



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8960

FEB 12 2009

Ms. Christy George
President
Society of Environmental Journalists
P.O. Box 2492
Jenkintown, Pennsylvania 19046

Dear Ms. George:

Thank you for your January 3, 2009, letter concerning public access to environmental monitoring data collected by the U.S. Environmental Protection Agency (EPA), the Tennessee Valley Authority (TVA), and the Tennessee Department of Environment and Conservation (TDEC) at the TVA Kingston Fossil Fuel Fly Ash Release Site (Site) located in Harriman, Tennessee. We agree it is in the public's best interest to have EPA provide quality analytical data as expeditiously as possible. In response to your request for information related to this project, please find below a summary of EPA activities conducted at the Site.

The Emergency Response and Removal Branch (ERRB) dispatched an On Scene Coordinator (OSC) to the incident on December 22, 2008, and joined a command structure composed of TDEC, Tennessee Emergency Management Agency, Roane County Emergency Management Agency, and TVA. Over the course of the ensuing week, additional EPA resources were deployed to provide Incident Command System (ICS) planning assistance, data management and Geographic Information Systems expertise, public relations and community involvement support, and environmental sampling and oversight. EPA ERRB demobilized on January 8, 2009. TVA is now developing a long-term cleanup strategy. TDEC will oversee the TVA cleanup actions, pursuant to a state enforcement order issued on January 12, 2009.

In addition to ICS coordination support and oversight, EPA performed independent sampling of ash, surface water, groundwater, and soil as well as real-time air monitoring. EPA collected samples from December 23-30, 2008, and conducted real-time air monitoring from December 27, 2008 to January 8, 2009. All of the results were posted on EPA's web site as soon as they were releasable. The sampling results were communicated during several media briefings and at a community meeting as was the EPA web site address. This information was also communicated to callers requesting information by the EPA representative at the Joint Information Center. The full results of EPA's sampling efforts may be found in a series of summary reports available on the TVA Fly Ash Spill website at http://www.epaosc.net/site_profile.asp?site_id=4642.

The data generated by first round of sampling, conducted on December 23, 2008, experienced some delays because of the lack of available contract laboratory resources during the holiday season. Data from subsequent sampling events conducted on December 30, 2008, and performed by EPA's own laboratory were released as final data to the public six days after sample collection. EPA's sampling and analysis program undergoes a rigorous quality assurance process. This process is vital for the public and media to have the highest confidence in EPA's data. Unfortunately, this process sometimes limits EPA's ability to release data as quickly as we and the public would prefer. EPA agrees our data should be available to the public as quickly as possible, and we will strive to improve the timeliness of our process while ensuring the integrity of our data.

We fully understand that establishing a positive relationship with journalists requires not only the ability to maintain open communication, but also an understanding of the culture and norms that journalists use. While we understand deadlines and the need to keep information current, we also recognize the need to provide information that is factual and accurate. The Public Information Officers assigned to this response worked tirelessly to release sampling data as soon as it was made available.

EPA does not believe that it is appropriate to formally review or comment upon the data collected by Appalachian State University (ASU). Both the ASU study and EPA data, however, indicated that the surface water of Emory River near point of release was contaminated with arsenic. The ASU data does not appear to be inconsistent with the EPA data, given normal spatial and temporal variation associated with environmental sampling.

I can address the data collected by EPA in greater detail. EPA, in consultation with the Agency for Toxic Substances and Disease Registry (ATSDR), identified consumption of potentially contaminated drinking water and inhalation of ash particulates as the primary human exposure pathways. To determine if there was an immediate threat to public health, EPA sampled potentially impacted drinking water supplies and monitored particulates in air. EPA sampled the intakes and finished water from the Kingston, Cumberland, and Rockport Water Treatment Plants. The concentrations for all constituents were within federal Maximum Contaminant Levels (MCL) for drinking water. Samples of potable water collected by EPA (as well as coordinated sampling with TDEC) from private wells were also determined to be below the MCLs for drinking water. TDEC has continued to ensure that drinking water from residential wells is safe through an extensive sampling program. Air monitoring conducted by EPA in six locations indicated that the air quality met National Ambient Air Quality Standards for particulate matter at both the 10 micrometer per cubic meter (PM10) and the 2.5 micrometer per cubic meter (PM2.5) standards.

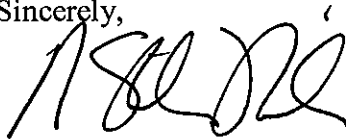
To assess the surface water impacts to the Emory and Clinch Rivers, EPA collected samples from the surface water down stream of the fly ash release. These samples indicated elevated concentrations of several metals the day after the spill, but the concentrations decreased significantly (by two orders of magnitude) in later sampling as suspended solids in the rivers settled. The Tennessee Water Quality Criteria (TWQC) for the Emory and Clinch Rivers are the concentrations listed in the federal MCL for drinking water. In EPA's last round of surface water sampling on December 29, 2008, only arsenic exceeded the TWQC. Since MCLs regulate

the amount of contaminants that may be present in public drinking water supplies, they represent conservative screening criteria for raw river water. Surface water continues to be monitored by TDEC.

TDEC and TVA's environmental sampling program and air monitoring is ongoing, and data is being released to the public as results become available. Sampling and analytical data generated to date can be viewed at the TVA website at <http://www.tva.gov/> and at the TDEC website at <http://www.state.tn.us/environment/kingston/index.shtml>.

We appreciate your desire to protect and preserve the environment and hope you find this information helpful. If we may be of further assistance, please contact Carl Terry in EPA's Office of External Affairs at 404-562-8325.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Stanley Meiburg', written over a horizontal line.

A. Stanley Meiburg
Acting Regional Administrator