

ORAL STATEMENT OF PAUL SLOAN
DEPUTY COMMISSIONER
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

BEFORE THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON WATER RESOURCES AND THE ENVIRONMENT

March 31, 2009

Madam Chairwoman, Ranking Member Boozman and members of the Subcommittee, thank you for the opportunity afforded me to testify this afternoon. I am Paul Sloan, Deputy Commissioner of the Tennessee Department of Environment and Conservation and Director of its Bureau of Environment.

By virtue of Tennessee's various enabling statutes, our department implements the Federal Clean Water Act; the Federal Clean Air Act and regulates solid waste management consistent with standards currently prescribed by the federal Resource Conservation and Recovery Act (RCRA).

The catastrophic ash release at the TVA Kingston fossil plant in the early morning of December 22, 2008 inundated a 300-acre portion of the Emory River, adjoining embayments and riparian areas of the Watts Bar Reservoir. The Department's immediate response was to fully participate as a team member with EPA, TVA, Tennessee Emergency Management Agency, TN Dep't of Health, and Roane County officials and first responders in the emergency response - based at the facility's Incident Command Center. Given its enormous scale, we are thankful that, remarkably, the release resulted in no loss of life or critical injury.

That being said, its impact on area residents and their supporting communities – three days before Christmas - was devastating - a fact that deepens our staff's resolve to assure that this cleanup and its environmental restoration be completed **thoroughly** and in **full compliance** with **all** applicable laws and regulations. Reflective of that resolve is the fact that by February 28th,

more than sixty of our staff members had expended more 10,000 hours working on various aspects of our response.

Our Department's five priorities have been: to assure public safety as well as public access to information; to conduct extensive sampling in all media (water, land and air); to establish an enforcement framework with clear directives to TVA; to begin the removal of ash from the Emory River; and to make our decisions with the collaboration of a broad and supporting base of scientists.

Our initial sampling priority was to determine whether public drinking water supply was safe. Daily samples were taken and reported for the closest two public water treatment facilities serving Kinston and Rockwood. All sampling results have fully met drinking water standards.

In addition, we have sampled over 100 domestic wells within a 4-mile radius of the site. We have found no groundwater contamination associated with the ash in these wells.

With respect to surface water, routine sampling has shown averages within existing water quality standards; however, maximum sample data have shown some exceedances – particularly proximate to the released ash.

The Department has collected and analyzed coal ash samples. Although results are well below the levels that would cause the ash to be characterized as a hazardous waste, it's safe and appropriate removal and final disposition has been required by the Department in its enforcement Order issued within shortly after the release.

The Department's sampling of airborne particles has also shown no exceedances of national ambient air quality standards; however, TVA's continued management of airborne particles is and will remain a high priority for the Department.

To assure that the public is kept fully informed, all sample results, as well as TVA submittals to the Department are posted to our website. TVA and EPA also host websites on which their data is posted as well as other supporting materials. Numerous community meetings have been and will continue to be held.

On January 12th, the Department issued its ORDER requiring, among other things, TVA prepare a comprehensive Corrective Action Plan (CAP); further, on February 4th, the Department joined EPA Region IV in directing TVA to provide all submittals simultaneously to both agencies for review and approval. TVA's proposed CAP has been submitted and is currently under consideration. It is on our website for public review and comment.

I cannot overstate our appreciation of EPA's participation with our agency in the oversight of the recovery. Both Region IV's Kingston Ash Spill Task Force and EPA Headquarters have provided invaluable expertise, guidance and support. We depend on and encourage EPA's continued engagement with the Kingston ash release recovery.

As I stated earlier, among our priorities has been the recognition that collaboration with other experts is essential. Important among these have been the participation of the Tennessee Department of Health and the Tennessee Wildlife Resource Agency; the US Fish and Wildlife Service; the Agency for Toxic Substances & Disease Registry (ATSDR); Oak Ridge National Laboratory and the US Corp of Engineers both in Nashville and Vicksburg as well as scientists at University of Tennessee and Vanderbilt University.

We recognize that compliance with our Order's requirement of full and complete remediation will require a major and sustained effort over an extended period. Our commitment is to work with our regulatory partners and the community to assure that that is **precisely** what happens.

Thank you – I would be happy to answer any questions and to submit any further information that may be helpful. I do request that my written statement be entered in the record.