

**Statement of
The Honorable James L. Oberstar, Chairman
Subcommittee on Water Resources and Environment
Hearing On
“The Coal Combustion Waste Storage and Water Quality”
April 30, 2009**

Chairwoman Johnson, thank you for holding today's hearing. You have again succeeded in bringing together an accomplished and distinguished group of witnesses to testify before this subcommittee. I commend you for this and am very thankful for your leadership.

I would like to extend a warm welcome to our witnesses. We have with us today representatives from federal and state government, as well as representatives from industry, academia and interested stakeholders. I look forward to hearing your testimony and to entering into a long overdue discussion on this issue. I am extremely happy that we are here today and that we are raising the visibility of this issue.

The ash slide at the Tennessee Valley Authority's Kingston Fossil Plant in East Tennessee was a rude awakening for this body, and is in part the reason why we are here today. 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, including the Emory River. Thankfully, no one was immediately injured or killed by the impact of the initial slide.

Last month, this subcommittee held a hearing on the cleanup of the Kingston spill, and under Chairwoman Johnson's guidance, this subcommittee will continue to conduct oversight hearings on the slide and cleanup efforts. We want to ensure that the lives of the Kingston residents and the environment are made whole again.

The issue at Kingston Fossil Plant, however, was one of the structural integrity of the walls of the coal ash impoundment. The issue that we are here to examine today is of a different nature. We are here to discuss the common practices for the storage of coal combustion waste and how these practices may negatively impact water quality.

The Kingston event forced us to re-evaluate these practices. It is time to step back, and to reevaluate whether or not these practices are allowing toxic materials to enter the environment and potentially harming human health.

It has been well documented by the Environmental Protection Agency, and by others, that commonplace coal combustion waste storage practices are detrimental to not only the health of the environment, but may pose human health threats as well. In a 2007 report entitled Coal Combustion Waste Damage Case Assessments, EPA evaluated 85 possible damage cases and found that 24 were proven to have harmed the environment and/or human health, and that 42 cases resulted in potential damages. This is a disturbing statistic.

Moreover, faced with a lack of federal regulations, many states are struggling to deal with the issue while others are wholly ignoring it. Even if a state was to require the implementation of proper disposal techniques, there are no national requirements ensuring a level playing for the proper disposal of coal ash. Arguably, states today could be faced with an economic disincentive to require additional control measures to ensure public safety.

Since the inception of the Clean Air Act, great strides have been made to remove harmful chemicals left over from coal combustion processes and as a result, the air that we breathe today is cleaner. However, 'scrubbing' practices have resulted in an increase in the volume of ash and an increase in the toxicity levels of the ash. Chemicals such as chromium, boron and mercury end up in fly ash left over from the combustion process, and are stored in retention facilities in an inadequate manner.

Nine years ago, EPA committed to creating federal regulations for coal combustion waste storage. However, to this day, we are still waiting for EPA to propose regulations for coal combustion waste storage. It is my understanding that the current administration has committed to proposing regulations for coal waste storage later this year. I urge the administration to move quickly.

In the absence of regulations from EPA, I assure you that we will do what is needed ensure public safety. We have turned a blind eye to this problem for far too long.

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