

**Statement of  
The Honorable James L. Oberstar, Chairman  
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**

Chairwoman Johnson, thank you for holding today’s hearing on the Tennessee Valley Authority’s Kingston ash slide. Today, we have assembled an important group of witnesses that will provide us with important information regarding the ash slide, ongoing cleanup efforts, and potential water quality impacts. It is also my understanding that our distinguished colleague, Representative Lincoln Davis, will be giving a statement as well. I would like to welcome him back to the Transportation Committee and let him know that we appreciate the insight that he will bring to this hearing.

I would also like to extend a special welcome to an important witness. Ms. Sarah McCoin is a resident of the Kingston area and has seen her life dramatically altered by this disaster. Ms. McCoin, I want to thank you for being here with us today. It is awfully important to have you here to speak to the experience of the Kingston residents; I want to applaud you for your efforts and thank you again for being with us today.

The purpose of this hearing is twofold. First, we are here to examine potential causes of the coal ash spill at the Tennessee Valley Authority’s Kingston Fossil Plant. Second, we are here to examine ongoing cleanup efforts and obtain information on potential water quality impacts related to the ash slide. Exerting our oversight responsibility is a necessary obligation and one that we do not take lightly. This unfortunate situation deserves our attention and I am glad that we are here today to examine where current cleanup efforts stand.

On December 22, 2008, a dike at the Tennessee Valley Authority’s Kingston Fossil Plant coal ash retention pond failed. This failure caused the release of approximately 5.4 million cubic yards of fly ash into the surrounding area. According to the Tennessee Department of Environment and Conservation, over 5,000,000 cubic yards of ash were deposited into the Emory River and the creeks leading into it, while approximately 110,000 cubic yards of ash were released onto the surrounding ground area.

Do not be mistaken; this is no small amount of coal ash. In fact, U.S. EPA has estimated that there was enough ash to cover more than 3,000 acres of land with up to one foot of ash. This is also the equivalent of filling the Capitol Dome 112 times over with coal ash. More importantly, coal ash, depending on the geographic area where it originated, may contain many hazardous chemicals including arsenic, lead, mercury and selenium. Combining this substance with water only increases the likelihood that these hazardous chemicals will leach into the environment and negatively impact aquatic and human health.

Because of the size, magnitude, and location of this spill, it is incredibly important that it be cleaned up as quickly and effectively as possible. Some experts have said that this spill is nearly 30 times larger than the initial Exxon Valdez spill and that it will take years to clean.

Madam Chairwoman, our review of the facts surrounding the ash spill must not take place in a vacuum, but must be understood in the context of the history of this event, and at this site. It is my understanding that in 2003 and 2006, "excessive seepage" occurred at this very same retention pond. I have also been told that TVA officials dismissed some proposed remedies to address these failures because they were deemed too costly. To me, there could not be a more illustrative example of the importance for maintaining our existing infrastructure. Had these 'more costly' measures been implemented, we might not be here today.

In addition to the damage caused by this spill to the environment, initial estimates have said that the short-term cleanup could cost nearly \$825 million. There will be additional long-term cleanup costs. The lesson to be learned here is that saving a dollar or two in the near term may prove to be very costly in the long run when it comes to our nation's infrastructure.

It is also my understanding that no less than three weeks after the Kingston incident, on January 9, 2009, a leak occurred at TVA's Widows Creek Facility located in Alabama. This leak took place at a gypsum holding pond and resulted in the discharge of an estimated 5,000 cubic yards of gypsum slurry into Widows' Creek. This spill and the much larger spill have gotten the attention of this body, and of the nation.

There is, however, a silver lining. The Kingston collapse has opened our eyes to the issue of coal combustion waste storage and highlighted the need for us to pay attention to it. The Administration has vowed to look into the matter, and I can assure that the Congress will also be watching and that we will step in if more needs to be done. We have seen that there are risks associated with the storage of coal combustion waste. We will do what is needed to protect the public from the ill effects of improper and unplanned storage.

Last year, the Tennessee Valley Authority celebrated its 75<sup>th</sup> Anniversary. In fact, as part of the New Deal, President Franklin Delano Roosevelt signed legislation creating TVA on May 1, 1933 and helped our nation's economy rise from the depths of the Great Depression. TVA was a poster child. Hopefully TVA will use this occasion to renew their commitment to public service by developing a strong program of environmental stewardship.

I welcome our witnesses here today and am pleased that we are here to examine this incredibly important issue.

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