Office of the District Attorney General Ninth Judicial District

Serving Loudon, Meigs, Morgan and Roane Counties
Russell Johnson, District Attorney General

July 21, 2017

Robert J. Martineau, Jr.
Commissioner
Tennessee Department of Environment & Conservation
312 Rosa L. Parks Avenue
Tennessee Tower - 2nd Floor
Nashville, TN 37243

Over the past several months my office has been in communication with the representative of many of the former workers involved with the cleanup of the Tennessee Valley Authority (TVA) coal fired steam plant ash spill in Kingston, Tennessee. We received and reviewed information including statements, portions of depositions, and copies of covertly recorded video and/or audio recordings made by employees while on the cleanup job site. All of this information is now well documented in a Knoxville News Sentinel newspaper article published July 21,2017. (Available at: http://www.knoxnews.com/story/news/2017/07/21/kingston-coal-ash-spill-workers-treated-expendables-lawsuit-sick-and-dying-contends/451537001/) This incident will also be part of a forthcoming series by USA Today and become national news.

In reviewing this information, for potential criminal prosecution, there are a number of issues confronting us. Obviously, given the federal status of TVA and the United States Environmental Protection Agency's (EPA) oversight of the cleanup, the situation begs for a federal investigation and possible prosecution. However, I am deeply concerned with the apparently intentional conduct of the cleanup contractors and their supervisors, actions that took place in Roane County, conduct that may indeed have caused serious bodily injury, or possibly even death, to a number of people. Given the extent of the former clean-up workers' health concerns, it also begs the question: What potential health concerns are still out there for the Kingston and Roane County communities? As recently as this month, local organizations have looked into starting recreation programs, such as children's soccer leagues, to utilize the athletic fields that now lie atop the former ash piles. Our community has a right to know about any potential health concerns from radiation, or any other harmful materials, buried "in place" as part of the cleanup process.

From my perspective, I need to know what the Tennessee Department of Environment & Conservation's (TDEC) role was in providing oversight or monitoring of the cleanup. It is my understanding the EPA had the primary role; however, I have already been in contact with the Tennessee Bureau of Investigation (TBI) to determine what fashion an investigation from the

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state level could take place. Additionally, I am sending a copy of this letter to the State Attorney General hoping to have his cooperation in this matter of grave concern to the citizens of Kingston, Roane County, and the state of Tennessee. I am asking you for some sort of outline or explanation of your agency's role in the cleanup, monitoring, and oversight of the clean-up project in order to properly set parameters for any further investigation.

Please keep in mind; I understand much of this should come from the Tennessee Valley Authority Office of Inspector General or the United States Attorney's Office. Additionally, from our research over the past several weeks, I also believe state criminal law provides numerous statute of limitation barriers that may hamper future criminal prosecution. However, proof that the contractors (or even TVA) may have suppressed information as part of the alleged cover up, may toll the statute of limitations during the period of concealment with the health concerns of the former workers and the danger to public only recently becoming apparent.

I look forward to your response and would welcome the opportunity to meet with you, in Nashville, to discuss these issues and receive any information you can provide to assist us as we go forward with our investigation.

Respectfully,

Russell Johnson
District Attorney General

Cc:
Bill Haslam, Governor of Tennessee
Herbert Slatery III, Tennessee Attorney General
Mark Gwyn, Tennessee Bureau of Investigation Director
Richard Moore, Tennessee Valley Authority Inspector General
Nancy Harr, United States Attorney Eastern District of Tennessee