



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

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COMMISSIONER

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June 15, 2017

Via Electronic Mail to Arfarless@tva.gov

Attn: Ashley Farless, NEPA Compliance Specialist
Tennessee Valley Authority
1101 Market St., BR4A
Chattanooga, TN 37402

Dear Ms. Farless:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the Tennessee Valley Authority (TVA) Draft Supplemental Environmental Assessment (EA) for the *Bull Run Fossil (BRF) Plant Ash Impoundment Closure* project. TVA is proposing to divert non-Coal Combustion Residuals (CCR) waste water and storm water flow entering the Stilling Pond into the northern portion of the Fly Ash Pond to allow dewatering free water of the Stilling Pond. CCR from the southern portion of the Fly Ash Impoundment would be removed and used as fill in the northern portion of the Fly Ash Impoundment. The cover system will consist of an artificial closure turf, thus eliminating the need for borrow material. The remaining portion of the Fly Ash Impoundment and the Stilling Pond would be re-graded, a subsurface drainage collection system would be installed and the area would be lined to meet CCR Rule requirements. The repurposed Stilling Pond and southern portion of the Fly Ash Impoundment would then be returned to service and will function as part of the wastewater treatment system for BRF. The portion of the Fly Ash Impoundment that is not included as part of the repurposed area would be closed-in-Place as described in the July 2016 Final Programmatic Environmental Impact Statement (PEIS).¹

On August 6, 2015, TDEC issued a Commissioner's Order (the Order) to the TVA directing the investigation, assessment and remediation of all coal ash disposal sites across Tennessee. The requirements of that Order are supplemental to the CCR rule. TDEC recognized that TVA may, in compliance with the federal CCR rule requirements, elect to close CCR surface impoundments and/or landfills before the full extent of contamination at a site has been determined. However, TDEC's Order made it clear that if TVA elects to do so, it may be later required by the Order to take other and further remedial actions. TDEC's review and comment on TVA's BRF Draft Supplemental EA shall not be deemed as an approval of actions required under the Order or as a waiver of any requirement of the Order.

TDEC distributed the Draft Supplemental EA across the department for review and comment. TDEC has the following comments regarding the proposed action.

¹ TVA maintains all TVA CCR related National Environmental Policy Act (NEPA) documents at the following website, <https://www.tva.gov/Environment/Environmental-Stewardship/Environmental-Reviews/Closure-of-Coal-Combustion-Residual-Impoundments>.

Water Resources

- TDEC is concerned that the proposed repurposing of the stilling pond and reconfiguration of the fly ash pond could hinder further investigation required for the completion of the Environmental Assessment Report (EAR) for BRF as a part of the Order. The Order states that the EAR “shall provide an analysis of the extent of soil, surface water, and ground water contamination by CCR at the site. The Department shall evaluate the EAR to determine if the extent of CCR contamination has been fully identified.” TVA should consider that its proposed action may result in the need to perform remediation reversing some of the proposed reconfiguration of the stilling pond and fly ash pond at BRF at a later date.
- TVA prefers “Alternative B – Fly Ash Impoundment Closure-in-Place and Repurposing of the Stilling Pond and a Portion of the Fly Ash Impoundment” as proposed in the Draft Supplemental EA. Alternative B would represent a significant change to the wastewater system at BRF and will require engineering reports, plans and specifications to be reviewed and approved by TDEC’s Division of Water Resources permitting unit. In addition, throughout the reconfiguration process and with the modified wastewater system in place, the National Pollutant Discharge Elimination System (NPDES) permitted outfalls must continue to meet existing discharge requirements or have the permits modified or new permits issued. Owing to the scale of the operation a construction storm water permit will also be required.² TDEC would like for these considerations to be reflected in the Final Supplemental EA.
- TDEC recommends that TVA include additional information in the Final Supplemental EA to demonstrate that the placement of additional fly ash on top of the existing fly ash in the northern portion of the fly ash pond and that closing the fly ash pond in place will maintain the necessary structural stability and not create a significantly higher hydraulic head affecting the mobility of any ground water contamination that may be present.

Solid Waste Management

- TVA submitted a closure plan to TDEC on March 11, 2016 for the Final Ash Pond Closure Plan – NPDES Permit No. TN0005410. The closure configuration in the Draft Supplemental EA proposes significant modifications when compared to those presented in the closure plan submitted on March 11, 2016. TDEC would like for TVA to submit a revised closure plan that includes an explanation of the modifications proposed by Alternative B of the Draft Supplemental EA as compared to those originally proposed in the March 11, 2016 closure plan.
- During the previous review of the January 2016 TVA Draft Ash Impoundment Closure PEIS, it was noted by TDEC that the potential for generation of hazardous waste may occur during the numerous projects.³ TDEC realizes that various waste materials may be generated from the use of onsite equipment utilized during construction activities. In the event that this generation is to occur, these materials should be characterized for the appropriate disposal option or recycled in accordance with SWM regulations. Additionally, in the event of a fuel, oil or other material spill, the cleanup of the spill will require characterization by the contractor to determine the appropriate disposal options. SWM recommends the preceding comments be addressed in the Final Supplemental EA.

² For more information on TDEC – DWR permits please visit <https://www.tn.gov/environment/topic/permit-water>.

³ The final EIS associated with this request for comment can be found at <https://www.tva.com/Environment/Environmental-Stewardship/Environmental-Reviews/Closure-of-Coal-Combustion-Residual-Impoundments>

Bureau of Environment

- TVA discusses the beneficial re-use of CCR material in lieu of borrow material to close in place the Sluice Channel and the Fly Ash Impoundment on page 11 of the *Bull Run Project*. TDEC has discussed with TVA the need for approval from TDEC when CCR material is moved, for reasons other than improvement of wastewater treatment within a CCR surface impoundment.

It should be noted that TVA may choose to pursue CCR impoundment closure-in-place at any of its Fossil Plants. However, should TVA begin CCR surface impoundment closures at any of its Tennessee Fossil Plants and TDEC subsequently determines based on soil, surface water, ground water and/or geologic instability that closure in place is not protective of public health and/or the environment, then TDEC shall, in accordance with the Commissioner's Order, require TVA to commence appropriate corrective action including removal of CCR surface impoundments where TVA has begun or completed closure-in-place. Further, TVA is on notice that Tennessee Code Annotated Section 68-211-106(j) may require a permit or other approval from TDEC for the disposal or use of coal ash.

TDEC appreciates the opportunity to comment on this Draft Supplemental EA. Please note that these comments are not indicative of approval or disapproval of the proposed action or its alternatives, nor should they be interpreted as an indication regarding future permitting decisions by TDEC. Please contact me should you have any questions regarding these comments.

Sincerely,



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