



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

DAVID W. SALYERS, P.E.  
COMMISSIONER

BILL LEE  
GOVERNOR

April 19, 2019

**Via Electronic Mail to wdwhite0@tva.gov**

Attn: W. Douglas White, NEPA Specialist  
Tennessee Valley Authority  
400 West Summit Hill Drive, WT 11B  
Knoxville, TN 37902

Dear Mr. White:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the Tennessee Valley Authority (TVA) *Draft Supplemental Environmental Assessment (SEA)* which proposes to expand the project area boundary for the on-site landfill at Kingston Fossil Plant (KIF) to include adequate room for a laydown area, borrow areas, a haul road, and stormwater management. In 2006, TVA completed an Environmental Assessment (EA) for the Flue Gas Desulfurization System at KIF and issued a Finding of No Significant Impact (FONSI) for the installation of flue gas scrubber equipment to reduce sulfur dioxide (SO<sub>2</sub>) emissions from the stack.<sup>1</sup> An on-site landfill location was chosen at the southern end of the KIF property. In 2010, TVA completed the Kingston Dry Fly Ash Conversion EA and issued a FONSI for the material that would be disposed of in the landfill (dry fly ash, bottom ash and gypsum).

The landfill was designed for two phases. Phase 1 was constructed in 2015 and is approaching its full capacity. According to TVA, Phase 2 is needed to support the continued operation of KIF. The 2006 and 2010 EAs did not analyze any laydown area or borrow area to support the construction of Phase 2 of the landfill. TVA released a draft supplemental EA, from February 14, 2018 through March 15, 2018, for public review. After the public comment period, design constraints were identified which resulted in increasing the project's boundaries. Specifically, the limits were adjusted under the transmission lines and an additional haul road option was proposed which would allow for sufficient width for two articulating dump trucks to pass. Additionally, the limits were adjusted in two locations to ensure for sufficient room for stormwater management and a portion of the proposed lay down area would also be analyzed for possible borrow material. TVA has prepared this amended draft supplemental EA to capture the impacts to the proposed changes.

Actions considered in detail within the Draft SEA include:

- **No Action Alternative.** Under the No Action Alternative, TVA would not expand the project area boundary analyzed in the 2006 EA of the on-site landfill at KIF. There would be insufficient laydown room to efficiently construct Phase 2 of the landfill. Suitable borrow material would have to come from an established,

---

<sup>1</sup> The byproduct of the scrubber, gypsum, required the construction of a new landfill disposal facility.

off-site source. Construction equipment and materials used to construct the landfill would be stored on other portions of the KIF property and commute to the landfill site during construction. Construction vehicles and equipment would commute to the landfill, and on and off-site repeatedly during construction. Temporary laydown areas could obstruct the path of working equipment, which would interfere with normal operating procedures.

- **Proposed Action Alternative.** Under the Action Alternative, TVA would expand the project area boundary analyzed in the 2006 EA of the on-site landfill to include the laydown area, the borrow areas, and a haul road. As part of this action, a new stormwater pond would be constructed within Phase 2 of the landfill for Cells 1 and 2 and an additional stormwater pond would be constructed within the proposed Borrow Area Option 2 on the peninsula, if necessary. Both of these stormwater ponds would be temporary and would be built to ensure compliance with National Pollution Discharge Elimination System (NPDES) permits during construction.
  - **Laydown Area** – The proposed laydown area was used as a borrow area for construction of Phase 1 of the landfill and therefore is mostly cleared with patches of undeveloped grass and wooded lands. Topsoil would be removed and stockpiled, and minimum grading would occur to ensure a level surface. Gravel would be applied to the surface after grading is complete. The laydown area would be used to store material necessary for construction of the landfill. These items generally include, but are not limited to, fuel tanks, mobile office facilities, conex storage units, construction equipment, building materials, and construction waste.
  - **Borrow Area** – TVA would develop an approximately 21-acre borrow area. Two options for a borrow area are being considered. Borrow Area Option 1 would utilize the area northeast of the permitted landfill in the area of the proposed laydown area. Borrow Area Option 2 would utilize the peninsula east of the landfill at the confluence of the Emory and Clinch Rivers. The borrow area would provide soil which would be used to aid in the construction and operation of Phase 2 of the landfill. TVA plans to use the borrow area as long as it contains useable borrow material, which may extend to future projects other than the construction of Phase 2 of the landfill. The area for Borrow Area Option 1 is described above and the area for Borrow Area Option 2 is currently undeveloped forest and former agricultural fields that are intermittently cleared. All vegetation would be removed and topsoil would be removed and stockpiled. A temporary stormwater facility would be constructed for the proposed Borrow Area Option 2. Borrow Area Option 2 would be accessed using one of two haul road options. Haul Road Option 1 would utilize the transmission line right-of-way for development of the road. This option was analyzed in the initial draft SEA. However, the width of the road was expanded to allow two haul trucks to pass. This area has been previously disturbed by the construction and operation of the existing transmission line. Haul Road Option 2 would access the borrow area by constructing a new road through closed canopy forest. Either haul road option would be regraded and resurfaced to allow for off road vehicle traffic and stormwater drainage.

TDEC has reviewed the Draft SEA and provides the following comments:

### **Cultural and Natural Resources**

TDEC believes the Draft SEA adequately addresses potential impacts to cultural and natural resources within the proposed project area.<sup>2</sup>

---

<sup>2</sup> This is a state-level review only and cannot be substituted for a federal agency Section 106 review/response. Additionally, a court order from Chancery Court must be obtained prior to the removal of any human graves. If human remains are encountered or accidentally

## **Air Resources**

Emissions are anticipated from machinery and equipment. There are no emissions estimates provided or modeling analysis of the possible mobile emissions associated with the heavy equipment and trucks/work crews potentially involved with the project. There are no estimates of fugitive dust emissions likely to be generated during the project. TDEC recommends that TVA consider including estimates or discussion of machinery and fugitive dust emissions in the Final SEA. Additionally, TDEC recommends implementing onsite vehicle emissions mitigation planning to insure that excessive vehicle idling is minimized. TDEC recommends the Final SEA reflect these recommendations.

KIF is required to maintain a current Title V air permit in order to continue to operate. Fugitive dust control measures are required to be followed by Title V permitted sources. No modifications to the permit would be required if the specified measures to control fugitive dust are followed and potential fugitive dust emissions are of an insignificant nature.

The approximately 43 acres identified in the proposed project are described as vegetated areas that will be cleared of vegetation before use. The resulting debris “would be disposed of in accordance with all federal, state, and local regulations”. Open burning is not discussed in the SEA. If open burning is being considered for disposal of tree or vegetative growth, TDEC recommends that other methods of disposal be investigated and that open burning only be employed if no other suitable disposal methods are available. When considering open burning, TDEC recommends avoiding burning on days with poor smoke dispersion, not burning on air quality alert days, use of good smoke management practices when planning the open burning and insuring coordination with local and state air pollution control agencies, forestry agencies and local fire agencies prior to conducting any planned burning.

## **Solid Waste**

TDEC recommends that any wastes associated with the proposed action or its alternatives be managed in accordance with the Solid and Hazardous Waste Rules and Regulations of the State of Tennessee.<sup>3</sup> TDEC recommends that the Final SEA reference that any wastes that are generated during the construction process or uncovered during site preparation are subject to the Solid and Hazardous Waste Rules and Regulations of the State of Tennessee.

## **Water Resources**

TDEC concurs with TVA that an Aquatic Resource Alteration Permit (ARAP) permit will be necessary for the expansion of the project boundary area associated with the Action Alternative.<sup>4</sup> The Action Alternative will also require a Construction Stormwater Permit with its Stormwater Pollution Prevention Plan. TDEC also anticipates that there will need to be an update to the General NPDES Storm Water Multi-Sector General Permit for Industrial Activities. TVA needs to confirm that hydrologic determinations were done by a Tennessee certified hydrologic professional.<sup>5</sup> TDEC encourages TVA to include these considerations in the Final SEA.

---

uncovered by earthmoving activities, all activity within the immediate area must cease. The county coroner or medical examiner, a local law enforcement agency, and the state archaeologist’s office should be notified at once (Tennessee Code Annotated 11-6-107d).

<sup>3</sup> Reference TDEC SWM Rule 0400 Chapter 11 for Solid Waste and Chapter 12 for Hazardous Waste <http://sos.tn.gov/effective-rules>.

<sup>4</sup> If you have any questions about the NPDES or ARAP application process please contact, Thomas A. Moss, P.G., Environmental Review Coordinator – Compliance and Enforcement Unit at (615) 532-0170 or [tom.moss@tn.gov](mailto:tom.moss@tn.gov).

<sup>5</sup> If the determinations were not made by a certified professional, this would have to be re-done.

TDEC appreciates the opportunity to comment on this Draft SEA. 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,

A handwritten signature in cursive script that reads "Kendra Abkowitz".

Kendra Abkowitz, PhD

Assistant Commissioner, Office of Policy and Sustainable Practices

Tennessee Department of Environment and Conservation

[Kendra.Abkowitz@tn.gov](mailto:Kendra.Abkowitz@tn.gov)

(615) 532-8689

cc: Daniel Brock, TDEC, DOA  
Lacey Hardin, TDEC, APC  
Lisa Hughey, TDEC, DSWM  
Tom Moss, TDEC, DWR  
Stephanie Williams, TDEC, DNA