

**Statement of
The Honorable Eddie Bernice Johnson
Subcommittee on Water Resources and Environment
Hearing On
“TVA’s Kingston Ash Slide: Evaluation of Potential Causes and
Updates on Cleanup Efforts”
July 28, 2009**

Today’s hearing will begin by our offering the Committee’s heart-felt condolences to the family of Larry Lacroix, of Burlington, Iowa. Mr. Lacroix was part of the Kingston ash spill clean-up operation, and was killed in a work-site accident on July 20th. The Subcommittee extends our thoughts and prayers to his family.

This hearing is being conducted as one of several hearings that meet the oversight requirements under clauses 2(n), (o), and (p) of Rule XI of the Rules of the House of Representatives.

As originally envisioned, today’s hearing was to focus on the technical, a review of the engineering analyses that evaluated the root causes of the December 2008 Kingston coal ash spill. However, since this hearing was originally noticed, a number of reports have come to light that demand that we look at the collapse, as well as the factors that led to it, with increased scrutiny.

I have done so and have come to the conclusion that the causes as identified by TVA are, in fact, not causes at all. Rather they are symptoms of more endemic issues facing the Tennessee Valley Authority. As such, this hearing will look to answer three basic questions: First, what geo-technical factors led to the spill? Second, what human or management factors contributed to the collapse? Third, what actions will TVA make going forward?

Testimony from Bill Walton, from the engineering firm AECOM will help us answer the first question. From the AECOM Root Cause Analysis report, upon which his testimony is based, we can learn the mechanisms of failure that led to the collapse of the Kingston storage facility. But that is only part of the story. The second issue, regarding management culture, will be addressed by TVA’s Inspector General, Richard Moore, and Bill Almes, an engineer from the firm Marshall Miller & Associates. The third issue, what steps TVA is planning on taking going forward, will be illuminated through this hearing.

This morning’s testimony comes in light of today’s release of a TVA Office of Inspector General report that highlights a string of problematic findings regarding TVA’s management culture prior to the spill, as well as miss-steps it has made in the months following. Last week, the TVA Board released an additional report written by the law firm McKenna Long & Aldridge that identifies a management culture that, in combination with a lack of accountability, standards, and controls, created conditions that resulted in the spill. In my opinion, these management failures were equally to blame for the Kingston spill, and are relevant to the larger debate. I request unanimous consent that the McKenna report be included in the record.

The central thrust of this hearing, however, involves the future. Can the Tennessee Valley Authority assure the Congress and the people of the Tennessee valley region that its other coal ash disposal facilities are sound? In other words, that they will not collapse, that they will not leach toxics into our groundwater, and that TVA facilities will not discharge carcinogens and harmful substances into our nation's waters?

This central issue, informed by the TVA OIG and McKenna reports, leads us to a subsequent line of questions that the Subcommittee must get answers to – either in this hearing, or in other hearings in the months ahead:

Can TVA provide the public with credible risk assessments regarding the safety of its facilities, including coal ash impoundments?

Will the ongoing management and organizational changes occurring within TVA produce results that address all of the McKenna and TVA OIG report findings?

Does TVA intend to become a proactive environmental steward, and how?

And does the Congress need to take action to ensure that TVA facilities cease to pose threats to public safety, human health and the environment?

Today's hearing is troubling. These recently released reports indicate a management culture at TVA that is slow and sometimes resistant to change. Testimony from our witnesses today will help guide this Subcommittee as to whether this change must be instilled upon this federal entity. It will only be through acknowledgement of the issues that resulted in the Kingston collapse, and an active effort to address these issues, that TVA will be able to move forward.

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