



TVA KINGSTON DISASTER and FEDERAL COAL ASH REGULATIONS

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DECEMBER 2008

- **Largest Toxic Spill in U.S. History:** More than 1 billion gallons of coal ash slurry covered 300 acres, with sludge deposits up to 6 feet deep. The disaster was 100 times larger than the Exxon Valdez spill. The 2008 Kingston disaster singlehandedly dumped more arsenic (140,000 pounds), chromium, lead, manganese, and nickel into the Emory River than reported from the entire power industry into all U.S. waterways *combined* in 2007.
- **Massive TVA Buyout:** TVA purchased [180 properties in the spill area](#) (for approx. \$147 million). The settlements required signed waivers of medical claims.
- **Community Health Survey:** A community health survey in the weeks following the spill found that 52% of the people within a 1.5-mile radius [experienced stress and anxiety](#). Four out of ten respondents reported a change in health since the spill, with upper respiratory symptoms like coughs, wheezing and shortness of breath.

2009

- **Second TVA Spill:** In January 2009, three weeks after the Kingston disaster, 10,000 gallons of FGD sludge leaked from a break in an impoundment at [TVA's Widows Creek Fossil Plant](#).
- **Administrator Lisa Jackson pledges federal regulation of coal ash** with draft regulations by year's end in March 2009.
- **TVA Misleads Public Over Cause of Spill:** A 2009 TVA report blamed the spill on a freak confluence of four factors and placed no blame on management.
- **Inspector General Report Rips TVA Report, Assigns Blame:** TVA's independent inspector general countered with a report saying TVA tailored its investigation to match its litigation needs and drew "fortuitous" conclusions. The report identified lax inspections, poor training and failure to follow plans as causes of the disaster, highlighting that engineers warned TVA of safety concerns as early as the 1980s.
- **TVA sued by Harriman Residents.** Over 140 lawsuits filed, involving over 500 plaintiffs.
- **Superfund Cleanup:** EPA and TVA sign an [Administrative Order and Agreement on Consent \(AOC\)](#) wherein EPA is responsible for overseeing TVA's cleanup pursuant to Superfund, including the removal and disposal of coal ash.
- **Coal Ash Shipments begin to Perry County:** EPA Region 4 [approves disposal](#) of coal ash in Arrowhead Landfill, near Uniontown, AL. [According to EPA](#), "The landfill is in an isolated area, surrounded by large tracts of property, farms and ranches." Shipments begin July 4, 2009.
- **Citizen suits filed against owners of Arrowhead landfill:** Affected citizens file complaints for violation of CWA, CAA, RCRA, and EPCRA against [Perry County Associates](#). Residents suffer health problems, including respiratory illness, headaches, dizziness, nausea and vomiting.

2010

- **TVA finds stability problems at other plants:** A full inspection of 24 impoundments at 11 plants in 3 states reveals [the need for repairs](#) at 12 of 24 dams. At 12 dams the factor of safety was less than minimum federal criteria and thus repairs were needed to ensure stability.
- **55 Lawsuits Still Pending in U.S. District Court Against TVA**
- **Complaint filed against operators of Perry County Landfill:** Complaint filed for violation of Clean Air Act and RCRA on behalf of residents near landfill.

- **Gypsum impoundment leak at Kingston:** TVA belatedly admits failure at gypsum pond, and TDEC files [Notice of Violation](#) for failure to notify the state of the leak in the impoundment.
- **EPA proposes RCRA coal ash regulations:** June 2010 proposed rule includes both hazardous and nonhazardous regulatory options. EPA receives 450,000 public comments.

2011

- **Civil Trial Begins:** Five lawsuits against TVA commence with over 230 plaintiffs.
- **Civil Rights Complaint Filed:** A [complaint is filed on behalf of 48 residents of Perry County, AL](#) that charges ADEM with violating Title VI of the Civil Rights Act of 1964, which prevents discrimination by government agencies that receive federal funds. The population of Perry County is over 68 percent African-American, and over 35 percent falls below the poverty line, making it Alabama's poorest county. The landfill is located near Uniontown, AL, where 88 percent of residents are African-American and almost half live in poverty. The population in the census blocks surrounding the landfill range from 87 to 100 percent African-American.
- **We Energies Coal Ash Spill, Oak Creek, WI:** 25,000 tons [in lake and onto shore of Lake Michigan](#) when bluff collapses.

2012

- **Civil Rights Investigation:** EPA's Office of Civil Rights [agrees to investigate](#) the Title VI complaint filed by residents of a largely African-American community in Alabama.
- **Federal Court Holds TVA Responsible for Spill:** U.S. District Court Judge Varlan of Eastern District of Tennessee finds that [had TVA acted appropriately](#), the underlying failure of the north dike "would have been investigated, addressed, and potentially remedied before the catastrophic failure."
- **TVA spent \$11 million to date in legal fees.**
- **Limited Cleanup Plan:** EPA and TDEC sign off on [TVA's Phase 3](#) cleanup plan – "Monitored Natural Recovery" – which relies on natural river processes to dispose or cover up the remaining 400,000 tons of ash in 200 acres of the Clinch and Emory Rivers.
- **EPA Sued for Failure to Issue Coal Ash Rule:** In April, [Earthjustice sued EPA](#) on behalf of 10 public interest groups and a Tribe to require issuance of a coal ash rule.
- **More coal ash ponds identified:** Number of coal ash ponds increases to over 1000 (1,070) as a result of industry-submitted data pursuant to information request from EPA. (Up from 30 known ponds in 2008)
- **More high-hazard coal ash dams identified:** Number of high and significant dams had huge uptick- 79 high hazard dams, 230 significant hazard dams; Number of contaminated sites tops 200.

2013

- **Cleanup Workers File Lawsuit:** Lawsuit filed on behalf of over 50 workers and spouses in U.S. District Court alleges a company hired by TVA for more than \$40 million to oversee safety guidelines at the Kingston coal ash spill site [allowed workers to be exposed to hazards](#). Workers allege they suffered health woes from prolonged exposure to toxic substances found in the coal ash.
- **Cleanup costs passed on to ratepayers.** At 1.2 billion, 69 cents for every month from every man woman and child in the utility's seven-state coverage area for the next 15 years.
- **EPA proposes water pollution limits on coal-fired power plants:** Hundreds of activists and supporters show up at EPA for a public hearing in July.
- **TVA abandons plans to convert wet coal ash to dry:** Power provider, in testimony [at a water permit appeal hearing](#), quietly reneges on its promise to phase out ponds.
- **Federal court rules on lawsuit:** In October, the [U.S. District Court for the District of Columbia](#) finds EPA has duty to review and revise, if necessary, subtitle D regs and gives the EPA 60 days to set a deadline; an additional 30 days are added at EPA's request.

2014

- **EPA sets a deadline for finalizing federal coal ash rule:** EPA and environmental and public health organizations agree on a settlement under the federal litigation filed in 2012, wherein the EPA will finalize pending coal ash regulations by December 19, 2014. The deadline does not determine the substance of the rule, it only confirms that EPA will finalize the first-ever federal regulations for coal ash disposal.