

**Statement of
The Honorable Eddie Bernice Johnson, Chairwoman
Subcommittee on Water Resources and Environment
Hearing On
“The Coal Combustion Waste Storage and Water Quality”
April 30, 2009**

A month ago, this Subcommittee met to evaluate the impacts of the coal ash slide at the Tennessee Valley Authority's Kingston power plant. In that hearing, I noted that this issue was going to be something that this panel would be revisiting in the future. Today's hearing is a first step towards fulfilling that commitment.

In March we learned about the implications of federal neglect. The collapse of TVA's Kingston coal ash impoundment was not an act of god, nor was it the result of random fate. The release of millions of cubic yards of coal sludge onto a formerly beautiful landscape, and the desiccation of a thriving river were the predictable results of regulatory neglect and ineffective federal oversight. In short, federal standards for structural integrity would have gone a good way towards preventing this incident that has impacted the lives of hundreds in Tennessee.

Our hearing in March forced us to ask the question – how many other Kingstons are out there? The Kingston spill opened this Subcommittee's eyes to the presence of hundreds of similar facilities around the country . This is not just a Kingston problem or a TVA issue – this is a national problem.

A simple question therefore arises – how safe are these coal ash storage facilities? As we learn more about these storage sites, it becomes clearer that there are some significant public safety, human health, and ecological risks associated with many of them.

Even if these storage facilities do not rupture, they can threaten grave human health concerns. Because of the propensity of certain types of these facilities to leach contaminants, nearby residents face significantly higher risks of developing cancer or suffering from other harmful effects from contaminated groundwater or surface water.

These coal ash storage facilities aren't just statistical threats of course. In recent years, the Environmental Protection Agency has demonstrated damage to groundwater or surface water from a number of these sites. Indeed a number of these damage or potential damage sites are located in the districts of members of this Committee. At sites in Alabama, Wisconsin, and Illinois the EPA has noted instances where groundwater and surface water contamination has taken place – likely as a result of irresponsible coal ash storage practices. These violations of the law and threats to human health must be put to an end.

It should be obvious by now that this hearing is about the impacts of coal ash storage on human health and the environment. Any insinuation that this hearing is for otherwise would seem to be an effort to distract attention away from the harms that are taking place. We are holding this hearing today to ensure that the true costs of burning coal and its subsequent disposal are not passed along downstream. Families should not have to bear the brunt of

pollution to cut corners on costs. Cancer should not be the price borne by working men and women for reckless coal ash disposal.

That a variety of human health risks have been shown EPA studies, and that EPA has demonstrated actual damage raises a number of questions about the regulation of coal combustion waste. As such, this hearing is as much about EPA's past and future role on this issue as anything else.

By the time this hearing is complete, I hope to have answers or commitments on a number of issues.

Has EPA initiated enforcement actions or required corrective actions at all of the facilities identified in its 2007 Damage Assessment in which damage has been proven?

Does EPA stand by its findings that surface impoundments – especially unlined surface impoundments – cause a grave threat to water quality, aquatic ecosystems, and human health?

In addition to investigating structural integrity, will EPA make a commitment to administrative action that will result in a minimization of risks to water quality?

I, along with other members of the Subcommittee, look forward to what will be an illuminating hearing today.

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