

April 1, 2009

Anda A. Ray
Senior Vice President
Office of Environment & Research

**KINGSTON ASH RESPONSE ACTIVITIES - SECTION 104 RESPONSIBILITIES -
COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND
LIABILITY ACT (CERCLA)**

When the Kingston ash pond dike failed on December 22, 2008, TVA notified the National Response Center in accordance with Section 103 of CERCLA, 42 U.S.C. § 9603. In response, Region 4 of U.S. Environmental Protection Agency (EPA) immediately dispatched an EPA CERCLA On-Scene Coordinator to Kingston and established a Unified Command Center with EPA as the lead Federal Agency. In a January 10, 2009, memorandum, EPA transferred lead Federal Agency authority to TVA to begin longer-term response efforts. TVA has assumed responsibility for response efforts and is proceeding with cleanup of the Kingston spill under the oversight of EPA and the Tennessee Department of Environment and Conservation.

I direct you to oversee environmental response actions for the Kingston ash spill in accordance with Section 104, 42 U.S.C. § 9604, Section 2 of Executive Order No. 12580 (January 23, 1987), and the National Contingency Plan, 40 C.F.R. part 300 (2008). As required by Section 104, you shall ensure that response actions necessary to protect the public health or welfare or the environment are undertaken at Kingston consistent with the National Contingency Plan.



Tom Kilgore
President and Chief Executive Officer
Tennessee Valley Authority