SOUTHERN ENVIRONMENTAL LAW CENTER

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June 15, 2017

Ms. Ashley R. Farless, PE, AICP
NEPA Compliance
Tennessee Valley Authority
1101 Market Street
Chattanooga, TN 37402

Via email to arfarless@tva.gov

Re: Bull Run Fossil Plant Ash Impoundment Closure Project Supplemental Environmental Assessment

Dear Ms. Farless:

The Southern Environmental Law Center ("SELC"), the Tennessee Chapter of the Sierra Club, and the Southern Alliance for Clean Energy ("Conservation Groups") are writing to object to TVA's revised proposal to close the leaking, unlined Fly Ash Pond in place, and to dump additional coal ash into Fly Ash Pond before closing it (the "Project"). The Project described in the supplemental environmental assessment ("SEA") is inconsistent with the purpose and need identified by TVA: to comply with state law and the federal Coal Ash Rule. Rather than explaining how TVA will comply with these laws, the SEA describes TVA's plans to operate the northern portion of the Fly Ash Pond as an open dump in violation of federal law. The SEA also disregards the Tennessee Department of Environment and Conservation's ("TDEC's") repeated instruction that TVA must obtain authorization before moving coal ash for disposal anywhere except an approved solid waste landfill.

As EPA Region 4 explained regarding TVA's blanket decision to cap its coal ash ponds in place:

> If the TVA is unable to meet the requirements of the CCR Rule or any requirements of the States for the preferred alternative, the EPA recommends that the TVA consider re-opening the NEPA process and potentially re-evaluating its preferred and selected alternatives for any of the specific impoundments that may be in question.[1]

[1] Letter from G. Alan Farmer, Director, Resource Conservation and Recovery Division, EPA Region 4, to Amy Henry, TVA, re: Letter of Clarification on Ash Impoundment Closures (October 18, 2016).

TVA previously determined it would leave coal ash permanently submerged in groundwater in the Fly Ash Pond.[2] Because this violates the federal Coal Ash Rule, TVA, rightly, has re-opened the NEPA process. Unfortunately, the SEA does not include any alternatives that would allow it to comply with federal and state law. Because it would violate state and federal law, the Project itself does not satisfy TVA's stated purpose and need. The SEA therefore is fundamentally deficient. TVA should withdraw the SEA and comply with the requirements of NEPA and all applicable federal and state laws.

I. Factual Background

Conservation Groups have provided several sets of comments on TVA's Environmental Impact Statement for Ash Impoundment Closure ("Ash Closure EIS").[3] Conservation Groups have also alerted TDEC to TVA's non-compliance with the federal Coal Ash Rule at Bull Run and throughout its Tennessee fleet.[4] In addition, the Southern Environmental Law Center provided comments to TDEC regarding TVA's previous claim that it would "beneficially reuse" coal ash from the Bottom Ash Disposal Area in the closure of the Fly Ash Pond at Bull Run.[5] Each of these comment letters, including all of the issues raised and all of the attachments, are incorporated by reference into this letter.

From our previous comments, we distill the following relevant facts.

The Bull Run Fossil Plant is located at the convergence of the Clinch River and Bull Run Creek. As the map below illustrates, portions of all of the coal ash impoundments addressed in the Final Plan, including the Fly Ash Pond, Sluice Channel, Stilling Pond, Gypsum Disposal Area and Bottom Ash Disposal Area, are located within the normal pool elevation of the inundated Clinch River and Bull Run Creek.

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[2] TVA, Record of Decision, Final Environmental Impact Statement for Ash Impoundment Closure (July 29, 2016).
[3] SELC et al., Comments on Draft Ash Impoundment Closure Environmental Impact Statement (Mar. 9, 2016); Letter from SELC, et al., to Ashley Farless, TVA, re: TVA's Obligation to Prepare a Supplemental Environmental Impact Statement for Draft Ash Impoundment Closure Environmental Impact Statement, Part I-Programmatic NEPA Review, and Part II, Site-Specific NEPA Review ("DEIS") (Originally published December 2015); TVA's Continuing Refusal to Disclose and Properly Analyze Key Environmental Impacts in the DEIS (May 23, 2016) ; SELC, et al., Comments on Final Ash Impoundment Closure Environmental Impact Statement (June 8, 2016).
[4] Letter to Commissioner Robert J. Martineau, Jr., Tennessee Department of Environment and Conservation, from Amanda Garcia, Southern Environmental Law Center, et al., Re: TVA's Noncompliance with the Federal Coal Ash Rule and State Law Governing Closure of Coal Ash Ponds; TDEC Oversight of TVA's Implementation of Federal Coal Ash Rule Pursuant to the Commissioner's Order, OGC15-0177 (December 21, 2016) [hereinafter "TVA Federal Noncompliance Letter").
[5] Letter to Chuck Head, TDEC, from Amanda Garcia, SELC, re: Bull Run Fossil Plant: Commissioner's Order; Final Ash Pond Closure Plan; Beneficial Use Determination (July 22, 2016), and accompanying attachments [hereinafter SELC Letter to TDEC re: Bull Run Fossil Plant].

Water Related Concerns for Coal Ash

Bull Run Power Station (Tennessee Valley Authority - Clinton, TN)

Dry Fly Ash Disposal Area

Dry Fly Ash Disposal Area Settling Basin

Coal Yard Runoff Pond

Area 1 - Bottom Ash Disposal Area

Hallsdale-Powell Utility District Drinking Water Intake (Pop. Served = 71,709)

Area 1 - Bottom Ash Disposal (Chemical Pond)

Sluice Channel

East West Dredge Cell

Area 1 - Bottom Ash Disposal

Area 2A - Gypsum Disposal

Clinch River

Area 2 - Fly Ash Pond

Area 2 - Stilling Basin

West Knox Utility District Drinking Water Intake (Pop. Served = 62,812)

0 0.25 0.5 1 Miles

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Map Location Within TVA Service Territory

Shawnee, Paradise, Gallatin, Cumberland, Johnsonville, Bull Run, Kingston, John Sevier, Watts Bar, Allen, Widows Creek, Colbert

Legend

- Original 794 ft. MSL contour line[1]
- Original Stream[2]
- Original Bull Run Creek and Clinch River[2]
- Original Clinch River islands[2]
- Coal Ash Pond Areas in the Inundation Zone[3]
- Cap in place proposed (2015 DEIS)
- Excavation proposed, 2016 Ash Pond Closure Plan
- No site-specific action proposed (2015 DEIS)

About the map: This map combines elevation and hydrography data from the early 1950s with recent aerial imagery (USDA-NAIP, 2014) in order to illustrate stream banks and elevations before construction of the Melton Hill Reservoir (1963) and the Bull Run Power Station ash ponds (1966), and current locations and extents of coal ash units and river banks.

1 = Illustrates an elevation contour line of 794 feet MSL (as shown on a 1962 TVA map of engineers plans for the ash pond plans). Normal pool of Melton Hill Reservoir fluctuates between 793 and 795 feet MSL. In some areas of the source map, the contour interval changes from 2 feet to 10 feet, where contours are tighter. In these areas the contour line drawn for this map follows the space between the 790 and 800 ft. MSL contour lines.

2 = "Original" refers to topographic and hydrographic conditions on the 7.5 min. series USGS topographic maps: Clinton, TN (1952) and Loveland, TN (1953).

3 = Illustrates the areas of the coal ash ponds that are built on elevation below the normal pool level of the reservoir. These areas also serve to further illustrate the significance of the 794 foot contour line(1) as delineating the inundation zone, or area flooded when the reservoir was created.

DISCLAIMER: *Map intended for illustrative purposes only. Ash pond and landfill boundaries are best estimates based on documents from EPA and the utilities themselves. Locations of existing and retired ash ponds and landfills were created by heads-up digitizing of aerial imagery and USGS 7.5 min. topographic maps.*

Southern Environmental Law Center

The drinking water intake for the West Knox Utility District, also shown on the map, is approximately 1800 feet, or just over one quarter mile, downstream from the Fly Ash Pond.[6]

In its final Ash Closure EIS, TVA admitted that ash in the Fly Ash Pond is buried in an average of 18 feet of groundwater.[7] This is consistent with the analysis we previously submitted to TVA and shared with TDEC, in which we determined that approximately 10 to 25 feet of ash in the disposal areas is in contact with groundwater that flows into the Clinch River and Bull Run Creek.[8]

The groundwater downgradient of all of the coal ash disposal areas at Bull Run, including the Fly Ash Pond, is contaminated with coal ash indicator pollutants.[9] Arsenic concentrations in a well downgradient from the Fly Ash Pond regularly exceed groundwater protection standards.[10] Groundwater mounding in the Fly Ash Pond has caused the groundwater to flow toward both Bull Run Creek and the Clinch River.[11]

In sum, coal ash is submerged in and contaminating groundwater in the Fly Ash Pond, and the contaminated groundwater is flowing into the nearby surface waters.

II. The Project does not satisfy the purpose and need identified in the SEA.

In the SEA, TVA explains the purpose of the Project as "to support the implementation of TVA's stated goal of eliminating all wet CCR storage at its coal plants by closing the Fly Ash Impoundment at BRF, and to assist TVA in complying with state requirements and the U.S. Environmental Protection Agency's (EPA) CCR Rule."[12] For the reasons set forth below, among others, the Project would not accomplish this purpose.

A. The federal Coal Ash Rule does not allow TVA to leave coal ash permanently submerged in groundwater.

As we have explained in previous letters, the federal Coal Ash Rule does not allow TVA to leave coal ash permanently submerged in groundwater, indefinitely polluting the groundwater

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[6] Quarles Report re: Beneficial Use, Ref. 13 and 14 (TVA, Final Ash Impoundment Closure EIS Part I-Programmatic NEPA Review and Part II-Site-Specific NEPA Review, Part II (Bull Run) 24 (June 2016) [hereinafter FEIS Part I and FEIS Part II]).
[7] FEIS Part I, Chapter A.2 Response to Comments at 27.
[8] Global Environmental LLC, Supplemental Technical Comments (May 13, 2016) [hereinafter Quarles Report re: Bull Run], Paragraphs 11-18. , Paragraphs 11-18 and Ref. 1, 3, 4, 6, 8, 10, 11.
[9] SELC et al., Comments on Draft Ash Impoundment Closure Environmental Impact Statement (Mar. 9, 2016); Letter from SELC, et al., to Ashley Farless, TVA, re: TVA's Obligation to Prepare a Supplemental Environmental Impact Statement for Draft Ash Impoundment Closure Environmental Impact Statement, Part I-Programmatic NEPA Review, and Part II, Site-Specific NEPA Review ("DEIS") (Originally published December 2015); TVA's Continuing Refusal to Disclose and Properly Analyze Key Environmental Impacts in the DEIS (May 23, 2016).
[10] Quarles Report re: Bull Run, Paragraphs 26-27 and Ref. 6.
[11] *Id.*
[12] SEA 3.

and adjacent surface water.[13] Among other requirements, the performance standards governing closure in place require a utility to demonstrate that closure will:

(i) Control, minimize or eliminate, to the maximum extent feasible, post-closure infiltration of liquids into the waste and releases of CCR, leachate, or contaminated run-off to the ground or surface waters or to the atmosphere;
(ii) Preclude the probability of future impoundment of water, sediment, or slurry; and, in order to achieve structural stability,
(iii)Free liquids must be eliminated by removing liquid wastes or solidifying the remaining wastes and waste residues.[14]

Where coal ash is submerged in groundwater, these standards cannot be satisfied. First, leaving coal ash in groundwater where it will be continually subject to lateral inflow and recharge does not "minimize" infiltration of liquids into the waste or releases into groundwater and, in many cases, surface water. Second, a closed pond containing ash submerged in groundwater will continue to impound water, however imperfectly, given ongoing leaks and groundwater seeps.[15] Finally, free liquids cannot be eliminated prior to installing a cap because groundwater will continue to flow through the coal ash.

Guidance posted by EPA on its website confirms our common-sense understanding of the plain language of the federal Coal Ash Rule.[16] Where coal ash is submerged in groundwater, a utility is required to "clean close," or excavate the coal ash.[17]

As summarized in Section I above, coal ash in the Fly Ash Pond is submerged in groundwater. Because the Project would result in the closure of the northern portion of the Fly Ash Pond in place, it would leave coal ash permanently submerged in and contaminating groundwater. This would constitute open dumping in violation of the federal Coal Ash Rule.

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[13] *See, e.g.,* TVA Federal Noncompliance Letter, 12-14.
[14] 40 C.F.R.§ 257.102(d)(1)-(2).
[15] For a nearby example at the Kingston Plant, consider the condition of the Ball Field/Original Ash Impoundment area and its impact on the East Dike. *See, e.g.,* AECOM, TVA Coal Combustion Product Disposal Program, TVA Kingston Fossil Plant, Seepage Repair Options East Dike, 9, 11-12 (January 6, 2016) (noting that seeps in the East Dike are caused by groundwater, not precipitation or flows through sluice trench); *see also* Letter to Vena Jones, TDEC, from Amanda Garcia, SELC, et al., re: Revised Application, Alternatives Analysis, and Documentation of Economic and Social Necessity for Proposed Aquatic Resources Alteration Permit and Section 401 Water Quality Certification for Repairs to East Dike at TVA's Kingston Fossil Plant, 8 (File # NRS16.142).
[16] EPA, Relationship Between the Resource Conservation and Recovery Act's Coal Combustion Residuals Rule and the Clean Water Act's National Pollutant Discharge Elimination System Permit Requirements, "Closure Requirements," https://www.epa.gov/coalash/relationship-between-resource-conservation-and-recovery-acts-coal-combustion-residuals-rule#Closure (last accessed May 17, 2017).
[17] "Clean closing" means removing the ash and decontaminating the area. *See* 40 C.F.R. § 257.102(c) (describing performance standard for closure by removal of coal ash).

B. The federal Coal Ash Rule does not allow TVA to use coal ash as "fill" when closing in place an unlined, leaking coal ash pit such as the Fly Ash Pond.

In the SEA, TVA proposes to use coal ash from the Stilling Pond and the southern portion of the Fly Ash Pond as "fill" in the closure of the northern portion of the Fly Ash Pond.[18]

As SELC explained in a letter to TDEC dated July 22, 2016, dumping additional ash into an unlined pit in and next to a river during closure is not authorized under federal law.[19] It does not constitute "beneficial use."[20] TVA's proposal to dump more coal ash into leaking, unlined surface impoundments such as the Fly Ash Pond before covering it is "disposal" under the minimum requirements of the federal Coal Ash Rule, not beneficial use.

If TVA wants to dispose of additional ash in the Fly Ash Pond or elsewhere, it needs to comply with the requirements that apply to new landfills. Among other requirements, under the Coal Ash Rule, TVA is prohibited from creating a new landfill without a buffer of at least five feet between coal ash and the water table.[21] Any additional disposal of coal ash in the Fly Ash Pond by TVA would plainly violate this provision by placing ash below the water table.

To the extent that TVA contends that the northern portion of the Fly Ash Pond is not a surface impoundment, the Coal Ash Rule regulates "CCR piles" as landfills, and creating a "CCR pile" in the northern portion of the Fly Ash Pond would also trigger the requirements that apply to new landfills.[22]

Finally, nearly two years ago, TDEC authorized TVA to begin "temporarily storing" bottom ash in the "dry area" of the Fly Ash Pond.[23] The SEA does not disclose this open dump, which is illegal disposal under the federal Coal Ash Rule whether the northern portion of the Fly Ash Pond is considered a surface impoundment or a CCR pile. Nor does the SEA explain what TVA intends to do with this bottom ash pile during the closure of the Fly Ash Pond.

C. The Tennessee Solid Waste Disposal Act requires TVA to obtain authorization before undertaking the Project.

TDEC notified TVA, by letter dated September 13, 2016, of its obligation under the Tennessee Solid Waste Disposal Act to seek the State's approval for any plans to move coal ash from one impoundment or disposal area to another one, or within an impoundment, unless it is to an approved solid waste landfill or within an active treatment pond to improve wastewater

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[18] SEA 7.
[19] Letter from Amanda Garcia, SELC, to Chuck Head, TDEC, re: Bull Run Fossil Plant, 6-22 (July 22, 2016).
[20] *Id.*
[21] 40 C.F.R. § 257.60.
[22] 40 C.F.R. § 257.53; 80 Fed. Reg. 21356.
[23] Letter from Glen Pugh, TDEC, to Sam Hixon, TVA (August 6, 2015). TVA has not adequately demonstrated that this "temporary storage" should be exempt from obtaining a solid waste permit. *See* TN Rule 0400-11-01-.02(b)(3)(xvi)(requiring materials intended to be "reused" to, upon request from the Commissioner, demonstrate that a viable market exists and that the material is being stored in a manner to minimize the potential for harm to the public health and environment). Nor can it, because its proposed "reuse" is not authorized by state or federal law.

treatment efficiency. Citing section 68-211-106(j) of the Tennessee Code, TDEC informed TVA that "…if anyone plans to use coal ash as fill material… at wastewater treatment units or for disposal in connection with [this] use[], the Department must first approve the action."[24]

TDEC reiterated its position in a letter dated May 3, 2017, stating:

> Current NPDES permits for treatment of CCR wastewater in surface impoundments **only** includes CCR surface impoundments or portions of CCR surface impoundments where CCR wastewater is actively treated. This distinction is important because management of CCR materials in non-registered CCR disposal sites, in inactive surface impoundments and portions of CCR impoundments that are no longer active are subject to the Solid Waste Disposal Act. Areas permitted as Class II Industrial Landfills are subject to the Solid Waste Management Act and the terms of the solid waste permit.
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> As discussed in the September 12, 2016 letter to TVA from TDEC, the TN Solid Waste Disposal Act, T.C.A. 68-211-106(j) governs management of CCR material unless:
>
> 1. CCR material is reconfigured within an active and operating NPDES permitted wastewater treatment unit to improve wastewater treatment efficiency; or
>
> 2. TVA disposes of CCR material into an approved solid waste landfill or TVA moves CCR material within the footprint of the permitted solid waste landfill.[25]

The Project proposes to use coal ash as fill in the inactive northern portion of the Fly Ash Pond during closure. This use does not fall into either of the two exceptions identified by TDEC. Accordingly, TVA must seek TDEC's permission before implementing the Project. The SEA does not identify this permission as one of the necessary approvals.[26]

III. The SEA fails to identify a reasonable range of alternatives.

The SEA discusses only the no-action alternative and the Project, both of which would result in TVA violating federal and state water quality and solid waste laws.[27] In Conservation

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[24] TDEC Letter re: Bull Run EIP, 6.
[25] Letter to Paul Pearman, TVA, from Chuck Head, TDEC, re: TVA Normal Operations (May 3, 2017) (emphasis in orginal).
[26] SEA 4.
[27] The no-action alternative would result in TVA continuing to operate the Stilling Pond and the Fly Ash Pond in their current form, which would result in continued illegal discharges to groundwater in violation of TVA's NPDES permit. *See* Letter from Chuck Head, TDEC, to Terrence E. Cheek, TVA, re: NPDES Permit No. TN0005428-Permit Renewal, TVA Gallatin Fossil Plant (GAF), Gallatin, Sumner County, Tennessee (May 15, 2017) ("The

Groups' comments on the draft Ash Closure EIS, we identified a range of options for closure by removal.[28] TVA must consider such a range, including disposal in the on-site landfill that is currently being developed at Bull Run.[29]

IV. Along with TVA's failure to identify and analyze any alternatives that would meet the purpose and need, TVA has failed to identify a full list of significant environmental impacts to groundwater and surface water, each of which requires an approval or permission.

The Project also requires additional state and federal authorization, including but not limited to, the following:

- **Dewatering ash ponds:**

We previously commented on TVA's obligation to obtain a NPDES permit or permit modification for decanting wastewater and discharging it through existing outfalls.[30] This obligation attaches to the proposed dewatering of the Fly Ash Pond and the Stilling Pond. In 2011, TVA obtained a modification of its NPDES permit to address discharge of wastewater decanted during the closure of the Chemical Pond.[31] A modification similarly is required for dewatering the Fly Ash Pond and the Stilling Pond.

Any such modification must establish technology-based effluent limitations for legacy wastewater.[32] TVA will also have to quantitatively demonstrate that the discharges – which will inevitably change in volume and water quality as the pond volume is lowered – will not violate water quality criteria. And TVA will have to conduct much more aggressive discharge monitoring. TVA will have to monitor more pollutants, and much more often, to ensure that water quality is protected.

- **Discharging into Bull Run Creek:**

TVA has no permit to discharge pollutants into Bull Run Creek.[33] Groundwater beneath the Fly Ash Pond is contaminated and flows into Bull Run Creek.[34] Because

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migration of untreated/partially treated wastewater from a surface impoundment to groundwater is not an NPDES authorized discharge.")

[28] SELC et al., Comments on Draft Ash Impoundment Closure Environmental Impact Statement (Mar. 9, 2016); Letter from SELC, et al., to Ashley Farless, TVA, re: TVA's Obligation to Prepare a Supplemental Environmental Impact Statement for Draft Ash Impoundment Closure Environmental Impact Statement, Part I-Programmatic NEPA Review, and Part II, Site-Specific NEPA Review ("DEIS") (Originally published December 2015).

[29] TVA's Continuing Refusal to Disclose and Properly Analyze Key Environmental Impacts in the DEIS (May 23, 2016).

[30] Letter from Beth Alexander, SELC, to Joe Sanders, TDEC, re: In the Matter of Tennessee Valley Authority, Commissioner's Order No. OGC15-0177, 2-3 (September 1, 2015).

[31] Bull Run NPDES permit, 4.

[32] *See* 33 U.S.C §§ 1311(b)(2)(A), 1342(a)(1); 40 C.F.R. §§ 125.3(a), 125.3(c)(2); *see, .e.g.,* N.C. Dep't of Envtl. Quality, Riverbend Steam Station, NPDES Permit No. NC0004961, at 4 (Feb. 12, 2016).

[33] *See* Bull Run NPDES I (describing receiving waters as Clinch River for all permitted outfalls).

TVA proposes to close the Fly Ash Pond in place, leaving the ash in contact with groundwater, the ash will continue to discharge into Bull Run Creek.[35] TVA must cease these discharges.[36]

- **Modifying or constructing new treatment works:**

TVA's current permit authorizes discharge of "ash pond effluent," comprising a combination of sluiced ash, process water and storm water, from Outfall 001.[37] Modifying or replacing the Stilling Pond with a lined surface impoundment that will treat solely process water and storm water will significantly alter the treatment system and the characteristics of the waste stream discharging from Outfall 001. TVA's current NPDES permit requires it to notify TDEC of this planned change.[38] Under the Tennessee Water Quality Control Act, it is unlawful to, among other things, construct or modify treatment works without a valid permit.[39]

- **Filling waters of the United States:**

TVA is proposing to dump additional coal ash into the Fly Ash Pond, which is located in waters of the United States.[40] To the extent TVA has been operating the Fly Ash Pond as a wastewater treatment facility,[41] it will cease to do so when it initiates its closure. Indeed, under the federal Coal Ash Rule, TVA will be obligated to show that the closure "[p]reclude[s] the probability of future impoundment of water, sediment, or slurry."[42]

Accordingly, under Section 404 of the Clean Water Act, TVA must obtain a permit from the Army Corp of Engineers in order to discharge dredged or fill materials into navigable waters.[43] Before the Corps may issue a Section 404 permit, TVA must obtain a water quality certification from TDEC under Section 401 of the Clean Water Act.[44]

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[34] Quarles Report re: Bull Run, Paragraphs 11-27.
[35] *Id.*
[36] *See* Letter from Chuck Head, TDEC, to Terrence E. Cheek, TVA, re: NPDES Permit No. TN0005428-Permit Renewal, TVA Gallatin Fossil Plant (GAF), Gallatin, Sumner County, Tennessee (May 15, 2017) ("The migration of untreated/partially treated wastewater from a surface impoundment to groundwater is not an NPDES authorized discharge.")
[37] Bull Run NPDES Permit, 1.
[38] *Id.*, 10.
[39] Tenn. Code § 69-3-108(b).
[40] *See* map above; *see also* Quarles Report re: Bull Run, Paragraphs 11-18 and Ref. 1, 3, 4, 6, 8, 10, 11.
[41] TVA asserts that its ponds are exempt from section 404 because they are wastewater treatment facilities. *See* FEIS Part I 93.
[42] 40 C.F.R. § 257.102(d)(1).
[43] 33 U.S.C. § 1344.
[44] 33 U.S.C. § 1341.

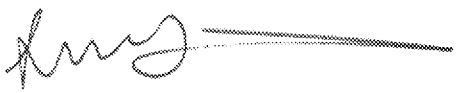
- **Preparing and Posting Coal Ash Rule Closure Plans and Notifying TDEC:**

Finally, we note that TVA has not prepared and posted closure plans for the Stilling Pond and the Fly Ash Pond pursuant to the federal Coal Ash Rule. Nor has it notified TDEC that such plans are available, as it is required to do under both the federal rule and the Commissioner's Order.

In Section II. A above, we explain why the proposed closure in place of the Fly Ash Pond would violate the federal Coal Ash Rule. The closure plan for the Fly Ash Pond should explain how TVA's selected method of closure will meet the applicable performance standards in light of site-specific conditions including coal ash submerged in groundwater. In its closure plan for the Stilling Pond, TVA must explain how the Stilling Pond will meet the performance standards that apply to closure by removal.

In summary, the Project described in the SEA is inconsistent with state and federal laws and requires a plethora of state and federal approvals for significant impacts not identified in the SEA. The Project does not satisfy TVA's purpose and need, and TVA has not considered a reasonable range of alternatives. TVA must go back to the drawing board, and propose and analyze an action that will comply with the federal Coal Ash Rule and other applicable laws.

Sincerely,



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