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**Tate, Michele**

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**From:** Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Larry Menkes [soundsynergy@comcast.net]  
**Sent:** Monday, December 14, 2009 1:49 PM  
**To:** EP, RegComments  
**Subject:** RE: Beneficial Use of Coal Ash Proposed Rulemaking [25 PA. CODE CHS. 287 AND 290]

Dec 14, 2009

John Hanger

Dear Hanger,

Coal ash is filled with toxic chemicals and heavy metals. Pennsylvania

is the third largest US producer of this waste. We shouldn't allow this toxic substance anywhere near our drinking water, and this rule in no way assures me of that.

John, I am surprised at the way you seem to have changed since leaving Penn Future. Many of us who have cheered, and supported your former

employer are beginning to rethink that support. (Witness recent attacks on Christine on the DVS listserve). To some of us, you've become the enemy.

I heard your comment on Fracting, that it's bad but will be worth it in the end? To whom? At what cost, and to whom? You have become the Tragedy of the Commons. You have become the shadow of McGinty, with none of her charm.

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 Larry Menkes  
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REVIEW COMMISSION