

# **GALLATIN FOSSIL PLANT SURFACE IMPOUNDMENT CLOSURE AND RESTORATION PROJECT EIS SCOPING REPORT**

**Prepared by:**  
TENNESSEE VALLEY AUTHORITY  
Knoxville, Tennessee

April 2019

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**Abbreviations and Acronyms**

ARAP	Aquatic Resources Alteration Permit
CCR	Coal Combustion Residuals
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
FR	Federal Register
GAF	Gallatin Fossil Plant
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NRS	Non-Registered Site #83-1324
PEIS	Programmatic Environmental Impact Statement
TDEC	Tennessee Department of Environment & Conservation
TVA	Tennessee Valley Authority

## 1.0 Introduction

The Tennessee Valley Authority (TVA) intends to prepare an Environmental Impact Statement (EIS) to address the potential environmental effects associated with several projects to facilitate long-term management of Coal Combustion Residuals (CCR) produced at the Gallatin Fossil Plant (GAF) located in Sumner County, Tennessee. Specifically, these projects are listed as follows, and their locations are shown on Figure 1.

- Surface Impoundment Closures for the following:
  - Ash Pond A
  - Ash Pond E
  - Middle Pond A
  - Bottom Ash Pond (if not previously closed under a separate project)
  - Non-Registered Site #83-1324 (NRS)
- Permanent disposition of CCR in the surface impoundments, including CCR previously removed from the Bottom Ash Pond that may be temporarily stockpiled in the existing onsite landfill, as well as de minimis amounts of CCR proposed to be removed from the stilling ponds
- Construction of a lateral expansion of the existing onsite landfill
- Location requirements analysis for beneficial re-use processing facility
- Offsite landfill for CCR materials not usable by beneficial re-use processing facility

This proposal supports TVA's goal to eliminate all wet ash storage at its coal plants and will also help TVA comply with present and future regulatory requirements related to CCR production and management, including those of the U.S. Environmental Protection Agency's (EPA) Final Disposal of Coal Combustion Residuals from Electric Utilities rule (CCR Rule), as well as applicable state law requirements.

This scoping report describes the internal and public scoping for relevant issues relating to these projects and outreach conducted by TVA to notify the public. The scoping report also documents the input submitted to TVA by the public and intergovernmental entities during the public scoping period.

## 1.1 Background

GAF is located in Sumner County, Tennessee, on 1,950 acres of land on the north bank of the Cumberland River. The plant has four turbo-generating units with a combined summer net generating capacity of 976 megawatts. The plant consumes an average of 3.5 million tons of coal per year, which results in the annual production of approximately 255,000 tons of CCR. CCRs are byproducts produced from burning coal and include fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. Historically, GAF stored CCR wet in onsite surface impoundments (commonly referred to as ash ponds). Bottom ash and boiler slag are the only remaining CCR currently sent to the ponds. All other CCR at GAF is dried and stored in the existing North Rail Loop Landfill.

Newly installed air emission controls at GAF allow the majority of CCR to be stored dry in the North Rail Loop Landfill, a state-of-the-art lined facility. When the construction of a bottom ash dewatering facility is finished in 2020, the plant will have completed its transition from wet CCR handling to dry handling of all CCR.

On July 28, 2016, TVA issued a Record of Decision for a programmatic National Environmental Policy Act (NEPA) review entitled *Ash Impoundment Closure Environmental Impact Statement* (CCR PEIS) (TVA 2016). The purpose of the programmatic environmental impact statement (PEIS) was to support TVA's goal to eliminate all wet CCR storage at its coal plants by closing CCR surface impoundments across TVA's system and to assist TVA in complying with the EPA's CCR Rule issued on April 17, 2015 (80 Federal Register [FR] 21302).

The CCR PEIS programmatically considered TVA surface impoundment closures and the environmental effects of two primary closure methods:

- 1) Closure-in-Place
- 2) Closure-by-Removal

A screening analysis to determine the reasonableness of these two closure methods was performed by evaluating a range of key issues and factors related to closure of surface impoundments and the feasibility of undertaking closure activities. Screening factors included:

- Volume of CCR Materials
- Schedule/Duration of Closure Activities
- Stability
- Risk to Human Health and Safety Relating to Closure Activities
- Potential Effects to Water Resources
- Potential Effects to Wetlands
- Risk to Adjacent Environmental Resources
- Mode and Duration of Transport Activities
- Risk to Human Health and Safety Related to Transport of Borrow and CCR
- Cost

This EIS for surface impoundment closures at GAF will tier from TVA's 2016 CCR PEIS, relying upon the over-arching and bounding analyses performed in the PEIS while integrating site-specific details and analyses.

## **1.2 TVA's Objectives**

The 976 megawatts of generating capacity provided by GAF is important in maintaining an adequate and reliable power supply. Accordingly, GAF was identified in TVA's 2015 *Integrated Resource Plan* (TVA 2015) as one of the coal plants that TVA plans to continue operating in the future. The purpose of this *GAF Surface Impoundment Closure and Restoration EIS* is to address the disposition of CCR onsite at GAF, support the implementation of TVA's goal to eliminate all wet CCR storage at its coal plants by closing CCR surface impoundments across the TVA system, and to assist TVA in complying with EPA's CCR Rule and other applicable federal and state statutes and regulations. The proposed actions would also provide long-term onsite landfill space for operations and/or storage of CCR.

TVA needs to decide how best to conduct closure of the existing wet impoundments at GAF as well as how to manage CCR removed from the impoundments under the Closure-by-Removal option. The proposed projects would support the goal established by the TVA Board of Directors to eliminate wet ash storage at all its coal plants and would support the overall CCR management

program at GAF. TVA's decision will consider factors such as potential environmental impacts, economic issues, availability of resources, and TVA's long-term goals.

### 1.3 Related Environmental Reviews

The following environmental reviews have been prepared for actions related to CCR management at GAF:

- *Final Ash Impoundment Closure EIS, Part I—Programmatic NEPA Review* (TVA 2016). This PEIS was prepared to assess the closure of CCR impoundments at all of TVA's coal-fired power plants.
- *Integrated Resource Plan, 2015* (TVA 2015). This plan provides direction for how TVA will meet the long-term energy needs of the Tennessee Valley region.
- *TVA Gallatin Fossil Plant Borrow Site Environmental Assessment (EA)* (TVA 2018). This EA was prepared to evaluate the development of a borrow site on TVA-owned property located 1.5 miles northwest of GAF.
- *Gallatin Fossil Plant Bottom Ash Process Dewatering Facility EA* (TVA 2017). TVA conducted this EA to assess wet-to-dry bottom ash conversion at GAF.
- *Gallatin Fossil Plant – Installation of Air Pollution Control Equipment and Associated Facilities, Environmental Assessment* (TVA 2013). TVA prepared this EA to assess proposed additional air emission controls and other actions, including constructing a dry CCR landfill at GAF.

## 2.0 Proposed Alternatives

As a result of internal review and scoping comments, TVA has proposed the following alternatives to be evaluated in the EIS.

### 2.1 Alternative A – No Action Alternative

Under the No Action Alternative, TVA assumes it would not close any of the surface impoundments (neither in-place nor by removal), would not construct an expansion of the existing onsite landfill, and would not complete any restorative actions at GAF. Under the No Action Alternative, all plant process wastewaters would be handled through the permanent flow management system, which includes the bottom ash dewatering facility. The stilling ponds would continue to receive stormwater from the North Rail Loop Landfill. TVA would continue safety inspections of structural elements to maintain stability, and all surface impoundments would be subject to continued care and maintenance activities.

This alternative is included because applicable regulations require consideration of a No Action Alternative in order to provide a baseline for potential changes to environmental resources. However, the No Action Alternative is inconsistent with TVA's plans to convert all of its wet CCR systems to dry systems. It also would be inconsistent with EPA's CCR Rule. Consequently, this alternative would not satisfy the project purpose and need and, therefore, is not considered viable or reasonable. It does, however, provide a benchmark for comparing the environmental impacts of implementation of Alternatives B and C.

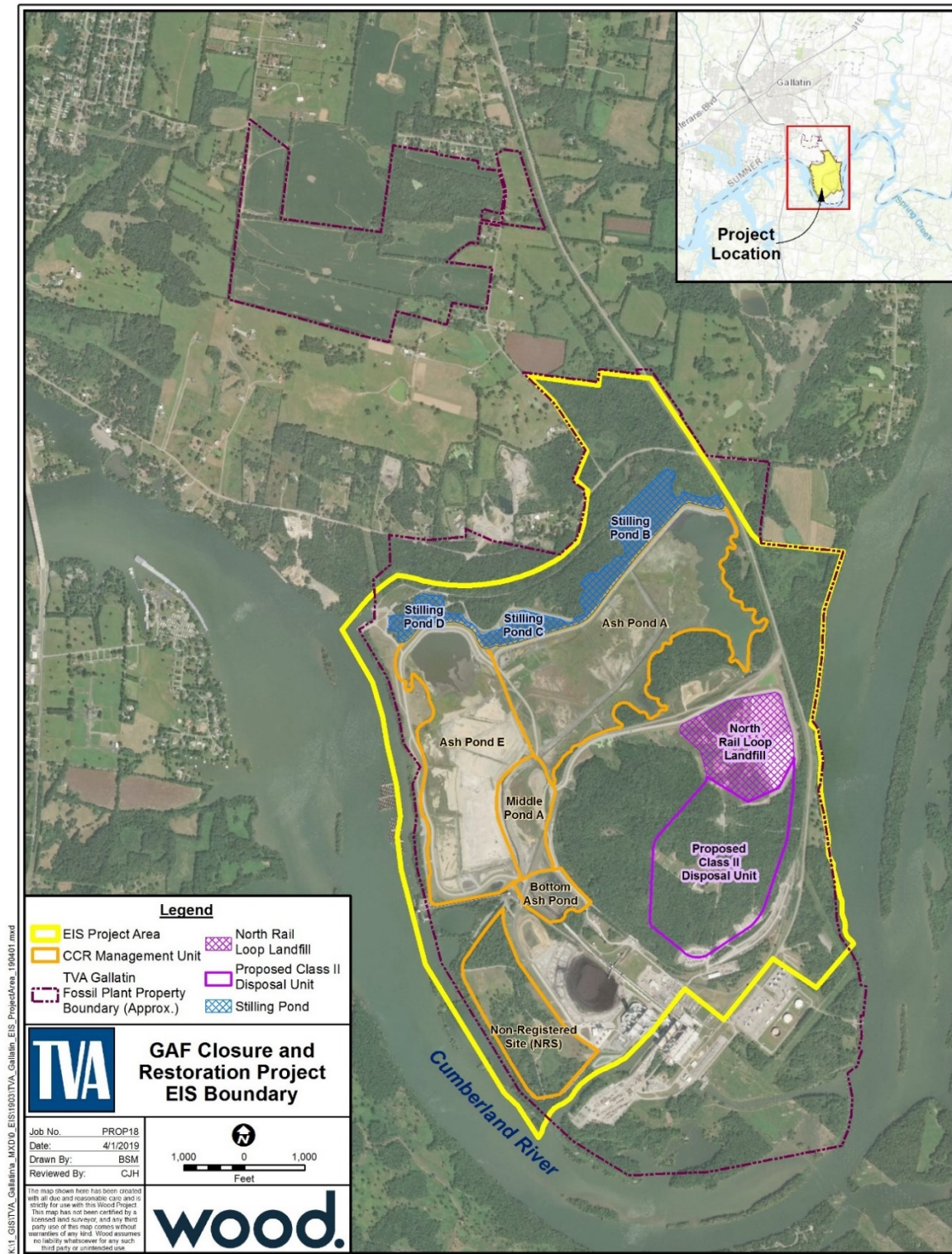


Figure 1. Proposed CCR Management Surface Impoundment Closures and Restoration Projects at GAF

## **2.2 Alternative B – Closure of All Surface Impoundments via Closure-by-Removal, the Potential Removal of De Minimis CCR from the Stilling Ponds, and Expansion of the Existing Onsite Landfill**

Under Alternative B, TVA would remove CCR from the onsite surface impoundments (Ash Pond A, Ash Pond E, Middle Pond A, the Bottom Ash Pond, and the NRS) and construct a lateral expansion of the existing onsite landfill. In addition, any CCR that may have been previously removed from the Bottom Ash Pond and that may be temporarily stockpiled in the existing onsite landfill would also be moved.<sup>1</sup> Based upon site investigations, the CCR in the stilling ponds is considered to be de minimis. Under this alternative, TVA may also remove minor amounts of CCR from the stilling ponds, if deemed necessary. All removed CCR would be stored/used in one of two ways:

- 1) CCR removed from surface impoundments would be taken to an onsite landfill.
- 2) Instead of transporting excavated CCR material to an onsite landfill, most CCR would be transported to a beneficial re-use facility to be processed for use in concrete and other marketable materials. The remaining CCR, not suitable for beneficial re-use, either would be transported to an offsite landfill or would be permanently stored in an onsite landfill. Details and characteristics of the beneficial re-use processing facility and process will be provided in the EIS.

A specific site for the potential beneficial re-use processing facility has not been identified. Therefore, impacts of this option for CCR management will be based on a bounding analysis of the characteristics of a representative beneficial re-use processing facility. If a beneficial re-use location is identified during the course of this EIS that does not fall within the parameters established by the bounding analysis, a separate site specific NEPA evaluation for this location will be included in the EIS. Should a site be identified for use following the completion of this EIS that does not fall within the criteria of the bounding analysis, a supplemental NEPA document will be required.

TVA will evaluate three options for removal of CCR to an onsite landfill including placement of CCR in the existing North Rail Loop Landfill, placement in the expansion to the existing landfill, or a combination of placement options.<sup>2</sup>

The surface impoundments and NRS site would be restored upon completion of the excavation activities. The sites would be graded as needed and restored to natural condition over the excavation areas. Soil utilized for closure and restoration of the sites would be obtained from a borrow site that TVA owns approximately one mile north of the GAF plant property. Following closure activities, the stilling ponds would continue to receive stormwater. TVA may return the

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<sup>1</sup> In conjunction with a prior wastewater treatment project implemented at GAF.

<sup>2</sup> The placement of CCR from the surface impoundments alongside dry production ash within the same area of a landfill unit raises serious technical questions and concerns. If CCR from the surface impoundments is placed in the North Rail Loop Landfill or in both the North Rail Loop Landfill and the expansion area, it may be necessary to construct separate cells or sub-cells in which to segregate each type of material.



stilling pond area back to a natural state, in which case stormwater would continue to be directed to the stilling pond area and managed appropriately.

### **2.3 Alternative C – Closure of All Surface Impoundments via Closure-in-Place, the Potential Removal of De Minimis CCR from the Stilling Ponds, and Expansion of the Existing Onsite Landfill**

Under Alternative C, TVA would close the onsite surface impoundments in-place as described in the CCR PEIS (Ash Pond A, Ash Pond E, Middle Pond A, the Bottom Ash Pond, and the NRS).<sup>3</sup> TVA may also remove minor amounts of CCR from the stilling ponds if deemed necessary as described for Alternative B. TVA would expand the existing onsite landfill to accommodate ongoing operations at GAF and future planning. The size of the landfill would be the same size as the landfill that would be constructed for Alternative B or smaller.

Following closure, TVA would conduct post-closure care for the surface impoundments for a period of 30 years (or as otherwise required by applicable state and federal laws) and would undertake any necessary corrective action. TVA would maintain the integrity and effectiveness of the final cover system and make repairs as necessary to correct the effects of settlement, subsidence, erosion, and other events, and prevent run-on and run-off from eroding or otherwise damaging the final cover. The final cover would be maintained by inspection and corrective measures as needed.

## **3.0 Environmental Review Process**

NEPA regulations require an early and open process for deciding what should be discussed in an EIS (i.e., the scope of the document). The NEPA review process is intended to help federal agencies make decisions that are based on an understanding of the action's impacts. NEPA also requires that federal agencies provide opportunities for public involvement in the decision-making process.

As noted, TVA intends to prepare an EIS, the most intensive level of NEPA review, to consider options for management of CCR at GAF. During the development of the EIS, the public, stakeholders, resource and permitting agencies, and other interested parties have two opportunities to provide input on the development of the environmental study. The first opportunity is the initial scoping process that follows the publication of the Notice of Intent (NOI). The second opportunity for public comment is at the publication of the Draft EIS subsequent to the publication of the Notice of Availability.

In addition to agency and public input, the EIS will also address specific requirements associated with a number of federal laws such as National Historic Preservation Act of 1966, Endangered Species Act of 1973, Clean Water Act of 1972, and Clean Air Act, and would satisfy the requirements of Executive Order (EO) 11988 (Floodplains Management), EO 11990 (Protection of Wetlands), EO 12898 (Environmental Justice), and EO 13112 as amended by 13751 (Invasive Species).

After considering input from the public scoping period, TVA will develop and publish a Draft EIS. The Draft EIS will be available to the public for review and comment for 45 days. During the public

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<sup>3</sup> A separate NEPA document at GAF is currently underway that could affect the options for closure of the Bottom Ash Pond. This document will be finalized prior to the release of this EIS.

comment period on the Draft EIS, TVA will conduct a public meeting. Once the public stakeholders, resource and permitting agencies, and other interested parties have reviewed the document, TVA will consider all comments, make revisions, if necessary, and publish a final EIS. After a period of at least 30 days, TVA will make a final decision that is summarized in a Record of Decision.

During the initial public scoping period, TVA estimated that the Draft EIS would be published in the fall of 2019, the Final EIS would be published in spring of 2020, and a final decision could be made as early as summer of 2020, subject to relevant state and federal law and ongoing litigation related to the GAF surface impoundments.

### **3.1 Public Outreach During the Scoping Period**

Public scoping was initiated with the publication of the NOI to prepare an EIS in the Federal Register on December 7, 2018 (Appendix A). The NOI initiated a 35-day public scoping period, which concluded on January 11, 2019. In addition to the NOI in the Federal Register, TVA sent a media advisory to over 300 newspaper, radio, and television outlets across the TVA service area, as well as trade publications. A public notice advertisement was also placed in the *Gallatin News* and on the TVA website.

### **3.2 Summary of Scoping Feedback**

TVA received a total of 13 comment letter and email submissions, of which 11 were from members of the public and two were from public agencies – the EPA and the Tennessee Department of Environment and Conservation (TDEC). Comment submissions were reviewed to identify specific issues of concern by each commenter and were grouped in general categories for identification and review. In total, 25 separate comments were identified. Issues raised by commenters included the following:

- 1) *Onsite Storage of CCR* – Commenters expressed concern regarding onsite storage of CCR material and requested that it be moved to an off-site location far away from the Cumberland River or other bodies of water.
- 2) *Potential Risks to Water Quality* – Concerns regarding potential risks to both surface water and groundwater quality in conjunction with the disposition of CCR in the existing ash ponds were expressed by four commenters. Comments included issues regarding sensitive geologic characteristics of the region (karst), public water supplies, and protecting water quality.
- 3) *Recreation and Wildlife* – Two commenters expressed concerns regarding the alternatives under consideration and encouraged TVA to consider potential impacts to recreation, fish and wildlife resources.
- 4) *Alternatives* – Preferences regarding the stated ash pond closure alternatives were expressed by five commenters. In each case commenters expressed a desire to close ash ponds by removal to reduce potential effects to sensitive resources. TDEC indicated that the evaluation of alternatives should include a consideration of compliance with state regulations and litigation. TDEC also recommended consideration of an alternative that evaluates environmental impacts associated with storage of CCR materials removed from surface impoundments and stilling ponds in the existing onsite landfill, or in an expansion

of the existing onsite landfill. EPA encouraged TVA to consider alternatives that meet the purpose and need for the project and to consider the No Action alternative.

- 5) *Preferences Regarding Energy Generation* – Four commenters stated their desire for coal plants to be closed and replaced with natural gas or renewable energy sources.
- 6) *Beneficial Re-use* – One commenter indicated that more information should be included in the EIS regarding the beneficial re-use process and potential issues related to heavy metals.
- 7) *Permitting Requirements* – TDEC referenced a need to comply with appropriate permitting in conjunction with project alternatives including National Pollutant Discharge Elimination System (NPDES) permitting requirements, the need for a hydrologic determination study by a certified hydrologic professional to identify all of the aquatic resources within the project limits of disturbance to determine the impact to water resources, and the potential for an Aquatic Resources Alteration Permit (ARAP) in conjunction with the construction of a new onsite landfill.

All comment submissions are included in Appendix B.

### **3.3 Issues to be Addressed**

Based on TVA's internal scoping and input gathered from the public scoping process, TVA anticipates the major issues to be addressed in this EIS include:

- *Water Resources* – TVA will characterize surface water and groundwater resources, and will analyze the extent to which each closure alternative would affect water quality directly or indirectly (i.e., through infiltration or runoff).
- *Biological Resources* (vegetation, wildlife and aquatic life) – Community types within the project areas will be described. Significant natural features, including rare species habitat, important wildlife habitat, or locally uncommon natural community types will be identified. TVA will evaluate the effect of each alternative on terrestrial and aquatic ecosystems.
- *Threatened and Endangered Species* – Federally or state-listed as threatened or endangered plants and animals known to exist in the vicinity of GAF or any of the proposed project areas will be identified. The effects of each closure alternative on endangered, threatened, and rare species in need of management will be evaluated.
- *Aquatic Resources, Floodplains and Wetlands* – Aquatic resources, floodplains and wetlands within the proposed project areas will be identified and impacts will be quantified. The effects of each of the alternatives on jurisdictional waters and floodplains will be evaluated.
- *Geology and Soils* – Regional geology and soils at proposed project sites will be identified and any limitations related to construction and operation will be evaluated. Karst conditions will be identified. Impacts to prime farmland soils will be quantified.

- *Land Use* – Land uses within the proposed project sites and within the vicinity (5-mile radius) will be identified. Permanent and temporary direct and indirect impacts to land use associated with each of the alternatives will be evaluated.
- *Transportation* – The existing roadway network in the vicinity of GAF, including physical road characteristics (number of lanes, shoulders, and posted speed limits) and existing traffic characteristics will be identified. The effect of construction and operation of each alternative on the nearby roadway network will be evaluated.
- *Recreational and Managed Areas* – Natural areas, parks, and other managed areas within the vicinity of the alternatives (5-mile radius) will be identified and potential impacts associated with the proposed alternatives will be addressed.
- *Visual Resources* – The aesthetic setting of each project site will be described and an analysis of changes to scenic attractiveness and scenic integrity associated with each of the alternatives will be completed.
- *Cultural Resources* – TVA will characterize archaeological and historic resources within the Area of Potential Effect. TVA also will discuss any known sites listed on the National Register of Historic Places. The potential effects of each alternative on historic and archaeological resources will be evaluated. Results of the analysis will be reviewed by the Tennessee State Historic Preservation Officer.
- *Noise* – Baseline noise conditions will be characterized and noise emissions associated with the construction phase equipment use and truck traffic during operations will be assessed to determine the potential noise impact of each alternative on sensitive receptors.
- *Air Quality and Climate Change* – Air quality considerations including attainment status and regional air quality information will be presented. Impacts to air quality from activities associated with each of the alternatives will be evaluated. The impact of emissions from each of the alternatives on climate change will be addressed.
- *Socioeconomics and Environmental Justice* – Demographic and community characteristics associated with the proposed project and along haul routes to a beneficial re-use processing facility will be evaluated. Special attention will be given to identification of potential low income and minority populations to evaluate the potential for disproportionate adverse impacts in accordance with EO 12898. Economic effects associated with construction and operation of the proposed projects under each alternative will also be evaluated.
- *Solid and Hazardous Waste* – CCR will be characterized based upon existing GAF operations. Current practices regarding hazardous materials/waste management at GAF will also be identified. In addition, TVA will identify any impacts from waste generation during construction and operation of the proposed projects for each alternative. Operational measures (waste management practices) will be incorporated into the assessment of impacts.

- *Public Health and Safety* – Potential effects of each alternative on public health and safety will be evaluated. The evaluation will include potential effects of transportation of CCR along public roadways to a beneficial re-use processing facility.

The potential direct and indirect impacts of each resource will be assessed in the EIS. Mitigative measures designed to minimize impacts, as appropriate, will be identified. In addition, the EIS will include an analysis of the cumulative impacts of the preferred alternative. A cumulative impact analysis considers the potential impact to the environment that may result from the incremental impact of the project when added to other past, present, and reasonably foreseeable future actions (40 Code of Federal Regulations § 1508.7). The methodology for performing such analysis is set forth in Considering Cumulative Effects under NEPA (Council on Environmental Quality 1997).

## 4.0 References

Council on Environmental Quality. 1997. Environmental Justice Guidance under the National Environmental Policy Act, Executive Office of the President, Washington, DC. Available at: [https://www.epa.gov/sites/production/files/2015-02/documents/ej\\_guidance\\_nepa\\_ceq1297.pdf](https://www.epa.gov/sites/production/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf)

Tennessee Valley Authority (TVA). 2013. Gallatin Fossil Plant – Installation of Emission Control Equipment and Associated Facilities at Gallatin Fossil Plant, Final Environmental Assessment, March 2013. Chattanooga, TN

\_\_\_\_\_. 2016. Final Ash Impoundment Closure Environmental Impact Statement, Part I—Programmatic NEPA Review, June 2016. Chattanooga, TN

\_\_\_\_\_. 2015. Integrated Resource Plan, 2015 Final Report, Knoxville, TN

\_\_\_\_\_. 2018. TVA Gallatin Fossil Plant Borrow Site Final Environmental Assessment, November 2018. Chattanooga, TN

\_\_\_\_\_. 2017. Gallatin Fossil Plant Bottom Ash Process Dewatering Facility, Final Environmental Assessment, March 2017. Chattanooga, TN

# **Appendix A**

## **Federal Register Notice**

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**SURFACE TRANSPORTATION BOARD****[Docket No. FD 36252]****North Carolina & Virginia Railroad Company, L.L.C., Chesapeake & Albemarle Railroad Division—Lease Amendment and Operation Exemption Including Interchange Commitment—Norfolk Southern Railway Company**

Chesapeake & Albemarle Railroad (CA), a Class III railroad and division of North Carolina & Virginia Railroad Company, L.L.C. (NCVA), has filed a verified notice of exemption under 49 U.S.C. 10902 to enter into a superseding and replacement lease with Norfolk Southern Railway Company (NSR) and operate lines of railroad between (1) milepost NS 4.00 at Providence Junction, Va., and milepost NS 8.00 at Butts, Va., (2) milepost NS 8.00 at Butts, Va., and milepost NS 73.59 at Edenton, N.C., and (3) milepost WK 0.00 at Elizabeth City, N.C., and milepost WK 7.48 at Weeksville, N.C. (collectively, the Line). The Line totals approximately 77.07 miles.

CA and NSR entered into a lease in 1990, which covered lines between (1) milepost NS 8.00, and milepost NS 74.00, and (2) milepost WK 0.00, and milepost WK 7.48 (Original Lease).<sup>1</sup> A 2003 amendment added a line between milepost NS 4.00, and milepost NS 8.00.<sup>2</sup> In 2004 and 2007, the Board issued abandonment and discontinuance of service exemptions for line included in the Original Lease between (1) milepost NS 73.67 and milepost NS 74.00 at Edenton, N.C.,<sup>3</sup> and (2) milepost NS 73.59 and milepost NS 73.67 at Edenton, N.C.<sup>4</sup> In 2011, CA and NSR added an amendment to extend the term of the Original Lease and strike all provisions relating to the option to purchase.<sup>5</sup> Now, CA explains that the Original Lease has expired, and

CA and NSR have reached a new Lease Agreement (New Lease). CA and NSR intend the New Lease to supersede and replace the Original Lease and extend the term for an additional 10 years. CA declares that it currently operates the Line pursuant to the Original Lease and will continue to operate the Line under the New Lease.<sup>6</sup>

According to CA, the New Lease includes an interchange commitment that is similar in structure to the interchange commitment included in the Original Lease. As required under 49 CFR 1150.43(h)(1), CA provided additional information regarding the interchange commitment.

CA does not project that this transaction will result in annual revenues significant enough to establish a Class I or Class II rail carrier. Additionally, CA confirms that its total revenues will not exceed \$5 million after the transaction; however, CA states that NCVA, of which CA is a division, will have revenues over \$5 million following the transaction. Accordingly, CA is required by Board regulations to send notice of the transaction to the national offices of the labor unions with employees on the affected lines at least 60 days before this exemption is to become effective, to post a copy of the notice at the workplace of the employees on the affected lines, and to certify to the Board that it has done so. 49 CFR 1150.42(e).

CA requests a waiver of the 60-day advance labor notice requirement under 49 CFR 1150.42(e). In that request, CA argues that: (1) No employees of the transferring carrier, NSR, will be affected by the lease and no employees of NSR have worked on any part of the Line since 2003 and therefore, posting notices would be futile because no NSR employees work on the Line and (2) there will be no operational changes and no CA employees will be affected by the lease. CA's waiver request will be addressed in a separate decision.

CA states that it expects to consummate the transaction on the effective date of this exemption. The Board will establish the effective date in its separate decision on the waiver request.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not

automatically stay the effectiveness of the exemption. Petitions for stay must be filed at least seven days before the exemption becomes effective.

An original and 10 copies of all pleadings, referring to Docket No. FD 36252, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Clark Hill PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

Board decisions and notices are available on our website at [www.stb.gov](http://www.stb.gov).

Decided: December 3, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2018-26575 Filed 12-6-18; 8:45 am]

**BILLING CODE 4915-01-P**

**TENNESSEE VALLEY AUTHORITY****Environmental Impact Statement for Gallatin Fossil Plant Surface Impoundment Closure and Restoration Project**

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Notice of intent.

**SUMMARY:** The Tennessee Valley Authority (TVA) intends to prepare an Environmental Impact Statement (EIS) to address the potential environmental effects associated with management of coal combustion residual (CCR) material at the Gallatin Fossil Plant (GAF) located near Gallatin in Sumner County, Tennessee. The purpose of the EIS is to address the final disposition of CCR onsite at GAF, support TVA's goal to eliminate wet CCR storage at its plants, and assist TVA in complying with the U.S. Environmental Protection Agency's (EPA's) CCR Rule. The proposed actions would also provide long-term on-site landfill space for operations and/or storage of CCR. TVA will develop and evaluate various alternatives for these actions, including the No Action Alternative. Public comments are invited concerning both the scope of the review and environmental issues that should be addressed.

**DATES:** Comments on the scope of the EIS must be received on or before January 11, 2019.

**ADDRESSES:** Comments may be submitted in writing to Ashley Farless, NEPA Specialist, 1101 Market Street, BR4A-C, Chattanooga, TN, 37402. Comments may also be submitted online

<sup>1</sup> *Chesapeake & Albemarle R.R.—Lease, Acquis. & Operation Exemption—S. Ry.*, FD 31617 (ICC served Apr. 17, 1990).

<sup>2</sup> *N.C. & Va. R.R.—Lease & Operation Exemption—Norfolk S. Ry.*, FD 34272 (STB served Jan. 22, 2003).

<sup>3</sup> *Norfolk S. Ry.—Aban. Exemption—in Chowan Cty., N.C.*, AB 290 (Sub-No. 251X) et al. (STB served July 16, 2004). NSR consummated the abandonment between milepost NS 73.67 and milepost NS 74.00.

<sup>4</sup> The verified notices filed by NSR and CA describe the line to be abandoned and discontinued as between milepost NS 73.59 and milepost NS 73.67. Likewise, NSR consummated the abandonment between milepost NS 73.59 and milepost NS 73.67. Therefore, it appears this milepost was erroneously stated as 73.50 in the published notice. See *Norfolk S. Ry.—Aban. Exemption—in Chowan Cty., N.C.*, AB 290 (Sub-No. 295X) et al. (STB served Aug. 9, 2007).

<sup>5</sup> *N.C. & Va. R.R., Chesapeake & Albemarle R.R. Div.—Lease Amendment Exemption—Norfolk S. Ry.*, FD 35564 (Sub-No. 1) (STB served Dec. 16, 2011).

<sup>6</sup> The Original Lease, as amended in 2011, appears to have included line from mileposts NS 73.59 to NS 74.00, which had been abandoned prior to the 2011 lease amendment. CA does not state whether it continued to operate over that abandoned line after the 2011 renewal.

at: <https://www.tva.gov/nepa> or by email to [CCR@tva.gov](mailto:CCR@tva.gov).

**FOR FURTHER INFORMATION CONTACT:**

Other related questions should be sent to Tennessee Valley Authority, Ashley Farless, NEPA Specialist, 1101 Market Street, BR4A-C, Chattanooga, TN, 37402, Phone 423.751.2361 or [arfarless@tva.gov](mailto:arfarless@tva.gov).

**SUPPLEMENTARY INFORMATION:** This notice is provided in accordance with the Council on Environmental Quality's regulations (40 CFR parts 1500 to 1508) for implementing the National Environmental Policy Act (NEPA), TVA's procedures for implementing NEPA, and Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR part 800).

**TVA Power System and CCR Management**

TVA is a corporate agency and instrumentality of the United States created by and existing pursuant to the TVA Act of 1933 that provides electricity for business customers and local power distributors. TVA serves more than 9 million people in parts of seven southeastern states. TVA receives no taxpayer funding, deriving virtually all of its revenues from sales of electricity. In addition to operating and investing its revenues in its electric system, TVA provides flood control, navigation and land management for the Tennessee River system and assists local power companies and state and local governments with economic development and job creation.

The GAF is located in Sumner County, Tennessee, on 1,950 acres of land on the north bank of the Cumberland River. The plant has four turbo-generating units with a combined summer net generating capacity of 976 megawatts. The plant consumes an average of 3.5 million tons of coal per year which results in the annual production of approximately 255,000 tons of CCR. This CCR is the byproduct produced from burning coal and includes fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. Historically, GAF stored CCR wet in onsite surface impoundments (commonly referred to as ash ponds). Bottom ash and boiler slag are the only remaining CCRs currently sent to the ponds. Newly installed air emission controls at GAF allow the majority of CCR to be stored dry in the North Rail Loop Landfill located at GAF, a state-of-the-art lined and state permitted facility. When the construction of a new bottom ash dewatering facility is finished in 2020, the plant will have completed its

transition from wet CCR handling to dry handling of all CCR.

**Background**

In July 2009, the TVA Board of Directors passed a resolution for staff to review TVA practices for storing CCRs at its generating facilities, including GAF, which resulted in a recommendation to convert the wet ash management system at GAF to a dry storage system. On April 17, 2015, the EPA published the final Disposal of CCRs from Electric Utilities rule, also known as the CCR Rule.

In June 2016, TVA issued a Final Programmatic Environmental Impact Statement (PEIS) that analyzed methods for closing CCR impoundments at TVA fossil plants and identified specific screening and evaluation factors to help frame its evaluation of closures at its other facilities. A Record of Decision was released in July 2016 that would allow future environmental reviews of qualifying CCR impoundment closures to tier from the PEIS. This PEIS can be found at [www.tva.com/nepa](http://www.tva.com/nepa).

**Alternatives**

The EIS will examine closure of the following surface impoundments: Ash Pond A, Ash Pond E, Middle Pond A and a Non-Registered Site. In addition, TVA will examine removal of CCR from on-site Stilling Ponds and permanent disposition of CCR from the Bottom Ash Pond at Gallatin. TVA is performing a separate NEPA review for a project at Gallatin that could result in a temporary stockpile of CCR from the Bottom Ash Pond in the on-site landfill (North Rail Loop Landfill). The Bottom Ash Pond CCR would be temporarily stockpiled to make the most efficient use of property at GAF. Whether the Bottom Ash Pond CCR remains in its current location onsite at GAF or is temporarily stockpiled to allow TVA to make use of real estate available onsite, the final disposition of the Bottom Ash Pond CCR will be addressed in this EIS. Construction of a new on-site landfill will be examined as well as construction of a CCR beneficial re-use facility.

In addition to a No Action Alternative, this EIS will address alternatives that meet the purpose and need for the project. One alternative identified by TVA is closure of all surface impoundments and stilling ponds via closure-by-removal with construction of a new on-site landfill. The CCR material removed in this closure-by-removal alternative would be disposed of in a new on-site landfill and/or a beneficial re-use facility. Another alternative identified by TVA is

closure of all surface impoundments and stilling ponds via closure-in-place with construction of a new on-site landfill that would be used to support ongoing long-term plant operations. TVA could also consider a combination closure-in-place and closure-by-removal alternative(s).

No decision has been made about CCR storage at GAF beyond the current operations. TVA is preparing this EIS to inform decision makers, other agencies and the public about the potential for environmental impacts associated with management of CCR at GAF.

**Proposed Resources and Issues To Be Considered**

This EIS will identify the purpose and need of the project and will contain descriptions of the existing environmental and socioeconomic resources within the area that could be affected by management of CCR at GAF. Evaluation of potential environmental impacts to these resources will include, but not be limited to, water quality, aquatic and terrestrial ecology, threatened and endangered species, wetlands, land use, historic and archaeological resources, solid and hazardous waste, safety, and socioeconomic and environmental justice issues. The final range of issues to be addressed in the environmental review will be determined, in part, from scoping comments received. The preliminary identification of reasonable alternatives and environmental issues in this notice is not meant to be exhaustive or final.

**Public Participation**

TVA is interested in an open process and wants to hear from the community. The public is invited to submit comments on the scope of this EIS no later than the date identified in the "Dates" section of this notice. Federal, state, local agencies and Native American Tribes are invited to provide comments.

After consideration of comments received during the scoping period, TVA will develop and distribute a scoping document that will summarize public and agency comments that were received and identify the schedule for completing the EIS process. Following analysis of the issues, TVA will prepare a draft EIS for public review and comment. In making its final decision, TVA will consider the analyses in this EIS and substantive comments that it receives. A final decision on proceeding with the management and storage of CCRs at GAF will depend on a number of factors. These include results of the EIS, requirements of the CCR Rule,

relevant state law requirements, engineering and risk evaluations, financial considerations, as well as the resolution of ongoing litigation concerning Gallatin.

TVA anticipates holding a community meeting near the plant after releasing the Draft EIS. Meeting details will be posted on TVA's website. TVA expects to release the Draft EIS in the Fall 2019.

**Authority:** 40 CFR 1501.7.

**M. Susan Smelley,**

*Director, Environmental Compliance and Operations.*

[FR Doc. 2018-26531 Filed 12-6-18; 8:45 am]

**BILLING CODE 8120-08-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Dockets No. FMCSA-2017-0243, FMCSA-2017-0296, FMCSA-2017-0337, FMCSA-2017-0340, FMCSA-2017-0342, FMCSA-2017-0356, FMCSA-2017-0361, FMCSA-2017-0373, FMCSA-2018-0003, FMCSA-2017-0336]

### Hours of Service (HOS) of Drivers; Applications for Exemption From the Electronic Logging Device Rule

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition; denial of applications for exemption.

**SUMMARY:** As required by statute, FMCSA announces denials of 10 applications for exemptions from the hours-of-service (HOS) electronic logging device (ELD) rule. The applicants are as follows: Power and Construction Contractors Association; Western Equipment Dealers Association; Association of Energy Service Companies; Cudd Energy Services, Inc.; SikhsPAC and North American Punjabi Trucker Association; Owner-Operator Independent Drivers Association, Inc.; American Disposal Service; Towing and Recovery Association of America; National Electrical Contractors Association; and the Agricultural Retailers Association. The Agency reviewed each application and any comments received and rendered each decision based upon the merits of the application.

**DATES:** On June 16, 2018, FMCSA denied 9 applications for exemption and on July 26, 2018, the Agency denied the application of the Agricultural Retailers Association.

**FOR FURTHER INFORMATION CONTACT:** Ms. Pearl Robinson, FMCSA Driver and Carrier Operations Division; Office of

Carrier, Driver and Vehicle Safety Standards; Telephone: 202-366-4325. Email: [MCPSTD@dot.gov](mailto:MCPSTD@dot.gov).

### SUPPLEMENTARY INFORMATION:

#### Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. In the case of denials, 49 U.S.C. 31315 explicitly states that the Agency may meet the requirements by periodically publishing in the **Federal Register** the names of persons denied exemptions and the reasons for the denials.

#### Applications for Exemption

The current hours-of-service (HOS) regulations in 49 CFR 395.8(a) require motor carriers subject to the regulation to ensure their drivers use ELDs in place of written logs to record their duty status for each 24-hour period. Additionally, Part 395 lists certain ELD exceptions for short-haul operations within a 100 air-mile radius and agricultural operations within a 150 air-mile radius.

The 10 applicants cited below applied for an exemption from the requirement to use an ELD to record HOS for drivers subject to the regulation for various reasons. FMCSA published **Federal Register** notices requesting public comment on each application. Each notice established a docket to provide the public an opportunity to inspect the application and other docketed information, such as comments of others submitted to the docket. Details of the Agency's analysis follows.

#### *Power and Construction Association (PCCA)*

The PCCA requested that motor carriers and drivers operating commercial motor vehicles (CMVs) in the power and communication construction industry be allowed to use paper records of duty status (RODS) instead of ELDs. PCCA noted that construction contractors spend considerable time off-road on varying jobsites; a single CMV may have several different drivers over the course of a day, moving the vehicle short distances around the jobsite. Due to the limited time that their drivers spend driving on public roads within a workday, PCCA states that the ELD and RODS requirements for drivers in its industries do not result in a significant safety benefit.

FMCSA reviewed the application and the 259 public comments submitted. On June 16, 2018, FMCSA denied PCCA's application for exemption because the Agency could not ensure that the exemption would provide the requisite level of safety. A copy of the denial letter is available for review in the docket (FMCSA-2017-0243).

#### *Western Equipment Dealers Association (WEDA)*

WEDA requested this exemption from ELD use on behalf of several organizations and their members. Effectively, the requested exemption would eliminate the requirement for agricultural equipment dealers to install ELDs on their CMVs. WEDA stated that equipment dealer operations in agriculture present unique circumstances that warrant the requested exemption and that the failure to grant it would pose an undue burden on equipment dealers and their customers without a measurable safety benefit.

FMCSA reviewed the application and the 125 public comments submitted. On June 16, 2018, FMCSA denied WEDA's application for exemption because the Agency could not ensure that the exemption would provide the requisite level of safety. A copy of the denial letter is available for review in the docket (FMCSA-2017-0296).

#### *Association of Energy Service Companies (AESC)*

AESC requested this exemption to allow all drivers of well service rigs to complete paper RODS instead of using an ELD whenever the drivers exceeded the requirements of the short-haul exception. According to AESC, complying with the ELD requirement would be overly burdensome for well

## **Appendix B**

### **Comments Submitted During the Scoping Period**

**(December 7, 2018 through January 11, 2019)**

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**From:** [Gissentanna, Larry](#)  
**To:** [TVA CCR Mailbox](#); [Farless, Ashley Robin](#)  
**Cc:** [Militscher, Chris](#); [Buskey, Traci P.](#)  
**Subject:** TVA Scoping for Gallatin-Surface-Impoundment-Closure-and-Restoration-Project  
**Date:** Friday, December 14, 2018 12:16:00 PM

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**TVA External Message. Please use caution when opening.**

Ms. Asley Farless

[CCR@tva.gov](mailto:CCR@tva.gov)

NEPA Compliance

Tennessee Valley Authority

1101 Market St., BR4A-C

Chattanooga, TN 37402

Re: Gallatin-Surface-Impoundment-Closure-and-Restoration-Project

Dear Ms. Farless:

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 EPA appreciates the opportunity to review and provide comments.

The EPA understands that TVA's proposed action is to prepare an Environmental Impact Statement (EIS) to address the potential environmental effects associated with management of coal combustion residual (CCR) material at the Gallatin Fossil Plant (GAF) located near Gallatin, Sumner County, Tennessee. The purpose of the EIS is to address the final disposition of CCR onsite at GAF, support TVA's goal to eliminate wet CCR storage at its plants, and assist TVA in complying with the U.S. Environmental Protection Agency (EPA's) CCR Rule. The proposed actions would also provide long-term on-site landfill space for operations and/or storage of CCR.

The EIS should address alternatives that meet the purpose and need for the project. TVA should also consider a "No Action" alternative as well. EPA's preliminary concerns for alternatives at this time can be summarized to include, but not limited to the following areas; e.g., air quality, hazardous waste, solid waste, water, wetlands, noise, energy, socioeconomics resources, aquatic and terrestrial ecology, endangered and threaten species, floodplains, land use, historical and archaeological resources when preparing your NEPA document.

Please continue to keep the community informed throughout the project, and upon completion of your Draft Environmental Impact Statement, please forward 2 hard copies to the NEPA Program Office (address below).

Thank you for the opportunity to provide comments on your proposed project. If you have any questions, feel free to contact me via the information provided below.

Sincerely,

**Larry O. Gissentanna**

DoD and Federal Facilities, Project Manager

U.S. Environmental Protection Agency/ Region 4  
Resource Conservation and Restoration Division  
National Environmental Policy Act (NEPA) Program Office  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960  
Office: 404-562-8248  
[gissentanna.larry@epa.gov](mailto:gissentanna.larry@epa.gov)

## Farless, Ashley Robin

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**From:** Matthew K. Taylor <Matthew.K.Taylor@tn.gov>  
**Sent:** Friday, January 11, 2019 6:07 PM  
**To:** TVA CCR Mailbox  
**Cc:** Kendra Abkowitz  
**Subject:** TDEC Comments on TVA Gallatin Fossil Plant CCR Management NOI  
**Attachments:** 2019-1-11--TDEC\_Comments\_TVA\_GAF\_Surface\_Impoundment\_Closure\_NOI.PDF

**TVA External Message. Please use caution when opening.**

Dear Ms. Farless:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the Tennessee Valley Authority (TVA) Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) to address the potential environmental effects associated with management of coal combustion residual (CCR) material at the Gallatin Fossil Plant (GAF) located near Gallatin in Sumner County, Tennessee.

Please contact me should you have any questions regarding these comments.

Thanks,



**Matt Taylor** | Senior Policy Analyst  
Office of Policy and Sustainable Practices, TDEC  
William R. Snodgrass Tennessee Tower  
312 Rosa L Parks Ave, 2nd Floor  
Nashville, TN 37243  
Email: [Matthew.K.Taylor@tn.gov](mailto:Matthew.K.Taylor@tn.gov)  
Office: 615-532-1291  
Cell: 615-979-2449

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

**SHARI MEGHREBLIAN, PhD**  
COMMISSIONER

**BILL HASLAM**  
GOVERNOR

January 11, 2019

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

Attn: Ashley Farless, NEPA Compliance Specialist  
Tennessee Valley Authority  
1101 Market Street, BR4A-C  
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) Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) to address the potential environmental effects associated with management of coal combustion residual (CCR) material at the Gallatin Fossil Plant (GAF) located near Gallatin in Sumner County, Tennessee. TVA intends for the EIS to address the final disposition of CCR on-site at GAF, support TVA's goal to eliminate wet CCR storage at its plants, and assist TVA in complying with the U.S. Environmental Protection Agency's (EPA's) CCR Rule. The proposed actions would also provide long-term on-site landfill space for operations and/or storage of CCR. TVA will develop and evaluate various alternatives for these actions, including the No Action Alternative as part of a forthcoming EIS.

TDEC has reviewed the NOI and has the following comments regarding the forthcoming TVA GAF EIS:

**Solid Waste**

TDEC notes that the NOI document identifies compliance with the EPA CCR Rule as part of the purpose behind the actions being assessed in the forthcoming EIS document. TDEC recommends that compliance with state rules and litigation also be included in the future scope of the project purpose.

One alternative identified by TVA is closure of all surface impoundments and stilling ponds via closure-by-removal. Under this alternative all removed material would be disposed of in a new on-site landfill and/or a beneficial re-use facility. TDEC recommends that TVA also consider an alternative that evaluates environmental impacts associated with storage of CCR materials removed from surface impoundments and stilling ponds in the existing on-site landfill, or in an expansion of the existing on-site landfill.

**Water Resources**

TVA GAF has an existing National Pollution Discharge Elimination Systems (NPDES) Stormwater Construction Permit (CGP) and accompanying Storm Water Pollution Prevention Plan that will likely need to be modified as the work for closure associated with potential alternatives begins.

As TVA considers various alternatives, it should consider the following items. Depending on changes in discharges as the ponds are de-watered, the NPDES permit will have to be modified or a new permit issued. Further, it is likely that in all of the alternatives suggested, a new on-site landfill will require a CGP and a hydrologic determination study by a certified hydrologic professional to identify all of the aquatic resources within the project limits of disturbance to determine the impact to water resources. Lastly, an Aquatic Resources Alteration Permit (ARAP) will most likely be necessary should an alternative which includes construction of a new on-site landfill be pursued. TDEC recommends the Draft EIS reflect the potential for these various permitting requirements based on the proposed action and its alternatives.

Additionally, there has been ground water contamination identified at GAF, which will necessitate post-closure groundwater monitoring. TDEC recommends TVA include these considerations in the Draft EIS.

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.

Please note that more information is necessary to evaluate the beneficial re-use of CCR materials as considered in the forthcoming EIS, and that the heavy metal content of some materials will have to be considered as part of any beneficial re-use application. TDEC appreciates the opportunity to comment on this NOI. Please note that these comments are not indicative of approval or disapproval of the potential 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,



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  
Chuck Head, TDEC, BOE  
Lisa Hughey, TDEC, DSWM  
Tom Moss, TDEC, DWR  
Joseph Sanders, TDEC, OGC  
Robert Wilkinson, TDEC, BOE  
Stephanie Williams, TDEC, DNA

**Name:** Anthony Derrick

**Comments:** I would like to see all coal ash removed from waterways, moved inland and coal burning plants closed.

close window

**From:** [April](#)  
**To:** [TVA CCR Mailbox](#)  
**Cc:** [april](#)  
**Subject:** Public comments for Gallatin Fossil Plant Surface Impoundment Closure and Restoration Project  
**Date:** Saturday, January 12, 2019 12:36:46 AM

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TVA External Message. Please use caution when opening.

My name is April Hungate and I live approximately 15 miles from the Gallatin Fossil Plant. From our hilltop home I can see the smokestacks of the plant. As someone who has asthma, I appreciate the fact that you have invested in cleaner emissions! Thank you! Beside caring about my own health as well as the health of my grandchildren, I am a concerned citizen especially interested in protecting our environment. Having lived other places, I can vouch for the fact that Tennessee has an especially large and diverse population of unique creatures as well as beautiful rivers, streams, and lakes. I feel that it is your responsibility to protect this state as best as you can.

I have been following the news reports of the TVA Kingston Fossil plant ash spill and the horrible situation of the sick and dying clean up workers. Obviously the question of what and how to deal with the coal ash is extremely important. I do not have a deep understanding of the various options you are pursuing but I would like to offer my citizens preference of what to do with the coal ash. Having lived in middle Tennessee for over 40 years, I do know a bit about the topography and geology of the area. Storing dry or wet ash near any moving body of water is not a good idea. Now that we do know that the ash contains poisonous properties, it behooves us to deal with it in a way that not only protects us from airborne particles but also from contaminating water resources. I would like to see the ash moved to lined containment areas far from any river or stream. If there is a way to turn it into something that is inert, that'd be great. I do not think it's a good idea to just move the ash around your property on the river's edge. A lined containment area would be safer for the environment. The area around the Gallatin Fossil plant is a known karst system. This is true for many areas in mid TN. Therefore, it must be moved as far from the river as possible and into a lined containment facility so as to protect our ground water.

I hope that my letter means a tiny something since I am a customer of the utility. I would welcome being informed of future public meetings on this important issue. I'd also like to say that while we appreciate the Gallatin Fossil Plant, please, please, please give us more renewable energy! I'd at least like some options regarding where my money goes. Again, we Tennesseans value our state and want to make it better, not degrade it. So anything you can do to mitigate fouling our environment would be very good.

Thank you,  
April Hungate  
PO Box 144  
Bethpage, TN  
37022

**From:** [CHRIS SCHERBA](#)  
**To:** [TVA CCR Mailbox](#)  
**Subject:** Coal Ash storage  
**Date:** Thursday, January 03, 2019 4:40:06 PM

---

**TVA External Message. Please use caution when opening.**

Dear TVA,

Storing combusted coal ash near the Cumberland waterway is a hazard to our environment and puts all forms of life at risk. Please find an area far away from this precious water source to store the CCR.

Sincerely,

Chris Scherba

164 Cherokee Rd.

Hendersonville TN 37075

**Name:** Darrin Wall

**Comments:** I feel that the ash should be excavated and moved to a lined on-site landfill. It's just too risky to leave the ash in place and any poisons leaking into the river is too much. Our, Gallatin's, drinking water is located downstream from the plant and so is my home. It is not comforting to think that a spill could potentially hurt our property value and have a significantly negative impact on the city of Gallatin at any time. Please do the responsible thing and get the ash away from the Cumberland river. The river is not yours to pollute, it is our river too and I look forward to teaching my little girl how to swim and fish in this river without the fear of harming her. I realize it's going to cost another billion plus, but given the billions already spent on the plant adding the scrubber why not finish the job of cleaning up the waste from the plant.

close window

**From:** [John E](#)  
**To:** [TVA CCR Mailbox](#)  
**Subject:** Comments for: Gallatin Surface Impoundment Closure and Restoration Project  
**Date:** Thursday, January 03, 2019 12:02:08 PM

---

TVA External Message. Please use caution when opening.

To Whom it May Concern:

I recommend closure by off-site removal, which means not using any existing on-site landfills or constructing any new on-site landfills. The off-site removal shall be to a location that is of sufficient distance away from any bodies of water and not located in any areas with any known geologic/seismic faults. The off-site removal location shall be properly lined, capped, stabilized and monitored for leakage and movement. The off-site location shall include 24x7 surveillance involving on-site personnel keeping proper log books recording instrumentation data and other observations.

The GAF project needs to completely mitigate any risk of pollution into the Cumberland River and avoid another Kingston Fossil Plant disaster.

Sincerely,

John Ermer  
Gallatin, TN

**From:** [Julian Ghita](#)  
**To:** [TVA CCR Mailbox](#)  
**Subject:** Coal ash ponds  
**Date:** Tuesday, December 18, 2018 11:32:45 AM

---

**TVA External Message. Please use caution when opening.**

I think they should close and remove the ash ponds! There have been too much wildlife habitat damaged around Gallatin steam plant!

[Sent from Yahoo Mail on Android](#)



**From:** [knygard2](#)  
**To:** [TVA CCR Mailbox](#)  
**Subject:** Ash ponds  
**Date:** Friday, January 04, 2019 10:00:16 AM

---

**TVA External Message. Please use caution when opening.**

It is folly to store CCR at a level that can be flooded given the increased likelihood of flooding as climate change proceeds due to the burning of fossil fuels. Storage off site in a dry location such as a salt mine in the Southwest seems preferable. The obvious solution is to decommission coal-burning and transition to a combination of solar, wind, and geothermal. Please read the book "Drawdown" . Also please listen to the Sierra Cub. I am one of those concerned about my grandchildren more than immediate profits. The long view always leads to better solutions.

Sent from my Sprint Samsung Galaxy S9.

**From:** [Mark Robbins](#)  
**To:** [TVA CCR Mailbox](#)  
**Subject:** Future of Coal Ash  
**Date:** Wednesday, January 02, 2019 11:00:45 AM

---

**TVA External Message. Please use caution when opening.**

To Whom it May Concern,

I am responding to your request for public comments regarding on the future of coal ash. Coal ash should be stored a safe distance from rivers, streams, etc. to prevent the environmental issues that occurred in the Kingston Fossil Plant coal fly ash slurry spill in 2008. Also, coal ash should be sealed completely so contaminants do not seep into the ground/ground water and are not spread by wind, etc.

The best solution is to replace all coal powered plants with a cleaner and more cost effective fuel source.

Thank you.

**Mark Robbins**

*Principal*

**Robbins Properties**

One American Center  
3100 West End Avenue,  
Suite 1070  
Nashville, TN 37203  
615-301-6571 (o)  
615-473-7731 (m)  
615-301-6574 (f)  
[mrobbins@robbins-properties.com](mailto:mrobbins@robbins-properties.com)  
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**From:** [Patrick Bradshaw](#)  
**To:** [TVA CCR Mailbox](#)  
**Subject:** Gallatin fossil plant  
**Date:** Friday, January 11, 2019 12:19:29 AM

---

**TVA External Message. Please use caution when opening.**

NEPA Compliance specialist:

It is beyond belief that after the coal ash spill incident at Kingston and the resultant cleanup travesty, that the State of TN and the TVA would even entertain the idea of continuing to store coal ash or CCR near the Cumberland River.

The devastation to the values of all property in the area of the Lake and river would be catastrophic. Since the river is a major source of water for all of the surrounding areas the impact of another environmental disaster would spread well beyond the Old Hickory dam. The CCR is a hazardous material and should be treated as such.

The TVA needs to consider the cost benefit and risk to the continued burning of fossil fuel in the Gallatin power plant. This plant should have been converted to natural gas some time ago, but it is my belief that politics has played a roll in keeping the coal coming up the river.

It is my suggestion that the barges that bring coal to the plant be loaded up with the CCR and then take the ash back to the mining facility to be stored at that location until such time as the mining ceases and the CCR be placed back in the pits where the coal came from. This could continue until the ash has been removed even after such time as the plant is converted to natural gas. This would please the owners of the barge line I'm sure.

If that plan is unacceptable then maybe we could open a pit at the homes of the TVA and coal mining executives who are so convinced that coal ash is so harmless.

Patrick C Bradshaw  
160 Cherokee Rd

Hendersonville, TN. 37075

Sent from my iPad

**From:** [Robert Holecek](#)  
**To:** [TVA CCR Mailbox](#)  
**Subject:** CCR  
**Date:** Thursday, January 03, 2019 6:23:13 PM

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TVA External Message. Please use caution when opening.

To whom it may concern:

I am extremely concerned about your consideration to store CCR, anywhere near the Cumberland waterway. I would ask that you reconsider, on behalf of myself and the other residence that may be impacted.

Sincerely,

Robert Holecek  
203 Cherokee Pt.  
Hendersonville, TN 37075  
414-758-8522  
holecekr@yahoo.com

Sent from my iPhone

**Name:** veit spero

**Comments:** My comments regard the ash pond projects at Gallatin, Tennessee.

I live in Bethpage, Sumner County, Tennessee. The supplier of public water for my residence is the Castalian Springs, Bethpage Utility Distric(CSBUD). CSBUD does not treat water for consumption, however it distributes water purchased from the City of Gallatin. One hundred percent of the source of water for the City of Gallatin Water Treatment Facility is the Cumberland River(Old Hickory Reservoir). The water intake for the Gallatin Water Treatment Facility is very near and on the same side of the river as the the Gallatin Fossil plant. In addition there are other water intakes further downstream that supply water to hundreds of thousands of customers in Wilson County, Sumner County, Robertson County and Davidson County.

Old Hickory Reservoir downstream of the Gallatin Fossil plant is swimmable and fishable and is heavily used for these purposes. Many, including myself consume fish from the lake. The lake is a productive fishery. Old Hickory Lake, the Cumberland River and all its uses, including cooling water for the fossil plant are very important to the economy.

In making decisions regarding the ash pond projects, TVA should do what is necessary to eliminate risk to public water supplies, recreation, fish and wildlife.

TVA has demonstrated management failures in the past with the management of ash from its facilities. These include leachate that has been entering Old Hickory Lake from Gallatin Fossil Plant and the Kingston ash pond failure. Additionally I recall a case in which a TVA safety manager was convicted of criminal falsification of safety data.

I would hope the culture that allowed these incidents to occur has been changed and that decision making is improving to ensure the safety of the public and environment.

I appreciate the hard work of TVA employees and their many services to the public. Please make wise decisions and consider all short term and long term results regarding the management of coal ash and all types of waste and emissions at Gallatin.

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