

**Summation of Comments Received and Response to Comments  
Tennessee Valley Authority (TVA) Kingston Ash Recovery Project  
Draft Community Involvement Plan  
Public Comment Period October 19-December 20, 2009**

On May 11, 2009, the U.S. Environmental Protection Agency (EPA) signed an Administrative Order and Agreement on Consent (AOC) pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) with the TVA to oversee the cleanup of coal ash at the TVA Kingston Ash Recovery Project (the Site). Under the AOC and the requirements of CERCLA, TVA was required to prepare a Community Involvement Plan (CIP) for the site.

On October 16, 2009, EPA approved TVA's Draft CIP.

On October 21, 2009, TVA issued a public notice announcing the availability of the Draft CIP and starting a 30-day public comment period. The initial public comment period ran from October 21-November 20, 2009. On November 5, 2009, TVA announced to the Roane County Community Advisory Group (CAG) that it was extending the public comment period on the Draft CIP through December 20, 2009, an additional 30 days. TVA also announced the extension in ads in local papers and in letters to groups that had requested the extension.

TVA has reviewed and carefully considered the public's comments. Pursuant to the AOC, site work and community involvement activities have been on-going during the public comment period. The Draft CIP is available at the Administrative Record, which can be found online at [http://www.tva.com/kingston/admin\\_record/index.htm](http://www.tva.com/kingston/admin_record/index.htm) or at the locations below:

TVA Outreach Center  
509 N. Kentucky Street  
Kingston, Tennessee  
(865) 632-1700

Kingston Public Library  
1004 Bradford Way  
Kingston, Tennessee  
(865) 376-9905

On computer disk at:

Harriman Public Library  
601 Walden Street  
Harriman, Tennessee  
(865) 882-3195

TVA has concluded the public comment period for the Kingston Ash Recovery Project Draft CIP. Public comments submitted are responded to within this document, the Draft CIP Responsiveness Summary. The Responsiveness Summary will be included as Appendix W in

the Final CIP. Presented below are the comments and TVA's responses to the comments received during the public comment period by email and mail.

1. Public Interviews: It is not clear how the 50 public interviews were used by TVA to make this plan responsive to the public's needs. Due to the following, the interview approach and analysis of the results are of concern: (1) TVA hand-selected members of the community to participate in the interviews; (2) TVA employees personally conducted the interviews. An independent third party would likely receive more truthful, open answers; (3) Fifty interviewees is equivalent to 0.4 percent of the combined populations of Kingston and Harriman and less than 0.1 percent of the total population of Roane County (using the population counts provided in the Plan). Fifty is a small sample size and unlikely to represent the full range of community concerns; (4) The results of the interviews were not analyzed scientifically with percentages or other numerical comparisons and preclude a clear understanding of the primary concerns and the number of citizens who share the same opinions on issues related to the site.
  - Response: The National Contingency Plan (NCP) [40 CFR § 300.430(c)(2)(i); 300.415(n)(3)(i); and 300.415(n)(4)(i)] requires the lead agency (at this site, TVA) to "conduct community interviews with local officials, community residents, public interest groups, or other interested or affected parties, as appropriate." EPA guidance in their Superfund Toolkit recommends a minimum of 25 interviews. Community interviews are not designed to present the opinions of a randomized, statistically significant section of the public. They are designed, according to the NCP "to solicit their concerns and information needs, and to learn how and when citizens would like to be involved in the Superfund process." TVA, with EPA's advice and approval, identified a cross-section of the community, including residents, elected officials, leaders of community-based organizations, church groups, environmental organizations, and local business leaders, including many who had been publicly critical of TVA and the cleanup process. TVA invited more than 80 individuals to be interviewed for the CIP. The interviewees were informed their names and responses would be kept confidential to provide anonymity to answer interview questions truthfully. More than 50 individuals agreed to be interviewed. TVA continues to gather information about the public's concerns and expectations through public meetings, availability sessions, public comment periods, attendance at Roane County Community Advisory Group (CAG) and other community meetings, emails and phone calls from the public, etc.
2. Relationship with the agencies: The Plan states that the Roane County Community Advisory Group (CAG), which formed to represent the community independently of cleanup agencies, will be advised by EPA and TVA during the cleanup. This information inaccurately represents the relationship between the CAG and the cleanup agencies. Agencies commonly assist CAGs during cleanups by providing regular updates regarding substance and process related to the cleanup and making available whatever technical, management or legal expertise that the CAG may need to effectively engage in the cleanup. The CAG's advisor is a third party entity that is not affiliated with the cleanup

agencies. EPA community involvement specialists do provide advice, as requested by a CAG. The point is that the CAG must operate independently and be perceived by the community as operating independently from the agencies.

- Response: At the time the Draft CIP was written, the CAG had not yet been selected as the Technical Assistance Program (TAP) recipient. Therefore, the TAP and CAG information are presented separately in the Draft CIP. TVA and EPA have provided and will continue to provide the CAG with technical information, regular updates and access to the site so they can facilitate TVA's communication with the public and the community's involvement in the decision-making process at the site as the CAG's stated purpose in EPA Guidance for CAGs at Superfund Sites OSWER Directive 9230.0-28 PB94-963293. The final CIP will be revised to reflect the CAG's relationship to EPA and TVA.
3. Ecological quality, "Section 3.3.3. Environmental": This section does not address any environmental issues related to the biological characteristics of the site, including plants and wildlife. The lack of environmental concerns is another indicator that the limited number of interviewees may have impacted the representation of concerns about the site. TVA could note that though interviewees did not specifically address issues pertaining to fish and natural resources, TVA will be providing information about how they will be restoring the habitat and improving environmental quality.
- Response: Section 3.3.3 Environmental accurately represents the key environmental concerns of the more than 50 interviewees. TVA has provided information about issues pertaining to fish and natural resources throughout the cleanup process. The Engineering Evaluation/Cost Analysis (EE/CA) Report and the decision documents that follow will detail the actions TVA and EPA will be taking to protect and restore fish and other natural resources. The final CIP will be updated to include the previous statement.
4. Vulnerable populations: According to the numbers provided in the Plan, over 40 percent of Roane County's population is in a vulnerable age category (either under five years old, under 18 or over 65). Citizens that fall into these age categories are vulnerable because they are more susceptible to health effects from environmental pollution, as well as infectious disease, than healthy adults. TVA could acknowledge this percentage and indicate that it will be doing its best to ensure the cleanup will protect these special populations' health.
- Response: The purpose of this plan is to discuss how TVA will communicate with and involve the public throughout the cleanup. The Plan notes the percentage of people in Roane County that are under 18 or over 65, and includes outreach activities that are designed to appeal to these populations (Web site and other new media, as well as emails, newspapers, and presentations to schools and civic groups).

A human health risk assessment is being prepared for the Embayment and Dredge Cell EE/CA and will specifically address potential risks to children and adults from

potential lifetime exposures to ash-related constituents. These assessments will evaluate health risks posed in the area and will be publically available in the EE/CA report.

The Tennessee Department of Health (TDH), in conjunction with the federal Agency for Toxic Substances and Disease Registry (ATSDR), has released a draft Public Health Assessment (PHA) for the TVA Kingston coal ash release. The PHA addresses environmental issues related to actual or possible human exposure and is available for review and public comment online at <http://health.state.tn.us/coalashspill.htm> through March 9, 2010.

5. Public input: It is unclear whether or not TVA will make revisions to future cleanup documents after receiving input from the community during public comment periods. The common procedure used under Superfund (CERCLA) is as follows: a Draft document is completed for all agencies to review and the public may have an opportunity to comment; the agency makes revisions and a Draft Final is released to the public; public comments are taken; a final document is released. The language in the Plan could be revised to reflect this sequence of events that allows for real public participation. Broader public participation is permitted and may include release of the Draft to the CAG before the public release date in anticipation of the CAG taking time to review it and make comment.
  - Response: Work under a CERCLA removal action often takes place at a quicker pace than under a remedial action. Generally, draft documents are not released to the public for comment before final documents are produced. Instead, public comments on one document are addressed in the Responsiveness Summary for that document and reflected in the preparation of the next document. For instance, comments on the EE/CA Work Plan will be addressed in the Responsiveness Summary for the EE/CA Work Plan, and those comments will be incorporated into the EE/CA Report as appropriate. Comments received on the EE/CA Report will be addressed in the EE/CA Responsiveness Summary and reflected in the non-time-critical removal decision and the Action Memorandum as appropriate. Because the pace of work is moving so quickly, TVA will consider public comments throughout the removal action. TVA will incorporate community comments in documents as warranted.
6. Missing data: According to the Plan, “Data shows that concentrations of metals in the ash are below the limits for classification as a hazardous waste.” This data is not available in the EE/CA Work Plan, nor is there a reference in the Work Plan to direct readers elsewhere to obtain the information. In addition, this statement is misleading because the fly ash is exempt from classification as a hazardous waste due to federal law, the Beville Amendment. The Plan could be reworded to state: “Coal ash is exempted from classification as hazardous waste by the Beville Amendment” and indicate how the public can find the data that proves the waste does not need be disposed of in a hazardous waste landfill. The public should be aware that there are levels of certain constituents in the fly ash that present a threat to human and ecological health.

- Response: The principal intent of this statement is to present information related to TVA's utilization of an off-site solid waste landfill (Resource Recovery and Response Act [RCRA] Subtitle D) to dispose of the ash currently being removed from the Emory River. The ash is not classified as a hazardous waste and does not exceed the limits established by the Toxicity Characteristic Leaching Procedure (TCLP). TVA is not using this information to assess impacts on human health and the environment. The purpose of TCLP testing is to demonstrate that the ash meets the requirements for disposal at the Arrowhead Landfill in Perry County, Alabama, a Subtitle D permitted facility. The TCLP data are posted at [http://www.tva.gov/kingston/solids/dredged\\_ash/index.htm](http://www.tva.gov/kingston/solids/dredged_ash/index.htm).

EPA guidance and protocols will be followed to perform human health and ecological risk assessments related to the ash cleanup (See response #10 below).

7. Official name of the project: EPA and TVA have used at least three different names for the accident site and the cleanup effort. The Plan calls it the TVA Fossil Plant Release Site. The EPA Web site calls it TVA Kingston Fly Ash Release. TVA's EE/CA Work Plan uses the name Kingston Fly Ash Recovery Project. The agencies could discuss this problem and make a decision regarding the official name of the cleanup site that distinguishes it from the fossil plant so that one name is used uniformly over the course of the cleanup.
  - Response: The final CIP, along with all documents going forward, will present a consistent official name. The project name is the Kingston Ash Recovery Project.
8. Enhanced Public Involvement: Public involvement serves several purposes, including engaging and empowering the affected community, improving the cleanup in process and substance and adding another review to actions that will affect the lives of community members. Thus, an enhanced public involvement program (with appropriate plan) is in the interest of all parties. Public involvement could be greatly enhanced in the Plan with 1) commitments to provide CAG briefings; 2) monthly and quarterly public events; 3) a commitment to maintain information on the TVA Web site; 4) written update reports to the public; 5) including the CAG on technical updates/reports among other measures.
  - Response: It is TVA's goal that public involvement and communication between the community and TVA will grow and improve over the course of the project. Since the completion of the Draft CIP (during EPA's review and the 60-day public comment period) TVA has increased its briefings to the CAG through monthly meetings and weekly emails about site activities. Also TVA has committed to holding monthly availability sessions while public interest warrants them, as well as quarterly public meetings; TVA will continue to maintain information on the TVA Web site, provide (and in several cases, hand-deliver) written updates to the public, and provide the CAG with technical updates and ground and helicopter tours of the site. TVA will also address school, civic, and community groups. Section 4.1 Communications Tools will be updated to accurately reflect current communication activities.

9. 2.3.4 Sampling and Monitoring, paragraph 3, page 11: The text in this paragraph indicates that data show concentrations of metals in the ash below the limits for classification as a hazardous waste. EPA uses the Toxicity Characteristic Leaching Procedure to determine how much of the contaminants will leach out of the ash (and thus, become bioavailable) and compares that number to a federal standard, but this method and the data from this testing are not mentioned in the Plan or the EE/CA Work Plan. Moreover, there is a distinct set of standards used to determine the threat posed to human health and ecological quality, which is not clarified in the Plan. The Plan gives the impression that because the ash does not qualify for disposal in a hazardous waste landfill under the Bevill Amendment, there is no threat to human health or wildlife. Using the data provided in Table 8 of the EE/CA Work Plan, TASC prepared a comparison of the maximum detected concentrations of metals at the TVA site to the federal hazardous waste parameters listed under CERCLA (see Table 1 below). These maximum concentrations will be used for the risk assessments that will determine the threats to human and ecological health posed by the site, according to the EE/CA Work Plan. The text in this section of the Plan could be reworded to provide a clearer understanding of classification of fly ash. The Plan could be edited to state: “Coal ash is exempted from classification as hazardous waste by the Bevill Amendment” and provide a reference so that the public can see the leachate data for themselves. The public should be aware of the leachability test and the exemption of coal ash under the Bevill Amendment.

- Response: As stated in response #6, the principal intent of this paragraph is to present information related to TVA’s utilization of an off-site solid waste landfill (RCRA Subtitle D) to dispose of the ash currently being removed from the Emory River. The ash is not classified as a hazardous waste and does not exceed the limits established by the TCLP. TVA is not using this information to assess impacts on human health and the environment. The purpose of TCLP testing is to demonstrate that the ash meets the requirements for disposal at the Arrowhead Landfill in Perry County, Alabama, a Subtitle D permitted facility. The TCLP data are posted at [http://www.tva.gov/kingston/solids/dredged\\_ash/index.htm](http://www.tva.gov/kingston/solids/dredged_ash/index.htm).

EPA guidance and protocols will be followed to perform human health and ecological risk assessments related to the ash cleanup (See response #10 below).

10. 2.3.4 Sampling and Monitoring, paragraph 4, page 11: The Plan states that the average concentrations of metals in the ash are similar to the range of concentrations that are expected in native soil in Tennessee. Averaging sample concentrations does not give a true representation of the risk posed by the contaminants to the public and the environment. It is important to give the public a clear understanding that there are samples that exceed state and federal standards and local or state background levels. The text could state that the cleanup will not underestimate the risk to public health by using averaged samples as the basis for cleanup.

- Response: The reference in the Draft CIP to average concentrations relative to background is intended to provide a regional perspective on the site concentrations. TVA will adhere to EPA guidance for both human health and ecological risk assessment. The EPA guidance includes assumptions which are intentionally conservative so as to not underestimate the risk.

EPA guidance supports the use of an estimate of the average concentration for evaluation of risks to human and ecological receptors, however, because of the uncertainty associated with estimating the true average concentration, the 95% Upper Confidence Limit (UCL<sub>95</sub>) on the mean is used for risk assessment purposes as a conservative estimate of potential exposures over an individual's lifetime.

11. 3.1 Community Profile, fourth paragraph, page 13: Rather than just list the information provided in the Community Profile, the Plan could use it to perform some informative calculations. According to the numbers, 42.9 percent of the affected population is in a vulnerable age category, including children under the age of five, children under age 18, and seniors aged 65 and above. These three age groups are the most susceptible to environmental pollution. Children are not little adults; they have not fully developed and their immune systems are not as strong as adults'. Seniors also have weaker immune systems. A revised draft could indicate that with such a large proportion of vulnerable age groups in the general population, TVA will take extra care when conducting human health risk assessments to be protective of their health and wellbeing.

- Response: As stated in response to comment #4, the purpose of this plan is to discuss how TVA will communicate with and involve the public throughout the cleanup. The Plan notes the percentage of people in Roane County that are under 18 or over 65, and includes outreach activities that are designed to appeal to these populations (Web site and other new media, as well as emails, newspapers, and presentations to schools as well as civic groups).

A human health risk assessment is being prepared for the Embayment and Dredge Cell EE/CA Report and will specifically address potential risks to children and to adults from potential lifetime exposures to ash-related constituents. These assessments will evaluate health risks posed in the area and will be publically available in the EE/CA Report.

The TDH, in conjunction with the federal ATSDR, has released a draft PHA for the TVA Kingston coal ash release. The PHA addresses all environmental issues related to actual or possible human exposure and is available for review and public comment online at <http://health.state.tn.us/coalashspill.htm> through March 9, 2010.

12. 3.2.1 Outreach, final paragraph, page 14: TVA's reasoning for buying property near the spill site is vague. It is unclear how the residents and houses were impacted by the recovery efforts when the TVA began buying houses so quickly after the accident. In

addition, it is unclear whether the reasoning is related to health issues. If this is the case, it is confusing that professional staff now resides in the purchased houses. TVA could further explain the basis of its decision-making in this section.

- Response: As stated in the Draft CIP, TVA's guidelines for purchasing property were based on whether the property was impacted from the spill or the recovery efforts. Residents were offered the opportunity to sell their property but were not required to do so. Comprehensive air monitoring around the site has led TDEC to state that "The particulate matter and metals measured in air near the site are below national and state standards or are less than any levels of concern. There is no indication of health concerns for area residents or workers." According to their February 24, 2010 POLREP ([www.epakingstontva.com](http://www.epakingstontva.com)), EPA continues to confirm "TDEC's belief that there is no known threat to public health from an air pollution exposure associated with the clean-up of the ash spill at the TVA Kingston Steam Plant". There is no indication of health concerns for the environmental and other professional staff residing in the purchased homes.

13. 3.2.2 Public Meetings/Open house, page 15: Holding an open house is not evidence of community involvement – it's the number of community members who attend the event. The Plan does not indicate the specific number of citizens in attendance at the open house events and public meeting. TVA cannot be sure that its messages and information are reaching far into the community if it does not keep track of the number of citizens that attend its events. Including these numbers in the Plan would also make clear to readers the extent to which the community is choosing to participate in TVA's outreach.

- Response: Community involvement is the result of a number of activities listed in Section 3.2 of the Draft CIP: immediate outreach efforts, the Outreach Team, the Community Outreach Center, the toll-free phone line, doorknob tags, electronic signs, Realty Services, contracting with ORAU, Public Meetings/Open Houses, working with Public Officials, meeting with the Long-Term Recovery Committee, establishing the Roane County Economic Development Foundation, communicating with the media, the Web site, etc. TVA does not require members of the public to sign in at its events, although people are given the opportunity to sign in if they wish to record their attendance or be added to the email list. Attendance at homeowner meetings ranged from 20-75. We estimate that attendance at public meetings has ranged from 200-250 community members at early meetings to 40-50 at TVA's most recent public meeting on January 26, 2010. Recent availability sessions have attracted 15-25 people.

14. 3.2.4 Communications, last paragraph, page 16: There was confusion brought forth at the agencies' Availability Session on November 10, 2009 about which Web site serves as the primary resource for information regarding the site and the cleanup. The Plan could mention EPA's Web site also, identify what differences exist between TVA's Web site and EPA's, and what the purpose is of each. For public understanding, it would be beneficial if TVA explained what resources are available on its Web site and which resources are available on [www.epakingstontva.com](http://www.epakingstontva.com).



- Response: The EPA's Kingston Web site is maintained by EPA; TVA does not have editorial control of that website. The TVA Kingston Ash Recovery Project Webpage is a clearinghouse for all TVA information regarding the Kingston site. It is the electronic repository for all documents included in the Administrative Record. It also contains fact sheets, reports and regular updates. It includes notifications about public comment periods. Further, the Web site also has video clips, FAQs and links to other key agencies. TVA encourages the public to access both EPA and TVA Web sites to obtain information.

15. 3.3 Key Community Concerns, entire section: TVA's analysis of its interviews with community members is characterized by general statements and quotations from individuals, rather than a scientific approach that would indicate a number, or percentage, of residents with an opinion on a certain point. While the open-ended questionnaire does not lead the interviewee by giving him or her pre-selected answers to choose from, there is not a good way to analyze this type of survey in order to give a true comparison of the community's opinions. The survey analysis could include a list of topics and concerns brought up in the interviews and the number of citizens who mentioned each topic to show the range of concerns and patterns of comments.

- Response: TVA used the questionnaire in the EPA Superfund Toolkit as the basis of its questionnaire for the community interviews. Rather than a randomized, statistically significant survey of public opinion, the community interviews used to develop CIPs are designed to elicit the advice and counsel of community leaders and those most impacted and interested in site cleanup. The advice of these leaders and residents helps the lead agency (in this case TVA) identify community concerns and the best ways to communicate with all stakeholders.

16. 3.3 Key Community Concerns, paragraph 1, page 16: There are several issues presented in this paragraph that undermine the credibility of the community interviews. The number of citizens interviewed is very small compared to the overall population. Fifty interviewees is approximately 0.4 percent of the combined populations of Kingston and Harriman and less than 0.1 percent of the total population of Roane County (using the population counts provided in the Plan). Fifty is a small sample size and therefore unlikely to represent the full range of community concerns. Secondly, the interviewees were hand-selected by TVA, which would indicate that the community as a whole was not given the chance to participate and give its opinion. Lastly, the interviews were conducted by TVA employees rather than an independent third-party. This sampling design is flawed when compared to professional, scientific methods. Ideally, TVA would conduct a second interview or survey that would be made available to the entire populations of Roane County, Kingston and Harriman, conducted by an independent party and then analyzed using numbers and comparisons to determine patterns and a broader range of concerns.

- Response: According to the EPA Superfund Toolkit, the minimum number of interviewees is 25. TVA invited more than 80 people to participate in its interviews,

and over 50 interviews were conducted. Interviewees were selected to fit the criteria given in NCP [40 CFR § 300.430(c)(2)(i); 300.415(n)(3)(i); and 300.415(n)(4)(i)] which requires the lead agency (in this case, TVA) to “conduct community interviews with local officials, community residents, public interest groups, or other interested or affected parties, as appropriate.” TVA invited leaders and residents who had been vocal in their opinions about the site in the press and at public meetings. As the lead cleanup agency at the site, TVA had the responsibility to conduct the public interviews. A public opinion survey of the population of Roane County would provide interesting data, but is less practical guidance for communicating with the public and involving them in the decision-making process for the Kingston Ash Recovery Project. Residents also have the option of sharing their thoughts and opinions with TVA through the Web site [www.tva.gov/kingston](http://www.tva.gov/kingston), emails, phone calls, public meetings, or face-to-face encounters.

17. Section 3.3.3. Environmental, page 18: This text indicates that local citizen concerns about environmental media are limited to questioning how contamination might impact the natural resources they rely on and how that might impact their health. As such, environmental concerns related to nature itself (e.g. wildlife, native plants) are not referenced in this section. This absence may indicate that the fifty interviews conducted were not enough to gather a full range of information on concerns or that the topic was not brought forward from the interviews into the report.

- Response: The issues identified in Section 3.3 are generally those mentioned in response to two questions in the questionnaire, Appendix J of the Draft CIP. They are question III.D, “What are your issues, concerns, maybe even fears regarding the ash release and clean up?” and question IV.A “What are the issues, concerns and maybe even fears of the community?” Community concerns and issues mentioned by the interviewees were “brought forward” and included in the Draft CIP.

However, since brought forward by the CAG in response to the Draft CIP, the Final CIP will identify this concern in Section 3.3.3 Environmental.

18. Section 4.1.1 Required Activities, Administrative Record and Information Repository, bullet two, page 22: The text referring to public comment leaves readers with an unclear understanding of whether the public’s input will lead to document revisions and thus, revisions to the actual work conducted during cleanup.

- Response: As stated in response to comment #5, work under a CERCLA removal action often takes place at a quicker pace than under a remedial action. Generally, draft documents are not released to the public for comment before final documents are produced. Instead, public comments on one document are addressed in the Responsiveness Summary for that document and reflected in the preparation of the next document. For instance, comments on the EE/CA Work Plan will be addressed in the Responsiveness Summary for the EE/CA Work Plan, and those comments will be incorporated into the EE/CA Report as appropriate. Comments received on the

EE/CA Report will be addressed in the EE/CA Responsiveness Summary and reflected in the non-time-critical removal decision and the Action Memorandum as appropriate. Because the pace of work is moving so quickly, TVA will consider public comments throughout the removal action. TVA will incorporate community comments in documents as warranted.

19. Community Advisory Group, bullet three, page 25: The text states that “EPA and TVA will advise members of this CAG throughout the response process.” The text could be revised to indicate that the CAG will select its own, independent advisor but that EPA and TVA will be providing the CAG with regular updates as to substance and process related to the cleanup. In addition, this section could include more language on the updates EPA and TVA have already been providing and any other regular correspondence that occurs between the agencies and the CAG. If TVA and EPA intend to provide more than the minimum requirements of CERCLA, then those enhancements should be spelled out in the Plan.

- Response: As stated in response to comment # 2, at the time the Draft CIP was written, the CAG had not yet been selected as the TAP recipient. Therefore, the TAP and CAG information are presented separately in the Draft CIP. TVA and EPA have provided and will continue to provide the CAG with technical information, regular updates and access to the site. This will facilitate TVA’s communication with the public and the community’s involvement in TVA’s decision-making process at the site as the CAG’s stated purpose. See EPA Guidance for Community Advisory Groups at Superfund Sites OSWER Directive 9230.0-28 PB94-963293. The final CIP will be revised to reflect the CAG’s relationship to EPA and TVA.

20. 4.2.2 Non-Time Critical Removal Actions, last paragraph, page 30: This section emphasizes that timeliness is critical to the cleanup progression, but it is silent on how the comments on and suggested changes to the Work Plan will be incorporated into the work outlined within it. The language in this section could be edited to include information on whether the Work Plan is finalized or if there is room for editing before work begins in spring 2010.

- Response: As covered in response to comment #5 and #18, work under a CERCLA removal action often takes place at a quicker pace than under a remedial action. Generally, draft documents are not released to the public for comment before final documents are produced. Instead, public comments on one document are addressed in the Responsiveness Summary for that document and reflected in the preparation of the next document. For instance, comments on the EE/CA Work Plan will be addressed in the Responsiveness Summary for the EE/CA Work Plan, and those comments will be incorporated into the EE/CA Report as appropriate. Comments received on the EE/CA Report will be addressed in the EE/CA Responsiveness Summary and reflected in the non-time-critical removal decision and the Action Memorandum as appropriate. Because the pace of work is moving so quickly, TVA

will consider public comments throughout the removal action. TVA will incorporate community comments in documents as warranted.

21. Section 2.2 Site Location: The mileages listed are “as the crow flies,” correct? Not roadway mileages?

- Response: Mileages will be adjusted to reflect approximate driving distance from the Kingston Fossil Plant based on information gathered from Google Maps (<http://maps.google.com>) as of February 3, 2010.

22. On page 7, the last paragraph says, “EPA initiated a sampling program on December 23, 2008 which included an area approximately one mile upstream of the release area on the Clinch River.” The release was on the Emory River... do you mean “on the Clinch River approximately one mile upstream from the confluence of the Clinch and Emory Rivers?”

- Response: No, however the sampling area was not described correctly in the Draft CIP. The Final CIP will be revised to accurately describe the designated sampling area during the emergency response.

23. On page 12 it states that “no evidence that past contamination of sediments would have any impact on TVA’s dredging of ash?” Why did we hear so much about the selenium then? What happened to it?

- Response: The reference on page 12 to “past contamination” refers to contamination of the Clinch and Emory River sediments from sources or events other than the ash spill.

For example, it is known that past practices at facilities on the Department of Energy’s Oak Ridge Reservation have resulted in mercury and radionuclide contamination of Clinch River sediments. Due to flow dynamics between the Clinch and Emory Rivers at various times of the year, it is possible that some of this “legacy” contamination could have entered the mouth of the Emory River. The sampling by the interagency group was intended to determine if TVA’s dredging activities would disturb any potentially-significant levels of these contaminants.

Regarding selenium, there have been two independent reviews of the potential for dredging to increase selenium levels in the environment. These reviews were triggered by some expressed concerns over the potential mobilization of selenium concentrations that would exceed aquatic toxicity levels. Reports issued by an EPA Science Panel Review (at the request of the Senate Committee on Environment and Public Works) and the U.S. Army Engineering and Development Center concluded that TVA dredging activities would not result in mobilization of adverse levels of selenium. Both of these reports can be found at the following link <http://www.epakingstontva.com/Selenium%20Reports/Forms/AllItems.aspx>

24. On page 22, Communication Tools: states that the following tools will be used to pass information to the public. Several of the tools make specific mention of the methods of information dispersal planned, such as newspaper ads or email. But no mention is made on the next couple of pages about how or where the Responsiveness Summaries, Public Meetings and Open Houses are going to be advertised. Might be worth a few words there to clarify methods of advertisement.

- Response: Agreed. The methods that TVA will use to advertise the availability of information will be added to the section entitled “Communication Tools” where applicable. Public Meetings and Open Houses will be advertised in local papers, through the [www.tva.gov/kingston](http://www.tva.gov/kingston) web page, and on electronic message boards. The Responsiveness Summaries will be available in the Administrative Record and online.

25. On page 28 the chart states under Time-critical removal actions: “1. Prevent the coal ash from release from negatively impacting public health and the environment.” This statement is rather curious; once the ash was released it immediately had negative impact on the environment (maybe not so immediately on public health). Can’t prevent that from happening; already done. Maybe should say something like “mitigate or alleviate” the negative impact of the coal ash release... or maybe a work like “salvage” or “rehabilitate.” But “prevent” is not appropriate here.

- Response: This is a direct quote from the portion of the Administrative Order on Consent that describes the difference between time-critical, non-time-critical and remedial actions.

26. In Appendix F: “Potentially” Responsible Party????? It’s TVA’s plant, TVA’s ash pond, and TVA’s broken dam... The dam was not broken due to another party’s actions. I guess you have to list it this way since there are lawsuits on the table, and you don’t want to hand them anything. But maybe it would be a little less... insulting to the community if TVA was listed as, I don’t know, maybe Property Owner of Record or something.

- Response: Potentially Responsible Party is common environmental law terminology used by the EPA to describe an individual or company (such as an owner, operator, transporter, etc.) that is responsible or potentially responsible for creating or contributing to contamination problems at a CERCLA site.

27. In the interest of saving paper, for anyone crazy enough to print out all 79 pages... I suppose there is a reason why each appendix has to have a cover sheet, but only the one I see as really needing one is Appendix M, Material Data Sheets. For the other, the title of the Appendix itself says the same thing as the cover sheet just before it, and takes up less than one page each.

- Response: Agreed. In future copies, TVA will remove the cover sheets for the Appendices, except for Appendix M.