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KINGSTON FOSSIL PLANT ASH RECOVERY PROJECT

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PUBLIC MEETING

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OCTOBER 1, 2009

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FIRST BAPTIST CHURCH, KINGSTON, TENNESSEE

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2 APPEARANCES:

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4 RANDY ELLIS, CAG

5 KATIE KLINE, TVA

6 ANDA RAY, TVA

7 STEVE MCCRACKEN, TVA

8 BRENDA TIMM, CAG

9 LEO FRANCFENSE, EPA

10 CRAIG ZELLER, EPA

11 PAUL DAVIS, TDEC

12 QUINCY STYKE, TDEC

13 LESLIE NALE, TVA

14 BRUCE ENGELBERT, FACILITATOR

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21  
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1 RANDY ELLIS: Hello. My name is

2 Randy Ellis. I'm the vice chair of the

3 Roane County Community Advisory Group. A

4 lot of you'uns may know a little about us

5 and a lot of you'uns may not. We're a

6 group formed by the community to advise

7 the TVA on the non-time critical ash

8 cleanup. Our chair, Brenda Timm, is going

9 to be in the agenda later on to discuss

10 more about our group.

11 But I just want to take the  
12 opportunity to welcome everyone here this  
13 evening. It's a pretty good turnout. This  
14 is what I deem as one of the most important  
15 steps in the ash cleanup. We have time for  
16 you, the community, to hear from the people  
17 that's involved daily in the cleanup and  
18 let them present the information and, most  
19 importantly, give you all the opportunity  
20 to have your concerns or questions  
21 addressed here today and tonight. All the  
22 agencies are going to be given the  
23 opportunity later on.

24 I do want to introduce one  
25 representative of a representative that's

5

1 here tonight. Beth Hickman. Where is Beth  
2 at? She's right over here. She's with  
3 Congressman Lincoln Davis. She's going to  
4 be here for most of the presentation. I  
5 understand she may have to slip out for

6 just a second. But I do want to, you know,  
7 like once again thank everybody for coming.  
8 And everybody here tonight is committed  
9 with all agencies, I believe, of addressing  
10 any concerns or questions you may have.

11 KATIE KLINE: Thank you, Randy.  
12 Thank you all for being here tonight. I'm  
13 Katie Kline with TVA. On behalf of EPA,  
14 TDEC and TVA, I want to thank you again for  
15 coming. We all plan to share information  
16 with you tonight about the site and the  
17 progress on the site and to answer your  
18 questions.

19 And before we go any further, I  
20 want to do a little housekeeping. There  
21 are restrooms over here if you need to use  
22 them or there are water and cookies on a  
23 table in the corner. Please feel free to  
24 get up any time during the presentation and  
25 help yourself.

2 related documents are on-line back at the  
3 outreach table. If it's something you'd  
4 like to view, you can. There are also  
5 public comment cards that you can leave  
6 here or take with you and fill out and they  
7 have a prepaid mail postage on them so you  
8 can send them back in. We also have a  
9 sign-up back there if you'd like to receive  
10 e-mail updates and please put your name on  
11 that if you would like those. We have a  
12 court reporter who will be here if you'd  
13 like to make any comments or statements to  
14 her. She will be recording all of the  
15 information presented tonight. And all of  
16 the information, the presentations that we  
17 have slides for will be on our website  
18 tomorrow and we'll share those. EPA will  
19 have those, everybody will have those on  
20 their sites.

21 All of our presenters -- as you see  
22 on the agenda, there are quite a few. But  
23 all of those presenters will take  
24 approximately 5 minutes, some less, except

25 for Craig Zeller. Craig will take probably

7

1 about 15 minutes to present some new  
2 information about the non-time critical ash  
3 recovery phase. So we want him to have a  
4 little more time. It's a lot of new  
5 information and information you will want  
6 to hear.

7 So without any further ado, we will  
8 get this program on the road. I'd like to  
9 introduce our speakers tonight. If you  
10 will stand as I say your name, that would  
11 be helpful for folks in the room. Anda  
12 Ray, senior vice president for the Office  
13 of Environment and Research for TVA and has  
14 been the executive lead on this project  
15 will speak first. Brenda Timm who is the  
16 chairman of the CAG, Community Advisory  
17 Group. Brenda is over here in the corner.  
18 Brenda will speak. Leo Francendese who is  
19 the on-scene coordinator for EPA. Leo.  
20 Craig Zeller who you will hear from also.

21 He is the non-time critical on-scene  
22 coordinator for EPA. Paul Davis, the  
23 deputy director of water pollution control  
24 for TDEC, Quincy Styke, the deputy director  
25 for the division of air pollution control

8

1 for TDEC, and then Leslie Nale, our  
2 Kingston Fossil Plant manager is also here.

3 Bruce Engelbert will facilitate our  
4 question and answer session. Bruce is with  
5 E Squared, an environmental consulting  
6 company out of Charlottesville, Virginia,  
7 and Bruce will give you more information  
8 about the Q and A session when we get to  
9 that. So I would like to first introduce  
10 Anda Ray who will begin the presentations.

11 ANDA RAY: Mine is going to be  
12 really short. I just have two slides  
13 because we want to get to the Q and A so  
14 you can get your questions answered. There  
15 we go. The two slides, highlights and hard  
16 spots. Let's start with the highlights. I

17 think you're all aware we've got 1 million  
18 cubic yards out of the river out of the  
19 total of 3 million cubic yards in the  
20 river. There's actually 1.2 million out.  
21 And of that, we have half of that that has  
22 gone off site. So that's a big milestone  
23 for us to say that we can continue to get  
24 that out of the river.

25 We've talked a lot about the water

9

1 and air quality measurements with 100 --  
2 over 100,000 air measurements and thousands  
3 and thousands of water measurements. We  
4 focus on those because those are the most  
5 -- the impact, the potential impact to the  
6 environment and public health, so we want  
7 to continue to monitor those.

8 The dredging process continues. We  
9 had some lessons learned. When one goes  
10 down, what happens? When your car doesn't  
11 work, what happens? You don't go anywhere.  
12 So we had to get some backup dredges. So

13 now we've got a big 20-inch dredge, the  
14 16-inch dredge, and two backups for 14.  
15 Something goes down, we keep dredging.

16 You're going to hear a lot from  
17 Craig Zeller on what happens after you get  
18 the 3 million out of the river. You're not  
19 done. You've still got another 2.5, TVA,  
20 EPA and TDEC. So he's going to talk about  
21 what happens to that 2.4.

22 The Perry County disposal is going  
23 smoothly. Over half a million yards of  
24 that is going down there. The operations  
25 are going very well. The ORAU health

10

1 assessments, you've read about those, are  
2 underway. Over 220 people have signed up.  
3 The assessments are beginning and they're  
4 getting their reports back within a week.  
5 Again, I remind you, TVA, TDEC, EPA, nobody  
6 gets any of the personal results. Only  
7 after they have a significant sampling --  
8 sample where you cannot identify

9 individuals will the public be made known  
10 of trends, as will we at the same time.

11 Community involvement plan and a  
12 technical assistance plan have been  
13 submitted to EPA and will soon be out for  
14 public comment on those. And I hope that  
15 you all take the opportunity to look at  
16 that. You read in the news last week about  
17 the Roane County Economic Development  
18 Foundation that was set up. First we  
19 addressed the most immediate needs, people  
20 whose homes were impacted, personal  
21 residence, personal property. We have also  
22 settled several claims on business  
23 interruptions, people who could not  
24 continue to do business because of the ash  
25 spill.

11

1 And then this is the one that  
2 addresses all the citizens of Roane  
3 County, what can we do to help begin to  
4 restore the reputation so that through

5 economic development, schools, arts,  
6 conference centers, getting the roads  
7 up, getting sewers up so you can have  
8 better development of your homes that  
9 are prioritized by the elected officials  
10 in your commission and municipalities.  
11 That \$43 million is now going to Roane  
12 County.

13 The Community Action Group is  
14 established. That's a group that will be  
15 able to interface more directly with you  
16 and TVA and help provide information and  
17 interpret what's going on at the site as an  
18 independent public entity. And then, of  
19 course, always health and safety for our  
20 workers and for the public is a top  
21 priority. We continue to monitor both on  
22 site because our workers are working right  
23 in the ash. We know that. I go home every  
24 day, I check my boots, you know, I check  
25 the van, we get them washed. We want to

1 make sure that our workers are safe.

2 But now the hard spots. But you  
3 guys could do this slide better than I do.  
4 Rain is slowing the dredging and  
5 processing. Why is that? Well, first of  
6 all, it's dangerous to be out there in high  
7 flows. Second is we have to dry the ash  
8 before we can ship it and we're pulling it  
9 out of the river and that makes it wet. So  
10 when you get the rain on top of where we're  
11 processing, it increases not only the  
12 weight but the wetness and we have to wait  
13 longer and that slows the process down.

14 In addition, if you've all been out  
15 there lately, with all the rains that come  
16 increasing the flows, it drags up the  
17 sediments and so it's - some of it -- if it  
18 looks like coffee, it's the river sediment.  
19 If it looks like gray, it's the ash. And  
20 so you're getting sometimes a mixture of  
21 that. So with the rains and the increased  
22 dredging, you know, the more we're  
23 successful and we get that dredge out of

24 there and we hit rock bottom, well, it's  
25 not rock, it's clay. Then the clay comes

13

1 up. The clay does not settle out as fast  
2 as the ash and so you get a lot of  
3 turbidity there. We get it in the river  
4 and in the dredge.

5 We still have to meet our limits on  
6 turbidity and obviously the river sediments  
7 when they come up. So we're now getting to  
8 the point where we have cut 150-foot wide  
9 swath through the ash to give you a --  
10 there's a channel through for the  
11 navigation channel. It's not open to the  
12 public, but at least the river can flow.

13 The on-site rail transportation  
14 impacts on the public. For those of you  
15 that don't go by there, we're causing some  
16 issues. We know that. The trains are 110  
17 cars long. You have to stack them up 20  
18 cars at a time, so you've got to cross the  
19 road almost 23 times a day to line these

20 cars up and then when the train finally  
21 leaves, it's a 110-car train, that's a big  
22 train. We're looking at alternatives  
23 without slowing down the off-site disposal  
24 process. You know, can we reroute this?  
25 What can we do? We know it's a problem and

14

1 it's not making anybody happy, you, the  
2 people that live near that area.

3 Meeting the communication  
4 expectations of the CAG, the Community  
5 Action Group, and the public. The  
6 Community Action Group has been in place  
7 for just a short while, but they are very  
8 active and their expectations not on just  
9 timeliness but on what you give us. We  
10 want more information than you normally  
11 would expect to give TVA and the public  
12 expects that. We're having to work on  
13 those expectations. We don't always meet  
14 them, but we are going to try. So we've  
15 got to get those expectations down.



12 perfect answer doesn't mean we stay silent  
13 for two weeks.

14 The trust among the public.  
15 Because of the issues above and because  
16 we're the ones that own and caused the ash  
17 spill, we recognize there's a trust issue.  
18 It's going to take a lot of time. How our  
19 actions are going to have to demonstrate  
20 that we care and build that trust. Words  
21 are not going to do that. But we're going  
22 to continue to work on that. We know it's  
23 an issue.

24 We know that there's concerns over  
25 diminished property value, that if you

16

1 can't get a loan on your mortgage, if  
2 people don't want to buy your house, then  
3 you feel that your property is diminished  
4 and there's a lot of concerns over that.  
5 All I can say right now is TVA is going to  
6 recover this area, we're going to work on  
7 the economic development, we're going to

8 work to make people want to live here and  
9 pay the prices that were pre-market spill.  
10 So we're going to work on that. But we  
11 know that that's a major issue and there's  
12 timing issue with people with personal  
13 problems that need to move and they can't  
14 wait for the market to come back. We  
15 understand.

16 Raised sensitivity on the entire  
17 Kingston site. This one -- have you ever  
18 been hit in the back of the head with a  
19 snowball you didn't see coming? We've been  
20 focused on the recovery of the ash out of  
21 the river, but a lot of good things go on  
22 at that site and a lot of things go on at  
23 that site. There's a plant that's  
24 operating to provide all of you  
25 electricity, there's a wet to dry

17

1 conversion so we don't have a wet ash pond  
2 anymore, there's a scrubber so that the air  
3 that you breathe is cleaner, there's

4 looking at the impoundments to make sure  
5 that everything else is safe. Multiple  
6 projects.

7 And for you, you don't care which  
8 one it is because it might affect you if  
9 you live here. And so we're now having to  
10 work to say, let's look at the entire site  
11 activities and how it affects you. And  
12 then obviously that came to light for us on  
13 the Kingston stack test burn issue where we  
14 had some releases. You'll hear a little  
15 bit more about that later where they'll  
16 explain what it is that they saw and why we  
17 even have a test burn to begin with. So  
18 regardless that that was not part of the  
19 recovery project, we know that it affects  
20 you.

21 So that's the highlights and hard  
22 spots as we see them right now. I did want  
23 to introduce to you, we have a new,  
24 effective immediately, he's been on the job  
25 for three days, a general manager of the

1 Kingston recovery project is Steve  
2 McCracken. He's had many, many years at  
3 DOE working and directing multi-billion  
4 dollar cleanup projects. And he is a  
5 native of Oak Ridge, so we were very  
6 fortunate to get him. Steve, did you want  
7 to say anything?

8 STEVE MCCRACKEN: Sure. I'll stand  
9 up here so you can see me. Thank you,  
10 Anda. Actually, I've been here for three  
11 and a half days so. You know, that's a  
12 high percentage increase. But most of you  
13 I -- some of you I know. Most of you I  
14 don't know. I hope that over time that we  
15 get to know one another. In the three and  
16 a half days that I have been at the spill  
17 site, my observation is that there's a lot  
18 of good work going on, there's a lot of  
19 good people doing that work. And my  
20 commitment to you in working out there is  
21 to be visible, be available, be candid, and  
22 quickly respond to issues and concerns

23           which I know has been a sore point up until  
24           now. I really want to work hard to try to  
25           repair that.

19

1                   The Citizens Action Group, the CAG,  
2           is newly formed. I really look forward to  
3           working with them because I know that they  
4           are a very important link to the community,  
5           both ways. So I will work hard to -- with  
6           them. But, anyway, I really appreciate  
7           Anda and TVA's confidence in letting me  
8           take this job on and I hope that over time  
9           we'll get to know each other. I know that  
10          over time we'll finish this job and to your  
11          satisfaction. Thank you.

12                   KATIE KLINE: Thank you, Steve.  
13          Brenda.

14                   BRENDA TIMM: Hi. I know I've met  
15          a lot of you at a lot of different meetings  
16          and I'm happy to say that we've grown --  
17          we've formed the Community Advisory Group.  
18          New at this. Sorry. But the -- we were

19 formed out of all the different groups that  
20 formed due to this disaster. There was  
21 different community groups that formed.  
22 They're all represented in this CAG and as  
23 well as members at large.

24 I want to let you all know that  
25 we're all here for you. We are independent

20

1 of EPA. We're independent of TVA. We are  
2 a group that's here for you. We're  
3 interested in taking what you have to say  
4 and, you know, making -- bringing that back  
5 to the table so that we do have that  
6 communication both ways that Steve was  
7 talking about.

8 I want to let you know that we're  
9 going to be holding public meetings and  
10 they will be open to everyone to come and  
11 we're interested in what you guys have to  
12 say. So I'm going to let you -- I'm going  
13 to give you all the names of everyone  
14 that's on the group and if you know

15 someone, that could be your immediate  
16 contact person. Or if you don't know  
17 anyone, then we have a table back here,  
18 come back and meet us. We're interested in  
19 knowing all of you.

20 I am the chair for the CAG, Randy  
21 Ellis -- if you guys will just raise your  
22 hand wherever you're at -- is our vice  
23 chair, Penny Dodson is our secretary, Jill  
24 Murphy is our treasurer, and our other  
25 members are Donna Campbell, Donna Carlyle,

21

1 Peggy Blanchard, Rick Cantrell, Steve  
2 Scarborough, Scott Boyes, Pat Hart, Cathy  
3 Willis, Andy Avel, Joni Morgan, and Don  
4 Simon. We look forward to meeting you.

5 Also, I just want to let you  
6 know that we do have a website. It's  
7 roanecag.org and we have it set up in the  
8 back of the room. We welcome everyone to  
9 come back and look at it. Or if you don't  
10 have time to do that tonight, if you do it

11 in your pleasure. There is a tab there  
12 where you can sign up and we will send you  
13 notifications of things that we have going  
14 on. There's also a place for questions if  
15 you want to submit them to us that way. So  
16 thank you.

17 KATIE KLINE: Leo.

18 LEO FRANCFENDESE: Hi, I'm Leo  
19 Francendese. I'm with the EPA. I have  
20 been here since May. I've kind of lost  
21 count of the months. I think it's five  
22 months. Craig is my partner. We not only  
23 kind of look alike, but we have a similar  
24 kind of -- we measure our success to the  
25 degree that the project moves along as

22

1 quickly as possible with the maximum amount  
2 of public participation that we can enable.

3 I wholeheartedly think that TVA is  
4 on the right track to meet this spring 2010  
5 schedule. I set a goal a while back of  
6 15,000 yards per day removal from east of

7 Dike 2. Dike 2 is a nebulous term. The  
8 stuff that's in the river, 15,000 yards a  
9 day gets me done by spring 2010, out of the  
10 river.

11 Just, you know, we try all kinds  
12 of ways to measure what we do, test  
13 information up, down, sideways. This is  
14 just a complicated chart that -- it's  
15 broken in phases. The green line is prior  
16 to when EPA, TVA, and TDEC all got together  
17 to do this together under an order and we  
18 went through about a month of reviewing and  
19 approving really basic work plans. Then we  
20 tried to test ourselves to see what we were  
21 capable of. And you'll see that orange  
22 line there is 15,000 cubic yards a day. We  
23 demonstrated to ourselves that we can do  
24 that. After we figured that out, we then  
25 took about a three-week period and did some

23

1 construction improvements and ditches that  
2 were not stable to be able to handle that

3 type of productivity and then this is since  
4 we hired the new dredging contractor.

5 Removal of the ash out of the river  
6 is a combination of dredging and also  
7 excavation. There's two functions and two  
8 techniques and together they get us to that  
9 average. We're currently averaging 14,300  
10 cubic yards a day, workdays. It's not  
11 15,000. If we got to 15,000, I'd be  
12 relatively content. I'd still like to see  
13 how much better we can do. It's just Craig  
14 and I's general nature. But we are on  
15 target to get it out by spring 2010.

16 Oh. Wait. It's too much  
17 information for a public meeting, but  
18 there's a great website. Go to it. It's  
19 detailed down to when things break. Anda  
20 spoke about standby dredges that we've  
21 brought on site. Well, we have standby  
22 parts. Sometimes I think we have standby  
23 people waiting to put on standby parts.  
24 But there's a complete and utter commitment  
25 to not miss productivity. People get it.

1           They got it. I have tremendous confidence  
2           that spring 2010 it will be out of the  
3           river.

4                     The next one is that one. Yeah.  
5           Simpler graph. Simpler graph. 3 million  
6           yards up there. 3 million -- sorry. 3  
7           million yards right there. That's us right  
8           there, the blue line. That will get us  
9           done in spring 2010. It's as simple as  
10          that. I can't present it more clearly,  
11          succinctly. We've removed 1.2 million  
12          yards. We have 1.8 to go. All right. And  
13          I'll pass that on to Craig.

14                    CRAIG ZELLER: I'll take this out.  
15          I like to walk around a little bit. Good  
16          evening. Thanks for coming. Again, my  
17          name is Craig Zeller. I'm a project  
18          manager out of the EPA office in Atlanta.  
19          As Leo mentioned, I'm kind of -- I'm his  
20          kind of -- Leo's kind of a short-term guy.  
21          I'm kind of a long-term guy. I kind of

22 want to make it the mid-term guy. When I  
23 say long-term, I know you folks want this  
24 thing cleaned up. So we're going to -- as  
25 Leo mentioned, we're doing our very best we

25

1 can to kind of keep the time critical going  
2 and I'm starting to work on now everything  
3 that's west of Dike 2. So I'm going to go  
4 through -- kind of go through the next  
5 phase of this cleanup.

6 We're at a point now where we can  
7 look forward. We've been working here for  
8 the last, you know, several months. I'm  
9 trying to get the production rate up to get  
10 the ash out of the river. My job has been  
11 to kind of start planning and involving the  
12 community in the next step of this process.

13 A couple of bullets there in the  
14 time critical. I won't reiterate that in  
15 the interest of time, but we're over a  
16 million cubic yards. As Leo mentioned, the  
17 anticipated dredging completion is -- the

18 most optimistic we're talking about now is  
19 March of 2010 being done. The least  
20 optimistic is in May of 2010.

21 It's important to note that once  
22 the ash is out of the river, there's going  
23 to be a lot of it stockpiled on site.  
24 There could be as much as 500, 600,000,  
25 700,000 cubic yards of ash still

26

1 stockpiled, time critical ash, from the  
2 river stockpiled on site that has to get  
3 loaded on trains and taken down to Perry  
4 County, Alabama, for disposal.

5 Because of some of the  
6 transportation issues, the off-site  
7 disposal -- we can get more ash out of the  
8 river on a daily basis than we can get it  
9 to the Perry County landfill. So that's  
10 been kind of our pinch point that we're  
11 trying to work through. I wanted to let  
12 you know that just because time critical  
13 ash is out of the river, there will still

14 be some lingering action associated with  
15 off-site disposal.

16 So the time critical action that  
17 I'm in charge of coordinating and  
18 communicating all the response and the  
19 activities with focuses on the 2.5 million  
20 cubic yards of coal ash that is west of  
21 Dike 2. This is the ash that's in the  
22 embayments, the Swan Pond embayment,  
23 Berkshire slough, the stuff that was in  
24 Church slough. This is all west of Dike 2  
25 and I'll show you a picture of that in a

27

1 second.

2 I'm also in charge of dealing with  
3 any residual ash that is left in the river,  
4 the Emory River, the Clinch River, and the  
5 Tennessee River, after the time critical is  
6 done. All right. The goal of the time  
7 critical is the maximized removal of ash.  
8 We're going after all the volume we can  
9 get.

10                   Because of the technology and  
11                   because we're using cutter head dredges and  
12                   there's -- we can't get every last grain.  
13                   Okay. So we're going to be leading studies  
14                   into investigations and assessments and  
15                   risks of what any residual ash, what kind  
16                   of risk that could cause, and we'll be  
17                   evaluating any additional remedies that may  
18                   be warranted to address residual ash.

19                   Next slide, please. For those who  
20                   don't know, I'll show it here on both  
21                   slides. Dike 2 sits right about there. On  
22                   this side Dike 2 kind of comes through  
23                   here. It has got a fancy name, but it's  
24                   really a rock road. And that is a little  
25                   containment measure, to put that down when

28

1                   the accident happened. It was to put that  
2                   containment measure in there to keep any  
3                   more ash from getting mobilized into the  
4                   river. Okay. Everything west of Dike 2, I  
5                   might add, what's been done in the interim,

6 is that there's been a clean water  
7 diversion ditch installed through these  
8 embayments and sloughs to make sure that  
9 water, as it comes down Berkshire slough,  
10 does not flow over ash but flows over clean  
11 dirt so we can minimize any more ash that  
12 is transported to river.

13 Next slide, please. So in this  
14 removal action, AOC, that TVA entered into  
15 EPA with back in May, this is -- these are  
16 the requirements of the non-time critical  
17 removal action. This is what I'm supposed  
18 to do, make sure that it's completed. It  
19 called for an engineering evaluation, cost  
20 analysis work plan within 90 days of the  
21 order. Okay. That was submitted in  
22 accordance with the order by TVA to me on  
23 August 10th.

24 All right. What it calls for, what  
25 this engineering evaluation analysis calls

29

1 for is a comprehensive environmental

2 sampling and risk assessment program. All  
3 right. We're going to quantify human  
4 health risks and we're also going to  
5 quantify what the ecological risks are  
6 imposed by ash in the river.

7 The work plan will then look at a  
8 range of alternatives to address this  
9 material, this 2.5 million cubic yards of  
10 ash west of Dike 2 and then we will  
11 implement those selected removal actions  
12 after we have time for a public comment  
13 period and to get your input on what we are  
14 proposing to do.

15 It also talks about a  
16 jurisdictional assessment to comply with  
17 Section 404 B of the Clean Water Act. It  
18 talks -- this jurisdictional assessment,  
19 the goal of this is to restore those waters  
20 to the functional level in a pre-spill  
21 condition, okay, to restore it to what it  
22 looked like on December 21st before the  
23 accident happened and then to assess and  
24 remove that ash in these embayments and

25 sloughs and flood plains and then restore

30

1 and provide for any compensatory mitigation  
2 for any short-term or long-term loss of  
3 natural resources because of the spill.

4 Okay. Now, the implementation of  
5 the non-time critical actions. You heard  
6 Leo said that we're going to be done with  
7 the ash out of the river phase this spring.  
8 All right. And keeping kind of along the  
9 line of the smooth transition, we realize  
10 it's not acceptable -- it's not acceptable  
11 to us and we know it's not going to be  
12 acceptable to you, that when the time  
13 critical removal action ends to come back  
14 up here on the stage and say, well, we  
15 don't know what happens next. We're going  
16 to study it some more and we'll get back to  
17 you. We know that's not an acceptable  
18 answer.

19 So I've got to have something ready  
20 that's through public comment, that's been

21 vetted and that has been approved and  
22 accepted, something ready to do. The next  
23 phase needs to be ready this spring. Okay.  
24 That's the whole show we're ready thing.  
25 So I need to have and my goal here -- and

31

1 we're going to start talking about this  
2 today. I had this conversation with the  
3 CAG last Thursday. My goal is to have a  
4 2.5 -- a remedy for this 2.5 million cubic  
5 yards of ash west of Dike 2 ready when that  
6 time comes in the spring.

7 The reason we're doing that is  
8 that, you know, it's kind of the no-brainer  
9 of the day. 2.5 million cubic yards of  
10 ash in what was formerly waters of the U.S.  
11 and state is not really a good thing. How  
12 much more chemical data do we need? We  
13 don't need much. How much more risk data  
14 do we need to determine that an action is  
15 needed? Not much. We can all conclude  
16 that, you know, we need to do something

17 about that.

18 We do have to have some more, say,  
19 engineering concepts to help evaluate  
20 remedial options and to help start sorting  
21 out cost estimates for these ranges, but  
22 it's really not chemical or risk dependent.  
23 Whereas the river is. The river is -- it's  
24 an aquatic system. It's a little bit  
25 complex. It's big. The dredging is not

32

1 completed yet, so I really don't know what  
2 kind of residual ash I'm going to be left  
3 with, all right, to assess and to study.

4 In addition to some of the other  
5 data requirements, we are also building a  
6 two-dimensional sediment transport model.  
7 The Engineering Research and Development  
8 Center at the Corps of Engineers facility  
9 in Vicksburg, Mississippi, will be running  
10 this and this is two-dimensional, so it  
11 looks at it on the X and Y axis. What this  
12 is going to do is predict the fate and

13 transport of sediment and fly ash that's  
14 left over in the system after the dredging  
15 is done. Okay. That's going to kind of  
16 predict to you and to me where the  
17 depositional areas are, where is the ash  
18 potentially eroding and then maybe be  
19 susceptible to downstream migration.

20 We realize that there's a lot of  
21 data to look at, fish health, fish  
22 bioaccumulation, mussel data, birds, frogs,  
23 all that kind of stuff. All that data  
24 takes time. All right. I'm not likely  
25 going to have -- because the dredging is

33

1 not done and because of this other stuff  
2 I'm not going to be ready for an Emory  
3 River decision in the spring because it's  
4 data dependent.

5 So what we're here today to talk  
6 about is that we're kind of proposing to  
7 split this non-time critical into two  
8 different phases. The immediate phase that

9 I'll be ready for in the spring is to deal  
10 with the 2.5 million cubic yards of ash  
11 west of Dike 2 and then the subsequent  
12 action after that sometime probably in  
13 2011, we'll be ready to start talking about  
14 what any additional follow-up actions are  
15 for the Emory, Clinch, and Tennessee River  
16 systems.

17 Next slide, please. Okay.

18 Implementation. I've talked a little bit  
19 about this. The work plan was -- did come  
20 in in accordance with the deadline and the  
21 order came in on August 10th. We have  
22 conducted -- we being EPA, State of  
23 Tennessee, Tennessee Department of Health  
24 and a suite of other state and Federal  
25 regulators, the U.S. Fish and Wildlife

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1 Service among others -- have provided  
2 regulatory comments on that work plan.  
3 TVA has submitted their responses of how  
4 they propose to address our concerns in the

5 draft work plan. They submitted that just  
6 last week. I hope to have this work plan  
7 out for your public review and it will be  
8 on our web page. We'll do at least a  
9 30-day comment period, perhaps another 60  
10 -- out to 60 if you need the time. And  
11 this will be your first time to see what's  
12 in the EE/CA work plan and it will give  
13 you an opportunity to provide us what you  
14 think about the EE/CA work plan. Is it  
15 sufficient? What do you like about it?  
16 What you don't like.

17 So you're not going to be surprised  
18 by it. You know, I'm telling you right now  
19 it's coming out. I hope to have it out by  
20 middle of October. We'll make that --  
21 through our community relations coordinator  
22 we'll make that -- the distribution of that  
23 very widespread knowledge. Okay.

24 So what are you going to see in the  
25 EE/CA work plan? This is kind of like a

1 little sneak peek. All right. I'll give  
2 you kind of -- we're not trying to keep any  
3 secrets here. I want to be open and honest  
4 in what we're going to propose in there.  
5 It's that right now we have -- unlike the  
6 time critical action where we said we're  
7 going to dredge and we're going off site,  
8 we have some time to evaluate alternatives.  
9 So the public is going to have an  
10 opportunity to evaluate a range of  
11 alternatives, okay, that addresses this  
12 2.5 million cubic yards of ash. It won't  
13 just be, hey, here is what we're going to.  
14 We're going to want to look at a range and  
15 give you all an opportunity to select what  
16 you think is the preferred alternative.

17 I'm going to talk about those three  
18 alternatives in a second. What all three  
19 of them have in common. Okay. All the  
20 common elements is all three of these  
21 restore all the embayments and sloughs, the  
22 Berkshire slough, the Swan Pond embayment,  
23 et cetera, to prespill conditions. All

24 right. And why are we doing that? We're  
25 doing that to address this jurisdictional

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1 assessment of the Clean Water Act, all  
2 right, get the ash out of the waters of the  
3 U.S. and State.

4 All three remedies also involve  
5 formal closure of the failed dredge cells.  
6 There's four cells out there. Cells 1, 2  
7 and 3 were the ones that kind of slipped  
8 into the embayment on December 22. Cell 4  
9 is called this lateral expansion. Okay.  
10 It comes down to the west a ways. So it  
11 does involve closure of the failed dredge  
12 cell in accordance with our requirements  
13 and in accordance with our partners at the  
14 State.

15 It also involves a kind of a  
16 concurrent natural resource damage  
17 assessment process. The EPA is going to  
18 come in here and we're going to select a  
19 remedy that is protective of human health

20 and the environment. Well, this ash has  
21 caused some potential short-term impacts.  
22 An example of short-term impacts is there  
23 was bugs and bunnies physically buried  
24 under 30-foot of ash when this thing  
25 failed. So there's some short-term loss of

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1 natural resource there that needs to be  
2 assessed and compensated for and there may  
3 be some long-term risks that need to be  
4 accounted for. All right. So that natural  
5 resource damage assessment process, it's  
6 kind of that last little step to make  
7 everything whole. Okay. After the EPA  
8 remedy is selected, that kind of pulls  
9 everything back together. Okay.

10 Now, what makes the alternatives  
11 different? That's what makes them the  
12 same. What makes them different is that  
13 really by the amount of coal ash that is  
14 disposed of off site versus on site. I'll  
15 get into this in a second. What the river

16 is going to do -- I mentioned to you we're  
17 kind of taking the longer term, let's study  
18 this and let's assess this a little more  
19 thoroughly. In the work plan you're going  
20 to see a discussion of a sampling and  
21 analysis plan for the river.

22 I had a meeting today with all my  
23 kind of internal stakeholders that are  
24 interested in fish and interested in  
25 mammals and we're developing a sampling and

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1 analysis plan that is going to  
2 systematically address those potential  
3 impacts. That's a little on the slower  
4 track. You probably won't see -- the  
5 sampling and analysis plan for the river  
6 will also be out for public comment, but  
7 this will be kind of the second thing. The  
8 first thing you'll see is the EE/CA work  
9 plan that will be out in a week or two.  
10 The sampling and analysis plan for the  
11 river, probably looking at more towards the

12 end of the year. We're talking about data  
13 collection in the spring, okay, to take  
14 advantage of some of that weather.

15 So here is the three alternatives.  
16 Before I get into the details, let me say a  
17 couple of things. These are all draft.  
18 Okay. EPA hasn't decided this is it. If  
19 there's ever -- you know, if you don't like  
20 these alternatives and you like something  
21 else, let us know. That's the reason why  
22 we're going to open this up for a public  
23 comment period. This is what we think are  
24 the best options, but we're not the only  
25 one that matters in this room. We

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1 understand that. So, again, these are all  
2 draft and these are all conceptual and  
3 these are all subject to change. All  
4 right. These are what we think right now  
5 with the available information, what we  
6 think are the best -- our best chances.

7 I might add that these alternatives

8 have been screened. Okay. We looked at  
9 probably upwards of ten alternatives before  
10 we wanted to come up here and be brave  
11 enough to propose these alternatives to  
12 you. One alternative of note that has been  
13 screened, in the draft EE/CA that we  
14 commented on, there was a fourth  
15 alternative. It was kind of the limited  
16 alternative. It's often referred to in the  
17 CERCLA world as the no action alternative.

18 This alternative that we asked to  
19 be screened, with TDEC let it be screened  
20 as well, was basically leaving the ash in  
21 the embayments and sloughs, kind of as-is  
22 condition, doing some grading, do some  
23 rounding off, do some smoothing out, grade  
24 it for positive drainage, bring in some  
25 dirt, cover it up and grass it. Okay.

40

1 Now, we thought that because of what we've  
2 come to understand is there's been some  
3 very upset people in this room as a result

4 of December 22nd spill. We didn't think  
5 that the people in this room and in this  
6 community would want to see the no action  
7 alternative. We thought that might cause a  
8 lot of anxiousness and anxiety.

9 So we kind of tried to take the  
10 proactive response instead of trying to  
11 address a lot of negative comments on that.  
12 We could kind of hear the comments like,  
13 oh, my god, EPA, you're proposing to leave  
14 ash in place. That's crazy. So in order  
15 to avoid that, we have screened it. Now, I  
16 did hear at the CAG meeting on Thursday  
17 that there was some interest in at least  
18 retaining that for evaluation. And if  
19 that's the consensus of this community and  
20 the CAG is kind of leaning that way, we  
21 will certainly add the no action or the  
22 limited action back in there.

23 Again, what I'm going to say is  
24 that these three alternatives are not --  
25 you know, there may be others out there

1           that we haven't heard or thought of and if  
2           you guys have got better ideas, we'd like  
3           to hear them. So with all that caveat, let  
4           me just kind of talk briefly about what  
5           these three alternatives are in concept.

6                         Alternative 1 is excavation of 2.5  
7           million cubic yards of ash, all right, the  
8           ash that's west of Dike 2 in the embayments  
9           and sloughs and then disposal of that off  
10          site. Now, we haven't specified what the  
11         off site is yet. Certainly Perry County is  
12         an option, but it's not our only option.  
13         We will be evaluating as part of this other  
14         off-site disposal options provided they  
15         comply with our order. Okay.

16                        Right now that order in there in  
17          one of those paragraphs talks about  
18          disposal alternatives that must be approved  
19          by EPA and TDEC. Okay. So there is an  
20          opportunity for an on-site option and I'll  
21          talk about that in Alternative 3. What it  
22          does then is restores the embayments and

23 sloughs to prespill conditions and all  
24 that's failed, that closed out dredge cell.

25 An important point here is that

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1 some improvement to the perimeter dikes  
2 will be needed to contain this material.  
3 All right. Once we scoop out the material  
4 out of the river, there's going to have to  
5 be some exterior walls, if you will, that  
6 are -- the last ones failed, of course, so  
7 the new ones have to be a little more  
8 robust so they don't fail again. So  
9 there's going to have to be some perimeter  
10 diking and improvements to that to make  
11 sure that when we close this thing out,  
12 it's closed out for good and we don't have  
13 another failure.

14 One thing that I failed to mention  
15 that all three of these alternatives have  
16 in common is long-term monitoring. All  
17 right. We're going to -- there is a -- you  
18 know, we can see the end of this job, you

19 know, in our future. We're going to be  
20 working hard to speed it up as quickly as  
21 we can. But just because the ash is out of  
22 the river does not mean there's no more  
23 monitoring. All right. We're going to be  
24 monitoring ground water out there in that  
25 cell for a while. There's probably going

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1 to be Emory River system monitoring for a  
2 while. So we want to make sure we get the  
3 ash out, but then we want to make sure that  
4 the river remains protected over the long-  
5 term. So there will be a long-term  
6 monitoring program to make sure that  
7 whatever we implement out there is  
8 protected in the long-term.

9 Alternative 1, I might add, the  
10 concept of time in Alternative 1 is this:  
11 is that all the ash that was released on  
12 December 22nd is taken off site. Okay.  
13 You know the 3 million is going off site,  
14 right, for the time critical. This would

15 involve the other 2.5 million to make the  
16 balance of the 5.5, 5.4, this would require  
17 implementation of time critical and  
18 implementation of Alternative 1. Then that  
19 result would be all ash that was released  
20 is taken off site for disposal. That's the  
21 concept of time Alt 1 here.

22 Alt 2 is excavation of 6 million  
23 cubic yards of ash with off-site disposal.  
24 Where does the 6 million come from? The 6  
25 million comes from 2.5 million west of Dike

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1 2 and 3.5 million that's in the cell now.  
2 Okay. So under Alternative 2 you have less  
3 reliance on perimeter dikes because this  
4 failed dredge cell is closed out nearer  
5 ground surface. Okay. That additional 3.5  
6 million is scalped off the top and it's  
7 close out at a much lower surface elevation  
8 closer to the existing ground surface and  
9 all 6 million is taken off site. Again,  
10 off site is still nebulous. We haven't

11 defined what that is. That will be ironed  
12 out and will be specified in detail as we  
13 proceed from here. Again, long-term  
14 monitoring.

15 Alternative 3. The difference  
16 between Alternative 3 and Alternatives 1  
17 and 2 is Alternative 3 involves on-site  
18 disposal. Okay. It involves scraping out  
19 the 2.5 million from the embayments and  
20 sloughs to prespill conditions and then  
21 placing that 2.5 million back in the failed  
22 dredge cell.

23 Now, this is also going to require  
24 -- this is not just little improvements to  
25 the alternative or to the dike system.

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1 It's going to call for, it says right  
2 there, major improvements. Some of the  
3 improvements that we're talking about on  
4 these perimeter dikes may involve cement  
5 stabilization down to bedrock. Okay. A  
6 big wall to keep this stuff contained and

7 so it doesn't fail in the future. Okay.

8 So Alternative 2 involves closure  
9 of the dike at -- or the cell at the lowest  
10 elevation, Alternative 1 is slightly higher  
11 than that, Alternative 3 is slightly higher  
12 than that. All three alternatives will  
13 result in closure of that failed dredge  
14 cell out at a much lower elevation than it  
15 is now. All right. We will have all those  
16 specifications for you as far as final  
17 elevations, but I wanted to point out all  
18 three will result in the elevation of that  
19 thing coming down a little bit. Okay.

20 Fast forward, where we go from  
21 here, I'll turn it over to the other  
22 speakers so we have time for plenty of  
23 Q and A. We had the CAG meeting. First  
24 time I met -- had the privilege of meeting  
25 that group on Thursday. We're going to

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1 have a lot of time to work together and I'm  
2 looking forward to that opportunity. Of

3 course, we're at the public meeting today  
4 on the 1st. There's a long-term recovery  
5 meeting next week that I plan to attend, as  
6 well as probably some others.

7 As I mentioned earlier, the EE/CA  
8 work plan is going to be out for your  
9 review by early or mid October and this  
10 EE/CA report that talks about and will  
11 start flushing out the details of these  
12 three alternatives will be available by  
13 early 2010. The plan here is to have this  
14 document out on the street with enough time  
15 to do meaningful public comment, you know,  
16 revise our approach as warranted based on  
17 that public comment and have something  
18 ready to go by early 2010.

19 And then another thing that's on  
20 our horizon with TDEC is that there needs  
21 to be a short- and long-term ash management  
22 plan. What I mentioned is that when we're  
23 done with this non-time critical, the  
24 failed dredge cell will be closed out.  
25 Okay. So it won't be available for any

1 more ash disposal. Okay. It will be  
2 closed.

3 Eventually you know the plan is to  
4 switch from the wet to the dry. So between  
5 -- before they get to the dry stage,  
6 there's going to have to be ash -- ash is  
7 going to have to go someplace, okay, and  
8 that's what the short- and long-term ash  
9 management plan is we'll talk about. And  
10 like everything else we've talked about  
11 today, that will be out for public comment,  
12 as well, once we get a chance to look at  
13 it. So thank you for your time. I'll be  
14 around for questions afterwards.

15 KATIE KLINE: I believe next up is  
16 Paul Davis. And, Paul, I have to get my  
17 notes. I apologize. I believe I may have  
18 deputized you tonight. You are the  
19 director of the Division of Water Pollution  
20 Control, not the deputy director. My  
21 sincere apologies.

22                   PAUL DAVIS: Thank you, Katie.  
23                   Thanks, Katie. Good evening. I'd like to  
24                   start this evening I think by introducing  
25                   another person from TVA. Barbara Scott is

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1                   in the corner. Barbara, would you raise  
2                   your hand? Barbara is TDEC's on-scene  
3                   coordinator. Now, the Department has a  
4                   number of people who work a lot on this  
5                   project, but Barbara works continuously on  
6                   the project. This is her absolute  
7                   full-time job and she has been in this  
8                   position, what, Barbara, since late May or  
9                   early June. And before she came with the  
10                  State of Tennessee, Barbara actually had  
11                  EPA experience in response and follow-ups,  
12                  so we're really pleased to have Barbara in  
13                  that capacity. She's, of course, working  
14                  with EPA, with Leo and others. EPA is, of  
15                  course, in the leading role on the CERCLA  
16                  cleanup.

17                  I think my main message for the

18 evening is going to be to repeat TDEC's  
19 full expectation for a complete and  
20 expedient removal of solid waste from our  
21 waters and restoration of the impact area.  
22 We set that out in January in our order  
23 that was issued. We continue. It's in our  
24 fact sheet that we're handing out in the  
25 back. We've sent a letter to TVA as

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1 recently as last week where we repeated  
2 that expectation. You've heard some  
3 mention of natural resources, damages. The  
4 department is the State's trustee for  
5 natural resource damage assessments and we  
6 have retained a national level consultant  
7 to help us conduct that assessment.

8 You heard just a bit about landfill  
9 closure. Of course that's going to be part  
10 of the CERCLA action. I'll just let you  
11 know that that will also meet Tennessee's  
12 -- need to meet Tennessee's solid waste  
13 regulations. Currently TVA has permission

14 to send, I think, 3 million yards to the  
15 approved landfill in Uniontown, Alabama.  
16 Any other shipment that's in state would  
17 have to be approved also by TDEC.

18 I'll just close by mentioning a  
19 couple of documents that I think may be of  
20 interest to members of this community and  
21 this group. EPA has a document out that's  
22 called -- they empanelled a science review  
23 panel who has done a document on -- it's  
24 titled Review of Potential Selenium Issues  
25 Following Coal Ash Spill. This is

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1 available on EPA's website.

2 Then the other research effort that  
3 I want to mention to you is one that is  
4 being wrapped up by a science team at the  
5 Engineer Research and Development Center  
6 and that's the -- that's the science arm of  
7 the U.S. Army Corps of Engineers located in  
8 Vicksburg, Mississippi. They've studied  
9 metal releases from oxidation of fly ash.

10 That's going to be out next week and I'm  
11 very pleased that three of the scientists  
12 who are authors of that document are here  
13 and I see them. Jacob, Mark and Tony,  
14 would you raise your hands? This is three  
15 of the very bright, young scientists who  
16 were involved in that effort and we very  
17 much appreciate their work.

18 Now, I think I'm going to mention  
19 that my colleague from air pollution, the  
20 director of air pollution Barry Stevens is  
21 here. Barry, where are you? Barry is in  
22 the corner. But presenting for the air  
23 pollution control will be the deputy  
24 director, Quincy Styke.

25 KATIE KLINE: Thank you, Paul. And

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1 I think Leslie Nale with our Kingston plant  
2 is going to come up and make a few remarks.  
3 We're going to sort of switch the topic at  
4 this point. We've talked about the  
5 recovery site. And as you all know, we had

6 a release at the Kingston Fossil Plant a  
7 couple of weeks ago and Leslie and Quincy  
8 are going to talk about that.

9 LESLIE NALE: Thank you. As Katie  
10 said, I'm Leslie Nale. I'm the plant  
11 manager at Kingston and have been here  
12 since May, so there's a lot of you that I  
13 don't know. But I'm here to tell you about  
14 one of the hard spots that Anda talked  
15 about. It was a test burn that we had  
16 started on September 7th. We had started  
17 test burn of higher sulphur coal at the  
18 Kingston Fossil Plant after receiving a  
19 variance from the State of Tennessee. The  
20 test burn was conducted to determine the  
21 types of coal that we could be burning  
22 after we get the new scrubber stalled. The  
23 new scrubber, of course, is being installed  
24 to reduce sulphur dioxide by 95 percent.

25 On September 18th, the last date of

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1 this test burn, we experienced a release

2 from the stack and were notified by TDEC  
3 and we also shut down the plant at that  
4 time. We had two units in service with  
5 this coal test and we shut those plants --  
6 those units off and they have not returned  
7 to service yet.

8 The lessons that we learned from  
9 this was that we failed to communicate with  
10 the public that we were doing this coal  
11 test burn. Coal test burns are something  
12 that TVA has done for years and we failed  
13 to communicate -- to recognize the need to  
14 do that public communication. We also  
15 failed in communicating quickly enough  
16 after we knew the event occurred with the  
17 local residents. I apologize for both of  
18 these. We have changed our processes in  
19 TVA to make sure that we don't allow that  
20 to happen in the future.

21 A team was put in place immediately  
22 after this event occurred that we're still  
23 investigating. The team is identifying  
24 what has happened and what actions that we

25 take going forward to prevent it from

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1 happening. Based on our current schedule  
2 this report will be out -- the announce-  
3 ments will be complete and the report  
4 should be out by October 10th.

5 Again, TVA stopped the test burn  
6 immediately after discovering that we had  
7 this issue and we voluntarily surrendered  
8 the opacity variance that was received from  
9 the Tennessee Air Pollution Control Board.  
10 We believe the particulate was primarily  
11 fly ash. But Quincy Styke with TDEC will  
12 share more information from those results.  
13 Thank you.

14 QUINCY STYKE: Thank you. I may  
15 raise this a little taller for me. I am  
16 Quincy Styke, deputy director of the  
17 Tennessee Air Pollution Control Division,  
18 as previously introduced, and I'm pleased  
19 to be here tonight. I'd like to talk about  
20 two big subjects. Number one, this meeting

21 of course was scheduled to inform the  
22 community about the progress of the ash  
23 spill cleanup and I am very pleased with  
24 what I've seen at the Tennessee Valley  
25 Authority site.

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1 Every time I tour the site, I see  
2 significant progress being made. It just  
3 astonishes me how much equipment is on  
4 site. The roads are very well wetted. I  
5 don't see any dust whatsoever from the ash  
6 cleanup operations, the trucks, no  
7 track-out. There's real good  
8 decontamination underway, the roads look  
9 good, the stockpiles look good.

10 I want to affirm what Ms. Ray  
11 said earlier about air quality meeting  
12 government standards. You may have heard  
13 me state before that EPA sets national  
14 ambient air quality standards that must be  
15 met in all 50 states of the nation and  
16 there are two particulate standards, one,

17 PM 10, that's particulate matter 10 microns  
18 and down. A micron is one-millionth of a  
19 meter. And the other is PM 2.5. Both of  
20 these standards are being met.

21 This is probably one of the most  
22 monitored areas for particulate emissions  
23 in the United States. We have ringed the  
24 cleanup site with these monitors. The  
25 monitors have been placed to locate them

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1 such that if any emissions, wind blown dust  
2 or material sampling dust occur, these  
3 monitors would pick them up. There's  
4 meteorology towers both at the site at  
5 Kingston and over at the high school in  
6 Harriman. So we have a wealth of data to  
7 look at and all of it is encouraging, that  
8 measures are being taken to just keep dust  
9 down to minimal levels. I'm very pleased  
10 with that.

11 Now, to move to the second part of  
12 my remarks this evening. Ms. Nale, I spoke

13 to you about the event that occurred on  
14 September 18th. Mr. Ellis somewhere around  
15 in here, Randy -- oh, there's Randy. Thank  
16 you. I've got the deer in the headlights  
17 syndrome here. Randy called our Knoxville  
18 field office. And I believe I'm correct in  
19 saying, Randy, that our folks rolled out  
20 about an hour after you called so -- less  
21 than an hour. So from Knoxville to  
22 Kingston I think that's a pretty quick  
23 rollout there. We came to the Ellis  
24 residence. Our folks, Vick Malichis and  
25 Jared Rudd who are also in the audience,

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1 along with Randy observed materials  
2 floating down from the stack, large  
3 snowflake looking particles.

4 Now, I want to emphasize that this  
5 is a stack emission. It's totally separate  
6 and apart from the ash cleanup operations.  
7 It's a stack emission. We do have, I'll  
8 call it, an electric eye. It's a

9 continuous opacity monitor in the stack.  
10 It's located about a third of the way up  
11 the stack that continuously records the  
12 visual properties of the plume, how opaque  
13 the plume would appear. We have a copy of  
14 that data. We're going to have to look at  
15 it in light of a 90-day quarter. The  
16 quarter ended last night at midnight. EPA  
17 has 30 days to look at that and we'll judge  
18 that incident in light of 90 days' worth of  
19 data as is the regulations.

20 When we saw this emission, we  
21 directed -- we directed TVA to perform a  
22 root cause analysis. And as Leslie Nale  
23 indicated, that should be available to TDEC  
24 and the public by October 10. We're  
25 committed to sharing that with you, giving

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1 it our prompt review and taking whatever  
2 action is appropriate upon the review of  
3 this data when it's completed. I ask for  
4 your patience. We want to make sure that

5 we're making a decision on sound science  
6 rather than speculative science. And I can  
7 assure you TVA has had a crew there. We've  
8 been looking at it.

9 We did look at our air monitoring  
10 station at Site 7 over there off Berkshire  
11 Drive and we did see a spike at 4:00 p.m.  
12 on the 18th. We looked at the opacity  
13 monitoring data in the stack, not the  
14 ambient monitor, but the stack monitor, and  
15 we saw a similar spike. So the assurance  
16 to the public is that the monitors, both  
17 ambient and in-stack, do see these events.  
18 I want to say that again. The monitors do  
19 see these events. TDEC reviews them and we  
20 will take appropriate action if any  
21 noncompliance has been determined.

22 I do ask for your patience, too.  
23 These scrubbers are several hundred million  
24 dollar scrubbers. They're being installed  
25 to improve air quality not only in this

1 community but the greater Knoxville area.  
2 The greater Knoxville area is having  
3 problems meeting the PM 2.5 standards, its  
4 non-attainment. It will also help us  
5 restore visibility in Class I areas like  
6 the Great Smoky Mountains. Some of you may  
7 have gone up to Look Rock and Clingman's  
8 Dome and see that you don't see as far as  
9 you used to. Well, there's a program  
10 called Regional Haze and we have to restore  
11 that visibility. So this is something  
12 that's important for the nation, for  
13 Tennessee, and the treasured resources like  
14 the park.

15 I do want to say one quick thing  
16 about the variance. The way the variance  
17 works, TVA petitions the State Air  
18 Pollution Control Board for a variance.  
19 That's 14 Tennesseans from all across  
20 Tennessee that make the decisions on how  
21 air quality is managed. TDEC serves as  
22 their arm, their technical arm to implement  
23 their directives.

24                   We examined TVA's petition and  
25                   based on the fact that this testing had

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1                   been done without incident at the TVA  
2                   Cumberland Steam Plant, testing done  
3                   without incident at the TVA Bull Run Steam  
4                   Plant, we decided that this was a worthy  
5                   variance to recommend. We would have  
6                   anticipated there might have been some  
7                   opacity at the -- these chimneys are a  
8                   thousand foot tall. We might have seen  
9                   some opacity in our thought process at the  
10                  tip of those stacks, but TDEC did not  
11                  approve and the Board did not approve any  
12                  authorization to rain down particles on the  
13                  community. The variance did not cover  
14                  that.

15                  So the next board meeting is  
16                  October 14th. I understand some citizens  
17                  might be contemplating a visit to that  
18                  meeting. Again, we hope to have the report  
19                  available of the root cause analysis by the

20 10th and we'd be in a better position to  
21 report to you and we will report to you.  
22 That concludes my remarks. I believe I can  
23 have an opportunity for Q and A later.  
24 Thank you.

25 KATIE KLINE: At this time the

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1 facilitator, Bruce, will begin the Q and A  
2 session. If all of our speakers would like  
3 to come up and sit down, we have  
4 microphones. That way any questions that  
5 are addressed to you can be -- you can  
6 answer from up here. Everybody has a  
7 microphone.

8 BRUCE ENGELBERT: Good evening  
9 again. And we're not going to take a short  
10 break here because we want to be respectful  
11 of everybody's time. We're busy people.  
12 But feel free if you need to use the  
13 facilities, grab a cookie or some water to  
14 do that while we're having this public  
15 input period. We're going to get to

16 questions in just a second. If I can just  
17 say a couple of words.

18 Again, my name is Bruce Engelbert.

19 I work for, as Katie said, a small  
20 environmental consulting company in  
21 Charlottesville, Virginia. Just in the  
22 interest of full disclosure, I retired four  
23 years ago from the Environmental Protection  
24 Agency where I worked for 30 years. The  
25 last half of my career I worked in the

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1 hazardous waste cleanup program. For part  
2 of that time I was a manager in the  
3 emergency response division and my  
4 responsibility was providing logistical  
5 policy, financial, and other support to  
6 people like Leo who are working on time  
7 critical removals and other emergency  
8 responses. After doing that for a while, I  
9 moved on and spent almost eight years  
10 working in Super Funds community  
11 involvement and public outreach programs.

12                   So I have a good understanding of  
13                   meetings like this and the concerns of  
14                   people who live in a community that have  
15                   gone through an unexpected and terrible  
16                   accident and had their lives altered in  
17                   some serious ways. The opportunity tonight  
18                   here is to have a conversation. We've  
19                   heard a lot of good information and now  
20                   we're going to turn to you to hear what's  
21                   on your mind.

22                   There are a lot of folks in the  
23                   room, so I would imagine there are a lot of  
24                   people who have things to say. In order to  
25                   accommodate as many people as we can, I

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1                   would ask that when you make your comments  
2                   or ask your question, that you try to be  
3                   concise and that you do the best you can to  
4                   finish up in a couple of minutes, give or  
5                   take. I ask the same thing of our  
6                   panelists who will be responding and giving  
7                   answers. Please be crisp in your response

8 so that we can move on and hear from as  
9 many people as possible.

10 Now, I know that probably many of  
11 you have some strong opinions and  
12 criticisms. That's fine. You may speak  
13 with passion or emotion. That's perfectly  
14 acceptable. But what is important is that  
15 we speak constructively and we speak  
16 respectfully. This is not a forum this  
17 evening to carry grievances or to try  
18 and resolve disagreements. It is an  
19 opportunity to exchange information. And  
20 so I ask that whoever is speaking, you give  
21 them your full attention. Listen with an  
22 open mind to see if we can learn something  
23 new and different and hopefully the result  
24 of this can be a better understanding that  
25 leads to, as several of our speakers said,

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1 the regaining of the trust between you and  
2 the community and those people who are  
3 sitting up here. I heard them say they

4           need to earn that trust and I think they're  
5           making a good start this evening, but let's  
6           see where we go.

7                     Now, we're going to start right  
8           now. What I would like to say is that  
9           just in the interest of keeping this  
10          conversation coherent, let's try and start  
11          with comments and questions related to the  
12          things that were just discussed this  
13          evening. So we'll do that for a while, but  
14          I will reserve time so that people who have  
15          other issues, concerns or comments will  
16          have an opportunity to also ask their  
17          questions.

18                    I also would like to ask that we  
19          focus first on people who live here in the  
20          community. There may be others who are  
21          from outside the community that aren't as  
22          impacted as immediately. So let's hear  
23          from community members first. And because  
24          we are recording this, it's important that  
25          when you come to the microphone, you give

1 your name and why don't you also state  
2 which community you reside in here.

3 So what we're going to do, this is  
4 the microphone. You can step up to the  
5 microphone. We can have a little line. We  
6 don't need to have too many people standing  
7 in the line at once and we will begin.

8 Yes, sir.

9 ARVILLE SPARKS: My name is Arville  
10 Sparks and I live at Canyon Creek Road, 111  
11 Canyon Creek Road. I'd like to ask TVA  
12 would they hold back about 5 million of  
13 that 43 million and run a water line from  
14 the Emory River or else hook into  
15 Harriman's water treatment plant and run it  
16 down in Midtown and I believe -- I'm not an  
17 expert on that, but I believe Rockwood  
18 could pick up on that water.

19 See, the landfill -- the old Roane  
20 County landfill is what's killing all the  
21 people in Rockwood and Midtown with cancers  
22 because when I went to work for TVA -- I'm

23 retired from TVA -- I was on the public  
24 safety force. Everybody is dead that knows  
25 this, what I'm going to tell you. In that

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1 landfill TVA put truck loads and barrels of  
2 PCV. When I went to work over there in  
3 '70 -- I don't know how far back then, but  
4 when I went to work there they was putting  
5 it in the landfill. Back then TVA didn't  
6 know that that was bad stuff, I don't  
7 think.

8           Then you can go behind that  
9 landfill and there's a creek a coming out  
10 of it. I'd like for the EPA to get on  
11 that. They was supposed to have been  
12 pumping that water from the back of the  
13 landfill up in a tank and then running it  
14 on into the sewer plant on Post Oak Road,  
15 but they're not doing that now. The woman  
16 has got pictures back here of the landfill  
17 back behind.

18           Also, Oak Ridge put some hot stuff

19 in there. They brought armed guards down  
20 there and put it in that landfill. That  
21 landfill needs to be investigated. To top  
22 that, I'd like to ask TVA not to have  
23 anything to do with that other Roane County  
24 landfill that TVA -- that Roane County is  
25 wanting to put in there because actually

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1 Roane County is not capable of running a  
2 landfill, because I can give you a history,  
3 that other landfill, the way it was run.  
4 Thank you.

5 BRUCE ENGELBERT: Sir, you've asked  
6 like about four questions now and I think  
7 it's important to get to them, so.

8 ARVILLE SPARKS: All right. Thank  
9 you.

10 ANDA RAY: Thank you very much for  
11 that. We are separate and apart from that  
12 economic development foundation putting  
13 over \$3 million in Harriman's water system  
14 upgrades, sewer system and gas as well as

15 Kingston's. So that is separate. But  
16 Leslie and I both sit on the economic  
17 foundation and we'll mention your concerns  
18 to them, because it is a function that  
19 would have to be prioritized by all them.  
20 Thank you.

21 BRUCE ENGELBERT: But there was  
22 also a question about the water coming into  
23 the creek.

24 CRAIG ZELLER: I'll get with you,  
25 sir, after this meeting. As far as the

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1 investigation of that landfill, that's  
2 something that, you know, my program or --  
3 and we can work with the State of  
4 Tennessee.

5 BRUCE ENGELBERT: Next.

6 GENE SAGE: Gene Sage. I live in  
7 Kingston. Those lights there are blinding.  
8 Who are they benefitting?

9 BRUCE ENGELBERT: Unfortunately, I  
10 believe because this meeting is being

11 recorded, they have the lights up there.

12 GENE SAGE: Okay. The panel can  
13 rest. I'd like to make some observations.  
14 I don't need an answer from you. Anda Ray  
15 mentioned how some of the 43 million is  
16 going to be spent. I don't know who is  
17 here, other than herself, from the  
18 long-term recovery committee group, but I  
19 wish they would -- the next time they meet  
20 maybe look at using some money from  
21 someplace, maybe from the TVA's insurance  
22 liability -- insurance company that's helping  
23 them out with some of their liabilities to  
24 reduce the electric rates for Roane  
25 Countians. That would affect everybody

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1 that was affected by the ash spill. It  
2 would be an immediate effect and it would  
3 be fairly distributed.

4 The second observation was  
5 mentioned about the opacity meter that's in  
6 the stack. And the way somebody was

7 notified about the ash or the fallout was  
8 observation. Possibly that opacity meter  
9 could be tied into an alarm so that when it  
10 happened TVA would know right away and not  
11 wait for citizens to observe it. And,  
12 well, I'll stop with that.

13 BRUCE ENGELBERT: Thank you very  
14 much.

15 LESLIE NALE: Let me try to address  
16 the opacity meter being tied to alarms.  
17 They are tied to alarms. If we have any  
18 increase of opacity above 20 percent, we  
19 have an immediate alarm. In this  
20 particular case when this particulate fell  
21 out, we did not have an opacity alarm, so  
22 we're not certain exactly why it wasn't  
23 picked up on the Sims monitor. But then it  
24 also came out the thousand foot stack. But  
25 we do have alarms.

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1 BRUCE ENGELBERT: Can anybody  
2 address the question about the tax

3 abatement?

4 ANDA RAY: The money I mentioned as  
5 far as fixing Harriman was separate from  
6 the economic development fund. It's part  
7 of TVA's restoration. From the Economic  
8 Development Foundation, that is for  
9 priority for the Roane County elected  
10 officials, they do not have in their  
11 ability to be able to offset the rates in  
12 that. That is, a rate making change is a  
13 TVA Board approved item that is Valley  
14 wide. It does not -- we do not have  
15 specific rates for specific areas as part  
16 of the TVA act. But I do appreciate what  
17 you're saying about that.

18 PEGGY BLANCHARD: Some of us are  
19 short. My name is Peggy Blanchard. I'm a  
20 resident of the Swan Pond community. And  
21 I'm not a scientist, obviously, or I  
22 wouldn't be wearing this outfit. I do have  
23 a question, though, that has been recurring  
24 with me. Swan Pond is a peninsula  
25 surrounded pretty much by the Emory River



22 water sampling for drinking water supplies  
23 from residents in the area and we have all  
24 that information available. In addition to  
25 that, we have identified what we're calling

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1 sentinel leading indicator wells that we're  
2 monitoring on a regular basis. I think the  
3 answer is that's a good idea and we're  
4 trying to do that.

5 PEGGY BLANCHARD: Thank you.

6 MARY HELEN NICHOLS: I'm Mary Helen  
7 Nichols and I live in Midtown. And I want  
8 to know why did you have to come down and  
9 shut the stacks down or shut the operation  
10 down? Why did a citizen have to call you  
11 and report it? Why didn't TVA take action?

12 LESLIE NALE: We were made aware of  
13 the actual issue by TDEC. Had we been made  
14 aware of the issue, we would have taken the  
15 same response.

16 MARY HELEN NICHOLS: But if the  
17 people in the community could see this fake

18 snow and pollution, where was TVA? And  
19 that evening I was playing in the yard with  
20 a 14-month-old grandbaby and the next  
21 morning we took him to the doctor with all  
22 the mucus. Now, I'm not saying that it  
23 wasn't -- it could have been pollen. But  
24 then when I read in the paper about the  
25 black plume, I'm thinking -- and it bothers

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1 me that a citizen, a resident had to call.  
2 Now, how does that give us trust? How does  
3 that help us?

4 LESLIE NALE: It bothers me, too,  
5 ma'am. I wish that we had realized that we  
6 had the issue. I wish that we had known  
7 that the problem was there. When we were  
8 made aware of the situation by TDEC, which  
9 was made aware by a citizen, we did take  
10 action.

11 MARY HELEN NICHOLS: But if Randy  
12 Ellis in that community and TVA is the  
13 center of the community.

14                    ANDA RAY: Thank you so much. And,  
15                    you know, it was a very short duration and  
16                    we're so glad that the people in the  
17                    community feel okay to do that. But we've  
18                    got to do something so that if our citizens  
19                    are -- if our employees are out there that  
20                    we call. And to let you know, Leslie was  
21                    getting calls because I was sitting in her  
22                    office. I went right over there as soon as  
23                    I got the message and she was getting calls  
24                    by everyone at the same time and I watched  
25                    her say to her staff, shut the stack down

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1                    now. I heard her say it. Shut the unit  
2                    down. So I appreciate that -- as fast as  
3                    she could.

4                                       What was that? That's okay.

5                                       We need to do that faster  
6                    ourselves.

7                                       RICK CANTRELL: My name is Rick  
8                    Cantrell. I live here in Kingston. First  
9                    I'd like to welcome you all here. I know

10 this is -- you may get hit with some  
11 difficult questions, but we need these  
12 public meetings as often as we can get.

13 My question is directed at Ms. Ray.  
14 Now, you and I have talked a couple of  
15 times in the past, it's on a trust issue  
16 really, of the possibility of opening a  
17 landfill in Midtown. Now, you have told me  
18 on more than one occasion that there is no  
19 negotiations between TVA or was no  
20 negotiations between TVA with Roane County  
21 in opening this landfill.

22 Well, yesterday you read the Roane  
23 County News and the chairman for the solid  
24 waste committee has called a special  
25 meeting to update the committee members on

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1 the negotiations between TVA and opening  
2 the landfill. Now, one way or another, are  
3 there negotiations between TVA and Roane  
4 County in opening a landfill in Midtown to  
5 store not ash coming out of the river but

6 future ash?

7 ANDA RAY: Thanks, Rick. And I  
8 hope everybody heard. He totally  
9 understands, as do we, the ash from the  
10 recovery can go nowhere but to a CERCLA  
11 approved site. And that's not what he's  
12 talking about. He's talking about new ash  
13 that's coming out of the site from any  
14 plant anywhere.

15 TVA does not enter into independent  
16 negotiations with anyone. We go through a  
17 competitive process, put out a request for  
18 proposal. At this point, until we see what  
19 happens with the regulations that EPA is  
20 promulgating, whether -- what they're going  
21 to promulgate as far as coal ash, we are  
22 not going out on RP and we are not behind  
23 the scenes cutting independent deals.  
24 Rick, thank you very much for letting us  
25 say that.

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1 SANDRA GUPTON: My name is Sandra

2 Gupton. I live at 1307 Swan Pond Circle  
3 Road. I have not been to too many of these  
4 meetings before, but I came tonight. I  
5 have kind of a twofold question. The first  
6 one is for security reasons because TVA has  
7 purchased so many homes in the Swan Pond  
8 community area and the Emory section. I  
9 feel like because of so many vacancies and  
10 you all have posted your little signature  
11 flag in the windows or statement in the  
12 windows, the other people that are in their  
13 homes, I feel like that's a real security  
14 issue if they don't have a security alarm  
15 in their home.

16 Are there police that are policing  
17 the area to protect the citizens that are  
18 left because of the increase of burglaries,  
19 attacks on the elderly? That's a concern  
20 for me. I met Brenda, I think it was,  
21 today over on 1309 Swan Pond. There's a  
22 couple of men that's moving in where Joanie  
23 and Ron Smith used to live. TVA purchased  
24 that home on the end of our driveway that

25 was not, I quote, in the affected area,

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1 that TVA said that our farm was not  
2 affected, but yet they were.

3 Now, the other question is, since  
4 when does TVA purchase renters, buy them  
5 out? That's my other question because you  
6 all purchased our renters, took them from  
7 us and are now paying their utilities until  
8 they find another place. That has affected  
9 us personally.

10 BRUCE ENGELBERT: Thank you.

11 ANDA RAY: With respect to the  
12 security, we very much heard that when we  
13 went around to the neighbors. Many of you  
14 already know that TVA then offered to our  
15 management level that were assigned that  
16 were on travel and to contractors that they  
17 would occupy those homes so that those  
18 people wouldn't be alone. We do have TVA  
19 security. We have TVA facilities that goes  
20 around to cut the lawns of those homes so

21 that you don't have them grow up.

22 They have identified several people  
23 that -- one person, the person who sold the  
24 home, told people they could go dig up his  
25 plants in his yard and we told them you

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1 don't need to do that. You do not need to  
2 be in this area anymore. We've taken our  
3 air monitoring people and we were -- we've  
4 put on the sides of their trucks that  
5 they're monitoring for this project because  
6 otherwise you see strange folks working in  
7 there. So it's an ongoing concern, but we  
8 are trying to occupy all those houses so  
9 that they're not vacated and there's people  
10 living in there for TVA.

11 With regard to the renters, Jason  
12 is here. Jason, could you answer the --  
13 what we're doing with the renters, please?

14 BRUCE ENGELBERT: Can you please  
15 come to a mic?

16 SANDRA GUPTON: This is our renters

17 that rent on our property, our farm. You  
18 all came and purchased them, took them away  
19 from us.

20 BRUCE ENGELBERT: Let's see what  
21 Randy has to say. Jason.

22 JASON WOODLE: I'm Jason. I think  
23 there were renters -- we didn't buy them  
24 out. They --

25 SANDRA GUPTON: Yes, you did.

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1 JASON WOODLE: I won't argue.

2 SANDRA GUPTON: We've got a copy of  
3 the transaction. You're paying their rent.

4 BRUCE ENGELBERT: So let's have  
5 Jason talk to the general issue and then  
6 let's see if we can get somebody to help  
7 you straighten out your concern with the  
8 specifics of your personal situation.

9 JASON WOODLE: Okay. I'm not up  
10 here to argue.

11 BRUCE ENGELBERT: Just renters in  
12 general.

13 JASON WOODLE: TVA did offer to  
14 help renters who had been impacted  
15 relocate. Yeah.

16 BRUCE ENGELBERT: And so there's  
17 been some people that you've compensated  
18 for their relocation who were renters?

19 JASON WOODLE: There's some folks  
20 that we helped. That's right.

21 BRUCE ENGELBERT: All right. So  
22 that's the general rule. Sounds like you  
23 have a specific problem. Is there a way of  
24 helping her -- Jason, will you talk with  
25 her? Let's continue the public discussion

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1 now. But, Jason, if you can get with Ms.  
2 Gupton either now sort of back there or --

3 JASON WOODLE: How about after? If  
4 you care to, I'm available, so.

5 BRUCE ENGELBERT: Thank you. Yes,  
6 sir.

7 SCOTT BOYES: Hello. I didn't  
8 really think it was necessary to dress up

9 today since y'all are on my turf.

10 BRUCE ENGELBERT: Can we have your  
11 name?

12 SCOTT BOYES: My name is Scott  
13 Boyes. I live over in the Stowe Station  
14 area. I'm the first dock on the Tennessee  
15 River. So after the March slide, I got  
16 actively involved in the cleanup and my  
17 background is working with -- under the NRC  
18 program. It's nice to see somebody from  
19 the DOE here. I hope to get to know you  
20 soon, Steve.

21 In January I did write a letter to  
22 the community basically supporting the  
23 cleanup effort. I mean it happened. We've  
24 got to live with it. We've got to recover  
25 from it. They recovered in Washington from

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1 the St. Helens. We'll recover from this.  
2 I feel confident of that. I've seen the  
3 actions that you've taken that I've asked  
4 personally about the debris in the water.

5 I couldn't believe there was a crew on  
6 Mother's Day out cleaning up debris and I  
7 want to thank you again for that.

8 But I do understand the actions  
9 that you've taken, Leo, and I want to thank  
10 you personally for giving me back my brown  
11 water. I've seen a lot of black water over  
12 the last several months and it was actually  
13 nice to see brown water again in the river.  
14 So, thank you. I know you're doing a good  
15 job.

16 As I said, I've worked under the  
17 NRC and the DOE, so I'm going to put it  
18 right to you. Okay. I'm a member of the  
19 community and recently we've seen the TVA  
20 lose their whistle blower case and you've  
21 had a lot of trust issues. So my basic  
22 question is, what Federal agency has stop  
23 work authority at this fossil fuel plant  
24 out here and all of your plants? There  
25 needs to be some type of oversight. The

1 NRC does a great job. I think the DOE has  
2 come a long ways and they've done a good  
3 job. Who is overseeing the TVA fossil fuel  
4 plants? That's my question.

5 One statement that I would like to  
6 make is as a member of the CAG when it was  
7 brought up about leaving the ash in place,  
8 I said to myself, boy, that's never going  
9 to fly. But having a background in the  
10 business, understanding what's going on and  
11 not -- I don't want anything from y'all.  
12 I'm not involved in any lawsuits at all. I  
13 can honestly say I think that option 4  
14 ought to be put on the table, Craig. I  
15 think it should be talked about and  
16 considered somewhat.

17 I know how these things work. I  
18 know how it can be handled. I think it  
19 should be at least considered since it will  
20 cut the overall cost, I would say,  
21 tremendously and maybe there might be some  
22 more funds available for the folks here in  
23 Roane County to be able to recover from

24 this. So I want to make that statement.

25 My question, though, is fossil fuel

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1 regulatory commission. How do we address

2 that? Thank you.

3 ANDA RAY: As far as regulating TVA  
4 we've got -- TVA has multiple permits. Any  
5 one of those agencies that authorizes those  
6 permits can talk -- can tell TVA to stop  
7 their operations in violation, whether  
8 that's a water permit, an air permit, a  
9 solid waste permit. In addition, Congress  
10 has two -- the House and the Senate. The  
11 Senate Environment and Public Works  
12 Committee has oversight on TVA and we've  
13 been up there two times for a hearing. The  
14 House Committee on Water Resources and the  
15 Environment also has oversight and we've  
16 been up over on there. Senator Boxer has  
17 called us up. You've had the House of  
18 Representatives chairman come down.

19 So there are several different

20 avenues that can tell TVA that they have a  
21 problem and they need to shut down.

22 SCOTT BOYES: That's my point.  
23 There's too many. What one agency is there  
24 that has stop work authority? Nobody is  
25 overseeing the whole thing. What State

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1 agency can regulate a Federal agency?

2 ANDA RAY: The president of the  
3 United States.

4 SCOTT BOYES: That's where we've  
5 got to go? I'm just asking. I don't know.

6 BRUCE ENGELBERT: I think that  
7 that's correct. Unless there's something  
8 in the State of Tennessee, that there is no  
9 one authority that can --

10 SCOTT BOYES: Right. Thank you.

11 BRUCE ENGELBERT: Yes, sir.

12 DELANO WILLIAMS: My name is Delano  
13 Williams and I live at 305 Roane Street  
14 right here. When the ash was falling from  
15 the test and all of that, we don't have any

16 air monitors here. There are none over on  
17 Kingwood, there are none on Greenwood,  
18 there's none on Roane Street. And the  
19 remarkable thing is no one from TVA has  
20 told us as individuals of Kingston who live  
21 here who have been affected how will TVA  
22 make us whole in this tragedy without going  
23 through the teeth pulling? Because when I  
24 brought it up that TVA knew, it was a  
25 deniability clause. No one knew until the

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1 case was exposed.

2 How will you as TVA make us whole  
3 and allow our children to grow up? The  
4 money is good for the schools and stuff,  
5 but if the children are dead, there's no  
6 one to go to the schools. So how will you  
7 do this?

8 The second thing is, why do we have  
9 to pull TVA teeth or make TVA aware of the  
10 things that have been said years ago.  
11 Everything that's been said is nice. Yet

12 we know it was the contingency plan from  
13 the 1960s. It could have been avoided and  
14 everybody know that. So what will you do  
15 now? Not for the City but for us, our  
16 health, you know, our food, our mental  
17 state, for us to be able to feel whole,  
18 because some of us are terrified of cancer.

19 The man that was sitting here that  
20 brought up the landfills that TVA knew on a  
21 need to know basis, the pay grade. We've  
22 been exposed to this for decades. What  
23 will you do now that it's been exposed to  
24 make us whole? Please tell me.

25 BRUCE ENGELBERT: Thank you,

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1 Mr. Williams.

2 ANDA RAY: Quincy, if you'll  
3 address the air monitoring and why you're  
4 looking at the circumference and perimeter  
5 and I'll address his other issue.

6 DELANO WILLIAMS: In this area.  
7 There's none in this area. None. Since

8 December, there's been none. No one has  
9 been here.

10 BRUCE ENGELBERT: Okay. Quincy.

11 QUINCY STYKE: Yes. I'm not sure  
12 exactly where you live, sir, but I know --  
13 right down the street. I know there is a  
14 monitor near the bridge, that's the new  
15 Highway 70 bridge. I believe we have a  
16 monitor there.

17 DELANO WILLIAMS: I live on Roane  
18 Street. There's been nothing in that  
19 community, period.

20 QUINCY STYKE: Maybe it would be  
21 good after the meeting or after this  
22 portion of the meeting if you could come  
23 over and I could show you a map of where  
24 the monitors are and where you live that we  
25 -- no, I'm being sincere with you, sir.

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1 BRUCE ENGELBERT: Quincy, can you  
2 say do you have any -- I know this is maybe  
3 a little bit hard. But within this

4 community, are there multiple monitors

5 or --

6 QUINCY STYKE: Yes. As I said in  
7 my opening remarks, we have ringed the site  
8 with monitors.

9 BRUCE ENGELBERT: But that's the  
10 site. He's talking about here in Kingston.

11 QUINCY STYKE: Right. The plant is  
12 also adjacent to the site. The monitors  
13 that we have should reflect the emissions  
14 from the stack, also. It should measure  
15 any emissions from the stack.

16 BRUCE ENGELBERT: Okay. So I don't  
17 know that that's an exact response to your  
18 question, Mr. Williams. But he's willing  
19 to get together with you afterwards and  
20 show you where the locations are to see.

21 DELANO WILLIAMS: Okay. That is  
22 good because I know there have been none.  
23 What are you going to do to make us whole?

24 BRUCE ENGELBERT: Ms. Ray.

25 ANDA RAY: First of all, I

1 recognize that what everybody thinks to  
2 make them whole is very different. So TVA  
3 has taken a couple of approaches. It may  
4 not satisfy your needs. One is to effect  
5 -- to work with the people who are directly  
6 impacted and purchase their properties.

7 DELANO WILLIAMS: Everybody here is  
8 directly.

9 ANDA RAY: Directly impacted  
10 physically by the ash. Do you want me --

11 BRUCE ENGELBERT: Excuse me. Just  
12 let her finish and then I'll let you  
13 respond.

14 ANDA RAY: And I'll talk to you  
15 afterwards, as well. But anyway, so one  
16 was the direct -- the property. Then we  
17 looked at the health and human impact and  
18 that's where you involve the State and the  
19 monitoring to make sure that what's  
20 actually getting in there that could be a  
21 pathway to human exposure. And then for  
22 those that have health concerns, we've

23 independently paid for, but we are not  
24 involved at all. In fact, the  
25 toxicologists that you call when you call

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1 the poison control center for Tennessee are  
2 the ones that are doing the health  
3 assessments and will do this at absolutely  
4 no charge.

5 Then we have the long-term  
6 monitoring of the effect of the environment  
7 as well as the impact on potential public  
8 health and that's going on. That will go  
9 on for many years. I recognize that that  
10 probably -- and we've also got a  
11 psychiatric center to address those people  
12 that have emotional concerns. Again, that  
13 would be free -- at no charge.

14 So we've tried to address several  
15 of those. It may not be what you consider  
16 to make you whole, but that's what we're  
17 doing right now.

18 BRUCE ENGELBERT: As I said

19 earlier, we're not going to resolve all  
20 our disputes here, but in the interest of  
21 just --

22 DELANO WILLIAMS: She still hasn't  
23 answered my question.

24 BRUCE ENGELBERT: Well, I think she  
25 tried hard to say there have been a lot of

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1 resources that have been provided to the  
2 community in various ways, health  
3 assessments and --

4 DELANO WILLIAMS: Which community?

5 ANDA RAY: All of Roane County.

6 BRUCE ENGELBERT: All of Roane  
7 County.

8 ANDA RAY: All of Roane County.

9 BRUCE ENGELBERT: And so I think  
10 maybe what might be useful, she said she  
11 would talk with you afterwards. And  
12 obviously you don't feel like the  
13 information is getting to you or the  
14 services are the ones that you need and

15 that's important. She'll talk with you.  
16 There are also lots of resources around the  
17 edge of this room. And as I say, we're not  
18 resolving the disputes here today. But  
19 there is a CAG that's going to be working.  
20 They've worked -- as Brenda said, they're  
21 going to work for you. So please get in  
22 touch with them and hopefully through those  
23 kinds of conversations you'll get some  
24 answers.

25 Katie, does he want to have --

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1 Mr. Williams, do you want to say one more  
2 thing or are you satisfied for the time  
3 being?

4 DELANO WILLIAMS: You know what,  
5 all I'm going to get is a politically  
6 correct answer and it might be best that we  
7 allow another speaker because my question  
8 wasn't answered.

9 BRUCE ENGELBERT: Okay. So you  
10 feel your question wasn't answered.

11 DELANO WILLIAMS: In my community.  
12 Right here across that street, across that  
13 light there's been no monitor, there's been  
14 no one checking on our health, there's been  
15 no one coming by to make sure that the  
16 elderly are taken care of. There's been no  
17 work done, period. TVA has done nothing.  
18 And that's what is irritating me and the  
19 rest of the community.

20 BRUCE ENGELBERT: You've expressed  
21 it extraordinarily well. And, you know,  
22 I'm sorry that we can't resolve this right  
23 here.

24 DELANO WILLIAMS: I'm looking for  
25 an answer from her.

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1 BRENDA TIMM: I'd also like to say,  
2 if you can, please come to the CAG. We  
3 have a table in the back. Any questions.  
4 That's what we're here for is for you guys.  
5 If you're not getting the answers you want,  
6 please come to us and let us know so that

7 we can try to work hard to get those  
8 answers for you.

9 BRUCE ENGELBERT: All right. Thank  
10 you. Yes, sir.

11 PUBLIC SPEAKER 1: (Unintelligible.)

12 BRUCE ENGELBERT: Can I just stop  
13 you there? Because I want to make sure  
14 we're understanding you. First of all you  
15 were saying you don't have any respect for  
16 EPA?

17 PUBLIC SPEAKER 1: That's correct.  
18 (Unintelligible.)

19 BRUCE ENGELBERT: Now you're  
20 bringing up the question about TVA and  
21 their police operations. I didn't quite  
22 understand what you were saying.

23 PUBLIC SPEAKER 1: (Unintelligible.)

24 BRUCE ENGELBERT: So it sounds like  
25 he's saying you have misplaced priorities

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1 in terms of where the police and the  
2 engineers are working? Am I understanding

3 correctly?

4 PUBLIC SPEAKER 1: (Unintelligible).

5 BRUCE ENGELBERT: This sounds --  
6 you think their priorities are a little bit  
7 misplaced. I think they're getting that  
8 message. I'm not sure --

9 PUBLIC SPEAKER 1: (Unintelligible).

10 BRUCE ENGELBERT: Thank you very  
11 much. One more?

12 PUBLIC SPEAKER 1: Has anybody up  
13 there ever diverted a river? Diverted it.  
14 Made it change.

15 BRUCE ENGELBERT: Has anybody  
16 diverted the river?

17 PUBLIC SPEAKER 1: Any river or  
18 creek? We've got the Emory over here  
19 blocked up and we're working toward a year  
20 with it still blocked up.

21 BRUCE ENGELBERT: It has been  
22 blocked up for a year.

23 PUBLIC SPEAKER 1: (Unintelligible).

24 BRUCE ENGELBERT: Okay. So let's  
25 let them respond to the fact that you're

1 concerned that the river has been closed  
2 for so long and they're not doing their  
3 business.

4 PUBLIC SPEAKER 1: (Unintelligible).

5 BRUCE ENGELBERT: Can I ask you,  
6 can they respond to that and then can we  
7 move on to the next question and if we have  
8 time we can come back and hear any other  
9 questions that you have.

10 PUBLIC SPEAKER 1: (Unintelligible).

11 BRUCE ENGELBERT: So he's asking  
12 about the river being block for so long and  
13 I think his last question had to do with  
14 the hazardous substance in the fly ash.

15 LEO FRANZENDESE: I'll take the  
16 river one. I need a little help on the  
17 question.

18 BRUCE ENGELBERT: The question is  
19 was -- the river has been blocked for a  
20 considerable period of time. How much  
21 longer is it going to -- the closure of the

22 river and the Emory River.

23 LEO FRANCENESE: Not the physical  
24 plug of the ash that's in the channel?

25 BRUCE ENGELBERT: No.

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1 LEO FRANCENESE: The closure of  
2 the river.

3 BRUCE ENGELBERT: Right.

4 PUBLIC SPEAKER 1: (Unintelligible).

5 BRUCE ENGELBERT: So let him have a  
6 chance to answer the question.

7 LEO FRANCENESE: We have some of  
8 the top professionals in the nation that  
9 are providing consult and services for the  
10 cleanup from Department of Interior, Bureau  
11 of Reclamation, U. S. Army --

12 BRUCE ENGELBERT: Please, let him  
13 answer the question.

14 LEO FRANCENESE: U. S. Army Corps  
15 of Engineers, the U. S. Coast Guard.

16 BRUCE ENGELBERT: So you're doing  
17 your best. Do you have an estimate of how

18 much longer the river is going to be  
19 closed?

20 LEO FRANCENESE: Well, I'd  
21 actually like some public -- continued  
22 public comment on who is being impacted by  
23 the closure of the river. The Coast Guard  
24 has requested that I ask again. We're  
25 likely to keep the river closed because of

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1 the construction activity running into  
2 January of 2010.

3 BRUCE ENGELBERT: Okay. Thank you.  
4 So the other question you had was about the  
5 hazardousness of the fly ash.

6 ANDA RAY: As we all know, the coal  
7 has the similar constituency as soil and  
8 rock, but the reason we're here today is  
9 that when you burn the coal, you  
10 concentrate those toxic metals that are  
11 naturally occurring. We have several  
12 different toxic metals that you're looking  
13 at. Primarily the ones that people are

14 concerned about are mercury, selenium and  
15 arsenic. That is what all the studies are  
16 going about.

17 When Mr. Davis mentioned what those  
18 wonderful scientists over there are looking  
19 at, that's exactly what they're looking at  
20 is how do those toxic metals get released  
21 into the river, can they be released, is it  
22 an issue, and how does it affect the  
23 biological. So I would have to defer and  
24 suggest that after we have the question and  
25 answer, you may want to talk with one of

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1 them.

2 BRUCE ENGELBERT: Thank you. Yes,  
3 sir.

4 DON SIMON: My name is Don Simon.  
5 I live in Swan Harbor. First I'd like to  
6 make a public comment that may help some  
7 people. Leo, I do understand your graph.  
8 You go to the TVA website which gives you a  
9 link to the EPA website and when you get

10           there, you go to production. When you get  
11           to production, it will show you his graph.  
12           Now, you may have to turn it a little bit  
13           sideways to see the days at the bottom of  
14           it, but I do now understand the graph, Leo.

15                       For the gentleman that spoke about  
16           the river being closed, yesterday I had the  
17           opportunity to meet with the dredging  
18           company. If you could see the way the  
19           booms reach out and the way some of it  
20           works, you would probably have a better  
21           understanding of why they have to have the  
22           river shut down for this period of time,  
23           especially if you're talking the 20 inch  
24           and the fact that they may have at times  
25           three or four dredges working. It does

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1           show you how much geographics they take up  
2           by doing the dredging.

3                       Then my question, Steve McCracken,  
4           welcome. I understand you're a doer and  
5           I'm happy to hear that you're a doer

6 because I'm tired of hearing people say  
7 they can't do things or they don't know how  
8 or they can't let a contract to do it. I  
9 think everybody up there probably knows  
10 what I'm going to say next.

11 Now, Anda, I only got stopped three  
12 times today by the train. And, Mike Holt,  
13 project manager, you're right, don't follow  
14 me. The train must stop me on purpose.

15 But, Steve, I understand you built the  
16 overpass on State Route 58 going into Oak  
17 Ridge and I would request that you do  
18 something for us as citizens being held  
19 prisoners in our own neighborhood to  
20 alleviate the traffic situation, not just  
21 the trains.

22 We have -- today I counted 12  
23 gravel trucks that I was affected by as  
24 well as the three times I was stopped by  
25 the train. All I did was run to the bank

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1 and the post office and come home and leave

2 and go to Knoxville and come back. I have  
3 been stopped seven times before in one day.  
4 We can build an overpass. You've proven  
5 you can do it. I did my homework on you.  
6 They say you'll get things done. We need  
7 to alleviate the traffic situation. Not  
8 just for the railroad. Because this is  
9 going to go on, as we said up here tonight,  
10 we're talking 2011, 2012. We don't know  
11 how long this is going to take. Time  
12 critical, non-time critical, I mean this  
13 could be a seven- to eight-year project.

14 We as residents need some help.  
15 The other thing that you need to do for us  
16 is Roane County Highway Department  
17 apparently is not the brightest bulb in the  
18 ceiling. They put in the new Swan Pond  
19 Circle Road. It doesn't meet the county  
20 standards. It's 11 feet wide. It's not 12  
21 and a half feet wide from the center line.  
22 We as CAG members had to go back to them.  
23 And Mike Scott, the project manager, even  
24 had to get the turn lanes made wider

25 because they didn't do it right. Really on

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1 Swan Pond Road the 30-inch shoulder is  
2 pretty marginal considering the fact we're  
3 fighting construction equipment and trucks  
4 as well as regular traffic. So that's my  
5 challenge to you, Steve. Get us an  
6 overpass, please.

7 STEVE MCCRACKEN: Thank you, Don.  
8 First of all, what you're saying is  
9 correct. The overpasses that we built on  
10 the other projects I've been on or under-  
11 passes were done for the sole purpose of  
12 trying to avoid too much interaction  
13 between our equipment and the public. I've  
14 been here for three and a half days and  
15 Anda has told me each day the high priority  
16 that I have is to look at that issue.

17 I can't make any promises, but she  
18 has made it quite clear to me that that's  
19 something that I need to look at soon. I  
20 promise you I'll do that.

21 DON SIMON: Thank you.

22 BRUCE ENGELBERT: And, Steve, my  
23 guess is that you will do that with the  
24 input of the Community Advisory Group?

25 STEVE MCCRACKEN: Well, sure. I

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1 mean whatever we do, we're going to do it  
2 with input from the community and with the  
3 knowledge of the community. And so that's  
4 just -- that's a commitment I've tried to  
5 make earlier on. I will try to live to  
6 that commitment, I promise you. And as it  
7 relates to this trying to resolve this  
8 issue with the -- particularly with the  
9 rail traffic, that is a priority of mine,  
10 to look at it. I don't know what the  
11 options are, but it's on my mind.

12 BRUCE ENGELBERT: Thank you.

13 Brenda. Actually Brenda is going to say  
14 something.

15 BRENDA TIMM: I would like to make  
16 a comment, too. These are the kinds of

17 things that we need brought to us so that  
18 we know. Because everyone out there is  
19 impacted differently and things that are  
20 more important to one may be less  
21 important to another, but they're important  
22 overall. So we need to hear all these  
23 comments. Please bring them to us. That's  
24 what we're here for. We're here for you.

25 BRUCE ENGELBERT: Okay. We get the

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1 one-two punch from the CAG.

2 RANDY ELLIS: My name is Randy  
3 Ellis. My question is directed to the TVA.  
4 As most of y'all know and everybody here  
5 knows that a lot of the community members  
6 have representation and lawyers that's  
7 focusing on, you know, health effects later  
8 down the road. My question is -- if I can  
9 get a commitment from you tonight, also --  
10 the ORAU medical screening program, I have  
11 great respect for the program. I have  
12 great respect for the confidentiality of

13 the program. But I want the TVA to make a  
14 commitment tonight. I know they can't get  
15 personal data on people, but they get  
16 trending data on people and you will have  
17 possession of that trending data.

18 I want a commitment from the TVA  
19 that says that that trending data, say, if  
20 anybody in the community goes to get  
21 tested, will not be used against them in a  
22 lawsuit later down the road. I understand,  
23 you know, it could be subpoenaed, you know,  
24 by any which side. But you'uns are  
25 offering a service to the community for

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1 free and I don't want you all to come back  
2 in, you know, if they're going to, you  
3 know, bring suit against you for the  
4 medical reasons and use the on-trending  
5 data that you, you know, propped up on a  
6 pedestal and told them, go get this, go get  
7 this, go get this. Thank you.

8 ANDA RAY: And, Randy, I'm not a

9 lawyer and I wish I could tell you that TVA  
10 would use no data and we would just sit  
11 back. But any scientific data that's  
12 available publicly for any side of any  
13 particular claim, I think that we would  
14 look at it, as well. So I am not a lawyer  
15 and I don't know what's going on in the  
16 future. I can make no commitment on behalf  
17 of TVA.

18 RANDY ELLIS: Well, can you look  
19 into that with your lawyers and find out?  
20 Because, I mean, do you see what I'm  
21 saying? It's sort of, you know, this is a  
22 great program, go do it, go do it, and  
23 people is going to do it, but they don't  
24 realize, you know, that trending data  
25 that they can say, look, in court, you

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1 participated in this program and this stuff  
2 showed fine.

3 ANDA RAY: Right.

4 RANDY ELLIS: So, I mean, but

5 that's not five, ten years down the road.

6 ANDA RAY: Right. And then those  
7 individuals who get data that show that  
8 they were impacted health-wise, TVA has  
9 committed to pay for their medical expenses  
10 and that is on our website and we've made  
11 that very public. So if an individual  
12 shows an individual situation, then we've  
13 already committed to take care of them.

14 RANDY ELLIS: But I just don't  
15 want, you know, them to tell the community  
16 to do this and you'uns to turn around and  
17 say, well, here you are, we've got you. So  
18 I mean --

19 BRUCE ENGELBERT: So that sounds  
20 like an issue that can be followed up on  
21 with some more discussion.

22 PUBLIC SPEAKER 2: Hey. I actually  
23 am an attorney. I'm the staff attorney for  
24 United Mountain Defense. I'm also, I  
25 think, representing maybe 12 of the people

1 in this room. But I'm here for United  
2 Mountain Defense. And, first of all,  
3 Brenda had it right. From the other  
4 agencies, will you please stop referring to  
5 this as an accident. An accident is when  
6 you spill a cup of water or trip over one  
7 of these power cords. Refer to it like the  
8 residents do, a disaster, like Brenda  
9 referred it to, a disaster, because on  
10 every single scale this was a personal  
11 disaster for many of the people that live  
12 here. Every time it's called an accident,  
13 I kind of flinch inside.

14 I want to start by also thanking  
15 TVA for not having any of their thugs  
16 assault and drag off our air monitor people  
17 and our staff. Over there I'm sure that  
18 Matt there appreciates it. He, of course,  
19 still has the court order on him keeping  
20 him from talking to anybody, but he's still  
21 doing the air monitoring and he appreciates  
22 the vacation from the harassment from your  
23 all's thugs.

24                   Also, on Perry County for your  
25                   toxic waste, keep looking. Surely you

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1                   could find a blacker, poorer community than  
2                   there. I heard that Mr. Kilgore lives in a  
3                   valley. Perhaps that would be available  
4                   for ash disposal.

5                   And the subject of ash and the ash  
6                   that came from the coal rain apparently  
7                   from that stack, one of the interesting  
8                   things that I heard was that some of the  
9                   people, the first agencies that came there  
10                  didn't know what was going on. Apparently  
11                  the communication isn't just between the  
12                  community and TVA, but between all the  
13                  agencies is still bad because the people  
14                  that came on the ground apparently didn't  
15                  know what was happening. And, also, that  
16                  ash is going to enable you to burn a  
17                  dirtier, high sulphur coal from the strip  
18                  mining. That ash y'all had rain down upon  
19                  you is Tennessee's highland watersheds that

20 are being blown up to feed that beast  
21 called coal, that dirty 18th century  
22 technology.

23 One other thing, to renew my first  
24 question from the very first public  
25 meeting, when is Mr. Kilgore going to

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1 resign? Exactly who has been fired for  
2 this? Accountability is more than just a  
3 word, which is what I keep hearing here. I  
4 hear these words like accountability being  
5 thrown out. But, I mean, people's lives  
6 were destroyed. Mr. Kilgore still is  
7 collecting his salary. I don't know if he  
8 gave back his bonus or not. But we need to  
9 turn these terms more into just words that  
10 we throw out into something that has true  
11 meaning. Thank you.

12 BRUCE ENGELBERT: There's an issue  
13 of accountability here. I know you  
14 addressed that earlier. Does anybody want  
15 to have an specific comment on his

16 comments? Okay. I think he had an  
17 opportunity to express his views. Thank  
18 you. Yes, ma'am.

19 RENEH HOYOS: My name is Renee  
20 Hoyos. I'm the executive director of the  
21 Tennessee Clean Water Network. Today there  
22 was a meeting on the sampling and analysis  
23 plan. Can you tell me who was there?

24 CRAIG ZELLER: There was probably  
25 over 50 people there. I can tell you the

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1 general -- I can share -- be happy to share  
2 the attendance list with you. But I can  
3 give you an idea of the general people or  
4 the agencies represented.

5 RENEH HOYOS: Uh-huh. Sure.

6 CRAIG ZELLER: EPA, TVA, TDEC,  
7 Tennessee Department of Health, U. S. Fish  
8 and Wildlife Service, ERDC, the Engineering  
9 Research and Development Center which is a  
10 Corps of Engineers organization. I think  
11 that about covers it.

12 RENE HOS: Was Appalachia State  
13 there?

14 CRAIG ZELLER: Excuse me?

15 RENE HOS: Appalachia State.

16 CRAIG ZELLER: Appalachia State was  
17 there earlier, for an earlier meeting, and  
18 they left.

19 RENE HOS: And was the Tennessee  
20 Aquarium scientist there?

21 CRAIG ZELLER: Not that I'm aware  
22 of.

23 RENE HOS: No. You wrote in  
24 this -- on your slide -- now that I've got  
25 you -- on this time critical versus

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1 non-time critical removal action you write,  
2 "Residual coal ash in Emory, Clinch and TN  
3 Rivers. Time critical now going to native  
4 sediments, pre-spill bathymetry." Can you  
5 explain what that means?

6 CRAIG ZELLER: Yes, I sure can.  
7 That's a good question. When the time

8 critical dredging was started months ago,  
9 the original plan at that time based on the  
10 equipment that was operational or that was  
11 out in the field actually doing the  
12 dredging, the original plan was to  
13 deliberately leave 6 to 12 inches of ash.  
14 Okay?

15 RENE HYOYOS: In those river  
16 systems?

17 CRAIG ZELLER: Excuse me?

18 RENE HYOYOS: In those river  
19 systems?

20 CRAIG ZELLER: Yes. That was the  
21 original plan. That plan has been --

22 LEO FRANCENDESE: Just in the  
23 Emory.

24 RENE HYOYOS: Just in the Emory?

25 LEO FRANCENDESE: The Emory we're

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1 going down in the native sediment. There's  
2 no current plans to do dredging in the  
3 Clinch or the Tennessee. I think that's

4 where she was having --

5 CRAIG ZELLER: Yeah. The plan now  
6 is to take -- is to maximize that removal  
7 efficiency to attempt to get all that out  
8 to the near -- go to native sediment.

9 RENEE HOYOS: So you say there's no  
10 -- are you never going to dredge or try to  
11 get those -- the ash out of those river  
12 systems?

13 LEO FRANZENDESE: The Clinch and  
14 the Tennessee.

15 RENEE HOYOS: The Clinch and the  
16 Tennessee.

17 CRAIG ZELLER: The Clinch and the  
18 Tennessee. You're talking about --  
19 specifically about the Clinch and the  
20 Tennessee?

21 RENEE HOYOS: Yeah. Uh-huh.

22 CRAIG ZELLER: The plan is to  
23 characterize the risk posed by that  
24 residual ash in those lower river systems  
25 and determine how stable it is, determine

1 under a variety of, say, flood events and  
2 flow regimes, under the base flow and like  
3 a March -- or excuse me -- like the May  
4 floods we had, the 70,000 CFS, is to look  
5 at the -- characterize the risk that that  
6 residual ash may pose, try to make a  
7 determination on what the ultimate fate of  
8 that is over a long-term period and then  
9 develop alternatives that will address that  
10 risk and address that fate and transport  
11 issue.

12 RENEH HOYOS: Can you give me any  
13 kind of timeline?

14 CRAIG ZELLER: The timelines we're  
15 talking about today -- and this is all  
16 going to come out in the Sediment and  
17 Analysis Plan that you'll have an  
18 opportunity to look at and review and  
19 comment on, all this stuff you will. The  
20 plan as I understand it today, and this is  
21 all evolving, is work plan out by the end  
22 of this year for review, sample and

23 analysis, at least the first phase, this  
24 coming spring, start assembling data, it's  
25 got to go through validation analysis, we

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1 probably won't be ready for a remedy on the  
2 river until late 2010, early 2011.

3 RENE HYOYOS: Late 2010. Thanks.

4 CRAIG ZELLER: You bet.

5 ANTHONY JACKSON: My name is  
6 Anthony Jackson. I'm actually from  
7 Knoxville, Tennessee. I actually left work  
8 early because this is a huge concern. Even  
9 though I don't live here, I care about  
10 other people that are not directly affected  
11 by my community but we're a community as a  
12 whole because we are a state and we're the  
13 volunteer state. So it's about working  
14 together to come together.

15 So I want to first of all thank the  
16 media and the newsprint that's here because  
17 this is a huge issue that doesn't ever need  
18 to be forgotten. I don't ever want

19 Kingsport, the community here, to be swept  
20 under the rug. I'm not affiliated with any  
21 organization. I'm just a private citizen.

22 The first thing I would -- I want  
23 to make an observation. Standing here in  
24 line and standing here listening to the Q  
25 and A, it doesn't seem like anybody on the

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1 panel seems to be writing anything down,  
2 like you guys are paying attention. We've  
3 had a gentleman -- I won't point him out --  
4 with his eyes closed, fiddling with the  
5 microphone like this is the most boring  
6 topic thing for him. If I'm leaving work  
7 early enough to come down here to take  
8 money out of my paycheck, which the economy  
9 is really tough right now, I think that  
10 there should be people giving the respect  
11 to us that are coming here to pay  
12 attention.

13 I just want to make this  
14 suggestion. This is my first public

15 meeting on this. I've been following it in  
16 the news. Again, thanks to the news media  
17 for keeping me informed because I don't  
18 live here. For Andy and Steve from the  
19 EPA, I know it's a brief meeting. You guys  
20 had a short time. But I'm just an average  
21 guy. I've got a high school education with  
22 some college education. When you guys  
23 present information, it's like you're  
24 talking to me up here and I don't  
25 understand down here, so a lot of the

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1 things maybe you're -- I don't understand.  
2 So maybe next time that you present  
3 something, present it so that everybody  
4 here in the room can understand. Don't be  
5 talking up here, you know, talking CB talk  
6 or something like that I don't understand.

7 I've got a two-part question. The  
8 huge deal that's being passed on to me as a  
9 consumer and all of the TVA consumers, it's  
10 mind blowing. The number when you see it

11 on the television and you see it in print  
12 is huge. It's astronomical. How can you  
13 guys assure me that this amount is required  
14 and that it's necessary? I understand that  
15 our health, our environment is important to  
16 all of us, but how do we know as a consumer  
17 that this bill just isn't a bailout for  
18 TVA? In some opinions this stuff should  
19 have been done a long time ago. How do we  
20 know that this just isn't a bailout to help  
21 you guys get back to where you know you  
22 should have been 10, 15, 20 years ago?

23 My second part of the question is  
24 how was the Perry County, Uniontown  
25 location determined and how much are they

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1 being paid in order to take this? I know  
2 one of their elected officials says that  
3 it's not about the environment and that  
4 it's not about the health, it's about the  
5 money. So I was just curious on how the  
6 lowest income in the nation, how this area

7 was targeted and decided upon. Thank you.

8 BRUCE ENGELBERT: Thank you. So  
9 it's a two-part question. The first deals  
10 with are the people of Tennessee, this  
11 community and Tennessee, getting their  
12 money's worth from what you're doing.

13 ANDA RAY: I wanted to address one  
14 thing. First of all, I appreciate that you  
15 care about somebody outside your community.  
16 There's not many people your age that take  
17 that kind of incentive and I have two  
18 daughters that look like they're about your  
19 age.

20 Second, the reason we're not taking  
21 notes is because you are absolutely right,  
22 we have a stenographer over here taking  
23 word for word and we also have someone  
24 taking down the actions and each of us will  
25 get those actions and get back. So that's

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1 absolutely right. We should be capturing  
2 the comments.

3                   With regard to the cost, the cost  
4                   is astronomical. It's a lot of money. And  
5                   TVA's only source of revenue is through the  
6                   sale of power. We don't get any other  
7                   appropriated funds. So that is the only  
8                   source of revenue. What TVA Board did at  
9                   the last board meeting on July 21st is that  
10                  -- it's about 933 million is the current  
11                  estimate, which is almost a billion by  
12                  anybody else's rounding off. And so what  
13                  they did is looked at what the potential  
14                  cause and effect would be on the residents  
15                  of the Valley. They have put that into a  
16                  -- as opposed to getting it back as we  
17                  spend it, which is normally done as an  
18                  expense, they've put it across over  
19                  15 years. We have now taken several budget  
20                  cuts to try to reduce that. We are looking  
21                  at reducing as much as we can the fuel cost  
22                  which is a pass through. So it is very,  
23                  very much on their mind. But it is spread  
24                  over 15 years. I don't know the actual  
25                  impact on a percentage basis. It's

1 obviously less than a couple percent per  
2 resident. But, thank you. That is a very  
3 good concern.

4 BRUCE ENGELBERT: And the question,  
5 Leo?

6 LEO FRANZENDESE: What was your  
7 name again?

8 ANTHONY JACKSON: Anthony.

9 LEO FRANZENDESE: Anthony. I  
10 apologize that I had my eyes closed. I  
11 have a slight fever today and a tooth  
12 abscess. So I'm --

13 ANTHONY JACKSON: It's not the  
14 swine flu, is it?

15 LEO FRANZENDESE: No. I woke up  
16 with it this morning. So I apologize for  
17 that. The Perry County decision. There's  
18 a big process that it went through before  
19 it got there, before that became the place.  
20 The distinct place to start out with is  
21 when the decision was made that we couldn't

22 store all the ash on site and remove the  
23 ash from the river, do that quickly, we had  
24 to find a location.

25 So TVA then went through a -- and

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1 this is all government agencies and many  
2 businesses, large corporations that go out  
3 for a request for a proposal and they  
4 received I think it was close to 25  
5 proposals from a variety of different  
6 landfills. Some of them met the criteria,  
7 some didn't. Perry County was one of them  
8 that met the criteria and they won the  
9 right to receive the ash through a  
10 competitive bidding process.

11 Issues have been raised of whether  
12 that was fair for the local community to, I  
13 think the term is, have the ash dumped on  
14 the poor, black community and other more  
15 things I can't say that it's been described  
16 as. I really want to emphasize that as I'm  
17 done -- as I'm coming towards the close of

18 my profession, it's your generation who  
19 will have to make the decisions about what  
20 is fair for the communities that deal with  
21 these issues.

22 One of the ways that our profession  
23 is currently dealing with it is local  
24 decisions to build the landfill, to site a  
25 landfill are indeed local. So if this

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1 community decides to site a landfill, then  
2 once that decision is made, they've made a  
3 tremendous, local community involvement to  
4 decide that. Down the road you may have to  
5 decide as a community whether you want to  
6 accept ash locally. That same process took  
7 place in Perry. A predominantly black  
8 community with black leadership chose for  
9 themselves to develop a business model to  
10 handle hazardous materials in a responsible  
11 way and generate income for their  
12 community.

13 Then the debate goes a little bit

14 further as in, well, does that present --  
15 are you trading risk for cash? Well,  
16 there's risks in everything that we do.  
17 And so you have to look at it in terms of  
18 are they doing it in a responsible manner  
19 that creates a good business opportunity  
20 that they benefit from it. Professionally  
21 it's -- I've been doing responses for  
22 almost 20 years. Professionally it's one  
23 of the best places I've sent material to in  
24 terms of their competency, engineering  
25 structure, overall sincerity in doing it

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1 right. And we follow up almost every week  
2 and watch how they're doing, how are they  
3 loading, how are they unloading, how are  
4 they handling storm water, are they  
5 monitoring their groundwater. I'm actually  
6 pretty proud that at the end of the day it  
7 was a good decision. Is there, you know,  
8 more you'd like to ask me? We can talk  
9 about it later.



6           And that's really Midtown. What I want to  
7           do is ask EPA, Craig and Leo, to write the  
8           most powerful report you have ever written  
9           to eliminate the Midtown landfill as an  
10          option to dump any kind of fly ash ever.  
11          This community has had enough. I don't  
12          think we need to have anymore fear or  
13          disruption of our lives or health issues by  
14          adding to what's already in the Midtown  
15          landfill.

16                   And, Mr. Quincy, I just want to  
17                   tell you that the solution to that man's  
18                   problem is just to give him the air filter.  
19                   His community deserves the best possible  
20                   treatment. That may be something that was  
21                   overlooked in the past. But here is your  
22                   opportunity to fix that. Thank you.

23                   QUINCY STYKE: Would you repeat  
24                   what the best solution was? I didn't catch  
25                   those two words.

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1                   PATRICIA ANN STINNETT: To give

2           that man his air filter.

3                   BRUCE ENGELBERT: Did you mean air  
4           monitor?

5                   PATRICIA ANN STINNETT: Monitor.

6                   BRUCE ENGELBERT: So Craig or Leo,  
7           do you want to respond to her?

8                   CRAIG ZELLER: No.

9                   LEO FRANCENDESE: Ma'am, I have  
10          absolutely no plans to send ash during my  
11          phase of the project to Midtown.

12                  PATRICIA ANN STINNETT: Okay.

13                  LEO FRANCENDESE: I have limited  
14          authority for future decisions. Please  
15          stay engaged in the process. I'm one man  
16          with one line of authority for one period  
17          of time.

18                  PATRICIA ANN STINNETT: Well, get  
19          the word that there's at least one person  
20          here who does not want that ash dumped in  
21          Midtown. My father-in-law told me what was  
22          in there and it will not be safe for this  
23          community and we have already had enough.

24                  BRUCE ENGELBERT: Thank you very

25 much.

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1 PATRICIA ANN STINNETT: You're  
2 welcome.

3 LEO FRANZENDESE: Thank you, ma'am.

4 KIRK STEELE: My name is Kirk  
5 Steele. I live in Swan Harbor off Swan  
6 Pond Circle. This is an easy one, I think.  
7 But until we get the -- you know, we have  
8 to cross these tracks several times a day  
9 and the same type of problem that Don and  
10 all of us have that live back there with  
11 the trains and having to stop so many times  
12 and wait. Until we find a solution to  
13 that, and we hope it's soon, in the  
14 meantime there's signs up, electronic signs  
15 that tell us if there's a train crossing  
16 and whether there's going to be a delay.  
17 Twice in the last week the sign has said  
18 train crossing, expect delays. I get to  
19 the tracks and there's no train. And it's  
20 like if the signs are up and they're not

21 accurate, they're worthless. So it's like  
22 it's still a crap shoot, is the sign right  
23 or not, should I take a chance to go to the  
24 tracks and go this way or go around and  
25 come in the back way. So that would be a

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1 simple one, to have some realtime  
2 information possibly that would be useful  
3 to people who live back there.

4 BRUCE ENGELBERT: That's the kind  
5 of feedback I think they want. When you've  
6 got a problem like that, get in touch with,  
7 you know, their center, here in town. Give  
8 one of these folks a call. I guess Steve  
9 is going to give you his personal phone  
10 number to take care of these things. But,  
11 anyway, I don't know. Does anybody have  
12 anything to say other than -- all right.

13 MATT LANDON: Yes. My name is Matt  
14 Landon and I'm a full-time volunteer staff  
15 person for United Mountain Defense. None  
16 of my comments are directed at any of the

17 TVA employees or anyone employed by TVA  
18 directly at the disaster site because of a  
19 restraining order that was given to me in a  
20 court.

21 I am a young person who does not  
22 live in Knoxville -- who does not live in  
23 Roane County. I'm from Knoxville,  
24 Tennessee, I'm a volunteer, I am concerned  
25 about what's happening here, and I think

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1 that it's a load of crap about what TVA  
2 representatives have said about being  
3 concerned about young people coming down  
4 here and doing work. I am a full-time  
5 volunteer. I've spent numerous hours,  
6 devoted, you know, portions -- a large  
7 portion of my life coming down here,  
8 working with people. I've gotten nothing  
9 but repression from the TVA police and from  
10 TVA employees in everything that I've tried  
11 to do to help out.

12 Delivering water, we were -- you

13 know, I've been arrested driving a blind  
14 grandmother home. I have a restraining  
15 order against me. I cannot go on any TVA  
16 properties. I cannot go on any Clinch or  
17 Emory Rivers or the Tennessee Rivers. This  
18 is ridiculous to say that TVA -- that TVA  
19 employees are concerned about young people  
20 that are concerned about the environment  
21 and concerned about people down here.

22 And I would like to ask when will  
23 independent citizen air monitoring be  
24 allowed, parallel air monitoring on TVA  
25 properties with TDEC, with the EPA? When

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1 will parallel citizen air monitoring be  
2 allowed? We have the monitors. We're open  
3 to all the quality assurance, quality  
4 controls. We're going to be judged by, you  
5 know, the regulators. When will the  
6 parallel air monitoring be allowed?

7 BRUCE ENGELBERT: Thank you. Can  
8 somebody address the question about

9 parallel air monitoring?

10 QUINCY STYKE: Yes. The issue, as  
11 I've talked to Mr. Jones, is the property  
12 belongs to TVA and for you to put a monitor  
13 on TVA property means you have to get TVA  
14 permission. This is not a TDEC call.

15 BRUCE ENGELBERT: And so I guess  
16 he's asking -- and I'm going to put the TVA  
17 people on the spot -- is this something  
18 you've discussed with him before and have  
19 you decided not to do it or do you have any  
20 further comments?

21 ANDA RAY: I'm very uncomfortable  
22 with the fact that we have legal issues  
23 being able to address this particular  
24 issue. But as far as air monitors on TVA  
25 property, we've given the regulatory

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1 authorities the ability to put any of those  
2 on there and that data is made public and  
3 it's validated and verified by independent  
4 labs.

5 BRUCE ENGELBERT: Thank you.

6 PATRICIA ANN STINNETT: Lift that  
7 restriction.

8 BRUCE ENGELBERT: We have somebody  
9 here who is seconding the opinion that that  
10 should be done. It's a TVA decision.  
11 Apparently they've considered it and at the  
12 moment it's not possible. Again, we're not  
13 resolving a dispute here tonight. So thank  
14 you for raising the issue.

15 I think we've run out of time. I  
16 realize you want to talk a little bit more,  
17 but I think Leo said that he'd be glad to  
18 carry on a conversation. I think all of  
19 you will stick around for a while so that  
20 if you have any questions that you want to  
21 address, please talk to them. Thank you  
22 for -- I would like to say that this, I  
23 thought, was a very useful public meeting.  
24 I appreciate the fact that everybody really  
25 stayed respectful, respected the time

1 frames. It made my job a lot easier and I  
2 wish you all good luck. Thank you very  
3 much.

4 (Public meeting adjourned.)

5 (The following comment was made on  
6 the record outside the public hearing.)

7 J. ADRIAN DAY: I want to know what  
8 they're doing about fraud, stealing,  
9 companies padding equipment costs and stuff  
10 like that. Also, I'd like to know how many  
11 people that work there is actually from  
12 here, all the contractors coming in and how  
13 many people is actually working there from  
14 here.

15 I also want to know exactly if  
16 anybody has ever been prosecuted or charged  
17 with anything because of this spill. It's  
18 a large spill. Somebody is responsible for  
19 it. So is anybody going to be brought up  
20 on charges because of it or anything like  
21 that? They have been storing this stuff  
22 for 60 years and all that time they never  
23 thought about what they was going to do

24 with it. You know, I mean after 60 years,  
25 I mean sometime in the process they should

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1 have thought about what they were going to  
2 do with it. I guess that's about it.  
3 That's my main points.

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE:  
COUNTY OF HAMILTON:

I, Tracy A. Beamon, Certified Court Reporter and Notary Public, do hereby certify that I reported in machine shorthand the October 1, 2009, Proceedings in the above-styled cause; that the foregoing pages, numbered from 1 to 128, inclusive, were typed under my personal supervision and constitute a true record of said proceedings.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney of counsel connected with the action, nor financially interested in the outcome of the action.

Witness my hand in the City of Chattanooga, County of Hamilton, State of Tennessee, this 20th day of October, 2009.

16

Tracy A. Beamon, CCR-1003  
My Commission Expires on the  
12th day of February, 2011.

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