



STATE OF TENNESSEE  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

6th floor - L&C Tower  
401 Church Street  
Nashville, Tennessee 37243-0437

November 25, 2009

Ms. Leslie W. Nale, Plant Manager  
TVA Kingston Fossil Plant  
714 Swan Pond Road  
Harriman, Tennessee 37748

Subject: **Notice of Violation – Dike Integrity Inspection Reporting Requirements/Loss of Water from Flue Gas Desulfurization Stormwater Pond NPDES Permit No. TN0080870, TVA Kingston Fossil Plant Harriman, Roane County, Tennessee**

Dear Ms. Nale:

In a November 20, 2009, e-mail from Cynthia McCowan to Paul Schmierbach, the Tennessee Valley Authority (TVA) notified the Tennessee Department of Environment and Conservation (TDEC) that it had identified a loss of water from the storm water pond in the FGD Disposal Area. TVA's official notification, dated November 23, 2009, was attached to the e-mail and described the observations and corrective actions taken thus far.

TVA indicated that the change in elevation was observed on November 3, 2009, however the department was not advised of this observation in any manner until the e-mail of November 20, 2009. Please be advised that Part III B (2) of the permit requires TVA to notify the division within 5 days of discovering any change that indicates a potential compromise to the structural integrity of the dike. Failure to notify the division within the prescribed time frame is a violation of the permit.

TVA is only authorized to discharge to the Clinch River through outfall 01A. Any discharge to waters of state (including groundwater) other than through the permitted outfall is an unpermitted discharge and a violation of the permit.

TDEC understands that this pond contains discharge from the gypsum scrubbers resulting from activities necessary to commission the system. TVA's notification stated that the pond would be drained so that it can be fully inspected for possible sources of discharge and overall structural integrity of the pond. TDEC personnel confirmed on Monday, November 23, 2009, that the pond had been drained and that the investigation of the structure is underway.

TVA must conduct further subsurface investigations to identify the cause of the seepage and to develop appropriate corrective actions. The results of the investigations and proposed remediation must be submitted to TDEC for approval prior to installation of any mitigation measures. Until such time that all

necessary corrective actions are implemented, TVA must suspend all discharges to the FGD stormwater pond.

Please respond within 15 days of the date of this letter with the results of the subsurface investigation and proposed corrective actions.

If you have questions, please contact the division at your local Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact me at 615-532-0652 or by E-mail at *Saya.Qualls@tn.gov*.

Sincerely,



Saya Ann Qualls, P.E.

Chief Engineer

Division of Water Pollution Control

cc: Division of Solid Waste Management, Central Office  
Division of Water Pollution Control, Permit File  
Division of Water Pollution Control, Enforcement and Compliance  
Division of Water Pollution Control, Knoxville Environmental Field Office