



Tennessee Valley Authority, 1101 Market Street, BR 4A, Chattanooga, Tennessee 37402-2801

June 16, 2017

Mr. Vojin Janjić
Manager, Water-Based Systems
Division of Water Resources
Tennessee Department of Environment
and Conservation (TDEC)
William R. Snodgrass Tennessee Tower
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Nashville, Tennessee 37243

TN. DEPT. OF ENV. & CONSERVATION

JUN 19 2017

DIVISION OF WATER RESOURCES

Dear Mr. Janjić:

TENNESSEE VALLEY AUTHORITY (TVA) – KINGSTON FOSSIL PLANT (KIF) – NPDES PERMIT NOS. TN0005452 AND TN0080870 – SUPPLEMENTAL INFORMATION FOR PERMIT RENEWAL – WITHDRAWAL OF PROPOSED ELG APPLICABILITY DATES

As you are aware, on April 12, 2017, Environmental Protection Agency (EPA) announced its decision to reconsider the 2015 ELG Rule. In order to preserve the status quo while this reconsideration is pending, EPA has postponed the best available technology (BAT) compliance deadlines in the 2015 ELG Rule that would have begun to take effect as early as November 1, 2018.

On April 25, 2017, EPA published in the *Federal Register* (82 Fed. Reg. 19005) notification of its administrative postponement pending judicial review, pursuant to Section 705 of the Administrative Procedures Act, of BAT compliance deadlines in the 2015 ELG Rule for the following wastestreams: fly ash transport water, bottom ash transport water, flue gas desulfurization (FGD) wastewater, flue gas mercury control wastewater, and gasification wastewater. EPA stated that this postponement "would preserve the regulatory status quo with respect to wastestreams subject to the Rule's new, and more stringent, limitations and standards, while the litigation is pending and the reconsideration is underway."

In addition, on June 6, 2017, EPA published in the *Federal Register* (82 Fed. Reg. 26017) its proposed rule to postpone compliance dates set out in its 2015 ELG Rule "for the new, and more stringent, best available technology economically achievable ("BAT") effluent limitations and pretreatment standards for each of the following wastestreams: Fly ash transport water, bottom ash transport water, [FGD] wastewater, flue gas mercury control wastewater, and gasification wastewater. These compliance dates would be postponed until EPA completes reconsideration of the 2015 Rule." When finalized, this rule would provide for postponement of these compliance deadlines "as a temporary, stopgap measure to prevent the unnecessary expenditure of resources until EPA completes reconsideration of the 2015 rule," regardless of the status of judicial review.

In consideration of these events and the substantial uncertainty as to the extent and timing of EPA's reconsideration of the 2015 ELG Rule and any new rulemaking that EPA may undertake, TVA is withdrawing its proposed applicability dates for achieving compliance with the 2015 ELGs

Mr. Vojin Janjić
Page 2
June 16, 2017

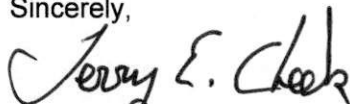
for fly ash transport water, bottom ash transport water, and FGD wastewater included in the NPDES permit renewal package submitted to TDEC on October 14, 2016. This is a necessary measure until it is known precisely what will be required, and when, to meet any new effluent limitations for these waste streams that might arise by EPA's action.

This action is in accordance with the Mutual Settlement Agreement and Release of All Claims, dated July 13, 2016, Paragraph 8 of which provides that such Agreement "shall be considered to have been amended to conform to [changes in the law that relieve TDEC or TVA of their obligations] without further action of the Parties." This action is also in accordance with Paragraph 158 of the Consent Decree between TVA, the States of Alabama, Kentucky, and Tennessee, National Parks Conservation Association, Inc., Sierra Club, and Our Children's Earth Foundation, as the BAT compliance date for FGD wastewater in the ELG Rule is no longer legally applicable within the meaning of this paragraph.

With the BAT compliance deadlines for fly ash and bottom ash transport waters and FGD wastewaters postponed, any NPDES permit issued in the interim should include effluent limitations for these wastewater streams based on the previous version of the ELG. Other wastewater streams unaffected by the postponement of the compliance deadlines (e.g., combustion residual leachate, limits on TSS and oil and grease for FGD wastewater) should be assigned effluent limitations in accordance with the 2015 ELG Rule.

If you have questions or need additional information, please contact Brad Love at (423) 751-8581, or by email at bmlove@tva.gov.

Sincerely,



Terry E. Cheek
Senior Manager
Water Permits, Compliance, and Monitoring

cc: Mr. Robert Alexander
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