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KINGSTON FOSSIL PLANT ASH RECOVERY PROJECT

PUBLIC MEETING

OCTOBER 1, 2009

FIRST BAPTIST CHURCH, KINGSTON, TENNESSEE

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APPEARANCES:

- RANDY ELLIS, CAG
- KATIE KLINE, TVA
- ANDA RAY, TVA
- STEVE MCCRACKEN, TVA
- BRENDA TIMM, CAG
- LEO FRANCFENSE, EPA
- CRAIG ZELLER, EPA
- PAUL DAVIS, TDEC
- QUINCY STYKE, TDEC
- LESLIE NALE, TVA
- BRUCE ENGELBERT, FACILITATOR

- - -

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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

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.

1 The administrative record and
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

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

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

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

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.

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

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

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.

16 And not only that, it's the
17 timeliness. It frustrates a lot of people,
18 a lot of everyone. For instance, on
19 sampling results. If something happens,
20 there is a -- we're so used to 60-second
21 sound bytes on the television and world
22 peace being solved on an hour long show,
23 that when I take a -- you take a
24 measurement, you expect people to get the
25 results in the next 15 seconds and it

1 doesn't happen. You know that. You don't
2 get your test results from the doctor back
3 that fast. But how we handle incomplete
4 information is a weakness we have. How do
5 we tell you that we don't know exactly what
6 the composition is, but we're making the
7 best judgment we can with the information?
8 And we should share that with you. We
9 should let you know where we are, so that
10 timeliness is something we know we have to
11 work on. Just because we don't have the
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

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

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.

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

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,

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 FRANCENDESE: 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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.

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

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

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

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

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

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

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

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.

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

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,

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

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

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

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

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

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,

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

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

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

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

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.

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

1 and the Little Emory and we have a lot of
2 water in our community. There are streams
3 and springs and so forth. And the one area
4 that I haven't heard addressed by
5 anybody -- and it may not be an area of
6 concern, but it is a question that keeps
7 coming up to me. Is anyone testing or
8 looking at the ground waters in the Swan
9 Pond peninsula and are there any plans to
10 continue sampling those over the long term
11 to see what impacts there may be from the
12 ash spill?

13 Now, I certainly recognize that
14 there's no base level kinds of measurements
15 to compare to from before the ash spill.
16 Nevertheless, it seems to me like it would
17 be important to be sampling the waters in
18 this area, including ground water, on a
19 long-term basis.

20 PAUL DAVIS: I'll take that one.
21 Our department has done a lot of ground
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

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

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

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

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.

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,

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

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.

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

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

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

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

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

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,

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.

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

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

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 --

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.

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

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 FRANZENDESE: Not the physical
24 plug of the ash that's in the channel?

25 BRUCE ENGELBERT: No.

1 LEO FRANCENDESE: 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 FRANCENDESE: 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 FRANCENDESE: 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 FRANCENDESE: 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

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

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

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

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

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

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

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

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

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

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

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 RENEE 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

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 RENEE 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 RENEE HOYOS: Was Appalachia State
13 there?

14 CRAIG ZELLER: Excuse me?

15 RENEE HOYOS: Appalachia State.

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

19 RENEE HOYOS: And was the Tennessee
20 Aquarium scientist there?

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

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

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 RENEE HOYOS: In those river
16 systems?

17 CRAIG ZELLER: Excuse me?

18 RENEE HOYOS: 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 RENEE HOYOS: Just in the Emory?

25 LEO FRANCENDESE: The Emory we're

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 RENEEO 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

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

3 RENEE HOYOS: 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

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

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

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

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 FRANCENDESE: What was your
7 name again?

8 ANTHONY JACKSON: Anthony.

9 LEO FRANCENDESE: 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 FRANCENDESE: 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

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

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

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.

10 BRUCE ENGELBERT: Well, yeah, I'd
11 like to, rather than continue this
12 discussion right now, take the last
13 question here. Ma'am, you've been waiting
14 patiently. Before you ask your question,
15 I'd just like to ask the group. It's now a
16 little after 8:00. Is there anybody who
17 hasn't had a chance to ask a question or
18 make a comment who would still like to do
19 that? Raise your hand. So we have one
20 here. Okay. We've got probably about ten
21 more minutes and then we're going to have
22 to bring this to a closure. So we'll have
23 these folks ask a question if we still have
24 time. And if we don't, these folks have
25 said they'll stay around and they'll be

1 glad to talk to you individually. Thank
2 you.

3 PATRICIA ANN STINNETT: Thank you.
4 My name is Patricia Ann Stinnett. I live
5 at 140 Stinnett Trace, Harriman, 37748.
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.

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.

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

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

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

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

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

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

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STATE OF TENNESSEE:
COUNTY OF HAMILTON:

and

I, Tracy A. Beamon, Certified Court Reporter

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.

the

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 action.

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

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