

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

Madam Chairwoman, thank-you for holding this important hearing this morning.

This hearing may provide the Subcommittee with answers about what were the immediate triggers for the December 2008 Kingston coal ash spill. What is especially troubling, however, is that the testimony provided today raises more questions about why the failure occurred in the first place.

As demonstrated in reports from the Tennessee Valley Authority’s Inspector General, as well as from the law firm McKenna Long & Aldridge, the management culture at TVA has resulted in a severe under-provision of adequate standards, operating procedures, and accountability for the handling of its coal ash operations.

The management, storage, and disposal of coal ash should not be thought of as an afterthought. This would be to, as TVA did for many years, treat it the same as one would garbage – something to be disposed of with little after-thought. This, as was amply demonstrated at Kingston, is a sizable miscalculation. Coal-fired power plants each produce thousands of tons of coal ash a year. The Kingston facility, for example, produced 1,000 tons a day! The sheer volume of this material, especially when it is transported and stored in a wet form, demands that it is treated with care. The storage practices for wet coal ash should be more akin to dam operation than to a landfill for garbage. This was not the case at Kingston, and it seems treating surface impoundments as dams is not standard operating procedure across the entire TVA system.

The cavalier fashion that coal ash storage and disposal was treated at Kingston seems a function of both TVA’s management culture, as well as the near complete lack of federal regulations regarding this matter. The McKenna and TVA OIG reports put forward a number of problematic findings regarding the impacts of TVA’s management culture. These include, but are certainly not limited to:

- A TVA management culture that was reactive, and which did not deal with problems proactively;
- A lack of standards and training for operating and maintaining ash ponds;
- Inadequate budgets for prevention priorities;
- Recommended safety modifications were not made at multiple times in the past;
- Not applying risk management approaches to ash storage and disposal; and
- A management culture that treated ash like garbage – and not as a potentially lethal threat to the public and the environment.

These are serious findings that must be evaluated in greater depth by this Subcommittee. As important, they must be remedied by TVA.

These contributing human, or cultural factors, would seem to be central to the geo-technical factors that played roles in the Kingston collapse: loose wet ash, slimes, the height of the impoundment, and fill geometry and setbacks. While those four conditions were implicated in the Kingston spill, it seems that TVA is looking for this particular combination as it reviews its other facilities. The result? An absence of this particular combination has been publicly held up by TVA as testament that their other surface impoundments are structurally secure.

In actuality, such statements are premature, and in that TVA is making them raises questions about its commitment to addressing potentially very real threats to the public and the environment.

As a federal entity, TVA must be held to a higher standard. As today's testimony makes clear, it is unknown whether TVA, itself, has the capacity or the willingness to make the type of changes that need to be made, itself. This Committee will continue to exercise all of its authorities, from oversight to legislation, to ensure that the proper changes are made at TVA to address its management shortcomings, and to ensure that it becomes the environmental steward it can and must be.

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