

March 10, 2010

Administrator Cass R. Sunstein
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D.C. 20503

Dear Administrator Sunstein,

As you probably remember, the communities of Kingston and Harriman in Roane County, Tennessee, were devastated back in December 2008 when a dike on a retention pond collapsed, spilling 1.1 billion gallons of toxic coal fly ash onto our community. Our lives have not returned to normal ever since.

Even though this happened more than 14 months ago, our lives are still heavily impacted by the coal ash and it appears that 500 million pounds of ash have been washed past the Emory River channel and into our prized Watts Barr Lake where it will most likely be left for all eternity. Coal ash is now known to extend at least four miles upstream in the Emory River, in the Clinch River from the mouth of the Emory four miles downstream to its confluence with the Tennessee River, and at least six miles downstream from there. An EPA spokesperson has stated in testimony to the Tennessee Legislature that, "A reasonable man would expect to find coal ash all the way down to Watts Bar Dam". That is more than 50 miles away. Our fishery was already nearing a reproductive tipping point due to coal mining in the upper watersheds and 50 years of TVA coal ash discharges containing selenium, arsenic, and other heavy metals into the lake. Our lake is now the subject of a science experiment in which no one truly knows the ultimate outcome. The effect on our local economy could well be large and tragic.

Authorities claim that they are testing water from the river for contaminants but their methodology is highly suspect with the intentional refusal to test during heavy rainfall events that put the Emory River at high-flow levels when heavy spikes of contaminant loads are known to be present. This is an outrage! Even in the face of obviously incomplete water sampling data, sampling reports are held up as demonstrating that the water is safe -- even though the EPA has admitted in public arenas that the data is flawed.

Nor do we in the local community trust that the air quality is being properly monitored, allowing TVA to skirt around the fact that we are still breathing in contaminated air that is causing short and long-term health effects. There are videos of ash clouds swirling off the failed storage facility even while all published data claims not to show these clouds of coal ash dust.

The Tennessee Valley Authority and the Tennessee Department of Environment and Conservation have been charged with cleaning up this horrific disaster, and are trying to put in place the necessary measures to prevent such a catastrophe from happening again; their actions however, are insufficient. As cleanup and prevention efforts persist locally, it is clear that more aggressive action is needed. It is a sad commentary that all three of the EE/CA alternatives proposed for the final resolution of the coal ash

remaining in our community are to be unlined and unmonitored for leachate and would be disallowed if this same facility were proposed as a the destination were it to be transported. It boggles the mind that the EPA can seriously propose unlined permanent storage in a community that has been so grievously wronged. All we ask is that we be made whole and safe as soon as can be expected.

We must take a national approach to regulate coal fly ash before other communities are forced to face what we are going through. Hundreds of other communities are at risk, with consequences that extend far beyond their borders and into entire watersheds and ecosystems.

Since you've already heard the coal industry's side of the story over two dozen times, we ask that you come to Kingston and Harriman, let us show you around and listen to our story. Once you witness the devastation, we are confident you will act appropriately to move federal regulation quickly.

Please let us know when you will be able to visit our beautiful Tennessee community where we once felt contentedly safe and so very much want to do so again.

Thank you for your time and efforts on our behalf.

Sincerely,

Steve Scarborough

Roane County, Tennessee