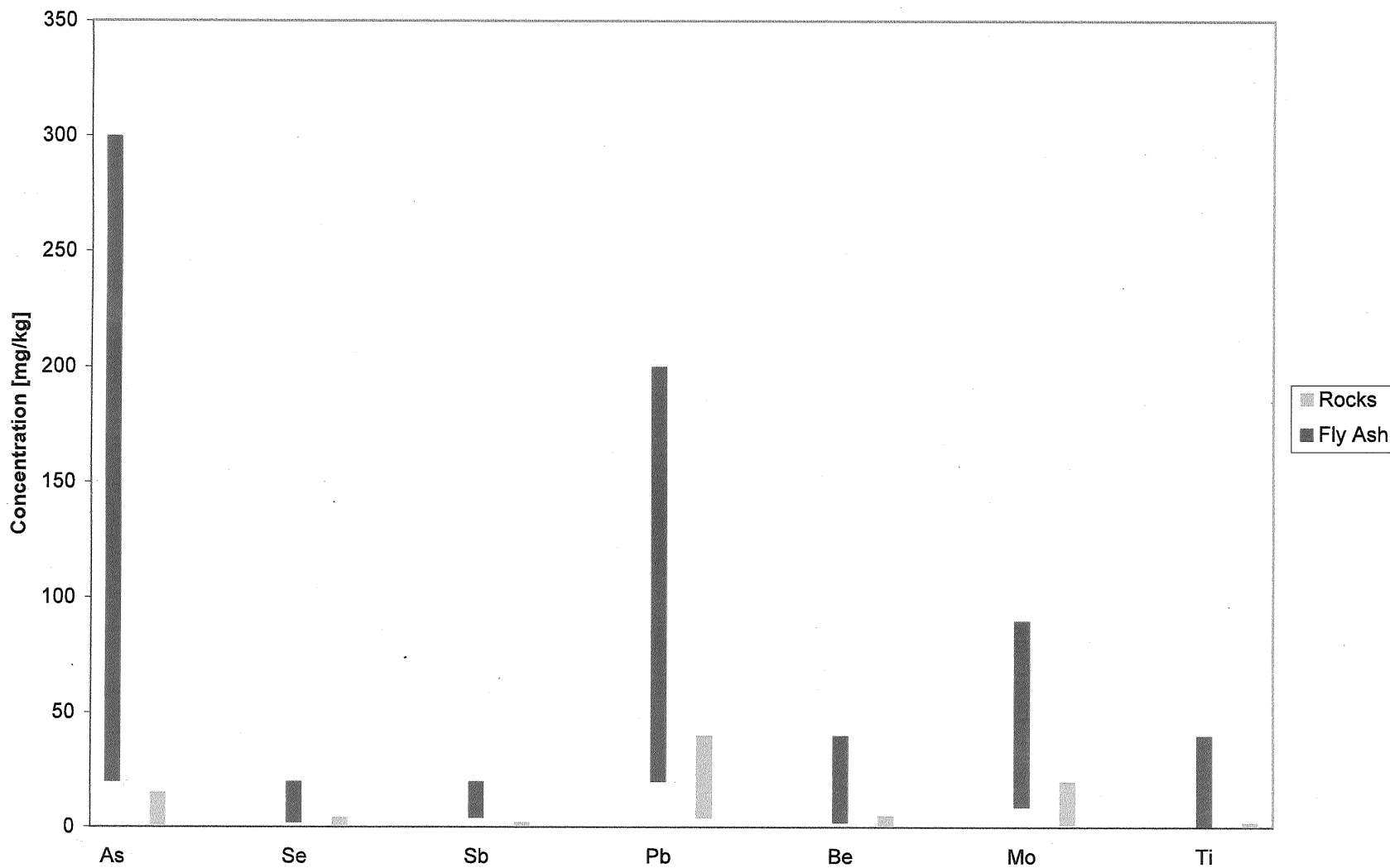


Concentration of Trace Metals in Fly Ash and Rock



Data Source: EPRI, Sustainable Management of Coal Combustion Products, October 16, 2009.

House of Representative Subcommittee on Energy and
Environment
Testimony of Gayle Queen
December 10, 2009

My name is Gayle Queen. I live at 2401 Queen Mitchell Road in Gambrills, Maryland. My family has lived in this area for over 100 years.

I am 56 years old and a widow. I am no longer employed. I lived in the Gambrills community while for over 10 years during that time 4.1 million tons of coal ash was dumped next to my home by a power company.

I am here to tell you about what happened in Gambrills, Maryland and how the contamination of the air and drinking water has affected my health, the health of my family and community. I am here today to ask you to make sure that Congress passes legislation so that another community doesn't have to suffer like my community.

The coal ash was dumped into an unlined, 80 foot deep pit on 84 acres. The coal ash went into an aquifer that supplies my communities' drinking water, and we all breathed the dust in. Once the community was informed of the problem in 2007, we were given no help by the state or federal governments. Later, one of the "solutions" was to hook up some of my neighbors to a fire hydrant for their

water. The hoses froze in the winter. For other people, bottled water was supplied. But this did nothing for our past exposure, both in our drinking water and in the air.

The problems in Gambrills with coal ash started in the 1990s at another coal ash dump site when the power company dumped coal ash in another community. The residents of that community complained about the dust from the trucks dumping the coal ash and the grading on the site. When it was required to have a continuous 30-inch thick layer of clay at the bottom of that ash pit, the power company decided to dump coal ash near my home.

There was supposed to be no contact between the coal ash and the surface or ground water with a four foot separation between the coal ash and ground water. No expensive liner or 30 inch layer of clay was required at the Gambrills site.

Sadly, the coal ash went directly into standing water, in a sand and gravel pit which had excavations as deep as 80 feet! There was no liner or four foot barrier either. The truck drivers who dumped the coal ash said that there was water often sitting in those pits, even without any recent rain.

My community was never warned of the dangers of toxic coal ash, or that it could go into our water and our lungs and cause injury.

Starting in 1999 and through 2007 tests showed that arsenic, iron, manganese, and sulfate were being leached at dangerous levels and finally these dangerous chemicals got into our private wells.

I have a well at my home. I rely on my well water to provide cooking, drinking and bathing water.

In 2007, the power company began providing me bottled water. Before this, I had never heard of coal ash or its dangers and didn't know this toxin was being dumped in my community. If I had known about the dangers, I would have protested along with my community and this dumping would not have happened. But we didn't know of the dangers, or even that dumping was going on.

Thankfully, the power company did finally take responsibility for the situation by helping the community with these problems. But the contamination of the water remains. It should never have happened.

Because of the coal ash contamination, I have lost both my financial security and my health. My biggest monetary asset, my home, is worthless. I cannot afford to pay the mortgage and the bank has foreclosed on me. I may have to file for bankruptcy.

Because of the coal ash, I have trouble breathing. I am not a smoker. My doctor has told me I have the lungs of an 80 year old woman because of breathing in the coal ash. I am terrified about my future health. My husband died in 2006 from renal failure, and I worry that my organs will fail, I will get cancer or I will get another disease because of my exposure to this ash.

I also worry about my children and grandchildren. They drank the water, bathed in it, brushed their teeth and breath in this dust. Will they get a disease, too? No one can tell me for sure. But I do know they never should have been exposed to this stuff.

I ask that you pass legislation to protect people like me, and my family. If the Environmental Protection Agency had the authority to require liners and force power companies not to dump close to drinking water systems, what happened to me and my community would not happen to anyone else.

We do not have the power to protect ourselves these companies and the state agencies are not protecting us.

Coal ash contamination ruins the lives of the people in the community and our environment. It cannot be allowed to happen again. Thank you.

Office of the City Manager
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December 2, 2009

Milton L. Johnston
Waste Programs Manager
Department of Environmental Quality
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, Virginia 23462

Re: Draft Permit Amendment, Dominion Chesapeake Energy Center
Ash Landfill, Solid Waste Permit #440
Citizen Draft Permit Review Copy

Dear Mr. Johnston:

The City of Chesapeake has recently become aware of the draft permit amendment for the Dominion Chesapeake Energy Center Ash Landfill ("CEC Ash Landfill"). The draft permit was sent to the Library Manager of the Major Hilliard Public Library Branch in Deep Creek but was not copied to the City Council, the City Attorney, or the City Manager in accordance with the Virginia Administrative Code (VAC). While recognizing that the draft sent to the library was intended for citizen comment and was followed by a publication of notice in The Virginian-Pilot, the City Manager's Office would nevertheless appreciate receiving direct notice of matters concerning the CEC Ash Landfill in the future. Please consider this correspondence a request by the City Manager's Office to be placed on your notification list for all matters concerning coal ash. As you know, the City has particular interest in issues relating to the regulation of coal ash and the use and disposal of coal ash within the City of Chesapeake.

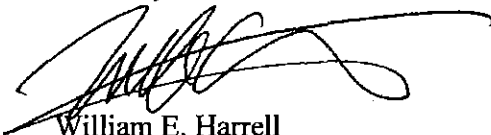
The action requested by Dominion Virginia Power is the implementation of an amended groundwater Corrective Action Plan (Amended CAP), received by the Department of Environmental Quality on March 9, 2009. The Amended CAP is voluminous and highly technical and in general terms, appears to recommend no action other than monitoring the high arsenic levels of the groundwater. This proposal of "no action" is based on an assumption "that iron oxidation and precipitation is taking place before CEC groundwater discharges to the estuary and the arsenic is attenuated by sorption on the iron oxides." This assumption is one which the City would like to study further prior to making final comments; however, I understand that the deadline for submitting comments is December 2, 2009. Accordingly, due to the late receipt of the draft permit, the technical nature of the issues presented, and the complexity of factors to be considered under 9 VAC 20-80-310, the City respectfully requests an additional sixty (60) days in which to evaluate the proposed implementation of the Amended CAP. In addition, the City requests a public hearing under 9 VAC 20-80-500, as follows:

Milton E. Johnston
December 2, 2009
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- 1) The known groundwater contamination and the potential for discharge to the Southern Branch of the Elizabeth River and the Deep Creek presents issues and questions of public interest and should be fully vetted in a public forum.
- 2) The City of Chesapeake requests the public hearing at City Hall as the locality in which the CEC Ash Landfill is located, on behalf of its citizens. The groundwater contamination resulting from the CEC Ash Landfill poses a threat to the public health, safety and welfare.
- 3) Specific revisions of the Amended CAP may include the following:
 - A. The Amended CAP does not adequately identify the plume of discharge or explain why a selective remediation method is appropriate for potential off-site discharge of the contaminated groundwater.
 - B. The Amended CAP does not adequately explain the reliability of the theories and assumptions supporting the selective remediation method.
 - C. The Amended CAP contemplates that the attenuation of arsenic may take anywhere from 4.1 to 17.4 years before arsenic levels reach acceptable limits, which does not appear to be a remedy of sufficient expediency in light of the likelihood that the contaminated groundwater will be discharged into state waters.
 - D. The network of groundwater monitoring wells may be inadequate. The draft permit indicates that monitoring groundwater at this site is difficult due to the proximity of the CEC Ash Landfill to tidal waterways and wetlands.
 - E. Additional technical review by geo-technical professionals could be helpful in revealing other potential inadequacies of the Amended CAP.

As you can see, the City's concerns are justified and should be addressed through an extended comment period and public hearing. Please advise me directly of the decisions rendered by DEQ in response to these requests.

Sincerely,



William E. Harrell
City Manager

WEH:MAS:sc

c: The Honorable Mayor and Members of City Council
Ronald S. Hallman, City Attorney
David Paylor, Director – Department of Environmental Quality
Amar Dwarkanath, Deputy City Manager – Operations
Jan Proctor, Deputy City Attorney
Mary Ann Saunders, Assistant to the City Manager