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5 years after coal-ash spill, little has changed

Duane W. Gang, USA TODAY Published 12:06 a.m. ET Dec. 22, 2013 | Updated 12:31 p.m. ET Dec. 23, 2013

A dike failure at TVA's Kingston Fossil Plant led to the largest spill in history.



(Photo: Samuel M. Simpkins Samuel M. Simpkins / The Tennessean)

HARRIMAN, Tenn. — As Tommy Charles looks out of his dining room window, it's easy to see why he and his wife moved to Lakeshore Drive here nearly 50 years ago.

The Emory River widens as it passes his house. Great blue herons glide above the placid, gray water. It's an idyllic place to live and raise a family.

Because others saw the same potential, the neighborhood grew to more than 25 homes. No one seemed to mind the Tennessee Valley Authority power plant looming just a short distance away.

That was how things were, at least, before the early morning hours of Dec. 22, 2008. When a dike failed at TVA's Kingston Fossil Plant, 5.4 million cubic yards of coal ash cascaded into the Emory and Clinch rivers and smothered about 300 acres of land.

The breach released a slow-moving wave of toxic sludge and polluted water into the river in what remains the nation's largest coal-ash spill in history. It snapped trees as if they were twigs and knocked homes off their foundations. It destroyed three houses and damaged dozens of others. There were no injuries.

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More coal ash spilled at Kingston than oil from the Deepwater Horizon accident in the Gulf of Mexico two years later. Enough muck spewed forth to fill a football field more than 2,500 feet into the air. The Tennessee Department of Environment and Conservation hit TVA with an \$11.5 million fine.

"As soon as I got out and moved around, I saw that mess," Charles, 74, recalled. "I couldn't believe it."

The spill prompted TVA and other utilities across the nation to re-evaluate how they store coal ash, a byproduct from burning coal to produce electricity. The material contains arsenic, selenium, mercury and other pollutants — all harmful to people and wildlife when found in high concentrations.

Congress held hearings in the aftermath. The U.S. Environmental Protection Agency proposed new rules regulating coal ash, including classifying it as a hazardous material.

But five years later, coal ash remains largely unregulated. The EPA and Congress have not yet acted to strengthen oversight of the material. Industry groups and some lawmakers continue to oppose classifying coal ash as hazardous.

"The jury is still out on whether we will get the protections we need to prevent this from happening again," said Stephen Smith, executive director of the Southern Alliance for Clean Energy in Knoxville, Tenn. "The final chapter hasn't been written."

To clean up the spill and restore the area, TVA has spent \$1 billion and is on pace to spend \$200 million more by the time the project finishes in 2015.

TVA also has spent \$40 million studying the effects of leaving 500,000 cubic yards of ash in the river, where it has mixed with decades-old radioactive pollution from the Department of Energy's nearby Oak Ridge nuclear reservation. For the next 30 years, TVA is required to monitor wildlife in the area.



(Photo: Samuel M. Simpkins Samuel M. Simpkins / The Tennessean)

In addition, the agency has contributed \$43 million to Roane County, Tenn., and is building parks, walking trails and other recreational facilities.

Although Charles' home and most of the others on Lakeshore Drive were undamaged, he and his wife are the only residents left. TVA bought the entire neighborhood — all but Charles' house — and turned the area into a park as part of the recovery work.

"The commitment when this happened, that TVA made, was to return it to at least its pre-spill condition if not make it better," said Craig Zeller, the EPA's project manager overseeing the recovery work.

There are hundreds of coal-ash impoundments across the nation, and the EPA has found dozens that it believes are leaking. In the wake of the 2008 spill, some utilities, including TVA, vowed to convert to dry ash storage, a far safer way to handle the material.

Two utilities in South Carolina, for instance, are voluntarily removing coal ash from storage sites near waterways. North Carolina has sued a major power provider over pollutants leaking from coal-ash storage ponds.

But some environmental groups believe more must be done. Uniform regulations are needed, said Frank Holleman, a senior attorney with the Southern Environmental Law Center in Chapel Hill, N.C. Municipal landfills often face tougher rules and regulations on coal ash vary by state, he said.

Some utilities have recognized the need to make changes. Others, he said, should do the same before another Kingston takes place.

Thomas Adams, executive director of the American Coal Ash Association, which supports recycling the material, said better regulation is needed, but the waste shouldn't be classified as hazardous. Such a move would halt recycling, he said.

A powerful group of senators in 2010 — including Sens. Lamar Alexander and Bob Corker, Republicans of Tennessee — wrote a letter to then-EPA administrator Lisa Jackson urging her not to follow through on the proposal.

The association supports legislation sponsored by Rep. David McKinley, R-W.Va.

The bill, passed by the House this year, would establish minimum requirements for the management and disposal of coal ash.

The proposal, though, strips the EPA of its authority to regulate coal ash as a hazardous material and environmental groups oppose it.

The EPA said Thursday that it will finalize the rule pending a full evaluation of all of the 450,000 comments and other data it has received. A recent federal court decision requires the EPA to submit a schedule for final action by Saturday.

Back near the Kingston power plant, the landscape has changed.

TVA bought 180 properties and 960 acres from private landowners in the wake of the spill. Charles insists money was not the issue for holding out. He and his wife just had no where else to go.

"It's home," he whispered as he stood in his driveway, tears filling his eyes. "It's home."

Gang also reports for The Tennessean

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KINGSTON COAL ASH SPILL

On Dec. 22, 2008, a dike broke at the Tennessee Valley Authority's Kingston Fossil Plant in Harriman, Tenn., spilling 5.4 million cubic yards of coal ash. The recovery is five years in the making now at a cost of more than \$1 billion.

Duane W. Gang/The Tennessean



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