

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that on June 13, 2019, a proposed Consent Decree (Decree) was lodged with the Davidson County Chancery Court in *State of Tennessee et. al. v. Tennessee Valley Authority* (TVA), Docket No. 15-23-IV. This Decree represents a settlement of claims against TVA under the Tennessee Solid Waste Disposal Act, Tenn. Code Ann. §§ 68-211-101 to 68-211-124 and the Tennessee Water Quality Control Act, Tenn. Code Ann. §§ 69-3-101 to 69-3-137.

TVA is a corporate agency and instrumentality of the United States created by the Tennessee Valley Authority Act of 1933, as amended, 16 U.S.C. §§ 831-831ee (the TVA Act), with its headquarters in Knoxville, Tennessee. TVA operates a facility located at 1499 Steam Plant Road, Gallatin, Sumner County, Tennessee 37066, known as the TVA Gallatin Fossil Plant (GAF). The GAF is an active coal-fired power plant located on the north bank of the Cumberland River, approximately 4.5 miles south-southeast of Gallatin, Tennessee. TVA manages its coal combustion residuals (CCR), which are the byproducts of burning coal by GAF to produce electricity, at both an onsite legacy disposal site (the NRS) and through a series of active, unlined settling and stilling ponds (the Ash Pond Complex).

In the lawsuit, the State of Tennessee and the Tennessee Department of Environmental and Conservation (TDEC) (collectively the State) alleged that TVA committed various violations of the Tennessee Solid Waste Disposal Act, the Tennessee Water Quality Control Act, and TVA's TDEC-issued National Pollutant Discharge Elimination System (NPDES) permit for the GAF in connection with its onsite management of CCR. Tennessee Clean Water Network and Tennessee Scenic Rivers Association (the Citizens Groups) intervened in the lawsuit, also alleging violations by TVA of the state environmental laws and its NPDES permit.

Under this settlement between the State, Citizens Groups, and TVA, TVA shall prepare a final Environmental Assessment Report for the GAF as part of the ongoing environmental investigation at the site and submit it to TDEC for approval. Additionally, TVA will close the Ash Pond Complex by removing approximately 12 million cubic yards of CCR material and remediate the area, including groundwater contamination, in accordance with Tennessee law. Finally, the parties have agreed that TVA may conduct a treatability test and field demonstration at the NRS for 5 years. At the conclusion of the project, TVA will submit a Corrective Action/Risk Assessment Plan to TDEC outlining necessary corrective action measures for closure of the NRS and remediation of the area's groundwater contamination.

The State will receive comments relating to the proposed Consent Decree for a period of 30 days from the date of this publication. Written comments should be addressed to: Robert Wilkinson, Tennessee Department of Environment and Conservation, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Ave., 2nd Floor, Nashville, TN 37243 or robert.s.wilkinson@tn.gov

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and should refer to *State of Tennessee et. al. v. Tennessee Valley Authority*, Docket No. 15-23-IV in the subject line. Comments must be received by 4:30 pm CDT Monday, July 15, 2019 to ensure consideration.

The proposed Consent Decree may be examined at tn.gov/environment/notices/tva-gallatin-order on the TDEC website. A copy of the Decree may alternatively be obtained by mail, fax, or email from: Robert Wilkinson at the address provided above and the request should refer to *State of Tennessee et. al. v. Tennessee Valley Authority*, Docket No. 15-23-IV. A copy of the Decree may also be reviewed at the Gallatin Public Library of Sumner County, 123 East Main Street, Gallatin, Tennessee 37066, Phone: (615) 452-1722

Questions may be directed to: Robert Wilkinson, Phone: (615) 253-0689 and Email: robert.s.wilkinson@tn.gov.

If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Mary Evans at 615-532-0798 for more information.

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EEO/AA/ADAAA inquiries or complaints may be directed to the ADAAA Coordinator, TDEC HR Division, at 615-532-0200. Hearing impaired callers may use the Tennessee Relay Service (800-848-0298).