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Sent Via Electronic Submittal

December 30, 2025

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Dear Ms. Terpstra:

TENNESSEE VALLEY AUTHORITY (TVA) – CUMBERLAND FOSSIL PLANT (CUF) – NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT NO. TN0005789 – EFFLUENT LIMITATION GUIDELINES (ELG) NOTICE OF PLANNED PARTICIPATION (NOPP)

On October 13, 2020, the United States Environmental Protection Agency (EPA) published revisions to the Steam Electric Effluent Limitation Guidelines (ELGs) in 40 CFR Part 423. The revised rule, referenced as the 2020 Rule, modified technology-based effluent limitations for Flue Gas Desulfurization (FGD) wastewater and Bottom Ash Transport Water (BATW). In setting stringent new effluent limitations, EPA recognized the need to provide compliance flexibility by establishing new subcategories that provide different compliance pathways and by allowing transfers between subcategories. One such subcategory that was established was for facilities planning to cease coal combustion by December 31, 2028, (“2028 retirement subcategory”).

On October 6, 2021, to preserve the option of participating in the 2028 retirement subcategory by ceasing coal combustion by 2028, TVA submitted a NOPP to participate in the retirement subcategory for FGD wastewater and BATW for the two coal combustion units at CUF.

On May 9, 2024, the EPA published further revisions to the ELGs, referenced as the 2024 Rule. The revised rule modifies technology-based effluent limitations for two additional waste streams not referenced in the 2020 Rule: combustion residual leachate (CRL) and unmanaged CRL. The rule also established a permanent cessation of coal combustion subcategory for facilities

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planning to cease coal combustion by December 31, 2034, (“2034 retirement subcategory”). This subcategory allows facilities scheduled to retire by the 2034 deadline to operate under the standards of the 2020 ELGs until retirement and allows for regulatory agencies to develop CRL limits using best professional judgement before retirement and chemical precipitation after retirement.

In a July 2024 webinar, the EPA advised that CRL limits for facilities in the 2034 retirement subcategory do not automatically apply to facilities in the 2028 retirement subcategory. Thus, CRL at facilities in the 2028 retirement subcategory is subject to zero discharge limits by December 31, 2029, per the generally applicable category of the 2024 ELGs. To be subject to the CRL limits in the 2034 retirement subcategory, facilities in the 2028 retirement subcategory must file a new NOPP declaring the intent to utilize the 2034 retirement subcategory for CRL.

TVA is submitting this NOPP for CUF’s CRL to preserve the option of participating in the 2034 retirement subcategory, and this NOPP is submitted in accordance with the requirements set forth in the 2024 ELGs. Submission of this NOPP indicates no decision or intention to operate CUF past December 31, 2028, nor does this NOPP change CUF’s FGD and BATW’s current participation in the 2028 retirement subcategory.

40 CFR 423.19(h) lists the requirements for the 2034 retirement subcategory for CRL, which includes submission of a NOPP as well as an annual progress report that provides updates on the interim milestones listed below. TVA’s current plan is to retire both generating units at CUF by December 31, 2028, which meets 40 CFR 423.19(h)(2) requiring permanent cessation of coal combustion no later than December 31, 2034. TVA is not regulated by a public service commission; therefore, approval of this regulatory body is not applicable. TVA submitted a NOPP for CUF to participate in the 2028 retirement subcategory of the 2020 ELGs and meets the requirements for BATW and FGD in that subcategory.

Milestones that either have been completed or would need to be completed to achieve plant retirement by December 31, 2034, and allow for the CRL wastestreams at CUF to participate in the 2034 retirement subcategory are listed in the table below:

Milestone	Activity	Date Completed
Integrated Resource Plan	TVA posted the final Record of Decision for the 2019 IRP	September 17, 2019
National Environmental Policy Act (NEPA) Review	TVA published an Environmental Impact Statement (EIS) to assess the impacts associated with the proposed retirement of CUF and the replacement generation alternatives	December 9, 2022
Decision to Retire CUF	TVA CEO, under delegation from the Board of Directors, announced the decision to retire CUF	January 10, 2023
Cessation of Coal Combustion Activities	TVA would cease coal combustion at CUF	Must be on or before December 31, 2034; current plan is to cease combustion activities by December 31, 2028.

Annual reports detailing CUF's progress toward completing the milestones will continue to be submitted to TDEC. If you have questions or need additional information, please contact Britta Lees by email at bplees@tva.gov.

Sincerely,



Susan Jacks
Senior Manager
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