



**Oral Testimony of Stephen A. Smith, DVM
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Madam Chair, Senator Alexander and members of the committee:

I want to thank you for holding these important hearings, and I also want to recognize the community members who have traveled with me here today.

The devastation unleashed on this small community on the night of December 22 is difficult to describe: words and pictures do not do justice to the magnitude of this disaster. To see hundreds of acres of nasty coal combustion sludge, many places over 20 feet deep, destroying beautiful lake front property, is truly sad.

I have witnessed a host of emotions from families in this community: fear, frustration, anger and depression. But the most of all is betrayal.

The Tennessee Valley Authority has unleashed devastation on the very watershed and communities it was created to protect.

Yet as devastating as this was, the fact that this occurred on a cold December night instead of a warm July afternoon, where people would have been enjoying the vast recreational opportunities of this once beautiful river, has potentially spared hundreds of lives.

News reports and my organization's preliminary investigation indicate that this could and should have been avoided. Shortcuts have been taken, rules were waved or broken and accountability has been absent; this was not a natural disaster this was a manmade disaster.

It is clear that, in its early response, TVA prioritized public relations over public health and has largely been overwhelmed by the size of this spill, which appears to be the largest industrial spill in our nation's history.

The force of this accident not only ripped homes off their foundations—it also ripped the lid off of a national problem and the failure of EPA to develop minimum standards for this waste. It is outrageous that the landfills holding our household garbage are more regulated than the pits holding this toxic coal sludge.

It also washed away the millions of dollars worth of “clean coal” advertisement, reminding us of the reality that burning coal is a dirty business. From Mountain Top Removal mining, which is destroying the southern Appalachian mountains, to air pollution that chokes our cities, our nation's national parks and leads to climate destabilization, to this toxic coal ash sludge spilling into an east Tennessee river: *burning coal is dirty business*.

We can and must do better. We have cleaner technologies.

But this is not just a story of TVA’s failure but also of the EPA’s. In 2000, EPA shirked its responsibility by not regulating coal ash as a hazardous waste, and it promised to promulgate minimum standards. I’m sad to report that over 8 years later, and 28 years since Congress first asked EPA to study this issue, we still do not have the most basic standards.

This, too, is a national problem. Today EPA cannot fully account for the hundreds of millions of tons of coal ash generated every year.

And this problem is only going to get worse. As we tighten air regulations removing more pollution from hundreds of smokestacks, it will end up in this ash in greater volumes and higher concentrations.

Today I call on your committee to at a minimum:

- 1: Require an orderly phase out all wet storage of toxic coal ash;**
- 2: Require EPA to immediately inspect and monitor all toxic coal ash storage and disposal units; and**
- 3: Develop the long-promised Federal regulation of all toxic coal ash storage and disposal by year’s end.**

TVA was born out of crippling economic times. As we find ourselves again in similar difficult times, this is an opportunity to remake TVA for the 21st Century.

The great challenge of how we produce and consume energy in this country cries out for leadership from the power industry. We need an agency like TVA to be a living laboratory leading us into a future heavily invested in advanced energy efficiency, smart-grid technologies and clean, safe renewable energy. This is fuel for economic recovery.

This committee has the power to confirm up to four new board members by May 2009. We must ensure that these new members have relevant experience, a strong commitment to clean energy and a bold vision for this agency’s future.

Madam Chair and members of this committee the operative words here today are *accountability and oversight* – the citizens demand and deserve no less. We must have clean up, not cover up.