



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

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December 21, 2019

Via Electronic Mail to aapilakowski@tva.gov

Attn: Ashley Pilakowski, NEPA Specialist
Tennessee Valley Authority
400 West Summit Hill Drive, WT 11B
Knoxville, TN 37902

Dear Ms. Pilakowski:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the Tennessee Valley Authority (TVA) Draft Environmental Assessment (EA) which evaluates TVA's proposal to develop a new 62-acre borrow site (Borrow Site No. 3) to facilitate routine operations and various construction projects for the Kingston Fossil Plant (KIF) property. The proposed borrow site consists of undeveloped lands in the central portion of the TVA property, north of the landfill and south of the plant's intake channel.¹ Historically, projects at KIF have relied primarily on onsite borrow sites (Borrow Site No. 1 & 2) to supply soil and fill. According to TVA, ongoing projects such as the KIF landfill are anticipated to exhaust these borrow sites by the summer of 2020, as such, additional sources of borrow material are needed for Phase 2 of the landfill as well as other anticipated KIF projects.² Actions considered in detail within the Draft EA include:

- **Alternative A – No Action Alternative** – Under the No Action Alternative, TVA would not develop a new borrow site at KIF. No additional onsite borrow material would be available for current or future projects at KIF and thus the No Action Alternative would not meet the purpose and need for action.
- **Alternative B – Construct and Operate Borrow Site No. 3** – Under Alternative B, TVA would develop a new, 62-acre borrow site on KIF property. Borrow Site No. 3 would be located north of the existing coal combustion residuals landfill and south of KIF's intake channel. The borrow site would be developed as-needed based on project demands.³ Once the project's needs are met, the exhausted portion of the borrow site

¹ The proposed borrow site is mostly wooded lands with existing gravel access roads and two transmission lines crossing the borrow site.

² During initial project scoping, TVA considered using commercial permitted off-site sources of borrow material. However, the cost of purchasing and transporting borrow material to KIF would be three times the cost of using onsite borrow material. In addition, nearby borrow sites do not appear to have the quantities of material to meet projected needs at KIF. According to TVA, use of an off-site source would also result in safety risks associated with increased truck traffic when transporting borrow material on local roads. Therefore, the use of existing, permitted off-site borrow material sources has been eliminated from further consideration for purposes of the Draft EA.

³ When soil material is needed for a project, a 5- to 10-acre area would be cleared and grubbed of all vegetation, and topsoil would be stripped and stored within the limits of the borrow site. Temporary roads would be constructed and soil materials would be excavated to meet the volume needs required for a specific project.

would be graded, reclaimed with topsoil, and seeded. Based on projected needs, it is estimated that the borrow site would be exhausted within 20 years.

During tree clearing operations and borrow site preparations, no more than 10 additional workers would be onsite. Depending on tree value and size, it is anticipated that logging would result in some trees being chipped onsite and used as mulch, or two to three log trucks leaving KIF per day and traveling to a lumber mill. TVA plans to clear trees during the winter whenever possible, but tree clearing could occur at any time throughout the year, consistent with TVA's programmatic consultation with the U.S. Fish and Wildlife Service (USFWS) on routine actions and federally listed bat species. According to TVA, appropriate conservation measures would be applied depending on the timing of tree removal.

Once all erosion controls have been installed, grubbing of stumps and brush would be undertaken. The site would then be ready to borrow material. Borrow operations would require between two to five equipment operators and between five to 25 trucks and drivers depending on project (e.g., Phase 2 of the KIF landfill). All borrow material would be used onsite and would not travel on any public roads.⁴ Once the limits of excavation are reached, the disturbed area would be graded as necessary to manage stormwater runoff, and then stabilized with topsoil, seed, and straw or sod. This process would continue until all suitable fill is exhausted from the borrow site. Once all material is exhausted, the site would receive final grading and revegetation. During operation of the borrow site, a temporary laydown area would be established within the borrow site footprint. This laydown area would be needed to stage material and maintain equipment. Additionally, temporary roads and stormwater management facilities would be constructed as needed.

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

Cultural and Natural Resources

TDEC believes the Draft EA adequately addresses potential impacts to cultural and natural resources within the proposed project area.⁵

Solid Waste

TDEC recommends that the Final EA consider and reflect that any wastes associated with such activities in Tennessee be managed in accordance with the Solid and Hazardous Waste Rules and Regulation of the State of Tennessee (TDEC DSWM Rule 0400 Chapters 11 and 12, respectively).

Water Resources

TDEC concurs with the Draft EA that the KIF borrow area will require a Construction Stormwater General Permit and a Storm Water Pollution Prevention Plan. The Best Management Practices proposed for controlling erosion which include revegetating the areas after the borrow material has been removed are appropriate.

⁴ Construction and operation equipment would include, but not be limited to, bulldozers, backhoes, excavators, tri-axle dump trucks, pans, tub grinders, pickup trucks, logging equipment, chainsaws, logging trucks, and skid loaders.

⁵ 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 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).

TDEC appreciates the opportunity to comment on this Draft EA. Please note that these comments are not indicative of approval or disapproval of the proposed action or its alternative, 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 black ink, appearing to read 'Matthew Taylor', with a stylized flourish at the end.

Matthew Taylor
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