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Sent Via Electronic Transmittal

November 23, 2021

Mr. Vojin Janjić (Water.Permits@tn.gov)
Division of Water Resources
Tennessee Department of Environment
and Conservation (TDEC)
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243

Dear Mr. Janjić:

**TENNESSEE VALLEY AUTHORITY (TVA) – KINGSTON FOSSIL PLANT (KIF) – DRAFT
NPDES PERMIT MODIFICATION TN0005452 – COMMENT LETTER**

On January 8, 2021, and on June 21, 2021, TVA submitted permit modification requests to TDEC to modify NPDES permit TN0005452 to align it with revised effluent limits and requirements in the 2020 Steam Electric Effluent Limitation Guidelines (ELGs). We appreciate your consideration of our requests to incorporate these new limits. The 2020 ELGs provide for various compliance pathways, and the draft permit facilitates these options and provides TVA the necessary and allowable flexibility to meet the new ELG requirements on a schedule specific to each compliance pathway.

Since June, there have been new developments and new information has become available that reinforce the need for the requested applicability dates in the KIF NPDES permit. On August 3, 2021, EPA published in the Federal Register a notice of rulemaking initiative that proposes a revision to the ELG rule. As part of this initiative, EPA will determine whether more stringent limitations and standards are appropriate and consistent with the goals of the Clean Water Act. EPA intends to issue a proposed rulemaking for public comment in the Fall of 2022 and requires the implementation of the 2020 ELG Rule to continue during the new rulemaking process.

TVA submitted a Notice of Planned Participation (NOPP) on October 6, 2021, preserving its option to participate in the retirement subcategory for Flue Gas Desulfurization (FGD) wastewater and Bottom Ash Transport Water (BATW) by ceasing coal combustion of the nine units at KIF by the end of 2028. TVA has not yet made the final decision whether to retire the KIF units by the end of 2028. TVA is currently conducting a review under the National Environmental Policy Act (NEPA), and TVA will be able to make the final decision on retirement and replacement generation after the conclusion of this NEPA review.

The applicability dates captured in the draft permit present a timeline that reflects the time required to design, procure, construct and commission new wastewater treatment

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systems necessary to comply with the revised ELGs and the uncertainty around the contents of EPA's proposed new rule. Without these applicability dates, TVA would be forced to make significant capital investments in wastewater treatment equipment that may not meet the revised limitations in EPA's new rule. These dates also provide TVA the necessary flexibility to plan for material needs relative to foreseeable supply chain issues.

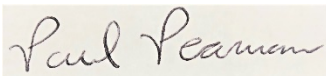
In Section F. Schedule of Compliance on page 25 of 39 of the draft permit, TDEC includes the following requirement: "An annual report detailing progress achieved during the preceding calendar year. This report will be submitted by October 13 detailing project progress from the preceding year and identifying upcoming efforts needed to attain compliance." TVA requests the date listed in this requirement to be revised from October 13 to January 31. The new date will allow TVA to provide a more concise update from the preceding calendar year.

In the Addendum to Rationale on page AD-1 of AD-13, TDEC includes language around TVA's compliance strategy involving commissioning of a high recycle BATW system by December 31, 2024. There are many variables, some of which are listed previously in this letter, that are a factor in commissioning a BATW system by that date. Depending on final decisions made on KIF retirement, TVA intends to commission a system with remaining time to engage with TDEC through the completion of the Best Professional Judgment (BPJ) process required by the 2020 ELG Rule for BATW. TVA will provide annual updates to TDEC on the progress being made to complete the system installation.

Additionally, two typographical changes are requested. In the current and modified draft permit, the unit for reporting Arsenic is mg/L at Outfall 001 and the raw water intake. TVA requests Arsenic reporting unit be in ug/L for consistency throughout the modified permit and with the 2020 ELG Rule. Also, at Outfall 002, the unit for reporting total Mercury should be listed as ng/L rather than ng/l.

There are many factors that affect this decision-making process, and we appreciate the modified NPDES permit providing a timeline that allows for thorough consideration, planning, design, and ultimate ELG compliance now and in the future. If you have questions or need additional information, please contact Britta Lees at (865-771-0051) or by email at bpdimick@tva.gov.

Sincerely,



Paul J. Pearman
Senior Manager
Water Permits, Compliance, and Monitoring

Mr. Vojin Janjić

Enclosures

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