

2808

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From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Brian Leyde [bpl5019@psu.edu]
Sent: Monday, December 14, 2009 3:20 PM
To: EP, RegComments
Subject: RE: Beneficial Use of Coal Ash Proposed Rulemaking [25 PA. CODE CHS. 287 AND 290]

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DEC 23 REC'D

INDEPENDENT REGULATORY
REVIEW COMMISSION

Dec 14, 2009

John Hanger

Dear Hanger,

I read through the proposed document and, though i am in favor of many of the uses of coal ash outlined within, I have to agree that it is insufficient in it's regulatory frame work.

Coal combustion waste (CCW) is contaminating water sources across America including sites in Pennsylvania. Throughout the guidelines that have been proposed there are phrases like, "at the discretion of", "with department approval", or "if the Department chooses." These phrases leave significant loopholes in the guidelines and should be removed. Standards in the proposed Chapter 290 regulations must be enforceable.

This toxic coal ash should be sealed with the use of composite liners and placement guidelines that ensure isolation from groundwater. These sites should be monitored quarterly for at least thirty years after ash placement is finished.

The rules should require that pollutant levels are fully monitored surrounding the placement site. And if a monitoring point shows higher levels of contaminants than prior to ash placement it should trigger a requirement to investigate the causes of those increases.

Also financial assurance should be posted by operators before permits are issued and maintained throughout required monitoring at a site in amounts sufficient to monitor and abate pollution from the ash. And the public should be permitted to participate in the entire permitting process.

Sincerely,

Mr Brian Leyde
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