

**Statement of
The Honorable Eddie Bernice Johnson, Chairwoman
Subcommittee on Water Resources and Environment
Hearing On
“The Tennessee Valley Authority’s Kingston Ash Slide: Potential
Water Quality Impacts of Coal Combustion Waste Storage”
March 31, 2009**

On the 22nd of December of last year, a retaining wall collapsed at a coal ash storage facility at the Tennessee Valley Authority’s Kingston Fossil Plant. The U.S. Environmental Protection Agency described what happened next as a “tidal wave of water and ash” that crashed down on the local community and into nearby rivers.

Unfortunately, this description is not an exaggeration. Over 5.4 million cubic yards of coal ash sludge were released. Over 100,000 cubic yards were deposited on the land, resulting in the destruction of three homes and damage to dozens of other properties. Sludge was spread across 300 acres, at points six feet deep. Over five million cubic yards ended up in local river systems and waterways. All told, this was nearly the equivalent of four times the volume of the Empire State Building deposited into rivers and across a landscape that generations had called home.

Our reasons for holding today’s hearing are two-fold. First, the Transportation and Infrastructure Committee has clear jurisdiction over the Tennessee Valley Authority, which owns and operates the Kingston Fossil Plant and the coal ash surface impoundment that failed. This Subcommittee has a responsibility to get a better sense of what happened, and what the ongoing response consists of.

Second, the potential water quality impacts of this event are staggering. Five million cubic yards of coal ash – infused with high concentrations of toxic heavy metals – ended up in water bodies that this Subcommittee has the responsibility to oversee, and ultimately protect. We must ensure that TVA and other federal agencies are not only committed to restoring the local water environment, but are demonstrating this commitment to their fullest ability.

I have heard the concern that this oversight hearing on the Kingston ash spill is just a back-handed effort to discontinue the use of coal as a power source. I reject this out-of-hand. This hearing is both about the impacts of over five million cubic yards of coal ash sludge being swept onto a community and into a river, and an investigation about how this could ever have happened. It is about the environmental practices put in place by a federal entity, and about what other federal and state agencies did to ensure they were robust.

This Committee and Subcommittee have a constitutional obligation to oversee the agencies within its purview. I do not take lightly any suggestion that this hearing is a front for some other agenda.

It is important to note that scrutiny should fall not just on TVA with regard to this ash spill. The U.S. Environmental Protection Agency and the State of Tennessee also have an obligation to be vigilant in protecting the environment. More importantly, they must show that they are overseeing the clean-up and response effectively. EPA, specifically, has a duty to

provide oversight of both the actions of TVA and the State of Tennessee, with the interests of the public and the environment being paramount. Only then will residents of the area, and those downstream from the Kingston Fossil Plant, have confidence that the rivers will ultimately be cleaned and their health will be protected.

By the end of this hearing I hope that we have answers to a number of questions – or have heard public commitments to that effect: How could this type of accident have happened in the first place? Are steps being taken to ensure that long-term public health monitoring will be implemented? What steps are being taken to address surface water quality impairments, including contaminated sediment? Will ash produced at TVA facilities be stored in a manner that will not impact water quality? This includes the ash from the Kingston spill that has been dredged from the rivers.

The December 22nd Kingston coal ash spill had consequential impacts on the lives of nearby residents and the local environment. It also served as a wake-up call to the Congress. It has raised questions not only about the storage of coal ash generally, but also about the Tennessee Valley Authority itself.

This Subcommittee held a host of hearings on a wide variety of subjects last year, but we did not hold any on the Tennessee Valley Authority. We should have. In fact, it has been nearly a decade since the Committee held hearings focused solely on TVA. That oversight regarding oversight ends today.

As a result, this hearing is just the first in a series that will evaluate TVA and various elements of its mission. I have full faith that both the Board and the management of the Tennessee Valley Authority will join me in ensuring that, from this point on, TVA will become a model agency – both in terms of its mission to the Tennessee Valley region, but also in terms of environmental stewardship.

Thank you for attending this important hearing.

###