/kg - day/2= 0.0025 mg/kg-day) to account for other sources of selenium in the diet.

Thanks,

Alex Livnat, Ph.D  
Materials Recovery and Waste Management Division  
Office of Resource Conservation and Recovery  
US EPA (MC: 5304P)  
1200 Pennsylvania Ave, NW  
Washington, DC 20460-0001  
Tel: (703) 308-7251  
Fax: (703) 605-0595  
Email: livnat.alexander@epa.gov

Delivery address: Two Potomac Yard (North Bldg)  
2733 South Crystal Drive (N-5824)  
Arlington, VA 22202

— Forwarded by Alexander Livnat/DC/USEPA/US on 12/11/2009 11:49 AM —

From: Richard Mattick/DC/USEPA/US  
To: Richard Kinch/DC/USEPA/US@EPA, Alexander Livnat/DC/USEPA/US@EPA  
Cc: Betsy Devlin/DC/USEPA/US@EPA  
Date: 12/11/2009 11:40 AM  
Subject: Fw: Outline of our OMB approach

FYI. Materials for the Dec. 16th 12866 meeting

Richard Mattick, M.S., J.D.  
Policy Team Leader (Acting)  
Policy Analysis and Regulatory Management Staff  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
1200 Pennsylvania Ave, NW. (MC 5103T)  
Washington, DC 20460  
Ph: 202-566-1926 Fax:202-566-1934

— Forwarded by Richard Mattick/DC/USEPA/US on 12/11/2009 11:38 AM —

From: "Higgins, Cortney" <Cortney\_Higgins@omb.eop.gov>  
To: Richard Mattick/DC/USEPA/US@EPA  
Cc: Thomas Gillis/DC/USEPA/US@EPA  
Date: 12/11/2009 11:33 AM  
Subject: FW: Outline of our OMB approach



Hi Richard,

We have received the following materials in advance of the meeting today. These materials will be placed in our docket, and consistent with our guidelines I am sharing them with EPA.

Regards,  
Cortney

**From:** Echols, Mabel E.  
**Sent:** Friday, December 11, 2009 11:26 AM  
**To:** Higgins, Cortney  
**Subject:** FW: Outline of our OMB approach

**From:** Jeff Stant [mailto:jeffreystant@sbcglobal.net]  
**Sent:** Friday, December 11, 2009 11:21 AM  
**To:** hopkinsw@vt.edu  
**Cc:** Echols, Mabel E.  
**Subject:** Fw: Outline of our OMB approach

Bill:

Below is the outline of our presentation today. There is likely no way that we will make all of these points in the 30-45 minutes that OMB grants for the meetings (that's what they say, but actually both meetings we've had with them to date, went over that amount of time to around one hour). I have attached the material that Dennis and Chris have put together for these meetings also. Also, Donna Lisenby of Appalachian Voices may come to next Wednesday's meeting.

One more thing is that we need for you to send your social security number and birth date to Mabel Echols at OMB ASAP as information OMB requires for you to participate in any meeting with them.

Mabel's email is [Mabel E. Echols@omb.eop.gov](mailto:Mabel_E_Echols@omb.eop.gov). I will email her to tell her that you are coming to the Wednesday, 2:pm, December 16 meeting.

I'll be back in touch.

Jeff Stant  
Director, Coal Combustion Waste Initiative  
Environmental Integrity Project  
5819 Lowell Avenue  
Indianapolis, IN 46219

jeffreystant@sbcglobal.net

jstant@environmentalintegrity.org  
phone: 317-359-1306  
cell: 317-331-3607

----- Forwarded Message -----

**From:** Jeff Stant <jeffreystant@sbcglobal.net>

**To:** dlemly@fs.fed.us; rowe@cbl.umces.edu; Chuck Norris <cnorris@geo-hydro.com>; donna@appvoices.org

**Cc:** Eric Schaeffer <eschaeffer@environmentalintegrity.org>; levans@earthjustice.org

**Sent:** Thu, December 10, 2009 7:57:50 AM

**Subject:** Outline of our OMB approach

As we discussed in yesterday's meeting, the following sums up our approach to the OMB this Friday and next Wednesday. We arrange to have Dennis listen to the meeting on conference phone to prep for the meeting next Wednesday that he and Eric and possibly Donna will do.

1) Coal combustion waste is a toxic waste that is causing serious damage to the environment, ecosystems, aquatic life, livestock, people and their water supplies where ever its been disposed. The purpose of RCRA is to prevent that damage, to prevent imminent and substantial endangerment to people and the environment. Failure to do so is what has lead to the legacy of superfund sites throughout America and the tremendous costs necessary to contain the pollution at those sites and clean them up. We hand out Dennises report to drive home this message in and after the meeting.

Who drives home this opening point is not clear. Me?

2) Whereever we have established monitoring that can tell what coal combustion waste is doing in the environment, we have found that this damage is occurring. Not only to water supplies, but to fish, amphibians, and other aquatic and bird life that live in the vicinity of coal combustion waste sites. Inadequate monitoring or the absence of monitoring entirely is only allowing this damage to occur unnoticed. Some of the worse damage is occurring at dry sites, such as the golf course at Chesapeake, VA, the quarries at Gambrils, MD and the landfill in Pines, IN. Chuck will drive home this point.

3) Selenium is a classic redflag contaminant in this damage, but the arsenic, vanadium, thallium, lead, cadmium, antimony, chromium, boron, nickel and molybdenum and other metals as well as the pH, sulfate, chloride, and other salts are also concentrated and leachable in coal combustion waste and cause serious damage. Not only to water supplies, but to fish, amphibians, reptiles and other aquatic life as well as bird life, mammals and livestock that live or graze in the

vicinity of coal combustion waste sites. Chris Rowe will drive home this point, bringing in the sampling of life mentioned in the previous point.

4) The cost to clean up this damage is a huge liability that RCRA was passed to ensure that taxpayers, our government and the public in America were not saddled with. The TVA cleanup is the classic example but its just one and won't be the last unless we put minimum requirements in place that states have to meet to prevent this damage. This liability will only increase as more emission controls increase the toxicity and volume of coal combustion wastes. Requiring the industry instead of taxpayers to pay to prevent this pollution from occurring NOW is the only means for keeping this liability from mushrooming. Such regulation will also encourage more recycling of coal combustion waste than has ever occurred to date. I can drive home this point -- its pretty much a repeat of #1. So if we do that right, we may jettison this as time will be running out.

Please give me any rxns and prepare your presentations.

Thanks,

Jeff Stant  
Director, Coal Combustion Waste Initiative  
Environmental Integrity Project  
5819 Lowell Avenue  
Indianapolis, IN 46219

jeffreystant@sbcglobal.net  
jstant@environmentalintegrity.org  
phone: 317-359-1306  
cell: 317-331-3607 [attachment "CoalCombustionWasteReport-to-OMB.pdf"  
deleted by Becky Cuthbertson/DC/USEPA/US] [attachment "Testimony to OMB  
impacts of coal ash november 2009.doc" deleted by Becky  
Cuthbertson/DC/USEPA/US]

**COAL COMBUSTION WASTE IS A DEADLY POISON TO FISH**

prepared by

A. Dennis Lemly  
Research Professor of Biology  
Wake Forest University  
Winston-Salem, NC 27109

prepared for

United States Office of Management and Budget  
Washington, DC

December 8, 2009

## What makes coal combustion waste so hazardous to fish?

Coal wastes contain the trace element selenium, which causes severe reproductive impacts on fish. The basis for this toxicity is quite simple. Selenium is leached out of coal waste by rain or ash disposal water, dissolves into solution, and is carried into nearby lakes, rivers, and wetlands. From there it moves into the food chain and bioaccumulates in the organisms eaten by fish, birds, and other animals that utilize aquatic habitats (Figure 1). By consuming a contaminated diet, fish can further concentrate selenium in their tissues until it reaches over 5,000 times the original water concentration. However, even though they have an elevated level of selenium in their body, and some direct toxicity may result, the primary hazard of selenium is to developing embryos. Selenium consumed by parent fish is passed to their offspring in eggs, where it is highly concentrated in the yolk. When eggs hatch, larval fish absorb and metabolize selenium-laden yolk as a source of nutrition while they are developing. Selenium exerts its toxicity by preventing normal development of proteins and tissues. Visible symptoms of selenium poisoning include such things as skeletal deformities (teratogenic effects) and missing body parts (Figures 2-5, Lemly 1993b). Inside, a variety of tissue abnormalities occur in major organs (Sorensen 1986). Collectively, these symptoms will quickly kill a larval fish. The end result is reproductive failure which, over time, will cause fish populations to collapse. This mechanism of toxicity, in which adult fish can live relatively unaffected yet experience total reproductive failure, constitutes a particularly deceptive threat to fish health. The ease with which selenium moves from coal waste into aquatic systems, its propensity to bioaccumulate, and its insidious mode of toxicity combine to make coal waste a highly hazardous material (Lemly 2002b).

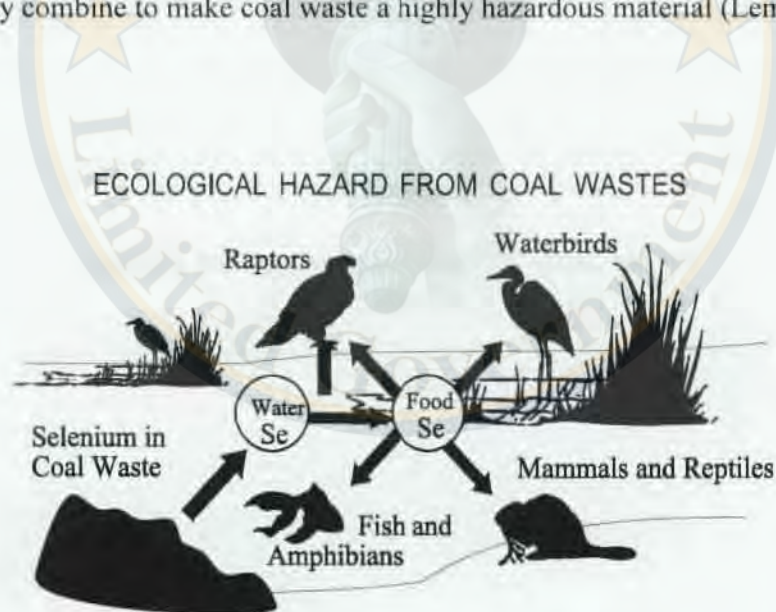


Figure 1. Pathways for selenium movement from coal wastes, bioaccumulation in food chains, and dietary exposure of fish and wildlife populations.



Figure 2. One of the most common and outwardly visible teratogenic effects of selenium in fish is deformity of the spine. Shown here are examples of dorso-ventral abnormalities (kyphosis and lordosis) caused by exposure to selenium in coal ash leachate water.

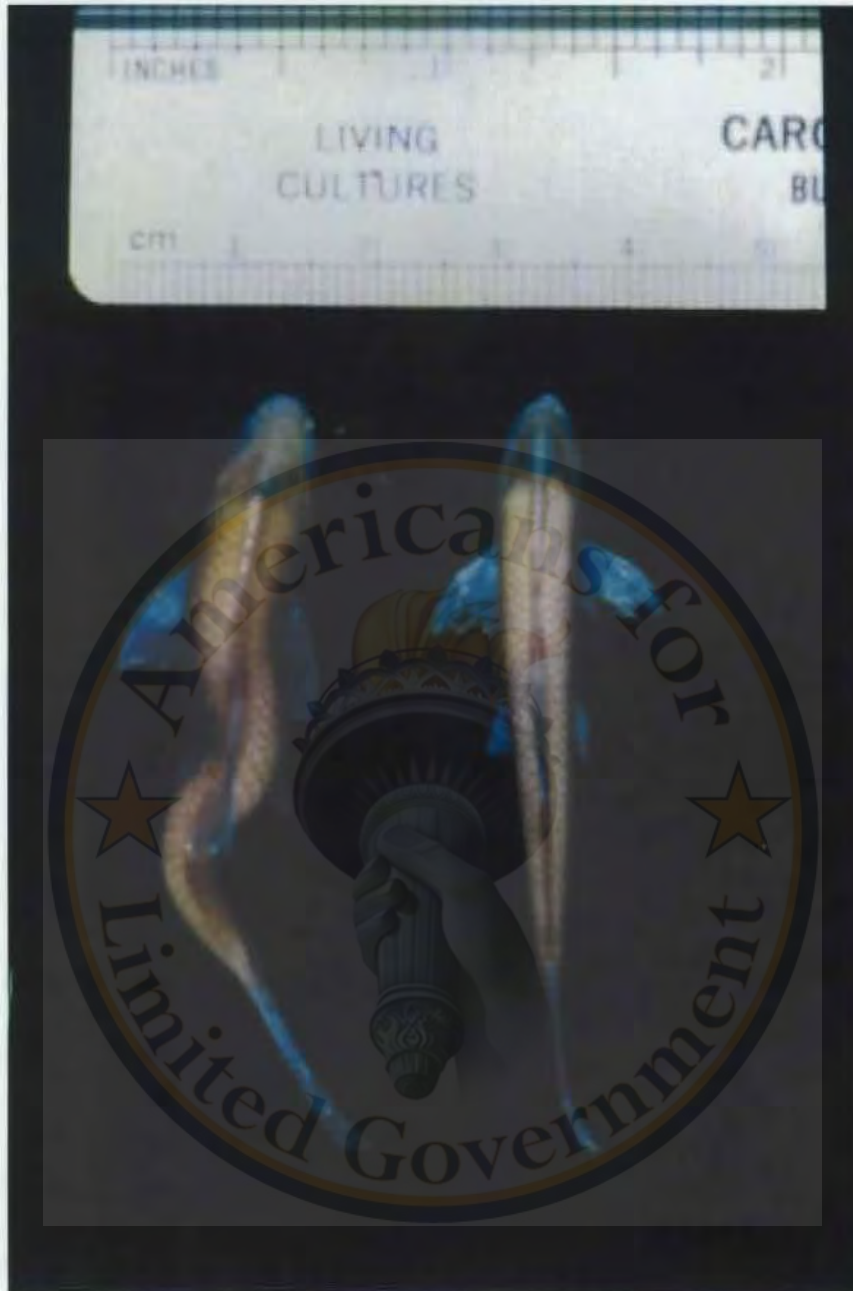


Figure 3. Lateral curvature of the spine (scoliosis) caused by exposure to selenium in coal ash leachate water. Individual on right is normal.

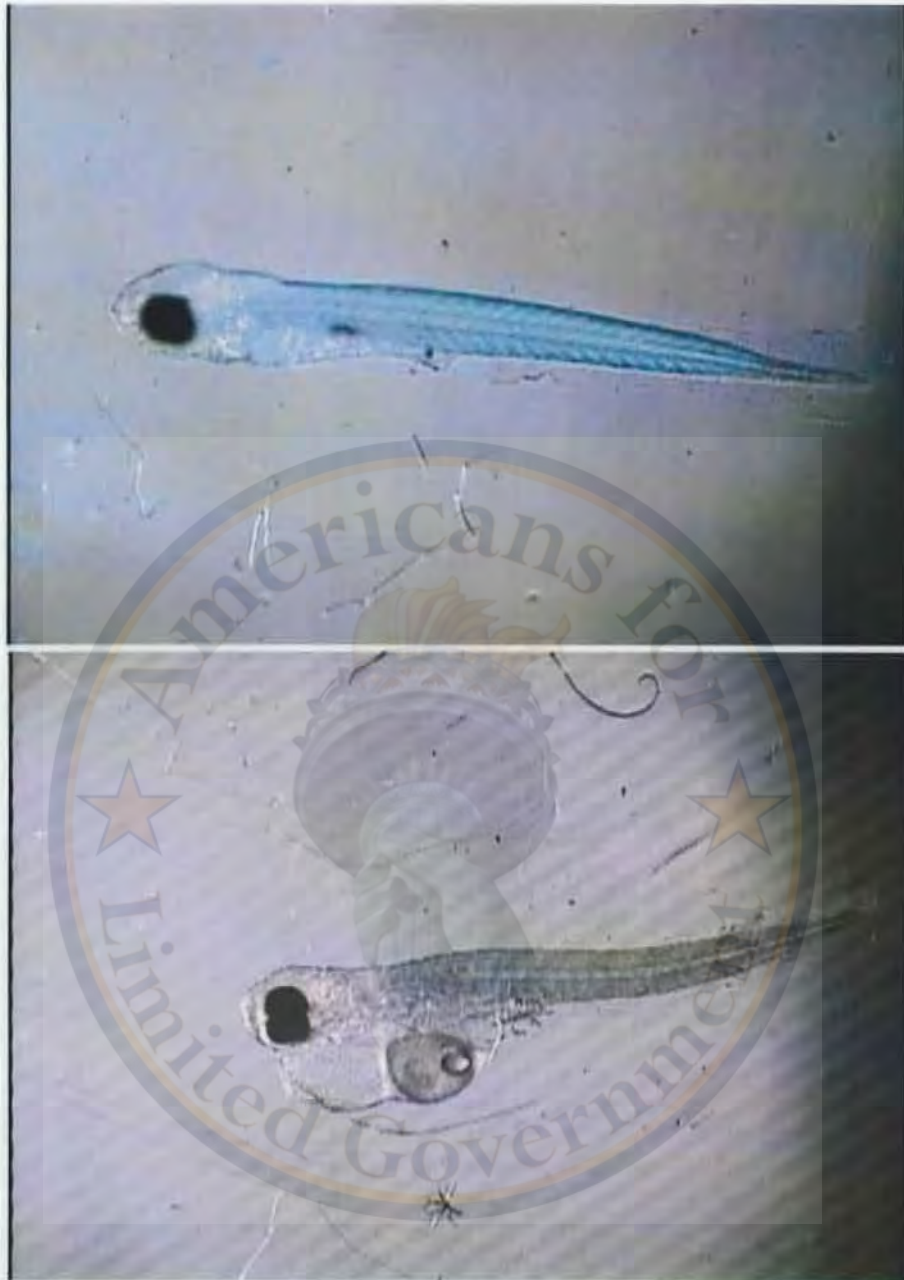


Figure 4. TOP: Typical fish larva showing normal eye development, straight spine, and complete yolk absorption with no evidence of edema or a swollen, deformed yolk sac. BOTTOM: Abnormal fish larva from parents exposed to selenium in coal waste. Note the distended, fluid-filled yolk sac (edema) and delayed yolk absorption. This individual also has dorso-ventral curvature of the spine (kyphosis) and deformed pectoral fins and eyes (both eyes are on the same side of the head). All of these abnormalities are characteristic biomarkers of selenium poisoning and will kill this fish.





Figure 5. TOP: Dorsal view of normal fish larva showing well developed pectoral fins and straight spine. BOTTOM: Dorsal view of abnormal fish larva from parents exposed to selenium in coal waste. Note deformed spine in "S" shape, typical of scoliosis due to selenium poisoning. This fish will die because it cannot swim or feed normally.

**What are the toxic concentrations of selenium to fish and what are the levels of selenium in coal combustion waste?**

Detailed field and laboratory investigations have determined that waterborne concentrations of selenium in the 1-5 ug/L (micrograms per liter or parts-per-billion) range can bioaccumulate and begin to cause reproductive failure in fish. The exact number is site-specific, and depends on the kind of aquatic system (stream, reservoir, wetland), its biological productivity, and the chemical form of selenium present in the water. Field case studies show that if waterborne selenium reaches 10 ug/L, complete reproductive failure and population collapse can occur in reservoirs, and reproduction may be reduced by 40% in streams (Cumbie and Van Horn 1978, Lemly 1985b, Gillespie and Baumann 1986, Hermanutz et al. 1993). In one particular case, 19 species of fish were totally eliminated over a period of 4 years due to reproductive failure (Lemly 2002b).

Concentrations of selenium in coal wastes are far greater than the toxic levels for fish (Figure 6). For example, the largest component of coal waste (fly ash) produces leachate and disposal water with up to 2,700 ug/L selenium (Lemly 1985a), a concentration that is several orders of magnitude greater than the range for toxic bioaccumulation in aquatic habitats.

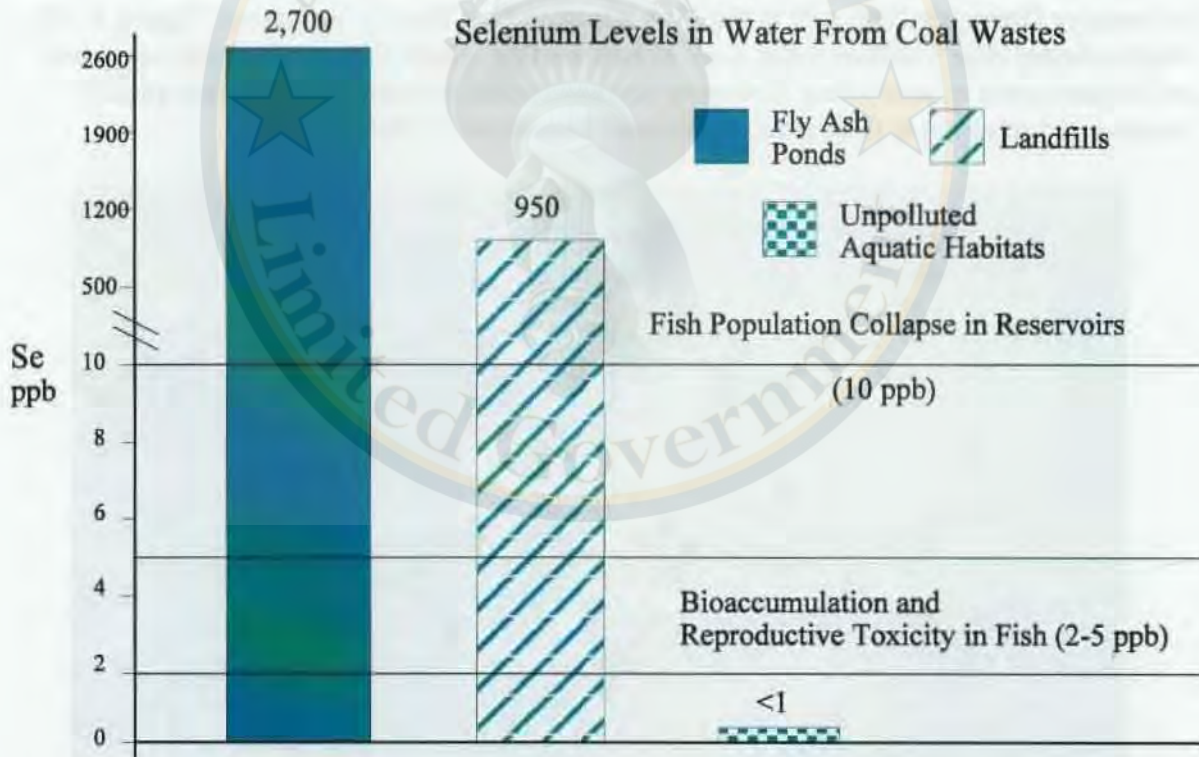


Figure 6. Levels of selenium emanating from coal waste relative to toxic levels for fish.

## How widespread is selenium poisoning associated with coal combustion waste?

Because adult fish may be unaffected by selenium concentrations that impair their ability to reproduce, reductions in spawning success or impacts to fish population must be determined by something more than routine monitoring surveys, that is, simply finding fish does not indicate the absence of selenium poisoning. Moreover, the residency status of fish must be known because movement patterns may bring uncontaminated individuals from other locations into the study area. These individuals would not exhibit the same selenium concentrations in tissues and associated reproductive failure as resident fish. Thus, proper assessment techniques must be applied in order to definitively evaluate selenium poisoning. In most locations where coal waste could be an issue, there has been either no fish health assessment at all, or the investigation did not look closely enough, using the proper evaluation techniques, to determine actual impacts. At sites where proper techniques were applied, numerous cases of impacts have been identified and documented (Figures 7-8). Moreover, the number of documented cases is growing rapidly. For example, the USEPA found that substantiated coal waste environmental damage cases more than doubled during the period 2000-2005 (USEPA 2005). These cases are spread across the nation and involve surface impoundments as well as landfills (Table 1), so the hazard and impact from coal waste is not limited to one disposal method. Since 2005 new cases have been steadily added to this unfortunate, but preventable, coal waste pollution legacy. The most remarkable of these is the massive December 2008 spill at the TVA Kingston Coal Plant in Tennessee (Figures 9-10), which released over 5 million cubic yards of coal ash (the largest US industrial spill on record) and contaminated an entire river ecosystem for many miles downstream. Fish have already accumulated selenium to toxic levels at this site (Babyak et al. 2009).

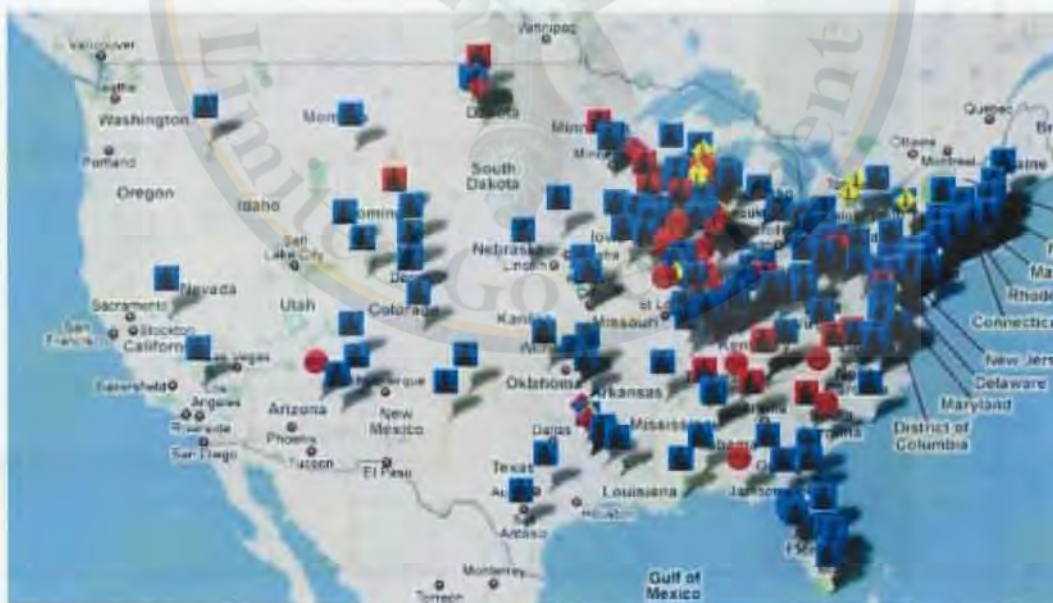


Figure 7. Coal combustion waste sites where toxicity to fish is suspected (blue), has been confirmed (red), and is also implicated in human health effects (yellow).



Figure 8. Multiple hazardous coal waste sites have been identified in some states. For example, North Carolina has 12 high hazard sites.

Table 1. Environmental Protection Agency proven environmental damage cases due to coal combustion wastes as of 2005.

Facility	Type	State
Vitale Fly Ash Pit	Landfill	MA
Salem Acres	Landfill	MA
Don Frame Trucking	Landfill	NY
PEPCO Faulkner Off-site Disposal Facility	Landfill	MD
VEPCO/Virginia Power Possum Plant	Surface Impoundment	VA
VEPCO/Virginia Power Chisman Creek	Landfill	VA
Chestnut Ridge Y-12 Steam Plant Operable Unit 2	Surface Impoundment	TN
Georgia Power Bowen	Surface Impoundment	GA
South Carolina E&G Canadys Plant	Landfill	SC
Savannah River Project	Surface Impoundment	SC
Belews Lake	Surface Impoundment	NC
Hyc0 Lake (CP&L Roxboro)	Surface Impoundment	NC
Lansing Board P&L North Lansing Landfill	Landfill	MI
Daryland Power Ash Pond - Cassville Site	Surface Impoundment	WI
WEPCO Highway 59 Landfill	Landfill	WI
Alliant Nelson Dewey	Landfill	WI
WEPCO Cedar Sauk Landfill	Landfill	WI
WEPCO Port Washington	Landfill	WI
Yard 520, Pines	Landfill	IN
Martin Creek Reservoir	Surface Impoundment	TX
Brady Branch Reservoir	Surface Impoundment	TX
Welsh Reservoir	Surface Impoundment	TX
Basin Electric W.J. Neal Station	Surface Impoundment	ND
Cooperative Power Association-United Power Coal Creek	Landfill	ND



Figure 9. Aerial view of the TVA Kingston Coal Plant Ash Disposal Basin shortly after the retaining dyke failed in December 2008, releasing over 5 million cubic yards of ash onto adjacent lands and into the Emory River. Prior to the spill, the intact ash pile was approximately one mile long and 50-100 feet deep.



Figure 10. View looking downstream into the Emory River shortly after the TVA Kingston Coal Plant ash spill in December 2008. The river is almost entirely plugged by coal ash. The Kingston Plant can be seen in the background.

## What is the outlook for the future?

Coal use continues to increase, as does the amount of waste that must be disposed. The track record we as a society have established tells us what the future will look like unless some fundamental and far reaching changes are made.....more pollution, more fish poisoning, more tabulating cases of management and disposal failures appended by scientist "I told you so's" and "should have done's". I, for one, do not want to continue investigating cases of selenium poisoning in fish from coal waste.....as I have repeatedly done for the past 30 years. There is no need for this. The information presented above, along with the scientific reports listed in Supplemental Information, provide clear, irrefutable evidence that coal combustion residues are a hazardous waste. They should be treated as such with respect to regulatory policy. Safeguarding the nation's water supply is of utmost importance. This can be done only if environmentally sound regulations governing the disposal and management of coal waste are established and enforced. Ironically, as we strive to make coal "cleaner" by removing particulates and airborne emissions, we simply add to the amount of ash and other residual wastes that must be disposed. With respect to fish health, there is no such thing as clean coal. The only long-term solution is to replace coal with alternative energy sources. Until we achieve this transition it is imperative that adequate regulatory controls are in place. EPA and the Office of Management and Budget can, and should, take the steps necessary to provide this control. The US needs to assert a leadership role in coal waste regulation, not only for the benefit of our nation, but also to set an example for other countries to follow with respect to their own coal waste management policies.

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### **SUPPLEMENTAL INFORMATION:**

This is a sampling of the many studies on environmental damage and risks to human health from power plant ash and other coal combustion wastes.

The scientific reports listed below provide clear evidence that coal combustion residues are a hazardous waste. That fact has been known for many years as indicated by the early publication dates (pre-1990) for much of this research.

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\* Thakre, R. and A.L. Aggrawal. 1993. Disposal of Ash from Thermal Power Stations on Land: Environmental Pathways and Mitigation Mechanisms. *Energy Environment Monitor* 9: 1-9.

\* Theis, T. L. and J. L. Wirth. 1977. Sorptive Behavior of Trace Metals on Fly Ash in Aqueous Systems. *Environ. Sci. and Technol* 11:1096-1100.

\* Theis, T. L., J. A. Ripp and J. F. Villaume. 1989. Physical and Chemical Characteristics of Unsaturated Pore Water and Leachate at a Fly Ash Disposal Site. P. 161-172. In 43 rd Purdue Industrial Waste Conf. Proc. Lewis Publishers, Chelsea , MI .

### **Ground/Drinking Water Contamination from Power Plant Waste Disposal:**

\* Cherkauer, D.S. 1980. The Effect of Fly Ash Disposal on a Shallow Ground-Water System. *Ground Water* 18(6):544-550.

\* Gschwend, P.M.; Backhus, D.A.; MacFarlane, J.K.; and A.L. Page. 1990. Mobilization of Colloids in Groundwater Due to Infiltration of Water at a Coal Ash Disposal Site. *Journal of Contaminant Hydrology*, 6: 307-320.

\* Hutton, M. and C. Symon. 1986. The Quantities of Cadmium, Lead, Mercury, and Arsenic Entering the U.K. Environment from Human Activities. *The Science of the Total Environment* 57: 129-50.

\* Kopsick, D.A. and E.E. Angino. 1981. Effect of Leachate Solutions from Fly and Bottom Ash on Groundwater Quality. *J. Hydrology* 54:341-356.

\* Riewe, T. 1995. The Ones That Gave Us Gray Hair. *Water Well Journal* 49 (n2): 29-31.

\* Spencer, L. and L.D. Drake. 1987. Hydrogeology of an Alkaline Fly Ash Landfill in Eastern Iowa . *Ground Water* 25 (n 5): 519-26.

\* Walia, A. and N. K. Mehra. 1998a. A Seasonal Assessment of the Impact of Coal Fly Ash Disposal on the River Yamuna, Dehli: I. Chemistry. *Water Air Soil Pollut.* 103:277-314.

\* U.S. EPA. Final Site Investigation Report, Groundwater Contamination, Township of Pines , Porter County , IN, Technical Direction Document No. S05-0204-013. December 30, 2002.

### **Human Health Impacts from Water Contamination by Power Plant Wastes:**

\* Agency for Toxic Substances and Disease Registry, Center for Disease Control, Health Consultation, Town of Pines Groundwater Plume, Town of Pines, Porter County, Indiana. June 14, 2002. [http://www.atsdr.cdc.gov/HAC/PHA/townpines/top\\_pl.html](http://www.atsdr.cdc.gov/HAC/PHA/townpines/top_pl.html).

## QUALIFICATIONS STATEMENT

Dr. A. Dennis Lemly

I have spent over 30 years investigating the effects of selenium pollution in aquatic ecosystems. I have extensive experience conducting field and laboratory research on selenium toxicology, primarily involving aquatic cycling, bioaccumulation, and effects on fish. These studies include intensive investigations of the two most substantial cases of selenium pollution that have taken place in the USA; (1) Belews Lake, North Carolina, where 19 species of fish were eliminated, and (2) Kesterson Marsh, California, where thousands of aquatic birds were poisoned. My career began in the late 1970's with studies of the landmark pollution event at Belews Lake, which established the fundamental principles of selenium bioaccumulation and reproductive toxicity in fish. In the 1980's, I was a research project manager for the U.S. Fish and Wildlife Service, directing studies that determined impacts of selenium from agricultural irrigation on aquatic life at Kesterson and in 14 other western states. In the 1990's, the emphasis of my research shifted to the development of methods and guidelines for hazard assessment and water quality criteria for selenium, which led to the publication of a reference book (see item 42 below). This handbook contains the first comprehensive assessment tools for evaluating selenium pollution on an ecosystem scale. I have consulted on selenium contamination issues around the world, including such problems as power plant discharges in Australia, gold mining effluents in Russia, agricultural irrigation drainage in Egypt, and landfill leachate in Hong Kong. I provide the methods and technical guidance necessary to identify, evaluate, and correct aquatic selenium problems before they become significant toxic threats to fish and wildlife populations. I have devised and applied techniques for protecting aquatic life in habitats from the Arctic to the tropics, and from high mountain streams to coastal lagoons. My selenium evaluation guidelines and water quality criteria recommendations have been adopted by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, 23 states and over 60 nations and provinces around the world. I have Masters and Doctorate degrees in biology from Wake Forest University.

### PUBLICATIONS ON SELENIUM:

1. Lemly, A.D. 1982. Response of juvenile centrarchids to sublethal concentrations of waterborne selenium: I. Uptake, tissue distribution, and retention. *Aquatic Toxicology* 2: 235-252.
2. Lemly, A.D. 1982. Determination of selenium in fish tissues with differential pulse polarography. *Environmental Technology* 3: 497-502.
3. Lemly, A.D. 1983. A simple activity quotient for detecting pollution-induced stress in fishes. *Environmental Technology* 4: 173-178.
4. Lemly, A.D. 1985. Ecological basis for regulating aquatic emissions from the power industry: The case with selenium. *Regulatory Toxicology and Pharmacology* 5: 465-486.
5. Lemly, A.D. 1985. Toxicology of selenium in a freshwater reservoir: Implications for environmental hazard evaluation and safety. *Ecotoxicology and Environmental Safety* 10:



- 314-338.
6. Lemly, A.D. 1986. Effects of selenium on fish and other aquatic life. Pages 153-162 in J.B. Anderson and S.S. Anderson, editors. *Toxic Substances in Agricultural Water Supply and Drainage: Defining the Problems*. U.S. Committee on Irrigation Drainage, Denver, CO.
  7. Lemly, A.D., and G.J. Smith. 1987. *Aquatic Cycling of Selenium: Implications for Fish and Wildlife*. Fish and Wildlife Leaflet 12. U.S. Fish and Wildlife Service, Washington, DC. 10 pages.
  8. Lemly, A.D. 1989. Cycling of selenium in the environment. Pages 113-123 in A.Q. Howard, editor. *Selenium and Agricultural Drainage: Implications for San Francisco Bay and the California Environment*. The Bay Institute of San Francisco, Tiburon, CA.
  9. Lemly, A.D., and G.J. Smith. 1991. Selenium in aquatic ecosystems: Potential impacts on fish and wildlife. In R.C. Severson, S.E. Fisher, Jr., and L.P. Gough, editors. *Proceedings of the Billings Land Reclamation Symposium on Selenium in Arid and Semiarid Environments, Western United States*. U.S. Geological Survey Circular 1064: 43-53.
  10. Lemly, A.D. 1993. Subsurface agricultural irrigation drainage: The need for regulation. *Regulatory Toxicology and Pharmacology* 17: 157-180.
  11. Lemly, A.D., S.E. Finger, and M.K. Nelson. 1993. Sources and impacts of irrigation drainwater contaminants in arid wetlands. *Environmental Toxicology and Chemistry* 12: 2265-2279.
  12. Lemly, A.D. 1993. Guidelines for evaluating selenium data from aquatic monitoring and assessment studies. *Environmental Monitoring and Assessment* 28: 83-100.
  13. Lemly, A.D. 1993. Teratogenic effects of selenium in natural populations of freshwater fish. *Ecotoxicology and Environmental Safety* 26: 181-204.
  14. Lemly, A.D. 1993. Metabolic stress during winter increases the toxicity of selenium to fish. *Aquatic Toxicology* 27: 133-158.
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  16. Lemly, A.D. 1994. Irrigated agriculture and freshwater wetlands: A struggle for coexistence in the western United States. *Wetlands Ecology and Management* 3: 3-15.
  17. Lemly, A.D. 1995. A protocol for aquatic hazard assessment of selenium. *Ecotoxicology and Environmental Safety* 32: 280-288.
  18. Lemly, A.D. 1996. Selenium in aquatic organisms. Chapter 19 (pages 427-445) in W.N. Beyer, G.H. Heinz, and A.W. Redmon-Norwood, editors. *Environmental Contaminants in Wildlife: Interpreting Tissue Concentrations*. Lewis Publishers, Boca Raton, FL.
  19. Lemly, A.D. 1996. Winter Stress Syndrome: An important consideration for hazard assessment of aquatic pollutants. *Ecotoxicology and Environmental Safety* 34: 223-227.
  20. Lemly, A.D. 1996. Identifying and reducing environmental risks from agricultural irrigation drainage in developing countries. *Proceedings of the World Congress of Toxicology in Developing Countries* 3: 177-190.
  21. Lemly, A.D. 1996. Assessing the toxic threat of selenium to fish and aquatic birds. *Environmental Monitoring and Assessment* 43: 19-35.

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24. Lemly, A.D. 1997. Ecosystem recovery following selenium contamination in a freshwater reservoir. *Ecotoxicology and Environmental Safety* 36: 275-281.
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36. Lemly, A.D. 1999. Selenium impacts on fish: An insidious time bomb. *Human and Ecological Risk Assessment* 5: 1139-1151.
37. Lemly, A.D., R.T. Kingsford, and J.R. Thompson. 2000. Irrigated agriculture and wildlife conservation: Conflict on a global scale. *Environmental Management* 25: 485-512.
38. Lemly, A.D. 2001. Irrigation-induced demise of wetlands. Pages 399-410 in R.E. Munn and I. Douglas, editors. *Global Environmental Change, Volume 3: Causes and Consequences of Global Environmental Change*. John Wiley & Sons Ltd., Chichester, United Kingdom.

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**Testimony to OMB – Impacts of Coal Combustion Wastes, 11 November 2009**  
**Dr. Christopher Rowe, University of Maryland Center for Environmental Science**

*Besides Selenium, many other contaminants are substantially elevated in coal ash relative to non-impacted systems.*

– Contaminants typically elevated in sediment, water, and organisms include, but are not limited to: **As, Cd, Cr, Cu, Ni, Pb, V, Zn**

– Perhaps most concerning is the accumulation of these elements in animal tissues, which in many cases has been shown to have biological impacts.

For example, tadpoles collected from ash retention ponds and a downstream swamp contained **20 x more As, 11 x more Cd, and 4 x more Cr** than those from nearby uncontaminated areas.

> **98 %** of these animals (of nearly 1000 collected), displayed **developmental malformations** of the mouth which **restricted feeding and growth**, as well as spinal **malformations** similar to the fish in Dr. Lemly's studies.

Accumulation in tissues, developmental, metabolic, and/or reproductive toxicity have also been linked to these compounds in **shrimp, crayfish, fish, other amphibians, snakes, turtles, alligators, and birds.**

*An issue that cannot go unnoticed is that these systems can act as **"Population Sinks."***

Annual use of the systems for breeding which, as we have shown with one species (toads), results in **mortality of all the offspring.**

This continual loss of offspring leads to **reduced populations**, which can only be sustained by **migration from other populations.** In other words, the **ash sites "steal" healthy animals from other, uncontaminated areas** where they themselves suffer the same fate. = a **"reproductive black hole"**.

Testimony to OMB – Report of Coal Combustion Wastes, 11 November 2009  
Dr. Christopher Rowe, University of Maryland Center for Environmental Science

besides Selenium, many other contaminants are substantially elevated in  
coal ash relative to non-impacted systems.

–Contaminants typically elevated in sediment, water, and organisms include, but  
are not limited to: As, Cd, Cr, Cu, Hg, Pb, V, Zn

–Factors most relevant to the occurrence of these elements in animals  
include, which in many cases are linked to their physical biology.

For example, Selenium is a micronutrient for many animals and a  
downstream contaminant of concern. It is elevated in sediment, water, and  
organisms in many areas of the Chesapeake Bay.

> 90% of the selenium for the 1000+ species of birds and mammals  
measured in the Chesapeake Bay is derived from the sediment, as well as  
aquatic organisms such as the blue crab, *Callinectes sapidus*.

Accumulation of selenium in birds and mammals is usually toxic  
and has been linked to reproductive failure, including reduced fertility,  
embryonic death, and other effects.

An issue that cannot be ignored is that selenium can act as  
"population sink."

Annual use of the system for breeding which, as we have shown with our  
species (birds), results in mortality of all the offspring.

This continual loss of offspring leads to reduced populations, which can only be  
maintained by migration from other populations. In other words, the only way  
"dead" healthy animals from other, uncontaminated areas where they  
transferred to the same lake = a "reproductive black hole."





**Fw: Administrator Jackson Meeting Request: January 10, 12 or 19**

**Mathy Stanislaus** to: Mary Jackson

08/03/2012 11:08 AM

Sent by: **Shawna Bergman**

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:08 AM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Daniel Gerasimowicz/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Cc: Heidi Ellis/DC/USEPA/US@EPA  
Date: 12/22/2010 04:25 PM  
Subject: Re: Administrator Jackson Meeting Request: January 10, 12 or 19

↳ Daniel Gerasimowicz

----- Original Message -----

**From:** Daniel Gerasimowicz  
**Sent:** 12/22/2010 03:59 PM EST  
**To:** Bob Sussman; Mathy Stanislaus  
**Cc:** Heidi Ellis

**Subject:** Fw: Administrator Jackson Meeting Request: January 10, 12 or 19

Hi Bob and Mathy -

This just came in - I've noted that we would not be able to provide a determination as to the Administrator's availability until the first week in Jan (due to the holiday), but could you please respond to this email with your recommendation as to whether the Administrator should accept this meeting, or is it more appropriate for Staff/OSWER?

Thank you very much!

— Forwarded by Daniel Gerasimowicz/DC/USEPA/US on 12/22/2010 03:57 PM —

From: Emily Enderle <eenderle@earthjustice.org>  
To: Daniel Gerasimowicz/DC/USEPA/US@EPA  
Date: 12/22/2010 03:54 PM  
Subject: Administrator Jackson Meeting Request: January 10, 12 or 19

Hi Daniel,

I'm writing to request a meeting with Administrator Jackson on behalf of Earthjustice, Environmental Integrity Project, Environmental Justice Resource Center at Clark-Atlanta University, Hip Hop Caucus, Natural Resources Defense Council, Physicians for Social Responsibility, Sierra Club and the Southern Environmental Law Center. We'd like to discuss issues relating to the coal ash rule-making. Dr. Robert Bullard from the Environmental Resource Center at Clark-Atlanta will be coming to town, so January 10,

12 or 19th would work best. We greatly appreciate your consideration and I'd be happy to provide any additional information you'd find helpful.

Thank you,  
Emily

---

Emily Enderle  
Legislative Representative  
Earthjustice  
1625 Massachusetts Ave., NW  
Suite 702  
Washington, DC 20036  
T: 202-667-4500 ext. 201  
C: 202-253-2397  
F: 202-667-2356  
[www.earthjustice.org](http://www.earthjustice.org)





**Fw: Administrator Jackson Meeting Request: January 10, 12 or 19**

**Mathy Stanislaus** to: Mary Jackson

08/03/2012 10:47 AM

Sent by: **Shawna Bergman**

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:47 AM —

From: Bob Sussman/DC/USEPA/US  
To: Daniel Gerasimowicz/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Heidi Ellis/DC/USEPA/US@EPA  
Date: 12/22/2010 04:18 PM  
Subject: Re: Administrator Jackson Meeting Request: January 10, 12 or 19

----- Original Message -----

**From:** Daniel Gerasimowicz

**Sent:** 12/22/2010 03:59 PM EST

**To:** Bob Sussman; Mathy Stanislaus

**Cc:** Heidi Ellis

**Subject:** Fw: Administrator Jackson Meeting Request: January 10, 12 or 19

Hi Bob and Mathy -

This just came in - I've noted that we would not be able to provide a determination as to the Administrator's availability until the first week in Jan (due to the holiday), but could you please respond to this email with your recommendation as to whether the Administrator should accept this meeting, or is it more appropriate for Staff/OSWER?

Thank you very much!

— Forwarded by Daniel Gerasimowicz/DC/USEPA/US on 12/22/2010 03:57 PM —

From: Emily Enderle <eenderle@earthjustice.org>  
To: Daniel Gerasimowicz/DC/USEPA/US@EPA  
Date: 12/22/2010 03:54 PM  
Subject: Administrator Jackson Meeting Request: January 10, 12 or 19

Hi Daniel,

I'm writing to request a meeting with Administrator Jackson on behalf of Earthjustice, Environmental Integrity Project, Environmental Justice Resource Center at Clark-Atlanta University, Hip Hop Caucus, Natural Resources Defense Council, Physicians for Social Responsibility, Sierra Club and the Southern Environmental Law Center. We'd like to discuss issues relating to the coal ash rule-making. Dr. Robert Bullard from the Environmental Resource Center at Clark-Atlanta will be coming to town, so January 10, 12 or 19th would work best. We greatly appreciate your consideration and I'd be happy to provide any

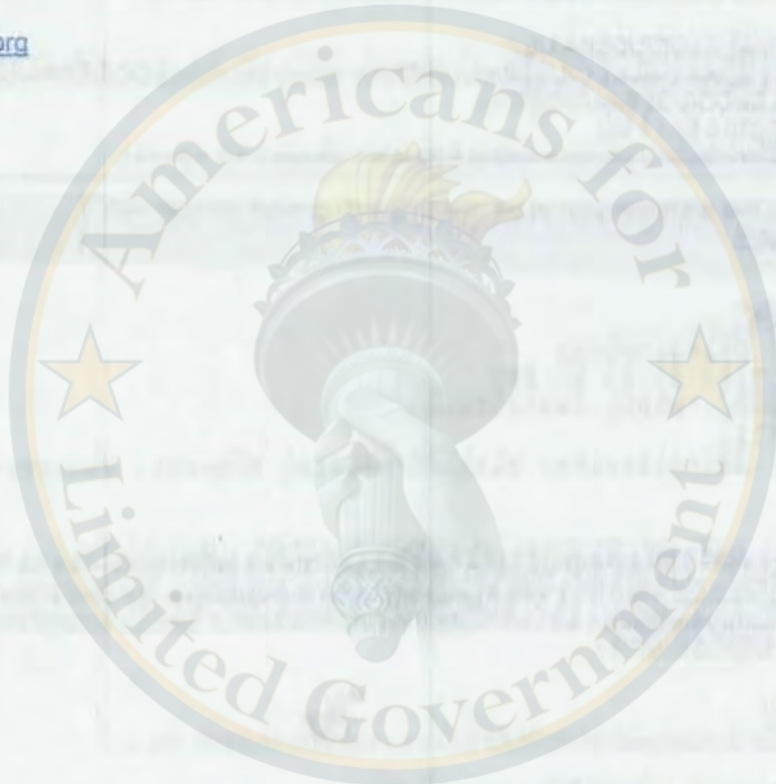


additional information you'd find helpful.

Thank you,  
Emily

---

Emily Enderle  
Legislative Representative  
Earthjustice  
1625 Massachusetts Ave., NW  
Suite 702  
Washington, DC 20036  
T: 202-667-4500 ext. 201  
C: 202-253-2397  
F: 202-667-2356  
[www.earthjustice.org](http://www.earthjustice.org)





**Fw: Meeting with Directors of Sierra Club, Environmental Integrity Project, Earthjustice, and Natural Resources Defense Council to discuss the issue of coal ash**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:56 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

**Mathy Stanislaus**  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:56 AM —

From: Lisa Feldt/DC/USEPA/US  
To: Shawna Bergman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Cc: David McIntosh/DC/USEPA/US@EPA, Noah Dubin/DC/USEPA/US@EPA, KarenL Martin/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA  
Date: 05/16/2011 12:52 PM  
Subject: Re: Meeting with Directors of Sierra Club, Environmental Integrity Project, Earthjustice, and Natural Resources Defense Council to discuss the issue of coal ash

I'd suggest we hold off on recommendation until after we have meeting with Administrator next Monday.  
Lisa

Shawna Bergman

----- Original Message -----

**From:** Shawna Bergman  
**Sent:** 05/16/2011 12:25 PM EDT  
**To:** Arvin Ganesan  
**Cc:** David McIntosh; Noah Dubin; KarenL Martin; Mathy Stanislaus; Lisa Feldt; Barry Breen  
**Subject:** Re: Meeting with Directors of Sierra Club, Environmental Integrity Project, Earthjustice, and Natural Resources Defense Council to discuss the issue of coal ash  
Looping Mathy into the conversation about requested meeting with enviros about coal ash schedule.

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

Arvin Ganesan

Back at my desk. This is with Beineicke, Brune,...

05/16/2011 12:15:45 PM

From: Arvin Ganesan/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA  
Cc: Noah Dubin/DC/USEPA/US@EPA, KarenL Martin/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA  
Date: 05/16/2011 12:15 PM  
Subject: Re: Meeting with Directors of Sierra Club, Environmental Integrity Project, Earthjustice, and Natural Resources Defense Council to discuss the issue of coal ash

Back at my desk.

ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

David McIntosh      I don't think she needs to do this. Arvin? From:...      05/16/2011 11:51:11 AM

From: David McIntosh/DC/USEPA/US  
To: Noah Dubin/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, KarenL Martin/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA  
Date: 05/16/2011 11:51 AM  
Subject: Re: Meeting with Directors of Sierra Club, Environmental Integrity Project, Earthjustice, and Natural Resources Defense Council to discuss the issue of coal ash

Arvin?

Noah Dubin      Shawna, David, and Arvin, Please give the Sche...      05/16/2011 11:02:35 AM

From: Noah Dubin/DC/USEPA/US  
To: Shawna Bergman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Cc: KarenL Martin/DC/USEPA/US@EPA  
Date: 05/16/2011 11:02 AM  
Subject: Meeting with Directors of Sierra Club, Environmental Integrity Project, Earthjustice, and Natural Resources Defense Council to discuss the issue of coal ash

Shawna, David, and Arvin,

Please give the Scheduling Office your thoughts on this meeting request when you have a chance.

Thanks,

Noah

Description/Purpose

No date specified - dummy date entered

Tentative Date      from      to      EPA Org:  
06/15/2011

Original Request (use Notes Viewer and set magnification (View, Magnification) to Fit Width)

## **Earthjustice ♦ Environmental Integrity Project ♦ Natural Resources Defense Council ♦ Sierra Club**

May 9, 2011

The Honorable Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mail Code: 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

We greatly appreciated your 2009 commitment to establish timely, protective and effective standards for the disposal of coal ash. Today, we write to express our deep concern regarding the projected delay in issuance of a final coal ash rule. Recent press reports indicate that the Agency may delay publication of a final rule until after the 2012 election. Delaying this critical rule for an additional two years places hundreds of communities in great danger. We would like to meet with you to discuss this issue at your earliest convenience.

Delay of a final rule will have severe adverse consequences for health and the environment. In the best case scenario, the phase-out of dangerous coal ash ponds will not occur for at least seven years from the effective date of a final rule. Given EPA's current projections, such phase-out may be delayed until 2025 or later under a subtitle C rule. In view of the condition of the nation's aging fleet of unregulated coal ash dams and the widespread absence of mandated inspections, there is imminent danger that additional releases may occur that could result in loss of life and substantial environmental and economic harm. In addition, it is a certainty that the toxins from the hundreds of leaking ponds and pits will continue to contaminate the drinking water of additional communities. A substantial delay guarantees that these problems will not be timely addressed.

While we greatly appreciated your commitment to take timely action in 2009 following the disaster in Kingston, Tennessee, federal action is even more necessary today, as the burden of unregulated toxic waste generated from the nation's coal-burning power plants grows by over ten million tons each month. We have faith that the Obama Administration will not ignore this serious threat to our health and environment, as previous administrations have done.

We look forward to discussing this matter with you soon.

Respectfully,

Tripp Van Noppen  
President  
Earthjustice

Eric Schaeffer  
Executive Director  
Environmental Integrity Project

Frances Beinecke  
President  
Natural Resources Defense Council

Michael Brune  
Executive Director  
Sierra Club

[attachment "AX-11-000-7279.pdf" deleted by Arvin Ganesan/DC/USEPA/US]





**Fw: ACTION: Meeting Request**  
**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:01 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US  
History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:01 PM —

From: Lisa Garcia/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Dru Ealons/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA  
Date: 12/23/2010 03:17 PM  
Subject: Re: ACTION: Meeting Request

My point exactly...  
So let's be mindful as these requests come in.

For now, we can still plan to meet with Emily and folks, but do not need LPJ.  
Thanks all! Happy holidays!  
Mathy Stanislaus

----- Original Message -----

**From:** Mathy Stanislaus  
**Sent:** 12/23/2010 03:14 PM EST  
**To:** Lisa Garcia  
**Cc:** Dru Ealons; Stephanie Owens  
**Subject:** Re: ACTION: Meeting Request

----- Original Message -----

**From:** Lisa Garcia  
**Sent:** 12/23/2010 01:43 PM EST  
**To:** Mathy Stanislaus  
**Cc:** Dru Ealons; Stephanie Owens  
**Subject:** Re: ACTION: Meeting Request

Maybe with coal ash, but I've been to many meetings in the bullet room or breakfasts in the green room where the larger enviros are and no community reps or some of the smaller EJ groups

Just something we should be aware of...  
Mathy Stanislaus

----- Original Message -----

**From:** Mathy Stanislaus  
**Sent:** 12/23/2010 12:31 PM EST  
**To:** Lisa Garcia  
**Cc:** Dru Ealons; Stephanie Owens  
**Subject:** Re: ACTION: Meeting Request

[REDACTED]

Lisa Garcia

----- Original Message -----

**From:** Lisa Garcia  
**Sent:** 12/23/2010 12:11 PM EST  
**To:** Mathy Stanislaus  
**Cc:** Dru Ealons; Stephanie Owens  
**Subject:** Re: ACTION: Meeting Request

[REDACTED]

Lisa F. Garcia, Esq.  
Senior Advisor to the Administrator  
for Environmental Justice

US EPA  
1200 Pennsylvania Ave NW  
Room 3000 ARS: MC-1101A  
Washington, DC 20460  
Tel: (202) 564 1259  
E-mail: [garcia.lisa@epa.gov](mailto:garcia.lisa@epa.gov)

Mathy Stanislaus

Agreed

----- Original Message -----

12/22/2010 04:27:26 PM

**From:** Mathy Stanislaus/DC/USEPA/US  
**To:** Stephanie Owens/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA  
**Cc:** Dru Ealons/DC/USEPA/US@EPA  
**Date:** 12/22/2010 04:27 PM  
**Subject:** Re: ACTION: Meeting Request

Agreed

Stephanie Owens

----- Original Message -----

**From:** Stephanie Owens  
**Sent:** 12/22/2010 04:14 PM EST  
**To:** Mathy Stanislaus; Lisa Garcia  
**Cc:** Dru Ealons  
**Subject:** Fw: ACTION: Meeting Request

Mathy and Lisa,

Thoughts?

Thanks,

Stephanie

— Forwarded by Stephanie Owens/DC/USEPA/US on 12/22/2010 04:12 PM —

**From:** Emily Enderle <eenderle@earthjustice.org>  
**To:** Stephanie Owens/DC/USEPA/US@EPA  
**Date:** 12/22/2010 04:07 PM  
**Subject:** Meeting Request

Hi Stephanie,

Just wanted to let you know I submitted a meeting request to meet with Administrator Jackson on behalf of Earthjustice, Environmental Integrity Project, Environmental Justice Resource Center at Clark-Atlanta University, Hip Hop Caucus, Natural Resources Defense Council, Physicians for Social Responsibility, Sierra Club and the Southern Environmental Law Center. We'd like to discuss issues relating to the coal ash rule-making. Dr. Bullard from the Environmental Resource Center at Clark-Atlanta plans to come to town for it, so we requested something for January 10, 12 or 19th so he could make it.

Hope all is going well over there!

Sincerely,  
Emily

---

Emily Enderle  
Legislative Representative  
Earthjustice  
1625 Massachusetts Ave., NW  
Suite 702  
Washington, DC 20036  
T: 202-667-4500 ext. 201  
C: 202-253-2397  
F: 202-667-2356  
[www.earthjustice.org](http://www.earthjustice.org) <<http://www.earthjustice.org>>







**Fw: Request for a meeting, from Physicians for Social Responsibility**

**Matt Straus** to: Mary Jackson

07/31/2012 12:19 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

History: This message has been forwarded.

----- Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:19 PM -----

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 07/31/2012 12:08 PM  
Subject: Fw: Request for a meeting, from Physicians for Social Responsibility

----- Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:08 PM -----

From: Matt Straus/DC/USEPA/US  
To: Becky Brooks/DC/USEPA/US@EPA  
Cc: Ellyn Fine/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA  
Date: 04/17/2012 11:07 AM  
Subject: Re: Fw: Request for a meeting, from Physicians for Social Responsibility

Becky Brooks

Shawna -- Do you want to ask Mathy in your car...

04/17/2012 10:50:55 AM

From: Becky Brooks/DC/USEPA/US  
To: Shawna Bergman/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Cc: Ellyn Fine/DC/USEPA/US@EPA  
Date: 04/17/2012 10:50 AM  
Subject: Fw: Request for a meeting, from Physicians for Social Responsibility

Shawna -- Do you want to ask Mathy in your car ride back? Looping in Matt for his thoughts. Becky

Becky Brooks  
Special Assistant  
Office of Solid Waste and Emergency Response  
ph. 202-566-2762  
fax 202-566-0207

----- Forwarded by Becky Brooks/DC/USEPA/US on 04/17/2012 10:49 AM -----

From: Colleen Keltz/DC/USEPA/US  
To: Becky Brooks/DC/USEPA/US@EPA  
Cc: ORCR IO, KarenL Martin/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Noah Dubin/DC/USEPA/US@EPA  
Date: 04/17/2012 10:44 AM  
Subject: Re: Fw: Request for a meeting, from Physicians for Social Responsibility

Becky - Physicians for Social Responsibility is part of the lawsuit that EarthJustice is suing us on related to the coal ash rule.

tr

I'll ask Suzanne and Sandra, but perhaps you can ask Mathy, Lisa and Barry how they would like to handle this. (they might not have been aware the PSR are part of the suit)

Thanks,  
Colleen

Earthjustice is suing the agency under the Resource Conservation and Recovery Act (RCRA) on behalf of Appalachian Voices (NC), Environmental Integrity Project, Chesapeake Climate Action Network (MD), French Broad Riverkeeper (NC), Kentuckians For The Commonwealth (KY), Moapa Band of Paiutes (NV), Montana Environmental Information Center (MT), Physicians for Social Responsibility, Prairie Rivers Network (IL), Sierra Club and Southern Alliance for Clean Energy (TN).

Colleen Keltz  
Office of Resource Conservation and Recovery  
keltz.colleen@epa.gov  
phone 703-347-8022  
fax 703-308-7904

[www.epa.gov/epawaste](http://www.epa.gov/epawaste)

Send mail to:  
U.S. Environmental Protection Agency  
MC: 5305P  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Becky Brooks      Colleen/Mark -- Mathy would like to delegate thi...      04/17/2012 10:17:52 AM

From: Becky Brooks/DC/USEPA/US  
To: ORCR IO  
Cc: KarenL Martin/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Noah Dubin/DC/USEPA/US@EPA  
Date: 04/17/2012 10:17 AM  
Subject: Re: Fw: Request for a meeting, from Physicians for Social Responsibility

Colleen/Mark -- Mathy would like to delegate this to ORCR and suggests that you do a conference call with this group. Please follow up with Barb Gottlieb (info below.) Thank you. Becky

Becky Brooks  
Special Assistant  
Office of Solid Waste and Emergency Response  
ph. 202-566-2762  
fax 202-566-0207

Noah Dubin      Can you all set up a meeting w/ this group pleas...      04/16/2012 05:28:39 PM

From: Noah Dubin/DC/USEPA/US  
To: Shawna Bergman/DC/USEPA/US@EPA, KarenL Martin/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA  
Date: 04/16/2012 05:28 PM  
Subject: Fw: Request for a meeting, from Physicians for Social Responsibility

Can you all set up a meeting w/ this group please? OSWER's original recommendation, which we acted on, was for this to be delegated to your office. It appears you've already met w/ this grp, per Barb's note, but since LPJ won't be taking this mtg, they'd like to meet w/ your shop.

----- Forwarded by Noah Dubin/DC/USEPA/US on 04/16/2012 05:27 PM -----

From: Barb Gottlieb <bgottlieb@psr.org>  
To: Noah Dubin/DC/USEPA/US@EPA  
Date: 04/16/2012 04:52 PM  
Subject: RE: Request for a meeting, from Physicians for Social Responsibility

---

That's a pity. In that case, we will meet with whomever you recommend.

Best,

*Barb Gottlieb*

Barbara Gottlieb  
Director, Environment & Health  
Physicians for Social Responsibility  
202-587-5225

**We're Moving!** As of April 23,  
**please note our NEW address:**  
Physicians for Social Responsibility  
1111 - 14<sup>th</sup> St. NW, suite 700  
Washington, DC 20005

**From:** Noah Dubin [mailto:Dubin.Noah@epamail.epa.gov]  
**Sent:** Monday, April 16, 2012 4:31 PM  
**To:** Barb Gottlieb  
**Subject:** Re: Request for a meeting, from Physicians for Social Responsibility

Ms. Gottlieb,

Unfortunately, the Administrator will be on travel and out of the office April 26 and 27.

Thank you.

----- Forwarded by Noah Dubin/DC/USEPA/US on 04/16/2012 04:28 PM -----

From: Barb Gottlieb <bgottlieb@psr.org>  
To: Noah Dubin/DC/USEPA/US@EPA  
Date: 04/16/2012 04:16 PM  
Subject: RE: FW: Request for a meeting, from Physicians for Social Responsibility

---

Hello Noah,

Thank you for re-sending – your email did not come in on April 12.

We have met with Mathy Stanislaus previously. We would be most interested in meeting with Administrator Jackson. Can that be arranged for us?

Most appreciatively,

*Barb Gottlieb*

Barbara Gottlieb  
Director, Environment & Health  
Physicians for Social Responsibility  
202-587-5225

**We're Moving!** As of April 23,  
please note our NEW address:  
Physicians for Social Responsibility  
1111 - 14<sup>th</sup> St. NW, suite 700  
Washington, DC 20005

**From:** Noah Dubin [<mailto:Dubin.Noah@epamail.epa.gov>]  
**Sent:** Monday, April 16, 2012 2:39 PM  
**To:** Barb Gottlieb  
**Subject:** Re: FW: Request for a meeting, from Physicians for Social Responsibility

Ms. Gottlieb,

I sent you this email on April 12 - apologies if it didn't go through:

"Good Morning Ms. Gottlieb,

Thank you for this meeting request for Administrator Jackson. We have consulted with the Administrator's advisors, and would like to set up a meeting between your organization and EPA's Office of Solid Waste and Emergency Response. If you would be interested in this option, please email me back, and I will connect you with the appropriate staff to set it up.

Thank you,"

Noah Dubin  
Scheduler  
Office of the Administrator | US EPA  
Office: (202) 564-7314  
Cell: (202) 309-3687

Barb Gottlieb —04/16/2012 02:31:00 PM—Hello, I'm writing on behalf of a group of eight doctors from six states, members of Physicians for

From: Barb Gottlieb <[bgottlieb@psr.org](mailto:bgottlieb@psr.org)>  
To: Noah Dubin/DC/USEPA/US@EPA, [scheduling@EPA](mailto:scheduling@EPA)

Date: 04/16/2012 02:31 PM  
Subject: FW: Request for a meeting, from Physicians for Social Responsibility

---

Hello,

I'm writing on behalf of a group of eight doctors from six states, members of Physicians for Social Responsibility. They will be in Washington on April 26 and 27 to discuss their concerns about coal ash and health. They would very much like to meet with Administrator Jackson. If you could kindly consider their request, below, we would much appreciate it.

Thank you.

*Barb Gottlieb*

Barbara Gottlieb  
Director, Environment & Health  
Physicians for Social Responsibility  
202-587-5225

We're Moving! As of April 23,  
please note our NEW address:  
Physicians for Social Responsibility  
1111 - 14<sup>th</sup> St. NW, suite 700  
Washington, DC 20005

**From:** Barb Gottlieb  
**Sent:** Wednesday, April 04, 2012 12:28 PM  
**To:** [dubin.noah@epamail.epa.gov](mailto:dubin.noah@epamail.epa.gov)  
**Cc:** [scheduling@epamail.epa.gov](mailto:scheduling@epamail.epa.gov)  
**Subject:** Request for a meeting, from Physicians for Social Responsibility

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Dear Administrator Jackson:

We the undersigned doctors, on behalf of Physicians for Social Responsibility, respectfully request a meeting to discuss an issue of imminent national importance, the Environmental Protection Agency's proposed coal ash standard.

As health care professional, we would appreciate an hour of your time to discuss the many impacts coal ash pollution is having in our communities and across the nation. While the toxic contents of coal ash may vary depending on where the coal is mined, coal ash commonly contains some of the world's deadliest toxic metals: arsenic, lead, mercury, cadmium, chromium and selenium. These and other toxicants in coal ash can cause cancer and neurological damage in humans. They can also harm and kill wildlife, especially fish and other water-dwelling species. We would appreciate the opportunity to meet with you to discuss these issues in more depth.

We are available for a meeting in Washington, DC on April 26<sup>th</sup> or the morning of April 27<sup>th</sup>.

We thank you, in advance, for your consideration of this request, and we hope to have the timely opportunity to discuss this critical issue with you. The scheduling contact is Barbara Gottlieb at 202-587-5225 or [bgottlieb@psr.org](mailto:bgottlieb@psr.org)

Thank you,

Maureen McCue, MD PhD of Oxford, Iowa

John Rachow, MD of Oxford, Iowa

Poune Saberi, MD of Philadelphia, Pennsylvania

Ronald Saff, MD of Tallahassee, Florida

William AH Sammons, MD of Boston, Massachusetts

Robert Little, MD of Harrisburg, Pennsylvania

Terry Clark, MD of Ashville, North Carolina

Yolanda Whyte, MD of Atlanta, Georgia





**Fw: CCR**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:33 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:33 AM —

From: Arvin Ganesan/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Bob Sussman/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Date: 11/14/2011 05:44 PM  
Subject: Re: CCR

there is no status. It is pending. there is no commitment to move it, though its exact legislative prognosis is unclear.

Mathy Stanislaus      What is the status of the Senate bill? Mathy Stan...      11/14/2011 05:43:36 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Cc: Bob Sussman/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Date: 11/14/2011 05:43 PM  
Subject: Re: CCR

What is the status of the Senate bill?

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

Arvin Ganesan      I don't think we'll even start the discussion of a S...      11/14/2011 05:42:30 PM

From: Arvin Ganesan/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Bob Sussman/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Date: 11/14/2011 05:42 PM  
Subject: Re: CCR

I don't think we'll even start the discussion of a SAP until there's any sort of moving vehicle for it.

Mathy Stanislaus      Also, is the WH planning to issue a separate SA...      11/14/2011 05:40:53 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Date: 11/14/2011 05:40 PM



Subject: Re: CCR

Also, is the WH planning to issue a separate SAP in response to the Senate bill?

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

Mathy Stanislaus Non-EPA individuals at 11/4/11 Coal Ash meetin... 11/14/2011 05:33:09 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Cc: Lisa Feldt/DC/USEPA/US@EPA  
Date: 11/14/2011 05:33 PM  
Subject: CCR

### Non-EPA individuals at 11/4/11 Coal Ash meeting with EPA

Arvin, Bob:

I met with the below folks a week ago. These are folks from various locations throughout the country impacted by coal ash mismanagement. They came into town to do a round of meetings in the Senate to oppose the Senate CCR bill. They reported that a number of Senators including McCaskill, Casey, Cole, Begich were considered co-sponsoring or supporting the bill because of the unknown of when EPA would be issuing its CCR rule. They reported that there's a common belief that EPA will not move until 2013. These groups asked that EPA send a signal that it plans to move on the CCR rule in 2012 as a way of getting these Senators off of the CCR bill.

With respect to the a CCR rule, Lisa Evans threw on the table the possibility of a bifurcated rule - that is issuing a rule just on impoundments first and then deal with landfills later (if you recall there's a far stronger case for impoundments).

Michael J Kosnett, MD, MPH	University of Colorado
Jeff Stant	Environmental Integrity Project
Ymel Smith	LaBelle, PA
Sarah Mccoin	Harriman, TN – Swan Pond community
Emily Enderie	Earthjustice, Charlotte, NC
Rhiannon Fionn-Bowman	The Word Trade
Sandra Diaz	Appalachian Voices
Dalal Aboulhosn	Sierra Club
Claus Wawtzinck	Sierra Club
Daniel Brand	Individual – SC
Rudy Smith	Individual – SC
Patricia Schuba	LEO – Labadie Environmental Org

Sally Slotterback	PA citizen – Labadie, PA
Scott Randolph	State of Florida
Dan Randolph	San Juan Citizens Alliance
Teresa Connelly	LEO – Labadie Environmental Org
Hartwell Carson	Western NC Alliance – FB Riverkeeper
Terry Miller	Lone Tree Council, Bay City, MI
Lisa Evans	Earthjustice
Lissa Hughes	Northern AK
Teresa deLima	Fairbanks, AK

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response







**Fw: Notes from Meeting with Public Interest Groups**  
**Matt Straus** to: Mary Jackson

07/31/2012 12:16 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
History: This message has been forwarded.

— Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:16 PM —

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 07/31/2012 12:04 PM  
Subject: Fw: Notes from Meeting with Public Interest Groups

— Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:04 PM —

From: Matt Straus/DC/USEPA/US  
To: Laurel Celeste/DC/USEPA/US@EPA  
Cc: John Michaud/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA  
Date: 10/14/2010 11:30 AM  
Subject: Fw: Notes from Meeting with Public Interest Groups

Yesterday, Mathy and a few of us met with a number of public interest groups—Earthjustice, Sierra Club, NRDC the Environmental Integrity Project, and Physicians for Social Responsibility on CCR. The primary purpose of the meeting was for them to present the two recent reports they released, as well as mention a few other things. See my notes below of the meeting, that I will be placed in the RCRA docket.

The Public interest groups made the point that the groundwater monitoring data that they have been able to collect is mostly from on-site wells, as there are very few sites where off-site monitoring wells exist, and they indicated that the definitions that were used in the Report to Congress and proposed rule, would seem to suggest that surface impoundments where there is known groundwater contamination on-site, and the only reason we do not have data from off-site is that there are

You do not need to get back to me on this now, but thought I would raise it to you now, before I forget. Thanx.

— Forwarded by Matt Straus/DC/USEPA/US on 10/14/2010 11:08 AM —

From: Matt Straus/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA  
Date: 10/13/2010 04:19 PM  
Subject: Notes from Meeting with Public Interest Groups

I have quickly put together the notes from our meeting this afternoon with the public interest groups. I plan to give this to ORCR in the next day or two, but wanted to share them with you in case you wanted to look at them, and had any thoughts. I will probably wait until Monday of next week before I get them off to



ORCR. NOTES FOR MEETING WITH ENVIRONMENTAL ORGANIZATIONS ON COAL COMBUSTION RESIDUALS.docx



## NOTES FOR MEETING WITH ENVIRONMENTAL ORGANIZATIONS ON COAL COMBUSTION RESIDUALS:

On October 13, 2010, the Assistant Administrator for the Office of Solid Waste and Emergency Response met with a number of public interest groups. (See attachment for the attendees at the meeting from both EPA and the public interest organizations.) The major focus of the meeting was to present the results of two reports that have recently been issued. (Copies of the Report/Executive Summary of the Report were handed out at the meeting and are also attached to these notes.) Specifically:

- A summary was provided on the results from the report, *"In Harm's Way: Lack of Federal Coal Ash Regulations Endangers Americans And Their Environment."* Some additional points made were: (1) there is pervasive contamination at significant levels at many of the surface impoundments looked at where groundwater monitoring data is available that are both currently operating and those that are closed—it was noted that 30 of the 39 sites are currently operating; (2) adequate groundwater monitoring of surface impoundments is needed to determine whether or not there is a contamination problem, and the fact that there is no monitoring data, does not mean that contamination is not occurring—in fact, based on the data gathered, it would seem likely that contamination is occurring; (3) arsenic, as well as other toxic metals have been found in the groundwater at levels significantly higher than the primary drinking water standards—since groundwater monitoring wells were primarily only available on-site, they had very little data from off-site wells (from 4 sites), but the fact that the metals are moving, means that it is likely that contamination will go off-site, if not already gone off-site; (4) even where contamination is found, they stated that the states are not taking action, or minimal action to address the contamination—for example, they indicated that industry has argued that the high levels of metals found are false positives, which they say the states basically accept; and (5) they suggested that the definitions that EPA used in the proposed rule between "proven damage case" and "potential damage case" should be revisited, in light of the information on damage cases that has been presented to EPA by environmental organizations. When it was asked whether they received much feedback or comment on the report, they indicated that they got some which questioned the interpretations made, and that they planned to address those and place it in the docket before the end of the comment period.
- A brief summary was provided on the report, *"Coal Ash: The toxic threat to our health and environment."* In addition, the following points were made: (1) the Physicians for Social Responsibility strongly support the need for federal regulation (under subtitle C)

of coal combustion residuals; (2) there was a sense that portions of the subtitle C rules could or should be stronger—as an example, it was noted that at the Louisville hearing, the point was made that “C” was not good enough and need to look to do more, especially when it came to dealing with existing problems quickly; (3) they indicated their strong disagreement with statements that have been made that coal ash is not toxic, and was particularly concerned with EPA pointing to the Toxicity Characteristic Leaching Procedure (TCLP) as a measure of toxicity; however, also noted that due to the multiple toxic metals in coal ash, the toxicity of the material is more of a concern, a concern which was not reflected in the risk assessment; due to the persistence of the toxic metals, create more of an issue, and because of the latency period for a number of the toxic metals, it is premature to say that there are no risks, when the risks may be seen many decades in the future; (4) suggested that coal ash presents a greater risk to vulnerable populations, such as children, environmental justice communities, as well as workers and populations that live close to these sites because of the dust that they are exposed to. Finally, the point was made, that the unencapsulated uses of coal combustion residuals is a real concern that needs to be addressed.

However, the following additional points were also made or discussed:

- They indicated that a number of them had met with the Council of Environmental Quality (CEQ) recently to discuss the comments that CEQ made during the interagency review process, which comments were posted in the docket to the coal combustion residual proposal. They indicated that they informed CEQ that they did not agree with some of the comments made by CEQ during the inter-agency review process; they also indicated that they took strong objection to the stigma argument that is being taken, as well as the fact that EPA’s cost-benefit analysis would suggest that by regulating coal combustion residuals under subtitle C would bring recycling to a halt—this they believe does not reflect reality.
- The public interest groups seem to be generally supportive of the recycling of coal combustion residuals when it is in an encapsulated form, but they appear to be focusing their efforts on the risk and damages that are caused by the management of coal combustion residuals.
- The point was made that many of the units that manage coal combustion residuals would be considered open dumps under the subtitle D criteria and that EPA needs to take a closer look at them, and if they are open dumps, they should be closed now.
- It was asked if EPA was planning on briefing the Hill staff on the proposal before the end of the comment period. It was noted that the public interest groups have been briefing Hill staff, and that before the end of the comment period, it may be worthwhile for EPA to provide a briefing to the Hill, along the lines of the briefing

provided in the Webinar. It was indicated that we had briefed the Hill when the rule was first proposed, but that we would consider whether another briefing would be appropriate before the end of the comment period.

- Finally , it was asked if we had a schedule for finalizing the rule. It was indicated that we did not, but that our goal would be to finalize the rule as quickly as possible, although it was also noted that as of now, the Agency has received approximately 150,000 comments, and that these, plus the additional comments received, we would need to go through for consideration in making final decisions.









**Fw: Physicians for Social Responsibility request to meet with Bob S - recommendation**

**Matt Straus** to: Mary Jackson

07/31/2012 12:19 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

History: This message has been forwarded.

— Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:19 PM —

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 07/31/2012 12:08 PM  
Subject: Fw: Physicians for Social Responsibility request to meet with Bob S - recommendation

— Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:08 PM —

From: Betsy Devlin/DC/USEPA/US  
To: Shawna Bergman/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Colleen Keltz/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Date: 04/20/2012 11:11 AM  
Subject: Re: Physicians for Social Responsibility request to meet with Bob S - recommendation

Shawna



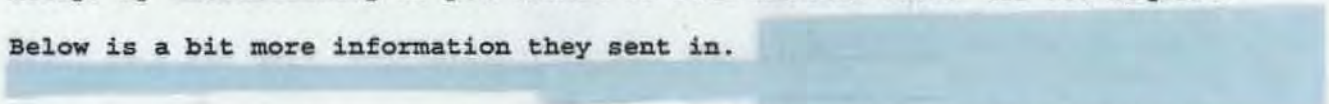
Hope this helps.

Shawna Bergman      Betsy, my understanding is you talked to John M...      04/20/2012 11:00:45 AM

From: Shawna Bergman/DC/USEPA/US  
To: Betsy Devlin/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Cc: Colleen Keltz/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA  
Date: 04/20/2012 11:00 AM  
Subject: Physicians for Social Responsibility request to meet with Bob S - recommendation

**Betsy, my understanding is you talked to John Michaud about the PSR request.**

**Below is a bit more information they sent in.**



**What is the recommendation as to how to respond to this request, and others like it?**

-----

**From:** Noah Dubin  
**Sent:** 04/19/2012 02:07 PM EDT  
**To:** Donald Maddox; Ann Campbell; Teri Porterfield; Denise Anderson  
**Cc:** Shawna Bergman  
**Subject:** Fw: Request for a meeting, from Physicians for Social

Responsibility

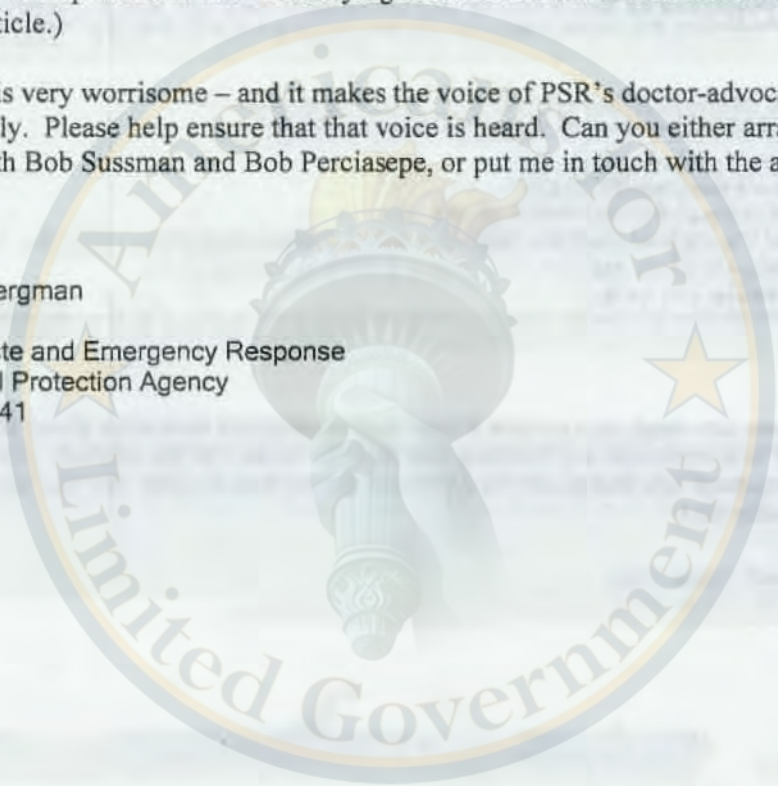
Ms. Gottlieb has followed up with this email:

Yesterday I emailed you requesting your help in scheduling the delegation of [Physicians for Social Responsibility](#) doctors, coming to Washington to talk about coal ash.

Our coal ash visit has suddenly become highly urgent. A seriously damaging coal ash amendment passed the House yesterday, tacked onto the must-pass Transportation bill. Sponsored by Rep. McKinley of WV, it is intended to stop the EPA from classifying coal ash as a hazardous material. (See attached Huffington Post article.)

This development is very worrisome – and it makes the voice of PSR’s doctor-advocates all the more important and timely. Please help ensure that that voice is heard. Can you either arrange for the PSR doctors to meet with Bob Sussman and Bob Perciasepe, or put me in touch with the appropriate scheduler who could?

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641





**Fw: FYI: letter requesting 5 EPA public hearings on CCR proposed rule**

**Richard Benware** to: Mary Jackson

08/13/2012 12:13 PM

From: Richard Benware/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

History: This message has been forwarded.

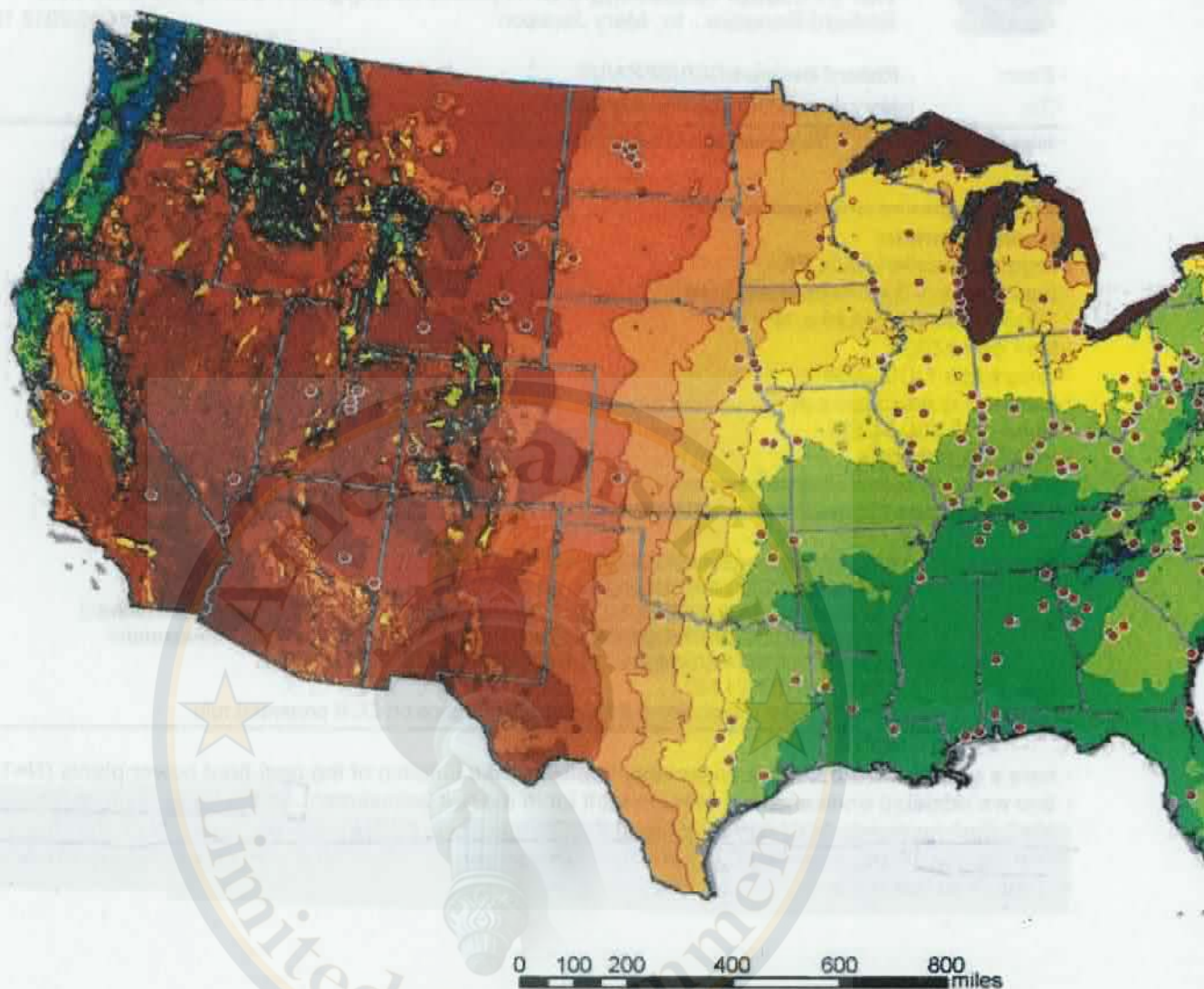
=====  
Richard Benware  
Program Analyst, U.S. EPA  
Economics & Risk Assessment Staff  
1200 Pennsylvania Ave, NW  
Mail Code 5305-P  
Washington, DC 20460  
benware.richard@epa.gov  
Phone: 703.308.0436  
Fax: 703.308.0509

----- Forwarded by Richard Benware/DC/USEPA/US on 08/13/2012 12:13 PM -----

From: Becky Cuthbertson/DC/USEPA/US  
To: Mark Eads/DC/USEPA/US@EPA  
Cc: Lee Hofmann/DC/USEPA/US@EPA, Rachel Alford/DC/USEPA/US@EPA, Richard Benware/DC/USEPA/US@EPA, Scott Palmer/DC/USEPA/US@EPA, Alexander Livnat/DC/USEPA/US@EPA, Toshia King/DC/USEPA/US@EPA  
Date: 05/13/2010 03:13 PM  
Subject: Re: FYI: letter requesting 5 EPA public hearings on CCR proposed rule

here's a graphic from the risk assessment, showing the location of the coal-fired power plants (N=181) that we modeled on-site waste management for in the risk assessment.





Mark Eads

FYI -- the letter requesting the 5 hearings is atta...

05/13/2010 09:43:26 AM

From: Mark Eads/DC/USEPA/US  
To: Lee Hofmann/DC/USEPA/US@EPA  
Cc: Rachel Alford/DC/USEPA/US@EPA, Becky Cuthbertson/DC/USEPA/US@EPA, Richard Benware/DC/USEPA/US@EPA, Scott Palmer/DC/USEPA/US@EPA  
Date: 05/13/2010 09:43 AM  
Subject: FYI: letter requesting 5 EPA public hearings on CCR proposed rule

FYI -- the letter requesting the 5 hearings is attached below.

— Forwarded by Mark Eads/DC/USEPA/US on 05/13/2010 09:41 AM —

From: Alexander Livnat/DC/USEPA/US  
To: Mark Eads/DC/USEPA/US@EPA  
Cc: Richard Kinch/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA  
Date: 05/13/2010 09:39 AM  
Subject: Fw: Correspondence re Hearing Request

---

Mark,

In reference to the letter attached to Lisa Evans' message at the bottom of this chain and Rich's feedback, and taking into consideration EJ and population density factors, do you have any suggestions as to how best to address a fair distribution of public hearings across the nation (assuming 3 mtgs outside the Beltway)?

Thanks,

Alex Livnat, Ph.D  
Materials Recovery and Waste Management Division  
Office of Resource Conservation and Recovery  
US EPA (MC: 5304P)  
1200 Pennsylvania Ave, NW  
Washington, DC 20460-0001  
Tel: (703) 308-7251  
Fax: (703) 605-0595  
Email: livnat.alexander@epa.gov

Delivery address: Two Potomac Yard (North Bldg)  
2733 South Crystal Drive (N-5824)  
Arlington, VA 22202

— Forwarded by Alexander Livnat/DC/USEPA/US on 05/13/2010 09:34 AM —

From: Richard Kinch/DC/USEPA/US  
To: Truett Degear/DC/USEPA/US, John Sager/DC/USEPA/US@EPA  
Cc: Alexander Livnat/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA  
Date: 05/13/2010 09:21 AM  
Subject: Fw: Correspondence re Hearing Request

---

Truett,

Here is the letter from the citizen groups requesting public hearings – you may want to talk to your management about potentially covering CCR hearings in Knoxville, TN; Austin, TX; Chicago, IL; Pittsburg, PA; and Washington, DC. I assume EPA will try to accommodate the citizens.

— Forwarded by Richard Kinch/DC/USEPA/US on 05/13/2010 09:11 AM —

From: Alexander Livnat/DC/USEPA/US  
To: Robert Dellinger/DC/USEPA/US@EPA  
Cc: Betsy Devlin/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA, Laurel Celeste/DC/USEPA/US@EPA, Richard

Date: Mattick/DC/USEPA/US@EPA  
05/12/2010 05:07 PM  
Subject: Fw: Correspondence re Hearing Request

---

FYI

Alex Livnat, Ph.D  
Materials Recovery and Waste Management Division  
Office of Resource Conservation and Recovery  
US EPA (MC: 5304P)  
1200 Pennsylvania Ave, NW  
Washington, DC 20460-0001  
Tel: (703) 308-7251  
Fax: (703) 605-0595  
Email: livnat.alexander@epa.gov

Delivery address: Two Potomac Yard (North Bldg)  
2733 South Crystal Drive (N-5824)  
Arlington, VA 22202

— Forwarded by Alexander Livnat/DC/USEPA/US on 05/12/2010 05:06 PM —

From: Lisa Evans <levans@earthjustice.org>  
To: LisaP Jackson/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Alexander Livnat/DC/USEPA/US@EPA  
Date: 05/12/2010 05:04 PM  
Subject: Correspondence re Hearing Request

---

Dear Administrator Jackson:

Attached please find correspondence from Earthjustice, Environmental Integrity Project, Sierra Club, NRDC, Southern Environmental Law Center, Appalachian Voices and Kentucky Resources Council pertaining to regional hearings on the May 4, 2010 coal ash regulatory proposal.

Thank you in advance for your consideration.

Respectfully,

Lisa Evans

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

\*please consider the environment before printing

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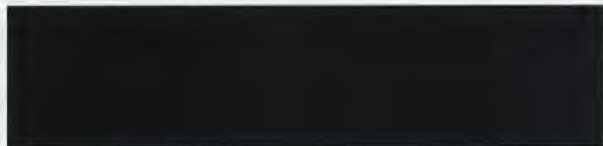
the sender by reply email and delete the message and any attachments.

[attachment "Ltr\_Request\_Regional\_Hearings\_051210.pdf" deleted by Becky Cuthbertson/DC/USEPA/US]









May 12, 2010

*By Email and U.S. Mail*

The Honorable Lisa Jackson  
Administrator  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Mail Code: 1101A  
Washington, DC 20460

**Re: Request for Regional Public Hearings on the Proposed Coal Ash Rule**

Dear Administrator Jackson:

Thank you for the publication of the proposed rule to regulate coal combustion waste. Citizens and groups across the country have been long awaiting this important proposal. In light of that widespread interest, Earthjustice, Environmental Integrity Project, Sierra Club, Natural Resources Defense Council, Southern Environmental Law Center, Appalachian Voices, and Kentucky Resources Council would like to renew our request that the EPA take measures to ensure the greatest opportunity for public participation in the rulemaking.

To that end, we are requesting four regional public hearings in the areas most affected by adverse impacts from mismanaged coal combustion waste. To facilitate participation of the many affected communities located in these regions, we are requesting that public hearings be held in the Southeast, West, Midwest and Appalachia, close to areas that have significant coal combustion waste disposal. Specifically, we believe that Knoxville, Tennessee; Austin, Texas; Chicago, Illinois; and Pittsburgh, Pennsylvania would be excellent choices for hearing venues, in addition to a public hearing in Washington, D.C.

We also request that the hearing locations be reachable by public transportation and that the hours of the hearings extend to at least 9:00 pm to accommodate those individuals that work fulltime and who must travel to the hearing sites.

Thank you in advance for your consideration of this request. We appreciate your attention to this critical issue, and we look forward to a fair and robust comment period in which citizens and groups throughout the U.S. have the opportunity to participate meaningfully in the rulemaking process.

Respectfully submitted by:

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1920 L. Street NW  
Washington, D.C. 20036

Lyndsay Moseley  
Beyond Coal Campaign  
Sierra Club  
85 Second Street, 4th Floor  
San Francisco, CA 94105

Scott Slesinger  
Legislative Director  
Natural Resources Defense Council  
1200 New York Ave., NW, Suite 400  
Washington, DC 20005

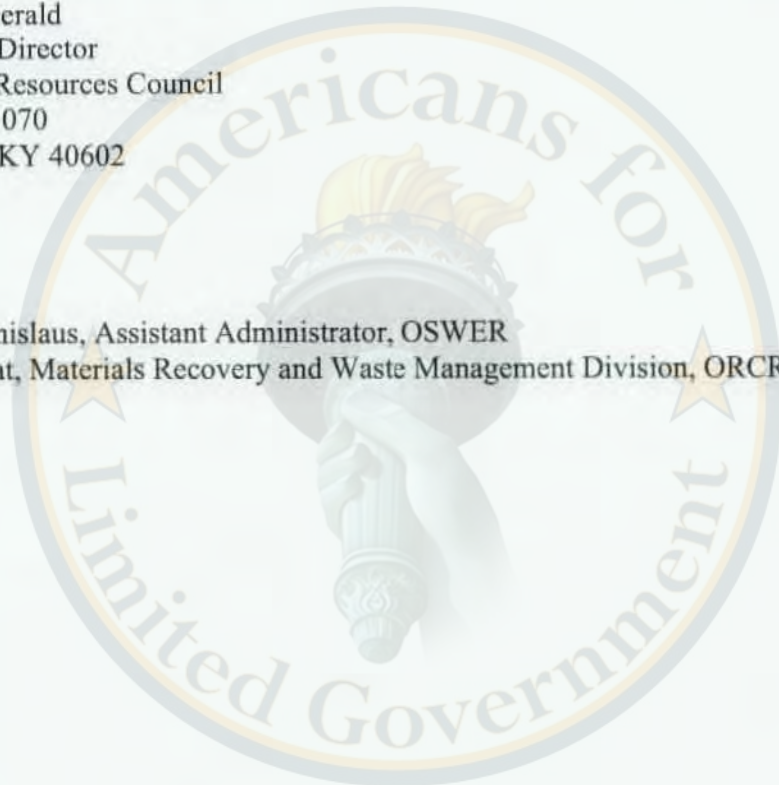
Chandra Taylor  
Senior Attorney  
Southern Environmental Law Center  
200 West Franklin St. Suite 330  
Chapel Hill, NC 27516-2559

Willa Mays,  
Executive Director  
Appalachian Voices.  
191 Howard Street  
Boone, NC 28607

Tom FitzGerald  
Executive Director  
Kentucky Resources Council  
P.O. Box 1070  
Frankfort, KY 40602

cc:

Mathy Stanislaus, Assistant Administrator, OSWER  
Alex Livnat, Materials Recovery and Waste Management Division, ORCR







**Fw: Re[2]: 4 states for public hearings on CCR proposed rule = IL, MI, NC, OH**

**Richard Benware** to: Mary Jackson

08/13/2012 12:12 PM

From: Richard Benware/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

History: This message has been forwarded.

=====  
Richard Benware  
Program Analyst, U.S. EPA  
Economics & Risk Assessment Staff  
1200 Pennsylvania Ave, NW  
Mail Code 5305-P  
Washington, DC 20460  
benware.richard@epa.gov  
Phone: 703.308.0436  
Fax: 703.308.0509  
=====

----- Forwarded by Richard Benware/DC/USEPA/US on 08/13/2012 12:12 PM -----

From: Richard Kinch/DC/USEPA/US  
To: Mark Eads/DC/USEPA/US@EPA  
Cc: Alexander Livnat/DC/USEPA/US@EPA, Becky Cuthbertson/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, James Kohler/DC/USEPA/US@EPA, Lee Hofmann/DC/USEPA/US@EPA, Rachel Alford/DC/USEPA/US@EPA, Richard Benware/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA  
Date: 05/14/2010 08:02 AM  
Subject: Re: Re[2]: 4 states for public hearings on CCR proposed rule = IL, MI, NC, OH

Mark -- I really like the the data assembly and analysis. Not sure the final decisions are what would be selected, but you provided excellent material for discussion. In principle we will need to weigh a variety of factors -- what the citizen groups request, EJ issues, big city versus central location, IL, MI and OH are very close -

While I am not sure the 4 cities you pick will be selected for hearings, again, the information provided is very informative. Thanks.

Mark Eads                      Alex: Based on the state maps which I have cop...                      05/13/2010 05:07:04 PM

From: Mark Eads/DC/USEPA/US  
To: Alexander Livnat/DC/USEPA/US@EPA  
Cc: Becky Cuthbertson/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, James Kohler/DC/USEPA/US@EPA, Lee Hofmann/DC/USEPA/US@EPA, Rachel Alford/DC/USEPA/US@EPA, Richard Benware/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA  
Date: 05/13/2010 05:07 PM  
Subject: Re[2]: 4 states for public hearings on CCR proposed rule = IL, MI, NC, OH

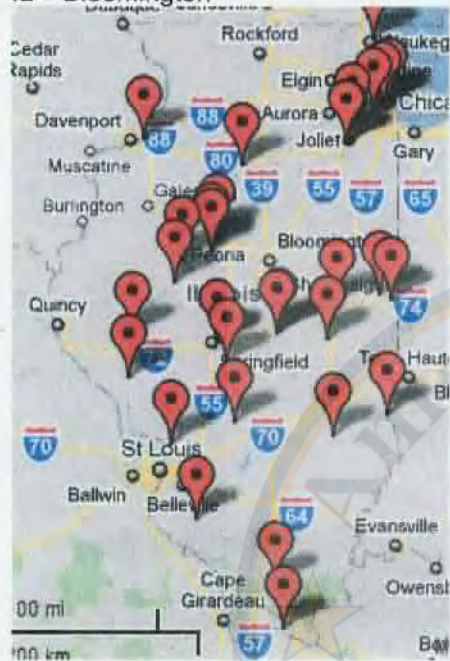
Alex:

Based on the state maps which I have copy-pasted from the SourceWatch website which indicate the location of coal-fired electricity plants --- although for both utility and non-utility plants --- in the USA on a state-by-state basis, for each of the four states I recommended in my previous email (IL, MI, NC, OH), it

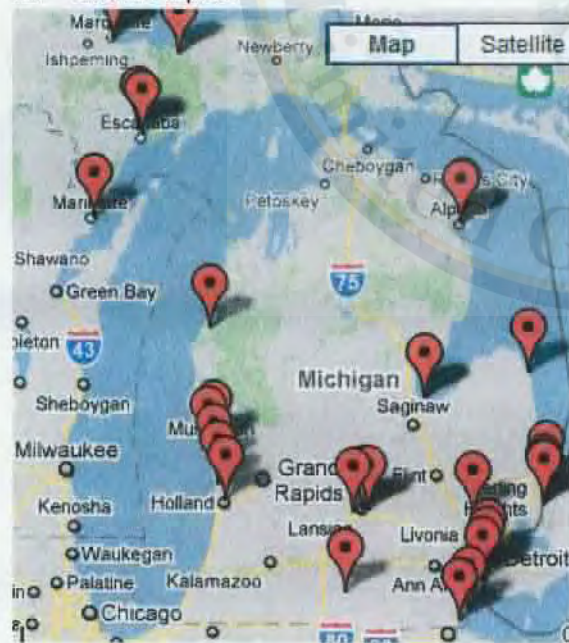
appears that cities located approximately in the center of each state would minimize driving distances for in-state residents to attend each of the EPA public meetings. The four cities are:

- IL = Bloomington
- MI = Grand Rapids
- NC = Raleigh
- OH = Mansfield

IL = Bloomington



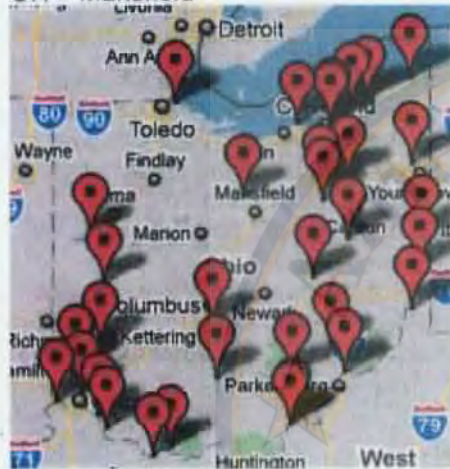
MI = Grand Rapids



NC = Raleigh



OH = Mansfield



Alexander Livnat

Thanks, Mark, for your comprehensive and meti...

05/13/2010 04:21:17 PM

From: Alexander Livnat/DC/USEPA/US  
 To: Mark Eads/DC/USEPA/US@EPA  
 Cc: Becky Cuthbertson/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, James Kohler/DC/USEPA/US@EPA, Lee Hofmann/DC/USEPA/US@EPA, Rachel Alford/DC/USEPA/US@EPA, Richard Benware/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA  
 Date: 05/13/2010 04:21 PM  
 Subject: Re: 4 states for public hearings on CCR proposed rule = IL, MI, NC, OH

Thanks, Mark, for your comprehensive and meticulous analysis!

Alex Livnat, Ph.D  
 Materials Recovery and Waste Management Division  
 Office of Resource Conservation and Recovery  
 US EPA (MC: 5304P)  
 1200 Pennsylvania Ave, NW  
 Washington, DC 20460-0001  
 Tel: (703) 308-7251  
 Fax: (703) 605-0595  
 Email: livnat.alexander@epa.gov

Delivery address: Two Potomac Yard (North Bldg)  
 2733 South Crystal Drive (N-5824)



Arlington, VA 22202

Mark Eads

Alex: Per your email request, based on data con...

05/13/2010 04:14:30 PM

From: Mark Eads/DC/USEPA/US  
To: Alexander Livnat/DC/USEPA/US@EPA  
Cc: Richard Kinch/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA, Lee Hofmann/DC/USEPA/US@EPA, Rachel Alford/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, James Kohler/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Richard Benware/DC/USEPA/US@EPA, Becky Cuthbertson/DC/USEPA/US@EPA  
Date: 05/13/2010 04:14 PM  
Subject: Re: 4 states for public hearings on CCR proposed rule = IL, MI, NC, OH

---

Alex:







Alexander Livnat

Mark, In reference to the letter attached to Lisa...

05/13/2010 09:39:09 AM

From: Alexander Livnat/DC/USEPA/US  
To: Mark Eads/DC/USEPA/US@EPA  
Cc: Richard Kinch/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA  
Date: 05/13/2010 09:39 AM  
Subject: Fw: Correspondence re Hearing Request

---

Mark,

In reference to the letter attached to Lisa Evans' message at the bottom of this chain and Rich's feedback, and taking into consideration EJ and population density factors, do you have any suggestions as to how best to address a fair distribution of public hearings across the nation (assuming 3 mtgs, outside the Beltway)?

Thanks,

Alex Livnat, Ph.D  
Materials Recovery and Waste Management Division  
Office of Resource Conservation and Recovery  
US EPA (MC: 5304P)

1200 Pennsylvania Ave, NW  
Washington, DC 20460-0001  
Tel: (703) 308-7251  
Fax: (703) 605-0595  
Email: livnat.alexander@epa.gov

Delivery address: Two Potomac Yard (North Bldg)  
2733 South Crystal Drive (N-5824)  
Arlington, VA 22202

— Forwarded by Alexander Livnat/DC/USEPA/US on 05/13/2010 09:34 AM —

From: Richard Kinch/DC/USEPA/US  
To: Truett Degeare/DC/USEPA/US, John Sager/DC/USEPA/US@EPA  
Cc: Alexander Livnat/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA  
Date: 05/13/2010 09:21 AM  
Subject: Fw: Correspondence re Hearing Request

---

Truett,

Here is the letter from the citizen groups requesting public hearings -- you may want to talk to your management about potentially covering CCR hearings in Knoxville, TN; Austin, TX; Chicago, IL; Pittsburg, PA; and Washington, DC. I assume EPA will try to accommodate the citizens.

— Forwarded by Richard Kinch/DC/USEPA/US on 05/13/2010 09:11 AM —

From: Alexander Livnat/DC/USEPA/US  
To: Robert Dellinger/DC/USEPA/US@EPA  
Cc: Betsy Devlin/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA, Laurel Celeste/DC/USEPA/US@EPA, Richard Mattick/DC/USEPA/US@EPA  
Date: 05/12/2010 05:07 PM  
Subject: Fw: Correspondence re Hearing Request

---

FYI

Alex Livnat, Ph.D  
Materials Recovery and Waste Management Division  
Office of Resource Conservation and Recovery  
US EPA (MC: 5304P)  
1200 Pennsylvania Ave, NW  
Washington, DC 20460-0001  
Tel: (703) 308-7251  
Fax: (703) 605-0595  
Email: livnat.alexander@epa.gov

Delivery address: Two Potomac Yard (North Bldg)  
2733 South Crystal Drive (N-5824)  
Arlington, VA 22202

----- Forwarded by Alexander Livnat/DC/USEPA/US on 05/12/2010 05:06 PM -----

From: Lisa Evans <levans@earthjustice.org>  
To: LisaP Jackson/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Alexander Livnat/DC/USEPA/US@EPA  
Date: 05/12/2010 05:04 PM  
Subject: Correspondence re Hearing Request

---

Dear Administrator Jackson:

Attached please find correspondence from Earthjustice, Environmental Integrity Project, Sierra Club, NRDC, Southern Environmental Law Center, Appalachian Voices and Kentucky Resources Council pertaining to regional hearings on the May 4, 2010 coal ash regulatory proposal.

Thank you in advance for your consideration.

Respectfully,

Lisa Evans

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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[attachment "Ltr\_Request\_Regional\_Hearings\_051210.pdf" deleted by Mark Eads/DC/USEPA/US]



**CCR FOIA Re:Meetings 3 of 7 (Barry Breen)**

**Ellyn Fine** to: Mary Jackson

08/07/2012 04:48 PM

From: Ellyn Fine/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
History: This message has been forwarded.

— Forwarded by Ellyn Fine/DC/USEPA/US on 08/07/2012 04:47 PM —

{In Archive} Re: Roane County, Tennessee Citizen's Hearings on the proposed coal combustion residual's rule (Scheduled for September 2, 2010 in Harriman TN) 📁

**Stan Meiburg** to: Frank Ney

08/24/2010 06:14 PM

Cc: Dee Stewart, Alan Farmer, Leo Francendese, James Webster, Shane Hitchcock, "Scott Gordon", "Beverly Banister", Barry Breen

Archive: This message is being viewed in an archive.

Scott/Beverly/Alan/Leo, I would welcome your thoughts.

Stan  
A. Stanley Meiburg  
Acting Regional Administrator  
EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA. 30303

Office: (404) 562-8357  
Fax: (404) 562-9961  
Cell: (404) 435-4234  
Email: meiburg.stan@epa.gov

Sent using Blackberry  
Frank Ney

----- Original Message -----

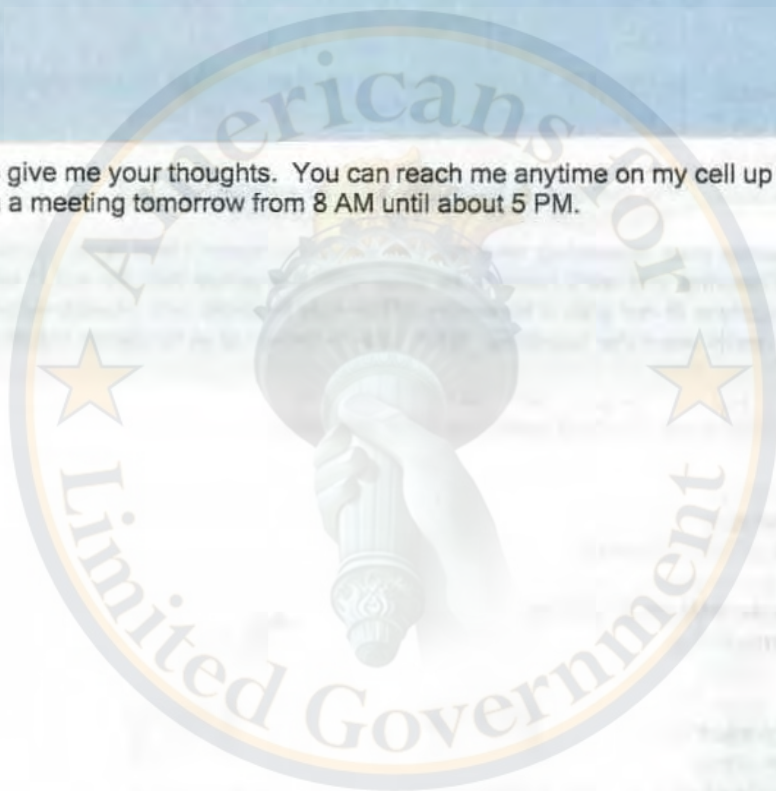
**From:** Frank Ney  
**Sent:** 08/24/2010 05:30 PM EDT  
**To:** Stan Meiburg  
**Cc:** Dee Stewart; Alan Farmer; Leo Francendese; James Webster; Shane Hitchcock  
**Subject:** Roane County, Tennessee Citizen's Hearings on the proposed coal combustion residual's rule (Scheduled for September 2, 2010 in Harriman TN)

Stan,

After you gave me a copy of the August 16, 2010 letter addressed to Administrator Jackson on the above subject, I called the contact named in the letter, Josh Galperin of the Southern Alliance for Clean Energy. The meeting they are planning is to allow citizen's to meet and comment in a public forum on the CCR rule. The comments will be transcribed. Mr. Galperin wanted someone from EPA to be present and to give a summary of the CCR Rule.

Please call me anytime to give me your thoughts. You can reach me anytime on my cell up to 11 PM at I will be in a meeting tomorrow from 8 AM until about 5 PM.

Frank





**CCR FOIA Re:Meetings 1 of 7 (Barry Breen)**  
Ellyn Fine to: Mary Jackson

08/07/2012 04:45 PM

From: Ellyn Fine/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

History: This message has been replied to and forwarded.

— Forwarded by Ellyn Fine/DC/USEPA/US on 08/07/2012 04:41 PM —

**Fw: Center for Public Integrity Report on another 19 coal ash related damage cases**

Lisa Feldt to: Mathy Stanislaus, Barry Breen

12/12/2011 06:26 PM

Randy gave me a quick heads up on this. I asked him to put together a quick e-mail for all of us especially given our meeting with Lisa Evans and Eric S tomorrow.

Lisa Feldt  
Deputy Assistant Administrator  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0200  
Fax: (202) 566-0207  
feldt.lisa@epa.gov

— Forwarded by Lisa Feldt/DC/USEPA/US on 12/12/2011 06:24 PM —

From: Randy Deitz/DC/USEPA/US  
To: Lisa Feldt/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Marsha Minter/DC/USEPA/US@EPA, Rachel Bassler/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Date: 12/12/2011 05:21 PM  
Subject: Center for Public Integrity Report on another 19 coal ash related damage cases

Lisa, per our discussion, the Center for Public Integrity plans to release a report tomorrow at 1:30 pm which identifies an additional 19 sites where coal combustion waste appears to have contaminated groundwater with pollutants at levels above Safe Drinking Water Act MCLs. After a quick scan of the report,

The report says that they have not identified whether states were taking action to address the contaminants identified in this groundwater monitoring data. If the report's premise is that there are more cases of groundwater contamination from coal ash disposal units than EPA reported in its damage cases from 2007,

I am attaching a pre-release version of the report. The report is embargoed until 1:30 pm tomorrow (Tuesday).





# Risky Business

Coal Ash Threatens America's Groundwater Resources at 19 More Sites



*93pg doc -  
publicly available*

December 12, 2011







**Fw: New report on coal ash**  
**Matt Straus** to: Mary Jackson

10/01/2012 04:27 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:27 PM —

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 01:58 PM  
Subject: Fw: New report on coal ash

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 01:58 PM —

From: Shawna Bergman/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 02/02/2011 09:39 AM  
Subject: Fw: New report on coal ash

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

— Forwarded by Shawna Bergman/DC/USEPA/US on 02/02/2011 09:39 AM —

**Re: Fw: New report on coal ash** 📎

**Susan Thorneloe** to: Kevin Teichman, Elizabeth Blackburn

02/02/2011 09:38 AM

Cc: "Fred Hauchman", Shawna Bergman, "Greg Helms", "Douglas Mckinney", "Carol Lenox", "Frank Princiotta"

Kevin - this looks fine. You might simplify further to:



----- Original Message -----

**From:** Kevin Teichman

**Sent:** 02/02/2011 06:30 AM EST

**To:** Elizabeth Blackburn

**Cc:** "Fred Hauchman" <hauchman.fred@epa.gov>; Susan Thorneloe; Shawna Bergman

**Subject:** Re: Fw: New report on coal ash

How about the following. Version 1 is the "fuller" version; Version 2, a shorter and preferred one, if still faithful to the science.



Kevin Teichman  
Deputy Assistant Administrator  
for Science (8101R)  
Office of Research and Development  
Room 41225 Ronald Reagan Building  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
(202) 564-6620 (Telephone)  
(202) 565-2430 (Fax)

teichman.kevin@epa.gov (email)

Elizabeth Blackburn Hi Kevin Earthjustice and friends are coming o...

02/02/2011 12:12:42 AM

From: Elizabeth Blackburn/DC/USEPA/US  
To: "Kevin Teichman" <teichman.kevin@epa.gov>  
Cc: "Fred Hauchman" <hauchman.fred@epa.gov>  
Date: 02/02/2011 12:12 AM  
Subject: Fw: New report on coal ash

Hi Kevin

Earthjustice and friends are coming out with a report linking coal ash and chromium tomorrow. EPA got an advance copy - see below. It references a 2009 ORD study and among other things says that we are trying to bury the findings. The next email I'll send you indicates that OSWER would like ORD to verify this report.

Given the Administrator's testimony for SEPW tomorrow, there is some urgency to have a response to this. I exchanged some emails with Jace Cuje and Susan Thorneloe tonight (Fred was copied). I recommend that we send a note back to OSWER with the following response:

It turns out that the preamble of the proposed rulemaking on coal combustion residuals includes a reference to the uncertainties discovered in our report. The preamble also refers to the assumption that the chromium found in the particulate matter is chrom-6. I'm assuming OSWER will give her all that information.

I'm also assuming she already has information on our health assessment though I'll admit that I did not review her testimony.

Thanks in advance for reviewing this quickly!

Liz

Liz Blackburn  
USEPA, Office of Research and Development  
202-564-2192  
Cell 202-436-2453  
Laura Gentile

----- Original Message -----

**From:** Laura Gentile  
**Sent:** 02/01/2011 04:52 PM EST  
**To:** Elizabeth Blackburn  
**Subject:** Fw: New report on coal ash

fyi

----- Forwarded by Laura Gentile/DC/USEPA/US on 02/01/2011 04:52 PM -----

From: Shawna Bergman/DC/USEPA/US

To: "Ms. Lana Suarez" <Suarez.Lana@epamail.epa.gov>, "Kelly Greene" <Greene.Kelly@epamail.epa.gov>  
Cc: "George Hull" <Hull.George@epamail.epa.gov>, "Laura Gentile" <Gentile.Laura@epamail.epa.gov>  
Date: 02/01/2011 03:56 PM  
Subject: Fw: New report on coal ash

---

Wanted to make sure someone was reviewing the report. We heard that Betsaida (OEA) had called over to your offices.

-----  
Shawna Roesch Bergman (sent via BlackBerry)  
Chief of Staff  
U.S. EPA Office of Solid Waste and Emergency Response  
202-564-3641

----- Original Message -----  
From: Mathy Stanislaus  
Sent: 02/01/2011 03:53 PM EST  
To: Suzanne Rudzinski; Matt Straus  
Cc: Shawna Bergman; Lisa Feldt; Barry Breen; Ellen Manges; Becky Brooks  
Subject: Fw: New report on coal ash

Pls take a look @ give me reaction

----- Original Message -----  
From: Lisa Evans [levans@earthjustice.org]  
Sent: 01/31/2011 02:34 PM PST  
To: Mathy Stanislaus; Bob Sussman  
Subject: New report on coal ash

Dear Mathy and Bob-

I wanted to give you both an advance (draft) copy of the report that Earthjustice, Physicians for Social Responsibility and the Environmental Integrity Project will be releasing tomorrow on the connection between coal ash and hexavalent chromium. Based on EPA and EPRI data, and data from our own reports, we show that coal ash presents a significant threat to drinking water from the release of hexavalent chromium.

We would be happy to discuss this report with you in detail at your convenience.

Also, thank you sincerely for the opportunity to meet and discuss coal ash issues earlier this month.

Best,  
Lisa Evans

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.

Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

\*please consider the environment before printing

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[attachment "Chrom Report Draft Final 1-31-11.docx" deleted by Kevin Teichman/DC/USEPA/US]









**Fw: BU Methodology Calls**  
**Becky Brooks** to: Mary Jackson

10/04/2012 03:46 PM

From: Becky Brooks/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

History: This message has been replied to.

Mary --- This is one that I wanted to talk with you about. Not sure that it should be included, since it is internal communication. However, it refers to conference calls held with organizations on the FOIA request. Becky

--- Forwarded by Becky Brooks/DC/USEPA/US on 10/04/2012 03:40 PM ---

### BU Methodology Calls

**Suzanne Rudzinski** to: Lisa Feldt

07/09/2012 08:43 AM

Cc: Mathy Stanislaus, ORCR IO, Matt Straus, MarkJ Huff, Grace Robiou

Lisa,

On Friday 7/6, I held conference calls with representatives from Earth Justice (Lisa Evans), the Environmental Integrity Project (Alyane Gobelle), and the Sierra Club (Josh Berman) and subsequently with representatives from ASTSWMO (Mary Zdanowicz, Michael Forbeck (PA), and Carey Callahan). Overall, the calls went well. Folks appreciated that we were reaching out to them prior to public release. The NGOs had considerably more questions than ASTSWMO. The types of questions they raised included:

- **Application Document & EPA's Plans to Promote-** Both calls were very interested in when EPA will complete our application of the methodology to concrete and wallboard, and in particular, what EPA will do if we find that concrete and wallboard are not "safe".
- **Use vs. Manufacturing or Disposal -** The NGOs seemed a little disappointed that the methodology applies only to use, but understood the reasoning for not applying it to manufacture or end-of-life.
- **Risk Assessment Tools & Transparency -**Both the NGOs and ASTSWMO were interested in whether the methodology would specify which risk assessment tools (e.g., TCLP, LEAF) should be used in conducting an evaluation. ASTSWMO was particularly interested in the relationship of this methodology and the risk compendium that we have not yet finalized.

- **Chinese Drywall:** Lisa raised the issue of whether EPA is assessing emissions from Chinese Drywall (or whether our application document might do so).

Finally, I am meeting with reps from Headwaters and the Gypsum Association on Wednesday, July 11, from 12-1pm, to brief the Gypsum Association for the first time and to hear Headwaters additional questions on the BU Methodology. If you are available, we can book a meeting room downtown to

accommodate your schedule. The Gypsum Association reps are coming in person, and we will call Headwaters on the phone. We also are moving forward with scheduling a meeting for Thursday, July 19, from 11-12 with ACAA. We can schedule this meeting downtown to accommodate your schedule as well.

FYI, Lisa Evans indicated that she has requested a meeting with the Administrator in July on CCRs and hoped that you, Mathy, and I would also attend.

Thanks,

Suzanne





**Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines**

**Becky Brooks** to: Mary Jackson

10/04/2012 03:51 PM

From: Becky Brooks/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

Mary -- This is another one I wanted to discuss with you. Thanks. Becky

----- Forwarded by Becky Brooks/DC/USEPA/US on 10/04/2012 03:51 PM -----

**Fw: Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines**

**Matt Straus** to: Lisa Feldt

05/22/2012 08:38 PM

Cc: Becky Brooks, Ellyn Fine

Here is what ORCR sent to Ellyn late this afternoon.

----- Forwarded by Matt Straus/DC/USEPA/US on 05/22/2012 08:38PM -----

To: Ellyn Fine/DC/USEPA/US@EPA

From: Mark Baldwin/DC/USEPA/US

Date: 05/22/2012 04:45PM

Cc: Becky Brooks/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, ORCR IO, Shawna Bergman/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Ross Elliott/DC/USEPA/US@EPA

Subject: Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

Ellyn,

We have, and will continue to, work with DOI on their rulemaking. I have spoke with ORCR's POC on the DOI's minefill rule and she indicated that DOI has developed a draft proposal.

Mark Baldwin  
Environmental Scientist  
U.S. EPA, Office of Resource Conservation & Recovery  
1200 Pennsylvania Ave., NW  
Mail Code 5307-P  
Washington, DC 20460  
Ph. 703-308-0157

Ellyn Fine---05/22/2012 03:30:34 PM---Thanks Mark. This does help. However, is DOI still pursuing a separate rulemaking where it is with

From: Ellyn Fine/DC/USEPA/US  
To: Mark Baldwin/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, ORCR IO,  
Shawna Bergman/DC/USEPA/US@EPA  
Date: 05/22/2012 03:30 PM  
Subject: Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

Thanks Mark. This does help. However, is DOI still pursuing a separate rulemaking where it is within DOI's jurisdiction? And are we participating at all in that effort? Thanks, Ellyn

Ellyn Krevitz Fine  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
p: 202-566-2775

Mark Baldwin—05/22/2012 03:23:30 PM—Ellyn, You are correct that we worked with DOI's Office of Surface Mining on CCRs used as minefill

From: Mark Baldwin/DC/USEPA/US  
To: Ellyn Fine/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, ORCR IO,  
Shawna Bergman/DC/USEPA/US@EPA  
Date: 05/22/2012 03:23 PM  
Subject: Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

Ellyn,  
You are correct that we worked with DOI's Office of Surface Mining on CCRs used as minefill that were outside of the jurisdiction of the Surface Mining Control and Reclamation Act. The rulemaking (RIN: 2050-AG45) is currently listed in ADP Tracker as "Pending" and does not have any dates recorded for the various ADP milestones. The question of DOI's rulemaking and our role was raised in the CCR proposal.  
In the CCR proposal we stated that "...[the] proposed rule does not address the placement of CCRs in minefills. The U.S. Department of Interior and EPA will address the management of CCRs in minefills in a separate regulatory action(s), consistent with the approach recommended by the National Academy of Sciences, recognizing the expertise of DOI's Office of Surface Mining Reclamation and Enforcement in this area...EPA will decide on an appropriate action for these wastes after completing this rulemaking." We also stated that "The Agency is deferring its proposed response to petitioners' request regarding the placement of CCRs in minefills as the Agency will work with OSM to address the management of CCRs in minefills in a separate rulemaking action" Basically, we made it clear that until we finish with CCR disposal rule we would not take action on minefill. Please let us know if you need any more information. -Mark

Mark Baldwin  
Environmental Scientist  
U.S. EPA, Office of Resource Conservation & Recovery  
1200 Pennsylvania Ave., NW  
Mail Code 5307-P

From: Lisa Evans <levans@earthjustice.org>  
To: Teri Porterfield/DC/USEPA/US@EPA, Nena Shaw/DC/USEPA/US@EPA  
Date: 05/16/2012 12:16 PM  
Subject: Request for Meeting on May 23

---

Dear Ms. Porterfield and Ms. Shaw:

I am writing to request a meeting with Deputy Administrator Perciasepe on May 23, 2012 concerning the proposed rulemaking by the Office of Surface Mining and Reclamation and Enforcement (OSM) on coal ash placement in coal mines. We have learned that completion of this proposed rule is imminent and would like an opportunity to speak with EPA as soon as possible about the rule.

I am asking for this meeting on behalf of Richard Webster of Public Justice, Tom FitzGerald of Kentucky Resources Council, Eric Schaeffer of Environmental Integrity Project, Sierra Club and Earthjustice.

Thank you in advance for your assistance with this request. You may reach me at this email address and by phone at 781-631-4119.

Sincerely,

Lisa Evans

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

\*please consider the environment before printing

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Sent: Thursday, May 17, 2012 5:20 PM  
To: Lisa Evans  
Subject: Re: Request for Meeting on May 23

Tuesday would be great! I will try you a 1 on Tuesday. Thanks so much. Nena

----- Original Message -----

From: Lisa Evans [levans@earthjustice.org]  
Sent: 05/17/2012 02:15 PM MST  
To: Nena Shaw  
Subject: RE: Request for Meeting on May 23

Sure. I am free on Monday between 2-3 pm and after 4 pm and on Tuesday after 12 noon.  
Thanks,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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---

From: Nena Shaw [Shaw.Nena@epamail.epa.gov]  
Sent: Thursday, May 17, 2012 5:13 PM  
To: Lisa Evans  
Subject: Re: Request for Meeting on May 23

Hi Lisa - Thanks for your email. I would like to understand a little more about this issue. Can we talk on Monday or Tuesday of next week?

Thanks! Nena

Nena Shaw  
Special Assistant  
Office of the Administrator  
202-564-5106 (W)

[cid:1\_\_=0ABBF092DFE7146F8f9e8a93@epamail.epa.gov]Lisa Evans --05/16/2012 12:16:15 PM--Dear Ms. Porterfield and Ms. Shaw: I am writing to request a meeting with Deputy Administrator Perci

To: KarenL Martin/DC/USEPA/US@EPA, MichaelE Scozzafava/DC/USEPA/US@EPA, Erin Miles/DC/USEPA/US@EPA  
Date: 05/22/2012 01:12 PM  
Subject: Fw: Request for Meeting on May 23

Karen/Michael -

This request (see below) came in for a meeting with the Deputy on a DOI rule re coal ash placement in coal mines. I spoke with Lisa Evans who made the request. She would like to meet with the Deputy because she is very concerned that this rule is moving shortly to OMB and it does not appear that there has been any coordination between EPA and DOI on the rule. I am writing because I am not sure who would have the lead on this rule. OSWER is the most likely office, but water or federal activities may be aware of any coordination that has occurred. If folks could get back to me shortly with information on which office you think would have the lead on this rule, that would be helpful. I would like them to be in the room when the Deputy is briefed.

Thanks. Nena

Nena Shaw  
Special Assistant  
Office of the Administrator  
202-564-5106 (W)

----- Forwarded by Nena Shaw/DC/USEPA/US on 05/22/2012 01:07 PM -----

From: Lisa Evans <levans@earthjustice.org>  
To: Nena Shaw/DC/USEPA/US@EPA  
Date: 05/17/2012 05:30 PM  
Subject: RE: Request for Meeting on May 23

Thank you.

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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---

From: Nena Shaw [Shaw.Nena@epamail.epa.gov]



Washington, DC 20460  
Ph. 703-308-0157

Ellyn Fine---05/22/2012 02:26:06 PM---ORCR - just got this. I thought in the past we were working on this with DOI yes? Either Lisa or B

From: Ellyn Fine/DC/USEPA/US  
To: ORCR IO, Matt Straus/DC/USEPA/US@EPA  
Cc: Shawna Bergman/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA  
Date: 05/22/2012 02:26 PM  
Subject: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

ORCR - just got this. I thought in the past we were working on this with DOI yes? Either Lisa or Barry may have to go despite needing to be at the all day SF DD meeting. We'll let you know if we need a senior person from ORCR to attend, too.

Ellyn Krevitz Fine  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
p: 202-566-2775

----- Forwarded by Ellyn Fine/DC/USEPA/US on 05/22/2012 02:19 PM -----

Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

**KarenL Martin** to: Shawna Bergman, Becky Brooks, Ellyn Fine 05/22/2012 02:14 PM

Lisa Evans has asked to meet with the Deputy Administrator in reference to a DOI rule on coal ash placement in coal mines. The meeting may be scheduled as early as tomorrow. Please let me know who should be included on the invite and if you have information on whether we have coordinated with DOI on this particular rule.

See Nena's note and the original request below. Nena spoke with Lisa Evans earlier today and she promised not to bring up our coal ash rule.

Karen L. Martin, Special Assistant  
Office of the Administrator  
Room 3313 Ariel Rios North  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW (1101A)  
Washington, DC 20460  
202-564-0203 (office)  
202-306-0172 (cell)

----- Forwarded by KarenL Martin/DC/USEPA/US on 05/22/2012 02:02 PM -----

From: Nena Shaw/DC/USEPA/US



**FOIA HQ-FOI-01327-12: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines**

Suzanne Rudzinski to: Mary Jackson

10/18/2012 11:07 AM

Sent by: Nicole Villamizar

From: Suzanne Rudzinski/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Nicole Villamizar/DC/USEPA/US

— Forwarded by Nicole Villamizar/DC/USEPA/US on 10/18/2012 10:41 AM —

From: Matt Straus/DC/USEPA/US  
To: Betsy Devlin/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Mark Baldwin/DC/USEPA/US@EPA, ORCR IO, Ross Elliott/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA  
Date: 05/23/2012 09:49 AM  
Subject: Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

Thanx. That's what I needed to know.

Betsy Devlin Matt We've not seen anything. Bonnie Robinson... 05/23/2012 09:48:01 AM  
Matt Straus

----- Original Message -----

From: Matt Straus  
Sent: 05/23/2012 09:23 AM EDT  
To: Mark Baldwin  
Cc: Ellyn Fine; Becky Brooks; ORCR IO; Shawna Bergman; Betsy Devlin; Ross Elliott  
Subject: Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

Looks like I will be attending the meeting in person and either Betsy or Ross will be on the phone. The email below is helpful, but can you please get back to me before the meeting as to whether ORCR has seen any drafts of the proposed rule or any other material that discusses the proposed rule prior to it going into internal DOI review, or have we not seen anything since they began to work on this particular version of the rule. Thanx.

Mark Baldwin Ellyn, We have, and will continue to, work with... 05/22/2012 04:45:57 PM

From: Mark Baldwin/DC/USEPA/US  
To: Ellyn Fine/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, ORCR IO, Shawna Bergman/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Ross Elliott/DC/USEPA/US@EPA  
Date: 05/22/2012 04:45 PM  
Subject: Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

Ellyn,

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Mark Baldwin  
Environmental Scientist  
U.S. EPA, Office of Resource Conservation & Recovery  
1200 Pennsylvania Ave., NW  
Mail Code 5307-P  
Washington, DC 20460  
Ph. 703-308-0157

Ellyn Fine

Thanks Mark. This does help. However, is DOI...

05/22/2012 03:30:34 PM

From: Ellyn Fine/DC/USEPA/US  
To: Mark Baldwin/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, ORCR IO, Shawna Bergman/DC/USEPA/US@EPA  
Date: 05/22/2012 03:30 PM  
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Ellyn Krevitz Fine  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
p: 202-566-2775

Mark Baldwin

Ellyn, You are correct that we worked with DOI'...

05/22/2012 03:23:30 PM

From: Mark Baldwin/DC/USEPA/US  
To: Ellyn Fine/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, ORCR IO, Shawna Bergman/DC/USEPA/US@EPA  
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Mark Baldwin  
Environmental Scientist  
U.S. EPA, Office of Resource Conservation & Recovery  
1200 Pennsylvania Ave., NW  
Mail Code 5307-P  
Washington, DC 20460  
Ph. 703-308-0157

Ellyn Fine

ORCR - just got this. I thought in the past we we...

05/22/2012 02:26:06 PM

From: Ellyn Fine/DC/USEPA/US  
To: ORCR IO, Matt Straus/DC/USEPA/US@EPA  
Cc: Shawna Bergman/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA  
Date: 05/22/2012 02:26 PM  
Subject: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

ORCR - just got this. I thought in the past we were working on this with DOI yes? Either Lisa or Barry may have to go despite needing to be at the all day SF DD meeting. We'll let you know if we need a senior person from ORCR to attend, too.

Ellyn Krevitz Fine  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
p: 202-566-2775

----- Forwarded by Ellyn Fine/DC/USEPA/US on 05/22/2012 02:19 PM -----

**Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines**

**KarenL Martin** to: Shawna Bergman, Becky Brooks, Ellyn Fine

05/22/2012 02:14 PM

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See Nena's note and the original request below. Nena spoke with Lisa Evans earlier today and she promised not to bring up our coal ash rule.

Karen L. Martin, Special Assistant  
Office of the Administrator  
Room 3313 Ariel Rios North  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW (1101A)  
Washington, DC 20460  
202-564-0203 (office)  
202-306-0172 (cell)

----- Forwarded by KarenL Martin/DC/USEPA/US on 05/22/2012 02:02 PM -----

From: Nena Shaw/DC/USEPA/US  
To: KarenL Martin/DC/USEPA/US@EPA, MichaelE Scozzafava/DC/USEPA/US@EPA, Erin Miles/DC/USEPA/US@EPA

Date: 05/22/2012 01:12 PM  
Subject: Fw: Request for Meeting on May 23

---

Karen/Michael -

This request (see below) came in for a meeting with the Deputy on a DOI rule re coal ash placement in coal mines. I spoke with Lisa Evans who made the request. She would like to meet with the Deputy because she is very concerned that this rule is moving shortly to OMB and it does not appear that there has been any coordination between EPA and DOI on the rule. I am writing because I am not sure who would have the lead on this rule. OSWER is the most likely office, but water or federal activities may be aware of any coordination that has occurred. If folks could get back to me shortly with information on which office you think would have the lead on this rule, that would be helpful. I would like them to be in the room when the Deputy is briefed.

Thanks. Nena

Nena Shaw  
Special Assistant  
Office of the Administrator  
202-564-5106 (W)

— Forwarded by Nena Shaw/DC/USEPA/US on 05/22/2012 01:07 PM —

From: Lisa Evans <levans@earthjustice.org>  
To: Nena Shaw/DC/USEPA/US@EPA  
Date: 05/17/2012 05:30 PM  
Subject: RE: Request for Meeting on May 23

---

Thank you.

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

\*please consider the environment before printing

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---

From: Nena Shaw [Shaw.Nena@epamail.epa.gov]  
Sent: Thursday, May 17, 2012 5:20 PM  
To: Lisa Evans  
Subject: Re: Request for Meeting on May 23

Tuesday would be great! I will try you a 1 on Tuesday. Thanks so much. Nena

----- Original Message -----

From: Lisa Evans [levans@earthjustice.org]  
Sent: 05/17/2012 02:15 PM MST  
To: Nena Shaw  
Subject: RE: Request for Meeting on May 23

Sure. I am free on Monday between 2-3 pm and after 4 pm and on Tuesday after 12 noon.

Thanks,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
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---

From: Nena Shaw [Shaw.Nena@epamail.epa.gov]  
Sent: Thursday, May 17, 2012 5:13 PM  
To: Lisa Evans  
Subject: Re: Request for Meeting on May 23

Hi Lisa - Thanks for your email. I would like to understand a little more about this issue. Can we talk on Monday or Tuesday of next week?

Thanks! Nena

Nena Shaw  
Special Assistant  
Office of the Administrator  
202-564-5106 (W)

[cid:1\_\_=0ABBF092DFE7146F8f9e8a93@epamail.epa.gov]Lisa Evans ---05/16/2012 12:16:15 PM---Dear Ms. Porterfield and Ms. Shaw: I am writing to request a meeting with Deputy Administrator Perci

From: Lisa Evans <levans@earthjustice.org>  
To: Teri Porterfield/DC/USEPA/US@EPA, Nena Shaw/DC/USEPA/US@EPA  
Date: 05/16/2012 12:16 PM  
Subject: Request for Meeting on May 23

---

Dear Ms. Porterfield and Ms. Shaw:

I am writing to request a meeting with Deputy Administrator Perciasepe on May 23, 2012 concerning the proposed rulemaking by the Office of Surface Mining and Reclamation and Enforcement (OSM) on coal ash placement in coal mines. We have learned that completion of this proposed rule is imminent and would like an opportunity to speak with EPA as soon as possible about the rule.

I am asking for this meeting on behalf of Richard Webster of Public Justice, Tom FitzGerald of Kentucky Resources Council, Eric Schaeffer of Environmental Integrity Project, Sierra Club and Earthjustice.

Thank you in advance for your assistance with this request. You may reach me at this email address and by phone at 781-631-4119.

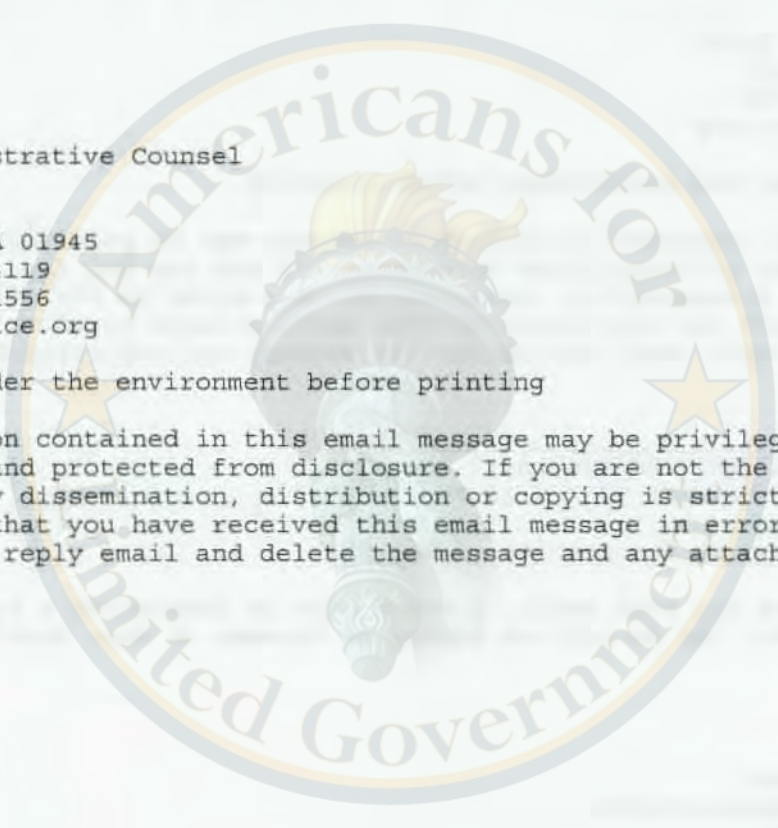
Sincerely,

Lisa Evans

Lisa Evans  
Senior Administrative Counsel  
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21 Ocean Ave.  
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**FOIA HQ-FOI-01327-12: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines**

**Suzanne Rudzinski** to: Mary Jackson

10/18/2012 11:07 AM

Sent by: **Nicole Villamizar**

From: Suzanne Rudzinski/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Nicole Villamizar/DC/USEPA/US

— Forwarded by Nicole Villamizar/DC/USEPA/US on 10/18/2012 10:41 AM —

From: Suzanne Rudzinski/DC/USEPA/US  
To: Betsy Devlin/DC/USEPA/US@EPA, Ross Elliott/DC/USEPA/US@EPA  
Cc: Sharon Brent/DC/USEPA/US@EPA  
Date: 05/23/2012 02:48 PM  
Subject: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

I would like to listen in on this call -- schedule permitting. Would you please advise Sharon as to time and call in number and where you will be listening from. Thanks.

— Forwarded by Suzanne Rudzinski/DC/USEPA/US on 05/23/2012 02:46 PM —

From: Matt Straus/DC/USEPA/US  
To: Mark Baldwin/DC/USEPA/US@EPA  
Cc: Ellyn Fine/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, ORCR IO, Shawna Bergman/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Ross Elliott/DC/USEPA/US@EPA  
Date: 05/23/2012 09:23 AM  
Subject: Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

Looks like I will be attending the meeting in person and either Betsy or Ross will be on the phone. The email below is helpful, but can you please get back to me before the meeting as to whether ORCR has seen any drafts of the proposed rule or any other material that discusses the proposed rule prior to it going into internal DOI review, or have we not seen anything since they began to work on this particular version of the rule. Thanx.

Mark Baldwin

Ellyn, We have, and will continue to, work with...

05/22/2012 04:45:57 PM

From: Mark Baldwin/DC/USEPA/US  
To: Ellyn Fine/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, ORCR IO, Shawna Bergman/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Ross Elliott/DC/USEPA/US@EPA  
Date: 05/22/2012 04:45 PM  
Subject: Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

Ellyn,

We have, and will continue to, work with DOI on their rulemaking. I have spoke with ORCR's POC on the DOI's minefill rule and she indicated that DOI has developed a draft proposal,



Mark Baldwin  
Environmental Scientist  
U.S. EPA, Office of Resource Conservation & Recovery  
1200 Pennsylvania Ave., NW  
Mail Code 5307-P  
Washington, DC 20460  
Ph. 703-308-0157

Ellyn Fine

Thanks Mark. This does help. However, is DOI...

05/22/2012 03:30:34 PM

From: Ellyn Fine/DC/USEPA/US  
To: Mark Baldwin/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, ORCR IO, Shawna Bergman/DC/USEPA/US@EPA  
Date: 05/22/2012 03:30 PM  
Subject: Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

Thanks Mark. This does help. However, is DOI still pursuing a separate rulemaking where it is within DOI's jurisdiction? And are we participating at all in that effort? Thanks, Ellyn

Ellyn Krevitz Fine  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
p: 202-566-2775

Mark Baldwin

Ellyn, You are correct that we worked with DOI'...

05/22/2012 03:23:30 PM

From: Mark Baldwin/DC/USEPA/US  
To: Ellyn Fine/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, ORCR IO, Shawna Bergman/DC/USEPA/US@EPA  
Date: 05/22/2012 03:23 PM  
Subject: Re: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

Ellyn,

You are correct that we worked with DOI's Office of Surface Mining on CCRs used as minefill that were outside of the jurisdiction of the Surface Mining Control and Reclamation Act. The rulemaking (RIN: 2050-AG45) is currently listed in ADP Tracker as "Pending" and does not have any dates recorded for the various ADP milestones. The question of DOI's rulemaking and our role was raised in the CCR proposal.

In the CCR proposal we stated that "...[the] proposed rule does not address the placement of CCRs in minefills. The U.S. Department of Interior and EPA will address the management of CCRs in minefills in a separate regulatory action(s), consistent with the approach recommended by the National Academy of Sciences, recognizing the expertise of DOI's Office of Surface Mining Reclamation and Enforcement in this area...EPA will decide on an appropriate action for these wastes after completing this rulemaking." We also stated that "The Agency is deferring its proposed response to petitioners' request regarding the placement of CCRs in minefills as the Agency will work with OSM to address the management of CCRs in minefills in a separate rulemaking action" Basically, we made it clear that until we finish with CCR disposal rule we would not take action on minefill. Please let us know if you need any more information. -Mark

Mark Baldwin

Environmental Scientist  
U.S. EPA, Office of Resource Conservation & Recovery  
1200 Pennsylvania Ave., NW  
Mail Code 5307-P  
Washington, DC 20460  
Ph. 703-308-0157

Ellyn Fine

ORCR - just got this. I thought in the past we we...

05/22/2012 02:26:06 PM

From: Ellyn Fine/DC/USEPA/US  
To: ORCR IO, Matt Straus/DC/USEPA/US@EPA  
Cc: Shawna Bergman/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA  
Date: 05/22/2012 02:26 PM  
Subject: Fw: Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines

ORCR - just got this. I thought in the past we were working on this with DOI yes? Either Lisa or Barry may have to go despite needing to be at the all day SF DD meeting. We'll let you know if we need a senior person from ORCR to attend, too.

Ellyn Krevitz Fine  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
p: 202-566-2775

----- Forwarded by Ellyn Fine/DC/USEPA/US on 05/22/2012 02:19 PM -----

**Request from Earth Justice to meet with Deputy Administrator on DOI rule on coal ash placement in coal mines**

**KarenL. Martin** to: Shawna Bergman, Becky Brooks, Ellyn Fine

05/22/2012 02:14 PM

Lisa Evans has asked to meet with the Deputy Administrator in reference to a DOI rule on coal ash placement in coal mines. The meeting may be scheduled as early as tomorrow. Please let me know who should be included on the invite and if you have information on whether we have coordinated with DOI on this particular rule.

See Nena's note and the original request below. Nena spoke with Lisa Evans earlier today and she promised not to bring up our coal ash rule.

Karen L. Martin, Special Assistant  
Office of the Administrator  
Room 3313 Ariel Rios North  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW (1101A)  
Washington, DC 20460  
202-564-0203 (office)  
202-306-0172 (cell)

----- Forwarded by KarenL. Martin/DC/USEPA/US on 05/22/2012 02:02 PM -----

From: Nena Shaw/DC/USEPA/US  
To: KarenL. Martin/DC/USEPA/US@EPA, MichaelE Scozzafava/DC/USEPA/US@EPA, Erin Miles/DC/USEPA/US@EPA  
Date: 05/22/2012 01:12 PM  
Subject: Fw: Request for Meeting on May 23

Karen/Michael -

This request (see below) came in for a meeting with the Deputy on a DOI rule re coal ash placement in coal mines. I spoke with Lisa Evans who made the request. She would like to meet with the Deputy because she is very concerned that this rule is moving shortly to OMB and it does not appear that there has been any coordination between EPA and DOI on the rule. I am writing because I am not sure who would have the lead on this rule. OSWER is the most likely office, but water or federal activities may be aware of any coordination that has occurred. If folks could get back to me shortly with information on which office you think would have the lead on this rule, that would be helpful. I would like them to be in the room when the Deputy is briefed.

Thanks. Nena

Nena Shaw  
Special Assistant  
Office of the Administrator  
202-564-5106 (W)

----- Forwarded by Nena Shaw/DC/USEPA/US on 05/22/2012 01:07 PM -----

From: Lisa Evans <levans@earthjustice.org>  
To: Nena Shaw/DC/USEPA/US@EPA  
Date: 05/17/2012 05:30 PM  
Subject: RE: Request for Meeting on May 23

Thank you.

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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From: Nena Shaw [Shaw.Nena@epamail.epa.gov]  
Sent: Thursday, May 17, 2012 5:20 PM  
To: Lisa Evans  
Subject: Re: Request for Meeting on May 23

Tuesday would be great! I will try you a 1 on Tuesday. Thanks so much. Nena

----- Original Message -----

From: Lisa Evans [levans@earthjustice.org]

Sent: 05/17/2012 02:15 PM MST  
To: Nena Shaw  
Subject: RE: Request for Meeting on May 23

Sure. I am free on Monday between 2-3 pm and after 4 pm and on Tuesday after 12 noon.  
Thanks,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
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From: Nena Shaw [Shaw.Nena@epamail.epa.gov]  
Sent: Thursday, May 17, 2012 5:13 PM  
To: Lisa Evans  
Subject: Re: Request for Meeting on May 23

Hi Lisa - Thanks for your email. I would like to understand a little more about this issue. Can we talk on Monday or Tuesday of next week?

Thanks! Nena

Nena Shaw  
Special Assistant  
Office of the Administrator  
202-564-5106 (W)

[cid:1\_\_=0ABBF092DFE7146F8f9e8a93@epamail.epa.gov]Lisa Evans ---05/16/2012 12:16:15 PM--Dear Ms. Porterfield and Ms. Shaw: I am writing to request a meeting with Deputy Administrator Perci

From: Lisa Evans <levans@earthjustice.org>  
To: Teri Porterfield/DC/USEPA/US@EPA, Nena Shaw/DC/USEPA/US@EPA  
Date: 05/16/2012 12:16 PM  
Subject: Request for Meeting on May 23

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I am asking for this meeting on behalf of Richard Webster of Public Justice, Tom FitzGerald of Kentucky Resources Council, Eric Schaeffer of Environmental Integrity Project, Sierra Club and Earthjustice.

Thank you in advance for your assistance with this request. You may reach me at this email address and by phone at 781-631-4119.

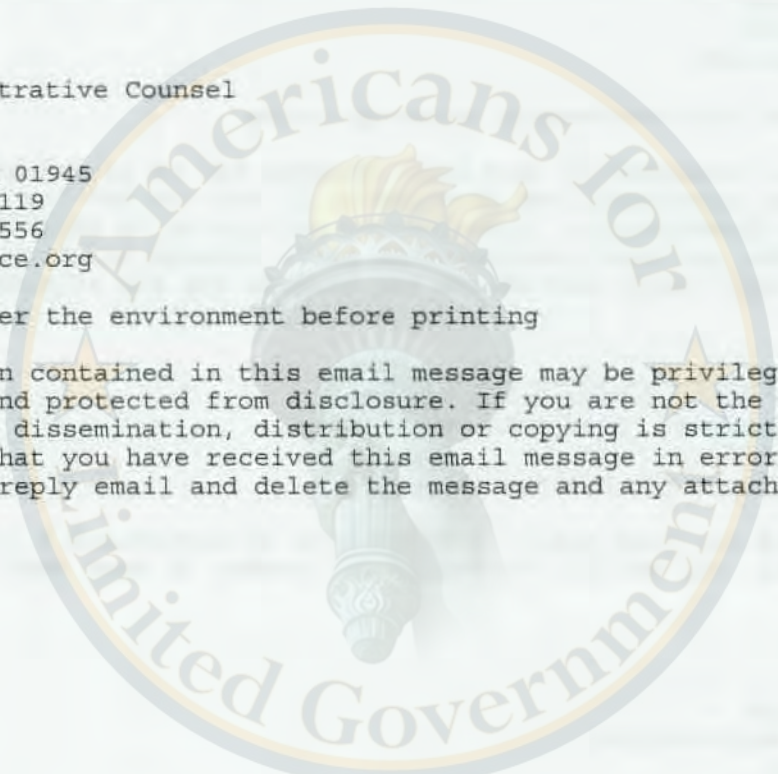
Sincerely,

Lisa Evans

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
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**Fw: Tomorrow's Washington Post**

**Matt Straus** to: Mary Jackson

10/01/2012 04:24 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

----- Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:24 PM -----

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 01:54 PM  
Subject: Fw: Tomorrow's Washington Post

----- Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 01:54 PM -----

From: Mathy Stanislaus/DC/USEPA/US  
To: "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>, "Barry Breen" <Breen.Barry@epamail.epa.gov>, "Matt Hale" <Hale.Matt@epamail.epa.gov>, "Matt Straus" <Straus.Matt@epamail.epa.gov>, "Marsha Minter" <Minter.Marsha@epamail.epa.gov>, "George Hull" <Hull.George@epamail.epa.gov>  
Date: 12/21/2009 11:25 AM  
Subject: Fw: Tomorrow's Washington Post

----- Original Message -----  
From: Lisa Evans [levans@earthjustice.org]  
Sent: 12/21/2009 08:08 AM PST  
To: Mathy Stanislaus  
Subject: Tomorrow's Washington Post

Hi Mathy,

I wanted to give you the heads up that Sierra Club will be running a full-page ad in the Post tomorrow, signed by over 100 groups (including Earthjustice), which asks for national coal ash regulation (commemorating the anniversary of the TVA spill). The tone is respectful to EPA, and it's purpose is to point a finger at the problem while asking for an effective response.

If you have any concerns, please let me know.

Sincerely,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
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F: (212) 918-1556  
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11/11/2011  
11:11 AM  
11/11/2011  
11:11 AM  
11/11/2011  
11:11 AM



**Fw: Meeting With Citizen Groups - for the Docket**  
**Alexander Livnat** to: Mary Jackson

08/08/2012 12:13 PM

From: Alexander Livnat/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

History: This message has been forwarded.

Second entry (out of two) for the FOIA on CCR rulemaking/meetings with citizen groups.

Alex Livnat, Ph.D  
Materials Recovery and Waste Management Division  
Office of Resource Conservation and Recovery  
US EPA (MC: 5304P)  
1200 Pennsylvania Ave, NW  
Washington, DC 20460-0001  
Tel: (703) 308-7251  
Fax: (703) 605-0595  
Email: livnat.alexander@epa.gov

Delivery address: Two Potomac Yard (North Bldg)  
2733 South Crystal Drive (N-5836)  
Arlington, VA 22202

— Forwarded by Alexander Livnat/DC/USEPA/US on 08/08/2012 12:12 PM —

From: Richard Kinch/DC/USEPA/US  
To: Alexander Livnat/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA  
Date: 04/29/2009 02:27 PM  
Subject: Meeting With Citizen Groups - for the Docket

On April 27, 2009, there was a meeting between citizen groups and EPA to discuss coal combustion regulations.

In attendance were:

EPA  
Matt Hale  
Maria Vickers  
Robert Dellinger  
Rich Kinch  
Mary-Kay Lynch

Citizen Groups  
Lyndsay Moseley - Sierra Club  
Lisa Evans - EarthJustice  
Lisa Widarsky - Environmental Integrity Project  
Patrice Simms - NRDC  
Jeff Stant

From the citizen groups, positions articulated were consistent with their March 2, 2009 letter to EPA.

Matt Hale was the lead spokesperson for EPA and articulated various things EPA was considering, while emphasizing decisions have not yet been made.



A few highlights:

Citizen groups noted the Administrator's pledge to transparency and asked that we work closely with them.

Jeff Stant made several points about the need for EPA regulations to keep coal combustion wastes out of contact with surface and ground water.

There was mention by Jeff Stant that TVA may be looking to minefill wastes from the TVA Kingston incident.

Patrice Simms indicated they could help in generating public support.

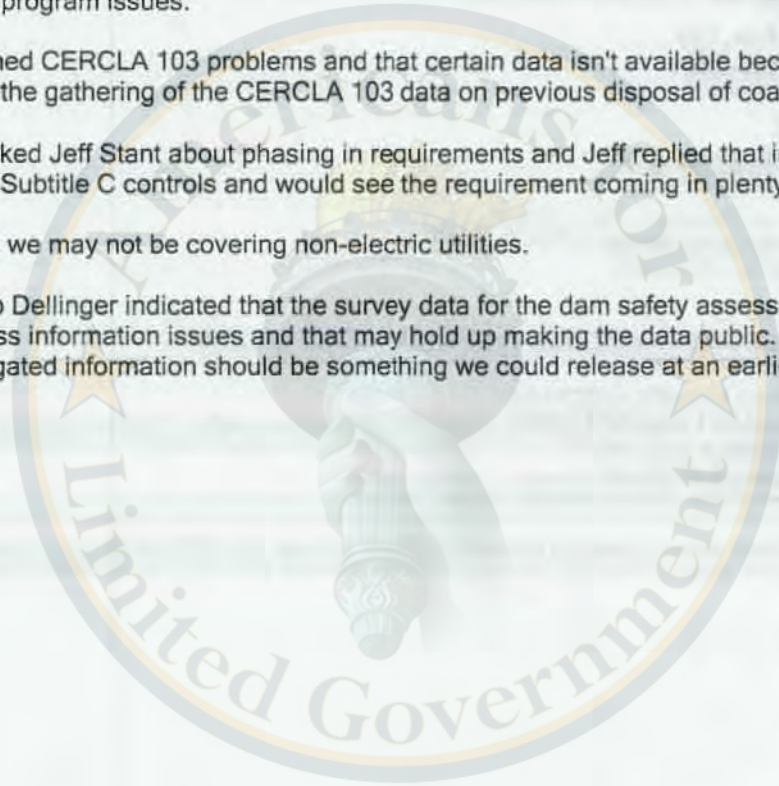
When asked what the issues were with going to Subtitle C, Matt Hale identified impacts on beneficial use, capacity, and state program issues.

Lisa Evans mentioned CERCLA 103 problems and that certain data isn't available because the Bevill exclusion prevents the gathering of the CERCLA 103 data on previous disposal of coal ash.

Mary-Kay Lynch asked Jeff Stant about phasing in requirements and Jeff replied that industry has the resources to afford Subtitle C controls and would see the requirement coming in plenty of time to react.

Matt Hale indicated we may not be covering non-electric utilities.

Rick Kinch and Bob Dellinger indicated that the survey data for the dam safety assessments had confidential business information issues and that may hold up making the data public. We did however indicate that aggregated information should be something we could release at an earlier schedule.





**Fw: Initial report on Charlotte CCR public hearing**

**Mathy Stanislaus** to: Mary Jackson

Sent by: **Shawna Bergman**

08/03/2012 10:42 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:42 AM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Betsy Devlin/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA  
Cc: Suzanne Rudzinski/DC/USEPA/US@EPA, Margaret Guerriero/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Frank Behan/DC/USEPA/US@EPA, Colleen Keltz/DC/USEPA/US@EPA  
Date: 09/15/2010 08:20 AM  
Subject: Re: Initial report on Charlotte CCR public hearing

Thanks everyone for all the hard work in making this happen smoothly  
Betsy Devlin

----- Original Message -----

**From:** Betsy Devlin  
**Sent:** 09/15/2010 08:15 AM EDT  
**To:** Matt Straus; Lisa Feldt; Barry Breen; Becky Brooks; Ellyn Fine; Shawna Bergman; Mathy Stanislaus  
**Cc:** Suzanne Rudzinski; Margaret Guerriero; Robert Dellinger; Frank Behan; Colleen Keltz  
**Subject:** Initial report on Charlotte CCR public hearing

The hearing in Charlotte, NC yesterday went well. The hearing was officially closed at 11:06 pm. We had 207 preregistered speakers; 37 of these did not show. We had 216 people walk-in, 41 to speak, so we had a total of 211 speakers. This is much higher than the 150-160 numbers we got in the last 3 cities, but we were able to keep on schedule and fit in most of the people who have early flights, walk ins etc.

For media, we actually had a number of camera crews and a good bit of coverage.

16 media staff signed in, from bloggers to the local Fox news station. Dawn Harris-Young with R4 OPA did an excellent job of handling the press. The press included

- Appalachian Voice
- Facing South
- BNA
- Mecklenburg Times
- Charlotte Observer
- WSOC TV
- WBTV
- WCNC-TV
- WCCB

A few elected official attended as well: James E Smith Jr with the South Carolina House of Reps, Pricey Harrison with the North Carolina House of Reps, and Kevin E Washington Sr, Richland County Councilman

Sierra Club and ACAA had rooms again (as in previous hearings) .

In Charlotte, because we anticipated very high numbers, we had arranged for an "overflow room" . This was very helpful - with the sound piped in, people who didn't have to speak for a while or just wanted to listen and take notes were able to take advantage of it and appreciated it.

We have a similar set up in Chicago for Thursday's hearing. And, on that note, the final count of preregistered speakers for Chicago is 239. We anticipate that hearing lasting close to midnight as well.

Please let me know if you have any questions.

Betsy





**Fw: Coal ash meeting request**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:51 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:51 AM —

From: Bob Sussman/DC/USEPA/US  
To: Daniel Gerasimowicz/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 12/29/2009 12:49 PM  
Subject: Re: Coal ash meeting request

We would like to get their views on the key issues in the rulemaking process -- C vs D, benefits and costs of rule, health risks avoided, beneficial reuse etc.

I would be there, along with mathy, lisa Feldt and perhaps (at mathy's call) a few folks from the program.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Daniel Gerasimowicz Hi Sir, I've been speaking with Lisa Evans fro... 12/29/2009 10:30:05 AM

From: Daniel Gerasimowicz/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Date: 12/29/2009 10:30 AM  
Subject: Coal ash meeting request

Hi Sir,

I've been speaking with Lisa Evans from EarthJustice about setting up a meeting with her, Mary Anne Hitt from Sierra Club and Eric Schaeffer from the Environmental Integrity Project and a small group of their respective staff(s).

I followed up with Ms. Evans today to let her know that I have not been able to get through to Ms. Hitt or Mr. Schaeffer by phone (as they both seem to be out of the office until next week), and in response to that, Ms. Evans is going to send me Ms. Hitt and Mr. Schaeffer's e-mail addresses so that I can contact them additionally by e-mail.

Ms. Evans was wondering if you might be able to provide more information about the particulars of the meeting - she is looking forward to the meeting, but was hoping that you might be able to provide a better idea of topics (she know is it about coal ash but was looking for more information if possible)

Also, she was wondering if you had an idea of the length of this meeting (45 mins, 1 hr, etc.)?

In addition, can you please let me know who from EPA should be invited?

Thank you Sir,  
Dan

Dan Gerasimowicz  
Office of the Administrator  
U.S. Environmental Protection Agency  
(202) 564-7314  
gerasimowicz.daniel@epa.gov





FOIA HQ-FOI-01327-12: Fw: Call today - Meeting w/Enviro Groups on DOI Rule Re: Coal Ash Placement in Coal Mines (May 23 12:45 PM EDT in 3412 ARN Call In # 866 299 3188 Access 202 564 4711)

Suzanne Rudzinski to: Mary Jackson  
Sent by: Nicole Villamizar

10/18/2012 11:07 AM

From: Suzanne Rudzinski/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Nicole Villamizar/DC/USEPA/US

— Forwarded by Nicole Villamizar/DC/USEPA/US on 10/18/2012 10:40 AM —

From: Betsy Devlin/DC/USEPA/US  
To: Colleen Keltz/DC/USEPA/US@EPA, Ross Elliott/DC/USEPA/US@EPA  
Cc: ORCR IO  
Date: 05/23/2012 09:15 AM  
Subject: Re: Call today - Meeting w/Enviro Groups on DOI Rule Re: Coal Ash Placement in Coal Mines (May 23 12:45 PM EDT in 3412 ARN Call In # 866 299 3188 Access 202 564 4711)

I can call in- either from home or from the office.

-----  
Sent from Wireless  
Colleen Keltz

----- Original Message -----

From: Colleen Keltz  
Sent: 05/23/2012 08:50 AM EDT  
To: Ross Elliott; Betsy Devlin  
Cc: ORCR IO  
Subject: Call today - Meeting w/Enviro Groups on DOI Rule Re: Coal Ash Placement in Coal Mines (May 23 12:45 PM EDT in 3412 ARN Call In # 866 299 3188 Access 202 564 4711)

Betsy and Ross - Suzanne and Sandra can't attend and Lisa said it is OK if one of you want to call in. Matt Straus will be calling as well.

Can either of you make it?

thanks!

Colleen Keltz  
Office of Resource Conservation and Recovery  
keltz.colleen@epa.gov  
phone 703-347-8022  
fax 703-308-7904

[www.epa.gov/epawaste](http://www.epa.gov/epawaste)

Send mail to:  
U.S. Environmental Protection Agency  
MC: 5305P  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

— Forwarded by Colleen Keltz/DC/USEPA/US on 05/23/2012 08:49 AM —

**From:** Matt Straus/DC/USEPA/US  
**To:** Becky Brooks/DC/USEPA/US@EPA  
**Cc:** Colleen Keltz/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mark Baldwin/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA  
**Date:** 05/23/2012 08:47 AM  
**Subject:** Re: Fw: Invitation: Meeting w/Enviro Groups on DOI Rule Re: Coal Ash Placement in Coal Mines (May 23 12:45 PM EDT in 3412 ARN Call In # 866 299 3188 Access 202 564 4711)

If Suzanne can't cover it, I will, but want to give Suzanne the opportunity to attend.

Becky Brooks      Suzanne/Matt – Are you available to attend or c...      05/23/2012 08:39:51 AM

**From:** Becky Brooks/DC/USEPA/US  
**To:** Suzanne Rudzinski/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
**Cc:** Lisa Feldt/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Mark Baldwin/DC/USEPA/US@EPA, Colleen Keltz/DC/USEPA/US@EPA  
**Date:** 05/23/2012 08:39 AM  
**Subject:** Fw: Invitation: Meeting w/Enviro Groups on DOI Rule Re: Coal Ash Placement in Coal Mines (May 23 12:45 PM EDT in 3412 ARN Call In # 866 299 3188 Access 202 564 4711)

Suzanne/Matt – Are you available to attend or call in for this meeting today at 12:45, since Lisa and Barry are at the SF DD meeting? Becky

Becky Brooks  
Special Assistant  
Office of Solid Waste and Emergency Response  
ph. 202-566-2762  
fax 202-566-0207

Bob Perciasepe

----- Original Message -----

**From:** Bob Perciasepe  
**Sent:** 05/22/2012 04:57 PM EDT  
**To:** Barry Breen; levans@earthjustice.org; Lisa Feldt  
**Subject:** Invitation: Meeting w/Enviro Groups on DOI Rule Re: Coal Ash Placement in Coal Mines (May 23 12:45 PM EDT in 3412 ARN Call In # 866 299 3188 Access 202 564 4711)

### Request for Meeting on May 23

Lisa Evans to Teri Porterfield, Nena Shaw

05/16/2012 12:16 PM

Dear Ms. Porterfield and Ms. Shaw:

I am writing to request a meeting with Deputy Administrator Perciasepe on May 23, 2012 concerning the proposed rulemaking by the Office of Surface Mining and Reclamation and Enforcement (OSM) on coal ash placement in coal mines. We have learned that completion of this proposed rule is imminent and would like an opportunity to speak with EPA as soon as possible about the rule.

I am asking for this meeting on behalf of Richard Webster of Public Justice, Tom FitzGerald of Kentucky Resources Council, Eric Schaeffer of Environmental Integrity Project, Sierra Club and Earthjustice.

Thank you in advance for your assistance with this request. You may reach me at this email address and by phone at 781-631-4119.

Sincerely,

Lisa Evans

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

\*please consider the environment before printing

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**FOIA HQ-FOI-01327-12: Fw: Invitation: Meeting w/Enviro Groups on DOI Rule Re: Coal Ash Placement in Coal Mines (May 23 12:45 PM EDT in 3412 ARN Call In # 866 299 3188 Access 202 564 4711)**

Suzanne Rudzinski to: Mary Jackson  
Sent by: Nicole Villamizar

10/18/2012 11:07 AM

From: Suzanne Rudzinski/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Nicole Villamizar/DC/USEPA/US

— Forwarded by Nicole Villamizar/DC/USEPA/US on 10/18/2012 10:40 AM —

From: Matt Straus/DC/USEPA/US  
To: Lisa Feldt/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Colleen Keltz/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Mark Baldwin/DC/USEPA/US@EPA, ORCR IO  
Date: 05/23/2012 08:50 AM  
Subject: Re: Fw: Invitation: Meeting w/Enviro Groups on DOI Rule Re: Coal Ash Placement in Coal Mines (May 23 12:45 PM EDT in 3412 ARN Call In # 866 299 3188 Access 202 564 4711)

I will attend and either Betsy or Ross will call in. Colleen/Mark, can you please let Betsy or Ross know the plan. Thanx.

Lisa Feldt I am fine with that as long as Matt S can go in pe... 05/23/2012 08:47:10 AM

From: Lisa Feldt/DC/USEPA/US  
To: Colleen Keltz/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA  
Cc: Ellyn Fine/DC/USEPA/US@EPA, Mark Baldwin/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, ORCR IO  
Date: 05/23/2012 08:47 AM  
Subject: Re: Fw: Invitation: Meeting w/Enviro Groups on DOI Rule Re: Coal Ash Placement in Coal Mines (May 23 12:45 PM EDT in 3412 ARN Call In # 866 299 3188 Access 202 564 4711)

I am fine with that as long as Matt S can go in person. Lisa

Colleen Keltz

----- Original Message -----

**From:** Colleen Keltz  
**Sent:** 05/23/2012 08:45 AM EDT  
**To:** Becky Brooks  
**Cc:** Ellyn Fine; Lisa Feldt; Mark Baldwin; Matt Straus; ORCR IO  
**Subject:** Re: Fw: Invitation: Meeting w/Enviro Groups on DOI Rule Re: Coal Ash Placement in Coal Mines (May 23 12:45 PM EDT in 3412 ARN Call In # 866 299 3188 Access 202 564 4711)

Becky - Suzanne will be the National Honor Awards Board meeting at that time and Sandra will be on the hydrofracking call (scheduled until 1:15 today). Would it be OK for Betsy Devlin or Ross Elliot called in?

Colleen Keltz  
Office of Resource Conservation and Recovery  
keltz.colleen@epa.gov  
phone 703-347-8022  
fax 703-308-7904

www.epa.gov/epawaste

Send mail to:  
U.S. Environmental Protection Agency  
MC: 5305P  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Becky Brooks

Suzanne/Matt -- Are you available to attend or c...

05/23/2012 08:39:50 AM





**FOIA HQ-FOI-01327-12: Fw: Request for a meeting, from Physicians for Social Responsibility**

**Suzanne Rudzinski** to: Mary Jackson  
Sent by: **Nicole Villamizar**

10/18/2012 11:06 AM

From: Suzanne Rudzinski/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Nicole Villamizar/DC/USEPA/US

— Forwarded by Nicole Villamizar/DC/USEPA/US on 10/18/2012 10:19 AM —

From: Colleen Keltz/DC/USEPA/US  
To: Becky Brooks/DC/USEPA/US@EPA  
Cc: ORCR IO, KarenL Martin/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Noah Dubin/DC/USEPA/US@EPA  
Date: 04/17/2012 10:44 AM  
Subject: Re: Fw: Request for a meeting, from Physicians for Social Responsibility

Becky - Physicians for Social Responsibility is part of the lawsuit that EarthJustice is suing us on related to the coal ash rule. I need to ask how we are going to handle requests from these groups to meet, while the lawsuit is ongoing. Below is a list of everyone on the lawsuit, for future info.

I'll ask Suzanne and Sandra, but perhaps you can ask Mathy, Lisa and Barry how they would like to handle this. (they might not have been aware the PSR are part of the suit)

Thanks,  
Colleen

Earthjustice is suing the agency under the Resource Conservation and Recovery Act (RCRA) on behalf of Appalachian Voices (NC), Environmental Integrity Project, Chesapeake Climate Action Network (MD), French Broad Riverkeeper (NC), Kentuckians For The Commonwealth (KY), Moapa Band of Paiutes (NV), Montana Environmental Information Center (MT), Physicians for Social Responsibility, Prairie Rivers Network (IL), Sierra Club and Southern Alliance for Clean Energy (TN).

Colleen Keltz  
Office of Resource Conservation and Recovery  
keltz.colleen@epa.gov  
phone 703-347-8022  
fax 703-308-7904

[www.epa.gov/epawaste](http://www.epa.gov/epawaste)

Send mail to:  
U.S. Environmental Protection Agency  
MC: 5305P  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Becky Brooks

Colleen/Mark – Mathy would like to delegate thi...

04/17/2012 10:17:52 AM

From: Becky Brooks/DC/USEPA/US  
To: ORCR IO  
Cc: KarenL Martin/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Noah Dubin/DC/USEPA/US@EPA

Date: 04/17/2012 10:17 AM  
Subject: Re: Fw: Request for a meeting, from Physicians for Social Responsibility

Colleen/Mark -- Mathy would like to delegate this to ORCR and suggests that you do a conference call with this group. Please follow up with Barb Gottlieb (info below.) Thank you. Becky

Becky Brooks  
Special Assistant  
Office of Solid Waste and Emergency Response  
ph. 202-566-2762  
fax 202-566-0207

Noah Dubin

Can you all set up a meeting w/ this group pleas...

04/16/2012 05:28:39 PM





**Fw: meeting with earth justice, sierra club, etc., on coal combustion residue**

**Matt Straus** to: Mary Jackson

10/01/2012 04:24 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:24 PM —

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 01:54 PM  
Subject: Fw: meeting with earth justice, sierra club, etc., on coal combustion residue

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 01:54 PM —

From: Matt Hale/DC/USEPA/US  
To: Matt Hale/DC/USEPA/US@EPA  
Cc: Beth Zelenski/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Lana Suarez/DC/USEPA/US@EPA, Maria Vickers/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Sharon Brent/DC/USEPA/US@EPA  
Date: 04/16/2009 05:31 PM  
Subject: Re: meeting with earth justice, sierra club, etc., on coal combustion residue

Sharon -- this should be Monday, April 27. I got the date wrong. Thanks. Matt

Matt Hale Sharon -- Can you put a meeting on my calendar... 04/16/2009 05:18:27 PM

From: Matt Hale/DC/USEPA/US  
To: Sharon Brent/DC/USEPA/US@EPA  
Cc: Maria Vickers/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Lana Suarez/DC/USEPA/US@EPA, Beth Zelenski/DC/USEPA/US@EPA  
Date: 04/16/2009 05:18 PM  
Subject: meeting with earth justice, sierra club, etc., on coal combustion residue

Sharon -- Can you put a meeting on my calendar with Earth Justice and others, for April 29 at 11 am. The meeting is for one hour, on regulation of coal combustion residue. Thanks. Matt



**Fw: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

**Matt Straus** to: Mary Jackson

10/01/2012 04:27 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

----- Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:27 PM -----

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 01:58 PM  
Subject: Fw: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project

----- Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 01:58 PM -----

From: Shawna Bergman/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 03/23/2011 05:33 PM  
Subject: Fw: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project

FYI -

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

----- Forwarded by Shawna Bergman/DC/USEPA/US on 03/23/2011 05:33 PM -----

**Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

**Noah Dubin** to: Mathy Stanislaus, Lisa Feldt

03/23/2011 05:05 PM

Cc: Nelida Torres, Becky Brooks, Shawna Bergman, Ellyn Fine

**RE: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

Please see the attached invitation request for the Administrator and give your recommendation.

Thank you,

The Scheduling Office  
Office of the Administrator

Please include this link in your response

<NOTES://DCOGCLN1/MHANSON\AO\IO\InvitationRequests.nsf/Processing/DAE4F35D7B9BA3BA8525785C006F292D>

Description/Purpose

4.12 or 4.13

Tentative Date

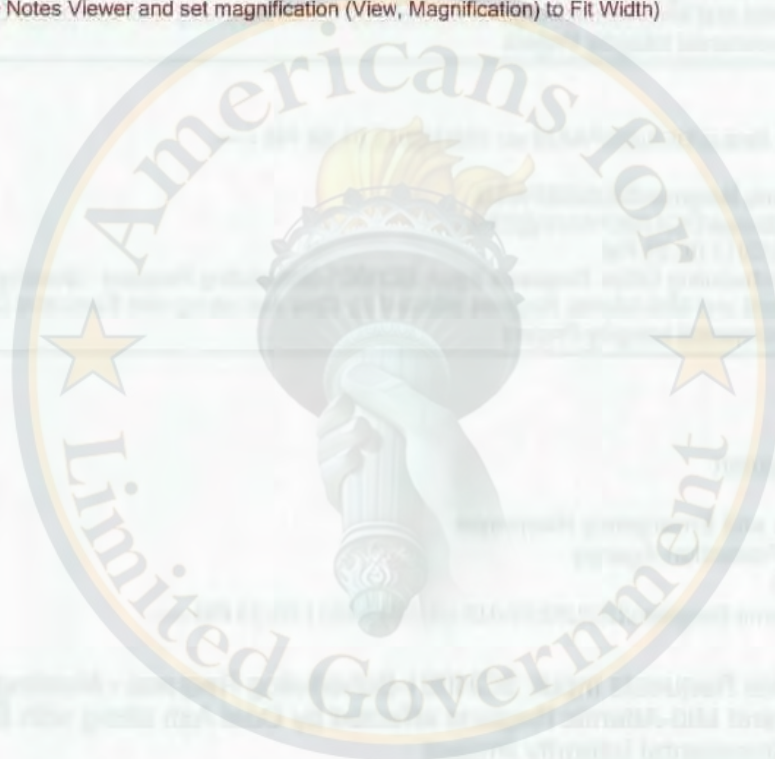
from

to

EPA Org:

04/12/2011

Original Request (use Notes Viewer and set magnification (View, Magnification) to Fit Width)







1 Thomas Circle, Suite 900  
Washington, DC 20005  
main: 202-298-8800  
fax: 202-298-8822  
[www.environmentalintegrity.org](http://www.environmentalintegrity.org)

March 21, 2011

The Honorable Lisa Jackson  
Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code: 1101A**  
Washington, DC 20460

Dear Administrator Jackson:

The Environmental Integrity Project (EIP) is writing you today on behalf of citizens in the Midwest and Mid-Atlantic regions of our country who are concerned that their health, property, livelihood, and/or quality of life have been harmed by coal ash pollution. With combined efforts from EIP, Earthjustice, and the Sierra Club, citizens living near coal ash dump sites will be coming to Washington, D.C. next month to talk about how their lives have been adversely impacted as a result of the inadequate coal ash regulations in their States.

We would like to request a meeting with you while these citizens are here in D.C. on Tuesday, April 12, 2011 or Wednesday, April 13, 2011. While we are finalizing the list of citizens, approximately 20 health care professionals, scientists, concerned parents, and individuals with health, property, livelihood, or quality of life concerns caused by living close to coal ash sites will be coming to D.C., and they would like to share their stories with you as you deliberate over the upcoming federal regulations for coal ash. We should have the list of people confirmed by March 28 and would be happy to provide you with a full list at that time.

We applaud the efforts the administration has taken already on proposing safeguards on coal ash. We believe that it is important for the administration to continue to provide leadership on this issue.

Please contact me directly with the best time to meet. My contact information is below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Schaeffer', is written over a circular watermark that says 'American United Government'.

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
[eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)



AX-11-000-4498.pdf





**Fw: Response to National Governors Association Letter**  
**Matt Straus** to: Mary Jackson

10/01/2012 04:25 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:25 PM —

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 01:55 PM  
Subject: Fw: Response to National Governors Association Letter

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 01:55 PM —

From: Richard Mattick/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Cc: Barbara Hostage/DC/USEPA/US@EPA  
Date: 02/03/2010 12:03 PM  
Subject: Re: Fw: Response to National Governors Association Letter

This is the NGA letter I have, per our Federalism efforts:



NGA Response\_11\_16.pdf

Richard Mattick, M.S., J.D.  
Policy Team Leader (Acting)  
Policy Analysis and Regulatory Management Staff  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
1200 Pennsylvania Ave, NW. (MC 5103T)  
Washington, DC 20460  
Ph: 202-566-1926 Fax:202-566-1934

Matt Straus

Richard, do you happen to have a copy of the N...

02/03/2010 06:52:43 AM

From: Matt Straus/DC/USEPA/US  
To: Richard Mattick/DC/USEPA/US@EPA  
Cc: Barbara Hostage/DC/USEPA/US@EPA  
Date: 02/03/2010 06:52 AM  
Subject: Fw: Response to National Governors Association Letter

Richard, do you happen to have a copy of the NGA letter that Mathy is referring to above.

— Forwarded by Matt Straus/DC/USEPA/US on 02/03/2010 06:51AM —

To: "Matt Hale" <Hale.Matt@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>,

"Lisa Heinzerling" <Heinzerling.Lisa@epamail.epa.gov>, "Matt Straus" <Straus.Matt@epamail.epa.gov>, "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>, "Barry Breen" <Breen.Barry@epamail.epa.gov>  
From: Mathy Stanislaus/DC/USEPA/US  
Date: 02/02/2010 11:40PM  
Subject: Fw: Response to National Governors Association Letter

Can someone get the NGA letter and circulate

----- Original Message -----

From: Lisa Evans [levans@earthjustice.org]  
Sent: 02/02/2010 05:27 PM PST  
To: Mathy Stanislaus  
Subject: Response to National Governors Association Letter

Dear Mathy,

Just FYI, attached is the letter we sent on Friday to folks on the Hill in response to the National Governors Association letter that was circulated last week. The NGA letter is not new- just its widespread distribution.

Best,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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Public Interest Response to NGA\_01.29.2010.pdf



Janis H. Douglas  
Governor of Vermont  
Chair

Joe Manchin III  
Governor of West Virginia  
Vice Chair

Raymond C. Scheppach  
Executive Director

November 16, 2009

The Honorable Mathy Stanislaus  
Assistant Administrator  
Office of Solid Waste and Emergency Response  
Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

Dear Assistant Administrator Stanislaus:

As you know, in accordance with the Federalism Executive Order 13132, EPA recently convened a meeting with representatives from numerous state and local organizations to discuss and seek input on several options for the potential federal regulation of coal combustion waste (CCW). While we appreciate the opportunity to engage on this important issue, Governors support their state-run programs and have concerns regarding potential federal regulation of CCW.

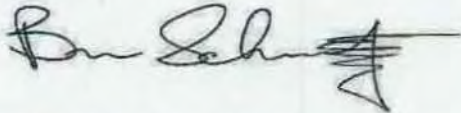
Governors have numerous concerns with potential federal regulation of CCW. To begin, according to a survey conducted by the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), of the 42 states that have facilities which produce CCW, 36, or 86 percent, require solid waste permits of their CCW facilities. (Three states did not respond to the survey and the remaining three do not have permitting programs.) States are either regulating the waste under their general solid waste regulations or their general industrial waste regulations. Several states have CCW-specific regulations including requirements for groundwater monitoring in 80 percent of the states. Further, many states already voluntarily impose minimum performance standards for both landfills and surface impoundments under the Resource Conservation and Recovery Act (RCRA) subtitle D requirements for the regulation of nonhazardous waste.

States have extensive experience with testing CCW for hazardous materials. Using the standard EPA test for determining if a waste is hazardous under RCRA, states have found that CCW is generally not hazardous. This enables 43 percent of CCW to be put to beneficial use, including in state highway projects. Should EPA regulate CCW as hazardous waste under RCRA Subtitle C, 134 million tons of CCW, or 67 times the current amount, will need to be shipped and disposed of in hazardous waste landfills. Of those states responding to the ASTSWMO survey, 91 percent of them responded that they do not have adequate existing permitted Subtitle C disposal capacity. As you know, it is extremely difficult and controversial to site a hazardous waste landfill and such difficulties should be given significant weight in EPA's deliberations. Importantly, 76 percent of states do have adequate non-hazardous waste disposal capacity.

Finally, EPA must also consider the impact its decision to regulate CCW as hazardous will have on state resources. At a time when states are dramatically cutting programs and furloughing and laying off staff, this would be an unnecessary financial burden.

In summary, Governors are very concerned about potential federal regulation of CCW as either a hazardous or nonhazardous substance under RCRA. While we are unaware of issues EPA may have with our state programs, we hope to work with you and your staff to address any questions. We thank you for the opportunity to comment and look forward to working with you.

Sincerely,

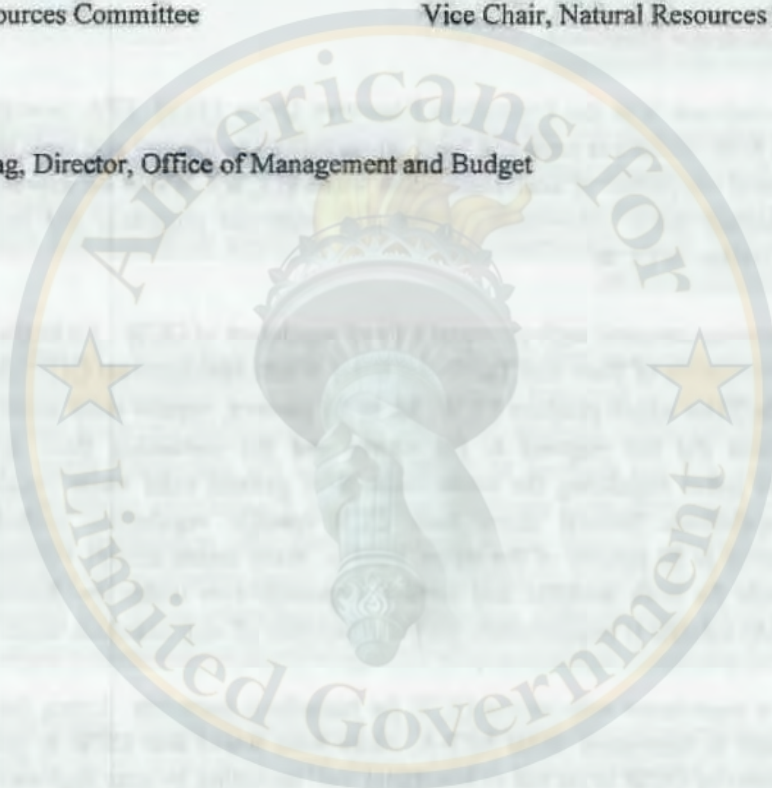


Governor Brian Schweitzer  
Chair, Natural Resources Committee



Governor Jim Gibbons  
Vice Chair, Natural Resources Committee

cc: Dr. Peter Orszag, Director, Office of Management and Budget



Friday, January 29, 2010



EARTHJUSTICE



SIERRA  
CLUB  
FOUNDED 1892



Southern  
Environmental  
Law Center



Dear Honorable Member of Congress:

Yesterday you may have received a copy of a letter from the National Governors Association (NGA) to the U.S. Environmental Protection Agency (EPA) describing why NGA believes that coal combustion waste should not be regulated as a hazardous waste. Because their assertions are inaccurate and misleading, we write to respond briefly to their primary allegations and to share the unfortunate facts of how current disposal has jeopardized public health and the environment. The U.S. public agrees, as evidenced by tens of thousands of people who contacted the White House yesterday and the 121 groups featured in the Washington Post (see attached) who are asking EPA to finally designate coal ash accurately-- as a hazardous waste—and protect public health.

*(1) State Coal Ash Regulatory Programs Are Not Adequate*

The NGA implies that states are doing an effective job of regulating the disposal of coal ash. In support of their claim, the NGA references a survey by the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). By the NGA's own admission, however, the ASTSWMO survey shows that not all states require solid waste permits for coal ash facilities. Yet these permits are the primary tool by which states maintain the safe operation of waste disposal units. Permitting is also the sole manner by which the public can participate in the siting and establishment of safeguards at such facilities. Further, the situation is far more dire than the ASTSWMO survey reveals. According to EPA, approximately 30% of the net disposable coal ash generated in the U.S. is potentially *totally exempt* from state solid waste permitting requirements.<sup>1</sup>

The NGA also notes that the ASTSWMO survey found that some states do *not* require groundwater monitoring at coal ash ponds and landfills. The requirement to monitor groundwater is a basic safeguard that is essential to preventing toxic pollutants from reaching drinking water and water bodies. In view of the devastating scientific finding that as many as 1 in 50 people living near unlined ash ponds can be at risk of cancer from arsenic leaching identified by EPA in its 2007 *Human and Ecological Risk Assessment for Coal Combustion Wastes*, it is inconceivable, but unfortunate reality, that states fail to require groundwater monitoring at coal ash disposal sites.

Lastly, the full ASTSWMO survey actually contained clear evidence of inadequate state regulations. Although not mentioned in the NGA's letter, the survey found that only 33% of the states responding to the survey require that coal ash ponds have a liner, only 14% of states require leachate collection systems at coal ash ponds, and only 31% of states require financial assurance for coal ash ponds.<sup>2</sup> It is thus clear that many states do *not* require the safeguards necessary for the protection of health and the environment. The result is over 70 cases of contaminated drinking water and surface water in 35 states—and this, EPA admits, is the tip of the iceberg.

<sup>1</sup> U.S. Dep't of Energy & U.S. Env'tl. Prot. Agency, *Coal Combustion Waste Management at Landfills and Surface Impoundments, 1994–2004* (Aug. 2006), at 45-46.

<sup>2</sup> Letter from Brian Torney and Stephen Cobb, Association of State and Territorial Solid Waste Management Officials (ASTSWMO) to Matt Hale, Director, Office of Resource Conservation and Recovery, EPA, dated April 1, 2009.

*(2) Results of Coal Ash Testing Show Leaching Of Toxic Chemicals At Hazardous Levels*

The NGA asserts that states have found that coal combustion waste is “generally not hazardous” using the “standard EPA test.” Since 2000, however, numerous scientific institutions, including the National Academy of Sciences and EPA’s Science Advisory Board and Office of Research and Development, have concluded that the standard EPA test, the Toxicity Characteristic Leaching Procedure, *cannot* be used to accurately predict contaminant migration from coal ash.<sup>3</sup> A new test, employed in two recent EPA studies, reveals that coal ash leaches hazardous pollutants, such as arsenic, thallium and selenium, at levels above the standard at which waste is judged “hazardous” under the Resource Conservation and Recovery Act (RCRA).<sup>4</sup> EPA has repeatedly determined that coal ash significantly increases the incidence of cancer and other serious diseases in humans and causes death, reproductive failure and other injury to fish and wildlife.

*(3) Coal Ash Will Not Be Disposed In Existing Hazardous Waste Landfills*

The NGA states that the disposal of coal ash in existing hazardous waste landfills will quickly overwhelm their capacity. However, should the EPA determine that coal ash is a hazardous waste, the agency will *not* require its disposal in such landfills. EPA has the statutory authority to promulgate tailored hazardous waste regulations that are designed to provide a level of protection appropriate to the specific characteristics of coal ash, likely simply requiring engineered landfills not significantly different from those that contain household garbage.

*(4) Strong Regulations Avoid Expensive Cleanups While Protecting Health and Safety*

All states have hazardous waste programs. While it is true that some states will need to improve their oversight to meet national standards, these improvements are essential for the protection of their citizens. The consequences of lack of adequate oversight are injuries to human health, loss of valuable fish and wildlife habitat, and expensive remedial actions, as evidenced by the TVA’s Kingston Fossil Plant cleanup, which will cost more than \$1 billion. In view of the hundreds of unlined and poorly constructed coal ash ponds that have been identified across the country, including more than 50 high hazard dams where failure would likely result in the loss of life, states can no longer afford not to regulate coal ash effectively.

The NGA recognizes that most states have facilities that produce coal ash. This is indeed a national problem—and a national solution is needed. While we respect the efforts that some states have made, it is evident most states can do much better. The technology is readily available as is the public’s support for a truly protective rulemaking. Federal minimum disposal standards, under subtitle C of RCRA, must close the gap and protect the health and safety of citizens of every state in the U.S.

Respectfully,

Lisa Evans  
Earthjustice

Lyndsay Moseley  
Sierra Club

Eric Schaeffer  
Environmental Integrity Project

Scott Slesinger  
Natural Resources Defense Council

Chandra Taylor  
Southern Environmental Law Center

Dr. Robert Bullard  
Environmental Justice Resource Center at  
Clark Atlanta University

<sup>3</sup> See Susan A. Thorne et al., EPA, Presentation for Global Waste Symposium: Improved Leach Testing to Evaluate Fate of Hg and other Metals from Management of Coal Combustion Residues 14 (Sept. 8, 2008), available at [oaspub.epa.gov/eims/eimscomm.getfile?p\\_download\\_id=486843](http://oaspub.epa.gov/eims/eimscomm.getfile?p_download_id=486843).

<sup>4</sup> EPA, *Characterization of Mercury Enriched Coal Combustion Residues from Electric Utilities Using Enhanced Sorbents for Mercury Control*, (2006) and EPA, ORD, *Characterization of Coal Combustion Residues Utilities Using Wet Scrubbers for Multi-Pollutant Control* (2008)





**Fw: Sierra Club Michael Brune meeting with Administrator and Coal Ash**

**Matt Straus** to: Mary Jackson

10/01/2012 04:26 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

----- Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:26 PM -----

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 01:56 PM  
Subject: Fw: Sierra Club Michael Brune meeting with Administrator and Coal Ash

----- Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 01:56 PM -----

From: Steve Souders/DC/USEPA/US  
To: John Michaud/DC/USEPA/US@EPA  
Cc: Laurel Celeste/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Date: 06/28/2010 05:05 PM  
Subject: Re: Fw: Sierra Club Michael Brune meeting with Administrator and Coal Ash

Will do. Thanks

John Michaud

Steve -- Please see the below email from Tsemi...

06/28/2010 05:03:31 PM

From: John Michaud/DC/USEPA/US  
To: Steve Souders/DC/USEPA/US@EPA  
Cc: Laurel Celeste/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Date: 06/28/2010 05:03 PM  
Subject: Fw: Sierra Club Michael Brune meeting with Administrator and Coal Ash

Steve --

Please see the below email from Tseming Yang summarizing a meeting that took place today in which Mr. Brune raised Sierra Club's position on the Coal Combustion Residue proposed rule.

Please include the email in the public docket for the CCR proposal.

Thanks.

John R. Michaud  
Assistant General Counsel for RCRA  
Solid Waste and Emergency Response Law Office  
Office of General Counsel  
U.S. EPA, Washington, D.C.  
Mail Code: 2366A  
tel: 202-564-5518  
fax: 202-564-5531  
email: michaud.john@epa.gov

----- Forwarded by John Michaud/DC/USEPA/US on 06/28/2010 05:00 PM -----

From: Tseming Yang/DC/USEPA/US  
To: John Michaud/DC/USEPA/US@EPA

Cc: Scott Fulton/DC/USEPA/US@EPA, Carla Veney/DC/USEPA/US@EPA, Brenda Mallory/DC/USEPA/US@EPA  
Date: 06/28/2010 04:57 PM  
Subject: Sierra Club Michael Brune meeting with Administrator and Coal Ash

---

Hi John -

The Sierra Club's Executive Director Michael Brune met with Administrator Jackson, Scott Fulton, Bob Sussman, and myself earlier this afternoon, primarily to provide his perspective on the Keystone Pipeline project environmental impact assessment process.

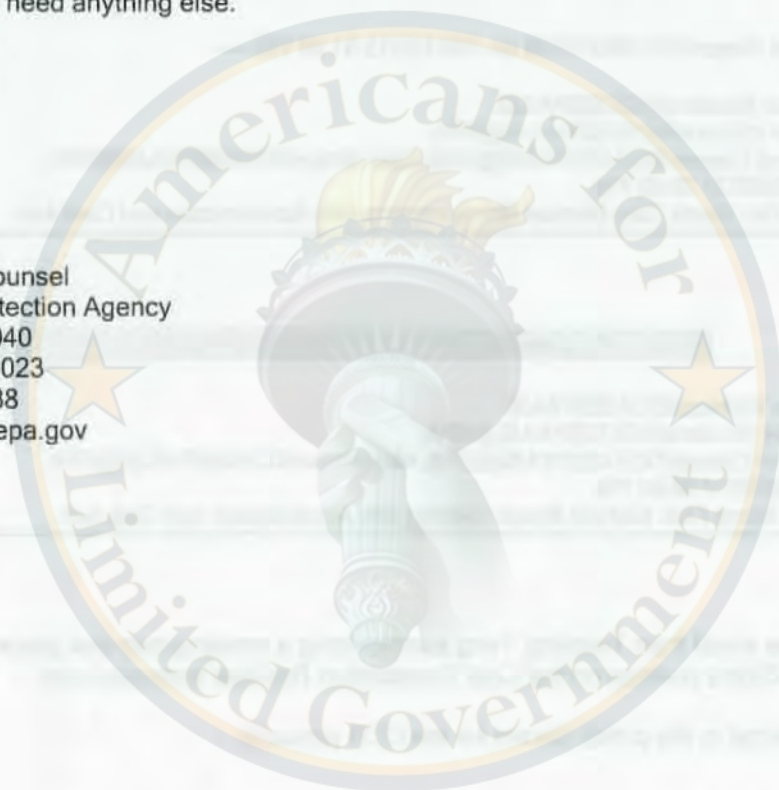
Toward the end of the meeting, Brune also indicated that he wanted to address the issue of coal ash. He conveyed to the Administrator that the Sierra Club strongly believes that coal ash should be regulated as a hazardous waste and that it was a top priority for his organization.

Let me know if you need anything else.

Thanks. Tseming

\*\*\*\*

Tseming Yang  
Deputy General Counsel  
Environmental Protection Agency  
Main: (202) 564-8040  
Direct: (202) 564-0023  
Fax: (202) 564-1438  
e: yang.tseming@epa.gov





**Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson**

**Matt Straus** to: Mary Jackson

10/01/2012 04:28 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:28 PM —

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 01:59 PM  
Subject: Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 01:59 PM —

From: Shawna Bergman/DC/USEPA/US  
To: "Nelida Torres" <torres.nelida@epa.gov>  
Cc: "Matt Straus" <Straus.Matt@epamail.epa.gov>  
Date: 04/06/2011 04:56 PM  
Subject: Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

Nelly, this is the large citizen meeting you reserved the EPA east room for.

-----  
Shawna Roesch Bergman (sent via BlackBerry)  
Chief of Staff  
U.S. EPA Office of Solid Waste and Emergency Response  
202-564-3641  
Nelida Torres

----- Original Message -----

**From:** Nelida Torres  
**Sent:** 03/29/2011 04:30 PM EDT  
**To:** Shawna Bergman; Ellyn Fine; Becky Brooks  
**Subject:** Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

This is confirmed and we have room in the East EPA that we can accommodate about 50 people Bob Sussman can do it and I have included Suzanne Rudzinski who else Matt Strauss, Lisa Feldt Barry? let me know? Do we include someone from OGC?

Nelida Torres (Nelly)  
U. S. EPA, Office of Solid Waste & Emergency Response  
Room 3146C West Building  
202-564-5767

— Forwarded by Nelida Torres/DC/USEPA/US on 03/29/2011 04:28 PM —

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: Nelida Torres/DC/USEPA/US@EPA  
Cc: Eric Schaeffer <eschaeffer@environmentalintegrity.org>, Jeff Stant <jstant@environmentalintegrity.org>, Lisa Evans <levans@earthjustice.org>  
Date: 03/29/2011 04:24 PM

Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

Hi Nelida,

April 12, 2011 from 4pm to 5pm works for most of our team, so that would be fine.

In addition, can you please let us know if Lisa Jackson, Suzanne Rudzinski, or Bob Sussman is able to attend this meeting?

Thank you, and we look forward to this meeting on April 12, 2011.

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

-----Original Message-----

From: Torres.Nelida@epamail.epa.gov [mailto:Torres.Nelida@epamail.epa.gov]  
Sent: Tuesday, March 29, 2011 3:09 PM  
To: Lisa N. Widawsky  
Cc: Eric Schaeffer; Jeff Stant  
Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

For now Mathy Stanislaus, our Assistant Administrator for Solid Waste and Emergency Response, Matt Strauss Policy Advisor are attending we'll get back to you as soon as we know who else. Shawna Bergman our Chief of Staff will also be attending.

Nelida Torres (Nelly)  
U. S. EPA, Office of Solid Waste & Emergency Response Room 3146C West Building  
202-564-5767

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: Nelida Torres/DC/USEPA/US@EPA  
Cc: Eric Schaeffer <eschaeffer@environmentalintegrity.org>, Jeff Stant <jstant@environmentalintegrity.org>  
Date: 03/29/2011 03:03 PM  
Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

Thank you very much. Can you confirm the EPA participants for this meeting? That time should work and I will let you know for sure shortly.

Thank you again for your help,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

-----Original Message-----

From: Torres.Nelida@epamail.epa.gov [mailto:Torres.Nelida@epamail.epa.gov]  
Sent: Tuesday, March 29, 2011 2:54 PM  
To: Lisa N. Widawsky  
Cc: Eric Schaeffer; Jeff Stant  
Subject: Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

Dear Ms Widawsky and Mr. Eric Schaeffer:

We have an hour on April 12 to fit 30 to 40 people in our EPA East Building at 4:00 pm - 5:00 pm. Please let me know if this time and day will work?

Thank you

----- Original Mess

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: scheduling@EPA  
Cc: Eric Schaeffer <eschaeffer@environmentalintegrity.org>, Jeff Stant <jstant@environmentalintegrity.org>  
Date: 03/28/2011 09:23 PM

Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To whom it may concern,

As promised, here is the list of confirmed participants for our meeting. Please let us know what times are available for this meeting at your earliest convenience. We appreciate your help in arranging this meeting. I apologize if you have already received a similar email from one of my colleagues.

Illinois

Kathy Andria, near East St. Louis  
Traci Barkley, Champaign (northcentral IL) Deacon Billy Davis, Joliet (just southwest of Chicago) Tammy Krapek, near Joliet

Indiana

Rosmary Spalding  
Saleh Hussein, Dogpatch (near Princeton in southwest IN along Wabash River)  
Mike Eslinger, Merom (near Sullivan in southwest IN along Wabash River) George Adey, Pine (in northwest IN outside of Michigan City) Larry Jensen, Pines (in northwest IN outside of Michigan City)

Maryland

Two residents, not yet confirmed

Michigan

Jean Veselenak, near Lake Huron  
Raymond and Yelisa Pfeiffer, near Lake Huron Bill Castiner, near Lansing

Missouri

Patricia Schuba, Labadie (about 10 miles west of St. Louis) Teresa Connelly, Union (near Labadie) Susan Brown, Kansas City Melissa Hope, Jefferson City  
Claus Wawrzinek, Kansas City

Ohio

Terry and Reggie Witsaman, Uniontown, northeast OH near Canton Elisa Young, Meigs County (southcentral Ohio near Ohio River)

Pennsylvania

Bob Gadinski and his son  
Frank and Joan Burke  
Ann Marie Shelby  
Sally Slotterback  
John Mello

Virginia

James McGrath, Giles County in southwest VA, west of Roanoke Jasmine and Jeanette, Chesapeake Steven Fox and his wife, Chesapeake

West Virginia

John and Petra Wood, Morgantown  
Debbie and Curt Havens, Chester (near Little Blue Run Surface Impoundment)  
Jared Jamieson, near Fort Martin's ash disposal areas

Wisconsin

Frank Michna, Town of Caledonia (southeast WI, just south of Racine) Ken Parker, Town of Caledonia (southeast WI, just south of Racine) Kelvin Rodolfo and Kathleen Crittenden, Viroqua (southwest WI)

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)

202.296.8822 (fax)

From: Lisa N. Widawsky  
Sent: Friday, March 25, 2011 8:09 AM  
To: 'scheduling@epa.gov'  
Cc: Eric Schaeffer; Jeff Stant  
Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To whom it may concern,

We are writing to follow up on the email and letter we sent you on Monday of this week to request a meeting on behalf of citizens harmed by coal ash with Director Lew. I am writing to confirm that you have received this request and see what times you may be available for this meeting.

We are still finalizing our list of citizen participants and will have it to you by March 28, as promised. As of right now, we have confirmed two or more participants each from Ohio, Indiana, Illinois, Maryland, Michigan, Missouri, West Virginia, Virginia, Wisconsin, and Pennsylvania. In addition, there will be at least one representative from the Environmental Integrity Project, Earthjustice, and/or Sierra Club at this meeting.

I will be out of the office today, so I am copying my colleague Jeff Stant in case you have any follow-up questions before I return on Monday, March 28, 2011.

Again, we will get the finalized list to you on Monday, and we thank you for your help with this meeting request. Please let us know as soon as possible when you can confirm a time for this important meeting.

Best,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

From: Lisa N. Widawsky  
Sent: Monday, March 21, 2011 5:10 PM  
To: 'scheduling@epa.gov'  
Cc: Eric Schaeffer  
Subject: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To Whom It May Concern:

Please accept the attached request for a meeting between Administrator Jackson and citizens harmed by coal ash. This request has also been sent by U.S. Mail. Feel free to reply to me with any questions.

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900

Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

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March 21, 2011

The Honorable Lisa Jackson  
Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460

Dear Administrator Jackson:

The Environmental Integrity Project (EIP) is writing you today on behalf of citizens in the Midwest and Mid-Atlantic regions of our country who are concerned that their health, property, livelihood, and/or quality of life have been harmed by coal ash pollution. With combined efforts from EIP, Earthjustice, and the Sierra Club, citizens living near coal ash dump sites will be coming to Washington, D.C. next month to talk about how their lives have been adversely impacted as a result of the inadequate coal ash regulations in their States.

We would like to request a meeting with you while these citizens are here in D.C. on Tuesday, April 12, 2011 or Wednesday, April 13, 2011. While we are finalizing the list of citizens, approximately 20 health care professionals, scientists, concerned parents, and individuals with health, property, livelihood, or quality of life concerns caused by living close to coal ash sites will be coming to D.C., and they would like to share their stories with you as you deliberate over the upcoming federal regulations for coal ash. We should have the list of people confirmed by March 28 and would be happy to provide you with a full list at that time.

We applaud the efforts the administration has taken already on proposing safeguards on coal ash. We believe that it is important for the administration to continue to provide leadership on this issue.

Please contact me directly with the best time to meet. My contact information is below.

Sincerely,

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
eschaeffer@environmentalintegrity.org





**Fw: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

**Matt Straus** to: Mary Jackson

10/01/2012 04:31 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:31 PM —

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 02:04 PM  
Subject: Fw: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 02:04 PM —

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 07/31/2012 12:05 PM  
Subject: Fw: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project

— Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:05 PM —

From: Shawna Bergman/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 03/23/2011 05:33 PM  
Subject: Fw: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project

FYI -

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

— Forwarded by Shawna Bergman/DC/USEPA/US on 03/23/2011 05:33 PM —

**Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

**Noah Dubin** to: Mathy Stanislaus, Lisa Feldt

03/23/2011 05:05 PM

Cc: Nelida Torres, Becky Brooks, Shawna Bergman, Ellyn Fine

**RE: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

Please see the attached invitation request for the Administrator and give your recommendation.

Thank you,

The Scheduling Office  
Office of the Administrator

Please include this link in your response

<NOTES://DCOGCLN1/MHANSONAO\IO\InvitationRequests.nsf/Processing/DAE4F35D7B9BA3BA8525785C006F292D>

Description/Purpose

4.12 or 4.13

Tentative Date

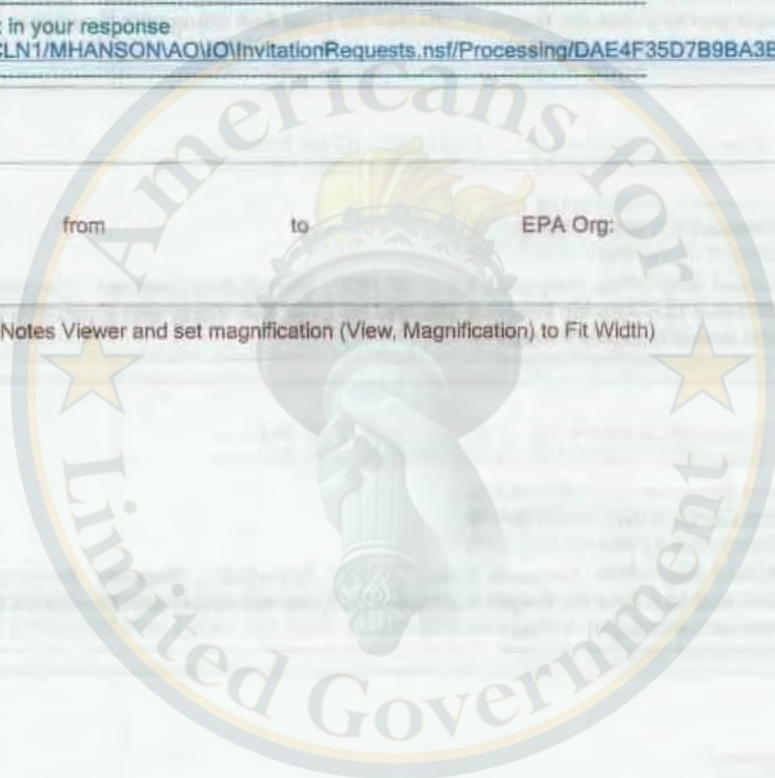
04/12/2011

from

to

EPA Org:

Original Request (use Notes Viewer and set magnification (View, Magnification) to Fit Width)





1 Thomas Circle, Suite 900  
Washington, DC 20005  
main: 202-296-8900  
fax: 202-296-8922  
[www.environmentalintegrity.org](http://www.environmentalintegrity.org)

March 21, 2011

The Honorable Lisa Jackson  
Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1191A  
Washington, DC 20460

Dear Administrator Jackson:

The Environmental Integrity Project (EIP) is writing you today on behalf of citizens in the Midwest and Mid-Atlantic regions of our country who are concerned that their health, property, livelihood, and/or quality of life have been harmed by coal ash pollution. With combined efforts from EIP, Earthjustice, and the Sierra Club, citizens living near coal ash dump sites will be coming to Washington, D.C. next month to talk about how their lives have been adversely impacted as a result of the inadequate coal ash regulations in their States.

We would like to request a meeting with you while these citizens are here in D.C. on Tuesday, April 12, 2011, or Wednesday, April 13, 2011. While we are finalizing the list of citizens, approximately 20 health care professionals, scientists, concerned parents, and individuals with health, property, livelihood, or quality of life concerns caused by living close to coal ash sites will be coming to D.C., and they would like to share their stories with you as you deliberate over the upcoming federal regulations for coal ash. We should have the list of people confirmed by March 28 and would be happy to provide you with a full list at that time.

We applaud the efforts the administration has taken already on proposing safeguards on coal ash. We believe that it is important for the administration to continue to provide leadership on this issue.

Please contact me directly with the best time to meet. My contact information is below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Schaeffer', is written over a circular watermark that says 'Americans United for the Government'.

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
[eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)



AX-11-000-4498.pdf



Faint, illegible text in the upper right quadrant of the page.





**Fw: Public Interest Groups Oppose Coal Ash Amendment in Transportation Bill**

**Matt Straus** to: Mary Jackson

10/01/2012 04:30 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:30 PM —

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 02:03 PM  
Subject: Fw: Public Interest Groups Oppose Coal Ash Amendment in Transportation Bill

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 02:03 PM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA  
Date: 06/05/2012 06:29 PM  
Subject: Fw: Public Interest Groups Oppose Coal Ash Amendment in Transportation Bill

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Mathy Stanislaus/DC/USEPA/US on 06/05/2012 06:29 PM —

From: Stephanie Owens/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>, Richard Windsor/DC/USEPA/US@EPA  
Date: 06/05/2012 06:14 PM  
Subject: Fw: Public Interest Groups Oppose Coal Ash Amendment in Transportation Bill

FYI - I sent Cathy a personal note.

**From:** Catherine Thomasson [CThomasson@psr.org]  
**Sent:** 06/05/2012 06:03 PM AST  
**To:** LisaP Jackson  
**Subject:** Public Interest Groups Oppose Coal Ash Amendment in Transportation Bill

Dear Administrator Jackson:

On behalf of the chapters and members of Physicians for Social Responsibility, I would like to express our appreciation that the Administration has come out in opposition of the coal ash amendment in the transportation bill. Over the past three years, PSR's health professionals have written, spoken publicly, and met with EPA and CEQ about the importance of finalizing a health-protective final coal ash rule. In addition, we have taken multiple actions to oppose any legislation that would leave public health at risk and

undermine the EPA's rulemaking process.

Attached, please find a letter from 140 community, public health and environmental organizations in the 14 Senate conferee states, asking those Senators to oppose the three health-threatening amendments to the Transportation Bill, particularly the coal ash provision (Title V). Also attached is a letter from 840 health professionals to President Obama that we presented to EPA and CEQ in April; it articulates the major public health concerns relating to inadequate disposal of coal ash. We sent both these letters to the Senate conferees this afternoon, asking them to keep Title V and the other damaging public health amendments out of the final package. We are hopeful Congress can help fix the economy and keep Americans working without creating public health loopholes that will leave communities across the country at risk.

In health,

Catherine Thomasson, MD  
Executive Director  
Physicians for Social Responsibility  
Work: 202.587.5240  
Cell: 503-819-1170  
1111 14th St NW #700  
Washington, DC 20005



Coal Ash Ltr w\_signatures 2012.pdf



Coal ash amdmt Senate Confereee ltr 6 5 12.pdf





**Fw: Earthjustice Notice Letter: 1/18/12 - issue of coal ash and the Toxicity Characteristic Leaching Procedure**

**Matt Straus** to: Mary Jackson

10/01/2012 04:30 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:30 PM —

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 02:02 PM  
Subject: Fw: Earthjustice Notice Letter: 1/18/12 - issue of coal ash and the Toxicity Characteristic Leaching Procedure

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 02:02 PM —

From: Shawna Bergman/DC/USEPA/US  
To: Wanda McLendon/DC/USEPA/US@EPA, Bernadine London/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA, Sandra Connors/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA  
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Date: 01/18/2012 11:44 AM  
Subject: Earthjustice Notice Letter: 1/18/12 - Issue of coal ash and the Toxicity Characteristic Leaching Procedure

Wanda/Bernadine - for your records, but since it's to the Administrator I assume it would be controlled from there.

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

— Forwarded by Shawna Bergman/DC/USEPA/US on 01/18/2012 11:33 AM —

**Notice Letter: 1/18/12**

**Lisa Evans** to: LisaP Jackson

01/18/2012 11:15 AM

Cc: Mathy Stanislaus, "sussman.robert@epa.gov"

From: Lisa Evans <levans@earthjustice.org>  
To: LisaP Jackson/DC/USEPA/US@EPA  
Cc:

Mathy Stanislaus/DC/USEPA/US@EPA, "sussman.robert@epa.gov"  
<sussman.robert@epa.gov>

1 attachment



NOI\_RCRA\_1\_18\_12.pdf

Dear Administrator Jackson:

Attached please find an advance copy of a Notice Letter from Earthjustice on behalf of numerous plaintiffs on the issue of coal ash and the Toxicity Characteristic Leaching Procedure. An additional copy will be sent by registered mail today.

Please let me know if you have any questions.

Respectfully,

Lisa Evans

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January 18, 2012

BY REGISTERED MAIL

Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Eric Holder, Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

**RE: 60-Day Notice of Intent to Sue for Failure to Perform Nondiscretionary Duties under the Resource Conservation and Recovery Act**

Dear Administrator Jackson:

This letter is written on behalf of Appalachian Voices, Chesapeake Climate Action Network, Environmental Integrity Project, French Broad Riverkeeper, Kentuckians for the Commonwealth, Moapa Band of Paiutes, Montana Environmental Information Center, Physicians for Social Responsibility, Prairie Rivers Network, Sierra Club and Southern Alliance for Clean Energy to provide notice of their intent to sue the United States Environmental Protection Agency (EPA) for failure to perform nondiscretionary duties under the Resource Conservation and Recovery Act (RCRA). 42 U.S.C. §§ 6901 *et seq.* Specifically, the EPA failed to fulfill its duty under RCRA section 2002(b) to review and revise regulations that have long been:

- inadequate to address the widespread risks posed by the unsafe disposal of coal ash (40 C.F.R. § 261.4(d) and 40 C.F.R. Part 257);
- inadequate to determine the toxicity of certain solid wastes because they establish a test that does not accurately measure the leaching properties of many waste streams (40 C.F.R. § 261.24); and
- insufficient to establish guidelines to protect groundwater and surface water and define prohibited "open dumps" under RCRA (40 C.F.R. §§ 257.3-3 and 257.3-4).

According to section 2002(d) of RCRA, the EPA is required to review and revise each regulation not less frequently than every three years. 42 U.S.C. § 6912(b). While the EPA has undertaken various studies demonstrating that current regulation of coal ash is inadequate to protect human health and the environment, the EPA has not completed formal review, much less revised, existing solid waste regulations to address the critical regulatory gaps identified by the

Agency itself. Further, although the EPA's test method for determining whether hazardous waste is "toxic" has long been found to be inaccurate for broad categories of waste, including coal ash, the Agency has not revised the test for over two decades. Third, the gaps in the EPA's open dumping criteria, although also identified as inadequate and in need of revision by the Agency, have similarly not been updated or revised for decades.

The EPA's violation of the three-year statutory deadline for revision of regulations pertaining to coal ash places hundreds of communities at great risk. December 22, 2011 marked the third anniversary of the collapse of the coal ash impoundment at the Tennessee Valley Authority's Kingston Fossil Plant, which flooded 300 acres of a riverfront community with 1 billion gallons of toxic sludge. This disaster destroyed the local community, resulted in a multi-year cleanup estimated to cost more than \$1.2 billion, and caused the permanent displacement of dozens of families. In late October 2011, another significant spill occurred in Oak Creek, Wisconsin, where an unregulated coal ash disposal site collapsed into Lake Michigan, inundating the lake and shoreline with 25,000 tons of coal ash. Regulations addressing coal ash disposal might have prevented such disasters and would certainly help to prevent future ones.

In fact, the EPA's decades-long failure to review and revise solid waste regulations pertaining to the disposal of coal combustion waste, or coal ash, has resulted in widespread contamination of groundwater and surface water, as well as the threat of collapse and spills from hundreds of earthen impoundments. Our nation's coal-fired power plants burn over one billion tons of coal every year, producing 140 million tons of coal ash, in the form of fly ash, bottom ash, scrubber sludge and boiler slag. By weight, the amount of chemicals in coal ash surpasses that created by pulp and paper mills, petroleum refiners, and textile mills combined. Because burning concentrates coal's impurities, coal ash contains substantial quantities of carcinogens, neurotoxins, and poisons—including arsenic, cadmium, hexavalent chromium, lead, mercury, selenium and thallium. These potent toxins pollute water and foul the air in communities near the thousands of landfills, ponds, mines, and myriad holes in the ground where coal ash is dumped.

The review and revision of RCRA regulations pertaining to coal ash is nearly three decades overdue. The EPA has neither completed final review nor revised the regulation exempting coal ash from hazardous waste rules since its promulgation in 1980, 40 C.F.R. § 261.4(b)(4), nor has it completed its review and timely revised the industrial solid waste regulations that apply to coal ash disposal, 40 C.F.R. Part 257, Subpart A, which were promulgated in 1979. Yet the EPA has formally determined since at least 2000 that existing regulations are inadequate for the protection of human health and the environment from the dumping of coal ash. *See* Regulatory Determination on Wastes from the Combustion of Fossil Fuels, 65 Fed. Reg. 32,214 (May 22, 2000). Had the EPA performed its mandatory duties following this review, such regulations would have been revised by 2003 to require the basic safeguards necessary to keep coal ash toxins out of our drinking water, lakes and streams and to ensure that unstable coal ash impoundments do not injure our health and the environment.

In addition, the EPA has also failed to review and timely revise the regulation that determines whether a solid waste exhibits the characteristic of toxicity, which, in turn, determines whether a solid waste is a hazardous waste under RCRA. 40 C.F.R. § 261.24.

Section 261.24 establishes the Toxicity Characteristic Leaching Procedure (TCLP) as the sole test for determining whether a solid waste, not otherwise listed as a hazardous waste, leaches harmful concentrations of 40 deadly contaminants and thus must be regulated as a hazardous waste. See 40 C.F.R. § 261.24, Table 1. Since 1991, the EPA's Science Advisory Board (SAB) has identified significant problems with the adequacy of the TCLP. In fact, in 1999, the SAB specifically directed EPA to revise its leach test procedures. In 2006, the National Academy of Sciences (NAS) also acknowledged the inaccuracy of the TCLP and explicitly criticized its use for testing the toxicity of coal ash. Because all states and federal agencies rely on the TCLP to determine the hazardous nature of solid waste, the accuracy of the test is critical to characterizing dangerous waste properly and to preventing the leaching of toxic contaminants nationwide.

It is well past time for the EPA to perform its duties under RCRA to complete a timely review and to revise regulations that fail to protect human health and the environment. Thus, in accordance with the three-year statutory requirement set forth in RCRA section 2002(b), we will ask the court to direct the EPA to complete its review of the regulation of coal ash and the toxicity characteristic leaching procedure as soon as possible and to determine whether revision of such regulations are "necessary" to comport with the goals of the Act. If the EPA determines revisions are necessary, we will ask that these revisions be finalized as soon as possible.

## **BACKGROUND**

### **I. DUTY OF THE ADMINISTRATOR TO REVIEW AND REVISE REGULATIONS UNDER RCRA**

RCRA requires the EPA Administrator to issue comprehensive regulations pertaining to the generation, transportation, treatment, storage and disposal of hazardous waste under subtitle C of the Act and to establish regulations pertaining to the prohibition of open dumps, disposal of solid waste and the administration of state solid waste programs under subtitle D. To ensure protection of health and the environment, RCRA section 2002(b) imposes a nondiscretionary duty on the EPA Administrator to review and revise each regulation promulgated pursuant to the statute. Specifically, section 2002(b) provides: "Each regulation promulgated under this chapter shall be reviewed and, where necessary, revised not less frequently than every three years."<sup>42</sup> U.S.C. § 6912(b). The EPA's duty to review regulations and to revise, where necessary, requires the completion of a review and a final determination by the Agency as to whether a revision is needed in compliance with the periodic statutory deadlines. See *Environmental Defense Fund v. Thomas*, 870 F.2d 892, 900 (2d Cir. 1989). According to section 2002(b), such review and revision must occur not less frequently than every three years.

### **II. RCRA REGULATIONS THAT REQUIRE REVIEW AND REVISION TO PROVIDE FOR SAFE MANAGEMENT AND DISPOSAL OF COAL ASH**

As the EPA has long been aware, there are many regulations under both subtitle C and subtitle D that are urgently in need of review and revision to ensure that multiple industrial waste streams, including coal ash, are safely managed and disposed.

**A. Exemption of Coal Ash from Regulation under Subtitle C of RCRA (40 C.F.R. Part 261)**

At the outset, the EPA must revisit its regulations exempting coal ash and several other waste streams from regulation under RCRA subtitle C. In 1980, Congress enacted the Solid Waste Disposal Act Amendments of 1980, Public Law 96-482, which amended RCRA. Among the amendments, Section 3001(b)(3)(A)(i-iii), commonly referred to as the Bevill Amendment, temporarily exempted three special wastes, including coal ash, from hazardous waste regulation until further study was completed. 42 U.S.C. §§ 6921(b)(3)(A)(i-iii). Section 3001(b)(3)(A)(i) specifically exempts “fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.”<sup>1</sup> *Id.* At the same time, section 8002(n) required the EPA to study coal ash and submit a report to Congress evaluating the adverse effects on human health and the environment from the disposal and utilization of these wastes by October 1982. 42 U.S.C. § 6982(n). Lastly, section 3001(b)(3)(C) required the EPA to make a regulatory determination within six months of completing the report to Congress as to whether coal ash warranted regulation under RCRA subtitle C or some other set of regulations. 42 U.S.C. § 6921(b)(3)(C).

The Bevill exemption was codified in 1980 at 40 C.F.R. § 261.4(b)(4). 45 Fed. Reg. 33,084, 33,089 (May 19, 1980). Section 261.4(b)(4) states that “fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, generated primarily from the combustion of coal or other fossil fuels” are “not hazardous waste.” *Id.* Since 1980, the EPA has continued to investigate whether this exemption is appropriate in light of the risks posed by coal ash. However, the last review that the EPA arguably concluded was in 2000, and it has never amended section 261.4(b)(4) since its promulgation in 1980.

**B. Criteria for Classification of Solid Waste Disposal Facilities and Practices (40 C.F.R. Part 257, Subpart A)**

Under subtitle D, there are several regulations that are generally applicable to solid waste that require review and revision to address concerns specific to coal ash and other nonhazardous wastes. One of the primary goals of RCRA is “prohibiting future open dumping on the land and requiring the conversion of existing open dumps to facilities which do not pose a danger to health and the environment.” 42 U.S.C. § 6901(a)(3). Section 4004(a) required the EPA to promulgate regulations limiting disposal of solid waste to sanitary landfills that, at a minimum, present “no reasonable probability of adverse effects on health and the environment from disposal of solid waste at such facility.” 42 U.S.C. § 6944(a). The EPA published final regulations, Criteria for Classification of Solid Waste Disposal Facilities and Practices, on September 13, 1979 to define the practices that distinguish “open dumps” from sanitary landfills. *See* 44 Fed. Reg. 53,438. Disposal sites not meeting the standards set forth in 40 C.F.R. Part 257 are classified as open dumps and are prohibited under RCRA section 4005(a). 42 U.S.C. § 6945(a).

These open dumping criteria apply to the disposal of all non-hazardous solid waste except municipal solid waste and solid waste co-disposed with household hazardous waste or

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<sup>1</sup> We refer to all of these coal combustion wastes collectively as “coal ash.”

conditionally-exempt small quantity hazardous waste. The Part 257 subpart A criteria include general environmental performance standards addressing: floodplains, endangered species, surface water, ground water, land application, disease, air, and safety. Of particular relevance to coal ash disposal sites are the regulations pertaining to disposal in floodplains (§ 257.3-1), protection of surface water (§ 257.3-3), and protection of ground water (§ 257.3-4). On September 23, 1981, the EPA amended sections 257-3-3 and 257.3-4. *See* 46 Fed. Reg. 47,048. The EPA also amended section 257-3-4 with regard to the disposal of sewage sludge on February 19, 1993. *See* 58 Fed. Reg. 9,386. The EPA has not published any further revisions to subpart A since 1993.

### III. RCRA REGULATION DEFINING THE TOXICITY CHARACTERISTIC FOR HAZARDOUS WASTE

Pursuant to the directive of Congress to “promulgate regulations identifying the characteristics of hazardous waste,” the EPA created the Toxicity Characteristic Leaching Procedure (TCLP) to determine whether a solid waste is “toxic.” 40 C.F.R. § 261.24, 42 U.S.C. § 6921(b)(1). A solid waste not specifically listed as “hazardous” by the EPA is nonetheless deemed “hazardous” if it exhibits one or more of four characteristics: ignitability, corrosivity, reactivity, or toxicity. 40 C.F.R. §§ 261.20, 261.21, 261.22, 261.23 and 261.24.

The EPA, other federal agencies, and state regulatory agencies have used the TCLP since 1990 to determine the degree to which toxic metals will leach from coal ash and other solid wastes pursuant to section 261.24. 40 C.F.R. § 261.24. For solid wastes not specifically exempted from hazardous waste designation, the results of the TCLP determine whether the wastes are regulated as hazardous waste under subtitle C. For wastes specifically exempted from regulation under subtitle C, such as coal ash, the TCLP has provided a basis for the EPA’s final regulatory determinations. In addition, the TCLP is used by state agencies and other federal agencies, such as the Office of Surface Mining and the Department of Energy, to determine the safety of coal ash in various reuse and disposal scenarios, including coal ash minefilling.

Because Congress defined hazardous waste to include any solid waste that may “pose a substantial present or potential hazard to human health or the environment *when improperly treated, stored, transported, or disposed of, or otherwise managed,*” 42 U.S.C. § 6903(5)(B) (emphasis added), the EPA designed the TCLP to simulate a disposal practice that is dangerous to health and the environment and yet still plausible—the co-disposal of toxic waste in an active municipal landfill overlying a drinking water aquifer. *See* 55 Fed. Reg. 11,807. In order to simplify the process of evaluating solid waste, the EPA chose a single disposal scenario. Many industrial wastes, however, are rarely disposed in municipal landfills. Coal ash, for example, is almost always disposed in large monofills consisting solely of coal ash and associated wastes, and is frequently co-disposed with acidic coal refuse (pyrites). Further, coal ash disposed in mines is often placed in contact with acid mine drainage. Both of these common disposal scenarios expose coal ash to a wide range of pH conditions that can accelerate leaching of toxic metals and which are not accounted for in the TCLP. *See* U.S. EPA, *Characterization of Coal Combustion Residues from Electric Utilities—Leaching and Characterization Data*, EPA/600/R-09/151, December 2009 at 18.

The TCLP is designed to determine the mobility of 40 organic and inorganic contaminants present in solid waste, but only under the above-described disposal scenario. Consequently the TCLP mimics the particular conditions (e.g., a specific pH and liquid-to-solid ratio) present in a municipal solid waste landfill. The resulting leachate, the TCLP extract, is analyzed to determine the concentrations of the 40 listed chemicals. *See* Office of Solid Waste, EPA, *Method 1311, in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, §§ 2.1, 7.3.15, 7.3.16 (3d ed.1998) (EPA Publication SW-846). After applying a dilution and attenuation factor to simulate the diminution in concentration expected to occur between the point of leachate generation and the point of human or environmental exposure, the EPA determines whether any of the resulting concentrations of chemicals are equal to or greater than the concentrations listed in Table 1 of 40 C.F.R. § 261.24. If they exceed those concentrations, which are equal to 100 times the maximum contaminant level (MCL) for each contaminant as it existed in 1990, then the waste is considered toxic and, consequently, hazardous. *See* 40 C.F.R. § 261.24(a). Table 1 has not been revised to reflect the EPA's lowering of MCLs for numerous contaminants, including arsenic, cadmium and lead, which occurred after 1990.

#### **IV. THE CITIZEN SUIT PROVISION OF RCRA**

Section 7002(a)(2) of RCRA authorizes citizen suits "against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator." 42 U.S.C. § 6972(a)(2). Citizens must provide notice to the Administrator at least sixty days before commencing a citizen suit under section 7002(a)(2). *Id.* § 6972(c).

### **LEGAL VIOLATIONS**

#### **I. EPA'S FAILURE TO REVIEW AND REVISE REGULATIONS EXEMPTING COAL ASH AND OTHER BEVILL WASTES FROM SUBTITLE C**

For the past three decades, the EPA has reviewed whether coal ash should be classified as a hazardous waste.<sup>2</sup> The EPA published two reports to Congress in 1988 and 1999. *See* U.S. EPA, Report to Congress on Wastes from the Combustion of Coal by Electric Utility Power Plants (EPA530-SW-88-002) (1988) and U.S. EPA, Report to Congress: Wastes from the Combustion of Fossil Fuels (EPA530-SW-99-010) (1999). Following each report, in 1993 and 2000, respectively, the EPA published a Regulatory Determination on coal ash. *See* U.S. EPA, Final Regulatory Decision on Four Large-Volume Wastes from the Combustion of Coal by Electric Utility Power Plants, 58 Fed. Reg. 42,466 (August 9, 1993); U.S. EPA, Final Regulatory Determination on Wastes from the Combustion of Fossil Fuels, 65 Fed. Reg. 32,214 (May 22, 2000). The EPA's May 2000 Final Determination concluded that while regulation under subtitle C of RCRA was not warranted "at this time," the EPA determined that "national regulation under non-hazardous waste authorities for coal combustion wastes disposed in landfills and surface impoundments" was appropriate. *Id.* at 32,221. In addition, the Agency determined that national regulations under RCRA subtitle D "and/or possibly under authority" of the Surface Mining Control and Reclamation Act was warranted for coal ash disposal in mines in view of the

<sup>2</sup> A timeline of EPA's actions concerning coal ash, "Fossil Fuel Combustion (FFC) Waste Legislative and Regulatory Time Line," is posted at <http://www.epa.gov/osw/nonhaz/industrial/special/fossil/regs.htm>.

“danger to human health and the environment.” *Id.* Consequently, the EPA’s Final Determination in 2000 was that revision of subtitle D criteria was required, at least with regard to disposal of coal ash in landfills and surface impoundments. According to section 2002(b) of RCRA, such revisions were required by 2003.

The EPA, however, never promulgated such regulations. Over the past eleven years, the Agency has continued to study several issues identified in the 2000 determination, which, as the Agency acknowledges, may compel a new determination that hazardous waste classification of coal ash is warranted. In this regard, the EPA has investigated the inadequacy of state programs, the risks posed to human health by arsenic in coal ash, and the increasing toxicity of coal ash as a result of Clean Air Act emission control requirements. For example, in 2006, the EPA, in conjunction with the U.S. Department of Energy, published a study that examined utility management practices, state regulatory requirements, and state implementation of requirements pertaining to coal ash disposal. *See* U.S. EPA and U.S. Dept. of Energy, *Coal Combustion Waste Management at Landfills and Surface Impoundments, 1994-2004* (August 2006). The EPA also issued a “Notice of Data Availability on the Disposal of Coal Combustion Wastes in Landfills and Surface Impoundments” on August 29, 2007 to solicit comment on how new information released by the agency, including the above-referenced study and a 2007 report on coal combustion waste damage cases “should affect the Agency’s decisions as it continues to follow-up on its Regulatory Determination.” 72 Fed. Reg. 49,714. Lastly, in 2006, 2008 and 2009, the EPA’s Office of Research and Development (ORD) published three reports concerning the increased toxicity of coal ash as a result of the use of emission control equipment at coal-fired power plants. *See* U.S. EPA, *Characterization of Mercury-Enriched Coal Combustion Residues from Electric Utilities Using Enhanced Sorbents for Mercury Control*, EPA-600/R-06/008 (Feb. 2006); U.S. EPA, *Characterization of Coal Combustion Residues from Electric Utilities Using Wet Scrubbers for Multi-Pollutant Control* (July 2008); U.S. EPA, *Characterization of Coal Combustion Residues from Electric Utilities—Leaching and Characterization Data* EPA/600/R-09/151 (Dec. 2009).

Notwithstanding the Agency’s attention to these issues, the EPA, since 2000, has missed four successive three-year deadlines to complete a review of 40 C.F.R. § 261.4(b)(4), issue a determination regarding regulation under subtitle C, and revise its regulations as necessary. Given this failure to take action in response to mounting evidence demonstrating the need for coal ash regulation, environmental and citizen groups filed two petitions for coal ash rules pursuant to Section 7004(a) of RCRA. 42 U.S.C. § 6974(a). In February 2004, 125 environmental and citizens groups petitioned the EPA Administrator for a rulemaking prohibiting the disposal of coal ash into groundwater and surface water until the promulgation of federally enforceable regulations governing coal ash disposal. In July 2009, six environmental and citizens groups filed a second petition pursuant to section 7004(a) requesting that the EPA Administrator promulgate regulations that designate coal ash as hazardous waste under subtitle C of RCRA. To date, the EPA has not responded to either rulemaking petition with final regulations or a determination that such regulations are not required.

On June 21, 2010, the EPA published a proposed coal ash rule, “Hazardous and Solid Waste Management System; Identification and Listing of Special Waste; Disposal of Coal Combustion Residuals from Electric Utilities.” 75 Fed. Reg. 35,127. On October 11, 2011, the

EPA solicited additional public comment in a Notice of Data Availability in conjunction with the proposed rule. *See* 76 Fed. Reg. 197. While this rulemaking offers the EPA an opportunity to comply belatedly with its obligation to review and revise, it is unclear that the Agency is prepared to move forward expeditiously as the law requires. The EPA already has missed several successive deadlines for review and revision of regulations that are concededly inadequate to protect human health and the environment. Now, it is incumbent on the Agency to comply with RCRA and undertake needed regulatory revisions as quickly as possible. Where, as here, EPA has been “grossly delinquent” in its efforts to comply with governing statutory deadlines, any “justifications for seeking additional delay cannot override the clear intent of Congress (as expressed in the statute) that these duties should be fulfilled by a date certain.” *Sierra Club v. Johnson*, 444 F. Supp. 2d 46, 58 (D.D.C. 2006) (finding that the complexity of the regulatory tasks does not excuse the EPA from its obligation of “expeditious compliance” with statutory schedules under the Clean Air Act).

## **II. EPA’S FAILURE TO REVIEW AND REVISE SUBTITLE D REGULATIONS TO ADDRESS COAL ASH AND OTHER BEVILL WASTES**

The subtitle D open dumping criteria addressing impacts to groundwater and surface water are particularly relevant to coal ash disposal units. Since their promulgation in 1979, however, neither section has been substantially revised to control pollution from coal ash or from any solid wastes other than municipal solid waste, although the EPA has several times identified significant shortcomings in the rudimentary guidelines set forth in these regulations. *See* 40 C.F.R. §§ 257.3-3 and 257.3-4. As described above, in the 2000 Final Determination, the EPA determined that revision of subtitle D regulations was necessary to control pollution from coal ash disposal. Thus, according to section 2002(b) of RCRA, such revisions were required by 2003.

With respect to subtitle D regulation, the EPA has sporadically concluded studies affirming that revisions of the regulations are necessary to control several large solid waste streams, but the Agency has failed to take action as Congress contemplated.<sup>3</sup> In addition to these final regulatory determinations, the EPA has several times conducted limited reviews of the subtitle D regulations and identified substantial shortcomings in the guidelines. Specifically, the EPA found the groundwater and surface water regulations in need of revision as described below.

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<sup>3</sup> In addition, with respect to three other large industrial waste streams, namely mining waste, oil and gas waste and cement kiln dust, the EPA similarly concluded in final regulatory determinations, after review and reports to Congress, that revision of the subtitle D regulations was required. *See* Final Regulatory Determination for Extraction and Beneficiation Waste, 51 Fed. Reg. 24,496 (July 3, 1986) (determination that development of regulations for mining waste under subtitle D is necessary); Final Regulatory Determination for Special Wastes from Mineral Processing, 56 Fed. Reg. 27,300 (June 13, 1991) (determination to regulate 18 of 20 mineral processing wastes under subtitle D); Final Regulatory Determination for Oil, Gas, and Geothermal Exploration, Development and Production Wastes, 53 Fed. Reg. 25,466 (July 6, 1988) (determination to regulate waste under subtitle D of RCRA); Final Regulatory Determination for Cement Kiln Dust, February 7, 1995 (determination to regulate cement kiln dust under subtitle C of RCRA); Additional Data Available on Wastes Studied in the Report to Congress on Cement Kiln Dust, 67 Fed. Reg. 48,648 (July 25, 2002) (“temporarily” suspending proposed subtitle C rule and proposing subtitle D regulations). Despite the Agency’s final regulatory determinations establishing that revision of subtitle D was necessary, the EPA has not revised its regulations for any of these waste streams, which together comprise billions of tons of waste disposed annually.



**A. 40 C.F.R. § 257.3-4: Prohibition of Groundwater Contamination**

Section 257.3-4 defines open dumping to include those disposal practices that cause groundwater contamination to exceed the Primary Drinking Water Standards that were in effect in 1979. 40 C.F.R. § 257.3-4. In 1988, pursuant to section 4010(a) of RCRA, the EPA completed a study of the extent to which the Part 257 criteria were adequate to protect human health and the environment from groundwater contamination. 42 U.S.C. § 6949a(a). Congress directed the EPA to

include a detailed assessment of the degree to which the criteria under section 1008(a) and the criteria under section 4004 regarding monitoring, prevention of contamination, and remedial action are adequate to protect ground water.

*Id.* Pursuant to section 4010(b), the EPA submitted a report to Congress containing the results of the study and recommendations made by the Administrator. 42 U.S.C. § 6949a(b). *See* U.S. EPA, Report to Congress: Solid Waste Disposal in the United States, Volume 1 (1988). Although Congress directed the EPA to examine impacts from all “solid waste management and disposal facilities,” the EPA focused primarily on municipal solid waste landfills because of the absence of data for all other solid waste facilities. Therefore the specific recommendations for regulatory revisions primarily addressed municipal waste. The EPA, however, did acknowledge in its “Major Findings” that “existing federal and state subtitle D regulations are inadequate” because they lack the “following essential requirements,” notably the total absence of groundwater monitoring requirements. *Id.* at ES-2. The EPA explained:

While the Federal criteria clearly prohibit contamination of an underground drinking water source beyond the waste management unit’s boundary (or alternative boundary set by the State), they do not mention monitoring for determining whether such contamination exists.

*Id.* at 43. In addition to the crucial absence of monitoring requirements, the 1988 Report to Congress also noted the absence of corrective action requirements in the criteria, as well as any provisions addressing closure, post-closure care and financial responsibility. *Id.* Despite the deficiencies noted in the 1988 Report to Congress, the EPA has not revised section 257.3-4 to include these requirements, and despite the enormous data gaps identified in the report for solid wastes other than municipal solid waste, the EPA has not attempted to gather the data and complete the comprehensive review envisioned by Congress under section 4010(a) and further required under section 2002(b).

Since 1991, the EPA has also acknowledged that section 257.3-4 contains references to outdated primary drinking water standards. Specifically, section 257.3-4 defines contamination as exceedance of the primary drinking water contaminants listed in Appendix I of the regulation. Yet, pursuant to section 257.3-4, the federal MCLs set forth in Appendix I are frozen in time at the levels established by the EPA in 1979. In 1991, in the preamble to the final rule establishing

standards for municipal solid waste landfills, the EPA acknowledged the need to revise Part 257 as new MCLs are promulgated and specifically to establish consistency with the 1991 changes to the MCL for lead. 56 Fed. Reg. 50,998-99. Although the EPA in 1991 made clear its intention to revise the Part 257 standards, the Agency never did so. *See id.*

#### **B. 40 C.F.R. § 257.3-3: Prohibition of Discharges to Surface Water**

Section 257.3-3(c) prohibits non-point source pollution that violates applicable legal requirements implementing an areawide or statewide water quality management plan that has been approved under section 208 of the Clean Water Act. 40 C.F.R. § 257.3-3(c). In 1979, in the preamble to the Part 257 criteria, the EPA noted that some state plans do not address releases from land disposal units, and the EPA promised to revisit the standard if necessary. The agency wrote, "EPA is also aware that not all 208 plans will have addressed the nonpoint source pollution problems presented by solid waste disposal. EPA intends to explore this problem further to determine whether uniform national guidance is needed..." 44 Fed. Reg. 53,445. The EPA, however, never addressed these "leachate seeps" to surface water that were identified as a potential source of surface water contamination in the preamble to the regulation.

### **III. THE EPA'S FAILURE TO REVIEW AND REVISE THE TOXICITY CHARACTERISTIC LEACHING PROCEDURE**

The EPA has similarly failed to update its methodology for evaluating toxicity despite its recognition that the TCLP is fundamentally flawed. When the TCLP was promulgated in 1990, the EPA acknowledged the need for future review and revision. In the preamble to the final rule, the Agency stated, "the present TC [toxicity characteristic] revisions are only the first step in a long-term strategy to refine and expand the hazardous waste identification program." 55 Fed. Reg. 11,808. A year later, the Environmental Engineering Committee of EPA's Science Advisory Board identified significant problems with the accuracy of the TCLP. In 1991, the SAB released a report recommending that the Agency conduct a review of its waste leachability procedures. *See U.S. EPA Science Advisory Board, Leachability Phenomena - Recommendations and Rationale for Analysis of Contaminant Release by the Environment Engineering Committee, EPA-SAB-EEC-92-003 (October 1991).* Specifically, the SAB recommended that the Agency review the mechanisms controlling leachability and develop better conceptual models for waste management scenarios. *Id.* The report states:

[t]hese recommendations are made with the anticipation that an improved understanding of the fundamental scientific principles that control contaminant release and transport within a waste matrix will allow better regulatory and technical decisions to be made in cases where the potential exists for leaching of contaminants into the environment.

*Id.* at 2-3. In 1999, disappointed with the lack of progress on study and revision of the TCLP, the Environmental Engineering Committee wrote commentary directly to the EPA Administrator "to call [her] attention to the need to review and improve" the TCLP. *See U.S. EPA Science Advisory Board, "Waste Leachability: The Need for Review of Current Agency Procedures,"*

EPA-SAB-EEC-COM-99-002 (Feb. 26, 1999). The 1999 SAB commentary criticized the EPA's continued reliance on the TCLP, stating definitively "it is time to make improvements." *Id.* at 1. The SAB wrote emphatically "[t]he Committee's single most important recommendation is that EPA improve leach test procedures, validate them in the field, and then implement them." *Id.* at 2. (Emphasis in original.)

In addition to citing the inappropriateness of the TCLP in "broad applications," the SAB commentary warned the EPA of the implications of legal challenges to the TCLP in which courts found that the EPA could not show a "rational relationship" of the TCLP to particular wastes. See *Columbia Falls Aluminum Co. v EPA*, 139 F.3d 914, 923 (D.C. Cir. 1998) (finding the EPA's application of the TCLP to spent potliner was arbitrary and capricious); *Edison Electric Inst. v. EPA*, 2 F.3d 438, 447 (D.C. Cir. 1993) (finding no evidence "that mineral wastes were exposed to conditions similar to those simulated by the TCLP").

Thus, for over a decade, the EPA's Science Advisory Board and federal courts have acknowledged the TCLP's failure to predict with accuracy the level of pollutants leaching from broad categories of solid wastes. With regard to coal ash, in 2006, the National Academy of Sciences (NAS) acknowledged the general inaccuracy of the TCLP and explicitly criticized its use for testing coal ash. See National Academy of Sciences, *Managing Coal Combustion Residues in Mines* (2006) at 127. Also, since at least 2006, the EPA's own Office of Research and Development has acknowledged that the TCLP is not accurate for testing coal ash and has proposed an alternative test that takes into account actual disposal scenarios for coal ash. See U.S. EPA, Office of Research and Development, *Characterization of Coal Combustion Residues from Electric Utilities—Leaching and Characterization Data*, EPA/600/R-09/151 (December 2009) at 18.

Finally, it should be noted that while major revisions to the TCLP are warranted, in response to the SAB and NAS concerns, simple revisions are also necessary for those solid wastes for which the TCLP is appropriate. Table 1 of section 261.24 provides maximum concentrations of contaminants for TCLP leachate that are calculated based on the MCLs in existence in 1990, when the regulation was promulgated. 40 C.F.R. § 261.24, Table 1. For several toxic metals, such as arsenic, cadmium and lead, the MCLs have been substantially lowered since 1990. Consequently the regulatory levels for the maximum concentration of contaminants for the toxicity characteristic for these metals must be reviewed and revised to match the current MCL.

The EPA's failure to timely review and revise the TCLP, since 1990, has allowed all of these significant deficiencies to remain unaddressed.

#### **IV. EPA MUST REMEDY THESE LEGAL VIOLATIONS BY COMPLETING REGULATORY REVISIONS AS SOON AS POSSIBLE**

The EPA has effectively ignored RCRA's requirement to periodically review and revise regulations for decades. It is now incumbent on the Agency to remedy this longstanding legal violation by completing reviews and regulatory revisions that are plainly necessary based on the wealth of data gathered and multiple reports issued by the Agency. As the courts have made

clear, citizens can compel timely action when agencies fail to comply with periodic requirements to review and revise regulations. See, e.g., *American Lung Ass'n v. Browner*, 884 F.Supp. 345, 347-8 (D. Ariz. 1994) (construing parallel provisions under section 109 of the Clean Air Act); *Environmental Defense Fund v. Thomas*, 870 F.2d 892, 900 (2d Cir. 1989) (same).<sup>4</sup> As explained by the Second Circuit,

the statute involves an ongoing, periodic review and revision process set up by Congress to ensure that regulatory guidelines and standards which protect human safety and welfare are kept abreast of rapid scientific and technological developments. Congress mandated that review and any revisions should occur at [3]-year intervals.

870 F. 2d at 900. Here too, “the EPA has not merely missed a deadline, it has nullified the congressional scheme for a fixed interval review and revision process.” *Id.*; see also *NRDC v. EPA*, 902 F.2d 962, 983 (D.C. Cir.1990) (finding that the Agency’s “preliminary action toward revising a standard” in an ANPR dis not constitute the mandated, timely formal Agency decision required under section 109(d) of the Clean Air Act).

### CONCLUSION

The EPA has failed to perform nondiscretionary duties mandated by section 2002(b) of RCRA, 42 U.S.C. § 6912(b). The EPA has failed to review and revise as necessary RCRA regulations that should — but do not — provide adequate safeguards for the management and disposal of coal ash and other industrial wastes that have too long escaped effective regulation. We intend to file suit in federal court to compel the EPA to comply with the statute.

If you have any questions or wish to discuss this matter, please do not hesitate to contact me.

Respectfully,

Lisa Evans  
Abigail Dillen  
Earthjustice  
156 William St., Suite 800  
New York, NY 10038-5326  
Phone: (781) 631-4119  
Fax: (212) 918-1556

---

<sup>4</sup> Section 109(d) states

Not later than December 31, 1980, and at five-year intervals thereafter, the Administrator shall complete a thorough review of the criteria published under section 7408 of this title and the national ambient air quality standards promulgated under this section and shall make such revision in such criteria and standards and promulgate such new standards as may be appropriate in accordance with section 7408 of this title.

42 U.S.C. § 7409(d).

[levans@earthjustice.org](mailto:levans@earthjustice.org)

on behalf of:

Willa Mays  
Executive Director  
Appalachian Voices  
191 Howard Street  
Boone, NC 28607  
887-APP-VOICE

Mike Tidwell  
Executive Director  
Chesapeake Climate Action Network  
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Eric Schaeffer  
Executive Director  
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Washington, D.C. 20005  
(202) 263-4440

Hartwell Carson  
Riverkeeper  
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Moapa Band of Paiutes  
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Josh Stebbins, Senior Attorney  
Joshua Berman, Associate Attorney  
Sierra Club  
50 F St. NW, 8th Floor  
Washington, DC 20001  
(202) 547-1141

Stephen Smith, DVM  
Executive Director  
Southern Alliance for Clean Energy  
P.O. Box 1842  
Knoxville, TN 37901  
(865) 637-6055





**Fw: Update: Coal Ash Citizen's Meeting**

**Matt Straus** to: Mary Jackson

10/01/2012 04:31 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

----- Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:31 PM -----

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 02:05 PM  
Subject: Fw: Update: Coal Ash Citizen's Meeting

----- Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 02:05 PM -----

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 07/31/2012 12:05 PM  
Subject: Fw: Update: Coal Ash Citizen's Meeting

----- Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:05 PM -----



**Update: Coal Ash Citizen's Meeting**

**Tue 04/12/2011 4:00 PM - 5:30 PM**

Attendance is required for Matt Straus

Chair: **Mathy Stanislaus/DC/USEPA/US**

Sent By: **Shawna Bergman/DC/USEPA/US**

Location: Room 1117A EPA East Building, 1201 Constitution Ave., NW., Washington DC 20004

has sent updated information



Required: Bob Sussman/DC/USEPA/US@EPA, Laurel Celeste/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA  
Optional: Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA

Description

----- Original Message -----

From: Nelida Torres

Sent: 03/29/2011 08:55 AM EDT

To: Shawna Bergman

Subject: Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

----- Forwarded by Nelida Torres/DC/USEPA/US on 03/29/2011 08:55 AM -----

From: scheduling

To: Nelida Torres/DC/USEPA/US@EPA

Date: 03/29/2011 08:52 AM

Subject: Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

Sent by: Noah Dubin

I dont know if you need this but these are the people we passed along to OSWER. We've already declined on behalf of the Administrator.

----- Forwarded by Noah Dubin/DC/USEPA/US on 03/29/2011 08:51 AM -----

From:

"Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>

To:  
scheduling@EPA

Cc:

Eric Schaeffer <eschaeffer@environmentalintegrity.org>, Jeff Stant <jstant@environmentalintegrity.org>

Date:

03/28/2011 09:23 PM

Subject:

RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To whom it may concern,

As promised, here is the list of confirmed participants for our meeting. Please let us know what times are available for this meeting at your earliest convenience. We appreciate your help in arranging this meeting. I apologize if you have already received a similar email from one of my colleagues.

Illinois

Kathy Andria, near East St. Louis

Traci Barkley, Champaign (northcentral IL)

Deacon Billy Davis, Joliet (just southwest of Chicago)

Tammy Krapek, near Joliet

Indiana

Rosmary Spalding

Saleh Hussein, Dogpatch (near Princeton in southwest IN along Wabash River)

Mike Eslinger, Merom (near Sullivan in southwest IN along Wabash River)

George Adey, Pine (in northwest IN outside of Michigan City)

Larry Jensen, Pines (in northwest IN outside of Michigan City)

Maryland

Two residents, not yet confirmed



Michigan

Jean Veselenak, near Lake Huron  
Raymond and Yelisa Pfeiffer, near Lake Huron  
Bill Castiner, near Lansing

Missouri

Patricia Schuba, Labadie (about 10 miles west of St. Louis)  
Teresa Connelly, Union (near Labadie)  
Susan Brown, Kansas City  
Melissa Hope, Jefferson City  
Claus Wawrzinek, Kansas City

Ohio

Terry and Reggie Witsaman, Uniontown, northeast OH near Canton  
Elisa Young, Meigs County (southcentral Ohio near Ohio River)

Pennsylvania

Bob Gadinski and his son  
Frank and Joan Burke  
Ann Marie Shelby  
Sally Slotterback  
John Mello

Virginia

James McGrath, Giles County in southwest VA, west of Roanoke  
Jasmine and Jeanette, Chesapeake  
Steven Fox and his wife, Chesapeake

West Virginia

John and Petra Wood, Morgantown  
Debbie and Curt Havens, Chester (near Little Blue Run Surface Impoundment)  
Jared Jamieson, near Fort Martin's ash disposal areas

Wisconsin

Frank Michna, Town of Caledonia (southeast WI, just south of Racine)  
Ken Parker, Town of Caledonia (southeast WI, just south of Racine)  
Kelvin Rodolfo and Kathleen Crittenden, Viroqua (southwest WI)

Sincerely,

Lisa Widawsky

Attorney

Environmental Integrity Project

1 Thomas Circle, Suite 900

Washington, DC 20005

202.263.4452 (direct)

202.294.3282 (cell)

202.296.8822 (fax)

From: Lisa N. Widawsky

Sent: Friday, March 25, 2011 8:09 AM

To: 'scheduling@epa.gov'

Cc: Eric Schaeffer; Jeff Stant

Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To whom it may concern,

We are writing to follow up on the email and letter we sent you on Monday of this week to request a meeting on behalf of citizens harmed by coal ash with Director Lew. I am writing to confirm that you have received this request and see what times you may be available for this meeting.

We are still finalizing our list of citizen participants and will have it to you by March 28, as promised. As of right now, we have confirmed two or more participants each from Ohio, Indiana, Illinois, Maryland, Michigan, Missouri, West Virginia, Virginia, Wisconsin, and Pennsylvania. In addition, there will be at least one representative from the Environmental Integrity Project, Earthjustice, and/or Sierra Club at this meeting.

I will be out of the office today, so I am copying my colleague Jeff Stant in case you have any follow-up questions before I return on Monday, March 28, 2011.

Again, we will get the finalized list to you on Monday, and we thank you for your help with this meeting request. Please let us know as soon as possible when you can confirm a time for this important meeting.

Best,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

From: Lisa N. Widawsky  
Sent: Monday, March 21, 2011 5:10 PM  
To: 'scheduling@epa.gov'  
Cc: Eric Schaeffer  
Subject: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To Whom It May Concern:

Please accept the attached request for a meeting between Administrator Jackson and citizens harmed by coal ash. This request has also been sent by U.S. Mail. Feel free to reply to me with any questions.

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
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recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.

March 21, 2011

The Honorable Lisa Jackson  
Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460

Dear Administrator Jackson:

The Environmental Integrity Project (EIP) is writing you today on behalf of citizens in the Midwest and Mid-Atlantic regions of our country who are concerned that their health, property, livelihood, and/or quality of life have been harmed by coal ash pollution. With combined efforts from EIP, Earthjustice, and the Sierra Club, citizens living near coal ash dump sites will be coming to Washington, D.C. next month to talk about how their lives have been adversely impacted as a result of the inadequate coal ash regulations in their States.

We would like to request a meeting with you while these citizens are here in D.C. on Tuesday, April 12, 2011 or Wednesday, April 13, 2011. While we are finalizing the list of citizens, approximately 20 health care professionals, scientists, concerned parents, and individuals with health, property, livelihood, or quality of life concerns caused by living close to coal ash sites will be coming to D.C., and they would like to share their stories with you as you deliberate over the upcoming federal regulations for coal ash. We should have the list of people confirmed by March 28 and would be happy to provide you with a full list at that time.

We applaud the efforts the administration has taken already on proposing safeguards on coal ash. We believe that it is important for the administration to continue to provide leadership on this issue.

Please contact me directly with the best time to meet. My contact information is below.

Sincerely,

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
eschaeffer@environmentalintegrity.org





**Fw: Rescheduled: Coal Ash Citizen's Meeting (Apr 12 04:00 PM EDT in Room 1117A EPA East Building, 1201 Constitution Ave., NW., Washington DC 20004 )**

**Matt Straus** to: Mary Jackson

10/01/2012 04:32 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:32 PM —

From: Matt Straus/DC/USEPA/US  
To: [straus matt <straus.matt@epa.gov>](mailto:straus.matt@epa.gov)  
Date: 10/01/2012 02:05 PM  
Subject: Fw: Rescheduled: Coal Ash Citizen's Meeting (Apr 12 04:00 PM EDT in Room 1117A EPA East Building, 1201 Constitution Ave., NW., Washington DC 20004 )

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 02:05 PM —

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 07/31/2012 12:06 PM  
Subject: Fw: Rescheduled: Coal Ash Citizen's Meeting (Apr 12 04:00 PM EDT in Room 1117A EPA East Building, 1201 Constitution Ave., NW., Washington DC 20004 )

— Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:06 PM —



**Rescheduled: Coal Ash Citizen's Meeting**

**Tue 04/12/2011 4:00 PM - 5:30 PM**

Attendance is required for Matt Straus

Chair: **Mathy Stanislaus/DC/USEPA/US**

Sent By: **Shawna Bergman/DC/USEPA/US**

Location: Room 1117A EPA East Building, 1201 Constitution Ave., NW., Washington DC 20004

**Mathy Stanislaus** has rescheduled this meeting. You have not yet responded.

**i** The group has requested a 90 minute meeting, so we are extending it.

Required: Bob Sussman/DC/USEPA/US@EPA, Laurel Celeste/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA  
Optional: Becky Brooks/DC/USEPA/US@EPA, Eilyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA

Description

Nelida Torres

----- Original Message -----

**From:** Nelida Torres

**Sent:** 03/29/2011 08:55 AM EDT

**To:** Shawna Bergman

**Subject:** Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

----- Forwarded by Nelida Torres/DC/USEPA/US on 03/29/2011 08:55 AM -----

From: scheduling

To: Nelida Torres/DC/USEPA/US@EPA

Date: 03/29/2011 08:52 AM

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To: scheduling@EPA

Cc: Eric Schaeffer <eschaeffer@environmentalintegrity.org>, Jeff Stant <jstant@environmentalintegrity.org>

Date: 03/28/2011 09:23 PM

Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

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Tammy Krapek, near Joliet

Indiana

Rosmary Spalding

Saleh Hussein, Dogpatch (near Princeton in southwest IN along Wabash River)

Mike Eslinger, Merom (near Sullivan in southwest IN along Wabash River)

George Adey, Pine (in northwest IN outside of Michigan City)

Larry Jensen, Pines (in northwest IN outside of Michigan City)

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Bill Castiner, near Lansing

Missouri

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Teresa Connelly, Union (near Labadie)  
Susan Brown, Kansas City  
Melissa Hope, Jefferson City  
Claus Wawrzinek, Kansas City

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Elisa Young, Meigs County (southcentral Ohio near Ohio River)

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Sally Slotterback  
John Mello

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Jasmine and Jeanette, Chesapeake  
Steven Fox and his wife, Chesapeake

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Debbie and Curt Havens, Chester (near Little Blue Run Surface Impoundment)  
Jared Jamieson, near Fort Martin's ash disposal areas

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Ken Parker, Town of Caledonia (southeast WI, just south of Racine)  
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Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900

Washington, DC 20005  
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202.294.3282 (cell)  
202.296.8822 (fax)

**From:** Lisa N. Widawsky  
**Sent:** Friday, March 25, 2011 8:09 AM  
**To:** 'scheduling@epa.gov'  
**Cc:** Eric Schaeffer; Jeff Stant  
**Subject:** RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

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**From:** Lisa N. Widawsky  
**Sent:** Monday, March 21, 2011 5:10 PM  
**To:** 'scheduling@epa.gov'  
**Cc:** Eric Schaeffer  
**Subject:** Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

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Feel free to reply to me with any questions.

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Lisa Widawsky  
Attorney  
Environmental Integrity Project  
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Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
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March 21, 2011

The Honorable Lisa Jackson  
Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 1101A  
Washington, DC 20460

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Sincerely,

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
[eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)





**Fw: The CCR Earthjustice teleconference request is still active**

**Becky Brooks** to: Mary Jackson

10/04/2012 03:39 PM

From: Becky Brooks/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Becky Brooks/DC/USEPA/US on 10/04/2012 03:38 PM —

**The CCR Earthjustice teleconference request is still active**

**Shawna Bergman** to: Stanislaus.Mathy, Lisa Feldt, Barry Breen

07/18/2012 08:21 PM

Cc: "Ellyn Fine"

The CCR teleconference with EarthJustice is still an active request OPE is working on.

-----  
Shawna Roesch Bergman (sent via BlackBerry)  
Chief of Staff  
U.S. EPA Office of Solid Waste and Emergency Response  
202-564-3641  
Dru Ealons

----- Original Message -----

**From:** Dru Ealons  
**Sent:** 07/18/2012 08:15 PM EDT  
**To:** Stephanie Owens; Shawna Bergman  
**Cc:** Ellyn Fine  
**Subject:** Re: Is the CCR teleconference request still active?

Yes. I'm now waiting on a few dates. They would like to meet with Mathy, Laura and Cynthia. Along with an OGC contact.

Dru Ealons, Director  
Office of Public Engagement  
202.573.3063  
Stephanie Owens

----- Original Message -----

**From:** Stephanie Owens  
**Sent:** 07/18/2012 08:07 PM EDT  
**To:** Shawna Bergman; Dru Ealons  
**Cc:** Ellyn Fine  
**Subject:** Re: Is the CCR teleconference request still active?

+ Dru who has spoken to Earth Justice.  
Shawna Bergman

----- Original Message -----

**From:** Shawna Bergman  
**Sent:** 07/18/2012 06:27 PM EDT  
**To:** Stephanie Owens  
**Cc:** Ellyn Fine

**Subject:** Is the CCR teleconference request still active?  
Does OSWER still need to have this teleconference? (Is it still an active request?)

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

— Forwarded by Shawna Bergman/DC/USEPA/US on 07/18/2012 06:24 PM —

Stephanie Owens

----- Original Message -----

**From:** Stephanie Owens  
**Sent:** 06/29/2012 03:59 PM EDT  
**To:** Arvin Ganesan  
**Cc:** Laura Vaught; Mathy Stanislaus  
**Subject:** Re: Fw: Meeting Request & Introduction

Cool. Thanks.

Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 06/29/2012 03:42 PM EDT  
**To:** Stephanie Owens  
**Cc:** Laura Vaught; Mathy Stanislaus  
**Subject:** Re: Fw: Meeting Request & Introduction

I think that they should meet with Mathy or someone in OSWER.

Stephanie Owens

Hi, We discussed this request last week. It appe...

06/29/2012 03:38:57 PM

---

**From:** Stephanie Owens/DC/USEPA/US  
**To:** Laura Vaught/DC/USEPA/US@EPA, "Arvin Ganesan" <Ganesan.Arvin@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>  
**Date:** 06/29/2012 03:38 PM  
**Subject:** Fw: Meeting Request & Introduction

---

Hi,

We discussed this request last week. It appears Earthjustice still wants to speak with EPA. Who wants to meet with them?

Thanks,

Stephanie

**From:** Emily Enderle [eenderle@earthjustice.org]  
**Sent:** 06/29/2012 09:53 AM MST  
**To:** Stephanie Owens  
**Cc:** Andrea Delgado <adelgado@earthjustice.org>  
**Subject:** Meeting Request & Introduction

Hi Stephanie,

Thanks for taking the time to connect this week.

I'd like to connect you with Andrea Delgado (cc'd), she's Earthjustice's new environmental health advocate. You may have met previously; she spent five years at the Labor Council for Latin American Advancement (LCLAA) and the National Latino Coalition on Climate Change (NLCCC). We're really happy to have her on board.

As discussed, can we schedule a tele-conference with Administrator Jackson and a mix of affected citizens, academics and advocates in the coming weeks? Though the coal ash amendment was stripped from the final transportation package, we expect similar attempts to attach it to other bills in the future. Below is a list of participants I know are on board for the meeting. There'd likely be another handful of people. We have a significant amount of flexibility. I'm heading out of town tomorrow so Andrea will be the point of contact on scheduling.

For your reference, attached is the NAACP's position statement on the legislation as well as a Washington Post piece that Congressman Bobby Rush and Dr. Robert Bullard wrote on the matter.

Thanks,  
Emily  
202.745.5201

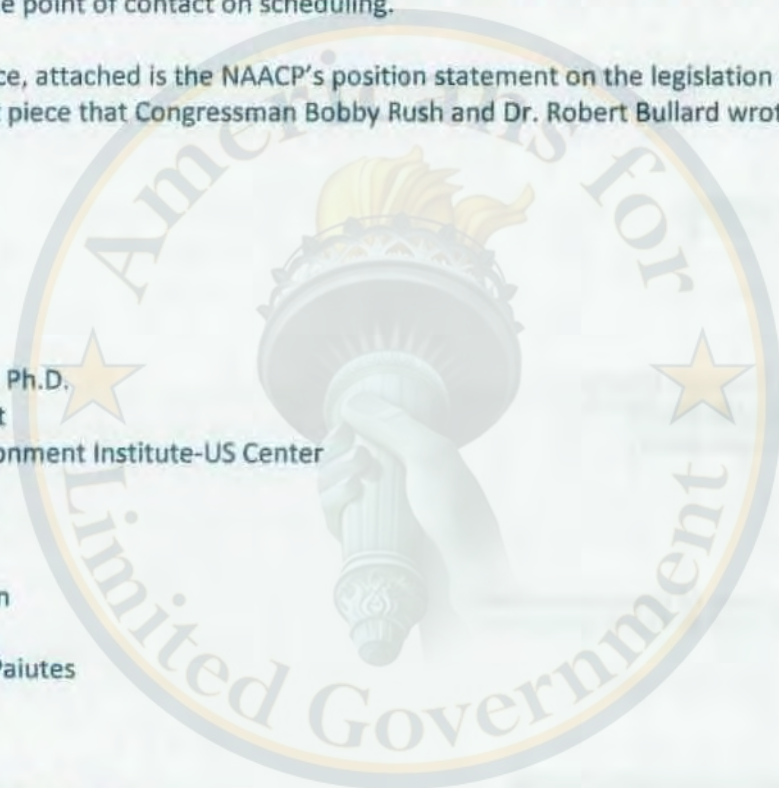
Frank Ackerman, Ph.D.  
Senior Economist  
Stockholm Environment Institute-US Center  
Tufts University  
Somerset, MA

William Anderson  
Chairman  
Moapa Band of Paiutes  
Moapa, NV

Kathy Aterno  
National Managing Director  
Clean Water Action – Florida Chapter  
Boca Raton, FL

Scott Slesinger  
Legislative Director  
Natural Resources Defense Council  
New York, NY

Dalai Aboulhosn  
Legislative Representative  
Sierra Club  
San Francisco, CA



Sandy Buchanan  
Executive Director  
Ohio Citizen Action  
Cleveland, OH

Robert D. Bullard, PhD  
Dean  
Barbara Jordan-Mickey Leland School of Public Affairs  
Texas Southern University  
Houston, TX

Randy Ellis  
County Commissioner  
Roane County  
Harriman, TN

Lisa Evans  
Senior Administrative Council  
Earthjustice  
Boston, MA

Barb Gottlieb  
Environmental Health Program Director  
Physicians for Social Responsibility  
Washington, DC

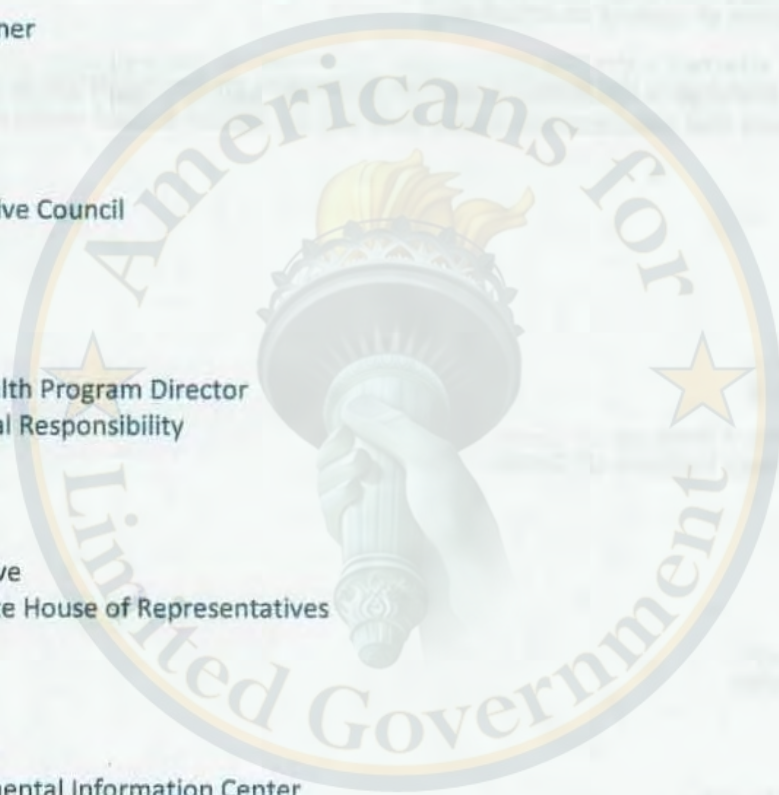
Pricey Harrison  
State Representative  
North Carolina State House of Representatives  
Greensboro, NC

Anne Hedges  
Program Manager  
Montana Environmental Information Center  
Helena, MT

Willa Mays  
Executive Director  
Appalachian Voices  
Boone, NC

Clint McRae  
Rancher/Affected Citizen  
Colstrip, MT

Lana Sangmeister



Board Chair  
Western Organization of Resource Councils  
Billings, MT

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
Washington, D.C.

Barbara Reed  
Affected Citizen  
Georgetown, PA

Patricia Schuba  
President  
Labadie Environmental Organization  
Labadie, MO

Alex Taurel  
League of Conservation Voters  
Washington, DC

[attachment "WP Coal Ash Cover.SENATE ENVIRONMENTAL LAS.DOC" deleted by Arvin Ganesan/DC/USEPA/US] [attachment "Washington Post - Coal Ash Article by Dr Bullard and Rep Rush.pdf" deleted by Arvin Ganesan/DC/USEPA/US]









**Fw: Earthjustice Notice Letter: 1/18/12 - issue of coal ash and the Toxicity Characteristic Leaching Procedure**

**Becky Brooks** to: Mary Jackson

10/04/2012 03:34 PM

From: Becky Brooks/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

Becky Brooks  
Special Assistant  
Office of Solid Waste and Emergency Response

— Forwarded by Becky Brooks/DC/USEPA/US on 10/04/2012 03:33 PM —

**Earthjustice Notice Letter: 1/18/12 - issue of coal ash and the Toxicity Characteristic Leaching Procedure**

**Shawna Bergman** to: Wanda McLendon, Bernadine London, Suzanne Rudzinski, Sandra Connors, Lisa Feldt, Barry Breen

01/18/2012 11:44 AM

Cc: Matt Straus, John Michaud, Laurel Celeste, Mark Baldwin, Colleen Keltz, Mathy Stanislaus, Becky Brooks, Nancy Jones

Wanda/Bernadine - for your records, but since it's to the Administrator I assume it would be controlled from there.

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

— Forwarded by Shawna Bergman/DC/USEPA/US on 01/18/2012 11:33 AM —

**Notice Letter: 1/18/12**

**Lisa Evans** to: LisaP Jackson

01/18/2012 11:15 AM

Cc: Mathy Stanislaus, "sussman.robert@epa.gov"

From: Lisa Evans <levans@earthjustice.org>  
To: LisaP Jackson/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, "sussman.robert@epa.gov" <sussman.robert@epa.gov>

1 attachment



NOI\_RCRA\_1\_18\_12.pdf

Dear Administrator Jackson:

Attached please find an advance copy of a Notice Letter from Earthjustice on behalf of numerous plaintiffs on the issue of coal ash and the Toxicity Characteristic Leaching Procedure. An additional copy will be sent by registered mail today.

Please let me know if you have any questions.

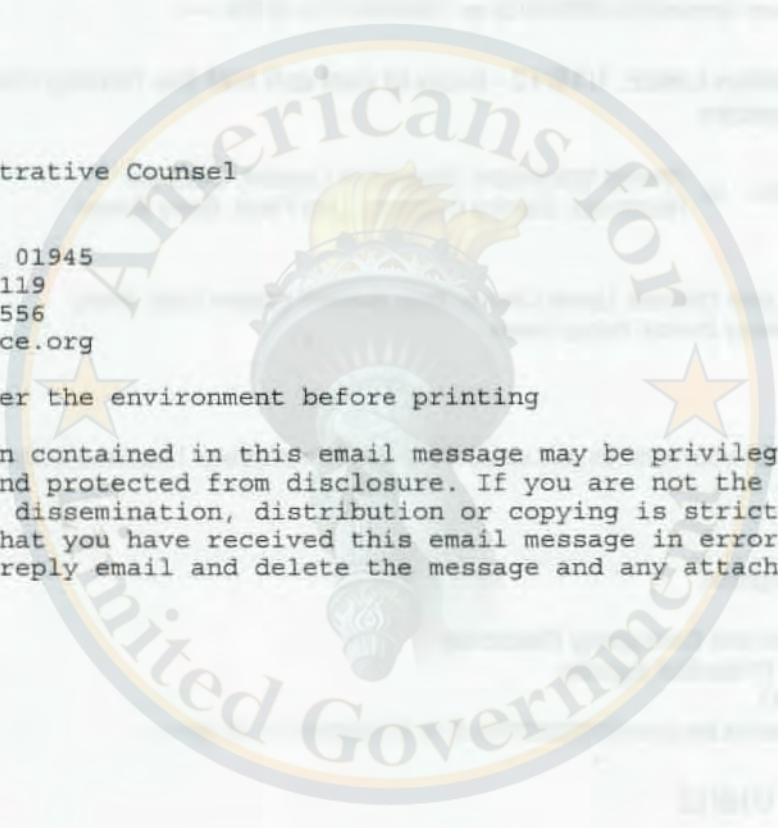
Respectfully,

Lisa Evans

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

\*please consider the environment before printing

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January 18, 2012

BY REGISTERED MAIL

Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Eric Holder, Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

**RE: 60-Day Notice of Intent to Sue for Failure to Perform Nondiscretionary Duties under the Resource Conservation and Recovery Act**

Dear Administrator Jackson:

This letter is written on behalf of Appalachian Voices, Chesapeake Climate Action Network, Environmental Integrity Project, French Broad Riverkeeper, Kentuckians for the Commonwealth, Moapa Band of Paiutes, Montana Environmental Information Center, Physicians for Social Responsibility, Prairie Rivers Network, Sierra Club and Southern Alliance for Clean Energy to provide notice of their intent to sue the United States Environmental Protection Agency (EPA) for failure to perform nondiscretionary duties under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 *et seq.* Specifically, the EPA failed to fulfill its duty under RCRA section 2002(b) to review and revise regulations that have long been:

- inadequate to address the widespread risks posed by the unsafe disposal of coal ash (40 C.F.R. § 261.4(d) and 40 C.F.R. Part 257);
- inadequate to determine the toxicity of certain solid wastes because they establish a test that does not accurately measure the leaching properties of many waste streams (40 C.F.R. § 261.24); and
- insufficient to establish guidelines to protect groundwater and surface water and define prohibited “open dumps” under RCRA (40 C.F.R. §§ 257.3-3 and 257.3-4).

According to section 2002(d) of RCRA, the EPA is required to review and revise each regulation not less frequently than every three years. 42 U.S.C. § 6912(b). While the EPA has undertaken various studies demonstrating that current regulation of coal ash is inadequate to protect human health and the environment, the EPA has not completed formal review, much less revised, existing solid waste regulations to address the critical regulatory gaps identified by the

Agency itself. Further, although the EPA's test method for determining whether hazardous waste is "toxic" has long been found to be inaccurate for broad categories of waste, including coal ash, the Agency has not revised the test for over two decades. Third, the gaps in the EPA's open dumping criteria, although also identified as inadequate and in need of revision by the Agency, have similarly not been updated or revised for decades.

The EPA's violation of the three-year statutory deadline for revision of regulations pertaining to coal ash places hundreds of communities at great risk. December 22, 2011 marked the third anniversary of the collapse of the coal ash impoundment at the Tennessee Valley Authority's Kingston Fossil Plant, which flooded 300 acres of a riverfront community with 1 billion gallons of toxic sludge. This disaster destroyed the local community, resulted in a multi-year cleanup estimated to cost more than \$1.2 billion, and caused the permanent displacement of dozens of families. In late October 2011, another significant spill occurred in Oak Creek, Wisconsin, where an unregulated coal ash disposal site collapsed into Lake Michigan, inundating the lake and shoreline with 25,000 tons of coal ash. Regulations addressing coal ash disposal might have prevented such disasters and would certainly help to prevent future ones.

In fact, the EPA's decades-long failure to review and revise solid waste regulations pertaining to the disposal of coal combustion waste, or coal ash, has resulted in widespread contamination of groundwater and surface water, as well as the threat of collapse and spills from hundreds of earthen impoundments. Our nation's coal-fired power plants burn over one billion tons of coal every year, producing 140 million tons of coal ash, in the form of fly ash, bottom ash, scrubber sludge and boiler slag. By weight, the amount of chemicals in coal ash surpasses that created by pulp and paper mills, petroleum refiners, and textile mills combined. Because burning concentrates coal's impurities, coal ash contains substantial quantities of carcinogens, neurotoxins, and poisons—including arsenic, cadmium, hexavalent chromium, lead, mercury, selenium and thallium. These potent toxins pollute water and foul the air in communities near the thousands of landfills, ponds, mines, and myriad holes in the ground where coal ash is dumped.

The review and revision of RCRA regulations pertaining to coal ash is nearly three decades overdue. The EPA has neither completed final review nor revised the regulation exempting coal ash from hazardous waste rules since its promulgation in 1980, 40 C.F.R. § 261.4(b)(4), nor has it completed its review and timely revised the industrial solid waste regulations that apply to coal ash disposal, 40 C.F.R. Part 257, Subpart A, which were promulgated in 1979. Yet the EPA has formally determined since at least 2000 that existing regulations are inadequate for the protection of human health and the environment from the dumping of coal ash. *See Regulatory Determination on Wastes from the Combustion of Fossil Fuels*, 65 Fed. Reg. 32,214 (May 22, 2000). Had the EPA performed its mandatory duties following this review, such regulations would have been revised by 2003 to require the basic safeguards necessary to keep coal ash toxins out of our drinking water, lakes and streams and to ensure that unstable coal ash impoundments do not injure our health and the environment.

In addition, the EPA has also failed to review and timely revise the regulation that determines whether a solid waste exhibits the characteristic of toxicity, which, in turn, determines whether a solid waste is a hazardous waste under RCRA. 40 C.F.R. § 261.24.

Section 261.24 establishes the Toxicity Characteristic Leaching Procedure (TCLP) as the sole test for determining whether a solid waste, not otherwise listed as a hazardous waste, leaches harmful concentrations of 40 deadly contaminants and thus must be regulated as a hazardous waste. *See* 40 C.F.R. § 261.24, Table 1. Since 1991, the EPA's Science Advisory Board (SAB) has identified significant problems with the adequacy of the TCLP. In fact, in 1999, the SAB specifically directed EPA to revise its leach test procedures. In 2006, the National Academy of Sciences (NAS) also acknowledged the inaccuracy of the TCLP and explicitly criticized its use for testing the toxicity of coal ash. Because all states and federal agencies rely on the TCLP to determine the hazardous nature of solid waste, the accuracy of the test is critical to characterizing dangerous waste properly and to preventing the leaching of toxic contaminants nationwide.

It is well past time for the EPA to perform its duties under RCRA to complete a timely review and to revise regulations that fail to protect human health and the environment. Thus, in accordance with the three-year statutory requirement set forth in RCRA section 2002(b), we will ask the court to direct the EPA to complete its review of the regulation of coal ash and the toxicity characteristic leaching procedure as soon as possible and to determine whether revision of such regulations are "necessary" to comport with the goals of the Act. If the EPA determines revisions are necessary, we will ask that these revisions be finalized as soon as possible.

## **BACKGROUND**

### **I. DUTY OF THE ADMINISTRATOR TO REVIEW AND REVISE REGULATIONS UNDER RCRA**

RCRA requires the EPA Administrator to issue comprehensive regulations pertaining to the generation, transportation, treatment, storage and disposal of hazardous waste under subtitle C of the Act and to establish regulations pertaining to the prohibition of open dumps, disposal of solid waste and the administration of state solid waste programs under subtitle D. To ensure protection of health and the environment, RCRA section 2002(b) imposes a nondiscretionary duty on the EPA Administrator to review and revise each regulation promulgated pursuant to the statute. Specifically, section 2002(b) provides: "Each regulation promulgated under this chapter shall be reviewed and, where necessary, revised not less frequently than every three years."<sup>42</sup> U.S.C. § 6912(b). The EPA's duty to review regulations and to revise, where necessary, requires the completion of a review and a final determination by the Agency as to whether a revision is needed in compliance with the periodic statutory deadlines. *See Environmental Defense Fund v. Thomas*, 870 F.2d 892, 900 (2d Cir. 1989). According to section 2002(b), such review and revision must occur not less frequently than every three years.

### **II. RCRA REGULATIONS THAT REQUIRE REVIEW AND REVISION TO PROVIDE FOR SAFE MANAGEMENT AND DISPOSAL OF COAL ASH**

As the EPA has long been aware, there are many regulations under both subtitle C and subtitle D that are urgently in need of review and revision to ensure that multiple industrial waste streams, including coal ash, are safely managed and disposed.

**A. Exemption of Coal Ash from Regulation under Subtitle C of RCRA (40 C.F.R. Part 261)**

At the outset, the EPA must revisit its regulations exempting coal ash and several other waste streams from regulation under RCRA subtitle C. In 1980, Congress enacted the Solid Waste Disposal Act Amendments of 1980, Public Law 96-482, which amended RCRA. Among the amendments, Section 3001(b)(3)(A)(i-iii), commonly referred to as the Bevill Amendment, temporarily exempted three special wastes, including coal ash, from hazardous waste regulation until further study was completed. 42 U.S.C. §§ 6921(b)(3)(A)(i-iii). Section 3001(b)(3)(A)(i) specifically exempts “fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.”<sup>1</sup> *Id.* At the same time, section 8002(n) required the EPA to study coal ash and submit a report to Congress evaluating the adverse effects on human health and the environment from the disposal and utilization of these wastes by October 1982. 42 U.S.C. § 6982(n). Lastly, section 3001(b)(3)(C) required the EPA to make a regulatory determination within six months of completing the report to Congress as to whether coal ash warranted regulation under RCRA subtitle C or some other set of regulations. 42 U.S.C. § 6921(b)(3)(C).

The Bevill exemption was codified in 1980 at 40 C.F.R. § 261.4(b)(4). 45 Fed. Reg. 33,084, 33,089 (May 19, 1980). Section 261.4(b)(4) states that “fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, generated primarily from the combustion of coal or other fossil fuels” are “not hazardous waste.” *Id.* Since 1980, the EPA has continued to investigate whether this exemption is appropriate in light of the risks posed by coal ash. However, the last review that the EPA arguably concluded was in 2000, and it has never amended section 261.4(b)(4) since its promulgation in 1980.

**B. Criteria for Classification of Solid Waste Disposal Facilities and Practices (40 C.F.R. Part 257, Subpart A)**

Under subtitle D, there are several regulations that are generally applicable to solid waste that require review and revision to address concerns specific to coal ash and other nonhazardous wastes. One of the primary goals of RCRA is “prohibiting future open dumping on the land and requiring the conversion of existing open dumps to facilities which do not pose a danger to health and the environment.” 42 U.S.C. § 6901(a)(3). Section 4004(a) required the EPA to promulgate regulations limiting disposal of solid waste to sanitary landfills that, at a minimum, present “no reasonable probability of adverse effects on health and the environment from disposal of solid waste at such facility.” 42 U.S.C. § 6944(a). The EPA published final regulations, Criteria for Classification of Solid Waste Disposal Facilities and Practices, on September 13, 1979 to define the practices that distinguish “open dumps” from sanitary landfills. *See* 44 Fed. Reg. 53,438. Disposal sites not meeting the standards set forth in 40 C.F.R. Part 257 are classified as open dumps and are prohibited under RCRA section 4005(a). 42 U.S.C. § 6945(a).

These open dumping criteria apply to the disposal of all non-hazardous solid waste except municipal solid waste and solid waste co-disposed with household hazardous waste or

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<sup>1</sup> We refer to all of these coal combustion wastes collectively as “coal ash.”

conditionally-exempt small quantity hazardous waste. The Part 257 subpart A criteria include general environmental performance standards addressing: floodplains, endangered species, surface water, ground water, land application, disease, air, and safety. Of particular relevance to coal ash disposal sites are the regulations pertaining to disposal in floodplains (§ 257.3-1), protection of surface water (§ 257.3-3), and protection of ground water (§ 257.3-4). On September 23, 1981, the EPA amended sections 257-3-3 and 257.3-4. *See* 46 Fed. Reg. 47,048. The EPA also amended section 257-3-4 with regard to the disposal of sewage sludge on February 19, 1993. *See* 58 Fed. Reg. 9,386. The EPA has not published any further revisions to subpart A since 1993.

### **III. RCRA REGULATION DEFINING THE TOXICITY CHARACTERISTIC FOR HAZARDOUS WASTE**

Pursuant to the directive of Congress to “promulgate regulations identifying the characteristics of hazardous waste,” the EPA created the Toxicity Characteristic Leaching Procedure (TCLP) to determine whether a solid waste is “toxic.” 40 C.F.R. § 261.24, 42 U.S.C. § 6921(b)(1). A solid waste not specifically listed as “hazardous” by the EPA is nonetheless deemed “hazardous” if it exhibits one or more of four characteristics: ignitability, corrosivity, reactivity, or toxicity. 40 C.F.R. §§ 261.20, 261.21, 261.22, 261.23 and 261.24.

The EPA, other federal agencies, and state regulatory agencies have used the TCLP since 1990 to determine the degree to which toxic metals will leach from coal ash and other solid wastes pursuant to section 261.24. 40 C.F.R. § 261.24. For solid wastes not specifically exempted from hazardous waste designation, the results of the TCLP determine whether the wastes are regulated as hazardous waste under subtitle C. For wastes specifically exempted from regulation under subtitle C, such as coal ash, the TCLP has provided a basis for the EPA’s final regulatory determinations. In addition, the TCLP is used by state agencies and other federal agencies, such as the Office of Surface Mining and the Department of Energy, to determine the safety of coal ash in various reuse and disposal scenarios, including coal ash minefilling.

Because Congress defined hazardous waste to include any solid waste that may “pose a substantial present or potential hazard to human health or the environment *when improperly treated, stored, transported, or disposed of, or otherwise managed,*” 42 U.S.C. § 6903(5)(B) (emphasis added), the EPA designed the TCLP to simulate a disposal practice that is dangerous to health and the environment and yet still plausible—the co-disposal of toxic waste in an active municipal landfill overlying a drinking water aquifer. *See* 55 Fed. Reg. 11,807. In order to simplify the process of evaluating solid waste, the EPA chose a single disposal scenario. Many industrial wastes, however, are rarely disposed in municipal landfills. Coal ash, for example, is almost always disposed in large monofills consisting solely of coal ash and associated wastes, and is frequently co-disposed with acidic coal refuse (pyrites). Further, coal ash disposed in mines is often placed in contact with acid mine drainage. Both of these common disposal scenarios expose coal ash to a wide range of pH conditions that can accelerate leaching of toxic metals and which are not accounted for in the TCLP. *See* U.S. EPA, *Characterization of Coal Combustion Residues from Electric Utilities—Leaching and Characterization Data*, EPA/600/R-09/151, December 2009 at 18.

The TCLP is designed to determine the mobility of 40 organic and inorganic contaminants present in solid waste, but only under the above-described disposal scenario. Consequently the TCLP mimics the particular conditions (e.g., a specific pH and liquid-to-solid ratio) present in a municipal solid waste landfill. The resulting leachate, the TCLP extract, is analyzed to determine the concentrations of the 40 listed chemicals. *See* Office of Solid Waste, EPA, *Method 1311, in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, §§ 2.1, 7.3.15, 7.3.16 (3d ed.1998) (EPA Publication SW-846). After applying a dilution and attenuation factor to simulate the diminution in concentration expected to occur between the point of leachate generation and the point of human or environmental exposure, the EPA determines whether any of the resulting concentrations of chemicals are equal to or greater than the concentrations listed in Table 1 of 40 C.F.R. § 261.24. If they exceed those concentrations, which are equal to 100 times the maximum contaminant level (MCL) for each contaminant as it existed in 1990, then the waste is considered toxic and, consequently, hazardous. *See* 40 C.F.R. § 261.24(a). Table 1 has not been revised to reflect the EPA's lowering of MCLs for numerous contaminants, including arsenic, cadmium and lead, which occurred after 1990.

#### **IV. THE CITIZEN SUIT PROVISION OF RCRA**

Section 7002(a)(2) of RCRA authorizes citizen suits "against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator." 42 U.S.C. § 6972(a)(2). Citizens must provide notice to the Administrator at least sixty days before commencing a citizen suit under section 7002(a)(2). *Id.* § 6972(c).

### **LEGAL VIOLATIONS**

#### **I. EPA'S FAILURE TO REVIEW AND REVISE REGULATIONS EXEMPTING COAL ASH AND OTHER BEVILL WASTES FROM SUBTITLE C**

For the past three decades, the EPA has reviewed whether coal ash should be classified as a hazardous waste.<sup>2</sup> The EPA published two reports to Congress in 1988 and 1999. *See* U.S. EPA, Report to Congress on Wastes from the Combustion of Coal by Electric Utility Power Plants (EPA530-SW-88-002) (1988) and U.S. EPA, Report to Congress: Wastes from the Combustion of Fossil Fuels (EPA530-SW-99-010) (1999). Following each report, in 1993 and 2000, respectively, the EPA published a Regulatory Determination on coal ash. *See* U.S. EPA, Final Regulatory Decision on Four Large-Volume Wastes from the Combustion of Coal by Electric Utility Power Plants, 58 Fed. Reg. 42,466 (August 9, 1993); U.S. EPA, Final Regulatory Determination on Wastes from the Combustion of Fossil Fuels, 65 Fed. Reg. 32,214 (May 22, 2000). The EPA's May 2000 Final Determination concluded that while regulation under subtitle C of RCRA was not warranted "at this time," the EPA determined that "national regulation under non-hazardous waste authorities for coal combustion wastes disposed in landfills and surface impoundments" was appropriate. *Id.* at 32,221. In addition, the Agency determined that national regulations under RCRA subtitle D "and/or possibly under authority" of the Surface Mining Control and Reclamation Act was warranted for coal ash disposal in mines in view of the

<sup>2</sup> A timeline of EPA's actions concerning coal ash, "Fossil Fuel Combustion (FFC) Waste Legislative and Regulatory Time Line," is posted at <http://www.epa.gov/osw/nonhaz/industrial/special/fossil/regs.htm>.



“danger to human health and the environment.” *Id.* Consequently, the EPA’s Final Determination in 2000 was that revision of subtitle D criteria was required, at least with regard to disposal of coal ash in landfills and surface impoundments. According to section 2002(b) of RCRA, such revisions were required by 2003.

The EPA, however, never promulgated such regulations. Over the past eleven years, the Agency has continued to study several issues identified in the 2000 determination, which, as the Agency acknowledges, may compel a new determination that hazardous waste classification of coal ash is warranted. In this regard, the EPA has investigated the inadequacy of state programs, the risks posed to human health by arsenic in coal ash, and the increasing toxicity of coal ash as a result of Clean Air Act emission control requirements. For example, in 2006, the EPA, in conjunction with the U.S. Department of Energy, published a study that examined utility management practices, state regulatory requirements, and state implementation of requirements pertaining to coal ash disposal. *See* U.S. EPA and U.S. Dept. of Energy, *Coal Combustion Waste Management at Landfills and Surface Impoundments, 1994-2004* (August 2006). The EPA also issued a “Notice of Data Availability on the Disposal of Coal Combustion Wastes in Landfills and Surface Impoundments” on August 29, 2007 to solicit comment on how new information released by the agency, including the above-referenced study and a 2007 report on coal combustion waste damage cases “should affect the Agency’s decisions as it continues to follow-up on its Regulatory Determination.” 72 Fed. Reg. 49,714. Lastly, in 2006, 2008 and 2009, the EPA’s Office of Research and Development (ORD) published three reports concerning the increased toxicity of coal ash as a result of the use of emission control equipment at coal-fired power plants. *See* U.S. EPA, *Characterization of Mercury-Enriched Coal Combustion Residues from Electric Utilities Using Enhanced Sorbents for Mercury Control*, EPA-600/R-06/008 (Feb. 2006); U.S. EPA, *Characterization of Coal Combustion Residues from Electric Utilities Using Wet Scrubbers for Multi-Pollutant Control* (July 2008); U.S. EPA, *Characterization of Coal Combustion Residues from Electric Utilities—Leaching and Characterization Data* EPA/600/R-09/151 (Dec. 2009).

Notwithstanding the Agency’s attention to these issues, the EPA, since 2000, has missed four successive three-year deadlines to complete a review of 40 C.F.R § 261.4(b)(4), issue a determination regarding regulation under subtitle C, and revise its regulations as necessary. Given this failure to take action in response to mounting evidence demonstrating the need for coal ash regulation, environmental and citizen groups filed two petitions for coal ash rules pursuant to Section 7004(a) of RCRA. 42 U.S.C. § 6974(a). In February 2004, 125 environmental and citizens groups petitioned the EPA Administrator for a rulemaking prohibiting the disposal of coal ash into groundwater and surface water until the promulgation of federally enforceable regulations governing coal ash disposal. In July 2009, six environmental and citizens groups filed a second petition pursuant to section 7004(a) requesting that the EPA Administrator promulgate regulations that designate coal ash as hazardous waste under subtitle C of RCRA. To date, the EPA has not responded to either rulemaking petition with final regulations or a determination that such regulations are not required.

On June 21, 2010, the EPA published a proposed coal ash rule, “Hazardous and Solid Waste Management System; Identification and Listing of Special Waste; Disposal of Coal Combustion Residuals from Electric Utilities.” 75 Fed. Reg. 35,127. On October 11, 2011, the

EPA solicited additional public comment in a Notice of Data Availability in conjunction with the proposed rule. *See* 76 Fed. Reg. 197. While this rulemaking offers the EPA an opportunity to comply belatedly with its obligation to review and revise, it is unclear that the Agency is prepared to move forward expeditiously as the law requires. The EPA already has missed several successive deadlines for review and revision of regulations that are concededly inadequate to protect human health and the environment. Now, it is incumbent on the Agency to comply with RCRA and undertake needed regulatory revisions as quickly as possible. Where, as here, EPA has been “grossly delinquent” in its efforts to comply with governing statutory deadlines, any “justifications for seeking additional delay cannot override the clear intent of Congress (as expressed in the statute) that these duties should be fulfilled by a date certain.” *Sierra Club v. Johnson*, 444 F. Supp. 2d 46, 58 (D.D.C. 2006) (finding that the complexity of the regulatory tasks does not excuse the EPA from its obligation of “expeditious compliance” with statutory schedules under the Clean Air Act).

## **II. EPA’S FAILURE TO REVIEW AND REVISE SUBTITLE D REGULATIONS TO ADDRESS COAL ASH AND OTHER BEVILL WASTES**

The subtitle D open dumping criteria addressing impacts to groundwater and surface water are particularly relevant to coal ash disposal units. Since their promulgation in 1979, however, neither section has been substantially revised to control pollution from coal ash or from any solid wastes other than municipal solid waste, although the EPA has several times identified significant shortcomings in the rudimentary guidelines set forth in these regulations. *See* 40 C.F.R. §§ 257.3-3 and 257.3-4. As described above, in the 2000 Final Determination, the EPA determined that revision of subtitle D regulations was necessary to control pollution from coal ash disposal. Thus, according to section 2002(b) of RCRA, such revisions were required by 2003.

With respect to subtitle D regulation, the EPA has sporadically concluded studies affirming that revisions of the regulations are necessary to control several large solid waste streams, but the Agency has failed to take action as Congress contemplated.<sup>3</sup> In addition to these final regulatory determinations, the EPA has several times conducted limited reviews of the subtitle D regulations and identified substantial shortcomings in the guidelines. Specifically, the EPA found the groundwater and surface water regulations in need of revision as described below.

---

<sup>3</sup> In addition, with respect to three other large industrial waste streams, namely mining waste, oil and gas waste and cement kiln dust, the EPA similarly concluded in final regulatory determinations, after review and reports to Congress, that revision of the subtitle D regulations was required. *See* Final Regulatory Determination for Extraction and Beneficiation Waste, 51 Fed. Reg. 24,496 (July 3, 1986) (determination that development of regulations for mining waste under subtitle D is necessary); Final Regulatory Determination for Special Wastes from Mineral Processing, 56 Fed. Reg. 27,300 (June 13, 1991) (determination to regulate 18 of 20 mineral processing wastes under subtitle D); Final Regulatory Determination for Oil, Gas, and Geothermal Exploration, Development and Production Wastes, 53 Fed. Reg. 25,466 (July 6, 1988) (determination to regulate waste under subtitle D of RCRA); Final Regulatory Determination for Cement Kiln Dust, February 7, 1995 (determination to regulate cement kiln dust under subtitle C of RCRA); Additional Data Available on Wastes Studied in the Report to Congress on Cement Kiln Dust, 67 Fed. Reg. 48,648 (July 25, 2002) (“temporarily” suspending proposed subtitle C rule and proposing subtitle D regulations). Despite the Agency’s final regulatory determinations establishing that revision of subtitle D was necessary, the EPA has not revised its regulations for any of these waste streams, which together comprise billions of tons of waste disposed annually.

**A. 40 C.F.R. § 257.3-4: Prohibition of Groundwater Contamination**

Section 257.3-4 defines open dumping to include those disposal practices that cause groundwater contamination to exceed the Primary Drinking Water Standards that were in effect in 1979. 40 C.F.R. § 257.3-4. In 1988, pursuant to section 4010(a) of RCRA, the EPA completed a study of the extent to which the Part 257 criteria were adequate to protect human health and the environment from groundwater contamination. 42 U.S.C. § 6949a(a). Congress directed the EPA to

include a detailed assessment of the degree to which the criteria under section 1008(a) and the criteria under section 4004 regarding monitoring, prevention of contamination, and remedial action are adequate to protect ground water.

*Id.* Pursuant to section 4010(b), the EPA submitted a report to Congress containing the results of the study and recommendations made by the Administrator. 42 U.S.C. § 6949a(b). *See* U.S. EPA, Report to Congress: Solid Waste Disposal in the United States, Volume 1 (1988). Although Congress directed the EPA to examine impacts from all “solid waste management and disposal facilities,” the EPA focused primarily on municipal solid waste landfills because of the absence of data for all other solid waste facilities. Therefore the specific recommendations for regulatory revisions primarily addressed municipal waste. The EPA, however, did acknowledge in its “Major Findings” that “existing federal and state subtitle D regulations are inadequate” because they lack the “following essential requirements,” notably the total absence of groundwater monitoring requirements. *Id.* at ES-2. The EPA explained:

While the Federal criteria clearly prohibit contamination of an underground drinking water source beyond the waste management unit’s boundary (or alternative boundary set by the State), they do not mention monitoring for determining whether such contamination exists.

*Id.* at 43. In addition to the crucial absence of monitoring requirements, the 1988 Report to Congress also noted the absence of corrective action requirements in the criteria, as well as any provisions addressing closure, post-closure care and financial responsibility. *Id.* Despite the deficiencies noted in the 1988 Report to Congress, the EPA has not revised section 257.3-4 to include these requirements, and despite the enormous data gaps identified in the report for solid wastes other than municipal solid waste, the EPA has not attempted to gather the data and complete the comprehensive review envisioned by Congress under section 4010(a) and further required under section 2002(b).

Since 1991, the EPA has also acknowledged that section 257.3-4 contains references to outdated primary drinking water standards. Specifically, section 257.3-4 defines contamination as exceedance of the primary drinking water contaminants listed in Appendix I of the regulation. Yet, pursuant to section 257.3-4, the federal MCLs set forth in Appendix I are frozen in time at the levels established by the EPA in 1979. In 1991, in the preamble to the final rule establishing

standards for municipal solid waste landfills, the EPA acknowledged the need to revise Part 257 as new MCLs are promulgated and specifically to establish consistency with the 1991 changes to the MCL for lead. 56 Fed. Reg. 50,998-99. Although the EPA in 1991 made clear its intention to revise the Part 257 standards, the Agency never did so. *See id.*

#### **B. 40 C.F.R. § 257.3-3: Prohibition of Discharges to Surface Water**

Section 257.3-3(c) prohibits non-point source pollution that violates applicable legal requirements implementing an areawide or statewide water quality management plan that has been approved under section 208 of the Clean Water Act. 40 C.F.R. § 257.3-3(c). In 1979, in the preamble to the Part 257 criteria, the EPA noted that some state plans do not address releases from land disposal units, and the EPA promised to revisit the standard if necessary. The agency wrote, “EPA is also aware that not all 208 plans will have addressed the nonpoint source pollution problems presented by solid waste disposal. EPA intends to explore this problem further to determine whether uniform national guidance is needed...” 44 Fed. Reg. 53,445. The EPA, however, never addressed these “leachate seeps” to surface water that were identified as a potential source of surface water contamination in the preamble to the regulation.

### **III. THE EPA’S FAILURE TO REVIEW AND REVISE THE TOXICITY CHARACTERISTIC LEACHING PROCEDURE**

The EPA has similarly failed to update its methodology for evaluating toxicity despite its recognition that the TCLP is fundamentally flawed. When the TCLP was promulgated in 1990, the EPA acknowledged the need for future review and revision. In the preamble to the final rule, the Agency stated, “the present TC [toxicity characteristic] revisions are only the first step in a long-term strategy to refine and expand the hazardous waste identification program.” 55 Fed. Reg. 11,808. A year later, the Environmental Engineering Committee of EPA’s Science Advisory Board identified significant problems with the accuracy of the TCLP. In 1991, the SAB released a report recommending that the Agency conduct a review of its waste leachability procedures. *See U.S. EPA Science Advisory Board, Leachability Phenomena - Recommendations and Rationale for Analysis of Contaminant Release by the Environment Engineering Committee, EPA-SAB-EEC-92-003 (October 1991).* Specifically, the SAB recommended that the Agency review the mechanisms controlling leachability and develop better conceptual models for waste management scenarios. *Id.* The report states:

[t]hese recommendations are made with the anticipation that an improved understanding of the fundamental scientific principles that control contaminant release and transport within a waste matrix will allow better regulatory and technical decisions to be made in cases where the potential exists for leaching of contaminants into the environment.

*Id.* at 2-3. In 1999, disappointed with the lack of progress on study and revision of the TCLP, the Environmental Engineering Committee wrote commentary directly to the EPA Administrator “to call [her] attention to the need to review and improve” the TCLP. *See U.S. EPA Science Advisory Board, “Waste Leachability: The Need for Review of Current Agency Procedures,”*

EPA-SAB-EEC-COM-99-002 (Feb. 26, 1999). The 1999 SAB commentary criticized the EPA's continued reliance on the TCLP, stating definitively "it is time to make improvements." *Id.* at 1. The SAB wrote emphatically "[t]he Committee's single most important recommendation is that EPA improve leach test procedures, validate them in the field, and then implement them." *Id.* at 2. (Emphasis in original.)

In addition to citing the inappropriateness of the TCLP in "broad applications," the SAB commentary warned the EPA of the implications of legal challenges to the TCLP in which courts found that the EPA could not show a "rational relationship" of the TCLP to particular wastes. *See Columbia Falls Aluminum Co. v EPA*, 139 F.3d 914, 923 (D.C. Cir. 1998) (finding the EPA's application of the TCLP to spent potliner was arbitrary and capricious); *Edison Electric Inst. v. EPA*, 2 F.3d 438, 447 (D.C. Cir. 1993) (finding no evidence "that mineral wastes were exposed to conditions similar to those simulated by the TCLP").

Thus, for over a decade, the EPA's Science Advisory Board and federal courts have acknowledged the TCLP's failure to predict with accuracy the level of pollutants leaching from broad categories of solid wastes. With regard to coal ash, in 2006, the National Academy of Sciences (NAS) acknowledged the general inaccuracy of the TCLP and explicitly criticized its use for testing coal ash. *See National Academy of Sciences, Managing Coal Combustion Residues in Mines* (2006) at 127. Also, since at least 2006, the EPA's own Office of Research and Development has acknowledged that the TCLP is not accurate for testing coal ash and has proposed an alternative test that takes into account actual disposal scenarios for coal ash. *See U.S. EPA, Office of Research and Development, Characterization of Coal Combustion Residues from Electric Utilities—Leaching and Characterization Data*, EPA/600/R-09/151 (December 2009) at 18.

Finally, it should be noted that while major revisions to the TCLP are warranted, in response to the SAB and NAS concerns, simple revisions are also necessary for those solid wastes for which the TCLP is appropriate. Table 1 of section 261.24 provides maximum concentrations of contaminants for TCLP leachate that are calculated based on the MCLs in existence in 1990, when the regulation was promulgated. 40 C.F.R. § 261.24, Table 1. For several toxic metals, such as arsenic, cadmium and lead, the MCLs have been substantially lowered since 1990. Consequently the regulatory levels for the maximum concentration of contaminants for the toxicity characteristic for these metals must be reviewed and revised to match the current MCL.

The EPA's failure to timely review and revise the TCLP, since 1990, has allowed all of these significant deficiencies to remain unaddressed.

#### **IV. EPA MUST REMEDY THESE LEGAL VIOLATIONS BY COMPLETING REGULATORY REVISIONS AS SOON AS POSSIBLE**

The EPA has effectively ignored RCRA's requirement to periodically review and revise regulations for decades. It is now incumbent on the Agency to remedy this longstanding legal violation by completing reviews and regulatory revisions that are plainly necessary based on the wealth of data gathered and multiple reports issued by the Agency. As the courts have made

clear, citizens can compel timely action when agencies fail to comply with periodic requirements to review and revise regulations. See, e.g., *American Lung Ass'n v. Browner*, 884 F.Supp. 345, 347-8 (D. Ariz. 1994) (construing parallel provisions under section 109 of the Clean Air Act); *Environmental Defense Fund v. Thomas*, 870 F.2d 892, 900 (2d Cir. 1989) (same).<sup>4</sup> As explained by the Second Circuit,

the statute involves an ongoing, periodic review and revision process set up by Congress to ensure that regulatory guidelines and standards which protect human safety and welfare are kept abreast of rapid scientific and technological developments. Congress mandated that review and any revisions should occur at [3]-year intervals.

870 F. 2d at 900. Here too, “the EPA has not merely missed a deadline, it has nullified the congressional scheme for a fixed interval review and revision process.” *Id.*; see also *NRDC v. EPA*, 902 F.2d 962, 983 (D.C. Cir.1990) (finding that the Agency’s “preliminary action toward revising a standard” in an ANPR dis not constitute the mandated, timely formal Agency decision required under section 109(d) of the Clean Air Act).

### CONCLUSION

The EPA has failed to perform nondiscretionary duties mandated by section 2002(b) of RCRA, 42 U.S.C. § 6912(b). The EPA has failed to review and revise as necessary RCRA regulations that should — but do not — provide adequate safeguards for the management and disposal of coal ash and other industrial wastes that have too long escaped effective regulation. We intend to file suit in federal court to compel the EPA to comply with the statute.

If you have any questions or wish to discuss this matter, please do not hesitate to contact me.

Respectfully,

Lisa Evans  
Abigail Dillen  
Earthjustice  
156 William St., Suite 800  
New York, NY 10038-5326  
Phone: (781) 631-4119  
Fax: (212) 918-1556

---

<sup>4</sup> Section 109(d) states

Not later than December 31, 1980, and at five-year intervals thereafter, the Administrator shall complete a thorough review of the criteria published under section 7408 of this title and the national ambient air quality standards promulgated under this section and shall make such revision in such criteria and standards and promulgate such new standards as may be appropriate in accordance with section 7408 of this title.

42 U.S.C. § 7409(d).

[levans@earthjustice.org](mailto:levans@earthjustice.org)

on behalf of:

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Appalachian Voices  
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**FOIA Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials**

**John Sager** to: Mary Jackson

10/11/2012 09:40 AM

From: John Sager/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by John Sager/DC/USEPA/US on 10/11/2012 09:36 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Cc: "Robert Spoerri" <rspoerri@beneficialreuse.com>  
Date: 07/06/2009 03:06 PM  
Subject: RE: Meeting re: use of coal combustion byproducts as geotechnical construction materials

Thanks John, we are getting a very good response from others so it should be a well attended and worth-while session! Hope you enjoyed your vacation. John

-----Original Message-----

From: sager.john@epamail.epa.gov [mailto:sager.john@epamail.epa.gov]  
Sent: Monday, July 06, 2009 1:27 PM  
To: Robert Spoerri  
Cc: John A. Andersen  
Subject: Re: Meeting re: use of coal combustion byproducts as geotechnical construction materials

I was out on vacation last week. This is to acknowledge receipt of your invitation. We will try to get back to you by the end of this week, and sooner if possible, with a response from the group of EPA folks.

John Sager  
703-308-7256

From: Robert Spoerri <rspoerri@beneficialreuse.com>  
To: "thadams@aca-a-usa.org" <thadams@aca-a-usa.org>, "janderson@greenleafadvisors.net" <janderson@greenleafadvisors.net>, "chbenson@u.washington.edu" <chbenson@u.washington.edu>, Truett Degeare/DC/USEPA/US@EPA, "levans@earthjustice.org" <levans@earthjustice.org>, "kfendler@environmentalintegrity.org" <kfendler@environmentalintegrity.org>, "fitzkrc@aol.com" <fitzkrc@aol.com>, "dave@dcgoss.com" <dave@dcgoss.com>, Matt Hale/DC/USEPA/US@EPA, "jason.harrington@dot.gov" <jason.harrington@dot.gov>, "kinch.rich@epa.gov" <kinch.rich@epa.gov>, Paul Koziar <pkoziar@beneficialreuse.com>, John Sager/DC/USEPA/US@EPA, "eschaeffer@environmentalintegrity.org" <eschaeffer@environmentalintegrity.org>, "psimms@nrdc.org" <psimms@nrdc.org>, Betsy Smidinger/DC/USEPA/US@EPA, Robert Spoerri <rspoerri@beneficialreuse.com>, Mathy Stanislaus/DC/USEPA/US@EPA, "jeffreystant@sbcglobal.net"

<jeffreystant@sbcglobal.net>,  
"bwaldrop@fcsi.biz" <bwaldrop@fcsi.biz>

Date: 07/01/2009 04:01 PM

Subject: Meeting re: use of coal combustion byproducts as geotechnical construction materials

I am pleased to invite you to join a discussion on the Beneficial Reuse of Coal Combustion By-Products as Geotechnical Construction Material on July 29 from noon - 4pm. The meeting will be held at the offices of the Environmental Integrity Project, located at 1920 "L" Street NW Suite 800, Washington, DC. Thanks very much to Eric Schaeffer for hosting the session, and to Kate Fendler at EIP for helping facilitate the conference.

The meeting's objective is to advance a shared technical understanding of the beneficial reuse of coal combustion byproducts as geotechnical construction material. A draft agenda and list of invited participants is attached. Please contact me with any questions, suggestions or comments.

Please RSVP to me with a copy to Kate Fendler (kfendler@environmentalintegrity.org) at EIP. We look forward to working together with you to advance the environmental and economic benefits that can be gained from beneficial reuse of byproduct materials in a safe and appropriate way.

Sincerely,

Bob Spoerri

(Embedded image moved to file: pic04738.jpg)smaller logo  
212 W. Superior St., Suite 402  
Chicago, IL 60654  
Direct phone: 312-784-0303  
www.beneficialreuse.com  
(See attached file: 7-29-09 CCP Conference.pdf)



**FOIA Fw: proposed meeting in DC to discuss beneficial reuse of CCPs**

**John Sager** to: Mary Jackson

10/11/2012 09:20 AM

From: John Sager/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by John Sager/DC/USEPA/US on 10/11/2012 09:20 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Cc: "Robert Spoerri" <rspoerri@beneficialreuse.com>  
Date: 06/10/2009 04:47 PM  
Subject: RE: proposed meeting in DC to discuss beneficial reuse of CCPs

John, Thanks very much for today's discussion John. I appreciate your responsiveness to our inquiries and leadership on sound beneficial reuse practices. We will contact you again as our plans shape up for meetings in DC on this subject later this year. John

-----Original Message-----

From: sager.john@epamail.epa.gov [mailto:sager.john@epamail.epa.gov]  
Sent: Wednesday, June 10, 2009 1:18 PM  
To: jandersen@greenleafadvisors.net  
Cc: 'Robert Spoerri'  
Subject: Re: proposed meeting in DC to discuss beneficial reuse of CCPs

John, here is the email address for the gentleman from Holcim of whom we spoke earlier today. Henry Prenger is the name of the gentleman at Lafarge, but I can't find his email address just now.

Peter.Deem@holcim.com

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Cc: "'Robert Spoerri'" <rspoerri@beneficialreuse.com>  
Date: 06/09/2009 08:09 PM  
Subject: proposed meeting in DC to discuss beneficial reuse of CCPs

Hi John,

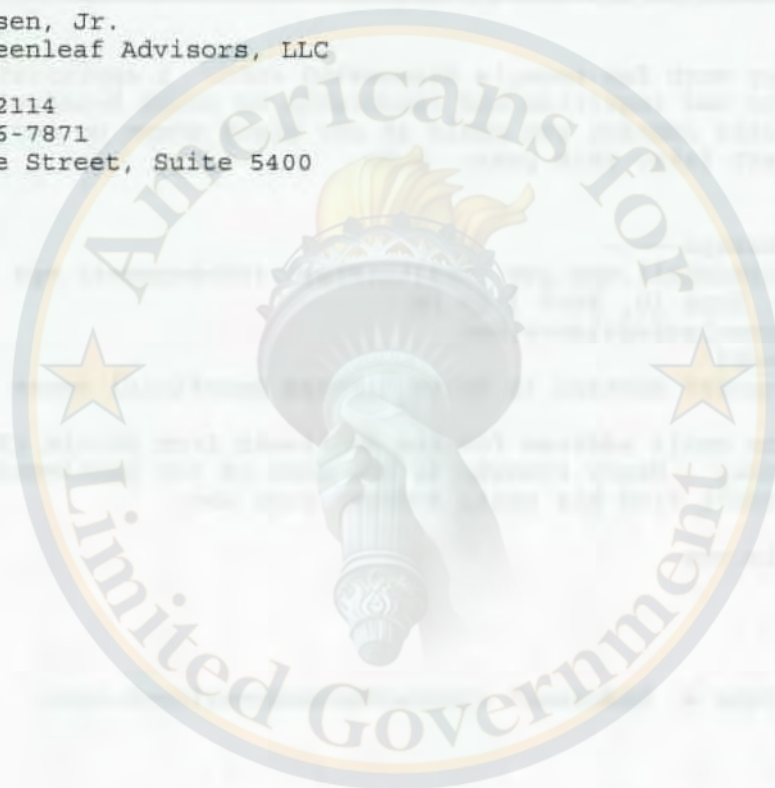
We would like to convene a meeting of industry and environmental (ENGO) leaders in DC for a technical sharing around the beneficial reuse of CCPs and would like to invite appropriate staff from the EPA to that session. Would you have a moment tomorrow or Thursday to discuss this opportunity with me briefly? I am in my office both days.

Thanks very much.

John

John A. Andersen, Jr.  
President, Greenleaf Advisors, LLC

Cell 312-953-2114  
Direct 312-846-7871  
300 N. LaSalle Street, Suite 5400  
Chicago, IL





**Fw: CCR mtg with EarthJustice**

**Lana Suarez** to: Mary Jackson

08/08/2012 02:20 PM

From: Lana Suarez/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Lana Suarez/DC/USEPA/US on 08/08/2012 02:20 PM —

From: Lana Suarez/DC/USEPA/US  
To: Betsy Devlin/DC/USEPA/US@EPA  
Date: 01/19/2011 08:32 AM  
Subject: Re: Fw: CCR mtg with EarthJustice

still on mathy and suzanne's calendars today at 1pm. I'm not sure what the cancellation was for...

Lana Coppolino Suarez  
Special Assistant  
EPA Office of Resource Conservation & Recovery  
Mail Code: 5301 P  
Two Potomac Yard, N-6235  
desk: 703-308-4972  
mobile: 703-541-8632  
suarez.lana@epa.gov

Betsy Devlin | I got a note from Sharon saying this was cancell... | 01/19/2011 07:08:54 AM

From: Betsy Devlin/DC/USEPA/US  
To: Lana Suarez/DC/USEPA/US@EPA  
Cc: Kelly Greene/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA  
Date: 01/19/2011 07:08 AM  
Subject: Re: Fw: CCR mtg with EarthJustice

I got a note from Sharon saying this was cancelled.  
However, I will be there if its still on.

Lana Suarez | Reminder - Suzanne would like one of you to att... | 01/18/2011 05:19:58 PM

From: Lana Suarez/DC/USEPA/US  
To: Betsy Devlin/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA  
Cc: Kelly Greene/DC/USEPA/US@EPA  
Date: 01/18/2011 05:19 PM  
Subject: Fw: CCR mtg with EarthJustice

Reminder - Suzanne would like one of you to attend the Bob Sussman meeting with her tomorrow @ 1 pm, please. Thanks!



**Earthjustice & EPA discussion on issues relating to the coal ash rule-making**

**Wed 01/19/2011 1:00 PM - 1:45 PM**

Attendance is for Suzanne Rudzinski

Chair: **Bob Sussman/DC/USEPA/US**

Sent By: Georgia Bednar/DC/USEPA/US  
Location: 3530 ARN

Required:	Lisa Garcia/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Rudzinski.Suzanne@epa.gov
Optional:	Ann Campbell/DC/USEPA/US@EPA, eenderle@earthjustice.org, Georgia Bednar/DC/USEPA/US@EPA, Jordan Dorfman/DC/USEPA/US@EPA, KarenL Martin/DC/USEPA/US@EPA, Mary Hanley/DC/USEPA/US@EPA, Nena Shaw/DC/USEPA/US@EPA, torres.nelida@epa.gov, Venu Ghanta/DC/USEPA/US@EPA

#### Description

AS OF JANUARY 13, 2011

Lisa Evans (Earthjustice)  
Abigail Dillen (Earthjustice)  
Barbara Gottlieb (Physicians for Social Responsibility)  
Scott Slesinger (Natural Resources Defense Council)  
Teresa Clemmer (Vermont Law School)  
Dalal Aboulhosn (Sierra Club)  
Jackie Kruszewski (Southern Environmental Law Center)  
Eric Schaeffer (Environmental Integrity Project)  
Jeff Stant (Environmental Integrity Project)  
Vernice Miller-Travis (Maryland State Commission on Environmental Justice and Sustainable Communities)

TBD

Hip Hop Caucus Representative  
Dr. Robert Bullard (Environmental Justice Resource Center)  
Emily Enderle (Earthjustice)  
Kennith Rumelt (Vermont Law School)

Emily:

I will need a list of attendees for this meeting.

RE: discuss issues relating to the coal ash rule-making.

Provided Mr. Sussman is still available at 1pm next Weds we'd appreciate the opportunity to meet with him then. We'll have approximately ten people from various environmental and health organizations. I'll be able to get you the full list of names and affiliations once a time has been confirmed.

Should you have any questions please don't hesitate to let me know.

Thank you,  
Emily

---

Emily Enderle  
Legislative Representative

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Suite 702  
Washington, DC 20036  
T: 202-667-4500 ext. 201  
C: 202-253-2397  
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**Personal Notes**



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EPA Office of Resource Conservation & Recovery  
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suarez.lana@epa.gov

— Forwarded by Lana Suarez/DC/USEPA/US on 01/18/2011 05:18 PM —

From: Suzanne Rudzinski/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Barry Breen/DC/USEPA/US@EPA, "Shawna Bergman" <Bergman.Shawna@epamail.epa.gov>, Kelly Greene/DC/USEPA/US@EPA, Lana Suarez/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Sharon Brent/DC/USEPA/US@EPA, "Ms. Nelida Torres" <Torres.Nelida@epamail.epa.gov>  
Date: 01/14/2011 07:02 PM  
Subject: Re: CCR mtg with EarthJustice

Will do -- Have asked Sharon to coordinate with Nellie on Tuesday am.

Mathy Stanislaus  
Suzanne Rudzinski

Ok - pls coordinate with Nellie regarding invites ...

01/14/2011 06:52:29 PM

----- Original Message -----

**From:** Suzanne Rudzinski

**Sent:** 01/14/2011 06:43 PM EST

**To:** Mathy Stanislaus

**Cc:** Barry Breen; Robert Dellinger; Lisa Feldt; Matt Straus; Sharon Brent; Lana Suarez; Kelly Greene

**Subject:** Re: CCR mtg with EarthJustice

I can attend and hope that either Bob or Betsy can also attend.

Mathy Stanislaus [Can you have someone attend Wed meeting @...](#)

01/14/2011 06:05:21 PM







**Fw: Earthjustice & EPA discussion on issues relating to the coal ash rule-making**

**Lana Suarez** to: Mary Jackson

08/08/2012 02:20 PM

From: Lana Suarez/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

--- Forwarded by Lana Suarez/DC/USEPA/US on 08/08/2012 02:19 PM ---

From: Carolyn McDonald/DC/USEPA/US  
To: Suzanne Rudzinski/DC/USEPA/US@EPA  
Cc: Sharon Brent/DC/USEPA/US@EPA, Lana Suarez/DC/USEPA/US@EPA, Kelly Greene/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA  
Date: 01/18/2011 11:14 AM  
Subject: Fw: Earthjustice & EPA discussion on issues relating to the coal ash rule-making

per Shawna Bergman

Mathy would like to Suzanne to cover this meeting.

Carolyn J. McDonald  
Scheduler for the Principal Deputy Assistant Administrator  
Office of Solid Waste and Emergency Response  
Room 3146A, EPA West  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. (5101T)  
Washington, DC 20460  
mcdonald.carolyn@epa.gov  
(202) 566-0182 (Private) (202) 566-0200 (Office)  
Fax: (202) 566-0207

--- Forwarded by Carolyn McDonald/DC/USEPA/US on 01/18/2011 11:13 AM ---

**Earthjustice & EPA discussion on issues relating to the coal ash rule-making**



**Wed 01/19/2011 1:00 PM - 1:45 PM**

Attendance is for Mathy Stanislaus

Chair: **Bob Suseman/DC/USEPA/US**  
Sent By: **Georgia Bednar/DC/USEPA/US**  
Location: 3530 ARN

Required:	Lisa Garcia/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA Ann Campbell/DC/USEPA/US@EPA, eenderle@earthjustice.org, Georgia Bednar/DC/USEPA/US@EPA, Jordan Dorfman/DC/USEPA/US@EPA, KarenL Martin/DC/USEPA/US@EPA, Mary Hanley/DC/USEPA/US@EPA, Nena Shaw/DC/USEPA/US@EPA, torres.nelida@epa.gov, Venu Ghanta/DC/USEPA/US@EPA
Optional:	

## Description

AS OF JANUARY 13, 2011

Lisa Evans (Earthjustice)  
Abigail Dillen (Earthjustice)  
Barbara Gottlieb (Physicians for Social Responsibility)  
Scott Slesinger (Natural Resources Defense Council)  
Teresa Clemmer (Vermont Law School)  
Dalal Aboulhosn (Sierra Club)  
Jackie Kruszewski (Southern Environmental Law Center)  
Eric Schaeffer (Environmental Integrity Project)  
Jeff Stant (Environmental Integrity Project)  
Vernice Miller-Travis (Maryland State Commission on Environmental Justice  
and Sustainable Communities)

TBD

Hip Hop Caucus Representative  
Dr. Robert Bullard (Environmental Justice Resource Center)  
Emily Enderle (Earthjustice)  
Kenneth Rumelt (Vermont Law School)

Emily:

I will need a list of attendees for this meeting.

RE: discuss issues relating to the coal ash rule-making.

Provided Mr. Sussman is still available at 1pm next Weds we'd appreciate the opportunity to meet with him then. We'll have approximately ten people from various environmental and health organizations. I'll be able to get you the full list of names and affiliations once a time has been confirmed.

Should you have any questions please don't hesitate to let me know.

Thank you,  
Emily

---

Emily Enderle  
Legislative Representative  
Earthjustice  
1625 Massachusetts Ave., NW  
Suite 702  
Washington, DC 20036  
T: 202-667-4500 ext. 201  
C: 202-253-2397  
F: 202-667-2356  
[www.earthjustice.org](http://www.earthjustice.org)

## Personal Notes



**Fw: Meeting Request for August 31**

**Lana Suarez** to: Mary Jackson

08/08/2012 02:19 PM

From: Lana Suarez/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Lana Suarez/DC/USEPA/US on 08/08/2012 02:19 PM —

From: Nelida Torres/DC/USEPA/US  
To: Lana Suarez/DC/USEPA/US@EPA, Kelly Greene/DC/USEPA/US@EPA  
Date: 08/27/2010 11:13 AM  
Subject: Fw: Meeting Request for August 31

This would like to have a meeting with your office on Aug 31st. Mathy, Lisa & Barry are not available that day, so Lisa Evans said it would be ok to meet with you all. thanks I gave her your main number. thank you

Nelida Torres (Nelly)  
U. S. EPA, Office of Solid Waste & Emergency Response  
Room 3146C West Building  
202-564-5767

— Forwarded by Nelida Torres/DC/USEPA/US on 08/27/2010 11:12 AM —

From: Lisa Evans <levans@earthjustice.org>  
To: Nelida Torres/DC/USEPA/US@EPA  
Date: 08/27/2010 11:03 AM  
Subject: RE: Meeting Request for August 31

Hi Nellie--

My sincere apologies for the delay in getting back to you. It has taken me a long time to get confirmation of who will be in town and when. I wanted to make sure that the report's primary author was available.

If there is a slot still open on Tuesday to discuss with the ORCR the new report released by Earthjustice, Environmental Integrity Project and Sierra Club (available at this link: [http://www.environmentalintegrity.org/news\\_reports/08\\_26\\_10.php](http://www.environmentalintegrity.org/news_reports/08_26_10.php)), please let me know. I think everyone is available until 2:30 on Tuesday.

Thank you in advance for your assistance.

Sincerely,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

\*please consider the environment before printing

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From: Torres.Nelida@epamail.epa.gov [Torres.Nelida@epamail.epa.gov]  
Sent: Monday, August 23, 2010 8:25 AM  
To: Lisa Evans  
Subject: Re: Meeting Request for August 31

Hi Lisa:

Mathy will be out of town will not be back til the week of Sept 14th. Can one of our deputies or directors that specializes in this field meet with the representatives?

Nelida Torres (Nelly)  
U. S. EPA, Office of Solid Waste & Emergency Response  
Room 3146C West Building  
202-564-5767

From:

| Lisa Evans <levans@earthjustice.org>

To:

| Nelida Torres/DC/USEPA/US@EPA

Date:

| 08/22/2010 02:58 PM

>-----  
>-----  
|-----  
Subject:
>-----  
>-----

| Meeting Request for August 31  
|  
>-----  
>-----

Dear Nellie:

I am hoping that Mathy Stanislaus may have time to meet with representatives from Earthjustice, Environmental Integrity Project, Sierra Club and NRDC on Aug 31, 2010 to discuss the issue of newly documented damage at numerous coal combustion waste disposal sites.

Next week, we will be releasing a second report on damage cases, and we are hoping that we can have some time to present the findings to Mathy directly.

Thank you in advance for considering this request. I look forward to hearing from you.

Sincerely,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

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**Fw: Who said that Public Hearings have to be boring?**

**Lana Suarez** to: Mary Jackson

08/08/2012 02:19 PM

From: Lana Suarez/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Lana Suarez/DC/USEPA/US on 08/08/2012 02:19 PM —

From: Elaine Eby/DC/USEPA/US  
To: Lana Suarez/DC/USEPA/US@EPA  
Date: 08/06/2010 01:26 PM  
Subject: Fw: Who said that Public Hearings have to be boring?

FYI

Elaine Eby  
U.S. Environmental Protection Agency  
Office of Resource Conservation and Recovery  
Materials Recovery and Waste Management Division  
Mail Code: 5304P  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
ph: (703)308-8449  
fax: (703)308-0514

— Forwarded by Elaine Eby/DC/USEPA/US on 08/06/2010 01:26 PM —

From: Alexander Livnat/DC/USEPA/US  
To: Robert Dellinger/DC/USEPA/US@EPA  
Cc: Betsy Devlin/DC/USEPA/US@EPA, Frank Behan/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA, Elaine Eby/DC/USEPA/US@EPA, Bonnie Robinson/DC/USEPA/US@EPA, Jesse Miller/DC/USEPA/US@EPA, James Kohler/DC/USEPA/US@EPA, Colleen Keltz/DC/USEPA/US@EPA  
Date: 08/06/2010 08:39 AM  
Subject: Who said that Public Hearings have to be boring?

Late yesterday I received a call from Donna Lisenby, who is on the board of several environmental NGOs (Water Keepers Alliance, Appalachian Voices, Sierra Club, and more...) in North Carolina. She wanted me to share the following with the EPA team that would attend the September 14, Charlotte, NC Hearing. They have requested from the Holiday Inn (Airport) a permission to convene on the lawn in front of the hotel during the lunch break and have a band to perform hard metallic music, at the end of which the attendees would 'drop dead' on the lawn (to symbolize the health effect of heavy metals in CCRs). She assured me that they have no intent whatsoever of disrupting the actual Hearing - as a matter of fact they have quite a number of participants who are registered to speak in the Hearing.

All my suggestions for a classical music band were contemptuously rebuffed....

Please let me know if you'd like me to get back to her on any aspect of this,

Alex Livnat, Ph.D  
Materials Recovery and Waste Management Division  
Office of Resource Conservation and Recovery  
US EPA (MC: 5304P)  
1200 Pennsylvania Ave, NW  
Washington, DC 20460-0001  
Tel: (703) 308-7251

Fax: (703) 605-0595  
Email: [livnat.alexander@epa.gov](mailto:livnat.alexander@epa.gov)

Delivery address: Two Potomac Yard (North Bldg)  
2733 South Crystal Drive (N-5824)  
Arlington, VA 22202







**Fw: Request to meet with you regarding coal ash public hearings**

**Lana Suarez** to: Mary Jackson

08/08/2012 02:18 PM

From: Lana Suarez/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Lana Suarez/DC/USEPA/US on 08/08/2012 02:18 PM —

From: Frank Behan/DC/USEPA/US  
To: Suzanne Rudzinski/DC/USEPA/US@EPA, Margaret Guerriero/DC/USEPA/US@EPA  
Cc: Lana Suarez/DC/USEPA/US@EPA, Kelly Greene/DC/USEPA/US@EPA  
Date: 08/02/2010 05:58 PM  
Subject: Fw: Request to meet with you regarding coal ash public hearings

Per your request, attached is the letter from the Environmental Integrity Project, et al. Thanks

— Forwarded by Frank Behan/DC/USEPA/US on 08/02/2010 05:55 PM —

From: Lana Suarez/DC/USEPA/US  
To: Frank Behan/DC/USEPA/US@EPA  
Date: 07/26/2010 11:41 AM  
Subject: Fw: Request to meet with you regarding coal ash public hearings

Lana Coppolino Suarez  
Special Assistant  
EPA Office of Resource Conservation & Recovery  
Mail Code: 5301 P  
Two Potomac Yard, N-6235  
desk: 703-308-4972  
mobile: 703-541-8632  
suarez.lana@epa.gov

— Forwarded by Lana Suarez/DC/USEPA/US on 07/26/2010 11:40 AM —

From: Matt Straus/DC/USEPA/US  
To: Suzanne Rudzinski/DC/USEPA/US@EPA, Margaret Guerriero/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA  
Cc: Laurel Celeste/DC/USEPA/US@EPA, Lana Suarez/DC/USEPA/US@EPA, Kelly Greene/DC/USEPA/US@EPA  
Date: 07/15/2010 07:02 PM  
Subject: Fw: Request to meet with you regarding coal ash public hearings

See email below. This in combination with the earlier email from Mathy will require ORCR to decide how best to respond. Wanted to make you aware of this.

— Forwarded by Matt Straus/DC/USEPA/US on 07/15/2010 06:59PM —

To: Lisa Feldt/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
From: Mathy Stanislaus/DC/USEPA/US  
Date: 07/15/2010 06:20PM  
cc: Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA  
Subject: Fw: Request to meet with you regarding coal ash public hearings

We need to meet either in person or phone but before we do we need to figure out a strategy for expanded meetings requests generally.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
----- Forwarded by Mathy Stanislaus/DC/USEPA/US on 07/15/2010 05:18 PM -----

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 07/15/2010 04:43 PM  
Subject: Request to meet with you regarding coal ash public hearings

July 15, 2010

Assistant Administrator Stanislaus,

Attached please find a letter requesting a meeting with you from the Environmental Justice Resource Center, Earthjustice, Appalachian Voices, Sierra Club, Physicians for Social Responsibility, the Southern Environmental Law Center, and the Environmental Integrity Project. We look forward to discussing the public hearings scheduled for the proposed coal ash rule with you. Please let me know if you have any questions.

Thank you,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1920 L Street NW, Suite 800  
Washington, DC 20036  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

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*(See attached file: Stanislaus Meeting Request 20100715\_final.pdf)*



Stanislaus Meeting Request 20100715\_final.pdf



1920 L Street NW, Suite 800  
Washington, DC 20036  
p: 202-296-8800 f: 202-296-8822  
[www.environmentalintegrity.org](http://www.environmentalintegrity.org)

July 15, 2010

*By Email*

Mathy Stanislaus  
Assistant Administrator, Office of Solid Waste and Emergency Response  
U. S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 5101T  
Washington, DC 20460  
[stanislaus.mathy@epa.gov](mailto:stanislaus.mathy@epa.gov)

**Re: Request for a Meeting Regarding Today's Federal Register Notice  
Announcing Coal Ash Rule Hearings**

Dear Assistant Administrator Stanislaus:

The undersigned groups would like to request a meeting with you, at your earliest convenience, to discuss the Announcement of Public Hearings on the proposed coal ash rule that was published today. 75 Fed. Reg. 41,121 (July 15, 2010).

We are thankful that EPA has scheduled the public hearings announced today. However, we are concerned that there are no public hearings scheduled in the areas most at risk from mismanaged coal combustion waste landfills and surface impoundments. It is particularly troubling that there is no hearing scheduled in Tennessee given the disaster at TVA's Kingston Fossil Plant that occurred in Roane County.

As your proposed coal ash rule noted, proximity to coal ash dumps is an environmental justice problem, disproportionately impacting lower-income Americans. Our many members, clients, and colleagues living near some of the most prevalent coal ash disposal regions, including Western Pennsylvania, Tennessee, Georgia, and the Ohio Valley, will not have easy access to any of the hearing locations listed in today's Federal Register notice. For example, the over 550 western Pennsylvania residents that have already requested a Pittsburgh hearing would now be required to travel over five hours to Washington, DC, and would have to sacrifice at least one day of work to tell their story to your staff, a sacrifice many are unable to make in these economic times.

We therefore renew our requests for public hearings in Pittsburgh, Pennsylvania; Roane County, Tennessee; Atlanta, Georgia; and Louisville, Kentucky. As we have stated, it is critical that the voices of these most affected communities be heard in this process.

Please let us know when you are available to meet with representatives from our groups to discuss this request, and thank you for your commitment to ensuring that the public has an opportunity to provide public comments.

Respectfully submitted by:

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1920 L. Street NW, Suite 800  
Washington, D.C. 20036

Dr. Robert Bullard  
Director  
Environmental Justice Resource Center  
at Clark Atlanta University  
223 James P. Brawley Drive  
Atlanta, GA 30314

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945

Barbara Gottlieb  
Deputy Director, Environment & Health  
Physicians for Social Responsibility  
1875 Connecticut Ave, NW, Suite 1012  
Washington, D.C. 20009

Willa Mays  
Executive Director  
Appalachian Voices  
191 Howard Street  
Boone, NC 28607

Lyndsay Moseley  
Beyond Coal Campaign  
Sierra Club  
408 C St. NE  
Washington, DC 20002

Chandra T. Taylor  
Southern Environmental Law Center  
200 West Franklin Street, Suite 330  
Chapel Hill, North Carolina 27516-2559



**Fw: info from calendar re: EarthJustice Bob S meeting next Wednesday**

**Shawna Bergman** to: Mary Jackson

08/03/2012 11:57 AM

From: Shawna Bergman/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:57 AM —

**{In Archive} Fw: info from calendar re: EarthJustice Bob S meeting next Wednesday**

**Lisa Feldt** to: Mathy Stanislaus

01/14/2011 12:30 PM

Cc: Shawna Bergman

Archive: This message is being viewed in an archive.

did you know bob S was meeting with these folks on the CCR rule? It conflicts with the OSRTI brownbag.

Lisa Feldt  
Deputy Assistant Administrator  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0200  
Fax: (202) 566-0207  
feldt.lisa@epa.gov

— Forwarded by Lisa Feldt/DC/USEPA/US on 01/14/2011 12:29 PM —

From: Shawna Bergman/DC/USEPA/US  
To: Lisa Feldt/DC/USEPA/US@EPA  
Cc: Matt Straus/DC/USEPA/US@EPA  
Date: 01/14/2011 12:26 PM  
Subject: info from calendar re: EarthJustice Bob S meeting next Wednesday

I have a call into Karen Martin about the origin of the EarthJustice Bob S meeting, but FYI here is the information on the calendar entry.

AS OF JANUARY 13, 2011

Lisa Evans (Earthjustice)  
Abigail Dillen (Earthjustice)  
Barbara Gottlieb (Physicians for Social Responsibility)  
Scott Slesinger (Natural Resources Defense Council)  
Teresa Clemmer (Vermont Law School)  
Dalal Aboulhosn (Sierra Club)  
Jackie Kruszewski (Southern Environmental Law Center)  
Eric Schaeffer (Environmental Integrity Project)  
Jeff Stant (Environmental Integrity Project)  
Vernice Miller-Travis (Maryland State Commission on Environmental Justice and

Sustainable Communities)

TBD

Hip Hop Caucus Representative

Dr. Robert Bullard (Environmental Justice Resource Center)

Emily Enderle (Earthjustice)

Kenneth Rumelt (Vermont Law School)

Emily:

I will need a list of attendees for this meeting.

RE: discuss issues relating to the coal ash rule-making.

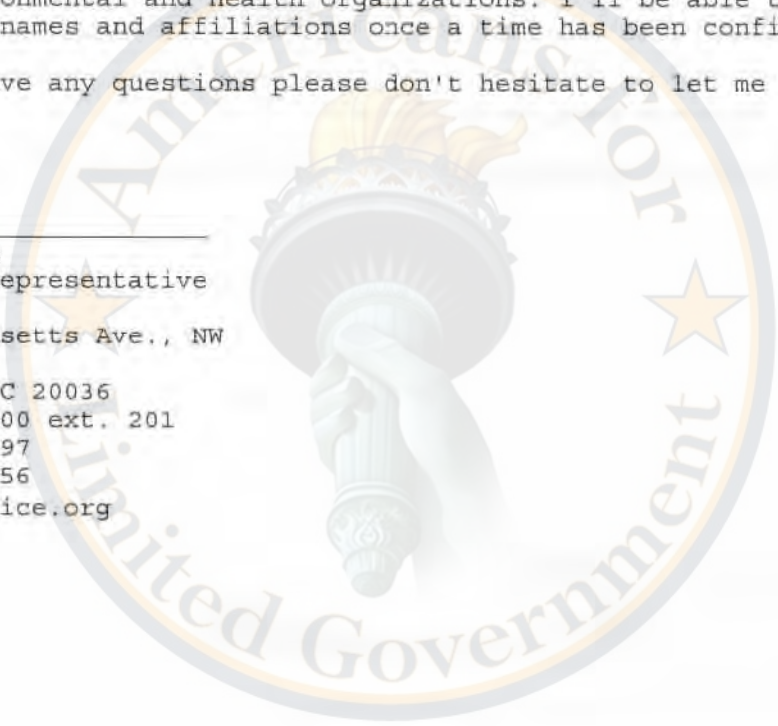
Provided Mr. Sussman is still available at 1pm next Weds we'd appreciate the opportunity to meet with him then. We'll have approximately ten people from various environmental and health organizations. I'll be able to get you the full list of names and affiliations once a time has been confirmed.

Should you have any questions please don't hesitate to let me know.

Thank you,  
Emily

---

Emily Enderle  
Legislative Representative  
Earthjustice  
1625 Massachusetts Ave., NW  
Suite 702  
Washington, DC 20036  
T: 202-667-4500 ext. 201  
C: 202-253-2397  
F: 202-667-2356  
[www.earthjustice.org](http://www.earthjustice.org)





**Fw: Meeting Request**

**Mathy Stanislaus** to: Mary Jacks  
Sent by: **Shawna Bergman**

08/03/2012 11:55 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:55 AM —

From: Lisa Evans <levans@earthjustice.org>  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Jennifer Wilbur/DC/USEPA/US@EPA  
Date: 07/06/2009 07:02 AM  
Subject: RE: Meeting Request

Mathy,

Wonderful- thanks for your quick reply.

Sincerely,

Lisa

Lisa Evans  
Project Attorney  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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From: Stanislaus.Mathy@epamail.epa.gov [Stanislaus.Mathy@epamail.epa.gov]  
Sent: Monday, July 06, 2009 6:52 AM  
To: Lisa Evans; Wilbur.Jennifer@epamail.epa.gov  
Subject: Re: Meeting Request

Lisa:

Absolutlely, let's schedule a meeting. I'd appreciate hearing your thoughts. I'll have someone contact to schedule a date.

Mathy

----- Original Message -----  
From: Lisa Evans [levans@earthjustice]  
Sent: 07/03/2009 07:09 AM MST  
To: Mathy Stanislaus; Jennifer Wilbur  
Subject: Meeting Request

Dear Assistant Administrator Stanislaus:

Thank you very much for our meeting last week concerning the Revisions to the Definition of Solid Waste. We sincerely appreciated the opportunity to discuss that important issue with you and to explore options for moving forward.

I am hoping that you might have time at the end of this month to meet on another critical waste issue -- the regulation of coal combustion waste. I understand that EPA is in the process of making important decisions regarding the direction of regulations governing the waste, and we would welcome the opportunity to express our views and concerns, based on our long history of working on this issue. On behalf of Eric Schaeffer and Jeff Stant of the Environmental Integrity Project, Patrice Simms of Natural Resources Defense Council, Ed Hopkins of the Sierra Club, and Chandra Taylor of the Southern Environmental Law Center, I would like to request a meeting either the week of July 27 or the week of August 3 (July 27 or July 29 are ideal).

Thank you in advance for considering this request. Once again, it was a great pleasure to meet you.

Sincerely,

Lisa Evans

Lisa Evans  
Project Attorney  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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**Fw: Last Friday's meeting**  
**Shawna Bergman** to: Mary Jackson

08/03/2012 11:38 AM

From: Shawna Bergman/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:38 AM —

**{In Archive} Last Friday's meeting**

**Lisa Evans** to: Mathy Stanislaus, Bob Sussman

02/08/2010 09:06 AM

Archive: This message is being viewed in an archive.

2 attachments



NGA\_Letter\_coal ash-1.pdf Public Interest Response to NGA\_01.29.2010.pdf

Mathy and Bob-

I wanted to thank you for the meeting on Friday and for your flexibility re allowing me to participate by phone. Laurel raised some excellent points, and we are working on responding to them.

Also, I am attaching a letter that we wrote to members of Congress responding to the letter the Hill received from the National Governors Association (also attached). I hope our letter responded to these claims effectively.

Sincerely,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

\*please consider the environment before printing

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November 16, 2009

The Honorable Mathy Stanislaus  
Assistant Administrator  
Office of Solid Waste and Emergency Response  
Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

Dear Assistant Administrator Stanislaus:

As you know, in accordance with the Federalism Executive Order 13132, EPA recently convened a meeting with representatives from numerous state and local organizations to discuss and seek input on several options for the potential federal regulation of coal combustion waste (CCW). While we appreciate the opportunity to engage on this important issue, Governors support their state-run programs and have concerns regarding potential federal regulation of CCW.

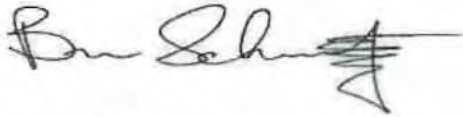
Governors have numerous concerns with potential federal regulation of CCW. To begin, according to a survey conducted by the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), of the 42 states that have facilities which produce CCW, 36, or 86 percent, require solid waste permits of their CCW facilities. (Three states did not respond to the survey and the remaining three do not have permitting programs.) States are either regulating the waste under their general solid waste regulations or their general industrial waste regulations. Several states have CCW-specific regulations including requirements for groundwater monitoring in 80 percent of the states. Further, many states already voluntarily impose minimum performance standards for both landfills and surface impoundments under the Resource Conservation and Recovery Act (RCRA) subtitle D requirements for the regulation of nonhazardous waste.

States have extensive experience with testing CCW for hazardous materials. Using the standard EPA test for determining if a waste is hazardous under RCRA, states have found that CCW is generally not hazardous. This enables 43 percent of CCW to be put to beneficial use, including in state highway projects. Should EPA regulate CCW as hazardous waste under RCRA Subtitle C, 134 million tons of CCW, or 67 times the current amount, will need to be shipped and disposed of in hazardous waste landfills. Of those states responding to the ASTSWMO survey, 91 percent of them responded that they do not have adequate existing permitted Subtitle C disposal capacity. As you know, it is extremely difficult and controversial to site a hazardous waste landfill and such difficulties should be given significant weight in EPA's deliberations. Importantly, 76 percent of states do have adequate non-hazardous waste disposal capacity.

Finally, EPA must also consider the impact its decision to regulate CCW as hazardous will have on state resources. At a time when states are dramatically cutting programs and furloughing and laying off staff, this would be an unnecessary financial burden.

In summary, Governors are very concerned about potential federal regulation of CCW as either a hazardous or nonhazardous substance under RCRA. While we are unaware of issues EPA may have with our state programs, we hope to work with you and your staff to address any questions. We thank you for the opportunity to comment and look forward to working with you.

Sincerely,



Governor Brian Schweitzer  
Chair, Natural Resources Committee

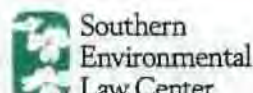


Governor Jim Gibbons  
Vice Chair, Natural Resources Committee

cc: Dr. Peter Orszag, Director, Office of Management and Budget



Friday, January 29, 2010



Dear Honorable Member of Congress:

Yesterday you may have received a copy of a letter from the National Governors Association (NGA) to the U.S. Environmental Protection Agency (EPA) describing why NGA believes that coal combustion waste should not be regulated as a hazardous waste. Because their assertions are inaccurate and misleading, we write to respond briefly to their primary allegations and to share the unfortunate facts of how current disposal has jeopardized public health and the environment. The U.S. public agrees, as evidenced by tens of thousands of people who contacted the White House yesterday and the 121 groups featured in the Washington Post (see attached) who are asking EPA to finally designate coal ash accurately— as a hazardous waste—and protect public health.

*(1) State Coal Ash Regulatory Programs Are Not Adequate*

The NGA implies that states are doing an effective job of regulating the disposal of coal ash. In support of their claim, the NGA references a survey by the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). By the NGA's own admission, however, the ASTSWMO survey shows that not all states require solid waste permits for coal ash facilities. Yet these permits are the primary tool by which states maintain the safe operation of waste disposal units. Permitting is also the sole manner by which the public can participate in the siting and establishment of safeguards at such facilities. Further, the situation is far more dire than the ASTSWMO survey reveals. According to EPA, approximately 30% of the net disposable coal ash generated in the U.S. is potentially *totally exempt* from state solid waste permitting requirements.<sup>1</sup>

The NGA also notes that the ASTSWMO survey found that some states do *not* require groundwater monitoring at coal ash ponds and landfills. The requirement to monitor groundwater is a basic safeguard that is essential to preventing toxic pollutants from reaching drinking water and water bodies. In view of the devastating scientific finding that as many as 1 in 50 people living near unlined ash ponds can be at risk of cancer from arsenic leaching identified by EPA in its 2007 *Human and Ecological Risk Assessment for Coal Combustion Wastes*, it is inconceivable, but unfortunate reality, that states fail to require groundwater monitoring at coal ash disposal sites.

Lastly, the full ASTSWMO survey actually contained clear evidence of inadequate state regulations. Although not mentioned in the NGA's letter, the survey found that only 33% of the states responding to the survey require that coal ash ponds have a liner, only 14% of states require leachate collection systems at coal ash ponds, and only 31% of states require financial assurance for coal ash ponds.<sup>2</sup> It is thus clear that many states do *not* require the safeguards necessary for the protection of health and the environment. The result is over 70 cases of contaminated drinking water and surface water in 35 states—and this, EPA admits, is the tip of the iceberg.

<sup>1</sup> U.S. Dep't of Energy & U.S. Env'tl. Prot. Agency, *Coal Combustion Waste Management at Landfills and Surface Impoundments, 1994–2004* (Aug. 2006), at 45-46.

<sup>2</sup> Letter from Brian Tormey and Stephen Cobb, Association of State and Territorial Solid Waste Management Officials (ASTSWMO) to Matt Hale, Director, Office of Resource Conservation and Recovery, EPA, dated April 1, 2009.

*(2) Results of Coal Ash Testing Show Leaching Of Toxic Chemicals At Hazardous Levels*

The NGA asserts that states have found that coal combustion waste is “generally not hazardous” using the “standard EPA test.” Since 2000, however, numerous scientific institutions, including the National Academy of Sciences and EPA’s Science Advisory Board and Office of Research and Development, have concluded that the standard EPA test, the Toxicity Characteristic Leaching Procedure, *cannot* be used to accurately predict contaminant migration from coal ash.<sup>3</sup> A new test, employed in two recent EPA studies, reveals that coal ash leaches hazardous pollutants, such as arsenic, thallium and selenium, at levels above the standard at which waste is judged “hazardous” under the Resource Conservation and Recovery Act (RCRA).<sup>4</sup> EPA has repeatedly determined that coal ash significantly increases the incidence of cancer and other serious diseases in humans and causes death, reproductive failure and other injury to fish and wildlife.

*(3) Coal Ash Will Not Be Disposed In Existing Hazardous Waste Landfills*

The NGA states that the disposal of coal ash in existing hazardous waste landfills will quickly overwhelm their capacity. However, should the EPA determine that coal ash is a hazardous waste, the agency will *not* require its disposal in such landfills. EPA has the statutory authority to promulgate tailored hazardous waste regulations that are designed to provide a level of protection appropriate to the specific characteristics of coal ash, likely simply requiring engineered landfills not significantly different from those that contain household garbage.

*(4) Strong Regulations Avoid Expensive Cleanups While Protecting Health and Safety*

All states have hazardous waste programs. While it is true that some states will need to improve their oversight to meet national standards, these improvements are essential for the protection of their citizens. The consequences of lack of adequate oversight are injuries to human health, loss of valuable fish and wildlife habitat, and expensive remedial actions, as evidenced by the TVA’s Kingston Fossil Plant cleanup, which will cost more than \$1 billion. In view of the hundreds of unlined and poorly constructed coal ash ponds that have been identified across the country, including more than 50 high hazard dams where failure would likely result in the loss of life, states can no longer afford not to regulate coal ash effectively.

The NGA recognizes that most states have facilities that produce coal ash. This is indeed a national problem—and a national solution is needed. While we respect the efforts that some states have made, it is evident most states can do much better. The technology is readily available as is the public’s support for a truly protective rulemaking. Federal minimum disposal standards, under subtitle C of RCRA, must close the gap and protect the health and safety of citizens of every state in the U.S.

Respectfully,

Lisa Evans  
Earthjustice

Lyndsay Moseley  
Sierra Club

Eric Schaeffer  
Environmental Integrity Project

Scott Slesinger  
Natural Resources Defense Council

Chandra Taylor  
Southern Environmental Law Center

Dr. Robert Bullard  
Environmental Justice Resource Center at  
Clark Atlanta University

<sup>3</sup> See Susan A. Thorneloe et al., EPA, Presentation for Global Waste Symposium: Improved Leach Testing to Evaluate Fate of Hg and other Metals from Management of Coal Combustion Residues 14 (Sept. 8, 2008), available at [oaspub.epa.gov/eims/eimscomm.getfile?p\\_download\\_id=486843](http://oaspub.epa.gov/eims/eimscomm.getfile?p_download_id=486843).

<sup>4</sup> EPA, *Characterization of Mercury Enriched Coal Combustion Residues from Electric Utilities Using Enhanced Sorbents for Mercury Control*, (2006) and EPA, ORD, *Characterization of Coal Combustion Residues Utilities Using Wet Scrubbers for Multi-Pollutant Control* (2008)



**Fw: Coal Ash Reception Sept 28 6-8 pm**

**Mathy Stanislaus** to: Mary Jackson

Sent by: **Shawna Bergman**

08/03/2012 11:35 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

**Mathy Stanislaus**

USEPA Assistant Administrator

Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:34 AM —

From: Lisa Evans <levans@earthjustice.org>  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Nelida Torres/DC/USEPA/US@EPA  
Date: 09/24/2010 11:26 AM  
Subject: Coal Ash Reception Sept 28 6-8 pm

Hi Mathy,

I wanted to make you aware of a reception on the Hill concerning coal ash on Tuesday, September 28 that Earthjustice, Environmental Justice Resource Center, Physicians for Social Responsibility, the Hip Hoo Caucus, Sierra Club and NRDC are sponsoring, co-hosted by Reps. Markey, Edquards, Honda, Quigley and Sarbannes.

I've attached the invitation. Of course, it would be wonderful to have you or another representative of EPA present at the event.

Sincerely,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

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EJ\_CoalAsh\_reception-1.pdf

Earthjustice, Environmental Justice Resource Center at Clark-Atlanta University, Hip Hop Caucus,  
Natural Resources Defense Council, Physicians for Social Responsibility, and Sierra Club  
invite you to attend

# Threats of Coal Ash: A Photographic Exhibit



*Coal ash waste, Canadys, South Carolina – Photo by J Henry Fair*

## **Honorary Co-Hosts**

Congresswoman Donna F. Edwards  
Congressman Mike Honda  
Congressman Edward J. Markey  
Congressman Mike Quigley  
Congressman John Sarbanes

Tuesday, September 28  
6 to 8 pm

## **Distinguished Speakers**

J Henry Fair, *Industrial Scars* Photographer  
Jan Schlichtmann, *A Civil Action* Attorney  
Rev Lennox Yearwood, Hip Hop Caucus President

Room B-369  
Rayburn House Office Building

Refreshments will be served

Kindly RSVP to:  
Maggie Boyd at [mboyd@pikeassoc.com](mailto:mboyd@pikeassoc.com)



**Fw: Meeting request from Environmental Groups to Administrator Jackson**

**Mathy Stanislaus** to: Mary Jackson

08/03/2012 11:34 AM

Sent by: **Shawna Bergman**

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus

USEPA Assistant Administrator

Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:34 AM —

From: Lisa Evans <levans@earthjustice.org>  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 12/22/2010 04:11 PM  
Subject: Meeting request from Environmental Groups to Administrator Jackson

---

Dear Mathy:

I'm writing to let you know that Earthjustice has requested a meeting with Administrator Jackson on behalf of the Environmental Integrity Project, Environmental Justice Resource Center at Clark-Atlanta University, Hip Hop Caucus, Natural Resources Defense Council, Physicians for Social Responsibility, Sierra Club and the Southern Environmental Law Center. At this meeting we'd like to discuss issues relating to the coal ash rule. I thought that you'd like to know of this request. We are waiting to hear if there is a date in January that will work for the Administrator.

I look forward to meeting with you early in the coming year.

Very best wishes for a wonderful Christmas and New Year--

Sincerely,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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**Fw: Request for Regional Public Hearings and 120-Day Comment Period on Coal Combustion Waste Regulations**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:55 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:54 AM —

From: Lisa Evans <levans@earthjustice.org>  
To: LisaP Jackson/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 12/16/2009 02:43 PM  
Subject: Request for Regional Public Hearings and 120-Day Comment Period on Coal Combustion Waste Regulations

Correspondence attached.

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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VOICES



SIERRA  
CLUB  
FOUNDED 1892



Southern  
Environmental  
Law Center



December 16, 2009

*By Email and U.S. Mail*

The Honorable Lisa Jackson  
Administrator  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Mail Code: 1101A  
Washington, DC 20460

**Re: Request for Regional Public Hearings and 120-Day Comment Period on  
Coal Combustion Waste Regulations**

Dear Administrator Jackson:

Thank you again for your commitment to propose regulations governing the storage and disposal of coal combustion waste by year's end. Such regulations are needed to remove dangerous threats from our communities and protect water resources throughout the United States.

Citizens and groups across the country have been closely watching the U.S. Environmental Protection Agency's (EPA) progress toward formulating these regulations. In light of that widespread interest, Earthjustice, Environmental Integrity Project, Sierra Club, Natural Resources Defense Council, Southern Environmental Law

Center, Appalachian Voices, and Kentucky Resources Council would like to request measures that will ensure the greatest opportunity for public participation in the upcoming rulemaking. To that end, we are requesting four regional public hearings in areas most affected by adverse impacts from mismanaged coal combustion waste and a 120-day comment period on the proposed regulations.

*Request for Regional Public Hearings*

Citizens and groups throughout the U.S. are interested in participating in this rulemaking process. To facilitate participation of the many affected communities located in diverse regions, we are requesting that public hearings be held in the Southeast, West, Midwest and Appalachia, close to areas that have significant coal combustion waste disposal. Specifically, we believe that Knoxville, Tennessee; Austin, Texas; Chicago, Illinois; and Pittsburgh, Pennsylvania would be excellent choices for hearing venues, in addition to a public hearing in Washington, D.C.

We also request that the hearing locations be reachable by public transportation and that the hours of the hearings extend to at least 9:00 pm to accommodate those individuals that work fulltime and who must travel to the site.

*Request for 120-Day Comment Period*

Furthermore, because of the likely complexity of the proposed regulations and the need to schedule multiple public hearings before the close of the comment period, we also request that the EPA permit a comment period of at least 120 days. This will allow sufficient lead-time to schedule public hearings in appropriate venues and allow individuals to submit meaningful comments that reflect the complexity and far-reaching ramifications of the proposed rule.

Thank you in advance for your consideration of these requests. We appreciate your attention to this critical issue, and we look forward to the publication of draft regulations addressing coal ash in the federal register later this month.

Respectfully submitted by:

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945

Eric Schaeffer  
Executive Director  
Environmental Integrity Project

1920 L. Street NW  
Washington, D.C. 20036

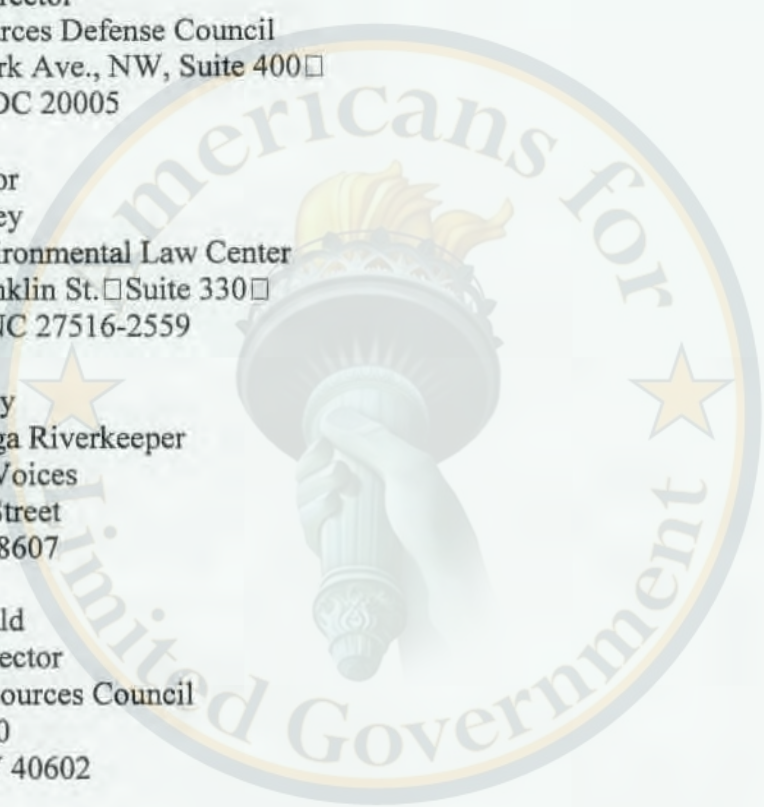
Mary Anne Hitt  
Deputy Director  
National Coal Campaign  
Sierra Club  
85 Second Street, 4th Floor  
San Francisco, CA 94105

Scott Slesinger  
Legislative Director  
Natural Resources Defense Council  
1200 New York Ave., NW, Suite 400  
Washington, DC 20005

Chandra Taylor  
Senior Attorney  
Southern Environmental Law Center  
200 West Franklin St. Suite 330  
Chapel Hill, NC 27516-2559

Donna Lisenby  
Upper Watauga Riverkeeper  
Appalachian Voices  
191 Howard Street  
Boone, NC 28607

Tom FitzGerald  
Executive Director  
Kentucky Resources Council  
P.O. Box 1070  
Frankfort, KY 40602



cc: Mathy Stanislaus, Assistant Administrator for EPA's Office of Solid Waste and  
Emergency Response





**Fw: Correspondence re Hearing Request**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:36 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:35 AM —

From: Lisa Evans <levans@earthjustice.org>  
To: LisaP Jackson/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Alexander Livnat/DC/USEPA/US@EPA  
Date: 05/12/2010 05:04 PM  
Subject: Correspondence re Hearing Request

Dear Administrator Jackson:

Attached please find correspondence from Earthjustice, Environmental Integrity Project, Sierra Club, NRDC, Southern Environmental Law Center, Appalachian Voices and Kentucky Resources Council pertaining to regional hearings on the May 4, 2010 coal ash regulatory proposal.

Thank you in advance for your consideration.

Respectfully,

Lisa Evans

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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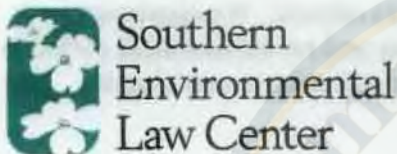
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Ltr\_Request\_Regional\_Hearings\_051210.pdf







May 12, 2010

*By Email and U.S. Mail*

The Honorable Lisa Jackson  
Administrator  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Mail Code: 1101A  
Washington, DC 20460

**Re: Request for Regional Public Hearings on the Proposed Coal Ash Rule**

Dear Administrator Jackson:

Thank you for the publication of the proposed rule to regulate coal combustion waste. Citizens and groups across the country have been long awaiting this important proposal. In light of that widespread interest, Earthjustice, Environmental Integrity Project, Sierra Club, Natural Resources Defense Council, Southern Environmental Law Center, Appalachian Voices, and Kentucky Resources Council would like to renew our request that the EPA take measures to ensure the greatest opportunity for public participation in the rulemaking.

To that end, we are requesting four regional public hearings in the areas most affected by adverse impacts from mismanaged coal combustion waste. To facilitate participation of the many affected communities located in these regions, we are requesting that public hearings be held in the Southeast, West, Midwest and Appalachia, close to areas that have significant coal combustion waste disposal. Specifically, we believe that Knoxville, Tennessee; Austin, Texas; Chicago, Illinois; and Pittsburgh, Pennsylvania would be excellent choices for hearing venues, in addition to a public hearing in Washington, D.C.

We also request that the hearing locations be reachable by public transportation and that the hours of the hearings extend to at least 9:00 pm to accommodate those individuals that work fulltime and who must travel to the hearing sites.

Thank you in advance for your consideration of this request. We appreciate your attention to this critical issue, and we look forward to a fair and robust comment period in which citizens and groups throughout the U.S. have the opportunity to participate meaningfully in the rulemaking process.

Respectfully submitted by:

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1920 L. Street NW  
Washington, D.C. 20036

Lyndsay Moseley  
Beyond Coal Campaign  
Sierra Club  
85 Second Street, 4th Floor  
San Francisco, CA 94105

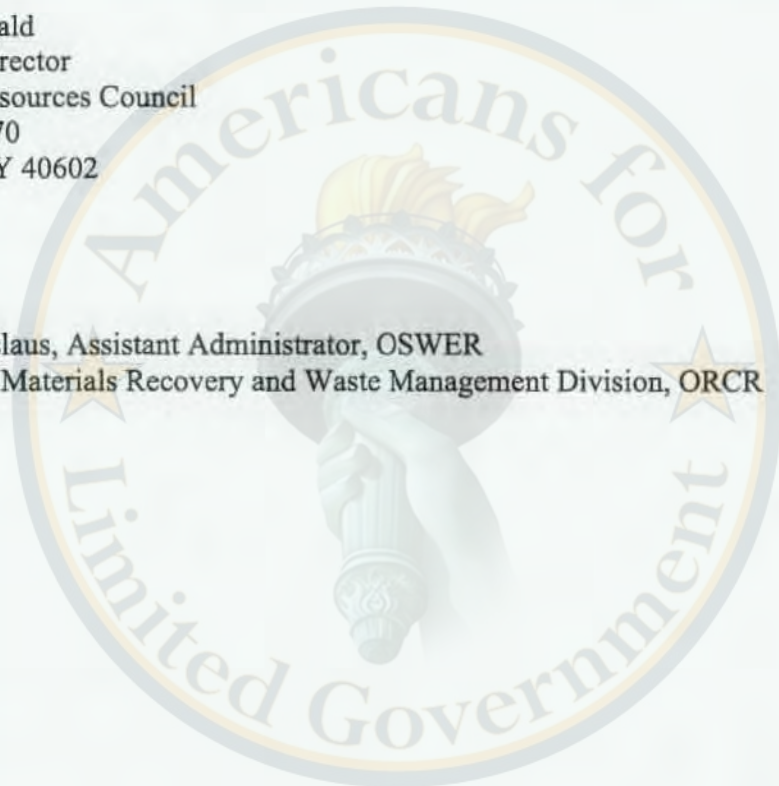
Scott Slesinger  
Legislative Director  
Natural Resources Defense Council  
1200 New York Ave., NW, Suite 400  
Washington, DC 20005

Chandra Taylor  
Senior Attorney  
Southern Environmental Law Center  
200 West Franklin St. Suite 330  
Chapel Hill, NC 27516-2559

Willa Mays,  
Executive Director  
Appalachian Voices.  
191 Howard Street  
Boone, NC 28607

Tom FitzGerald  
Executive Director  
Kentucky Resources Council  
P.O. Box 1070  
Frankfort, KY 40602

cc:  
Mathy Stanislaus, Assistant Administrator, OSWER  
Alex Livnat, Materials Recovery and Waste Management Division, ORCR







**Fw: Coal Ash Concerns from Louisiana Sierra Club**  
**Shawna Bergman** to: Mary Jackson

08/03/2012 11:32 AM

From: Shawna Bergman/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:32 AM —

**{In Archive} Coal Ash Concerns from Louisiana Sierra Club**

**Joyce Runyan** to: Mathy Stanislaus

02/08/2010 03:03 PM

Cc: Al Armendariz

Archive: This message is being viewed in an archive.

see doc below

Joyce Runyan  
EPA Region 6  
Office of the Regional Administrator (6RA)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202  
(214) 665-2100 Main  
(214) 665-2150 Direct  
(214) 665-6648 Fax  
runyan.joyce@epa.gov

— Forwarded by Joyce Runyan/R6/USEPA/US on 02/08/2010 02:00 PM —

From: R6\_FAX@EPA  
To: Joyce Runyan/R6/USEPA/US@EPA  
Date: 02/08/2010 01:58 PM  
Subject: Attached Image



0709\_001.pdf



**LOUISIANA OFFICE**  
716 Adams St.  
New Orleans, LA 70118  
(504) 861-4835  
FAX: (504) 861-4441

## **U.S. EPA Region 6 – Environmental Justice Listening Session January 26, 2010, New Orleans, Louisiana**

My name is Jill Mastrototaro, Sierra Club Senior Field Organizing Manager, based in New Orleans, Louisiana.

I want to thank EPA Region 6 Regional Administrator Armendariz and Deputy Regional Administrator Starfield for providing this platform to the communities of Louisiana, Arkansas, Texas, and Oklahoma. Collectively these states have been front and center on Environmental Justice (EJ) issues, which lends significance to tonight's event.

The Sierra Club's National Coal Campaign has made substantial strides in stopping the proliferation of newly proposed coal-fired power plants. One facet of our campaign effort is addressing the lack of federal regulation of coal ash storage and disposal, which has left regulation in the hands of the states, resulting in inadequate or non-existent protections for the health of our citizens.

The millions of tons of coal ash being stored across the country in precarious surface waste ponds, impoundments and abandoned mines, have exposed communities of all classes, ages, and ethnicities to the health risks and dangers of toxic substances like arsenic, lead and mercury. Also noteworthy is the physical siting of coal ash disposal sites, which are frequently located in poor or minority areas. As the December 2008 spill in Tennessee demonstrated, these communities are placed at serious risk when disposal ponds break.

Louisiana alone is host to 11 such disposal sites, while 26 sites are located in Texas, 5 in Oklahoma, and 1 in Arkansas (*Source: <http://www.earthjustice.org/library/references/09ccw-survey-summary-results.pdf>*). In addition, several of these disposal sites in Louisiana and Texas are 'wet storage ponds', rather wet surface impoundments, which research has found to be the most dangerous ash disposal method.

We applaud and support EPA's current effort to pursue steps to regulate coal ash, and we request the support of EPA Region 6 in achieving this goal. To that end, we ask EPA Region 6's support for swift agency action to designate coal ash as a hazardous waste, and to promulgate uniform national rules on coal ash storage and disposal that provide federal protection for public health and the environment.

Secondly, we ask that the rules be released for public review and comment as soon as possible.

Finally, we urge EPA to use its authority to phase out the 'wet storage ponds' and put in place common-sense regulations that protect human health and the environment by governing the disposal and recycling of dry coal ash.

In closing, the Sierra Club looks forward to working with you and the regional office, and offers to you our resources and support in creating a healthier, more sustainable future for our region. Thank you.

Respectfully submitted,

Jill Mastrototaro  
Senior Field Organizing Manager, Sierra Club  
716 Adams Street, New Orleans, Louisiana 70118  
(504) 861-4835  
Jill.mastrototaro@sierraclub.org



**Fw: New report on coal ash**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:34 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:34 AM —

From: Lisa Evans <levans@earthjustice.org>  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 01/31/2011 05:35 PM  
Subject: New report on coal ash

Dear Mathy and Bob-

I wanted to give you both an advance (draft) copy of the report that Earthjustice, Physicians for Social Responsibility and the Environmental Integrity Project will be releasing tomorrow on the connection between coal ash and hexavalent chromium. Based on EPA and EPRI data, and data from our own reports, we show that coal ash presents a significant threat to drinking water from the release of hexavalent chromium.

We would be happy to discuss this report with you in detail at your convenience.

Also, thank you sincerely for the opportunity to meet and discuss coal ash issues earlier this month.

Best,  
Lisa Evans

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
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F: (212) 918-1556  
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# EPA's Blind Spot: Hexavalent Chromium in Coal Ash



## **EPA's Blind Spot: Hexavalent Chromium in Coal Ash**

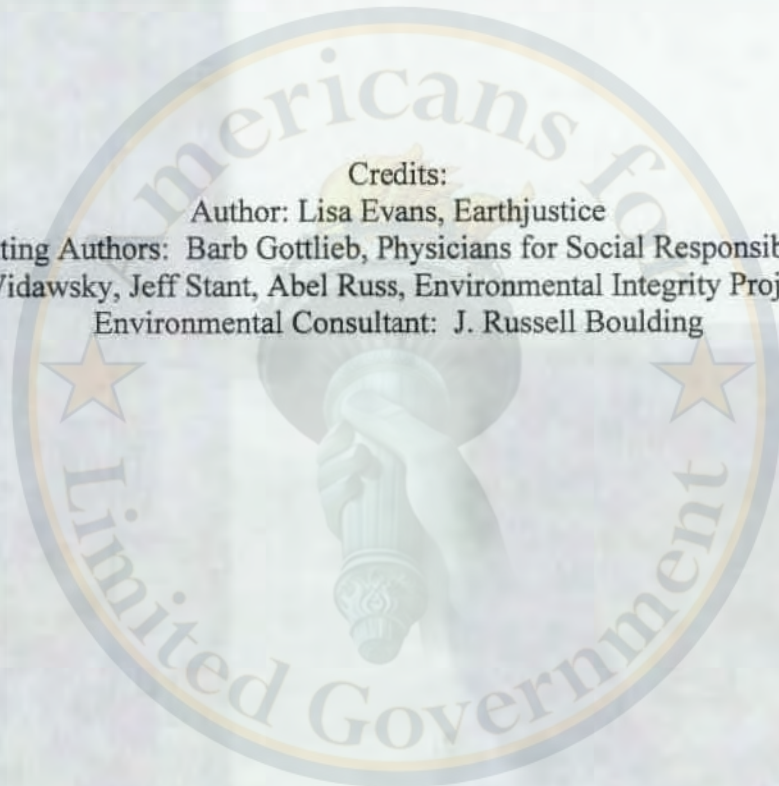
*Coal ash may be the secret source of cancer-causing chromium in your drinking water*

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## Introduction

Hexavalent chromium is again in the headlines. In the 1990s, Erin Brockovich achieved fame by uncovering the presence of extraordinarily high levels of industrial hexavalent chromium contamination in the drinking water of a small desert town ravaged by cancer. Today, attention to the deadly chemical is fueled by new data and extensive scientific research. In December 2010, the Environmental Working Group released a report documenting the cancer-causing chemical in tap water in 31 of 35 cities tested in the United States.<sup>1</sup> Days later, on December 31, 2010, the California Office of Environmental Health Hazard Assessment (OEHHA) completed a multi-year, peer-reviewed examination of the oral toxicity of the chemical, involving scientists in both the public and private sectors, and released a ground breaking proposal to establish a public health goal for hexavalent chromium in drinking water of just 0.02 parts per billion (or ug/L), 5,000 times lower than the current federal drinking water standard for total chromium.<sup>2</sup>

On January 11, 2011, on the heels of these announcements, the U.S. Environmental Protection Agency (EPA) issued new guidelines recommending that public water utilities nationwide test drinking water for hexavalent chromium (Cr(VI)).<sup>3</sup> EPA's swift reaction to the widespread presence of hexavalent chromium in American tap water is laudable. However, EPA's well-placed concern for protection of public health has a dangerous blind spot. While government regulators express concern for small quantities of the cancer-causing substance in our water, they are ignoring one of the largest sources of the hazardous chemical—coal combustion waste (or coal ash)<sup>4</sup> from the nation's coal burning power plants.

This report documents the connection between coal ash and hexavalent chromium. It reviews the sources, toxicity, and known coal ash dump sites where chromium has been found in groundwater. The report identifies studies of numerous power plants where testing of coal ash leachate found extremely high levels of hexavalent chromium. The report also identifies 28 coal ash disposal sites in 17 states where groundwater was documented to exceed existing federal or state standards for chromium and to exceed by many orders of magnitude the proposed California drinking water goal for hexavalent chromium. These contaminated coal ash dump sites are likely the tip of the iceberg. The threat of drinking water contamination by hexavalent chromium is present in hundreds of communities near unlined coal ash disposal sites across the United States. While the EPA doesn't need another reason to define coal ash as a hazardous waste, it certainly has one now.

## Hexavalent Chromium and Coal Ash: The Deadly Connection

It has long been known that chromium readily leaches from coal ash.<sup>5</sup> Chromium, however, occurs primarily in two forms: trivalent chromium, which is an essential nutrient in small amounts, and hexavalent chromium, Cr(VI), which is highly toxic even in small doses. In EPA's latest report on the hazardous contaminants in coal ash, the agency made two important findings:

- Coal ash leaches chromium in amounts that can greatly exceed EPA's threshold for hazardous waste at 5000 parts per billion (ppb),<sup>6</sup> and
- The chromium that leaches from coal ash is "nearly 100 percent [hexavalent] Cr(VI)."<sup>7</sup>

Remarkably, the U.S. Department of Energy (DOE) and the energy industry have also known for years about the aggressive leaching of hexavalent chromium from coal ash. In a 2006 report co-sponsored by DOE, the Electric Power Research Institute (EPRI) found definitively that the chromium that leaches from coal ash (including FGD sludge) is 97–100 percent hexavalent chromium.<sup>8</sup>

These findings, buried in government reports, need to see the light of day. Hundreds – maybe thousands – of leaking and unlined coal ash dumps are situated near water supplies. EPA and DOE have demonstrated that the contaminated leachate (the liquid leaking from coal ash landfills and ponds) is often rich in this cancer-causing chemical. Therefore it is imperative that EPA Administrator Lisa Jackson act decisively to protect U.S. communities from this significant source of hexavalent chromium.

### **Hexavalent Chromium's Deadly Link to Cancer**

In 2008, a two-year study by the U.S. Department of Health and Human Services' National Toxicology Program (NTP)<sup>9</sup> demonstrated that hexavalent chromium in drinking water causes cancer in laboratory animals.<sup>10</sup> While it has long been known that hexavalent chromium causes lung cancer when inhaled, the NTP undertook a study of Cr(VI) ingestion following a request from California's Office of Environmental Health Hazard Assessment (OEHHA). Based on a variety of cancerous oral and intestinal tumors, the NTP study definitively concluded "hexavalent chromium can also cause cancer in animals when administered orally."<sup>11</sup>

Furthermore, scientists believe chronic ingestion of minute amounts of Cr(VI) can be harmful. In fact, after an extensive peer-reviewed study, the California Office of Environmental Health Hazard Assessment lowered its original hexavalent chromium draft goal by 66 percent this year to account for the special sensitivity of infants and children to carcinogens. California's proposed public health goal, 0.02 parts per billion, is a mere 0.02% of the present federal drinking water standard for total chromium. If the current federal drinking water standard (100 parts per billion) is compared to a 100-yard football field, California's proposed goal for Cr(VI) would be a distance of three-quarters of an inch.

According to EPA's 2010 draft toxicological review of hexavalent chromium, EPA agrees with the estimate of cancer potency used by California's Office of Environmental Health Hazard Assessment. California's Draft Public Health Goal<sup>12</sup> and the U.S. EPA Draft Toxicological Review of Hexavalent Chromium<sup>13</sup> both use the same cancer potency value for ingested hexavalent chromium of  $0.5 \text{ (mg/kg-d)}^{-1}$ . Using EPA's default assumptions for body weight and drinking water ingestion rate, it is possible to

estimate the lifetime cancer risk associated with drinking water at the current federal drinking water standard for total chromium of 100 ppb (established in 1991) – the risk is 1.4 in 1,000 people.<sup>14</sup> This risk is 140 – 1400 times greater than EPA's range of acceptable cancer risk (between 1 in 100,000 and 1 in 1,000,000 people).<sup>15</sup> Clearly, in view of this elevated risk recognized by both EPA and OEHHA, the 1991 federal drinking water standard of 100 ppb for total chromium is not sufficiently protective of human health from ingestion of hexavalent chromium. While a new federal drinking water standard for hexavalent chromium may be higher than California's proposed goal of 0.02 ppb, this health-protective level, as well as the current federal standard, are used as a comparison to coal ash-contaminated waters in this report.

### **Ingestion of Hexavalent Chromium Is Missing from EPA's Coal Ash Risk Assessment**

Although the cancer risk associated with Cr(VI) in groundwater is substantial, EPA completely ignored this risk in its proposed coal ash rulemaking. While Cr(VI) was discussed in the preamble to the proposed rule, it was treated as a carcinogen by inhalation only. For purposes of calculating the human health risk by ingestion, Cr(VI) was treated as a non-carcinogen.<sup>16</sup> Despite the clear findings of NTP's 2008 studies, the cancer risk of ingested Cr(VI) was not mentioned once in EPA's 400-page *Health and Ecological Risk Assessment for Coal Combustion Wastes*.

### **Coal Ash Dump Sites Are Significant Sources of Hexavalent Chromium**

Coal ash can leach deadly quantities of Cr(VI) to drinking water.<sup>17</sup> For example, in the 2006 study<sup>18</sup> by the Electric Power Research Institute, an organization that vehemently opposes a hazardous designation for coal ash, EPRI tested leachate—liquid collected from wells, ponds or seeps at coal ash dumps—at 33 coal ash landfills and ponds in 15 states and found hexavalent chromium at hundreds of times the proposed California drinking water goal at 13 sites. Their findings included three landfills where leachate exceeded the proposed drinking water goal by 5,000 times, with two landfills exceeding that goal by 100,000 and 250,000 times. The location of these potentially deadly dumps is not known, but the high levels of hexavalent chromium at the sites may pose a danger to those living near the landfills. Table A lists the coal ash dump sites where leachate was found containing hexavalent chromium over 5,000 times the proposed California health goal.

Table A

**Coal Ash Dump Sites Identified by the Electric Power Research Institute with Leachate containing Hexavalent Chromium (Cr(VI))**

Coal ash Dump Site (Location Undisclosed)	Type of Dump Site	Type of Coal Ash Waste	Amount of Hexavalent Chromium Found in Landfill Leachate (parts per billion (ppb))	Amount of Cr(VI) over the California Drinking Water Goal	Amount of Cr(VI) over the Federal Drinking Water Standard
EPRI Id. No. 50213	Landfill	Fly Ash	5090 ppb	254,500 times	50.9 times
EPRI Id. No. 27413	Landfill	Fly Ash	109 ppb	5,450 times	1.09 times
EPRI Id. No. 50212	Landfill	Fly Ash	2230 ppb	111,500 times	223 times

Source: Electric Power Research Institute, Characterization of Field Leachates at Coal Combustion Product Management Sites, EPRI Report 1012578 (2006).

In addition, data from **known coal ash disposal sites** obtained from EPA reports<sup>19</sup> and recent studies by Earthjustice, the Environmental Integrity Project (EIP) and the Sierra Club<sup>20</sup> make it eminently clear that the threat is widespread and serious. For example, chromium in groundwater contaminated by a coal ash landfill in Ohio reached 1.68 parts per million – a level 84,000 times California’s proposed drinking water goal (if nearly all the chromium measured was hexavalent, as predicted in both EPA’s and EPRI’s reports). Table B lists 28 coal ash dump sites in 17 states where coal ash contaminated groundwater was found to contain chromium at levels exceeding the current federal drinking water standard (100 ppb) or an applicable state standard (50 ppb for groundwater in North Carolina). Often EPA did not provide a specific value for the chromium found in groundwater wells, but simply indicated that it was greater than the federal standard of 100 ppb. These chromium concentrations, if 100 percent hexavalent chromium, represent a level 5,000 times higher than the proposed California goal. In Table B, all chromium is assumed to be hexavalent chromium, a premise supported by the studies conducted by EPA, DOE and EPRI. In addition, most of the coal ash ponds, landfills and fill sites listed below are unlined – a factor that greatly increases the danger to neighboring communities. Lastly, while many of the sites below have undergone some form of remediation under Superfund or state authorities, it is not certain that the threat from hexavalent chromium has been sufficiently addressed.

Table B

Name and Location of Coal Ash Disposal Site	Type of Dump Site	Level of Chromium (Highest Level Reported)	Amount of Cr(VI) (Potentially Above Proposed California Goal)	Amount of Chromium Above Federal Drinking Water Standard	Source
TVA Colbert Fossil Fuel Plant <b>Tuscumbia, Alabama</b>	Unlined Pond	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA <sup>3</sup>
2. TVA Widows Creek Fossil Plant <b>Stevenson, Alabama</b>	Unlined Pond	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA
3. Flint Creek Power Plant <b>Gentry, Arkansas</b>	Landfill	128 ppb	6,400 times	1.28 times	EJ/EIP/SCb
4. Indian River Power Station <b>Millsboro, Delaware</b>	Unlined Landfill (closed)	211 ppb	10,550 times	2.11 times	EJ/EIP
5. FP&L Lansing Smith Plant <b>Southport, Florida</b>	unknown	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA
6. Rocky Acres/Grays Siding Coal Combustion Byproduct Landfill <b>Oakwood, Illinois</b>	Unlined Fill Site	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EJ/EIP
7. Merom Generating Station Coal Combustion Waste Landfill <b>Sullivan, Indiana</b>	Landfill	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA
8. Xcel Energy/Southern Minnesota Municipal Power Agency - Sherburne County (Sherco) Generating Plant <b>Becker, Minnesota</b>	unknown	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA
9. Salem Acres Site, <b>Salem Massachusetts</b>	Unlined Landfill (closed)	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA
10. Brayton Point Power Station, <b>Somerset, Massachusetts</b>	Unlined Landfill	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA
11. Duke Dan River Steam Station <b>Eden, North Carolina</b>	Unlined Ponds and Landfill	61 ppb	3,050 times	22% over NC groundwater standard	EJ/EIP/

Name and Location of Coal Ash Disposal Site	Type of Dump Site	Level of Chromium (Highest Level Reported)	Amount of Cr(VI) (Potentially Above Proposed California Goal)	Amount of Chromium Above Federal Drinking Water Standard	Source
12. Progress Energy Asheville Steam Electric Plant Asheville, North Carolina	Unlined Pond	83 ppb	4,150 times	66% over NC groundwater standard	EJ/EIP
13. Progress Energy Cape Fear Steam Plant Montcure, North Carolina	Unlined Pond	100 ppb	5,000 times	Equal to federal maximum	EJ/EIP
14. Basin Electric Power Cooperative W.J. Neal Station Surface Impoundment Velva, North Dakota	Unlined Pond	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA
15. Reid Gardner Generating Facility Moapa, Nevada	Landfill	110 ppb	5,500 times	1.1 time	EJ/EIP
16. Conesville Fixed FGD Sludge Landfill Coshocon County, Ohio	Unlined Landfill	Above 100 ppb	Over 5000 times	Above standard, but degree unknown	EPA
17. Industrial Excess Landfill Uniontown, OH	Unlined Landfill	1680 ppb	84,000 times	1.68 times	EJ/EIP/
18. American Electric Power Northeastern Station Oologah, Oklahoma	Unlined Landfill and Pond	417 ppb	20,850 times	4.17 times	EJ/EIP/
19. Allegheny Energy Hatfield Ferry Power Station Masontown, Pennsylvania	Landfill	104 ppb	5,200 times	1.04 times	EJ/EIP/
20. Seward Generating Station New Florence, Pennsylvania	Unlined Pond and Landfill	330 ppb	16,500 times	3.3 times	EJ/EIP
21. PPL Martins Creek Power Plant Martins Creek, Pennsylvania	Unlined Pond	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA
22. TVA Johnsonville Fossil Plant New Johnsonville, Tennessee	Unlined Pond	620 ppb	31,000 times	6.2 times	EJ/EIP/
23. Trans-Ash, Inc CCW Landfill, Camden, Tennessee	Partially Unlined Landfill	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EJ/EIP



Name and Location of Coal Ash Disposal Site	Type of Dump Site	Level of Chromium (Highest Level Reported)	Amount of Cr(VI) (Potentially Above Proposed California Goal)	Amount of Chromium Above Federal Drinking Water Standard	Source
24. TVA Kingston Fossil Plant <b>Harriman, Tennessee</b>	Unlined Pond	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA
25. Battlefield Golf Course <b>Chesapeake, Virginia</b>	Unlined Fill	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA
26. Virginia Power Yorktown Power Station Chisman Creek Disposal Site <b>Yorktown, Virginia</b>	Unlined Landfill	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA
27. Dairyland Power Cooperative E.J. Stoneman Generating Station Ash Disposal Pond <b>Cassville, Wisconsin</b>	Unlined Pond	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA
28. Lemberger Landfill, <b>Wisconsin</b>	Unlined Landfill	Above 100 ppb	Over 5,000 times	Above standard, but degree unknown	EPA

a: U.S. EPA, Damage Case Report for Coal Combustion Wastes (August 2007) and additional damage cases described in EPA's Proposed Coal Ash Rule, 75 Fed. Reg. 35128.

b: Earthjustice, Environmental Integrity Project, and Sierra Club. In Harm's Way: Lack of Federal Coal Ash Regulations Endangers Americans and their Environment (August 2010).

c: Earthjustice and Environmental Integrity Project. Out of Control: Mounting Damages from Coal Ash Waste Sites (May 2010)

### Uniontown, Ohio: A Coal Ash Site Where Health May be Endangered

The **Industrial Excess Landfill**, near Uniontown, Ohio is an example of the kind of site that may be posing a threat to the surrounding community from contamination of drinking water with hexavalent chromium. The landfill is a Superfund site surrounded on three sides by residential neighborhoods. Roughly one million tons of coal ash were dumped at the landfill in the 1960s. The landfill was closed in 1980, and EPA listed it as a Superfund site in 1986. Groundwater monitoring since then has shown chromium concentrations to be increasing to very dangerous levels. Systematic groundwater monitoring began in 1987, and chromium was detected at concentrations up to 180 ppb in off-site wells. Sampling in the early 1990s found concentrations of chromium over 100 ppb in eight monitoring wells, with concentrations up to 739 ppb. Monitoring through 2001 detected chromium at up to 1,680 ppb in off-site wells located in or near residential areas- over 15 times the federal drinking water standard. Residents report many incidences of cancer in the affected neighborhoods.

Despite alarming evidence of off-site groundwater contamination with heavy metals, including chromium, metals monitoring was phased out around 2001, and remedial actions stopped in 2005. And yet the potential for human exposure to this contamination is very high—there are almost 4,000 private drinking water wells within two miles of the site, and about 90 wells within 1,500 feet. Some homes have been provided with alternative water supplies, but many have not. The cancer risk associated with drinking water having chromium concentrations over 100 ppb is greater than 1 in 1,000. The risk associated with the highest known concentration, 1,680 ppb, would be greater than 1 in 50. Furthermore, this cancer risk would be amplified by the presence of arsenic and other carcinogens in the coal ash contaminant plume.

### **EPA Laboratory Testing of Coal Ash Reveals Dramatic Chromium Leaching**

EPA also found that leachate produced in the laboratory from coal ash at a variety of plants contained sky-high chromium. In a 2009 report, EPA tested coal ash leachate by obtaining waste from numerous operating power plants.<sup>21</sup> EPA found that many ashes and sludges produce leachate extremely rich in chromium. The table below provides EPA's results from five plants. These results represent the highest level of chromium in leachate determined by EPA lab tests. Unlike the EPRI data in Table A and the groundwater and surface water data in Table B, the results below were not field samples. However, EPA used a leach test that mimics field conditions in order to determine the range of chromium that would leach from coal ash disposed under real-world conditions. If this leachate were seeping or leaking into groundwater from a landfill or pond, it could threaten drinking water wells and human health. While the public is not likely to be exposed to coal ash leachate at full strength, leachate this rich in chromium, even if it is diluted as it flows through groundwater, can still pose a significant hazard when it reaches drinking water wells.

**Table C**

Name and Location of Power Plant	Level of Chromium In Leachate	Number of Times Cr(VI) Level Exceeds CA Drinking Water Goal	Number of Times Above Federal Drinking Water Standard
DTE Energy St. Clair Power Plant <b>East China, Michigan</b>	1140 ppb (all Cr(VI))	57,000 times	11.4 times
TVA's Widows Creek Plant <b>Stevenson, Alabama</b>	7370 ppb	368,500 times	73.7 times
Progress Energy Roxboro Plant <b>Semora, North Carolina</b>	1850 ppb	92,500 times	18.5 times
Southern Company Crist Plant <b>Pensacola, Florida</b>	1920 ppb	96,000 times	19.2 times
WE Energies Pleasant Prairie Plant <b>Kenosha, Wisconsin</b>	3443 ppb	172,150 times	34.3 times

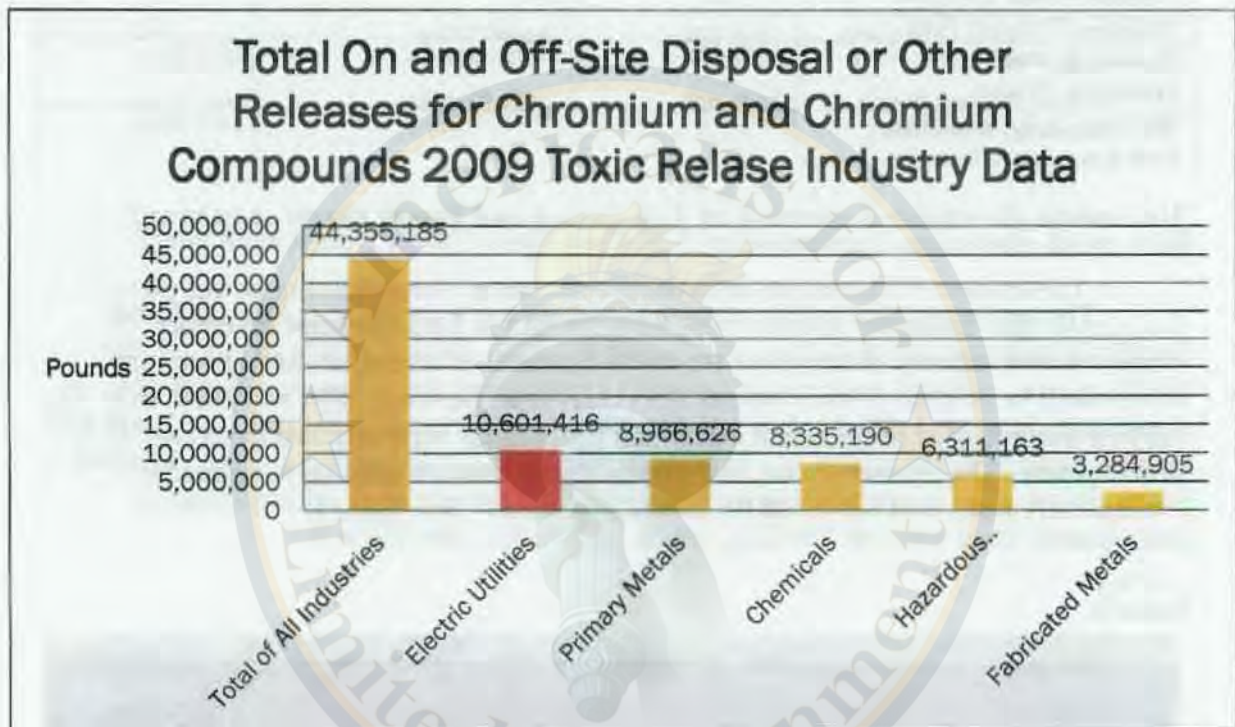
**How much chromium is released by U.S. Coal-Fired Power Plants each year?**

The amount of chromium released by our nation's coal-burning power plants dwarfs all other industrial sources. According to EPA's Toxic Release Inventory, the electric power industry dumps over ten million pounds of chromium and chromium compounds in on-and off-site disposal sites each year. Between 2000 and 2009, **over 116 million pounds** of chromium and chromium compounds were released from coal-fired power plants. The overwhelming majority of this chromium ends up in unlined or inadequately lined coal ash landfills, ponds, and mines. See Table D.

**Table D**

Chromium and Chromium Compound Disposal Reported to TRI By Year (pounds)		
Year	Releases to Disposal Units	TOTAL
2009	10,161,172	10,601,419
2008	11,502,282	12,102,656
2007	11,459,398	11,871,535
2006	10,877,609	11,220,349
2005	11,577,014	11,960,425
2004	11,537,051	11,963,400
2003	11,607,647	12,057,221
2002	11,720,460	12,285,721
2001	10,293,621	12,202,505
2000	8,375,845	10,221,991
Total	109,112,099	116,487,222

In 2009, the electric power industry reported 10.6 million pounds of chromium and chromium compounds were released to the environment (10.1 million of which was dumped in disposal sites). These 10.6 million pounds represent **24 percent** of the total chromium and chromium compounds released by **all industries** in 2009. See Chart, below. In fact, the top ten chromium-releasing coal-fired power plants alone released almost 1.8 million pounds of chromium and chromium compounds in 2009, and each of these has at least one – if not, more than one – unlined coal ash disposal unit. Despite the obvious significance of this source of chromium, coal-fired power plants are rarely tagged as a source of hexavalent chromium.



**As the Air Gets Cleaner, the Threat to Drinking Water Increases**

EPA has found that as power plants reduce their emissions of nitrogen oxides (NO<sub>x</sub>) by employing pollution controls at the power plant stacks, more hexavalent chromium is found in the flue gas desulfurization (FGD) sludge.<sup>22</sup> According to EPA, over half of the U.S. coal-fired capacity is projected to be equipped with SCR and/or FGD technology by 2020.<sup>23</sup> In fact, EPA anticipates an increase of approximately 16% in scrubbed units by 2015.<sup>24</sup> Thus as the Clean Air Act requires more and more plants to install pollution controls, we may experience a much greater threat to our drinking water from hexavalent chromium if disposal of the increased volume of FGD sludge is not properly controlled.

## EPA Must Determine that Coal Ash is Hazardous

Although coal ash readily leaches hexavalent chromium, the waste is currently not federally regulated and is routinely dumped in unlined ponds and pits and used as construction fill without restriction. **EPA must keep this dangerous chemical out of our water – by regulating coal ash as a hazardous waste, thereby requiring its disposal in safe, secure landfills.**

In addition, EPA should immediately investigate the ponds, landfills and fill sites identified in this report to determine if public health is being threatened by exposure to hexavalent chromium, including:

- The three landfills identified in the DOE/EPRI report where Cr(VI) levels in leachate exceed proposed drinking water goals by thousands to hundreds of thousands of times (Table A);
- The 28 landfills, ponds and fill sites where groundwater has been contaminated with chromium over the current federal drinking water standard (Table B) and thousands of times over the proposed drinking water goal (Table B); and
- The disposal sites at the five plants where EPA's laboratory tests document the potential for dangerous levels of Cr(VI) to leach from ash and sludge (Table C).

EPA must conduct these investigations to ensure that highly contaminated leachate from these coal ash disposal sites is not leaking into drinking water and threatening human health. However, it is important to understand that these sites do not represent the universe of coal ash sites that have contaminated groundwater with chromium. Most coal ash disposal sites in the U.S. are not monitored sufficiently to determine whether they are contaminating groundwater, and certainly very few coal ash sites are monitored for hexavalent chromium at all. Ultimately only the regulation of coal ash under subtitle C of the Resource Conservation and Recovery Act will ensure that these disposal sites, as well as every coal ash dump in the nation, are constructed securely and monitored sufficiently to keep hexavalent chromium out of our drinking water.

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<sup>1</sup> Env'tl. Working Group, Chromium-6 Is Widespread in U.S. Tap Water.

<sup>2</sup> California Environmental Protection Agency, Office of Environmental Health and Hazard Assessment, Press Release: OEHHA Releases Revised Draft Public Health Goal for Hexavalent Chromium (Dec. 31, 2010), available at <http://oehha.ca.gov/water/phg/pdf/Chrom6press123110.pdf>.

<sup>3</sup> U.S. Env'tl. Protection Agency (U.S. EPA), Press Release: EPA Issues Guidance for Enhanced Monitoring of Hexavalent Chromium in Drinking Water (Jan. 11, 2011), available at

<http://yosemite.epa.gov/opa/admpress.nsf/a883dc3da7094f97852572a00065d7d8/93a75b03149d30b08525781500600f62!OpenDocument>.

<sup>4</sup> Coal ash is commonly used to encompass the entire solid waste stream resulting from the combustion of coal, including fly ash, flue gas desulfurization (FGD) sludge, bottom ash and boiler slag.

<sup>5</sup> *Office of Solid Waste & Emergency Response, U.S. EPA, Report to Congress: Wastes from the Combustion of Fossil Fuels* (Mar. 1999).

<sup>6</sup> *Office of Research & Dev., U.S. EPA, Characterization of Coal Combustion Residues from Electric Utilities – Leaching and Characterization Data* (EPA-600/R-09/151) at xiv, 91 (Dec. 2009), <http://www.epa.gov/nrmrl/pubs/600r09151/600r09151.pdf>.

<sup>7</sup> *Id.* at 91..

<sup>8</sup> *Electric Power Research Institute, Characterization of Field Leachates at Coal Combustion Product Management Sites, Arsenic, Selenium, Chromium, and Mercury Speciation* (Nov. 2006) at 5–26.

<sup>9</sup> The NTP, established in 1978, is an interagency program whose mission is to evaluate agents of public health concern by developing and applying tools of modern toxicology and molecular biology. According to HHS, “The program maintains an objective, science-based approach in dealing with critical issues in toxicology and is committed to using the best science available to prioritize, design, conduct, and interpret its studies.” See Nat’l Toxicology Program, Dep’t Health & Human Serv., History of the NTP <http://ntp.niehs.nih.gov/?objectid=720163C9-BDB7-CEBA-FE4B970B9E72BF54>.

<sup>10</sup> Nat’l Toxicology Program, Dep’t Health & Human Serv., Hexavalent Chromium, <http://ntp.niehs.nih.gov/files/NTPHexaVChrmFactR5.pdf>

<sup>11</sup> *Id.*

<sup>12</sup> Cal. Env’tl. Prot. Agency, Public Health Goal for Hexavalent Chromium in Drinking Water, 1, 75-77 (draft, Dec. 2010).

<sup>13</sup> U.S. EPA, Toxicological Review of Hexavalent Chromium, 240 (external review draft, Sept. 2010).

<sup>14</sup> It is standard practice when converting a cancer potency estimate to a unit risk (risk per ug/L) or a risk estimate to assume a 70 kg body weight and a drinking water ingestion rate of 2 L/d. See, e.g., U.S. EPA, *Exposure Factors Handbook* (Aug. 1997), available at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=12464>.

<sup>15</sup> U.S. EPA, Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities 75 Fed. Reg. 35,128, 35,169–70 (proposed June 21, 2010).

<sup>16</sup> U.S. EPA, Human and Ecological Risk Assessment of Coal Combustion Wastes (draft, Apr. 2010)

<sup>17</sup> U.S. EPA, *Characterization of Coal Combustion Residues from Electric Utilities – Leaching and Characterization Data* (EPA-600/R-09/151), at 7 (Dec. 2009).

<sup>18</sup> *Electric Power Research Institute, Characterization of Field Leachates at Coal Combustion Product Management Sites, Arsenic, Selenium, Chromium, and Mercury Speciation* (Nov. 2006).

<sup>19</sup> U.S. EPA, *Coal Combustion Waste Damage Cases* (July 9, 2007); *Office of Research & Dev., U.S. EPA, Characterization of Coal Combustion Residues from Electric Utilities – Leaching and Characterization Data* (EPA-600/R-09/151) (Dec. 2009).

<sup>20</sup> *The Environmental Integrity Project, Earthjustice, & Sierra Club, In Harm’s Way: How Lack of Federal Coal Ash Regulations Endangers Americans and Their Environment* (Aug. 26, 2010), available at <http://earthjustice.org/sites/default/files/files/report-in-harms-way.pdf>; *The Environmental Integrity Project and Earthjustice, Out of Control: Mounting Damages from Coal Ash Waste Sites* (Feb. 24, 2010), available at [http://www.environmentalintegrity.org/news\\_reports/documents/OutofControl-MountingDamagesFromCoalAshWasteSites.pdf](http://www.environmentalintegrity.org/news_reports/documents/OutofControl-MountingDamagesFromCoalAshWasteSites.pdf)

<sup>21</sup> *Office of Research & Dev., U.S. EPA, Characterization of Coal Combustion Residues from Electric Utilities – Leaching and Characterization Data* (EPA-600/R-09/151) (Dec. 2009).

<sup>22</sup> *Id.* at 91.

<sup>23</sup> *Id.* at 7.

<sup>24</sup> U.S. EPA, *Steam Electric Power Generating Point Source Category: Final Detailed Study Report 4-1-4-6* (2009).



**Fw: Coal Ash**

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08/03/2012 11:31 AM

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USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:30 AM —

From: Emily Enderle <eenderle@earthjustice.org>  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Lisa Evans <levans@earthjustice.org>  
Date: 11/22/2010 04:20 PM  
Subject: Coal Ash

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Dear Assistant Administrator Stanislaus,

I write to flag a few items relevant to the coal ash rule.

Below is today's Washington Post article on the topic of environmental justice and improper coal ash disposal (it's also in today's print edition - titled EPA examines waste 'hot spots'). It features the voice of many folks you have meet with about the issue - Dr. Bullard, Vernice Miller-Travis and Ruth Santiago of Puerto Rico.

Attached is a copy of the public interest community's comments on the rule. The impacts on environmental justice communities is one of the major concerns articulated in the comments.

Also attached is a Congressional letter to EPA asking the agency to finalize a rule based on science and public health. The pro-health option letter was signed by the below 73 members including 15 members of the Congressional Black Caucus.

Sincerely,  
Emily

**Environmental justice issues take center stage**

<http://www.washingtonpost.com/wp-dyn/content/article/2010/11/21/AR2010112103782.html>

By Juliet Eilperin  
Washington Post Staff Writer  
Sunday, November 21, 2010; 8:23 PM

CROOM, MD. - The winding Mataponi Creek looks clear in the sunlight, with marsh grasses lining its banks. But some of the coal ash waste from a nearby power plant is also coursing through its waters, and residents are worried it is contaminating their well water.

The area around the Brandywine ash storage site - where waste from Mirant Mid-Atlantic's Chalk Point plant containing carcinogens and heavy metals ends up - is a fairly rural community, with residents who are far from

politically active and have little leverage with elected officials who might act on the matter.

"Why is this not in some other county? Why is it not in the Potomac?" asked Fred Tutman, who heads the environmental advocacy group Patuxent Riverkeeper, as he navigated his motorboat on the Mataponi Creek. "It's about power, economic power, political power, resource power."

The controversy over toxic coal ash waste in this corner of Prince George's County - and fights for greater coal ash regulation from Alabama to Puerto Rico - highlights an issue that has been around for decades and is again in the spotlight: environmental justice.

Obama administration officials are looking at hazardous waste storage, toxic air emissions and an array of other contaminants to try to determine whether low-income and minority communities are disproportionately exposed to them.

The Environmental Protection Agency's administrator, Lisa P. Jackson, has made the issue one of her top policy priorities, alarming manufacturing and business interests.

"I really think of this as the biggest chunk of unfinished business when you think about the environmental landscape," Jackson said in an interview.

Maryland's Department of the Environment filed a lawsuit in January against Mirant over its discharges from coal combustion, which include pollutants such as arsenic and lead. For years utilities have had considerable leeway in how they handle this concentrated waste, but state officials allege that Mirant's storage site is discharging pollutants into groundwater without a permit.

In a written statement, Mirant spokeswoman Misty Allen said the company "does not comment on litigation matters. Mirant believes it has and continues to operate the Brandywine Fly Ash facility, purchased by the company in 2000, in accordance with all state and federal law and permits." She added that Chalk Point, the state's largest power plant, employs more than 250 workers and boasts an annual payroll of more than \$30 million.

But 45 untested private wells are within a half-mile of the landfill, with a state wildlife refuge also nearby.

"Communities have a right to know whether the polluting facilities in their neighborhood are complying with the law," said Environmental Integrity Project staff attorney Jennifer Peterson, whose group is a party to the lawsuit.

In addition to looking at coal ash storage, EPA officials are reevaluating how the government defines solid waste and measures short-term exposure to smog-forming pollutants. They have forced a variety of emitters, including container-glass plants, cement plants and oil refineries, to install pollution controls in poor areas struggling with bad air quality.

"The intensity and focus on this issue in this administration, the integration of it into the bowels of the agency, has been so aggressive, those of us who do this work cannot keep up with what the administration is doing," said Vernice Miller-Travis, vice chair of the Maryland Commission on Environmental Justice and Sustainable Communities.

Among the EPA's moves: reviving an interagency environmental justice task force that had been dormant for a dozen years; issuing a formal guidance to regional offices instructing them to seek the input of disadvantaged groups when making decisions; and drafting a plan to integrate the concept of environmental justice into the agency's everyday decision-making.

This flurry of activity worries industry officials such as Keith McCoy, vice president for energy and resources policy at the National Association of Manufacturers, who warned that it could hurt business operations across the country.

"Basically, EPA is saying to regional offices, engage with the environmental justice community and don't meet with anyone else on the issue," McCoy said, referring the draft guidance. "They've turned this more into a confrontational issue."



Jackson calls those kinds of objections "nonsense," saying her agency is simply reaching out to neglected communities that remain "hot spots of emissions, hot spots of contamination." People living in those neighborhoods, she said, don't want to lower their living standards in exchange for work.

"Find me the person who says, 'I'll take the pollution if you give me the job,'" she said.

But for years, certain urban and rural areas have served as magnets for industrial facilities and waste sites, sometimes because they generate economic opportunities. Chemical plants, an incinerator, a power plant and other facilities in three Baltimore neighborhoods - Brooklyn, Curtis Bay and Hawkins Point - released more than 20.4 million pounds of hazardous air pollutants in 2008 alone, and there are now plans underway to locate both a waste-to-energy incinerator and an ash landfill in the area.

Andy Galli, Maryland program coordinator for Clean Water Action, said one of the problems with the current permitting process for those facilities is that "there's nothing that requires cumulative effects on these communities."

People began talking about the issue of environmental justice four decades ago. During the first Earth Day in 1970, Chicano activist Arturo Sandoval led a march from an Albuquerque park to the city's barrio, where protesters waved signs with messages such as "Keep Your Pollution, Give Us Life."

The term entered the national lexicon in 1987 when the United Church of Christ Commission for Racial Justice published a report on the issue, sparked by North Carolina's decision to place a toxic waste facility in a poor, predominantly African American community in Warren County.

Nearly a quarter of a century later, activists like Robert D. Bullard, who directs the Environmental Justice Resource Center in Atlanta, are still scheduling meetings with EPA regional officials, for example, to question the deposit of waste from the BP oil spill in the majority-black town of Campbellton, Fla., and the shipment of toxic coal ash from the 2008 Tennessee Valley Authority spill in mostly-white Roane County, Tenn., to a site in mostly-black Perry County, Ala.

"We're not just talking about something that happened 30 years ago, legacy stuff," said Bullard, who attributes those decisions to regional EPA officials rather than headquarters staff.

Bullard and others are pressing EPA to adopt a more stringent rule regarding the handling of coal ash: Right now the agency is deciding whether to require federal oversight of its transport and disposal, or to establish guidelines that the states could choose whether to enforce. Industry advocates argue that stricter rules will drive up costs and make it more difficult to reuse the coal combustion waste.

The issue is a source of contention as far away as Puerto Rico, where a subsidiary of the Virginia-based energy giant AES built a coal-fired plant in 2002 without establishing a landfill: For a few years the company shipped the waste to the Dominican Republic, but when that nation sued over the environmental impact and refused to accept any more, AES - which declined comment - started selling it as cheap landfill in Puerto Rico.

Now housing developments such as Parque Gabriela II in Salinas, one of the island's poorest regions, have piles of coal ash elevating their homes above the flood plain and lining a storm water retention pond whose contents could end up in the city's sole source of drinking water.

"All of this is getting leached into the aquifer," said Osvaldo Rosario, an environmental chemistry professor at the University of Puerto Rico's Rio Piedras campus. Rosario has sampled ash from the site, and an analysis showed radioactive material at more than twice the recommended limit under EPA guidelines.

Ruth Santiago, a lawyer representing several environmental groups in Puerto Rico, has appealed to EPA to step in and control the coal waste's disposal. "We've been asking for many years for attention to this issue," she said. The agency's proposed rules are "a step in the right direction. . . . As it is now, they can call it beneficial use, and have anybody dump it anywhere."

**Cosigners on Letter to EPA, re: CCW**

Quigley  
Ackerman  
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Chu  
Cleaver  
Cohen  
D. Davis  
DeGette  
Delahunt  
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Doggett  
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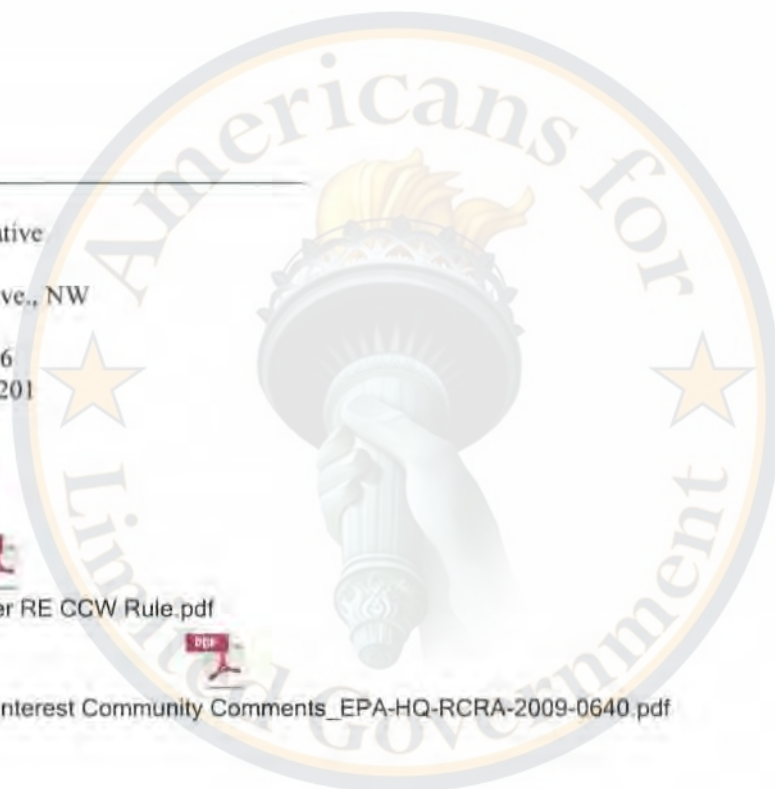
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Quigley Member Letter RE CCW Rule.pdf



Coal Ash Rule Public Interest Community Comments\_EPA-HQ-RCRA-2009-0640.pdf



**Congress of the United States**  
**Washington, DC 20515**

November 19, 2010

The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mail Code: 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

We understand that the Agency will soon be setting standards for the safe disposal of fly ash, scrubber sludge, and other coal combustion wastes (CCW). We write to ask that the EPA's final decision be based on the best available science and guided first and foremost by concern for public health and the environment.

Your agency has already documented dozens of cases where coal ash dumpsites have contaminated groundwater and surface water (and sometimes both) throughout the United States. Sadly, the EPA estimates that as many as one in fifty residents at the most contaminated sites may get cancer, because their water has been poisoned by arsenic. Moreover EPA's risk assessment doesn't even begin to address the hazards to human health from exposure to other pollutants found in coal ash, or the damage that is being done to aquatic life as these contaminants seep into wetlands and creeks. If not remedied, these problems will only get worse, increasing health costs, degrading our waterways, and creating additional Superfund sites that may eventually require billions of dollars to clean up.

Providing states with "guidance" or relying on outdated landfill standards that are designed for much less hazardous material will not solve this problem. EPA's final rule should establish federal standards that prevent ash dumps from being located in places where they are likely to leak into drinking water or surface water; phase out wet ash ponds that threaten the lives of entire communities and ecosystems; require liners, groundwater monitoring systems and leachate collection to trap and remove contaminants before they move offsite; and make power companies fully responsible for cleaning up their own pollution. These new standards should be enforceable not only by the EPA but also by states and affected citizens as a matter of federal law. Your rule should also ensure that as a matter of federal law, local communities have the right to participate in permit decisions involving the location or expansion of these huge disposal operations.

We also strongly encourage environmentally sound reuse of coal ash. Your approach of federally regulating coal ash destined for disposal, but not ash beneficially used, should create even greater incentives for appropriate reuse. Establishing in the proposed rule, as you have done, that the current legal status of coal combustion residuals beneficially reused remains entirely unchanged,

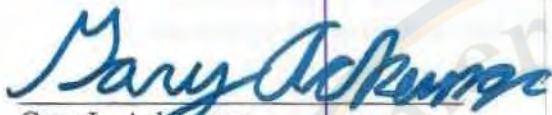
puts an end to questions about potential liability issues and should help promote greater use of ash in concrete and other beneficial uses.

We greatly respect your earlier commitment to establish protective and effective standards based on the law, the best science, and the public interest, and we encourage you to follow through on that commitment.

Respectfully,



Mike Quigley  
U.S. Representative



Gary L. Ackerman  
U.S. Representative



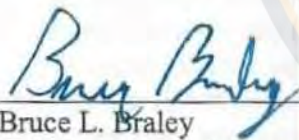
Howard L. Berman  
U.S. Representative



Earl Blumenauer  
U.S. Representative



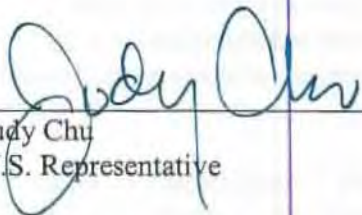
Madeleine Z. Bordallo  
U.S. Representative



Bruce L. Braley  
U.S. Representative



Lois Capps  
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Judy Chu  
U.S. Representative



Emanuel Cleaver  
U.S. Representative

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*Edolphus Towns*

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*Chris Van Hollen*

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*Debbie Wasserman Schultz*

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U.S. Representative

*Maxine Waters*

Maxine Waters  
U.S. Representative

*Diane E. Watson*

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U.S. Representative

*Lynn C. Woolsey*

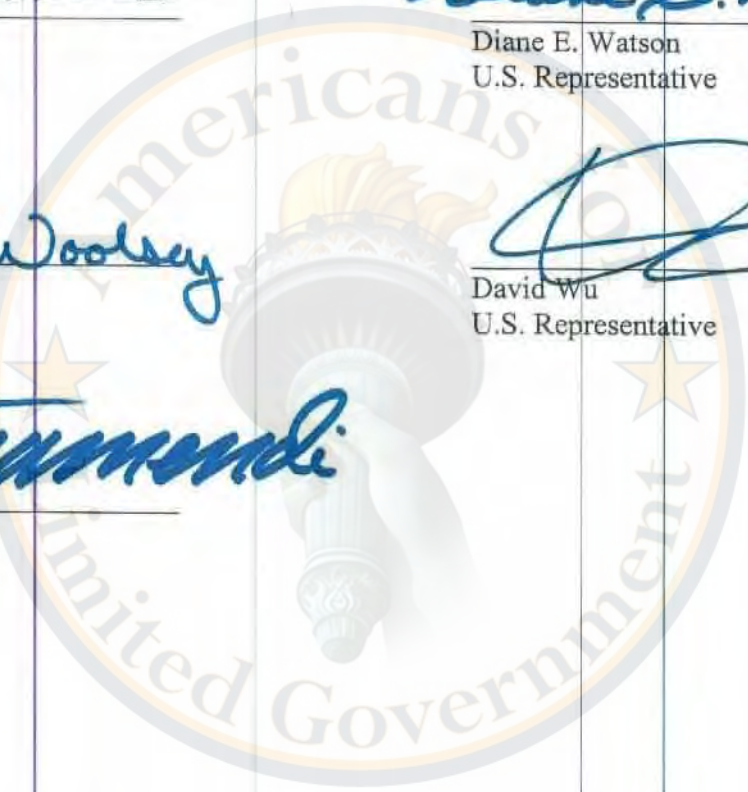
Lynn C. Woolsey  
U.S. Representative

*David Wu*

David Wu  
U.S. Representative

*John Garamendi*

John Garamendi  
U.S. Representative



Air Alliance Houston \* Alabama Environmental Council \* Alabama Rivers Alliance \* Alaska  
Community Action on Toxics \* American Bottom Conservancy \* American Rivers \*  
Appalachian Voices \* B.E. Cause \* Bastrop County Environmental Network \* Bay Area  
Healthy 880 Communities - SL Davis Street Family Resource Center \* Black Warrior  
Riverkeeper \* Bristlecone Alliance \* BURNT \* Cahaba Riverkeeper \* CCE, Inc \* Center for  
Biological Diversity \* Center for Coalfield Justice \* Center for Energy Efficiency and  
Renewable Technologies \* Chattooga Conservancy \* Chesapeake Climate Action Network \*  
Citizen Advocates United to Safeguard the Environment, Inc. (CAUSE) \* Citizen Power \*  
Citizens Against Coal Ash \* Citizens Against Ruining the Environment \* Citizens Coal Council  
\* Citizens Environmental Coalition \* Citizens for Clean Power \* CLEAN/Civil Society Institute  
\* Clean Air Council \* Clean Air Task Force \* Clean Air Watch \* Clean Energy Action \*  
CLEAN New York \* Clean Power Now \* Clean Water Action \* Coal River Mountain Watch \*  
Colorado Interfaith Power and Light \* Concerned Residents of Portland, NY + People Like Us \*  
Connecticut Coalition for Environmental Justice \* Conservation Minnesota \* Cook Inletkeeper \*  
Corsica River Conservancy \* CREDO \* Dakota Resource Council \* Dakota Rural Action \*  
Defend Our Desert \* Defenders of Wildlife \* Delaware Riverkeeper Network \* Diné Citizens  
Against Ruining Our Environment (Diné CARE) \* Dooda (NO) Desert Rock \* Earth  
Ministry/Washington Interfaith Power & Light \* Earthjustice \* Ecology Center \* Environment  
America \* Environmental Defense Fund \* Environmental Integrity Project \* Environmental  
Justice Resource Center at Clark Atlanta University \* EPP-LCA \* Fall-line Alliance for a Clean  
Environment (FACE) \* First Presbyterian Church, Environmental Ministry Committee \* Fresh  
Energy \* Friends of Merrymeeting Bay \* Friends of the Earth \* Friends of the Kaw \* GASP  
(formerly known as Alabama First) \* Georgia Interfaith Power & Light \* Georgians for Smart  
Energy \* Glynn Environmental Coalition \* Grand Canyon Trust \* Great Old Broads for  
Wilderness \* Great Plains Alliance for Clean Energy \* Green Environmental Coalition \*  
GreenLaw \* Greenpeace USA \* Group Against Smog and Pollution \* Gulf Restoration Network  
\* Healthy Child Healthy World \* Henry S. Cole & Associates, Inc. & Ekos-Squared \* Hoosier  
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Interfaith Power and Light \* Izaak Walton League of America \* Kentucky Environmental  
Foundation \* Kentucky Resources Council \* Labadie Environmental Organization \* Local  
Environmental Action Demanded Agency, Inc. \* League of Conservation Voters \* Legal  
Environmental Aid Foundation of Indiana, Inc \* Lone Tree Council \* Lower Mississippi  
Riverkeeper \* Meigs Citizens Action Now \* Michigan Energy Alternatives Project \*  
MidlandCARES \* Milwaukee Riverkeeper \* Minnesota Center for Environmental Advocacy \*  
Missouri Coalition for the Environment \* Montana Environmental Information Center \*  
Mountain Watershed Association \* National Parks Conservation Association \* National Wildlife  
Federation \* Natural Resources Defense Council \* Neighbors for Neighbors \* New Mexico  
Environmental Law Center \* North Carolina Interfaith Power & Light \* Northwest Atlantic  
Marine Alliance \* Northwest Environmental Defense Center \* Ohio Environmental Council \*  
Ohio River Foundation \* Ohio Valley Environmental Coalition (OVEC) \* Oklahoma Chapter  
Sierra Club \* OMB Watch \* Oregon Physicians for Social Responsibility \* Oregon Toxics  
Alliance \* Our Children's Earth Foundation \* PennFuture \* Physicians for Social Responsibility  
\* Physicians for Social Responsibility Colorado \* Physicians for Social Responsibility Iowa \*  
PINES Group \* Plains Justice \* Prairie Rivers Network \* Progressive Leadership Alliance of  
Nevada \* RENEW Wisconsin \* Resurrection Bay Conservation Alliance \* Rivers Unlimited \*  
San Juan Citizens Alliance \* Save It Now, Glades! \* South Carolina Coastal Conservation  
League \* SEED Coalition \* Sierra Club \* Sierra Club TN Chapter \* Sierra Club Watauga Group  
\* Snake River Alliance \* Southern Alliance for Clean Energy \* Southern Environmental Law

Center \* SouthWings \* Students for Environmental Concerns \* t.e.j.a.s. \* Tennessee Clean Water Network \* Tennessee Interfaith Power & Light \* Tennessee RIVERKEEPER \* The Alliance for the Great Lakes \* The Friends of Big Canoe Creek \* The Native Forest Council \* Turtle Island Restoration Network \* Union of Concerned Scientists \* United Mountain Defense \* Valley Watch \* Vermont Interfaith Power and Light \* Vermont Public Interest Research Group \* Watauga Watershed Alliance \* Waterkeeper Alliance \* Wenham Lake Watershed Association \* West Virginia Highlands Conservancy \* West Virginia Rivers Coalition \* Western Environmental Law Center \* Western North Carolina Alliance \* Western Organization of Resource Councils (WORC) \* White Oak-New Riverkeeper Alliance \* WildEarth Guardians \* Winyah Rivers Foundation \* Women's Voices for the Earth \* Wyoming Conservation Voters

November 19, 2010

The Honorable Lisa Jackson  
Administrator

United States Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

**RE: Comments on Coal Combustion Residuals Proposed Rule, Docket ID EPA-HQ-RCRA-2009-0640**

Dear Administrator Jackson,

We would like to begin by thanking the Agency for carrying out an open and robust comment period on the proposed coal ash rulemaking. We understand that you have heard thousands of speakers at public hearings across the country and will read tens of thousands of written comments. This is undoubtedly a daunting task, but these numbers highlight how important the issue of coal ash disposal is to citizens across the U.S., from Harriman, Tennessee to Perry County, to the hundreds of places coal ash is disposed, stored and reused.

Although many of us will submit more detailed comments for your review, we are coming together to submit this letter to voice our collective support for EPA's promulgation of a rule under the authority of Subtitle C of the Resource Conservation and Recovery Act (RCRA).

fleet of coal ash impoundments – a great number of which are over three-decades old, not designed, built or constructed by professional engineers, and located in states where neither inspections nor evacuation plans have ever been required.

While the inundation of Harriman, Tennessee is a frightening example of the damage that unsafe coal ash disposal can cause, EPA must also consider the more pervasive and subtle danger that coal ash poses to our groundwater and surface water. Whether coal ash is stored in a landfill, pond, or mine, it poses a significant danger when its toxic constituents dissolve from the ash into water. The toxic chemicals in ash, such as antimony, arsenic, barium, lead, cadmium, chromium, manganese, mercury, molybdenum, and thallium, which readily leave ash and enter water, are known to cause serious health problems. Especially where there is prolonged exposure, these toxic metals can cause several types of cancer, heart damage, lung disease, respiratory distress, kidney disease, reproductive problems, gastrointestinal illness, birth defects, impaired bone growth in children, nervous system impacts, cognitive deficits, developmental delays and behavioral problems. In short, coal ash toxics have the potential to injure all of the major organ systems, damage physical health and development, and even contribute to mortality. And the threat of harm is significant – people living near some unlined wet ash impoundments have a 1 in 50 chance of getting cancer from arsenic-contaminated water. And human populations are not the only populations at risk – substantial threats are also posed to fish and wildlife when coal ash contaminants enter our water bodies.

The danger of contaminated water is not merely conjecture. Research by EPA, as well as two reports by the Environmental Integrity Project, Earthjustice and Sierra Club document 137 cases of surface or groundwater damage in 34 states. In the most recent report each and every one of the 35 sites studied show heavy metal contamination above federal drinking water standards. These results, in fact, are just a small percentage of the real damage occurring at coal ash disposal sites across the country. Many states do not require any on-site or off-site water monitoring, meaning that there is no source of monitoring data for investigators compiling damage cases.

Furthermore, the EPA's latest scientific findings lend great urgency to the promulgation of federally enforceable standards. New EPA leach tests, specifically designed for coal ash, reveal

Subtitle C provides the only effective option for protecting human health and the environment from the physical and the chemical dangers of coal ash. Subtitle D would allow EPA only to develop suggested guidelines for coal ash disposal, leaving citizens without federally enforceable rules and permitting individual states to opt out of the guidelines. As your analysis has already indicated, the majority of states are likely to ignore any EPA-developed disposal guidelines and would continue to allow dangerous coal ash dumping under current, inadequate state programs.

The untenable result under Subtitle D would be unequal and inadequate protection from a pervasive threat that plagues almost every state in this nation. The perilous reality, according to your agency's own calculations, is that those states that currently fail to protect their citizens from the dangers of coal ash are the same states that, given the choice granted by Subtitle D, would ignore newly promulgated EPA guidelines. These are the exact same states that generate the overwhelming majority of the coal ash in the U.S. (approximately 80% of annual generation).

Furthermore, a Subtitle D scheme leaves vulnerable populations – low-income communities, communities of color and children – living near these disposal sites out in the cold. Selection of Subtitle D would create monumental disparity: those states that will not implement Subtitle D are also more likely to have higher percentages of vulnerable populations, putting them at greater risk. In other words, a weak EPA rule would apply new safeguards in states where coal ash presents a relatively small, or even non-existent, environmental justice problem, while failing to add protections in states where environmental justice communities are heavily impacted by coal ash disposal.

By comparison, Subtitle C offers a comprehensive, equitable and meaningful basis for coal ash regulation. Where Subtitle D proffers only guidelines, Subtitle C establishes federally enforceable safeguards codified in mandatory permits. Where Subtitle D only addresses disposal, Subtitle C covers the entire lifecycle of ash, from generation and storage to transportation, treatment and final disposal.

The breadth and federal enforceability of Subtitle C regulations are necessary because coal ash poses a very real danger. The catastrophic collapse of the dam at the Tennessee Valley Authority's Kingston plant sounded a warning for the grave threats posed by the nation's aging

that toxic chemicals such as arsenic, chromium and selenium, can leak from coal combustion waste in concentrations far exceeding the threshold that the EPA uses to identify hazardous waste. Based on the toxic constituents of coal ash and its propensity to leach those harmful chemicals in prodigious amounts, there is no question that coal ash meets the hazardous waste listing criteria set forth in RCRA.

Opponents of coal ash regulation rest their case on the vague and flawed argument of stigma. The oft-repeated warning from the coal ash industry is that listing ash as a special waste will create a stigma, making it impossible to use ash beneficially. However, EPA has responded to this concern by proposing to list coal ash, only if disposed, as a special waste and to exempt coal ash entirely from regulation if beneficially used. History has demonstrated that if the cost of disposal rises, incentives for reuse increase. There is no reason this oft-demonstrated market behavior should not repeat itself here. We agree with the Agency's analysis that regulation of coal ash disposal will increase beneficial reuse of ash.

In view of the immense amount of coal ash generated in the U.S. and its disposal and reuse in nearly every state and territory of the nation, it is essential that the EPA enact federally enforceable safeguards that protect the health and environment of every citizen equally and effectively.

Thus we respectfully ask the EPA for a strong rule that lists coal ash as a "special waste" under Subtitle C of RCRA and accomplishes the following:

- Incorporates the best available practices of preventative hazard design in storage and disposal facilities, including composite liners, leachate collection systems, long term ground water monitoring, dust controls, and corrective action; and
- Phases out as quickly as possible the wet storage of coal ash, the disposal of coal ash in mines and unprotected landfills, and the disposal or reuse of unencapsulated ash where it is exposed to surface or ground water.

As the American public reaps the substantial benefits of cleaner air accomplished by the requirements of the Clean Air Act, this Administration must ensure that the same harmful

pollutants captured in the flue gas of coal-fired power plants do not end up in our rivers, streams and drinking water.

Respectfully,

ALABAMA

Michael J. Churchman  
Alabama Environmental Council  
Birmingham, AL

Cindy Lowry, MPA  
Alabama Rivers Alliance  
Birmingham, AL

Nelson Brooke  
Black Warrior Riverkeeper  
Birmingham, AL

Myra Crawford  
Cahaba Riverkeeper  
Birmingham, AL

Kirsten Bryant  
GASP (formerly known as Alabama First)  
Birmingham, AL

Doug Morrison  
The Friends of Big Canoe Creek  
Springville, AL

ALASKA

Pam Miller  
Alaska Community Action on Toxics  
Anchorage, AK

Bob Shavelson  
Cook Inletkeeper  
Homer, AK

Russ Maddox  
Resurrection Bay Conservation Alliance  
Seward, AK

ARIZONA

Kieran Suckling  
Center for Biological Diversity  
Tucson, AZ

Anna Frazier  
Diné Citizens Against Ruining Our  
Environment (Diné CARE)  
Dilkon, AZ

Bill Hedden  
Grand Canyon Trust  
Flagstaff, AZ

CALIFORNIA

Wafaa Aborashed  
Bay Area Healthy 880 Communities - SL  
Davis Street Family Resource Center  
San Leandro, CA

V. John White  
Center for Energy Efficiency and  
Renewable Technologies  
Sacramento, CA

Michael Kieschnick  
CREDO  
San Francisco, CA

Antoinette Stein  
EPP-LCA  
Berkeley, CA

Christopher Gavigan  
Healthy Child Healthy World  
Los Angeles, CA

The Rev. Canon Sally G. Bingham  
Interfaith Power & Light  
San Francisco, CA



Tiffany Schauer  
Our Children's Earth Foundation  
San Francisco, CA

Todd Steiner  
Turtle Island Restoration Network  
Forest Knolls, CA

### COLORADO

Leslie Glustrom  
Clean Energy Action  
Boulder, CO

Betty Goebel  
Colorado Interfaith Power and Light  
Denver, CO

Veronica Egan  
Great Old Broads for Wilderness  
Durango, CO

Roberta M. Richardson, MD  
Physicians for Social Responsibility  
Colorado  
Lakewood, CO

Megan Graham  
San Juan Citizens Alliance  
Durango, CO

### CONNECTICUT

Dr. Mark Mitchell  
Connecticut Coalition for Environmental  
Justice  
Hartford, CT

### DELAWARE

Kit Zak  
Citizens for Clean Power  
Rehoboth, DE

### DISTRICT OF COLUMBIA

Katherine Baer  
American Rivers  
Washington, DC

Frank O'Donnell  
Clean Air Watch  
Washington, DC

Lynn Thorp  
Clean Water Action  
Washington, DC

Adam M. Kron  
Defenders of Wildlife  
Washington, DC

Marty Hayden  
Earthjustice  
Washington, DC

Eric Schaeffer  
Environmental Integrity Project  
Washington, DC

Shelley Vinyard  
Environment America  
Washington, DC

Erich Pica  
Friends of the Earth  
Washington, DC

Kyle Ash  
Greenpeace USA  
Washington, DC

Tiernan Sittenfeld  
League of Conservation Voters  
Washington, DC

Thomas Kiernan  
National Parks Conservation Association  
Washington, DC

Corry Westbrook  
National Wildlife Federation  
Washington, DC

Scott Slesinger  
Natural Resources Defense Council  
Washington, DC

Rick E. Melberth, Ph.D  
OMB Watch  
Washington, DC

Barbara Gottlieb  
Physicians for Social Responsibility  
Washington, DC

Mary Ann Hitt  
Sierra Club  
Washington, DC

Lexi Shultz  
Union of Concerned Scientists  
Washington, DC

#### FLORIDA

Rhonda Roff  
Save It Now, Glades!  
Clewiston, FL

#### GEORGIA

Nicole Hayler  
Chattooga Conservancy  
Clayton, GA

Robert D. Bullard, Ph.D.  
Environmental Justice Resource Center at  
Clark Atlanta University  
Atlanta, GA

Katherine Helms Cummings  
Fall-line Alliance for a Clean Environment  
(FACE)  
Sandersville, GA

Alexis Chase  
Georgia Interfaith Power & Light  
Decatur, GA

Midge Sweet  
Georgians for Smart Energy  
Atlanta, GA

Daniel Parshley  
Glynn Environmental Coalition  
Brunswick, GA

Justine Thompson  
GreenLaw  
Atlanta, GA

#### IDAHO

Andrea Shipley  
Snake River Alliance  
Boise, ID

#### ILLINOIS

Kathy Andria  
American Bottom Conservancy  
East St. Louis, IL

Ellen Rendulich  
Citizens Against Ruining the Environment  
Lockport, IL

Traci Barkley  
Prairie Rivers Network  
Champaign, IL

Suhail Barot  
Students for Environmental Concerns  
Champaign, IL

Lymen C. Welch  
The Alliance for the Great Lakes  
Chicago, IL

#### INDIANA

Mary Ruthenburg  
First Presbyterian Church, Environmental  
Ministry Committee  
Evansville, IN

Jesse Kharbanda  
Hoosier Environmental Council  
Indianapolis, IN

Kim Ferraro  
Legal Environmental Aid Foundation of  
Indiana, Inc.  
Valpariso, IN

Paul Kysel  
PINES Group  
Town of Pines, IN

George "Bill" Oglesby  
Valley Watch  
Evansville, IN

#### IOWA

Marian Riggs Gelb  
Iowa Environmental Council  
Des Moines, IA

Rev. Susan Guy  
Iowa Interfaith Power & Light  
Des Moines, IA

Maureen McCue  
Physicians for Social Responsibility Iowa  
Iowa City, IA

#### KANSAS

Scott Allegrucci  
Great Plains Alliance for Clean Energy  
Topeka, KS

Laura Calwell  
Friends of the Kaw  
Lawrence, KS

#### KENTUCKY

Elizabeth Crowe  
Kentucky Environmental Foundation  
Berea, KY

Tom FitzGerald  
Kentucky Resources Council  
Frankfort, KY

#### LOUISIANA

Aaron Viles  
Gulf Restoration Network  
New Orleans, LA

Paul Orr  
Lower Mississippi Riverkeeper  
Baton Rouge, LA

#### MAINE

Ed Friedman  
Friends of Merrymeeting Bay  
Richmond, ME

#### MARYLAND

Mike Tidwell  
Chesapeake Climate Action Network  
Takoma Park, MD

Jim Malaro  
Corsica River Conservancy  
Centreville, MD

Henry S. Cole, Ph.D.  
Henry S. Cole & Associates, Inc. &  
Ekos-Squared  
Upper Marlboro, MD

Scott Kovarovic  
Izaak Walton League of America  
Gaithersburg, MD

Vernice Miller-Travis  
Bowie, MD

#### MASSACHUSETTS

Jan Schlichtmann  
Wenham Lake Watershed Association  
Wenham, MA

Pam Solo  
CLEAN/Civil Society Institute  
Hyannis, MA

Ann Brewster Weeks  
Clean Air Task Force  
Boston, MA

Barbara Hill  
Clean Power Now  
Hyannis, MA

Niaz Dorry  
Northwest Atlantic Marine Alliance  
Gloucester, MA

#### MICHIGAN

Michael Garfield  
Ecology Center  
Ann Arbor, MI

Terry Miller  
Lone Tree Council  
Bay City, MI

Tom Karas  
Michigan Energy Alternatives Project  
Traverse City, MI

Peter Sinclair  
MidlandCARES  
Midland, MI

#### MINNESTOA

Molly Peterson  
Conservation Minnesota  
Minneapolis, MN

Michael Noble  
Fresh Energy  
Saint Paul, MN

Scott Strand  
Minnesota Center for Environmental  
Advocacy  
St. Paul, MN

#### MISSOURI

Ginger Gambaro  
Labadie Environmental Organization  
Labadie, MO

Kathleen Logan Smith  
Missouri Coalition for the Environment  
St. Louis, MO

#### MONTANA

Lt. Col (Ret) Richard Liebert  
CCE, Inc.  
Great Falls, MT

James D. Jensen  
Montana Environmental Information Center  
Helena, MT

Carrie La Seur  
Plains Justice  
Billings, MT

Pat Sweeney  
Western Organization of Resource Councils  
(WORC)  
Billings, MT

Erin Switalski  
Women's Voices for the Earth  
Missoula, MT

#### NEVADA

Delaine Spilsbury  
Bristlecone Alliance  
Ely, NV

Michele Burkett  
Defend Our Desert  
Mesquite, NV

Bob Fulkerson  
Progressive Leadership Alliance of Nevada  
Reno, NV

#### NEW MEXICO

Elouise Brown  
Dooda (NO) Desert Rock  
Chaco Rio, Navajo Nation, NM

Douglas Meiklejohn  
New Mexico Environmental Law Center  
Sante Fe, NM

John Horning  
WildEarth Guardians  
Santa Fe, NM

NEW YORK

Barbara Warren  
Citizens' Environmental Coalition  
Albany, NY

Kathleen A. Curtis, LPN  
Clean New York  
Schenectady, NY

Diane Hofner  
CROP PLUS  
Concerned Residents of Portland, NY +  
People Like Us  
Mayville, NY

Elizabeth Stein  
Environmental Defense Fund  
New York, NY

Scott Edwards  
Waterkeeper Alliance  
Irvington, NY

NORTH CAROLINA

Willa Coffey Mays  
Appalachian Voices  
Boone, NC

Kathy Shea  
North Carolina Interfaith Power & Light  
Raleigh, NC

Chandra T. Taylor  
Southern Environmental Law Center  
Chapel Hill, NC

Hume Davenport  
SouthWings  
Asheville, NC

Hartwell Carson  
Western North Carolina Alliance  
Ashville, NC

Tess Sanders  
White Oak-New Riverkeeper Alliance  
Jacksonville, NC

NORTH DAKOTA

Mark Trechock  
Dakota Resource Council  
Dickinson, ND

OHIO

Vickie Hennessy  
Green Environmental Coalition  
Yellow Springs, OH

Elisa Young  
Meigs Citizens Action Now  
Racine, OH

Keith Dimoff  
Ohio Environmental Council  
Columbus, Ohio

Rich Cogen  
Ohio River Foundation  
Cincinnati, OH

Nathan Holscher  
Rivers Unlimited  
Cincinnati, OH

OKLAHOMA

Susan K Holmes  
B.E. Cause  
Bokoshe, OK

Earl L. Hatley,  
Local Environmental Action Demanded  
Agency, Inc.  
Vinita, OK

Charles R. Wesner  
Oklahoma Chapter Sierra Club  
Norman, OK

#### OREGON

Mark Riskedahl  
Northwest Environmental Defense Center  
Portland, OR

Maye Thompson, RN, PhD  
Oregon Physicians for Social Responsibility  
Portland, OR

Lisa Larkin  
Oregon Toxics Alliance  
Eugene, OR

Ron Jeffrey  
The Native Forest Council  
Eugene, OR

Dan Galpern  
Western Environmental Law Center  
Eugene, OR

#### PENNSYLVANIA

Raina Rippel  
Center for Coalfield Justice  
Washington, PA

Thomas J. Yurick  
Citizen Advocates United to Safeguard the  
Environment, Inc. (CAUSE)  
West Hazleton, PA

Roni Kampmeyer  
Citizens Against Coal Ash  
Greene Township, PA

Aimee Erickson  
Citizens Coal Council  
Washington, PA

David Hughes  
Citizen Power  
Pittsburgh, PA

Joe Minott  
Clean Air Council  
Philadelphia, PA

Tracy Carluccio  
Delaware Riverkeeper Network  
Bristol, PA

Rachel Filippini  
Group Against Smog and Pollution  
Pittsburgh, PA

Beverly Braverman  
Mountain Watershed Association  
Melcroft, PA

Jan Jarrett  
PennFuture  
Harrisburg, PA

#### SOUTH CAROLINA

Nancy Cave  
South Carolina Coastal Conservation  
League  
Georgetown, SC

Christine Ellis  
Winyah Rivers Foundation  
Conway, SC

#### SOUTH DAKOTA

Frank James  
Dakota Rural Action  
Brookings, SD

#### TENNESSEE

Bruce Wood  
BURNT  
Nashville, TN

Gloria Griffith  
Sierra Club TN Chapter  
Nashville, TN

Dean Whitworth  
Sierra Club Watauga Group  
Butler, TN

Josh Galperin  
Southern Alliance for Clean Energy  
Knoxville, TN

Renee Victoria Hoyos  
Tennessee Clean Water Network  
Knoxville, TN

Rev. Douglas B. Hunt  
Tennessee Interfaith Power & Light  
Knoxville, TN

David Whiteside  
Tennessee RIVERKEEPER  
Decatur, AL

Bonnie Swinford  
United Mountain Defense  
Knoxville, TN

Dennis Shekinah  
Watauga Watershed Alliance  
Mountain City, TN

#### TEXAS

Matthew Tejada, PhD  
Air Alliance Houston  
Houston, TX

Ann Mesrobian  
Bastrop County Environmental Network  
Bastrop, TX

Travis Brown  
Neighbors for Neighbors  
Lexington, TX

Karen Hadden  
SEED Coalition  
Austin, TX

Juan Parras  
t.e.j.a.s.  
Houston, TX

#### VERMONT

Sam Swanson  
Vermont Interfaith Power and Light  
Burlington, VT

Paul Burns  
Vermont Public Interest Research Group  
Montpelier, VT

#### WASHINGTON

LeeAnne Beres  
Earth Ministry/Washington Interfaith Power  
& Light  
Seattle, WA

#### WEST VIRGINIA

Debbie Jarrell  
Coal River Mountain Watch  
Charleston, WV

Vivian Stockman  
Ohio Valley Environmental Coalition  
(OVEC)  
Huntington, WV

Cindy Rank  
West Virginia Highlands Conservancy  
Charleston, WV

Shanda Minney  
West Virginia Rivers Coalition  
Elkins, WV

WISCONSIN

Cheryl Nenn  
Milwaukee Riverkeeper  
Milwaukee, WI

Michael Vickerman  
RENEW Wisconsin  
Madison, WI

WYOMING

Kate Wright  
Wyoming League of Conservation Voters  
Cheyenne, WY







**Fw: Request for Mathy: May 3rd**  
**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:28 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:27 AM —

From: Dru Ealons/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Marsha Minter/DC/USEPA/US@EPA  
Cc: Nelida Torres/DC/USEPA/US@EPA  
Date: 04/28/2011 08:24 PM  
Subject: Request for Mathy: May 3rd

Hi Mathy & Marsha:

The Administrator will spend time with citizens that represent all 50 states on Tuesday, May 3rd at 5:15. This meeting is organized by Earthjustice, National Council of Churches, Physicians for Responsibility, American Nurses Association and Hip Hop Caucus (Interfaith Power & Light just joined them). Below is their request, to have other speakers to join the Administrator. Ideally, we want you and Gina McCarthy to speak to them first at 4:30pm and then the Administrator will close it out. Let me know if you are available to attend. Please notice the topics below they wish to discuss. If you are unable to attend, let me know if your Deputy can attend as well.



Attached is their list to date of confirmed attendees. 50 States United Poster\_04 25.2011.xls

Thanks so much!

May 2-4 MEETING REQUEST

A coordinated group of citizens from every state in the United States will converge upon Washington D.C. May 2-4, 2011 for an environmental health event "50 States United for Healthy Air." During this time, approximately 75 doctors, nurses, faith leaders and affected community members, organized by Earthjustice, National Council of Churches, Physicians for Social Responsibility, American Nurses Association, and the Hip Hop Caucus, respectfully request a meeting with EPA Administrator Lisa Jackson, Deputy Administrator Bob Perciasepe, Assistant Administrator Gina McCarthy, Assistant Administrator Mathy Stanislaus, Lisa Garcia, Bob Sussman and other appropriate EPA staff to discuss various clean air and solid waste rulemakings.

Specifically, this delegation would like to discuss the following clean air and solid waste standards:

- Cement Kilns Air Toxics Standard
- Boiler/Incinerator Air Toxics Standard
- Power plant Air Toxics Standard

- Particulate Matter Air Standards (PM 2.5)
- Ozone Air Standard
- Transport Air Toxics Standard
- Coal Ash Solid Waste Standard

---

Dru Ealons  
Director  
Office of Public Engagement  
Office of the Administrator  
US Environmental Protection Agency  
202.564.7818 (direct)  
202.573.3063 (cell)  
ealons.dru@epa.gov



Healthier Families, Cleaner Communities, A Stronger America  
<http://www.epa.gov/40th>



**50 States United for Healthy Air Roster**  
**May 2-4 2011**

<b>State</b>	<b>Constituent 1</b>	<b>Associated Group</b>	<b>Constituent 2</b>
Alabama	Evans, Barbara	WildLaw	
Alaska	Van De Water, Rebecca	Midwife	Larson, Shawna
Arizona	Warren, Barbara	PSR	
Arkansas	Burroughs, Odessa	NCC	
California	Wang MD, Harry	PSR	
Connecticut	Mitchell, Mark	National Medical Association	
Delaware	Bucic, Sarah	ANA	
Florida	Ringenberg, Dr. Lynn	PSR	Rev. Dr. Marcia Owens
Georgia	Rev. Dr. Michael Stinson, Founder	NCC	
Hawaii	Salmon, Chaunnel "Pake"	filmmaker/advocate	
Idaho	Fleisher, Marc	affected citizen	
Illinois	Viteri, Ian	Little Village Environmental	J Norwood, Jr., Grady
Indiana	Carol Oglesby - Evansville, IN	NCC	
Iowa	Lord-Dinan, Elizabeth	ANA	
Kansas	Mabion, Richard	affected citizen	
Kentucky	Crowe, Elizabeth	Kentucky Environmental Four	Sharman Chapman-Cr
Maine	Kettell, Bettie	ANA	Peter Wilk
Maryland	Parker, MD, Cindy	PSR	
Massachusetts	Flynn, Maura	ANA	
Michigan	Hill, Kimberly	Detroiters Working for EJ	
Minnesota	Monahan, Karen	Sierra Club EJ	Alycia Ashburn
Missouri	Kellenberger, Allison	ANA	
Montana	Swearingen, Jennifer	affected citizen	Pam Shelden
Nebraska	Achutan, Chandran	PSR	
Nevada	Longo, Bernadette M.	ANA	
New Jersey	Eure, Lakeesha	Hip Hop Caucus	Baptista, Ana
New York	Lockwood, Alan	PSR	Falzon, Susan
North Dakota	Rev. Wade Schemmel	NCC	
Ohio	Lindell, Debbie	ANA	Belz, Rachael
Oklahoma	Holmes, Susan	affected citizen	
Oregon	DeFalco, Tony	Earthjustice Board Member	donohoe, martin
Pennsylvania	McDermott-Levy, Ruth	ANA	Etherington, Kate
Rhode Island	Weber, Sylvia	ANA	
South Carolina	Rev. (Rep) Kenneth Hodges, SC	NCC	
Tennessee	Malone, Teresa	ANA	
Texas	Tejada, Matthew	Air Alliance Houston	Allred, Alexandra
Utah	Udeil, Cherise	Utah Moms for Clean Air	
Vermont	Robinson, Judith	Environmental Health Fund	Craig, Kathleen
Virginia	Holloway, Janet	ANA	
Washington	Rawson, Sarah	ANA	Kitchell, Margaret
West Virginia	Carol Warren	Ohio Valley Environmental C	Todd Warren
DC Based Participants	Michelle Artz	American Nurses Association	
	Jose Cardenas	American Nurses Association	
	Jerome Mayer	American Nurses Association	
	Jim Pew	Earthjustice	
	Stephanie Maddin	Earthjustice	
	Emily Enderle	Earthjustice	

Emma Cheuse  
Chris Jordan  
Liz Havstad  
Barb Gottlieb  
TBA  
TBA

Earthjustice  
Earthjustice  
Hip Hop Caucus  
Physicians for Social Responsibility  
National Council of Churches  
Interfaith Power & Light



**Associated Group**      **Constituent 3**      **Associated Group**

affected citizen

NCC

NCC

Hip Hop Caucus

NCC  
PSR

NCC

NCC

EJ advocate  
affected citizen

Ohio Citizen Action

PSR  
PSR

affected citizen

ANA

Gora-McRavin, Patti      affected citizen  
Catholic Diocese of Wheeling-Charleston





**Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:27 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:27 AM —

From: "Dave Goss" <dave@dcgoss.com>  
To: "Robert Spoerri" <rspoerri@beneficialreuse.com>, "Tom Adams" <thadams@acaa-usa.org>, <janderson@greenleafadvisors.net>, <chbenson@u.washington.edu>, Truett Degeare/DC/USEPA/US@EPA, <levans@earthjustice.org>, <kfendler@environmentalintegrity.org>, <fitzkrc@aol.com>, Matt Hale/DC/USEPA/US@EPA, <jason.harrington@dot.gov>, <kinch.rich@epa.gov>, "Paul Koziar" <pkoziar@beneficialreuse.com>, John Sager/DC/USEPA/US@EPA, <eschaeffer@environmentalintegrity.org>, <psimms@nrdc.org>, Betsy Smidinger/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, <jeffreystant@sbcglobal.net>, <bwaldrop@fcsi.biz>  
Date: 07/02/2009 10:40 AM  
Subject: RE: Meeting re: use of coal combustion byproducts as geotechnical construction materials

I plan to attend, Bob. Thank you,

Dave  
DCGoss LLC  
16106 E. Nassau Dr.  
Aurora, CO 80013-2726  
303-717-8941  
Dave@dcgoss.com

**From:** Robert Spoerri [mailto:rspoerri@beneficialreuse.com]  
**Sent:** Wednesday, July 01, 2009 2:01 PM  
**To:** Tom Adams; janderson@greenleafadvisors.net; chbenson@u.washington.edu; degeare.truett@epa.gov; levans@earthjustice.org; kfendler@environmentalintegrity.org; fitzkrc@aol.com; Dave Goss; hale.matt@epa.gov; jason.harrington@dot.gov; kinch.rich@epa.gov; Paul Koziar; sager.john@epa.gov; eschaeffer@environmentalintegrity.org; psimms@nrdc.org; smidinger.betsy@epa.gov; Robert Spoerri; stanislaus.mathy@epa.gov; jeffreystant@sbcglobal.net; bwaldrop@fcsi.biz  
**Subject:** Meeting re: use of coal combustion byproducts as geotechnical construction materials

I am pleased to invite you to join a discussion on the Beneficial Reuse of Coal Combustion By-Products as Geotechnical Construction Material on July 29 from noon – 4pm. The meeting will be held at the offices of the Environmental Integrity Project, located at 1920 "L" Street NW Suite 800, Washington, DC. Thanks very much to Eric Schaeffer for hosting the session, and to Kate Fendler at EIP for helping facilitate the conference.

The meeting's objective is to advance a shared technical understanding of the beneficial reuse of coal combustion byproducts as geotechnical construction material. A draft agenda and list of invited participants is attached. Please contact me with any questions, suggestions or comments.

Please RSVP to me with a copy to Kate Fendler ([kfendler@environmentalintegrity.org](mailto:kfendler@environmentalintegrity.org)) at EIP. We look forward to working together with you to advance the environmental and economic benefits that can be gained from beneficial reuse of byproduct materials in a safe and appropriate way.

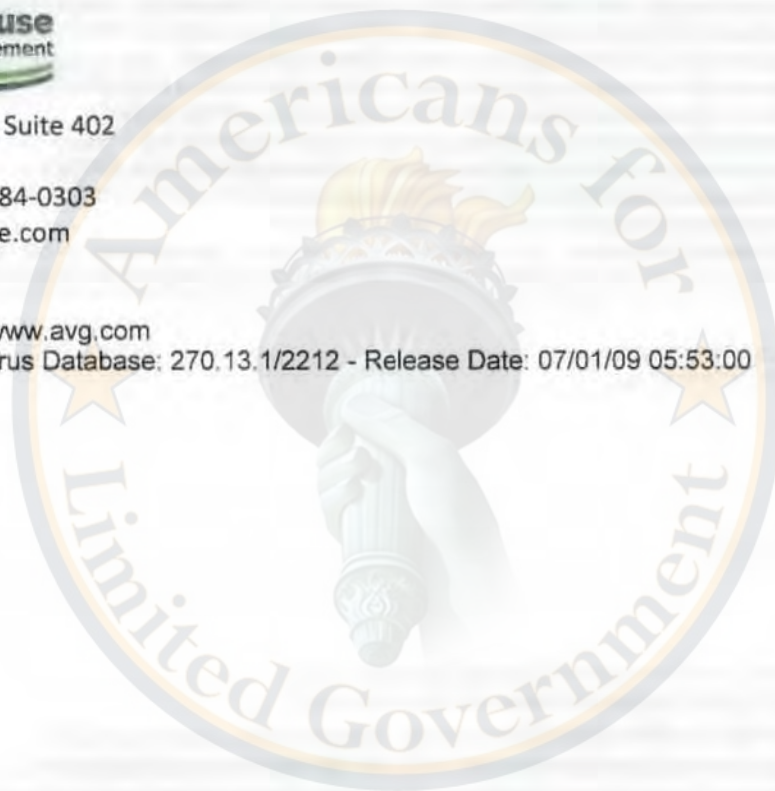
Sincerely,

Bob Spoerri



212 W. Superior St., Suite 402  
Chicago, IL 60654  
Direct phone: 312-784-0303  
[www.beneficialreuse.com](http://www.beneficialreuse.com)

Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 8.5.375 / Virus Database: 270.13.1/2212 - Release Date: 07/01/09 05:53:00





**Fw: The Administrator's Meeting with Sierra Club, Earth Justice and EIP Leaders to discuss Coal Ash**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:09 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:09 AM —

From: Daniel Gerasimowicz/DC/USEPA/US  
To: Barry Breen/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Cc: Alecia Allston/DC/USEPA/US@EPA, Antoinette Powell-Dickson/DC/USEPA/US@EPA, Carolyn McDonald/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Georgia Bednar/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Teresa Hill/DC/USEPA/US@EPA, Wyatt Rockefeller/DC/USEPA/US@EPA  
Date: 01/05/2010 12:10 PM  
Subject: The Administrator's Meeting with Sierra Club, Earth Justice and EIP Leaders to discuss Coal Ash

Good afternoon everyone -

Listed below are the confirmed external attendees for tomorrow's 2 PM meeting to discuss coal ash.

Attendees:

Lisa Evans, Senior Administrative Counsel - EarthJustice

Marty Hayden, Vice President of Policy and Litigation - EarthJustice

Eric Schaeffer, Executive Director - Environmental Integrity Project (EIP)

Jeffrey Stant, Director of the Coal Combustion Waste Program- EIP

Bruce Nilles, Director of the Beyond Coal Campaign - Sierra Club

Mary Anne Hitt, Deputy Director of the Beyond Coal Campaign - Sierra Club

Scott Slesinger, Legislative Director - Natural Resources Defense Council

Patrice Simms, Assistant Professor of Environmental Law - Howard University

Jackie Kruszewski, Legislative Associate - Southern Environmental Law Center (SELC)

Dan Gerasimowicz  
Office of the Administrator  
U.S. Environmental Protection Agency  
(202) 564-7314



gerasimowicz.daniel@epa.gov



U.S. Environmental Protection Agency  
1400 Independence Avenue, SW  
Washington, DC 20460  
Phone: (202) 564-6374



**Fw: Rescheduled: The Administrator's Meeting with Sierra Club, Earth Justice and EIP Leaders to discuss Coal Ash (Jan 6 02:00 PM EST in The Bullet Room)**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:08 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:08 AM —



**Rescheduled: The Administrator's Meeting with Sierra Club, Earth Justice and EIP Leaders to discuss Coal Ash**

**Wed 01/06/2010 2:00 PM - 3:00 PM**

Attendance is **required** for Mathy Stanislaus

Chair: **Daniel Gerasimowicz/DC/USEPA/US**  
Sent By: **Heidi Ellis/DC/USEPA/US**  
Location: **The Bullet Room**

**Daniel Gerasimowicz** has rescheduled this meeting. You have not yet responded.

**i** This meeting has been extended to a hour. Thank you.

- |           |   |
|-----------|---|
| Required: | Barry Breen/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Laurel Celeste/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA                                  |
| Optional: | Alecia Allston/DC/USEPA/US@EPA, Antoinette Powell-Dickson/DC/USEPA/US@EPA, Carolyn McDonald/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Georgia Bednar/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Teresa Hill/DC/USEPA/US@EPA, Wyatt Rockefeller/DC/USEPA/US@EPA |

**Description**

Invited external attendees include:

- Lisa Evans, Senior Administrative Counsel - EarthJustice
- Eric Schaeffer, Executive Director - Environmental Integrity Project (EIP)
- Jeffrey Stant, Director of the Coal Combustion Waste Program - EIP

Mary Anne Hitt, Deputy Director of the Beyond Coal Campaign - Sierra Club

+ a small group of their key staff members





**Fw: Administrator Jackson Meeting Request: January 10, 12 or 19**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:08 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:08 AM —

From: Daniel Gerasimowicz/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Heidi Ellis/DC/USEPA/US@EPA  
Date: 12/22/2010 03:59 PM  
Subject: Fw: Administrator Jackson Meeting Request: January 10, 12 or 19

Hi Bob and Mathy -

This just came in - I've noted that we would not be able to provide a determination as to the Administrator's availability until the first week in Jan (due to the holiday), but could you please respond to this email with your recommendation as to whether the Administrator should accept this meeting, or is it more appropriate for Staff/OSWER?

Thank you very much!

— Forwarded by Daniel Gerasimowicz/DC/USEPA/US on 12/22/2010 03:57 PM —

From: Emily Enderle <eenderle@earthjustice.org>  
To: Daniel Gerasimowicz/DC/USEPA/US@EPA  
Date: 12/22/2010 03:54 PM  
Subject: Administrator Jackson Meeting Request: January 10, 12 or 19

Hi Daniel,

I'm writing to request a meeting with Administrator Jackson on behalf of Earthjustice, Environmental Integrity Project, Environmental Justice Resource Center at Clark-Atlanta University, Hip Hop Caucus, Natural Resources Defense Council, Physicians for Social Responsibility, Sierra Club and the Southern Environmental Law Center. We'd like to discuss issues relating to the coal ash rule-making. Dr. Robert Bullard from the Environmental Resource Center at Clark-Atlanta will be coming to town, so January 10, 12 or 19th would work best. We greatly appreciate your consideration and I'd be happy to provide any additional information you'd find helpful.

Thank you,  
Emily

---

Emily Enderle  
Legislative Representative  
Earthjustice  
1625 Massachusetts Ave., NW

Suite 702

Washington, DC 20036

T: 202-667-4500 ext. 201

C: 202-253-2397

F: 202-667-2356

[www.earthjustice.org](http://www.earthjustice.org)





**Fw: Coal Ash Concerns from Louisiana Sierra Club**

**Mathy Stanislaus** to: Mary Jackson

Sent by: **Shawna Bergman**

08/03/2012 10:53 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:53 AM —

From: Mathy Stanislaus/DC/USEPA/US  
To: "Cass R. Sunstein" <Cass\_R\_Sunstein@omb.eop.gov>  
Cc: "Lisa Heinzerling" <Heinzerling.Lisa@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>  
Date: 02/08/2010 03:23 PM  
Subject: Fw: Coal Ash Concerns from Louisiana Sierra Club

Joyce Runyan

----- Original Message -----

**From:** Joyce Runyan  
**Sent:** 02/08/2010 02:03 PM CST  
**To:** Mathy Stanislaus  
**Cc:** Al Armendariz  
**Subject:** Coal Ash Concerns from Louisiana Sierra Club

see doc below

Joyce Runyan  
EPA Region 6  
Office of the Regional Administrator (6RA)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202  
(214) 665-2100 Main  
(214) 665-2150 Direct  
(214) 665-6648 Fax  
runyan.joyce@epa.gov

— Forwarded by Joyce Runyan/R6/USEPA/US on 02/08/2010 02:00 PM —

From: R6\_FAX@EPA  
To: Joyce Runyan/R6/USEPA/US@EPA  
Date: 02/08/2010 01:58 PM  
Subject: Attached Image



G709\_001.pdf



**LOUISIANA OFFICE**  
716 Adams St.  
New Orleans, LA 70118  
(504) 861-4835  
FAX: (504) 861-4441

## **U.S. EPA Region 6 – Environmental Justice Listening Session January 26, 2010, New Orleans, Louisiana**

My name is Jill Mastrototaro, Sierra Club Senior Field Organizing Manager, based in New Orleans, Louisiana.

I want to thank EPA Region 6 Regional Administrator Armendariz and Deputy Regional Administrator Starfield for providing this platform to the communities of Louisiana, Arkansas, Texas, and Oklahoma. Collectively these states have been front and center on Environmental Justice (EJ) issues, which lends significance to tonight's event.

The Sierra Club's National Coal Campaign has made substantial strides in stopping the proliferation of newly proposed coal-fired power plants. One facet of our campaign effort is addressing the lack of federal regulation of coal ash storage and disposal, which has left regulation in the hands of the states, resulting in inadequate or non-existent protections for the health of our citizens.

The millions of tons of coal ash being stored across the country in precarious surface waste ponds, impoundments and abandoned mines, have exposed communities of all classes, ages, and ethnicities to the health risks and dangers of toxic substances like arsenic, lead and mercury. Also noteworthy is the physical siting of coal ash disposal sites, which are frequently located in poor or minority areas. As the December 2008 spill in Tennessee demonstrated, these communities are placed at serious risk when disposal ponds break.

Louisiana alone is host to 11 such disposal sites, while 26 sites are located in Texas, 5 in Oklahoma, and 1 in Arkansas (*Source: <http://www.earthjustice.org/library/references/09ccw-survey-summary-results.pdf>*). In addition, several of these disposal sites in Louisiana and Texas are 'wet storage ponds', rather than surface impoundments, which research has found to be the most dangerous ash disposal method.

We applaud and support EPA's current effort to pursue steps to regulate coal ash, and we request the support of EPA Region 6 in achieving this goal. To that end, we ask EPA Region 6's support for swift agency action to designate coal ash as a hazardous waste, and to promulgate uniform national rules on coal ash storage and disposal that provide federal protection for public health and the environment.

Secondly, we ask that the rules be released for public review and comment as soon as possible.

Finally, we urge EPA to use its authority to phase out the 'wet storage ponds' and put in place common-sense regulations that protect human health and the environment by governing the disposal and recycling of dry coal ash.

In closing, the Sierra Club looks forward to working with you and the regional office, and offers to you our resources and support in creating a healthier, more sustainable future for our region. Thank you.

Respectfully submitted,

Jill Mastrototaro  
Senior Field Organizing Manager, Sierra Club  
716 Adams Street, New Orleans, Louisiana 70118  
(504) 861-4835  
[Jill.mastrototaro@sierraclub.org](mailto:Jill.mastrototaro@sierraclub.org)



**Fw: ltr from environmental grps**  
**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:27 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:26 AM —

From: Daniel O Hirsch <cbghirsch@aol.com>  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 08/05/2009 01:31 PM  
Subject: ltr from environmental grps

---

Dear Assistant Administrator Stanislaus,

Please find attached a letter to you from the Center for Health, Environment & Justice; Clean Water Action; Committee to Bridge the Gap; Environment America; Food and Water Watch; Friends of the Earth; Greenpeace; Massachusetts Citizens for Safe Energy; Natural Resources Defense Council; Nuclear Information and Resource Service; Professor Richard Clapp; Public Citizen; and the Sierra Club.

The letter calls to your attention a number of troubling proposals by the prior Administration to weaken environmental protections, initiatives that remain under consideration within EPA, and requests a meeting with you to discuss them.

The letter contains supporting attachments about these matters.

If you have trouble opening the file, or have any questions, please feel free to contact me at (831) 336-8003.

Sincerely,

Daniel Hirsch  
Committee to Bridge the Gap



080509LetterToEPA.pdf





Center for Health, Environment & Justice · Clean Water Action  
Committee to Bridge the Gap · Environment America · Food and Water Watch  
Friends of the Earth · Greenpeace · Massachusetts Citizens for Safe Energy  
Natural Resources Defense Council · Nuclear Information and Resource Service  
Professor Richard Clapp · Public Citizen · Sierra Club

5 August 2009

The Honorable Gina McCarthy  
Assistant Administrator  
Office of Air and Radiation

The Honorable Mathy Stanislaus  
Assistant Administrator  
Office of Solid Waste and Emergency Response

The Honorable Peter Silva  
Assistant Administrator  
Office of Water

The Honorable Scott Fulton  
Acting Deputy Administrator and General Counsel-Nominee

The Honorable Patricia Hirsch  
Acting General Counsel  
Office of General Counsel

U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Assistant Administrators McCarthy, Stanislaus, and Silva, and Acting Deputy Administrator Fulton and Acting General Counsel Hirsch:

We write to call to your attention several disturbing initiatives commenced during the prior Administration that are still pending before the agency and which would dramatically weaken public protections and have wide impacts across EPA, including arenas for which you have responsibility. Although all of these problematic proposals were initiated within Office of Air and Radiation's (OAR) troubled Office of Radiation and Indoor Air (ORIA), they would also have significant impacts for Office of Solid Waste and Emergency Response (OSWER), the Office of Water (OW), and the Office of General Counsel (OGC). *We ask to meet with you personally to discuss these in detail, before any action is taken.*

## I. Astronomically Weakened Protective Action Guides

Perhaps the most pressing matter is a proposed revision to EPA's Protective Action Guides (PAGs) for radiological releases. The Bush Administration, literally in its last days in office, transmitted these highly controversial PAGs to the Federal Register for publication. In its first days in office, the Obama Administration pulled them back before they could be published, pending review by its new team at EPA. We presume each of you will be involved in that review. We understand that those who pushed for the PAGs in the prior Administration are encouraging you to let them go forward. This would be a serious blow to public protections and to the entire structure of EPA regulation.

**The Bush Administration's proposed PAG revisions would have permitted radioactivity concentrations in drinking water orders of magnitude higher than EPA's long-held drinking water standards under the Safe Drinking Water Act (the MCLs or maximum contaminant levels) or the emergency drinking water standards employed under CERCLA.** (See the attached graph and table showing the extraordinary proposed increases in permissible concentrations of radioactivity in drinking water.) As reported by Doug Guarino of *Inside EPA* in an award-winning series on the PAG controversy, this assault by ORIA on the agency's long-held drinking water standards appears to be a *sub rosa* effort to weaken those standards even after the agency—affirmed by the court—had previously rejected such an effort, finding it violated anti-backsliding requirements. (See attached news articles.)

The PAG revision proposal put together in the prior Administration, and which its advocates in ORIA presumably are hoping to get you to allow to still be issued, would also enormously relax long-term cleanup standards. EPA, as you know, has historically limited acceptable cancer risks to a range of one in a million to one in ten thousand ( $10^{-4}$  to  $10^{-6}$ ). For example, the nation's most contaminated sites, those on the National Priority List, must be cleaned up to within that range. **However, the Bush ORIA proposed throwing out those historical limits and replacing them with a process known euphemistically as "optimization," allowing cleanup standards that could result in exposures to the public as high as 10 rem per year over 30 years, the equivalent of approximately 50,000 chest X-rays, with a cancer risk that EPA itself estimates at a breathtaking one in four!** More recent radiation risk estimates by the National Academy of Sciences, discussed below, would place the cancer risk from doses that high at one in three ( $3 \times 10^{-1}$ ). In either case, the risk would be orders of magnitude outside EPA's historic acceptable risk range. (See attached table).

The controversial "optimization" proposal first arose in the context of a taskforce in which EPA participated during the last Administration to produce PAGs for dealing with "dirty bombs." EPA opposed the optimization plan and recommended generally using CERCLA cleanup standards. Subsequently, however, EPA succumbed to pressure from other agencies and reluctantly acceded to "optimization" in the dirty bomb PAGs, which were finalized a few months before the fall election by the Department of

Homeland Security (DHS). Scores of public health and environmental organizations repeatedly for years opposed the dirty bomb PAGs.

It would be ironic were the Obama EPA to now adopt general PAGs with provisions that the Bush Administration EPA had originally opposed as non-protective. We urge that the proposed revised EPA PAGs of general applicability not be issued with these troubling components, and that the dirty bomb PAGs issued by DHS with EPA reluctant concurrence be revised to remedy the problematic aspects therein.

*The problems in the PAG revisions crafted by ORIA during the prior Administration which are pending before you are discussed in more detail in the attached correspondence and study, as well as past correspondence about the dirty bomb PAGs, and we urge you and your key advisors to review them carefully before making any decisions about the controversial PAGs.*

Additionally, we understand that EPA is preparing a response to a Freedom of Information Act (FOIA) request about the proposed PAGs. Since the FOIA asks for all documents identifying concerns raised about the ORIA PAG proposal, and since we are not confident that ORIA will voluntarily disclose to you the criticisms its proposal has received, both from within and outside the agency, we urge you to not make a decision as to whether you will support release of the proposed PAGs until after you have met with us and also the FOIA response is complete so that you can be provided copies of relevant documents that identified expressed concerns about the proposed PAGs.

## **II. Proposals for Non-Protective Federal Radiation Guidance Outside EPA's Long-Held Acceptable Risk Range**

During the prior Administration, ORIA also initiated several other disturbing efforts which were not consummated but which it might attempt to get you to now approve. For example, it has been pushing for relaxing overall radiation standards for the public. EPA has historically said that doses over approximately 15 millirem per year are unacceptable, outside an acceptable risk range. It has specifically criticized past proposals to allow public doses of 25 millirem per year or greater, deeming such dose limits "non-protective." However, ORIA during the prior Administration pushed to throw out that long position of EPA and adopt guidance endorsing a 100 millirem/year radiation standard for the public. Over 70 years, that would be a risk of about 1 in 125 ( $\sim 1 \times 10^{-2}$ ) according to the National Academy of Sciences, two to four orders of magnitude higher risk than the EPA permissible risk range of  $10^{-4}$  to  $10^{-6}$ . This would be very destructive of public protections and would undermine the entire EPA regulatory structure, as every manufacturer or user of carcinogenic chemicals would also then come in and demand to be permitted to expose the public to at least a hundred times higher concentrations than now permitted by EPA. *We enclose prior correspondence sent to EPA during the Bush Administration about this matter.*

### III. Ignoring National Academy of Sciences Recent Radiation Risk Findings

In 2006, the National Academy of Sciences/National Research Council issued its long-awaited study, *Health Risks from Exposure to Low Levels of Ionizing Radiation*. Since the 1970s, federal agencies with radiation protection responsibilities have asked the NAS to, from time to time, review the status of the science on risks from radiation. Called the Biological Effects of Ionizing Radiation (BEIR) reports, they are to form the basis for radiation protection regulations. The most recent NAS report, BEIR VII, had been performed at the request of and with funding from EPA.

BEIR VII found low doses of ionizing radiation to be more dangerous than previously thought. Its estimate of the number of cancers produced per unit of dose increased by about a third from the figure EPA had been using prior to the issuance of BEIR VII. EPA historically has relied upon the NAS's BEIR findings for establishing and/or reviewing a wide range of rules and guidance, from the Office of Water's Maximum Concentration Limits (MCLs) for drinking water to the Office of Solid Water and Emergency Response's CERCLA soil Preliminary Remediation Goals.

During the waning days of the last Administration, ORIA proposed to revise its "Cancer Risk Estimation from Exposure to Ionizing Radiation" (the so-called "Blue Book") which is used to establish cancer "SLOPE" factors for radionuclides. The cancer risk estimates from the Blue Book in turn drive many if not all radiation protection rules and guidance within EPA. This proposed revision was purportedly undertaken to take into account the new scientific findings from BEIR VII. **However, in fact, ORIA proposed ignoring many of BEIR VII's central findings and instead suggested using radiation risk figures almost uniformly lower than the National Academy of Sciences had recommended.** See the table taken from ORIA's draft revised Blue Book, comparing its proposed radiation cancer risk figures against what BEIR VII recommended, reprinted in the attached letter to RAC of 20 February 2009.

(It should be noted that many of us have been critical of aspects of BEIR VII which tend to underestimate risks and ignore numerous studies suggesting considerably higher risks from radiation than BEIR VII assumes. However, what is striking in the ORIA proposal is that its departures from BEIR VII risk estimates are almost uniformly in the direction of reducing the risks and consequently increasing permitted public exposures.)

This Administration has rightly pledged to end the politicization of science so endemic in the prior one. Here we have a many-year study by the National Academy of Sciences, performed at EPA request, and then in the guise of incorporating its findings into EPA guidance and rules, ORIA under the Bush Administration proposed using lower risk estimates than the Academy recommended, which would result in higher public exposures and more resulting cancers than would derive from the Academy's scientific recommendations.

Adding to concerns about the politicization of science by the prior Administration were issues raised about the composition and activities of the Science Advisory Board's Radiation Advisory Committee (RAC), which reviews certain of ORIA's proposals like its contemplated revisions to the Blue Book. Questions were raised about apparent bias, conflicts of interest, lack of balance, raising issues about compliance with the Federal Advisory Committee Act. Subsequently, just as the Administration was changing, EPA "augmented" the RAC with new members and extended the terms of the augmented RAC, in essence trying to lock in the tilt for years into the new Administration. The holdover RAC is now about to sign off on, with one exception, ORIA's proposed alterations of the National Academy's findings. *We have attached relevant communications about these matters as well.*

#### **IV. Allowing Radioactive Waste in Landfills Neither Licensed Nor Designed for It**

Finally, during the prior Administration, proposals were being considered to allow radioactive wastes to be disposed of in landfills neither licensed nor designed to receive radioactive wastes and materials. Given the sad history of leakage of radioactive wastes from improper disposal, such a move is extremely worrisome from an environmental standpoint.

Because these proposals from the prior Administration to weaken radiation protections would impact other divisions of EPA—e.g., the Superfund and drinking water programs—and because we understand that the review of the controversial PAG proposal from the prior administration will include each of you, we would hope to be able to meet with all of you during the same period of a couple of days. This is particularly important since several participants may have to travel from other parts of the country for the meetings.

So, we would very much appreciate an appointment for you to meet with us and several others who signed the associated attached letters. Whatever assistance can be provided to coordinate meetings for the same period would be much appreciated. Our point of contact is Daniel Hirsch at [cbghirsch@aol.com](mailto:cbghirsch@aol.com) or (831) 336-8003.

These are very important issues. President Obama was elected on a platform of change, and the efforts undertaken by the prior Administration to relax environmental protections should be high priorities for such change. We look forward to meeting with you and working with you to bring that about.

Sincerely,

Anne Rabe  
Lois Gibbs  
Center for Health, Environment & Justice

Lynn Thorp  
Clean Water Action

Daniel Hirsch  
Committee to Bridge the Gap

Anna Aurelio  
Environment America

Wenonah Hauter  
Food and Water Watch

Erich Pica  
Friends of the Earth

Jim Riccio  
Greenpeace

Mary Elizabeth Lampert  
Massachusetts Citizens for Safe Energy

Geoff Fettus  
Natural Resources Defense Council

Diane D'Arrigo  
Nuclear Information and Resource Service

Professor Richard Clapp  
Boston University School of Public Health

Allison Fisher  
Public Citizen

Dave Hamilton  
Sierra Club

Cc: Senator Boxer, Chair, Environment & Public Works  
Senator Bernie Sanders  
Congressman Henry Waxman, Chair, Energy & Commerce  
Congressman Ed Markey, Chair, Subcommittee on Energy & the Environment



**Fw: Letter from Earth Justice and Region 4 Response**

**Mathy Stanislaus** to: Mary Jackson

Sent by: **Shawna Bergman**

08/03/2012 10:52 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

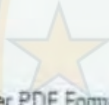
Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:52 AM —

From: Carol Monell/R4/USEPA/US  
To: hill.franklin@epa.gov, hitchcock.shane@epa.gov, Mathy Stanislaus/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Jennifer Wilbur/DC/USEPA/US@EPA  
Date: 06/26/2009 01:12 PM  
Subject: Letter from Earth Justice and Region 4 Response

Franklin asked me to send you these files related to Earth Justice. The Word document is their letter; the .pdf is EPA's response.

Carol Monell



Earthjustice Usa Evans Letter PDF Format.pdf Earth Justice Letter.doc









**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

June 19, 2009

Ms. Lisa Evans  
Earthjustice  
21 Ocean Avenue  
Marblehead, Massachusetts 01945

Dear Ms. Evans:

Thank you for your May 14, 2009, letter concerning the TVA Kingston Fossil Fuel Plant Release Site (Site) located in Roane County, Tennessee. Your letter requests that the Environmental Protection Agency (EPA) evaluate the Kingston Site in accordance with the Hazard Ranking System (HRS) as set forth under the National Contingency Plan (NCP), 40 C.F.R. Part 300.

We understand your concerns about the impacts of such a large spill and the need to assure that those impacts are fully and completely addressed in a manner that ensures meaningful public participation. We share those concerns and are committed to applying whatever Agency resources and expertise are necessary to make sure the cleanup is comprehensive. We also recognize the common perception that large-scale cleanups of this kind are often handled through the process of HRS ranking, listing on the National Priorities List (NPL), and remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The HRS and NPL process is one method for evaluating and cleaning up contaminated sites under CERCLA for sites of the magnitude of the Kingston spill. From EPA's perspective, the NPL listing process normally is used for sites where there will be a long-term component of the cleanup, such as ground water remediation, that will involve more technical analysis to evaluate and more time to implement.

In this case, EPA has entered into an Administrative Order and Agreement on Consent (AOC) with TVA which relies on CERCLA's removal authority to expeditiously begin addressing and mitigating the impacts of the spill. EPA believes, based on a review of available information to date on site conditions and spill impacts, that a removal action is the appropriate way to proceed with cleanup of the Kingston spill at this time. We believe that proceeding with this removal action is in the interest of protecting human health and the environment.

The May 11, 2009, AOC requires TVA to conduct a comprehensive Site cleanup using the CERCLA removal process. Under the AOC, the short-term goal of removing coal ash from the Emory River to alleviate flooding and downstream migration of ash will be addressed through a time-critical removal, while the longer-term goals of removing ash from the river's embayments and impacted land areas, and full restoration of areas impacted by the spill, will be

addressed through the non-time-critical removal process. As part of the non-time-critical removal, TVA is required to perform an Engineering Evaluation/Cost Analysis (EE/CA), which is very similar in substance to the Remedial Investigation/Feasibility Study (RI/FS) used to determine the cleanup approach under the NPL remedial process. We expect that the two removal phases outlined in the AOC will result in an expedited cleanup of ash and area waters affected by the spill.

We are aware of concerns that removal actions may not provide the same degree of public participation as remedial actions. In this case, for both the time-critical and non-time-critical components of the Kingston cleanup, EPA has built significant opportunities for public comment into the process under the AOC, some of which go beyond those normally provided in the removal context. For example, we are taking comments on the AOC itself, as well as taking comments on the time-critical removal as it proceeds. In addition, for the non-time-critical portion of the removal, the EE/CA process provides very much the same notice and comment opportunities on the proposed removal cleanup approaches as are provided during the RI/FS process for proposed remedial actions.

TVA is also required by the AOC to conduct a Preliminary Assessment (PA) at the end of removal activities. Based on the results of the PA, EPA will determine whether further investigatory work, and, potentially, NPL listing, is appropriate to address any residual contamination that may remain after the removal work is complete. In addition to the AOC requirement, EPA retains its authority to proceed with an HRS evaluation and possible NPL listing at any time should the Agency determine, for any reason, that such action is warranted.

Given the nature of the cleanup and the enhanced public participation that is being provided under the AOC, EPA believes that the removal approach is the appropriate one at this time for the Kingston spill site. Again, EPA is currently accepting comments on the AOC itself. We encourage and welcome any comments you might have.

We appreciate your desire to protect and preserve the environment and hope you find this information helpful. If we may be of further assistance, please contact Stephanie Brown at 404/562-8450.

Sincerely,



A. Stanley Meiburg  
Acting Regional Administrator



**EARTHJUSTICE**

*Because the earth needs a good lawyer*

May 14, 2009

*By Email*

A. Stanley Meiburg  
Acting Regional Administrator  
EPA Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303

meiburg.stan@epa.gov

Re: Request for Evaluation of the Kingston Coal Ash Spill Site in accordance with the Hazard Ranking System

Dear Administrator Meiburg:

By this letter, we respectfully request that the Region promptly evaluate the Kingston coal ash spill site in accordance with the Hazard Ranking System (HRS) as set forth under the National Contingency Plan (40 C.F.R. Part 300).

It is important that this evaluation take place prior to completion of further removal actions at the site. The HRS evaluation is the essential first step to listing this site on the National Priority List. We believe that all options for future action should be preserved given the nature of this large, complex, and dangerous CERCLA site.

Thank you, in advance, for your consideration of this request.

Sincerely,

Lisa Evans  
Attorney  
Earthjustice

Lisa Widawsky  
Attorney  
Environmental Integrity Project

Dennis Gregg  
Executive Director

Obed Watershed Community Association

Renee Victoria Hoyos  
Executive Director  
Tennessee Clean Water Network

Ann P. Harris  
Executive Director  
We the People

Richard A. Parrish  
Attorney  
Southern Environmental Law Center

Bonnie Swinford  
Volunteer House Coordinator  
United Mountain Defense Board

Mary Mastin  
Legal Chair of the Tennessee Chapter of the Sierra Club  
Chair of the Upper Cumberland Group of the Sierra Club  
Chair of the Tennessee Chapter of the Sierra Club's Repower & Rebuild America Energy Committee

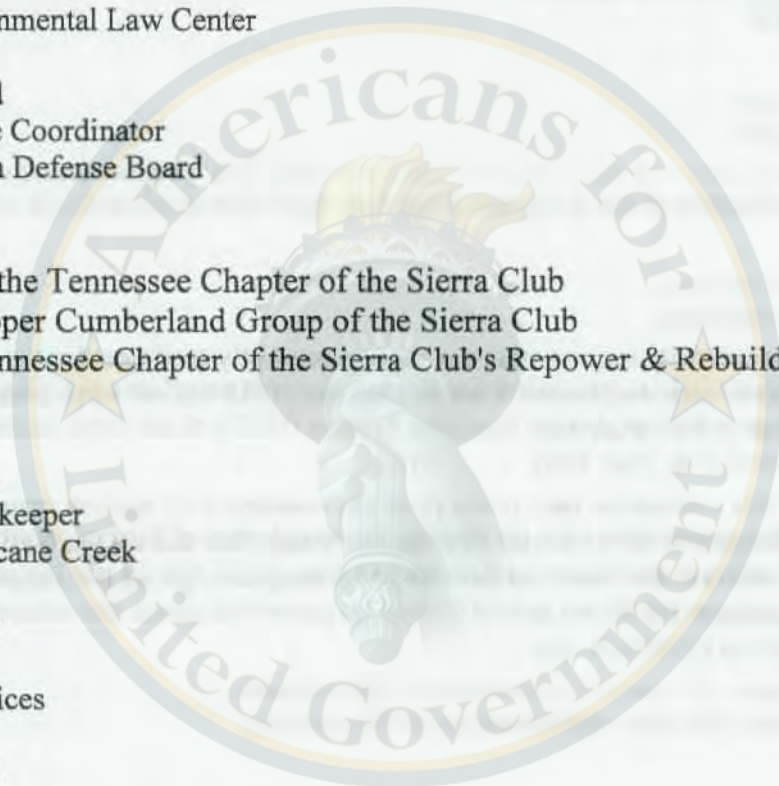
John L. Wathen  
Hurricane Creekkeeper  
Friends of Hurricane Creek

Scott Gollwitzer  
Counsel  
Appalachian Voices

Louise Gorenflo  
Secretary  
Cumberland Stewards

Jean Cheely  
President  
Save Our Cumberland Mountains (SOCM), Cumberland Chapter

Don Clark  
Chair  
Cumberland Countians for Peace and Justice



cc: Craig Zeller, US EPA, Region 4







**Fw: More EO 12866 meetings at OMB: Sierra Club 2/24 & 2/25 and PSR 3/11**

**Mathy Stanislaus** to: Mary Jackson

08/03/2012 10:49 AM

Sent by: **Shawna Bergman**

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:49 AM —

From: Mathy Stanislaus/DC/USEPA/US  
To: "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Lisa Heinzerling" <Heinzerling.Lisa@epamail.epa.gov>  
Date: 02/22/2010 07:40 PM  
Subject: Fw: More EO 12866 meetings at OMB: Sierra Club 2/24 & 2/25 and PSR 3/11

Richard Mattick

----- Original Message -----

**From:** Richard Mattick  
**Sent:** 02/22/2010 05:42 PM EST  
**To:** Matt Hale; Robert Dellinger; Betsy Devlin; Richard Kinch  
**Cc:** Lisa Feldt; Mathy Stanislaus; Barry Breen; Antoinette Powell-Dickson; Becky Brooks; Ellyn Fine; Matt Straus; Barbara Hostage; Lana Suarez  
**Subject:** More EO 12866 meetings at OMB: Sierra Club 2/24 & 2/25 and PSR 3/11

FYI. Sierra Club has requested this telephone meeting for citizen groups from various states (NM, TX, OK, MT, MO, PA, OH, MD, WV, VA, KY, TN) and Barb Gottlieb, Physicians for Social Responsibility has requested a meeting as well. See details below



**Invitation: E.O. 12866 Meeting on Coal Combustion - conference call**

**Wed 02/24/2010 2:00 PM - 3:00 PM**

Attendance is **required** for Richard Mattick

Chair: **Mabel\_E\_Echols@omb.eop.gov**

Location: 5104 NEOB

"Echols, Mabel E." Mabel\_E\_Echols has invited you to a meeting. You have not yet responded.

Required:

Cass\_R\_Sunstein@omb.eop.gov, Kevin\_F\_Neyland@omb.eop.gov,  
Dominic\_J\_Mancini@omb.eop.gov, Cortney\_Higgins@omb.eop.gov,  
Ryan\_J\_Bubb@omb.eop.gov, Amanda\_L\_Lee@omb.eop.gov, Nancy\_Beck@omb.eop.gov,  
Nicholas\_R\_Hart@omb.eop.gov, Julie\_V\_Middleton@omb.eop.gov,



John\_H.\_Dick@omb.eop.gov, Maryann\_Wolverton@cea.eop.gov,  
Edward\_A.\_Boling@ceq.eop.gov, Dianne\_L.\_Poster@ceq.eop.gov, Richard  
Mattick/DC/USEPA/US, Thomas Gillis/DC/USEPA/US

#### Description

Lyndsay Moseley, Sierra Club has requested this telephone meeting for citizen groups from various states. There will be two conference calls:  
2:00 - groups from IN, IL, MI and IA; and 2:30 - groups from NM, TX, OK, MT, MO.



#### Invitation: E.O. 12866 Meeting on Coal Combustion - Conference Call

Thu 02/25/2010 11:00 AM - 12:00  
PM

Attendance is required for Richard Mattick

Chair: [Mabel\\_E.\\_Echols@omb.eop.gov](mailto:Mabel_E._Echols@omb.eop.gov)

Location: 5104 NEOB

"Echols, Mabel E." Mabel\_E.\_Echols has invited you to a meeting. You have not yet responded.

#### Required:

Kevin\_F.\_Neyland@omb.eop.gov, Dominic\_J.\_Mancini@omb.eop.gov,  
Cortney\_Higgins@omb.eop.gov, Ryan\_J.\_Bubb@omb.eop.gov, Amanda\_I.\_Lee@omb.eop.gov,  
Nancy\_Beck@omb.eop.gov, Nicholas\_R.\_Hart@omb.eop.gov,  
Julie\_V.\_Middleton@omb.eop.gov, John\_H.\_Dick@omb.eop.gov,  
Maryann\_Wolverton@cea.eop.gov, Edward\_A.\_Boling@ceq.eop.gov,  
Dianne\_L.\_Poster@ceq.eop.gov, Richard Mattick/DC/USEPA/US, Thomas Gillis/DC/USEPA/US

#### Optional:

Cass\_R.\_Sunstein@omb.eop.gov

#### Description

Lyndsay Moseley, Sierra Club has requested this telephone meeting for citizen groups from various states. There will be two conference calls:

11:00 - Groups from PA, OH, MD  
11:30 - Groups from WV, VA, KY, TN



**Invitation: E.O. 12866 Meeting on Coal Combustion**

**Thu 03/11/2010 1:00 PM - 1:30 PM**

Attendance is required for Richard Mattick

Chair: **Mabel E. Echols@omb.eop.gov**

Location: **5104 NEOB**

**"Echols, Mabel E."** Mabel\_E.\_Echols has invited you to a meeting. You have not yet responded.

Required:

Kevin\_F.\_Neyland@omb.eop.gov, Dominic\_J.\_Mancini@omb.eop.gov, Cortney\_Higgins@omb.eop.gov, Ryan\_J.\_Bubb@omb.eop.gov, Amanda\_I.\_Lee@omb.eop.gov, Nancy\_Beck@omb.eop.gov, Nicholas\_R.\_Hart@omb.eop.gov, Julie\_V.\_Middleton@omb.eop.gov, John\_H.\_Dick@omb.eop.gov, Maryann\_Wolverton@cea.eop.gov, Edward\_A.\_Boling@ceq.eop.gov, Dianne\_L.\_Poster@ceq.eop.gov, Richard Mattick/DC/USEPA/US, Thomas Gillis/DC/USEPA/US

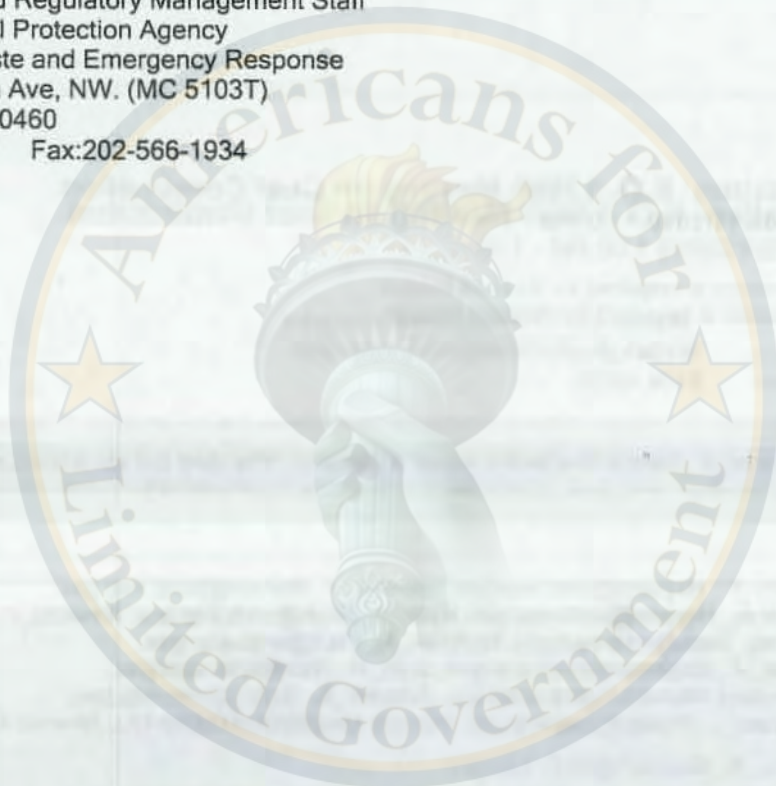
Optional:

Cass\_R.\_Sunstein@omb.eop.gov

**Description**

Barb Gottlieb, Physicians for Social Responsibility has requested this meeting.

Richard Mattick, M.S., J.D.  
Policy Team Leader (Acting)  
Policy Analysis and Regulatory Management Staff  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
1200 Pennsylvania Ave, NW. (MC 5103T)  
Washington, DC 20460  
Ph: 202-566-1926 Fax:202-566-1934





**Fw: Coal Ash Enviro 11:00 Call list**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:48 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus

USEPA Assistant Administrator

Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:48 AM —

From: Bob Sussman/DC/USEPA/US  
To: Stephanie Owens/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA  
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, "Georgia Bednar" <Bednar.Georgia@epamail.epa.gov>  
Date: 05/04/2010 10:37 AM  
Subject: Re: Coal Ash Enviro 11:00 Call list

Betsaida. Could you print out all the materials and get them to Georgia?  
Stephanie Owens

----- Original Message -----

**From:** Stephanie Owens  
**Sent:** 05/04/2010 10:25 AM EDT  
**To:** Lisa Feldt  
**Cc:** Betsaida Alcantara; Bob Sussman; Dru Ealons; Mathy Stanislaus; Seth Oster; Nelida Torres; Becky Brooks  
**Subject:** Re: Coal Ash Enviro 11:00 Call list  
11:00 Bob's office.  
Lisa Feldt

----- Original Message -----

**From:** Lisa Feldt  
**Sent:** 05/04/2010 09:42 AM EDT  
**To:** Stephanie Owens  
**Cc:** Betsaida Alcantara; Bob Sussman; Dru Ealons; Mathy Stanislaus; Seth Oster; Nelida Torres; Becky Brooks  
**Subject:** Re: Coal Ash Enviro 11:00 Call list  
Just to confirm, per your earlier e-mail these calls start at 11:15 or 11 in Bob Susmann's office

Lisa Feldt  
Deputy Assistant Administrator  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0200:  
Fax: (202) 566-0207  
feldt.lisa@epa.gov

Stephanie Owens    Bob, I've spoken to Eric Schaeffer, Lisa Evans,...    05/04/2010 09:32:46 AM

From: Stephanie Owens/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA

Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 05/04/2010 09:32 AM  
Subject: Re: Coal Ash Enviro 11:00 Call list

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Bob,

I've spoken to Eric Schaeffer, Lisa Evans, Bruce Niles and Scott Slesinger. They are all expecting a call. Bruce is only available at 12 noon. He's in a press conference from 11-11:30 shutting down a coal plant in NC.

Lisa Evans, Earthjustice: (O) 781-631-4119

Eric Schaeffer, Environmental Integrity Project, 202. 263.4440 or 202-296-8800, x4440

Bruce Niles, Sierra Club, 608-712-9725

Scott Slesinger, NRDC, O: 202-289-2402; cell: 202-486-5639

Thanks,

Stephanie

Bob Sussman Do we need to make precalls to line these peopl... 05/03/2010 06:40:13 PM

From: Bob Sussman/DC/USEPA/US  
To: Stephanie Owens/DC/USEPA/US@EPA  
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 05/03/2010 06:40 PM  
Subject: Re: Coal Ash Enviro 11:00 Call list

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Do we need to make precalls to line these people up?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Stephanie Owens Perfect. ----- Original Message ----- 05/03/2010 05:34:29 PM  
Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 05/03/2010 05:23 PM EDT  
**To:** Lisa Feldt; Stephanie Owens  
**Cc:** Betsaida Alcantara; Mathy Stanislaus; Seth Oster  
**Subject:** Re: Coal Ash Enviro 11:00 Call list

Would do Eric Schaeffer, lisa evans, bruce niles and scott siesinger. If Mathy will be free, I'm happy to join him for the calls -- maybe up here since we'll be with the administrator starting at 12.

Lisa Feldt

----- Original Message -----

**From:** Lisa Feldt  
**Sent:** 05/03/2010 05:19 PM EDT

**To:** Stephanie Owens  
**Cc:** Betsaida Alcantara; Mathy Stanislaus; Bob Sussman  
**Subject:** Re: Coal Ash Enviro 11:00 Call list

I would suggest calls with just one person from each organization and maybe not have with Patricia Simms and Jackie K. I think we ended up deciding that calls would be made individually and not as a collective group. (per OPA's suggestion). Stephanie, does someone in your group have phone numbers that we and Bob S could have. Mathy at this time has his calendar blocked for these but maybe Mathy and Bob should plan on being in same location for these.

Lisa Feldt  
Deputy Assistant Administrator  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0200:  
Fax: (202) 566-0207  
feldt.lisa@epa.gov

Stephanie Owens

Bob, This is the list for the 11:00 call.

05/03/2010 05:09:16 PM







**Fw: Information Update - Description has changed: Earthjustice & EPA discussion on issues relating to the coal ash rule-making**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:46 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:46 AM —



**Information Update - Description has changed: Earthjustice & EPA discussion on issues relating to the coal ash rule-making**

**Wed 01/19/2011 1:00 PM - 1:45 PM**

Attendance is **required** for Mathy Stanislaus  
Chair: **Bob Sussman/DC/USEPA/US**  
Sent By: **Georgia Bednar/DC/USEPA/US**  
Location: 3530 ARN

**Bob Sussman** has sent updated information; description has changed

Required: Lisa Garcia/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Ann Campbell/DC/USEPA/US@EPA, eenderle@earthjustice.org, Georgia Bednar/DC/USEPA/US@EPA, Jordan Dorfman/DC/USEPA/US@EPA, KarenL Martin/DC/USEPA/US@EPA, Mary Hanley/DC/USEPA/US@EPA, Nena Shaw/DC/USEPA/US@EPA, torres.nelida@epa.gov, Venu Ghanta/DC/USEPA/US@EPA

**Description**

AS OF JANUARY 13, 2011  
Lisa Evans (Earthjustice)  
Abigail Dillen (Earthjustice)  
Barbara Gottlieb (Physicians for Social Responsibility)  
Scott Slesinger (Natural Resources Defense Council)  
Teresa Clemmer (Vermont Law School)  
Dalal Aboulhosn (Sierra Club)  
Jackie Kruszewski (Southern Environmental Law Center)  
Eric Schaeffer (Environmental Integrity Project)  
Jeff Stant (Environmental Integrity Project)  
Vernice Miller-Travis (Maryland State Commission on Environmental Justice)



and Sustainable Communities)

TBD

Hip Hop Caucus Representative

Dr. Robert Bullard (Environmental Justice Resource Center)

Emily Enderle (Earthjustice)

Kennith Rumelt (Vermont Law School)

Emily:

I will need a list of attendees for this meeting.

RE: discuss issues relating to the coal ash rule-making.

Provided Mr. Sussman is still available at 1pm next Weds we'd appreciate the opportunity to meet with him then. We'll have approximately ten people from various environmental and health organizations. I'll be able to get you the full list of names and affiliations once a time has been confirmed.

Should you have any questions please don't hesitate to let me know.

Thank you,

Emily

---

Emily Enderle  
Legislative Representative  
Earthjustice  
1625 Massachusetts Ave., NW  
Suite 702  
Washington, DC 20036  
T: 202-667-4500 ext. 201  
C: 202-253-2397  
F: 202-667-2356  
[www.earthjustice.org](http://www.earthjustice.org)





**Fw: Coal Ash Rule Letter**

**Mathy Stanislaus** to: Mary Jackson

Sent by: **Shawna Bergman**

08/03/2012 10:49 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:48 AM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA  
Date: 04/14/2010 07:32 PM  
Subject: Fw: Coal Ash Rule Letter

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Mathy Stanislaus/DC/USEPA/US on 04/14/2010 07:32 PM —

From: Trip Van Noppen <tvannoppen@earthjustice.org>  
To: LisaP Jackson/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 04/14/2010 07:23 PM  
Subject: Coal Ash Rule Letter

Dear Administrator Jackson and Assistant Administrator Stanislaus,

Earthjustice and several of the groups listed as signatories on the attached letter have met with you about the coal ash rule that is currently at OMB. I'm writing to let you know that tomorrow morning we'll be submitting the attached letter to President Obama from 239 public interest groups. It includes groups from every state and Washington D.C. Our request is for the Administration to release the proposed coal ash rule for public comment this month and to ensure that the rule proposes federally enforceable standards that will protect communities across this nation from the widespread mismanagement of coal combustion waste that endangers public health and the environment.

We thank you for all of your work on this important problem. Should you have any questions, please don't hesitate to let me know.

Sincerely,  
Trip Van Noppen  
President, Earthjustice

---

Trip Van Noppen  
President  
Earthjustice  
426 17th Street, 6th Floor  
Oakland, CA 94612  
T: 510-550-6700  
M: 415-310-2708  
[www.earthjustice.org](http://www.earthjustice.org)

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President Obama Letter\_Coal Ash.pdf



ISky \* Advocates for Environmental Human Rights \* Alabama Environmental Council \*  
Alabama First \* Alabama Rivers Alliance \* Alaska Community Action on Toxics \*  
Altamaha Riverkeeper \* American Bottom Conservancy \* American Rivers \* Appalachia  
- Science in the Public Interest \* Appalachian Center For the Economy and the  
Environment \* Appalachian Voices \* Arkansas Public Policy Center \* Assateague Coastal  
Trust \* B.E. Cause Group \* Black Warrior Riverkeeper \* Blackwater Nottoway  
Riverkeeper Program \* Bristlecone Alliance \* Cahaba Riverkeeper \* Carbon Action  
Alliance \* Carrie Dickerson Foundation \* Catawba Riverkeeper Foundation, Inc. \* Center  
for Biological Diversity \* Center for Coalfield Justice \* Center for Energy Efficiency and  
Renewable Technologies \* Center for Energy Matters \* Center for Healthy Environments  
and Communities \* Chattooga Conservancy \* Chesapeake Climate Action Network \*  
Citizens Against Longwall Mining \* Citizens Against Ruining the Environment \* Citizens'  
Environmental Coalition \* Citizens for Clean Power \* Citizens for Dixie's Future \* Citizen  
Power \* Citizen Advocates United to Safeguard the Environment, Inc. \* Citizens Coal  
Council \* Civil Society Institute \* Chesapeake Climate Action Network \* Clean Air  
Carolina \* Clean Air Council \* Clean Air Task Force \* Clean Air Watch \* Clean Power  
Now \* Clean Water Action \* Clean Water for North Carolina \* Clean Wisconsin \* Coal  
River Mountain Watch \* Coastal Conservation League \* Coastal Women for Change \*  
Concerned Citizens of Giles County \* Congaree Riverkeeper \* Connecticut Coalition for  
Environmental Justice \* Conservation Law Foundation \* Cook Inletkeeper \* Corsica River  
Conservancy \* Conservation Minnesota \* CREDO Mobile \* CROP PLUS \* Dakota  
Resource Council \* Cumberland Countians for Peace and Justice \* Dakota Rural Action \*  
Defenders of Wildlife \* Defend Our Desert \* Delaware Audubon \* Delaware Riverkeeper  
Network \* Dine' Citizens Against Ruining Our Environment \* Dooda Desert Rock \*  
Earthjustice \* Earth Ministry of Washington Interfaith Power and Light \* Ecology Center  
\* Electric Auto Association of Northern Nevada \* Environmental and Natural Resources  
Law Clinic at Vermont Law School \* Environmental Defense Fund \* Environmental  
Integrity Project \* Environmental Justice Resource Center at Clark Atlanta University \*  
Environment America \* Environment Maryland \* Environment New Jersey \*  
Environment Washington \* Faith in Place \* Fall-line Alliance for a Clean Environment \*  
Farmworker Association of Florida \* Fort Independence Environmental Programs Office \*  
Foundation for Pennsylvania Watersheds \* Fresh Energy \* Friends of Big Canoe Creek \*  
Friends of the Earth \* Friends of Hurricane Creek \* Friends of the Kaw, Inc. \* Friends of  
Merrymeeting Bay \* Fresh Energy \* Georgia Interfaith Power and Light \* Georgia River  
Network \* GIFT - Interfaith Action for Climate Change \* Glynn Environmental Coalition \*  
Grand Canyon Trust \* Grand Riverkeeper \* Great Lakes Environmental Law Center \*  
Great Old Broads for Wilderness \* Great Plains Alliance for Clean Energy \* Green  
Alliance \* GreenLaw \* Greenpeace \* Ground Truth Trekking \* Group Against Smog and  
Pollution \* Gulf Restoration Network \* Healthy Child Healthy World \* HealthLink \*  
Hoosier Environmental Council \* Idaho Conservation League \* Idaho Rivers United \*  
Illinois Environmental Council \* Interfaith Power and Light \* Intertribal Council on  
Utility Policy \* Iowa Environmental Council \* Izaak Walton League of America \* Justice  
and Peace Network \* Kentuckians For The Commonwealth \* Kentucky Environmental  
Foundation \* Kentucky Resources Council, Inc. \* Kickemuit River Council \* Labadie  
Environmental Organization \* League of Conservation Voters \* Legal Environmental Aid  
Foundation of Indiana, Inc. \* Local Environmental Action Demanded \*

Louisiana Bucket Brigade \* Lower Mississippi Riverkeeper \* Maui Tomorrow Foundation, Inc. \* MEA Ratepayers Alliance \* Meigs Citizens Action Now! \* Merrimack River Watershed Council, Inc. \* Michigan Energy Alternatives Project \* Michigan Land Use Institute \* MidlandCares \* Milwaukee Riverkeeper \* Minnesota Center for Environmental Advocacy \* Missouri Coalition for the Environment \* Montana Environmental Information Center \* Mon Valley Clean Air Coalition \* Mountain Voices Alliance \* Mountain Watershed Association, Inc \* National Parks Conservation Association \* National Wildlife Federation \* Native Forest Council \* Natural Resources Defense Council \* Nebraska Wildlife Federation \* North Carolina Interfaith Power and Light \* Neighbors for Neighbors \* Neponset River Watershed Association \* Nevada Conservation League and Education Fund \* New Energy Economy \* New Hampshire Green Coalition \* New Mexico Environmental Law Center \* New Mexico Interfaith Power and Light \* New York Public Interest Research Group \* New Jersey Environmental Federation \* New Jersey Clean Water Action \* Northern Plains Resource Council \* North Sound Baykeeper RE Sources for Sustainable Communities \* Northwest Atlantic Marine Alliance \* Northwest Environmental Defense Center \* New York-New Jersey Baykeeper \* Ohio Citizen Action \* Ohio Environmental Council \* Ohio River Foundation \* Ohio Valley Environmental Coalition \* Oklahoma Chapter Sierra Club \* OMB Watch \* One Horizon Foundation \* Oregon Toxics Alliance \* Oregon Wild \* Our Children's Earth Foundation \* Physicians for Social Responsibility \* Plains Justice \* PODER \* Potomac Riverkeeper \* Powder River Basin Resource Council \* Prairie Rivers Network \* Progressive Leadership Alliance of Nevada \* Public Citizen \* Rebecca English and Associates LLC \* RENEW Wisconsin \* Residents Against the Power Plant \* Resurrection Bay Conservation Alliance \* Rhode Island Interfaith Power and Light \* Rivers Unlimited \* San Juan Citizens Alliance \* Santee Riverkeeper Alliance \* Save Bristol Harbor \* Save It Now, Glades! \* Save Our Land and Environment \* Save Our Rivers \* Scenic Nevada \* Sierra Club \* Sierra Club Calusa Group \* Sierra Club Hoosier Chapter \* Snake River Alliance \* Solar Valley Coalition \* South Dakota Peace and Justice Center \* Southern Appalachian Stewards \* Southern Energy Network \* Southern Environmental Law Center \* SouthWings \* Spokane Riverkeeper \* Statewide Organizing for Community eMpowerment \* Save Us From Future Environmental Risks \* Sustainable Energy and Economic Development Coalition \* Sustainable Earth \* Tennessee Clean Water Network \* Tennessee Environmental Council \* Tennessee Interfaith Power and Light \* The Bokoshe Environmental Cause Group \* theCLEAN.org \* The Colorado Fourteeners \* The Green Environmental Coalition \* The Lone Tree Council \* The Ohio Environmental Council \* Toxics Action Center \* Turtle Island Restoration Network \* Union of Concerned Scientists \* United Congregations of Metro-East \* United Mountain Defense \* Urban Green Growth Collaborative \* Utah Physicians for a Healthy Environment \* Valley Watch \* Vermont Interfaith Power and Light \* Vermont Natural Resources Council \* Vermont Public Interest Research Group \* Waterkeeper Alliance \* Wenham Lake Watershed Association \* Western Environmental Law Center \* Western North Carolina Alliance \* Western Organization of Resource Councils \* West Virginia Highlands Conservancy \* West Virginia Rivers Coalition \* Wheeling Creek Watershed Conservancy \* White Oak-New Riverkeeper Alliance \* WildEarth Guardians \* Winyah Rivers Foundation \* Women Making a Difference \* Women's Voices for the Earth \* Wyoming Conservation Voters

April 15, 2010

President Barack Obama  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Dear Mr. President:

The undersigned groups represent 239 public interest organizations in all 50 states plus the District of Columbia. On behalf of our millions of members and supporters, we urge you to protect communities across this nation from the widespread mismanagement of coal combustion waste that endangers public health and the environment – and for which there are no current federal regulations.

Following the disastrous spill of more than 1 billion gallons of coal ash from the Tennessee Valley Authority's Kingston Fossil Plant in December 2008, 109 directors of environmental groups called upon EPA Administrator Lisa Jackson to develop federally enforceable standards for regulating coal combustion waste. Shortly thereafter, Administrator Jackson pledged to publish a regulatory proposal by December 2009. In keeping with her commitment, Administrator Jackson submitted a draft coal ash rule to the White House Office of Management and Budget (OMB) in October 2009 – but six months later, this rule remains under review at OMB. The undersigned leaders of 239 public interest groups ask you to side with the public and sound science to ensure a rule that protects people and the environment is released in April.

Continued delay in the issuance of federal regulations for the disposal of the 136 million tons of toxic coal combustion waste generated annually is dangerous and unacceptable. Unmitigated harm, often to poor and minority communities, continues to threaten the lives and environment of millions of Americans. Communities near America's thousands of coal ash dumps are threatened with poisoned drinking water, polluted waterways, and life-threatening failures of decades-old dams. The failure to act makes another catastrophic failure, like the disaster in Kingston, ever more likely, and it makes the poisoning of additional water sources a near certainty.

Releasing the draft rule would trigger the public process of rulemaking, thereby ensuring a fair and open process in which all stakeholders have an equal opportunity to address the complexities of the proposed rule. Until the draft rule is released for public comment, the debate occurs almost entirely behind closed doors. Industry groups that oppose mandatory federal standards have had nearly 30 meetings with OMB on this rule – more than ever before on any single topic. These groups continue to present unfounded claims of power plant closures and exaggerated cost estimates as "fact," thereby fomenting widespread but unwarranted fear of EPA regulations.

One of the issues industry is using to slow down the rulemaking process is the argument that the regulation of coal combustion waste will place a stigma on the recycling of fly

ash. We believe this argument is overstated. We do not expect the reuse of fly ash to decrease if the disposal of ash is regulated as hazardous waste. On the contrary, the hazardous waste requirements will provide companies with an incentive to find alternative uses for fly ash. However, if the coal ash is not going to be safely reused or recycled, then it needs to be disposed of following tailored hazardous waste rules.

The EPA's latest scientific findings lend urgency to the promulgation of federally enforceable standards. New EPA leach tests, specifically designed for coal ash, reveal that toxic chemicals such as arsenic, chromium and selenium, can leak from coal combustion waste in concentrations far exceeding the threshold that the EPA uses to identify hazardous waste. The EPA also found that the cancer risk for children exposed to arsenic in drinking water from unlined ash ponds is as high as 1 in 50, which is 2,000 times the EPA's goal of reducing cancer risk to 1 in 100,000 individuals.

Further, leading coal combustion waste (CCW) scientists, with more than 100 years of combined research experience on the environmental fate and toxic impacts of coal ash, recommend federally enforceable standards. E. Dennis Lemly, Ph.D, Wake Forest University and Christopher Rowe, Ph.D, University of Maryland, among others, recently submitted a letter to OMB stating "Make no mistake about it, CCW is a deadly poison to fish and wildlife, and a threat to human health when improperly managed." They conclude:

Some of the most destructive and pressing environmental problems with CCW are not 'in the distant past' but are taking place NOW using 'state approved' disposal practices. Threats and impacts are not being addressed by the coal power industry and they will not go away. They will be a recurring, escalating problem unless adequate regulatory controls are put in place. State efforts are inadequate .... federal regulatory oversight is necessary. Experience shows that CCW's will need to carry a hazardous waste 'C' designation if they are to be regulated and disposed in a manner that will afford adequate protection to fish and wildlife, as well as humankind.

We urge you to consider the EPA's latest scientific findings and the recommendations of scientific experts and put an end to further delay.

Thus the leaders of 239 public interest organizations, representing several million citizens, respectfully ask the Administration to release the proposed coal ash rule for public comment this month and to ensure that the rule proposes federally enforceable standards that will protect all United States citizens and their environment from a truly toxic substance.

Signed:

## ALABAMA

Michael J. Churchman  
Executive Director  
Alabama Environmental Council  
Birmingham, AL

Cindy Lowry  
Executive Director  
Alabama Rivers Alliance  
Birmingham, AL

Nelson Brooke  
Riverkeeper  
Black Warrior Riverkeeper  
Birmingham, AL

Myra Crawford, PhD  
Executive Director and Riverkeeper  
Cahaba Riverkeeper  
Birmingham, AL

Kirsten G. Bryant  
Executive Director  
Alabama First  
Birmingham, AL

John L. Wathen  
Hurricane Creekkeeper  
Friends of Hurricane Creek  
Tuscaloosa, AL

Doug Morrison  
President  
The Friends of Big Canoe Creek  
Springville, AL

## ALASKA

Pam Miller  
Alaska Community Action on Toxics  
Executive Director  
Anchorage, AK

Bob Shavelson  
Executive Director  
Cook Inletkeeper  
Homer, AK

Erin McKittrick and Bretwood Higman  
Co-Directors  
Ground Truth Trekking  
Seldovia, AK

Tim Leach  
President  
MEA Ratepayers Alliance  
Palmer, AK

Russ Maddox  
Activism Director  
Resurrection Bay Conservation Alliance  
Seward, AK

## ARIZONA

Kieran Suckling  
Executive Director  
Center for Biological Diversity  
Tucson, AZ

Anna M. Frazier  
Coordinator  
Dine' Citizens Against Ruining Our  
Environment  
Dilkon, Navajo Nation  
Winslow, Arizona

Bill Hedden  
Executive Director  
Grand Canyon Trust  
Flagstaff, AZ

## ARKANSAS

Bill Kopsky  
Executive Director  
Arkansas Public Policy Center  
Little Rock, AR



## CALIFORNIA

V. John White  
Executive Director  
Center for Energy Efficiency and  
Renewable Technologies  
Sacramento, CA

John DeCock  
President  
Clean Water Action  
San Francisco, CA

Trip Van Noppen  
President  
Earthjustice  
Oakland, CA

John F. Bowden III  
Water Programs Manager  
Fort Independence Environmental Programs  
Office  
Independence, CA

Christopher Gavigan  
Executive Director  
Healthy Child Healthy World  
Los Angeles, CA

The Rev. Canon Sally Bingham  
President  
Interfaith Power and Light  
San Francisco, CA

Tiffany Schauer  
Executive Director  
Our Children's Earth Foundation  
San Francisco, CA

Michael Brune  
Executive Director  
Sierra Club  
San Francisco, CA

Todd Steiner  
Executive Director  
Turtle Island Restoration Network  
Forest Knolls, CA

## COLORADO

Rebecca English  
Rebecca English and Associates LLC  
Denver, CO

Veronica Egan  
Executive Director  
Great Old Broads for Wilderness  
Durango, CO

Megan Graham  
Executive Director  
San Juan Citizens Alliance  
Durango, CO

Cathy Tintinger  
The Colorado Fourteeners  
Lamar, CO

## CONNECTICUT

Dr. Mark Mitchell  
President  
Connecticut Coalition for Environmental  
Justice  
Hartford, CT

## DELAWARE

Kit and Bill Zak  
Co-founders  
Citizens for Clean Power  
Lewes, DE

Mark Martell  
President  
Delaware Audubon  
Wilmington, DE

DISTRICT OF COLUMBIA

Rebecca Wodder  
President  
American Rivers  
Washington, DC

Frank O'Donnell  
President  
Clean Air Watch  
Washington, DC

Rodger Schlickeisen  
President and CEO  
Defenders of Wildlife  
Washington, DC

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
Washington, DC

Rob Sargent  
Energy Program Director  
Environment America  
Washington, DC

Erich Pica  
President  
Friends of the Earth  
Washington, DC

Phil Radford  
Executive Director  
Greenpeace  
Washington, DC

Gene Karpinski  
President  
League of Conservation Voters  
Washington, DC

Thomas C. Kiernan  
President  
National Parks Conservation Association  
Washington, DC

Larry J. Schweiger  
President and CEO  
National Wildlife Federation  
Washington, DC

Gary D. Bass  
Executive Director  
OMB Watch  
Washington, DC

Peter Wilk  
Executive Director  
Physicians for Social Responsibility  
Washington, DC

Ed Merrifield  
President  
Potomac Riverkeeper  
Washington, DC

Robert Weissman  
President  
Public Citizen  
Washington, DC

Pat Sweeney  
Executive Director  
Western Organization of Resource Councils  
Washington, DC

FLORIDA

Tirso Moreno  
General Coordinator  
Farmworker Association of Florida  
Apopka, FL

Rhonda Roff  
President  
Save It Now, Glades!  
Clewiston, FL

Ellen Peterson  
Chair  
Sierra Club Calusa Group  
Estero, FL

GEORGIA

Deborah Sheppard  
Executive Director  
Altamaha Riverkeeper  
Darien, GA

Buzz Williams  
Executive Director  
Chattooga Conservancy  
Clayton, GA

Michael Kieschnick  
Chief Executive Officer  
CREDO Mobile  
Atlanta, GA

Dr. Robert Bullard  
Director  
Environmental Justice Resource Center at  
Clark Atlanta University  
Atlanta, GA

Katherine H. Cummings  
President  
Fall-line Alliance for a Clean Environment  
Sandersville, GA

Alexis Chase  
Executive Director  
Georgia Interfaith Power and Light  
Atlanta, GA

April Ingle  
Executive Director  
Georgia River Network  
Athens, GA

Daniel Parshley  
Project Manager  
Glynn Environmental Coalition  
Brunswick, GA

Justine Thompson  
Executive Director  
GreenLaw  
Atlanta, GA

Stephanie Powell  
Executive Director  
Southern Energy Network  
Athens, GA

HAWAII

Irene Bowie  
Executive Director  
Maui Tomorrow Foundation, Inc.  
Wailuku, HI

IDAHO

Rick Johnson  
Executive Director  
Idaho Conservation League  
Boise, ID

Bill Sedivy  
Executive Director  
Idaho Rivers United  
Boise, ID

Andrea Shipley  
Executive Director  
Snake River Alliance  
Boise, ID

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Kathy Andria  
President  
American Bottom Conservancy  
Fairview Heights, IL

Cathy Edmiston  
President  
Citizens Against Longwall Mining  
Hillsboro, IL

Ellen Rendulich  
Director  
Citizens Against Ruining the Environment  
Lockport, IL

The Rev. Dr. Clare Butterfield  
Director  
Faith in Place and the Illinois Interfaith  
Power and Light Campaign  
Chicago, IL

Charles Jackson  
Executive Director  
Illinois Environmental Council  
Springfield, IL

Glynnis Collins  
Executive Director  
Prairie Rivers Network  
Champaign, IL

Ken Aud  
Lead Organizer  
United Congregations of Metro-East  
Madison, IL

#### INDIANA

Jesse Kharbanda  
Executive Director  
Hoosier Environmental Council  
Indianapolis, IN

Kim Ferraro  
Executive Director  
Legal Environmental Aid Foundation of  
Indiana, Inc.  
Valparaiso, IN

Val West  
President  
Save Our Land and Environment  
Mt Vernon, IN

Don Mottley  
Spokesperson  
Save Our Rivers  
Boonville, IN

David Maidenberg  
Chapter Director  
Sierra Club Hoosier Chapter  
Indianapolis, IN

Steve Bonney  
President  
Sustainable Earth  
West Lafayette, IN

John Blair  
President  
Valley Watch  
Evansville, IN

#### IOWA

Marian Riggs Gelb  
Executive Director  
Iowa Environmental Council  
Des Moines, IA

Carrie La Seur  
President  
Plains Justice  
Cedar Rapids, IA

#### KANSAS

Laura Calwell  
Kansas Riverkeeper  
Friends of the Kaw, Inc.  
Lawrence, KS

Scott Allegrucci  
Director  
Great Plains Alliance for Clean Energy  
Topeka, KS

KENTUCKY

Casey Sterr  
Executive Director  
Appalachia - Science in the Public Interest  
Mt. Vernon, KY

Joe Lovett  
Executive Director  
Appalachian Center For the Economy and  
the Environment  
Lewisburg, WV

K.A. Owens  
Chairperson  
Kentuckians For The Commonwealth  
London, KY

Elizabeth Crowe  
Director  
Kentucky Environmental Foundation  
Berea, KY

Tom FitzGerald  
Director  
Kentucky Resources Council, Inc.  
Frankfort, KY

Margaret Stewart  
Acting Chair  
Louisville Earth Action Group  
Louisville, KY

Gregory P. Leffel Phd  
President  
One Horizon Foundation  
Lexington, KY

LOUISIANA

Monique Harden  
Co-Director  
Advocates for Environmental Human Rights  
New Orleans, LA

Cynthia Sarthou  
Executive Director  
Gulf Restoration Network  
New Orleans, LA

Anne Rolfes  
Founding Director  
Louisiana Bucket Brigade  
New Orleans, LA

Paul Orr  
Lower Mississippi Riverkeeper  
Baton Rouge, LA

MAINE

Ed Friedman  
Chairman  
Friends of Merrymeeting Bay  
Richmond, ME

MARYLAND

Gillian Caldwell  
Campaign Director  
ISky  
Takoma Park, MD

Kathy Phillips  
Executive Director  
Assateague Coastal Trust  
Berlin, MD

Mike Tidwell  
Executive Director  
Chesapeake Climate Action Network  
Takoma Park, MD

Jim Malaro  
President  
Corsica River Conservancy  
Centreville, MD

Brad Heavner  
State Director  
Environment Maryland  
Baltimore, MD

David Hoskins  
Executive Director  
Izaak Walton League of America  
Gaithersburg, MD

MASSAHUSETTS

Pam Solo  
President  
theCLEAN.org  
Newton, MA

Armond Cohen  
Executive Director  
Clean Air Task Force  
Boston, MA

Barbara J. Hill  
Executive Director  
Clean Power Now  
Hyannis, MA

John B. Kassel  
President  
Conservation Law Foundation  
Boston, MA

Martha Dansdill  
Executive Director  
HealthLink  
Swampscott, MA

Christine Tabak  
Executive Director  
Merrimack River Watershed Council  
Lowell, MA

Ian Cooke  
Executive Director  
Neponset River Watershed Association  
Canton, MA

Niaz Dorry  
Executive Director  
Northwest Atlantic Marine Alliance  
Gloucester, MA

Meredith Small  
Executive Director  
Toxics Action Center  
Boston, MA

Kevin Knobloch  
President  
Union of Concerned Scientists  
Cambridge MA

Jan Schlichtmann, Esq.  
President  
Wenham Lake Watershed Association  
Beverly, Massachusetts

MICHIGAN

Michael Garfield  
Executive Director  
Ecology Center  
Ann Arbor, MI

Nicholas Schroeck  
Executive Director  
Great Lakes Environmental Law Center  
Detroit, MI

Tom Karas  
Executive Director  
Michigan Energy Alternatives Project  
Traverse City, MI

Hans Voss  
Executive Director  
Michigan Land Use Institute  
Traverse City, MI

Peter Sinclair  
President  
MidlandCares  
Midland, MI

Terry Miller  
Chair  
The Lone Tree Council  
Bay City, MI

### MINNESOTA

Paul Austin  
Executive Director  
Conservation Minnesota  
Minneapolis, MN

Scott Strand  
Executive Director  
Minnesota Center for Environmental  
Advocacy  
St. Paul, MN

Michael Noble  
Executive Director  
Fresh Energy  
St Paul, MN

Sister Betty Kenny, OSF  
Justice and Peace Network  
Sisters of St. Francis  
Rochester, MN

### MISSISSIPPI

Sharon Hanshaw  
Executive Director  
Coastal Women for Change  
Biloxi, MS

### MISSOURI

Ginger Gambaro  
President  
Labadie Environmental Organization  
Labadie, MO

Kathleen Logan Smith  
Executive Director  
Missouri Coalition for the Environment  
St. Louis, MO

### MONTANA

James D. Jensen  
Executive Director  
Montana Environmental Information Center  
Helena, MT

Ed Gulick  
Board Chair  
Northern Plains Resource Council  
Billings, MT

Erin Switalski  
Executive Director  
Women's Voices for the Earth  
Missoula, MT

### NEBRASKA

Duane Hovorka  
Executive Director  
Nebraska Wildlife Federation  
Lincoln, NE

### NEVADA

Delaine Spilsbury  
Director  
Bristlecone Alliance  
McGill, NV

Michele Burkett  
President and Founder  
Defend Our Desert  
Mesquite, NV

Bob Tregilus  
Co-chair  
Electric Auto Association of Northern  
Nevada  
Reno, NV

Jeff Hardcastle  
President  
GIFT - Interfaith Action for Climate Change  
Reno, NV

Scot Rutledge  
Executive Director  
Nevada Conservation League and Education  
Fund  
Las Vegas, NV

Bob Fulkerson  
State Director  
Progressive Leadership Alliance of Nevada  
Reno, NV

James I. Barnes, Esquire  
Chairman, Board of Directors  
Scenic Nevada  
Reno, NV

#### NEW HAMPSHIRE

Farrell Seiler  
Chairman  
Carbon Action Alliance  
Littleton, NH

Sarah Brown  
Executive Director  
Green Alliance  
Portsmouth, NH

Gail Denmark  
Executive Director  
New Hampshire Green Coalition  
Amherst, NH

Nan Stearns  
Executive Director  
Women Making a Difference  
Amherst, NH

#### NEW JERSEY

Debbie Mans  
Baykeeper and Executive Director  
New York-New Jersey Baykeeper  
Keyport, NJ

Dena Mottola Jaborska  
Executive Director  
Environment New Jersey  
Trenton, NJ

Amy Goldsmith  
State Director  
New Jersey Environmental Federation  
New Jersey Clean Water Action  
Belmar, NJ

#### NEW MEXICO

Elouise Brown  
President  
Dooda Desert Rock  
NewComb, NM

John Fogarty, MD, MPH  
President  
New Energy Economy  
Santa Fe, NM

Douglas Meiklejohn  
Executive Director  
New Mexico Environmental Law Center  
Santa Fe, NM

Joan Brown  
Director  
New Mexico Interfaith Power and Light  
Albuquerque, BN

John Horning  
Executive Director  
WildEarth Guardians  
Santa Fe, NM

#### NEW YORK

Diane Hofner  
Co-Founder  
Concerned Residents of Portland, New York  
and People Like Us  
Portland, NY



Barbara Warren  
Executive Director  
Citizens' Environmental Coalition  
Albany, NY

Mr. Fred Krupp  
President  
Environmental Defense Fund  
New York, NY

Frances Beinecke  
President  
Natural Resources Defense Council  
New York, NY

Rebecca J. Weber  
Executive Director  
New York Public Interest Research Group  
New York, NY

Scott Edwards  
Director of Advocacy  
Waterkeeper Alliance  
Irvington, NY

#### NORTH CAROLINA

Willa Coffey Mays  
Executive Director  
Appalachian Voices  
Boone, NC

C. David Merryman  
Catawba Riverkeeper  
Catawba Riverkeeper Foundation, Inc.  
Charlotte, NC

June A. Blotnick  
Executive Director  
Clean Air Carolina  
Charlotte, NC

Hope Taylor, MSPH  
Executive Director  
Clean Water for North Carolina  
Durham, NC

Jill Rios  
Director  
NC Interfaith Power and Light  
Raleigh, NC

Elaine Lite  
Chair  
Mountain Voices Alliance  
Asheville, NC

Will Callaway  
Executive Director  
SouthWings  
Asheville, NC

Hartwell Carson  
French Broad Riverkeeper  
Western North Carolina Alliance  
Asheville, NC

Tess Sanders  
Executive Director  
White Oak-New Riverkeeper Alliance  
Jacksonville, NC

#### NORTH DAKOTA

Mark Trechok  
Staff Director  
Dakota Resource Council  
Dickinson, ND

#### OHIO

Elisa Young  
Founder  
Meigs Citizens Action Now!  
Racine, OH

Sandy Buchanan  
Executive Director  
Ohio Citizen Action  
Cleveland, OH

Kristy Meyer, M.S.  
Director of Agriculture and Clean Water  
Programs  
Ohio Environmental Council  
Columbus, OH

Rich Cogen  
Executive Director  
Ohio River Foundation  
Cincinnati, OH

Nathan Holscher  
Program Director  
Rivers Unlimited  
Cincinnati, OH

Dawn Falleur  
Director  
The Green Environmental Coalition  
Yellow Springs, OH

Keith Dimoff  
Executive Director  
The Ohio Environmental Council  
Columbus, OH

#### OKLAHOMA

Harlan Hentges  
Executive Director  
Center for Energy Matters  
Edmond, OK

Tim Tanksley  
Spokesperson  
B.E. Cause Group  
Bokoshe, OK

Bob D. Rounsavell  
President  
Carrie Dickerson Foundation  
Tulsa, OK

Earl L. Hatley  
Grand Riverkeeper  
Vinita, Ok

Rebecca Jim  
Executive Director  
Local Environmental Action Demanded  
Vinita, OK

Charles Wesner  
Chair  
Oklahoma Chapter Sierra Club  
Oklahoma City, OK

Susan K. Holmes  
The Bokoshe Environmental Cause Group  
Bokoshe, OK

#### OREGON

Tim Hermach  
Founder and Director  
Native Forest Council  
Eugene, OR

Mark Riskedahl  
Executive Director  
Northwest Environmental Defense Center  
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Dona Hippert  
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St., Eugene, OR  
Regna Merritt  
Executive Director  
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Portland, OR

Greg Costello  
Executive Director  
Western Environmental Law Center  
Eugene, OR

#### PENNSYLVANIA

Raina Rippel  
Director  
Center for Coalfield Justice  
Washington, PA

Conrad (Dan) Volz, DrPH, MPH  
Director  
Center for Healthy Environments and  
Communities  
Pittsburgh, PA

Thomas J. Yurick, Sr.  
President  
Citizen Advocates United to Safeguard the  
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West Hazleton, PA

Aimee Erickson  
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Citizen Power  
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Beverly Braverman  
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Save Us From Future Environmental Risks  
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#### RHODE ISLAND

Steven Roth  
President  
Kickemuit River Council  
Warren, RI

Dr. Ray Frackelton  
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Rhode Island Interfaith Power and Light  
North Kingstown, RI

Joseph A. Arruda  
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Save Bristol Harbor  
Bristol, RI

#### SOUTH CAROLINA

Alan Mehrzad  
Executive Director  
Congaree Riverkeeper  
Columbia, SC

Nancy Cave  
North Coast Office Director  
Coastal Conservation League  
Georgetown, SC

Mark C. Bruce  
Executive Director  
Santee Riverkeeper Alliance  
Summerton, SC

Christine Ellis  
Waccamaw Riverkeeper  
Winyah Rivers Foundation  
Conway, SC

#### SOUTH DAKOTA

Frank James  
Director  
Dakota Rural Action  
Brookings, SD

Pat Spears  
President  
Intertribal Council on Utility Policy  
Rosebud, SD

Deb McIntyre  
Executive Director  
South Dakota Peace and Justice Center  
Sioux Falls, SD

#### TENNESSEE

The Rev. Walter Stark  
Cumberland Countians for Peace and Justice  
Pleasant Hill, TN

Louise Gorenflo  
Director  
Solar Valley Coalition  
Crossville, TN

Cathie Bird  
Chair  
Strip Mine Issues Committee  
Statewide Organizing for Community  
eMpowerment  
Lake City, TN

Renée Victoria Hoyos  
Executive Director  
Tennessee Clean Water Network  
Knoxville, TN

John McFadden, Ph.D.  
Executive Director  
Tennessee Environmental Council  
Nashville, TN

The Rev. Douglas B. Hunt  
Executive Director  
Tennessee Interfaith Power and Light  
Knoxville, TN

Paloma Galindo  
President  
United Mountain Defense  
Knoxville, TN

#### TEXAS

Travis Brown  
President  
Neighbors for Neighbors  
Austin, TX

Susana Almanza  
Co-Director  
PODER  
Austin, TX

Karen Hadden  
Sustainable Energy and Economic  
Development Coalition  
Austin, Texas

## UTAH

Brian Moench, MD  
President  
Utah Physicians for a Healthy Environment  
Salt Lake City, UT

Paul Van Dam  
Executive Director  
Citizens for Dixie's Future  
Hurricane, UT

## VERMONT

David K. Mears  
Director  
Environmental and Natural Resources Law  
Clinic at Vermont Law School  
South Royalton, VT

Sam Swanson  
President  
Vermont Interfaith Power and Light  
Burlington, VT

Elizabeth Courtney  
Executive Director  
Vermont Natural Resources Council  
Montpelier, VT

Paul Burns  
Executive Director  
Vermont Public Interest Research Group  
Montpelier, VT

## VIRGINIA

Jeff Turner  
Riverkeeper  
Blackwater Nottoway Riverkeeper Program  
Sedley, VA

James A. McGrath  
Chair  
Concerned Citizens of Giles County  
Pearisburg, VA

Sam Broach  
President  
Southern Appalachian Stewards  
Big Stone Gap, VA

Frederick S. Middleton III  
Executive Director and President  
Southern Environmental Law Center  
Charlottesville, VA

## WASHINGTON

LeeAnne Beres  
Executive Director  
Earth Ministry/Washington Interfaith Power  
and Light  
Seattle, WA

Heather Shute  
Advocate  
Environment Washington  
Seattle, WA

Rick Eichstaedt  
Attorney  
Spokane Riverkeeper  
Spokane, WA

Crina Hoyer,  
Interim Executive Director  
North Sound Baykeeper  
RE Sources for Sustainable Communities  
Bellingham, WA

## WEST VIRGINIA

Judy Bonds  
Executive Director  
Coal River Mountain Watch  
Whitesville, WV

Duane G. Nichols, Ph.D.  
Spokesperson  
Mon Valley Clean Air Coalition  
Morgantown, WV



**Fw: OMB Meetings**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:46 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
----- Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:46 AM -----

From: Mathy Stanislaus/DC/USEPA/US  
To: "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>  
Date: 01/21/2010 08:47 AM  
Subject: Fw: Fw: OMB Meetings

My staff tells me that we have been invited to OIRA's meetings with external parties. Attached is a list of all the meetings we've been invited to  
Betsy Devlin

----- Original Message -----

**From:** Betsy Devlin  
**Sent:** 01/21/2010 08:12 AM EST  
**To:** Matt Hale  
**Cc:** Barry Breen; Lisa Feldt; Kelly Greene; Lana Suarez; Mathy Stanislaus; Richard Kinch; Richard Mattick; Robert Dellinger; Matt Straus  
**Subject:** Re: Fw: OMB Meetings

Matt

I believe we have been invited to all. Here's my list – (as we get notices of a meeting, I just update the list.)



OMB Meetings.doc

Betsy

Matt Hale Yes, I'll check with Richard. We've certainly bee... 01/21/2010 08:10:37 AM

From: Matt Hale/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Richard Mattick/DC/USEPA/US@EPA  
Cc: "Barry Breen" <Breen.Barry@epamail.epa.gov>, "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>, "Matt Straus" <Straus.Matt@epamail.epa.gov>, Robert Dellinger/DC/USEPA/US@EPA, Lana Suarez/DC/USEPA/US@EPA, Kelly Greene/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA  
Date: 01/21/2010 08:10 AM  
Subject: Re: Fw: OMB Meetings

Yes, I'll check with Richard. We've certainly been invited to a lot.

Richard -- See Mathy's request below. Maybe you know the answer to this off the top of your head. Rich Kinch, Betsy D., or someone in MRWMD should know which ones we went to or listened in on, but in any case I'm pretty sure all the invitations came through you.

Matt

Mathy Stanislaus

Matt: Can you check that we've been invited to a...

01/21/2010 07:53:12 AM



## **CCR Meetings**

**As of 1/19/2010**

### **Meetings with Outside Parties**

- October 16 John Novak, Electric Power Research Institute (EPRI)
- October 28 USWAG
- November 4 Patrick Quinn, The Accord Group on behalf of Duke Energy, Southern Company and WE Energies
- November 10 National Mining Association (NMA)
- November 12 Sean Todd, Fox Potomac Resources, LLC representing the coal boiler slag industry
- November 12 Jeff McNelly, ARIPPA
- November 13 Richard Stoll, Foley & Lardner, LLP on behalf of Lafarge North America, Inc.
- November 13 Earth Justice/Sierra Club, et al.
- November 16 David Hackett, Baker & McKenzie, LLP on behalf of Gypsum Association: Nov. 16th 1:30-2:00
- November 17 Portland Cement Association and American Concrete Pavement Assn.
- November 23 ASTSWMO
- November 30 Boral Material Technologies, Inc.
- December 1 American Concrete Institute
- December 7 Texas Aggregates and Concrete Association
- December 9 Bob Waldrop, Full Circle Solutions
- December 9 Jim Irvine, Fly Ash Direct
- December 10 Lisa Evans, Earthjustice on behalf of Johns Hopkins Bloomberg School of Public Health



December 10 National Association of Manufacturers

December 11 Environmental Integrity Project  
& December 16

December 14 USC Technologies

December 15 American Association of State Highway & Transportation Officials

December 17 American Chemistry Council

December 18 Ken Kastner, Hogan & Hartsen, LLP

January 8 Paul Noe, AFPA

January 11 Dale Diulus, Salt River Materials Group

January 12 Danny Gray, Charah, Inc.

January 15 Tom Hendrix, The SEFA Group

January 19 Paul Mellon, Novetas Solutions

January 21 Jon Hyman, CeraTech

January 21 Bob Carter, USNR Energy Services

**OMB Staff Briefings**

October 14 Overall Summary of Proposed Rule

October 28 Risk Assessment

November 3 Regulatory Impact Analysis

November 10 & November 13, and November 24 Regulatory Options (Subtitle C vs D)

December 1, Legal Rationale for Regulation (that is, requirements of RCRA 3001 and RCRA 8002)

December 4 Further call on legal rationale for the regulation



**Fw: Meeting with Mathy Stanislaus - Regulation of Coal Combustion Waste**

**Mathy Stanislaus** to: Mary Jackson

08/03/2012 10:42 AM

Sent by: **Shawna Bergman**

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:42 AM —

From: Antoinette Powell-Dickson/DC/USEPA/US  
To: Lisa Evans <levans@earthjustice.org>  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Michael Broughton/DC/USEPA/US@EPA  
Date: 08/03/2009 06:01 PM  
Subject: RE: Meeting with Mathy Stanislaus - Regulation of Coal Combustion Waste

Lisa

Please confirm that you got the message stating that your meeting with Mathy tomorrow has been moved to 3 pm.

Antoinette Powell Dickson  
Special Assistant  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0738; Fax: (202) 566-0207  
powell-dickson.antoINETTE@epa.gov

Lisa Evans

I understand and promise that there will be no u...

08/03/2009 01:57:22 PM

From: Lisa Evans <levans@earthjustice.org>  
To: Michael Broughton/DC/USEPA/US@EPA  
Cc: Antoinette Powell-Dickson/DC/USEPA/US@EPA  
Date: 08/03/2009 01:57 PM  
Subject: RE: Meeting with Mathy Stanislaus - Regulation of Coal Combustion Waste

I understand and promise that there will be no unexpected attendees.  
Thanks,  
Lisa

Lisa Evans  
Project Attorney  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

\*please consider the environment before printing

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recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

From: Broughton.Michael@epamail.epa.gov [Broughton.Michael@epamail.epa.gov]  
Sent: Monday, August 03, 2009 1:55 PM  
To: Lisa Evans  
Cc: Powell-Dickson.Antoinette@epamail.epa.gov  
Subject: RE: Meeting with Mathy Stanislaus - Regulation of Coal Combustion Waste

Lisa:

We are at capacity for our conference room, so we will not be able to accommodate any additional attendees (other than Deeohn Ferris).

Thank you!

Mike Broughton  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response (OSWER)  
Room 3146B, EPA West  
broughton.michael@epa.gov  
(202) 566-2369 (Direct)  
(202) 566-0207 (Fax)

From: Lisa Evans <levans@earthjustice.org>  
To: Michael Broughton/DC/USEPA/US@EPA  
Date: 08/03/2009 01:05 PM  
Subject: RE: Meeting with Mathy Stanislaus - Regulation of Coal Combustion Waste

---

Hi Mike,  
I have made a minor adjustment to the meeting agenda (attached). The change is minor, so if the agenda is already distributed, that's no problem. Also I was hoping that one additional participant could be added to the meeting. Deeohn Ferris, President, Sustainable Community Development Group, Inc. would like to attend. Please let me know if this is a problem.  
Sincerely,  
Lisa

Lisa Evans  
Project Attorney  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
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From: Broughton.Michael@epamail.epa.gov [Broughton.Michael@epamail.epa.gov]  
Sent: Friday, July 31, 2009 8:29 AM  
To: Lisa Evans  
Subject: RE: Meeting with Mathy Stanislaus - Regulation of Coal Combustion Waste

Lisa:

I just noticed that the meeting date on your agenda is August 3, 2009 - could you please change it to Tuesday, August 4, 2009?

Thank you!

Mike Broughton  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response (OSWER)  
Room 3146B, EPA West  
broughton.michael@epa.gov  
(202) 566-2369 (Direct)  
(202) 566-0207 (Fax)

From: Lisa Evans <levans@earthjustice.org>  
To: Michael Broughton/DC/USEPA/US@EPA  
Date: 07/31/2009 08:14 AM  
Subject: RE: Meeting with Mathy Stanislaus - Regulation of Coal Combustion Waste

---

Thanks for the quick reply! Have a great weekend.  
Sincerely,  
Lisa

Lisa Evans  
Project Attorney  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
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From: Broughton.Michael@epamail.epa.gov [Broughton.Michael@epamail.epa.gov]  
Sent: Friday, July 31, 2009 8:09 AM  
To: Lisa Evans  
Subject: RE: Meeting with Mathy Stanislaus - Regulation of Coal Combustion

Waste

Lisa:

I included on the invitation:

Barbara Hostage  
Barry Breen  
Bob Sussman  
John Michaud  
Laurel Celeste  
Matt Hale  
Matt Straus

Mike Broughton  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response (OSWER)  
Room 3146B, EPA West  
broughton.michael@epa.gov  
(202) 566-2369 (Direct)  
(202) 566-0207 (Fax)

From: Lisa Evans <levans@earthjustice.org>  
To: Michael Broughton/DC/USEPA/US@EPA  
Date: 07/31/2009 08:06 AM  
Subject: RE: Meeting with Mathy Stanislaus - Regulation of Coal  
Combustion Waste

---

Mike,  
Do you know who will be attending the meeting from EPA?  
Thanks,  
Lisa

Lisa Evans  
Project Attorney  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
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From: Broughton.Michael@epamail.epa.gov [Broughton.Michael@epamail.epa.gov]  
Sent: Friday, July 31, 2009 7:54 AM  
To: Lisa Evans  
Subject: RE: Meeting with Mathy Stanislaus - Regulation of Coal Combustion

Waste

Lisa - good morning!

Thank you for the information and I look forward to meeting you, as well - have a great weekend!

Mike Broughton  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response (OSWER)  
Room 3146B, EPA West  
broughton.michael@epa.gov  
(202) 566-2369 (Direct)  
(202) 566-0207 (Fax)

From: Lisa Evans <levans@earthjustice.org>  
To: Michael Broughton/DC/USEPA/US@EPA  
Date: 07/30/2009 06:01 PM  
Subject: RE: Meeting with Mathy Stanislaus - Regulation of Coal  
Combustion Waste

---

Hi Michael,

At the meeting on Tuesday, I will be bringing with me: Emily Enderle, Legislative Associate, Earthjustice; Eric Schaeffer, Executive Director, Environmental Integrity Project (EIP), Jeff Stant, Director, Coal Combustion Waste Initiative, EIP; Lisa Widawsky, Attorney, EIP; Ed Hopkins, Director, Environmental Quality Program, Sierra Club; Patrice Simms, Senior Attorney, Natural Resources Defense Council, Jackie Kruszewski, Legislative Associate, Southern Environmental Law Center; Vernice Miller-Travis, Maryland Commission on Environmental Justice and Sustainable Communities.

We would like to suggest the attached agenda.

Thank you again for facilitating the setting up of this meeting. I look forward to meeting you on Tuesday.

Sincerely,

Lisa Evans

Lisa Evans  
Project Attorney  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
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From: Broughton.Michael@epamail.epa.gov [Broughton.Michael@epamail.epa.gov]  
Sent: Monday, July 27, 2009 9:10 AM  
To: Lisa Evans  
Subject: RE: Meeting with Mathy Stanislaus - Regulation of Coal Combustion Waste

Lisa - good morning!

I have you scheduled on Mathy's calendar for Tuesday, August 4, 2009, 1:00 - 1:45 PM.

Will you please provide me with an agenda and list of attendees?

Thank you, and have a great day!

Mike Broughton  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response (OSWER)  
Room 3146B, EPA West  
broughton.michael@epa.gov  
(202) 566-2369 (Direct)  
(202) 566-0207 (Fax)

From: Lisa Evans <levans@earthjustice.org>  
To: Michael Broughton/DC/USEPA/US@EPA  
Cc: Antoinette Powell-Dickson/DC/USEPA/US@EPA  
Date: 07/26/2009 10:32 PM  
Subject: RE: Meeting with Mathy Stanislaus - Regulation of Coal Combustion Waste

Dear Mike,  
If Assistant Administrator Stanislaus still has Aug. 4th open, preferably at 1:00 pm, can we set up the meeting for that time? If the morning slot is available, that would also work for the group.  
Thank you for your patience.  
Sincerely,  
Lisa

Lisa Evans  
Project Attorney  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
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From: Broughton.Michael@epamail.epa.gov [Broughton.Michael@epamail.epa.gov]  
Sent: Wednesday, July 22, 2009 8:04 AM  
To: Lisa Evans  
Cc: Powell-Dickson.Antoinette@epamail.epa.gov  
Subject: Fw: Meeting with Mathy Stanislaus - Regulation of Coal Combustion Waste

Ms. Evans - good morning!

Just following up on my earlier e-mail concerning your meeting with Mathy Stanislaus.

Have you had an opportunity to review the dates and times that I provided?

Thank you!

Mike Broughton  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response (OSWER)  
Room 3146B, EPA West  
broughton.michael@epa.gov  
(202) 566-2369 (Direct)  
(202) 566-0207 (Fax)

----- Forwarded by Michael Broughton/DC/USEPA/US on 07/22/2009 08:02 AM -----  
From: Michael Broughton/DC/USEPA/US  
To: levans@earthjustice.org  
Cc: Antoinette Powell-Dickson/DC/USEPA/US@EPA, Carolyn McDonald/DC/USEPA/US@EPA  
Date: 07/17/2009 01:41 PM  
Subject: Meeting with Mathy Stanislaus - Regulation of Coal Combustion Waste

---

Ms. Evans - good afternoon!

I am Mathy's scheduler and I want to provide you with some dates and times that Mathy is available to meet with you:

Tuesday, August 4, 2009 10:00 - 10:45 AM  
Tuesday, August 4, 2009 1:00 - 1:45 PM  
Wednesday, August 5, 2009 10:00 - 10:45 AM  
Wednesday, August 5, 2009 2:00 - 2:45 PM

If any of these dates and times are compatible with your schedule, please e-mail me and I will get you on Mathy's calendar right away.

Thank you!

Mike Broughton  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response (OSWER)  
Room 3146B, EPA West  
broughton.michael@epa.gov



(202) 566-2369 (Direct)  
(202) 566-0207 (Fax)

[attachment "Agenda\_Coal\_Ash\_Mtg\_080309.docx" deleted by Michael Broughton/DC/USEPA/US]

[attachment "Agenda\_Coal\_Ash\_Mtg\_080409.docx" deleted by Michael Broughton/DC/USEPA/US]





## RSVPs to the 6/5 meeting

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:35 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

These are the automatic RSVPs to the 6/5 meeting.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —



## Meeting w/Anna Jane Joyner, Community Organizer, Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC

**Tue 06/05/2012 11:30 AM - 12:00 PM**

Chair: **Mathy Stanislaus/DC/USEPA/US**  
Sent By: **Nelida Torres/DC/USEPA/US**  
Location: Room 3146 EPA West

Required:	Betsy Devlin/DC/USEPA/US@EPA, Sandra Connors/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA
Optional:	Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA

### Description

**From:** Anna Jane Joyner [annajane@wnca.org]  
**Sent:** 05/31/2012 11:56 AM AST  
**To:** Mathy Stanislaus  
**Cc:** 'Sandra Diaz' <sandra@appvoices.org>; Jim Grode <jimgrode@gmail.com>  
**Subject:** Request for Mtg re: coal ash ponds in Asheville/NC

Dear Mr. Stanislaus,

Warm greetings! I hope you are having a beautiful day. I'm writing to request a meeting with you about coal ash.

As you know, coal ash has a long history of adversely impacting the lives of American citizens. In particular, I live in Asheville, North Carolina a community that is home to two unlined coal ash ponds that are currently contaminating our groundwater with toxic chemicals and threatening the French Broad River, in addition to posing a very serious danger to our community if either were to burst like

the TVA pond in our neighbor state, Tennessee, did in 2008. We would appreciate the opportunity to meet with you to discuss our concerns and findings about the situation in Asheville as well as the dangers of coal ash in NC, the southeast, and around the country.

Meeting participants would include Anna Jane Joyner, Sandra Diaz, and Jim Grode. Our availability for a meeting in your office in DC is anytime Monday, June 4 or Tuesday, June 5 before 11am or after 4pm.

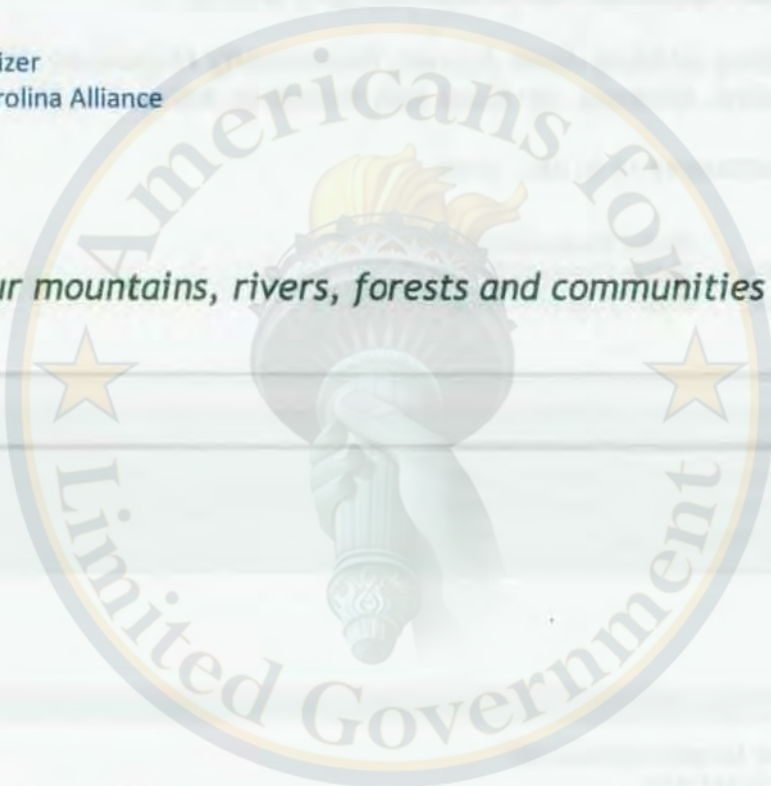
Thank you for your time. We look forward to the opportunity to meet with you about this important issue!

Kindly,

Anna Jane Joyner  
Community Organizer  
Western North Carolina Alliance  
828-258-8737  
[www.wnca.org](http://www.wnca.org)

*Protecting our mountains, rivers, forests and communities*

Personal Notes



----- Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM -----



**Accepted: Meeting w/Anna Jane Joyner, Community Organizer,  
Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC  
Tue 06/05/2012 11:30 AM - 12:00  
PM  
Attendance is required for Mathy Stanislaus**

Chair: **Mathy Stanislaus/DC/USEPA/US**  
Location: Room 3146 EPA West

**Shawna Bergman** has accepted this meeting invitation

Optional: Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA

#### Description



— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —



**Tentative: Meeting w/Anna Jane Joyner, Community Organizer,  
Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC**  
Tue 06/05/2012 11:30 AM - 12:00  
PM

Attendance is **required** for Mathy Stanislaus  
Chair: **Mathy Stanislaus/DC/USEPA/US**  
Location: Room 3146 EPA West

**Matt Straus** has tentatively accepted this meeting invitation

Optional:

Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Eilyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA

Description



— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —



**Accepted: Meeting w/Anna Jane Joyner, Community Organizer, Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC**  
Tue 06/05/2012 11:30 AM - 12:00 PM

Attendance is required for Mathy Stanislaus

Chair: **Mathy Stanislaus/DC/USEPA/US**

Location: Room 3146 EPA West

Betsy Devlin has accepted this meeting invitation

Required:

Betsy Devlin/DC/USEPA/US@EPA, Sandra Connors/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA

Optional: Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA

Description



----- Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM -----



**Accepted: Meeting w/Anna Jane Joyner, Community Organizer, Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC**

**Tue 06/05/2012 11:30 AM - 12:00 PM**

Attendance is required for Mathy Stanislaus

Chair: **Mathy Stanislaus/DC/USEPA/US**

Location: Room 3146 EPA West

**Becky Brooks** has accepted this meeting invitation

Optional: Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA

Description

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —



**Accepted: Meeting w/Anna Jane Joyner, Community Organizer,  
Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC  
Tue 06/05/2012 11:30 AM - 12:00  
PM**

Attendance is required for Mathy Stanislaus  
Chair: **Mathy Stanislaus/DC/USEPA/US**  
Sent By: **Teresa Hill/DC/USEPA/US**  
Location: Room 3146 EPA West

**Lisa Feldt** You have accepted this meeting invitation.

Optional: Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn  
Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA,  
Shawna Bergman/DC/USEPA/US@EPA

**Description**

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —



**Declined: Meeting w/Anna Jane Joyner, Community Organizer,  
Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC**  
Tue 06/05/2012 11:30 AM - 12:00  
PM

Attendance is required for Mathy Stanislaus

Chair: **Mathy Stanislaus/DC/USEPA/US**

Location: Room 3146 EPA West

You have declined this meeting.

Optional:

Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn  
Fine/DC/USEPA/US@EPA, Lisa Feld/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA,  
Shawna Bergman/DC/USEPA/US@EPA

Description



— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —



**Accepted: Meeting w/Anna Jane Joyner, Community Organizer,  
Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC**  
Tue 06/05/2012 11:30 AM - 12:00  
PM

Attendance is **required** for Mathy Stanislaus  
Chair: **Mathy Stanislaus/DC/USEPA/US**  
Sent By: **Deana Nisbett/DC/USEPA/US**  
Location: Room 3146 EPA West

**Suzanne Rudzinski** You have accepted this meeting invitation.

Required: Sandra Connors/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA  
Optional: Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn  
Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA,  
Shawna Bergman/DC/USEPA/US@EPA

Description

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —



**Accepted: Meeting w/Anna Jane Joyner, Community Organizer,  
Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC**  
Tue 06/05/2012 11:30 AM - 12:00  
PM

Attendance is **required** for Mathy Stanislaus

Chair: **Mathy Stanislaus/DC/USEPA/US**

Sent By: **Carolyn McDonald/DC/USEPA/US**

Location: Room 3146 EPA West

**Barry  
Breen**

You have accepted this meeting invitation.

Optional:

Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn  
Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA,  
Shawna Bergman/DC/USEPA/US@EPA

**Description**

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —

**Accepted: Meeting w/Anna Jane Joyner, Community Organizer,  
Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC**



**Tue 06/05/2012 11:30 AM - 12:00 PM**

Attendance is **required** for Mathy Stanislaus

Chair: **Mathy Stanislaus/DC/USEPA/US**

Sent By: **Deana Nisbett/DC/USEPA/US**

Location: Room 3146 EPA West

**Sandra Connors** You have accepted this meeting invitation.

Required: Sandra Connors/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA

Optional: Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Eilyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA

**Description**



— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —



**Delegated: Meeting w/Anna Jane Joyner, Community Organizer, Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC**

**Tue 06/05/2012 11:30 AM - 12:00 PM**

Attendance is **required** for Mathy Stanislaus

Chair: **Mathy Stanislaus/DC/USEPA/US**

Sent By: **Sharon Brent/DC/USEPA/US**  
Location: Room 3146 EPA West

Suzanne Rudzinski You have delegated this meeting invitation to **Betsy Devlin**

Required: Sandra Connors/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA  
Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn  
Optional: Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA,  
Shawna Bergman/DC/USEPA/US@EPA  
Delegated to: Betsy Devlin/DC/USEPA/US@EPA

Description



— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —



**Declined: Meeting w/Anna Jane Joyner, Community Organizer,  
Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC  
Tue 06/05/2012 11:30 AM - 12:00  
PM**

Attendance is **required** for Mathy Stanislaus  
Chair: **Mathy Stanislaus/DC/USEPA/US**  
Sent By: **Sharon Brent/DC/USEPA/US**  
Location: Room 3146 EPA West

You have declined this meeting.

Required: Sandra Connors/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA  
Optional: Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA

Description



----- Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM -----



**Accepted: Meeting w/Anna Jane Joyner, Community Organizer, Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC Tue 06/05/2012 11:30 AM - 12:00 PM**

Attendance is **required** for Mathy Stanislaus

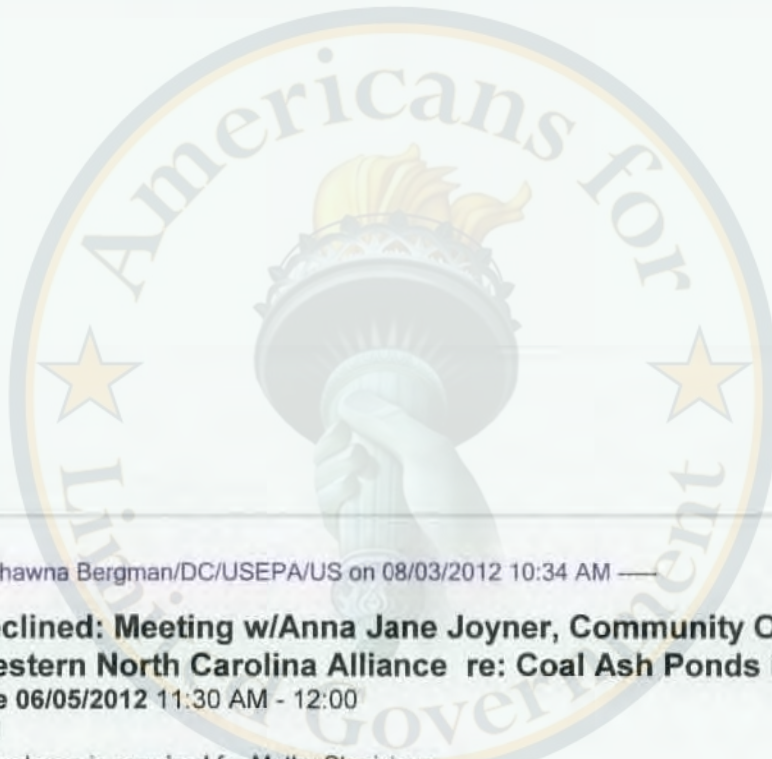
Chair: **Mathy Stanislaus/DC/USEPA/US**

Location: Room 3146 EPA West

Betsy Devlin has accepted this meeting invitation on behalf of Suzanne Rudzinski

Required: Sandra Connors/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA  
Optional: Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA  
Delegated to: Betsy Devlin/DC/USEPA/US@EPA

Description



— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —



**Declined: Meeting w/Anna Jane Joyner, Community Organizer,  
Western North Carolina Alliance re: Coal Ash Ponds in Asheville, NC**  
Tue 06/05/2012 11:30 AM - 12:00 PM

Attendance is required for Mathy Stanislaus  
Chair: **Mathy Stanislaus/DC/USEPA/US**  
Sent By: **Teresa Hill/DC/USEPA/US**  
Location: Room 3146 EPA West

You have declined this meeting.

Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn

Optional:

Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA,  
Shawna Bergman/DC/USEPA/US@EPA

**Description**





**Fw: Friday, Feb 5, 2010, meeting at 3 pm**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:42 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:42 AM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Antoinette Powell-Dickson/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA  
Date: 02/04/2010 02:52 PM  
Subject: Fw: Friday, Feb 5, 2010, meeting at 3 pm

would need to adjust schedule if this occurs

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Mathy Stanislaus/DC/USEPA/US on 02/04/2010 02:52 PM —

From: Eric Schaeffer <eschaeffer@environmentalintegrity.org>  
To: Georgia Bednar/DC/USEPA/US@EPA, Laurel Celeste/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Kate Fendler <kfendler@environmentalintegrity.org>  
Date: 02/04/2010 02:16 PM  
Subject: RE: Friday, Feb 5, 2010, meeting at 3 pm

Works for me.

Regards,

Eric Schaeffer  
PLEASE NOTE OUR ADDRESS HAS CHANGED:  
Environmental Integrity Project  
1920 L Street, N.W., Ste 800  
Washington, DC 20036  
Tel: (202) 296-8800  
Fax (202) 296-8822

-----Original Message-----

From: Bednar.Georgia@epamail.epa.gov [mailto:Bednar.Georgia@epamail.epa.gov]  
Sent: Thursday, February 04, 2010 2:03 PM  
To: Eric Schaeffer; celeste.laurel@epamail.epa.gov;  
Stanislaus.Mathy@epamail.epa.gov; Hale.Matt@epamail.epa.gov;  
Straus.Matt@epamail.epa.gov; Fulton.Scott@epamail.epa.gov;  
Garbow.Avi@epamail.epa.gov  
Subject: Friday, Feb 5, 2010, meeting at 3 pm



Due to the expected weather tomorrow I am trying to see if we can move this meeting to an earlier time. I am suggesting 11 am. Please let me know if this would work for your calendar.

Much thanks,  
Georgia

Georgia Lynn Bednar  
Office of the Administrator  
U.S. Environmental Protection Agency  
(202) 564-9816  
(202) 251-8468 Cell

"It takes courage to grow up and turn out to be who you really are." -  
e.e. cummings





**Fw: Request for Mtg re: coal ash ponds in Asheville/NC**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:34 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus

USEPA Assistant Administrator

Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —

From: Mathy Stanislaus/DC/USEPA/US  
To: "Nelida Torres" <Torres.Nelida@epamail.epa.gov>  
Cc: Shawna Bergman/DC/USEPA/US@EPA, "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>, Barry Breen/DC/USEPA/US@EPA, "Suzanne Rudzinski" <Rudzinski.Suzanne@epamail.epa.gov>  
Date: 05/31/2012 12:37 PM  
Subject: Fw: Request for Mtg re: coal ash ponds in Asheville/NC

Pls see whether you can squeeze in a 30 min mtg

**From:** Anna Jane Joyner [annajane@wnca.org]  
**Sent:** 05/31/2012 11:56 AM AST  
**To:** Mathy Stanislaus  
**Cc:** 'Sandra Diaz' <sandra@appvoices.org>; Jim Grode <jimgrode@gmail.com>  
**Subject:** Request for Mtg re: coal ash ponds in Asheville/NC

Dear Mr. Stanislaus,

Warm greetings! I hope you are having a beautiful day. I'm writing to request a meeting with you about coal ash.

As you know, coal ash has a long history of adversely impacting the lives of American citizens. In particular, I live in Asheville, North Carolina a community that is home to two unlined coal ash ponds that are currently contaminating our groundwater with toxic chemicals and threatening the French Broad River, in addition to posing a very serious danger to our community if either were to burst like the TVA pond in our neighbor state, Tennessee, did in 2008. We would appreciate the opportunity to meet with you to discuss our concerns and findings about the situation in Asheville as well as the dangers of coal ash in NC, the southeast, and around the country.

Meeting participants would include Anna Jane Joyner, Sandra Diaz, and Jim Grode. Our availability for a meeting in your office in DC is anytime Monday, June 4 or Tuesday, June 5 before 11am or after 4pm.

Thank you for your time. We look forward to the opportunity to meet with you about this important issue!

Kindly,

Anna Jane Joyner  
Community Organizer  
Western North Carolina Alliance  
828-258-8737  
[www.wnca.org](http://www.wnca.org)

*Protecting our mountains, rivers, forests and communities*

\*\*\*\*\* ATTACHMENT NOT DELIVERED  
\*\*\*\*\*

This Email message contained an attachment named  
image001.jpg  
which may be a computer program. This attached computer program  
could  
contain a computer virus which could cause harm to EPA's  
computers,  
network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses  
introduced  
into the EPA network. EPA is deleting all computer program  
attachments  
sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate,  
you  
should contact the sender and request that they rename the file  
name  
extension and resend the Email with the renamed attachment.  
After  
receiving the revised Email, containing the renamed attachment,  
you can  
rename the file extension to its correct name.

For further information, please contact the EPA Call Center at  
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED  
\*\*\*\*\*



**Fw: Request for a meeting, from Physicians for Social Responsibility**

**Mathy Stanislaus** to: Mary Jackson

08/03/2012 10:34 AM

Sent by: **Shawna Bergman**

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus

USEPA Assistant Administrator

Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:34 AM —

From: Shawna Bergman/DC/USEPA/US  
To: Ann Campbell/DC/USEPA/US@EPA  
Cc: Denise Anderson/DC/USEPA/US@EPA, Donald Maddox/DC/USEPA/US@EPA, Noah Dubin/DC/USEPA/US@EPA, Sharnett Willis/DC/USEPA/US@EPA, Teri Porterfield/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 04/20/2012 03:32 PM  
Subject: Re: Request for a meeting, from Physicians for Social Responsibility

OSWER prefers that our ORCR program handle this meeting request, rather than Bob S or Bob P.

Shawna Roesch Bergman

Chief of Staff

Office of Solid Waste and Emergency Response

U.S. Environmental Protection Agency

Phone: 202.564.3641

Ann Campbell At this point I would indicate only that Bob S will... 04/19/2012 02:17:24 PM

From: Ann Campbell/DC/USEPA/US  
To: Noah Dubin/DC/USEPA/US@EPA  
Cc: Denise Anderson/DC/USEPA/US@EPA, Donald Maddox/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Teri Porterfield/DC/USEPA/US@EPA, Sharnett Willis/DC/USEPA/US@EPA  
Date: 04/19/2012 02:17 PM  
Subject: Re: Request for a meeting, from Physicians for Social Responsibility

At this point I would indicate only that Bob S will take the meeting. I can't speak for the Deputy's office.

-----  
Ann Campbell  
Office of the Administrator  
U.S Environmental Protection Agency

202-566-1370  
202-657-3117 (Mobile)

Noah Dubin

----- Original Message -----

**From:** Noah Dubin

**Sent:** 04/19/2012 02:16 PM EDT

**To:** Ann Campbell

**Cc:** Denise Anderson; Donald Maddox; Shawna Bergman; Teri Porterfield;

Sharnett Willis

**Subject:** Re: Request for a meeting, from Physicians for Social Responsibility  
Sharnett,

Just reach out to Barb Gottlieb directly, indicating I passed her note along to the offices of Bob S and Bob P. To clarify, LPJ will not participate in this meeting.

Thanks.

Noah Dubin  
Scheduler  
Office of the Administrator | US EPA  
Office: (202) 564-7314  
Cell: (202) 309-3687

Ann Campbell      Noah - Bob S will take the meeting along with M...      04/19/2012 02:11:19 PM

**From:** Ann Campbell/DC/USEPA/US  
**To:** Noah Dubin/DC/USEPA/US@EPA, Donald Maddox/DC/USEPA/US@EPA, Teri Porterfield/DC/USEPA/US@EPA, Denise Anderson/DC/USEPA/US@EPA, "Sharnett Willis" <Willis.Sharnett@epamail.epa.gov>  
**Cc:** Shawna Bergman/DC/USEPA/US@EPA  
**Date:** 04/19/2012 02:11 PM  
**Subject:** Re: Request for a meeting, from Physicians for Social Responsibility

Noah - Bob S will take the meeting along with Mathy. Sharnett can you please work with Noah to get this on the schedule. Thank you.

-----  
Ann Campbell  
Office of the Administrator  
U.S Environmental Protection Agency

202-566-1370  
202-657-3117 (Mobile)

Noah Dubin

----- Original Message -----

**From:** Noah Dubin  
**Sent:** 04/19/2012 02:07 PM EDT  
**To:** Donald Maddox; Ann Campbell; Teri Porterfield; Denise Anderson  
**Cc:** Shawna Bergman  
**Subject:** Fw: Request for a meeting, from Physicians for Social Responsibility

Ms. Gottlieb has followed up with this email:

Yesterday I emailed you requesting your help in scheduling the delegation of Physicians for Social Responsibility doctors, coming to Washington to talk about coal ash.

Our coal ash visit has suddenly become highly urgent. A seriously damaging coal ash amendment passed the House yesterday, tacked onto the must-pass Transportation bill. Sponsored by Rep. McKinley of WV, it is intended to stop the EPA from classifying coal ash as a hazardous material. (See attached Huffington Post article.)

This development is very worrisome – and it makes the voice of PSR’s doctor-advocates all the more important and timely. Please help ensure that that voice is heard. Can you either arrange for the PSR doctors to meet with Bob Sussman and Bob Perciasepe, or put me in touch with the appropriate scheduler who could?

Please let me know if Bob P and Bob S would like to take this meeting.

Noah Dubin  
Scheduler  
Office of the Administrator | US EPA  
Office: (202) 564-7314  
Cell: (202) 309-3687

— Forwarded by Noah Dubin/DC/USEPA/US on 04/19/2012 02:07 PM —

From: Noah Dubin/DC/USEPA/US  
To: Donald Maddox/DC/USEPA/US@EPA, Ann Campbell/DC/USEPA/US@EPA, Teri Porterfield/DC/USEPA/US@EPA, Denise Anderson/DC/USEPA/US@EPA  
Cc: Shawna Bergman/DC/USEPA/US@EPA  
Date: 04/19/2012 12:54 PM  
Subject: Fw: Request for a meeting, from Physicians for Social Responsibility

I've been working w/ this group to set up a mtg w/ OSWER. Looks like they're now requesting a mtg w/ the Bobs. Would they be interested?

— Forwarded by Noah Dubin/DC/USEPA/US on 04/19/2012 12:53 PM —

From: Barb Gottlieb <bgottlieb@psr.org>  
To: Noah Dubin/DC/USEPA/US@EPA  
Date: 04/18/2012 10:38 AM  
Subject: RE: Request for a meeting, from Physicians for Social Responsibility

Hello Noah,

Since PSR members have previously met with Mathy Stanislaus, it has been suggested to me that it would be useful for PSR’s doctors to meet with Bob Sussman and Bob Perciasepe. Could you put me in touch with their schedulers?

Thanks,



Barbara Gottlieb  
Director, Environment & Health  
Physicians for Social Responsibility  
202-587-5225

**We're Moving! As of April 23,**  
**please note our NEW address:**  
Physicians for Social Responsibility  
1111 - 14<sup>th</sup> St. NW, suite 700  
Washington, DC 20005

**From:** Noah Dubin [<mailto:Dubin.Noah@epamail.epa.gov>]  
**Sent:** Monday, April 16, 2012 4:31 PM  
**To:** Barb Gottlieb  
**Subject:** Re: Request for a meeting, from Physicians for Social Responsibility

Ms. Gottlieb,

Unfortunately, the Administrator will be on travel and out of the office April 26 and 27.

Thank you.

----- Forwarded by Noah Dubin/DC/USEPA/US on 04/16/2012 04:28 PM -----

From: Barb Gottlieb <[bgottlieb@psr.org](mailto:bgottlieb@psr.org)>  
To: Noah Dubin/DC/USEPA/US@EPA  
Date: 04/16/2012 04:16 PM  
Subject: RE: FW: Request for a meeting, from Physicians for Social Responsibility

Hello Noah,

Thank you for re-sending – your email did not come in on April 12.

We have met with Mathy Stanislaus previously. We would be most interested in meeting with Administrator Jackson. Can that be arranged for us?

Most appreciatively,



*Barb Gottlieb*

Barbara Gottlieb  
Director, Environment & Health  
Physicians for Social Responsibility  
202-587-5225

**We're Moving!** As of April 23,  
please note our **NEW** address:  
Physicians for Social Responsibility  
1111 - 14<sup>th</sup> St. NW, suite 700  
Washington, DC 20005

**From:** Noah Dubin [<mailto:Dubin.Noah@epamail.epa.gov>]  
**Sent:** Monday, April 16, 2012 2:39 PM  
**To:** Barb Gottlieb

**Subject:** Re: FW: Request for a meeting, from Physicians for Social Responsibility

Ms. Gottlieb,

I sent you this email on April 12 - apologies if it didn't go through:

"Good Morning Ms. Gottlieb,

Thank you for this meeting request for Administrator Jackson. We have consulted with the Administrator's advisors, and would like to set up a meeting between your organization and EPA's Office of Solid Waste and Emergency Response. If you would be interested in this option, please email me back, and I will connect you with the appropriate staff to set it up.

Thank you,"

Noah Dubin  
Scheduler  
Office of the Administrator | US EPA  
Office: (202) 564-7314  
Cell: (202) 309-3687

Barb Gottlieb ---04/16/2012 02:31:00 PM---Hello, I'm writing on behalf of a group of eight doctors from six states, members of Physicians for

From: Barb Gottlieb <[bgottlieb@psr.org](mailto:bgottlieb@psr.org)>  
To: Noah Dubin/DC/USEPA/US@EPA, [scheduling@EPA](mailto:scheduling@EPA)  
Date: 04/16/2012 02:31 PM  
Subject: FW: Request for a meeting, from Physicians for Social Responsibility

Hello,

I'm writing on behalf of a group of eight doctors from six states, members of Physicians for Social Responsibility. They will be in Washington on April 26 and 27 to discuss their concerns about coal ash and health. They would very much like to meet with Administrator Jackson. If you could kindly consider their request, below, we would much appreciate it.

Thank you.

*Barb Gottlieb*  
Barbara Gottlieb  
Director, Environment & Health  
Physicians for Social Responsibility  
202-587-5225

**We're Moving! As of April 23,  
please note our NEW address:**  
Physicians for Social Responsibility  
1111 - 14<sup>th</sup> St. NW, suite 700  
Washington, DC 20005



**From:** Barb Gottlieb

**Sent:** Wednesday, April 04, 2012 12:28 PM

**To:** [dubin.noah@epamail.epa.gov](mailto:dubin.noah@epamail.epa.gov)

**Cc:** [scheduling@epamail.epa.gov](mailto:scheduling@epamail.epa.gov)

**Subject:** Request for a meeting, from Physicians for Social Responsibility

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Dear Administrator Jackson:

We the undersigned doctors, on behalf of Physicians for Social Responsibility, respectfully request a meeting to discuss an issue of imminent national importance, the Environmental Protection Agency's proposed coal ash standard.

As health care professional, we would appreciate an hour of your time to discuss the many impacts coal ash pollution is having in our communities and across the nation. While the toxic contents of coal ash may vary depending on where the coal is mined, coal ash commonly contains some of the world's deadliest toxic metals: arsenic, lead, mercury, cadmium, chromium and selenium. These and other toxicants in coal ash can cause cancer and neurological damage in humans. They can also harm and kill wildlife, especially fish and other water-dwelling species. We would appreciate the opportunity to meet with you to discuss these issues in more depth.

We are available for a meeting in Washington, DC on April 26<sup>th</sup> or the morning of April 27<sup>th</sup>.

We thank you, in advance, for your consideration of this request, and we hope to have the timely opportunity to discuss this critical issue with you. The scheduling contact is Barbara Gottlieb at 202-587-5225 or [bgottlieb@psr.org](mailto:bgottlieb@psr.org)

Thank you,

Maureen McCue, MD PhD of Oxford, Iowa

John Rachow, MD of Oxford, Iowa

Poune Saberi, MD of Philadelphia, Pennsylvania

Ronald Saff, MD of Tallahassee, Florida

William AH Sammons, MD of Boston, Massachusetts

Robert Little, MD of Harrisburg, Pennsylvania

Terry Clark, MD of Ashville, North Carolina

Yolanda Whyte, MD of Atlanta, Georgia



**Fw: Dec 13 Meeting with Mathy Stanislaus**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:33 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:33 AM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Lisa Evans <levans@earthjustice.org>  
Date: 12/12/2011 12:29 PM  
Subject: Fw: Dec 13 Meeting with Mathy Stanislaus

Lisa: Did these individuals attend the last meeting? My preference is to have meetings with you and Eric. I'd prefer not having folks who are not up to speed on the issues. On the other hand, if they attended the last meeting and are up to speed - I'm ok with them attending.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
— Forwarded by Mathy Stanislaus/DC/USEPA/US on 12/12/2011 12:27 PM —

From: Nelida Torres/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 12/12/2011 12:09 PM  
Subject: Fw: Dec 13 Meeting with Mathy Stanislaus

Nelida Torres (Nelly)  
U. S. EPA, Office of Solid Waste & Emergency Response  
Room 3146C West Building  
202-564-5767

— Forwarded by Nelida Torres/DC/USEPA/US on 12/12/2011 12:09 PM —

From: Lisa Evans <levans@earthjustice.org>  
To: Nelida Torres/DC/USEPA/US@EPA  
Cc: Shawna Bergman/DC/USEPA/US@EPA  
Date: 12/12/2011 11:59 AM  
Subject: FW: Dec 13 Meeting with Mathy Stanislaus

Hi Nellie-

I would like to confirm tomorrow's meeting and am hoping you can tell me who from EPA will be attending the Dec 13 meeting re coal ash.

Also, I would like to request permission for two representatives from the Sierra Club to attend, Dalal Aboulhosen and Josh Berman.

Thank you in advance for your help.  
Sincerely,

Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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**Fw: People at Coal Ash meeting on 11/4**

**Mathy Stanislaus** to: Mary Jackson

Sent by: **Shawna Bergman**

08/03/2012 10:32 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

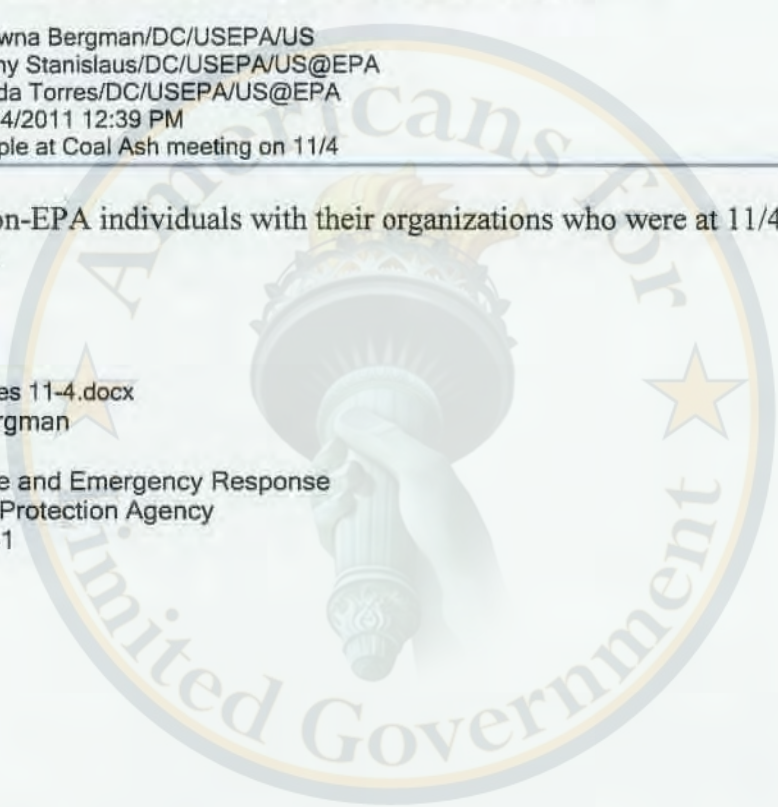
— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:31 AM —

From: Shawna Bergman/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Nelida Torres/DC/USEPA/US@EPA  
Date: 11/14/2011 12:39 PM  
Subject: People at Coal Ash meeting on 11/4

Here is a list of Non-EPA individuals with their organizations who were at 11/4/11 Coal Ash meeting with EPA

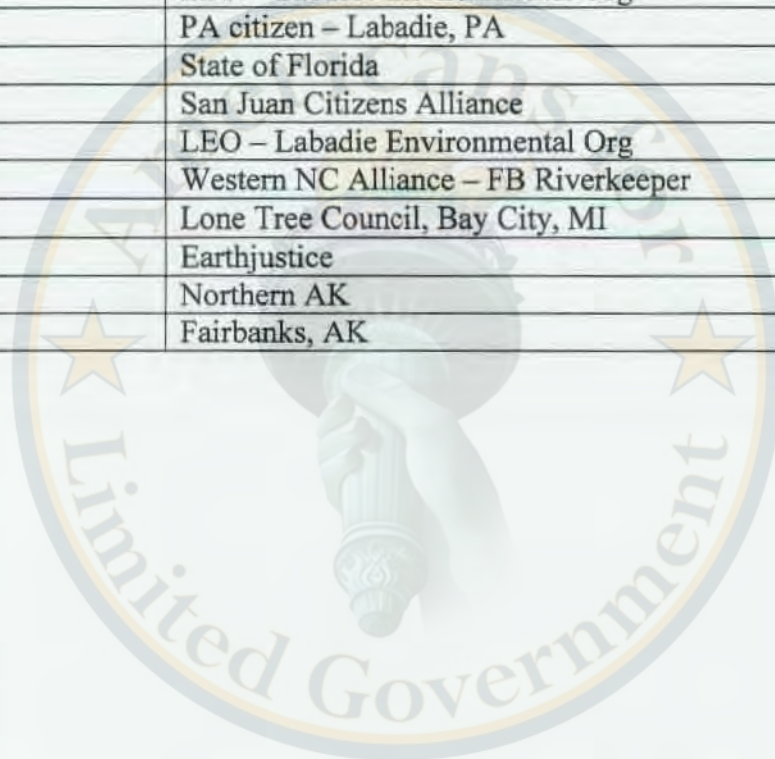


CCR meeting attendees 11-4.docx  
Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641



Non-EPA individuals at 11/4/11 Coal Ash meeting with EPA

Michael J Kosnett, MD, MPH	University of Colorado
Jeff Stant	Environmental Integrity Project
Ymel Smith	LaBelle, PA
Sarah Mccoin	Harriman, TN – Swan Pond community
Emily Enderie	Earthjustice, Charlotte, NC
Rhiannon Fionn-Bowman	The Word Trade
Sandra Diaz	Appalachian Voices
Dalal Aboulhosn	Sierra Club
Claus Wawtzinck	Sierra Club
Daniel Brand	Individual – SC
Rudy Smith	Individual – SC
Patricia Schuba	LEO – Labadie Environmental Org
Sally Slotterback	PA citizen – Labadie, PA
Scott Randolph	State of Florida
Dan Randolph	San Juan Citizens Alliance
Teresa Connelly	LEO – Labadie Environmental Org
Hartwell Carson	Western NC Alliance – FB Riverkeeper
Terry Miller	Lone Tree Council, Bay City, MI
Lisa Evans	Earthjustice
Lissa Hughes	Northern AK
Teresa deLima	Fairbanks, AK





**Fw: Thank you**  
**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:31 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

--- Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:31 AM ---

From: Mathy Stanislaus/DC/USEPA/US  
To: "Lisa Evans" <levans@earthjustice.org>, Suzanne Rudzinski/DC/USEPA/US@EPA  
Date: 11/07/2011 10:41 PM  
Subject: Re: Thank you

You are welcome. Thanks again for organizing.

----- Original Message -----

From: Lisa Evans [levans@earthjustice.org]  
Sent: 11/07/2011 04:12 PM PST  
To: Mathy Stanislaus; Suzanne Rudzinski  
Subject: Thank you

Dear Mathy and Suzanne:

On behalf of Earthjustice, Sierra Club, EIP and citizens from AK to TN, I want to thank you for the opportunity last Friday to meet with you about coal ash. It means a tremendous amount to these citizens that they can bring their stories and experiences to decision makers in Washington, DC and thereby represent their communities on this important issue. You have been very generous with your time, and we sincerely appreciate it.

On behalf of everyone, many thanks.

Sincerely,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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**Fw: Ed Hopkins will be on the call this morning. Lisa Evans just sent the e-mail.Fw: Conferenc call with Mathy we have now a call 1-866-299-3188 conference code 202-564-5767 RCRA and WWTUs**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:31 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:31 AM —

From: Nelida Torres/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 09/23/2011 10:19 AM  
Subject: Ed Hopkins will be on the call this morning. Lisa Evans just sent the e-mail.Fw: Conferenc call with Mathy we have now a call 1-866-299-3188 conference code 202-564-5767 RCRA and WWTUs

Nelida Torres (Nelly)  
U. S. EPA,Office of Solid Waste & Emergency Response  
Room 3146C West Building  
202-564-5767

— Forwarded by Nelida Torres/DC/USEPA/US on 09/23/2011 10:18 AM —

From: Lisa Evans <levans@earthjustice.org>  
To: Nelida Torres/DC/USEPA/US@EPA  
Date: 09/23/2011 10:17 AM  
Subject: RE: Conferenc call with Mathy we have now a call 1-866-299-3188 conference code 202-564-5767 RCRA and WWTUs

Hi Nelly-  
Ed Hopkins of the Sierra Club would like to join this morning's call.  
I hope that is OK at your end. I have given him the call-in number.  
Thanks,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

\*please consider the environment before printing





> Jim Pew of Earthjustice has just told me he actually can join us then.  
> Thanks again,  
> Lisa

>  
> Lisa Evans  
> Senior Administrative Counsel  
> Earthjustice  
> 21 Ocean Ave.  
> Marblehead, MA 01945  
> T: (781) 631-4119  
> F: (212) 918-1556  
> www.earthjustice.org

>  
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> From: Lisa Evans  
> Sent: Monday, September 19, 2011 5:33 PM  
> To: Torres.Nelida@epamail.epa.gov  
> Cc: Hill.Teresa@epamail.epa.gov  
> Subject: RE: RCRA and WWTUs

>  
> Hi Nelly,  
> My colleagues are out of town on Friday, but I think going ahead with  
a  
> short call makes sense. We've had so much trouble scheduling this.  
> Both 10 and 10:30 am on Friday would work for me.  
> Thanks,  
> Lisa

>  
> Lisa Evans  
> Senior Administrative Counsel  
> Earthjustice  
> 21 Ocean Ave.  
> Marblehead, MA 01945  
> T: (781) 631-4119  
> F: (212) 918-1556  
> www.earthjustice.org

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> From: Torres.Nelida@epamail.epa.gov [Torres.Nelida@epamail.epa.gov]

> Sent: Friday, September 16, 2011 3:17 PM  
> To: Lisa Evans  
> Cc: Hill.Teresa@epamail.epa.gov  
> Subject: RE: RCRA and WWTUs

>  
> ok Lisa lets try your conference call with Mathy Stanislaus for next  
> week I'll be out on Monday but we can try for 10:00 am or 10:30 am on  
> Friday September 23dr?

>  
> If you concur I'll tell Teresa to put it on Mathy's calendar. If you  
> cannot we'll work on it on Tuesday. Have a nice weekend.

>  
> Nelida Torres (Nelly)  
> U. S. EPA, Office of Solid Waste & Emergency Response  
> Room 3146C West Building  
> 202-564-5767

>  
> From: Lisa Evans <levans@earthjustice.org>  
> To: Nelida Torres/DC/USEPA/US@EPA  
> Date: 08/30/2011 09:26 AM  
> Subject: RE: RCRA and WWTUs

>  
> Hi Nelly-  
> I'm sorry- thank you for suggesting these times, but this has caught  
> me  
> on a couple of days of vacation. I'm sure if you offer another time,  
> either Thursday or after next week, we can make it.  
> Thanks,  
> Lisa

>  
> Lisa Evans  
> Senior Administrative Counsel  
> Earthjustice  
> 21 Ocean Ave.  
> Marblehead, MA 01945  
> T: (781) 631-4119  
> F: (212) 918-1556  
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> error, please notify the sender by reply email and delete the message  
> and any attachments.

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>  
>  
> \_\_\_\_\_  
> From: Torres.Nelida@epamail.epa.gov [Torres.Nelida@epamail.epa.gov]  
> Sent: Monday, August 29, 2011 9:42 AM  
> To: Lisa Evans  
> Subject: RCRA and WWTUs

>  
> Hi Lisa:  
>  
> We can do 11:30 am or 1:00 pm tomorrow Tuesday, Aug 30th.  
>

> Nelida Torres (Nelly)  
> U. S. EPA, Office of Solid Waste & Emergency Response  
> Room 3146C West Building  
> 202-564-5767  
>  
>  
>

> From: Shawna Bergman/DC/USEPA/US  
> To: Lisa Evans <levans@earthjustice.org>  
> Cc: Nelida Torres/DC/USEPA/US@EPA  
> Date: 08/26/2011 03:50 PM  
> Subject: Re: RCRA and WWTUs  
>  
>

> Nelida Torres can work with you to schedule the call with Mathy.  
>

> Shawna Roesch Bergman  
> Chief of Staff  
> Office of Solid Waste and Emergency Response  
> U.S. Environmental Protection Agency  
> Phone: 202.564.3641  
>  
>  
>

> From: Lisa Evans <levans@earthjustice.org>  
> To: Shawna Bergman/DC/USEPA/US@EPA  
> Date: 08/22/2011 10:26 AM  
> Subject: RCRA and WWTUs  
>  
>  
>

> Hi Shawna-  
> I am hoping that we can reschedule the phone call with Mathy  
> Stanislaus  
> on the topic of WWTUs and the outstanding petition?  
> Thank you in advance for your assistance.  
> Sincerely,  
> Lisa  
>  
>

> Lisa Evans  
> Senior Administrative Counsel  
> Earthjustice  
> 21 Ocean Ave.  
> Marblehead, MA 01945  
> T: (781) 631-4119  
> F: (212) 918-1556  
> www.earthjustice.org  
>

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**Fw: Today's CCR mtg**  
**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:31 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:31 AM —

From: Nelida Torres/DC/USEPA/US  
To: Shawna Bergman/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Date: 11/04/2011 03:58 PM  
Subject: Re: Today's CCR mtg

no just what Lisa Evans sent.



Coal Ash Meeting Roster\_November 2011-1.docx

Shawna Bergman I do not have a sign-in sheet. Nelly, do you have... 11/04/2011 03:55:29 PM

From: Shawna Bergman/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Nelida Torres/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Date: 11/04/2011 03:55 PM  
Subject: Re: Today's CCR mtg

I do not have a sign-in sheet. Nelly, do you have a listing of the attendees of the Lisa Evans meeting today?

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

Mathy Stanislaus Do you have the sign in sheet? Can you send m... 11/04/2011 03:41:41 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: "Shawna Bergman" <Bergman.Shawna@epamail.epa.gov>  
Date: 11/04/2011 03:41 PM  
Subject: Today's CCR mtg

Do you have the sign in sheet? Can you send me an e-mail listing out individuals and affiliations - for the

community folks identify their communities



**Coal Ash Meeting Roster  
November 2011**

<b>Participant</b>	<b>Affiliation</b>	<b>Location</b>
Scott Randolph	Florida House of Reps	Orlando, FL
Sarah McCain	Impacted Citizen	Harriman, TN
Patricia Schuba	Labadie Environmental Council President	Labadie, MO
Teresa Connelly	Labadie Environmental Council Board Member	Union, MO
Claus Wawrzinek	Eastern Missouri Sierra Club	Kansas City, MO
Teresa Delima	Affected Citizen	Fairbanks, AK
Lissa Hughes	Affected Citizen	Fairbanks, AK
Dan Brand	Affected Citizen	Sheboygan, WI
Yma Smith	Affected Citizen	LaBelle, PA
Rudolph Smith	Affected Citizen	LaBelle, PA
Sally Slotterback	Affected Citizen	Lavelle, PA
Terry Miller	Lone Tree Council	MI
Rhiannon Fionn-Bowman	Concerned Citizen	Charlotte, NC
Hartwell Carson	French Broad Riverkeeper	Asheville, NC
Dr. Michael Kosnett	University of Colorado	Denver, CO
Dan Randolph	San Juan Citizens Alliance	Durango, CO









**Fw: Meeting with The Physicians for Social Responsibility**

**Matt Straus** to: Mary Jackson

07/31/2012 12:18 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

----- Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:18 PM -----

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 07/31/2012 12:07 PM  
Subject: Fw: Meeting with The Physicians for Social Responsibility

----- Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:07 PM -----

From: Mark Baldwin/DC/USEPA/US  
To: Ellyn Fine/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Colleen Keltz/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Sharon Brent/DC/USEPA/US@EPA  
Date: 04/06/2012 01:00 PM  
Subject: Re: Fw: Meeting with The Physicians for Social Responsibility

Ellyn,

We do not feel that it is unnecessary for them to meet at the AO level but rather it should be handled at OSWER or ORCR, depending on Mathy's preference. If you guys would like us to take the lead let us know and we can work to schedule the meeting. Thanks, Mark

Mark Baldwin  
Environmental Scientist  
U.S. EPA, Office of Resource Conservation & Recovery  
1200 Pennsylvania Ave., NW  
Mail Code 5307-P  
Washington, DC 20460  
Ph. 703-308-0157

Ellyn Fine

Mark, What's ORCR's recommendation? Thanks!

04/06/2012 11:01:02 AM

From: Ellyn Fine/DC/USEPA/US  
To: Mark Baldwin/DC/USEPA/US@EPA, Colleen Keltz/DC/USEPA/US@EPA  
Cc: Matt Straus/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA  
Date: 04/06/2012 11:01 AM  
Subject: Fw: Meeting with The Physicians for Social Responsibility

Mark,  
What's ORCR's recommendation? Thanks!

Ellyn Krevitz Fine  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
p: 202-566-2775

----- Forwarded by Ellyn Fine/DC/USEPA/US on 04/06/2012 10:59 AM -----

**Meeting with The Physicians for Social Responsibility**

**Noah Dubin** to: Justina Fugh, Jennie Keith, Lisa Feldt

04/06/2012 10:54 AM

Cc: Daniel Fort, Nelida Torres, Becky Brooks, Shawna Bergman, Ellyn Fine, KarenL Martin

**RE: Meeting with The Physicians for Social Responsibility**

Please see the attached invitation request for the Administrator and give your recommendation.

Thank you,

The Scheduling Office  
Office of the Administrator

Please include this link in your response

<NOTES://DCOGCLN1/MHANSON/AO\IO\InvitationRequests.nsf/Processing/704CEAD1D54B3C38852579D80001DBB7>

Description/Purpose

April 26 or 27

Tentative Date

04/26/2012

from

to

EPA Org:

Original Request (use Notes Viewer and set magnification (View, Magnification) to Fit Width)



From: Barb Gottlieb <bgottlieb@psr.org>  
To: Noah Dubin/DC/USEPA/US@EPA  
Cc: scheduling@EPA  
Date: 04/04/2012 12:28 PM  
Subject: Request for a meeting, from Physicians for Social Responsibility

---

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Dear Administrator Jackson:

We the undersigned doctors, on behalf of Physicians for Social Responsibility, respectfully request a meeting to discuss an issue of imminent national importance, the Environmental Protection Agency's proposed coal ash standard.

As health care professional, we would appreciate an hour of your time to discuss the many impacts coal ash pollution is having in our communities and across the nation. While the toxic contents of coal ash may vary depending on where the coal is mined, coal ash commonly contains some of the world's deadliest toxic metals: arsenic, lead, mercury, cadmium, chromium and selenium. These and other toxicants in coal ash can cause cancer and neurological damage in humans. They can also harm and kill wildlife, especially fish and other water-dwelling species. We would appreciate the opportunity to meet with you to discuss these issues in more depth.

We are available for a meeting in Washington, DC on April 26<sup>th</sup> or the morning of April 27<sup>th</sup>.

We thank you, in advance, for your consideration of this request, and we hope to have the timely opportunity to discuss this critical issue with you. The scheduling contact is Barbara Gottlieb at 202-587-5225 or [bgottlieb@psr.org](mailto:bgottlieb@psr.org).

Thank you,

Maureen McCue, MD PhD of Oxford, Iowa  
John Rachow, MD of Oxford, Iowa  
Poune Saberi, MD of Philadelphia, Pennsylvania  
Ronald Saff, MD of Tallahassee, Florida  
William AH Sammons, MD of Boston, Massachusetts  
Robert Little, MD of Harrisburg, Pennsylvania  
Terry Clark, MD of Ashville, North Carolina  
Yolanda Whyte, MD of Atlanta, Georgia

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[attachment "AX-12-000-6206.pdf" deleted by Mark Baldwin/DC/USEPA/US]



Message Information

Date 04/04/2012 01:06 PM  
From Noah Dubin/DC/USEPA/US  
To Invitations@EPA  
cc  
Subject INVITATION? Fw: Request for a meeting, from Physicians for Social Responsibility

RECEIVED  
2012 APR -5 AM 10:11  
OFFICE OF THE  
EXECUTIVE SECRETARY

Message Body

From: Barb Gottlieb <bgottlieb@psr.org>  
To: Noah Dubin/DC/USEPA/US@EPA  
Cc: scheduling@EPA  
Date: 04/04/2012 12:28 PM  
Subject: Request for a meeting, from Physicians for Social Responsibility

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Dear Administrator Jackson:

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We thank you, in advance, for your consideration of this request, and we hope to have the timely opportunity to discuss this critical issue with you. The scheduling contact is Barbara Gottlieb at 202-587-5225 or bgottlieb@psr.org.

Thank you,

Maureen McCue, MD PhD of Oxford, Iowa  
John Rachow, MD of Oxford, Iowa  
Poune Saberi, MD of Philadelphia, Pennsylvania  
Ronald Saff, MD of Tallahassee, Florida  
William AH Sammons, MD of Boston, Massachusetts  
Robert Little, MD of Harrisburg, Pennsylvania  
Terry Clark, MD of Ashville, North Carolina  
Yolanda Whyte, MD of Atlanta, Georgia

**OEX Processing Information**

Processed Date:

Processed By

PO Office

Category:

Message Count



## Message Information

**Date** 04/04/2012 01:27 PM  
**From** Noah Dubin/DC/USEPA/US  
**To** Invitations@EPA  
**cc**  
**Subject** INVITATION? Fw: Request for a meeting, from Physicians for Social Responsibility

## Message Body

**From:** Barb Gottlieb <bgottlieb@psr.org>  
**To:** Noah Dubin/DC/USEPA/US@EPA  
**Cc:** scheduling@EPA  
**Date:** 04/04/2012 12:28 PM  
**Subject:** Request for a meeting, from Physicians for Social Responsibility

---

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

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We are available for a meeting in Washington, DC on April 26<sup>th</sup> or the morning of April 27<sup>th</sup>.

We thank you, in advance, for your consideration of this request, and we hope to have the timely opportunity to discuss this critical issue with you. The scheduling contact is Barbara Gottlieb at 202-587-5225 or [bgottlieb@psr.org](mailto:bgottlieb@psr.org).

Thank you,

Maureen McCue, MD PhD of Oxford, Iowa  
John Rachow, MD of Oxford, Iowa  
Poune Saberi, MD of Philadelphia, Pennsylvania  
Ronald Saff, MD of Tallahassee, Florida  
William AH Sammons, MD of Boston, Massachusetts  
Robert Little, MD of Harrisburg, Pennsylvania  
Terry Clark, MD of Ashville, North Carolina  
Yolanda Whyte, MD of Atlanta, Georgia

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**Fw: Rescheduled: Coal Ash Citizen's Meeting (Apr 12 04:00 PM EDT in Room 1117A EPA East Building, 1201 Constitution Ave., NW., Washington DC 20004 )**

**Matt Straus** to: Mary Jackson

07/31/2012 12:18 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

----- Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:18 PM -----

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 07/31/2012 12:06 PM  
Subject: Fw: Rescheduled: Coal Ash Citizen's Meeting (Apr 12 04:00 PM EDT in Room 1117A EPA East Building, 1201 Constitution Ave., NW., Washington DC 20004 )

----- Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:06 PM -----



**Rescheduled: Coal Ash Citizen's Meeting**

**Tue 04/12/2011 4:00 PM - 5:30 PM**


Attendance is required for Matt Straus

Chair: **Mathy Stanislaus/DC/USEPA/US**

Sent By: **Shawna Bergman/DC/USEPA/US**

Location: Room 1117A EPA East Building, 1201 Constitution Ave., NW., Washington DC 20004

**Mathy Stanislaus** has rescheduled this meeting. You have not yet responded.

 The group has requested a 90 minute meeting, so we are extending it.

Required: Bob Sussman/DC/USEPA/US@EPA, Laurel Celeste/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA

Optional: Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA

**Description**

Nelida Torres

----- Original Message -----

**From:** Nelida Torres

**Sent:** 03/29/2011 08:55 AM EDT  
**To:** Shawna Bergman  
**Subject:** Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson  
— Forwarded by Nelida Torres/DC/USEPA/US on 03/29/2011 08:55 AM —

From: scheduling  
To: Nelida Torres/DC/USEPA/US@EPA  
Date: 03/29/2011 08:52 AM  
Subject: Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson  
Sent by: Noah Dubin

---

I dont know if you need this but these are the people we passed along to OSWER. We've already declined on behalf of the Administrator.

— Forwarded by Noah Dubin/DC/USEPA/US on 03/29/2011 08:51 AM —

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: scheduling@EPA  
Cc: Eric Schaeffer <eschaeffer@environmentalintegrity.org>, Jeff Stant <jstant@environmentalintegrity.org>  
Date: 03/28/2011 09:23 PM  
Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

---

To whom it may concern,

As promised, here is the list of confirmed participants for our meeting. Please let us know what times are available for this meeting at your earliest convenience. We appreciate your help in arranging this meeting. I apologize if you have already received a similar email from one of my colleagues.

#### Illinois

Kathy Andria, near East St. Louis  
Traci Barkley, Champaign (northcentral IL)  
Deacon Billy Davis, Joliet (just southwest of Chicago)  
Tammy Krapek, near Joliet

#### Indiana

Rosmary Spalding  
Saleh Hussein, Dogpatch (near Princeton in southwest IN along Wabash River)  
Mike Eslinger, Merom (near Sullivan in southwest IN along Wabash River)  
George Adey, Pine (in northwest IN outside of Michigan City)  
Larry Jensen, Pines (in northwest IN outside of Michigan City)

#### Maryland

Two residents, not yet confirmed

#### Michigan

Jean Veselenak, near Lake Huron  
Raymond and Yelisa Pfeiffer, near Lake Huron  
Bill Castiner, near Lansing

Missouri

Patricia Schuba, Labadie (about 10 miles west of St. Louis)  
Teresa Connelly, Union (near Labadie)  
Susan Brown, Kansas City  
Melissa Hope, Jefferson City  
Claus Wawrzinek, Kansas City

Ohio

Terry and Reggie Witsaman, Uniontown, northeast OH near Canton  
Elisa Young, Meigs County (southcentral Ohio near Ohio River)

Pennsylvania

Bob Gadinski and his son  
Frank and Joan Burke  
Ann Marie Shelby  
Sally Slotterback  
John Mello

Virginia

James McGrath, Giles County in southwest VA, west of Roanoke  
Jasmine and Jeanette, Chesapeake  
Steven Fox and his wife, Chesapeake

West Virginia

John and Petra Wood, Morgantown  
Debbie and Curt Havens, Chester (near Little Blue Run Surface Impoundment)  
Jared Jamieson, near Fort Martin's ash disposal areas

Wisconsin

Frank Michna, Town of Caledonia (southeast WI, just south of Racine)  
Ken Parker, Town of Caledonia (southeast WI, just south of Racine)  
Kelvin Rodolfo and Kathleen Crittenden, Viroqua (southwest WI)

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

**From:** Lisa N. Widawsky  
**Sent:** Friday, March 25, 2011 8:09 AM  
**To:** 'scheduling@epa.gov'

**Cc:** Eric Schaeffer; Jeff Stant

**Subject:** RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To whom it may concern,

We are writing to follow up on the email and letter we sent you on Monday of this week to request a meeting on behalf of citizens harmed by coal ash with Director Lew. I am writing to confirm that you have received this request and see what times you may be available for this meeting.

We are still finalizing our list of citizen participants and will have it to you by March 28, as promised. As of right now, we have confirmed two or more participants each from Ohio, Indiana, Illinois, Maryland, Michigan, Missouri, West Virginia, Virginia, Wisconsin, and Pennsylvania. In addition, there will be at least one representative from the Environmental Integrity Project, Earthjustice, and/or Sierra Club at this meeting.

I will be out of the office today, so I am copying my colleague Jeff Stant in case you have any follow-up questions before I return on Monday, March 28, 2011.

Again, we will get the finalized list to you on Monday, and we thank you for your help with this meeting request. Please let us know as soon as possible when you can confirm a time for this important meeting.

Best,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

**From:** Lisa N. Widawsky

**Sent:** Monday, March 21, 2011 5:10 PM

**To:** 'scheduling@epa.gov'

**Cc:** Eric Schaeffer

**Subject:** Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To Whom It May Concern:

Please accept the attached request for a meeting between Administrator Jackson and citizens harmed by coal ash. This request has also been sent by U.S. Mail.  
Feel free to reply to me with any questions.

Sincerely,

Lisa Widawsky

Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

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March 21, 2011

The Honorable Lisa Jackson  
Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 1101A  
Washington, DC 20460

Dear Administrator Jackson:

The Environmental Integrity Project (EIP) is writing you today on behalf of citizens in the Midwest and Mid-Atlantic regions of our country who are concerned that their health, property, livelihood, and/or quality of life have been harmed by coal ash pollution. With combined efforts from EIP, Earthjustice, and the Sierra Club, citizens living near coal ash dump sites will be coming to Washington, D.C. next month to talk about how their lives have been adversely impacted as a result of the inadequate coal ash regulations in their States.

We would like to request a meeting with you while these citizens are here in D.C. on Tuesday, April 12, 2011 or Wednesday, April 13, 2011. While we are finalizing the list of citizens, approximately 20 health care professionals, scientists, concerned parents, and individuals with health, property, livelihood, or quality of life concerns caused by living close to coal ash sites will be coming to D.C., and they would like to share their stories with you as you deliberate over the upcoming federal regulations for coal ash. We should have the list of people confirmed by March 28 and would be happy to provide you with a full list at that time.

We applaud the efforts the administration has taken already on proposing safeguards on coal ash. We believe that it is important for the administration to continue to provide leadership on this issue.

Please contact me directly with the best time to meet. My contact information is below.

Sincerely,

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
[eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)





**Fw: letter from enviro groups requesting mtg**

**Mathy Stanislaus** to: Mary Jackson

Sent by: **Shawna Bergman**

08/03/2012 10:31 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:30 AM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Barry Breen/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA  
Date: 08/15/2011 06:18 PM  
Subject: Fw: letter from enviro groups requesting mtg

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Mathy Stanislaus/DC/USEPA/US on 08/15/2011 06:17 PM —

From: Daniel O Hirsch <dhirsch1@cruzio.com>  
To: Bob Perciasepe/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA  
Date: 08/15/2011 05:45 PM  
Subject: letter from enviro groups requesting mtg

Attached please find a letter from environmental and public health groups on a number of radiation issues and requesting a meeting, plus an attachment thereto.

The letter is from Center for Health, Environment & Justice □ Clean Water Action □ Committee to Bridge the Gap □ Environment America □ Food and Water Watch □ Friends of the Earth □ Greenpeace □ Massachusetts Citizens for Safe Energy □ Natural Resources Defense Council □ Nuclear Information and Resource Service □ Physicians for Social Responsibility □ Professor Richard Clapp R Public Citizen □ Sierra Club

The point of contact is Dan Hirsch 831 336 8003, cell 831 332 3099.

Thank you.



Grp Ltr to EPA on Rad Issues 8-15-11.pdf 080509LetterToEPA4.pdf





**Center for Health, Environment & Justice · Clean Water Action  
Committee to Bridge the Gap · Environment America · Food and Water Watch ·  
Friends of the Earth · Greenpeace · Massachusetts Citizens for Safe Energy  
Natural Resources Defense Council · Nuclear Information and Resource Service  
Physicians for Social Responsibility · Professor Richard Clapp · Public Citizen ·  
Sierra Club**

August 15, 2011

The Honorable Robert Perciasepe  
Deputy Administrator

The Honorable Scott Fulton  
General Counsel

The Honorable Gina McCarthy  
Assistant Administrator for Air and Radiation

The Honorable Mathy Stanislaus  
Assistant Administrator for Solid Waste and Emergency Response

The Honorable Nancy Stoner  
Acting Assistant Administrator for Water

United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

Dear Deputy Administrator Perciasepe, General Council Fulton, Assistant Administrators McCarthy and Stanislaus, and Acting Assistant Administrator Stoner:

We write regarding a series of radiation protection matters, made more important in the wake of the Fukushima nuclear tragedy.

On August 5, 2009, many of us wrote to, and three months later, met with several of you regarding a number of radiation protection policy matters, including controversial draft Protective Action Guides (PAGs) proposed in the last days of the Bush Administration to relax standards for protection of the public from exposure to radiation in case of a radiological release. [A copy of our letter and its attachments is enclosed.]

Two years have passed since those concerns were expressed, and it appears the problems have not yet been resolved. Additionally, a number of related issues have arisen,

particularly matters raised by the Japanese nuclear tragedy and the Agency's response. *We request a meeting to discuss these important matters.*

Described below are some of the issues we believe would be useful to address in that meeting.

### Protective Action Guides

The proposed PAGs put forward by the Office of Radiation and Indoor Air (ORIA) in the last days of the prior Administration would have dramatically relaxed public protections. For example, "acceptable" concentrations of radioactivity in drinking water for the intermediate phase (generally up to a year after a release) were proposed that were dramatically higher than allowed under the Safe Drinking Water Act. For some radionuclides, ORIA would allow people to drink water contaminated at levels hundreds or thousands of times EPA's Maximum Contaminant Limits (MCLs). For other radionuclides, concentrations tens of thousands of times, hundreds of thousands of times, and even millions of times higher than MCLs were proposed.

ORIA also proposed to jettison decades of EPA's requirements that long-term cleanup of contamination be conducted so as to leave a residual risk within EPA's longstanding cancer risk range of the  $10^{-6}$  to  $10^{-4}$  (one in a million to one in ten thousand). ORIA instead proposed to employ a controversial process called "optimization" by which no standards were set forth on a health basis but instead decision-makers could, after a radiological release, choose from a range of "benchmarks." Among these were benchmarks that would allow contamination to not be cleaned up even if it would produce radiation exposure of up to 10 rem per year (the equivalent of approximately 50,000 chest X-rays over thirty years). EPA's own official risk estimates in Federal Guidance Report 13 estimate that that dose over thirty years would produce an excess cancer in every fourth person exposed—about a thousand times higher risk than EPA has historically ever accepted.

These Bush Administration proposals were so controversial that the Obama Administration, immediately upon taking office, pulled them back and promised a careful review and reversal of any ill-advised aspects of them. More than two years have passed, however, and still no new PAGs have been issued. Press reports suggest, however, that the people within ORIA who were the prime movers behind these questionable proposals during the prior Administration have continued to push for them, albeit perhaps using slightly different language that in the end has the same effect. For example, one trade press report indicates that current drafts of the PAGs may retain the concept of optimization, even though the term may no longer be used, by not specifying that the CERCLA risk range and guidance should be employed but suggesting that there are many possible cleanup standards of which CERCLA is merely one. That would be optimization simply in other clothes. It also remains unclear whether EPA will explicitly indicate that the MCLs should be used for drinking water protection, given the public attack by some within EPA on EPA's own Safe Drinking Water standards during the agency's response to the Fukushima disaster, as discussed below. We thus are troubled that EPA has still not acted to reject

clearly and unequivocally the troubling efforts from the Bush Administration to weaken rather than strengthen public protections in the PAGs.

We note that Public Employees for Environmental Responsibility (PEER) submitted a Freedom of Information Act (FOIA) request to obtain EPA records about the efforts to weaken the PAGs and that ORIA resisted complying to such an extent that PEER had to file suit in order to obtain the requested records. Those documents, when finally produced, revealed that EPA officials within the Office of Superfund Remediation and Technology Innovation (OSTRI) and the Office of General Counsel had attempted to raise similar concerns about the PAGs. OSTRI calculations, for example, showed that the proposed water PAGs would permit orders of magnitude higher concentrations than the MCLs, indeed, up to six orders of magnitude higher concentrations. In one telling example, OSTRI had demonstrated that drinking a few glasses of water with concentrations of certain radionuclides at the proposed water PAG level would produce a risk greater than a lifetime's consumption of water at the Safe Drinking Water Act MCLs.

Recently, controversy has arisen in Japan over a decision—since reversed, according to press reports—to significantly increase permissible radiation exposures to children attending schools outside the Fukushima evacuation zone because of the extensive contamination in their schoolyards. Japanese authorities proposed increasing allowable radiation levels to 2 rem (20 mSv) per year. According to EPA's recently released "Blue Book" ("EPA Radogenic Cancer Risk Models and Projections for the U.S. Population," April 2011), the excess cancer risk to a 5-year-old American girl receiving 2 rem in a single year would be  $7.2 \times 10^{-3}$ . Put more plainly, *EPA's own risk estimate is that such a dose would result in an extra cancer in approximately one in every 138 children exposed.* This, of course, is orders of magnitude outside the risk range EPA has historically deemed acceptable. The firestorm of concern among Japanese parents apparently led the officials to abandon efforts to increase the exposure limits.

What hasn't been discussed publicly is that EPA's own existing PAGs *currently* allow exposures during the intermediate phase to precisely the same controversial value that the Japanese authorities had to abandon due to public concern. And indeed, the proposed PAG revisions discussed above would increase that even further.

We believe it would be productive to address resolution of these and other issues related to EPA guidance for protection of the public should there be a radiological release in the U.S.

#### EPA Fukushima U.S. Radiation Monitoring Program

A useful test of EPA's readiness to respond to a nuclear release that could affect the United States has been the ongoing Fukushima tragedy in Japan. Some aspects of that performance are troubling, and we would like to bring them to your attention and discuss them.

First of all, a large portion of EPA's RADNET system of stationary air monitors was broken and not fully functioning at the time of the accident. Indeed, some of the monitors had been broken for months. This is disturbing for a system that is supposedly designed to deal with emergencies.

Even had the RADNET air monitors all been working, their primary purpose—collecting radioactive particulates on air filters to be sent to the EPA lab in Montgomery, Alabama to be measured for concentrations of key radionuclides—appears to have largely not been carried out. Only a handful of measurements for specific radionuclides from air filters from stationary air monitors have been released. Additionally, even had such measurements been made, it is our understanding that most of radioiodine would be missed, as that element in gaseous form would pass right through the filter.

Furthermore, the RADNET system has large gaps. For example, there are no stationary air monitors along the California coast between Los Angeles and San Francisco. It is our understanding that EPA initially contemplated placing up and down the West Coast special deployable monitors, more capable than the stationary ones (the deployables use charcoal cartridges that can collect radioiodine in elemental form). However, an order was issued from EPA Headquarters reversing those plans and directing that the deployables not be used to fill in gaps along the West Coast, and most of the deployable thus have remained in warehouses and offices rather than being in the field where they could help provide data.

Furthermore, for a significant period after the accident began, EPA was not measuring radioactivity in precipitation, milk, and drinking water. After several states found levels of radioiodine in rainwater—at levels far above the MCL for drinking water—EPA finally started some sampling, finding elevated levels of I-131 in numerous samples. Additionally, I-131 above the drinking water MCL was also found in a number of milk samples.

However, EPA issued statements indicating that such findings were orders of magnitude below "any level of concern." When pressed about the fact that the readings exceeded the MCL, EPA issued statements in essence distancing itself from its own MCLs and continuing to rely on comparisons to guidelines that were thousands of times higher than EPA's own MCLs. This is troubling, because in effect, EPA acted as though the controversial water PAGs proposed during the Bush Administration and rescinded by the Obama Administration were in fact in place.

There are a number of other issues about the monitoring, such as the paucity of measurements for strontium-90, a critical radionuclide, and the long lag between taking the sample and obtaining the measurements, so that if there were a need for protective actions (e.g., restrictions on milk, getting water systems to treat supplies) it would be weeks too late.

But perhaps most troubling is the decision issued on 3 May to discontinue the Fukushima monitoring program and not take milk or drinking water samples for another three months. Given the fact that the accident tragically continues and that the Japanese

authorities say it may take them as much as nine months to get the situation under control, with radioactive releases expected to continue for a substantial period, ending the U.S. monitoring program for the Fukushima disaster and returning to the minimal monitoring that existed beforehand seems questionable.

Consideration of the problems evidenced by the RADNET system response to the Fukushima event may be important so as to assure that the system works well should there be a significant release of radioactivity from an event in the United States.

### Other Radiation Protection Matters

In the letter of August 2009, attached, several other issues were raised that we would like to discuss and learn what progress has been made toward resolving them. Among them are:

- Proposals within EPA to permit radioactive waste to be disposed of in facilities not licensed for such waste (e.g., RCRA hazardous waste landfills and regular municipal waste sites). The continuing controversy over whether to remove the radioactive wastes disposed of in the West Lake Landfill in St. Louis reinforces this concern.
- Efforts to have EPA reverse its longstanding position that radiation dose limits of 100 millirem per year were “non-protective of public health and the environment.” EPA has historically declined to allow anything outside its risk range of  $10^{-6}$  to  $10^{-4}$  as unacceptable; the upper end of that risk range is an order of magnitude below 100 millirem/year.
- Resistance to revising radiation protection standards to reflect the findings by the National Academy of Sciences/National Research Council in its BEIR VII (Biological Effects of Ionizing Radiation) Report, prepared at EPA’s request. The NAS found “low dose” ionizing radiation to be approximately 35% more dangerous (i.e., producing more cancers per unit dose) than previously presumed. This finding comes on top of the earlier BEIR V report which had found radiation risks to be three to four times higher than assumed pre-BEIR V. The BEIR risk estimates have now been affirmed by EPA in its recent “Blue Book” on radiogenic cancer risk (an earlier draft of the Blue Book had suggested using lower values than those recommended by the NAS, a matter about which many of us had previously expressed concern). Yet many radiation standards of the U.S. government, including those of EPA, have not been tightened to reflect the increased risks found by the National Academy of Sciences in BEIR V, let alone BEIR VII. Indeed, as discussed above, there are significant efforts in the other direction, to further weaken radiation protection standards.

Additionally, we are concerned about lack of enforcement of EPA’s existing radiation protection requirements and guidance (e.g., the fuel cycle rule 40 CFR 190 and the need for stronger emphasis on requiring compliance with groundwater protection rules, important in light of the leaking tritium and other radionuclides into groundwater at a number of nuclear plants).

Furthermore, we are troubled by press reports which indicate that EPA and other agencies have recently recognized that there appears to be no agency in charge of long-term cleanup after a nuclear accident, that there are no funds available for off-site cleanup, and no agreement on what standards would be applied.

Request for Meeting

We would appreciate if a meeting could be scheduled with you in September to discuss these matters and what progress has been made on resolving them. Our point of contact for setting up such a meeting is Daniel Hirsch at [dhirsch1@cruzio.com](mailto:dhirsch1@cruzio.com) or (831) 336-8003.

Sincerely,

Anne Rabe  
Lois Gibbs  
Center for Health,  
Environment & Justice

Lynn Thorp  
Clean Water Action

Daniel Hirsch  
Committee to Bridge the Gap

Anna Aurilio  
Environment America

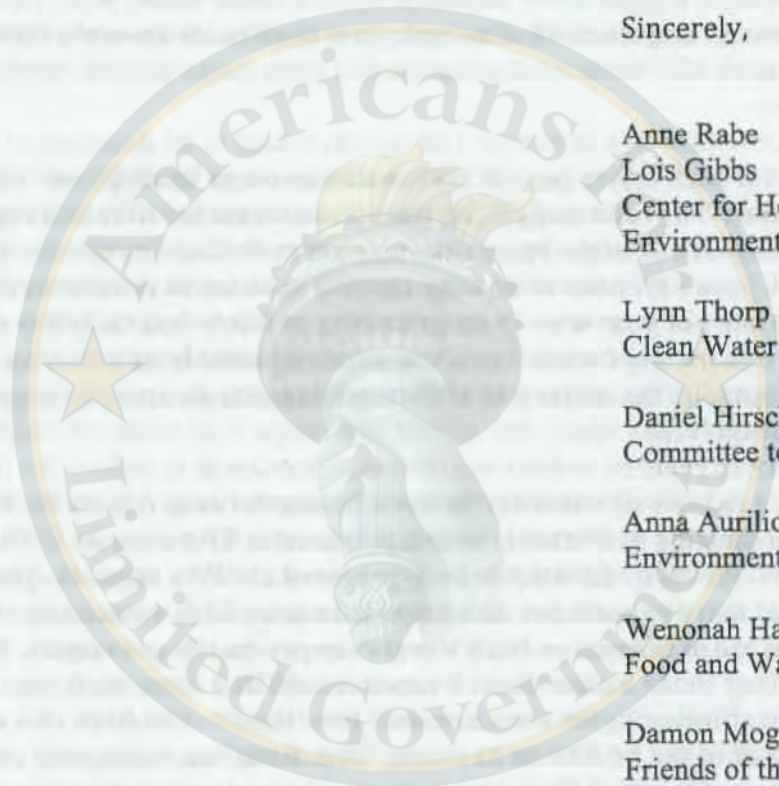
Wenonah Hauter  
Food and Water Watch

Damon Moglen  
Friends of the Earth

James P. Riccio  
Greenpeace

Mary Elizabeth Lampert  
Massachusetts Citizens for  
Safe Energy

Geoff Fettus  
Natural Resources Defense  
Council



Diane D'Arrigo  
Nuclear Information and  
Resource Service

Michele Boyd  
Physicians for Social  
Responsibility

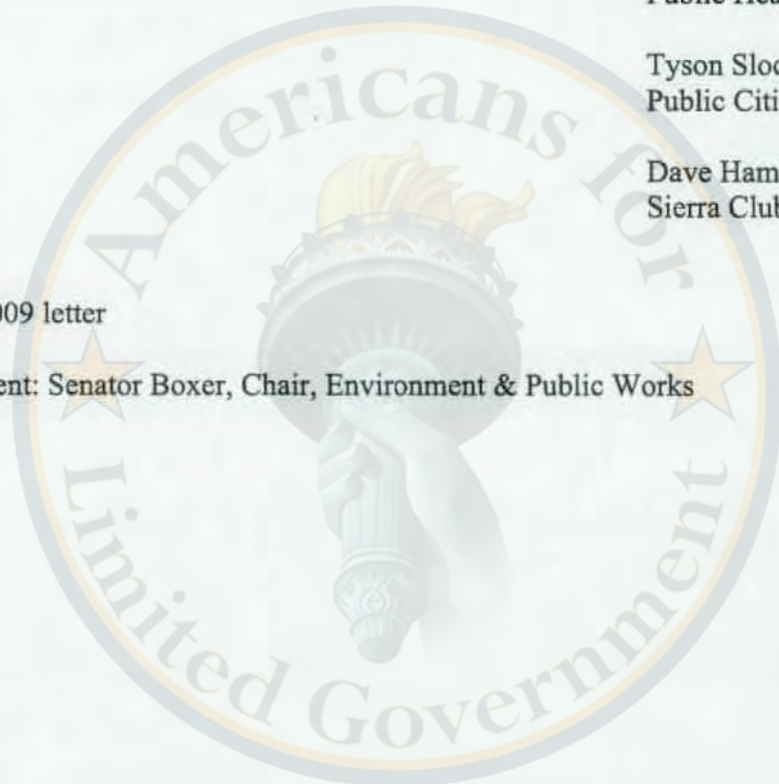
Professor Richard Clapp  
Boston University School of  
Public Health – Emeritus

Tyson Slocum  
Public Citizen

Dave Hamilton  
Sierra Club

attachment: 2009 letter

cc: w/attachment: Senator Boxer, Chair, Environment & Public Works







Center for Health, Environment & Justice · Clean Water Action  
Committee to Bridge the Gap · Environment America · Food and Water Watch  
Friends of the Earth · Greenpeace · Massachusetts Citizens for Safe Energy  
Natural Resources Defense Council · Nuclear Information and Resource Service  
Professor Richard Clapp · Public Citizen · Sierra Club

5 August 2009

The Honorable Gina McCarthy  
Assistant Administrator  
Office of Air and Radiation

The Honorable Mathy Stanislaus  
Assistant Administrator  
Office of Solid Waste and Emergency Response

The Honorable Peter Silva  
Assistant Administrator  
Office of Water

The Honorable Scott Fulton  
Acting Deputy Administrator and General Counsel-Nominee

The Honorable Patricia Hirsch  
Acting General Counsel  
Office of General Counsel

U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Assistant Administrators McCarthy, Stanislaus, and Silva, and Acting Deputy Administrator Fulton and Acting General Counsel Hirsch:

We write to call to your attention several disturbing initiatives commenced during the prior Administration that are still pending before the agency and which would dramatically weaken public protections and have wide impacts across EPA, including arenas for which you have responsibility. Although all of these problematic proposals were initiated within Office of Air and Radiation's (OAR) troubled Office of Radiation and Indoor Air (ORIA), they would also have significant impacts for Office of Solid Waste and Emergency Response (OSWER), the Office of Water (OW), and the Office of General Counsel (OGC). *We ask to meet with you personally to discuss these in detail, before any action is taken.*

## I. Astronomically Weakened Protective Action Guides

Perhaps the most pressing matter is a proposed revision to EPA's Protective Action Guides (PAGs) for radiological releases. The Bush Administration, literally in its last days in office, transmitted these highly controversial PAGs to the Federal Register for publication. In its first days in office, the Obama Administration pulled them back before they could be published, pending review by its new team at EPA. We presume each of you will be involved in that review. We understand that those who pushed for the PAGs in the prior Administration are encouraging you to let them go forward. This would be a serious blow to public protections and to the entire structure of EPA regulation.

**The Bush Administration's proposed PAG revisions would have permitted radioactivity concentrations in drinking water orders of magnitude higher than EPA's long-held drinking water standards under the Safe Drinking Water Act (the MCLs or maximum contaminant levels) or the emergency drinking water standards employed under CERCLA.** (See the attached graph and table showing the extraordinary proposed increases in permissible concentrations of radioactivity in drinking water.) As reported by Doug Guarino of *Inside EPA* in an award-winning series on the PAG controversy, this assault by ORIA on the agency's long-held drinking water standards appears to be a *sub rosa* effort to weaken those standards even after the agency—affirmed by the court—had previously rejected such an effort, finding it violated anti-backsliding requirements. (See attached news articles.)

The PAG revision proposal put together in the prior Administration, and which its advocates in ORIA presumably are hoping to get you to allow to still be issued, would also enormously relax long-term cleanup standards. EPA, as you know, has historically limited acceptable cancer risks to a range of one in a million to one in ten thousand ( $10^{-4}$  to  $10^{-6}$ ). For example, the nation's most contaminated sites, those on the National Priority List, must be cleaned up to within that range. **However, the Bush ORIA proposed throwing out those historical limits and replacing them with a process known euphemistically as "optimization," allowing cleanup standards that could result in exposures to the public as high as 10 rem per year over 30 years, the equivalent of approximately 50,000 chest X-rays, with a cancer risk that EPA itself estimates at a breathtaking one in four!** More recent radiation risk estimates by the National Academy of Sciences, discussed below, would place the cancer risk from doses that high at one in three ( $3 \times 10^{-1}$ ). In either case, the risk would be orders of magnitude outside EPA's historic acceptable risk range. (See attached table).

The controversial "optimization" proposal first arose in the context of a taskforce in which EPA participated during the last Administration to produce PAGs for dealing with "dirty bombs." EPA opposed the optimization plan and recommended generally using CERCLA cleanup standards. Subsequently, however, EPA succumbed to pressure from other agencies and reluctantly acceded to "optimization" in the dirty bomb PAGs, which were finalized a few months before the fall election by the Department of

Homeland Security (DHS). Scores of public health and environmental organizations repeatedly for years opposed the dirty bomb PAGs.

It would be ironic were the Obama EPA to now adopt general PAGs with provisions that the Bush Administration EPA had originally opposed as non-protective. We urge that the proposed revised EPA PAGs of general applicability not be issued with these troubling components, and that the dirty bomb PAGs issued by DHS with EPA reluctant concurrence be revised to remedy the problematic aspects therein.

*The problems in the PAG revisions crafted by ORIA during the prior Administration which are pending before you are discussed in more detail in the attached correspondence and study, as well as past correspondence about the dirty bomb PAGs, and we urge you and your key advisors to review them carefully before making any decisions about the controversial PAGs.*

Additionally, we understand that EPA is preparing a response to a Freedom of Information Act (FOIA) request about the proposed PAGs. Since the FOIA asks for all documents identifying concerns raised about the ORIA PAG proposal, and since we are not confident that ORIA will voluntarily disclose to you the criticisms its proposal has received, both from within and outside the agency, we urge you to not make a decision as to whether you will support release of the proposed PAGs until after you have met with us and also the FOIA response is complete so that you can be provided copies of relevant documents that identified expressed concerns about the proposed PAGs.

## **II. Proposals for Non-Protective Federal Radiation Guidance Outside EPA's Long-Held Acceptable Risk Range**

During the prior Administration, ORIA also initiated several other disturbing efforts which were not consummated but which it might attempt to get you to now approve. For example, it has been pushing for relaxing overall radiation standards for the public. EPA has historically said that doses over approximately 15 millirem per year are unacceptable, outside an acceptable risk range. It has specifically criticized past proposals to allow public doses of 25 millirem per year or greater, deeming such dose limits "non-protective." However, ORIA during the prior Administration pushed to throw out that long position of EPA and adopt guidance endorsing a 100 millirem/year radiation standard for the public. Over 70 years, that would be a risk of about 1 in 125 ( $\sim 1 \times 10^{-2}$ ) according to the National Academy of Sciences, two to four orders of magnitude higher risk than the EPA permissible risk range of  $10^{-4}$  to  $10^{-6}$ . This would be very destructive of public protections and would undermine the entire EPA regulatory structure, as every manufacturer or user of carcinogenic chemicals would also then come in and demand to be permitted to expose the public to at least a hundred times higher concentrations than now permitted by EPA. *We enclose prior correspondence sent to EPA during the Bush Administration about this matter.*

### III. Ignoring National Academy of Sciences Recent Radiation Risk Findings

In 2006, the National Academy of Sciences/National Research Council issued its long-awaited study, *Health Risks from Exposure to Low Levels of Ionizing Radiation*. Since the 1970s, federal agencies with radiation protection responsibilities have asked the NAS to, from time to time, review the status of the science on risks from radiation. Called the Biological Effects of Ionizing Radiation (BEIR) reports, they are to form the basis for radiation protection regulations. The most recent NAS report, BEIR VII, had been performed at the request of and with funding from EPA.

BEIR VII found low doses of ionizing radiation to be more dangerous than previously thought. Its estimate of the number of cancers produced per unit of dose increased by about a third from the figure EPA had been using prior to the issuance of BEIR VII. EPA historically has relied upon the NAS's BEIR findings for establishing and/or reviewing a wide range of rules and guidance, from the Office of Water's Maximum Concentration Limits (MCLs) for drinking water to the Office of Solid Waste and Emergency Response's CERCLA soil Preliminary Remediation Goals.

During the waning days of the last Administration, ORIA proposed to revise its "Cancer Risk Estimation from Exposure to Ionizing Radiation" (the so-called "Blue Book") which is used to establish cancer "SLOPE" factors for radionuclides. The cancer risk estimates from the Blue Book in turn drive many if not all radiation protection rules and guidance within EPA. This proposed revision was purportedly undertaken to take into account the new scientific findings from BEIR VII. **However, in fact, ORIA proposed ignoring many of BEIR VII's central findings and instead suggested using radiation risk figures almost uniformly lower than the National Academy of Sciences had recommended.** See the table taken from ORIA's draft revised Blue Book, comparing its proposed radiation cancer risk figures against what BEIR VII recommended, reprinted in the attached letter to RAC of 20 February 2009.

(It should be noted that many of us have been critical of aspects of BEIR VII which tend to underestimate risks and ignore numerous studies suggesting considerably higher risks from radiation than BEIR VII assumes. However, what is striking in the ORIA proposal is that its departures from BEIR VII risk estimates are almost uniformly in the direction of reducing the risks and consequently increasing permitted public exposures.)

This Administration has rightly pledged to end the politicization of science so endemic in the prior one. Here we have a many-year study by the National Academy of Sciences, performed at EPA request, and then in the guise of incorporating its findings into EPA guidance and rules, ORIA under the Bush Administration proposed using lower risk estimates than the Academy recommended, which would result in higher public exposures and more resulting cancers than would derive from the Academy's scientific recommendations.

Adding to concerns about the politicization of science by the prior Administration were issues raised about the composition and activities of the Science Advisory Board's Radiation Advisory Committee (RAC), which reviews certain of ORIA's proposals like its contemplated revisions to the Blue Book. Questions were raised about apparent bias, conflicts of interest, lack of balance, raising issues about compliance with the Federal Advisory Committee Act. Subsequently, just as the Administration was changing, EPA "augmented" the RAC with new members and extended the terms of the augmented RAC, in essence trying to lock in the tilt for years into the new Administration. The holdover RAC is now about to sign off on, with one exception, ORIA's proposed alterations of the National Academy's findings. *We have attached relevant communications about these matters as well.*

#### **IV. Allowing Radioactive Waste in Landfills Neither Licensed Nor Designed for It**

Finally, during the prior Administration, proposals were being considered to allow radioactive wastes to be disposed of in landfills neither licensed nor designed to receive radioactive wastes and materials. Given the sad history of leakage of radioactive wastes from improper disposal, such a move is extremely worrisome from an environmental standpoint.

Because these proposals from the prior Administration to weaken radiation protections would impact other divisions of EPA—e.g., the Superfund and drinking water programs—and because we understand that the review of the controversial PAG proposal from the prior administration will include each of you, we would hope to be able to meet with all of you during the same period of a couple of days. This is particularly important since several participants may have to travel from other parts of the country for the meetings.

So, we would very much appreciate an appointment for you to meet with us and several others who signed the associated attached letters. Whatever assistance can be provided to coordinate meetings for the same period would be much appreciated. Our point of contact is Daniel Hirsch at [cbghirsch@aol.com](mailto:cbghirsch@aol.com) or (831) 336-8003.

These are very important issues. President Obama was elected on a platform of change, and the efforts undertaken by the prior Administration to relax environmental protections should be high priorities for such change. We look forward to meeting with you and working with you to bring that about.

Sincerely,

Anne Rabe  
Lois Gibbs  
Center for Health, Environment & Justice

Lynn Thorp  
Clean Water Action

Daniel Hirsch  
Committee to Bridge the Gap

Anna Aurelio  
Environment America

Wenonah Hauter  
Food and Water Watch

Erich Pica  
Friends of the Earth

Jim Riccio  
Greenpeace

Mary Elizabeth Lampert  
Massachusetts Citizens for Safe Energy

Geoff Fettus  
Natural Resources Defense Council

Diane D'Arrigo  
Nuclear Information and Resource Service

Professor Richard Clapp  
Boston University School of Public Health

Allison Fisher  
Public Citizen

Dave Hamilton  
Sierra Club

Cc: Senator Boxer, Chair, Environment & Public Works  
Senator Bernie Sanders  
Congressman Henry Waxman, Chair, Energy & Commerce  
Congressman Ed Markey, Chair, Subcommittee on Energy & the Environment



**Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson**

**Matt Straus** to: Mary Jackson

07/31/2012 12:17 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

----- Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:17 PM -----

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 07/31/2012 12:05 PM  
Subject: Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

----- Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:05 PM -----

From: Shawna Bergman/DC/USEPA/US  
To: "Nelida Torres" <torres.nelida@epa.gov>  
Cc: "Matt Straus" <Straus.Matt@epamail.epa.gov>  
Date: 04/06/2011 04:56 PM  
Subject: Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

Nelly, this is the large citizen meeting you reserved the EPA east room for.

-----  
Shawna Roesch Bergman (sent via BlackBerry)  
Chief of Staff  
U.S. EPA Office of Solid Waste and Emergency Response  
202-564-3641  
Nelida Torres

----- Original Message -----

**From:** Nelida Torres  
**Sent:** 03/29/2011 04:30 PM EDT  
**To:** Shawna Bergman; Ellyn Fine; Becky Brooks  
**Subject:** Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

This is confirmed and we have room in the East EPA that we can accommodate about 50 people Bob Sussman can do it and I have included Suzanne Rudzinski who else Matt Strauss, Lisa Feldt Barry? let me know? Do we include someone from OGC?

Nelida Torres (Nelly)  
U. S. EPA, Office of Solid Waste & Emergency Response  
Room 3146C West Building  
202-564-5767

----- Forwarded by Nelida Torres/DC/USEPA/US on 03/29/2011 04:28 PM -----

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: Nelida Torres/DC/USEPA/US@EPA  
Cc: Eric Schaeffer <eschaeffer@environmentalintegrity.org>, Jeff Stant <jstant@environmentalintegrity.org>, Lisa Evans <levans@earthjustice.org>  
Date: 03/29/2011 04:24 PM



Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

Hi Nelida,

April 12, 2011 from 4pm to 5pm works for most of our team, so that would be fine.

In addition, can you please let us know if Lisa Jackson, Suzanne Rudzinski, or Bob Sussman is able to attend this meeting?

Thank you, and we look forward to this meeting on April 12, 2011.

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

-----Original Message-----

From: Torres.Nelida@epamail.epa.gov [mailto:Torres.Nelida@epamail.epa.gov]  
Sent: Tuesday, March 29, 2011 3:09 PM  
To: Lisa N. Widawsky  
Cc: Eric Schaeffer; Jeff Stant  
Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

For now Mathy Stanislaus, our Assistant Administrator for Solid Waste and Emergency Response, Matt Strauss Policy Advisor are attending we'll get back to you as soon as we know who else. Shawna Bergman our Chief of Staff will also be attending.

Nelida Torres (Nelly)  
U. S. EPA, Office of Solid Waste & Emergency Response Room 3146C West Building  
202-564-5767

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: Nelida Torres/DC/USEPA/US@EPA  
Cc: Eric Schaeffer <eschaeffer@environmentalintegrity.org>, Jeff Stant <jstant@environmentalintegrity.org>  
Date: 03/29/2011 03:03 PM  
Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

Thank you very much. Can you confirm the EPA participants for this meeting? That time should work and I will let you know for sure shortly.

Thank you again for your help,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

-----Original Message-----

From: Torres.Nelida@epamail.epa.gov [mailto:Torres.Nelida@epamail.epa.gov]  
Sent: Tuesday, March 29, 2011 2:54 PM  
To: Lisa N. Widawsky  
Cc: Eric Schaeffer; Jeff Stant  
Subject: Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

Dear Ms Widawsky and Mr. Eric Schaeffer:

We have an hour on April 12 to fit 30 to 40 people in our EPA East Building at 4:00 pm - 5:00 pm. Please let me know if this time and day will work?

Thank you

----- Original Mess

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: scheduling@EPA  
Cc: Eric Schaeffer <eschaeffer@environmentalintegrity.org>, Jeff Stant <jstant@environmentalintegrity.org>  
Date: 03/28/2011 09:23 PM

Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To whom it may concern,

As promised, here is the list of confirmed participants for our meeting. Please let us know what times are available for this meeting at your earliest convenience. We appreciate your help in arranging this meeting. I apologize if you have already received a similar email from one of my colleagues.

Illinois

Kathy Andria, near East St. Louis  
Traci Barkley, Champaign (northcentral IL) Deacon Billy Davis, Joliet (just southwest of Chicago) Tammy Krapek, near Joliet

Indiana

Rosmary Spalding  
Saleh Hussein, Dogpatch (near Princeton in southwest IN along Wabash River)  
Mike Eslinger, Merom (near Sullivan in southwest IN along Wabash River) George Adey, Pine (in northwest IN outside of Michigan City) Larry Jensen, Pines (in northwest IN outside of Michigan City)

Maryland

Two residents, not yet confirmed

Michigan

Jean Veselenak, near Lake Huron  
Raymond and Yelisa Pfeiffer, near Lake Huron Bill Castiner, near Lansing

Missouri

Patricia Schuba, Labadie (about 10 miles west of St. Louis) Teresa Connelly, Union (near Labadie) Susan Brown, Kansas City Melissa Hope, Jefferson City  
Claus Wawrzinek, Kansas City

Ohio

Terry and Reggie Witsaman, Uniontown, northeast OH near Canton Elisa Young, Meigs County (southcentral Ohio near Ohio River)

Pennsylvania

Bob Gadinski and his son  
Frank and Joan Burke  
Ann Marie Shelby  
Sally Slotterback  
John Mello

Virginia

James McGrath, Giles County in southwest VA, west of Roanoke Jasmine and Jeanette, Chesapeake Steven Fox and his wife, Chesapeake

West Virginia

John and Petra Wood, Morgantown  
Debbie and Curt Havens, Chester (near Little Blue Run Surface Impoundment)  
Jared Jamieson, near Fort Martin's ash disposal areas

Wisconsin

Frank Michna, Town of Caledonia (southeast WI, just south of Racine) Ken Parker, Town of Caledonia (southeast WI, just south of Racine) Kelvin Rodolfo and Kathleen Crittenden, Viroqua (southwest WI)

Sincerely,

Lisa Widawsky

Attorney

Environmental Integrity Project

1 Thomas Circle, Suite 900

Washington, DC 20005

202.263.4452 (direct)

202.294.3282 (cell)

202.296.8822 (fax)

From: Lisa N. Widawsky  
Sent: Friday, March 25, 2011 8:09 AM  
To: 'scheduling@epa.gov'  
Cc: Eric Schaeffer; Jeff Stant  
Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To whom it may concern,

We are writing to follow up on the email and letter we sent you on Monday of this week to request a meeting on behalf of citizens harmed by coal ash with Director Lew. I am writing to confirm that you have received this request and see what times you may be available for this meeting.

We are still finalizing our list of citizen participants and will have it to you by March 28, as promised. As of right now, we have confirmed two or more participants each from Ohio, Indiana, Illinois, Maryland, Michigan, Missouri, West Virginia, Virginia, Wisconsin, and Pennsylvania. In addition, there will be at least one representative from the Environmental Integrity Project, Earthjustice, and/or Sierra Club at this meeting.

I will be out of the office today, so I am copying my colleague Jeff Stant in case you have any follow-up questions before I return on Monday, March 28, 2011.

Again, we will get the finalized list to you on Monday, and we thank you for your help with this meeting request. Please let us know as soon as possible when you can confirm a time for this important meeting.

Best,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

From: Lisa N. Widawsky  
Sent: Monday, March 21, 2011 5:10 PM  
To: 'scheduling@epa.gov'  
Cc: Eric Schaeffer  
Subject: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To Whom It May Concern:

Please accept the attached request for a meeting between Administrator Jackson and citizens harmed by coal ash. This request has also been sent by U.S. Mail. Feel free to reply to me with any questions.

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900

Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

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March 21, 2011

The Honorable Lisa Jackson  
Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460

Dear Administrator Jackson:

The Environmental Integrity Project (EIP) is writing you today on behalf of citizens in the Midwest and Mid-Atlantic regions of our country who are concerned that their health, property, livelihood, and/or quality of life have been harmed by coal ash pollution. With combined efforts from EIP, Earthjustice, and the Sierra Club, citizens living near coal ash dump sites will be coming to Washington, D.C. next month to talk about how their lives have been adversely impacted as a result of the inadequate coal ash regulations in their States.

We would like to request a meeting with you while these citizens are here in D.C. on Tuesday, April 12, 2011 or Wednesday, April 13, 2011. While we are finalizing the list of citizens, approximately 20 health care professionals, scientists, concerned parents, and individuals with health, property, livelihood, or quality of life concerns caused by living close to coal ash sites will be coming to D.C., and they would like to share their stories with you as you deliberate over the upcoming federal regulations for coal ash. We should have the list of people confirmed by March 28 and would be happy to provide you with a full list at that time.

We applaud the efforts the administration has taken already on proposing safeguards on coal ash. We believe that it is important for the administration to continue to provide leadership on this issue.

Please contact me directly with the best time to meet. My contact information is below.

Sincerely,

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
eschaeffer@environmentalintegrity.org



**Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson**

**Matt Straus** to: Mary Jackson

07/31/2012 12:17 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:17 PM —

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 07/31/2012 12:05 PM  
Subject: Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

— Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:05 PM —

From: Shawna Bergman/DC/USEPA/US  
To: Nelida Torres/DC/USEPA/US@EPA  
Cc: "Becky Brooks" <Brooks.Beky@epamail.epa.gov>, "Ellyn Fine" <Fine.Ellyn@epamail.epa.gov>, "Matt Straus" <Straus.Matt@epamail.epa.gov>  
Date: 03/29/2011 09:32 AM  
Subject: Re: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

Please schedule a 1 hour meeting with Mathy for this group and include Suzanne Rudzinski.

-----  
Shawna Roesch Bergman (sent via BlackBerry)  
Chief of Staff  
U.S. EPA Office of Solid Waste and Emergency Response  
202-564-3641  
Nelida Torres

----- Original Message -----

**From:** Nelida Torres  
**Sent:** 03/29/2011 08:55 AM EDT  
**To:** Shawna Bergman  
**Subject:** Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

— Forwarded by Nelida Torres/DC/USEPA/US on 03/29/2011 08:55 AM —

From: scheduling  
To: Nelida Torres/DC/USEPA/US@EPA  
Date: 03/29/2011 08:52 AM  
Subject: Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson  
Sent by: Noah Dubin

I dont know if you need this but these are the people we passed along to OSWER. We've already declined on behalf of the Administrator.

— Forwarded by Noah Dubin/DC/USEPA/US on 03/29/2011 08:51 AM —

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: scheduling@EPA  
Cc: Eric Schaeffer <eschaeffer@environmentalintegrity.org>, Jeff Stant <jstant@environmentalintegrity.org>

Date: 03/28/2011 09:23 PM  
Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

---

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As promised, here is the list of confirmed participants for our meeting. Please let us know what times are available for this meeting at your earliest convenience. We appreciate your help in arranging this meeting. I apologize if you have already received a similar email from one of my colleagues.

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Kathy Andria, near East St. Louis  
Traci Barkley, Champaign (northcentral IL)  
Deacon Billy Davis, Joliet (just southwest of Chicago)  
Tammy Krapek, near Joliet

Indiana

Rosmary Spalding  
Saleh Hussein, Dogpatch (near Princeton in southwest IN along Wabash River)  
Mike Eslinger, Merom (near Sullivan in southwest IN along Wabash River)  
George Adey, Pine (in northwest IN outside of Michigan City)  
Larry Jensen, Pines (in northwest IN outside of Michigan City)

Maryland

Two residents, not yet confirmed

Michigan

Jean Veselenak, near Lake Huron  
Raymond and Yelisa Pfeiffer, near Lake Huron  
Bill Castiner, near Lansing

Missouri

Patricia Schuba, Labadie (about 10 miles west of St. Louis)  
Teresa Connelly, Union (near Labadie)  
Susan Brown, Kansas City  
Melissa Hope, Jefferson City  
Claus Wawrzinek, Kansas City

Ohio

Terry and Reggie Witsaman, Uniontown, northeast OH near Canton  
Elisa Young, Meigs County (southcentral Ohio near Ohio River)

Pennsylvania

Bob Gadinski and his son  
Frank and Joan Burke  
Ann Marie Shelby  
Sally Slotterback  
John Mello

Virginia

James McGrath, Giles County in southwest VA, west of Roanoke  
Jasmine and Jeanette, Chesapeake  
Steven Fox and his wife, Chesapeake

West Virginia

John and Petra Wood, Morgantown  
Debbie and Curt Havens, Chester (near Little Blue Run Surface Impoundment)  
Jared Jamieson, near Fort Martin's ash disposal areas

Wisconsin

Frank Michna, Town of Caledonia (southeast WI, just south of Racine)  
Ken Parker, Town of Caledonia (southeast WI, just south of Racine)  
Kelvin Rodolfo and Kathleen Crittenden, Viroqua (southwest WI)

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

**From:** Lisa N. Widawsky  
**Sent:** Friday, March 25, 2011 8:09 AM  
**To:** 'scheduling@epa.gov'  
**Cc:** Eric Schaeffer; Jeff Stant  
**Subject:** RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To whom it may concern,

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I will be out of the office today, so I am copying my colleague Jeff Stant in case you have any follow-up questions before I return on Monday, March 28, 2011.



Again, we will get the finalized list to you on Monday, and we thank you for your help with this meeting request. Please let us know as soon as possible when you can confirm a time for this important meeting.

Best,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

**From:** Lisa N. Widawsky  
**Sent:** Monday, March 21, 2011 5:10 PM  
**To:** 'scheduling@epa.gov'  
**Cc:** Eric Schaeffer  
**Subject:** Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To Whom It May Concern:

Please accept the attached request for a meeting between Administrator Jackson and citizens harmed by coal ash. This request has also been sent by U.S. Mail. Feel free to reply to me with any questions.

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
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202.294.3282 (cell)  
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March 21, 2011

The Honorable Lisa Jackson  
Administrator

USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 1101A  
Washington, DC 20460

Dear Administrator Jackson:

The Environmental Integrity Project (EIP) is writing you today on behalf of citizens in the Midwest and Mid-Atlantic regions of our country who are concerned that their health, property, livelihood, and/or quality of life have been harmed by coal ash pollution. With combined efforts from EIP, Earthjustice, and the Sierra Club, citizens living near coal ash dump sites will be coming to Washington, D.C. next month to talk about how their lives have been adversely impacted as a result of the inadequate coal ash regulations in their States.

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Please contact me directly with the best time to meet. My contact information is below.

Sincerely,

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
[eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)





**Fw: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

**Matt Straus** to: Mary Jackson

07/31/2012 12:17 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:17 PM —

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 07/31/2012 12:05 PM  
Subject: Fw: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project

— Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:05 PM —

From: Shawna Bergman/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 03/23/2011 05:33 PM  
Subject: Fw: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project

FYI -

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

— Forwarded by Shawna Bergman/DC/USEPA/US on 03/23/2011 05:33 PM —

**Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

**Noah Dubin** to: Mathy Stanislaus, Lisa Feldt

03/23/2011 05:05 PM

Cc: Nelida Torres, Becky Brooks, Shawna Bergman, Ellyn Fine

**RE: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

Please see the attached invitation request for the Administrator and give your recommendation.

Thank you,

The Scheduling Office  
Office of the Administrator

Please include this link in your response

<NOTES://DCOGCLN1/MHANSONVAO\IO\InvitationRequests.nsf/Processing/DAE4F35D7B9BA3BA8525785C006F292D>

Description/Purpose

4.12 or 4.13

Tentative Date

from

to

EPA Org:

04/12/2011

Original Request (use Notes Viewer and set magnification (View, Magnification) to Fit Width)





1 Thomas Circle, Suite 900  
Washington, DC 20005  
main: 202-298-8800  
fax: 202-298-8822  
[www.environmentalintegrity.org](http://www.environmentalintegrity.org)

March 21, 2011

The Honorable Lisa Jackson  
Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 1101A  
Washington, DC 20460

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Please contact me directly with the best time to meet. My contact information is below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Schaeffer', is written over a circular watermark that says 'American Government'.

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
[eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)



AX-11-000-4498.pdf



Message Information

Date 03/21/2011 05:13 PM  
From Noah Dubin/DC/USEPA/US  
To Invitations@EPA  
cc  
Subject INVITATION? Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

Message Body

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: scheduling@EPA  
Cc: Eric Schaeffer <eschaeffer@environmentalintegrity.org>  
Date: 03/21/2011 05:11 PM  
Subject: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

---

To Whom It May Concern:

Please accept the attached request for a meeting between Administrator Jackson and citizens harmed by coal ash. This request has also been sent by U.S. Mail.  
Feel free to reply to me with any questions.

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
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202.294.3282 (cell)  
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March 21, 2011

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Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.



**Mail Code:** 1101A  
Washington, DC 20460

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Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005

  
[eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org) 20110321 Request for Citizen Meeting with EPA Administrator Jackson.pdf

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**OEX Processing Information**

Processed Date:

Processed By:

PO Office:

Category:



1 Thomas Circle, Suite 900  
Washington, DC 20005  
main: 202-296-8800  
fax: 202-296-8822  
[www.environmentalintegrity.org](http://www.environmentalintegrity.org)

March 21, 2011

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Administrator  
USEPA Headquarters  
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Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
[eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)

AMERICAN OVERSIGHT



*[Handwritten signature]*  
[Faint printed text]



**Fw: More EO 12866 meetings at OMB: Sierra Club 2/24 & 2/25 and PSR 3/11**

**Lana Suarez** to: Mary Jackson

08/08/2012 02:18 PM

From: Lana Suarez/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Lana Suarez/DC/USEPA/US on 08/08/2012 02:18 PM —

From: Richard Mattick/DC/USEPA/US  
To: Matt Hale/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA  
Cc: Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Antoinette Powell-Dickson/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Barbara Hostage/DC/USEPA/US@EPA, Lana Suarez/DC/USEPA/US@EPA  
Date: 02/22/2010 05:42 PM  
Subject: More EO 12866 meetings at OMB: Sierra Club 2/24 & 2/25 and PSR 3/11

FYI. Sierra Club has requested this telephone meeting for citizen groups from various states (NM, TX, OK, MT, MO, PA, OH, MD, WV, VA, KY, TN) and Barb Gottlieb, Physicians for Social Responsibility has requested a meeting as well. See details below



**Invitation: E.O. 12866 Meeting on Coal Combustion - conference call**

**Wed 02/24/2010 2:00 PM - 3:00**

**PM**

Attendance is required for Richard Mattick

Chair: **Mabel E. Echols@omb.eop.gov**

Location: 5104 NEOB

"Echols, Mabel E." Mabel\_E.\_Echols has invited you to a meeting. You have not yet responded.

Required:

Cass\_R.\_Sunstein@omb.eop.gov, Kevin\_F.\_Neyland@omb.eop.gov, Dominic\_J.\_Mancini@omb.eop.gov, Cortney\_Higgins@omb.eop.gov, Ryan\_J.\_Bubb@omb.eop.gov, Amanda\_I.\_Lee@omb.eop.gov, Nancy\_Beck@omb.eop.gov, Nicholas\_R.\_Hart@omb.eop.gov, Julie\_V.\_Middleton@omb.eop.gov, John\_H.\_Dick@omb.eop.gov, Maryann\_Wolverton@cea.eop.gov, Edward\_A.\_Boiling@ceq.eop.gov, Dianne\_L.\_Poster@ceq.eop.gov, Richard Mattick/DC/USEPA/US, Thomas Gillis/DC/USEPA/US

**Description**

Lyndsay Moseley, Sierra Club has requested this telephone meeting for citizen groups from various states. There will be two conference calls:

2:00 - groups from IN, IL, MI and IA; and 2:30 - groups from NM, TX, OK, MT, MO.



**Invitation: E.O. 12866 Meeting on Coal Combustion - Conference Call**

**Thu 02/25/2010 11:00 AM - 12:00**

**PM**

Attendance is required for Richard Mattick

Chair: [Mabel E. Echols@omb.eop.gov](mailto:Mabel_E_Echols@omb.eop.gov)

Location: 5104 NEOB

"Echols, Mabel E." Mabel\_E\_Echols has invited you to a meeting. You have not yet responded.

**Required:**

Kevin\_F\_Neyland@omb.eop.gov, Dominic\_J\_Mancini@omb.eop.gov,  
Cortney\_Higgins@omb.eop.gov, Ryan\_J\_Bubb@omb.eop.gov, Amanda\_I\_Lee@omb.eop.gov,  
Nancy\_Beck@omb.eop.gov, Nicholas\_R\_Hart@omb.eop.gov,  
Julie\_V\_Middleton@omb.eop.gov, John\_H\_Dick@omb.eop.gov,  
Maryann\_Wolverton@cea.eop.gov, Edward\_A\_Boling@ceq.eop.gov,  
Dianne\_L\_Poster@ceq.eop.gov, Richard Mattick/DC/USEPA/US, Thomas Gillis/DC/USEPA/US

**Optional:**

Cass\_R\_Sunstein@omb.eop.gov

**Description**

Lyndsay Moseley, Sierra Club has requested this telephone meeting for citizen groups from various states. There will be two conference calls:

11:00 - Groups from PA, OH, MD

11:30 - Groups from WV, VA, KY, TN



**Invitation: E.O. 12866 Meeting on Coal Combustion**

**Thu 03/11/2010 1:00 PM - 1:30 PM**

Attendance is **required** for Richard Mattick

Chair: **Mabel E. Echols@omb.eop.gov**

Location: 5104 NEOB

**"Echols, Mabel E."** Mabel E. Echols has invited you to a meeting. You have not yet responded.

**Required:**

Kevin\_F.\_Neyland@omb.eop.gov, Dominic\_J.\_Mancini@omb.eop.gov, Cortney\_Higgins@omb.eop.gov, Ryan\_J.\_Bubb@omb.eop.gov, Amanda\_I.\_Lee@omb.eop.gov, Nancy\_Beck@omb.eop.gov, Nicholas\_R.\_Hart@omb.eop.gov, Julie\_V.\_Middleton@omb.eop.gov, John\_H.\_Dick@omb.eop.gov, Maryann\_Wolverton@cea.eop.gov, Edward\_A.\_Boling@ceq.eop.gov, Dianne\_L.\_Poster@ceq.eop.gov, Richard Mattick/DC/USEPA/US, Thomas Gillis/DC/USEPA/US

**Optional:**

Cass\_R.\_Sunstein@omb.eop.gov

**Description**

Barb Gottlieb, Physicians for Social Responsibility has requested this meeting.

Richard Mattick, M.S., J.D.  
Policy Team Leader (Acting)  
Policy Analysis and Regulatory Management Staff  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
1200 Pennsylvania Ave, NW. (MC 5103T)  
Washington, DC 20460  
Ph: 202-566-1926 Fax:202-566-1934





**Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials**

Lana Suarez to: Mary Jackson

08/08/2012 02:17 PM

From: Lana Suarez/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Lana Suarez/DC/USEPA/US on 08/08/2012 02:16 PM —

From: Matt Hale/DC/USEPA/US  
To: Betsy Devlin/DC/USEPA/US@EPA, Thea Mcmanus/DC/USEPA/US@EPA, Janette Petersen/DC/USEPA/US@EPA  
Cc: Maria Vickers/DC/USEPA/US@EPA, Lana Suarez/DC/USEPA/US@EPA, Kelly Greene/DC/USEPA/US@EPA  
Date: 07/01/2009 08:58 PM  
Subject: Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials

— Forwarded by Matt Hale/DC/USEPA/US on 07/01/2009 08:58 PM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Matt Hale/DC/USEPA/US@EPA  
Cc: Antoinette Powell-Dickson/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Eilyn Fine/DC/USEPA/US@EPA, Jennifer Wilbur/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Date: 07/01/2009 05:57 PM  
Subject: Re: Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials

OK

Matt Hale I wasn't aware of this meeting until I got the email... 07/01/2009 05:47:38 PM

From: Matt Hale/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Antoinette Powell-Dickson/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Eilyn Fine/DC/USEPA/US@EPA, Jennifer Wilbur/DC/USEPA/US@EPA  
Date: 07/01/2009 05:47 PM  
Subject: Re: Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials

I wasn't aware of this meeting until I got the email. Robert Spoerri met with us a week or two ago, and said he had met with enviro groups, including Eric Schaeffer.

I agree with Matt S. ORCR should send reps, but we'd keep discussion as much as possible to a technical level, and not get into reg issues.

Matt

Sent by EPA Wireless E-Mail Services

Matt Straus

----- Original Message -----

From: Matt Straus  
Sent: 07/01/2009 04:30 PM EDT



**To:** Mathy Stanislaus  
**Cc:** Antoinette Powell-Dickson; Barry Breen; Ellyn Fine; Jennifer Wilbur; Matt Hale  
**Subject:** Re: Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials

I'll let Matt Hale get back to you, since he and his folks were invited to the meeting, but presume that this has been set up as a technical meeting to discuss the various uses of coal combustion byproducts, but would not be surprised if it also got into the policy debate on "C" vs "D." If you are asking whether you should plan to attend the meeting, I would say that ORCR should cover the meeting.

Mathy Stanislaus      What is this meeting? Should someone from O...      07/01/2009 04:19:26 PM

---

**From:** Mathy Stanislaus/DC/USEPA/US  
**To:** Matt Straus/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA  
**Cc:** Barry Breen/DC/USEPA/US@EPA, Jennifer Wilbur/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Antoinette Powell-Dickson/DC/USEPA/US@EPA  
**Date:** 07/01/2009 04:19 PM  
**Subject:** Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials

---

What is this meeting? Should someone from OSWER attend and, if so, who?

— Forwarded by Mathy Stanislaus/DC/USEPA/US on 07/01/2009 04:18 PM —

---

**From:** Robert Spoerri <rspoerri@beneficialreuse.com>  
**To:** "thadams@acaa-usa.org" <thadams@acaa-usa.org>, "janderson@greenleafadvisors.net" <janderson@greenleafadvisors.net>, "chbenson@u.washington.edu" <chbenson@u.washington.edu>, Truett Degear/DC/USEPA/US@EPA, "levans@earthjustice.org" <levans@earthjustice.org>, "kfendler@environmentalintegrity.org" <kfendler@environmentalintegrity.org>, "fitzkrc@aol.com" <fitzkrc@aol.com>, "dave@dcgoss.com" <dave@dcgoss.com>, Matt Hale/DC/USEPA/US@EPA, "jason.harrington@dot.gov" <jason.harrington@dot.gov>, "kinch.rich@epa.gov" <kinch.rich@epa.gov>, Paul Koziar <pkoziar@beneficialreuse.com>, John Sager/DC/USEPA/US@EPA, "eschaeffer@environmentalintegrity.org" <eschaeffer@environmentalintegrity.org>, "psimms@nrdc.org" <psimms@nrdc.org>, Betsy Smidinger/DC/USEPA/US@EPA, Robert Spoerri <rspoerri@beneficialreuse.com>, Mathy Stanislaus/DC/USEPA/US@EPA, "jeffreystant@sbcglobal.net" <jeffreystant@sbcglobal.net>, "bwaldrop@fcsi.biz" <bwaldrop@fcsi.biz>  
**Date:** 07/01/2009 04:01 PM  
**Subject:** Meeting re: use of coal combustion byproducts as geotechnical construction materials

---

I am pleased to invite you to join a discussion on the Beneficial Reuse of Coal Combustion By-Products as Geotechnical Construction Material on July 29 from noon – 4pm. The meeting will be held at the offices of the Environmental Integrity Project, located at 1920 "L" Street NW Suite 800, Washington, DC. Thanks very much to Eric Schaeffer for hosting the session, and to Kate Fendler at EIP for helping facilitate the conference.

The meeting's objective is to advance a shared technical understanding of the beneficial reuse of coal combustion byproducts as geotechnical construction material. A draft agenda and list of invited participants is attached. Please contact me with any questions, suggestions or comments.

Please RSVP to me with a copy to Kate Fendler ([kfendler@environmentalintegrity.org](mailto:kfendler@environmentalintegrity.org)) at EIP. We look forward to working together with you to advance the environmental and economic benefits that can be gained from beneficial reuse of byproduct materials in a safe and appropriate way.

Sincerely,

Bob Spoerri



212 W. Superior St., Suite 402

Chicago, IL 60654

Direct phone: 312-784-0303

[www.beneficialreuse.com](http://www.beneficialreuse.com)

[attachment "7-29-09 CCP Conference.pdf" deleted by Matt Straus/DC/USEPA/US]







**Fw: Regulation of Coal Combustion Residue w/ EarthJustice**

**Lana Suarez** to: Mary Jackson

08/08/2012 02:16 PM

From: Lana Suarez/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

L

— Forwarded by Lana Suarez/DC/USEPA/US on 08/08/2012 02:16 PM —

**Regulation of Coal Combustion Residue w/ EarthJustice**



**Mon 04/27/2009 11:00 AM - 12:00 PM**

Chair: **Matt Hale/DC/USEPA/US**  
Sent By: **Lana Suarez/DC/USEPA/US**  
Location: N-6100

Required:	Betsy Devlin/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA
Optional:	Maria Vickers/DC/USEPA/US@EPA, suarez.lana@epa.gov

**Description**

added per email from Matt 4/16 @ 5:30 pm

**Attendees include:**

Jeff Stant - Environmental Integrity Project  
 Eric Schaffer  
 Lisa Widawski  
 Lisa Evans - Earth Justice  
 Lindsay Mosely  
 Ed Hopkins - Sierra Club  
 Patrice Simms - NRDC  
 Jackie Kruszewski - SELC

**Personal Notes**



**#1 Freedom of Information Request FOIA HQ-FOI-01327-12 related to coal-ash regulation**

Lana Suarez to: Mary Jackson

08/08/2012 02:16 PM

From: Lana Suarez/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Lana Suarez/DC/USEPA/US on 08/08/2012 01:37 PM —

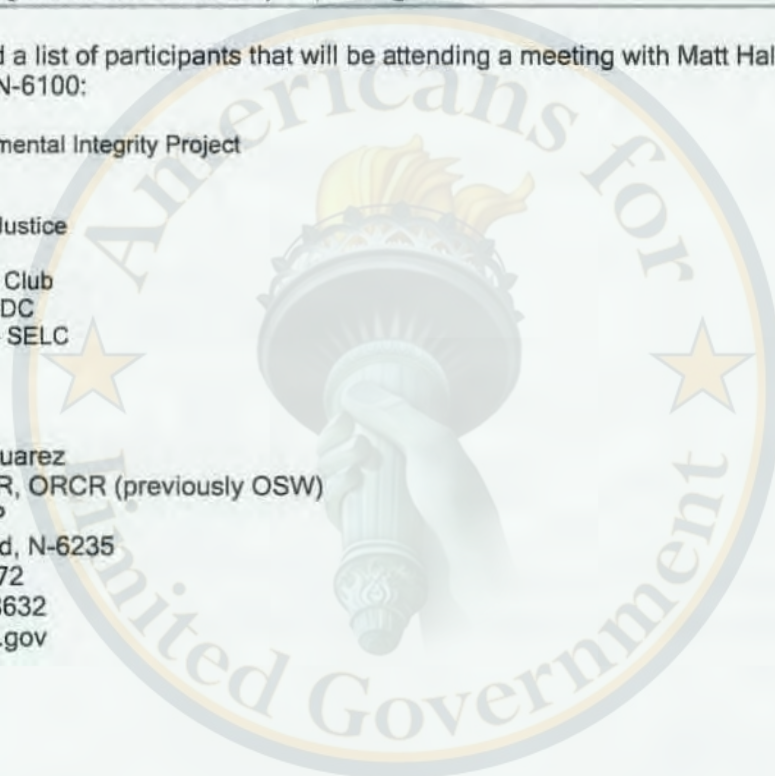
From: Lana Suarez/DC/USEPA/US  
To: Preston Turner/DC/USEPA/US@EPA  
Cc: Sharon Brent/DC/USEPA/US@EPA  
Date: 04/21/2009 12:44 PM  
Subject: Mtg with Matt Hale, Monday - April 27 @ 11 am

Below you will find a list of participants that will be attending a meeting with Matt Hale on Monday, April 27 at 11 am in room N-6100:

Jeff Stant - Environmental Integrity Project  
Eric Schaffer  
Lisa Widawski  
Lisa Evans - Earth Justice  
Lindsay Mosely  
Ed Hopkins - Sierra Club  
Patrice Simms - NRDC  
Jackie Kruszewski - SELC

Thank you, L

Lana Coppolino Suarez  
U.S. EPA, OSWER, ORCR (previously OSW)  
Mail Code: 5301 P  
Two Potomac Yard, N-6235  
desk: 703-308-4972  
mobile: 703-541-8632  
suarez.lana@epa.gov





**Fw: Meeting with Lisa Evans (Earthjustice) and Jeff Stant (Environmental Integrity Project)**

Alexander Livnat to: Mary Jackson

08/08/2012 12:10 PM

From: Alexander Livnat/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

First of two entries: FOIA HQ-FOI-01327-12 related to coal-ash regulation

Alex Livnat, Ph.D  
Materials Recovery and Waste Management Division  
Office of Resource Conservation and Recovery  
US EPA (MC: 5304P)  
1200 Pennsylvania Ave, NW  
Washington, DC 20460-0001  
Tel: (703) 308-7251  
Fax: (703) 605-0595  
Email: livnat.alexander@epa.gov

Delivery address: Two Potomac Yard (North Bldg)  
2733 South Crystal Drive (N-5836)  
Arlington, VA 22202

— Forwarded by Alexander Livnat/DC/USEPA/US on 08/08/2012 12:06 PM —



**Calendar Entry**

Type: Meeting

<input type="checkbox"/>	Mark Private
<input type="checkbox"/>	Mark Available

**Subject:** Meeting with Lisa Evans (Earthjustice) and Jeff Stant (Environmental Integrity Project)

<b>When:</b>	<b>Starts:</b>	Wed 09/21/2011	09:00 AM	Local time	1 hour
	<b>Ends:</b>	Wed 09/21/2011	10:00 AM	Local time	
<b>Who:</b>	<b>Optional:</b>	Richard Robinson/DC/USEPA/US@EPA			
<b>Where:</b>	<b>Location:</b>	N-5675			

**Description**

In response to a telephone request by Lisa Evans





**CCR FOIA Re:Meetings 7 of 7 (Barry Breen)**  
**Ellyn Fine** to: Mary Jackson

08/07/2012 04:51 PM

From: Ellyn Fine/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Ellyn Fine/DC/USEPA/US on 08/07/2012 04:51 PM —

**{In Archive} Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials**

**Mathy Stanislaus** to: Matt Straus, Matt Hale

07/01/2009 04:19 PM

Cc: Barry Breen, Jennifer Wilbur, Ellyn Fine, Antoinette Powell-Dickson

Archive: This message is being viewed in an archive.

What is this meeting? Should someone from OSWER attend and, if so, who?

— Forwarded by Mathy Stanislaus/DC/USEPA/US on 07/01/2009 04:18 PM —

From: Robert Spoerri <rspoerri@beneficialreuse.com>  
To: "thadams@aca-usa.org" <thadams@aca-usa.org>, "janderson@greenleafadvisors.net" <janderson@greenleafadvisors.net>, "chbenson@u.washington.edu" <chbenson@u.washington.edu>, Truett Degeare/DC/USEPA/US@EPA, "levans@earthjustice.org" <levans@earthjustice.org>, "kfendler@environmentalintegrity.org" <kfendler@environmentalintegrity.org>, "fitzkrc@aol.com" <fitzkrc@aol.com>, "dave@dcgoss.com" <dave@dcgoss.com>, Matt Hale/DC/USEPA/US@EPA, "jason.harrington@dot.gov" <jason.harrington@dot.gov>, "kinch.rich@epa.gov" <kinch.rich@epa.gov>, Paul Koziar <pkoziar@beneficialreuse.com>, John Sager/DC/USEPA/US@EPA, "eschaeffer@environmentalintegrity.org" <eschaeffer@environmentalintegrity.org>, "psimms@nrhc.org" <psimms@nrhc.org>, Betsy Smidinger/DC/USEPA/US@EPA, Robert Spoerri <rspoerri@beneficialreuse.com>, Mathy Stanislaus/DC/USEPA/US@EPA, "jeffreystant@sbcglobal.net" <jeffreystant@sbcglobal.net>, "bwaldrop@fcsi.biz" <bwaldrop@fcsi.biz>  
Date: 07/01/2009 04:01 PM  
Subject: Meeting re: use of coal combustion byproducts as geotechnical construction materials

I am pleased to invite you to join a discussion on the Beneficial Reuse of Coal Combustion By-Products as Geotechnical Construction Material on July 29 from noon – 4pm. The meeting will be held at the offices of the Environmental Integrity Project, located at 1920 "L" Street NW Suite 800, Washington, DC. Thanks very much to Eric Schaeffer for hosting the session, and to Kate Fendler at EIP for helping facilitate the conference.

The meeting's objective is to advance a shared technical understanding of the beneficial reuse of coal combustion byproducts as geotechnical construction material. A draft agenda and list of invited participants is attached. Please contact me with any questions, suggestions or comments.

Please RSVP to me with a copy to Kate Fendler ([kfendler@environmentalintegrity.org](mailto:kfendler@environmentalintegrity.org)) at EIP. We look forward to working together with you to advance the environmental and economic benefits that can be gained from beneficial reuse of byproduct materials in a safe and appropriate way.



Sincerely,

Bob Spoerri



212 W. Superior St., Suite 402  
Chicago, IL 60654  
Direct phone: 312-784-0303  
[www.beneficialreuse.com](http://www.beneficialreuse.com)



7-29-09 CCP Conference.pdf





**CCR FOIA Re:Meetings 6 of 7 (Barry Breen)**

**Ellyn Fine** to: Mary Jackson

08/07/2012 04:51 PM

From: Ellyn Fine/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

----- Forwarded by Ellyn Fine/DC/USEPA/US on 08/07/2012 04:50 PM -----

**{In Archive} More EO 12866 meetings at OMB: Sierra Club 2/24 & 2/25 and PSR 3/11**

**Richard Mattick** to: Matt Hale, Robert Dellinger, Betsy Devlin, Richard Kinch 02/22/2010 05:42 PM

Cc: Lisa Feldt, Mathy Stanislaus, Barry Breen, Antoinette Powell-Dickson, Becky Brooks, Ellyn Fine, Matt Straus, Barbara Hostage, Lana Suarez

Archive: This message is being viewed in an archive.

FYI. Sierra Club has requested this telephone meeting for citizen groups from various states (NM, TX, OK, MT, MO, PA, OH, MD, WV, VA, KY, TN) and Barb Gottlieb, Physicians for Social Responsibility has requested a meeting as well. See details below



**Invitation: E.O. 12866 Meeting on Coal Combustion - conference call**

**Wed 02/24/2010 2:00 PM - 3:00 PM**

Attendance is **required** for Richard Mattick

Chair: **Mabel E. Echols@omb.eop.gov**

Location: 5104 NEOB

**"Echols, Mabel E."** Mabel\_E.\_Echols has invited you to a meeting. You have not yet responded.

Required:

Cass\_R.\_Sunstein@omb.eop.gov, Kevin\_F.\_Neyland@omb.eop.gov, Dominic\_J.\_Mancini@omb.eop.gov, Cortney\_Higgins@omb.eop.gov, Ryan\_J.\_Bubb@omb.eop.gov, Amanda\_I.\_Lee@omb.eop.gov, Nancy\_Beck@omb.eop.gov, Nicholas\_R.\_Hart@omb.eop.gov, Julie\_V.\_Middleton@omb.eop.gov, John\_H.\_Dick@omb.eop.gov, Maryann\_Wolverton@cea.eop.gov, Edward\_A.\_Boling@ceq.eop.gov, Dianne\_L.\_Poster@ceq.eop.gov, Richard Mattick/DC/USEPA/US, Thomas Gillis/DC/USEPA/US

Description

Lyndsay Moseley, Sierra Club has requested this telephone meeting for citizen groups from various states. There will be two conference calls:

2:00 - groups from IN, IL, MI and IA; and 2:30 - groups from NM, TX, OK, MT, MO.



**Invitation: E.O. 12866 Meeting on Coal Combustion - Conference Call**

**Thu 02/25/2010 11:00 AM - 12:00 PM**

Attendance is required for Richard Mattick

Chair: **Mabel\_E\_Echols@omb.eop.gov**

Location: 5104 NEOB

**"Echols, Mabel E."** Mabel\_E\_Echols has invited you to a meeting. You have not yet responded.

**Required:**

Kevin\_F\_Neyland@omb.eop.gov, Dominic\_J\_Mancini@omb.eop.gov, Cortney\_Higgins@omb.eop.gov, Ryan\_J\_Bubb@omb.eop.gov, Amanda\_I\_Lee@omb.eop.gov, Nancy\_Beck@omb.eop.gov, Nicholas\_R\_Hart@omb.eop.gov, Julie\_V\_Middleton@omb.eop.gov, John\_H\_Dick@omb.eop.gov, Maryann\_Wolverton@cea.eop.gov, Edward\_A\_Boling@ceq.eop.gov, Dianne\_L\_Poster@ceq.eop.gov, Richard Mattick/DC/USEPA/US, Thomas Gillis/DC/USEPA/US

**Optional:**

Cass\_R\_Sunstein@omb.eop.gov

**Description**

Lyndsay Moseley, Sierra Club has requested this telephone meeting for citizen groups from various states. There will be two conference calls:

11:00 - Groups from PA, OH, MD

11:30 - Groups from WV, VA, KY, TN



## Invitation: E.O. 12866 Meeting on Coal Combustion

Thu 03/11/2010 1:00 PM - 1:30

PM

Attendance is **required** for Richard Mattick

Chair: **Mabel\_E.\_Echols@omb.eop.gov**

Location: 5104 NEOB

"Echols, Mabel E." Mabel\_E.\_Echols has invited you to a meeting. You have not yet responded.

Required:

Kevin\_F.\_Neyland@omb.eop.gov, Dominic\_J.\_Mancini@omb.eop.gov,  
Cortney\_Higgins@omb.eop.gov, Ryan\_J.\_Bubb@omb.eop.gov, Amanda\_I.\_Lee@omb.eop.gov,  
Nancy\_Beck@omb.eop.gov, Nicholas\_R.\_Hart@omb.eop.gov,  
Julie\_V.\_Middleton@omb.eop.gov, John\_H.\_Dick@omb.eop.gov,  
Maryann\_Wolverton@cea.eop.gov, Edward\_A.\_Boling@ceq.eop.gov,  
Dianne\_L.\_Poster@ceq.eop.gov, Richard Mattick/DC/USEPA/US, Thomas Gillis/DC/USEPA/US

Optional:

Cass\_R.\_Sunstein@omb.eop.gov

### Description

Barb Gottlieb, Physicians for Social Responsibility has requested this meeting.

Richard Mattick, M.S., J.D.  
Policy Team Leader (Acting)  
Policy Analysis and Regulatory Management Staff  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
1200 Pennsylvania Ave, NW. (MC 5103T)  
Washington, DC 20460  
Ph: 202-566-1926 Fax:202-566-1934





**CCR FOIA Re:Meetings 2 of 7 (Barry Breen)**

**Ellyn Fine** to: Mary Jackson

08/07/2012 04:45 PM

From: Ellyn Fine/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Ellyn Fine/DC/USEPA/US on 08/07/2012 04:44 PM —

**Fw: Meeting w/Enviro Groups on DOI Rule Re: Coal Ash Placement in Coal Mines**

**Barry Breen** to: Barry Breen

05/23/2012 08:02 AM

Sent by: **Carolyn McDonald**

Good morning Barry,

I wanted you to be aware of this meeting - just in case you would be able to attend. I did this morning send Wayne a message that you would like to use your office from noon - 1pm. Will let you know just as soon as I hear back from him.

CJ

— Forwarded by Carolyn McDonald/DC/USEPA/US on 05/23/2012 08:00 AM —



**Meeting w/Enviro Groups on DOI Rule Re: Coal Ash Placement in Coal Mines**

**Wed 05/23/2012 12:45 PM - 1:15 PM**

Attendance is for Barry Breen

Chair: **Bob Perciasepe/DC/USEPA/US**

Sent By: **Teri Porterfield/DC/USEPA/US**

Location: 3412 ARN Call In # 866 299 3188 Access 202 564 4711

Required: Barry Breen/DC/USEPA/US@EPA, levans@earthjustice.org, Lisa Feldt/DC/USEPA/US@EPA

**Description**

**Request for Meeting on May 23**

**Lisa Evans** to: Teri Porterfield, Nena Shaw

05/16/2012 12:16 PM

Dear Ms. Porterfield and Ms. Shaw:

I am writing to request a meeting with Deputy Administrator Perciasepe on May 23, 2012 concerning the proposed rulemaking by the Office of Surface Mining and Reclamation and Enforcement (OSM) on coal ash placement in coal mines. We have learned that completion of this proposed rule is imminent and would like an opportunity to speak with EPA as soon as possible about the rule.

I am asking for this meeting on behalf of Richard Webster of Public Justice, Tom FitzGerald of Kentucky Resources Council, Eric Schaeffer of Environmental Integrity Project, Sierra Club and Earthjustice.

Thank you in advance for your assistance with this request. You may reach me at this email address and by phone at 781-631-4119.

Sincerely,

Lisa Evans

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

\*please consider the environment before printing

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Personal Notes



**CCR FOIA Re:Meetings 4 of 7 (Barry Breen)**  
**Ellyn Fine** to: Mary Jackson

08/07/2012 04:49 PM

From: Ellyn Fine/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Ellyn Fine/DC/USEPA/US on 08/07/2012 04:48 PM —

**{In Archive} Fw: Request to meet with you regarding coal ash public hearings**

**Mathy Stanislaus** to: Lisa Feldt, Barry Breen, Matt Straus

07/15/2010 06:20 PM

Cc: Becky Brooks, Ellyn Fine

Archive: This message is being viewed in an archive.

We need to meet either in person or phone but before we do we need to figure out a strategy for expanded meetings requests generally.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Mathy Stanislaus/DC/USEPA/US on 07/15/2010 05:18 PM —

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 07/15/2010 04:43 PM  
Subject: Request to meet with you regarding coal ash public hearings

July 15, 2010

Assistant Administrator Stanislaus,

Attached please find a letter requesting a meeting with you from the Environmental Justice Resource Center, Earthjustice, Appalachian Voices, Sierra Club, Physicians for Social Responsibility, the Southern Environmental Law Center, and the Environmental Integrity Project. We look forward to discussing the public hearings scheduled for the proposed coal ash rule with you. Please let me know if you have any questions.

Thank you,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1920 L Street NW, Suite 800  
Washington, DC 20036  
202.263.4452 (direct)  
202.294.3282 (cell)



202.296.8822 (fax)

*The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.*



Stanislaus Meeting Request 20100715\_final.pdf





**CCR FOIA Re:Meetings 5 of 7 (Barry Breen)**

**Ellyn Fine** to: Mary Jackson

08/07/2012 04:50 PM

From: Ellyn Fine/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Ellyn Fine/DC/USEPA/US on 08/07/2012 04:49 PM —

**{In Archive} Fw: Coal Ash Rule Letter**

**Mathy Stanislaus** to: Lisa Feldt, Barry Breen, Maria Vickers, Matt Straus

04/14/2010 07:31 PM

Archive: This message is being viewed in an archive.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Mathy Stanislaus/DC/USEPA/US on 04/14/2010 07:31 PM —

From: Trip Van Noppen <tvannoppen@earthjustice.org>  
To: LisaP Jackson/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 04/14/2010 07:23 PM  
Subject: Coal Ash Rule Letter

Dear Administrator Jackson and Assistant Administrator Stanislaus,

Earthjustice and several of the groups listed as signatories on the attached letter have met with you about the coal ash rule that is currently at OMB. I'm writing to let you know that tomorrow morning we'll be submitting the attached letter to President Obama from 239 public interest groups. It includes groups from every state and Washington D.C. Our request is for the Administration to release the proposed coal ash rule for public comment this month and to ensure that the rule proposes federally enforceable standards that will protect communities across this nation from the widespread mismanagement of coal combustion waste that endangers public health and the environment.

We thank you for all of your work on this important problem. Should you have any questions, please don't hesitate to let me know.

Sincerely,  
Trip Van Noppen  
President, Earthjustice

---

Trip Van Noppen  
President

Earthjustice  
426 17th Street, 6th Floor  
Oakland, CA 94612  
T: 510-550-6700  
M: 415-310-2708

[www.earthjustice.org](http://www.earthjustice.org)

*Because the earth needs a good lawyer*

*\*please consider the environment before printing*



President Obama Letter\_Coal Ash.pdf





**Fw: Coal Ash Rule Letter**  
Mathy Stanislaus to: Mary Jackson  
Sent by: Shawna Bergman

08/03/2012 12:32 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:32 PM —

From: Trip Van Noppen <tvannoppen@earthjustice.org>  
To: LisaP Jackson/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 04/14/2010 07:23 PM  
Subject: Coal Ash Rule Letter

Dear Administrator Jackson and Assistant Administrator Stanislaus,

Earthjustice and several of the groups listed as signatories on the attached letter have met with you about the coal ash rule that is currently at OMB. I'm writing to let you know that tomorrow morning we'll be submitting the attached letter to President Obama from 239 public interest groups. It includes groups from every state and Washington D.C. Our request is for the Administration to release the proposed coal ash rule for public comment this month and to ensure that the rule proposes federally enforceable standards that will protect communities across this nation from the widespread mismanagement of coal combustion waste that endangers public health and the environment.

We thank you for all of your work on this important problem. Should you have any questions, please don't hesitate to let me know.

Sincerely,  
Trip Van Noppen  
President, Earthjustice

---

Trip Van Noppen  
President  
Earthjustice  
426 17th Street, 6th Floor  
Oakland, CA 94612  
T: 510-550-6700  
M: 415-310-2708  
[www.earthjustice.org](http://www.earthjustice.org)

*Because the earth needs a good lawyer*  
\*please consider the environment before printing



President Obama Letter\_Coal Ash.pdf





**Fw: See attachment that was sent to us for the Environmental Group Meeting Scheduled for Nov 2, @11:00**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:32 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

**Mathy Stanislaus**  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

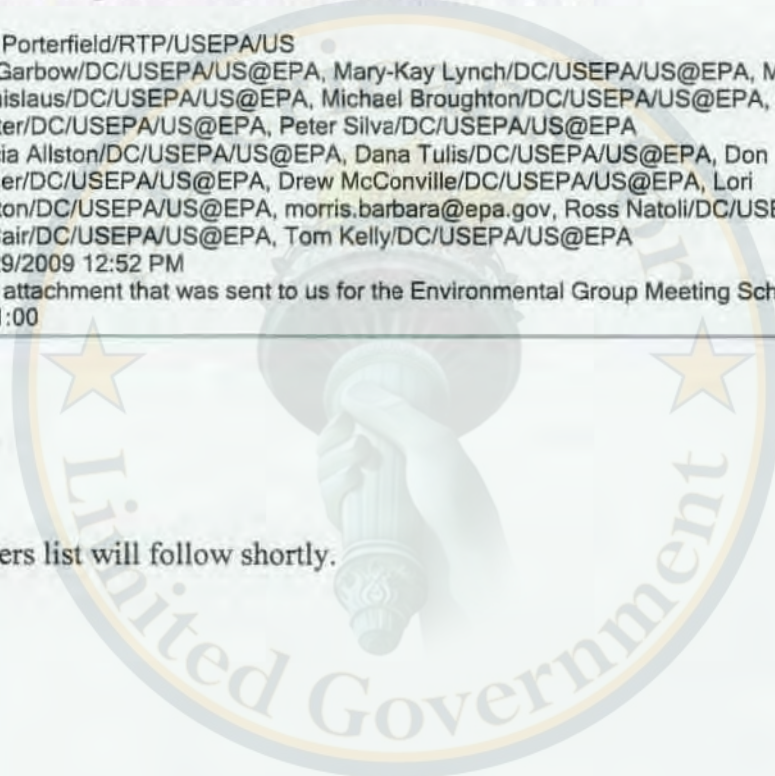
— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:27 PM —

From: Teri Porterfield/RTP/USEPA/US  
To: Avi Garbow/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Michael Broughton/DC/USEPA/US@EPA, Patrick Easter/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA  
Cc: Alecia Allston/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA, Drew McConville/DC/USEPA/US@EPA, Lori Keyton/DC/USEPA/US@EPA, morris.barbara@epa.gov, Ross Natoli/DC/USEPA/US@EPA, Sara DeCair/DC/USEPA/US@EPA, Tom Kelly/DC/USEPA/US@EPA  
Date: 10/29/2009 12:52 PM  
Subject: See attachment that was sent to us for the Environmental Group Meeting Scheduled for Nov 2, @11:00



080509LetterToEPA.pdf

Attendees and callers list will follow shortly.





Center for Health, Environment & Justice · Clean Water Action  
Committee to Bridge the Gap · Environment America · Food and Water Watch  
Friends of the Earth · Greenpeace · Massachusetts Citizens for Safe Energy  
Natural Resources Defense Council · Nuclear Information and Resource Service  
Professor Richard Clapp · Public Citizen · Sierra Club

5 August 2009

The Honorable Gina McCarthy  
Assistant Administrator  
Office of Air and Radiation

The Honorable Mathy Stanislaus  
Assistant Administrator  
Office of Solid Waste and Emergency Response

The Honorable Peter Silva  
Assistant Administrator  
Office of Water

The Honorable Scott Fulton  
Acting Deputy Administrator and General Counsel-Nominee

The Honorable Patricia Hirsch  
Acting General Counsel  
Office of General Counsel

U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Assistant Administrators McCarthy, Stanislaus, and Silva, and Acting Deputy Administrator Fulton and Acting General Counsel Hirsch:

We write to call to your attention several disturbing initiatives commenced during the prior Administration that are still pending before the agency and which would dramatically weaken public protections and have wide impacts across EPA, including arenas for which you have responsibility. Although all of these problematic proposals were initiated within Office of Air and Radiation's (OAR) troubled Office of Radiation and Indoor Air (ORIA), they would also have significant impacts for Office of Solid Waste and Emergency Response (OSWER), the Office of Water (OW), and the Office of General Counsel (OGC). *We ask to meet with you personally to discuss these in detail, before any action is taken.*



## I. Astronomically Weakened Protective Action Guides

Perhaps the most pressing matter is a proposed revision to EPA's Protective Action Guides (PAGs) for radiological releases. The Bush Administration, literally in its last days in office, transmitted these highly controversial PAGs to the Federal Register for publication. In its first days in office, the Obama Administration pulled them back before they could be published, pending review by its new team at EPA. We presume each of you will be involved in that review. We understand that those who pushed for the PAGs in the prior Administration are encouraging you to let them go forward. This would be a serious blow to public protections and to the entire structure of EPA regulation.

**The Bush Administration's proposed PAG revisions would have permitted radioactivity concentrations in drinking water orders of magnitude higher than EPA's long-held drinking water standards under the Safe Drinking Water Act (the MCLs or maximum contaminant levels) or the emergency drinking water standards employed under CERCLA.** (See the attached graph and table showing the extraordinary proposed increases in permissible concentrations of radioactivity in drinking water.) As reported by Doug Guarino of *Inside EPA* in an award-winning series on the PAG controversy, this assault by ORIA on the agency's long-held drinking water standards appears to be a *sub rosa* effort to weaken those standards even after the agency—affirmed by the court—had previously rejected such an effort, finding it violated anti-backsliding requirements. (See attached news articles.)

The PAG revision proposal put together in the prior Administration, and which its advocates in ORIA presumably are hoping to get you to allow to still be issued, would also enormously relax long-term cleanup standards. EPA, as you know, has historically limited acceptable cancer risks to a range of one in a million to one in ten thousand ( $10^{-4}$  to  $10^{-6}$ ). For example, the nation's most contaminated sites, those on the National Priority List, must be cleaned up to within that range. **However, the Bush ORIA proposed throwing out those historical limits and replacing them with a process known euphemistically as "optimization," allowing cleanup standards that could result in exposures to the public as high as 10 rem per year over 30 years, the equivalent of approximately 50,000 chest X-rays, with a cancer risk that EPA itself estimates at a breathtaking one in four!** More recent radiation risk estimates by the National Academy of Sciences, discussed below, would place the cancer risk from doses that high at one in three ( $3 \times 10^{-1}$ ). In either case, the risk would be orders of magnitude outside EPA's historic acceptable risk range. (See attached table).

The controversial "optimization" proposal first arose in the context of a taskforce in which EPA participated during the last Administration to produce PAGs for dealing with "dirty bombs." EPA opposed the optimization plan and recommended generally using CERCLA cleanup standards. Subsequently, however, EPA succumbed to pressure from other agencies and reluctantly acceded to "optimization" in the dirty bomb PAGs, which were finalized a few months before the fall election by the Department of

Homeland Security (DHS). Scores of public health and environmental organizations repeatedly for years opposed the dirty bomb PAGs.

It would be ironic were the Obama EPA to now adopt general PAGs with provisions that the Bush Administration EPA had originally opposed as non-protective. We urge that the proposed revised EPA PAGs of general applicability not be issued with these troubling components, and that the dirty bomb PAGs issued by DHS with EPA reluctant concurrence be revised to remedy the problematic aspects therein.

*The problems in the PAG revisions crafted by ORIA during the prior Administration which are pending before you are discussed in more detail in the attached correspondence and study, as well as past correspondence about the dirty bomb PAGs, and we urge you and your key advisors to review them carefully before making any decisions about the controversial PAGs.*

Additionally, we understand that EPA is preparing a response to a Freedom of Information Act (FOIA) request about the proposed PAGs. Since the FOIA asks for all documents identifying concerns raised about the ORIA PAG proposal, and since we are not confident that ORIA will voluntarily disclose to you the criticisms its proposal has received, both from within and outside the agency, we urge you to not make a decision as to whether you will support release of the proposed PAGs until after you have met with us and also the FOIA response is complete so that you can be provided copies of relevant documents that identified expressed concerns about the proposed PAGs.

## **II. Proposals for Non-Protective Federal Radiation Guidance Outside EPA's Long-Held Acceptable Risk Range**

During the prior Administration, ORIA also initiated several other disturbing efforts which were not consummated but which it might attempt to get you to now approve. For example, it has been pushing for relaxing overall radiation standards for the public. EPA has historically said that doses over approximately 15 millirem per year are unacceptable, outside an acceptable risk range. It has specifically criticized past proposals to allow public doses of 25 millirem per year or greater, deeming such dose limits "non-protective." However, ORIA during the prior Administration pushed to throw out that long position of EPA and adopt guidance endorsing a 100 millirem/year radiation standard for the public. Over 70 years, that would be a risk of about 1 in 125 ( $\sim 1 \times 10^{-2}$ ) according to the National Academy of Sciences, two to four orders of magnitude higher risk than the EPA permissible risk range of  $10^{-4}$  to  $10^{-6}$ . This would be very destructive of public protections and would undermine the entire EPA regulatory structure, as every manufacturer or user of carcinogenic chemicals would also then come in and demand to be permitted to expose the public to at least a hundred times higher concentrations than now permitted by EPA. *We enclose prior correspondence sent to EPA during the Bush Administration about this matter.*

### III. Ignoring National Academy of Sciences Recent Radiation Risk Findings

In 2006, the National Academy of Sciences/National Research Council issued its long-awaited study, *Health Risks from Exposure to Low Levels of Ionizing Radiation*. Since the 1970s, federal agencies with radiation protection responsibilities have asked the NAS to, from time to time, review the status of the science on risks from radiation. Called the Biological Effects of Ionizing Radiation (BEIR) reports, they are to form the basis for radiation protection regulations. The most recent NAS report, BEIR VII, had been performed at the request of and with funding from EPA.

BEIR VII found low doses of ionizing radiation to be more dangerous than previously thought. Its estimate of the number of cancers produced per unit of dose increased by about a third from the figure EPA had been using prior to the issuance of BEIR VII. EPA historically has relied upon the NAS's BEIR findings for establishing and/or reviewing a wide range of rules and guidance, from the Office of Water's Maximum Concentration Limits (MCLs) for drinking water to the Office of Solid Waste and Emergency Response's CERCLA soil Preliminary Remediation Goals.

During the waning days of the last Administration, ORIA proposed to revise its "Cancer Risk Estimation from Exposure to Ionizing Radiation" (the so-called "Blue Book") which is used to establish cancer "SLOPE" factors for radionuclides. The cancer risk estimates from the Blue Book in turn drive many if not all radiation protection rules and guidance within EPA. This proposed revision was purportedly undertaken to take into account the new scientific findings from BEIR VII. **However, in fact, ORIA proposed ignoring many of BEIR VII's central findings and instead suggested using radiation risk figures almost uniformly lower than the National Academy of Sciences had recommended.** See the table taken from ORIA's draft revised Blue Book, comparing its proposed radiation cancer risk figures against what BEIR VII recommended, reprinted in the attached letter to RAC of 20 February 2009.

(It should be noted that many of us have been critical of aspects of BEIR VII which tend to underestimate risks and ignore numerous studies suggesting considerably higher risks from radiation than BEIR VII assumes. However, what is striking in the ORIA proposal is that its departures from BEIR VII risk estimates are almost uniformly in the direction of reducing the risks and consequently increasing permitted public exposures.)

This Administration has rightly pledged to end the politicization of science so endemic in the prior one. Here we have a many-year study by the National Academy of Sciences, performed at EPA request, and then in the guise of incorporating its findings into EPA guidance and rules, ORIA under the Bush Administration proposed using lower risk estimates than the Academy recommended, which would result in higher public exposures and more resulting cancers than would derive from the Academy's scientific recommendations.

Adding to concerns about the politicization of science by the prior Administration were issues raised about the composition and activities of the Science Advisory Board's Radiation Advisory Committee (RAC), which reviews certain of ORIA's proposals like its contemplated revisions to the Blue Book. Questions were raised about apparent bias, conflicts of interest, lack of balance, raising issues about compliance with the Federal Advisory Committee Act. Subsequently, just as the Administration was changing, EPA "augmented" the RAC with new members and extended the terms of the augmented RAC, in essence trying to lock in the tilt for years into the new Administration. The holdover RAC is now about to sign off on, with one exception, ORIA's proposed alterations of the National Academy's findings. *We have attached relevant communications about these matters as well.*

#### **IV. Allowing Radioactive Waste in Landfills Neither Licensed Nor Designed for It**

Finally, during the prior Administration, proposals were being considered to allow radioactive wastes to be disposed of in landfills neither licensed nor designed to receive radioactive wastes and materials. Given the sad history of leakage of radioactive wastes from improper disposal, such a move is extremely worrisome from an environmental standpoint.

Because these proposals from the prior Administration to weaken radiation protections would impact other divisions of EPA—e.g., the Superfund and drinking water programs—and because we understand that the review of the controversial PAG proposal from the prior administration will include each of you, we would hope to be able to meet with all of you during the same period of a couple of days. This is particularly important since several participants may have to travel from other parts of the country for the meetings.

So, we would very much appreciate an appointment for you to meet with us and several others who signed the associated attached letters. Whatever assistance can be provided to coordinate meetings for the same period would be much appreciated. Our point of contact is Daniel Hirsch at [cbghirsch@aol.com](mailto:cbghirsch@aol.com) or (831) 336-8003.

These are very important issues. President Obama was elected on a platform of change, and the efforts undertaken by the prior Administration to relax environmental protections should be high priorities for such change. We look forward to meeting with you and working with you to bring that about.

Sincerely,

Anne Rabe  
Lois Gibbs  
Center for Health, Environment & Justice

Lynn Thorp  
Clean Water Action

Daniel Hirsch  
Committee to Bridge the Gap

Anna Aurelio  
Environment America

Wenonah Hauter  
Food and Water Watch

Erich Pica  
Friends of the Earth

Jim Riccio  
Greenpeace

Mary Elizabeth Lampert  
Massachusetts Citizens for Safe Energy

Geoff Fettus  
Natural Resources Defense Council

Diane D'Arrigo  
Nuclear Information and Resource Service

Professor Richard Clapp  
Boston University School of Public Health

Allison Fisher  
Public Citizen

Dave Hamilton  
Sierra Club

Cc: Senator Boxer, Chair, Environment & Public Works  
Senator Bernie Sanders  
Congressman Henry Waxman, Chair, Energy & Commerce  
Congressman Ed Markey, Chair, Subcommittee on Energy & the Environment



**Fw: Coal Ash Enviro 11:00 Call list**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:23 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:23 PM —

From: Stephanie Owens/DC/USEPA/US  
To: Lisa Feldt/DC/USEPA/US@EPA  
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA  
Date: 05/04/2010 10:25 AM  
Subject: Re: Coal Ash Enviro 11:00 Call list

11:00 Bob's office.  
Lisa Feldt

----- Original Message -----

**From:** Lisa Feldt  
**Sent:** 05/04/2010 09:42 AM EDT  
**To:** Stephanie Owens

**Cc:** Betsaida Alcantara; Bob Sussman; Dru Ealons; Mathy Stanislaus; Seth Oster; Nelida Torres; Becky Brooks  
**Subject:** Re: Coal Ash Enviro 11:00 Call list

Just to confirm, per your earlier e-mail these calls start at 11:15 or 11 in Bob Susmann's office

Lisa Feldt  
Deputy Assistant Administrator  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0200;  
Fax: (202) 566-0207  
feldt.lisa@epa.gov

Stephanie Owens      Bob, I've spoken to Eric Schaeffer, Lisa Evans,...      05/04/2010 09:32:46 AM

From: Stephanie Owens/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 05/04/2010 09:32 AM  
Subject: Re: Coal Ash Enviro 11:00 Call list

Bob,

I've spoken to Eric Schaeffer, Lisa Evans, Bruce Niles and Scott Slesinger. They are all expecting a call. Bruce is only available at 12 noon. He's in a press conference from 11-11:30 shutting down a coal plant

in NC.

Lisa Evans, Earthjustice: (O) 781-631-4119

Eric Schaeffer, Environmental Integrity Project, 202. 263.4440 or 202-296-8800, x4440

Bruce Niles, Sierra Club, 608-712-9725

Scott Slesinger, NRDC, O: 202-289-2402; cell: 202-486-5639

Thanks,

Stephanie

Bob Sussman	Do we need to make precalls to line these peopl...	05/03/2010 06:40:13 PM
Stephanie Owens	Perfect. ----- Original Message -----	05/03/2010 05:34:29 PM
Bob Sussman		

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 05/03/2010 05:23 PM EDT  
**To:** Lisa Feldt; Stephanie Owens  
**Cc:** Betsaida Alcantara; Mathy Stanislaus; Seth Oster  
**Subject:** Re: Coal Ash Enviro 11:00 Call list

Would do Eric Schaeffer, lisa evans, bruce niles and scott siesinger. If Mathy will be free, I'm happy to join him for the calls -- maybe up here since we'll be with the administrator starting at 12.

Lisa Feldt

----- Original Message -----

**From:** Lisa Feldt  
**Sent:** 05/03/2010 05:19 PM EDT  
**To:** Stephanie Owens  
**Cc:** Betsaida Alcantara; Mathy Stanislaus; Bob Sussman  
**Subject:** Re: Coal Ash Enviro 11:00 Call list

I would suggest calls with just one person from each organization and maybe not have with Patricia Simms and Jackie K. I think we ended up deciding that calls would be made individually and not as a collective group. (per OPA's suggestion). Stephanie, does someone in your group have phone numbers that we and Bob S could have. Mathy at this time has his calendar blocked for these but maybe Mathy and Bob should plan on being in same location for these.

Lisa Feldt  
Deputy Assistant Administrator  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0200:  
Fax: (202) 566-0207  
feldt.lisa@epa.gov

Stephanie Owens	Bob, This is the list for the 11:00 call.	05/03/2010 05:09:16 PM
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**Fw: ACTION: Meeting Request**  
**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:23 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:22 PM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Stephanie Owens/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA  
Cc: Dru Ealons/DC/USEPA/US@EPA  
Date: 12/22/2010 04:27 PM  
Subject: Re: ACTION: Meeting Request

Agreed  
Stephanie Owens

----- Original Message -----

From: Stephanie Owens  
Sent: 12/22/2010 04:14 PM EST  
To: Mathy Stanislaus; Lisa Garcia  
Cc: Dru Ealons  
Subject: Fw: ACTION: Meeting Request

Mathy and Lisa,

I don't think this has to be a meeting with the Administrator.

Thoughts?

Thanks,

Stephanie

— Forwarded by Stephanie Owens/DC/USEPA/US on 12/22/2010 04:12 PM —

From: Emily Enderle <eenderle@earthjustice.org>  
To: Stephanie Owens/DC/USEPA/US@EPA  
Date: 12/22/2010 04:07 PM  
Subject: Meeting Request

Hi Stephanie,

Just wanted to let you know I submitted a meeting request to meet with Administrator Jackson on behalf of Earthjustice, Environmental Integrity Project, Environmental Justice Resource Center at Clark-Atlanta University, Hip Hop Caucus, Natural Resources Defense Council, Physicians for Social Responsibility, Sierra Club and the Southern Environmental Law Center. We'd like to discuss issues relating to the coal ash rule-making. Dr. Bullard from the Environmental Resource Center at Clark-Atlanta plans to come to town for it, so we requested something for January 10, 12 or 19th so he could make it.

Hope all is going well over there!



Sincerely,  
Emily

---

Emily Enderle  
Legislative Representative  
Earthjustice  
1625 Massachusetts Ave., NW  
Suite 702  
Washington, DC 20036  
T: 202-667-4500 ext. 201  
C: 202-253-2397  
F: 202-667-2356  
[www.earthjustice.org](http://www.earthjustice.org) <<http://www.earthjustice.org/>>





**Fw: info from calendar re: EarthJustice Bob S meeting next Wednesday**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:22 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:22 PM —

From: Shawna Bergman/DC/USEPA/US  
To: Lisa Feldt/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 01/14/2011 01:55 PM  
Subject: Re: Fw: info from calendar re: EarthJustice Bob S meeting next Wednesday

FYI - Karen said this was a request to meet with the Administrator that was bumped down to Bob S. Apparently the request has been around for a while.

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

Lisa Feldt did you know bob S was meeting with these folk... 01/14/2011 12:30:25 PM

From: Lisa Feldt/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Shawna Bergman/DC/USEPA/US@EPA  
Date: 01/14/2011 12:30 PM  
Subject: Fw: info from calendar re: EarthJustice Bob S meeting next Wednesday

did you know bob S was meeting with these folks on the CCR rule? It conflicts with the OSRTI brownbag.

Lisa Feldt  
Deputy Assistant Administrator  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0200;  
Fax: (202) 566-0207  
feldt.lisa@epa.gov

— Forwarded by Lisa Feldt/DC/USEPA/US on 01/14/2011 12:29 PM —

From: Shawna Bergman/DC/USEPA/US  
To: Lisa Feldt/DC/USEPA/US@EPA  
Cc: Matt Straus/DC/USEPA/US@EPA  
Date: 01/14/2011 12:26 PM  
Subject: info from calendar re: EarthJustice Bob S meeting next Wednesday

I have a call into Karen Martin about the origin of the EarthJustice Bob S meeting, but FYI here is the information on the calendar entry.

AS OF JANUARY 13, 2011

Lisa Evans (Earthjustice)  
Abigail Dillen (Earthjustice)  
Barbara Gottlieb (Physicians for Social Responsibility)  
Scott Slesinger (Natural Resources Defense Council)  
Teresa Clemmer (Vermont Law School)  
Dalal Aboulhosn (Sierra Club)  
Jackie Kruszewski (Southern Environmental Law Center)  
Eric Schaeffer (Environmental Integrity Project)  
Jeff Stant (Environmental Integrity Project)  
Vernice Miller-Travis (Maryland State Commission on Environmental Justice and Sustainable Communities)

TBD

Hip Hop Caucus Representative  
Dr. Robert Bullard (Environmental Justice Resource Center)  
Emily Enderle (Earthjustice)  
Kenneth Rumelt (Vermont Law School)

Emily:

I will need a list of attendees for this meeting.

RE: discuss issues relating to the coal ash rule-making.

Provided Mr. Sussman is still available at 1pm next Weds we'd appreciate the opportunity to meet with him then. We'll have approximately ten people from various environmental and health organizations. I'll be able to get you the full list of names and affiliations once a time has been confirmed.

Should you have any questions please don't hesitate to let me know.

Thank you,  
Emily

---

Emily Enderle  
Legislative Representative  
Earthjustice  
1625 Massachusetts Ave., NW  
Suite 702  
Washington, DC 20036  
T: 202-667-4500 ext. 201  
C: 202-253-2397  
F: 202-667-2356  
[www.earthjustice.org](http://www.earthjustice.org)



**Fw: Meeting with Directors of Sierra Club, Environmental Integrity Project, Earthjustice, and Natural Resources Defense Council to discuss the issue of coal ash**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:21 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

**Mathy Stanislaus**  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:21 PM —

From: Shawna Bergman/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA  
Date: 05/16/2011 11:15 AM  
Subject: Fw: Meeting with Directors of Sierra Club, Environmental Integrity Project, Earthjustice, and Natural Resources Defense Council to discuss the issue of coal ash

The Administrator's office is looking for our thoughts on this request for the enviros to meet with the Administrator on the coal ash rule schedule. Thoughts?

**Shawna Roesch Bergman**  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

— Forwarded by Shawna Bergman/DC/USEPA/US on 05/16/2011 11:10 AM —

From: Noah Dubin/DC/USEPA/US  
To: Shawna Bergman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Cc: KarenL.Martin/DC/USEPA/US@EPA  
Date: 05/16/2011 11:02 AM  
Subject: Meeting with Directors of Sierra Club, Environmental Integrity Project, Earthjustice, and Natural Resources Defense Council to discuss the issue of coal ash

Shawna, David, and Arvin,

Please give the Scheduling Office your thoughts on this meeting request when you have a chance.

Thanks,

Noah

Description/Purpose

No date specified - dummy date entered

Tentative Date                      from                      to                      EPA Org:  
06/15/2011

## **Earthjustice ♦ Environmental Integrity Project ♦ Natural Resources Defense Council ♦ Sierra Club**

May 9, 2011

The Honorable Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mail Code: 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

We greatly appreciated your 2009 commitment to establish timely, protective and effective standards for the disposal of coal ash. Today, we write to express our deep concern regarding the projected delay in issuance of a final coal ash rule. Recent press reports indicate that the Agency may delay publication of a final rule until after the 2012 election. Delaying this critical rule for an additional two years places hundreds of communities in great danger. We would like to meet with you to discuss this issue at your earliest convenience.

Delay of a final rule will have severe adverse consequences for health and the environment. In the best case scenario, the phase-out of dangerous coal ash ponds will not occur for at least seven years from the effective date of a final rule. Given EPA's current projections, such phase-out may be delayed until 2025 or later under a subtitle C rule. In view of the condition of the nation's aging fleet of unregulated coal ash dams and the widespread absence of mandated inspections, there is imminent danger that additional releases may occur that could result in loss of life and substantial environmental and economic harm. In addition, it is a certainty that the toxins from the hundreds of leaking ponds and pits will continue to contaminate the drinking water of additional communities. A substantial delay guarantees that these problems will not be timely addressed.

While we greatly appreciated your commitment to take timely action in 2009 following the disaster in Kingston, Tennessee, federal action is even more necessary today, as the burden of unregulated toxic waste generated from the nation's coal-burning power plants grows by over ten million tons each month. We have faith that the Obama Administration will not ignore this serious threat to our health and environment, as previous administrations have done.

We look forward to discussing this matter with you soon.

Respectfully,

Tripp Van Noppen  
President  
Earthjustice

Frances Beinecke  
President  
Natural Resources Defense Council

Eric Schaeffer  
Executive Director  
Environmental Integrity Project

Michael Brune  
Executive Director  
Sierra Club



AX-11-000-7279.pdf





**Message Information**

Date 05/09/2011 04:26 PM  
From Dalal Aboulhosn <Dalal.Aboulhosn@sierraclub.org>  
To LisaP Jackson/DC/USEPA/US@EPA  
cc  
Subject Meeting Request on Coal Ash

**Message Body**

Please find a meeting request from Earthjustice, Environmental Integrity Project, Natural Resources Defense Council and Sierra Club to discuss coal ash and possible delays on implementing a final rule.

Thank you

*Dalal Anne Aboulhosn  
Sierra Club  
Email: Dalal.Aboulhosn@sierraclub.org*

Office Phone: 202.675.6275 Jackson Letter Coal Ash Delay May 2011 FINAL.pdf

**OEX Processing Information**

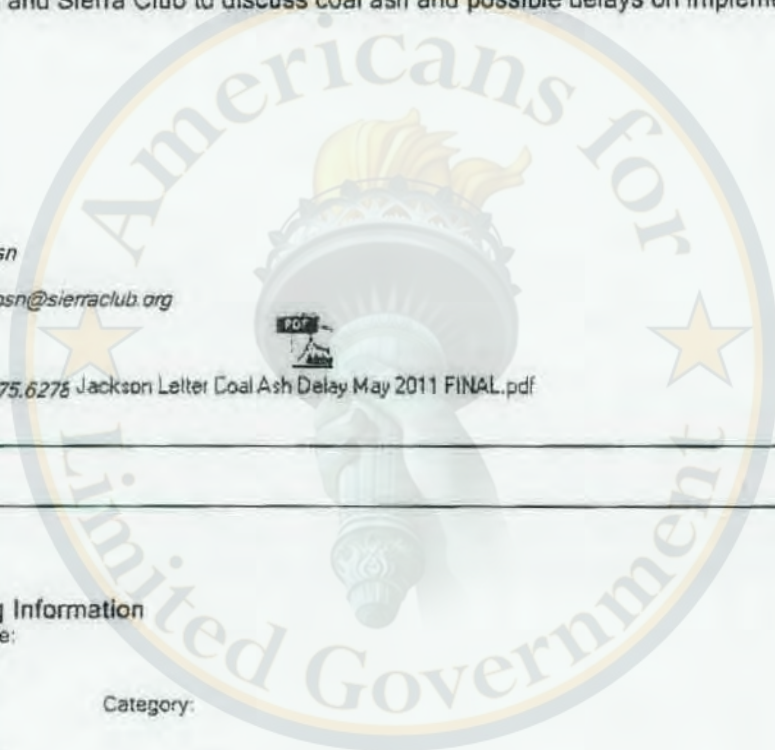
Processed Date:

Processed By

PO Office

Category:

Message Count







## **Earthjustice ♦ Environmental Integrity Project ♦ Natural Resources Defense Council ♦ Sierra Club**

May 9, 2011

The Honorable Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mail Code: 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

We greatly appreciated your 2009 commitment to establish timely, protective and effective standards for the disposal of coal ash. Today, we write to express our deep concern regarding the projected delay in issuance of a final coal ash rule. Recent press reports indicate that the Agency may delay publication of a final rule until after the 2012 election. Delaying this critical rule for an additional two years places hundreds of communities in great danger. We would like to meet with you to discuss this issue at your earliest convenience.

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We look forward to discussing this matter with you soon.

Respectfully,

Tripp Van Noppen  
President  
Earthjustice

Eric Schaeffer  
Executive Director  
Environmental Integrity Project

Frances Beinecke  
President  
Natural Resources Defense Council

Michael Brune  
Executive Director  
Sierra Club





**Fw: Recommend OSWER handle. Re: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:22 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:21 PM —

From: Shawna Bergman/DC/USEPA/US  
To: Noah Dubin/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA  
Date: 03/24/2011 04:20 PM  
Subject: Recommend OSWER handle. Re: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project

Thank you for the opportunity to comment on this request.

OSWER suggests we handle this meeting rather than the Administrator. Please let us know if you want us to do that.

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

Noah Dubin

**RE: SCH001-Scheduling Request - Meeting with...**

03/23/2011 05:05:41 PM

From: Noah Dubin/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA  
Cc: Nelida Torres/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA  
Date: 03/23/2011 05:05 PM  
Subject: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project

**RE: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

Please see the attached invitation request for the Administrator and give your recommendation.

Thank you,

The Scheduling Office  
Office of the Administrator

Please include this link in your response

<NOTES://DCOGLN1/MHANSON/AO/IO/InvitationRequests.nsf/Processing/DAE4F35D7B9BA3BA8525785C006F292D>

Description/Purpose

4.12 or 4.13

Tentative Date

from

to

EPA Org:

04/12/2011

Original Request (use Notes Viewer and set magnification (View, Magnification) to Fit Width)





1 Thomas Circle, Suite 900  
Washington, DC 20005  
main: 202-298-8800  
fax: 202-298-8822  
[www.environmentalintegrity.org](http://www.environmentalintegrity.org)

March 21, 2011

The Honorable Lisa Jackson  
Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460

Dear Administrator Jackson:

The Environmental Integrity Project (EIP) is writing you today on behalf of citizens in the Midwest and Mid-Atlantic regions of our country who are concerned that their health, property, livelihood, and/or quality of life have been harmed by coal ash pollution. With combined efforts from EIP, Earthjustice, and the Sierra Club, citizens living near coal ash dump sites will be coming to Washington, D.C. next month to talk about how their lives have been adversely impacted as a result of the inadequate coal ash regulations in their States.

We would like to request a meeting with you while these citizens are here in D.C. on Tuesday, April 12, 2011 or Wednesday, April 13, 2011. While we are finalizing the list of citizens, approximately 20 health care professionals, scientists, concerned parents, and individuals with health, property, livelihood, or quality of life concerns caused by living close to coal ash sites will be coming to D.C., and they would like to share their stories with you as you deliberate over the upcoming federal regulations for coal ash. We should have the list of people confirmed by March 28 and would be happy to provide you with a full list at that time.

We applaud the efforts the administration has taken already on proposing safeguards on coal ash. We believe that it is important for the administration to continue to provide leadership on this issue.

Please contact me directly with the best time to meet. My contact information is below.

Sincerely,

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
[eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)



AX-11-000-4498.pdf



Message Information

Date 03/21/2011 05:13 PM  
From Noah Dubin/DC/USEPA/US  
To Invitations@EPA  
cc  
Subject INVITATION? Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

Message Body

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: scheduling@EPA  
Cc: Eric Schaeffer <eschaeffer@environmentalintegrity.org>  
Date: 03/21/2011 05:11 PM  
Subject: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

---

To Whom It May Concern:

Please accept the attached request for a meeting between Administrator Jackson and citizens harmed by coal ash. This request has also been sent by U.S. Mail.  
Feel free to reply to me with any questions.

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

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March 21, 2011

The Honorable Lisa Jackson  
Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.



**Mail Code:** 1101A  
Washington, DC 20460

Dear Administrator Jackson:

The Environmental Integrity Project (EIP) is writing you today on behalf of citizens in the Midwest and Mid-Atlantic regions of our country who are concerned that their health, property, livelihood, and/or quality of life have been harmed by coal ash pollution. With combined efforts from EIP, Earthjustice, and the Sierra Club, citizens living near coal ash dump sites will be coming to Washington, D.C. next month to talk about how their lives have been adversely impacted as a result of the inadequate coal ash regulations in their States.

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Please contact me directly with the best time to meet. My contact information is below.

Sincerely,

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005

[eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org) 20110321 Request for Citizen Meeting with EPA Administrator Jackson.pdf

**DEX Processing Information**

Processed Date:

Processed By:

PO Office:

Category:



**Fw: Meeting Request**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:13 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

**Mathy Stanislaus**  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:13 PM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Michael Broughton/DC/USEPA/US@EPA, Antoinette Powell-Dickson/DC/USEPA/US@EPA, Jennifer Wilbur/DC/USEPA/US@EPA  
Cc: Matt Hale/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA  
Date: 07/06/2009 06:52 AM  
Subject: Fw: Meeting Request

Please move forward on scheduling this meeting. At a minimum, Matt. Hale, Matt Strauss and Barry. Should be in the meeting. Also, please invite Bob Sussman for this meeting.

----- Original Message -----  
From: Lisa Evans [levans@earthjustice.org]  
Sent: 07/03/2009 07:09 AM MST  
To: Mathy Stanislaus; Jennifer Wilbur  
Subject: Meeting Request

Dear Assistant Administrator Stanislaus:

Thank you very much for our meeting last week concerning the Revisions to the Definition of Solid Waste. We sincerely appreciated the opportunity to discuss that important issue with you and to explore options for moving forward.

I am hoping that you might have time at the end of this month to meet on another critical waste issue -- the regulation of coal combustion waste. I understand that EPA is in the process of making important decisions regarding the direction of regulations governing the waste, and we would welcome the opportunity to express our views and concerns, based on our long history of working on this issue. On behalf of Eric Schaeffer and Jeff Stant of the Environmental Integrity Project, Patrice Simms of Natural Resources Defense Council, Ed Hopkins of the Sierra Club, and Chandra Taylor of the Southern Environmental Law Center, I would like to request a meeting either the week of July 27 or the week of August 3 (July 27 or July 29 are ideal).

Thank you in advance for considering this request. Once again, it was a great pleasure to meet you.

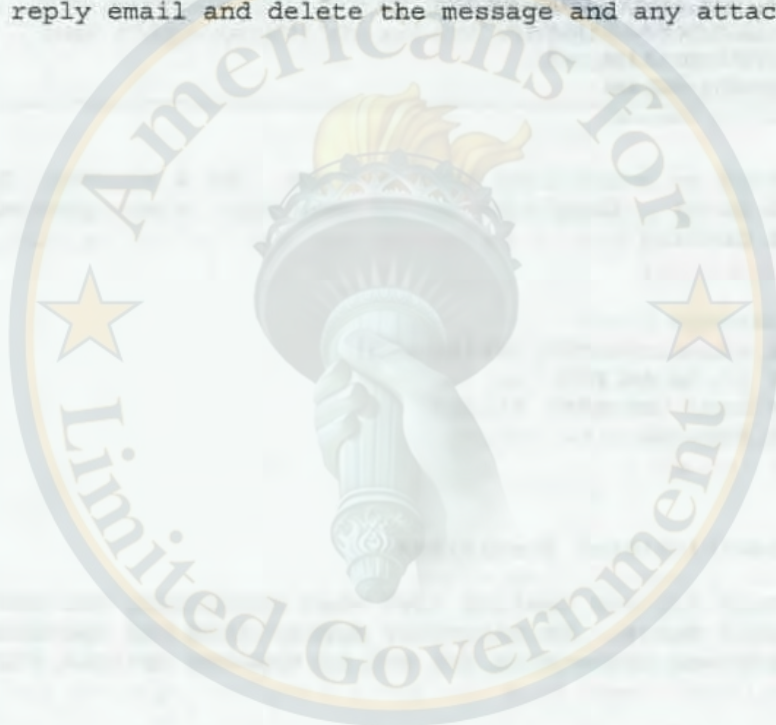
Sincerely,

Lisa Evans

Lisa Evans  
Project Attorney  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

\*please consider the environment before printing

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**Fw: coal ash rule and North Carolina and CAFOs**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:59 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:58 AM —

From: Lisa Feldt/DC/USEPA/US  
To: "Matt Straus" <Straus.Matt@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>, "Barry Breen" <Breen.Barry@epamail.epa.gov>  
Date: 06/25/2010 04:46 PM  
Subject: Fw: coal ash rule and North Carolina and CAFOs

FYI re coal ash hearings. Matt can you pass on relevant part of this e-mail to appropriate people in ORCR. Lisa  
Stan Meiburg

----- Original Message -----

**From:** Stan Meiburg  
**Sent:** 06/25/2010 03:53 PM EDT  
**To:** Lisa Feldt  
**Cc:** "Beverly Banister" <banister.beverly@epa.gov>; "Scott Gordon" <gordon.scott@epa.gov>  
**Subject:** Fw: coal ash rule and North Carolina and CAFOs

Lisa--the part of this that might be of interest to you is the desire of NC environmental groups to have one of the coal ash hearings in North Carolina.

Thank you again for the time you invested in this trip--I can't begin to tell you how helpful your presence was here today.

And now we can tell Bob P that I can follow directions . . .

Have a safe trip home--see you next week!

Stan  
A. Stanley Meiburg  
Acting Regional Administrator  
EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA. 30303

Office: (404) 562-8357  
Fax: (404) 562-9961  
Cell: (404) 435-4234  
Email: meiburg.stan@epa.gov

Sent using Blackberry  
Linda Rimer

----- Original Message -----

**From:** Linda Rimer

**Sent:** 06/25/2010 03:27 PM EDT

**To:** Stan Meiburg; Beverly Banister; Scott Gordon; Alan Farmer

**Cc:** Sharan Sitton; Linda Rimer

**Subject:** coal ash rule and North Carolina and CAFOs

Hi all

Yesterday I was in Raleigh for Secretary Freeman's 'environmental roundtable' meeting.

Folks there were from the Sierra Club, Conservation council, Conservation Fund, The Nature conservancy, State dept of agriculture, Environmental Defense fund.

David Knight and Robin Smith were there at the table with Secretary Freeman and Mary Penny (general counsel) and communications staff were along the wall.

My contribution included an update on our strategic plan, the Administrator's priorities, etc and to remind them of all that is keeping the Regional office busy (oil, floods, coal ash and mountain top mining)

I was reminded by everybody there -particularly Molly Diggins of the Sierra Club, how much the state wants one of those coal ash hearings to be held in North Carolina.

I realize this is a HQ decision but can we ask, on behalf of the state that has more of these coal ash ponds than any other state, for one hearing to be held here? Molly said they have not submitted a formal request yet.

I promised I would ask.

the second thing I was asked if I could verify -asked by Sam Pearsall of EDF - is this: he said he understood that the EPA Office of Environmental Justice had decided to make CAFOs a priority -and he asked me if this was true.

I explained that I didn't know but would ask and get back to him.  
Can you advise me on this question?

here is the coal ash paragraph from this week's ECOS newsletter.

Thanks for your help.

Linda

## **U.S. EPA Publishes Proposed Coal Ash Rule**

U.S. EPA's proposed rule on coal combustion residuals was published in *Federal Register* on June 21. The notice sets forth a 90-day comment period, until September 20, 2010. Given the complexity of issues addressed in the proposal, several states plan to file requests for extension. The proposal can be viewed at:

<http://edocket.access.gpo.gov/2010/pdf/2010-12286.pdf>.

As reported in-depth in the May 7 edition of *ECOSWIRE*, EPA on May 4 proposed two possible options for regulating the disposal and management of coal ash under the Resource Conservation and Recovery Act (RCRA). One option is drawn from authorities available under RCRA Subtitle C, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The other option includes remedies under RCRA Subtitle D, which gives EPA authority to set performance standards for waste management facilities and would be enforced primarily through citizen suits. Despite the neutral proposal, the agency is widely believed to favor Subtitle C, though other federal agencies and most states have been

critical of such an approach. [Parisien]







**Fw: Request to meet with you regarding coal ash public hearings**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:58 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:57 AM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Lisa Feldt/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Elyn Fine/DC/USEPA/US@EPA  
Date: 07/15/2010 06:20 PM  
Subject: Fw: Request to meet with you regarding coal ash public hearings

We need to meet either in person or phone but before we do we need to figure out a strategy for expanded meetings requests generally.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Mathy Stanislaus/DC/USEPA/US on 07/15/2010 05:18 PM —

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 07/15/2010 04:43 PM  
Subject: Request to meet with you regarding coal ash public hearings

July 15, 2010

Assistant Administrator Stanislaus,

Attached please find a letter requesting a meeting with you from the Environmental Justice Resource Center, Earthjustice, Appalachian Voices, Sierra Club, Physicians for Social Responsibility, the Southern Environmental Law Center, and the Environmental Integrity Project. We look forward to discussing the public hearings scheduled for the proposed coal ash rule with you. Please let me know if you have any questions.

Thank you,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1920 L Street NW, Suite 800  
Washington, DC 20036  
202.263.4452 (direct)



202.294.3282 (cell)

202.296.8822 (fax)

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Stanislaus Meeting Request 20100715\_final.pdf





1920 L Street NW, Suite 800  
Washington, DC 20036  
p: 202-296-8800 f: 202-296-8822  
[www.environmentalintegrity.org](http://www.environmentalintegrity.org)

July 15, 2010

*By Email*

Mathy Stanislaus  
Assistant Administrator, Office of Solid Waste and Emergency Response  
U. S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 5101T  
Washington, DC 20460  
[stanislaus.mathy@epa.gov](mailto:stanislaus.mathy@epa.gov)

**Re: Request for a Meeting Regarding Today's Federal Register Notice  
Announcing Coal Ash Rule Hearings**

Dear Assistant Administrator Stanislaus:

The undersigned groups would like to request a meeting with you, at your earliest convenience, to discuss the Announcement of Public Hearings on the proposed coal ash rule that was published today. 75 Fed. Reg. 41,121 (July 15, 2010).

We are thankful that EPA has scheduled the public hearings announced today. However, we are concerned that there are no public hearings scheduled in the areas most at risk from mismanaged coal combustion waste landfills and surface impoundments. It is particularly troubling that there is no hearing scheduled in Tennessee given the disaster at TVA's Kingston Fossil Plant that occurred in Roane County.

As your proposed coal ash rule noted, proximity to coal ash dumps is an environmental justice problem, disproportionately impacting lower-income Americans. Our many members, clients, and colleagues living near some of the most prevalent coal ash disposal regions, including Western Pennsylvania, Tennessee, Georgia, and the Ohio Valley, will not have easy access to any of the hearing locations listed in today's Federal Register notice. For example, the over 550 western Pennsylvania residents that have already requested a Pittsburgh hearing would now be required to travel over five hours to Washington, DC, and would have to sacrifice at least one day of work to tell their story to your staff, a sacrifice many are unable to make in these economic times.

We therefore renew our requests for public hearings in Pittsburgh, Pennsylvania; Roane County, Tennessee; Atlanta, Georgia; and Louisville, Kentucky. As we have stated, it is critical that the voices of these most affected communities be heard in this process.

Please let us know when you are available to meet with representatives from our groups to discuss this request, and thank you for your commitment to ensuring that the public has an opportunity to provide public comments.

Respectfully submitted by:

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1920 L. Street NW, Suite 800  
Washington, D.C. 20036

Dr. Robert Bullard  
Director  
Environmental Justice Resource Center  
at Clark Atlanta University  
223 James P. Brawley Drive  
Atlanta, GA 30314

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945

Barbara Gottlieb  
Deputy Director, Environment & Health  
Physicians for Social Responsibility  
1875 Connecticut Ave, NW, Suite 1012  
Washington, D.C. 20009

Willa Mays  
Executive Director  
Appalachian Voices  
191 Howard Street  
Boone, NC 28607

Lyndsay Moseley  
Beyond Coal Campaign  
Sierra Club  
408 C St. NE  
Washington, DC 20002

Chandra T. Taylor  
Southern Environmental Law Center  
200 West Franklin Street, Suite 330  
Chapel Hill, North Carolina 27516-2559



**Fw: Public Interest Groups Oppose Coal Ash Amendment in Transportation Bill**

**Becky Brooks** to: Mary Jackson

10/04/2012 03:49 PM

From: Becky Brooks/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Becky Brooks/DC/USEPA/US on 10/04/2012 03:48 PM —

**Fw: Public Interest Groups Oppose Coal Ash Amendment in Transportation Bill**

**Mathy Stanislaus** to: Lisa Feldt, Matt Straus, Suzanne Rudzinski

06/05/2012 06:29 PM

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Mathy Stanislaus/DC/USEPA/US on 06/05/2012 06:29 PM —

From: Stephanie Owens/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>, Richard Windsor/DC/USEPA/US@EPA  
Date: 06/05/2012 06:14 PM  
Subject: Fw: Public Interest Groups Oppose Coal Ash Amendment in Transportation Bill

FYI - I sent Cathy a personal note.

**From:** Catherine Thomasson [CThomasson@psr.org]  
**Sent:** 06/05/2012 06:03 PM AST  
**To:** LisaP Jackson  
**Subject:** Public Interest Groups Oppose Coal Ash Amendment in Transportation Bill

Dear Administrator Jackson:

On behalf of the chapters and members of Physicians for Social Responsibility, I would like to express our appreciation that the Administration has come out in opposition of the coal ash amendment in the transportation bill. Over the past three years, PSR's health professionals have written, spoken publicly, and met with EPA and CEQ about the importance of finalizing a health-protective final coal ash rule. In addition, we have taken multiple actions to oppose any legislation that would leave public health at risk and undermine the EPA's rulemaking process.

Attached, please find a letter from 140 community, public health and environmental organizations in the 14 Senate conferee states, asking those Senators to oppose the three health-threatening amendments to the Transportation Bill, particularly the coal ash provision (Title V). Also attached is a letter from 840 health professionals to President Obama that we presented to EPA and CEQ in April; it articulates the major public health

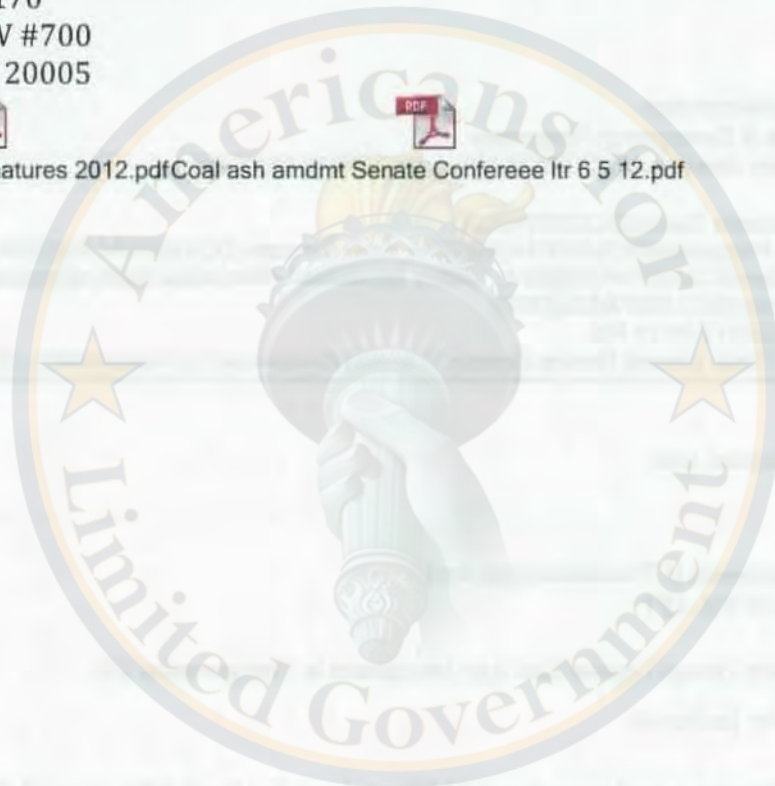
concerns relating to inadequate disposal of coal ash. We sent both these letters to the Senate conferees this afternoon, asking them to keep Title V and the other damaging public health amendments out of the final package. We are hopeful Congress can help fix the economy and keep Americans working without creating public health loopholes that will leave communities across the country at risk.

In health,

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Washington, DC 20005



Coal Ash Ltr w\_signatures 2012.pdf Coal ash amdmt Senate Confereee ltr 6 5 12.pdf



June 5, 2012

Dear Senate Conferee:

The undersigned 141 public interest groups from the 14 Senate conferee states respectfully ask you to reject the controversial amendments added by the House of Representatives to their transportation bill. We urge you to move to produce a conference report that increases American jobs and improves transportation safety, without jeopardizing the health of our communities. The House bill irresponsibly burdens a bipartisan Senate transportation bill with three dangerous, controversial and unrelated provisions that attack our health and environment. These provisions include the removal of the EPA's authority to issue the first-ever national standards for coal ash, the evisceration of a public participation-oriented environmental review law (NEPA), and the automatic permitting of the Keystone XL pipeline. While we ask you to ensure that all three controversial provisions are not on the conference report, we ask specifically that the package not preempt national standards for the safe disposal of toxic coal ash.

Without national disposal standards, this voluminous waste will continue to be dumped in immense unlined ponds, like the one that collapsed in Kingston, Tennessee, and in unlined landfills. The nation's hundreds of coal ash ponds are subject to life-threatening catastrophic spills, and both ponds and landfills routinely poison drinking water sources when their cargo of toxic chemicals leaks into underlying groundwater.

Title V of the transportation bill would permanently remove EPA authority to establish consistent national standards for coal ash disposal, an unprecedented prohibition under the Resource Conservation and Recovery Act (RCRA). It would render totally moot EPA's two-year rulemaking process, which garnered broad public support in over 450,000 comments. Further, Title V:

- fails to phase out dangerous and deadly coal ash ponds like the one that collapsed in Tennessee;
- fails to guarantee citizens living near coal ash sites the right to participate in permitting decisions;
- fails to protect communities from dust blowing from sites;
- fails to set deadlines for permitting and cleanup standards;
- fails to ensure drinking water standards for arsenic, lead and other pollutants are met near ash dumps; and
- fails to address legacy pollution near coal-fired power plants.

Coal ash threatens the health of Americans in your state. In 13 of the 14 states represented on the conference committee, state regulations fail to require essential safeguards at coal ash ponds such as groundwater monitoring to detect leaks and composite liners to protect drinking water sources. In 12 states, these safeguards are also lacking for coal ash landfills. And despite the fact that coal ash has poisoned water with toxic chemicals at nearly 200 sites in the U.S., only 1 of the 14 states prohibits coal ash ponds from being constructed directly in the water table. Title V will not cure these dangerous deficits.

Damage from coal ash in our states is not hard to find. For example:

- Coal ash contaminated water at seven sites in Florida with hazardous pollutants such as arsenic, lead, cadmium, selenium and thallium.
- In West Virginia, where coal ash ponds have a combined capacity of over 12 billion gallons, deadly pollutants such as arsenic, thallium and antimony were found in water at seven sites.
- In Montana where coal ash is exempt from all state regulation, a leaking coal ash pond sickened people and triggered a \$25 million lawsuit. The leaking pond continues to poison water in a plume that stretches over a mile from the plant, threatening ranchers.
- In Alabama, where the average height of 18 coal ash ponds is nearly seven stories, there is no state oversight. No Alabama pond has been subjected to a state inspection in the past five years. Yet after inspection by federal contractors, five ponds were given poor ratings, and two had to make immediate repairs to improve stability.

These are only a few examples of how improper disposal of coal ash threatens our water, safety and health.

Title V, like the other two controversial provisions added by the House, provides significant benefits to polluters. The coal ash amendment specifically has been linked to the American Legislative Exchange Council's (ALEC) position on coal ash,<sup>1</sup> an entity that is fighting the coal ash regulation on polluters' behalf. Such a transparent corporate giveaway will create a dangerous public health loophole while jeopardizing the passage of transportation legislation that would provide broad benefits in our state. Please ensure that the transportation bill promotes the safety and prosperity of our communities, without harming our health and welfare.

Respectfully,

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<sup>1</sup> ALEC, *Economy Derailed: State-By-State Impacts of the EPA Regulatory Train Wreck 73-74* (2012), available at [http://www.alec.org/docs/Economy\\_Derailed\\_April\\_2012.pdf](http://www.alec.org/docs/Economy_Derailed_April_2012.pdf) (describing "tools for legislators" including model legislation prepared by ALEC titled "Resolution to Retain State Authority Over Coal Ash as Non-Hazardous Waste"). In early 2010, ALEC passed a "Resolution to Retain State Authority Over Coal Ash as Non-Hazardous Waste" ALEC, *EPA's Regulatory Train Wreck: Strategies for State Legislators 45* (2011), available at <http://www.alec.org/docs/EPA-TRAIN-WRECK-2011-Final-Full-printres.pdf>.

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# PSR<sup>®</sup> Physicians for Social Responsibility



United States Affiliate of International Physicians for the Prevention of Nuclear War

April 27, 2012

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC

Dear President Obama,

We the undersigned write as doctors of medicine, health scientists, and other health professionals to voice our alarm over the threats to health posed by improper coal ash disposal. **We call on you to release health-protective, enforceable national standards this year that will protect the American people and our environment from the hazards associated with coal ash.**

Coal ash, the solid waste that remains after coal is combusted, constitutes the second-largest industrial waste stream in the United States, second only to mine wastes. It contains concentrated amounts of some of the world's deadliest toxic metals. Yet there are no federal standards regulating disposal of this waste. In many states, requirements for coal ash disposal are so weak that toxic contaminants leak, leach, spill or blow into the surrounding soil, surface waters, groundwater and/or air. The hazards to health from exposure to these coal ash contaminants – typically including arsenic, lead, mercury, cadmium, chromium and selenium – are grave:

- Chronic exposure to arsenic in drinking water can cause cancers of the skin, bladder, lung and kidney. Exposure to lower levels can cause decreased production of blood cells, cardiovascular effects, and damage to the peripheral nervous system.
- Lead, a potent neurotoxicant, can contribute to developmental delays, decreased intelligence, behavioral problems, kidney disease and death.
- Mercury, another neurotoxicant, is particularly harmful to the developing nervous system and can cause developmental delays, reduced IQ and mental retardation, and behavioral problems.
- Cadmium, if chronically inhaled, can result in kidney disease and obstructive lung diseases, and recent studies indicate developmental effects on children.
- Chromium in its hexavalent form, if ingested via contaminated water, can cause anemia and stomach cancer. Inhaled, chromium can cause lung cancer, breathing problems and nose ulcers.

- Excess intake of selenium, which can be absorbed by grasses, grains and animals, can cause impaired vision, neurological problems, paralysis and death.
- Children are the most vulnerable as their organs, especially the brain, are still developing and their exposure is greater as they eat more, breathe more, and drink more per unit of body weight than adults.

In the absence of minimum federal standards, coal ash disposal is often inadequate to contain these toxic wastes. Many states allow the ash to be dumped in large unlined reservoirs where coal ash mixed with water is retained by nothing more than an earthen dam; in unlined landfills, mines and quarries; and in dry, uncovered mounds from which ash blows into adjacent communities. Catastrophic accidents have already occurred, most notably the Harriman, TN coal ash disaster of December 2008, where the earthen impoundment gave way, flooding the adjacent river valley with over 1 billion gallons of toxic sludge. Cleanup has been ongoing for over three years, and the cost is projected at over \$1 billion. As these ponds age and fall into disrepair, there is potential for more catastrophic failures. In more than 50 locations, if a similar break occurred, it would be expected to result in the loss of life.

In addition to sudden, disastrous releases, coal ash contamination takes place through slow, less visible means such as leaching into underground water supplies. When toxic materials in coal ash dissolve in water, they percolate through the earth and can endanger public health and the environment by contaminating water used for drinking supplies.

The harm from coal ash is real, not theoretical. In 34 states, coal ash has contaminated streams, lakes and rivers, underwater aquifers and drinking-water wells, inflicting harm on fish, wildlife and humans. The US Environmental Protection Agency and public interest organizations have identified 157 coal ash “damage cases” where “danger to human health or the environment has been proved.”

Coal ash’s threat to health is serious and is growing worse. As clean air standards improve to require that scrubbers and other technologies remove more pollutants from the smokestacks of coal-fired power plants, those contaminants are transferred to the coal ash, increasing both its volume and its toxicity. Cleaning up the air pollution only to shift the dangerous pollution to another type of waste is short-sighted; thus, it becomes ever more important to deal effectively with this dangerous and accumulating toxic waste.

**Mr. President, we call on you and the Environmental Protection Agency to release health-protective standards for coal ash disposal this year. Such standards should be nationwide and enforceable. America’s health requires no less.**

Sincerely,

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PH.D.  
Stony Brook  
Alexis Strongin, MD  
New York  
Lisa Swartz, CMP  
Rye Brook  
Sayone Thihalolipavan,  
MD  
New York  
Carolyn Tkach, LMT  
Brooklyn  
Anne-Marie Uebbing-  
McGovern, RN  
Rhinebeck  
Jill Uyenishi, MD  
Rochester  
Ruth Walker, MD, PhD  
Newburgh  
J Wayman, DDS  
Ithaca  
Richard Weiskopf, MD  
Syracuse  
Mary Wheat, MD  
Valley Stream  
Elissa White, LCAT  
New York  
Marilyn Williams, MD  
Niagara Falls  
Beatrice Williams-Rude,  
MALS  
New York

### **Ohio**

Richard Bissonnette,  
EMT-P  
Cuyahoga Falls  
Jason Chao, MD  
Cleveland  
Francis Collins, MD  
Cincinnati

Robert Donovan, MD  
Cincinnati  
Chantal Doherty, MD  
Cleveland  
Jeannie Finlay-  
Kochanowski, RN  
Toledo  
Diana Hobden, RN, CNP  
Athens  
Thomas Holubeck, MD  
Cincinnati  
Mark Kapec, LPTA  
Willowick  
William Katzin, MD, PhD  
Cleveland Heights  
Harold Leahy,  
Ms Biology, Worked In  
Inhalation Tox Dayton  
Shirl Levesconte, PhD  
Yellow Springs  
Catherine Miller, RDH,  
MPH  
Columbus  
Myron Mohr, PhD  
Van Wert  
Steven Radwany, MD  
Akron  
Dorothy Schwartz, MSSA  
Beachwood  
Nicholas Sperelakis, PhD  
Cincinnati  
Naseem Sulayman, MD  
Cleveland  
Sandra Wagner, RN  
Bryan

### **Oklahoma**

Guillermo Arnaud, MD  
Tahlequah  
Lydia Garvey, RN  
Clinton  
Brenda Horn, PT  
Chickasha  
Mary Ruth Whitman, PhD  
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**Oregon**

Wendi Abbott, RN  
Scappoose  
Merrill Ahrens, MD  
Portland  
Richard Beam, MD  
West Linn  
Dana Bleckinger,  
Surgical Tech Portland  
Robert Brookshire, PA-C  
Portland  
Sharon Buller, BSN,RN  
Salem  
Karen Campbell, RN  
Portland  
Charlene Clark, MD  
Philomath  
Demelza Costa, MHS  
Sweet Home  
Stephen Couche,  
MA in Counseling  
Portland  
Mary Ellen Coulter, MD  
Bend  
Brett Davis, MPH  
Portland  
Martin Donohoe, MD  
Lake Oswego  
James Draeger, LPC  
Portland  
George Feldman, MD  
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Virginia Feldman, MD  
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David Frierman, L.AC.  
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Martha Gerrity, MD  
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Monica Gilman, RN  
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Richard Gorringer, Ph. D.,  
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David Grant, MD  
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Sharon Hunt, RN  
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Jeffrey Jensen, MD  
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Anne Johnston, RN  
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Callie Jordan, RN  
The Dalles  
Marjorie Kircher, MS, OT  
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David Knox, MD  
West Linn  
Kathleen Laws, RN  
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Claudia Martin, MD  
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Patty Mizutani, MD  
Portland  
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Portland  
Karin Olson, RN  
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Gary Pederson, DDS  
Salem  
Judith Ponder, LPN  
Portland  
Bonnie Reagan, MD,RN  
Portland  
Marilyn Redwine,  
Physical Therapist  
Portland  
Ken Rosenberg, MD,MPH  
Portland  
Constance Rosson, MD  
Hillsboro  
Dave Ruud, MD  
Portland  
Irene Saikevych, MD  
Talent  
Morton Smith, DDS  
Ashland

Steve Snyder, LAC  
Portland  
Trygve Steen, MPH,PhD  
Portland  
Dennis Sweeney, MD  
Portland  
Ann Watters,  
Polari Therapy Salem  
Ariane Wolf, MD  
Portland

**Pennsylvania**

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Licensed Dietitian-  
Nutritionist Coburn  
Brenda Byrne, PhD  
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Carla Campbell, MD  
Jenkintown  
Rachel Chaput, MPH  
Dingmans Ferry  
David Christiansen, MD  
Mechanicsville  
Eleanor R Clark,  
Recreational Therapist  
Plymouth Meeting  
Claudia Crane, RN  
Philadelphia  
Robert Denitzio, MD  
Avondale  
D. E-Platt,  
Health Care Practitioner  
Point Pleasant  
Marta Guttenberg, MD  
Philadelphia  
Anne Harrington,  
Medical Librarian Kennett  
Square  
Gerald Harrison,  
Technician, Biochemistry  
Upper Darby  
Andrew Johnson, CVM,  
DACVIM  
Gibsonia

Lois Johnson-Hammerman, MD  
Philadelphia  
James Jones, MD  
New Cumberland  
William King, MD  
Yeadon  
Jane Krebs, RN, PhD  
Carlisle  
Dora Magovern, MPH  
Pittsburgh  
Mary Marchetti, PT  
Pittsburgh  
J Dennis & Linda Murray, PhD  
Mansfield  
H.K. Peters, Jr., PT  
West Grove  
Alan Peterson, MD  
Quarryville  
Keith Pirl, MD  
Pittsburgh  
Pat Porter, DC  
Huntingdon Valley  
Tim Rolle, MD  
Danville  
Poune Saberi, MD  
Philadelphia  
Barbara Seiple, RN  
Philadelphia  
Edward Shakespeare,  
Medical Technologist  
(Retired), LMP  
Philadelphia  
Merian Soto, MD  
Philadelphia  
Tina Stein, MD  
Villanova  
Vicki Steiner, RN  
Moscow  
Walter Tsou, MD  
Philadelphia  
Justin Wallace, MD  
Pittsburgh  
Anne Julie White Rn, RN  
Glenside

Harold Wilkinson, MD  
Swarthmore

#### **Rhode Island**

Dorothy Dockett Stumpf,  
AB, MAT  
Westerly

#### **South Carolina**

Judith Grisel, PhD  
Greenville  
Nancy Lyttle, RN  
Bennettsville  
Kathryn Williams, MD  
Clemson  
Karen Engelhart, LPN  
Sioux Falls  
Linda Henning, RN  
Wakonda

#### **Tennessee**

Gerard Billmeier, MD  
Memphis  
Thomas Camp, MS  
Sewanee  
Mary Lemire,  
MS Microbiology  
Greeneville  
Gloria Lenon, RETIRED  
RN  
Chuckey  
Manfred Menking, MD  
Nashville  
V. Tupper Morehead, MD  
Norris  
Diana Saba, LPN  
Waverly  
Kelly Wright, MD  
Knoxville

#### **Texas**

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PHYSICS, MSC  
Frisco  
James Allen, RN  
San Antonio

Makala Baker, RDA  
Fort Worth  
Archie Blackburn, MD  
Crp. Christi  
Barbara Burton,  
Massage Therapy Kerrville  
Sarah Buttrey, MD  
Austin  
Laurel C B Stranaghan,  
RN  
Comfort  
Lisa Doggett, MD, MPH  
Austin  
Richard Gill, RN  
Victoria  
Barbara Heffel, RN  
New Braunfels  
Patrice Johnson, MT  
ASCP  
Lubbock  
Rene Martinez-Meras,  
Epidemiology and  
Biostatistics San Antonio  
Paul Mayer, MD  
Livingston  
Meredith Mcguire, PhD  
Bulverde  
Marian Morris, RN, MPH  
Austin  
Pat Morrison, RN  
Midland  
Rael Nidess, MD  
Marshall  
Joyce Overton,  
IV nurse Rowlett  
Lawrence Plumlee, MD  
Dallas  
Geraldine Powell, MD  
Austin  
John Quincy, DDS  
Fort Worth  
Bryan R & Susan K  
Roberts, PhD  
Austin  
Ceil Roeger, RN  
Houston

Liza Sanchez, MD  
Austin  
Arnold Schecter, MD  
Dallas  
Lisa Stone, MPH  
Houston  
Nell Thomas, MLS  
Beeville  
Terri Vidal, RN, MS  
Pasadena  
Barbara G. Vinson,  
EMT-I Buda  
Celeste Winkle, RN  
San Antonio

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Zoe Adler, MD  
Salt Lake City  
Judith Coller, LPN  
West Valley City  
Cris Cowley, MD  
Salt Lake City  
Naomi Franklin, PhD  
Salt Lake City  
James Viney, MD,MPH  
Salt Lake City

### Virginia

Elaine Becker,  
Patient Advocate Roanoke  
Mary Catherine Bibro,  
MD,MPH  
Henrico  
Wendy Burns,  
Speech Pathology  
Alexandria  
Lewise Busch, PhD  
Arlington  
Martha Desrosiers, ANP  
Reston  
Elaine Fischer,  
Patient advocate Roanoke  
Leslie Laconte, PhD  
Roanoke

Christine Llewellyn, MD  
Williamsburg

### Vermont

John Chard, MD  
Brattleboro  
Sara Clay, RN  
Wilmington  
Therese Dranginis, MD  
Shaftsbury  
Sonja Ennis,  
Alternative Health  
Practitioner Wolcott  
Jennifer Hall, PA-C  
Burlington

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Kristin Adams, MD  
Burton  
Kathryn Alexandra, RN  
Anacortes  
Diane Arvin, MD  
Bellingham  
Wayne L. Attwood, MD  
Spokane  
Susan Bigda, RN  
Seattle  
Kenlyn & Bob Blecker,  
RN  
Anacortes  
Catherine Bray, MD  
Chelan  
Carol Carver, RN  
Cathlamet  
Seeley Chandler, MD  
Seattle  
Terry Cook, PhD  
Seattle  
John Corr,  
Mental Health Peer  
facilitator Des Moines  
Susan Doederlein, MD  
Seattle  
Ariel Ehrlich, MD  
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Micaiah Evans, MD,MPH  
Seattle  
Audrey Fain, RN,PhD  
Port Townsend  
Chris Foster,  
Union Rep, Healthcare  
workers  
Renton  
Abby Franklin, MD  
Mercer Island  
Stan Freidberg, MD  
Vancouver  
Alyce Fritch, RN  
Seattle  
Michael And Kathleen  
Furtado, RN  
Bellevue  
Lee Ann Gekas, MD  
Longview  
Steven Gilbert, PhD  
Seattle  
Richard Grady, MD  
Seattle  
Natalie Hale,  
MD/ MPH student  
Seattle  
David Hall, MD  
Lopez Island  
Thomas Hall, MD  
Bellingham  
Vivien Hanson, MD  
Seattle  
Tracy Hendershott, PT  
Kirkland  
J. David Heywood, MD  
Kirkland  
Karen Johnson, PhD  
Anacortes  
Mary Ann Kirsling, LMP  
Pasco  
Steve & Sybil Kohl, MD  
Brush Prairie  
Janet Kranz, RN  
Mercer Island  
Elizabeth Larson,  
Clinical Sexology, Seattle



Jerrold Liebermann, MD  
Seattle  
John Loeser, MD  
Yarrow Point  
Mary McMackin,  
Phlebotomist Vancouver  
John And Gail Mensher,  
MD  
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Jude Morford, LPN  
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Martha Read,  
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Practitioner Seattle  
Nora Regan,  
Masters in Physical  
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Dell Rhodes, PhD  
White Salmon  
Carol Rolf, RN  
Colville  
Peter Roloff,  
Clinical Hypnotherapist  
Lopez Island  
Janalee Roy, RN  
Tacoma  
Janalee Roy, RN  
Tacoma  
Alice Royer, RN  
Seattle  
Ruthe Rugh, RN  
Bothell  
Margaret Shield, PhD  
Seattle  
William Silva, MD  
Seattle  
David Sparling, MD  
Steilacoom  
Robert & Gail Stagman,  
MD  
Mercer Island  
Robert Stagman, MD  
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Nutrition Consultant  
Spokane Mary Thomas,  
RN  
Seattle  
Darlene Townsend, PhD  
Spokane  
Mary Twombly, RN  
Cook  
Louis Vontver, MD  
Seattle  
Joyce Weir, RDH  
Newport

Arthur Whiteley, PhD  
Seattle

#### Wisconsin

Ingrid Andersson, Cnm,  
CNM, MSN  
Madison  
Bruce Barrett, MD, PhD  
Madison  
Jim Bounds, MD  
Eau Claire  
Mary Brayton,  
White Lake  
Carl Bruch, PhD  
Hudson  
Jack Frohn, BD, MDIV  
Oshkosh  
Claire Gervais, MD  
Madison  
David Henning,  
Pharmacist  
Marshfield  
Peter Holm, MD  
Chippewa Falls  
David Knutzen, MD  
Waunakee  
Bruce Krawisz, MD  
Marshfield  
Mary Krolkowski,  
RN, MSN  
Milwaukee

David Kuter, MD  
Madison  
Patrick Meyer, MD  
Janesville  
Annette R Nolan, RN  
Waupaca  
Thomas Paulsen, MD  
Ladysmith  
Michael Price, MD  
Pleasant Prairie  
Bev Rawling, LPN  
Kiel  
Paula Rogge, MD  
Madison  
Robert & Caryl Sewell,  
MD  
Brookfield  
Marita Shaw, R.N., RN  
Stevens Point  
Anne Siegrist,  
Appleton  
Peter Sigmann, MD  
Sturgeon Bay  
Maryjohn Vanderloop, RN  
Ladysmith  
Todd Walker, DDS  
South Milwaukee

#### West Virginia

Deborah Fulton, DVM  
Morgantown  
John Peterson, RN  
Kingwood  
Deb Rand, PhD  
Rock Cave  
Wayne Spiggle, MD  
Keyser  
Charles Suggs, WFA,  
WFR  
Rock Creek  
Sara (Sally) Wilts, PA  
Bruceton Mills

#### Wyoming

Wendy Colschen, RN  
Rawlins



**Fw: CCR - background materials for OSWER call with environmental groups**

**Matt Straus** to: Mary Jackson

10/01/2012 04:26 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

----- Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:26 PM -----

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 01:56 PM  
Subject: Fw: CCR - background materials for OSWER call with environmental groups

----- Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 01:56 PM -----

From: Margaret Guerriero/DC/USEPA/US  
To: Becky Brooks/DC/USEPA/US@EPA, Eilyn Fine/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Cc: Suzanne Ruzinski/DC/USEPA/US@EPA, Lana Suarez/DC/USEPA/US@EPA  
Date: 08/02/2010 06:03 PM  
Subject: Fw: CCR - background materials for OSWER call with environmental groups

Please see attached files in preparation for meeting tomorrow.



Stanislaus Meeting Request 20100715\_final.pdf

----- Forwarded by Margaret Guerriero/DC/USEPA/US on 08/02/2010 06:01 PM -----

From: Frank Behan/DC/USEPA/US  
To: Lana Suarez/DC/USEPA/US@EPA  
Cc: Suzanne Ruzinski/DC/USEPA/US@EPA, Margaret Guerriero/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Elaine Eby/DC/USEPA/US@EPA, Bonnie Robinson/DC/USEPA/US@EPA, Kelly Greene/DC/USEPA/US@EPA  
Date: 08/02/2010 05:17 PM  
Subject: CCR - background materials for OSWER call with environmental groups

Lana,

You asked for background materials for tomorrow's conference call between OSWER and certain environmental groups regarding the CCR public hearings. The attached information should be useful for tomorrow's call.

1. This file contains a list of persons or entities that have requested a public hearing, including the desired location for a hearing.



Requests for Public Hearings table 080210.doc

2. This file presents information that may be useful in identifying locations to hold additional public hearings (beyond the 5 already selected). Note that this file was last updated on July 21. The pdf file is referenced in the document, as is the jpg map that shows the electric utility plants (white dots). The blue circles represent a 100 mile radius around a city/location, which equates to approximately a 2 hr drive.



Recommendation for additional hearing locations ver 3.doc RIA Exhibit 3D plants & volumes.pdf CCR Map (3).jpg

3. This file shows the public hearing registration totals as of noon today.



Registration 080210.doc

4. This file lays out our initial thinking on the format of the public hearings. This is a staff working draft document.



draft agenda for public hearings.doc

Let me know if you need any additional information.

Thanks,  
Frank  
703-308-8476





1920 L Street NW, Suite 800  
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p: 202-296-8800 f: 202-296-8822  
[www.environmentalintegrity.org](http://www.environmentalintegrity.org)

July 15, 2010

*By Email*

Mathy Stanislaus  
Assistant Administrator, Office of Solid Waste and Emergency Response  
U. S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 5101T  
Washington, DC 20460  
[stanislaus.mathy@epa.gov](mailto:stanislaus.mathy@epa.gov)

**Re: Request for a Meeting Regarding Today's Federal Register Notice  
Announcing Coal Ash Rule Hearings**

Dear Assistant Administrator Stanislaus:

The undersigned groups would like to request a meeting with you, at your earliest convenience, to discuss the Announcement of Public Hearings on the proposed coal ash rule that was published today. 75 Fed. Reg. 41,121 (July 15, 2010).

We are thankful that EPA has scheduled the public hearings announced today. However, we are concerned that there are no public hearings scheduled in the areas most at risk from mismanaged coal combustion waste landfills and surface impoundments. It is particularly troubling that there is no hearing scheduled in Tennessee given the disaster at TVA's Kingston Fossil Plant that occurred in Roane County.

As your proposed coal ash rule noted, proximity to coal ash dumps is an environmental justice problem, disproportionately impacting lower-income Americans. Our many members, clients, and colleagues living near some of the most prevalent coal ash disposal regions, including Western Pennsylvania, Tennessee, Georgia, and the Ohio Valley, will not have easy access to any of the hearing locations listed in today's Federal Register notice. For example, the over 550 western Pennsylvania residents that have already requested a Pittsburgh hearing would now be required to travel over five hours to Washington, DC, and would have to sacrifice at least one day of work to tell their story to your staff, a sacrifice many are unable to make in these economic times.

We therefore renew our requests for public hearings in Pittsburgh, Pennsylvania; Roane County, Tennessee; Atlanta, Georgia; and Louisville, Kentucky. As we have stated, it is critical that the voices of these most affected communities be heard in this process.

Please let us know when you are available to meet with representatives from our groups to discuss this request, and thank you for your commitment to ensuring that the public has an opportunity to provide public comments.

Respectfully submitted by:

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1920 L. Street NW, Suite 800  
Washington, D.C. 20036

Dr. Robert Bullard  
Director  
Environmental Justice Resource Center  
at Clark Atlanta University  
223 James P. Brawley Drive  
Atlanta, GA 30314

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945

Barbara Gottlieb  
Deputy Director, Environment & Health  
Physicians for Social Responsibility  
1875 Connecticut Ave, NW, Suite 1012  
Washington, D.C. 20009

Willa Mays  
Executive Director  
Appalachian Voices  
191 Howard Street  
Boone, NC 28607

Lyndsay Moseley  
Beyond Coal Campaign  
Sierra Club  
408 C St. NE  
Washington, DC 20002

Chandra T. Taylor  
Southern Environmental Law Center  
200 West Franklin Street, Suite 330  
Chapel Hill, North Carolina 27516-2559

## Requests for Public Hearings

Locations and Dates for Public Hearings on Regulation of Coal Combustion Residuals:

- Washington, DC (Arlington, VA) – Monday, August 30, 2010
- Denver, CO – Thursday, September 2, 2010
- Dallas, TX – Wednesday, September 8, 2010
- Charlotte, NC – Tuesday, September 14, 2010
- Chicago, IL – Thursday, September 16, 2010

### Requests Made to EPA For Public Hearings Locations on CCRs

Date of Request	Organization	Suggested Cities	Number of Requesters	Type*
5/12/10	Earthjustice Environmental Integrity Project Sierra Club Natural Resources Defense Council Southern Environmental Law Center Appalachian Voices Kentucky Resource Council	Knoxville, TN Austin TX Chicago, IL Pittsburgh, PA Washington, DC	7	NGO
6/4/10	Sierra Club, North Carolina Chapter	Various cities in North Carolina	1	NGO
6/16/10	Southern Alliance for Clean Energy Western North Carolina Alliance Georgians for Smart Energy Coalition French Broad Riverkeeper Ogeechee Riverkeeper Environment North Carolina Tennessee Clean Water Network North Carolina Sierra Club Tennessee Environmental Council Solar Valley Coalition Statewide Organizing for Community eMpowerment North Carolina Interfaith Power & Light North Carolina Green Party Waste Awareness Reduction Network Upper Watauga Riverkeeper Clean Water for North Carolina	Knoxville, TN Atlanta, GA Raleigh-Durham, NC Washington, DC	16	NGO
6/20/10	Physicians for Social Responsibility – Pittsburgh Chapter	Pittsburgh, PA	1	NGO
6/23/10	Postcard mass mailing	Pittsburgh, PA	48	P
6/28/10	Sierra Club – Western NC	Asheville, NC	1	NGO
6/28/10	Pat Carstensen	North Carolina	1	P
6/28/10	Travis Hargett	North Carolina	1	P
6/29/10	Congressman David Price	North Carolina	1	C
6/30/10	United Mountain Defense	Knoxville, TN	1	NGO
6/30/10	Students for Environmental Concerns,	Chicago, IL	22	NGO

	Univ. of IL at Urbana-Champaign			
6/30/10	Shannon Hicks	Lamar, CO	1	P
7/1/10	Lisa Graves Marcucci	Pittsburgh, PA	1	P
7/1/10	Dooda (NO) Desert Rock Organization	TseAlnaozt'íi, Navajo Nation, NM (Sanostee, NM)	1	T
7/1/10	Georgia Interfaith Power & Light	Atlanta, GA	2	NGO
7/1/10	Statewide Organization for Community eMpowerment (SOCM) Strip-mine Issues Committee	Harriman, TN	1	NGO
7/1/10	Sierra Club – Rocky Mountain Chapter	Denver, CO	1	NGO
7/6/10	Mass email	Pittsburgh, PA	576	P, NGO
7/6/10	Mass email	Knoxville, TN	20	P
7/7/10	Lone Tree Council	Chicago, IL	1	NGO
7/7/10	Minnesota Center for Environmental Advocacy	St. Paul, MN Minneapolis, MN	1	NGO
7/7/10	Citizens Lead for Energy Action Now (CLEAN)	Knoxville, TN Louisville, KY Chicago, IL Atlanta, GA Pittsburgh, PA Austin, TX Washington, DC	1	NGO
7/7/10	Frieda Gress	Bastrop County, TX	1	P
7/7/10	Mass email	Harriman, TN	4	P
7/9/10	North Carolina General Assembly	North Carolina	19 NC State Senators, 31 State House members	S
7/10/10	Mass email	Louisville, KY	39	P
7/11/10	Physicians for Social Responsibility – Austin Chapter Public Citizen - Texas Office Sierra Club – Lone Star Chapter Texas Campaign for the Environment Environmental Defense Fund Environmental Integrity Project SEED Coalition ReEnergize Texas	Austin, TX	10	NGO
7/12/10	Ed Sahagian-Allsopp	Milwaukee, WI	1	P
7/12/10	Mass email	Chicago, IL	21	P
7/12/10	Mass email	Great Lakes/Lake Michigan	4	P
7/12/10	Joseph H. Hensley, Jr.	Raleigh, NC	1	P
7/12/10	Clean Air Council	Philadelphia	1	NGO
7/13/10	NC Council of Churches	Raleigh, NC	1	NGO
7/13/10	CETCO	Hoffman Estates, IL	1	I

7/13/10	Mass email	Chicago, IL Louisville, KY	50	P
7/13/10	Sierra Club – Montana	Billings, MT	1	NGO
7/13/10	Kentuckians for the Commonwealth	Louisville, KY Pittsburgh, PA Atlanta, GA Roane County, TN Chicago, IL Austin, TX Washington, DC	3	NGO
7/13/10	Alaska Interfaith Power & Light Golden Valley Ratepayer's Alliance Northern Alaska Environmental Center Alaska Community Action on Toxics UAF Beyond Coal Sierra Club - Alaska Resurrection Bay Conservation Alliance Alaska Center for the Environment	Fairbanks, AK	8	NGO
7/13/10	Alaska Applied Sciences, Inc.	Pittsburgh, PA Roane County, TN Atlanta, GA Louisville, KY	1	I
7/13/10	Alaska Applied Sciences, Inc. The Leighty Foundation	Pittsburgh, PA Atlanta, GA Roane County, TN Chicago, IL Austin, TX Washington, DC	2	I
7/13/10	Prairie Rivers Network, Signed Petition	Louisville, KY	1 15	NGO P
7/13/10	Prairie Rivers Network, Signed Petition	Chicago, IL	1 53	NGO P
7/14/10	Robert D. Bullard, Environmental Justice Resource Center at Clark- Atlanta University	Atlanta, GA	1	NGO
7/14/10	Fall-Line Alliance for a Clean Environment	Atlanta, GA	1	NGO
7/14/10	Nancy Ranieri	Dresher, PA	1	P
7/14/10	Georgians for Smart Energy	Atlanta, GA	1	NGO
7/14/10	Mass email	Atlanta, GA	63	P
7/14/10	Deborah Dodson	Southern IN	1	P
7/14/10	Paula & John Swint	Georgia	2	P
7/14/10	Hoosier Environmental Council Citizens Action Coalition Sierra Club – Hoosier Chapter Save the Valley Heartwood Save Our Rivers	Louisville, KY Pittsburgh, PA Atlanta, GA Roane County, TN Chicago, IL Austin, TX	9	NGO



	Save Our Land and Environment People in Need of Environmental Safety Save the Dunes	Washington, DC		
7/14/10	Environmental Justice Resource Center at Clark-Atlanta University Earthjustice Physicians for Social Responsibility Appalachian Voices Beyond Coal Campaign Environmental Integrity Project	Pittsburgh, PA Roane County, TN Atlanta, GA Louisville, KY	6	NGO
7/14/10	Michigan Clean Water Action Sierra Club - Michigan Chapter Citizens Exploring Clean Energy Ecology Center Citizens Against Chemical Contamination Lone Tree Council Progress Michigan	Roane County, TN Pittsburgh, PA Atlanta, GA Chicago, IL Austin, TX Washington, DC	7	NGO
7/14/10	TN Environmental Council	Roane County, TN Pittsburgh, PA Chicago, IL Atlanta, GA Austin, TX Denver, CO	1	NGO
7/14/10	Save the Valley	Pittsburgh, PA Roane County, TN Atlanta, GA Louisville, KY	1	NGO
7/14/10	Labadie Environmental Organization	Pittsburgh, PA Roane County, TN Atlanta, GA Louisville, KY	1	NGO
7/14/10	Scarboro Community Environmental Justice Council, Inc.	Atlanta, GA	1	NGO
7/14/10	Kate Lauer	Pittsburgh, PA Atlanta, GA Roane County, TN Chicago, IL Austin, TX	1	P
7/14/10	Nan Grogan Orrock, GA State Senator, District 36	Atlanta, GA	1	S
7/14/10	Northern Plains Resource Council Rosebud Protective Association	Billings, MT	2	NGO
7/14/10	Stephanie Stuckey Benfield, State Representative, District 85	Atlanta, GA	1	S
7/15/10	National Wildlife Federation	Billings, MT	1	NGO
7/15/10	Kim Kirkbride	Harriman, TN Roane County, TN	1	P

		Pittsburgh, PA Atlanta, GA Chicago, IL Austin, TX Washington, DC		
7/15/10	Dianna Wedincamp	Atlanta, GA Macon, GA	1	P
7/15/10	Sierra Club – Hoosier Chapter	Louisville, KY	4	NGO
7/15/10	Citizens Against Ruining the Environment (C.A.R.E.)	Joliet, IL Romeoville, IL	1	NGO
7/15/10	Restoring Eden	Pittsburgh, PA Atlanta, GA Roane County, TN Chicago, IL Austin, TX Louisville, KY Washington, DC	1	NGO
7/15/10	Environmental Integrity Project Environmental Justice Resource Center at Clark Atlanta University Earthjustice Physicians for Social Responsibility Appalachian Voices Sierra Club Southern Environmental Law Center	Pittsburgh, PA Roane County, TN Atlanta, GA Louisville, KY	7	NGO
7/16/10	Sierra Club – TN Chapter Mass email	Harriman, TN Pittsburgh, PA Atlanta, GA Chicago, IL Austin, TX Washington, DC	1 4	NGO, P
7/16/10	Reva J. White	South Pittsburgh, TN Pittsburgh, PA Atlanta, GA Roane County, TN Chicago, IL Austin, TX Washington, DC	1	P
7/16/10	Senator Robert P. Casey, Jr.	Pennsylvania	1	C
7/16/10	NM Environmental Law Center	Pittsburgh, PA Roane County, TN Atlanta, GA Louisville, KY	1	NGO
7/17/10	Paul Laudeman	Knoxville, TN Pittsburgh, PA Atlanta, GA Roane County, TN Chicago, IL	1	P

		Austin, TX Washington, DC		
7/18/10	Sierra Club – Upper Cumberland Group TN Environmental Council	Knoxville, TN Roane County, TN	2	NGO
7/20/10	Interfaith Power & Light GA Interfaith Power & Light TN Interfaith Power & Light PA Interfaith Power & Light	Knoxville, TN Scranton, PA Pittsburgh, PA Atlanta, GA	4	NGO
7/20/10	Southern Alliance for Clean Energy Environmental Integrity Project TN Interfaith Power & Light Cumberland Stewards, The Learning Community Mountain Watershed Association Henry S. Cole & Associates, Inc. – Publisher, Ekos Labadie Environmental Organization Professor Gordon M. Burghardt Earthjustice Watauga Watershed Alliance Upper Watauga Riverkeeper P.I.N.E.S. Group Catawba Riverkeeper Cahaba Riverkeeper Western NC Alliance Citizens Against Ruining the Environment – C.A.R.E. Clean Power Now Southern Environmental Law Center Sierra Student Coalition – Midwest Region Concerned Residents of Portland NY + People Like Us (CROP PLUS) Save Our Rivers Colorado Fourteeners Against CCW Center for Energy Matters NC Interfaith Power & Light Southern Energy network Theresa H. Riggs Civil Society Institute TN Environmental Council TN Clean Water United Mountain Defense WE CARE-SOS Defenders of Wildlife Statewide Organizing for Community eMpowerment (SOCM) Sara E. Kuebbing	Knoxville, TN Roane County, TN	31 6	NGO, P

	Melinda Hillman Terry and Sandy Gupton Clean Air Task Force			
7/20/10	Sierra Club – WV Chapter	Pittsburgh, PA	1	NGO
7/21/10	Hoosier Environmental Council	Louisville, KY	1	NGO
7/21/10	Stephen Gliva	Evanston, IL	1	P
7/21/10	Houston Realty Advisors, Inc.	Houston, TX	1	I
7/21/10	Ohio Citizen Action	Louisville, KY	1	NGO
7/21/10	KY Resources Council KY Environmental Foundation Appalachian Citizens' Law Center The Mountaintop Removal Road Show Ohio Citizen Action Meigs Citizens Action Now Ohio River Foundation Prairie Rivers Network Students for Environmental Concerns Champaign County Bikes Citizens Action Coalition Sierra Club – Hoosier Chapter Environmental Integrity Project People in Need of Environmental Safety (PINES) Valley Watch Inc. Center for Sustainable Living Save Our Valley Sustainable Earth Protect Our Rivers Now Potential Wabash Waterkeeper Save Our Rivers Hoosier Environmental Council	Louisville, KY	22	NGO
7/22/10	A petition signed by private citizens	Pittsburgh	42	P
7/22/10	Congressman Jason Altmire	Greene Township, PA	1	C
7/26/10	Parkersburg and Wood Co. Tea Parties	Marietta, OH Parkersburg, WV	1	NGO
7/28/10	Protect Biodiversity in Public Forests	Louisville, KY	1	NGO

\*C = Congress; I = Industry; NGO = Non-Governmental Organization; P = Private Citizen; S = State; T = Tribe



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**CCR PUBLIC HEARINGS: MRWMD RECOMMENDATIONS FOR CONDUCTING  
ADDITIONAL HEARINGS**  
Revised: July 21, 2010

Background

The CCR proposed rule provided an opportunity for the public to request a public hearing. The deadline for submitting such requests is July 21.

On July 15, EPA announced that we would hold hearings in 5 locations (see attached Map #1). These locations were intended to cover the Mid-Atlantic, Southeast, Midwest, Southwest, and West geographic regions and are well supported by public transportation and an airport.

1. Arlington, VA on Aug 30
2. Denver, CO on Sep 2
3. Dallas, TX on Sep 8
4. Charlotte, NC on Sep 14
5. Chicago, IL on Sep 16

ORCR was instructed by OSWER to hold three of the hearings in DC, NC, and TX. We additionally selected Chicago as a central location to cover both the plants located along the Ohio River and the facilities located in the upper Midwest. Denver was selected to cover the West.

On or about July 15, the Administrator directed us to schedule at least one more public hearing in one of the following states: AL, GA, IN, KY, or OH.

The table below ranks the 15 states with the greatest annual CCR generation rates (expressed both in millions of tons and as a percentage of national CCR generation), along with the number of plants in the state. This information comes from Exhibit 3D of the RIA (attached). The table below also highlights the states on the Administrator's list of locations for an additional hearing(s).

State	No. Plants in State	Amount of CCR Generated (million tons)	% of CCR Generated Nationally	Remarks
PA	34	15.4	10.9%	
TX	19	13.1	9.3%	Hearing: Dallas
OH	26	10.4	7.4%	Administrator's list
WV	16	9.2	6.5%	
KY	21	9.2	6.5%	Administrator's list
IN	26	8.8	6.2%	Administrator's list
FL	15	6.1	4.3%	
GA	11	6.1	4.3%	Administrator's list
NC	22	5.5	3.9%	Hearing: Charlotte
NM	3	4.0	2.8%	
IL	25	3.9	2.7%	Hearing: Chicago
AZ	6	3.3	2.4%	

TN	7	3.2	2.3%	
AL	10	3.2	2.3%	Administrator's list
ND	7	3.0	2.2%	

As shown in the table above, a substantial number of plants are located in the Ohio River Valley, generally from western PA to the southern tip of IL, which also includes parts of WV, OH, KY and IN. As currently scheduled, people interested in attending a hearing from this region of the country would need to travel to Chicago, Charlotte or DC.

To date, we have received requests for one or more hearings from 91 different national and local environmental and public interest groups. Some of these groups requested hearings in more than one location. The locations for which we have received the most requests are:

1. Knoxville & Roane County, TN, combined (near Kingston) – a total of 95 requests
2. Atlanta – 50
3. Washington DC – 42
4. Pittsburgh – 37
5. Austin – 37
6. Chicago – 30
7. Louisville, KY – 21
8. Raleigh-Durham – 17
9. Fairbanks – 8
10. Denver and Billings, MT – 2 each

Of these groups, Earthjustice, Environmental Integrity Project, Sierra Club, Natural Resources Defense Council, Southern Law Center, Appalachian Voices, and Kentucky Resource Council submitted a joint request for hearings in Knoxville, Austin, Chicago, Pittsburgh, and DC.

Several EJ groups have requested that a public hearing be held in Atlanta. Most notably, Robert Bullard, Director of the Environmental Justice Resource Center at Clark-Atlanta University, submitted a request for an Atlanta hearing. In a separate joint request, the EJ Resource Center and 5 other NGOs asked for public hearings in Pittsburgh, Atlanta, Louisville, and Roane County, TN (near Kingston).

Three of the 495 electric utility plants are located on tribal land, but are not owned by tribal governments. One is in northeast part of UT, another in the northwest part of NM, and the last in the southern part of AZ.

We have received 2 requests for hearings in their respective states from US Congressman: Rep. David Price (NC) and Sen. Robert Casey (PA). We have also received requests from several states senators and house members: One request signed by 50 members in the NC General Assembly and two other requests from Sen. Orrock (GA) and Rep. Benfield (GA).

A number of citizens (not included in the public interest groups total above) have also requested hearings. Some of these requests are part of various mass mail campaigns, while others are individual requests. Locations receiving the most requests include (locations with 10 or requests):

1. Pittsburgh – a total of 599 requests from citizens
2. Chicago – 154
3. Louisville, KY – 105
4. Atlanta – 70
5. Knoxville & Roane County, TN – 34
6. Austin – 10

### Recommendations for Selecting Additional Hearings

#### **Option 1: Selecting 1 additional location for a hearing: Louisville, KY.**

Rationale: Kentucky has 21 plants, is the 5<sup>th</sup> largest generator of CCRs and is on the Administrator's list of potential locations for additional public hearings. Louisville is located in the heart of the Ohio River Valley and sits on the border with IN (another state on the Administrator's list with substantial CCR related activity). There are a number of plants on the Ohio River between Cincinnati and Southern Illinois, and Louisville can draw persons from those areas too. Finally, citizens and public interest groups have expressed interest in EPA holding a hearing in Louisville.

#### **Option 2: Selecting 2 additional locations for hearings: Louisville and Pittsburgh.**

Rationale: Louisville for the reasons specified above. Pittsburgh is recommended as the second location because PA has the most plants of any state and generates the most CCRs (approximately 11% of all CCRs generated). Pittsburgh is located towards the upper end of the Ohio River Valley and Pittsburgh is the single location for which we have had the greatest number of requests for a hearing. Pittsburgh can also draw persons from eastern OH and WV.

#### **If More than 2 Additional Hearing Locations Are to Be Selected:<sup>1</sup>**

- 3<sup>rd</sup> Choice: Atlanta
- 4<sup>th</sup> Choice: Knoxville, TN
- 5<sup>th</sup> Choice: Evansville, IN (Southern IL)

#### **Resources Needed to Conduct Additional Hearings:**

Contractor support (identify venues, arrange for court reporter, translators, security, producing meeting materials, 2 contractors to support hearings)

- Each additional hearing will cost between **\$10K - \$15K** in extramural funds

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<sup>1</sup> There are few options of locating a meeting space that can accommodate 200 people in smaller cities. This can make booking a hearing on a specific date more difficult.



EPA travel (flight, hotel, and per diem) – we are planning on sending 4 ORCR staff and/or managers to each hearing at an estimated cost of \$1,500 per person

- Each additional hearing will cost **\$6K** in EPA travel funds

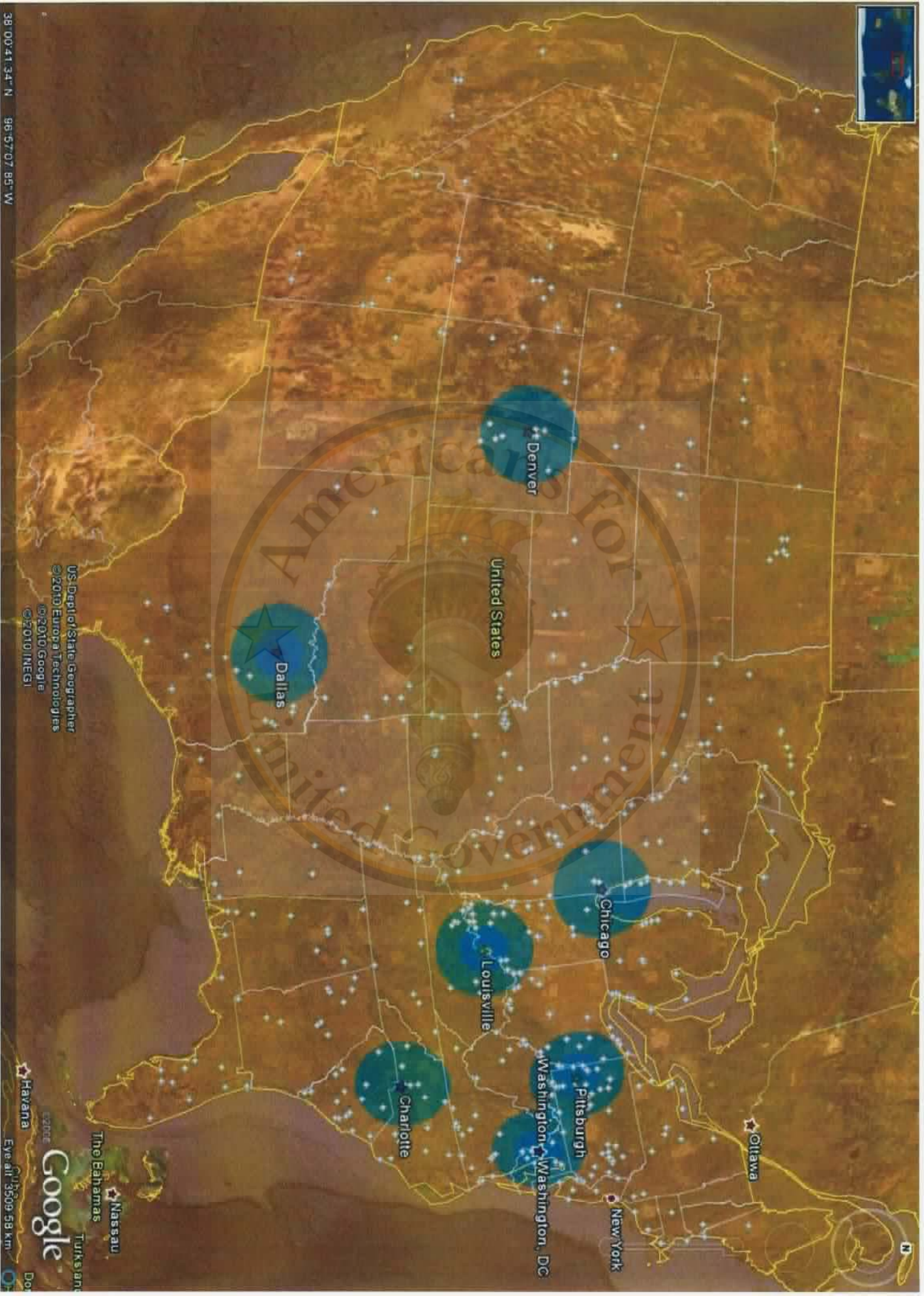


Exhibit 3D State-by-State Count of NAICS Code 22 Electric Utility Plants and Associated CCR Generation					
Item	State	Count of Plants (2007)	% of Plants	CCR Generated (tons as of 2005)	% of CCR Generation
1	AK	2	0.40%	46,179	0.03%
2	AL	10	2.02%	3,210,337	2.27%
3	AR	3	0.61%	744,267	0.53%
4	AZ	6	1.21%	3,334,030	2.36%
5	CA	6	1.21%	159,927	0.11%
6	CO	14	2.83%	1,704,432	1.21%
7	CT	2	0.40%	172,280	0.12%
8	DC	0	0%	0	0%
9	DE	3	0.61%	251,205	0.18%
10	FL	15	3.03%	6,132,345	4.34%
11	GA	11	2.22%	6,077,700	4.30%
12	HI	2	0.40%	58,968	0.04%
13	IA	19	3.84%	1,136,290	0.80%
14	ID	0	0%	0	0%
15	IL	25	5.05%	3,856,748	2.73%
16	IN	26	5.25%	8,798,844	6.23%
17	KS	8	1.62%	1,495,099	1.06%
18	KY	21	4.24%	9,197,567	6.51%
19	LA	4	0.81%	1,614,800	1.14%
20	MA	4	0.81%	363,150	0.26%
21	MD	8	1.62%	1,932,740	1.37%
22	ME	1	0.20%	48,000	0.03%
23	MI	22	4.44%	2,369,673	1.68%
24	MN	16	3.23%	1,525,979	1.08%
25	MO	20	4.04%	2,679,742	1.90%
26	MS	5	1.01%	1,229,400	0.87%
27	MT	5	1.01%	1,830,624	1.30%
28	NC	22	4.44%	5,504,531	3.90%
29	ND	7	1.41%	3,038,100	2.15%

Exhibit 3D State-by-State Count of NAICS Code 22 Electric Utility Plants and Associated CCR Generation					
Item	State	Count of Plants (2007)	% of Plants	CCR Generated (tons as of 2005)	% of CCR Generation
30	NE	7	1.41%	614,473	0.44%
31	NH	2	0.40%	176,900	0.13%
32	NJ	7	1.41%	735,214	0.52%
33	NM	3	0.61%	3,983,300	2.82%
34	NV	2	0.40%	391,500	0.28%
35	NY	13	2.63%	1,479,792	1.05%
36	OH	26	5.25%	10,429,446	7.39%
37	OK	6	1.21%	1,490,800	1.06%
38	OR	1	0.20%	99,900	0.07%
39	PA	34	6.87%	15,359,680	10.88%
40	RI	0	0%	0	0%
41	SC	14	2.83%	2,178,359	1.54%
42	SD	2	0.40%	103,753	0.07%
43	TN	7	1.41%	3,240,120	2.29%
44	TX	19	3.84%	13,165,728	9.32%
45	UT	6	1.21%	2,582,144	1.83%
46	VA	16	3.23%	2,388,527	1.69%
47	VT	0	0%	0	0%
48	WA	1	0.20%	1,405,220	1.00%
49	WI	17	3.43%	1,412,534	1.00%
50	WV	16	3.23%	9,231,718	6.54%
51	WY	9	1.82%	2,224,848	1.58%
	Total	495	100%	141.2 million*	100%

\* Note: In comparison to this estimate based on DOE-EIA databases cited in this RIA, the American Coal Ash Association (ACAA) estimated 123.1 million tons CCR generated in 2005 based on its annual voluntary participation survey : <http://acaaffiniscape.com/associations/8003/files/2005%20CCP%20Survey%20%2809-19-06%29Corrected-11-09-07.pdf>





Denver

United States

Dallas

Chicago

Louisville

Pittsburgh

Washington, DC

Charlotte

Ottawa

New York

US Dept of State Geographer  
©2010 Europa Technologies  
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Havana  
The Bahamas  
Nassau  
Turks and Caicos  
Google  
Eye alt: 3509.58 km

38°00'41.34" N 86°57'07.85" W



**Registration for CCR Public Hearings**  
**Updated 8/2/10 noon**

<b>Hearing</b>	<b>Total Registered</b>	<b>Speakers</b>
DC (Arlington)	31	28
Denver	7	5
Dallas	25	18
Charlotte	43	37
Chicago	26	25
<b>Total</b>	<b>132</b>	<b>113</b>





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**DRAFT FOR DISCUSSION PURPOSES ONLY**  
**Proposed Rule – Coal Combustion Residuals**  
**Proposed Format for Five Public Hearings**

**Locations and Dates:**

Arlington, VA – August 30, 2010, Hyatt Regency, 2799 Jefferson Davis Highway, Arlington, VA 22202, Phone: (703) 418-1234, [www.crystalcity.hyatt.com](http://www.crystalcity.hyatt.com).

Denver, CO – September 2, 2010, Grand Hyatt, 1750 Welton Street, Denver, CO 80202, Phone: (303) 295-1234, [www.granddenver.hyatt.com](http://www.granddenver.hyatt.com).

Dallas, TX – September 8, 2010, Hyatt Regency Dallas, 300 Reunion Boulevard, Dallas, TX 75207, Phone: (214) 651-1234, [www.dallasregency.hyatt.com](http://www.dallasregency.hyatt.com).

Charlotte, NC – September 14, 2010, Holiday Inn Charlotte (Airport), 2707 Little Rock Road, Charlotte, NC 28214, Phone: (704) 394-4301, [www.hicharlotteairport.com](http://www.hicharlotteairport.com).

Chicago, IL – September 16, 2010, Hilton Chicago, 720 South Michigan Avenue, Chicago, IL 60605, Phone: (312) 922-4400, [http://www.chicagohilton.com/hotels\\_hiltonchicago.aspx](http://www.chicagohilton.com/hotels_hiltonchicago.aspx)

**Session Times:**

*Morning Session:* 10:00 a.m. (local time) - Noon

*Afternoon Session:* 1:00 p.m. - 5:00 p.m.

*Evening Session:* 6:30 p.m. - 9:00 p.m. or later, if necessary, depending on the number of speakers that preregister for the hearing.

There will be no break in the morning session. There will be a 15 minute break midway through the afternoon and evening sessions (e.g., 3:00 p.m. - 3:15 p.m. and 7:45 p.m. - 8:00 p.m.)

**Agenda:**

- I. Opening Remarks and How the Public Hearing Will be Conducted (scripted 10-15 minutes)
- II. Public Comments
- III. Closing Remarks

**Other Elements of the Agenda:**

**Registration.** The pre-registration and walk-in tables will open 1.5 hours before each session (i.e., 8:30 a.m., 11:30 a.m. and 5:00 p.m.)

Each table will be manned with 2 persons (We could do it with 3).

**Press Availability Sessions:** Can schedule one-half hour before afternoon and evening sessions. THIS ITEM NEEDS TO BE DECIDED (Colleen will lead this effort)

**Handouts:** The following materials will be available to each attendee/speaker

1. Agenda (blue paper) (attachment)
2. FACT SHEET (green paper)(To be developed)
3. How to Submit Comments (yellow paper)(attachment)



### Order of Commenters Remarks:

We will use a numbered system for speakers, with pre-registered commenters given numbers based on arrival to hearing.

All pre-registered commenters will be provided with the opportunity to speak first.

Walk-ins follow after, time permitting. If time does not allow, table will be set up with paper, pens to provide walk-in speakers with an opportunity to submit a written comment.

Oral testimony will be limited to 3 minutes for each person.

No equipment will be provided.

Encourage each person to provide two copies of their oral testimony either electronically or computer disk, CD-ROM, or paper copy at the public hearing.

Transcripts of the public hearings and written statements will be included in the docket to this rulemaking.

### Submittal of Written Comments:

We will accept written statements at the morning, afternoon, and evening sessions.

Written statements will be placed in the docket and will be considered as part of the rulemaking record.

Preregistration is not required to submit a written statement.

### Meeting Room Logistics:

#### Hearing Room Layout:

- Table for EPA officials with microphones (moderator, staff, Regional staff, Regional manager)
- Table and microphone for speaker (facing EPA), with seating for next two speakers.
- Seat/table for court reporter and equipment
- Theater style seating for audience

#### Outside Hearing Room:

- Pre-registration and Sign-in (walk-in) tables
- Table for preparation of written comments if time does not allow for walk-in speakers.

EPA Participation in Public Hearings:

Location	Date	EPA Moderator*	Technical Staff	Regional Staff	Regional Manager	OGC Rep	Opening Remarks (Senior EPA Official)	Support Staff (2 or 3 per hearing)
Arlington, VA	8/30							
Denver, CO	9/2							
Dallas, TX	9/8							
Charlotte, NC	9/14							
Chicago, IL	9/16							

\* EPA Moderator must be a management-level

Role of EPA Moderator:

The moderator manages the logistics of the speakers, including describing how the public comment portion of the hearing will work, calling up the next speaker, making sure the speaker does not go over the allotted time (3 minutes), and handling and unplanned events, such as impromptu questions or interruption.

The moderator will use the “numbering system” to call out the speaker. The moderator reminds each speaker to state their name and affiliation for the record. The moderator can either verbally or visually remind the speakers when their time is drawing to a close.

Technical Representative on Panel:

1 staff from HQ to sit on panel. An additional Regional representative will also be invited to sit on panel or to assist with support duties.

Additional EPA staff:

2 or 3 staff to man pre-registration and walk-in tables, serve as runner between registration tables and moderator.

2 Contractors will be present at each of the hearings.

Interacting With the Press:

- Will work closely with OPA HQ and Regions.
- Press packets will be developed for all media representatives that would include a FACT SHEET, press release, business card for press contact, other?

Addressing Accessibility, Environmental Justice and Security Concerns:

- Website registration form and FR addresses language (sign) and Handicap needs.
- Security –Funds are available in contract to hire off-duty police officers.
- Venues all have handicap accessibility.

Notetaking and Recording:

--40 CFR 25.5

“...the Agency holding the hearing shall prepare a transcript, recording or other complete record of public hearing proceedings and make it available at no more than cost to anyone who requests it. A copy of the record shall be available for public review.”

- Transcripts will be expedited to ensure that they are posted at least 2 weeks after the hearing.
- The transcript will be placed in the docket as well as online.
- We will also include a PDF version of the list of attendees in the docket and online.

## U.S. Environmental Protection Agency Public Hearing

### Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities.

**Docket ID No. EPA-HQ-RCRA-2009-0640**

[www.epa.gov/epawaste/nonhaz/industrial/special/fossil/index.htm](http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/index.htm)

August 30	September 2	September 8	September 14	September 16
Hyatt Regency 2799 Jefferson Davis Hwy Arlington, VA 22202	Grand Hyatt 1750 Welton St Denver, CO 80202	Hyatt Regency Dallas 300 Reunion Blvd Dallas, TX 75207	Holiday Inn Charlotte (Airport) 2707 Little Rock Rd Charlotte, NC 28214	Hilton Chicago 720 S. Michigan Ave. Chicago, IL 60605

### AGENDA

<b>10:00 a.m. – 10:20 a.m.</b>	<b>Opening Remarks/EPA Presentation</b>
<b>10:20 a.m. – Noon</b>	<b>Public Comments</b>
<b>Noon – 1:00 p.m.</b>	<b>Lunch</b>
<b>1:00 p.m. - 1:05 p.m.</b>	<b>Welcome back and remarks</b>
<b>1:05 p.m. - 3:00 p.m.</b>	<b>Public Comments</b>
<b>3:15 p.m. - 3:30 p.m.</b>	<b>Break</b>
<b>3:30 p.m. - 5:00 p.m.</b>	<b>Public Comments</b>
<b>5:00 p.m. - 6:30 p.m.</b>	<b>Break for Dinner</b>
<b>6:30 p.m. - 6:35 p.m.</b>	<b>Welcome back and remarks</b>
<b>6:35 p.m. - 7:45 p.m.</b>	<b>Public Comments</b>
<b>7:45 p.m. - 8:00 p.m.</b>	<b>Break</b>
<b>8:00 p.m. - 9:00 p.m.</b>	<b>Public Comments</b>
<b>9:00 p.m. - 9:05 p.m.</b>	<b>Closing Remarks</b>

## Instructions for Submitting Written Comments

Written comments can be submitted several ways. All comments should be identified by Docket ID No. EPA-HQ-RCRA-2009-0640.

### **Online:**

1. Go to [www.regulations.gov](http://www.regulations.gov)
2. Enter "EPA-HQ-RCRA-2009-0640" into the search field and click "Search"
3. Click the "Submit a Comment" link either on the Search Results screen or the actual document details
4. Then type or attach your comment, enter any required fields, and click the "Submit" button

### **Email:**

Email your comments to: [rcra-docket@epa.gov](mailto:rcra-docket@epa.gov).

### **Mail to:**

RCRA Docket, U.S. Environmental Protection Agency  
Attention: Docket ID No. EPA-HQ-RCRA-2009-0640.  
Mail code: 5305T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

### **Hand Delivery:**

EPA Docket Center, EPA West Room 3334  
Attention Docket ID No. EPA-HQ-RCRA-2009-0640  
1301 Constitution Avenue, NW  
Washington, DC 20460

Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Comments must be received on or before (fill in blank).**

# Registration

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_



# Comment Submittal Written Submittal Cover Sheet

Name:

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Organization:

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## PROCESS FOR MODERATOR'S ROLE

### Background

You will have –

- a binder of numbers to track who's spoken and who's up next
- a tally of how many commenters intend to speak, updated throughout the session

**Step 1) Explain logistics of speaker process to audience.** Here is some sample text.

"First, let me ask everyone to turn off their cell phones, or set them to vibrate.

"When you signed in and noted that you wanted to speak, we gave you a number. I will call you up in numerical order. If you want to speak and didn't get a number, please return to the sign in table to get one.

"You will be speaking at the microphone there in the center aisle. A court reporter will be recording your comments, for EPA to review once the comment period has closed.

"When I call your number, please step up to the podium and state your name and affiliation, so our court reporter can record it with your comments.

"To make the process run smoother, I will also invite the next 2 people to come up and wait in the chairs behind the podium for their turn.

"Each speaker will have 3 minutes to speak. You can see that we have a timer running to help you gauge the time you have remaining."

"If you asked for a translator, they will accompany you to the microphone. We will pause the timer while they are translating."

**Step 2) Call up the speakers in numerical order.** You can track your place using the binder of numbers. A translator (ASL or Spanish) may accompany the commenter.

**Step 3) Start the clock** The timer starts once the commenter has given his name. When a translator is involved, we will pause the timer while the translator is speaking.

**Step 4) Request name and affiliation** if the person forgets.

**Step 5) Stop the speaker** if they go over the allotted time. Security will be available to help if needed.

**Step 6) Thank the speaker.**

**Step 7) Advance a page in the binder** and return to step 2.

*Mid-session break: The court reporter (and you!) will likely need a short break if the session continues for more than 2 hours. Check with the court reporter prior to beginning the session.*



**Fw: Agenda: CCR Rule Inter-Division Weekly, 1.19.11**

**Richard Benware** to: Mary Jackson

08/13/2012 12:12 PM

From: Richard Benware/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

History: This message has been forwarded.

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— Forwarded by Richard Benware/DC/USEPA/US on 08/13/2012 12:12 PM —

From: James Kohler/DC/USEPA/US  
To: Alexander Livnat/DC/USEPA/US@EPA, Becky Cuthbertson/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Bonnie Robinson/DC/USEPA/US@EPA, Chichang Chen/DC/USEPA/US@EPA, Elaine Eby/DC/USEPA/US@EPA, Frank Behan/DC/USEPA/US@EPA, Jesse Miller/DC/USEPA/US@EPA, Lee Hofmann/DC/USEPA/US@EPA, Mark Eads/DC/USEPA/US@EPA, Mary Jackson/DC/USEPA/US@EPA, Paul Cassidy/DC/USEPA/US@EPA, Rachel Alford/DC/USEPA/US@EPA, Richard Benware/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA, Timothy Taylor/DC/USEPA/US@EPA, Truett Degear/DC/USEPA/US@EPA, Zubair Saleem/DC/USEPA/US@EPA  
Cc: Wayne Roepe/DC/USEPA/US@EPA  
Date: 01/19/2011 09:36 AM  
Subject: Agenda: CCR Rule Inter-Division Weekly, 1.19.11

Dear All,

Here is the agenda for today's meeting:

- 1. Follow up on testimonies of mismanagement of CCRs at public hearings - Alex



Violations\_Chicago Public Hearing RV1 1\_12\_11.doc



Violations\_Denver Public Hearing\_1\_10\_2011.doc



Violations\_Dallas\_Pittsburgh\_Louisville Public Hearings\_1\_10\_2011.doc



Violations\_Charlotte Public Hearing RV1\_1\_13\_2011.doc

- 2. Status of proposed briefing schedule - Elaine

- 3. Update on comment analysis, e.g. how much data did we get from the commenters? - Steve



CCR docket info.docx



4. Do we have to do anything special/different to address tribal comments?

-We forwarded tribal comments to Wayne R. See below.\*

5. Adjourn

...

\*Thanks for the comments. They do raise some significant issues.

The **Ponca Tribe** finds/believes that EPA failed to adequately consult with tribes under EO 13175, and disputes EPA's finding that the rule has no impacts on tribes - because none of the power plants are owned by tribes (p. 35227). They see the issue as also affecting tribes because of the impacts of the coal ash impoundments. They also raise issues of plants being located close to tribes RE hunting and fishing rights.

One action item that they believe would help is a map overlay of plants/impoundments and tribal lands. The **National Tribal Air Association** echoes these comments (weren't they on one of the webinars?)

The **Inter-Tribal Council of Michigan** requests that EPA better investigate and communicate to tribes how the proposed rule will affect Indian Country. They also recommend the Subtitle C option, as do the **Moapa Band of Paiutes** and the **Native Community Action Council**. The Ponca Tribe and the NTAA also appear to agree.

Obviously, we'll need to do some follow-up to these comments.  
Wayne

...

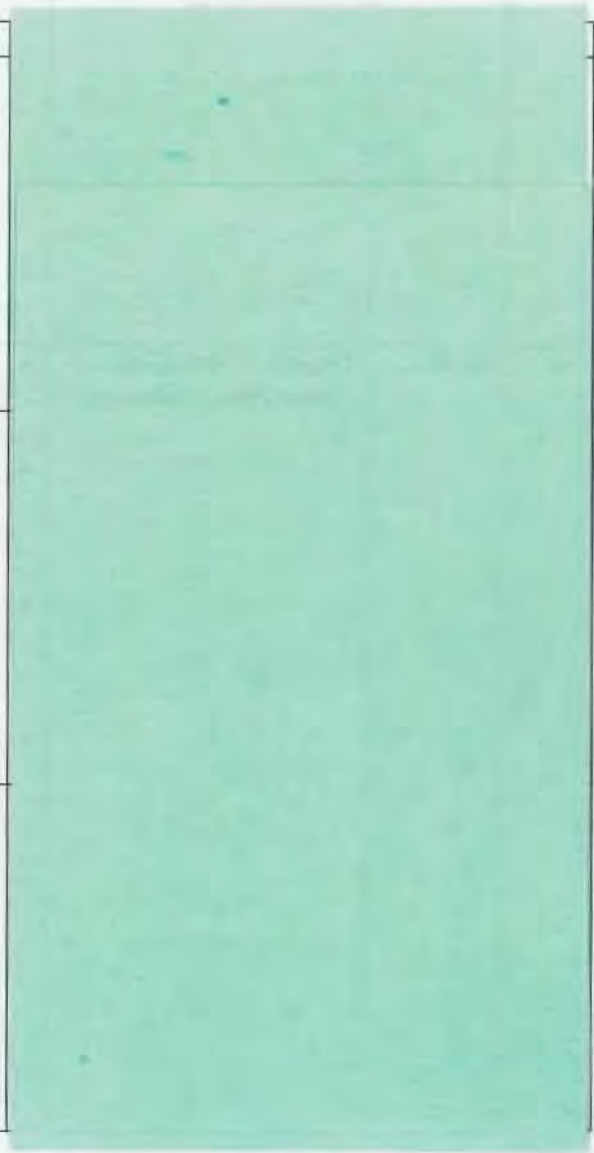
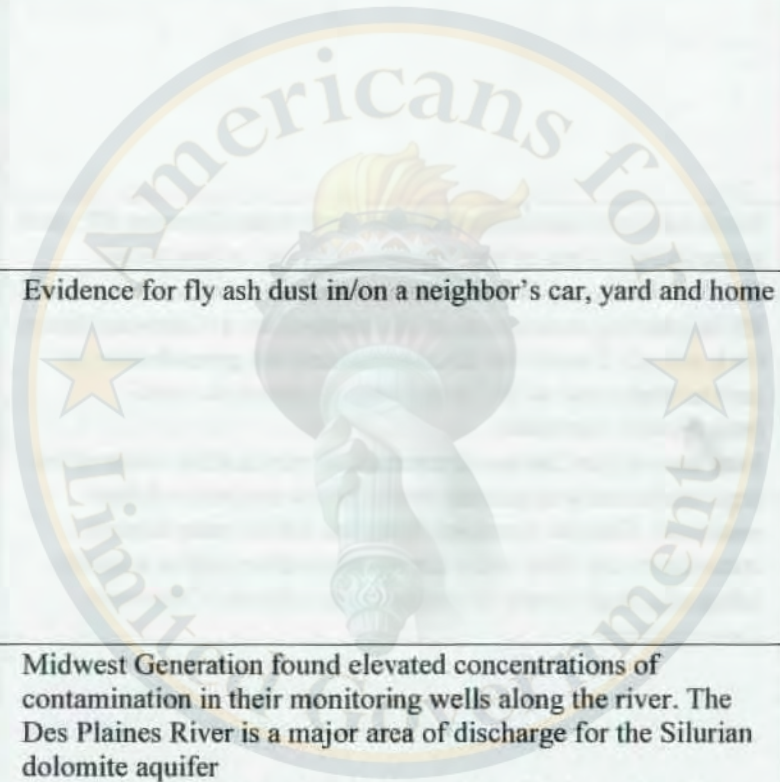
If this applicable to you or you are interested, I will see you today at 10:00AM!

Jim

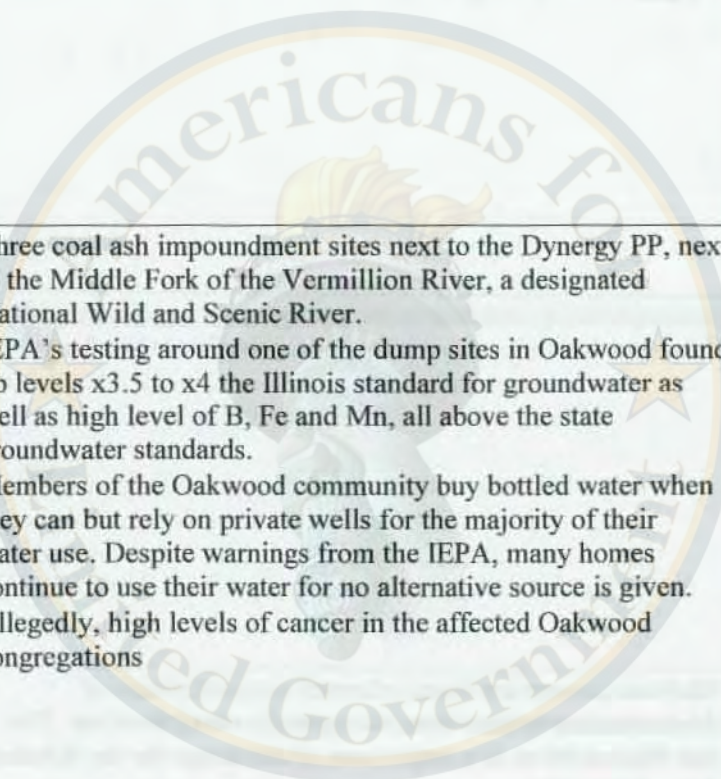
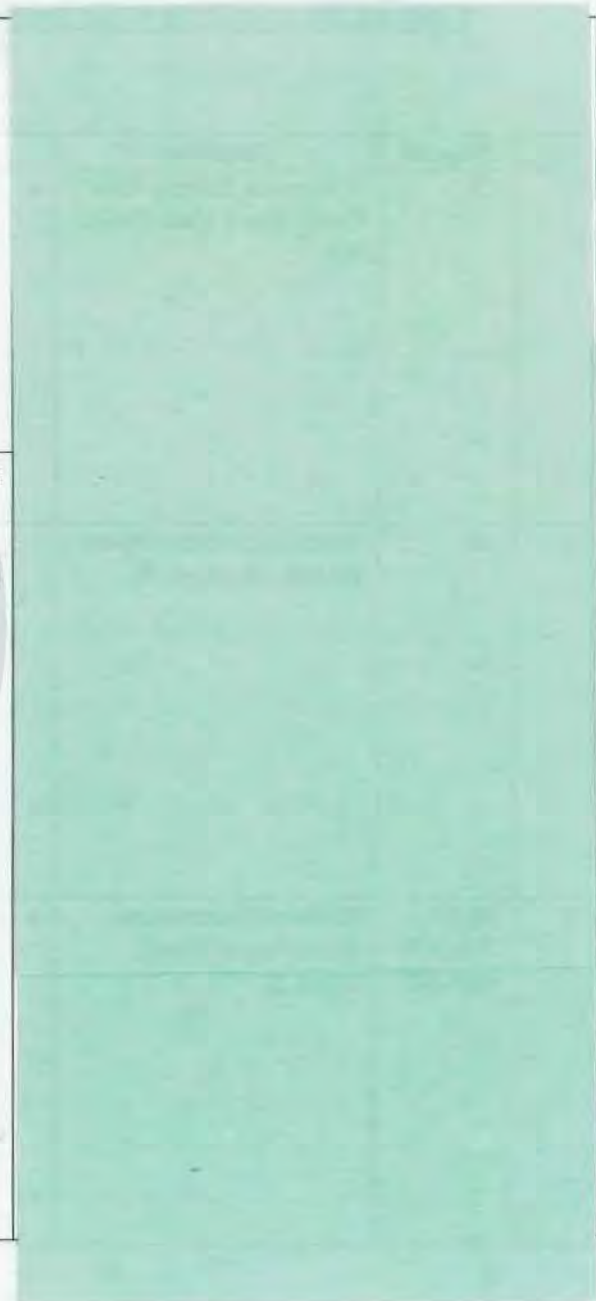
\*\*\*\*\*  
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\*\*\*\*\*

**Chicago, IL, 9/16/2010 CCR Public Hearing: Sites Where Damage was Alleged, Possible Candidate for a Follow-Up Action**

#	Page #s	Location	Issues
1	15	Wisconsin Energy Oak Creek Plant, Oak Creek, WI	<ul style="list-style-type: none"> <li>Leaching into groundwater</li> </ul>
2	28	Ameren Coffeen Power Station, Coffeen, IL	<ul style="list-style-type: none"> <li>Evidence for fly ash dust in/on a neighbor's car, yard and home</li> </ul>
3	31-33, 336-339, 460-462	Midwest Generation, Joliet Power Plant, Joliet, IL	<ul style="list-style-type: none"> <li>Midwest Generation found elevated concentrations of contamination in their monitoring wells along the river. The Des Plaines River is a major area of discharge for the Silurian dolomite aquifer</li> <li>Tests from 2007 showed cadmium to be x52 times than the Illinois Class 1 groundwater standard and molybdenum x 34 the Federal Lifetime Health Advisory value. Tests from 2009 found arsenic at levels x83 the groundwater standards.</li> <li>The IEPA eliminated ten (sic) parameters from the J2 list of the annual test: Sb, Cr, Co, cyanide, Pb, Hg and Ni.</li> </ul>



			<ul style="list-style-type: none"> <li>The IEPA identifies the (Lincoln?) quarry as having a GMV designation which allows for offsite contamination.</li> </ul>
4	84-85	Dynegy's Vermilion Power Plant, Oakwood, IL	<ul style="list-style-type: none"> <li>Three coal ash impoundment sites next to the Dynegy PP, next to the Middle Fork of the Vermillion River, a designated National Wild and Scenic River.</li> <li>IEPA's testing around one of the dump sites in Oakwood found Pb levels x3.5 to x4 the Illinois standard for groundwater as well as high level of B, Fe and Mn, all above the state groundwater standards.</li> <li>Members of the Oakwood community buy bottled water when they can but rely on private wells for the majority of their water use. Despite warnings from the IEPA, many homes continue to use their water for no alternative source is given.</li> <li>Allegedly, high levels of cancer in the affected Oakwood congregations</li> </ul>



5	84-85	Bunge North American, Inc., Oakwood, IL	<ul style="list-style-type: none"> <li>• Identical issues to those raised under #4 above</li> </ul>
6	87-88	NIPSCO Michigan City Power Plant, Pines, IN	<ul style="list-style-type: none"> <li>• Levels of B, Mo and As, as well as other heavy metals and contaminants including radiation well above health-based standards migrated from a nearby, inadequately lined coal ash landfill serving NIPSCO, owned and operated by Brown, Incorporated, just south of Indiana Highway 520 and US Highway 20 in the Town of Pines, and from its use as "structural fill" over much of the town.</li> <li>• A federal lawsuit against NIPSCO compelled the company to provide safe drinking water to some of the town (there still are a significant number of residents who are still dependent upon bottled drinking water).</li> <li>• In April 2000, residents of the town began noticing that their well-sourced drinking water tasted unusual. So, they reported it to IDEM. IDEM knew for nearly 30 years that Yard 520 was leaking As and other contaminants to a nearby creek.</li> <li>• The landfill also threatens protected streams in the Indiana National Dunes Lakeshore area. Contaminated groundwater from Yard 520 flows into Brown Ditch, a creek that flows along the edge of the landfill and eventually into the National Park before discharging into Lake Michigan, two miles from the municipal water source that brings the water back to the town. Downstream from the landfill, the creek carries high levels of B and Mo. Indiana National Lakeshore is an especially important feeding and resting area for migrating land and water fowl.</li> </ul>
7	189-190, 256, 495-98	We Energy, Caledonia, Racine County, WI	<ul style="list-style-type: none"> <li>• We Energy recently indicated to the town of Caledonia that there are about 50 homes that have high levels of molybdenum that are in the wells which are contaminated. A little bit later on, We Energy washed their hands of the responsibility for the consequences. People in the community that are affected are</li> </ul>

			<p>using bottled water for drinking and cooking; some have eliminated their swimming pools and vegetable gardens; and property values have plummeted.</p> <ul style="list-style-type: none"> <li>• We Energy first indicated it would purchase the affected homes, but apparently they have not.</li> <li>• Caledonia has to come up with \$6.5 million to put municipal water into these areas.</li> </ul>
8	193-194	Duck Creek Ameren Power Plant near Canton, IL	<ul style="list-style-type: none"> <li>• Groundwater polluted with boron. Under IEPA's oversight, the boron contaminated water is being metered out into the Illinois River. Concerned about the fish and mussel beds in the receiving stream.</li> </ul>
9	236-238	<p><b>Apparently, Karn/Weadock Generating Facility, Consumer Energy, Saginaw, MI:</b>          "We're talking about the Saginaw Bay. In 2008, the grassroots group Lone Tree Council began an investigation in handling the coal ash at Consumer Energy's at two coal-fired plants at the mouth of the river."           [Thomas Reinke, Self Reliant Energy Company, representing Terry Miller (Public Hearing Record #Chi-041)]</p>	<ul style="list-style-type: none"> <li>• Constructed in the 1940's through the 1970's on bay and the wetlands, there are two ash landfills bordering the Saginaw Bay: a 292 acre site, and a 172 acre site, both filled with fly ash and bottom ash slurry. The landfills were originally supposed to be isolated from the bay by walls keyed into the clay bedrock, but according to the MDNR (Sic), the utility failed to create a sealed barrier. Testing ordered by the DEQ in 2002 showed levels of arsenic leaching into the Saginaw Bay that exceeded water quality standards for Michigan. Mercury is also a concern.</li> <li>• MDEQ documents show that the state knew as early as 2002 that the Consumer Energy's ash landfills were discharging arsenic, boron, lithium and sulfate from coal ash leaching into the Saginaw Bay.</li> <li>• The ash landfills, over at least three different state administrations, were given a total 13 of 14 variances. These exempted the utility from, among other things, staying 100' from the shoreline, 4' clearance from groundwater, and continuous supervision of unloading. Also, because the ash was in liquid form and had access to groundwater, the company in 1986 was exempted from getting a state groundwater discharge permit. The company has recently requested that they continue to be exempted from getting a</li> </ul>

			state groundwater permit.
10	448-449	Peabody's Gateway Coulterville Mine, Randolph County, IL	<ul style="list-style-type: none"> <li>• Coal combustion waste is being trucked in from a power plant from Southern Illinois University. It's placed in an open pit with the coal mine waste.</li> <li>• The locals in the Coulterville area have a rate of breast cancer and neurological disease that is three times the national average.</li> <li>• Farmers had to move their cattle off their land because their pastures are next to a leaking gob and a pile of coal ash waste. And an elderly couple has moved away from there because their well was contaminated.</li> </ul>
11	465-466	Southern Illinois Power Cooperative Lake of Egypt Plant, Marion, IL	<ul style="list-style-type: none"> <li>• Coal ash and sludge have been placed in six unlined ponds, one unlined landfill, and one lined pond since 1963. The landfill was built in the floodplain between the confluence of Saline Creek and South Fork Saline Creek. Groundwater monitoring has been required in the vicinity of the landfill and ponds only since 1994. And high concentrations of cadmium were first detected in 1997.</li> <li>• In the wake of the 2008 Kingston TN incident, IEPA conducted a statewide review of ash impoundments. It found elevated boron, cadmium, and iron above Illinois Class 1 groundwater standards at the Marion site. The little Saline Creek is now contaminated.</li> <li>• Concern about high occurrence rates of cancer, risk to cattle grazing in leachate-contaminated pasture. Other concerned people are afraid to speak up because Southern Illinois Power owns the Lake of Egypt they live on.</li> </ul>
12	467	Electric Energy, Inc. Joppa, IL	<ul style="list-style-type: none"> <li>• When Lafarge has more fly ash than they can sell to an adjacent cement plant, they give it to the nearby counties to spread onto gravel county roads.</li> <li>• Certain individuals lived on such a road, with each passing vehicle raising clouds of coal ash dust. They all eventually developed cancer, and one of them has since died.</li> </ul>



**Denver, CO, 9/2/2010 CCR Public Hearing: Sites Where Damage was Alleged, Possible Candidate for a Follow-Up Action**

Based on Jesse Miller's 1/10/11, 9:32 email

#	Page #s	Location	Issues	Comments/Recommendation
1	54 151 177 189 192-3 221 255	Colstrip PPL (MT)	<ul style="list-style-type: none"> <li>• GW contamination caused by 30-years leak from SIs</li> <li>• Plume is moving in a mile radius toward the Northern Cheyenne Reservation</li> <li>• Contamination of water wells and cattle drinking reservoir in Rosebud Creek and Armells Creek, by up to 8,100 ppm sulfate (allegedly, a lethal level for cattle)</li> <li>• PPL admits 'some seepage from wastewater ponds'; claims they've invested tens of \$ million in installing synthetic liners and implementing 'innovative pacing process that solidifies scrubber sludge to help prevent future seepage'</li> <li>• Recently PPL entered an Admin Order with MDEQ for comprehensive investigation &amp; remediation of GW seepage</li> <li>• PPL claims no impact from heavy metals on drinking water around the plant; still, entered a \$25 million settlement</li> <li>• Adjacent, impacted cattle growers claim MDEQ does not enforce, other than condoning capture of seeped water through monitoring well back into the wastewater system.</li> </ul>	
2	59	Reid Gardner Generating Plant (NM)	<ul style="list-style-type: none"> <li>• Problems associated with improper coal ash disposal</li> </ul>	

<sup>1</sup> "Offsite groundwater exceeded the primary EPA MCL for arsenic, and onsite groundwater exceeded selenium. The NDEP issued an Administrative Order of Consent to repair and update evaporation po

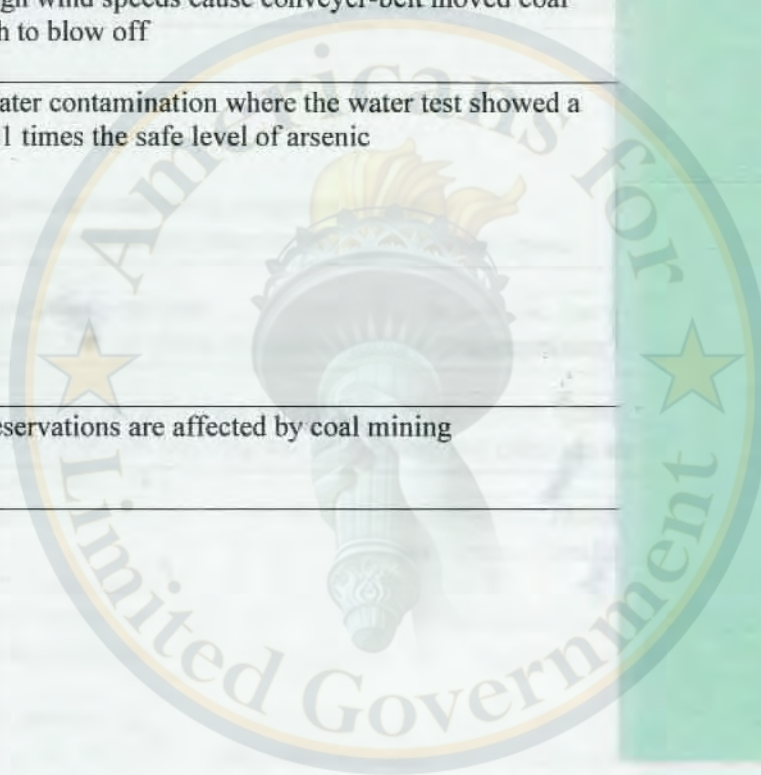


3	59	Northeastern station (OK)	<ul style="list-style-type: none"> <li>• Problems associated with improper coal ash disposal</li> </ul>
4	59	Dave Johnston Plant, (WY)  (PacifiCorp, Plant Code 4158)	<ul style="list-style-type: none"> <li>• Problems associated with improper coal ash disposal</li> </ul>
5	59-61, 64-66, 105, 274-77, 278-79	San Juan Generating Station (listed under either Waterflow, Fruitland, or Farmington, NM); and Four Corners Power Plant (NM) (Note: Both plants mentioned interchangeably, with specific identity not always clear).	<ul style="list-style-type: none"> <li>• CCRs backfilled in the adjacent BHB Navajo and San Juan coal mines, in unlined pits, resulting in contamination of GW and SW and in fugitive dust</li> <li>• An 2008 TRI chemical data study from a BHB Navajo coal mine indicates it is a 'major polluter of toxic waste'</li> <li>• Sites regulated by distinct entities located in multi-jurisdictional boundary zones, with inadequate regulatory oversight</li> <li>• Groundwater contamination and potential dumping into Morgan Lake (San Juan PP).</li> <li>• NM does not require daily cover at disposal sites</li> <li>• Apparently associated with higher-than-normal frequency of cancers (leukemia) and respiratory ailments attacking otherwise healthy, young Navajo residents in the downwind Shiprock area</li> <li>• Citizen stated that in 1982 PP dumped human and industrial toxic waste on his property</li> </ul>

			<ul style="list-style-type: none"> <li>• Citing mass mortality of 1,400 sheep due to <i>Polioencephalomalacia</i><sup>2</sup></li> </ul>
6	60	<p>Bokoshe (OK)</p> <p>A landfill receiving CCRs from AES plant in Panama, OK, and of oil/gas waste</p>	<ul style="list-style-type: none"> <li>• Severe fugitive dust problems</li> </ul>
7	93	Xcel's Cherokee Plant (CO)	<ul style="list-style-type: none"> <li>• Xcel parks its railroad cars full of coal ash right across the street from private housing</li> </ul>
8	120-121	Black Mesa (AZ)	<ul style="list-style-type: none"> <li>• Coal mine is adversely impacting the health/lives of the Navajo Nation</li> </ul>
9	152-188	JE Corette Plant, Billings (MT)	<ul style="list-style-type: none"> <li>• Ash ponds at the banks of the Yellowstone River: River is a source of multi-use of water</li> </ul>
10	200	TVA (Kingston) Plant, Harriman (TN)	<ul style="list-style-type: none"> <li>• Points to a Duke/Georgia Tech studies which showed that the Kingston spilled sludge contained toxic and radioactive materials</li> <li>• Emory River contamination from mountaintop coal mining and spill of ash sludge</li> </ul>

<sup>2</sup> Also known as *Cortical Necrosis*; one of the possible causes is excess sulfates, sulfides or elemental sulfur in feed/water

11	232, 311	Valmont Coal Plant, Boulder (CO)	<ul style="list-style-type: none"><li>• In 2008 there was a 25 cubic yard spill from an onsite coal ash storage into water reservoir</li><li>• A speech pathologist is concerned that coal ash from old SIs (1924-1973) is contaminating the waters with mercury, causing child health- and developmental issues in immediate vicinity</li><li>• High wind speeds cause conveyer-belt moved coal ash to blow off</li></ul>
12	236	Hatsfield Ferry (PA)	<ul style="list-style-type: none"><li>• Water contamination where the water test showed a 341 times the safe level of arsenic</li></ul>
13	280	Hopi Reservation (AZ)	<ul style="list-style-type: none"><li>• Reservations are affected by coal mining</li></ul>



**Dallas, Texas, 9/08/2010 CCR Public Hearing: Sites Where Damage was Alleged, Possible Candidates for a Follow-Up Action**

Steve Souders, 1/10/11, 3:32 PM

#	Page #s	Location	Issues	Comments/Recommendation
1	24-32 46-48 158-160 196-197	Making Money Having Fun LLC Landfill, Bokoshe, OK	<ul style="list-style-type: none"> <li>• 55' high coal ash pile in a 20-acres large coal mine reclamation site, operating since 2002 about 1-1.5 miles away and downwind from the closest residential areas in town and near a school</li> <li>• Receives coal ash (overall, 3.2 million tons) and oilfield waste waters; oilfield wastewater discharge illegally offsite</li> <li>• Cattle drinking from the discharge water have had a large number of stillborn calves</li> <li>• Eight trucks convey daily eight loads of coal ash from the AES plant (In Panama, OK), dumping their contents every 12-minutes throughout weekday work hours</li> <li>• Of the 20 families living closest to the pit, 14 have been afflicted by cancer, and there is a high cancer mortality rate in town</li> <li>• Nine of seventeen six graders from Ms. Reese's class have asthma</li> <li>• Fugitive dust emissions from landfill and trucks conveying ash</li> <li>• Until May 15, 2009, OK Department of Mines and ODEQ have been maintaining all along that the operator does not violate the CAA and CWA regulations with regards to wastewater discharge coal ash fugitive dust. On that date, following a media-attended public meeting set up by concerned Bokoshe residents, the Water Quality Advisory Council (an ODEQ agency) established that the owner has been violating the CAA on five counts for seven years</li> <li>• However, due to behind-the-stage pressure by Senator Inhoffe, the DEQ entered a Consent Order w/o fines, penalties, or findings of violations</li> </ul>	

			<ul style="list-style-type: none"> <li>In December 2010, following a visit by Kent Sanborn, site received a cease and desist order from the EPA</li> </ul>
2	138-140	Fayette Power Plant, Lagrange, Fayette County, TX	<ul style="list-style-type: none"> <li>Groundwater sampling on the site shows levels of selenium, cobalt, and molybdenum that exceed drinking water standards.</li> <li>The Texas Commission on Environmental Quality has notified a couple of neighboring landowners that their wells may be contaminated; however, lack of monitoring doesn't allow to assess how many additional landowners might be affected.</li> </ul>
3	146 (Jordan Bantuelle)	Big Cajun 2 Power Plant, NRG Energy, New Roads, LA	<ul style="list-style-type: none"> <li>Selenium above federal standards in drinking water related to coal ash ponds.</li> </ul>
4	146 (Jordan Bantuelle)	Dolet Hills Power Station, Cleco Power Mansfield, LA	<ul style="list-style-type: none"> <li>Exceedances of arsenic, lead, and selenium in groundwater; GW contaminated in four districts.</li> </ul>
5	146-147 (Jordan)	? Rodemacher Power Station, Cleco Power	<ul style="list-style-type: none"> <li>Six times the MCL for arsenic and lead above the MCL in groundwater.</li> </ul>

	Bantuelle)	- Lena, LA (inaudible), LA <sup>1</sup>	
6	254  (Lev Guter)	Independence Coal Plant, Newark Arkansas	<ul style="list-style-type: none"> <li>• Groundwater contaminated in 34 drinking water wells</li> <li>• ADEQ claims they do not have appropriate regulations to control the issue</li> </ul>
7	255  (Lev Guter)	Flint Creek, Gentry, Arkansas	<ul style="list-style-type: none"> <li>• Off-site (360' away from source) groundwater contamination</li> <li>• ADEQ claims they do not have appropriate regulations to control the issue</li> </ul>
8	322-323	Northeastern Station, Oologah, Oklahoma	<ul style="list-style-type: none"> <li>• Disposal of fly ash in an unlined pit for 30 years, resulting in Groundwater contamination exceeding</li> </ul>

<sup>1</sup> The identity of this site was inferred from the identical sequencing of the two, preceding LA facilities to the corresponding entries in *In Harm's Way* (8/2010), and the As being the only primary MCL exceedance at this facility.

(Whiney  
Pearson)

- state and federal MCLs  
Plant conceded, but claims contamination is strictly  
onsite



**Pittsburgh, Pennsylvania, 9/21/2010 CCR Public Hearing: Sites Where Damage was Alleged, Possible Candidates for a Follow-Up Action**

#	Page #s	Location	Issues	Comments/Recommendation
1	15-17 81-84 91-93	First Energy's Little Blue Run Greene Township, PA	<ul style="list-style-type: none"> <li>• A large (1,300 acres), unlined coal ash impoundment straddling three states</li> <li>• Elevated arsenic in 10 groundwater monitoring wells.</li> <li>• Contamination of 22 drinking water wells; water is malodorous and color-tainted.</li> <li>• A drinking water well 1000 away from SI has 14.6 µg arsenic, as well as elevated mercury, thallium, manganese and aluminum.</li> <li>• High rate of cancers in vicinity, as well as respiratory allergies to immediate neighbors</li> <li>• PADEP has records of contamination for over 10-years, but has not pursued any enforcement actions nor any administrative controls</li> <li>• The water leaves a white filmy residue on vehicles, a gloppy jell in the toilet's water holding tank, and corrodes the faucets, hot water tank elements and pipes causing leaks, so they have to be fixed or replaced every couple years.</li> <li>• Wind and rainstorms leave a thick dust on everything including motorcycle, causing the chrome to pit and rust.</li> <li>• First Energy has done nothing other than testing and sending the results with a letter referring the recipients to PADEP, to address questions regarding the domestic use of this water source. PADEP, in turn, states in their letters that Pennsylvania does not have requirements or regulations for private water systems, therefore, the levels listed as recommendations for comparison.</li> <li>• In 2005, PADEP approved an expansion of the SI</li> </ul>	



			<ul style="list-style-type: none"> <li>• First Energy is seeking more land for ash disposal, purchasing land ownerships and asking residents to sign company waivers, removing the state required buffer, protection setbacks to private wells and residences. As a result, property values have plummeted</li> <li>• During the 1993 drought, water level in SI dropped, generating a fugitive dust issue that compelled FE to request Hookstown and Georgetown residents to stay indoors and wash their garden products.</li> </ul>
384-385	Fort Martin Power Plant Fort Martin, WV	<ul style="list-style-type: none"> <li>• Fort Martin is a WV farmland community (zip code 26541), with five coal combustion waste sites and one in the making.</li> <li>• All four streams in Fort Martin and Maidsville, WV areas are polluted by CCW and other dumping. There is coal slop on the highways, and clouds of coal dust and fly ash blowing in the wind and dispersed by 50 coal ash trucks per hour on the highway.</li> <li>• The WVDEP did not respond to complaint letters on violations, nor has it taken any actions.</li> </ul>	

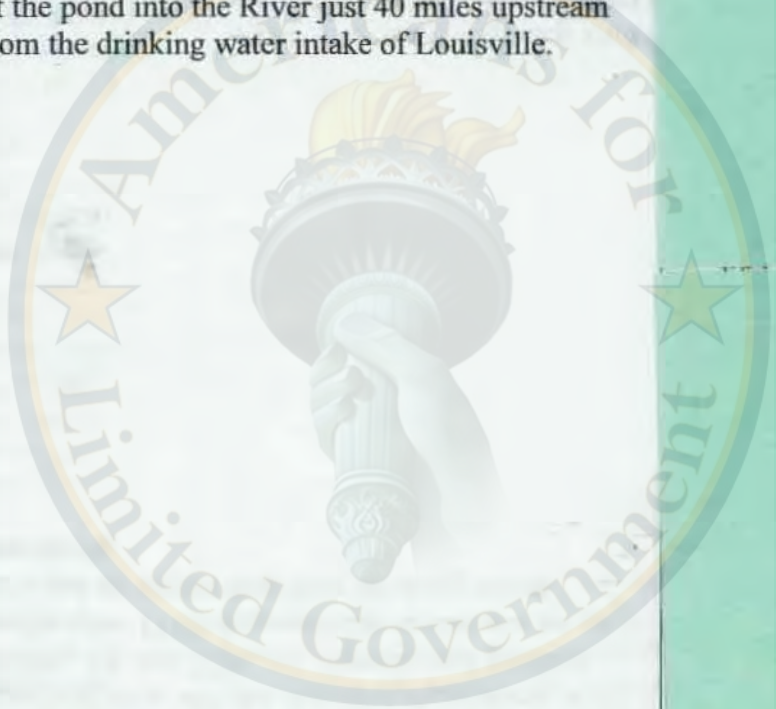
**Louisville, Kentucky, 9/28/2010 CCR Public Hearing: Sites Where Damage was Alleged, Possible Candidates for a Follow-Up Action**

#	Page #s	Location	Issues
1	100-102	Louisville Gas & Electric Trimble County Power Plant, KY	<ul style="list-style-type: none"> <li>• A big (&gt; 0.5 mile long) bottom ash sludge pond located about a quarter mile from the bank, in the floodplain of the Ohio River, contained by a dike that is presently 40 to 75 feet above ground level. LG&amp;E is in the process of using coal ash to build</li> </ul>

<sup>2</sup> <http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/surveys2/trimble-bot-final.pdf>

the dikes up 30' higher around the pond.

- The groundwater monitoring wells at the site are currently showing exceedance of allowable levels of multiple pollutants.
- Concern about a potential severe flood in the Ohio River at the plant eroding the coal ash berms leaching out the metals; and/or eroding the dike berm to the point of failure, releasing the contents of the pond into the River just 40 miles upstream from the drinking water intake of Louisville.



2 318-319 Duke Energy's Gibson Generating Station Mt. Carmel, Illinois

- Groundwater contamination: Duke Energy has paid to have city water run to several homes in East Mt. Carmel (IN)<sup>3</sup>.
- Fugitive dust from a landfill across the Wabash

<sup>3</sup> Off Rte 64.

			<p>River causing medical issues (including inordinate rate of cancer) and covering cars with coal ash dust</p> <ul style="list-style-type: none"> <li>• Indiana DEP does not require from Duke monitoring and notification</li> </ul>
3	360	Big Bend <sup>4</sup> plant, Tampa, Florida	<ul style="list-style-type: none"> <li>• Groundwater under the FGD gypsum storage area is impacted: Boron concentrations x40 the state's standard; iron, x66 the standard; manganese, x11; sulfate, x4; and TDS, x5. Arsenic and thallium under other FGD disposal units at that site are at x11 and x8 higher than their drinking water standards.</li> </ul>
4	360-361	Caledonia landfill, SE Wisconsin	<ul style="list-style-type: none"> <li>• Molybdenum at levels up to x375 over the federal health advisory. Drinking water wells contaminated with molybdenum.</li> </ul>

**Note:** Similar complaint addressed at the Chicago

<sup>4</sup> In the Transcript, incorrectly spelled as Big Ben.

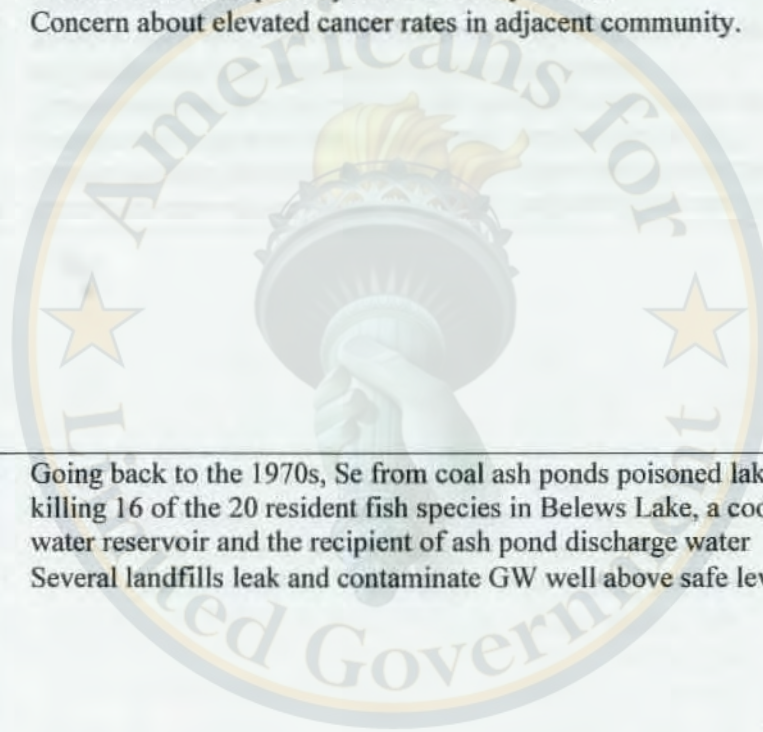
5	436-438	Southern Illinois Power Cooperative, Lake of Egypt south of Marion, Illinois	<ul style="list-style-type: none"> <li>• Unlined ash ponds leak into groundwater, migrating off site.</li> <li>• x35 the MCL for cadmium in monitoring wells, and x352 higher than the federal chronic water quality standards.</li> <li>• High concentrations of aluminum, boron, and manganese in the nearby Saline Creek.</li> <li>• Routine monitoring is limited only to cadmium, boron, iron, and sulfate</li> <li>• There are at least 20 trucks a day carrying coal ash from the power plant property to off-site areas. One off-site area is an abandoned strip mine north of Williamson County Airport, where there are no monitoring wells, no liner and no state regulations to keep metals in the ash from seeping into the groundwater and nearby wells.</li> <li>• Another concern is the decades-old coal ash ponds by SIPC are right by Lake of Egypt, which provides drinking water for about 10,000 people.</li> <li>• The only requirement for a coal ash waste landfill in Illinois is that the operator must provide Illinois EPA with documentation that a public official has been notified of the forthcoming dump. There is no opportunity for public input or debate.</li> </ul>
6	438-441	Electric Energy, Inc., Met-South Coal Combustion Waste disposal	<ul style="list-style-type: none"> <li>• Coal ash waste is being dumped in piles from another plant and blows into the air when it dries, causing nearby property owners chronic and acute respiratory problems.</li> </ul>

	facility, Joppa, Illinois.	<ul style="list-style-type: none"><li>• Electric Energy puts coal ash on Liberty Ridge Road in Joppa, Illinois, results fly ash being stirred up by each passing vehicle, spreading to nearby yards and houses. People on those roads got cancer, serious respiratory problems and other health problems.</li></ul>
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**Charlotte NC, 9/14/2010 CCR Public Hearing: Sites Where Damage was Alleged, Possible Candidate for a Follow-Up Action**

#	Page #s	Location	Issues
1	18, 189, 414-415  (Gardener)	Duke Energy's Dan River Steam Station, Stokes County, Eden, NC	<ul style="list-style-type: none"> <li>• Two unlined (High-Hazard potential) coal ash ponds, as well as one unlined coal ash landfill.</li> <li>• Voluntary GW monitoring since 1993 has detected onsite levels of Cr, Fe, Pb, Mn, Ag and sulfate that exceed state GW standards and Federal maximum primary and secondary MCLs.</li> <li>• Concern about elevated cancer rates in adjacent community.</li> </ul>
2	20, 21, 136 -137, 161, 190, 261	Duke Energy's Belews Creek Power Station, Stokes County, NC	<ul style="list-style-type: none"> <li>• Going back to the 1970s, Se from coal ash ponds poisoned lake killing 16 of the 20 resident fish species in Belews Lake, a cooling water reservoir and the recipient of ash pond discharge water</li> <li>• Several landfills leak and contaminate GW well above safe levels</li> </ul>
3	25	Glenn Lynn Power Plant: Structural Fill next to Narrows, Giles	<ul style="list-style-type: none"> <li>• Coal ash dump (structural fill) built on the banks/floodplain of the New River, without a liner or a cap.</li> </ul>



		County, VA	
4	26-28, 89-92, 92-94, 480-481	Duke Energy's Riverbend Steam Plant, Mt Holly, Mecklenburg County, SC	<ul style="list-style-type: none"> <li>• Excessive amounts of arsenic are in the discharge from two, high-hazard potential unlined ash ponds to the Mountain Island Lake. The ponds occupy 69 acres, are 70-80' deep, and go back to 1957. The Catawaba River and the Lake are the drinking water source of ¾ million people, including 80% of Charlotte's water.</li> <li>• Because the Lake is also used extensively for recreation, concerned about bioaccumulation of metals in fish.</li> <li>• Duke's own data documents groundwater contamination</li> <li>• Three years ago Duke dredged out the ponds, generating much fugitive dust that impacted the Stonewater development. The ash was heaped in a large, unmonitored mound beside the Horseshoe Bend Beach Road, the only access to the peninsula. It is a source of fugitive dust (ash accumulating on cars, houses), and presumably – of leaching to groundwater, which potentially risks many of the peninsula residents' drinking water wells.</li> </ul>

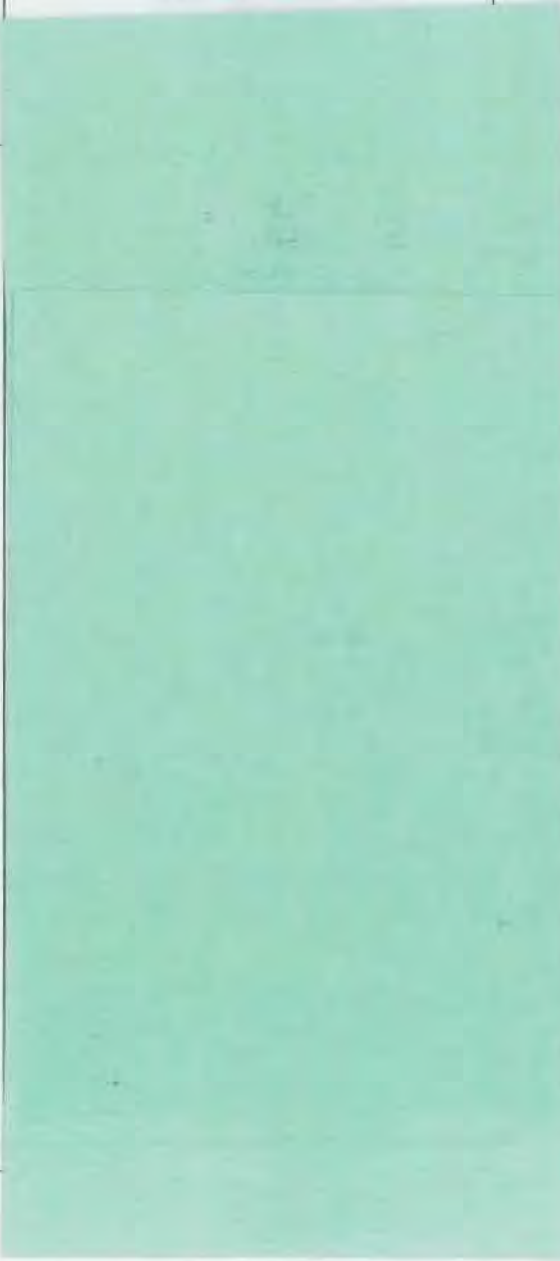
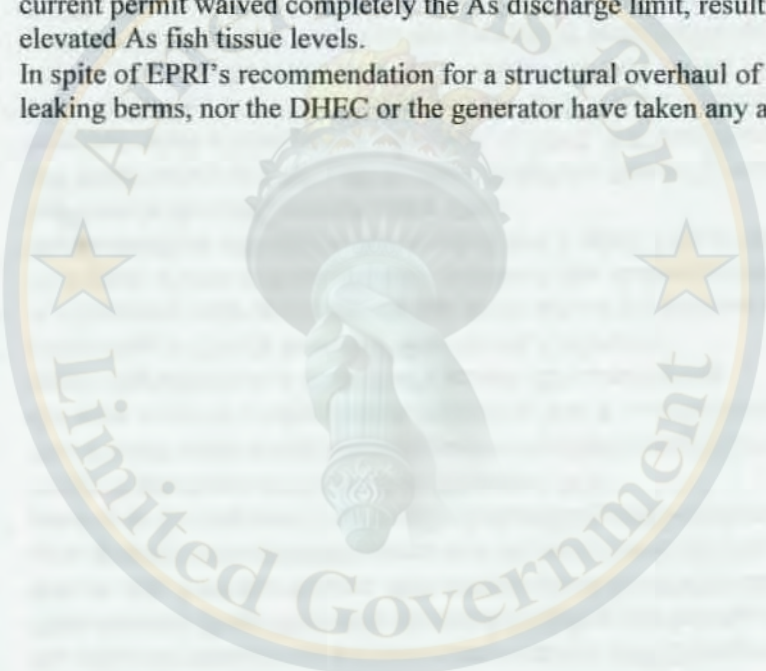


			<ul style="list-style-type: none"> <li>Concerned about the legacy once the plant is decommissioned in 2015.</li> </ul>
5	37-43, 385-388	Portland and Pomfret, NY (Corell Creek, NY)	<ul style="list-style-type: none"> <li>The use of bottom ash as a deicer and traction agent on roads is suspected as causing contamination. The City of Portland mixes 10 part of bottom ash to three parts of sand, to one part of salt, and massive amounts can build up in unlined road ditches.</li> <li>No required periodic ash analyses were found in a FOIA request for State records. <i>Crop Plus</i> commissioned sampling and testing of bottom ash, 5 surface waters, ditch sludge (from a roadside ditch that goes through two residential areas and discharges to Lake Erie, after passing at the entrance to two coal ash landfills), and 3 domestic wells, in the towns of Portland and Pomfret, NY.</li> <li>The Correll creek which runs adjacent to Portland's stockpiled ash is the most severely contaminated, indicating that it is contributing to water degradation to a level that is unsafe for consumption (according to Chuck Norris of Geo-Hydro, Colorado).</li> <li>A residential well on a road that has received ash for decades has 13.2 ppm of iron and manganese, combined (the recommended NY state secondary drinking water standard is 0.5 ppm). One of the wells has been in the DEC records since 1984.</li> <li>NY State issued in 1992 a BUD (Beneficial Use Decree?), which required twice a year testing. However, in 1993, NY introduced a new regulation, 360-1.15: Part A said any BUDs issued before should stay in effect with all of their conditions. Part B lists 16 predetermined BUDs, where no use permits or testing are required. Part D has several regulations that call for testing and that the users and producers provide a plan, but none is enforced. It suggested that the ash not be stockpiled for more than 90 days before use, but the huge piles at the towns of Portland and Pomfret suggest otherwise.</li> <li>One of the streams goes right through two landfills. One of the landfills is designated as a proven case damage case: <b>Don Cramer</b> (sic) <b>trucking</b><sup>1</sup> (closed by court order in 1988), has 700,000 cubic yards of ash; concern about lack of post-closure monitoring and</li> </ul>

<sup>1</sup> Actually, Don Frame Trucking, Cited in *CCW Damage Case Assessment (2007)* as #3.



			<p>reporting.</p> <ul style="list-style-type: none"> <li>• The ditch sludge contains &gt;16,000 ppm Al, 11.8 ppm As, 846 ppm Ba, 17 ppm Cr, 20,100 ppm Fe, 464 ppm Mn, 14.5 ppm Pb.</li> <li>• There is a pond at a residence, that whenever stocked, the fish perish within 24 hours, and wildlife that are hunted on the property are often diseased and with tumors.</li> </ul>
6	120-121, 281-282  (Smith)	South Carolina Electric & Gas (SCE&G) Wateree Station, Eastover, SC	<ul style="list-style-type: none"> <li>• Two unlined SIs along the Wateree River since the early 1970's. Two seeps: over 1900 ppb arsenic, and over 700 ppb arsenic.</li> <li>• Previous DHEC daily maximum discharge limit was 40 ppm; the current permit waived completely the As discharge limit, resulting in elevated As fish tissue levels.</li> <li>• In spite of EPRI's recommendation for a structural overhaul of the leaking berms, nor the DHEC or the generator have taken any action.</li> </ul>



7	153-155 (Buckley)	Lake Wylie, SC	<ul style="list-style-type: none"> <li>• A case of arsenic poisoning of a resident that has been spending much time in the lake. Had both his well water and lake water tested, with 'an insignificant amount in the lake.'</li> </ul>
8	173-175, 192, 215-217, 417, 419, 421 (Mattox, Carson, Townley, Hargett, Jeffries)	Progress Energy, Asheville (Arden), NC	<ul style="list-style-type: none"> <li>• Coal ash blowing and covering houses, garages and cars (in Arden).</li> <li>• Two SIs: one closed since 1982; the active one has 450 million gallon capacity</li> <li>• Drinking water wells with 116 exceedences of state GW drinking water standards.</li> <li>• State permit to discharge SIs into the French Broad River results in arsenic in River water at discharge point x18 human health standards of NC; in sediments (258 ppm), x80 the natural soil background.</li> <li>• Fish in French Broad River have high levels of Se.</li> </ul>
9	462-465	Progress Energy Sutton Steam Plant, NC	<ul style="list-style-type: none"> <li>• Two unlined SIs next to the main branch of the Cape Fear River, with a combined capacity of 555 million gallon, leaking As, B, Mn and Fe to groundwater. Plume spread 500' away from SIs.</li> <li>• In this Hurricane prone area, concern about the structural stability of the SI berms under a severe Hurricane scenario, with potential prospects for spilled ash to be carried to the Ocean and pollute tourist beaches.</li> </ul>



### CCR Docket Facts as of January 18, 2011

There are approximately 313,879 “mass mail” comments and over 10,000 “unique” comments.

To date very little analytical data has been found in the docket.

A number of documents submitted are either copyrighted or on CD and cannot be accessed through regulations.gov so the size and nature of these documents are uncertain.

We have not yet determined the number of comments from electric utility companies and plants.

However, we have received 635 pages of comments from 36 states.

We have also received comments from the following major stakeholders.

<u>Commenter</u>	<u># Documents</u>	<u># Pages</u>	<u>Copyrighted Document or CD</u>
ARIPPA	3	35	
American Association of State Highway and Transportation Officials (AASHTO)	1	4	
American Concrete Institute (ACI)	1	94	
American Coal Ash Association (ACAA)	2	398	3
Coal Ash Research Consortium (University of North Dakota Energy & Environmental Research Center)	18	1,266	1
Council of Industrial Boiler Owners (CIBO)	1	37	
EarthJustice	19	723	3
Electric Power Research Institute (EPRI)	2	286	4
Environmental Council of the States (ECOS)	2	9	
Harsco Minerals International	6	466	3
Portland Cement Alliance (PCA)	2	45	
Utility Solid Waste Activities Group (USWAG)	2	420	2
Total	59	3,783	

It appears that some EarthJustice and USWAG comments were not downloaded to the docket.





**Fw: Four More 12866 Meetings on CCR, including Jim Griffin from ACC**

**Mathy Stanislaus** to: Mary Jackson

08/03/2012 12:12 PM

Sent by: **Shawna Bergman**

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:12 PM —

From: Matt Straus/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, breen.barry@epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA  
Cc: Antoinette Powell-Dickson/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA  
Date: 12/09/2009 05:02 PM  
Subject: Fw: Four More 12866 Meetings on CCR, including Jim Griffin from ACC

Wanted to make you aware that OMB has scheduled 4 more meetings on CCR, with one scheduled for Dec. 17th. Richard indicated that they schedule these meetings until the package clears, and have no internal policy or "point of process" to cut them off at an earlier date. Not sure what this all means, but wanted to make you aware of this.

— Forwarded by Matt Straus/DC/USEPA/US on 12/09/2009 04:59 PM —

From: Richard Mattick/DC/USEPA/US  
To: Robert Dellinger/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Alexander Livnat/DC/USEPA/US@EPA  
Cc: Matt Hale/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Barbara Hostage/DC/USEPA/US@EPA, Gerain Perry/DC/USEPA/US@EPA, Laurel Celeste/DC/USEPA/US@EPA, Thomas Gillis/DC/USEPA/US@EPA  
Date: 12/09/2009 03:34 PM  
Subject: Four More 12866 Meetings on CCR, including Jim Griffin from ACC

Jim Griffin, American Chemistry Council

**Thu 12/17/2009** 10:00 AM - 10:30 AM

Barb DeBusk, USC Technologies

**Mon 12/14/2009** 1:00 PM - 1:30 PM

Bryan Brendle, National Association of Manufacturers

**Thu 12/10/2009** 1:00 PM - 1:30 PM

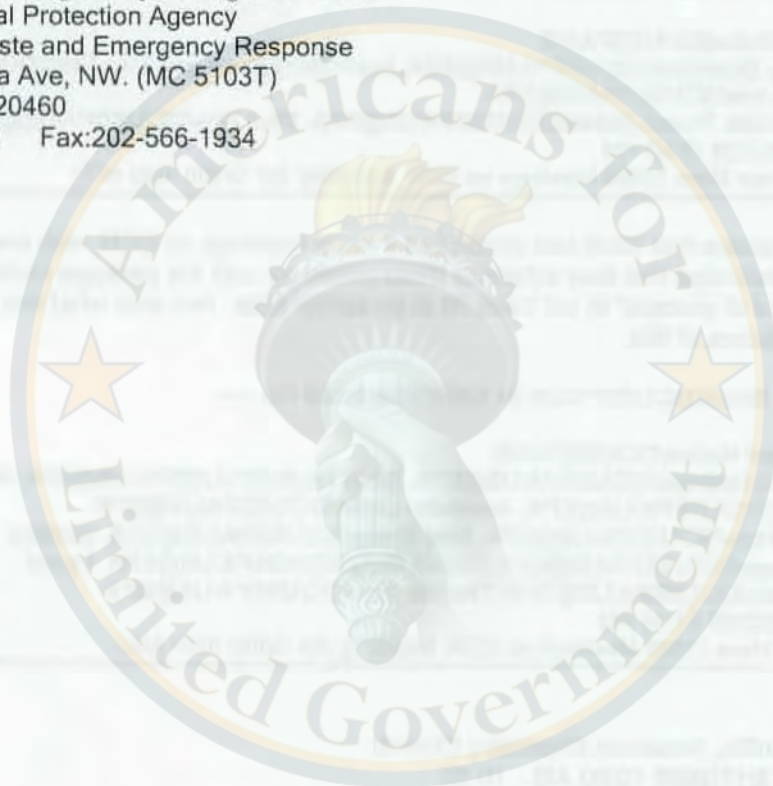
Currently there are two meeting times scheduled for EIP. Hold both times for now. I will clarify with Cortney.

Jeffrey Stant, Environmental Integrity Project

**Wed 12/16/2009 2:00 PM - 2:30**  
PM

Jeff Stant, Environmental Integrity Project  
**Fri 12/11/2009 4:00 PM - 4:30**  
PM

Richard Mattick, M.S., J.D.  
Policy Team Leader (Acting)  
Policy Analysis and Regulatory Management Staff  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
1200 Pennsylvania Ave, NW. (MC 5103T)  
Washington, DC 20460  
Ph: 202-566-1926 Fax:202-566-1934





**Fw: Region 4 EJ meeting**  
**Mathy Stanislaus** to: Mary Jackson  
 Sent by: **Shawna Bergman**

08/03/2012 11:00 AM

From: Mathy Stanislaus/DC/USEPA/US  
 To: Mary Jackson/DC/USEPA/US@EPA  
 Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
 USEPA Assistant Administrator  
 Office of Solid Waste & Emergency Response  
 --- Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:59 AM ---

From: Cynthia Peurifoy/R4/USEPA/US  
 To: Stan Meiburg/R4/USEPA/US@EPA  
 Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, "Scott Gordon" <gordon.scott@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>, Seth Oster/DC/USEPA/US@EPA, "stanislaus mathy" <stanislaus.mathy@epa.gov>, Stephanie Owens/DC/USEPA/US@EPA, "Carl Terry" <terry.carl@epa.gov>  
 Date: 10/27/2009 04:16 PM  
 Subject: Re: Region 4 EJ meeting

Hello,

Here are all the documents that we received in preparation for the meeting today, along with the agenda and the list of confirmed leaders provided by Dr. Bullard. Please let us know if you need anything else.

Thanks!

Cynthia

- 

 Sheila Holt Orsted Statement Dickson TN to EPA Region 4 - AJ Edits.pdf Daniel Parshley-Brunswick GA.pdf
- 


 Wanda Washington Tallevast EPA Statement 10-26-09.pdf Margaret L. Jones Scarboro, TN. 101609.pdf
- 


 Rita Harts EPA Comments for oct 09 Press Event.pdf Confirmed EJ Leaders for EPA Meeting 10-26-09 (2).pdf
- 


 David Baker & Shirley Baker-Carter Anniston AL.pdf Sheri Jones Hattiesburg MS.pdf Rev Steve Jamison Perry County AL.pdf
- 

 Sarah Schweiman WildLaw St Petersburg FL.pdf Gary Bullwinkel Fayette County TN.pdf
- 


 Ella Orenstein GreenLaw Early County GA.pdf Jill McElheney - Athens, GA.pdf Francine Ishmael CATE Pensacola FL.pdf

  
 final agenda october 27 2009.doc



FW:

Timothy Fields to: Cynthia Peurifoy

10/27/2009 06:54 AM



Pages from Final EPA Letter 10 27 09.pdf

Stan Meiburg

There is lots of paper--something on almost all o...

10/27/2009 02:48:25 PM

From: Stan Meiburg/R4/USEPA/US  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA  
Cc: "Bob Perciasepe" <perciasepe.bob@epa.gov>, "stanislaus mathy" <stanislaus.mathy@epa.gov>, "Carl Terry" <terry.carl@epa.gov>, Seth Oster/DC/USEPA/US@EPA, Cynthia Peurifoy/R4/USEPA/US@EPA, "Carl Terry" <terry.carl@epa.gov>, "Scott Gordon" <gordon.scott@epa.gov>  
Date: 10/27/2009 02:48 PM  
Subject: Re: Region 4 EJ meeting

There is lots of paper--something on almost all of about 14 sites. It came in late last night or early this morning.

I think we have most of this electronically. Cynthia, can you put together a consolidated electronic package we can send to Allyn?

We committed to respond to all the letters. It is a mixed bag of issues.

Stan  
A. Stanley Meiburg  
Acting Regional Administrator  
EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA. 30303

Office: (404) 562-8357  
Fax: (404) 562-9961  
Cell: (404) 435-4234  
Email: meiburg.stan@epa.gov

Sent using Blackberry

Allyn Brooks-LaSure

----- Original Message -----

**From:** Allyn Brooks-LaSure  
**Sent:** 10/27/2009 02:30 PM EDT  
**To:** Stan Meiburg; Adora Andy; Stephanie Owens; Diane Thompson  
**Cc:** "Bob Perciasepe" <perciasepe.bob@epa.gov>; "stanislaus mathy" <stanislaus.mathy@epa.gov>; "Carl Terry" <terry.carl@epa.gov>; Seth Oster  
**Subject:** Re: Region 4 EJ meeting

Thanks, Stan. Was there any convening document or narrative paper they left behind?

MABL.

-----  
M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415  
Stan Meiburg

----- Original Message -----

**From:** Stan Meiburg  
**Sent:** 10/27/2009 01:04 PM EDT  
**To:** Adora Andy; Stephanie Owens; Allyn Brooks-LaSure  
**Cc:** "Bob Perciasepe" <perciasepe.bob@epa.gov>; stanislaus.mathy@epa.gov;  
"Carl Terry" <terry.carl@epa.gov>  
**Subject:** Region 4 EJ meeting

Meeting is over--went about as expected. Had about 70 people--large turnout from Mississippi. Bob's post-meeting press conference was not well attended. Kingston caused controversy--accusation of treating white community better than black community. Sheila Holt felt insulted that we talked about Kingston before talking about Dickson Co landfill and walked out.

Large number of written letters--we promised to respond to them, as well as some other follow up actions. I don't think we overpromised. I'm sure communities will continue to call upon Lisa. Issue of RA came up as well.

Tim fields will be putting together a follow up report. Will be happy to discuss further.

Stan  
A. Stanley Meiburg  
Acting Regional Administrator  
EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA. 30303

Office: (404) 562-8357  
Fax: (404) 562-9961  
Cell: (404) 435-4234  
Email: meiburg.stan@epa.gov

Sent using Blackberry



October 27, 2009

Statement of Sheila Holt-Orsted to EPA Region 4

Good Morning. My name is Sheila Holt-Orsted. I'm a member of the Holt family from Dickson, TN. Dickson is about 40 miles west from the outskirts of Nashville.

I'm here today to say that a change has got to come. EPA, we need you to provide better oversight of environmental problems in our communities. We no longer want to see our communities to be the dumping grounds for hazardous wastes and toxic chemicals.

I travel here today to say that I don't appreciate being a statistic. The people you are hearing from today each have their own story about how they've suffered when toxic waste is improperly disposed of in their community. Dr. Robert Bullard has told my story in the report "Toxic Waste and Race at Twenty" (Chapter 7). He called it a toxic terror in a Tennessee town. I call it my horror story. It comes with an "R" rating for waste and race.

In 2002, while in Dickson for the Christmas holiday, I found my community riddled with cancer, including my father. I was so disturbed that I got a full physical when I returned home. A biopsy report revealed that I had stage 2 breast cancer. I was a former Miss TN Heavyweight and Mixed Pairs Bodybuilding Champion. At the time of my breast cancer diagnosis, I was teaching aerobics and weightlifting classes, working as a personal trainer, and playing in two adult women basketball leagues. That was all replaced by chemotherapy, radiation, numerous surgeries, and a mastectomy.

During my quest to find out why this had happened to me, I learned so many family members were sick so I didn't have to look far. My family's farm – the farm where I grew up – is directly adjacent to the Dickson County Landfill. The Landfill's owners had accepted waste at the Landfill for years with toxic chemicals. Among the chemicals dumped was trichloroethylene or TCE, a cancer-causing chemical that was used as a metal degreaser.

I learned that TCE was seeping from the Landfill into groundwater at levels that far exceeded EPA's safety standards. I started going through state documents I found. Horrified, I could not believe what I discovered. Among the State documents were two sets of letters. One group of letters was written to white families. These families were warned that tests indicated their well water was contaminated with high levels of TCE. They were immediately placed on clean drinking water from the municipal supply.

The other letters went out to black families, including my family. The letter my family received said that no levels exceeded EPA standards and that the use of our well water should not result in adverse health effects. Both of these reassurances were untrue. While white families were warned of the dangers and provided with safe drinking water, my family was being poisoned. This is where it turned twisted.

I learned that a state employee went to his supervisor and told him that EPA has misinformed my family about the safety of our water. The supervisor suggested that EPA be contacted and questioned about the letters we had received. EPA said they were not in a position to deal with it at that time. The State of TN decided not to do anything. One letter I discovered said TDEC decided not to warn us of the TCE contamination to avoid the confusion of having various agencies sending different messages. The State of TN was more concerned with not contradicting EPA than it was in protecting my family from a known cancer-causing chemical in our water.

My father lost his battle with cancer and I continued my battle with cancer, while my other family members now live in fear that they might get sick next.

The one bright spot is the team of lawyers, churches, and environmental groups that have joined my family's fight for justice. The Natural Resources Defense Council is representing me in a lawsuit seeking to clean up the toxic contamination at the Landfill. The NAACP Legal Defense Fund is representing me in a lawsuit to address the racial discrimination my family faced.

My family is embroiled in what will be one of the biggest EJ battles in recent history.

EPA, I traveled here today to say, "Do your job!"

- Support Legislation that codifies the Executive Order on Environmental Justice.
- Support legislation that reinstates the superfund tax.
- Protect families and communities like mine around the country.

Thank you.





Glynn Environmental Coalition  
P. O. Box 2443  
Brunswick, Georgia 31521

October 27, 2009

A. Stanley Meiburg, Acting Administrator  
U. S. EPA Region 4  
61 Forsyth Street, S.W.  
Mail Code: 9T25  
Atlanta, GA 30303-8960

Mr. Meiburg,

Our community has a very simple request of EPA Region 4: appropriately test areas contaminated by toxaphene pesticide and report all the chemicals present. These contaminated areas are primarily in or near minority and low income neighborhoods and Elementary Schools.

Toxaphene, a now banned pesticide, was manufactured in Brunswick, Georgia, from 1948 to 1980 and disposed of in several landfills, and in our estuary; now this toxic waste is spread throughout our community, including two Superfund Sites, one of which is located next to Altama Elementary School. In 1991, the U.S. Environmental Protection Agency (EPA), the State of Georgia, and the Hercules Corporation, which manufactured the pesticide, met and agreed to change the analytical method for toxaphene to one that reported toxaphene and "some other product". Our Coalition's efforts resulted in the EPA Office of Inspector General (OIG) finding that the analytical method developed was inappropriate, and that it under-reported the amount of chemicals present; the OIG ordered a new and appropriate analytical method be developed. In response to the EPA OIG, EPA Region 4 and Georgia Environmental Protection Division published a paper in *Regulatory Toxicology and Pharmacology* advocating the reporting of only 3 of the 670+ chemicals in the toxaphene mixture. Even though the EPA OIG found the EPA Region 4 method would under-report the amount of chemicals present, EPA Region 4 has continued to advocate for methods that will either under-quantify or not report toxaphene chemicals present. The Glynn Environmental Coalition asked EPA Region 4 to retest,



by an appropriate analytical method, Altama Elementary School, which abuts a Superfund Site with toxaphene manufacturing wastes and has known releases to school property. Instead of testing by an appropriate method, EPA Region 4 did a presentation to the Board of Education that used the article from *Regulatory Toxicology and Pharmacology* to conclude that even if toxaphene was present on school property, the chemicals are not a human health risk.

Documents obtained from EPA Region 4 indicate that, in cooperation with Hercules Incorporated, efforts continue to develop and implement another analytical and risk assessment method that will only report a few of the chemicals present. We want appropriate testing conducted and all the chemicals present reported. Meanwhile, the risk to our school children and others exposed to toxaphene-contaminated soil, air, water, and seafood remain undetermined.

After the EPA OIG found the method to test for toxaphene in our community inappropriate, the GEC requested that EPA Region 4 re-sample Altama Elementary School that abuts the Hercules 009 Landfill Superfund Site, which has documented releases to the school property from the Superfund Site and has only received testing by the method found to be inappropriate and known to under-quantify toxaphene. Further requests to test the school were made by the Glynn County Board of Education. Instead of testing the school, the EPA Region 4 made a presentation to the Board of Education on January 29, 2008. In this EPA Region 4 presentation, based upon the Simon and Manning article, the EPA concluded that even if chemicals were present, they were not harmful to the elementary school students, and refused to re-test a school known to be contaminated and only tested by an inappropriate method.

Why does EPA Region 4 refuse to test Altama Elementary School and other areas tested by a method the EPA Office of Inspector General found inappropriate? We ask that without further delay that Altama Elementary school and neighborhoods be tested appropriately so we know our children and families are safe.

Daniel Parshley, Project Manager

**October 27, 2009**

**STATEMENT FROM WANDA WASHINGTON – TALLEVAST, FLORIDA RESIDENT**

In 1961, The American Beryllium Company opened in Tallevast as a precision machinery and metal works plant and operated for some 35 years. The plant, under the new ownership of Lockheed Martin Corporation, was closed in 1996.

Tallevast is a close-knit community facing a threat unlike any before from chemicals in our soil and water. For years we were unknowingly poisoned by ingesting and inhaling toxic chemicals. This is the water parents used to make baby formula, cook family meals, bathe in and launder clothes. We have begun to wonder whether our historical community will continue to survive.

At some undetermined time, a spill of volatile organic compounds (VOC) was found to have seeped into the groundwater of the surrounding area. The contamination was discovered when Lockheed completed a due diligence assessment in preparation for the sale of the plant. The Florida Department of Environmental Protection (FDEP) only cited 6 chemicals in their consent order: *Tetrachloroethane* (PCE), *Tichloroethylene* (TCE), *1,1-Dichloroethene* (1,1-DCE), *1,1-Dichloroethane* (DCA) and *cis 1,2-Dicholoroethene* (*cis* 1,2-DCE). Other VOC's and metals in both soil and water were noted in earlier reports (*Chromium, Vinyl Chloride, Dioxane, Arsenic, Lead, Beryllium* and other petroleum derivatives/chemical agents); however FDEP failed to address these. Yet, in 2009, when Lockheed submitted their newest iteration of their Remedial Action Plan to the FDEP, they included four new COCs. The inclusion of these four new COCs violated the Tallevast Bill (discussed later) since Lockheed did not notify the community; they simply included them in the plan. The community continues to fear that time will prove the existence of other pollutants in their groundwater.

A document dated January 2000 revealed the pollution had migrated off site, but the neighboring community was not made aware of the potential impact on their lives and property until late 2003. That is when inquiring residents observed Lockheed contractors placing monitoring wells in the community. At that time the residents were unofficially informed of the chemical spill at the plant and were told that both FDEP and Manatee County Government were aware of the problem and were supportive of all activity taking place. An official notice was not received by the residents until April of 2005 via certified letter from the FDEP. This official notification was due to new legislation, a bill inspired by the Tallevast pollution. The bill provides for increased contamination notification requirements for FDEP. Called Promote Personal Responsibility and Safeguard Individual Liberty, the bill requires a property owner or its representative of the source property from which contamination originates to give written certified notice to FDEP when they discover that a contaminant could reasonably have migrated into any property beyond the boundaries of the source property no later than 10 days from the discovery of contamination. The surrounding property owners and businesses benefit directly from this notification in having more timely and comprehensive information on the progress of the cleanup of nearby properties in order to make informed decisions regarding the potential risk of exposure and appropriate ways to reduce or eliminate risk.

In late 2003 Lockheed and its contractor reported to the community that the cancer-causing solvents had remained mostly on their site. The area of fouled groundwater slid just beyond the plant's boundaries, but didn't affect any private wells in the area. Early 2004, the community insisted upon an independent assessment of the problem. Sampling was done of private wells and revealed extremely high levels of VOCs in the water. The groundwater contamination had spread across 50 acres in the community which lead to temporary waterline hookups and discontinued usage of potable wells. FDEP recommended that Lockheed reassess the site in 2005, which proved the plume now covered more than 131 acres and a new VOC, 1, 4 Dioxane, was identified. In 2006, the plume was assessed again and the contamination was found to affect an area of over 200 acres.

On August 3, 2008, after being told repeatedly by Lockheed Martin officials that the interim remedial system was secured by "double redundancies," the system failed and a tank released contaminated water that lapped against the adjacent community center, where the children spent much of their time. The "protective" chain link fence was no match to the flood of polluted water. While Lockheed attempted to downplay the extent of the spill, wide media coverage of the incident and outrage of the residents forced the FDEP into action. Another consent order was issued and Lockheed received a fine. The incident increased the distrust the community already felt toward Lockheed and strengthened their resolve to fight for the best possible clean-up plan. In addition, while the size of these sorts of tanks is proposed to grow in the RAP, the community center remains in the same location.

Like most of the country's 350 current or former beryllium plants, American Beryllium was largely self-regulated. The federal Occupational Safety & Health Administration (OSHA) inspected the plant five times from 1975 to 1982. Inspectors cited the plant for a total of 10 violations. After 1982, the company took its own air quality samples, but those results weren't forwarded to OSHA. OSHA claimed to not have the resources so it relied on the industry to police itself. As of 2009, the Tallevast Lockheed site is still undergoing Beryllium cleanup.

In February 2005, a report revealed that seven out of 241 (3%) people screened in a county-funded program tested positive for beryllium sensitivity. Six former employees, who paid for their own tests, also tested positive, according to a January 2009 report. That brings the total number of known positive tests to 13. The results stunned a medical doctor who specialized in the treatment of beryllium disease. He stated the results indicate Tallevast residents were exposed to beryllium dust from the former plant. These results should force federal agencies to look into community exposures and learn that "factory poisons do not stop at the factory gate."

To date, the cries and pleas of the community have gone unheard by governmental agencies designed to protect the rights of citizens. Our local governments have been unable to offer the kind of assistance needed by the residents of Tallevast. Our repeated request for a sufficient clean up is ignored. A more radical approach to the plight of Tallevast should have been taken, starting with the consent order. Since 2003, Lockheed has changed their technical support team three times and other personnel have been shuffled constantly. While each new team comes with the promise of a better communication, we are still left with unanswered questions.

Tallevast is evidence of what pollution can do to a community when industry is not properly monitored and controlled. An informal health assessment, completed by members of the community in 2004, showed that cancer deaths in the community were abnormally high. We urge local, state, and federal governments to pass stricter rules as to siting of industrial facilities, controlling and regulating pollution, and providing proper and early notification to communities threatened with extinction because of industrial pollution.





Region 4 (10-27-09) Statement.doc

To: **A. Stanley Meiburg, Acting Regional Administrator, EPA Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, GA 30303**

From: Margaret L. Jones, Scarboro (Oak Ridge, TN) community resident

I was born and raised in Oak Ridge, Tennessee, a small city located in the eastern portion of the state. Oak Ridge is well known for its nuclear weapons site and is credited with creating components of the Atomic Bomb. Residents in Oak Ridge, Tennessee are very familiar with the U.S. Department of Energy's Oak Ridge Reservation (code name K-25, X-10, and Y-12) commonly known as the "Plant."

"Several characteristics make evaluation of the potential off-site health effects from the ORR very complex and very challenging. In terms of variety and complexity of past operations and materials used (radionuclides and chemicals), the ORR is among the most complex sites in the world. The settings of the three main ORR (the plant sites code-named K-25, X-10, and Y-12), in a complex ridge-and-valley terrain, lead to some particularly complex effluent transport patterns and pathways for public exposure. The potential importance of Oak Ridge releases is heightened by the fact that there are no other communities closer to key production areas than at any other U.S. Department of Energy (DOE) site in the country."

In other words, of all the DOE sites in the entire United States of America, no other community is as close to a DOE facility, literally "in the back yard of the Plant", as our little Scarboro community, of which when we were growing up was approximately 99.9% Black. The entire Scarboro community, conservatively less than two miles in diameter, was initially known as Gamble's Valley. (Looking back one can only speculate what the engineers, who strategically designed the segregated community across the railroad tracks separating it from the rest of Oak Ridge, were gambling on happening).

Many residents, including (my family) I believe, have suffered numerous illnesses and even death as a result of the contamination of the air, soil, and water caused by the Oak Ridge nuclear reservation. As devastating as this may seem, it gets worse.

During the era of segregation, I wonder what options did Blacks have? Were they forced to live in a secluded community so close to the Plant? It was and still is a small friendly community where everyone knew and cared about each other. The question is, what makes this community different from any other racially segregated neighborhood? As stated above, Scarboro is **the closest residential area** to the nuclear reservation in Oak Ridge, so close it is even considered a part of the nuclear site. Some of the residents of Scarboro Community reside so close to the Plant that only a fence, approximately six feet tall, separates their backyard from the Plant. Climbing over or under that fence, has been no challenge for curious young residents of the community since the 1950's.

As a result of being in this location, "Scarboro Community" was exposed to multiple contaminants at any given time, which makes for increased health concerns. We, as residents

and former residents of Scarboro Community, believe that we are the victims of nuclear contaminate releases, brought on by the nuclear sites located literally in our back yard. "The Department of Energy (DOE) has repeatedly stated that releases posed no threat to the Scarboro community residents and that, "There is no distinctive difference between Scarboro and other comparable parts of Oak Ridge..." See the article the Scarboro Connection – The Trials of a Community, Attachment B. We strongly disagree. There has been numerous surveys done and articles written over the years which support our belief.

There were twelve (12) in my immediate family. Over the years, I have lost three family members to cancer. Currently, I have two additional family members who have been diagnosed with some form of cancer and another member who was diagnosed with neurological disorders. I know that my family does not stand alone, if you ask anyone from the Scarboro community today, most, if not all of the residents can say that they have had a family member or members and many of their friends who have been affected by an unusually high percentage of cancers, neurological disorders, memory loss, extreme numbness, kidney disorders, asthma, tumors, just to name a few of the common health issues. Many of these diseases have resulted in the premature deaths of Mothers, Fathers, brothers, sisters, aunts and uncles of the Scarboro community residents.

It has been noted that most contaminants can take up to 25-30 years to show up in your body. My generation is the generation who is being affected by these contaminants today. Scientists know very little about multiple toxins in the human body and the effects these multiple toxic chemicals could cause over time. It is time for something to be done!

How can Department of Energy (DOE) fix the wrong that was done to the Scarboro community?

- 1) Confess to their negligence and provide a formal apology to all living and deceased residents of Scarboro Community.
- 2) Equitable and fair restitution and compensation to the entire community (current and former residents).
- 3) Restore or buy-out the community/property and/or relocate them to up-to-date and safer housing (at the option of the family members).
- 4) Any additional restitution deemed fair and appropriate in a court of law.

In conclusion, I ask you to please hear our community crying out.

Respectfully yours,

Margaret L Jones

CEJA (Citizen for Environmental Justice for All)

Scarboro Community, Oak Ridge, TN.

Supporting Documents and Articles of Interest:

1. <http://health.state.tn.us/CEDS/OakRidge/ORidge.html>

2. Please refer to **Data Report of a Radiological Study Around the Oak Ridge Reservation, Tennessee in November 2004**, published 05/06/05. REV.2. Research, testing and publishing was performed by The RadioActivist Campaign (TRAC), led by Norm Buske and his team. The complete report can be accessed using this link: <http://www.radioactivist.org/ORRdata>

**(Rev2).pdf**

Oak Ridge Health Holocaust - Attachment C. The complete report can be accessed using this link: <http://www.doewatch.com/or.html>









Environmental Justice Program  
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October 16, 2009

A. Stanley Meiburg  
Acting Regional Administrator  
EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303

Dear Mr. Meiburg,

While I have consulted EPA on issues, argued with EPA and worked alongside EPA over the years to resolve environmental and environmental justice problems in our region, I often find myself frustrated with the assistance EPA is able to offer. And, this frustration is the reason for this letter today. I have worked as a community organizer with the aim of making our communities a safer, healthier place to live and have witnessed firsthand the confusion and lack of direction that comes from within the Environmental Protection Agency.

I will acknowledge that the EPA has some dedicated employees that try to do their best in their specified capacity, but the agency generally is a bureaucracy that is difficult to navigate for the average person next door. There is largely a mistrust of government in general, and a larger mistrust of our federal environmental agency as well. While EPA has established an office of 'environmental justice' and an office to deal with Title VI matters, I have found them to be largely toothless tigers that sometimes leave us more frustrated than when we approached them. These offices and their staff should be places we can go for counsel, for support and for help! Instead, we encounter sluggish inaction.

While I can point to many situations in my home state of Tennessee, I want to focus on an environmental justice issue related to South Carolina. The situation as I recall, dealt with water contamination problems in the small rural community of Williston, South Carolina. I worked with many in this community to try to understand information, get answers, and to ultimately get the place cleaned up. Initially, there were questions about where testing was occurring, and were the borings deep enough, but the questions quickly turned to 'are they telling us the truth and doing all they can'. We would call the South Carolina Department of Health and Environmental Control (DHEC) and they would tell us to go to the EPA Project Manager, which in this case was the beginning of horrors. The treatment we received was less than cordial and appeared to be frequently antagonistic. While documents were placed in the small community library, there were

not enough community meetings to break down the information in understandable chunks for the average citizen to understand. What was needed and desired, was enhanced community outreach techniques that would allow community residents the opportunity to learn what was going on, ask questions and participate in a dignified manner. This did not occur. While there was a communication plan laid out on paper, it was obviously not adequate. The highly technical documents that were placed in the library only led to even more confusion and questions. And, needless to say the lack of or infrequency of community forums and meetings only added to the speculation and rumors that spread across the community like wildfire. Although, we finally reached an end result that some are happy with, it was due to much wrangling, coercing, complaining and even a big protest that largely should have been an embarrassment to EPA Region IV.

Not factoring in 'environmental justice' considerations, and not being flexible enough to try different approaches led to the problems that we encountered. There was not a willingness to involve people of color and low income folks at the grassroots level and have them feel a part of the process. There was an ever-present air of 'we are the experts - how dare you question our work'. There was not a willingness to share information from tests that had occurred. This is arrogance that undermines the public's confidence in the EPA.

Even though we often invoke Presidential Order 12898, the EPA doesn't factor EJ into its communications with States and local authorities that will effectively give us relief. EPA does issue recommendations versus mandates, and often will not weigh in at all on a tough issue. States and municipalities in many cases do as they please regarding the EJ issues that greatly impact our quality of life. Residents assume the EPA, functioning as a federal agency will protect them and effectively act in their behalf. We need a better agency going forward; we need stronger environmental protection for sensitive populations, and a more responsive agency that involves communities in a meaningful and effective way - always.

I therefore urge increased interagency communication and cooperation that allows for quick action and resolves problems so they don't linger unnecessarily. We need bold and innovative approaches that set a tone for change coming from the top of the agency. We should be able to see and feel the difference in our communities on the ground if it's effective. And, lastly, we must have sensitive, patient, and culturally competent staff and project managers that interact with the public; this is imperative.

We will continue to be hopeful about working with the EPA to make our communities better, and hopefully we can all learn from each other.

Sincerely,



Rita Harris  
Regional Representative

10/27/09

**INDIVIDUALS CONFIRMED FOR OCT. 27, 2009 MEETING AT EPA**

**ALABAMA**

David Baker, Executive Director, Community Against Pollution (Anniston, AL)

Lisa Evans, senior administrative counsel on behalf of Uniontown/Perry County, AL residents Earthjustice (Marblehead, MA)

Barbara Evans, Organizing Coordinator, Wildlaw (Burkville, AL)

**FLORIDA**

Wanda Washington, President, FOCUS, resident (Tallevast, FL)

Laura Ward, Vice President, FOCUS, resident (Tallevast, FL)

Sarah Schwemin, staff attorney, WildLaw (St. Petersburg, FL)

Rachel Gelbmann, programs assistant, WildLaw Programs (St. Petersburg, FL)

Stan Buzzelle, Barry University, Earth Advocacy Clinic Student (Orlando, FL)

Karen Green, Barry University, Earth Advocacy Clinic Student Orlando, FL)

Jayne Buchanan, Barry University, Earth Advocacy Clinic Student (Orlando, FL)

Jeff Gilbo, Barry University, Earth Advocacy Clinic Student (Orlando, FL)

**GEORGIA**

Robert D. Bullard, Director, Environmental Justice Resource Center, Clark Atlanta University (Atlanta, GA) – and staff (Dr. Glenn Johnson, Angel Torres, Lisa Sutton, Melissa Chandler, and Michelle Dawkins)

Helen Butler, Executive Director, Georgia Coalition for the People's Agenda (Atlanta, GA)

Felicia Davis, President, Just Environment & Gender Climate Change U.S. Focal Point (Atlanta, GA)

Jill McElheny, Vice Chair, Northeast GA Children's Environmental Health Coalition in support of Dunlap and Pittard Road Communities (Athens, GA)

Charles Nash, Concerned Citizens of Dunlap Road (Athens, GA)

Teresa Anderson, Concerned Citizens of Pittard Road (Athens, GA)

Pamela Ornstein, staff attorney, GreenLaw Inc. (Atlanta, GA)

Patrick Ryan staff attorney, GreenLaw, (Atlanta, GA)

### **MISSISSIPPI**

Sherri Jones, Founder and Organizer, Forrest County Environmental Support Team (Hattiesburg, MS).

Tennie White, President, Environmental Consultant Trouble Shooters, Inc. (Jackson, MS)

Rev. Steve Jamison, Pastor, Maranatha Faith Center (Columbus, MS);

Church delegation from Columbus

### **SOUTH CAROLINA**

Rita Harris, Environmental Justice Coordinator, Sierra Club (Memphis, TN), representing an environmentally impacted community in South Carolina (Williston, SC)

### **TENNESSEE**

Sheila Holt Orsted, Tennessee resident and plaintiff in civil rights and environmental lawsuits to cleanup TCE contamination in Dickson, Tennessee (Dickson, TN)

Margaret L. Jones, Scarboro community Resident (Oak Ridge, TN)

Denise Harris Miller, Scarboro community resident (Oak Ridge, TN)

Arlene Harris, Scarboro community resident (Oak Ridge, TN)

Blenza J.P. Tefera, Scarboro community resident (Oak Ridge, TN)

Gary Bullwinkel, Greater Fredonia Community for Environmental Justice (Fayette County, TN)

October 14, 2009

A. Stanley Meiburg  
Acting Regional Administrator  
EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303

Dear Mr. Meiburg,

Our names are David Baker, the Executive Director of Community Against Pollution (CAP) and Shirley Baker-Carter, the Executive Director Of Mothers and Daughters Protecting Children's (MADPCH). We are writing to you on behalf of the Anniston Alabama Community to express our concerns regarding the Lead Site Administrative Order of Consent (AOC). We have been declared two superfund caliber sites a PCB and Lead site. We have two governing orders to address our sites. This is where the problem starts. We will attempt to give you a brief summary of the concerns that we as a community has. These concerns have been given to Region 4 EPA but have not been addressed to the community's satisfaction.

We have a Consent Decree (CD) to address PCB's and AOC to address Lead. We feel that the Lead AOC allowed the responsible parties (RP's) to get away with too much.

In comparison:

PCB CD Community Advisory Group (CAG-CD) A forum to exchange concerns between Community, RP's and EPA	Lead AOC Nothing
Long range monitoring of clean up	Nothing
RI/FS	Nothing
Human Health Risk Assessment	Nothing
Responsibility for future contamination findings	Nothing
Leaving something in community to address issues related to PCB and its affects Anniston Community Foundation	Nothing They could have contributed to the Foundation to extend it
Institutional Controls	Nothing

There are others but we will stop here as this is the most important point to address at this time. We are in a very critical stage of the cleanup The Lead RP's joined together under the umbrella of the Foothills Community Partnership group. They are about to leave the community in the pretense that they are done. We have one issue with that, there is a site here that is

addressed as the Carter Street Project where an old dump site was discovered (there are several other foundry dump sites that are not being addressed). The residents that remain are very disturbed with the actions that have taken place there. EPA approved this and apparently is satisfied with it. We, the community are NOT. We asked for a meeting with EPA and Foothills to discuss this, it took almost a year for this to take place and even still there has been no resolution to the issues that were brought up in the meeting. Please ask EPA Region 4 to update you on this project MR. Franklin Hill I am sure that he will do that.

To move on to institutional controls. In the CD the RP's have to set institutional controls in place before they are done, with the Lead AOC the RP's DO NOT. We have asked for another meeting to discuss this with all involved parties including ADEM and we are still waiting, at this time we would ask that you would provide a representative from your office to be a part of that meeting. What the community wants and will not settle for anything less is a blanket Institutional control program (ICP) meaning we want the ICP to cover both PCB and Lead sites. We will not allow our community to be half addressed as it has been in the past by all parties involved. Our most important issues at this point are the ICP, the Carter Street Project and those dump sites that have not been addressed.

This brings us to you to respectfully ask that you intervene on our behalf to see that our concerns are addressed before the Lead group closes up shop and leaves and we have no other avenue to get our issues resolved.

We are sending a copy of this letter to you via email and a hard copy will be sent via postal mail.

Thanking you in advance for your consideration in this matter. If you need additional information please do not hesitate to contact either of us David at 256-283-8323 or Shirley 256-525-1986

Respectfully Submitted,

David B. Baker, ED CAP  
*David B. Baker*

Shirley Baker-Carter, ED MADPCH  
*Shirley Baker-Carter*

Cc:  
U.S. EPA Administrator Lisa P. Jackson

Hattiesburg, Mississippi

Forrest County Environmental Support Team

Sherri Jones

Kerr McGee aka Tronox

MDEQ

EPA Region 4

HATTIESBURG  
AND GORDON CREEK

GULF STATE CREOSOTE  
MSD985967199

US HIGHWAY 11

**Creosote Plants:**

**Gulf States Creosoting Co., Hattiesburg, MS, 1920's-1950's,**

A human health risk assessment was completed by Kerr-McGee and reviewed by EPA and MDEQ staff to evaluate "baseline" risk if the site was cleaned up and continued to be used as it is today. The assessment evaluated the potential risks to humans through several risk exposure pathways at the site: (1) to on-site workers and visitors through exposure to chemicals in surface soils through incidental contact with the skin or ingestion of soil; (2) to on-site workers from breathing contaminated dust from the site; (3) to site workers, visitors, and residents who might drink the contaminated surface water; and (4) to residents who might come in contact with contaminated sediments.

The hazards posed by the chemical constituents in soils, sediment, groundwater, and surface water for health effects other than an increased risk of cancer were well below a level of concern.

The reviewed health assessment on file in the Hattiesburg Public Library recommended removing the residents from the contaminated areas. The MDEQ fully intended to implement this part of the health assessment until the settlement lawyers informed MDEQ that they would work that out. The Work out left the residents in harm's way. Lawyers were allowed to modify MDEQ policy and procedures.

Concentrations of naphthalene in the groundwater beneath the old "process" area and south of the Southern Railroad exceed the acceptable level for drinking water. Although the groundwater is not currently used for drinking water, it is considered a potential drinking water source by the state. No contaminated groundwater from the site is currently used or has been used for human consumption to our knowledge.

The Drinking water wells have been shut down for pulling sand. If the wells pull sand are they not also providing a gradient for the contaminated plume?

The City of Hattiesburg provides the neighborhood water supply and the City's water supply is not affected by this contaminated groundwater. There is no **current** risk to residents from the contaminated groundwater. The City of Hattiesburg has passed a City Ordinance that no water wells can be drilled within the City Limits without a permit.



Location #1:

**Former Fill Area**

Proposed Cleanup: Install sheet-piling wall along the creek bank to eliminate seepage into the creek, install monitoring and recovery wells along the wall to monitor and recover any free product that may collect, install concrete culvert from West Pine Street to Creek, cover the area with a liner, and plant trees to prevent mounding of groundwater along the sheet piling wall.

This remedy has failed. Creosote is seeping through the wall.

Location #2:

**Former Process Area**

Proposed Cleanup: Remove creosote contaminated soil from the wooden substructure and the concrete sump area, back fill with compacted clay fill material, re grade the surface and cap the area with a liner and asphalt.

This remedy failed to remove all of the Creosote as Creosote remained under the Ford Dealership Building

Location #3:

**Southern Railroad Track Area**

Proposed Cleanup: Remove creosote contaminated sediment and soils from within and beneath the drainage ditch. Depending on the effects on the integrity of the railroad tracks, the soils will either be capped in place or removed.

This remedy has failed as documented by APEX environmental as Pentachlorophenol is in the surface soil (0-4 ft) at levels above the EPA TRG. TRPH is pumping out of the ground at the end of Timothy Lane in Hattiesburg and MDEQ has testing which is over a year old and has failed to act.

Location #4:

**Northeast Ditch from Scooba Street to Katie Street**

Proposed Cleanup: Remove contaminated sediment and soils, install a liner and sand bed in the ditch, install culvert and surface drains, and then backfill around culverts with clean soil. The drainage ditch project is complete except for replacing the culverts beneath Martin Luther King Avenue, Florence Avenue and Eastside Avenue, and completing inlet boxes, grading and seeding. Additional potential areas of concern along the drainage ditch have been identified and will be assessed and remediated over the next few months as needed.

This remedy has failed Creosote has been left in place under an elevated foundation at Down Home Cooking and the Adjacent Flooring Company which is certainly impacted by shallow groundwater. Contamination was left in place along the route of the Ditch as the cleanup was restricted to a width of 3 feet in the ditch bed; contamination outside this limit was simply left in place. Residents along the Ditch Bed still encounter Creosote in routine home improvement projects such as installing fencing.

Dawn C. Taylor, Chief  
Superfund Site Evaluation Section  
Superfund Remedial and Site Evaluation Branch  
Superfund Division  
U.S. EPA Region 4

61 Forsyth Street, SW  
Atlanta, GA 30303  
404-562-8575 work  
[taylor.dawn@epa.gov](mailto:taylor.dawn@epa.gov)

Recently Dawn C. Taylor, Chief Superfund Site Evaluation Section responded with information that an inspector was sent to the Gordon's Creek Site in Hattiesburg, MS on September 8, 2009. This inspector failed to find the ball of weathered Creosote on the retaining wall. Pictures taken September 2, 2009 prior to the inspector and October 7, 2009 after the inspector show the material is still on the wall with the bare places which I sampled still visible.

Since 2007 we have tried to ask for the proper officials to revisit the site. We have request assistance from City, County, State and Federal Elected Officials. We have met with MDEQ Director Trudy Fisher and we have contacted EPA Region 4 officials. One of our pieces of correspondence early in this effort from Ms. Taylor, "My Congressional Liaison said I did not need the data in order to make an assessment". Now that you have the data from APEX Consultants you have to farm the data out to a contractor for assessment? The last in a long line of insults to our intelligence is an EPA inspector who inspects and investigates and misses stains on concrete and a ball of material on the side of a metal wall which is not an insect nest. Field TRPH Data indicates that the material contains hydrocarbons in excess of 1900ppm.

At this point what we need are the people who responded to Columbus, MS –Kerr McGee aka Tronox site.

As a citizen of the State of Mississippi and on behalf of Forrest County Environmental Support Team and the impacted Citizens of Hattiesburg, MS we respectfully request that Administrator Jackson please send a honest, reliable, fair investigator to Hattiesburg, MS to address the Kerr McGee aka Tronox Remediation sites and the remedies which were employed by Kerr McGee aka Tronox.

**Infant Mortality  
Forrest, Mississippi**



	Female	Male	Total
Black	11	20	31
White	6	11	17
Other	0	0	0
<b>Total</b>	<b>17</b>	<b>31</b>	<b>48</b>

**Infant Mortality Rate: 8.9 per 1000 Live Births**

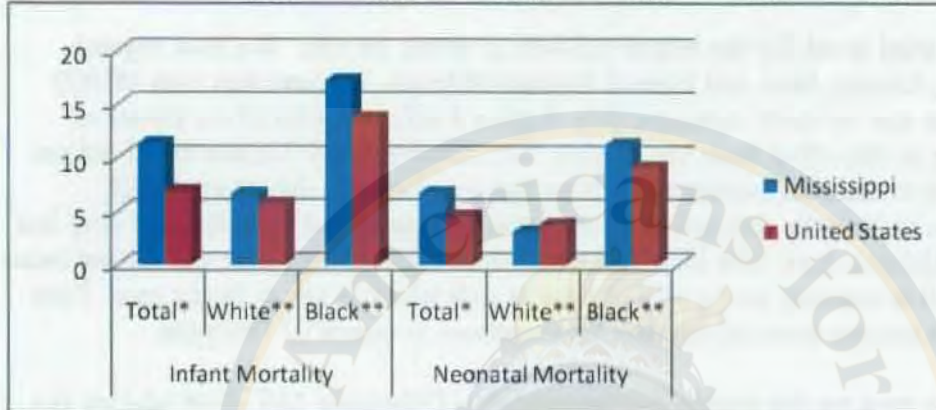


2004 data.

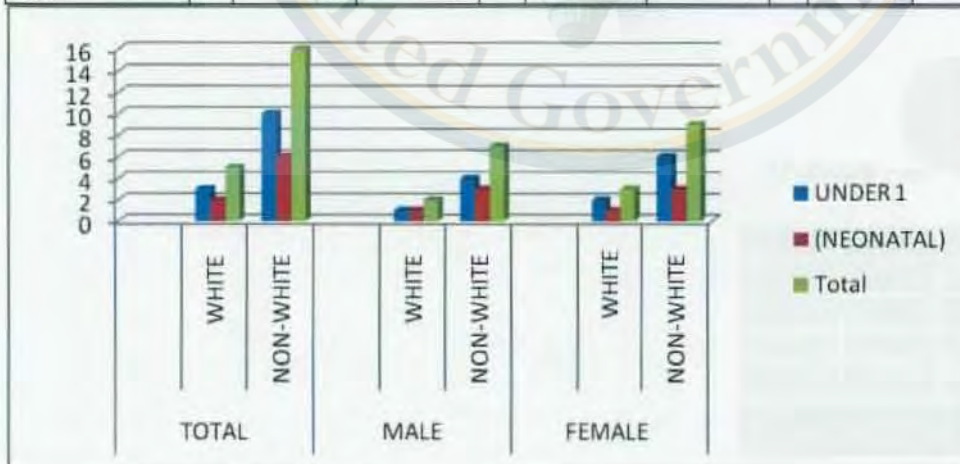
Infant mortality rates higher than the national rate may be an indicator of an [environmental justice](#) community.

# Child Health USA 2007

State	Infant Mortality			Neonatal Mortality		
	Total*	White**	Black**	Total*	White**	Black**
Mississippi	11.35	6.64	17.2	6.7	3.08	11.2
United States	6.87	5.73	13.73	4.54	3.79	9.07



AGE	TOTAL		MALE		FEMALE	
	WHITE	NON-WHITE	WHITE	NON-WHITE	WHITE	NON-WHITE
UNDER 1	3	10	1	4	2	6
(NEONATAL)	2	6	1	3	1	3
Total	5	16	2	7	3	9



To: A. Stanley Meiburg, Acting Regional Administrator, EPA Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, GA 30303

From: Reverend Steve Jamison

Maranantha Faith Center

Columbus, Mississippi

RE: Kerr McGee

MDEQ

EPA Region 4

Maranantha Faith Center was impacted by Cresote Contamination in ongoing releases since August 1999. A construction project began by Rev. Jamison in August discovered Creosote in a live stream running through Maranantha Faith Center Property. MDEQ responded and requested that Kerr McGee Columbus sample and provide a report. Kerr McGee sampled, MDEQ sampled and the results did not match. MDEQ informed Kerr McGee that TCLP methodology was not appropriate for determining if Maranantha Faith Center required a clean up. MDEQ requested a clean up plan from Kerr McGee in 2000. Maranantha Faith Center is still waiting for a clean up plan. A groundwater assessment plan was requested from Kerr McGee by EPA Region 4 in 2000 to date no groundwater assessment plan has been presented. There is a major discrepancy between what is in the files and what Kerr McGee aka Tronox and EPA Region 4 can document.

In August 2008 sampling was conducted by Maranantha Faith Center and presented to ATSDR and EPA Region 4 and MDEQ. Maranantha Faith Center property was still being impacted by Kerr McGee Columbus. Cresote was found in the surface water, the sediment on top of the concrete barrier in the ditch and in the soil under the concrete. Analytical data was submitted to MDEQ, EPA Region 4 and ATSDR.

Maranantha Faith Center was advised by EPA Region 4 officials that the Site had been properly addressed and everything was in order. Based on those assurances Rev. Jamison proceeded with his construction project which had already been interrupted by 10 years of Litigation and Environmental Injustice. On June 4, 2009 Rev. Jamison encountered Creosote in the ditch during his efforts to install a concrete culvert. A 911 call resulted in MDEQ sending a representative who collected a sample in a plastic bag. An email to MDEQ resulted in a response of "we did not collect a sample". Representatives of MDEQ also failed to notify EPA Region 4 of the Release.

Subsequently EPA Representative Karen Knight arrived after a request was sent to Administrator Lisa Jackson. Ms. Knight arranged for an EPA response team to sample the ditch and move and the contaminated soil already on the ditch banks to roll off boxes. Ms. Knight also pushed through an emergency order requiring Kerr McGee Columbus aka Tronox to present a plan for remediation of Maranatha Faith Center Property which is due at the end of October.

The Kerr McGee aka Tronox site sits less than one half mile away from Maranatha Church Property.

ATSDR presented these findings:

#### **Summary of the Airborne Exposure Conclusions**

Kerr-McGee had two processes that exposed people to airborne contaminants, the pentachlorophenol process and the creosote process. The pentachlorophenol process exposed people to pentachlorophenol and to a much lesser degree to dioxin. The creosote process exposed people to polycyclic aromatic hydrocarbons (PAHs).

Furthermore, African American children appear to be uniquely susceptible to acute exposure effects.

#### **Were people exposed to chemicals in the air from the creosote treatment used by Kerr McGee?**

ATSDR found that:

- Yes, People were exposed to chemicals in the air from the creosote treatment used by Kerr-McGee.
- The creosote treatment also exposed people to Polycyclic Aromatic Hydrocarbons (PAHs).
- PAHs are a group of chemicals

#### **Were people exposed to chemicals in the air from the pentachlorophenol treatment used by Kerr McGee?**

- Yes, People were exposed to chemicals in the air from the pentachlorophenol treatment used by Kerr-McGee.
- The pentachlorophenol treatment also exposed people to small amount of dioxins.
- Dioxins are a group of chemicals made when chlorine, carbon, and oxygen are combined together.

**ATSDR considers the air exposures to creosote, creosote tar solutions, and the insect killer pentachlorophenol to pose no apparent public health hazard. Coming in contact with these contaminants does add to an unacceptable overall risk to the population**

Analytical results for the soil samples indicated the presence of low levels of PAH contamination in one subsurface sample (out of 25 total samples) collected at 8 to 10 feet below ground surface. Because no significant contamination is indicated and because the subsurface depth makes the contamination detected in the one sample inaccessible to most people, these soil samples are dropped from further analysis and discussion in this document. (Sanitation Workers are routinely exposed to soils at these levels.)

Phase IV

Analytical results indicate the presence of PAHs in one sample from the ditch (0.85 ppm BaPEq) and in 2 samples from the impoundment area (up to 8.6 ppm BaPEq). Bis (2-ethylhexyl) phthalate was detected in two samples collected from the ditch (up to 0.8 ppm) and in three samples (up to 5.9 ppm) collected from the impoundment area. None of the bis (2-ethylhexyl) phthalate detections were above the applicable comparison value for the chemical. (No mention of phthalate esters as breakdown products of PAH in sunlight.)

#### b. Ditch Sediments

A completed exposure pathway that existed in the past, and that may continue to the present and future, was exposure to ditch sediments. Residents reported that the ditches occasionally overflowed, causing contamination to move outward from the ditches into surrounding residential yards and properties.

#### b. Groundwater/Private Wells

Past releases from the Kerr-McGee facility have contaminated groundwater at concentrations above applicable health-based comparison levels [7]. The RCRA facility investigation identified that the alluvial and Eutaw aquifers underneath the facility are contaminated with chemicals from the wood-treating operations [57]. While contamination is present in the groundwater beneath the facility, this pathway is incomplete because no one is currently drinking the contaminated groundwater. There is a public drinking water well with 1 mile of the site and no mention of the well pulling the plume was made.

The contaminant plumes are composed of both free creosote product and dissolved constituents. The western free product plume extends from the facility production process area southward toward 7<sup>th</sup> Avenue, and may be present in the vicinity of 23<sup>rd</sup> Street [6]. The eastern free product plume extends from the vicinity of the railcar loading and unloading area toward Moss Street [6]. Groundwater sampling results reveal the presence of creosote constituents such as PAHs and phenols, and xylenes and PCP.

There is significant contamination of groundwater beneath the site. The uppermost alluvial and the Eutaw aquifers underlie the plant site and are contaminated. The Eutaw aquifer is a source of both industrial and domestic water supplies on a regional basis.

#### d. Biota

The Luxapalila Creek, located approximately 0.5 miles east of the site, is the largest perennial drainage in the vicinity of the facility (September 2002). Luxapalila Creek is classified for fish and wildlife support downstream of the facility. Therefore, ATSDR conducted an Exposure Investigation (EI) in June 2008 to determine if fish in the Luxapalila Creek have been impacted by site-related contaminants. Currently we are unable to get ATSDR to release that data.

#### Dioxins

Therefore, it is likely that the level of TCDDs in sediment posed a public health hazard to children who played in the ditch sediment.

Using the same analysis as above, ATSDR compared the adult doses to known toxicological values. The calculated adult doses are approximately 3 to 16 times greater than the LOAEL.

Therefore, adults may similarly be at risk from exposure to ditch sediment.

We are currently unable to review this data.

### 5.09.0 Conclusions

1. The Kerr-McGee site is a **past public health hazard**.
4. Currently, the site is an **indeterminate public health hazard**. Residual contamination has not been sufficiently defined in residential or public areas prone to flooding.

#### Low Birth Weight Lowndes, Mississippi

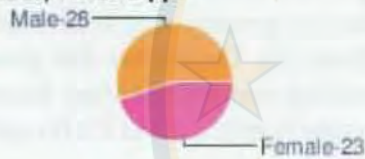


	Female	Male	Total
<b>Black</b>	n/a	n/a	329
<b>White</b>	n/a	n/a	157
<b>Other</b>	n/a	n/a	6
<b>Total</b>	266	226	492

**Low Birth Weight Rate: 106.01 per 1000 Live Births**

**HRSA** 2004 data. Low birth weight rates higher than the national rate may be an indicator of an environmental justice community

#### Infant Mortality Lowndes, Mississippi



	Female	Male	Total
<b>Black</b>	n/a	n/a	n/a
<b>White</b>	n/a	n/a	n/a
<b>Other</b>	n/a	n/a	n/a
<b>Total</b>	23	28	51

**Infant Mortality Rate: 10.99 per 1000 Live Births**

**HRSA** Infant mortality rates higher than the national rate may be an indicator of an environmental justice community.

October 15, 2009

A. Stanley Meiburg  
Acting Regional Administrator  
EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street SW  
Atlanta, GA 30303

Dear Mr. Meiburg:

In 2003, the residents of Tallevast, Florida, a small, but historic community just north of Sarasota, discovered that their groundwater had been contaminated. They did not discover this information via a notice from the government or a community meeting by the responsible party. Instead, a resident awoke one morning to a drilling crew performing a boring in her lawn. When asked what they were doing, she discovered that Lockheed Martin had dispatched them to begin testing that would precipitate a long and grueling ordeal for the Tallevast community; an ordeal that is still far from over.

The plant site was a precision weapons manufacturing facility, which changed hands throughout the years, but is currently owned by Lockheed Martin. So far, Lockheed Martin and the Florida Department of Environmental Protection (FDEP) have identified ten chemicals that have leached into the groundwater of the community. The community fears that time will prove that number to be far greater. Since the community utilized wells for drinking water and other domestic uses, the discovery of the contamination posed particular problems and the residents were devastated that they had spent a countless number of years consuming poisoned water. The most egregious part of the entire situation was that the county and Lockheed had known for almost three years about the contamination and had done nothing to warn the community. A community drinking out of contaminated well water! There was a loophole in Florida's notification law at the time that required notification, but did not provide a time frame. Because of the incredible disregard of the community through this failure to notify and the hard work of the Tallevast residents and their attorneys, the Florida legislature changed the law in 2005. Now called the Tallevast rule, there are specifically mandated time frames in which responsible parties must notify adjacent property owners. While this law is a much needed improvement, it does nothing to erase the harm caused by the failure to warn this community.

The federal and state contamination laws are woefully inadequate to protect the individuals and communities affected each year by contamination. At the beginning of the Tallevast case, the EPA and the FDEP could not even decide whether this should be a federal Superfund site or whether the responsibility for clean-up lay with the state. The state eventually took

**Florida Office**

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responsibility for the site, an ever more frequent occurrence since the funding for the federal Superfund program is far from ideal. The ramifications of the choice of state governance are felt daily in the battle over the clean-up of Tallevast. Since the Florida program (Fla. Stat. 376.30701, hereinafter RBCA) has far fewer opportunities for public involvement than its federal counterparts, the residents of Tallevast have to beg, borrow and steal for any sort of meaningful participation in the clean-up process. They are well aware that the few gains they have made over the past six years are solely a result of sporadic prompting of Lockheed by the FDEP or the whims of the massive juggernaut that is Lockheed Martin. The residents of Tallevast are a cohesive and strong community, but they cannot match the resources, experience and legal expertise an immense corporation like Lockheed Martin wields.

Over the past six years, the residents of Tallevast have been participating in what Lockheed has declared a "collaborative" process to create a Remedial Action Plan (RAP) to clean-up the community in the most efficient way possible. The residents came to the table with high hopes, eager to partner with Lockheed and do what was necessary to restore their community. Yet, continually the residents have been met with broken promises, calculating and manipulative moves by Lockheed, government agencies that "lawyer up" when approached and state laws that do not even come close to assisting the people they were purportedly designed to help. RBCA and its associated administrative rules, create a clean-up scheme that utilizes only the responsible party and the government agency. The actual residents of Tallevast affected by the pollution and associated clean-up can only turn to the inadequate provisions of the Florida Administrative Code or the occasional mandate by a government agency that requires Lockheed to take into consideration the views of the community. In addition, RBCA gives the responsible party a level of discretion that verges on unbridled. These factors, taken together, amount to disaster for communities faced with a protracted clean-up.

Currently, after six years, we are on the third version of the RAP. This version shows little improvement over the first two. The current RAP projects a 50-100 year clean-up time frame. That is after a 3-5 year build out of the remedial system. It fails to utilize the most efficient clean-up methods and neglects to consider the people that will have to live in close proximity to an active remediation site. Just recently Lockheed Martin informed the community that they would no longer consider relocation of Tallevast. Thus, much, if not all, of the community will have to live out the rest of their lives above a plume of contamination, a heartbeat away from a noisy, disruptive, dirty remediation site.

The residents of Tallevast have continually appealed to the EPA to assist them in their plight. All such requests have fallen on deaf ears and have been met with silence. The residents of Tallevast are desperate for the resources and experience the EPA possesses. They are looking for their guidance and insight and have seen little, if any, engagement from the agency.

We thank you for the opportunity to communicate the concerns of the Tallevast community to you. We hope that this provides insight and will help to bring about change in the way clean-ups occur.

Sincerely,

Sarah Schwemin  
WildLaw Staff Attorney

October 20, 2009

A. Stanley Meiburg  
Acting Regional Administrator  
EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303

Dear Mr. Meiburg,

We sent the following email message with attached documents to CEQ principals and Heinz Mueller, Region IV, NEPA Coordinator. No one replied, no one has done anything. Note the request for help in requesting help if that is what it took.

Many of our laws and regulations are not made for us in our communities but for the individuals in government to mandate actions in certain cases. You were our safety net but you were not there. How can we pursue administrative relief when the administrators are not there?

Email Sent: Tuesday, July 07, 2009 6:44 PM

Messrs. Boling, Greczmiel and Mueller:

Please find attached a request for NEPA compliance investigation into TVA's nondocumented Categorical Exclusion for their TVA Megasites Program, TVA's nonaction on the individual Certification and the TVA officially touted "environmental review" for the Haywood/Hatchie Megasite in West Tennessee.

Our group of citizens in and around the "proposed" megasite have repeatedly requested participation in a meaningful environmental study and analysis from TVA and the State of Tennessee at all levels but have been rebuffed and/or ignored at all phases of this huge designated industrial site including the most important phase, during planning and before decisionmaking.

We ask only that this NEPA process be done in the order in which NEPA mandates. BEFORE major decisions and actions are taken.

Please act or advise us to the shortest path to action else our community will effectively perish before the onslaught of industrial expansion, urban sprawl and unknown adverse environmental effects from air and water pollution and the depletion of our natural resources so necessary for our rural agricultural lifestyle.

Whether it is Environmental Justice, the duly registered Fredonia Baptist Church (National Historic Register), the lack of discharge waters for a NPDES, prime and unique farmland, wetlands protection, the Hatchie National Wildlife Refuge and the environmental controversies inherent to THIS site, TVA's nonaction and Categorical Exclusion is unwarranted and unsupported by their own NEPA policy procedures.

We have included several attachments that was received from FOIA requests that should serve as evidence that TVA's role in the creation and aggressive industrial recruitment of this rural site is much greater than the act of contracting with McCallum Sweeney for a certification and a "identification" of the site in their industrial siting inventory as is claimed by TVA "responsible" parties on this matter.

Some of the Notable Documents Included:

1. TVA reply to Cliff Rader, EPA NEPA officer confirming a nondocumented Categorical Exclusion of the TVA Megasite Program and nothing for the individual certification of the Haywood/Hatchie megasite.
2. Excerpt from TVA/McCallum Sweeney siting consultant contract showing money expended and Scope of Work, note that TVA decided which sites would be subject to certification process and proclaimed an intent to aggressively market certified sites as opposed to "catalogueing".
3. Excerpt from TVA/Mendrop-Wages contract and billing statements showing TVA contracted for site specific and industrial client specific services to provide engineering estimates for construction schedules an onsite consulting with the potential client.
4. Excerpts from TN Dept of Environment and Conservation informing TVA and Haywood County the Little Muddy and Big Muddy tributaries of the Hatchie River and the Hatchie River itself would not support wastewater disposal on an industrial level.
5. Excerpts from TN Econ Dev application to US Dept of Energy for ARRA funds for State Energy Program detailing that Solar Farm was to placed on the new West TN Megasite and then below denying that the Solar Farm was part of larger project and that NEPA documentation and environmental review had been done. It also says that other Federal funds would not be requested for other phases while there is a budget item for \$2,000,000 in Federal Highway Enhancement funds for a Solar Tourist Center at the Interstate Exit and new Interstate exit and infrastructure is being planned.
6. Excerpts from emails from TVA Marketing Specialist Bill Adams showing the coordination and management of the site specific certification efforts even while they were in constant contact with the industrial recruit (Toyota) to market the site and effect a total reworking of the immediate and surrounding environment.
7. FOIA request from Tennessee Clean Water Network Executive Director Renee Hoyos detailing the need for information that would be received from the NEPA process and the environmental controversies inherent to the Haywood/Hatchie site.
8. Excerpts of emails discussing wetlands and whether "friends" would be able to use the wetlands in future conversations about the site.
9. TN Code 64-6-103 defining a "Megasite" under Tennessee Law. Note the certification requirements mirror the TVA/McCallum Sweeney (MSC) "considerations" including environmental review and it is probable the Commissioner of TN Econ Dev has or will specify the TVA/MSC process as being acceptable for "certification". This certification by proxy will be the deciding factor of the State of TN expending public funds on a site that has excluded the public from all considerations of the impact such site will engender on the public.
10. Other misc docs

There is more information in our hands from the 2006 application for certification and we are sure there is much more information in the administrative record of TVA that was not released and

more that has been generated since then. Note also the undue length between the TCWN request for information and the release of limited data. There was also much redacting.

Please reply soonest in this matter, our community is at stake. If we need to communicate in another fashion or method, please advise!

Gary Bullwinkel  
Spokeperson  
Citizens Against the Haywood/Hatchie Megasite  
Stanton, TN  
901-517-4358

Thank you,  
Gary Bullwinkel







# GreenLaw

Giving Georgia's Environment Its Day In Court

October 27, 2009

Mr. Stan Meiburg, Acting Regional Administrator  
U.S. Environmental Protection Agency, Region IV  
Sam Nunn Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

RE: Environmental Justice and Air Permitting in Georgia

Dear Mr. Meiburg,

While air pollution poses a threat to everyone, studies show that communities of color and lower income communities often face a greater risk of exposure to the negative environmental and public health effects of decreased air quality. Moreover, the Georgia Environmental Protection Division (EPD) does not evaluate or consider the possible disparate impacts to communities of color and low-income communities as a result of their permitting decisions.

An example of this can be found in EPD's failure to consider the disproportionate impacts on low income and minority communities of the Longleaf Energy Station, a proposed coal-fired power plant to be located in Early County, Georgia. The importance of considering these factors cannot be underestimated as pollution from coal-fired power plants impacts certain communities at a higher rate than the general population. It is well established that fine particle pollution from power plants have been linked to asthma attacks, respiratory disease, heart attacks, and premature deaths.<sup>1</sup> Among the pollutants emitted from power plants are nitrogen oxides and sulfur dioxide, which form particle pollution. These fine particles are inhaled deeply into the lungs, affecting both the respiratory and cardiovascular systems.<sup>2</sup> While pollution from power plants affects all people, 68 percent of African Americans live within 30 miles of a coal-fired power

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<sup>1</sup> Clear The Air, "Dirty Air, Dirty Power, Mortality and Health Damage Due to Air Pollution from Power Plants," June 2004.

<sup>2</sup> Black Leadership Forum, et al. "Air of Injustice, African Americans and Power Plant Pollution," October 2002, available at <http://www.cleartheair.org/fact/injustice.pdf>.

plant.<sup>3</sup> Moreover, asthma occurs disproportionately among African Americans in Georgia, who are two to three times more likely than whites to suffer asthma related deaths.<sup>4</sup> Nationally, although African Americans represent 12.7% of the U.S. population, they account for 26% of asthma deaths.<sup>5</sup> Even more alarming is the fact that African American children are five times more likely to die from asthma than white children.<sup>6</sup>

LS Power, by locating the Longleaf Energy Station in Early County, is perpetuating the trend whereby African Americans suffer a disparate burden of air pollution. According to U.S. Census data, 50.2% of Early County residents are African American, while African Americans make up only 29.6% of Georgia's general population. Moreover, 23.3% of Early County residents are below the poverty line, according to Census data; this compares with 13.3%, statewide.

Despite the fact that vulnerable communities would suffer a disparate burden from the proposed Plant, EPD publicly announced that it has not considered these factors in its decision-making process.<sup>7</sup> EPD should have considered these factors before issuing this permit as it is well established that consideration of these factors is essential to eliminating inequitable exposure to disproportionate environmental and human health risks. In Executive Order 12898, the President acknowledged the importance of considering factors of environmental justice in administering federal programs and called upon agencies to take measures to address the disproportionate, adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

"To the greatest extent practicable and permitted by law, . . . each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies,

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<sup>3</sup> American Lung Association, Lung Disease Data in Culturally Diverse Communities: 2005. Lung Disease Data at a Glance: Asthma, *available at* <http://www.lungusa.org>.

<sup>4</sup> The Georgia Conservancy citing Dr. Richard Bright of the Morehouse School of Medicine ([www.gaconservancy.org](http://www.gaconservancy.org)).

<sup>5</sup> American Lung Association, Lung Disease Data in Culturally Diverse Communities: 2005. Lung Disease Data at a Glance: Asthma, *available at* <http://www.lungusa.org>.

<sup>6</sup> *Id.* citing Environmental Defense, "Clean Air for Life: Dirty Air & Your Health. Asthma and Air Pollution," *available at* <http://www.environmentaldefense.org>.

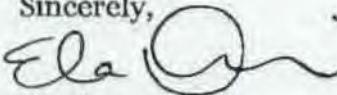
<sup>7</sup> EPD Question and Answer Session on the Longleaf Energy Station in Early County, October 17, 2006.

and activities on minority populations and low-income populations in the United States. . . .<sup>8</sup>

Congress, through the federal Clean Air Act delegates authority to state permitting agencies to promulgate and enforce air quality standards.<sup>9</sup> As an agency responsible for the administration and enforcement of federal laws and programs, EPD is responsible for integrating the consideration of disparate impacts to sensitive communities into its decision-making and permitting processes. The state permitting authority, in administering federal law, should not be able to circumvent federal directives in carrying out their delegated authority. Accordingly, prior to any final decision – a thorough analysis of the disproportionate environmental and public health impacts on the surrounding communities should be completed. Absent such an analysis, the permit should not be issued.

As EPA is the agency responsible for overseeing that EPD carries out its delegated authority appropriately, EPA should require that EPD evaluate possible disparate impacts in issuing air quality permits. Further, EPA should require that all states amend their state implementation plans to include consideration of disparate impacts on communities of color and low-income communities in all air quality permitting decisions.

Thank you very much for your consideration of these comments and for your willingness to create a community forum in which these issues can be raised. I look forward to continuing the dialogue on these important issues. If there are any additional questions, please do not hesitate to contact me at [eorenstein@green-law.org](mailto:eorenstein@green-law.org) or (404) 659-3122.

Sincerely,  
  
Ela Orenstein  
Staff Attorney

<sup>8</sup> Exec. Order No. 12,898, 59 Fed. Reg. 7629 (1994).

<sup>9</sup> 42 U.S.C. §7409(a).



and activities on minority populations and low-income populations in the United States.

The program through the National Center for Health Statistics is responsible for the development and implementation of federal laws and programs. It is responsible for providing the coordination of department projects to various communities in the decision-making and planning processes. The state planning authority, in collaboration with federal and state health departments, should be able to coordinate federal efforts in

meeting out their health care needs and to provide a health care system through analysis of the health care system and to provide health insurance to the underserved population. The program should be able to coordinate the health care system and to provide health insurance to the underserved population.

As the program is responsible for the development and implementation of federal laws and programs, it should be able to coordinate the health care system and to provide health insurance to the underserved population. The program should be able to coordinate the health care system and to provide health insurance to the underserved population.

Thank you for your interest in the program. If you have any questions, please contact the program manager at the address below. We look forward to providing you with the information you need.



  
The Director  
Health Statistics

Mr. A. Stanley Meiburg  
Acting Regional Administrator  
EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303

October 19, 2009

Dear Mr. Meiburg:

The comments below were sent to EPA Headquarters and the Department of Justice after a record breaking consent decree they reached with DuPont/Invista in the spring of 2009.

Please review these comments of the Pittard Road Community in Athens, GA. Pittard Road was given a cancer cluster investigation from 2003-2006 without DuPont/Invista's numerous environmental violations being documented or investigated by local, state and federal authorities.

We recently petitioned the Agency for Toxic Substance & Disease Registry (ATSDR) for another investigation in light of these significant violations. ATSDR denied the investigation. As you maybe aware, ATSDR was found guilty of extensive environmental public health failures by a House hearing on 12th March 2009 so we do not have trust in their cooperative findings with the State of Georgia.

We remain convinced because of these violations and from documents we have obtained through FOIA that Pittard Road was victimized by this industry.

Will you please assist us?

Sincerely,

Jill McElhenny

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Public Comments DuPont/Invista Consent Decree:

### A TALE OF TWO TERRORISMS

It was the best of times in Spring 2009:

DuPont managed to dodge another tetraethyl lead bullet from their stunning thirty years of stealthy operations in Athens, Georgia. Selling off this illegally operating facility to

InVista in 2004, along with eleven others in seven states totaling 680 law breaking acts, it may surpass in genius the infamous blood money DuPont stole from unleashing tetraethyl lead on the world. In any case, the 2004 DuPont/InVista deal of forty facilities worldwide proved DuPont hadn't lost its Midas touch of generating poisoned profits.

InVista, in an outcry that a professional con artist took unfair advantage of them, reached a record breaking audit agreement with the Environmental Protection Agency, and the Department of Justice providing cushy bottom line benefits and legal immunity.

Dr. Richard Besser, in his final days as reigning CDC Interim Director, sat on the front row of a bioterrorism preparedness lecture at the University of Georgia receiving praise from keynote speaker, Dr. Isaac Ashkenazi.

American Cancer Society, in spite of the global economic downturn, restocked their treasure chests once again from a tried and true marketing strategy of heartstring pulling at Relay for Life fundraisers all across cancer stricken communities in Northeast Georgia.

And on Pittard Road, the neighborhood behind DuPont/InVista, only a few miles from the University where Dr. Ashkenazi gave his terrorism lecture this week, and students raised money for the coffers of American Cancer Society, LIFE GOES ON . . .

It was the worst of times in Spring 2009:

Under Dr. Besser's leadership, CDC Agency for Toxic Substances & Disease Registry was charged by Congress in an astounding hearing on Capitol Hill with ongoing and extensive public health failures to protect American citizens from toxic trespasses of hazardous waste.

Stephen Dent, married heir to the DuPont one hundred million dollar (\$100,000,000) fortune, made the news of his sugar daddy escapades with three women who attempted to extort his global InVista sell-off.

American Cancer Society in their own trysts with environmental health movers and shakers released details of a secret meeting which questions the foundational truth of whether it perpetuates or prevents cancer.

The Environmental Protection Agency and the Department of Justice in entering into this consent decree with DuPont/InVista did not consider that these corporations deliberately misled, withheld, and falsified statements in an official three year cancer cluster public health investigation by federal, state, and local authorities.

And on Pittard Road, the community behind DuPont/InVista, only a few miles from the University where Dr. Ashkenazi gave his terrorism lecture this week, and students raised money for the coffers of American Cancer Society, DEATH GOES ON. . .

I sat listening to Dr. Ashkenazi on Tuesday define terrorism as an attack on innocence.

He stressed the importance of getting inside the head of a terrorist to better understand such a violent worldview. Showing graphic videos that revealed terrorists don't think twice about brutalizing their own; muchless, carrying out mass casualties on their sworn enemies, I let my mind wonder. . .

If I was offered \$4000.00 for my oldest son in college to carry out a terrorist act, what depths of despair and brainwashing would take me there? That's the cheap price tag Dr. Ashkenazi placed on a militant indoctrinated mind who comes to believe a sacrificial act of killing oneself to eliminate others has eternal rewards.

I recognized the trademark on these attacks of innocence. A spirit that seeks to kill, steal, and destroy leaves fingerprints at the scene of the crime beyond the chaos and confusion the media captures.

Terrorists are victims themselves of the evil master they serve. Coming as an angel of light but leaving total darkness, they become just another meal for a blood thirsty lion.

Sitting on the front row at the lecture was Dr. Richard Besser, Interim Director of the CDC, who smiled quite a bit perhaps out of relief because the swine flu crisis was apparently under control for the time being. His injury prevention staff joined him. Dr. Ashkenazi was not short of praise for CDC, and informed the audience our U.S. anti-terrorist systems were in place and working well.

But that was not an entirely true statement. An attack on innocence happened just a few miles away from this UGA lecture hall gathering of mass casualty experts. In a neighborhood known as Pittard Road, a toxic assault by DuPont on this community went unchecked for three decades.

In March 2003, an elected Georgia leader, a Pittard Road resident, and a children's environmental health ministry, all petitioned Georgia Public Health to investigate a large number of cancer cases on Pittard Road.

An initial investigation resulted in a mixed messages report released in August 2004 by the local Northeast Health District which concluded that data examined of high cancer cases among young women "indicated that this was likely due to a familial disposition and not linked to environmental pollutants or toxins."

This conclusion was based upon an interview with DuPont/InVista in which the facility was asked about their operations and emissions given their close proximity to Pittard Road homes.

DuPont/InVista responded that "we do not emit anything but vegetable oil." No effort was made to double check the validity of this statement.

Now we know it was false from eighteen violations that are defined in this consent decree confirmed by Counselor Bernadette Rappold, Director, Special Litigation and Projects Division (MC 2248), Office of Civil Enforcement of the U.S. Environmental Protection Agency.

Records obtain through EPA Region IV FOIA on October 2004 indicated hazardous waste played a role in the operations of DuPont dating back as early as 1980 in their polymer-based fiber manufacturing.

A suspiciously large absence of permits and records for twenty five years indicates a regulatory breakdown in overseeing the compliance of DuPont's operations in Athens, Georgia. A simple internet search will prove that nylon and fiber manufacturing of this nature require permits to operate.

Why were these permits missing? Why did the public health agencies refuse to interface with the regulatory agencies on this illegally operating facility? Why were facility monitoring wells not reviewed given the historical background problems with private wells reported by the Pittard Road residents?

Ms. Carolyn Callihan, EPA Region IV, in a phone conversation during the investigation, reported to me that DuPont was not actually in their databases which she found quite odd. Why didn't Ms. Callihan follow up to this omission knowing a public health investigation was underway?

Ms. Cynthia Peurifoy and Mr. Elvie Barlow, EPA Region IV, in a phone conference with me, stated there was nothing Environmental Justice could do for Pittard Road residents. They, too, failed to check this facility who was in noncompliance status during the cancer cluster investigation. They suggested we form a relationship with the industry.

Why didn't Ms. Peurifoy, Mr. Barlow, & Ms. Callihan follow up with this facility during these inquiries? Upon doing so, they would have discovered it was not being tracked by the regulatory agencies thus altering the outcome of the public health investigative reports.

It is evident from the violations outlined in this consent decree that DuPont has a long and extensive history of corporate abuse of the environment. This abuse was occurring at the time of the cancer cluster investigation.

What irony and insensitivity that Mayor Heidi Davison would agree to speak at a DuPont/InVista celebration honoring Dr. Martin Luther King in January 2004 as the predominantly African American community of Pittard Road was being duped of a fair health investigation.

Why didn't Mayor Davison have her newly appointed Environmental Coordinator perform a background check on the facility externalizing their waste onto Pittard Road

given their knowledge of the highly publicized cancer investigation underway at the time?

This facility was also in violation of local ordinances at the time. Bringing to light these violations would have potentially changed the local direction of the Northeast Health District's Investigations into Occurrence of Cancer in the Pittard Road Community in August 2004. Why was this knowledge concealed?

The health investigators avoided ambient air and soil sampling citing lack of funding although residents had referenced these concerns. The contaminants that tested in residential well water were dismissed with unfounded assumptions of their harm, origin, and duration.

Withholding of these eighteen violations maliciously exposed a known sick community to environmental health risks from industrial operations of DuPont/InVista thus invalidating the local public health investigation.

The responsible regulatory agencies with authority failed in their duties to properly investigate the community concerns of this facility, but instead showed partiality to DuPont/InVista.

In 2006, CDC Agency for Toxic Substances & Disease Registry issued a Health Consultation in collaboration with the state of Georgia on the cancer cluster investigation of Pittard Road. This report is not released until an CDC/EPA senior regional representing liaison signs off on approval.

Again, DuPont/InVista remained under the radar in this report although the facility was knowingly compromising the quality of the environment at the time of the investigation with estrogenic compounds and carcinogenic emissions.

There was no effort made by InVista to report their discoveries of DuPont's illegal activities in order that these numerous violations be included in the public health investigation underway at the time.

In fact, the authors of the Health Consultation, stamped with the approval of the U.S. Department of Health and Human Services, attempted to downplay any role chemical trespassing as a causation in the reported cancers from any nearby industrial source. This suggests that public health investigators were deliberately covering up involuntary exposures to Pittard Road residents.

Were agencies aware of these violations taking place under their noses as they falsely assured the community it was safe? The violations of this consent decree include ambient air, water, and soil mediums.

Were the agencies' conclusions predetermined, and a hunt to locate external sources to support their position?

In one inaccurate statement inserted into the Health Consultation and attributed to the American Cancer Society, it claimed: "studies have not been able to identify any chemical in the environment or in our diets that is likely to cause breast cancer."

Not only is this a false statement, the reliability of American Cancer Society data in a government issued report is questionable and inappropriate due to the extensive conflicts of interest the charitable organization has to corporate funding.

A month before EPA and DOJ reached this audit settlement with DuPont/InVista, the Investigations & Oversight Subcommittee of the Science & Technology Committee charged the agencies responsible for issuing these public health reports with jackleg science and extensive public health failure.

[http://science.house.gov/publications/hearings\\_markups\\_details.aspx?NewsID=2376](http://science.house.gov/publications/hearings_markups_details.aspx?NewsID=2376)

Congressman Dr. Paul Broun, ranking member of this committee, and our elected representative, has called for reformation of the procedures and peer reviewing process to prevent this type of faulty and erroneous science resulting in unhealthy toxic assaults to millions of Americans.

We have asked that these reports on Pittard Road be rescinded, and are awaiting response from the CDC and our elected leaders as to instructions on properly filing the official documentation for this 2006 Health Consultation to be withdrawn. Sufficient evidence exists to rescind the Health Consultation based on the eighteen DuPont/InVista violations intentionally omitted from the investigation.

These comments serve as an official request to the Environmental Protection Agency and the Department of Justice to notify the CDC Agency for Toxic Substances & Disease Registry, EPA Region IV, GA Public Health Chemical Hazards Program, GA Environmental Protection Division, and the Northeast Health District that these violations were occurring during their joint investigation therefore rendering their collective conclusions null and void.

These comments serve as an official request to EPA and the Department of Justice to authorize an investigation into this defrauding, and to re-open the cancer cluster investigation to correctly document the eighteen violations and their adverse health effects to Pittard Road residents.

We had also filed an EPA FOIA requesting documentation on this facility to include data on the eighteen violations of this consent decree. An expedited request was made in a timely manner to review the documents for these comments, but no notification of approval has been received by EPA before the deadline for submission of these comments.

At this time, the consent decree is not in the best interest of all parties having brought forth this new information. The Pittard Road Community deserves a fair, accurate, and comprehensive environmental public health investigation into the false statements, inadequate purview, and degradation from illegal operations by DuPont/InVista.

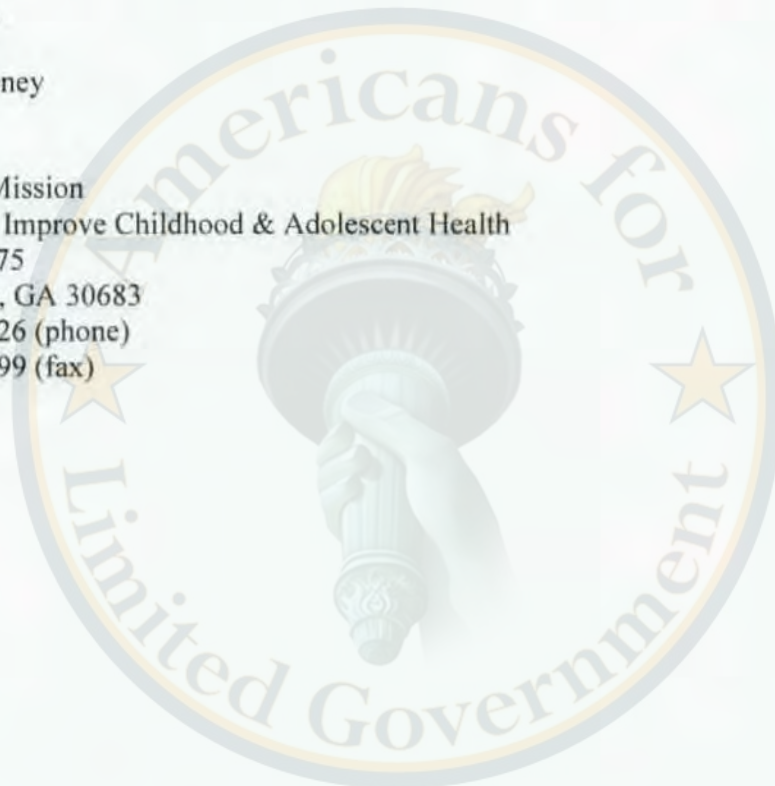
It is likely that the ongoing violations of this facility at the time of the cancer cluster investigation combined with three decades of dodging regulations contributed to the high cancer rates of the Pittard Road families.

We ask that EPA and the DOJ consider these comments and what is in the best interest of those violated by DuPont/InVista by terminating this consent decree.

Thank you,

Jill McElheney

MICAH's Mission  
Ministry to Improve Childhood & Adolescent Health  
P.O. Box 275  
Winterville, GA 30683  
706.742.7826 (phone)  
706.543.1799 (fax)









October 21, 2009

A. Stanley Meilburg,  
Acting Regional Administrator,  
EPA Region 4  
Sam Nunn, Atlanta Federal Center  
61 Forsyth St. S.W.  
Atlanta, GA 30303

Dear Mr. Meilburg,

The Pensacola, Florida area is plagued with many environmental disasters. The two Superfund sites (Escambia Treating Company and Agrico Chemical Company) that led to the eventual relocation of over 300 families still presents problems in the Pensacola area. In addition, there are other industries still in operation that have proven not to be very good neighbors. As Executive Director of Citizens Against Toxic Exposure (CATE) I would like to take the time to draw attention to the concerns that remain, and the problems that our communities were faced with despite the relocation program.

In addition to the Escambia Treating Company and Agrico Chemical Company, Pensacola residents share their neighborhoods with other industrial giants whose lack of consideration for the health and well being of Pensacola's residents and the environment is incomprehensible. With neighbors like Gulf Power (Crist Plant), Solutia Inc., International Paper, Reichhold Inc., and Arizona Chemical Co., among others, the residents of Pensacola are constantly bombarded with pollution.

Funded by a State grant, CATE conducted an air and soil pollution campaign from February 2007 through July 2009. The findings of CATE's own samples were startling. Well over half of CATE's 43 air and soil samples taken over this approximately two year period exceeded the EPA Region 6 Screening Levels, Texas Effects Screening Levels, or the Agency for Toxic Substance and Disease Registry's Minimal Risk Levels. Most commonly, the chemicals that exceeded those standards included: Radium 228, Potassium 40, Arsenic, alpha-Pinene, Dimethyl Sulfide, Methyl Mercaptan, and Hydrogen Sulfide. In some cases, Arsenic was detected in soil at almost 21 times the EPA Region 6 Screening Level of 0.39 mg/kg, while Hydrogen Sulfide was detected on more than one occasion at over 13 times the EPA Region 6 Screening Level of 2.1  $\mu\text{g}/\text{m}^3$  (1.5 ppbv).

While Pensacola residents are left to wonder how they may have been exposed to hazardous chemicals and why their health is deteriorating, the EPA seems unwilling to bring any enforcement actions to protect public health and the environment. It is disheartening that while the federal government put their resources into relocating over 300 families from the toxic areas surrounding the two Superfund sites in Pensacola, the blatant disregard for human health and the environment still persists with no accountability. Even the Agrico site,



a Superfund site with active remediation occurring still shows high levels of Radium 228 in residential soils surrounding the site. It is clear that whatever remediation is occurring is inadequate. CATE would like to see this clean-up process evolve into a more collaborative and transparent effort, one that include the residents who are *still* living near the contaminated site. It is clear that additional testing is needed to determine if areas that are currently deemed "clean" are in fact free of contamination. In addition, a health assessment must be done to address the health of the current and former residents surrounding the Superfund area. The many residents who were not relocated and are still being impacted by the direct source of contamination must be considered for relocation.

This letter not only seeks to exemplify the serious pollution problems residents in Pensacola are still facing, but also aims to highlight the many complaints and concerns from the first community relocation from the Escambia Treating Company area. Many of the community members who were relocated feel that they were treated unfairly. Many have expressed that they felt threatened by the federal government, who pressured residents in the Superfund area with imminent domain if they did not take the offers presented to them on their properties. Many families were placed in even more devastating conditions than those they sought relocation from. Some relocated families expressed extreme disappointment when they found holes in their kitchen and bathroom floors, leaking furnaces, rotting roofs, and mortgages beyond their means. One person did not receive their full benefit package because they had not lived in the dwelling for 180 days (a black female) and was told by the Corp. of Engineers (Willie Patterson) that another individual that had not lived in her home for 5 years received her full benefit package (a white female).

In addition to the poor treatment of affected residents, some property appraisals were extremely low, and when complaints were made no second or third appraisals were offered. A select few residents were given astronomical appraisals for properties that did not appear to be in any better location or condition, and received relocation benefits and additional funds for storage. Property owners were also not notified about the renter's settlement. The federal government was using an old relocation policy that had not been updated at the time this relocation was occurring. CATE asked for a new policy and to date we have not received any new or updated relocation policy.

While the relocation mainly focused on residential areas, a few businesses were also offered relocation. Unfortunately, although CATE, a nonprofit corporation, was leasing office space in the affected area, no relocation plan was offered to us. This oversight highlights the disparate treatment that arose during the relocation process, and is unacceptable to CATE.

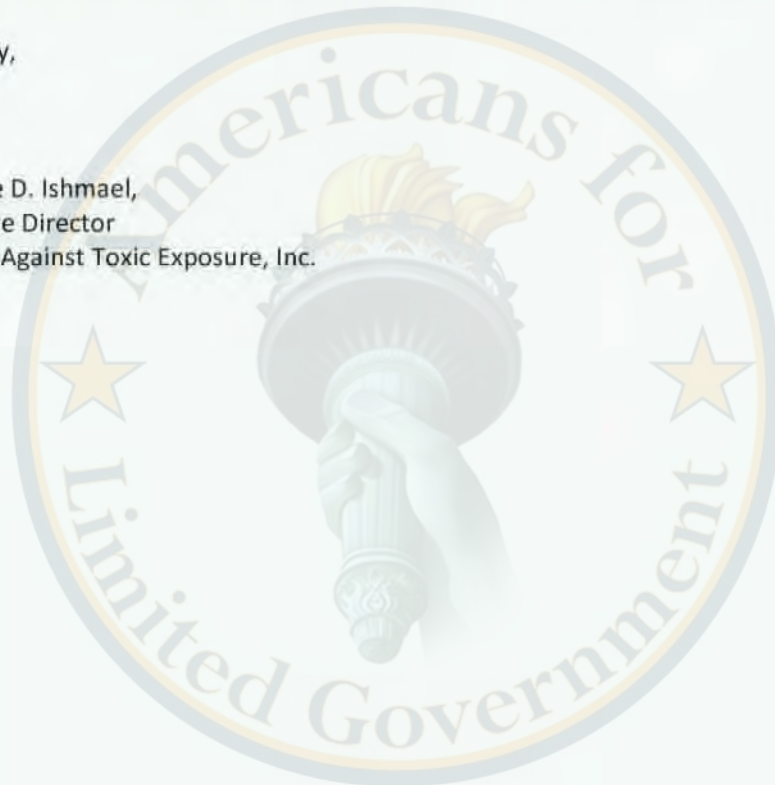
It also appears that the EPA handled the Technical Assistance Grant (TAG) Award inappropriately even while CATE had a mediator involved. When CATE was not awarded the TAG award recently, after they had for the last several years, the move seemed unprecedented. CATE reached out to the EPA and when those efforts failed, CATE approached the group who received the award, the Clarinda Triangle Association. Unfortunately, the Association was not interested in working together with CATE and other interested allies.



Mr. Meilburg, we urge you to affect fundamental change in the EPA Region 4 states. Please do not let these environmental injustices continue to be overlooked. There is a strong need for further enforcement, hazardous waste clean-up, and relocation in this region. Inadequate and unequal protection is unacceptable to the people of Pensacola, Florida. We appreciate your attention to this matter and hope to hear back from you soon on your intentions and efforts for reform.

Sincerely,

Francine D. Ishmael,  
Executive Director  
Citizens Against Toxic Exposure, Inc.





## AGENDA

U. S. Environmental Protection Agency, Region 4

Senior Leaders Meet with

Region 4 Environmental Justice Community Representatives

Atlanta Federal Center Conference Room D

Tuesday, October 27, 2009

10:30AM - 12:00PM

Welcome/Introductions -- EJ Participants and EPA Senior Staff (15 min.)

Opening Statement (3-5 min.)

Dr. Robert D. Bullard, Director  
Environmental Justice Resource Center  
Clark Atlanta University

Opening Remarks (3-5 min.)

A. Stanley Meiburg  
Acting Regional Administrator  
EPA Region 4

Summaries of Environmental Justice Issues

Dr. Bullard Overview (2 min.)

Oral Statements from EJ Leaders by State (2-3 min. each;  
30-35 min.)

**Alabama** - Barbara Evans, Wildlaw (Burkville, AL); Lisa Evans, Earthjustice (Marblehead, MA), David Baker, Community Against Pollution (Anniston)

**Florida** - Wanda Washington, FOCUS (Tallahassee); Sarah Schwemin, Wildlaw (St. Petersburg)

**Georgia** - Jill McElheney, Northeast GA Children Environmental Health Coalition (Athens); Charles Nash, Concerned Citizens of Dunlap Road (Athens); Ela Orenstein, Greenlaw on behalf of residents of Early County, GA

**Mississippi** - Sherri Jones, Forrest County Environmental Support Team (Hattiesburg); Rev. Steve Jamison, Maranatha Faith Center (Columbus)

**South Carolina** - Rita Harris, Sierra Club on behalf of residents of Williston, SC (Williston)

**Tennessee** - Sheila Holt-Orsted, resident of Dickson, TN (Dickson); Blenza J.P. Tefera, Scarboro community resident (Oak Ridge); Gary Bullwinkel, Greater Fredonia Community for Environmental Justice (Fayette County)

**Follow-up Action Items**

A. Stanley Meiburg and Region 4 Managers (25-30 min.)

Closing Statements/Thank You









**Fw: FOIA complaint**  
**Matt Straus** to: Mary Jackson

10/01/2012 04:24 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

----- Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:24 PM -----

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 01:54 PM  
Subject: Fw: FOIA complaint

----- Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 01:54 PM -----

From: Mathy Stanislaus/DC/USEPA/US  
To: "Avi Garbow" <Garbow.Avi@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>  
Cc: "Barry Breen" <Breen.Barry@epamail.epa.gov>, "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>, "Matt Hale" <Hale.Matt@epamail.epa.gov>, "Matt Straus" <Straus.Matt@epamail.epa.gov>  
Date: 12/01/2009 11:29 PM  
Subject: Fw: FOIA complaint

See attachment - Earthjustice filed re:FOIA complaint for the disclosure of the CBI claimed Coal Ash Impoundment information. We're working on resolving this ASAP.

----- Original Message -----  
From: Lisa Evans [levans@earthjustice.org]  
Sent: 12/01/2009 04:47 PM PST  
To: Mathy Stanislaus  
Subject: FOIA complaint

Dear Mathy--

As a follow-up to our conversation yesterday, I wanted to send you a courtesy copy of the complaint as soon as I received a final copy. It was filed in Federal District Court in San Francisco late this afternoon. I am optimistic that this matter can be resolved quickly.

Thank you for keeping the channels of communication open. If you have any questions, please don't hesitate to call.

Sincerely,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.

Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

\*please consider the environment before printing

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Coal ash FOIA complaint w-1. exhibits\_12.01.09.pdf



1 David A. Bahr (Oregon Bar No. 90199)  
2 Bahr Law Offices  
3 1035 ½ Monroe Street  
4 Eugene, OR 97402  
5 (541) 556-6439  
6 (541) 334-1786 (facsimile)  
7 davebahr@mindspring.com  
8 (Application for admission *pro hac vice* pending)

9 Todd True (Washington Bar No. 12864)  
10 Earthjustice  
11 705 Second Avenue, Suite 203  
12 Seattle, WA 98104  
13 (206) 343-7340 xt. 30  
14 (206) 343-1526 (facsimile)  
15 ttrue@earthjustice.org  
16 (Application for admission *pro hac vice* pending)

17 Peter Morgan (California Bar. No. 255210)  
18 Sierra Club Environmental Law Program  
19 85 Second St., 2nd Floor  
20 San Francisco, CA 94105  
21 (415) 977-5727  
22 (415) 977-5793 (facsimile)  
23 peter.morgan@sierraclub.org

24 **IN THE UNITED STATES DISTRICT COURT  
25 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

26 **THE SIERRA CLUB and  
27 ENVIRONMENTAL INTEGRITY PROJECT,**

28 Plaintiffs,

vs.

**UNITED STATES ENVIRONMENTAL PRO-  
TECTION AGENCY,**

Defendant.

Case No. \_\_\_\_\_

**COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

Freedom of Information Act  
Administrative Procedure Act

Plaintiffs, Sierra Club and Environmental Integrity Project (collectively "Plaintiffs"), allege as follows:

## INTRODUCTION

1  
2 1. This action is premised upon, and consequent to, violations of both the Freedom of Information  
3 Act ("FOIA"), 5 U.S.C. § 552 *et. seq.*, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701  
4 *et. seq.* It challenges the unlawful failure of the Defendant, the Environmental Protection Agency  
5 ("EPA" or "Agency"), to respond to Plaintiffs' FOIA request within the time required by FOIA. On  
6 June 18, 2009, Plaintiffs submitted a FOIA request to the EPA seeking access to records relating to the  
7 identification and assessment of the most hazardous ("high hazard") coal combustion waste impound-  
8 ments in the country. This request was submitted as part of Plaintiffs' ongoing efforts to solve the press-  
9 ing environmental and health problems associated with the storage and disposal of the solid waste gener-  
10 ated by the burning of coal by electric generating plants. Although the Agency has disclosed certain  
11 documents responsive to Plaintiffs' request, it has both engaged in unnecessary and unreasonable delay  
12 in processing claims that certain of the remaining responsive records are subject to withholding as confi-  
13 dential business information ("CBI") under FOIA's Exemption Four, 5 U.S.C. § 552(b)(4), and failed to  
14 comply with the time limits for responding completely to a request established in FOIA. The Agency has  
15 also failed to produce additional records identified in Plaintiffs' FOIA request.  
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20 2. Prompt access to the requested information is crucial to the Plaintiffs because it is directly rele-  
21 vant to their ability to effectively engage in, and provide public oversight of, the EPA's regulation of  
22 coal combustion waste disposal. Defendant is currently planning to propose a rule by the end of this cal-  
23 endar year that will regulate coal combustion residues ("CCR"). *See, e.g.*, EPA's Coal Ash Survey Re-  
24 sults Frequent Questions ("Q: What are EPA's current plans/schedule for the coal combustion residuals  
25 rulemaking? Answer: Administrator Jackson has committed to proposing a rule by the end of this cal-  
26 endar year. The agency is currently evaluating all available options for regulating CCRs and expects to  
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1 propose a rule this year.”) (available at: <http://www.epa.gov/osw/nonhaz/industrial/special/fossil/surveys/faqs.htm#21> (last visited, November 18, 2009)). Defendant’s CCR rulemaking process is progressing at this time, and EPA’s withholding of the requested information is substantially and adversely affecting Plaintiffs’ ability to take part in that process.

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7 **3.** Defendant is unlawfully withholding public disclosure of information sought by Plaintiffs, information to which they are entitled and for which no valid disclosure exemption applies. Defendant failed to comply with the statutory mandates and deadlines imposed by FOIA through its failure to provide a final determination resolving Plaintiffs’ FOIA request within the time required by law. Accordingly, Plaintiffs seek declaratory relief establishing that Defendant has violated the FOIA and APA. Plaintiffs also seek injunctive relief directing Defendant to promptly provide Plaintiffs with the requested material.

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15 **JURISDICTION, VENUE AND BASIS FOR RELIEF**

16 **4.** This Court has jurisdiction over this matter pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331 because this action arises under the FOIA, the APA, and the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*

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21 **5.** Venue properly vests in this Court pursuant to 5 U.S.C. § 552(a)(4)(B), which provides venue for FOIA cases in this district.

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25 **6.** Intradistrict Assignment. Pursuant to Civil Local Rule 3-2(c), assignment to the San Francisco Division is appropriate because Plaintiff Sierra Club is incorporated in California and resides and maintains its headquarters in San Francisco County.

1 7. Declaratory relief is appropriate under 28 U.S.C. § 2201.

2  
3 8. Injunctive relief is appropriate under 28 U.S.C. § 2202 and 5 U.S.C. § 552(a)(4)(B).

4  
5 **PARTIES**

6 9. The Sierra Club is the nation's oldest environmental organization. It has more than 700,000  
7 members nationwide and is dedicated to the protection and preservation of the natural and human envi-  
8 ronment. The Sierra Club is dedicated to protecting the earth's ecosystems and resources and educating  
9 the public about its mission. Among the Sierra Club's highest priorities is solving the pressing environ-  
10 mental and health problems associated with the mining, burning, and disposal of coal and its combustion  
11 by-products. In support of these efforts, by letter dated June 18, 2009, Sierra Club submitted to EPA the  
12 FOIA request at issue in this case.

13  
14  
15 10. The Environmental Integrity Project is a nonpartisan, nonprofit organization established in March  
16 2002 by former EPA enforcement attorneys to advocate for more effective enforcement of environ-  
17 mental laws. The organization pursues three main goals: to provide objective analysis of how the failure  
18 to enforce or implement environmental laws increases pollution and affects the public's health; to hold  
19 federal and state agencies, as well as individual corporations, accountable for failing to enforce or com-  
20 ply with environmental laws; and to help local communities in key states obtain the protection of envi-  
21 ronmental laws. Environmental Integrity Project has worked extensively on coal combustion waste dis-  
22 posal issues recently, including the publication of reports and advocacy before state and federal regula-  
23 tory bodies on the hazards of coal combustion waste. Environmental Integrity Project is a co-signatory of  
24 the June 18, 2009 FOIA request at issue in this case.  
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1 11. Defendant United States Environmental Protection Agency, is an agency of the executive branch  
2 of the United States government, it is in possession and control of the records sought by Plaintiffs, and  
3 as such, it is subject to the FOIA pursuant to 5 U.S.C. § 552(f).  
4

5 **STATEMENT OF OPERATIVE FACTS**  
6 **Coal Combustion and Waste Production; EPA's Response**

7 12. On December 22, 2008, a breach in a dike at the Tennessee Valley Authority ("TVA") Kingston  
8 Fossil Plant resulted in the release of 5.4 million cubic yards of coal ash — also referred to as coal com-  
9 bustion residue ("CCR") — into the nearby Emory River. The spill covered more than 300 acres, made 3  
10 homes uninhabitable and damaged 23 other homes, plus roads, rail lines, and utilities. *See, e.g., Gov-*  
11 *ernmental Accountability Office, "Coal Combustion Residue: Status of EPA's Efforts to Regulate Dis-*  
12 *posal" ("GAO Report"), GAO-1085R (October 30, 2009) at 5 (available at: [15  
16 13. In March 2009, in response to the Kingston incident, the EPA sent out information request let-  
17 ters to 162 facilities and 61 corporate offices. \*Id.\* at 18. These companies identified 48 additional plants  
18 that operated CCR impoundments, and the EPA sent a second round of letters to these facilities. The  
19 EPA has received responses from all companies and power plants that were sent letters. \*Id.\* The EPA's  
20 purpose was to determine the number of CCR surface impoundments and similar units and to obtain  
21 specific information about them, particularly relating to their potential to pose threats to human health  
22 and the environment. \*Id.\* Ultimately, EPA aims to assess the structural stability of these impoundments  
23 and determine if and where corrective measures are needed. \*Id.\*  
24  
25](http://www.gao.gov/-</a></i><br/>13 <i>new.items/d1085r.pdf (last visited November 18, 2009)).</i><br/>14</p></div><div data-bbox=)*

26  
27 14. In a separate effort initiated in 2009, the EPA is looking at whether to regulate the structural in-  
28



1 integrity of CCR surface impoundments through wastewater discharge permits. *See, e.g.*, GAO Report at  
2 23. In addition, because an evaluation found that state wastewater permits vary widely in their structural  
3 requirements for impoundments, the EPA plans to draft best management practices for state wastewater  
4 permits for these facilities. *Id.*

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7 15. Additionally, from 1999 to 2005, the EPA gathered or received information on 135 sites where  
8 alleged danger to human health and the environment had been caused by CCR disposal. *Id.* at 24. Ac-  
9 cording to the EPA, approximately 65 cases were not evaluated because they lacked adequate supporting  
10 information. *Id.* Of the remaining cases, the EPA found that 24 cases in 13 states involved proven dam-  
11 age to groundwater and surface water, and an additional 39 involved potential damage to these re-  
12 sources. *Id.* The EPA followed up on 16 cases of proven damage to groundwater and, as of July 2009,  
13 corrective actions have been completed at seven sites and are ongoing at nine sites. *Id.*

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15  
16 16. As part of another study, begun in 2005, the EPA examined the toxins present in CCR wastewa-  
17 ter discharges to surface water from coal ash ponds. *Id.* at 25. In September 2009, the EPA completed its  
18 study. *Id.* The EPA found that current effluent guidelines should be revised because of the high level of  
19 toxic-weighted pollutant discharges from coal-fired power plants and the expectation that these dis-  
20 charges will increase significantly in the next few years as new air pollution controls are installed (*e.g.*,  
21 scrubbers used to meet air quality regulations). *Id.*

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25 17. As of July 2009, the EPA had collected data from all of the facilities to which it originally sent  
26 out information request letters in March, 2009. *See* GAO Report at 19. It also has created a database that  
27 contains information on 584 surface impoundments or similar units in 35 states that were identified by  
28

1 utilities. *Id.*

2  
3 18. The EPA reports the following near term actions regarding CCR:

4 • September 2009 — The EPA began releasing the reports of the assessment of the high  
5 hazard coal ash impoundments. *Id.* at 36.

6 • September 2009 —The EPA announced its decision to initiate a rulemaking effort to re-  
7 vise the effluent guidelines, including those related to CCR wastewater discharges. Pro-  
8 posed regulations are expected in 2012. The EPA has not set target dates for wastewater  
9 related efforts such as issuance of best management practices for state wastewater permits  
and structural requirements to be included in permits. *Id.*

10 • October 2009 — The EPA forwarded a draft proposed CCR disposal rule to the Office  
11 of Management and Budget (“OMB”). *Id.* OMB’s review is proceeding at this time.

12 • December 2009 — The EPA plans to issue proposed rule for public notice and com-  
13 ment. The EPA could choose to hold public hearings as well. *Id.*

14 **Plaintiffs’ FOIA Request and the EPA’s Violation of FOIA**

15 19. By letter dated June 18, 2009, Plaintiffs submitted a FOIA request to the EPA seeking informa-  
16 tion received or generated in the course of activities described above. *See* Exhibit A (filed herewith).

17  
18 20. Plaintiffs’ FOIA request sought disclosure of “any and all records relating to the identification or  
19 assessment of coal combustion waste disposal sites in the United States identified by EPA or any other  
20 federal agency as the . . . most hazardous or ‘high hazard’ sites.” *See* Exhibit A at 2.

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22  
23 21. The FOIA requires an agency to issue a final determination resolving an information request  
24 within twenty business days from the date of its receipt. 5 U.S.C. § 552(a)(6)(A)(i).

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26  
27 22. The FOIA allows an agency to extend its determination deadline by 10 business days when “un-  
28

1 usual circumstances” exist and when the agency so notifies a requester in writing. 5 U.S.C. § 552(a)-  
2 (6)(B); *see also* 40 C.F.R. § 2.104(d) (establishing basis for extension of determination deadline).

3  
4  
5 **23.** In limited circumstances, the FOIA allows an agency to impose an “unusual circumstances” deci-  
6 sion extension beyond 10 business days when certain conditions are satisfied:

7 With respect to a request for which a written notice [purports to apply the “unusual cir-  
8 cumstances” extension beyond 10 business days], the agency shall notify the person mak-  
9 ing the request if the request cannot be processed within the time limit specified in that  
10 clause *and shall provide the person an opportunity to limit the scope of the request so*  
11 *that it may be processed within that time limit or an opportunity to arrange with the*  
12 *agency an alternative time frame for processing the request or a modified request. To aid*  
13 *the requester, each agency shall make available its FOIA Public Liaison, who shall assist*  
14 *in the resolution of any disputes between the requester and the agency.*

15 5 U.S.C. § 552(a)(6)(B)(ii) (emphasis added).

16  
17 **24.** By letter dated June 24, 2009, the EPA informed Plaintiffs that a decision deadline extension was  
18 required due to “the need to search for, collect and appropriately examine a voluminous amount of sepa-  
19 rate and distinct records involved in [Plaintiffs’] request” and the “need for consultation . . . with another  
20 agency or EPA office.” *See* EPA Letter (June 24, 2009)(filed herewith as Exhibit B). The EPA Letter  
21 unilaterally established an “initial determination” deadline of August 28, 2009. *Id.*

22 **25.** The EPA did not provide Plaintiffs with an opportunity to limit the scope of their FOIA request  
23 so that it could be processed within FOIA’s statutory decision deadlines.

24  
25 **26.** The EPA did not provide Plaintiffs with an opportunity to voluntarily develop with the agency an  
26 alternative time frame for processing their request or a modified request.  
27  
28

1 27. The EPA did not make its FOIA Public Liaison available to Plaintiffs to assist in the resolution  
2 of any disputes between the Requesters and the Agency.

3  
4  
5 28. The EPA has provided some information to Plaintiffs responsive to their FOIA requests.

6  
7 29. The EPA has informed Plaintiffs that there is a significant number of documents responsive to  
8 their FOIA request for which a disclosure determination has not yet been made due to the EPA's ongoing  
9 review of the claims made by industry that the information is confidential business information  
10 ("CBI") possibly subject to FOIA's Exemption 4. 5 U.S.C. § 552(b)(4); 40 C.F.R. § 2.204, 2.205, 2.208.  
11 The EPA has informed Plaintiffs that the data being withheld pertain to nearly 25% of the impoundment  
12 dams designated as "high hazard" by the agency.

13  
14  
15 30. The EPA has failed to release additional records responsive to Plaintiffs' FOIA requests or to  
16 provide a basis for its failure to release these records.

17  
18  
19 31. Plaintiffs are actively participating in the EPA's ongoing CCR regulatory review process. Access  
20 to the information sought in the FOIA request at issue in this case is of central importance to Plaintiffs'  
21 efforts in this regard.

22  
23  
24 32. None of FOIA's exemptions to mandatory disclosure apply to the information currently being  
25 withheld by the EPA that is responsive to Plaintiffs' FOIA request.

26  
27 33. As of the date this action was filed, the deadline for the EPA to issue a final determination on  
28

1 Plaintiffs' FOIA request has passed.

2  
3 **34.** As of the date this action was filed, the EPA had not issued a final determination on Plaintiffs'  
4 FOIA request.  
5

6  
7 **35.** Plaintiffs have fully exhausted all administrative remedies required by FOIA. 5 U.S.C. §§  
8 552(a)(6)(A), (a)(6)(C).  
9

10 **36.** Plaintiffs have been required to expend costs and to obtain the services of a law firm, consisting  
11 of attorneys, law clerks, and legal assistants, to prosecute this action.  
12

13 **CAUSES OF ACTION**  
14 **COUNT I**

15 **VIOLATION OF THE FREEDOM OF INFORMATION ACT-**  
16 **DETERMINATION DEADLINE VIOLATION**

17 **37.** The allegations made in all preceding paragraphs are realleged and incorporated by reference  
18 herein.  
19

20 **38.** Plaintiffs have a statutory right to have Defendant process their FOIA request in a manner which  
21 complies with FOIA. Plaintiffs' rights in this regard were violated when the Defendant unlawfully de-  
22 layed its response to their information request beyond the determination deadline imposed by the FOIA.  
23 5 U.S.C. §§ 552(a)(6)(A)(i), (B).  
24

25 **39.** At no time during its review of Plaintiffs' information request did Defendant provide Plaintiffs  
26 with the written notice or administrative options required to invoke the "unusual circumstances" clause  
27  
28

1 of FOIA that would allow a longer than 10-day extension to the Act's FOIA determination deadline. 5  
2 U.S.C. § 552(a)(6)(B)(ii).

3  
4  
5 **40.** There are no "unusual circumstances" within the meaning of 5 U.S.C. § 552(a)(6)(B)(ii) that ap-  
6 ply to Defendant's determination of Plaintiffs' information request.

7  
8 **41.** Defendant is unlawfully withholding public disclosure of information sought by Plaintiffs, in-  
9 formation to which they are entitled and for which no valid disclosure exemption applies.

10  
11 **42.** Based on the nature of Plaintiffs' organizational activities, they will undoubtedly continue to em-  
12 ploy FOIA's provisions in information requests to Defendant in the foreseeable future.

13  
14  
15 **43.** Plaintiffs' organizational activities will be adversely affected if Defendant is allowed to continue  
16 violating FOIA's response deadlines as it has in this case.

17  
18  
19 **44.** Unless enjoined and made subject to a declaration of Plaintiffs' legal rights by this Court, Defen-  
20 dant will continue to violate the rights of Plaintiffs to receive public records under the FOIA.

21  
22 **45.** Plaintiffs are entitled to reasonable costs of litigation, including attorney fees pursuant to FOIA.  
23 5 U.S.C. § 552(a)(4)(E).

24  
25  
26 **COUNT II**  
**VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT**

27 **46.** The allegations made in all preceding paragraphs are realleged and incorporated by reference  
28

1 herein.

2  
3 **47.** Defendant has failed to act in an official capacity under color of legal authority by failing to  
4 comply with the mandates of FOIA consequent to its failure and refusal to issue a timely final determina-  
5 tion on Plaintiffs' information request.  
6

7  
8 **48.** Defendant has unlawfully withheld agency action by failing to comply with the mandates of  
9 FOIA consequent to its failure and refusal to issue a timely final determination on Plaintiffs' information  
10 request.  
11

12  
13 **49.** Plaintiffs have been adversely affected and aggrieved by the Defendant's failure to comply with  
14 the mandates of FOIA. Defendant's failure and refusal to issue a timely final determination on Plaintiffs'  
15 information request has injured Plaintiffs' interests in public oversight of governmental operations and  
16 constitute a violation of Defendant's statutory duties under the APA.  
17

18  
19 **50.** Plaintiffs have suffered a legal wrong as a result of the Defendant's failure to comply with the  
20 mandates of FOIA. Defendant's failure and refusal to issue a timely final determination on Plaintiffs'  
21 information request has injured Plaintiffs' interests in public oversight of governmental operations and  
22 constitutes a violation of Defendant's statutory duties under the APA.  
23

24  
25 **51.** Defendant's failure and refusal to issue a timely final determination on Plaintiffs' information  
26 request constitutes agency action unlawfully withheld and unreasonably delayed and is therefore action-  
27 able pursuant to the APA, 5 U.S.C. § 706(1).  
28

1 52. Alternatively, Defendant's failure and refusal to issue a timely final determination on Plaintiffs'  
2 information request is in violation of FOIA's statutory mandates and is therefore arbitrary, capricious, or  
3 an abuse of discretion and not in accordance with law and is therefore actionable pursuant to the APA, 5  
4 U.S.C. § 706(2).  
5

6  
7 53. Plaintiffs are entitled to judicial review under the Administrative Procedure Act 5 U.S.C. §§ 702,  
8 706.  
9

10 54. Plaintiffs are entitled to costs of disbursements and costs of litigation, including reasonable attor-  
11 ney and expert witness fees, under the Equal Access to Justice Act, 28 U.S.C.S. § 2412.  
12

13  
14 **REQUEST FOR RELIEF**  
15

16 WHEREFORE, Plaintiffs pray that this Court:

17 1. Order Defendant to promptly provide Plaintiffs all of the information sought in this ac-  
18 tion and to immediately disclose the requested documents.

19 2. Declare Defendant's failure to disclose the documents requested by Plaintiffs to be un-  
20 lawful under the FOIA, 5 U.S.C. § 552(a)(4)(A)(iii), as well as agency action unlawfully withheld and  
21 unreasonably delayed, 5 U.S.C. § 706(1), and/or arbitrary, capricious, an abuse of discretion, and not in  
22 accordance with law, 5 U.S.C. § 706(2).  
23

24 3. Declare Defendant's failure to timely make a determination on Plaintiffs' information  
25 request to be unlawful under the FOIA, 5 U.S.C. § 552(a)(6)(A)(i), as well as agency action unlawfully  
26 withheld and unreasonably delayed, 5 U.S.C. § 706(1), and/or arbitrary, capricious, an abuse of discre-  
27 tion, and not in accordance with law, 5 U.S.C. § 706(2).  
28



1           4.           Award Plaintiffs their costs and reasonable attorney fees pursuant to 5 U.S.C. §  
2 552(a)(4)(E) and 28 U.S.C. § 2412.

3           5.           Grant such other and further relief as the Court may deem just and proper.  
4

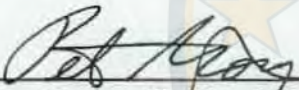
5  
6           Respectfully submitted for the Court's consideration, this 1<sup>st</sup> day of December, 2009.  
7

8           s/ David Bahr

9 David Bahr (Oregon Bar No. 901990)  
10 Bahr Law Offices  
11 1035 ½ Monroe Street  
12 Eugene, OR 97402  
13 (541) 556-6439  
14 (541) 334-1786 (facsimile)  
15 davebahr@mindspring.com  
16 (Application for admission *pro hac vice* pending)

s/ Todd True

Todd True (Washington Bar No. 12864)  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340  
(206) 343-1526 (facsimile)  
ttrue@earthjustice.org  
(Application for admission *pro hac vice* pending)

17 

18 Peter Morgan (California Bar. No. 255210)  
19 Sierra Club Environmental Law Program  
20 85 Second St., 2nd Floor  
21 San Francisco, CA 94105  
22 (415) 977-5727  
23 (415) 977-5793 (facsimile)  
24 peter.morgan@sierraclub.org  
25  
26  
27  
28



# EXHIBIT A



June 18, 2009

**Via Facsimile and U.S. Postal Service, First Class Mail**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460  
FAX: 202-566-2147  
E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov)

**RE: Freedom of Information Act Request – High Hazard Coal Combustion Waste Disposal Sites**

To Whom It May Concern:

On behalf of the Sierra Club, Earthjustice, Natural Resources Defense Council and the Environmental Integrity Project, I am writing to request that the United States Environmental Protection Agency (“EPA”) provide copies of the records described below pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and the EPA regulations at 40 C.F.R. § 2.100, *et seq.*

The Sierra Club is the nation’s oldest environmental organization. It has more than 700,000 members nationwide and is dedicated to the protection and preservation of the natural and human environment. The Sierra Club’s Beyond Coal Campaign is dedicated to solving the pressing environmental and health problems associated with the mining, burning and disposal of coal and its combustion by-products.

Earthjustice is a nonprofit public interest law firm dedicated to protecting the magnificent places, natural resources, and wildlife of this earth, and to defending the right of all people to a healthy environment. Earthjustice brings about far-reaching change by enforcing and strengthening environmental laws on behalf of hundreds of organizations, coalitions and communities. Earthjustice has been a leader in advocating for the protection of communities from the hazards of coal combustion waste disposal, including the publication of reports and testimony to Congress on the issue of coal ash disposal.

The Natural Resources Defense Council is a nonprofit environmental action group established in 1970 by a group of law students and attorneys at the forefront of the environmental

movement. The Natural Resources Defense Council's purpose is to safeguard the Earth: its people, its plants and animals and the natural systems on which all life depends. NRDC uses law, science and the support of 1.2 million members and online activists to protect the planet's wildlife and wild places and to ensure a safe and healthy environment for all living things. NRDC has worked over several years to ensure the proper regulation of coal combustion waste disposal.

Environmental Integrity Project is a nonpartisan, nonprofit organization established in March 2002 by former EPA enforcement attorneys to advocate for more effective enforcement of environmental laws. The organization pursues three main objectives: to provide objective analysis of how the failure to enforce or implement environmental laws increases pollution and affects the public's health; to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and to help local communities in key states obtain the protection of environmental laws. Environmental Integrity Project has worked extensively on coal combustion waste disposal issues recently, including the publication of reports and advocacy before state and federal regulatory bodies on the hazards of coal combustion waste.

### **Records Requested and Definitions**

The Sierra Club, Earthjustice, Natural Resources Defense Council and Environmental Integrity Project are hereinafter referred to collectively as the "Requesting Parties." The Requesting Parties ask that EPA provide any and all records relating to the identification or assessment of coal combustion waste disposal sites in the United States identified by EPA or any other federal agency as the forty-four (44) most hazardous or "high hazard" sites.

A list, database or other compilation of 44 "high hazard" coal combustion waste disposal sites was the subject of recent communications between the office of Senator Barbara Boxer and EPA and subsequent, extensive media coverage. Senator Boxer reported that EPA has determined that at least forty-four (44) of the hundreds of coal ash piles across the country pose a "high hazard," meaning that their failure would cause a probable loss of human life. It was reported that EPA has collected information on the locations of the highest hazard sites from the power companies owning or operating the sites. It was also reported that the Army Corps of Engineers and Department of Homeland Security instructed EPA to not disclose the list of 44 "high hazard" sites to Senator Boxer, due to unspecified national security concerns.

For the purposes of this request, the term "records" means information of any kind, including writings (handwritten, typed, electronic or otherwise produced, reproduced or stored), letters, memoranda, correspondence, notes, applications, completed forms, studies, reports, reviews, guidance documents, policies, telephone conversations, telefaxes, e-mails, documents, databases, drawings, graphs, charts, photographs, minutes of meetings, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained. Without limitation, the records requested include records relating to the topics described below at any stage of development, whether proposed, draft, pending, interim, final or otherwise. All of the foregoing are included in this request if they are in the possession of or otherwise under the control of the EPA or any of its offices nationwide.

## Exempt Records

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information for the Requesting Parties to appeal the denial. To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for denial, including the identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions and provide the remainder of the record to the Requesting Parties at the address listed below.

## Fee Waiver Request

We respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii) and 40 C.F.R. § 2.107(l). The Requesting Parties have spent years promoting the public interest through the development of policies that protect human health and the environment, and have routinely received fee waivers under FOIA.

The Requesting Parties are all national, nonprofit, environmental organizations with no commercial interest in obtaining the requested information. Instead, our organizations intend to use the requested information to inform the public, so the public can meaningfully participate in the identification, stabilization and remediation of hazards associated with coal combustion waste disposal.

As explained below, this FOIA request satisfies the factors listed in EPA's governing regulations for waiver or reduction of fees, as well as the requirements of fee waiver under the FOIA statute – that “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii), *see also* 40 C.F.R. § 2.107(l).

1. The subject matter of the requested records must specifically concern identifiable “operations and activities of the government.”

The requested records relate to EPA's assessments and determinations regarding the hazards associated with coal ash disposal sites. These determinations and the policies and

procedures on which they are based are unquestionably “identifiable operations or activities of the government.”

The Department of Justice Freedom of Information Act Guide expressly concedes that “in most cases records possessed by federal agency will meet this threshold” of identifiable operations or activities of the government. There can be no question that this is such a case.

2. The disclosure of the requested documents must have an informative value and be “likely to contribute to an understanding of Federal government operations or activities.”

The Freedom of Information Act Guide makes it clear that, in the Department of Justice’s view, the “likely to contribute” determination hinges in substantial part on whether the requested documents provide information that is not already in the public domain. The requested records are “likely to contribute” to an understanding of your agency’s decisions because they are not otherwise in the public domain and are not accessible other than through a FOIA request. Given the hazards associated with these ash disposal sites, it is important for information relating to government operations or activities involving the problem to be made available to the public. This information will facilitate meaningful public participation in the decision-making process, therefore fulfilling the requirement that the documents requested be “meaningfully informative” and “likely to contribute” to an understanding of your agency’s decision-making process with regard to the high hazard sites.

3. The disclosure must contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons. Under this factor, the identity and qualifications of the requester—i.e., expertise in the subject area of the request and ability and intention to disseminate the information to the public—is examined.

As described above, the Requesting Parties and their members have a longstanding interest and expertise in the subject of coal combustion waste disposal. More importantly, the Requesting Parties unquestionably have the “specialized knowledge” and “ability and intention” to disseminate the information requested in the broad manner, and to do so in a manner that contributes to the understanding of the “public-at-large.”

The Requesting Parties intend to disseminate the information they receive through FOIA regarding these government operations and activities in a variety of ways, including but not limited to, analysis and distribution to the media, distribution through publication and mailing, posting on the organizations’ websites, emailing and list-serve distribution to members.

4. The disclosure must contribute “significantly” to public understanding of government operations or activities. The public’s understanding must be likely to be enhanced by the disclosure to a significant extent.

There is currently little or no information publicly available regarding the “high hazard” coal combustion waste disposal sites identified by EPA. Absent disclosure of the records requested, the public’s understanding will be shaped only by what is disclosed by the private interests involved. The records requested will contribute to the public understanding of the

government's role, or their "operations and activities" associated with this critically important information.

The disclosure of the requested records is also essential to public understanding of the impacts that high hazard disposal sites may have on their communities and homes and the broader environment, including but not limited to threats to human dwellings and drinking water sources. After disclosure of these records, the public's understanding of this problem will be significantly enhanced. The requirement that disclosure must contribute "significantly" to the public understanding is therefore met.

5. Whether the requester has a commercial interest that would be furthered by the requested disclosure.

The Requesting Parties have no commercial interest in the requested records. Nor do the Requesting Parties have any intention to use these records in any manner that "furthers a commercial, trade, or profit interest" as those terms are commonly understood. The Requesting Parties are all tax-exempt organizations under sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code, and as such have no commercial interest. The requested records will be used for the furtherance of the Requesting Parties' mission to inform the public on matters of vital importance to the environment and public health.

6. Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

When a commercial interest is found to exist and that interest would be furthered by the requested disclosure, an agency must assess the magnitude of such interest in order to compare it to the "public interest" in disclosure. If no commercial interest exists, an assessment of that non-existent interest is not required.

As noted above, the Requesting Parties have no commercial interest in the requested records. Disclosure of this information is not "primarily" in the Requesting Parties' commercial interest. On the other hand, it is clear that the disclosure of the information requested is in the public interest. It will contribute significantly to public understanding of the scope and magnitude of high hazard coal combustion waste disposal sites.

We respectfully request, because the public will be the primary beneficiary of this requested information, that EPA waive processing and copying fees pursuant to 5 U.S.C. § 552(a)(4)(A). In the event that your agency denies a fee waiver, please send a written explanation for the denial. Also, please continue to produce the records as expeditiously as possible, but in any event no later than the applicable FOIA deadlines.

**Record Delivery**

We request EPA, in responding to this request, to comply with all relevant deadlines and other obligations set forth in FOIA and the agency's regulations. 5 U.S.C. § 552, (a)(6)(A)(i); 40 C.F.R. § 2.104. Please produce the records above by sending them to me at the address listed

below. Please produce them on a rolling basis; at no point should the search for—or deliberation concerning—certain records delay the production of others that the agency has already retrieved and elected to produce.

Please mail copies of all requested records as soon as possible to:

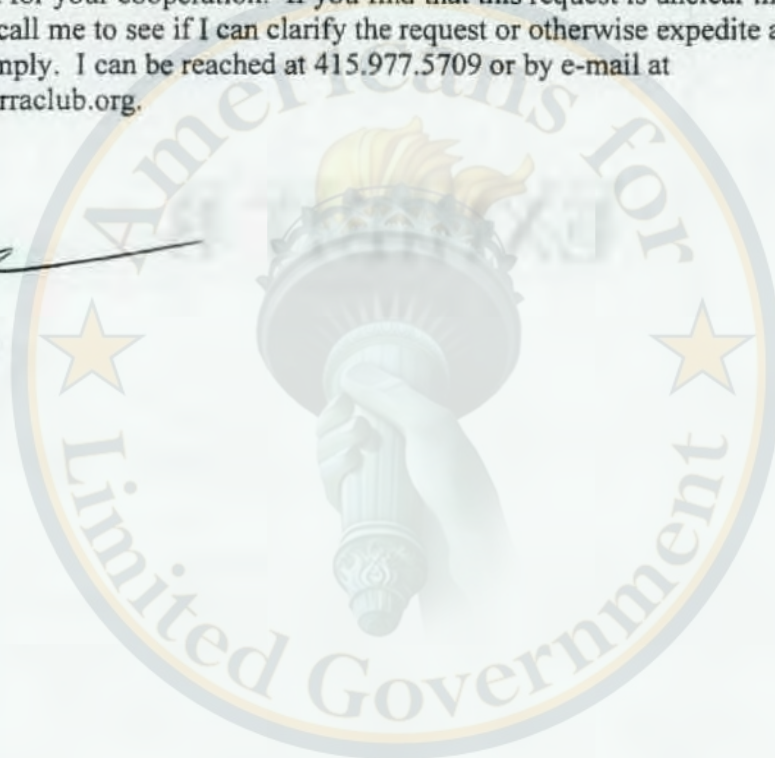
Patrick Gallagher  
Legal Director  
Sierra Club  
85 Second Street, 2nd Floor  
San Francisco, CA 94105

Thank you for your cooperation. If you find that this request is unclear in any way please do not hesitate to call me to see if I can clarify the request or otherwise expedite and simplify your efforts to comply. I can be reached at 415.977.5709 or by e-mail at [pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org).

Sincerely,



Patrick Gallagher  
Legal Director  
Sierra Club









UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

July 24, 2009

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Mr. Patrick Gallagher  
Legal Director  
Sierra Club  
85 Second Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94105

Re: Freedom of Information Act Request HQ-RIN-1489-09

Dear Mr. Gallagher:

This is in response to your June 18, 2009, Freedom of Information Act request. An extension of the time required to comply with your request is necessary.

The reasons for the extension are:

- The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records involved in your request. (40 CFR 2.112(e)(2)); and
- The need for consultation, which shall be conducted with all practicable speed, with another agency or EPA office having a substantial subject-matter interest in your request. (40 CFR 2.112(e)(3)).

An initial determination is expected by August 28, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheretta Harris".

Sheretta Harris, FOIA Coordinator  
Office of Resource Conservation and Recovery



10/11/2012

FY 2012 Final Enacted Budget -13 Month Report

FY 2013 BAS OPP 5.0 v1/- (\$3,294 HQ/\$7,761 RT/Total Prog. \$26,765) 10/01/12

	Final Enact Bud aft Rec. 9.5			Remaining	OpPlan			Remaining Pln Exped./ Unpaid			
	Total Authority	Carryover 11	Obligated	Balance	Total Authority	Carryover	Total	Obligated	Balance	Trvl	Unplanned
PC&B	\$2,277,894	\$0	\$2,210,610	\$67,284	\$2,344,000	\$0	\$2,344,000	\$0	\$0	\$0	\$0
Travel	\$51,000	\$0	\$49,594	\$1,406	\$51,000	\$0	\$51,000	\$0	\$0	\$0	\$0
Site Travel	\$2,000	\$0	\$3,195	\$1,195	\$6,000	\$0	\$6,000	\$0	\$0	\$0	\$0
Expenses	\$7,168	\$0	\$6,160	\$1,008	\$20,000	\$0	\$20,000	\$0	\$0	\$0	\$0
Contracts/Training	\$587,427	\$0	\$580,314	\$7,113	\$477,000	\$0	\$477,000	\$0	\$0	\$0	\$0
**Contracts 2011 T	\$0	\$334,470	\$311,868	\$22,602							
Contracts TC/D	\$0	\$403,497	\$50,844	\$352,653	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Grants/TD	\$83,000	\$67,000	\$150,000	\$0	\$200,000	\$0	\$200,000	\$0	\$0	\$0	\$0
WCF	\$196,000	\$33,905	\$229,905	\$0	\$196,000	\$0	\$196,000	\$0	\$0	\$0	\$0
<b>FFRRO TOTALS</b>	<b>\$3,204,489</b>	<b>\$838,872</b>	<b>\$3,592,490</b>	<b>\$450,871</b>	<b>\$3,294,000</b>	<b>\$0</b>	<b>\$3,294,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**NOTES:**

12/01/11 FFRRO reced. \$251,000 for the 3rd CR ending Dec. 16 - Our budget in COMPASS is \$684,300. and we obligated \$299,462.73 in payroll, expenses, and contracts. (Completed 2/14 COMPASS) Kris & I are working with Region 4 to process payroll corrections for Rob from pp 3 and 4.

FFRRO Received its Final Enacted Budget for 2012 3/29/2012 (\$3,228,000)

Reprogramming were done to move funds from BOC 36 (\$26,427) - BOC 41 (117,000) to BOC 37 \$143,427

\*\* Our Contracts 2011 Total Authority budget of \$600,400 had a duplicate obligation of \$265,930 hit against the Total Authority bud. Brendan and I worked through the process with our SBO shop and HQ Contracts Rayna Brown and discover the payments were split by EAS and IFMS during the Compass conversion.

FFRRO reced. \$460,878 in TD Carryover dollars as a result from this issue.

Other reprogramming of dollars are noted in the Reprogramming book FY2012.



10/11/2012

**FY 2012 Final Enacted Budget -13 Month Report**

**FY 2013 BAS OPP 5.0 v1/- (\$3,294 HQ/\$7,761 RT/Total Prog. \$26,765) 10/01/12**

	Final Enact Bud aft Rec. 9.5			Remaining	OpPlan			Remaining Pln Exped./ Unpaid			
	Total Authority	Carryover 11	Obligated	Balance	Total Authority	Carryover	Total	Obligated	Balance	Trvl	Unplanned
PC&B	\$2,277,894	\$0	\$2,210,610	\$67,284	\$2,344,000	\$0	\$2,344,000	\$0	\$0	\$0	\$0
Travel	\$51,000	\$0	\$49,594	\$1,406	\$51,000	\$0	\$51,000	\$0	\$0	\$0	\$0
Site Travel	\$2,000	\$0	\$3,195	<del>\$1,195</del>	\$6,000	\$0	\$6,000	\$0	\$0	\$0	\$0
Expenses	\$7,168	\$0	\$6,160	\$1,008	\$20,000	\$0	\$20,000	\$0	\$0	\$0	\$0
<i>\$44,000</i> Contracts/Training	\$587,427	\$0	\$580,314	\$7,113	\$477,000	\$0	\$477,000	\$0	\$0	\$0	\$0
<i>\$459,000</i> **Contracts 2011 T	\$0	\$334,470	\$311,868	\$22,602							
<i>\$600,400</i> Contracts TC/D	\$0	\$403,497	\$50,844	\$352,653	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Grants/TD	\$83,000	\$67,000	\$150,000	\$0	\$200,000	\$0	\$200,000	\$0	\$0	\$0	\$0
<i>\$200,000</i> WCF	\$196,000	\$33,905	\$229,905	\$0	\$196,000	\$0	\$196,000	\$0	\$0	\$0	\$0
<b>FFRRO TOTALS</b>	<b>\$3,204,489</b>	<b>\$838,872</b>	<b>\$3,592,490</b>	<b>\$450,871</b>	<b>\$3,294,000</b>	<b>\$0</b>	<b>\$3,294,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**NOTES:**

12/01/11 FFRRO reced. \$251,000 for the 3rd CR ending Dec. 16 - Our budget in COMPASS is \$684,300. and we obligated \$299,462.73 in payroll, expenses, and contracts. (Completed 2/14 COMPASS) Kris & I are working with Region 4 to process payroll corrections for Rob from pp 3 and 4.

FFRRO Received its Final Enacted Budget for 2012 3/29/2012 (\$3,228,000)

Reprogramming were done to move funds from BOC 36 (\$26,427) - BOC 41 (117,000) to BOC 37 \$143,427

\*\* Our Contracts 2011 Total Authority budget of \$600,400 had a duplicate obligation of \$265,930 hit against the Total Authority bud. Brendan and I worked through the process with our SBO shop and HQ Contracts Rayna Brown and discover the payments were split by EAS and IFMS during the Compass conversion.

FFRRO reced. \$460,878 in TD Carryover dollars as a result from this issue.

Other reprogramming of dollars are noted in the Reprograming book FY2012.



10/11/2012

FY 2012 Final Enacted Budget -13 Month Report

FY 2013 BAS OPP 5.0 v1/- (\$3,294 HQ/\$7,761 RT/Total Prog. \$26,765) 10/01/12

	Final Enact Bud aft Rec. 9.5			Remaining	OpPlan			Remaining Pln Expd./ Unpaid			
	Total Authority	Carryover 11	Obligated	Balance	Total Authority	Carryover	Total	Obligated	Balance	Trvl	Unplanned
PC&B	\$2,277,894	\$0	\$2,210,610	\$67,284	\$2,344,000	\$0	\$2,344,000	\$0	\$0	\$0	\$0
Travel	\$51,000	\$0	\$49,594	\$1,406	\$51,000	\$0	\$51,000	\$0	\$0	\$0	\$0
Site Travel	\$2,000	\$0	\$3,195	-\$1,195	\$6,000	\$0	\$6,000	\$0	\$0	\$0	\$0
Expenses	\$7,168	\$0	\$6,160	\$1,008	\$20,000	\$0	\$20,000	\$0	\$0	\$0	\$0
<i>\$44,000</i> Contracts/Training	\$587,427	\$0	\$580,314	\$7,113	\$477,000	\$0	\$477,000	\$0	\$0	\$0	\$0
<i>\$459,000</i> **Contracts 2011 T	\$0	\$334,470	\$311,868	\$22,602							
<i>\$600,400</i> Contracts TC/D	\$0	\$403,497	\$50,844	\$352,653	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Grants/TD	\$83,000	\$67,000	\$150,000	\$0	\$200,000	\$0	\$200,000	\$0	\$0	\$0	\$0
<i>\$200,000</i> WCF	\$196,000	\$33,905	\$229,905	\$0	\$196,000	\$0	\$196,000	\$0	\$0	\$0	\$0
<b>FFRRO TOTALS</b>	<b>\$3,204,489</b>	<b>\$838,872</b>	<b>\$3,592,490</b>	<b>\$450,871</b>	<b>\$3,294,000</b>	<b>\$0</b>	<b>\$3,294,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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FFRRO reced. \$460,878 in TD Carryover dollars as a result from this issue.

Other reprogramming of dollars are noted in the Reprogramming book FY2012.



The purpose of this report is to provide a comprehensive overview of the current state of the U.S. economy and the impact of the COVID-19 pandemic. The report will analyze the economic challenges faced by the United States, including the impact of the pandemic on the labor market, the financial system, and the overall economic growth. It will also discuss the role of government intervention in addressing these challenges and the potential for a recovery.

The report is organized into several sections. The first section provides an overview of the U.S. economy and the impact of the COVID-19 pandemic. The second section discusses the impact of the pandemic on the labor market, including the rise in unemployment and the challenges faced by workers. The third section discusses the impact of the pandemic on the financial system, including the impact on stock prices and the role of government intervention. The fourth section discusses the overall economic growth and the potential for a recovery.



Year	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
GDP	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5
Unemployment	3.7	14.3	6.3	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6
Inflation	1.2	4.7	4.0	6.5	3.4	3.4	3.4	3.4	3.4	3.4	3.4	3.4
Federal Reserve Rate	2.25	0.25	0.25	0.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25
Stock Market Index	29,550	29,550	29,550	29,550	29,550	29,550	29,550	29,550	29,550	29,550	29,550	29,550
Government Spending	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4
Debt to GDP	107	107	107	107	107	107	107	107	107	107	107	107
Trade Deficit	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Consumer Confidence	100	100	100	100	100	100	100	100	100	100	100	100
Business Confidence	100	100	100	100	100	100	100	100	100	100	100	100
Real GDP Growth	2.3	-1.6	5.9	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Personal Income	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5
Consumer Spending	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5
Government Revenue	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4
Government Debt	107	107	107	107	107	107	107	107	107	107	107	107
Trade Balance	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Consumer Confidence	100	100	100	100	100	100	100	100	100	100	100	100
Business Confidence	100	100	100	100	100	100	100	100	100	100	100	100
Real GDP Growth	2.3	-1.6	5.9	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
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Government Revenue	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4
Government Debt	107	107	107	107	107	107	107	107	107	107	107	107
Trade Balance	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Consumer Confidence	100	100	100	100	100	100	100	100	100	100	100	100
Business Confidence	100	100	100	100	100	100	100	100	100	100	100	100
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Government Revenue	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4
Government Debt	107	107	107	107	107	107	107	107	107	107	107	107
Trade Balance	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Consumer Confidence	100	100	100	100	100	100	100	100	100	100	100	100
Business Confidence	100	100	100	100	100	100	100	100	100	100	100	100
Real GDP Growth	2.3	-1.6	5.9	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
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Government Revenue	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4
Government Debt	107	107	107	107	107	107	107	107	107	107	107	107
Trade Balance	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Consumer Confidence	100	100	100	100	100	100	100	100	100	100	100	100
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Government Debt	107	107	107	107	107	107	107	107	107	107	107	107
Trade Balance	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Consumer Confidence	100	100	100	100	100	100	100	100	100	100	100	100
Business Confidence	100	100	100	100	100	100	100	100	100	100	100	100
Real GDP Growth	2.3	-1.6	5.9	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
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Government Debt	107	107	107	107	107	107	107	107	107	107	107	107
Trade Balance	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Consumer Confidence	100	100	100	100	100	100	100	100	100	100	100	100
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Government Revenue	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4
Government Debt	107	107	107	107	107	107	107	107	107	107	107	107
Trade Balance	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
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Government Debt	107	107	107	107	107	107	107	107	107	107	107	107
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Consumer Confidence	100	100	100	100	100	100	100	100	100	100	100	100
Business Confidence	100	100	100	100	100	100	100	100	100	100	100	100
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Government Debt	107	107	107	107	107	107	107	107	107	107	107	107
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Government Revenue	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4
Government Debt	107	107	107	107	107	107	107	107	107	107	107	107
Trade Balance	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Consumer Confidence	100	100	100	100	100	100	100	100	100	100	100	100
Business Confidence	100	100	100	100	100	100	100	100	100	100	100	100
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Government Revenue	4.4	4.4	4.4	4.4								



**Fw: Letter to Cass Sunstein**  
**Matt Straus** to: Mary Jackson

10/01/2012 04:25 PM

From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 04:25 PM —

From: Matt Straus/DC/USEPA/US  
To: straus matt <straus.matt@epa.gov>  
Date: 10/01/2012 01:56 PM  
Subject: Fw: Letter to Cass Sunstein

— Forwarded by Matt Straus/DC/USEPA/US on 10/01/2012 01:55 PM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Lisa Feldt/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA  
Date: 03/05/2010 04:33 PM  
Subject: Fw: Letter to Cass Sunstein

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Mathy Stanislaus/DC/USEPA/US on 03/05/2010 04:33 PM —

From: Lisa Evans <levans@earthjustice.org>  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 03/05/2010 10:34 AM  
Subject: Letter to Cass Sunstein

Dear Mathy and Bob:  
Attached please find a letter from Earthjustice, EIP, SC, NRDC and SELC to Cass Sunstein.  
Please let me know if you have any questions.  
Sincerely,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

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EARTHJUSTICE



Southern  
Environmental  
Law Center



SIERRA  
CLUB  
FOUNDED 1892



NRDC  
The Earth's Best Defense



EIP  
ENVIRONMENTAL  
INTEGRITY PROJECT

March 5, 2010

The Honorable Cass R. Sunstein, Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
1650 Pennsylvania Avenue NW  
Washington, DC 20503

Dear Mr. Sunstein:

Re: OMB-RIN: 2050-AE81

We are writing on behalf of Earthjustice, the Environmental Integrity Project, the Sierra Club, the Natural Resources Defense Council and the Southern Environmental Law Center in response to a letter sent to you by Richard Stoll on behalf of Lafarge North America, Inc. (Lafarge) dated January 18, 2010. The purpose of this letter is to respond to Lafarge's inaccurate statements regarding both the existing and potential regulatory framework for coal ash and other coal combustion wastes (CCWs).

In its letter, Lafarge asserts that CCWs are not treated as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and claims that dire consequences will result from regulating CCWs as hazardous wastes under Subtitle C of the Resource Conservation and Recovery Act (RCRA). These contentions are false and misleading for the following reasons:

1. ***Coal ash is a CERCLA hazardous substance.*** Lafarge states that coal ash is not "listed" in the CERCLA regulations at 40 C.F.R. § 302.4, and therefore that coal ash is not a hazardous substance under CERCLA. Only the first of those contentions is true. There is no dispute that coal ash *is* a hazardous substance, regardless of the fact that it is not listed in § 302.4. That list is not meant to be exhaustive, and the federal courts long ago determined that coal ash meets the statutory definition of a hazardous substance.

It is well established that when a material contains components that are listed hazardous substances the material itself is also a hazardous substance. *See, e.g., United States v. Conservation Chemical Co.*, 619 F. Supp. 162, 238 (W.D. Mo. 1985) ("A waste is a 'hazardous substance' under CERCLA if it contains substances listed as hazardous under any of the statutes referenced in [42 U.S.C. § 9601(14)]."). Coal ash contains a wide variety of dangerous toxins listed as CERCLA hazardous substances, including arsenic, lead, and chromium compounds.

An early CERCLA case, *Eagle-Picher Inds. v. EPA*, 759 F.2d 922 (D.C. Cir. 1985), confirms that coal ash is a hazardous substance. In *Eagle-Picher*, owners of sites containing fly ash and mining wastes objected to EPA's placement of their sites on the Superfund cleanup list, alleging these wastes were not "hazardous substances." *Id.* at 926. The D.C. Circuit rejected their claim that such wastes "must be specifically listed . . . if they are properly to be deemed 'hazardous substances.'" *Id.* at 930; see also *Conservation Chemical*, 619 F. Supp. at 238 ("Fly ash . . . has been held to be a hazardous substance under CERCLA . . ."); *United States v. Petersen Sand & Gravel, Inc.*, 806 F. Supp. 1346, 1348 (N.D. Ill. 1992) (describing fly ash as "a hazardous byproduct" in a CERCLA liability claim).<sup>1</sup>

*Eagle-Picher* clearly indicates that coal ash has long been understood to be a CERCLA hazardous substance. EPA practice confirms this understanding, as EPA has repeatedly dealt with coal ash contamination through CERCLA enforcement. The fly ash site in *Eagle-Picher* is featured on EPA's website as a notable CERCLA success story. See EPA, Chisman Creek Case Study, [http://www.epa.gov/superfund/programs/recycle\\_old/success/casestud/chiscsi.htm](http://www.epa.gov/superfund/programs/recycle_old/success/casestud/chiscsi.htm). The devastating 2008 coal ash spill at the TVA Kingston Fossil Fuel Plant is also being cleaned up under CERCLA. Furthermore, both of EPA's previous regulatory determinations on fossil fuel combustion wastes (including CCWs) repeatedly emphasized CERCLA enforcement as a tool for handling mismanagement of these wastes. See 58 Fed. Reg. 42466, 42476, 42481 (Aug. 9, 1993); 65 Fed. Reg. 32214, 32217-18, 32233 (May 22, 2000).

In short, whether coal ash is a "specifically listed hazardous substance" or a "material containing a listed hazardous substance" is a distinction without a difference. Either way, coal ash is classified and identified as a hazardous substance under CERCLA, and is subject to the same enforcement and remediation requirements. Consequently, Lafarge's contention that coal ash "is not named on the list of CERCLA hazardous substances" is simply irrelevant to its legal status. Coal ash is a hazardous substance, and EPA has treated it as one.

## ***2. Materials that contain CERCLA hazardous substances are specially regulated.***

Lafarge claims that coal ash and related CCWs "are not subject to regulation or restrictions simply because they contain CERCLA hazardous substances." This assertion is simply false. The transport of any CERCLA hazardous substance, or any material containing such substances, is strictly regulated by the Department of Transportation under the Hazardous Materials Transportation Act (HMTA), 49 U.S.C. §§ 5101-5127.<sup>2</sup> Since coal ash contains many CERCLA hazardous substances (as Lafarge readily concedes), lawful transport of coal ash is already subject to stringent HMTA regulations.

CERCLA requires that any listed hazardous substance be "listed and regulated as a hazardous material" under the HMTA. 42 U.S.C. § 9656(a). Transport of hazardous materials is

<sup>1</sup> Other courts have followed *Eagle-Picher's* approach, finding other materials that contain substances listed in 40 C.F.R. § 302.4 to be CERCLA hazardous substances. See *Louisiana-Pacific Corp. v. ASARCO, Inc.*, 24 F.3d 1565, 1574 (9th Cir. 1994) (slag waste); *United States v. United Nuclear Corp.*, 814 F. Supp. 1552, 1558 (D.N.M. 1992) (mine tailings); *Arizona v. Motorola, Inc.*, 774 F. Supp. 566, 571-73 (D. Ariz. 1991) (grinding sludge); *City of New York v. Exxon Corp.*, 766 F. Supp. 177, 181-82, 190 (S.D.N.Y. 1991) (waste oil emulsion); *Idaho v. Bunker Hill Co.*, 635 F. Supp. 665, 673 (D. Idaho 1986) (mining waste).

<sup>2</sup> The Department of Transportation's regulations implementing the HMTA are found at 49 C.F.R. §§ 171-180.

subject to rules promulgated by the Secretary of Transportation for “safe transport,” 49 U.S.C. § 5103(b), including regulations regarding shipping papers, marking, labeling, placarding, training, emergency response, and safety-and-security plans. *See* 49 C.F.R. pt. 172. The “Hazmat Table” provided in the regulations lists all hazardous materials, as well as their classification, packaging and labeling requirements, quantity restrictions, and other provisions. *See id.* § 172.101.

While all CERCLA hazardous substances appear in the Hazmat Table, they are further listed in Appendix A to § 172.101, which provides the name of each substance and the reportable quantity (RQ). These materials are considered “hazardous substances” under the HMTA (in addition to CERCLA) when the quantity in a single package exceeds the RQ and, for mixtures or solutions, equals or exceeds a required concentration level.<sup>3</sup> *See* 49 C.F.R. § 171.8. Hazardous substances and mixtures thereof are subject to additional requirements for shipping papers, *id.* § 172.203(c), and labeling, *id.* § 172.324.

The presence of arsenic in coal ash provides just one example of how these restrictions play out in practice. Arsenic compounds are present in coal ash at concentrations averaging 43.4 parts per million (ppm).<sup>4</sup> The Hazmat table indicates that arsenic compounds are a Class 6.1 hazardous material and must be labeled “Poison.” These compounds are also subject to detailed packaging restrictions. *See* 49 C.F.R. § 173.211 (non-bulk shipment); *id.* § 173.242 (bulk shipment).<sup>5</sup> Furthermore, per Appendix A, arsenic compounds are HMTA “hazardous substances” when they exceed their RQ of one pound and occur in concentrations equal to or greater than 20 ppm. At average concentrations, any shipment of 12.5 tons or greater will thus be subject to additional regulations on shipping papers (§ 172.203(c)) and labeling (§ 172.324). Coal ash shipments frequently far exceed this tonnage, triggering these Hazmat requirements.<sup>6</sup>

The significant restrictions imposed by the presence of arsenic compounds represent only a fraction of the regulatory limitations on coal ash transport, given the number of hazardous substances found in CCWs. Yet Lafarge completely overlooks this complex and stringent existing regulatory structure for coal ash in order to argue, misleadingly, that regulation under RCRA would be unprecedented.

**3. EPA has broad discretion to tailor RCRA requirements for coal ash.** Lafarge incorrectly argues that designation as a hazardous waste will subject coal ash to “a panoply of extremely stringent federal regulations” and suggests this designation will make all facilities that manage coal ash subject to harsh “corrective action” by EPA. Lafarge’s argument ignores the fact that RCRA § 3004(x) affords EPA significant discretion in how it regulates coal ash and other “special wastes.” 42 U.S.C. § 6924(x).

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<sup>3</sup> HMTA hazardous substances are a subset of HMTA hazardous materials. *See* 49 C.F.R. § 171.8 (defining “hazardous material” to “include[] hazardous substances”). They are distinct from CERCLA hazardous substances.

<sup>4</sup> This concentration and that of many other ash and slag constituents can be found in COMM. ON MINE PLACEMENT OF COAL COMBUSTION WASTES, NAT’L RESEARCH COUNCIL, MANAGING COAL COMBUSTION RESIDUES IN MINES 42 (2006), available at [http://www.nap.edu/catalog.php?record\\_id=11592](http://www.nap.edu/catalog.php?record_id=11592).

<sup>5</sup> Arsenic compounds, like most Hazmat materials, are also subject to quantity restrictions for passenger rail, passenger aircraft, and cargo aircraft shipment. *See* 49 C.F.R. § 172.101 (Column 9).

<sup>6</sup> While coal ash transporters rarely comply with Hazmat restrictions, this does not make the regulations any less applicable.

Section 3004(x) specifically provides that if EPA decides to regulate these wastes under Subtitle C, the agency may modify RCRA requirements for corrective action, land disposal, minimum technological standards. *See id.* In creating such exemptions, EPA may consider “site-specific characteristics” and “practical difficulties” — clearly permitting the very case-by-case facility evaluations that Lafarge claims would be impossible. Section 3004(x) also allows EPA to consider economic concerns, an important factor for the beneficial reuse industry. *See* 51 Fed. Reg. 24,496, 24,500 (July 3, 1986) (noting § 3004(x) permits EPA to take into account “the economic impact of regulation”).

EPA undoubtedly would utilize its § 3004(x) authority to modify corrective action requirements for facilities engaged in beneficial reuse of coal ash.<sup>7</sup> Given the availability of this provision, there is simply no basis to argue that Subtitle C regulation would automatically entail *any* particular corrective actions, let alone Lafarge’s contention of “major civil and even criminal liability” for trivial violations. Indeed, EPA has previously stated that “the flexibility provided by section 3004(x)” would permit management standards “substantially the same” as the Subtitle D standards under which facilities with coal ash already operate. 65 Fed. Reg. 32,213, 32,232 (May 22, 2000). Lafarge’s parade of horrors thus lacks any statutory justification.

Taken as a whole, Lafarge’s letter misrepresents both the current regulatory status of coal ash and the flexibility available to EPA in developing controls under RCRA. While threatening devastating “stigma” should coal ash be regulated as a hazardous waste, Lafarge ignores the fact that coal ash *already is* both a hazardous substance and a hazardous material. This inaccurate portrayal trivializes the current regulatory regime and vastly overstates the practical impacts of additional designation under RCRA. Lafarge’s failure to acknowledge EPA’s broad discretion to develop tailored Subtitle C regulations only adds to the distortion. Simply put, coal ash *already is* hazardous under two federal statutes, yet this has hardly crippled the thriving beneficial reuse industry. Regulation under RCRA Subtitle C would be only an incremental — and carefully tailored — step beyond these existing controls.

We hope this information regarding the current regulatory scheme for coal ash, and the flexibility available under RCRA, will be useful to OMB in addressing the misleading contentions in Lafarge’s letter. We appreciate your consideration of this matter.

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<sup>7</sup> While EPA has not utilized § 3004(x) for CCWs in the past, that does not indicate it is an inappropriate tool for handling CCWs today. One of the primary factors leading EPA to select Subtitle D regulation over “tailored” Subtitle C regulation over two decades ago was a lack of scientific data on CCW management. *See* 51 Fed. Reg. 24,496, 24,500-01 (July 3, 1986). And EPA’s decision to continue the Subtitle D approach in 2000 noted that upcoming scientific reports might alter its conclusions. *See* 65 Fed. Reg. 32,213, 32,233 (May 22, 2000). In the intervening years the agency has accumulated a wealth of data on this topic that largely obviates these justifications for avoiding the use of § 3004(x). *See, e.g.*, Notice of Data Availability, 72 Fed. Reg. 49714 (Aug. 29, 2007); Announcement of Listening Sessions, 69 Fed. Reg. 9825 (Mar. 2, 2004).



**Fw: Recommend OSWER handle. Re: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

**Mathy Stanislaus** to: Mary Jackson

08/03/2012 12:17 PM

Sent by: **Shawna Bergman**

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:17 PM —

From: Noah Dubin/DC/USEPA/US  
To: Shawna Bergman/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Eilyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA  
Date: 03/24/2011 04:25 PM  
Subject: Re: Recommend OSWER handle. Re: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project

I'll let you know what we decide.

Thanks.

Noah Dubin  
Scheduler  
Office of the Administrator | US EPA  
Office: (202) 564-7314  
Cell: (202) 309-3687

Shawna Bergman Thank you for the opportunity to comment on th... 03/24/2011 04:20:27 PM

From: Shawna Bergman/DC/USEPA/US  
To: Noah Dubin/DC/USEPA/US@EPA  
Cc: Becky Brooks/DC/USEPA/US@EPA, Eilyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA  
Date: 03/24/2011 04:20 PM  
Subject: Recommend OSWER handle. Re: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project

Thank you for the opportunity to comment on this request.

OSWER suggests we handle this meeting rather than the Administrator. Please let us know if you want us to do that.

Shawna Roesch Bergman



Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

Noah Dubin

RE: SCH001-Scheduling Request - Meeting with...

03/23/2011 05:05:41 PM

From: Noah Dubin/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA  
Cc: Nelida Torres/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA  
Date: 03/23/2011 05:05 PM  
Subject: Scheduling Office Requests Input: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project

**RE: SCH001-Scheduling Request - Meeting with citizens of the Midwest and Mid-Atlantic Regions affected by Coal Ash along with Executive Director of Environmental Integrity Project**

Please see the attached invitation request for the Administrator and give your recommendation.

Thank you,

The Scheduling Office  
Office of the Administrator

Please include this link in your response

<NOTES://DCOGLN1/MHANSON/AQ/IO/invitationRequests.nsf/Processing/DAE4F35D7B9BA3BA8525785C006F292D>

Description/Purpose

4.12 or 4.13

Tentative Date

from

to

EPA Org:

04/12/2011

Original Request (use Notes Viewer and set magnification (View, Magnification) to Fit Width)



1 Thomas Circle, Suite 900  
Washington, DC 20005  
main: 202-295-8800  
fax: 202-290-8822  
[www.environmentalintegrity.org](http://www.environmentalintegrity.org)

March 21, 2011

The Honorable Lisa Jackson  
Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460

Dear Administrator Jackson:

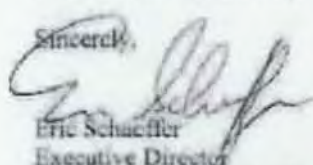
The Environmental Integrity Project (EIP) is writing you today on behalf of citizens in the Midwest and Mid-Atlantic regions of our country who are concerned that their health, property, livelihood, and/or quality of life have been harmed by coal ash pollution. With combined efforts from EIP, Earthjustice, and the Sierra Club, citizens living near coal ash dump sites will be coming to Washington, D.C. next month to talk about how their lives have been adversely impacted as a result of the inadequate coal ash regulations in their States.

We would like to request a meeting with you while these citizens are here in D.C. on Tuesday, April 12, 2011 or Wednesday, April 13, 2011. While we are finalizing the list of citizens, approximately 20 health care professionals, scientists, concerned parents, and individuals with health, property, livelihood, or quality of life concerns caused by living close to coal ash sites will be coming to D.C., and they would like to share their stories with you as you deliberate over the upcoming federal regulations for coal ash. We should have the list of people confirmed by March 28 and would be happy to provide you with a full list at that time.

We applaud the efforts the administration has taken already on proposing safeguards on coal ash. We believe that it is important for the administration to continue to provide leadership on this issue.

Please contact me directly with the best time to meet. My contact information is below.

Sincerely,



Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
[eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)





**Fw: Notes for Meeting with Environmental Organizations: A Few Revisions**

**Matt Straus** to: Mary Jackson

07/31/2012 12:17 PM


From: Matt Straus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

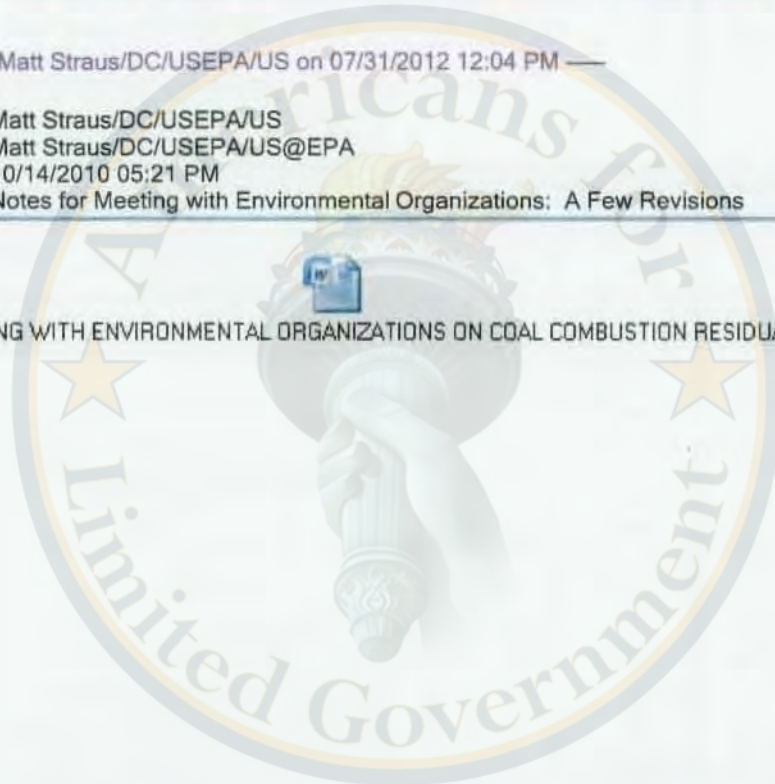
— Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:17 PM —

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 07/31/2012 12:04 PM  
Subject: Fw: Notes for Meeting with Environmental Organizations: A Few Revisions

— Forwarded by Matt Straus/DC/USEPA/US on 07/31/2012 12:04 PM —

From: Matt Straus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Date: 10/14/2010 05:21 PM  
Subject: Notes for Meeting with Environmental Organizations: A Few Revisions

 NOTES FOR MEETING WITH ENVIRONMENTAL ORGANIZATIONS ON COAL COMBUSTION RESIDUALS.docx





## NOTES FOR MEETING WITH ENVIRONMENTAL ORGANIZATIONS ON COAL COMBUSTION RESIDUALS:

On October 13, 2010, the Assistant Administrator for the Office of Solid Waste and Emergency Response met with a number of public interest groups. (See attachment for the attendees at the meeting from both EPA and the public interest organizations.) The major focus of the meeting was to present the results of two reports that have recently been issued. (Copies of the Report/Executive Summary of the Report were handed out at the meeting and are also attached to these notes.) Specifically:

- A summary was provided on the results from the report, *"In Harm's Way: Lack of Federal Coal Ash Regulations Endangers Americans And Their Environment."* Some additional points made were: (1) there is pervasive contamination at significant levels at many of the surface impoundments looked at where groundwater monitoring data is available that are both currently operating and those that are closed—it was noted that 30 of the 35 sites are currently operating, while five sites were shut down; at all the sites evaluated (39), 35 exceeded the primary drinking water standard ; (2) adequate groundwater monitoring of surface impoundments is needed to determine whether or not there is a contamination problem, and the fact that there is no monitoring data, does not mean that contamination is not occurring—in fact, based on the data gathered, it would seem likely that contamination is occurring; (3) arsenic, as well as other toxic metals have been found in the groundwater at levels significantly higher than the primary drinking water standards—since groundwater monitoring wells were primarily only available on-site, they had very little data from off-site wells (from 4 sites), but the fact that the metals are moving, means that it is likely that contamination will go off-site, if not already gone off-site; (4) even where contamination is found, they stated that the states are not taking action, or minimal action to address the contamination—for example, they indicated that industry has argued that the high levels of metals found are false positives, which they say the states basically accept, as well as that where the states acknowledged a problem (21 of the 35 sites), the states still took little action; (5) they suggested that the definitions that EPA used in the proposed rule between "proven damage case" and "potential damage case" should be revisited, in light of the information on damage cases that has been presented to EPA by environmental organizations; and (6) they also stated that EPA should not be bound by the statutory definition, as it relates to the damage cases, as it relates to the Bevill exemption. When it was asked whether they received much feedback or comment on the report, they indicated that they got some which questioned the interpretations

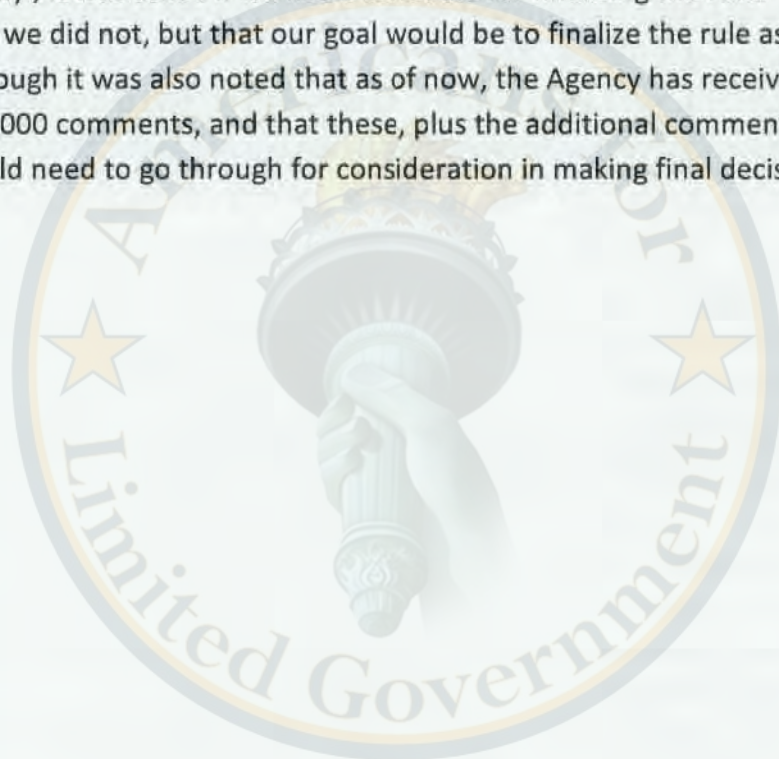
made, and that they planned to address those and place it in the docket before the end of the comment period.

- A brief summary was provided on the report, *“Coal Ash: The toxic threat to our health and environment.”* In addition, the following points were made: (1) the Physicians for Social Responsibility strongly support the need for federal regulation (under subtitle C) of coal combustion residuals; (2) there was a sense that portions of the subtitle C rules could or should be stronger—as an example, it was noted that at the Louisville hearing, the point was made that “C” was not good enough and need to look to do more, especially when it came to dealing with existing problems quickly; (3) they indicated their strong disagreement with statements that have been made that coal ash is not toxic, and was particularly concerned with EPA pointing to the Toxicity Characteristic Leaching Procedure (TCLP) as a measure of toxicity—they specifically referred to the findings of EPA’s SAB and the NAS regarding the adequacy of the TCLP; however, they also noted that due to the multiple toxic metals in coal ash, the toxicity of the material is more of a concern, a concern which was not reflected in the risk assessment; due to the persistence of the toxic metals, create more of an issue, and because of the latency period for a number of the toxic metals, it is premature to say that there are no risks, when the risks may be seen many decades in the future; (4) suggested that coal ash presents a greater risk to vulnerable populations, such as children, environmental justice communities, as well as workers and populations that live close to these sites because of the dust that they are exposed to. Finally, the point was made, that the unencapsulated uses of coal combustion residuals is a real concern that needs to be addressed.

However, the following additional points were also made or discussed:

- They indicated that a number of them had met with the Council of Environmental Quality (CEQ) recently to discuss the comments that CEQ made during the interagency review process, which comments were posted in the docket to the coal combustion residual proposal. They indicated that they informed CEQ that they did not agree with some of the comments made by CEQ during the inter-agency review process; they also indicated that they took strong objection to the stigma argument that is being taken, as well as the fact that EPA’s cost-benefit analysis would suggest that by regulating coal combustion residuals under subtitle C would bring recycling to a halt—this they believe does not reflect reality.
- The public interest groups seem to be generally supportive of the recycling of coal combustion residuals when it is in an encapsulated form, but they appear to be focusing their efforts on the risk and damages that are caused by the management of coal combustion residuals.

- The point was made that many of the units that manage coal combustion residuals would be considered open dumps under the subtitle D criteria and that EPA needs to take a closer look at them, and if they are open dumps, they should be closed now.
- It was asked if EPA was planning on briefing the Hill staff on the proposal before the end of the comment period. It was noted that the public interest groups have been briefing Hill staff, and that before the end of the comment period, it may be worthwhile for EPA to provide a briefing to the Hill, along the lines of the briefing provided in the Webinar. It was indicated that we had briefed the Hill when the rule was first proposed, but that we would consider whether another briefing would be appropriate before the end of the comment period.
- Finally , it was asked if we had a schedule for finalizing the rule. It was indicated that we did not, but that our goal would be to finalize the rule as quickly as possible, although it was also noted that as of now, the Agency has received approximately 150,000 comments, and that these, plus the additional comments received, we would need to go through for consideration in making final decisions.









**Fw: CCR**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:32 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:32 AM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Date: 11/14/2011 05:40 PM  
Subject: Re: CCR

Also, is the WH planning to issue a separate SAP in response to the Senate bill?

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

Mathy Stanislaus Non-EPA individuals at 11/4/11 Coal Ash meetin... 11/14/2011 05:33:09 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Cc: Lisa Feldt/DC/USEPA/US@EPA  
Date: 11/14/2011 05:33 PM  
Subject: CCR

Non-EPA individuals at 11/4/11 Coal Ash meeting with EPA

Arvin, Bob:

I met with the below folks a week ago. These are folks from various locations throughout the country impacted by coal ash mismanagement. They came into town to do a round of meetings in the Senate to oppose the Senate CCR bill. They reported that a number of Senators including McCaskill, Casey, Cole, Begich were considered co-sponsoring or supporting the bill because of the unknown of when EPA would be issuing its CCR rule. They reported that there's a common belief that EPA will not move until 2013. These groups asked that EPA send a signal that it plans to move on the CCR rule in 2012 as a way of getting these Senators off of the CCR bill.

With respect to the a CCR rule, Lisa Evans threw on the table the possibility of a bifurcated rule - that is issuing a rule just on impoundments first and then deal with landfills later (if you recall there's a far stronger case for impoundments). Related to this, there's a meeting being scheduled

with OGC to discuss other options that the enviros put on the table.

Michael J Kosnett, MD, MPH	University of Colorado
Jeff Stant	Environmental Integrity Project
Ymel Smith	LaBelle, PA
Sarah Mccoin	Harriman, TN – Swan Pond community
Emily Enderie	Earthjustice, Charlotte, NC
Rhiannon Fionn-Bowman	The Word Trade
Sandra Diaz	Appalachian Voices
Dalal Aboulhosn	Sierra Club
Claus Wawtzinck	Sierra Club
Daniel Brand	Individual – SC
Rudy Smith	Individual – SC
Patricia Schuba	LEO – Labadie Environmental Org
Sally Slotterback	PA citizen – Labadie, PA
Scott Randolph	State of Florida
Dan Randolph	San Juan Citizens Alliance
Teresa Connelly	LEO – Labadie Environmental Org
Hartwell Carson	Western NC Alliance – FB Riverkeeper
Terry Miller	Lone Tree Council, Bay City, MI
Lisa Evans	Earthjustice
Lissa Hughes	Northern AK
Teresa deLima	Fairbanks, AK

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response



**Fw: Final EJ Summary**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:45 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:44 AM —

From: Beverly Banister/R4/USEPA/US  
To: Stanislaus.Mathy@epamail.epa.gov, "Matt Hale" <Hale.Matt@epamail.epa.gov>, "Cynthia Giles-AA" <Giles-AA.Cynthia@epamail.epa.gov>, James Woolford/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Cc: "Stan Meiburg" <meiburg.stan@epa.gov>, "Franklin Hill" <hill.franklin@epa.gov>, "Freda Lockhart" <Lockhart.Freda@epamail.epa.gov>, "Cynthia Peurifoy" <Peurifoy.Cynthia@epamail.epa.gov>, "Scott Gordon" <gordon.scott@epa.gov>, Carl Terry/R4/USEPA/US@EPA, "Banister Beverly" <banister.beverly@epa.gov>, "Mary Wilkes" <wilkes.mary@epa.gov>, "Fred Thompson" <Thompson.Fred@epamail.epa.gov>  
Date: 11/04/2009 09:13 AM  
Subject: Fw: Final EJ Summary

Hello Everyone,  
Attached you will find the requested summaries from last week's EJ meeting. Please let us know if you need additional information. Beverly  
This message was sent from my blackberry.  
Freda Lockhart

----- Original Message -----

**From:** Freda Lockhart  
**Sent:** 11/04/2009 08:48 AM EST  
**To:** Beverly Banister; Stan Meiburg  
**Cc:** Franklin Hill; Freda Lockhart  
**Subject:** Final EJ Summary



environmental justice meeting summary final110405version.doc EJ community letters.pdf Stan's Remarks to Bullard meeting.doc

*Freda M. Lockhart*  
Freda M. Lockhart, Chief  
Superfund Office of Public Affairs & Outreach  
5. EPA Region 4  
Atlanta, GA  
(4) 562-8142  
(4) 562-8084 Fax





# EPA – Region 4



## Environmental Justice Meeting

## Summary of Concerns Raised

October 27, 2009

**EPA – Region 4  
Environmental Justice Meeting  
October 27, 2009  
Summary of Concerns Raised**

**Introduction:**

On Tuesday, October 27, 2009, senior leaders in Region 4 met from 10:30 a.m. to 12:30 p.m. with Dr. Robert D. Bullard, Director of the Environmental Justice Resource Center, Clark Atlanta University, and community leaders from Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee. (See attached Meeting Agenda). Representatives from the EPA Office of Inspector General also attended the meeting.

Tim Fields, Senior Vice President of MDB, Inc. and Technical Assistance Services for Communities (TASC) Consultant, facilitated the meeting with approximately 120 persons in attendance, representing more than 12 community organizations. A more in-depth report is being developed by the TASC Consultant and will be available in 2 – 3 weeks.

The purpose of this Environmental Justice meeting, held at Dr. Bullard's request, was to hear from community representatives about their most pressing public health and environmental concerns, and for community representatives to hear from EPA about the Region's environmental justice priorities and actions. Dr. Bullard and Stan Meiburg (Acting Regional Administrator) provided opening remarks, and each community representative then took a brief time to share his/her concerns with EPA.

**Summary of Issues:**

Environmental Justice concerns presented at the meeting fell into the following general categories: siting and residual contamination at municipal waste disposal facilities, coal-fired power plants and siting of ash disposal sites; EPA oversight of state-lead clean-ups; and National Priorities List (NPL) site activities. Community representatives read prepared statements and provided copies to Region 4 senior leaders. (See attached Letters). Two individuals who were scheduled to appear were not able to do so; however, letters from these representatives were provided in their absence.

Below is a summary of concerns by State, as presented by representatives at the meeting and/or in correspondence. This summary states the concerns: it is not a response. Additional fact sheets on each of these sites are available as needed.

**Alabama**

**Lisa Evans, Senior Administrative Counsel, EarthJustice and Barbara Evans, WildLaw**

**Concern** – Potential risk to residents of Perry County, Alabama, from the disposal of TVA coal combustion ash at the Perry County (Arrowhead) Landfill. Expressed concerns that the current operating permit of the Arrowhead Landfill could potentially place the community at risk for air and water contamination. Requested that five specific actions be taken: protect community from air dispersal of ash; conduct groundwater and surface water monitoring to measure coal ash constituents; conduct long-term groundwater monitoring; provide a TAG grant to assist the community in evaluating

risks; and hold a public hearing on TVA's proposal to dispose of remaining coal ash in Perry County.

**David Baker, Executive Director of Community Against Pollution (CAP) and Shirley Baker-Carter, Executive Director of Mothers and Daughters Protecting Children's Health (MADPCH) (unable to attend)**

**Concern** - Anniston Lead Site Administrative Order of Consent (AOC). Specifically, they are concerned that the lead removal AOC is not ensuring that the Potentially Responsible Party (PRP) conduct an adequate clean-up, put institutional controls in place, and further involve additional community members in the process.

## Florida

**Sarah Schwemin, Wildlaw Staff Attorney and Wanda Washington, FOCUS, Tallevast, Florida**

**Concern** - Groundwater contamination in Tallevast, Florida, resulting from a precision weapons manufacturing facility currently owned by Lockheed Martin and the alleged 3-year delay in notifying the residents of the off-site contamination. Lockheed Martin and the Florida Department of Environmental Protection (FDEP) have identified ten chemicals that have leached into the groundwater. Members of the community argue that State cleanup laws have less public participation than EPA and are seeking a more "collaborative" process to create a Remedial Action Plan, which they believe is taking too long. Many members of the community are seeking buyout/relocation. Would also like to see standards for TCE tightened.

**Francine D. Ishmael, Executive Director, Citizens Against Toxic Exposure, Inc. (CATE) (not present)**

**Concern** - Letter addresses two NPL sites. Seeks additional involvement in the active remediation of the Agrico Chemical Company site and expressed concerns regarding the first community relocation resulting from the Escambia Wood Treating Plant.

## Georgia

**Daniel Parshley, Project Manager, Glynn Environmental Coalition (Brunswick, GA) (not present)**

**Concern** - Letter requests re-testing of areas contaminated by toxaphene pesticide primarily in or near minority and low-income neighborhoods and elementary schools. Toxaphene was manufactured in Brunswick, Georgia, from 1948 to 1980, and disposed of in several landfills. Letter also raises a long-standing dispute about the analytical method used to test for toxaphene.

**Jill McEleheny (not present) and Charles Nash - Northeast GA Children Environmental Health Coalition (Athens, GA - Dunlap and Pittard communities)**

**Concern** - Request for termination of the DOJ/EPA consent decree reached with DuPont/Invista in the Spring of 2009 under the audit policy. Alleges that the cancer cluster investigation conducted by Agency for Toxic Substances & Disease Registry (ATSDR) of the Pittard Road Community was based on withholding of information on Dupont and requests EPA and DOJ to authorize re-opening of the health study. Also alleges that DuPont violated its permit by disposing of hazardous wastes illegally in the local municipal landfill adjacent to the community and asks EPA to stop the proposed landfill expansion.



**Ela Orenstein, Staff Attorney, Greenlaw on behalf of residents of Early County, Georgia**

**Concern** – Georgia Environmental Protection Division's (EPD) permitting of the Longleaf Energy Station, a coal-fired power plant to be located in Early County. Requested that EPA require EPD to evaluate possible disparate impacts in issuing air quality permits and require all states to amend their state implementation plans to include consideration of disparate impacts. Also requested consideration of cumulative effects of multiple pollution pathways on communities.

**Mississippi**

**Rev. Steve Jamison, Pastor, Maranatha Faith Center, Columbus, Mississippi –**

**Concern** - Impacts of creosote contamination on the planned expansion of the Maranatha Faith Center. The creosote contamination resulted from the Kerr-McGee Chemical Corporation (aka Tronox). Rev. Jamison believes that the Mississippi Department of Environmental Quality (MDEQ) has not required adequate remediation at the site and questions EPA enforcement of a 10-year old cleanup agreement with the company. He also asserts that EPA provided him with false documentation on Kerr-McGee. Members of the church, who live in the community surrounding the facility, are concerned with off-site contamination from surface water runoff in ditches surrounding the site. They reported that the church's expansion plans have been hindered by this contamination.

**Sherri Jones, Forrest County Environmental Support Team, Hattiesburg, Mississippi**

**Concern:** – Mr. Jones raised concerns about the Kerr-McGee site in Hattiesburg related to the residual contamination, and he associated the site with a high number of neonatal deaths in the community. Stated that concentrations of naphthalene in the groundwater exceed the acceptable level for drinking water. Alleged that the company exerts undue influence over the regulatory agencies and believes that neither EPA nor MDEQ has done adequate inspections at the site.

**Luke Funchess, Crystal Springs, Mississippi**

**Concern** - Discovery of polychlorinated biphenyl (PCB) contamination during an expansion project at the Kuhlman Electric Corporation facility. Indicated the greatest community impacted was the African American community and believes that a cover-up of the damage and severity of the contamination occurred. Suggested that the Mississippi Department of Environmental Quality had not done an adequate job of keeping the community informed nor did they require medical testing of the corporation's employees. Requested that EPA hire staff specifically trained to work across cultures.

**South Carolina**

**Rita Harris, Sierra Club on behalf of residents of Williston, South Carolina.**

**Concern** - Water contamination problems in the small rural community of Williston, South Carolina. Called for increased interagency communication and cooperation, and a willingness to involve people of color and low income residents at the grassroots level to have them feel a part of the process. Stressed that the community questioned whether or not they were being told the truth and felt there were not enough community meetings or adequate information available.

## Tennessee

### **Sheila Holt Orsted, Tennessee resident and plaintiff in civil rights and environmental lawsuits to clean-up TCE contamination in Dickson, Tennessee –**

**Concern** - Contamination of groundwater from disposal of TCE and other solvents in a legacy municipal landfill adjacent to her property. Raised concerns about the incidences of cancer in her community that she believes resulted from the disposal of trichloroethylene (TCE) in the Dickson County Landfill. Stated that well sampling information about groundwater contamination was provided to white residents in the 1990s, but was not provided to African-American residents. Also stated that EPA misrepresented groundwater risks in a letter to residents. Requested that EPA support legislation that codifies the Executive Order on Environmental Justice; support legislation that reinstates the Superfund tax; and protect families and communities around the country.

### **Gary Bullwinkel, Greater Fredonia Community for Environmental Justice (Fayette County)**

**Concern** – Raised concerns with how the NEPA process is being implemented. Specifically requested that EPA conduct a compliance investigation into TVA's assertion of a NEPA Categorical Exclusion for a TVA "Megasite" (a proposed large scale industrial development in a rural area). Requested more aggressive intervention by EPA and CEQ on NEPA reviews at the Haywood/Hatchie Megasite in West Tennessee.

### **Margaret L. Jones, Community Resident, Oak Ridge, Tennessee**

**Concern** - Raised health-related issues she attributes to the Oak Ridge nuclear weapons site. Indicated that the Department of Energy (DOE) has repeatedly stated that releases posed no threat to the Scarboro community, an assertion with which the community strongly disagrees.

### **General Observations:**

Members of the group expressed long-standing grievances with EPA in general and Region 4 in particular, as well as with their respective State environmental agencies and elected local officials. In general, the group sought more oversight by EPA of environmental problems in communities, immediate action on their issues of concern, and assistance from EPA in helping them to understand and address environmental problems in their communities.

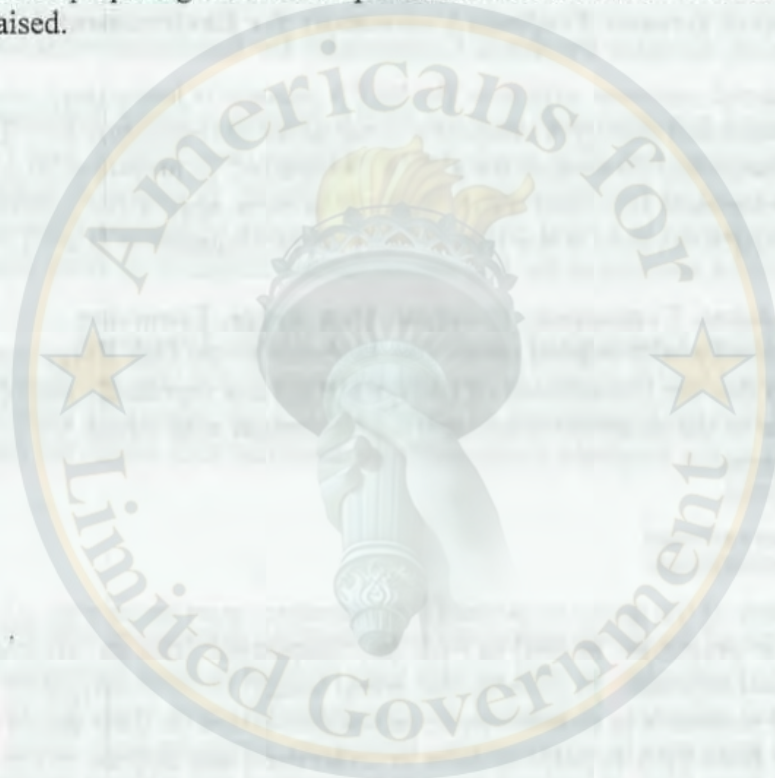
All of these sites have long histories of EPA involvement, and many are the subject of private party litigation. In many cases, a variety of remedial steps have already occurred (e.g., provision of alternate drinking water supplies in Tallevast and Dickson County and cleanup of lead sites in Anniston under the terms of a removal Administrative Order on Consent with PRPs). While the views expressed by meeting participants are sincere, we do not agree with all of the characterizations of site conditions as presented at the meeting.

## Next Steps:

At the conclusion of the meeting, Stan Meiburg made four commitments to respond to the many different perspectives on the sites and situations presented. They include:

- The Region will answer all of the letters submitted (did not commit to a date, but are working against an internal deadline of November 15).
- The Acting Regional Administrator will personally meet with Regional staff on each of the concerns raised.
- Environmental Justice will be placed on the agenda at the State Commissioners' Meeting being held in North Carolina this week.
- EPA will meet, as appropriate, with other Federal agencies (i.e., ATSDR, TVA, and DOE-Oak Ridge) where the concerns raised appear to fall within their jurisdiction.

Region 4 is also preparing individual updates and fact sheets for each site and for each concern raised.



**AGENDA FOR U.S. EPA Region 4 MEETING**

**OCT. 27, 2009 (10:30AM – 12:00PM)**

**Welcome/Introductions** – EJ Participants and EPA Senior Staff (15 min.)

**Opening Statement** (3-5 min.)

Dr. Robert D. Bullard, Director  
Environmental Justice Resource Center  
Clark Atlanta University

**Opening Remarks** (3-5 min.)

A. Stanley Meiburg, Acting Administration  
EPA Region 4

**Summaries of EJ Issues**

Dr. Bullard Overview (2 min.)

Oral Statements from EJ Leaders by state (2-3 min. each; 30-35 min.)

**Alabama** – Barbara Evans, Wildlaw (Burkville, AL); David Baker, Community Against Pollution (Anniston)

**Florida** – Wanda Washington, FOCUS (Tallavast); Sarah Schwemin, Wildlaw (St. Petersburg)

**Georgia** – Jill McEleheny, Northeast GA Children Environmental Health Coalition (Athens); Charles Nash, Concerned Citizens of Dunlap Road (Athens); Ela Orenstein, Greenlaw on behalf of residents of Early County, GA (Atlanta);

**Mississippi** – Sherri Jones, Forrest County Environmental Support Team (Hattiesburg); Rev. Steve Jamison, Maranantha Faith Center (Columbus)

**South Carolina**, Rita Harris, Sierra Club on behalf of residents of Williston, SC (Williston)

**Tennessee**, Sheila Holt-Orsted, resident of Dickson, TN (Dickson); Blenza J.P. Tefera, Scarboro community resident (Oak Ridge); Gary Bullwinkel, Greater Fredonia Community for Environmental Justice (Fayette County)

**Follow-up Action Items**

A. Stanley Meiberg and Region 4 Managers (25-30 min.)

**Closing Statement/Thanks**





**Fw: Follow-up Activities Resulting from Mathy Stanislaus' Visit to Picayune**

**Mathy Stanislaus** to: Mary Jackson

08/03/2012 12:16 PM

Sent by: **Shawna Bergman**

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:16 PM —

From: Mathy Stanislaus/DC/USEPA/US  
To: "Mr. Allyn Brooks-LaSure" <Brooks-LaSure.Alyn@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephannie@epamail.epa.gov>  
Date: 01/20/2010 12:21 PM  
Subject: Fw: Follow-up Activities Resulting from Mathy Stanislaus' Visit to Picayune

Re:the Administrator's visit  
Antoinette Powell-Dickson

----- Original Message -----

**From:** Antoinette Powell-Dickson  
**Sent:** 01/20/2010 11:03 AM EST  
**To:** Mathy Stanislaus  
**Subject:** Fw: Follow-up Activities Resulting from Mathy Stanislaus' Visit to Picayune  
Will provide hard copy as well.

Antoinette Powell Dickson  
Special Assistant  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0738; Fax: (202) 566-0207  
powell-dickson.antoINETTE@epa.gov

— Forwarded by Antoinette Powell-Dickson/DC/USEPA/US on 01/20/2010 11:03 AM —

From: DavidR Lloyd/DC/USEPA/US  
To: Antoinette Powell-Dickson/DC/USEPA/US@EPA  
Date: 01/20/2010 10:54 AM  
Subject: Fw: Follow-up Activities Resulting from Mathy Stanislaus' Visit to Picayune

David R. Lloyd, Director  
Office of Brownfields and Land Revitalization  
Office of Solid Waste and Emergency Response  
202-566-2731

— Forwarded by DavidR Lloyd/DC/USEPA/US on 01/20/2010 10:54 AM —

From: Myra Blakely/DC/USEPA/US  
To: DavidR Lloyd/DC/USEPA/US@EPA  
Date: 01/20/2010 10:51 AM  
Subject: Fw: Follow-up Activities Resulting from Mathy Stanislaus' Visit to Picayune

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Myra Blakely, Deputy Director  
Office of Brownfields and Land Revitalization  
Office of Solid Waste and Emergency Response  
202-566-2750

— Forwarded by Myra Blakely/DC/USEPA/US on 01/20/2010 10:50 AM —

From: Freda Lockhart/R4/USEPA/US  
To: Myra Blakely/DC/USEPA/US@EPA  
Cc: Freda Lockhart <Lockhart.Freda@epamail.epa.gov>, Randall Chaffins/R4/USEPA/US@EPA, Franklin Hill/R4/USEPA/US@EPA, Dee Stewart/R4/USEPA/US@EPA, Jerry\_Banks@deq.state.ms.us, Trey\_Hess@deq.state.ms.us, Alice\_Perry@deq.state.ms.us, Gloria\_Tatum@deq.state.ms.us, Jeff Pallas/R4/USEPA/US@EPA, Freda Lockhart <Lockhart.Freda@epamail.epa.gov>, Don Rigger/R4/USEPA/US@EPA  
Date: 01/11/2010 10:17 AM  
Subject: Follow-up Activities Resulting from Mathy Stanislaus' Visit to Picayune

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Myra:

Per your request, attached is the summary of follow-up activities resulting from Mathy's visit to Picayune, MS, on November 14, 2009. Continuing dialogue is taking place between EPA and MDEQ on these efforts.

Please let me know if you need any additional information.



FOLLOWUP ACTIVITIES FROM PICAYUNE VISIT.doc

*Freda M. Lockhart*  
Freda M. Lockhart, Chief  
Superfund Office of Public Affairs & Outreach  
U.S. EPA Region 4  
Atlanta, GA  
(404) 562-8142  
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## **FOLLOW-UP ACTIVITIES RESULTING FROM MATHY STANISLAUS' VISIT TO PICAYUNE, MISSISSIPPI**

### **Background:**

On Saturday, November 14, 2009, Region 4 coordinated a Listening Session with Mathy Stanislaus, Assistant Administrator for the Office of Solid Waste and Emergency Response (OSWER) and concerned citizens of Mississippi. The Listening Session gave Picayune and surrounding environmental justice communities an opportunity to speak directly with Mr. Stanislaus regarding environmental issues/concerns in their communities. Also in attendance at the Listening Session were Stan Meiburg, Acting Region 4 Administrator, Franklin E. Hill, Director, Superfund Division, Alan Farmer, Director, RCRA Division, and Trudy Fisher, Mississippi Department of Environmental Quality (MDEQ) Executive Director. Additionally, there were several Superfund and RCRA supervisors and staff, as well as MDEQ officials and staff.

Attachment 1 provides a full summary of meeting notes from the session held at the South Side Elementary School in Picayune, MS.

### **Follow-up Activities Resulting From Listening Session:**

Several of the individuals who attended the November 14<sup>th</sup> Listening Session in Picayune also attended and participated in the October 27<sup>th</sup> Environmental Justice (EJ) Meeting in Atlanta that was hosted by the Region 4 Acting Administrator. The same issues/concerns raised at the EJ Meeting from Mississippi community groups were also shared with Mathy Stanislaus. Attachment 2 provides a Summary of Concerns Raised at the Environmental Justice Meeting.

EJ representatives who attended the October 27<sup>th</sup> EJ Meeting read prepared statements and provided copies to Region 4 senior leaders for official responses. Each letter submitted at the October 27<sup>th</sup> EJ Meeting has been responded to. These include concerns raised regarding sites in Columbus, Hattiesburg, and Crystal Springs.

Several follow-up meetings have been scheduled in Columbus, Hattiesburg, and Crystal Springs to continue the dialogue with interested community groups and residents in these communities. Specifically, the following meetings are planned:

**Hattiesburg, MS** – Mississippi Department of Environmental Quality (MDEQ) is the lead for the clean-up at the Tronox Facility in Hattiesburg. As a result, Franklin Hill, Superfund Division Director, and members with his staff are traveling to MDEQ in Jackson, MS on January 13 to discuss the Hattiesburg site and other sites of interest in Mississippi. Additionally, on January 14, Mr. Hill is scheduled to meet with the Mayor and community leaders and residents. Since the November 14<sup>th</sup> visit to Picayune, Mr. Hill has had several telephone conversations with the Mayor of Hattiesburg and Sherri Jones of the Forrest County Environmental Support Team.

**Columbus, MS** – EPA Region 4 is the lead for the clean-up at the Tronox Facility in Columbus, MS. Jeff Pallas, Chief, Restoration and Underground Storage Tanks Branch, RCRA Division, has had numerous conversations with Reverend Steve Jamison of the Maranatha Faith Center. On December 14, 2009, a repository of RCRA Corrective Action documents was set up at the local library in Columbus. A brief meeting was also



held briefly with Rev. Jamison while RCRA staff was in Columbus on December 14. In addition, the RCRA Division, along with MDEQ, has set up a Listening Session on January 21-22 with Rev. Jamison and other community leaders. The purpose of this Listening Session is to provide information on the ongoing and upcoming work at the Tronox facilities and surrounding community to remediate contamination. During this meeting, EPA and MDEQ will also plan a technical availability session in Columbus for the community that will include ATSDR, as well as the technical staff at EPA. It is anticipated that the technical availability session will occur in February or March 2010.

**Crystal Springs, MS** – MDEQ is the lead for groundwater clean-up at the Kuhlman Electric Corporation. MDEQ is planning to set up a listening session in Crystal Springs some time in February or March 2010. Region 4 RCRA Division staff will also be a part of this session. MDEQ has committed to a continued strategy of being responsive to citizens and are addressing the specific issues brought up at the Picayune meeting. Specifically, Trudy Fisher, MDEQ Executive Director, has instructed staff to make inspections of the sites discussed at the community meeting and to keep the public updated about activities at these sites.

**MDEQ Community Involvement Planning Activities** - Trudy Fisher has met with Dr. Charlotte Keys, Jesus People Against Pollution, one of the individuals who played a leadership role in community involvement and who spoke several times at the Picayune meeting to set the stage for a State-wide meeting in mid to late 2010. On January 5, 2010, the Gulf South Advocacy Center (GSAC) held a meeting at the Hattiesburg Convention Center, in Hattiesburg, MS, to introduce the mission of the GSAC and to begin meaningful dialogue. MDEQ participated by sharing and exchanging information from speakers on Brownfields redevelopment and the history of MDEQ's Environmental Justice Strategy, as well as listening to the needs and concerns of the individuals present at the meeting.

On December 15, 2009, MDEQ and EPA Region 4 Brownfields staff participated in the City of Hattiesburg's Coalition Brownfields Grant "Kickoff" Planning Meeting. The purpose of the meeting was to develop strategies for identifying areas for redevelopment and to establish a clear understanding of expectations from EPA, MDEQ, the City, and the community. At the end of the meeting, it was understood that each coalition member (the City of Hattiesburg, the City of Petal, and Forrest County) were to respectively identify three (3) community members within each coalition members jurisdiction to serve on the Community Advisory Committee and for a Technical Advisory Committee to be developed to steer the project. A follow-up meeting was held on January 7, 2010, of the two committees to establish priorities and to begin planning for a community-wide meeting to solicit public involvement. MDEQ and EPA Region 4 will assist the coalition partners with these community involvement activities.

Finally, to ensure that our Superfund and RCRA State Directors are aware of and supportive of the OSWER Community Engagement Initiative (CEI), the Initiative has been shared with the State Directors. State Directors have been informed that the purpose of the Initiative is to enhance our programs' capacity to engage and prepare local communities and stakeholders to meaningfully participate in government decisions on land clean-up, emergency response, and the management of hazardous materials and waste. Continuing discussions will take place with our States, and Community Engagement will be an agenda item on future conference calls and meetings.



**Technical Assistance Services for Communities**

**Contract No.: EP-W-07-059**

**TASC WA No.: TASC-2-HQ-OSRTI**

**Technical Directive No.: TASC-2-HQ-OSRTI-R4 MS Community Meeting with Mathy Stanislaus 04-09**

**EPA Region 4-Mississippi Community Meeting with Mathy Stanislaus**

**Site Name:** Mississippi Community Meeting with Mathy Stanislaus  
**Site Location:** South Side Elementary School, Picayune, MS  
**Date:** Saturday, November 14, 2009  
**Time:** 3:00-5:00 p.m. CST

The November 14, 2009 listening session with Mathy Stanislaus, Assistant Administrator, U.S. Environmental Protection Agency (EPA) Office of Solid Waste & Emergency Response, EPA Region 4 staff, and concerned citizens of Mississippi gave residents of Environmental Justice (EJ) communities in the area the opportunity to speak directly to Mr. Stanislaus regarding the environmental issues in their communities. It also served as an opportunity for EPA to solicit feedback from communities for improving community involvement in Region 4. The following three questions were posed to attendees of the listening session by the Technical Assistance Services for Communities (TASC) facilitator, Michael J. Lythcott of E<sup>2</sup> Inc., on behalf of EPA:

- What can EPA do to make the decision-making process more transparent and accessible to community stakeholders?
- What special technical assistance tools do you need?
- How can EPA better present information to enable communities to better understand environmental issues?

The meeting agenda, list of confirmed attendees, sign-in sheet and lunch and site tour agenda are attached to this summary.

**Welcome**

The welcome was given by the facilitator, Mr. Lythcott.

**Opening Prayer**

An opening prayer was delivered by Dr. Charlotte Keys of Jesus People Against Pollution of Columbia, Mississippi.

**Ground Rules**

Mr. Lythcott offered the following ground rules for the meeting:

- Be respectful of one another.
- Limit your speaking time.
- No sidebar conversations.
- Turn off/silence cell phones.

- The purpose of the meeting is to exchange information: please do not turn an environmental issue into a personal attack, and do not perceive concerns as personal criticism upon specific site work.

### **Introductions**

Individuals in the room introduced themselves, their affiliation and communities.

### **Opening Remarks**

Mathy Stanislaus delivered the opening remarks. He thanked participants for their attendance at the meeting. He explained that communities play a critical role in EPA decision-making and that it is his responsibility to listen to the community. Mr. Stanislaus stated that he would like to hear input from the communities on how to improve EPA community engagement and asked that community members be as specific as possible while speaking so that he is able to incorporate suggestions.

### **Community Concerns**

*Reverend Steve Jamison, Maranatha Faith Center (Columbus, Mississippi)*

Reverend Jamison stated that his community has been involved with issues surrounding the Kerr McGee site for 10 years. He questioned EPA as to why cleanup at Kerr McGee has not been enforced. He stated that he believes there to be inappropriate relationships between Kerr McGee, EPA and Mississippi Department of Environmental Quality (MDEQ). EPA has been unresponsive to his community's requests and he suggests that EPA treat Kerr McGee as they would any other company and enforce the penalties for violations that have occurred.

Mr. Jamison stated that much has been done to help the community in the last six months due to the new EPA administration and this shows that EPA is concerned. A citizen's action committee should be formed made up of community members to advise EPA in their hiring process.

*Dr. Charlotte Keys, Jesus People Against Pollution (Columbia, Mississippi)*

Dr. Keys stated that her community has been dealing with health issues associated with a Superfund site for 20 years and that the collaboration between and enforcement by agencies is important. There have been many concerns in her community that there is no enforcement of laws surrounding Superfund and Brownfields in her area. The individuals living in these areas need to be able to work with the agencies. Her community had a Collaborative Problem Solving project that involved the Department of Housing and Urban Development (HUD) and EPA, and interagency collaboration was the key. Dr. Keys stated that it is the community involvement at every level that moves a project from a vision to an action.

Dr. Keys suggested that EPA create an environmental enforcement task team involving the community and representatives from state, regional and national levels as well as HUD, U.S. Department of Energy, Agency for Toxic Substances and Disease Registry, U.S. Department of Transportation, U.S. Department of Defense, etc. This task force could work on the ground in the communities to tailor assistance to their needs. This would serve to alleviate a long history of issues between EPA and the community.

*Charles Davis, Hattiesburg Neighborhood Association (Hattiesburg, Mississippi)*

Mr. Davis stated that lack of funding for issues surrounding his community's Brownfields sites are a major issue. His community will be receiving only one Brownfields Grant and there are four sites in the community that need cleanup. It has been difficult organizing among the four sites. His community also has issues surrounding ground water contamination from underground storage tanks. Mr. Davis stated that EPA should utilize techniques to make public information more visible to the communities.

*Leavern Guy, Concerned Citizen (Picayune, Mississippi)*

Mr. Guy suggested that EPA be more punitive towards companies violating existing laws and regulations. These companies should not be allowed to continue functioning by being given second chances. Mr. Guy stated that there was a business in Picayune that opened without the appropriate environmental permit and without MDEQ's knowledge began contaminating the same area that had previously been cleaned up. This company was allowed to exist for several months and was not immediately shut down. Instead they were punished with a small fine. Mr. Guy suggested that EPA be more aggressive with immediate shutdown, larger fines and jail time for businesses such as these.

*Sherri Jones, Forrest County Environmental Support Team (Hattiesburg, Mississippi)*

Mr. Jones explained that there has been litigation regarding the Kerr McGee site in Hattiesburg since creosote was discovered in 1989. Using a poster printout of the site from the MDEQ website, Mr. Jones explained that the portion of the site with all black leaseholders was not given the option to participate in a \$17 million settlement in the area that eventually went to white residents.

Mr. Jones stated that the city of Hattiesburg recently did an independent assessment and there is still contamination in the area. His organization also has data from the health department showing infant deaths in his community. There was never a public meeting to notify the community although some residents in the area were notified. He suggests that the MDEQ EJ Coordinator, whom they have never met, maintain a presence in the community, and that EPA is responsive to their needs.

*Frank Egger, Concerned Citizen (Picayune, Mississippi)*

As a resident of Picayune for 43 years, Mr. Egger is concerned with the creosote and wood treatment carcinogens in the city. Wood treatment facilities dumped creosote into the sewage system and it is detrimental to everything living nearby. Ponds were drained and Mr. Egger's neighbor's cows died from consuming contaminated ground water.

Mr. Egger stated that there was never enforcement of cleanup liability for the responsible party, possibly because one of the city councilmen was the owner's bookkeeper. He suggests that EPA force the responsible parties to pay for cleanup, help affected citizens in any way possible and keep the community more informed.

*Wilma Adams, Mobile Bouie Association (Hattiesburg, Mississippi)*

Ms. Adams lives directly adjacent to Altar Junk Yard (formerly Schimper's) and is concerned about chemicals leaching into the soil and breathing contaminated dust. She took her grandson to a physician who informed her that living near a junkyard such as the

one near her house could have negative health effects. She approached MDEQ to assist with the issue and there were plans to use water to decrease the dust until it was realized that contaminated mud would then be tracked outside of the area. She is requesting help from EPA regarding this issue.

*Melvin Williams, President of the Mobile Bouie Association (Hattiesburg, MS)*

Mr. Williams stated that when his neighborhood has requested assistance from MDEQ, within the last eight years especially, they have addressed his concerns. His community is surrounded by industry and has concerns regarding the remediation and Brownfields assessment at the site. He suggests that EPA create stricter legislation for companies that have been "grandfathered in." Mr. Williams would like to thank Gloria Tatum with MDEQ for assisting his community and explaining environmental laws and regulations more clearly.

*Luke Funchess, Forrest County Environmental Support Team (Crystal Springs, Mississippi)*

Mr. Funchess stated that the industrial plants in Crystal Springs never informed their employees about the chemicals with which they were working. The chemicals are now airborne, in the ground water and in drainage ditches. Mr. Funchess stated that people come to his community to drill and refuse to answer the community's questions. Wells have been shut down and no one in the community has been informed as to why. People in the community are sick and dying and instead of protecting the community Mr. Funchess feels as though EPA and MDEQ are protecting the companies. Mr. Funchess asks that EPA answers the community's questions and educates them about the environmental and health risks associated with the sites.

*Frankie Benton, Forrest County Environmental Support Team (Hattiesburg, Mississippi)*

Mr. Benton suggests that EPA have more compassion for the individuals they serve who maintain residences "across the tracks." Mr. Benton stated that large corporations took advantage of poor communities and now there is creosote contamination. The individuals in place at EPA that should have been helping his community are not sensitive to the issues of individuals living "across the tracks" and treat them poorly. He suggests that EPA representatives of any racial background should treat his community as they would other communities.

*Carolyn Reed, Forrest County Environmental Support Team (Hattiesburg, Mississippi)*

Ms. Reed suggests that EPA use a different form of public notification in its community outreach. Currently information on community meetings, etc. is printed in the newspaper, but Ms. Reed stated the information is in the back of the paper and the print is too small.

Additionally, Ms. Reed suggests that EPA create a mechanism for informing the community of environmentally-related issues. She was notified about the lawsuit with Kerr McGee when a lawyer contacted her regarding a settlement. She was raised one block from the plant and her family has health issues. The community should be notified of litigation, and individuals with homes on contaminated soil should be informed.

*James Black, Center for Environmental and Economic Justice (Biloxi, Mississippi)*

Mr. Black stated that his organization was fortunate to have an EJ Small Grant from EPA that allowed them to conduct EJ work. Mr. Black has seen that the bulk of grant monies available are distributed to larger community groups and he suggests that EPA restructure their grant programs and prioritize portions to be awarded to small community groups.

*Franklin Tate, Director of Federal and State Programs (Hattiesburg, Mississippi)*

Mr. Tate's organization has received two environmental assessment grants and a one million dollar grant for assistance from EPA and expressed his gratitude. His organization has been working with the City of Hattiesburg on its independent environmental assessment requested by concerned citizens. He would like to suggest that grant funding and incentives for redevelopment be made available in addition to funding for assessments.

*Derrick Evans, Turkey Creek Community Initiatives (Harrison County, Mississippi)*

Mr. Evans stated that the Turkey Creek community has been subject to the effects of living in close proximity to the Gulf of Mexico. The community was inundated with high surge waters during hurricane Katrina that were toxic due to the uses of Interstate 10 in the area. Mr. Evans stated that in Turkey Creek environmental issues related to water, solid waste and Environmental Justice should not be separated because Turkey Creek is located within a triangle of infrastructure.

The community has begun planning that includes environmental stewardship, Brownfields cleanup and drafting a watershed plan that identifies areas of concern (at this point Mr. Evans pointed out several areas on a large map of the Turkey Creek community and surrounding area where watershed plans have been made). Low income African American communities have become knowledgeable about resources available, challenges they face and are working toward redeveloping themselves. Mr. Evans would like for EPA to join in this process by combining new ideas in public health, legal needs and requirements for cleanup and redevelopment.

*Ivan Berger, Gulf South Advocacy Center*

Ten years ago Mr. Berger's interest in environmental issues was sparked when he was told that he could not fish in the lake near his parents' home because it was contaminated. The Gulf South Advocacy Center is an organization designed to assist small communities who are unable to address environmental issues alone. The Center is currently developing a military-style intelligence network for sharing information and experiences nationwide as the environmental network in Mississippi lags behind that of other states. Mr. Berger stated that there are many passionate people at EPA and MDEQ and in order for progress to be made there must be collaboration between communities and agencies. The focus cannot be placed on a single project or community; all entities must work together for the good of all communities.

#### **Next Steps/Closing Remarks**

Next, Mathy Stanislaus addressed the attendees. He stated that he wanted to be honest about what EPA can and cannot do. EPA will not be able to solve issues such as the ones presented at the meeting overnight and it will work with MDEQ to address the challenges that exist. EPA will provide a summary of this meeting to address the specific issues

requested. EPA will make specific proposals regarding enforcement of environmental laws and will examine alternate methods of disseminating information into communities. Mr. Stanislaus stated that he has committed himself to being open and available to communities and can be reached at: [aastanislaus@epa.gov](mailto:aastanislaus@epa.gov). He will take the words, challenges and hurt presented today seriously to try and resolve the issues.



## Meeting Agenda



**Community Listening Session  
South Side Elementary School  
1500 Rosa Street, Picayune, MS 39466  
Cafetorium  
Agenda**

*(Purpose: To hear from local residents and community groups on ways to make OSWER programs more transparent; discuss how EPA's process for developing and issuing policy, rules, or guidance can be opened; how to develop better strategies for handling waste or cleaning up contaminated sites; and how EPA can enhance or re-design public processes so that communities are more fully informed and consulted.)*

### **Welcome and Opening Remarks**

Mathy Stanislaus  
Asst. Administrator  
EPA Office of Solid  
Waste & Emergency  
Response (OSWER)  
Audience

### **Community Listening Session**

*(Facilitated Discussion to Provide an Opportunity to Ask Questions, Express Concerns, Recommend Solutions, etc.)*

### **Next Steps**

### **Close-out/Dismissal**

*\*South Side Elementary School was the site of remediation work associated with the clean-up of the Picayune Wood Treating property.*

*Light Refreshments will be available during the Community Listening Session*



**List of Confirmed Attendees**

**CONFIRMATIONS**

**Community**

Derrick Evans of  
Turkey Creek Community Initiatives (TCCI)  
Hattiesburg, MS

Rev. Lettie Evans-Caldwell -  
Mount Pleasant United Methodist Church,  
Environmental Ministry

Judy Steckler - Land Trust for  
the Mississippi Coastal Plain

Rose Johnson - North Gulfport  
Community Land Trust

Buck Lawrence - Steps Coalition

Joan M. Wesley, Jackson State University  
Community listening session.

Reba Beebe  
City of Picayune

Consuela Glass, Mississippi Valley State University  
Department of Environmental Health

Mr. Sherri Jones  
Forrest County Environmental Support Team  
(+ 20 or more) – Hattiesburg, MS

Rev. Steve Jamison (alone)  
Maranatha Faith Center  
(Columbus, Mississippi)

**Officials**

Franklyn Tate, Dir. of Federal  
& State Programs,

(City Hall)

Mayor Aneice Liddell

Harvey Miller, City Manager  
City of Picayune

Ed Pinero, Mayor  
City of Picayune

**Will not attend**

Mayor Harvey Johnson, Jackson, MS  
Mayor George Schloegel, Gulfport, MS  
Mayor Robert Smith, Columbus, MS  
Mayor Johnny Dupree, Hattiesburg, MS  
Mayor Gene McGee, Ridgeland, MS  
Mayor Jack Reed, Jr., Tupelo, MS  
Anita Greenwood, Tallahatchie County

# Meeting Sign-in Sheet

## EPA 2009 MATHY STANISLAUS' VISIT MEETING SIGN-IN SHEET

**Project:** Community Listening Session 3:00-5:00pm

**Meeting Date:** November 14, 2009

**Facilitator:** Michael Lythcott

**Place/Room:** South Side Elementary School Cafeterium

Name	Title	Company	Phone	Fax	E-Mail
Cristy Williams	Mobile	Bone Association	601-344-0337		
Bonnie Adams	"	"	"		
Madvin Williams	"	"	601-544-0337		
Erik Fox	Reporter	CS Chronicle	601-544-0104		missleric@yahoo.com
Erenda Bell	Coffee Shop	USA Public Health	601-583-0579	601-264-5781	bbellcoffee@cs.com
JL Coffee	Photography				
Joan Wesley	Asst. Professor	Jackson St. Univ.	601-432-6860	601-432-6862	Joan.M.Wesley@jsums.edu
Wayne	Reporter	Propose Inc	701-4766	701-8602	Wayne@proposetech.com
Jeff Pallas	JUST BR	EPA-RI	404-962-8569		Pallas.jeff@epa.gov
Denzel Matson	Chief SRSB Section	EPA RA	404-962-8900		
Finrice Mitchell	Mayor	City of Bossier	306-306-0127		
Nishia Jean	GM	Moham Inn	601-749-2606		
Alan Farnham	RCRA Director	EPA	404-562-8313		Farnham.Alan@epa.gov
Tony Ewing		ABI	601-291-2146		Designs by Tony Ewing
Carolyn Jordan		FCEST	601-544-1811		
Lee G Jackson		ECBIST NETWORKING	601-544-1811		
Lynne Funchess		FCEST	601-544-1811		
Deborah Daniels	seal	MS STATE SENATE	601-359-3237		deborahj@hot.msn.com

# EPA 2009 MATHY STANISLAUS' VISIT MEETING SIGN-IN SHEET

**Project:** Community Listening Session 3:00-5:00pm

**Meeting Date:** November 14, 2009

**Facilitator:** Micheal Lythcott

**Place/Room:** South Side Elementary School Cafeterium

Name	Title	Company	Phone	Fax	E-Mail
Kinda Williams		Mobile Home Association	604-582-5365		
Risella C. Daniel	City Clerk	Picayune	(601) 799-5542	(601) 799-5546	piccityclerk@bellsouth.net
CHARLES DUKU	NEFGT ASSOM	AFTI	567-767		
Willie Keys		JPAP	601-818-2162		
Dr. Charles Keys	Exec. Dir.	JPAP/GSAC/SHRA	(601) 818-0137	(601) 736-7099	Keysj@jppap.com
Judy Keenan	E. Director	Ford Trst	228 435-9191	228 435-5749	jkeenan@ford.com
Wally Jack	Servant	Marantha	424-440-0508		wally@marantha.com
STEVE JAMISON	Pastor	Marantha	3382 662-3382	329 4860	sjam@marantha.com
Louis J. Hall	Asst. Pres.	M.V.S.U.	2291 424-5489		ljhall@mvsu.edu
Helen Keyes	Marketing	Holiday Inn	601-744-2626	949-2635	helenk@holidayinn.com
Jean Buff	Director	Cal. E. S. Hillman	601-544-4100	541-4104	Buffjean@hillman.com
Andy Earned		IPS	805-422-8800		
Deacon Douglas	FCEST	F.C.E.S.T.	601-264-0471		dwat@yahoo.com
Johnny Kauts	FCEST	FCEST	918-596-2565		jkauts@ccrr.com
CHARLES FINLEY	FCEST	FCEST	601-892-3399		
Barbara Libby	Assoc	South Side	601-798-7211		
Tennis Whit	TS	Trubhat	601-214-3762		tennwh@att.net
Barbara Libby	Assoc		601-798-6298		grewb@bellsouth.net

# EPA 2009 MATHY STANISLAUS' VISIT MEETING SIGN-IN SHEET

**Project:** Community Listening Session 3:00-5:00pm

**Meeting Date:** November 14, 2009

**Facilitator:** Michael Lythcott

**Place/Room:** South Side Elementary School Cafeterium

Name	Title	Company	Phone	Fax	E-Mail
FRANK N. EDGER	EDITOR	THE INFORMER NEWS	601-744-3754		INFORMERNEWS@DINTASTAR.NET
Stan Meiburg	Acting Regional Administrator	ESPA Region 4	601-704-8557	601-704-8561	meiburg.stan@epa.gov
Coverly Lead		FCEST	601-581-4125		
Marius & Watson		FCEST	601-581-3275		
Neva Benton		FCEST	601-544-2547		
Frankie Benton		FCEST	601-307-7060		
Sherril Jones	Community Liaison	FLEST	601-441-5646		Sherril@flest.usdoj.gov
Larry C. Ireland			601-798-5993		
Brenda Ireland			601-798-5993		
Frankie Benton		FLEST	601-307-7060		

# EPA 2009 MATHY STANISLAUS' VISIT MEETING SIGN-IN SHEET

**Project:** Community Listening Session 3:00-5:00pm

**Meeting Date:** November 14, 2009

**Facilitator:** Michael Lythcott

**Place/Room:** South Side Elementary School Cafetorium

Name	Title	Company	Phone	Fax	E-Mail
Jan Black	SX Dir	CEET, Inc	228-374-3010		ceet@bellsouth.net
Sandra Taylor	Program Director	CEET, Inc	228-374-3010		ceet@bellsouth.net



# EPA 2009 MATHY STANISLAUS' VISIT MEETING SIGN-IN SHEET

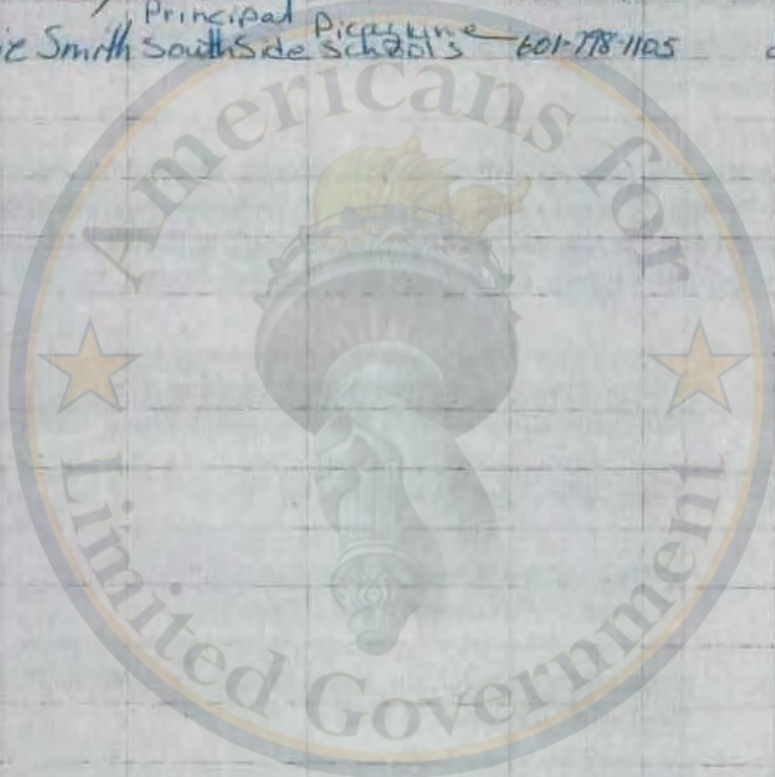
**Project:** Community Listening Session 3:00-5:00pm

**Meeting Date:** November 14, 2009

**Facilitator:** Michael Lythcott

**Place/Room:** South Side Elementary School Cafetorium

Name	Title	Company	Phone	Fax	E-Mail
Iola Polk	Adm/Asst	CEEU	374-300		ceejine @bellsouth.net
Derrick Evans	E.D.	TLLI	67-688-0846		tdai@vector.com
Lettie Caldwell	Rev.	Mt. Pleasant UMC	864-1448		miss.lettie@gmail.com
Leaven Guy	Citizen		601-590-0272		leavennguy@hotmail.com
Jebbie Smith	Principal	Pickens School District	601-778-1185		dosmith@pcu.k12.ms.us



## **Lunch and Site Tour Agenda**

### **EPA Brownfields & Superfund Sites' Tour and Community Listening Session Picayune, MS**

**Saturday, November 14, 2009**

**Mathy Stanislaus, EPA Assistant Administrator  
Office of Solid Waste and Emergency Response**

**12:00 – 1:30 p.m.** Lunch/Tour of Brownfields Site  
Picayune Town Center

#### **Invitees:**

- EPA and MDEQ officials
- Mayors of Mississippi towns and cities with identified brownfields sites and/or potential superfund sites
- Local officials, including Board of Aldermen; Board of Supervisors; legislators
- Congressional staff

(Note: After lunch and tour of Town Center, Mathy Stanislaus, Antoinette Powell-Dickson, Stan Meiburg, Franklin Hill, and MDEQ Officials will be transported to the Picayune Superfund Site for site visit and briefing. All other guests will proceed to South Side Elementary School Library for Availability Session hosted by EPA, MDEQ, and Picayune.)

**1:30 – 1:45 p.m.** ★ Travel Time to Picayune Wood Treating Site  
Use travel time to begin briefing about Wood Treating Site

**1:45 – 2:45 p.m.** Tour – Picayune Wood Treating Site

Travel Time to South Side Elementary School  
(Corner of Beech and Rosa Streets)

**1:45 – 2:45 p.m.** Concurrent Availability Session with EPA/MDEQ/Picayune  
Southside Elementary School Library\*

**3:00 – 5:00 p.m.** Community Listening Session  
South Side Elementary School Cafetorium

\*South Side Elementary School was the site of remediation work associated with the clean-up of the Picayune Wood Treating property.

Light Refreshments are being coordinated for the Community Listening Session

**EPA – Region 4  
Environmental Justice Meeting  
October 27, 2009  
Summary of Concerns Raised**

**Introduction:**

On Tuesday, October 27, 2009, senior leaders in Region 4 met from 10:30 a.m. to 12:30 p.m. with Dr. Robert D. Bullard, Director of the Environmental Justice Resource Center, Clark Atlanta University, and community leaders from Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee. (See attached Meeting Agenda). Representatives from the EPA Office of Inspector General also attended the meeting.

Tim Fields, Senior Vice President of MDB, Inc. and Technical Assistance Services for Communities (TASC) Consultant, facilitated the meeting with approximately 120 persons in attendance, representing more than 12 community organizations. A more in-depth report is being developed by the TASC Consultant and will be available in 2 – 3 weeks.

The purpose of this Environmental Justice meeting, held at Dr. Bullard's request, was to hear from community representatives about their most pressing public health and environmental concerns, and for community representatives to hear from EPA about the Region's environmental justice priorities and actions. Dr. Bullard and Stan Meiburg (Acting Regional Administrator) provided opening remarks, and each community representative then took a brief time to share his/her concerns with EPA.

**Summary of Issues:**

Environmental Justice concerns presented at the meeting fell into the following general categories: siting and residual contamination at municipal waste disposal facilities, coal-fired power plants and siting of ash disposal sites; EPA oversight of state-lead clean-ups; and National Priorities List (NPL) site activities. Community representatives read prepared statements and provided copies to Region 4 senior leaders. (See attached Letters). Two individuals who were scheduled to appear were not able to do so; however, letters from these representatives were provided in their absence.

Below is a summary of concerns by State, as presented by representatives at the meeting and/or in correspondence. This summary states the concerns: it is not a response. Additional fact sheets on each of these sites are available as needed.

**Alabama**

**Lisa Evans, Senior Administrative Counsel, EarthJustice and Barbara Evans, WildLaw**

**Concern** – Potential risk to residents of Perry County, Alabama, from the disposal of TVA coal combustion ash at the Perry County (Arrowhead) Landfill. Expressed concerns that the current operating permit of the Arrowhead Landfill could potentially place the community at risk for air and water contamination. Requested that five specific actions be taken: protect community from air dispersal of ash; conduct groundwater and surface water monitoring to measure coal ash constituents; conduct long-term



groundwater monitoring; provide a TAG grant to assist the community in evaluating risks; and hold a public hearing on TVA's proposal to dispose of remaining coal ash in Perry County.

**David Baker, Executive Director of Community Against Pollution (CAP) and Shirley Baker-Carter, Executive Director of Mothers and Daughters Protecting Children's Health (MADPCH) (unable to attend)**

**Concern** - Anniston Lead Site Administrative Order of Consent (AOC). Specifically, they are concerned that the lead removal AOC is not ensuring that the Potentially Responsible Party (PRP) conduct an adequate clean-up, put institutional controls in place, and further involve additional community members in the process.

### Florida

**Sarah Schwemin, Wildlaw Staff Attorney and Wanda Washington, FOCUS, Tallevast, Florida**

**Concern** - Groundwater contamination in Tallevast, Florida, resulting from a precision weapons manufacturing facility currently owned by Lockheed Martin and the alleged 3-year delay in notifying the residents of the off-site contamination. Lockheed Martin and the Florida Department of Environmental Protection (FDEP) have identified ten chemicals that have leached into the groundwater. Members of the community argue that State cleanup laws have less public participation than EPA and are seeking a more "collaborative" process to create a Remedial Action Plan, which they believe is taking too long. Many members of the community are seeking buyout/relocation. Would also like to see standards for TCE tightened.

**Francine D. Ishmael, Executive Director, Citizens Against Toxic Exposure, Inc. (CATE) (not present)**

**Concern** - Letter addresses two NPL sites. Seeks additional involvement in the active remediation of the Agrico Chemical Company site and expressed concerns regarding the first community relocation resulting from the Escambia Wood Treating Plant.

### Georgia

**Daniel Parshley, Project Manager, Glynn Environmental Coalition (Brunswick, GA) (not present)**

**Concern** - Letter requests re-testing of areas contaminated by toxaphene pesticide primarily in or near minority and low-income neighborhoods and elementary schools. Toxaphene was manufactured in Brunswick, Georgia, from 1948 to 1980, and disposed of in several landfills. Letter also raises a long-standing dispute about the analytical method used to test for toxaphene.

**Jill McEleheny (not present) and Charles Nash - Northeast GA Children Environmental Health Coalition (Athens, GA - Dunlap and Pittard communities)**

**Concern** - Request for termination of the DOJ/EPA consent decree reached with DuPont/Invista in the Spring of 2009 under the audit policy. Alleges that the cancer cluster investigation conducted by Agency for Toxic Substances & Disease Registry (ATSDR) of the Pittard Road Community was based on withholding of information on Dupont and requests EPA and DOJ to authorize re-opening of the health study. Also alleges that DuPont violated its permit by disposing of hazardous wastes illegally in the local municipal landfill adjacent to the community and asks EPA to stop the proposed landfill expansion.

**Ela Orenstein, Staff Attorney, Greenlaw on behalf of residents of Early County, Georgia**

**Concern** – Georgia Environmental Protection Division's (EPD) permitting of the Longleaf Energy Station, a coal-fired power plant to be located in Early County. Requested that EPA require EPD to evaluate possible disparate impacts in issuing air quality permits and require all states to amend their state implementation plans to include consideration of disparate impacts. Also requested consideration of cumulative effects of multiple pollution pathways on communities.

**Mississippi**

**Rev. Steve Jamison, Pastor, Maranatha Faith Center, Columbus, Mississippi –**

**Concern** - Impacts of creosote contamination on the planned expansion of the Maranatha Faith Center. The creosote contamination resulted from the Kerr-McGee Chemical Corporation (aka Tronox). Rev. Jamison believes that the Mississippi Department of Environmental Quality (MDEQ) has not required adequate remediation at the site and questions EPA enforcement of a 10-year old cleanup agreement with the company. He also asserts that EPA provided him with false documentation on Kerr-McGee. Members of the church, who live in the community surrounding the facility, are concerned with off-site contamination from surface water runoff in ditches surrounding the site. They reported that the church's expansion plans have been hindered by this contamination.

**Sherri Jones, Forrest County Environmental Support Team, Hattiesburg, Mississippi**

**Concern:** – Mr. Jones raised concerns about the Kerr-McGee site in Hattiesburg related to the residual contamination, and he associated the site with a high number of neonatal deaths in the community. Stated that concentrations of naphthalene in the groundwater exceed the acceptable level for drinking water. Alleged that the company exerts undue influence over the regulatory agencies and believes that neither EPA nor MDEQ has done adequate inspections at the site.

**Luke Funchess, Crystal Springs, Mississippi**

**Concern** - Discovery of polychlorinated biphenyl (PCB) contamination during an expansion project at the Kuhlman Electric Corporation facility. Indicated the greatest community impacted was the African American community and believes that a cover-up of the damage and severity of the contamination occurred. Suggested that the Mississippi Department of Environmental Quality had not done an adequate job of keeping the community informed nor did they require medical testing of the corporation's employees. Requested that EPA hire staff specifically trained to work across cultures.

**South Carolina**

**Rita Harris, Sierra Club on behalf of residents of Williston, South Carolina.**

**Concern** - Water contamination problems in the small rural community of Williston, South Carolina. Called for increased interagency communication and cooperation, and a willingness to involve people of color and low income residents at the grassroots level to have them feel a part of the process. Stressed that the community questioned whether or not they were being told the truth and felt there were not enough community meetings or adequate information available.

## Tennessee

**Sheila Holt Orsted, Tennessee resident and plaintiff in civil rights and environmental lawsuits to clean-up TCE contamination in Dickson, Tennessee – Concern** - Contamination of groundwater from disposal of TCE and other solvents in a legacy municipal landfill adjacent to her property. Raised concerns about the incidences of cancer in her community that she believes resulted from the disposal of trichloroethylene (TCE) in the Dickson County Landfill. Stated that well sampling information about groundwater contamination was provided to white residents in the 1990s, but was not provided to African-American residents. Also stated that EPA misrepresented groundwater risks in a letter to residents. Requested that EPA support legislation that codifies the Executive Order on Environmental Justice; support legislation that reinstates the Superfund tax; and protect families and communities around the country.

**Gary Bullwinkel, Greater Fredonia Community for Environmental Justice (Fayette County)**

**Concern** – Raised concerns with how the NEPA process is being implemented. Specifically requested that EPA conduct a compliance investigation into TVA's assertion of a NEPA Categorical Exclusion for a TVA "Megasite" (a proposed large scale industrial development in a rural area). Requested more aggressive intervention by EPA and CEQ on NEPA reviews at the Haywood/Hatchie Megasite in West Tennessee.

**Margaret L. Jones, Community Resident, Oak Ridge, Tennessee**

**Concern** - Raised health-related issues she attributes to the Oak Ridge nuclear weapons site. Indicated that the Department of Energy (DOE) has repeatedly stated that releases posed no threat to the Scarboro community, an assertion with which the community strongly disagrees.

**General Observations:**

Members of the group expressed long-standing grievances with EPA in general and Region 4 in particular, as well as with their respective State environmental agencies and elected local officials. In general, the group sought more oversight by EPA of environmental problems in communities, immediate action on their issues of concern, and assistance from EPA in helping them to understand and address environmental problems in their communities.

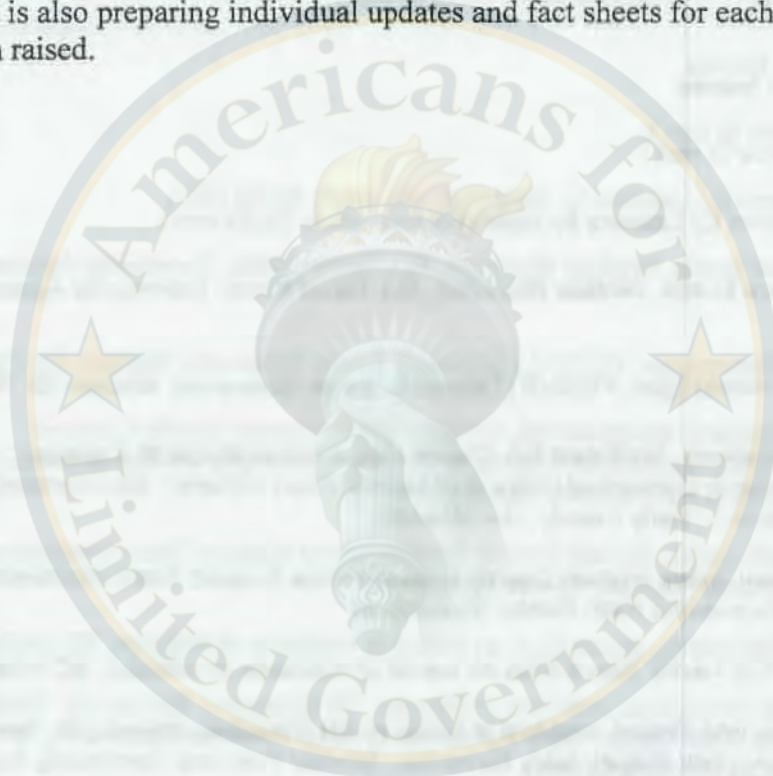
All of these sites have long histories of EPA involvement, and many are the subject of private party litigation. In many cases, a variety of remedial steps have already occurred (e.g., provision of alternate drinking water supplies in Tallevast and Dickson County and cleanup of lead sites in Anniston under the terms of a removal Administrative Order on Consent with PRPs). While the views expressed by meeting participants are sincere, we do not agree with all of the characterizations of site conditions as presented at the meeting.

## Next Steps:

At the conclusion of the meeting, Stan Meiburg made four commitments to respond to the many different perspectives on the sites and situations presented. They include:

- ✚ The Region will answer all of the letters submitted (did not commit to a date, but are working against an internal deadline of November 15).
- ✚ The Acting Regional Administrator will personally meet with Regional staff on each of the concerns raised.
- ✚ Environmental Justice will be placed on the agenda at the State Commissioners' Meeting being held in North Carolina this week.
- ✚ EPA will meet, as appropriate, with other Federal agencies (i.e., ATSDR, TVA, and DOE-Oak Ridge) where the concerns raised appear to fall within their jurisdiction.

Region 4 is also preparing individual updates and fact sheets for each site and for each concern raised.



## AGENDA FOR U.S. EPA Region 4 MEETING

OCT. 27, 2009 (10:30AM – 12:00PM)

**Welcome/Introductions** – EJ Participants and EPA Senior Staff (15 min.)

**Opening Statement** (3-5 min.)

Dr. Robert D. Bullard, Director  
Environmental Justice Resource Center  
Clark Atlanta University

**Opening Remarks** (3-5 min.)

A. Stanley Meiburg, Acting Administration  
EPA Region 4

**Summaries of EJ Issues**

Dr. Bullard Overview (2 min.)

Oral Statements from EJ Leaders by state (2-3 min. each; 30-35 min.)

**Alabama** -- Barbara Evans, Wildlaw (Burkville, AL); David Baker, Community Against Pollution (Anniston)

**Florida** – Wanda Washington, FOCUS (Tallavast); Sarah Schwemin, Wildlaw (St. Petersburg)

**Georgia** – Jill McEleheny, Northeast GA Children Environmental Health Coalition (Athens); Charles Nash, Concerned Citizens of Dunlap Road (Athens); Ela Orenstein, Greenlaw on behalf of residents of Early County, GA (Atlanta);

**Mississippi** – Sherri Jones, Forrest County Environmental Support Team (Hattiesburg); Rev. Steve Jamison, Maranantha Faith Center (Columbus)

**South Carolina**, Rita Harris, Sierra Club on behalf of residents of Williston, SC (Williston)

**Tennessee**, Sheila Holt-Orsted, resident of Dickson, TN (Dickson); Blenza J.P. Tefera, Scarboro community resident (Oak Ridge); Gary Bullwinkel, Greater Fredonia Community for Environmental Justice (Fayette County)

**Follow-up Action Items**

A. Stanley Meiberg and Region 4 Managers (25-30 min.)

**Closing Statement/Thanks**



**FOIA**

**John Sager** to: Mary Jackson

10/03/2012 10:02 AM

From: John Sager/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

Mary,

In response to the FOIA request, I am forwarding you records of communications with John Anderson and Robert Spoerri who I worked with to help organize two meetings at EIP in 2009.

John Sager

----- Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM -----

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: Sharon Brent/DC/USEPA/US@EPA  
Cc: "Robert Spoerri" <rspoerri@beneficialreuse.com>, Matt Hale/DC/USEPA/US@EPA, John Sager/DC/USEPA/US@EPA  
Date: 05/26/2009 02:42 PM  
Subject: June 1 meeting with Matt Hale and John Sager re. beneficial reuse of coal ash products

---

Sharon,

Thank you for helping Bob Spoerri and me schedule a meeting for Monday, June 1 with Matt Hale and John Sager, whom Bob met briefly at the World of Coal Ash meeting in Kentucky. I've attached the letter Bob sent on Friday to Administrator Jackson, with a copy to Matt and John. Also attached are draft thoughts on a regulatory and environmental framework for the beneficial reuse of coal products that we look forward to discussing on Monday.

We will be flying in from Chicago that morning and could likely make a 10:30 meeting, or alternatively a 1:00 or 1:30 meeting if that works best for Matt and John. Please contact me or Bob with any questions and to confirm the meeting.

Thanks very much.

John

John A. Andersen, Jr.  
President, Greenleaf Advisors, LLC

Cell 312-953-2114  
jandersen@greenleafadvisors.net  
www.greenleafadvisors.net

[attachment "Lisa Jackson-USEPA Ltr- 5-22-09.doc" deleted by John Sager/DC/USEPA/US] [attachment

"Geotech Const Materials- 5-22-09.doc" deleted by John Sager/DC/USEPA/US]

— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Date: 10/14/2009 12:19 PM  
Subject: RE: Gypsum conference

Intent is focus on gypsum in agriculture. Likely to take place now on the 11th from 9am to 1pm as that's when Chaney, Warren Dick, and Schaeffer can make it. I'm confirming availability with others. Can you make it then? Will be great to have you help moderate. Will provide draft soon. John

-----Original Message-----

From: sager.john@epamail.epa.gov [mailto:sager.john@epamail.epa.gov]  
Sent: Wednesday, October 14, 2009 11:07 AM  
To: johnandersen@ameritech.net  
Subject: Re: Gypsum conference

I asked about the possibility of me moderating. I will let you know what I hear.

Is the topic to be FGD gypsum in all of its uses, including wallboard, or is the topic to be the use of FGD gypsum in agriculture? I was thinking it was the latter, but I wasn't sure.

John  
703-308-7256

From: johnandersen@ameritech.net  
To: John Sager/DC/USEPA/US@EPA  
Date: 10/06/2009 03:55 PM  
Subject: Re: Gypsum conference

Thank you. John  
Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: sager.john@epamail.epa.gov  
Date: Tue, 6 Oct 2009 15:51:18  
To: <jandersen@greenleafadvisors.net>  
Cc: 'Erin Davidson' <edavidson@beneficialreuse.com>; 'Robert Spoerri' <rspoerri@beneficialreuse.com>  
Subject: Re: Gypsum conference

This is to acknowledge your message. I will contact you soon to arrange a time to talk.

John Sager

703-308-7256

Gypsum conference

John A. Andersen

to:

John Sager

10/06/2009

01:04 PM

Cc:

"Robert Spoerri", "Erin Davidson"

Please respond to jandersen

Hi John,

We are constructing the agenda for a FGD Gypsum workshop similar to the one held on geotechnical construction materials, and would like your input regarding dates, topics, and speakers prior to sending out invitations. We have not spoken with all the possible speakers below, and know there are alternatives we might consider.

Preferred date are Oct 26th or 27th , but November 9th and 10th are possibilities as well. We are hopeful that you and your colleagues can attend, if only to listen, as the intent is to work toward a common understanding of the many important issues surrounding the appropriate use of these byproducts.

Suggested Agenda

Agronomy Issues - Why do farmers use Gypsum? What does it do and where does it work.

Dr. Warren Dick, School of Environment and Natural Resources, The Ohio State University

Jack Mahoney, Farmer, Indiana

Environmental/ Health Issues - What are the risks? What is the research? When is it safe?



Dr. Rufus Chaney, Senior Research Agronomist, USDA Agricultural Research Services

Dr. Darrell Norton, National Soil Erosion Research Lab, USDA - ARS

Dr. Lisa JN Bradley, Senior Toxicologist & Sr. Program Mgr., AECOM

Supply and Demand - Market factors. Alternative disposal and reuse options.

Tom Adams, Executive Director, American Coal Ash Association

Implementation - Safeguarding the environment, risk management, BMPs

Bob Spoorri, President, Beneficial Reuse Management

I will be traveling through Thursday night, but will be available on my cell phone if you have time to speak.

Thank you for your continuing interest in supporting the community's dialogue on this subject.

John

John A. Andersen, Jr

President

(Embedded image moved to file: pic23545.jpg)Logo - version 2.jpg

Greenleaf Advisors, LLC

300 N. LaSalle Street

Suite 5400

Chicago, IL 60603

312.846.7871 direct

312.953.2114 cell

[www.greenleafadvisors.net](http://www.greenleafadvisors.net)

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— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <[johnandersen@ameritech.net](mailto:johnandersen@ameritech.net)>

To: John Sager/DC/USEPA/US@EPA

Date: 08/30/2009 03:38 PM

Subject:

John, have a good time to talk briefly this week or next?

John A. Andersen, Jr

President



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Suite 5400  
Chicago, IL 60603

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— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Date: 07/21/2009 04:06 PM  
Subject: RE: June 1 meeting with Matt Hale and John Sager re. beneficial reuse of coal ash products

---

Great John, sorry it took so long for me to reply. I asked and thought Bob was sending it; just returned to my other office to look for my cc of that email and found your note. So glad you have it.

Bob asked if he would see you in the meeting on Friday. I'm very appreciative of how well you engage the community to advance this subject.

Best Regards,

John

-----Original Message-----

From: sager.john@epamail.epa.gov [mailto:sager.john@epamail.epa.gov]  
Sent: Tuesday, July 21, 2009 2:23 PM  
To: jandersen@greenleafadvisors.net  
Subject: Re: June 1 meeting with Matt Hale and John Sager re. beneficial reuse of coal ash products

Hi John, I found the letter I was looking for in the message below. No need to send again. Thanks.

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: Sharon Brent/DC/USEPA/US@EPA  
Cc: "'Robert Spoerri'" <rspoerri@beneficialreuse.com>, Matt Hale/DC/USEPA/US@EPA, John Sager/DC/USEPA/US@EPA

Date: 05/26/2009 02:42 PM

Subject: June 1 meeting with Matt Hale and John Sager re. beneficial reuse of coal ash products

Sharon,

Thank you for helping Bob Spoerri and me schedule a meeting for Monday, June 1 with Matt Hale and John Sager, whom Bob met briefly at the World of Coal Ash meeting in Kentucky. I've attached the letter Bob sent on Friday to Administrator Jackson, with a copy to Matt and John. Also attached are draft thoughts on a regulatory and environmental framework for the beneficial reuse of coal products that we look forward to discussing on Monday.

We will be flying in from Chicago that morning and could likely make a 10:30 meeting, or alternatively a 1:00 or 1:30 meeting if that works best for Matt and John. Please contact me or Bob with any questions and to confirm the meeting.

Thanks very much.

John

John A. Andersen, Jr.  
President, Greenleaf Advisors, LLC

Cell 312-953-2114  
jandersen@greenleafadvisors.net  
www.greenleafadvisors.net

[attachment "Lisa Jackson-USEPA Ltr- 5-22-09.doc" deleted by John Sager/DC/USEPA/US] [attachment "Geotech Const Materials- 5-22-09.doc" deleted by John Sager/DC/USEPA/US]

— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Cc: "Robert Spoerri" <rspoerri@beneficialreuse.com>, "Erin Davidson" <edavidson@beneficialreuse.com>  
Date: 11/02/2009 05:45 PM  
Subject: FW: November 11 Meeting re: beneficial reuse of FGD Gypsum in agricultural applications

---

John,

We had our speakers call today for next week's conference and a great dialogue on the use of Gypsum in Agricultural practices. Administrator Jackson's Chief Agricultural Counselor, Larry Elworth, will be representing her, and we expect a strong turn out from the interested community. We are hopeful that

you and the other EPA invitees will be able to join us as well. In fact, we would welcome your moderating the discussion session if you able; the alternative is that I will make a poor substitute.

Please call me at your earliest convenience to discuss next week. Thank you.

John

John A. Andersen, Jr  
President



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**From:** Robert Spoerri [mailto:rspoerri@beneficialreuse.com]

**Sent:** Friday, October 23, 2009 4:18 PM

**To:** Ron Chamberlain; Robert Spoerri; dave@dcgoss.com; 'Darrell.Norton@ars.usda.gov'; dick.5@osu.edu; malcolm296@charter.net; rufus.chaney@ars.usda.gov; jandersen@greenleafadvisors.net; eenderle@earthjustice.org; levans@earthjustice.org; fitzkrc@aol.com; kfendler@environmentalintegrity.org; eschaeffer@environmentalintegrity.org; jeffreystant@sbcglobal.net; lwidawsky@environmentalintegrity.com; jackie.kru@selcdc.org; jdevine@nrdc.org; ahershkowitz@nrdc.org; rperks@nrdc.org; mquirindongo@nrdc.org; lyndsay.moseley@sierraclub.org; bruce.nilles@sierraclub.com; breen.barry@epa.gov; degeare.truett@epa.gov; devlin.betsy@epa.gov; elworth.lawrence@epa.gov; hale.matt@epa.gov; jackson.lisa@epa.gov; kinch.rich@epa.gov; mcmanus.thea@epa.gov; petersen.janette@epa.gov; sager.john@epa.gov; smidinger.betsy@epa.gov; stanislaus.mathy@epa.gov; lparisie@sso.org; thadams@aca-usa.org; rstoll@foley.com; lisa.cooper@pmiash.com; jim.roewer@uswag.org; keladwig@epri.com

**Subject:** November 11 Meeting re: beneficial reuse of FGD Gypsum in agricultural applications

I am pleased to invite you to join a discussion on the beneficial use of FGD Gypsum in agricultural applications on November 11 from 1:00 – 4:00pm. The meeting will be held at the offices of Earthjustice, 1625 Massachusetts Ave., NW, Suite 702, Washington, DC. Thanks very much to Earthjustice for hosting the session, and to The Environmental Integrity Project for co-sponsoring the program.

The meeting's objective is to advance a shared technical understanding of the beneficial use of FGD

Gypsum in agricultural applications. A draft agenda and list of invited participants is attached. Please contact me with any questions, suggestions or comments.

Please RSVP to me by e-mail ([rspoerri@beneficialreuse.com](mailto:rspoerri@beneficialreuse.com)) or call Erin Davidson at 312-784-0305. We look forward to working together with you to advance the environmental and economic benefits that can be gained from beneficial reuse of byproduct materials in a safe and appropriate way.

Robert Spoerri



212 W. Superior St., Suite 402  
Chicago, IL 60654  
Direct phone: 312-784-0303  
[www.beneficialreuse.com](http://www.beneficialreuse.com)

[attachment "11-11 conference on beneficial reuse of FGD gypsum.pdf" deleted by John Sager/DC/USEPA/US]

— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <[johnandersen@ameritech.net](mailto:johnandersen@ameritech.net)>  
To: John Sager/DC/USEPA/US@EPA  
Date: 10/15/2009 12:32 PM  
Subject: RE: Nov 11th

Thanks for the quick reply John. Do you think Matt's comment refers to any meeting through year end, in which case we might schedule without consideration of EPA availability. It would still serve to elevate a common understanding of the issues by the ENGOs and industry folks, that could help the dialogue with all parties going forward. Perhaps we can talk tomorrow if not today (best to reach me on my cell 312-953-2114). John

-----Original Message-----

From: [sager.john@epamail.epa.gov](mailto:sager.john@epamail.epa.gov) [<mailto:sager.john@epamail.epa.gov>]  
Sent: Thursday, October 15, 2009 11:07 AM  
To: [jandersen@greenleafadvisors.net](mailto:jandersen@greenleafadvisors.net)  
Subject: Re: Nov 11th

I am on a call at the moment and don't know if I will time to talk with you today.

I got word this morning from Matt Hale that he does not want anybody from EPA to attend this meeting and hopes everyone will understand the sensitivity at the moment.

John  
703-308-7256  
301-320-4979 on Fridays

From: "John A. Andersen" <[johnandersen@ameritech.net](mailto:johnandersen@ameritech.net)>

To: John Sager/DC/USEPA/US@EPA  
Date: 10/15/2009 11:59 AM  
Subject: Nov 11th

John,

I was just informed that Nov 11th is Veteran's Day. The speakers can make that day, so I am inclined to go forward if we can confirm with Eric Schaeffer's office and if you make that day, and believe a fair number of your colleagues would be able to as well. Otherwise we will likely need to defer to December and the delay concerns me regarding informing the debate that is likely to ensue soon.

I think the agenda is shaping up to be very meaningful. Please call as soon as you have a moment to discuss. Thank you.

John 312-953-2114

John A. Andersen, Jr  
President

(Embedded image moved to file: pic12933.jpg)Logo - version 2.jpg Greenleaf Advisors, LLC 300 N. LaSalle Street Suite 5400 Chicago, IL 60603

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From: "John A. Andersen" <[johnandersen@ameritech.net](mailto:johnandersen@ameritech.net)>  
To: John Sager/DC/USEPA/US@EPA  
Cc: "Robert Spoerri" <[rspoerri@beneficialreuse.com](mailto:rspoerri@beneficialreuse.com)>  
Date: 06/09/2009 08:09 PM  
Subject: proposed meeting in DC to discuss beneficial reuse of CCPs

Hi John,

We would like to convene a meeting of industry and environmental (ENGO) leaders in DC for a technical

sharing around the beneficial reuse of CCPs and would like to invite appropriate staff from the EPA to that session. Would you have a moment tomorrow or Thursday to discuss this opportunity with me briefly? I am in my office both days.

Thanks very much.

John

John A. Andersen, Jr.  
President, Greenleaf Advisors, LLC

Cell 312-953-2114  
Direct 312-846-7871  
300 N. LaSalle Street, Suite 5400  
Chicago, IL

— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA  
Cc: "Robert Spoerri" <rspoerri@beneficialreuse.com>, Susan Mooney/R5/USEPA/US@EPA  
Date: 06/01/2009 11:25 PM  
Subject: today's meeting on beneficial reuse of coal combustion byproducts

---

Matt, John, and Rich,

Thank you for today's discussion regarding the EPA's review of its regulatory framework of coal combustion byproducts and the importance of maintaining a beneficial reuse program that advances environmental sustainability while also contributing to local economies. We've reviewed the materials John shared with us on the flight home and find much in common with that which guides the business of Beneficial Reuse Management. As you deliberate on this important issue, please keep us informed on the process, and let us know how we might bring the experience and expertise of Bob's company to aid the deliberations. We appreciate your willingness to consider the draft framework we shared with you today, and also appreciate Susan Mooney's quick review of an early draft of same. We will continue to engage leaders in the environmental community and industry to seek a clear and productive regulatory framework on this issue that is central to Beneficial Reuse Management.

John

John A. Andersen, Jr.  
President, Greenleaf Advisors, LLC

Cell 312-953-2114

jandersen@greenleafadvisors.net  
www.greenleafadvisors.net

— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

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To: John Sager/DC/USEPA/US@EPA  
Date: 10/15/2009 11:59 AM  
Subject: Nov 11th

---

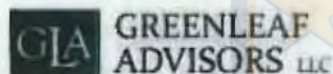
John,

I was just informed that Nov 11<sup>m</sup> is Veteran's Day. The speakers can make that day, so I am inclined to go forward if we can confirm with Eric Schaeffer's office and if you make that day, and believe a fair number of your colleagues would be able to as well. Otherwise we will likely need to defer to December and the delay concerns me regarding informing the debate that is likely to ensue soon.

I think the agenda is shaping up to be very meaningful. Please call as soon as you have a moment to discuss. Thank you.

John 312-953-2114

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From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Cc: "Robert Spoerri" <rspoerri@beneficialreuse.com>  
Date: 06/10/2009 04:47 PM  
Subject: RE: proposed meeting in DC to discuss beneficial reuse of CCPs

---

John, Thanks very much for today's discussion John. I appreciate your responsiveness to our inquiries and leadership on sound beneficial reuse



practices. We will contact you again as our plans shape up for meetings in DC on this subject later this year. John

-----Original Message-----

From: sager.john@epamail.epa.gov [mailto:sager.john@epamail.epa.gov]  
Sent: Wednesday, June 10, 2009 1:18 PM  
To: jandersen@greenleafadvisors.net  
Cc: 'Robert Spoerri'  
Subject: Re: proposed meeting in DC to discuss beneficial reuse of CCPs

John, here is the email address for the gentleman from Holcim of whom we spoke earlier today. Henry Prenger is the name of the gentleman at Lafarge, but I can't find his email address just now.

Peter.Deem@holcim.com

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Cc: "'Robert Spoerri'" <rspoerri@beneficialreuse.com>  
Date: 06/09/2009 08:09 PM  
Subject: proposed meeting in DC to discuss beneficial reuse of CCPs

Hi John,

We would like to convene a meeting of industry and environmental (ENGO) leaders in DC for a technical sharing around the beneficial reuse of CCPs and would like to invite appropriate staff from the EPA to that session. Would you have a moment tomorrow or Thursday to discuss this opportunity with me briefly? I am in my office both days.

Thanks very much.

John

John A. Andersen, Jr.  
President, Greenleaf Advisors, LLC

Cell 312-953-2114

Direct 312-846-7871  
300 N. LaSalle Street, Suite 5400  
Chicago, IL

— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Cc: <cwilde@biogenesis.com>  
Date: 09/28/2009 10:20 PM  
Subject: RE: BioGenesis..

---

When you are back, I'll look forward to speaking with you about what could become one of the great environmental technology companies of our time. I'll arrange to have a package on BioGenesis sent to your office. John

-----Original Message-----

From: sager.john@epamail.epa.gov [mailto:sager.john@epamail.epa.gov]  
Sent: Monday, September 28, 2009 8:50 AM  
To: johnandersen@ameritech.net  
Cc: cwilde@biogenesis.com; John A. Andersen  
Subject: Re: BioGenesis..

Thanks, John.

Yes, we are interested in Biogenesis, and I would be pleased to receive information about the work of the company to my email address at sager.john@epa.gov. Or perhaps we can talk sometime on the telephone after I return from busienss travel this week.

John Sager  
703-308-7256

BioGenesis..

johnandersen

to:

John Sager, John A. Andersen, cwilde

09/16/2009 11:42

AM

Please respond to johnandersen

John, I'm traveling but am copying Chuck Wilde, EVP of Biogenesis so he can send you info on BioGenesis. [www.biogenesis.com](http://www.biogenesis.com) Maybe you could send him address for sending his standard materials. Chuck, John leads beneficial reuse for US EPA and has heard about you and asked for some information. I know John from my work with BRM. I return Monday and can explain more, or you two can correspond. Thank you. John

John's phone is below

Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: sager.john@epamail.epa.gov

Date: Mon, 14 Sep 2009 10:17:01

To: <jandersen@greenleafadvisors.net>

Subject: Re: checking in

Just left you a voice mail. No, the proposal has not been released. Perhaps we can talk tomorrow afternoon, as I am out of the office until then. 703-308-7256

checking in

John A. Andersen

to:

John Sager

10:06 AM

09/14/2009

Please respond to jandersen

John, Have the proposed rules been released to OMB?

John A. Andersen, Jr  
President  
(Embedded image moved to file: pic25020.jpg)Logo - version 2.jpg  
Greenleaf Advisors, LLC  
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From: "John A. Andersen" <[johnandersen@ameritech.net](mailto:johnandersen@ameritech.net)>  
To: John Sager/DC/USEPA/US@EPA  
Date: 06/24/2009 01:05 PM  
Subject: RE: DC meeting

John, will be sending invite shortly. Thanks much. John

-----Original Message-----

From: [sager.john@epamail.epa.gov](mailto:sager.john@epamail.epa.gov) [<mailto:sager.john@epamail.epa.gov>]  
Sent: Wednesday, June 24, 2009 9:15 AM  
To: [jandersen@greenleafadvisors.net](mailto:jandersen@greenleafadvisors.net)  
Subject: Re: DC meeting

John, regarding the proposed meeting in July, can you please send me an email with the invitation you made on the telephone yesterday? Thanks.

John Sager

703-308-7256

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Date: 06/11/2009 11:57 AM  
Subject: DC meeting

John,

Thanks for your input the other day. We will likely schedule a gathering in DC sometime in July or August so we can assemble a good group of stakeholders and technical experts to discuss beneficial reuse of CCPs. Hope to have your participation and also others from EPA.

John

John A. Andersen, Jr.  
President, Greenleaf Advisors, LLC

Cell 312-953-2114  
jandersen@greenleafadvisors.net  
www.greenleafadvisors.net

— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Date: 07/21/2009 04:14 PM  
Subject: RE: June 1 meeting with Matt Hale and John Sager re. beneficial reuse of coal ash products

Great. JA

-----Original Message-----

From: sager.john@epamail.epa.gov [mailto:sager.john@epamail.epa.gov]  
Sent: Tuesday, July 21, 2009 3:08 PM  
To: jandersen@greenleafadvisors.net  
Subject: RE: June 1 meeting with Matt Hale and John Sager re. beneficial reuse of coal ash products

Yes, I am planning to be at the meeting on Friday and also next week.

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Date: 07/21/2009 04:06 PM  
Subject: RE: June 1 meeting with Matt Hale and John Sager re. beneficial reuse of coal ash products

Great John, sorry it took so long for me to reply. I asked and thought Bob was sending it; just returned to my other office to look for my cc of that email and found your note. So glad you have it.

Bob asked if he would see you in the meeting on Friday. I'm very appreciative of how well you engage the community to advance this subject.

Best Regards,

John

-----Original Message-----

From: sager.john@epamail.epa.gov [mailto:sager.john@epamail.epa.gov]  
Sent: Tuesday, July 21, 2009 2:23 PM  
To: jandersen@greenleafadvisors.net  
Subject: Re: June 1 meeting with Matt Hale and John Sager re. beneficial reuse of coal ash products

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From: "John A. Andersen" <johnandersen@ameritech.net>  
To: Sharon Brent/DC/USEPA/US@EPA  
Cc: "'Robert Spoerri'" <rspoerri@beneficialreuse.com>, Matt Hale/DC/USEPA/US@EPA, John Sager/DC/USEPA/US@EPA  
Date: 05/26/2009 02:42 PM  
Subject: June 1 meeting with Matt Hale and John Sager re. beneficial reuse of coal ash products

Sharon,

Thank you for helping Bob Spoerri and me schedule a meeting for Monday, June 1 with Matt Hale and John Sager, whom Bob met briefly at the World of Coal Ash meeting in Kentucky. I've attached the letter Bob sent on Friday to Administrator Jackson, with a copy to Matt and John. Also attached are draft thoughts on a regulatory and environmental framework for the beneficial reuse of coal products that we look forward to discussing on Monday.

We will be flying in from Chicago that morning and could likely make a 10:30 meeting, or alternatively a 1:00 or 1:30 meeting if that works best for Matt and John. Please contact me or Bob with any questions and to confirm the meeting.

Thanks very much.

John

John A. Andersen, Jr.  
President, Greenleaf Advisors, LLC

Cell 312-953-2114  
jandersen@greenleafadvisors.net  
www.greenleafadvisors.net

[attachment "Lisa Jackson-USEPA Ltr- 5-22-09.doc" deleted by John Sager/DC/USEPA/US] [attachment "Geotech Const Materials- 5-22-09.doc" deleted by John Sager/DC/USEPA/US]

— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Date: 09/14/2009 10:49 AM  
Subject: RE: checking in

John, I will call you tomorrow, perhaps close to 3pm EST. Thanks. John

-----Original Message-----

From: sager.john@epamail.epa.gov [mailto:sager.john@epamail.epa.gov]  
Sent: Monday, September 14, 2009 9:17 AM  
To: jandersen@greenleafadvisors.net  
Subject: Re: checking in

Just left you a voice mail. No, the proposal has not been released. Perhaps we can talk tomorrow afternoon, as I am out of the office until then. 703-308-7256

checking in

John A. Andersen

to:

John Sager

09/14/2009 10:06

AM

Please respond to jandersen

John, Have the proposed rules been released to OMB?

John A. Andersen, Jr  
President

(Embedded image moved to file: pic25020.jpg)Logo - version 2.jpg Greenleaf  
Advisors, LLC 300 N. LaSalle Street Suite 5400 Chicago, IL 60603

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To: John Sager/DC/USEPA/US@EPA  
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— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Cc: "Robert Spoerri" <rspoerri@beneficialreuse.com>, "Erin Davidson" <edavidson@beneficialreuse.com>  
Date: 10/14/2009 02:37 PM  
Subject: November 11 conference in DC

---

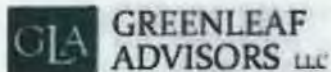
John,

Attached is the preliminary agenda for the November 11<sup>th</sup> Conference on Beneficial Reuse of Gypsum in Agricultural Applications. Thanks for your willingness to facilitate some of the discussion, subject to approvals. Nearly all of the speakers are confirmed at this time. Please send me and Erin a list of those from the EPA (with email addresses please) whom we should invite so that we get this right. Call any of us with questions or comments.

Best Regards,

John

John A. Andersen, Jr  
President



Greenleaf Advisors, LLC  
300 N. LaSalle Street  
Suite 5400  
Chicago, IL 60603

312.846.7871 direct  
312.953.2114 cell

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[attachment "November 11 Conference on Beneficial Reuse of FGD Gypsum in Agricultural Applications.docx" deleted by John Sager/DC/USEPA/US]

--- Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM ---

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Cc: "Robert Spoerri" <rspoerri@beneficialreuse.com>  
Date: 07/06/2009 03:06 PM  
Subject: RE: Meeting re: use of coal combustion byproducts as geotechnical construction materials

---

Thanks John, we are getting a very good response from others so it should be a well attended and worth-while session! Hope you enjoyed your vacation. John

-----Original Message-----

From: sager.john@epamail.epa.gov [mailto:sager.john@epamail.epa.gov]  
Sent: Monday, July 06, 2009 1:27 PM  
To: Robert Spoerri  
Cc: John A. Andersen  
Subject: Re: Meeting re: use of coal combustion byproducts as geotechnical construction materials

I was out on vacation last week. This is to acknowledge receipt of your invitation. We will try to get back to you by the end of this week, and sooner if possible, with a response from the group of EPA folks.

John Sager  
703-308-7256

From: Robert Spoerri <rspoerri@beneficialreuse.com>  
To: "thadams@acaa-usa.org" <thadams@acaa-usa.org>,  
"janderson@greenleafadvisors.net" <janderson@greenleafadvisors.net>,  
<janderson@greenleafadvisors.net>, "chbenson@u.washington.edu" <chbenson@u.washington.edu>,  
Truett Degeare/DC/USEPA/US@EPA, "levans@earthjustice.org" <levans@earthjustice.org>,  
<levans@earthjustice.org>,  
"k fendler@environmentalintegrity.org"

<kfendler@environmentalintegrity.org>, "fitzkrc@aol.com"  
<fitzkrc@aol.com>, "dave@dcgoss.com" <dave@dcgoss.com>, Matt  
Hale/DC/USEPA/US@EPA,  
"jason.harrington@dot.gov" <jason.harrington@dot.gov>,  
"kinch.rich@epa.gov" <kinch.rich@epa.gov>, Paul  
Koziar <pkoziar@beneficialreuse.com>, John  
Sager/DC/USEPA/US@EPA,  
"eschaeffer@environmentalintegrity.org"  
<eschaeffer@environmentalintegrity.org>, "psimms@nrdc.org"  
<psimms@nrdc.org>, Betsy Smidinger/DC/USEPA/US@EPA, Robert  
Spoerri <rspoerri@beneficialreuse.com>, Mathy  
Stanislaus/DC/USEPA/US@EPA, "jeffreystant@sbcglobal.net"  
<jeffreystant@sbcglobal.net>,  
"bwaldrop@fcsi.biz" <bwaldrop@fcsi.biz>

Date: 07/01/2009 04:01 PM

Subject: Meeting re: use of coal combustion byproducts as geotechnical  
construction materials

I am pleased to invite you to join a discussion on the Beneficial Reuse of  
Coal Combustion By-Products as Geotechnical Construction Material on July 29  
from noon - 4pm. The meeting will be held at the offices of the Environmental  
Integrity Project, located at 1920 "L" Street NW Suite 800, Washington, DC.  
Thanks very much to Eric Schaeffer for hosting the session, and to Kate  
Fendler at EIP for helping facilitate the conference.

The meeting's objective is to advance a shared technical understanding of the  
beneficial reuse of coal combustion byproducts as geotechnical construction  
material. A draft agenda and list of invited participants is attached.  
Please contact me with any questions, suggestions or comments.

Please RSVP to me with a copy to Kate Fendler (  
kfendler@environmentalintegrity.org) at EIP. We look forward to working  
together with you to advance the environmental and economic benefits that can  
be gained from beneficial reuse of byproduct materials in a safe and  
appropriate way.

Sincerely,

Bob Spoerri

(Embedded image moved to file: pic04738.jpg) smaller logo  
212 W. Superior St., Suite 402  
Chicago, IL 60654  
Direct phone: 312-784-0303  
www.beneficialreuse.com  
(See attached file: 7-29-09 CCP Conference.pdf)

— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA

Date: 08/21/2009 01:25 PM  
Subject: contact information

---

John,

Can you provide me with your colleagues' name and contact information as I wish to ask her about the parting conversation she and I had at the last conference, but failed to get Theodore's (sp?) phone and email. Thanks much. If you are available, would be helpful to catch up briefly as well.

John

John A. Andersen, Jr  
President



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— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Cc: "Robert Spoerri" <rspoerri@beneficialreuse.com>, "Erin Davidson" <edavidson@beneficialreuse.com>  
Date: 10/06/2009 01:04 PM  
Subject: Gypsum conference

---

Hi John,

We are constructing the agenda for a FGD Gypsum workshop similar to the one held on geotechnical construction materials, and would like your input regarding dates, topics, and speakers prior to sending out invitations. We have not spoken with all the possible speakers below, and know there are alternatives we might consider.

Preferred date are Oct 26<sup>th</sup> or 27<sup>th</sup>, but November 9<sup>th</sup> and 10<sup>th</sup> are possibilities as well. We are hopeful that you and your colleagues can attend, if only to listen, as the intent is to work toward a common understanding of the many important issues surrounding the appropriate use of these byproducts.

#### Suggested Agenda

Agronomy Issues – Why do farmers use Gypsum? What does it do and where does it work.

Dr. Warren Dick, School of Environment and Natural Resources, The Ohio State University  
Jack Mahoney, Farmer, Indiana

Environmental/ Health Issues – What are the risks? What is the research? When is it safe?

Dr. Rufus Chaney, Senior Research Agronomist, USDA Agricultural Research Services

Dr. Darrell Norton, National Soil Erosion Research Lab, USDA – ARS

Dr. Lisa JN Bradley, Senior Toxicologist & Sr. Program Mgr., AECOM

Supply and Demand – Market factors. Alternative disposal and reuse options.

Tom Adams, Executive Director, American Coal Ash Association

Implementation – Safeguarding the environment, risk management, BMPs

Bob Spoerri, President, Beneficial Reuse Management

I will be traveling through Thursday night, but will be available on my cell phone if you have time to speak.

Thank you for your continuing interest in supporting the community's dialogue on this subject.

John

John A. Andersen, Jr  
President



**GREENLEAF  
ADVISORS LLC**

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— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Date: 06/11/2009 11:57 AM  
Subject: DC meeting

John,

Thanks for your input the other day. We will likely schedule a gathering in DC sometime in July or August so we can assemble a good group of stakeholders and technical experts to discuss beneficial reuse of CCPs. Hope to have your participation and also others from EPA.

John

John A. Andersen, Jr.  
President, Greenleaf Advisors, LLC

Cell 312-953-2114

[jandersen@greenleafadvisors.net](mailto:jandersen@greenleafadvisors.net)

[www.greenleafadvisors.net](http://www.greenleafadvisors.net)

— Forwarded by John Sager/DC/USEPA/US on 10/03/2012 09:52 AM —

From: "John A. Andersen" <[johnandersen@ameritech.net](mailto:johnandersen@ameritech.net)>  
To: John Sager/DC/USEPA/US@EPA  
Cc: "Robert Spoerri" <[rspoerri@beneficialreuse.com](mailto:rspoerri@beneficialreuse.com)>, "Erin Davidson" <[edavidson@beneficialreuse.com](mailto:edavidson@beneficialreuse.com)>  
Date: 10/19/2009 11:44 AM  
Subject: FGD Gypsum conference

John,

As we plan a conference to discuss the use of FGD Gypsum in agricultural applications, Beneficial Reuse Management would like to invite several people from the U.S. EPA. We recognize that they may not be able to attend, but wish for them to receive an invitation non-the-less. Your help in providing the appropriate contact information, titles, and spelling for the following individuals would be most appreciated.

John Sager  
Matt Hale  
Larry Elworth  
Matt Stanislav  
Barry Breen  
Rich Kinch  
Betsy Smidinger  
Thea McManus

Thank you for your help. Please call me if you have questions.

John

John A. Andersen, Jr  
President



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**FOIA Fw: Nov 11th**  
**John Sager** to: Mary Jackson

10/11/2012 09:46 AM

From: John Sager/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA

— Forwarded by John Sager/DC/USEPA/US on 10/11/2012 09:42 AM —

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Date: 10/15/2009 12:32 PM  
Subject: RE: Nov 11th

Thanks for the quick reply John. Do you think Matt's comment refers to any meeting through year end, in which case we might schedule without consideration of EPA availability. It would still serve to elevate a common understanding of the issues by the ENGOs and industry folks, that could help the dialogue with all parties going forward. Perhaps we can talk tomorrow if not today (best to reach me on my cell 312-953-2114). John

-----Original Message-----

From: sager.john@epamail.epa.gov [mailto:sager.john@epamail.epa.gov]  
Sent: Thursday, October 15, 2009 11:07 AM  
To: jandersen@greenleafadvisors.net  
Subject: Re: Nov 11th

I am on a call at the moment and don't know if I will time to talk with you today.

I got word this morning from Matt Hale that he does not want anybody from EPA to attend this meeting and hopes everyone will understand the sensitivity at the moment.

John  
703-308-7256  
301-320-4979 on Fridays

From: "John A. Andersen" <johnandersen@ameritech.net>  
To: John Sager/DC/USEPA/US@EPA  
Date: 10/15/2009 11:59 AM  
Subject: Nov 11th

John,

I was just informed that Nov 11th is Veteran's Day. The speakers can make that day, so I am inclined to go forward if we can confirm with Eric



Schaeffer's office and if you make that day, and believe a fair number of your colleagues would be able to as well. Otherwise we will likely need to defer to December and the delay concerns me regarding informing the debate that is likely to ensue soon.

I think the agenda is shaping up to be very meaningful. Please call as soon as you have a moment to discuss. Thank you.

John 312-953-2114

John A. Andersen, Jr  
President

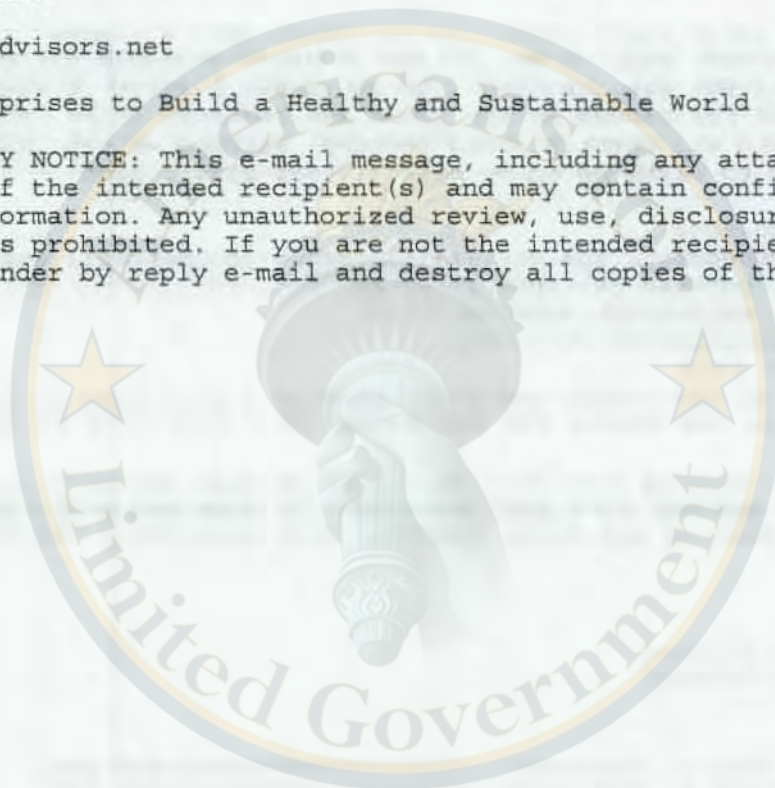
(Embedded image moved to file: pic12933.jpg)Logo - version 2.jpg Greenleaf  
Advisors, LLC 300 N. LaSalle Street Suite 5400 Chicago, IL 60603

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**Fw: FOIA Information**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:42 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:42 AM —

From: Beth Zelenski/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA  
Cc: Antoinette Powell-Dickson/DC/USEPA/US@EPA, breen.barry@epa.gov, Ellyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA  
Date: 01/05/2010 11:50 AM  
Subject: Re: Fw: FOIA Information

Thanks Matt. I think I'm all set for the Sierra Club meeting. Just so you all are aware, I also plan to send for "the book" the May 2009 EJ/EIP report and the July 2009 Sierra Club/EJ joint statement on coal ash, though I'm sure the Administrator is well aware of their perspectives. Thanks again. See you this afternoon.

Beth Zelenski  
U.S. Environmental Protection Agency  
Special Assistant  
Office of the Administrator  
1200 Penn. Ave., NW (MC 1101A)  
Washington, DC 20460  
Tel: 202-564-7433  
Fax: 202-501-1428

Matt Straus

Per your request, attached is the material that h...

01/05/2010 11:05:21 AM

From: Matt Straus/DC/USEPA/US  
To: Beth Zelenski/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, breen.barry@epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA, Antoinette Powell-Dickson/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA  
Date: 01/05/2010 11:05 AM  
Subject: Fw: FOIA Information

Per your request, attached is the material that has been put together on the outstanding FOIA's dealing with CCR's, who the request was submitted by, what information has been provided and what information still needs to be provided. Let me know if you need anything further.

— Forwarded by Matt Straus/DC/USEPA/US on 01/05/2010 11:03 AM —

From: Matt Straus/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, breen.barry@epa.gov, Lisa Feldt/DC/USEPA/US@EPA  
Cc: Antoinette Powell-Dickson/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, devlin.betsy@epa.gov, Jana Englander/DC/USEPA/US@EPA

Date: 12/28/2009 10:13 AM  
Subject: FOIA Information

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FOIA.doc EXPLANATION OF PARTIAL RESPONSES TO FOIA REQUESTS.doc Attached is the information that has been compiled regarding any remaining FOIA's dealing with CCRs. As you will see, much of the information has been provided, and the only outstanding information is any information claimed as Confidential Business Information, and the response to the list of 44 high hazard surface impoundments. Let me know if you have any questions.



## FOIA's REGARDING COAL COMBUSTION RESIDUALS (CCRs)

The following information concerns that status of all freedom of information act (FOIA) requests that have been submitted to EPA concerning coal combustion residuals (CCRs) that have not been totally addressed. It should be noted that the vast majority of information requested has already been provided, and that the remaining information relates to that information claimed as Confidential Business Information (CBI) and any emails or other documents associated with those surface impoundments with a high hazard potential rating.

1. HQ-RIN-01136-09:

**Submitted By:** Natural Resources Defense Council (NRDC)

**Date Request Received:** April 21, 2009

**Information Requested:** Requested information on: (1) the location of sites in the U.S. which dispose (or disposed of) CCRs, including surface impoundments, landfills, and minefill operations; (2) any analysis or evaluation of the integrity of any existing CCR facilities, including information regarding any confirmed or suspected leaks, breaches, or other releases; (3) any inventory or assessment of the method or methods by which CCRs is disposed; (4) any inventory or assessment of the quantity of CCR currently or expected to be disposed.

**Information Provided:** A partial response was provided. See attachment for information provided in partial response. :

**Information Still to be Provided:** Requested information to be provided includes information which companies have claimed as CBI. The timing on the release of this information will primarily be addressed in the on-going litigation.

2. HQ-RIN-01489-09

**Submitted By:** Sierra Club, Earthjustice, NRDC, and Environmental Integrity Project

**Date Request Received:** June 22, 2009

**Information Requested:** Requested information relating to the identification or assessment of coal combustion waste disposal sites in the U.S. identified by EPA or any other federal agency as the forty-four (44) most hazardous or "high hazard" sites.

**Information Provided:** The list of 44 sites that were posted on the web.

**Information Still to be Provided:** All emails and other documentation, including Barry Breen's testimony related to the 44 surface impoundments with a high hazard potential rating. It should be noted that most of this information may be considered deliberative and thus, may not be provided to the requesters of the FOIA.

3. HQ-RIN-01022-09  
**Submitted By:** Earthjustice  
**Date Request Received:** April 2, 2009  
**Information Requested:** Requested information submitted by TVA pursuant to section 104(e) of CERCLA in response to the information request letter sent to TVA by Administrator Jackson dated March 9, 2009  
**Information Provided:** All information requested has been provided regarding this FOIA and therefore, this FOIA response should be considered complete.  
**Information Still to be Provided:** None.
  
4. HQ-RIN-01054-09  
**Submitted By:** Earthjustice  
**Date Request Received:** April 7, 2009  
**Information Requested:** Requested information submitted by the following electric utilities in response to an information request letter sent by Administrator Jackson dated March 9, 2009, pursuant to section 104(e) of CERCLA: (1) First Energy, Inc.; (2) American Electric Power; (3) Georgia Power Company; (4) Duke Power Company; (5) Carolina Power and Light; and (6) Mirant Mid-Atlantic, LLC.  
**Information Provided:** A partial response was provided. See attachment for information provided in the partial response.  
**Information Still to be Provided:** Information that these particular companies have claimed as CBI. The timing on the release of this information will be addressed in the on-going litigation.
  
5. HQ-RIN-01515-09  
**Submitted By:** Earthjustice  
**Date Request Received:** June 24, 2009  
**Information Requested:** Requested information pertaining to Confidential Business Information (CBI) claims submitted by utility companies in response to EPA's CERCLA 104(e) March 9, 2009 letter, including: (1) all CBI claims submitted to EPA by utilities and facilities in response to the CERCLA 104(e) letter; (2) all responses sent by EPA to utilities and facilities in response to the CBI claims received by EPA; (3) all letters sent to utilities and facilities by EPA that did not submit CBI claims concerning potential CBI claims that could be made by such utilities and facilities; and (4) all other records generated by EPA relating to the relevance of the CBI claim to waste disposal activities and structures.  
**Information Provided:** All information not considered CBI has been provided.  
**Information Still to be Provided:** Information considered CBI; the timing on the release of this information will be addressed in the on-going litigation.

# EXPLANATION OF PARTIAL RESPONSES TO FOIA REQUESTS

At the time that the responses to the March 9, 2009 information request letter were posted on the web, only those responses to questions 1-10 were posted, not including information that was claimed as Confidential Business Information (CBI). If additional documentation, such as state inspection reports, third party inspection reports or other appendices or data were provided, they were not posted on the web. Thus, the partial responses included this additional information/documentation (not including CBI). Specifically, four packages were sent to three environmental groups from September 10, 2009 through November 24, 2009 as follows:<sup>1</sup>

- **Package #1:** All documents provided in response to the survey request, that were not posted on the web, from each facility that had a surface impoundment with a high hazard potential rating, but did not assert a claim of CBI. Three packages were sent to the following organizations: (1) EarthJustice (September 10, 2009), (2) Sierra Club (September 10, 2009), and (3) Natural Resources Defense Council (NRDC) (September 15, 2009).
- **Package #2:** All documents provided in response to the survey request, that were not posted on the web, from each facility that had a surface impoundment with a high hazard potential rating, but did assert a claim of CBI on some of all of the information. Three packages were sent to the following organizations: (1) EarthJustice (September 29, 2009), (2) Sierra Club (September 29, 2009), and (3) NRDC (September 29, 2009).
- **Package #3:** All documents provided in response to the survey request, that were not posted on the web, from each facility that had a surface impoundment that did not have a high hazard potential rating, and did not assert a claim of CBI. Three packages were sent to the following organizations: (1) EarthJustice (November 9, 2009), (2) Sierra Club (November 9, 2009), and (3) NRDC (November 9, 2009).
- **Package #4:** All documents provided in response to the survey request, that were not posted on the web, from each facility that had a surface

---

<sup>1</sup> The first priority for sending out information was to send the documentation related to those facilities that had surface impoundments with a high hazard potential rating; the first package reflected those facilities that did not assert a claim of Confidential Business Information (CBI), while the second package reflected those facilities that did assert a claim of CBI as the documents needed to be reviewed and CBI data redacted out. The next priority was to send out documentation related to those facilities that had surface impoundments that did not have a high hazard potential rating; the third package reflected those facilities that did not assert a claim of CBI, while the fourth package reflected those facilities that did assert a claim of CBI as the documents again needed to be reviewed and the CBI data redacted out.

impoundment that did not have a high hazard potential rating, and did assert a claim of CBI. Three packages were sent to the following organizations: (1) EarthJustice (November 24, 2009), (2) Sierra Club (November 24, 2009), and (3) NRDC (November 24, 2009).





**Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:09 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:09 PM —

From: Matt Hale/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Antoinette Powell-Dickson/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Jennifer Wilbur/DC/USEPA/US@EPA  
Date: 07/01/2009 05:47 PM  
Subject: Re: Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials

I wasn't aware of this meeting until I got the email. Robert Spoerri met with us a week or two ago, and said he had met with enviro groups, including Eric Schaeffer.

I agree with Matt S. ORCR should send reps, but we'd keep discussion as much as possible to a technical level, and not get into reg issues.

Matt

Sent by EPA Wireless E-Mail Services  
Matt Straus

----- Original Message -----

**From:** Matt Straus  
**Sent:** 07/01/2009 04:30 PM EDT  
**To:** Mathy Stanislaus  
**Cc:** Antoinette Powell-Dickson; Barry Breen; Ellyn Fine; Jennifer Wilbur; Matt Hale  
**Subject:** Re: Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials

I'll let Matt Hale get back to you, since he and his folks were invited to the meeting, but presume that this has been set up as a technical meeting to discuss the various uses of coal combustion byproducts, but would not be surprised if it also got into the policy debate on "C" vs "D." If you are asking whether you should plan to attend the meeting, I would say that ORCR should cover the meeting.

Mathy Stanislaus      What is this meeting? Should someone from O...      07/01/2009 04:19:26 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Matt Straus/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA  
Cc: Barry Breen/DC/USEPA/US@EPA, Jennifer Wilbur/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Antoinette Powell-Dickson/DC/USEPA/US@EPA  
Date: 07/01/2009 04:19 PM  
Subject: Fw: Meeting re: use of coal combustion byproducts as geotechnical construction materials



What is this meeting? Should someone from OSWER attend and, if so, who?  
— Forwarded by Mathy Stanislaus/DC/USEPA/US on 07/01/2009 04:18 PM —

From: Robert Spoerri <rspoerri@beneficialreuse.com>  
To: "thadams@aca-usa.org" <thadams@aca-usa.org>, "janderson@greenleafadvisors.net" <janderson@greenleafadvisors.net>, "chbenson@u.washington.edu" <chbenson@u.washington.edu>, Truett Degeare/DC/USEPA/US@EPA, "levans@earthjustice.org" <levans@earthjustice.org>, "kfendler@environmentalintegrity.org" <kfendler@environmentalintegrity.org>, "fitzkrc@aol.com" <fitzkrc@aol.com>, "dave@dcgoss.com" <dave@dcgoss.com>, Matt Hale/DC/USEPA/US@EPA, "jason.harrington@dot.gov" <jason.harrington@dot.gov>, "kinch.rich@epa.gov" <kinch.rich@epa.gov>, Paul Koziar <pkoziar@beneficialreuse.com>, John Sager/DC/USEPA/US@EPA, "eschaeffer@environmentalintegrity.org" <eschaeffer@environmentalintegrity.org>, "psimms@nrdc.org" <psimms@nrdc.org>, Betsy Smidinger/DC/USEPA/US@EPA, Robert Spoerri <rspoerri@beneficialreuse.com>, Mathy Stanislaus/DC/USEPA/US@EPA, "jeffreystant@sbcglobal.net" <jeffreystant@sbcglobal.net>, "bwaldrop@fcsi.biz" <bwaldrop@fcsi.biz>  
Date: 07/01/2009 04:01 PM  
Subject: Meeting re: use of coal combustion byproducts as geotechnical construction materials

---

I am pleased to invite you to join a discussion on the Beneficial Reuse of Coal Combustion By-Products as Geotechnical Construction Material on July 29 from noon – 4pm. The meeting will be held at the offices of the Environmental Integrity Project, located at 1920 "L" Street NW Suite 800, Washington, DC. Thanks very much to Eric Schaeffer for hosting the session, and to Kate Fendler at EIP for helping facilitate the conference.

The meeting's objective is to advance a shared technical understanding of the beneficial reuse of coal combustion byproducts as geotechnical construction material. A draft agenda and list of invited participants is attached. Please contact me with any questions, suggestions or comments.

Please RSVP to me with a copy to Kate Fendler ([kfendler@environmentalintegrity.org](mailto:kfendler@environmentalintegrity.org)) at EIP. We look forward to working together with you to advance the environmental and economic benefits that can be gained from beneficial reuse of byproduct materials in a safe and appropriate way.

Sincerely,

Bob Spoerri



212 W. Superior St., Suite 402  
Chicago, IL 60654  
Direct phone: 312-784-0303  
[www.beneficialreuse.com](http://www.beneficialreuse.com)

[attachment "7-29-09 CCP Conference.pdf" deleted by Matt Straus/DC/USEPA/US]



**Fw: Coal ash meeting request**  
**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 10:51 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 10:50 AM —

From: Bob Sussman/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 12/29/2009 04:02 PM  
Subject: Re: Coal ash meeting request

Next week. You'll be back.  
Mathy Stanislaus

----- Original Message -----

**From:** Mathy Stanislaus  
**Sent:** 12/29/2009 03:47 PM EST  
**To:** Bob Sussman  
**Subject:** Re: Coal ash meeting request

OK - when would it be?  
Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 12/29/2009 03:45 PM EST  
**To:** Mathy Stanislaus  
**Subject:** Re: Coal ash meeting request

mathy -- remember the administrator said, if she was mtg with EEI, she wanted to meet with the enviros?  
That's this meeting.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Mathy Stanislaus      What's the genesis of this meeting? When would...      12/29/2009 03:30:05 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Date: 12/29/2009 03:30 PM  
Subject: Re: Coal ash meeting request

What's the genesis of this meeting? When would it be? This is the first I'm hearing about it?

Bob Sussman

----- Original Message -----

**From:** Bob Sussman

**Sent:** 12/29/2009 12:49 PM EST

**To:** Daniel Gerasimowicz

**Cc:** Mathy Stanislaus

**Subject:** Re: Coal ash meeting request

We would like to get their views on the key issues in the rulemaking process -- C vs D, benefits and costs of rule, health risks avoided, beneficial reuse etc.

I would be there, along with mathy, lisa Feldt and perhaps (at mathy's call) a few folks from the program.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Daniel Gerasimowicz    HI Sir, I've been speaking with Lisa Evans fro...

12/29/2009 10:30:05 AM





**Fw: Wednesday, January 6, 2010 Schedule for Lisa P. Jackson**

**Mathy Stanislaus** to: Mary Jackson

08/03/2012 11:09 AM

Sent by: **Shawna Bergman**

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:08 AM —

From: Daniel Gerasimowicz/DC/USEPA/US  
To: Lisa Garcia/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Alecia Allston/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Clay Diette/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Michelle DePass/DC/USEPA/US@EPA, Steve Owens/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Peter Grevatt/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Alicia Kaiser/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Katharine Gage/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Marcus McClendon/DC/USEPA/US@EPA, Ray Spears/DC/USEPA/US@EPA, Sarah Dale/DC/USEPA/US@EPA, Georgia Bednar/DC/USEPA/US@EPA, Carla Veney/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, John Neville/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA

Date: 01/05/2010 04:59 PM

Subject: Wednesday, January 6, 2010 Schedule for Lisa P. Jackson

\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator  
Wednesday, January 6, 2010**

Notes:

Drivers

AM Terry Thurman 202-531-8784  
PM Jesse Smith 202-263-9119

Shift Leaders

AM John Neville 202-365-5303  
PM Eric Weese 202-263-9118

Staff Contact

Robert Goulding  
202-596-0245

07:30 AM - 08:15 AM Residence Depart for Ariel Rios

08:15 AM - 08:45 AM Administrator's Office 1 on 1 with Cynthia Giles  
Ct: Linda Huffman (OECA) 564-2440

Optional attendees: Bob Perciasepe, Diane Thompson, Bob Sussman (OA)

08:45 AM - 09:15 AM Administrator's Office Daily Meeting

09:30 AM - 10:00 AM	Administrator's Office	OMB CCR Meeting Pre-Brief Ct: Georgia Bednar (OA) 564-9816
		Staff: Bob Sussman (OA) Lisa Heinzerling (OPEI) Mathy Stanislaus (OSWER)
10:00 AM - 10:30 AM	Administrator's Office	Meeting with Michael Dell (Dell Computers) Ct: Seth Oster (OPA)
		Staff: Bob Perciasepe (OA))
10:30 AM - 11:00 AM	Administrator's Office	No Meetings
11:00 AM - 11:30 AM	Administrator's Office	Meeting with Secretary Salazar Ct: Joan Padilla (DOI) 202-208-5820
		Subj: Red Devil Site
		Attendees: Secretary Salazar (DOI)
		Staff: Bob Sussman (OA) Mathy Stanislaus (OSWER) Cynthia Giles (OECA)
11:45 AM - 12:00 PM	Ariel Rios	Depart for EEOB
12:00 PM - 01:00 PM	EEOB 208	CCR Meeting with Peter Orszag Ct: Leandra English (Orszag's Office) 202-395-4840
		Staff: Bob Sussman (OA) Mathy Stanislaus (OSWER) Lisa Heinzerling (OPEI)
01:00 PM - 01:15 PM	EEOB	Depart for Ariel Rios
01:30 PM - 01:45 PM	Administrator's Office	Call with Governor C.L "Butch" Otter Ct: Bobbi-Jo Muelenman (Governor's Scheduler) 208-334-2100
		Subj: ARRA
		The Governor will call the Administrator on 202-564-4700
		Staff: Sarah Pallone (OCIR) Craig Hooks (OARM)

02:00 PM - 02:45 PM    Bullet Room

Coal Ash Meeting

Ct: Georgia Bednar (OA) 564-9816  
Ct: Lisa Evans (EarthJustice) 781-631-4119

Staff:  
Bob Sussman, Bob Perciasepe, Diane Thompson (OA)  
Mathy Stanislaus, Lisa Feldt, Barry Breen, Matt Hale, Matt Straus (OSWER)  
Mary-Kay Lynch, Laurel Celeste (OGC)

Attendees:  
Lisa Evans, Senior Administrative Counsel - EarthJustice

Marty Hayden, Vice President of Policy and Litigation - EarthJustice

Eric Schaeffer, Executive Director - Environmental Integrity Project (EIP)

Jeffrey Stant, Director of the Coal Combustion Waste Program- EIP

Bruce Nilles, Director of the Beyond Coal Campaign - Sierra Club

Mary Anne Hitt, Deputy Director of the Beyond Coal Campaign - Sierra Club

Scott Slesinger, Legislative Director - Natural Resources Defense Council

Patrice Simms, Assistant Professor of Environmental Law - Howard University

Jackie Kruszewski, Legislative Associate - Southern Environmental Law Center (SELC)

03:00 PM - 03:15 PM    Administrator's Office

Interview

Subj - Washington Post - Krissah Thompson in-person

Ct: Allyn Brooks-LaSure (OPA) 564-1540

Staff:  
Allyn Brooks-LaSure

03:30 PM - 04:30 PM    Bullet Room

FYI - Senior Policy Meeting

Bob Perciasepe will lead this meeting

Staff:

Bob Perciasepe, Bob Sussman, Diane Thompson, Scott Fulton, Eric Wachter, Robert Goulding, Larry Elworth, Heidi Ellis (OA)  
David McIntosh, Arvin Ganesan, Sarah Pallone (OCIR)  
Lisa Heinzerling, Robert Verchick (OPEI)  
Cynthia Giles, Lisa Garcia (OECA)  
Pete Silva (OW)  
Steve Owens (OPPTS)  
Michelle DePass (OIA)  
Mathy Stanislaus, Lisa Feldt (OSWER)

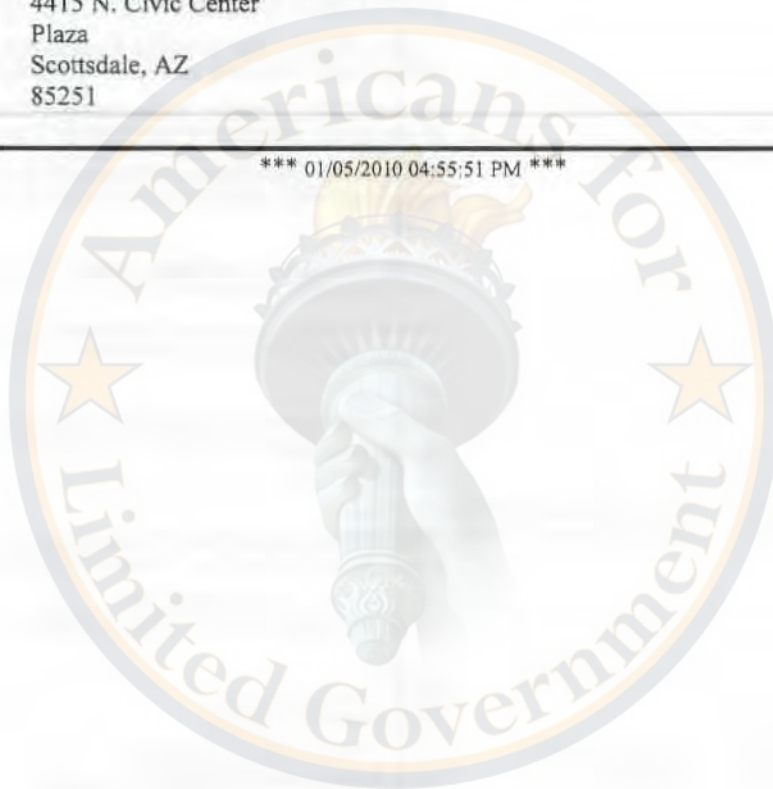
Gina McCarthy (OAR)  
Seth Oster, Allyn Brooks-LaSure (OPA)  
Craig Hooks (OARM)  
Barbara Bennett (OCFO)  
Paul Anastas (ORD)

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03:30 PM - 04:30 PM	Ariel Rios	Depart for Dulles Airport
05:40 PM - 08:59 PM	En Route to Phoenix, AZ	En Route to Phoenix, AZ United Flight #953
		Arrives Phoenix, AZ at 8:59 PM local time
09:00 PM - 09:30 PM	Phoenix, AZ	Depart for Hotel
09:30 PM - 11:59 PM	Indigo Hotel 4415 N. Civic Center Plaza Scottsdale, AZ 85251	No Meetings

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\*\*\* 01/05/2010 04:55:51 PM \*\*\*





**Fw: 01/05/2010 thru 01/18/2010 Schedule for Lisa P. Jackson**

**Mathy Stanislaus** to: Mary Jackson

08/03/2012 11:09 AM

Sent by: **Shawna Bergman**

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:09 AM —

From: Daniel Gerasimowicz/DC/USEPA/US  
To: Paul Anastas/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Alecia Allston/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Clay Diette/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA, Michelle DePass/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Steve Owens/DC/USEPA/US@EPA, Peter Grevatt/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Alicia Kaiser/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Donald Maddox/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Katharine Gage/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Marcus McClendon/DC/USEPA/US@EPA, Ray Spears/DC/USEPA/US@EPA, Sarah Dale/DC/USEPA/US@EPA, Georgia Bednar/DC/USEPA/US@EPA, Wyatt Rockefeller/DC/USEPA/US@EPA, Carla Veney/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, John Neville/DC/USEPA/US@EPA

Date: 12/31/2009 01:42 PM  
Subject: 01/05/2010 thru 01/18/2010 Schedule for Lisa P. Jackson

\*\*\* Do not copy or forward this information \*\*\*

**EPA Administrator  
Lisa P. Jackson  
Schedule**

12/31/2009 01:39:51 PM

Tuesday, 1/5/2010

07:15 AM-08:00 AM Depart for Old Ebbitt Grill  
Location: Residence

08:00 AM-09:00 AM Breakfast  
Subj: Pamela Miller 202-693-1890  
Reservations for 2 confirmed under Heidi Ellis  
Location: Old Ebbitt Grill  
675 15th St., NW  
Washington, DC



**09:00 AM-09:30 AM** Depart for Arlington, VA  
Location: Old Ebbitt Grill

---

**09:30 AM-10:30 AM** Chesapeake Bay Executive Council Transition Event  
Ct: Travis Loop (CBPO) 410-267-5758  
Location Contact: Kate Burn 703-387-3023

The Administrator will assume her position as Chair of the Chesapeake Executive Council

Governor Tim Kaine will participate with the Administrator

Agenda:

9:30 - 10 AM - Administrator Jackson and Gov. Kaine meet

10 - 10:30 AM - Administrator Jackson and Gov. Kaine provide remarks and Administrator presents gift to Gov. Kaine  
Location: Top of the Town Conference Facility  
1400 14th Street North  
Arlington, VA

---

**10:30 AM-11:00 AM** Depart for Ariel Rios  
Location: Arlington, VA

---

**11:30 AM-12:30 PM** Briefing to discuss Environmental Justice in Rulemaking  
Ct: Linda Huffman (OECA) 564-2440

Staff:

Bob Perciasepe, Diane Thompson (OA)  
Craig Hooks (OARM)  
Gina McCarthy, Rob Brenner (OAR)  
Cynthia Giles, Catherine McCabe, Lisa Garcia, Charles Lee (OECA)  
Steve Owens, Jim Jones (OPPTS)  
Linda Travers (OEI)  
Barbara Bennett (OCFO)  
Scott Fulton (OGC)  
Bill Roderick (OIG)  
Michelle DePass (OIA)  
Paul Anastas, Lek Kadeli (ORD)  
Mathy Stanislaus (OSWER)  
Pete Silva (OW)  
Lisa Heinzerling, Louise Wise (OPEI)  
Jane Diamond (R9) - by phone

(hookup to Admin's conference line needed)  
Location: Bullet Room

---

**12:30 PM-01:00 PM** No Meetings  
Location: Administrator's Office

---

**01:00 PM-01:30 PM** 1 on 1 with Cameron Davis  
Ct: Cameron Davis (R5) 312-886-4040

Optional attendees: Bob Perciasepe, Diane Thompson, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**01:30 PM-02:15 PM Briefing on the Next Steps for Endangerment**  
Ct: Don Maddox (OAR) 564-7404

Staff:

Bob Perciasepe, Bob Sussman, Diane Thompson, Larry Elworth (OA)  
David McIntosh, Arvin Ganesan (OCIR)  
Gina McCarthy, Janet McCabe, Joe Goffman (OAR)  
Lisa Heinzerling (OPEI)  
Location: Bullet Room

-----  
**02:30 PM-03:15 PM Meeting with Canadian Ambassador to the United States, Gary Doer**  
Ct: Virginia Robertson (Embassy of Canada) 202-448-6543

Staff:

Michelle DePass, Shalini Vajjhala, Gary Waxmonsky, Michael Stahl, Pete  
Christich (OIA)  
Gina McCarthy, Beth Craig (OAR)  
Pete Silva, Mike Shapiro (OW)  
Optional attendee: Diane Thompson (OA)

Attendees:

Ambassador Gary Doer  
Marc LePage, Special Advisor for Climate Change and Energy  
Christina Jutzi, Program Officer  
Duncan Stewart, Program Officer  
Location: Bullet Room

-----  
**04:00 PM-04:30 PM Office Time**  
Location: Administrator's Office

-----  
**04:30 PM-05:00 PM Briefing to discuss Rapanos**  
Ct: Georgia Bednar (OA) 564-9816

Staff:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Arvin Ganesan (OCIR)  
Scott Fulton, Avi Garbow (OGC)  
Pete Silva (OW)  
Cynthia Giles (OECA)  
Location: Administrator's Office

-----  
**Wednesday, 1/6/2010**

**07:30 AM-08:15 AM Depart for Ariel Rios**  
Location: Residence

-----  
**08:15 AM-08:45 AM 1 on 1 with Cynthia Giles**  
Ct: Linda Huffman (OECA) 564-2440

Optional attendees: Bob Perciasepe, Diane Thompson, Bob Sussman (OA)  
Location: Administrator's Office

**08:45 AM-09:15 AM Daily Meeting**

Location: Administrator's Office

**10:00 AM-10:30 AM HOLD- Meeting with Michael Dell (Dell Computers)**

Ct: Seth Oster (OPA)

Subj: talk about what Dell is doing on energy and environmental issues

Staff:

Seth Oster (OPA)

Diane Thompson (OA)

**11:00 AM-12:00 PM HOLD CCR Meeting with Peter Orszag**

Ct: Leandra English (Orszag's Office) 202-395-4840

Staff:

Bob Sussman (OA)

Mathy Stanislaus (OSWER)

Lisa Heinzerling (OPEI)

Location: EE0B

**12:00 PM-01:00 PM No Meetings**

Location: Administrator's Office

**01:00 PM-01:30 PM Call with Governor C.L "Butch" Otter**

Ct: Bobbi-Jo Muelenman (Governor's Scheduler) 208-334-2100

Subj: ARRA

The Governor will call the Administrator on 202-564-4700

Staff:

Sarah Pallone (OCIR)

Craig Hooks (OARM)

Location: Administrator's Office

**02:00 PM-02:45 PM Coal Ash Meeting**

Ct: Georgia Bednar (OA) 564-9816

Staff:

Bob Sussman, Bob Perciasepe, Diane Thompson (OA)

Mathy Stanislaus, Lisa Feldt, Barry Breen, Matt Hale, Matt Straus (OSWER)

Attendees:

Lisa Evans, Senior Administrative Counsel - EarthJustice - confirmed

Eric Schaeffer, Executive Director - Environmental Integrity Project (EIP) - confirmed

Jeffrey Stant, Director of the Coal Combustion Waste Program- EIP - confirmed

Mary Anne Hitt, Deputy Director of the Beyond Coal Campaign - Sierra Club

Scott Slesinger, Legislative Director - Natural Resources Defense Council

Patrice Simms, Assistant Professor of Environmental Law - Howard University  
Location: Bullet Room

03:15 PM-04:15 PM Depart for Dulles Airport  
Location: Ariel Rios

03:30 PM-04:30 PM FYI - Senior Policy Meeting  
Bob Perciasepe will lead this meeting

Staff:

Bob Perciasepe, Bob Sussman, Diane Thompson, Scott Fulton, Eric Wachter, Robert  
Goulding, Larry Elworth (OA)  
David McIntosh, Arvin Ganesan, Sarah Pallone (OCIR)  
Lisa Heinzerling (OPEI)  
Cynthia Giles, Lisa Garcia (OECA)  
Pete Silva (OW)  
Steve Owens (OPPTS)  
Michelle DePass (OIA)  
Mathy Stanislaus, Lisa Feldt (OSWER)  
Gina McCarthy (OAR)  
Seth Oster, Allyn Brooks-LaSure (OPA)  
Craig Hooks (OARM)  
Barbara Bennett (OCFO)  
Paul Anastas (ORD)  
Location: Bullet Room

05:40 PM-08:12 PM En Route to Phoenix, AZ  
Flight #43

Departs IAD at 5:40 PM  
Arrives Phoenix, AZ at 8:12 PM local time  
Location: En Route to Phoenix, AZ

08:30 PM-08:50 PM Depart for Hotel  
Location: Phoenix, AZ

09:00 PM-11:59 PM No Meetings  
Location: W Hotel Scottsdale  
7277 East Camelback  
Scottsdale, AZ 85251

Thursday, 1/7/2010

09:00 AM-05:00 PM Scottsdale, AZ  
Location: Scottsdale, AZ

Friday, 1/8/2010

09:00 AM-03:55 PM Scottsdale, AZ  
Location: Scottsdale, AZ

03:55 PM-09:56 PM En Route to DC

US Airways Flight #46

Departs Phoenix, AZ at 3:55 PM local time

Arrives Reagan National at 9:56 DC time

Location: En Route to DC

---

Saturday, 1/9/2010

Sunday, 1/10/2010

Monday, 1/11/2010

07:30 AM-08:15 AM Depart for Ariel Rios  
Location: Residence

---

08:15 AM-08:45 AM 1 on 1 with Pete Silva  
Ct: Lori Keyton (OW) 564-5768

Optional attendees:  
Bob Perciasepe, Diane Thompson, Bob Sussman (OA)  
Location: Administrator's Office

---

08:45 AM-09:15 AM Daily Meeting  
Location: Administrator's Office

---

09:45 AM-12:00 PM HOLD- SES Conference  
Ct: Roz Simms (OARM) 202-564-5185

Location: Gaylord National Hotel and Conf. Center  
National Harbor, MD

---

12:00 PM-01:00 PM No Meetings  
Location: Administrator's Office

---

01:00 PM-02:00 PM Senior Staff Meeting  
Location: Bullet Room

---

03:40 PM-04:00 PM Depart for Renaissance M Street Hotel  
Location: Ariel Rios

---

04:00 PM-04:30 PM Remarks at the National Wildlife Federation Chesapeake Bay Coalition's 1st Annual  
Choose Clean Water Conference  
Ct: Hilary Falk (NWF) 443-759-3406  
Location: Renaissance M Street Hotel  
1143 New Hampshire Avenue, NW  
Washington, DC 20037

---

04:30 PM-04:45 PM Depart for Ariel Rios  
Location: Renaissance M Street Hotel

---

Tuesday, 1/12/2010

05:00 AM-08:00 PM HOLD- Energy Meeting

07:30 AM-08:15 AM Depart for Ariel Rios  
Location: Residence

08:45 AM-09:15 AM Daily Meeting  
Location: Administrator's Office

12:00 PM-01:00 PM No Meetings  
Location: Administrator's Office

01:00 PM-03:00 PM HOLD Remarks at the American Public Health Association's (APHA) Executive Board Meeting

Ct: Ida Plummer or Don Hoppert (APHA) 202-777-2496

EPA Ct: Shakeba Carter-Jenkins (OPA) 564-6385

Advance Ct:

Location: American Public Health Association 800 I Street, NW -- 1st Floor Conference Room  
Washington, DC

06:00 PM-09:00 PM FYI - Laura Yoshii's DC Retirement Party

Ct: Jane Diamond (R9) 415-972-3275

Location: Army and Navy Club  
901 17th St. NW at I St.  
Washington, DC

Wednesday, 1/13/2010

07:30 AM-08:15 AM Depart for Ariel Rios  
Location: Residence

08:15 AM-08:45 AM 1 on 1 with Cynthia Giles  
Ct: Linda Huffman (OECA) 564-2440

Optional attendees: Bob Perciasepe, Diane Thompson, Bob Sussman (OA)  
Location: Administrator's Office

08:45 AM-09:15 AM Daily Meeting  
Location: Administrator's Office

09:30 AM-10:30 AM Office Time  
Location: Administrator's Office

10:30 AM-11:00 AM Coffee Meeting  
Subj: Lisa Feldt (OSWER)

Ct: Teresa Hill (OSWER) 566-0184  
Location: Administrator's Office

11:00 AM-12:00 PM Briefing on the Pebble Mine Project in Alaska  
Ct: Marianne Holsman (R10) 206-553-1237

Staff:

Bob Perciasepe, Bob Sussman (OA)  
Michelle Pirzadeh, Dan Opalski, Mike Bussell, Patti McGrath (R10) - in person  
Optional attendee: Diane Thompson (OA)  
Location: Bullet Room

---

**12:00 PM-01:00 PM No Meetings**  
Location: Administrator's Office

---

**01:00 PM-01:45 PM Briefing on the Final Listing of the Gowanus Canal Site on the Superfund National Priorities Listing (NPL)**  
Ct: Eilyn Fine (OSWER) 566-2775

Staff:  
Barry Breen, Jim Woolford (OSWER)  
Judith Enck, George Pavlou, Walter Mugan (R2) - in person  
Optional attendees: Diane Thompson, Bob Sussman (OA)  
Location: Administrator's Office

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**02:00 PM-02:45 PM Briefing to discuss Geologic Sequestration Rulemaking**  
Ct: Lori Keyton (OW) 564-5768

Staff:  
Bob Sussman, Diane Thompson, Bob Perciasepe (OA)  
Pete Silva, Mike Shapiro, Ann Codrington, Cynthia Dougherty, Bruce Kobelski,  
Joseph Tiago, Lee Whitehurst, Suzanne Kelly, Sean Porse, Steve Heare, MaryRose  
Bayer (OW)  
Gina McCarthy, Brian Mclean, Dina Kruger (OAR)  
Lisa Heinzerling, Louise Wise (OPEI)  
Carrie Wehling, Steve Neugeboren (OGC)  
Location: Bullet Room

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**03:30 PM-05:00 PM HOLD - Steering Committee for the Interagency Climate Change Adaptation Task Force**  
Location: 722 Jackson Place

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**03:30 PM-04:30 PM Senior Policy Meeting**  
Staff:

Bob Perciasepe, Bob Sussman, Diane Thompson, Scott Fulton, Eric Wachter, Robert  
Goulding, Larry Elworth (OA)  
David McIntosh, Arvin Ganesan, Sarah Pallone (OCIR)  
Lisa Heinzerling (OPEI)  
Cynthia Giles (OECA)  
Pete Silva (OW)  
Steve Owens (OPPTS)  
Michelle DePass (OIA)  
Mathy Stanislaus, Lisa Feldt (OSWER)  
Gina McCarthy (OAR)  
Seth Oster, Allyn Brooks-LaSure (OPA)  
Craig Hooks (OARM)  
Barbara Bennett (OCFO)  
Paul Anastas (ORD)  
Location: Bullet Room

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Thursday, 1/14/2010

**07:30 AM-08:15 AM** Depart for Ariel Rios  
Location: Residence

**08:15 AM-08:45 AM** 1 on 1 with Steve Owens  
Ct: Lynda Garland (OPPTS) 564-0337

Optional attendees: Bob Perciasepe, Diane Thompson, Bob Sussman (OA)  
Location: Administrator's Office

**08:45 AM-09:15 AM** Daily Meeting  
Location: Administrator's Office

**10:30 AM-11:00 AM** EPA MLK Observance  
CT: Susan Morris, OCR  
Location: Ronald Reagan Building

**12:00 PM-01:00 PM** No Meetings  
Location: Administrator's Office

**01:00 PM-01:30 PM** Remarks at the Womens Democratic Club  
Ct: Elaine L. Newman  
202-363-9795 or  
elnewman@earthwave.net  
Location: Washington, DC

**02:30 PM-03:30 PM** Briefing to discuss the Regulatory Determination for Perchlorate  
Ct: Lori Keyton (OW) 564-5768

**Staff:**

Bob Perciasepe, Bob Sussman (OA)  
Pete Silva, Mike Shapiro, Cynthia Dougherty, Eric Burneson, Elizabeth Doyle,  
Pamela Barr, Elizabeth Skane (OW)  
Lek Kadeli, Kevin Teichman, Peter Preuss (ORD)  
Mathy Stanislaus (OSWER)  
Lisa Heinzerling, Louise Wise (OPEI)  
Jon Capacasa (R3)  
Alexis Strauss (R9)  
Peter Grevatt (OCHP)  
Scott Fulton, Pat Hirsch, Carrie Wehling (OGC)

Optional attendee: Diane Thompson (OA)

(hookup to Administrator's conference line needed)  
Location: Bullet Room

**04:00 PM-04:30 PM** 1 on 1 with Gina McCarthy  
Ct: Teri Porterfield (OAR) 564-7404

Optional attendees: Bob Perciasepe, Diane Thompson, Bob Sussman (OA)  
Location: Administrator's Office

**07:15 PM-09:00 PM** Dinner  
Subj: Michele Norris and Mr. Norris



Reservations for 4 under PJackson

Mr. Jackson will attend with the Administrator  
Location: Osteria Bibiana  
1100 New York Ave  
Washington, DC 20005

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Friday, 1/15/2010

**07:30 AM-08:15 AM** Depart for Ariel Rios  
Location: Residence

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**08:15 AM-08:45 AM** 1 on 1 with Mathy Stanislaus  
Ct: Nelida Torries (OSWER) 566-0200

Optional attendees: Bob Perciasepe, Diane Thompson, Bob Sussman (OA)  
Location: Administrator's Office

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**08:45 AM-09:15 AM** Daily Meeting  
Location: Administrator's Office

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**10:00 AM-11:00 AM** Remarks at Public Leadership Education Network's Annual Women & Public Policy Seminar  
Ct: Christina Hamilton (PLEN) 202-872-1585

10 AM- Remarks (15-20 mins), followed by O&A with students.

Location: Fordham Institute  
1016 16th Street, NW, 7th Floor  
Washington, DC

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**12:00 PM-01:00 PM** No Meetings  
Location: Administrator's Office

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**03:00 PM-03:45 PM** Briefing to discuss the EPA-State Leadership Meeting  
Ct: Michelle Hiller-Purvis (OCIR) 564-3702

Staff:

Bob Perciasepe (OA)  
Steve Owens (OPPTS)  
Sarah Pallone (OCIR)  
Lisa Heinzerling (OPEI)  
Gina McCarthy (OAR)  
Barbara Bennett (OCFO)  
Cynthia Giles (OECA)

Optional attendee: Diane Thompson (OA)  
Location: Administrator's Office

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**04:30 PM-05:00 PM** Ceremonial Swearing-In for Barbara Bennett  
Ct: Cheryl Mbaye (OCFO) 564-1152

Expected attendance:

75 people

MOSS will be present to take photos and video of the ceremony  
Location: Green Room

06:00 PM-07:00 PM Dinner with Rev. Regena Thomas and others  
Ct: Heidi Ellis (OA)  
Location: TBD

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Saturday, 1/16/2010

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Sunday, 1/17/2010

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Monday, 1/18/2010

02:00 PM-02:30 PM RESCHEDULE Meeting with Alma Powell and Marguerite Kondracke  
Ct: Maya Grigorovich Barksy, MayaG@americaspromise.org

Attendees:

Alma Powell, Chair, America's Promise Alliance

Marguerite Kondracke, President and CEO, America's Promise Alliance  
Location: Administrator's Office

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\*\*\* END \*\*\*





**Fw: Review: Coal Ash Stakeholder Briefing Wrap Up**

**Mathy Stanislaus** to: Mary Jackson

Sent by: **Shawna Bergman**

08/03/2012 11:28 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:28 AM —

From: Dru Ealons/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Jack Bowles/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Cc: Amy Dewey/DC/USEPA/US@EPA, John Larmett/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, Laura Gentile/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 05/04/2010 06:25 PM  
Subject: Review: Coal Ash Stakeholder Briefing Wrap Up

All:

The stakeholder calls went wonderfully well! Attached you will find the participant list for each call. Additionally, below is the information to access the recording of each call. We can send it to stakeholders and/or staff members who were not able to make the call or missed part of the call. When someone calls to access the recording, the conference center gathers their contact information and forward to me. The recording will be available until June 4, 2010.

Thanks again for time well spent with EPA's stakeholders.

All the best,

Dru

**Stakeholder Briefing on Coal Ash - May 4, 2010 : Conference Call Recordings**

**Enviro/EJ/Health Call:**

Encore Dial In: 800.642.1687

Conference ID: 73230023

Time: 1:15 p.m. EDT

**Business/Industry:**

Encore Dial In: 800.642.1687

Conference ID: 73230027

Time: 2:10 p.m. EDT

**State and Local Officials:**

Encore Dial In: 800.642.1687

Conference ID: 73230032

Time: 3:00 p.m. EDT



Enviro,EJ,HealthParticipants5.4.10.xlsx



Bus&Industry5.4.10.xls



State&Local5.4.10.xls

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Dru Ealons  
Office of Public Outreach  
US Environmental Protection Agency  
202.564.7818 (direct)  
202.573.3063 (cell)  
ealons.dru@epa.gov



Conference Participant Report  
 Conf. Date: 5/4/2010  
 Conf. Time: 1:15pm ET

Company: EPA  
 Leader Name: Stephanie Owens  
 Conference ID: 73230023

Start Time	End Time	Name	Company	Telephone	E-Mail
13:16:59	13:43:53	SPK STEPHANIE OWENS			
12:27:22	13:44:03	ENCORE OWENS			
12:28:13	13:44:09	BACKUP IRI OWENS			
12:46:43	13:44:13	TRANSCRIPTION OWENS	MORNINGSIDE		
13:10:57	13:43:53	JOHN LARMETT	EPA	2025647842	larmett.john@epa.gov
13:14:11	13:43:46	RENEE HOYOS	TENNESSEE CLEAN WATER NETWORK	8655227007	renee@tcwn.org
13:14:18	13:43:52	LYNDSAY MOSELEY	SIERRA CLUB	2025484581	lyndsay.moseley@sierraclub.org
13:14:26	13:43:54	BONNIE PIPER	EPA	2025647836	piper.bonnie@epa.gov
13:14:30	13:43:53	JAMES STINE	NRECA	7039075739	james.stine@nreca.com
13:14:49	13:39:17	BRYAN VICKERS	PACE COMPANIES	7035188600	bvickers@pacellp.com
13:14:50	13:43:51	PETER MORGAN	SIERRA CLUB	4159775727	peter.morgan@sierraclub.org
13:14:57	13:43:51	CRAIG SEGALL	CR CLUB	2025484597	craig.segall@crclub.org
13:15:03	13:43:52	JACKIE KRUSZEWSKI	THE SOUTHERN ENVIRONMENTAL LAW CENTER	2028288382	jackie.kru@selcbc.org
13:15:47	13:43:53	LISA EVANS	EARTH JUSTICE	7816314119	levans@earthjustice.org
13:16:53	13:43:51	BRUCE NILLES	SIERRA CLUB	2026757905	bruce.nilles@sierraclub.org
13:17:29	13:43:52	NORRIS MCDONALD	CENTER FOR ENVIRONMENT COMMERCE AND ENERGY	4435695102	norrismcdonald@msn.com
13:18:13	13:43:45	BARBARA GOTTLIEB	PHYSICIANS FOR SOCIAL RESPONSIBILITY	2025875225	bgottlieb@pfr.org
13:19:43	13:43:52	DORETTA REAVES	THE US ENVIRONMENTAL PROTECTION AGENCY	2025647829	reaves.doretta@epa.gov
13:21:15	13:43:53	COLLEEN KELTZ	US EPA	7033478022	keltz.colleen@epa.gov
13:22:02	13:43:57	KIRK JOHNSON	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOC	7039075775	kirk.johnson@nreca.coop
13:22:10	13:43:53	ABIGAIL DILLEN	EARTH JUSTICE EMILY	2127911881	adillen@earthjustice.org
13:23:35	13:43:52	SHERRY ORTON	DOYLE TRADING CONSULTANTS	9702167130	sorton@doyleconsultants.com
13:26:48	13:44:03	LISA WIDAWSKY	ENVIORMENTAL INTEGRITY	2022634452	lwidawasky@enviornmentalintegrity.org
13:26:50	13:43:53	ERIC SCHAEFFER	ENVIORMENTAL INTEGRITY	2022634440	eschaeffer@environmentalintegrity.org



Conference Participant Report  
 Conf. Date: 5/4/2010  
 Conf. Time: 2:10 pm ET

Company Name: EPA  
 Leader: Stephanie Owens  
 Conference ID#: 73230027

Start Time	End Time	First & Last Name	Phone #	Organization	Email
14:06:54	14:38:09	SPK STEPHANIE OWENS			
13:31:29	14:38:28	ENCOREREOWENS			
13:40:16	14:38:58	TRANSCRIPTIONOWENS			
13:47:03	14:38:10	LISA JAEGER	2028285844	BRACE WELL & GIULIANI	lisa.jaeger@bgllp.com
13:47:13	14:38:09	DOUGLAS GREEN	2023444483	LAW FIRM OF VENABLE	dhgreen@venable.com
13:55:25	14:38:58	SCOTT PEARL	2123711300	SENECA	pearl@senecacap.com
13:56:23	14:38:09	JAMES ROEWER	2025085645	US WAG	jim.roewer@uswag.org
13:56:24	14:38:10	RICH WILBURN	5134196990	DUKE ENERGY	rich.wilburn@duke-energy.com
13:56:38	14:38:09	MICHAEL HORVATH	3303845964	FIRST ENERGY COMPANY	horvathm@firstenergycorp.com
13:57:02	14:38:18	CLIFF GARNER	5409856056	NORTH FOLK SOUTHERN	cliff.garner@nscorp.com
13:57:04	14:38:05	RICHARD AUST	7137402215	AES	richard.aust@aes.com
13:57:12	14:37:48	KEN MILLER	6022502584	ARIZONA PUBLIC SERVICE	ken.miller@pinnaclewest.com
13:57:33	14:38:09	SCOTT DAVIS	6022503225	ARIZONA PUBLIC SERVICE	scott.davis@aps.com
13:58:01	14:38:09	STACY BRAULT	9204331780	INTEGRYS BUSINESS SUPPORT	sabrault@integrysgroup.com
13:58:17	14:38:10	CARL ELDRED	8502227500	HOPPING GREEN & SAMS	carle@hgslaw.com
13:58:24	14:38:12	RICHARD MEIERS	3178381955	DUKE ENERGY	jim.meiers@duke-energy.com
13:58:48	14:38:08	THOMAS COSTANTINO	9734305275	PSEG	thomas.costantino@pseg.com
14:00:37	14:38:12	FRED GUSTIN	8165562108	KANSAS CITY POWER AND LIGHT	fred.gustin@kcpl.com
14:00:49	14:38:09	PAUL PIKE	3145542388	AMEREN	ppike@ameren.com
14:01:14	14:38:10	DAN EGGERS	2125388430	CREDIT SUISSE	dan.eggars@credit-suisse.com
14:01:14	14:38:11	JANET GELLICI	2027564540	AMERICAN COAL COUNCIL	ggellici@americancoalcouncil.org
14:01:28	14:38:07	GEYLE KUEK	2025085654	EDISON ELECTRIC INST	gkovenek@evt.org
14:01:29	14:38:03	STEVE PLEVNIAC	2026614487	EXCEL ENERGY	stephen.l.plevniak@excelenergy.com
14:01:33	14:38:10	MICHAEL REILLY	812-876-0360	HOOSIER ENERGY	mreilly@hepn.com
14:02:09	14:38:09	JOHN BORDERS	3409661537	SEPARATION TECHNOLOGY	pborders@titanamerica.com
14:02:12	14:38:08	TERRY LARBES	6185437531	ELECTRIC ENERGY INCORPORATED	terrylarbes@electricenergyinc.com
14:02:15	14:38:12	KIRK JOHNSON	7039075775	NRECA	kirk.johnson@nreca.coop
14:02:20	14:26:47	COLLEEN HAWK	6022503471	ARIZONA PUBLIC SERVICE	colleen.hawk@aps.com
14:02:24	14:38:18	MIKE RUETTEN	9204063111	AECOM	michael.ruetten@aecom.com
14:02:26	14:38:07	JOSEPH BLACKFORD	2024672956	APPA	jblackford@appanet.org
14:02:28	14:38:09	FLORIN ALPOPI	4032677353	TRANSALTA	florin_alpopi@transalta.com
14:02:40	14:33:48	SUSAN SPONAR	5052412768	PNM	susan.sponar@pnmresources.com
14:02:42	14:38:14	BEN TRAMMELL	7137675185	DYNEGY	ben.trammell@dynegy.com
14:02:53	14:38:08	VICTORIA JONES	8132281006	TAMPA ELECTRIC CO	vmjones@tecoenergy.com
14:02:54	14:38:08	CHARLES POANDL	7034803812	LAFARGE	charlie.pondl@lafarge-na.com
14:03:06	14:38:08	BILL BUTLER	9206368224	AECOM	william.butler@aecom.com
14:03:17	14:38:17	MEG HUNT	2025085634	EDISON ELECTRIC INSTITUTE	mhunt@eei.org
14:03:17	14:38:15	MICHAEL SEWELL	2027835530	PROGRESS ENERGY	michael.sewell@pgnmail.com
14:03:20	14:38:16	MIKE SILVERTOOTH	7137226043	CEMEX	mikell.silvertooth@cemex.com
14:03:25	14:38:10	STANLEY KROH	8132284257	TAMPA ELECTRIC CO	smkroh@tecoenergy.com
14:03:29	14:38:11	JANET HENRY	6147161612	AMERICAN ELECTRIC POWER	jjhenry@aep.com
14:03:33	14:38:58	JOHN HEFFERNAN	7132497607	CEMEX	johnv.heffernan@cemex.com
14:03:37	14:38:08	CARL WILSON	5409856118	NORFOLK SOUTHERN RAILROAD	carl.wilson@nscorp.com
14:03:48	14:38:11	NANCY OVERESCH	5124733200	LOWER COLORADO RIVER ASSOCIATION	nancy.overesch@lcra.org



Conference Participant Report  
 Conf. Date: 5/4/2010  
 Conf. Time: 2:10 pm ET

Company Name: EPA  
 Leader: Stephanie Owens  
 Conference ID#: 73230027

Start Time	End Time	First & Last Name	Phone #	Organization	Email
14:03:53	14:38:12	WALTER LEMAIRE	713-650-6200	MRT	walterj.lemaire@cemex.com
14:04:00	14:38:11	CHARLIE BYERS	3124364383	USG CORPORATION	cbyers@usg.com
14:04:01	14:38:08	TRUETT DEGEARE	7033088292	EPA	degeare.truett@epa.gov
14:04:04	14:38:07	DAN FEE	5712141606	LAFARGE	dan.fee@lafarge-na.com
14:04:08	14:38:14	ED SULLIVAN	7049957142	DUKE ENERGY	ed.sullivan@duke-energy.com
14:04:08	14:38:11	SUSAN MCVETY	6182065880	DYNEGY	susan.mcvety@dynegy.com
14:04:10	14:38:11	DAVID MITCHELL	7043826952	DUKE ENERGY	david.mitchell@duke-energy.com
14:04:22	14:38:04	MARY KENKEL	2022362387	ALLIANCE ONE	mary.kenkel@msn.com
14:04:29	14:38:12	KEN KARABLY	9043633430	GOLDER ASSOCIATES	kkarably@golder.com
14:04:32	14:38:11	JOHN WARD	8015609801	CCB COALITION	wardo@wardo.com
14:04:33	14:38:10	JIM BITTNER	7819722301	SEPARATION TECHNOLOGY	jbittner@proash.com
14:04:38	14:38:10	JOSEPH CURRERI	9788522564	AECOM	joe.curreri@aecom.com
14:04:45	14:38:01	JUSTIN MAIERHOUFER	2028982999	TVA	jmaierhoufer@tva.gov
14:04:46	14:38:09	JESSICA COLLINS	7855758135	WEST STAR ENERGY	jessica.i.collins@weststarenergy.com
14:04:49	14:38:09	RICHARD LABRANCHE	5042567113	ENTERGY SERVICES INC	rlabran@entergy.com
14:04:51	14:38:07	TOM WEBB	6147161266	AMERICAN ELECTRIC POWER	tewebb@aep.com
14:04:57	14:38:11	SUE BRIGGUM	2026391219	WASTE MGMT	sbriggum@wm.com
14:05:04	14:38:11	RANDY CAIN	7248386709	ALLEGH ENERGY	rcan2@allegheenergy.com
14:05:07	14:38:13	RICHARD BOZEK	2025085641	EDISON ELECTRIC INSTITUTE	rbozek@eei.org
14:05:08	14:38:12	DAVID LESKY	6087871351	DAIRY AND POWER COOP	dle@dairynet.com
14:05:08	14:38:11	JACK MUROSKO	4107875478	CONSTELLATION AND ENERGY	john.murosko@constallation.com
14:05:15	14:38:07	MAUREEN GANNON	5052412974	PNM RESOURCES	maureen.gannon@primresources.com
14:05:20	14:38:09	JOHN DICKEY	5177881846	CONSUMERS ENERGY COMPANY	jpgdickey@cmsenergy.com
14:05:20	14:38:12	TOM EFFINGER	8032179367	SCANA	teffinger@scana.com
14:05:21	14:27:38	JAMIE MATUS	5179135818	AECOM	jamie.matus@aecom.com
14:05:25	14:38:18	PAUL CASSIDY	7033087281	US EPA	cassidy.paul@epa.gov
14:05:33	14:38:13	JOHN BRIDGES	2126226430	JP MORGAN	john.bridges@jpmorgan.com
14:05:34	14:38:11	ANNE WEIR	514-482-1220	CIRCA	anne_weir@sympatico.ca
14:05:35	14:29:12	DON PAUKEN	5632623394	MUSCATINE POWER AND WATER	epauken@mpw.org
14:05:38	14:38:09	JOHN LITTLE	9702295352	PLAT RIVER POWER AUTHORITY	littlej@prpa.org
14:05:39	14:38:09	DARNELL DEMASTERS	2026624340	WI ENERGY CORPORATION	darnell.demasters@we-energies.com
14:05:41	14:38:11	ROBERT MEIDL	4142212249	WE ENERGIES	bob.meidl@we-energies.com
14:05:45	14:38:08	ABED HOUSSARI	3132358292	DPE ENERGY	houssaria@dpeenergy.com
14:05:46	14:21:25	JAMES BAUGH	4237516137	TVA	jsbaugh@tva.gov
14:05:46	14:38:13	JEFF NEUMEIER	2198737337	NIPSCO	jneumeier@nicesource.com
14:05:48	14:38:12	LAURENCE KIRSCH	2023464440	GOODWIN PROCTER	lkirsch@goodwinprocter.com
14:05:49	14:38:10	LISA COOPER	9196474226	PMI ASH TECHNOLOGIES	lisa.cooper@pmiash.com
14:05:52	14:38:12	NICK GOLDSTEIN	2022894434	ARTBA	ngoldstein@artba.org
14:05:54	14:38:11	SHANNON MOHAN	2029551545	HUNTON AND WILLIAM	smohan@hunton.com
14:05:57	14:38:10	AMY SCHAFFER	2024635156	THE AMERICAN FOREST AND PAPER ASSOCIATION	amy_schaffer@afandpa.org
14:06:06	14:38:08	VLAD POPOVICI	4167445839	BREDERO SHAW	vpopovici@brederoshaw.com
14:06:12	14:38:09	HAIFANG WEN	5093352513	WASHINGTON STATE UNIVERSITY	haifang-wen@wsu.edu
14:06:15	14:38:11	MIKE CASHIN	2183553339	MINNESOTA POWER	ncashin@mmpower.com
14:06:15	14:38:10	TOM SHAW	7175062042	HARSCO CORPORATION	tshaw@harsco.com

Conference Participant Report  
 Conf. Date: 5/4/2010  
 Conf. Time: 2:10 pm ET

Company Name: EPA  
 Leader: Stephanie Owens  
 Conference ID#: 73230027

Start Time	End Time	First & Last Name	Phone #	Organization	Email
14:06:22	14:38:10	LISA KOST	5122362217	JACKSON WALKER	lkost@jw.com
14:06:26	14:38:06	LISA MOERNER	8042732998	DOMINION	lisa.c.moerner@dom.com
14:06:26	14:38:09	ROB WALLACE	9169520437	CONCRETE PROMOTION COUNCIL OF NORTHERN CA	rob@cpcnc.org
14:06:26	14:38:11	TAWNY BRIDGEFORD	2024632629	NATIONAL MINING ASSOCIATION	tbridgeford@nma.org
14:06:29	14:38:09	TIM SMITH	2025464258	WEST STAR ENERGY	tim_smith@govstrat.com
14:06:31	14:38:18	CHRISTOPHER WOOD	9702182517	PLATTE RIVER	woodc@prpa.org
14:06:31	14:38:18	MELISSA HIGGINS	2052574893	SOUTHERN CO	mhiggins@southernco.com
14:06:31	14:38:08	MIKE GOEN	5055987533	PUBLIC SERVICE COMPANY OF NEW MEXICO	michael.goen@pnm.com
14:06:34	14:38:09	RICHARD STOLL	2026725300	LAFARGE	rstoll@foley.com
14:06:35	14:38:09	RIC FENTON	7032731408	ALPHA NATURAL RESOURCE	mynitnow@alpha1.com
14:06:39	14:38:08	LISA BRADLEY	9785893059	AECOM	lisa.bradley@aecom.com
14:06:40	14:38:10	GARY BRENDEL	7243872170	GAI CONSULTANTS	g.brendel@gaicconsultants.com
14:06:41	14:38:11	HAROLD REGISTER	5177885881	CONSUMERS ENERGY	hdregister@cmsenergy.com
14:06:42	14:38:08	GEORGE OFFEN	6508658942	ELECTRIC POWER RESEARCH INSTITUTE	goffen@epri.com
14:06:47	14:38:00	JAMES ALLEN	4254575704	PUGET SOUND ENERGY	james.allen@pse.com
14:06:48	14:38:13	JEFF JONES	2148758297	LUMINATE GENERATED COMPANY	jeff.jones@luminare.com
14:06:50	14:38:12	JESS NOWAK	3197867614	ALLIANT ENERGY	jessenowak@alliantenergy.com
14:06:51	14:36:39	SARAH VENUTO	2025307308	ENTERGY	svenuto@entergy.com
14:06:55	14:38:12	JACK OGRADY	4237512281	TENNESSEE VALLEY AUTHORITY	jwogrady@tva.gov
14:06:56	14:35:41	SPIRO DOUNIS	2127132928	UBS	spiro.dounis@ubs.com
14:06:59	14:38:16	CHRIS BLILEY	2025409045	THE NUSSLE	cbilley@thenusslegroup.com
14:07:00	14:38:06	BRYAN BRENDLE	2026373176	NATIONAL ASSOCIATION OF MANUFACTURES	bbrendle@nam.org
14:07:03	14:38:13	DON MACDONALD	3039273670	MOLSON COORS	don.macdonald@molsoncoors.com
14:07:05	14:38:10	STEVE ORENCHUK	6147162998	AEP	sgorenchuk@aep.com
14:07:06	14:38:13	BILL MILLER	8286879080	S & ME	wmiller@smeinc.com
14:07:06	14:38:10	FELICIA WATSON	2022668229	NAHB	fwatson@nahb.org
14:07:06	14:38:08	RICK JOHNSON	5045765246	ENTERGY	rjohn15@entergy.com
14:07:12	14:38:14	ROBERT STADELMAIER	7162286128	WASTE MANAGEMENT INC	rstadelmaier@wm.com
14:07:14	14:38:12	FRITZ HIRST	202-824-0414	TECO ENERGY	fshirst@tecoenergy.com
14:07:17	14:38:13	ROBERT MATTY	6107655514	EXELON POWER	robert.matty@exeloncorp.com
14:07:20	14:38:09	KIMBERLY COCHRAN	7033478950	USEPA	cochran.kimberly@epa.gov
14:07:22	14:38:15	AMY DEWEY	2025677816	EPA	dewey.amy@epa.gov
14:07:25	14:38:11	LISA MESSINGER	8124914666	VECTREN	lmessinger@vectren.com
14:07:25	14:38:58	RICHARD KINCH	7033088214	EPA	kinch.richard@epa.gov
14:07:32	14:38:10	JOHN TOEPFER	9195467863	PROGRESS ENERGY	john.toepfer@gman.com
14:07:33	14:38:06	CRAIG SHAMORY	6103938176	PPL	csshamory@plweb.com
14:07:33	14:38:13	GREGORY COSTAKIS	2199565125	NISOURCE	gcostakis@nisource.com
14:07:35	14:38:08	KEN LADWIG	2627542744	EPRI	keladwig@epri.com
14:07:36	14:38:08	MONICA HOWELL	8567692178	COVENTRY	monicahowell@cogentrix.com
14:07:37	14:38:09	SUZANNE BUTLER	7046417747	NORFOLK SOUTHERN	suzanne.buller@nscorp.com
14:07:39	14:38:16	DAVID MILLAY	5026930479	E ON US	david.millay@eon-us.com
14:07:40	14:38:08	KENNETH CAPP	5026273154	ERONUS	kenny.capp@enoun-us.com
14:07:44	14:38:09	ROBERT SPOERRI	3127840303	BENEFICIAL REUSE MANAGEMENT	rspoerri@beneficialresue.com
14:07:45	14:38:14	KYLE CRAKE	9198157402	PMI ASH	kyle.crake@pmiash.com

Conference Participant Report  
 Conf. Date: 5/4/2010  
 Conf. Time: 2:10 pm ET

Company Name: EPA  
 Leader: Stephanie Owens  
 Conference ID#: 73230027

Start Time	End Time	First & Last Name	Phone #	Organization	Email
14:08:00	14:38:09	PAUL BEIBER	4047544509	BORAL	paul.beiber@boral.com
14:08:00	14:38:19	TOMMY EDENS	8437618000	SANTEE COOPER	tfedens@santeecooper.com
14:08:03	14:38:06	JOHN GAYNOR	3129530138	UNITED STATES GIPSON CO	kgaynor@usg.com
14:08:04	14:38:11	DAVID USSERY	9702185124	PLATTE RIVER POWER	usseryd@prpa.org
14:08:06	14:38:12	BOB WALDROP	7062531051	FULL CIRCLE SOLUTIONS	bwaldrop@fcsi.biz
14:08:08	14:37:53	MELISSA MCHENRY	6147161120	AMERICAN ELECTRIC POWER	mamchrmy@aep.com
14:08:08	14:38:13	TOM SNOW	2529087090	FULL CIRCLE SOLUTION	tsnow@fcsi.biz
14:08:10	14:38:09	ROBERT HILTON	2024954965	ALSTOM	robert.g.hilton@power.alstom.com
14:08:12	14:38:03	JON REIMANN	7167959501	AES CORPORATION	jon.reimann@aes.com
14:08:14	14:38:12	MARK BOWLES	5013773958	ENTERGY SERVICES	mbowles@entergy.com
14:08:15	14:38:13	DANA MEIER	3172618792	INDIANAPOLIS POWER & LIGHT COMPANY	dana.meier@aes.com
14:08:16	14:38:18	DANIEL SULLIVAN	2196475248	NISOURCE	dsullivan@nisource.com
14:08:16	14:38:03	JOHN DONAHUE	3124364006	USG	jdonahue@usg.com
14:08:17	14:38:08	DAN MANNES	6107273878	AVONDALE	dmannes@avondalepartnersllc.com
14:08:21	14:38:18	JEFF BARD	6307717905	MIDWEST GENERATION	jbard@mwgen.com
14:08:22	14:38:10	CHUCK KOMADINA	5209188378	TUCSON ELECTRIC & POWER AND COMPANY	ckomadina@tep.com
14:08:23	14:38:11	KEVIN WALGENBACH	2404851157	NATIONAL READY-MIX CONCRETE ORGANIZATION	kwalgenbach@nrmca.org
14:08:26	14:38:07	JOHN SEYMOUR	3124163919	GEOSYNTEC CONSULTANTS	jseymour@geosyntec.com
14:08:28	14:38:12	KEN RAYMOND	4055533177	OGE ENERGY CORP	raymonke@oge.com
14:08:28	14:38:07	MATT HILL	2025851182	EDISON INTERNATIONAL	matt.hill@sce.com
14:08:31	14:38:13	BRUCE HASLERUD	6514366071	BLACK DIAMOND GRANULES, INC.	bruce@ati-blackdiamond.com
14:08:31	14:38:11	DANNY GRAY	5022451353	CHARAH INCORPORATED	dgray@charah.com
14:08:33	14:38:08	ASHLEY TURTON	2027835530	PROGRESS ENERGY	ashley.turton@pgnmail.com
14:08:33	14:38:08	ROGER CLARKE	6123306989	XCEL ENERGY	roger.a.clarke@xcelenergy.com
14:08:36	14:38:08	JEFFERY DAVIS	7137956207	NRG ENERGY	jeff.davis@nrgenergy.com
14:08:36	14:38:08	THOMAS MYERS	2024635804	US CHAMBER OF COMMERCE	tmyers@uschamber.com
14:08:38	14:34:01	DAVID CRAMER	3019559168	MIRANT	david.cramer@mirant.com
14:08:39	14:38:17	BRIAN SHORE	6154673453	AVONDALE PARTNERS	bshore@avondalepartnersllc.com
14:08:45	14:38:09	TARUNJIT BUTALIA	6146883408	OHIO STATE	butalia.1@osu.edu
14:08:48	14:38:07	DOUG WHITE	8063782191	XCEL ENERGY	douglas.r.white@xcelenergy.com
14:08:48	14:38:10	STEPHANIE TSAO	6095244972	NRG ENERGY	stephanie.tsao@nrgenergy.com
14:08:51	14:38:11	LINDSEY SCHWARTZ	2026378764	HOGAN LOVELLS	lindsey.schwartz@hoganlovells.com
14:08:53	14:38:07	ANDY BERGER	3032543171	TRISTATE GENERATION AND TRANSMISSION ASSOCIATION	aberger@tristategt.org
14:08:58	14:38:08	BRIAN VANDERBOLOEMAN	202-331-8090	DUKE ENERGY	brian.vanderboloman@duke.energy.com
14:09:00	14:38:09	WILLIAM SMOTHERMAN	8136307071	TAMPA ELECTRIC	wasmotherman@tecoenergy.com
14:09:03	14:38:08	ANTHONY ALEXANDER	2024348155	EDISON ELECTRIC	a.alexander@yahoo.com
14:09:03	14:38:11	KIM SHUMAKER	7038941130	SERATECH	kim.shumaker@seratechinc.com
14:09:04	14:38:58	BARBARA COPPOLA	9195466002	PROGRESS ENERGY	barbara.coppola@pgnmail.com
14:09:05	14:38:11	LIONEL LEMAY	8479187101	NATIONAL READY MIXED CONCRETE ORGANIZATION	llymay@nrmca.org
14:09:07	14:38:10	JAMES STINE	7039075739	NRECA	james.stine@nreca.com
14:09:07	14:38:11	LLOYD HANZ	2026262931	KING & SPALDING	lhanz@kslaw.com
14:09:09	14:38:06	CHARLES HANSEN	2025506270	NATIONAL ENVIRONMENTAL STRATEGIES	charles@hansen.name
14:09:09	14:38:09	COLLEEN KELTZ	7033478022	EPA	keltz.colleen@epa.gov
14:09:09	14:38:08	MIKE POLING	2028244546	KANSAS CITY POWER AND LIGHT	mike.poling@kcpl.com

Conference Participant Report  
 Conf. Date: 5/4/2010  
 Conf. Time: 2:10 pm ET

Company Name: EPA  
 Leader: Stephanie Owens  
 Conference ID#: 73230027

Start Time	End Time	First & Last Name	Phone #	Organization	Email
14:09:14	14:38:12	SAM SCHIFFMAN	7043657667	NATIONAL GYPSUM COMPANY	saschiffman@nationalgypsum.com
14:09:16	14:37:35	TODD SHERMAN	4032255419	LAFARGE NORTH AMERICA	todd.sherman@lafarge-na.com
14:09:18	14:38:08	NYSA HOGUE	3172615473	INDIANAPOLIS POWER & LIGHT COMPANY	nysa.hogue@aes.com
14:09:20	14:38:20	JACOB ARECHIGA	5122362049	JACKSON WALKER	jarechiga@jw.com
14:09:22	14:38:04	RUTH CALABRESE	8606656181	NORTH EAST UTILITY	calabrf@nu.com
14:09:23	14:38:43	MARK WEATHERSON	8304804151	SANMICUEL ELECTRIC	mweatherson@euseci.net
14:09:24	14:38:07	JASON MULLER	2027783340	CMS ENERGY	jdmuller@cmsenergy.com
14:09:29	14:38:10	SARAH MORTENSEN	4254562627	PUGENT SOUND ENERGY	sarah.mortensen@pse.com
14:09:37	14:38:10	KAREN BRITTO	2023478420	DTE ENERGY	brittok@dteenergy.com
14:09:38	14:38:10	ALISON KNIGHT	4165924068	INTERIOR POWER GENERATION	allison.knight@opg.com
14:09:40	14:38:11	FRED JACKSON	5026274927	E ON US	fred.jackson@eon-us.com
14:09:43	14:38:11	ROBERT NATHAN	5125427596	CPS ENERGY SAN ANTONIO TEXAS	ranathan@cpsenergy.com
14:09:44	14:38:09	JOSHUA MORE	3122585769	SCHIFF HARDEN LLP	jmores@schiffharden.com
14:09:44	14:38:55	MARTIN DOERN	5034648502	PORTLAND GENERAL ELECTRIC	martin.doern@pgn.com
14:09:54	14:38:10	MICHELE PEEL	5619221044	GEO SYNTEC	mpeel@geosyntec.com
14:09:55	14:38:11	SUSAN BODINE	2023716364	BARNES AND THORNBURG	susan.bodine@btlaw.com
14:09:56	14:38:08	STEVE DIXON	7245978205	RRI ENERGY	sdixon@rrienergy.com
14:10:02	14:38:08	RUSSELL STAPP	6077930566	AES CORP	russell.stapp@aes.com
14:10:12	14:38:06	RAY BUTTS	5616917040	FLORIDA POWER AND LIGHT COMPANY	ray.butts@fpl.com
14:10:26	14:38:05	DAVID GILBERT	4104704063	CONSTELLATION ENERGY	david.gilbert@constellation.com
14:10:26	14:38:10	NICOLAUS MATA	8323359658	CEMEX	nico1_2@hotmail.com
14:10:30	14:38:08	AUDREY TEMPLETON	4149312409	MILLER COORS	templeton.audrey@millercoors.com
14:10:49	14:38:09	MELISSA PERRY	3156347843	DESTINY USA	mperry@destinyusa.com
14:10:57	14:38:10	JAMES CAMPBELL	8012202164	PACIFIC CORP	james.campbell@pacificcorp.com
14:11:00	14:38:09	GLORIA CLARK	7137956191	NRG ENERGY	gloria.clark@nrgenergy.com
14:11:00	14:38:03	PAULETTE PIDCOCK	2023260186	PPL	pcpidcock@pplweb.com
14:11:01	14:38:04	DAVID ARTHUR	2023260182	PPL CORPORATION	dkarthur@pplweb.com
14:11:18	14:38:09	JUAN HERRERA	7137225875	CENEX	n/a
14:11:18	14:38:58	ROBERT KANINSKI	2025480464	CAPITAL ALPHA PARTNERS	robert.kaninski@capalpa.dc.com
14:11:36	14:38:10	TANYA PORTILLO	8132077981	FLORIDA ELECTRIC POWER	tanyap@frcc.com
14:11:38	14:38:16	RICHIE BENNINGHOVEN	816-595-3013	USC TECHNOLOGY	rbc@usckc.com
14:11:41	14:38:58	MARC REGENBAUM	2124765341	NEUBERGER BERMAN	marc.regenbaum@nb.com
14:11:48	14:35:28	CHARLES SENNER	7132758823	MCCOREY ENERGY	charles.senner@mccorey.com
14:11:53	14:38:08	JAMES MANNING	5134195343	DUKE ENERGY	james.manning@duke-energy.com
14:11:55	14:38:12	KAREN CHOI	2126491567	CAPITAL RESEARCH	kkc@capgroup.com
14:11:56	14:23:24	JEANETTE PABLO	2024689688	PNM RESOURCES	jeanettepablo@primresources.com
14:11:58	14:38:25	MICHAEL HOULIHAN	4103814333	GEOSYNTEC CONSULTANTS	mhoulihan@geosyntec.com
14:12:07	14:38:06	SATISH SHETH	7137226354	CEMEX	safish.sheth@cemex.com
14:12:11	14:38:07	ALLISON TURBIVILLE	2125380652	CREDIT SUISSE	allison.turbiville@credit-suisse.com
14:12:11	14:31:06	MARK BRYAN	3145542340	AMERICAN COAL ASH ASSOCIATION	mmbryanl@ameren.com
14:12:14	14:38:09	RICK AXTHELM	2026266727	ALPHA NATURAL RESOURCE	raxthelm@alphnr.com
14:12:20	14:38:09	SHARON HEATON	2024949942	WELLFORD ENERGY	sheaton@wellfordenergy.com
14:12:23	14:38:13	RITA CHOW	7033086157	US ENVIRONMENTAL INVESTOR	chow.rita@epa.gov
14:12:26	14:38:18	STEPHANIE LEUNG	2126222117	JP MORGAN	stephanie.x.leung@jpmorgan.com

Conference Participant Report  
 Conf. Date: 5/4/2010  
 Conf. Time: 2:10 pm ET

Company Name: EPA  
 Leader: Stephanie Owens  
 Conference ID#: 73230027

Start Time	End Time	First & Last Name	Phone #	Organization	Email
14:12:31	14:38:13	BETH GROSS	5126583944	GEOSYNTEC	bgross@geosyntec.com
14:12:35	14:38:10	DAVID AVANT	4786400400	PRIVATE	dmavant@stepmp.com
14:12:40	14:37:31	BRAD DONOVAN	2124154567	GEORGE WEISS ASSOCIATES	bdonovan@gweiss.com
14:12:46	14:38:12	RILEY ROBBINS	3046346223	RAMV LLC	robbinscorp@aol.com
14:12:47	14:38:12	BRIAN GASIOROWSKI	2485932709	LAFARGE	brian.gasiorowski@lafarge-na.com
14:12:51	14:38:15	CHANDLER PERINE	6173921657	FIDELITY	chandler.perine@imr.com
14:12:51	14:37:59	CHARLES BALANCIA	2123256314	CREDIT SUISSE	charles.balancia@credit.suisse.com
14:12:53	14:28:25	BOB SULLIVAN	7137225827	CEMEX	robertl.sullivan@cemex.com
14:12:53	14:38:05	RICHARD CRAWFORD	2027374434	COAL FLY ASH COALITION	N/A
14:13:00	14:38:09	KATHY ANDERSON	9785893292	AECOM	kathy.anderson@aecom.com
14:13:10	14:38:09	ROBERT OLIPHINT	2148836431	LUMINANT	bob.oliphint@luminant.com
14:13:14	14:38:19	RONALD SANTINI	7049982551	GEOSYNTEC CONSULTANTS	rsantini@geosyntec.com
14:13:23	14:38:10	JONATHAN WOOD	2026266728	ALPHA NATURAL	jwood@alphanr.com
14:13:33	14:38:04	NILS MELLQUIST	2124543139	DEUTSCHE BANK	nils.melquist@db.com
14:13:42	14:38:06	DAN RIEDINGER	2025085483	EDISON ELECTRIC INSTITUTE	driedinger@eei.org
14:14:05	14:38:09	CHRIS SLECHTA	2122873304	PERELLA WEINBERG	cslechta@pwppartners.com
14:14:42	14:38:04	CHRIS BASSETT	2123201932	DECADE CAPITAL	chris.bassett@decadellc.com
14:14:44	14:38:16	ED MCCABE	2129664966	CLEAN VALUE PARTNERS	emccabe@cleanvaluepartners.com
14:14:55	14:32:18	PATRICK KENT	6176463536	ALYDAR CAPITAL	rpKent@alydarcapital.com
14:15:05	14:38:13	IAN SYNNOTT	2125542454	ECOFIN	isynnot@ecofin.us.com
14:15:07	14:38:08	DANA SHEETS	6147161254	AMERICAN ELECTRIC POWER	dmsheets@aep.com
14:15:30	14:38:23	SEAN WRIGHT	2125383284	CREDIT SUISSE	sean.wright@credit-suisse.com
14:15:59	14:27:58	JASON SMITH	6464782288	DIAMONDBACK	jsmith@diamondbackcap.com
14:15:59	14:38:34	WEBB ELLINGER	2125542172	ECOFIN	welling@ecofin.us.com
14:16:09	14:29:33	ANATOL FEYGIN	2125212952	LOEWS	afeygin@loews.com
14:16:09	14:38:17	MELINDA TOMAINO	703-837-5415	AGC OF AMERICA	tomaninom@agc.org
14:16:42	14:38:07	JESSE LAUDON	2124400768	ZIMMER LUCAS	laudon@zimmerlucas.com
14:16:52	14:38:09	LEIF WATHNE	2026382272	AMERICAN CONCRETE PAVEMENT ASSOCIATIONS	lwathne@acpa.org
14:16:53	14:38:08	MASIMO BONANSINGA	4166817117	CI INVESTMENTS	mbonansinga@ci.com
14:17:04	14:38:09	ERIC STEPHSON	2124538956	HUNTER INVESTORS	do not give
14:17:27	14:38:13	AL DEPAOLI	7247732966	AES	al.depaoli@aes.com
14:17:53	14:38:10	GARY SOURA	6106878080	SCHNEIDER CAPITAL MANAGEMENT	gary@schneidercap.com
14:18:17	14:38:07	PHILSON YIM	2126153450	LUMINUS MANAGEMENT	pyim@luminusmgnt.com
14:18:17	14:38:05	SEBASTIAN IANNARIELL	2124154565	GEORGE WEISS	siannariello@gweiss.com
14:18:39	14:38:10	JAMES WILLIAMS	202-731-1815	AMERICAN PUBLIC POWER	jwilliams@alpanet.org
14:18:42	14:38:08	DANIEL HUFFMAN	5032927729	NATIONAL READY MIX CONCRETE ASSOCIATION	dhuffman@nrmca.org
14:19:07	14:35:17	JOHN ALLI	2123201931	DECADE CAPITAL	john.alli@decade-llc.com
14:19:27	14:33:01	ATLE LYGREN	41792202288	EMC CEMENT	atle@lygren.com
14:20:09	14:30:10	JAMES HECKLER	2122590851	LEVIN CAPITAL	jheckler@levincap.com
14:20:30	14:38:58	BRYAN HANNEGAN	6508552459	ELECTRIC POWER RESEARCH INSTITUTE	bhannegan@epri.com
14:20:45	14:38:11	DAVID MILLER	3186733807	AMERICAN ELECTRIC POWER	damiller@aep.com
14:21:03	14:38:58	DOUG WILSON	2034222721	TALEK INVESTMENTS	dwilson@barbnet.com
14:21:24	14:38:12	HOWARD BRADLEY	5055988749	ARIZONA PUBLIC SVC	howard.bradley@aps.com
14:21:43	14:38:11	BILL GEHRMANN	9365642423	HEAD WATERS	bgehrmann@headwaters.com

Conference Participant Report  
Conf. Date: 5/4/2010  
Conf. Time: 2:10 pm ET

Company Name: EPA  
Leader: Stephanie Owens  
Conference ID#: 73230027

Start Time	End Time	First & Last Name	Phone #	Organization	Email
14:21:47	14:38:07	WILLIAM TRENCH	3156791070	POSEY TECH INC.	wctrench@gmail.com
14:21:59	14:38:22	DAVID HOONE	724-454-9280	ALLEGHANY ENERGY	dhoone@alleg hanyenergy.com
14:22:56	14:38:10	WALTER STONE	2022461020	MIRANT	walter.stone@mirant.com
14:23:01	14:38:03	CHRIS MATHEY	2029422770	CONSTELLATION ENERGY	chris.mathey@constellation.com
14:23:02	14:38:14	MATT ELIAS	2127084032	GREEN ARROW	matthew.elias@greenarrow-llc.com
14:24:42	14:38:08	GEOFFREY LAMBERT	2127613136	MORGAN STANLEY	geoffrey.lambert@morganstanley.com
14:25:39	14:38:09	PHILLIP CROUSE	3032912163	MWH AMERICAS	phillip.crouse@mwhglobal.com
14:28:40	14:38:11	JACK BOWLES	2025643657	EPA	bowles.jack@epa.gov
14:30:33	14:38:14	TIMOTHY KYPER	4123724500	DIGIOIA GRAY & ASSOC	tim@digioiagr ay.com
14:31:14	14:38:08	ROBERT WOODS	8775043483	ALABAMA POWER COMPANY	rwoods@southernco.com
14:31:59	14:38:12	ROXANE WELDON	9186665151	EASTERN SHAWNEE TRIDE OF OK	rweldon@estoo.net
14:32:05	14:37:33	MIKE WARD	6145837270	AEP	mward@aep.com
14:32:17	14:38:58	KLAUS STADTHAGEN	7137226026	MRT	klaus.stadthagen@cemex.com
14:36:00	14:38:10	JEFFREY HALL	3184847161	CLECO CORP	jeff.hall@cleco.com
14:36:47	14:38:16	LINDA WHELAN	7137678074	DYNEGY	linda.whelan@dynegy.com

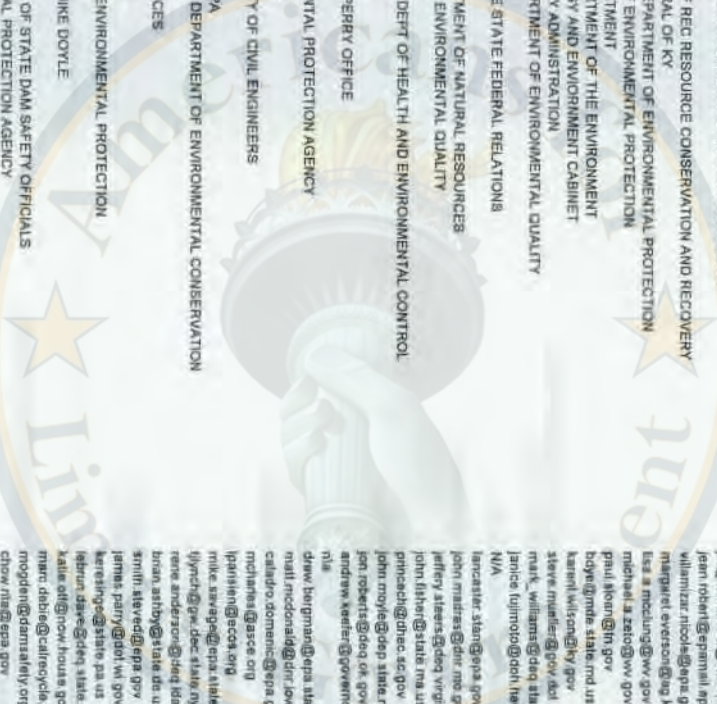




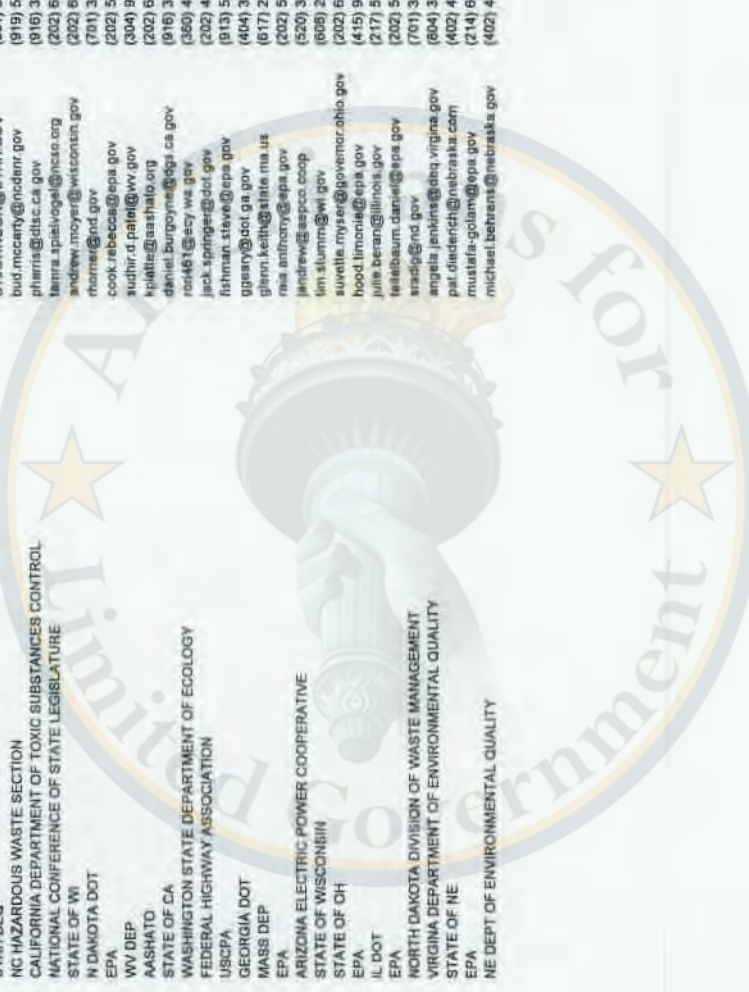
Start Time	End Time	Name	Organization	Email Address	Phone #
14:56:03	15:32:33	SPK STEPHANIE OWEN			
14:30:07	15:32:47	ENCORECICOWENS			
14:30:46	15:33:51	TRANSCRIPTIONOWENS			
14:31:14	15:32:53	IVRBACKUPOWENS			
14:51:05	15:33:51	PAUL CHRISMAN	MORNINGSIDE	paul.chrisman@ncdenr.gov	(818) 508-8497
14:51:25	15:18:35	JAY FLETCHER	NC SOLID WASTE SECTION DEPT OF ENVIRONMENT AND NATURAL RESOURCES	jay@fletcherassets.com	(830) 262-9153
14:54:50	15:32:32	SCOTT ANDRES	FLETCHER ASSET MANAGEMENT	scottandres@tishit.gov	(801) 965-4859
14:55:03	15:32:34	JOHN SAMPSON	DEPT OF TRANSPORTATION	john.sampson@state.nm.us	(651) 366-3622
14:55:22	15:32:33	CAROLYN BERNDT	MN DEPARTMENT OF TRANSPORTATION	berndt@nic.org	(202) 626-3101
14:55:30	15:32:34	SLOAN GIAMPA	NATIONAL LEAGUE CITY	sloan.giampa@mail.house.gov	(202) 225-3731
14:55:33	15:32:42	RYAN MCGREGOR	HOUSE OF REPRESENTATIVE	ryan.mcgregor@mail.house.gov	(412) 344-5583
14:55:53	15:32:43	TONY HATTON	CONGRESSMAN TIM MURPHY	tony.hatton@ny.gov	(502) 564-8716
14:55:57	15:32:34	JASON CAMPBELL	KY DIVISION OF WASTE MANAGEMENT	jason.campbell@illinois.gov	(217) 658-4532
14:55:14	15:32:36	KERRY TALLAHAN	DEPT OF NATURAL RESOURCES	kerryt@state.nv.us	(702) 624-7884
14:56:21	15:32:33	SCOTT WALTERS	ASTSWMD	scottw@state.pa.us	(717) 783-9467
14:56:24	15:32:34	CHAD STOBBE	PEHM DEP	chad.stobbe@ny.gov	(515) 424-5851
14:56:34	15:32:40	HORAZIO TABLADA	STATE OF IOWA	horaziotablada@mb.state.md.us	(410) 537-3304
14:56:36	15:32:33	DAVID SNAPP	STATE OF MD	snapp@state.co.us	(303) 692-3425
14:56:38	15:32:35	RANDY MATAS	COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT	randy.matas@delaware.gov	(302) 323-4587
14:56:39	15:32:34	MIKE FORBECK	ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY	forbeck@delaware.gov	(302) 692-3425
14:56:52	15:32:52	GREGORY CONRAD	STATE OF PENNSYLVANIA	gconrad@state.ia.us	(515) 424-5851
14:57:00	15:33:51	MARJORIE CROFTS	INTERSTATE MINING COMPACT COMMISSION	marjorie.crofts@state.ad.us	(703) 709-8654
14:57:16	15:32:43	ARTHUR FINK	DELAWARE DNREC	afink@ndhoks.gov	(785) 296-1600
14:57:19	15:27:39	PAUL MAUER	THE ILL. DEPT. NATURAL	mauer@illinois.gov	(317) 782-4427
14:57:20	15:32:33	BETH BOEHLERT	BLANK ROME	boehlert@blankrome.com	(202) 772-5842
14:57:23	15:32:33	FRANCES HOOD	IDAHO TRANSPORTATION DEPARTMENT	frances.hood@state.ia.us	(208) 334-8426
14:57:23	15:32:36	MIKE BEHM	SOUTH DAKOTA DEPT OF TRANSPORTATION	michael.behm@state.ad.us	(605) 773-4426
14:57:25	15:26:44	WILL COFFMAN	COMMONWEALTH OF KY	will.coffman@ny.gov	(202) 220-1350
14:57:31	15:32:33	ROBERT GREFFE	WS DEPT OF NATURAL R	robert.greffe@wisconsin.gov	(608) 267-0956
14:57:34	15:32:34	JULIET DENNISS	OHIO DEP OF TRANSPOR	juliet.dennis@dot.state.oh.us	(614) 466-7942
14:57:35	15:32:33	DAVID WILSON	VIRGINIA DEPARTMENT OF TRANSPORTATION	dwilson@dot.state.virginia.gov	(804) 786-5388
14:57:43	15:32:34	ELLEN CARPENTER	ARKANSAS DEPT OF ENVIRONMENTAL QUALITY	carpenter@adeq.state.ar.us	(501) 862-0963
14:57:46	15:32:34	BOB KING	SC DEPARTMENT OF HEALTH AND ENVIRONMENT	kingw@ajagc.sc.gov	(803) 896-6009
14:57:47	15:32:31	RICHARD KINCH	EPA	kinch.richard@epa.gov	(703) 308-8214
14:57:49	15:25:42	TONY BECKHAM	KENTUCKY TRANSPORTATION CABINET	tony.beckham@ky.gov	(502) 564-2374
14:57:52	15:32:36	JIM PAPPAS	DE DEPT OF TRANSPORTATION	james.pappas@state.de.us	(302) 760-2400
14:57:54	15:32:32	PETER STEPHANOS	FEDERAL HIGHWAY ADMINISTRATION	peter.stephanos@dot.gov	(202) 409-2433
14:57:58	15:32:32	JAMES MCDONALD	AASHTO	jimm@aaahilo.org	(202) 624-5448
14:58:01	15:32:35	DENIS BOISVERT	NEW HAMPSHIRE DOT	denis.boisvert@dot.state.nh.us	(603) 271-1545
14:58:06	15:32:35	GEORGE ODUJIN	VIRGINIA DEPT OF MINES MINERALS & ENERGY	joey.odujin@dmms.virginia.gov	(276) 523-8204
14:58:06	15:32:31	KEN KOBETSKY	AMERICAN ASSOCIATION OF STATE HIGHWAY	kenk@aaahilo.com	(202) 624-5254
14:58:09	15:32:31	MARY HUNT	EPA REGION 3	mary.hunt@epa.gov	(215) 814-3425
14:58:09	15:32:31	MICHELE NELLENBACH	NATIONAL GOVERNORS ASSOCIATION	mnelleb@nga.org	(202) 624-3333
14:58:09	15:32:33	SUSAN MOONEY	US EPA REGION 5	mooney@susan@epa.gov	(312) 866-3985
14:58:11	15:32:31	COLLINS LONG	CONGRESSMAN DEBT	collins.long@mail.house.gov	(202) 225-6411
14:58:11	15:32:33	MARGIE RING	MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT	ringm@nichighan.gov	(617) 335-2533
14:58:11	15:32:33	SAW TYSON	GENERAL HWY ADMINSTR	saw.tyson@dot.gov	(202) 366-1326
14:58:12	15:32:34	JULIE GEVRENOV	EPA REGION 5	gevernov.julie@epa.gov	(312) 866-8832
14:58:17	15:32:36	MARK SMITH	GEORGIA ENVIRONMENTAL PROTECTION DIVISION	mark.smith@dnr.state.ga.us	(404) 362-2564
14:58:19	15:32:14	JAVIER ARAUJO	EPA	arajuojavier@epa.gov	(202) 564-2642
14:58:21	15:32:33	LORI STRAGENS	ASSOC. OF STATE DAMSAFETY OFFICIALS	lori.stragens@damsafety.org	(859) 257-5140
14:58:28	15:32:33	JUDY SHEAHAN	US CONFERENCE OF MAYORS	jsheahan@usmayors.org	(202) 851-6775
14:58:30	15:32:36	GERALD MCINTYRE	THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT	gmcintyre@ldhks.gov	(785) 296-1579
14:58:33	15:24:47	THOMAS HARMAN	SHWA	tom.harman@dot.gov	(410) 692-0134
14:58:34	15:32:33	BRIAN GUSTAFSON	SOUTH DAKOTA	brian.gustafson@state.sd.us	(605) 773-5504
14:58:35	15:32:36	ANTHONY LEVEROCK	ARIZONA DEO	ac@audct.gov	(602) 771-4160
14:58:35	15:32:15	NORA LOPEZ	EPA	lopez.nora@epa.gov	(732) 906-6890
14:58:36	15:32:36	FRANK NEY	USEPA	frank.ney@epa.gov	(404) 562-9532
14:58:40	15:17:23	JENNIFER SCHWARTZ	SOUTHERN GOVERNORS ASSOCIATION	jenniferschwartz@sao.org	(202) 624-5897
14:58:47	15:32:32	ANDY BABISH	VA DEPT OF TRANSPORTATION	andy.babish@vdot.virginia.gov	(804) 328-3102



Start Time	End Time	Name	Organization	Email Address	Phone #
14:58:46	15:32:31	CURT TURGEON	MINNESOTA DOT	curt.turgeon@state.mn.us	(651) 366-5535
14:58:51	15:32:32	MARY JEAN YON	FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	mary.jean.yon@dep.state.fl.us	(850) 519-7959
14:58:52	15:32:30	DEED FREEMAN	NORTH CAROLINE ENVIRONMENT OF NATURAL RESOURCES	deed.freeman@ncoweb.gov	(919) 715-4107
14:58:54	15:32:34	BILL DRONKARD	STATE OF NEW MEXICO	bill.dronkard@state.nm.us	(505) 478-3210
14:58:56	15:32:35	JIMMY GIVENS	OKLAHOMA DEPT OF ENVIRONMENTAL QUALITY	jimmy.givens@deq.ok.gov	(405) 702-7157
14:58:58	15:32:34	COLLEEN KELTZ	THE EPA	colleen.keltz@epa.gov	(703) 347-8022
14:59:00	15:32:33	AMY STARR	NEBRASKA DEPARTMENT OF ROADS	amy.starr@nebraska.gov	(402) 478-3887
14:59:01	15:32:33	MARILYN ELLIOTT	ALABAMA DEPT OF ENVIRONMENTAL MGMT	mge@edem.state.al.us	(334) 271-7710
14:59:03	15:32:34	JIM MCCORMACK	THE STATE OF GA ENVIRONMENTAL PROTECTION AGENCY	jim.mccormack@dep.state.ga.us	(404) 657-8620
14:59:09	15:32:31	JEAN ROBERT JEAN	US EPA OFFICE OF REC RESOURCE CONSERVATION AND RECOVERY	jean.robert@epamail.epa.gov	(212) 637-4136
14:59:12	15:32:35	MICOLE WILLAMAZAR	ATTORNEY GENERAL OF KY	willamizar.nicole@agc.gov	(703) 347-8852
14:59:14	15:32:31	MARGARET EVERSON	WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION	margaret.everson@wv.gov	(502) 564-5400
14:59:15	15:32:36	USA MCCULLING	WEST VA DEPT OF ENVIRONMENTAL PROTECTION	usa.mcculling@wv.gov	(304) 928-0440
14:59:15	15:32:36	MICHAEL ZETO	TENNESSEE DEPARTMENT	michael.zeto@wv.gov	(304) 928-0470
14:59:15	15:32:33	PAUL SLOAN	MARYLAND DEPARTMENT OF THE ENVIRONMENT	paul.sloan@dnr.gov	(616) 253-1914
14:59:20	15:32:30	BUTCH DYE	KENTUCKY ENERGY AND ENVIRONMENT CABINET	butch@dye.state.md.us	(410) 537-3343
14:59:27	15:32:37	KAREN WILSON	FEDERAL HIGHWAY ADMINISTRATION	karen.wilson@fhwa.gov	(502) 564-3350
14:59:27	15:32:32	STEVE MUELLER	MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY	steve.mueller@gov.dal	(720) 963-2213
14:59:28	15:32:36	MARK WILLIAMS	STATE OF HAWAII	mark_williams@deq.state.ms.us	(601) 961-5171
14:59:32	15:32:31	JANICE FUJIMOTO	TEXAS OFFICE THE STATE FEDERAL RELATIONS	janice.fujimoto@doh.texas.com	(808) 586-4226
14:59:34	15:32:31	LESLIE ANN QUILLLEN	EPA REGION 6	N/A	(202) 434-0211
14:59:35	15:32:33	STAN LANCASTER	MISSOURI DEPARTMENT OF NATURAL RESOURCES	stan.lancaster@dnr.mo.gov	(214) 865-8034
14:59:37	15:32:38	JOHN MAORAS	VIRGINIA DEPT OF ENVIRONMENTAL QUALITY	john.maoras@dnr.me.gov	(573) 751-1233
14:59:38	15:32:28	JEFFERY STEERS	MASS DEP	jeffery.steers@deq.virginia.gov	(804) 688-4079
14:59:38	15:32:33	JOHN FISHER	SOUTH CAROLINA DEPT OF HEALTH AND ENVIRONMENTAL CONTROL	john.fisher@state.ma.us	(617) 292-5832
14:59:44	15:32:37	CLAIRE PRINCE	STATE OF NJ	princecl@dnr.sc.gov	(803) 866-4004
14:59:44	15:32:30	JOHN MOYLE	OKLAHOMA DEPT OF ENVIRONMENTAL PROTECTION	john.moyle@dep.state.nj.us	(909) 984-0856
14:59:46	15:32:32	ANDREW ROBERTS	GOVERNOR RICK PERRY OFFICE	andrew.roberts@deq.ok.gov	(405) 702-5153
14:59:46	15:32:32	ANDREW NEEFER	ALABAMA DOT	andrew.neefer@governor.state.ky.us	(512) 403-0298
14:59:47	15:32:37	LARRY LOCKETT	OHIO ENVIRONMENTAL PROTECTION AGENCY	larry.lockett@epa.state.oh.us	(324) 208-2201
14:59:49	15:32:37	DREW BERGMAN	IOVA DNR	drew.bergman@epa.state.oh.us	(614) 644-2782
14:59:52	15:32:33	DOMENIC CALADRO	AMERICAN SOCIETY OF CIVIL ENGINEERS	mail.dcaladro@dnr.iowa.gov	(515) 281-8150
15:00:01	15:32:36	MICHAEL CHARLES	EPA REGION 10	caladro.domenic@epa.gov	(202) 553-6640
15:00:02	15:32:33	LIA PARISHEN	ECOS	michaelcharles@asce.org	(202) 788-7844
15:00:05	15:32:42	THOMAS LYNCH	STATE OF OHIO EPA	lparishen@eca.org	(410) 531-7059
15:00:14	15:32:37	RENE ANDERSON	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION	rene.lynch@epa.state.oh.us	(614) 644-2920
15:00:24	15:32:35	BRIAN ASHBY	IDAHO DEQ	lynnch@gov.dec.state.ny.us	(518) 785-1200
15:00:25	15:32:30	STEVE SMITH	NATURAL RESOURCES	rene.anderson@deq.idaho.gov	(208) 373-0210
15:00:32	15:32:32	JIM PARRY	US EPA	brian.ashby@state.de.us	(302) 739-9403
15:00:34	15:32:34	DAVE REISINGER	WISCONSIN D.O.T.	smith.steve@epa.gov	(404) 562-8501
15:00:48	15:32:15	KATIE OTT	DEPARTMENT OF ENVIRONMENTAL PROTECTION	james.parry@dnr.wi.gov	(808) 246-7939
15:00:52	15:32:30	MARK OGDEN	CONGRESS MAN MIKE DOYLE	kerestine@state.pa.us	(717) 772-2724
15:00:54	15:32:32	MARK OGDEN	THE ASSOCIATION OF STATE DAM SAFETY OFFICIALS	lebrun.dave@deq.state.or.us	(503) 229-8742
15:01:01	15:32:47	RITA CHOW	US ENVIRONMENTAL PROTECTION AGENCY	katie.oil@row.housa.gov	(202) 275-2135
15:01:05	15:29:56	ROBERT MCCLEARY	DELAWARE DEPT OF TRANSPORTATION	mrc.dobria@calrecycle.gov	(816) 341-6331
15:01:06	15:29:56	SCOTT MANDIROLA	WEST VA DEPT OF ENVIRONMENTAL PROTECTION	mrogden@damafety.org	(859) 333-8550
15:01:22	15:32:46	LAURA CONLEY-RINEHART	WVDOIT	chow.rita@epa.gov	(703) 308-6158
15:01:26	15:32:37	DAVID LAMB	MO DEPARTMENT OF NATURAL RESOURCES	robert.mccleary@state.de.us	(302) 760-2179
15:01:29	15:32:32	JON JOHNSTON	EPA	scott.g.mandirola@wv.gov	(304) 928-0499
15:01:32	15:32:33	DOUGLAS SCOTT	ILLINOIS EPA	david.lamb@dnr.mo.gov	(573) 528-3900
15:01:35	15:28:18	CRAIG BENSON	RECYCLE MATERIAL RESOURCE CENTER	john.johnston@epa.gov	(404) 562-8527
15:01:37	15:32:32	SCOTT GORDON	MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION	doug.scott@illinois.gov	(217) 782-9540
15:01:43	15:32:33	JAMES DOUCETT	US EPA	chibenton@wisc.edu	(608) 262-7242
15:01:46	15:32:32	DEXTER MATTHEWS	MC DEPT OF ENVIRONMENT AND NATURAL RESOURCES DIVISION OF WASTE MANAGEMENT	gordon.scott@epa.gov	(404) 562-8741
15:01:49	15:32:16	DORI FRIEDBERG	ILLINOIS EPA	james.doucett@state.ma.us	(617) 292-5866
15:01:52	15:19:17	TODD MARVEL	ILLINOIS EPA	dexter.mathews@ncdcr.gov	(919) 508-8414
15:01:53	15:32:36	STEVE KNIGHTINGALE	ILLINOIS EPA	dori.friedberg@mail.house.gov	(202) 225-2565
				todd.marvel@illinois.gov	(217) 524-5024
				steveknightingale@illinois.gov	(217) 558-6213



Start Time	End Time	Name	Organization	Email Address	Phone #
15:01:55	15:32:41	TIM PATSEP	STATE OF DE	timothy.patsep@state.de.us	(302) 395-2600
15:02:29	15:33:51	JOHN BUKOWSKI	DOT	john.bukowski@dot.gov	(202) 366-1267
15:02:30	15:32:30	NANCY WITTENBERG	NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION	nancy.wittenberg@dep.state.nj.us	(609) 292-1710
15:02:36	15:32:31	AMIE HOWELL	EPA	howell.amie@epa.gov	(215) 814-4572
15:02:38	15:32:50	TRISH REILLY	CONGRESSMAN TIM HOLDEN	trish.reilly@mail.house.gov	(202) 225-5546
15:02:49	15:32:40	RICHARD TEDDER	DEPARTMENT OF ENVIRONMENTAL PROTECTION OUT OF FLORIDA	richard.tedder@dep.state.fl.us	(850) 245-5735
15:03:00	15:32:31	BRAID JOHNSON	UTAH DEC	BJJOHNSON@UTAH.GOV	(801) 538-4403
15:03:19	15:32:35	HAROLD MCCARTY	NC HAZARDOUS WASTE SECTION	bud.mccarty@ncderr.gov	(919) 508-8652
15:03:21	15:32:35	PEGGY HARRIS	CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL	pharris@dtsc.ca.gov	(916) 324-7663
15:03:33	15:32:30	TAMARA SPIELVOGEL	NATIONAL CONFERENCE OF STATE LEGISLATURE	tamra.spielvogel@ncsl.org	(202) 624-8690
15:03:36	15:11:44	ANDREW MOYER	STATE OF WI	andrew.moyer@wisconsin.gov	(202) 624-5999
15:03:39	15:32:34	RON HORNER	N DAKOTA DOT	rhorne@nd.gov	(701) 328-0964
15:04:18	15:19:41	BECKY COOK	EPA	cook.rebecca@epa.gov	(202) 564-5340
15:04:18	15:27:51	SUDHIR PATEL	WV DEP	sudhir.d.patel@wv.gov	(304) 926-0499
15:04:24	15:32:32	KEITH PLATTE	AASHATO	kiplatte@aashato.org	(202) 624-7830
15:04:34	15:32:31	DAN BURGOYNE	STATE OF CA	daniel.burgoyned@ca.gov	(916) 376-5010
15:04:35	15:32:32	ROBERT RIECK	WASHINGTON STATE DEPARTMENT OF ECOLOGY	rorie@ecy.wa.gov	(360) 407-6751
15:05:11	15:32:36	JACK SPRINGER	FEDERAL HIGHWAY ASSOCIATION	jack.springer@dot.gov	(202) 492-3144
15:05:14	15:23:04	STEPHEN FISHER	USCPA	fishman.steve@epa.gov	(913) 551-7150
15:06:15	15:32:33	GEORGINE GEARY	GEORGIA DOT	ggeary@dot.ga.gov	(404) 263-7512
15:06:20	15:32:25	GLENN KEITH	MASS DEP	glenn.keith@state.ma.us	(617) 292-5874
15:06:25	15:13:25	ANTHONY RAJA	EPA	raia.anthony@epa.gov	(202) 566-2758
15:06:46	15:32:29	JAMES ANDREW	ARIZONA ELECTRIC POWER COOPERATIVE	jandrew@azepco.coop	(520) 384-8517
15:06:46	15:32:30	TIM STUMM	STATE OF WISCONSIN	tim.stumm@wi.gov	(608) 264-8203
15:06:10	15:32:33	SUVETTE MYSER	STATE OF OH	suvette.mysere@governor.ohio.gov	(202) 624-7660
15:08:26	15:32:21	TIMONIE HOOD	EPA	hood.timonie@epa.gov	(415) 972-3282
15:09:21	15:32:36	JULIE PIRAN	IL DOT	julia.piran@illinois.gov	(217) 557-6038
15:09:38	15:26:00	DANIEL TEITELBAUM	EPA	teitelbaum.daniel@epa.gov	(202) 566-0964
15:10:02	15:32:32	SCOTT RADIG	NORTH DAKOTA DIVISION OF WASTE MANAGEMENT	sradi@nd.gov	(701) 326-5158
15:10:08	15:25:22	ANGELA JENKINS	VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY	angela.jenkins@deq.virginia.gov	(804) 314-0182
15:17:29	15:32:36	PAT DIEDERICH	STATE OF NE	pat.diederich@nebraska.com	(402) 471-1222
15:21:13	15:32:34	GOLAM MUSTAFA	EPA	mustafa.golam@epa.gov	(214) 665-6576
15:28:30	15:32:36	MICHAEL BEHRENS	NE DEPT OF ENVIRONMENTAL QUALITY	michael.behrens@nebraska.gov	(402) 471-4250







**Fw: Coal Ash Citizen's Meeting**  
**Mathy Stanislaus** to: Mary Jackson  
 Sent by: **Shawna Bergman**

08/03/2012 12:06 PM

From: Mathy Stanislaus/DC/USEPA/US  
 To: Mary Jackson/DC/USEPA/US@EPA  
 Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
 USEPA Assistant Administrator  
 Office of Solid Waste & Emergency Response  
 — Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:06 PM —



**Coal Ash Citizen's Meeting**

**Tue 04/12/2011 4:00 PM - 5:30 PM**

Chair: **Mathy Stanislaus/DC/USEPA/US**  
 Sent By: **Shawna Bergman/DC/USEPA/US**  
 Location: Room 1117A EPA East Building, 1201 Constitution Ave., NW., Washington DC 20004

Required:	Bob Sussman/DC/USEPA/US@EPA, Laurel Celeste/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA
Optional:	Becky Brooks/DC/USEPA/US@EPA, Eilyn Fine/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA

**Description**

Nelida Torres

----- Original Message -----

**From:** Nelida Torres  
**Sent:** 03/29/2011 08:55 AM EDT  
**To:** Shawna Bergman  
**Subject:** Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson  
 — Forwarded by Nelida Torres/DC/USEPA/US on 03/29/2011 08:55 AM —

From: scheduling  
 To: Nelida Torres/DC/USEPA/US@EPA  
 Date: 03/29/2011 08:52 AM  
 Subject: Fw: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson  
 Sent by: Noah Dubin

I dont know if you need this but these are the people we passed along to OSWER. We've already

declined on behalf of the Administrator.

— Forwarded by Noah Dubin/DC/USEPA/US on 03/29/2011 08:51 AM —

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: scheduling@EPA  
Cc: Eric Schaeffer <eschaeffer@environmentalintegrity.org>, Jeff Stant <jstant@environmentalintegrity.org>  
Date: 03/28/2011 09:23 PM  
Subject: RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

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To whom it may concern,

As promised, here is the list of confirmed participants for our meeting. Please let us know what times are available for this meeting at your earliest convenience. We appreciate your help in arranging this meeting. I apologize if you have already received a similar email from one of my colleagues.

Illinois

Kathy Andria, near East St. Louis  
Traci Barkley, Champaign (northcentral IL)  
Deacon Billy Davis, Joliet (just southwest of Chicago)  
Tammy Krapek, near Joliet

Indiana

Rosmary Spalding  
Saleh Hussein, Dogpatch (near Princeton in southwest IN along Wabash River)  
Mike Eslinger, Merom (near Sullivan in southwest IN along Wabash River)  
George Adey, Pine (in northwest IN outside of Michigan City)  
Larry Jensen, Pines (in northwest IN outside of Michigan City)

Maryland

Two residents, not yet confirmed

Michigan

Jean Veselenak, near Lake Huron  
Raymond and Yelisa Pfeiffer, near Lake Huron  
Bill Castiner, near Lansing

Missouri

Patricia Schuba, Labadie (about 10 miles west of St. Louis)  
Teresa Connelly, Union (near Labadie)  
Susan Brown, Kansas City  
Melissa Hope, Jefferson City  
Claus Wawrzinek, Kansas City

Ohio

Terry and Reggie Witsaman, Uniontown, northeast OH near Canton  
Elisa Young, Meigs County (southcentral Ohio near Ohio River)

Pennsylvania

Bob Gadinski and his son  
Frank and Joan Burke  
Ann Marie Shelby  
Sally Slotterback  
John Mello

Virginia

James McGrath, Giles County in southwest VA, west of Roanoke  
Jasmine and Jeanette, Chesapeake  
Steven Fox and his wife, Chesapeake

West Virginia

John and Petra Wood, Morgantown  
Debbie and Curt Havens, Chester (near Little Blue Run Surface Impoundment)  
Jared Jamieson, near Fort Martin's ash disposal areas

Wisconsin

Frank Michna, Town of Caledonia (southeast WI, just south of Racine)  
Ken Parker, Town of Caledonia (southeast WI, just south of Racine)  
Kelvin Rodolfo and Kathleen Crittenden, Viroqua (southwest WI)

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

**From:** Lisa N. Widawsky  
**Sent:** Friday, March 25, 2011 8:09 AM  
**To:** 'scheduling@epa.gov'  
**Cc:** Eric Schaeffer; Jeff Stant  
**Subject:** RE: Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To whom it may concern,

We are writing to follow up on the email and letter we sent you on Monday of this week to request a meeting on behalf of citizens harmed by coal ash with Director Lew. I am writing to confirm that you have received this request and see what times you may be available for this meeting.

We are still finalizing our list of citizen participants and will have it to you by March 28, as promised. As of right now, we have confirmed two or more participants each from Ohio, Indiana, Illinois,

Maryland, Michigan, Missouri, West Virginia, Virginia, Wisconsin, and Pennsylvania. In addition, there will be at least one representative from the Environmental Integrity Project, Earthjustice, and/or Sierra Club at this meeting.

I will be out of the office today, so I am copying my colleague Jeff Stant in case you have any follow-up questions before I return on Monday, March 28, 2011.

Again, we will get the finalized list to you on Monday, and we thank you for your help with this meeting request. Please let us know as soon as possible when you can confirm a time for this important meeting.

Best,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

**From:** Lisa N. Widawsky  
**Sent:** Monday, March 21, 2011 5:10 PM  
**To:** 'scheduling@epa.gov'  
**Cc:** Eric Schaeffer  
**Subject:** Request from Eric Schaeffer for a Coal Ash Citizen Meeting with Administrator Jackson

To Whom It May Concern:

Please accept the attached request for a meeting between Administrator Jackson and citizens harmed by coal ash. This request has also been sent by U.S. Mail.  
Feel free to reply to me with any questions.

Sincerely,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

*The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended*

*transmissions shall not constitute waiver of the attorney-client or any other privilege.*

March 21, 2011

The Honorable Lisa Jackson  
Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 1101A  
Washington, DC 20460

Dear Administrator Jackson:

The Environmental Integrity Project (EIP) is writing you today on behalf of citizens in the Midwest and Mid-Atlantic regions of our country who are concerned that their health, property, livelihood, and/or quality of life have been harmed by coal ash pollution. With combined efforts from EIP, Earthjustice, and the Sierra Club, citizens living near coal ash dump sites will be coming to Washington, D.C. next month to talk about how their lives have been adversely impacted as a result of the inadequate coal ash regulations in their States.

We would like to request a meeting with you while these citizens are here in D.C. on Tuesday, April 12, 2011 or Wednesday, April 13, 2011. While we are finalizing the list of citizens, approximately 20 health care professionals, scientists, concerned parents, and individuals with health, property, livelihood, or quality of life concerns caused by living close to coal ash sites will be coming to D.C., and they would like to share their stories with you as you deliberate over the upcoming federal regulations for coal ash. We should have the list of people confirmed by March 28 and would be happy to provide you with a full list at that time.

We applaud the efforts the administration has taken already on proposing safeguards on coal ash. We believe that it is important for the administration to continue to provide leadership on this issue.

Please contact me directly with the best time to meet. My contact information is below.

Sincerely,

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1 Thomas Circle, Suite 900  
Washington, DC 20005  
[eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)



Personal Notes



The American  
people have  
the right to  
limit the power  
of government  
and to protect  
their liberties.



**FOIA HQ-FOI-01327-12: Fw: Meeting with the North Carolina community organizers**

**Suzanne Rudzinski** to: Mary Jackson  
Sent by: **Nicole Villamizar**

10/18/2012 11:07 AM

From: Suzanne Rudzinski/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Nicole Villamizar/DC/USEPA/US

----- Forwarded by Nicole Villamizar/DC/USEPA/US on 10/18/2012 10:43 AM -----

From: Grace Robiou/DC/USEPA/US  
To: George Hull/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Cheryl Coleman/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA, Sandra Connors/DC/USEPA/US@EPA  
Date: 06/05/2012 05:27 PM  
Subject: Re: Meeting with the North Carolina community organizers

George,  
May I suggest that this Q and A be kept separate from the pack? This is a question we are likely to get from one cohort of our audience --- states -- and I cant imagine going thru the review process again for the entire set of questions. We could also provide this info to Mathy and Suzanne separately.  
Grace

George Hull

----- Original Message -----

**From:** George Hull  
**Sent:** 06/05/2012 02:45 PM EDT  
**To:** Betsy Devlin; Grace Robiou; Cheryl Coleman; Richard Kinch; Suzanne Rudzinski; Sandra Connors  
**Subject:** Re: Meeting with the North Carolina community organizers

Thanks, Betsy. Can MRWMD draft a Q+A addressing the transportation issue. Suzanne would like us to add it to the Q+As we've prepared for the BU Methodology.

-----  
Sent by EPA Wireless E-Mail Services.  
Betsy Devlin

----- Original Message -----

**From:** Betsy Devlin  
**Sent:** 06/05/2012 01:26 PM EDT  
**To:** Grace Robiou; Cheryl Coleman; Richard Kinch; George Hull; Suzanne Rudzinski; Sandra Connors  
**Subject:** Meeting with the North Carolina community organizers

I attended the meeting with Mathy and representatives from North Carolina -- Anna Janye Joyner from the Western North Carolina Alliance and Sandra Diaz from Appalachian Voices.

While the majority of the meeting was spent on urging us to get our rule out, at the very end Mathy indicated that we would "soon" release a methodology for evaluating the risk from products made from CCRs. These individuals from North Carolina indicated that they supported safe and appropriate reuse of CCRs, however, they brought up 2 issues.

The first - transportation. They indicated that the CCRs are transported most often in uncovered dump

trucks, thus creating many dust problems.

Second, they indicated that CCRs are being used to construct the runways at the Asheville airport. Ms Joyner specifically noted that they were doing this construction in phases – the first phase she said they didn't use a liner in any of the area that they filled with CCRs and that they are worried about potential groundwater contamination. She indicated that in the second phase they "lined and capped" the site and so the result has been a much better structural fill.

I just wanted to pass this on to you as concerns that were raised today.

Betsy





**Fw: Charlotte CCR Hearing**  
**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:25 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:24 PM —

From: Suzanne Rudzinski/DC/USEPA/US  
To: Betsy Devlin/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Margaret Guerriero/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Frank Behan/DC/USEPA/US@EPA, Colleen Keltz/DC/USEPA/US@EPA, "Frank Ney" <Ney.Frank@epamail.epa.gov>, "Jeremy Ames" <Ames.Jeremy@epamail.epa.gov>, "Dawn Harris-Young" <Harris-Young.Dawn@epamail.epa.gov>, elaine eby, "Robert Stachowiak" <Stachowiak.Robert@epamail.epa.gov>, Lana Suarez/DC/USEPA/US@EPA, Kelly Greene/DC/USEPA/US@EPA  
Date: 09/15/2010 11:07 PM  
Subject: Charlotte CCR Hearing

The hearing went very well. Due to a lot of great work and preparation by our staff, the Region 4 staff, and our contractors, the hearing ran like a finely tuned Swiss watch.

What was also impressive was the commenters themselves and their remarks. Those favoring the "Subtitle Strict" option, as one commenter dubbed the subtitle C option, were slightly in the majority as Sierra Club and Riverkeeper had done a very good job of mobilizing their constituencies. However, the comments were all different and many very personal. The number of students who spoke (and eloquently), was impressive. A number of them had driven several hours to participate coming from places like Atlanta, Ashville, and Catawba. A commonly raised issue was the need for Federal regs to provide consistent treatment of CCRs across state lines. Industry and the beneficial use sector were also well represented. They emphasized the jobs that could be lost, lack of landfill capacity, belief that D is sufficient, and stigma.

Chicago is tomorrow and should be equally interesting.  
Suzanne

-----  
Sent by EPA Wireless E-Mail Services.  
Betsy Devlin

----- Original Message -----

**From:** Betsy Devlin  
**Sent:** 09/15/2010 08:15 AM EDT  
**To:** Matt Straus; Lisa Feldt; Barry Breen; Becky Brooks; Ellyn Fine; Shawna Bergman; Mathy Stanislaus  
**Cc:** Suzanne Rudzinski; Margaret Guerriero; Robert Dellinger; Frank Behan; Colleen Keltz  
**Subject:** Initial report on Charlotte CCR public hearing

The hearing in Charlotte, NC yesterday went well. The hearing was officially closed at 11:06 pm. We had 207 preregistered speakers; 37 of these did not show. We had 216 people walk-in, 41 to speak, so we had a total of 211 speakers. This is much higher than the 150-160 numbers we got in the last 3 cities, but we were able to keep on schedule and fit in most of the people who have early flights, walk ins etc.

For media, we actually had a number of camera crews and a good bit of coverage.

16 media staff signed in, from bloggers to the local Fox news station. Dawn Harris-Young with R4 OPA did an excellent job of handling the press. The press included

- Appalachian Voice
- Facing South
- BNA
- Mecklenburg Times
- Charlotte Observer
- WSOC TV
- WBTV
- WCNC-TV
- WCCB

A few elected official attended as well: James E Smith Jr with the South Carolina House of Reps, Pricey Harrison with the North Carolina House of Reps, and Kevin E Washington Sr, Richland County Councilman

Sierra Club and ACAA had rooms again (as in previous hearings) .

In Charlotte, because we anticipated very high numbers, we had arranged for an "overflow room" . This was very helpful - with the sound piped in, people who didn't have to speak for a while or just wanted to listen and take notes were able to take advantage of it and appreciated it.

We have a similar set up in Chicago for Thursday's hearing. And, on that note, the final count of preregistered speakers for Chicago is 239. We anticipate that hearing lasting close to midnight as well.

Please let me know if you have any questions.

Betsy



**Fw: OSWER suggests decline - Re: Scheduling Office Requests Input: SCH002-Scheduling Request - Invitation- Visit with families from western PA affected by coal ash sites.**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:21 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

History: This message has been forwarded.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:21 PM —

From: Shawna Bergman/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Candace White/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Daniel Fort/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Jennie Keith/DC/USEPA/US@EPA, Justina Fugh/DC/USEPA/US@EPA, Linda Huffman/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Noah Dubin/DC/USEPA/US@EPA, Shakeba Carter-Jenkins/DC/USEPA/US@EPA  
Date: 03/29/2011 02:11 PM  
Subject: Re: OSWER suggests decline - Re: Scheduling Office Requests Input: SCH002-Scheduling Request - Invitation- Visit with families from western PA affected by coal ash sites.

Mathy can probably discuss his thoughts with you. One thing to note is that Mathy today accepted and invitation (originally to the Administrator) for an in person meeting in DC on April 12 or 13th organized by EarthJustice, Environmental Integrity Project, and Sierra Club. The expected 30+ attendees include Debbie and Curt Havens who are the points of contact on this letter.

Shawna Roesch Bergman  
Chief of Staff  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Phone: 202.564.3641

Seth Oster

Shawna -- can you expand a bit more? Why doe...

03/29/2011 09:47:45 AM

From: Seth Oster/DC/USEPA/US  
To: Shawna Bergman/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Candace White/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Daniel Fort/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Jennie Keith/DC/USEPA/US@EPA, Justina Fugh/DC/USEPA/US@EPA, Linda Huffman/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA, Noah Dubin/DC/USEPA/US@EPA, Shakeba Carter-Jenkins/DC/USEPA/US@EPA  
Date: 03/29/2011 09:47 AM  
Subject: Re: OSWER suggests decline - Re: Scheduling Office Requests Input: SCH002-Scheduling Request - Invitation- Visit with families from western PA affected by coal ash sites.

Shawna -- can you expand a bit more? Why does OSWER recommend we decline?

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

Shawna Bergman OSWER recommends she decline this invitation... 03/29/2011 09:29:22 AM  
Noah Dubin

----- Original Message -----

**From:** Noah Dubin

**Sent:** 03/28/2011 11:37 AM EDT

**To:** Seth Oster; Adora Andy; Catherine McCabe; Cynthia Giles-AA; Justina Fugh; Jennie Keith; Mathy Stanislaus; Lisa Feldt

**Cc:** Candace White; Shakeba Carter-Jenkins; Linda Huffman; Daniel Fort; Nelida Torres; Becky Brooks; Shawna Bergman; Ellyn Fine

**Subject:** Scheduling Office Requests Input: SCH002-Scheduling Request - Invitation- Visit with families from western PA affected by coal ash sites.

**RE: SCH002-Scheduling Request - Invitation- Visit with families from western PA affected by coal ash sites.**

Please see the attached invitation request for the Administrator and give your recommendation.

Thank you,

The Scheduling Office  
Office of the Administrator

Please include this link in your response

<NOTES://DCOGLN1/MHANSON\AO\IO\InvitationRequests.nsf/Processing/9C5361F2B36C3D9F8525785E0074BE95>

**Description/Purpose**

Request was for "Spring" - a dummy date has been entered

Tentative Date	from	to	EPA Org:
06/01/2011			

Original Request (use Notes Viewer and set magnification (View, Magnification) to Fit Width)

Honorable Lisa Jackson, Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Mail Code: 1101A  
Washington, DC 20460

Sent via email and Certified Mail: 7010 3090 0001 1904 8979

March 22, 2011

**RE: Invitation to visit our communities damaged by coal ash**

Dear Administrator Jackson:

We live in communities damaged by toxic coal ash and want you to see first-hand what this is like. In some cases, our communities are literally being surrounded by mountains and lakes of this dangerous ash. Fugitive dust rains down on us, massive, unlined sites threaten our drinking water, untarped trucks rattle through neighborhoods leaving toxic dust clouds, all while state regulatory agencies provide little to no enforcement to protect us.

It is understandable that you and your Agency will need time to review the hundreds of thousands of comments submitted on the proposed coal ash regulations: some of those comments were submitted by our neighbors, families and friends. We are very concerned, however, with your recent announcement that EPA will not be issuing a final rule this year. While we thank you for your concerted effort to hear our concerns, we hope that after all the facts are reviewed, you will take action to protect our health and our drinking water sources from toxic ash.

Information continues to mount, detailing increased risks to communities like ours from unlined, inadequately monitored coal ash sites. The realities of our daily lives are very different from the details provided by industry lobbyists and regulatory officials, especially in coal states like ours.

The dire need for protective regulations is much more than words on a printed page: the US EPA decisions will directly impact our health, our lives, our families and our futures.

**We invite you to visit with us in western Pennsylvania this spring: take a driving tour around one of the nation's largest coal ash impoundments, meet with citizens from Pennsylvania and West Virginia and hear our first-hand accounts. What better way to see for your self exactly how those families sharing a fence-line with coal ash disposal sites live?**







**Fw: OMB Meetings**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:12 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:12 PM —

From: Matt Straus/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA  
Cc: Antoinette Powell-Dickson/DC/USEPA/US@EPA, Elyn Fine/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Richard Mattick/DC/USEPA/US@EPA  
Date: 01/21/2010 10:08 AM  
Subject: Fw: Re: Fw: OMB Meetings

Mathy, Richard's email he sent to you on the OMB meetings dealing with the proposed CCR rule referred to a list of who OMB/EPA has met. I am attaching a copy of the list of meetings, for your information.

— Forwarded by Matt Straus/DC/USEPA/US on 01/21/2010 10:05AM —

To: Matt Hale/DC/USEPA/US@EPA  
From: Betsy Devlin/DC/USEPA/US  
Date: 01/21/2010 08:12AM  
cc: "Barry Breen" <Breen.Barry@epamail.epa.gov>, "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>, Kelly Greene/DC/USEPA/US@EPA, Lana Suarez/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Richard Mattick/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, "Matt Straus" <Straus.Matt@epamail.epa.gov>  
Subject: Re: Fw: OMB Meetings

Matt

I believe we have been invited to all. Here's my list -- (as we get notices of a meeting, I just update the list.)

Betsy

Matt Hale—01/21/2010 08:10:37 AM—Yes, I'll check with Richard. We've certainly been invited to a lot. Richard – See Mathy's request

Fro Matt Hale/DC/USEPA/US  
m:

To: Mathy Stanislaus/DC/USEPA/US@EPA, Richard Mattick/DC/USEPA/US@EPA

Cc: "Barry Breen" <Breen.Barry@epamail.epa.gov>, "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>, "Matt Straus" <Straus.Matt@epamail.epa.gov>, Robert Dellinger/DC/USEPA/US@EPA, Lana Suarez/DC/USEPA/US@EPA, Kelly Greene/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA

Dat 01/21/2010 08:10 AM  
e:

Sub Re: Fw: OMB Meetings  
ject:

Yes, I'll check with Richard. We've certainly been invited to a lot.

Richard -- See Mathy's request below. Maybe you know the answer to this off the top of your head. Rich Kinch, Betsy D., or someone in MRWMD should know which ones we went to or listened in on, but in any case I'm pretty sure all the invitations came through you.

Matt

Mathy Stanislaus---01/21/2010 07:53:12 AM---Matt: Can you check that we've been invited to all meetings that OIRA had with external parties. Mat

From: Mathy Stanislaus/DC/USEPA/US

To: "Matt Straus" <Straus.Matt@epamail.epa.gov>

Cc: "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>, "Barry Breen" <Breen.Barry@epamail.epa.gov>, "Matt Hale" <Hale.Matt@epamail.epa.gov>

Date: 01/21/2010 07:53 AM

Subje Fw: OMB Meetings  
ct:

Matt: Can you check that we've been invited to all meetings that OIRA had with external parties.

Mathy

Bob Perciasepe

----- Original Message -----

**From:** Bob Perciasepe

**Sent:** 01/20/2010 10:49 PM EST

**To:** Bob Sussman; Mathy Stanislaus; Lisa Heinzerling

**Subject:** OMB Meetings

Do you have knowledge of meetings OMB has had with enviros, industry or business interests that they did not invite EPA to?

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 202 368 8193



OMB Meetings.doc





**CCR Meetings**

**As of 1/19/2010**

**Meetings with Outside Parties**

- October 16 John Novak, Electric Power Research Institute (EPRI)
- October 28 USWAG
- November 4 Patrick Quinn, The Accord Group on behalf of Duke Energy, Southern Company and WE Energies
- November 10 National Mining Association (NMA)
- November 12 Sean Todd, Fox Potomac Resources, LLC representing the coal boiler slag industry
- November 12 Jeff McNelly, ARIPPA
- November 13 Richard Stoll, Foley & Lardner, LLP on behalf of Lafarge North America, Inc.
- November 13 Earth Justice/Sierra Club, et al.
- November 16 David Hackett, Baker & McKenzie, LLP on behalf of Gypsum Association: Nov. 16th 1:30-2:00
- November 17 Portland Cement Association and American Concrete Pavement Assn.
- November 23 ASTSWMO
- November 30 Boral Material Technologies, Inc.
- December 1 American Concrete Institute
- December 7 Texas Aggregates and Concrete Association
- December 9 Bob Waldrop, Full Circle Solutions
- December 9 Jim Irvine, Fly Ash Direct
- December 10 Lisa Evans, Earthjustice on behalf of Johns Hopkins Bloomberg School of Public Health

December 10 National Association of Manufacturers

December 11 Environmental Integrity Project  
& December 16

December 14 USC Technologies

December 15 American Association of State Highway & Transportation Officials

December 17 American Chemistry Council

December 18 Ken Kastner, Hogan & Hartsen, LLP

January 8 Paul Noe, AFPA

January 11 Dale Diulus, Salt River Materials Group

January 12 Danny Gray, Charah, Inc.

January 15 Tom Hendrix, The SEFA Group

January 19 Paul Mellon, Novetas Solutions

January 21 Jon Hyman, CeraTech

January 21 Bob Carter, USNR Energy Services

**OMB Staff Briefings**

October 14 Overall Summary of Proposed Rule

October 28 Risk Assessment

November 3 Regulatory Impact Analysis

November 10 & November 13, and November 24 Regulatory Options (Subtitle C vs D)

December 1, Legal Rationale for Regulation (that is, requirements of RCRA 3001 and RCRA 8002)

December 4 Further call on legal rationale for the regulation



**Fw: Meeting w/Lisa Evans, re: Earthjustice**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:07 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:07 PM —

**Meeting w/Lisa Evans, re: Earthjustice**



**Wed 10/13/2010 1:00 PM - 1:45 PM**

Chair: **Mathy Stanislaus/DC/USEPA/US**  
Sent By: **Nalida Torres/DC/USEPA/US**  
Location: **3146 EPA West**

**Required:**

levans@earthjustice.org, Lisa Feldt/DC/USEPA/US@EPA, Margaret Guerriero/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA

**Optional:**

Ellyn Fine/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA

**Description**

Briefing on Earthjustice, EIP, and Sierra Club's new coal ash report, as well as the Physicians for Social Responsibility's recent report.

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556

**Personal Notes**





**Fw: Meeting Request**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:08 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:08 PM —

From: Mathy Stanislaus/DC/USEPA/US  
To:  
Cc: "Sussman Bob" <sussman.bob@epa.gov>, Antoinette Powell-Dickson/DC/USEPA/US@EPA, Jennifer Wilbur/DC/USEPA/US@EPA  
Date: 07/06/2009 06:52 AM  
Subject: Fw: Meeting Request

Do you want to participate in this meeting?

----- Original Message -----

From: Lisa Evans [levans@earthjustice.org]  
Sent: 07/03/2009 07:09 AM MST  
To: Mathy Stanislaus; Jennifer Wilbur  
Subject: Meeting Request

Dear Assistant Administrator Stanislaus:

Thank you very much for our meeting last week concerning the Revisions to the Definition of Solid Waste. We sincerely appreciated the opportunity to discuss that important issue with you and to explore options for moving forward.

I am hoping that you might have time at the end of this month to meet on another critical waste issue -- the regulation of coal combustion waste. I understand that EPA is in the process of making important decisions regarding the direction of regulations governing the waste, and we would welcome the opportunity to express our views and concerns, based on our long history of working on this issue. On behalf of Eric Schaeffer and Jeff Stant of the Environmental Integrity Project, Patrice Simms of Natural Resources Defense Council, Ed Hopkins of the Sierra Club, and Chandra Taylor of the Southern Environmental Law Center, I would like to request a meeting either the week of July 27 or the week of August 3 (July 27 or July 29 are ideal).

Thank you in advance for considering this request. Once again, it was a great pleasure to meet you.

Sincerely,

Lisa Evans

Lisa Evans  
Project Attorney  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

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**Fw: Request for Public Hearings on the Proposed Coal Ash Rule and Request for Extension of the Comment Period**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:04 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:04 PM —

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>  
To: LisaP Jackson/DC/USEPA/US@EPA  
Cc: Alexander Livnat/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 07/14/2010 04:50 PM  
Subject: Request for Public Hearings on the Proposed Coal Ash Rule and Request for Extension of the Comment Period

July 14, 2010

Dear Administrator Jackson:

Please accept the attached request on behalf of Earthjustice, Environmental Integrity Project, Sierra Club, Southern Environmental Law Center, Appalachian Voices, Physicians for Social Responsibility, and the Environmental Justice Resource Center.

Please feel free to contact us with any questions.

Thank you,

Lisa Widawsky  
Attorney  
Environmental Integrity Project  
1920 L Street NW, Suite 800  
Washington, DC 20036  
202.263.4452 (direct)  
202.294.3282 (cell)  
202.296.8822 (fax)

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July 14 Request\_final.pdf

AMERICAN FOR



July 24, 2010

Please accept the enclosed request on behalf of the Environmental Integrity Project. The Environmental Integrity Project is a 501(c)(3) non-profit organization dedicated to ensuring that the Environmental Protection Agency (EPA) fulfills its responsibility to protect the public health and the environment from pollution.

Thank you!

Lee White  
Attorney

Environmental Integrity Project  
1750 L Street NW, Suite 800  
Washington, DC 20036  
202 334 4422 (local)  
202 334 4422 (toll)  
202 334 4422 (fax)

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July 14, 2010

*By Email*

The Honorable Lisa Jackson  
Administrator  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Mail Code: 1101A  
Washington, DC 20460

jackson.lisa@epa.gov

**Re: Request for Public Hearings on the Proposed Coal Ash Rule and Request for Extension of the Comment Period**

Dear Administrator Jackson:

Thank you sincerely for the opportunity you gave to the public to request hearings on the proposed coal ash rule. Across the country, citizens are expressing great interest in conveying their knowledge and experiences directly to the Agency. According to the federal register notice, EPA will be accepting such requests until July 21, 2010. 75 Fed. Reg. 35,128, 35,128 (June 21, 2010). We hope that all such requests will be duly considered.

In particular, it is clear that citizens and groups in Western Pennsylvania, Tennessee, Georgia, and the Ohio Valley are interested in attending an EPA public hearing. All of these areas have endured significant adverse impacts from coal ash mismanagement. We therefore support the requests for public hearings in Pittsburgh, Pennsylvania; Roane County, Tennessee; Atlanta, Georgia; and Louisville, Kentucky. It is critical that the voices of these most affected communities be heard in this process.

Secondly, Earthjustice, Environmental Integrity Project, Sierra Club, Southern Environmental Law Center, Appalachian Voices, Physicians for Social Responsibility and the Environmental Justice Resource Center are requesting a 60-day extension to the public comment period. This time is needed to ensure time for a sufficient number of public hearings and to ensure that the many complex issues presented in the proposed rule are adequately addressed.

Thank you in advance for your consideration of this request. We share your interest in a fair and meaningful comment period in which citizens and groups throughout the U.S. are granted a full opportunity to participate substantively in this important rulemaking.

Respectfully submitted by:

Dr. Robert Bullard  
Director  
Environmental Justice Resource Center  
at Clark Atlanta University  
223 James P. Brawley Drive  
Atlanta, GA 30314

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945

Barbara Gottlieb  
Deputy Director, Environment & Health  
Physicians for Social Responsibility  
1875 Connecticut Ave, NW, Suite 1012  
Washington, D.C. 20009

Willa Mays  
Executive Director  
Appalachian Voices  
191 Howard Street  
Boone, NC 28607

Lyndsay Moseley  
Beyond Coal Campaign  
Sierra Club  
408 C St. NE  
Washington, DC 20002

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
1920 L. Street NW, Suite 800  
Washington, D.C. 20036

cc:  
Mathy Stanislaus, Assistant Administrator, OSWER  
Alex Livnat, Materials Recovery and Waste Management Division, ORCR  
Steve Souders, ORCR



**Fw: Coal Ash Rule Letter**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 12:00 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 12:00 PM —

From: Mathy Stanislaus/DC/USEPA/US  
To: Lisa Feldt/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Maria Vickers/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Date: 04/14/2010 07:31 PM  
Subject: Fw: Coal Ash Rule Letter

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

— Forwarded by Mathy Stanislaus/DC/USEPA/US on 04/14/2010 07:31 PM —

From: Trip Van Noppen <tvannoppen@earthjustice.org>  
To: LisaP Jackson/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 04/14/2010 07:23 PM  
Subject: Coal Ash Rule Letter

Dear Administrator Jackson and Assistant Administrator Stanislaus,

Earthjustice and several of the groups listed as signatories on the attached letter have met with you about the coal ash rule that is currently at OMB. I'm writing to let you know that tomorrow morning we'll be submitting the attached letter to President Obama from 239 public interest groups. It includes groups from every state and Washington D.C. Our request is for the Administration to release the proposed coal ash rule for public comment this month and to ensure that the rule proposes federally enforceable standards that will protect communities across this nation from the widespread mismanagement of coal combustion waste that endangers public health and the environment.

We thank you for all of your work on this important problem. Should you have any questions, please don't hesitate to let me know.

Sincerely,  
Trip Van Noppen  
President, Earthjustice

Trip Van Noppen  
President  
Earthjustice  
426 17th Street, 6th Floor  
Oakland, CA 94612  
T: 510-550-6700  
M: 415-310-2708  
[www.earthjustice.org](http://www.earthjustice.org)

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President Obama Letter\_Coal Ash.pdf







**Fw: Coal Ash Enviro 11:00 Call list**

**Mathy Stanislaus** to: Mary Jackson  
Sent by: **Shawna Bergman**

08/03/2012 11:59 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: Mary Jackson/DC/USEPA/US@EPA  
Sent by: Shawna Bergman/DC/USEPA/US

Mathy Stanislaus

USEPA Assistant Administrator

Office of Solid Waste & Emergency Response

— Forwarded by Shawna Bergman/DC/USEPA/US on 08/03/2012 11:59 AM —

From: Lisa Feldt/DC/USEPA/US  
To: Stephanie Owens/DC/USEPA/US@EPA  
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, "Mathy Stanislaus"  
<Stanislaus.Mathy@epamail.epa.gov>, Sussman.Bob@epamail.epa.gov  
Date: 05/03/2010 05:19 PM  
Subject: Re: Coal Ash Enviro 11:00 Call list

I would suggest calls with just one person from each organization and maybe not have with Patricia Simms and Jackie K. I think we ended up deciding that calls would be made individually and not as a collective group. (per OPA's suggestion). Stephanie, does someone in your group have phone numbers that we and Bob S could have. Mathy at this time has his calendar blocked for these but maybe Mathy and Bob should plan on being in same location for these.

Lisa Feldt  
Deputy Assistant Administrator  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0200:  
Fax: (202) 566-0207  
feldt.lisa@epa.gov

Stephanie Owens

Bob, This is the list for the 11:00 call.

05/03/2010 05:09:16 PM

From: Stephanie Owens/DC/USEPA/US  
To: Sussman.Bob@epamail.epa.gov, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>, "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>  
Cc: Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 05/03/2010 05:09 PM  
Subject: Coal Ash Enviro 11:00 Call list

Bob,

This is the list for the 11:00 call.

They also attended the meeting with the Administrator.

I will have the phone numbers tomorrow.

Lisa Evans, Senior Administrative Counsel - EarthJustice

Marty Hayden, Vice President of Policy and Litigation - EarthJustice

Eric Schaeffer, Executive Director - Environmental Integrity Project (EIP)

Jeffrey Stant, Director of the Coal Combustion Waste Program- EIP

Bruce Nilles, Director of the Beyond Coal Campaign - Sierra Club

Mary Anne Hitt, Deputy Director of the Beyond Coal Campaign - Sierra Club

Scott Slesinger, Legislative Director - Natural Resources Defense Council

Patrice Simms, Assistant Professor of Environmental Law - Howard University

Jackie Kruszewski, Legislative Associate - Southern Environmental Law Center (SELC)

Thanks,

Stephanie

