

Congressman Lincoln Davis

*Testimony: House Transportation Subcommittee on Water Resources and Environment
March 31, 2009*

The Tennessee Valley Authority's Kingston Ash Slide: Potential Water Quality Impacts of Coal Combustion Waste Storage

Ladies and Gentlemen of the Committee, especially Chairman Oberstar and Chairwoman Johnson, I first want to thank you for holding an informational hearing on an issue that has had a huge impact on the District I represent, and for allowing me to come before the Committee today.

Kingston, Tennessee, where the ash spill occurred is on the eastern side of my Congressional District. I have the honor and pleasure of representing 10,000 of Tennessee's 40,000 square miles, and the fourth most rural Congressional District in America. I am also blessed to live within some of the most beautiful mountains, overlooks and waterways in our nation. Our valley is a blessing that supports tourism and industry in Tennessee, and is an inheritance that we are bound as good stewards to pass on to future generations.

On December 22 last year when a dike at the Tennessee Valley Authority's (TVA) Kingston Fossil Plant broke and released over a billion gallons of coal ash into the surrounding areas, it was a major setback for landowners, for our environment, for the mission of TVA and for the 8 million ratepayers who rely on TVA for low-cost service.

I have visited the site of this accident now on different occasions. Additionally, I have met with the CEO of the Tennessee Valley Authority, administrators of the Environmental Protection Agency (EPA) and our current Administration, as well as local officials and constituents who are directly affected by what has occurred. In my discussions with those involved, I have come to three conclusions. First, that the cleanup will come slowly and at great cost. Second, that the financial burden of setting this right should not fall on those who have been harmed. And third, that my constituents and the land they live on must be made whole again.

Let me repeat that: my constituents, and the land they live on, must be made whole again. When President Roosevelt established the Tennessee Valley Authority with his signature in 1933, he launched an independent agency that would help solve some of the southeast's most challenging problems. TVA reforested land, produced navigable waterways, developed fertilizer that would help reclaim eroded soils and by 1949 delivered electricity to a million people. Today they serve eight times that number.

This history is well known to my constituents and all across the Tennessee Valley. However, TVA's history, as with that of our nation, is imperfect. Last December, the public's trust was broken, but America's strength has never relied on an impossible standard of never making mistakes. Instead, it is our commitment to correct our failures

and move forward with a promise to never repeat our most egregious missteps that keeps America strong.

This is precisely what I expect of TVA. I have spoken with officials from the current Administration and from the EPA who have assured me that they will stay on the ground to oversee this cleanup until it is completed to everyone's satisfaction, and I have received a similar assurance from TVA that they have the means to make this right. I am pleased to hear from TVA that they have already purchased land and homes appraised at nearly \$20 million, and I expect that this work will continue. I understand too that TVA is currently inspecting the containment dikes at its 10 other fossil plant and has hired an independent engineering company to perform an in-depth analysis of the root cause of the ash spill. I want these findings to be made public so that ratepayers and lawmakers alike can take part in our effort to ensure that this never happens again.

As the Congressman representing the spill zone, I expect two things of TVA. First, TVA must continue working closely with the Army Corps of Engineers, the EPA, the Tennessee Department of Environment and Conservation and the local community to ensure that they are in compliance with all relevant laws. Second, they must act with complete transparency. TVA must do everything in their power to earn and regain the public's trust, including making their findings public and holding unscripted meetings with ratepayers so the voices of citizens in the spill zone can be heard.

If TVA cannot fulfill their duty to make my constituents whole, I am fully prepared as a Member of Congress to call upon our current Administration to name the EPA as the lead agency in charge of the cleanup and appoint a czar that will hold TVA accountable. In the meantime, I take the EPA on their word that they will remain in place to see the job through, and thank them for the work they do and for being here today to speak on this important issue.

As a final note, I would like to point out that the charge we have before us, first and foremost, is to see Kingston cleaned up. Undoubtedly, and as we have already seen, there are those at both ends of the political spectrum who would use this spill to push their narrowly-focused agenda for America's energy policy. Coal has been a part of America's economic engine for all the years of our industrial might, and will likely play a role alongside solar, wind and other alternative energies as we work towards a cleaner world and freedom from foreign oil. To be sure, our economic and national security depend on this. However, I would ask that as this worthwhile debate plays out, that we not let it distract from the pressing needs of the people in Kingston.

Again, I want to thank the Members of this Committee, Chairman Oberstar and Chairwoman Johnson for allowing me to be here today. There is plenty of work yet undone to restore the site at Kingston, and still more to forge a clear path for a bright, new energy policy for America. It is my sincere hope that we will continue to discuss these issues as we are today. I have no doubt that with the efforts of committed men and women like those who have assembled here, we can see these efforts come to light.