UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 07 2016

Ms. Amy B. Henry
Manager, NEPA and Valley Projects, Environment
Tennessee Valley Authority
400 West Summit Hill Drive, WT11
Knoxville, Tennessee 37902

Re: Draft Programmatic Environmental Impact Statement (DPEIS) for Ash Impoundment Closure (Part 1- Programmatic NEPA Review); ERP TVA-E09819-00; CEQ No: 20150369

Dear Ms. Henry:

The U. S. Environmental Protection Agency has reviewed the referenced document in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The purpose of this Draft Programmatic Environmental Impact Statement (DPEIS) is to address the closure of coal combustion residuals (CCR) impoundments at the Tennessee Valley Authority's (TVA's) coal-fired power plants. Part II of the DPEIS consists of six site specific NEPA reviews and closure plans that involve the following fossil plant facilities: Widows Creek, John Sevier, Kingston, Colbert, Bull Run, and Allen. The Widows Creek Fossil Plant is located in Alabama and the other five facilities are located in Tennessee.

Coal combustion residuals (CCR) are byproducts produced from burning coal and include fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. In 2009, the TVA outlined a plan to eliminate wet storage of CCR at its plants and convert all wet fly ash, bottom ash, and gypsum operations to dry storage. The EPA has reviewed both parts of the DPEIS including the site specific closure plans and is providing technical review comments on the potential environmental impacts of closing CCR impoundments across the TVA system and at the six specific fossil plants (See enclosure). For the six facilities that the DPEIS included specific NEPA reviews, the TVA has identified Alternative B, Closure-in-Place, as its preferred alternative.

The EPA has rated this DPEIS as "LO"– or Lack of Objections. The EPA has not identified any significant environmental impacts to the proposed action that would require substantive changes to the DPEIS or require the TVA's consideration of different alternatives for the site specific closure plans. The EPA has identified several issues from our review of the DPEIS including water discharges and water quality, environmental justice, climate change, and waste management. The EPA recommends that these issues be more fully explored in the Final PEIS (FPEIS) that could enhance the TVA's overall closure process.

The EPA also appreciates the opportunity provided by the TVA to meet and discuss the DPDEIS and the proposed closure projects on January 27, 2016. If you wish to discuss this matter further, please contact Larry O. Gissentanna at (404) 562-8248 or gissentanna.larry@epa.gov of the NEPA Program Office.

Sincerely,

G. Alan Farmer
Director
Resource Conservation and Restoration Division

Enclosure

Enclosure
Detailed Comments
Tennessee Valley Authority
Draft Programmatic Environmental Impact Statement (DPEIS) for Ash Impoundment Closure;
CEQ No: 20150369

Water Quality and Permitting:

The DPEIS should include a detailed description of the decanting operations that will occur prior to closure-in-place and closure-by-removal. Specifically, the document should address any applicable dam safety regulations to avoid instability during draw-down of the ash pond water. Decanting may not be appropriate under existing National Pollution Elimination Discharge System (NPDES) permits without complying with additional safeguards.

Recommendation: The TVA should consult with the State permitting authority prior to decanting to ensure that the proposed activities are compliant with NPDES requirements.

For those TVA facilities that will have closure by removal of the CCR, the final NEPA document should include a discussion regarding the management of leachate from the final disposal site (e.g., landfill).

Recommendation: If any leachate from the off-site landfill is to be collected and sent to a domestic wastewater treatment plant for treatment prior to discharge, the FPEIS should address the adequacy of treatment for dissolved metals at the receiving domestic treatment facility under this potential alternative.

The DPEIS generally discusses seepages from the coal ash impoundments (pages 66, 68, and 69).

Recommendation: The EPA suggests that the TVA provide a more detailed discussion on seepages from ash ponds that reach surface waters in the FPEIS. Specifically, the TVA should discuss how and what plans are being considered to eliminate or obtain permits for known or potential seepages of pollutants from the ash ponds under all the alternatives (i.e., No Action, Closure-in-Place, and Closure-by-Removal). For the Closure-in-Place and Closure-by-Removal alternatives, the FPEIS might also address potential seepages that occur prior to closure of the ash ponds and any potential seepages that will remain after the ash ponds are permanently closed.

Environmental Justice:

The EPA recognizes that the TVA is providing public meetings for residents that live near the actual power plants evaluated under the DPEIS.

Recommendation: The EPA suggests that the TVA also conduct public meetings for citizens that live in the areas near any final ash disposal sites under consideration.

The EPA notes that in Chapter 6 – EIS Recipients, Part I, some of the United South and Eastern Tribes, Inc. (USET) tribes in the Southeast have been included in the notifications from TVA and some other USET tribes may not have been notified.

Recommendation: The TVA might also consider including the USET tribal consortium (located in Nashville, Tennessee) in future notices of availability of EIS documents.

Climate Change and Greenhouse Gas (GHG) Emissions:

The EPA acknowledges that the TVA referenced a study to characterize potential emissions levels of greenhouse gases (GHG) relative to each of the alternatives. The TVA did not quantify the GHG emissions for activities associated with Alternative B, (Closure-in-Place) and Alternative C (Closure-by-Removal).

Recommendation: The EPA recommends that the FPEIS provide estimates of the GHG emissions associated with these alternatives and include an analysis of reasonable alternatives and/or practicable mitigation measures to reduce project-related GHG emissions. Example tools for estimating and quantifying GHG emissions can be found on Council of Environmental Quality's NEPA.gov website. The estimated GHG emissions can serve as a reasonable proxy for climate change impacts when comparing the proposal and the alternatives under consideration.

Waste Management:

The DPEIS references the CCR Rule in numerous places. The CCR constitutes a self-implementing program enforceable through the Resource Conservation and Recovery Act (RCRA) citizen suit provision and by States using their independent regulatory authority.

Recommendation: The EPA suggests that the public should be made aware and/or reminded of this issue via the TVA's planning documents and/or at appropriate future venues. The EPA also requests that a link be provided: e.g., http://www.ecfr.gov/cgi-bin/text-idx?SID=41b28bf16f6ebc9d2aa8e7dc2aaf2854&mc=true&node=pt40.25.257&rgn=div5, in the FPEIS, where appropriate. For future NEPA documents, the TVA may also wish to consider the inclusion of an appendix that summarizes the key provisions of the 40 CFR Part 257 regulations as it pertains to future TVA NEPA documents. Because the CCR Rule is fairly new (i.e., published in the Federal Register on April 17, 2015), the TVA may also wish to include additional information that can be used as a quick reference that is readily available for citizens, stakeholders, and other interested parties.

The TVA's descriptions of likely actions under Alternative C, Closure-by-Removal, seems to indicate that only RCRA Subtitle D Municipal Solid Waste Landfills (MSWLFs) would be considered by TVA as CCR disposal facilities. Recently, the EPA Region 4 office, has addressed issues in more than one southern State involving the potential conversion of (non-coal) mining pits and non-MSWLF state-permitted landfills into lined solid waste management units that could accept CCR. There has been some confusion on the part of citizens, local governments, and others pertaining to the specific requirements for these facilities.

Recommendation: For any facilities (excluding state-permitted MSWLFs), that intend to receive/dispose of CCR generated at the TVA facilities, in addition to meeting state requirements, the permittee would also be subject to the applicable provisions of the CCR Rule. The EPA understands that TVA is fully aware of the minimum criteria for siting, designing, constructing, reporting, and operating solid waste management facilities that can receive CCR. The TVA may wish to emphasis and disclose the additional requirements for non-MSWLFs receiving CCR in future NEPA documents so as to better inform the public and other stakeholders.

Recommendation: For any facilities (excluding state-permitted MSWLFs), that intend to receive/dispose of CCR generated at the TVA facilities, in addition to meeting state requirements, the permittee would also be subject to the applicable provisions of the CCR Rule. The EPA understands that TVA is fully aware of the minimum criteria for siting, designing, constructing, reporting, and operating solid waste management facilities that can receive CCR. The TVA may wish to emphasis and disclose the additional requirements for non-MSWLFs receiving CCR in future NEPA documents so as to better inform the public and other stakeholders.