

Groups Oppose TVA's Coal Ash Cover Up Plan as Public Comment Period Ends

Press Release

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NASHVILLE, TN—Several groups issued a final appeal to TVA to reverse course on a controversial plan to permanently cover up millions of tons of coal ash in leaking, unlined pits in or adjacent to rivers in Alabama, Tennessee, and Kentucky— a stark contrast to utilities in South Carolina, North Carolina, and Georgia that are moving coal ash away from waterways and into lined storage.

The public comment period for TVA's proposed coal ash plan ended July 9, but it is expected to issue final approval for the plan as early as this week—despite the fact that TVA's own monitoring data shows its sites are polluting groundwater with toxic metals from coal ash. The proposed cover up plan would leave the coal ash in place to continue polluting indefinitely.

“While utilities around the country are recognizing coal ash as one of the biggest environmental and public health challenges today, TVA has blindly rushed forward a plan that would burden Tennesseans and Alabamians with this pollution for decades to come,” said Amanda Garcia, staff attorney at the Southern Environmental Law Center's Nashville office. “TVA promised to be a leader in coal ash safety following the Kingston disaster, yet walking away from these sites—as other utilities do the right thing and commit to clean up—breaks that promise.”

SELC partnered with several groups to submit [comments on TVA's final environmental impact statement](#) on the plan, which generally endorses leaving the ash in place as its preferred approach to coal ash disposal and outlines specific plans for this at Kingston, Bull Run, John Sevier, and Allen in Tennessee, and Colbert and Widows Creek in Alabama. In this environmental impact statement, TVA admitted:

- Coal ash is buried in the groundwater beneath several ponds it is proposing to close in place, including ponds at Bull Run, Kingston, Colbert, and Widows Creek.

- In ponds where ash is buried in the groundwater, excavating the ash and moving it to dry, lined storage is “more beneficial” to protect groundwater.
- The agency has not characterized or quantified—let alone analyzed—the impacts of leaving coal ash in leaking, unlined pits at any of the sites addressed in the plan.

According to data and a map recently released by SELC, drinking water supplies for 3 million people in Tennessee and northern Alabama are downstream or near leaking, unlined coal ash sites located on or in rivers that TVA proposes to cover up and let pollute rivers and groundwater indefinitely: <http://selc.link/297pLJJ>

“TVA’s proposed plan to cover up its ash is not an acceptable solution for any of its sites, let alone for sites that have a history of violations such as Widows Creek and Colbert,” said Keith Johnston, managing attorney of the Southern Environmental Law Center’s Birmingham office. “Families and communities in north Alabama deserve clean water and shouldn’t have to bear the burden of TVA’s continued pollution that threatens their drinking water.”

In Tennessee, SELC is suing TVA on behalf of Tennessee Scenic Rivers Association and Tennessee Clean Water Network in federal court over coal ash pollution from the Gallatin plant and has intervened in a lawsuit filed by the state of Tennessee against TVA over Gallatin pollution. On behalf of the Sierra Club, SELC also has filed a notice of intent to sue TVA for Clean Water Act violations at the Cumberland Fossil Plant, where TVA’s own studies show that over forty years of coal ash waste stored in unlined pits is illegally contaminating groundwater.

In Alabama, SELC filed a notice of intent to sue in February 2013 on behalf of Tennessee Riverkeeper, Southern Alliance for Clean Energy, Shoals Environmental Alliance and Waterkeeper Alliance for surface and groundwater violations at the Colbert Fossil Plant in Tuscumbia. These violations have caused significant amounts of pollutants to be discharged illegally from the ash ponds into Cane Creek, a tributary of the Tennessee River, and groundwater.

In response to the notice letter, the Alabama Department for Environmental Management and TVA agreed to a consent decree regarding the violations under the Clean Water Act and the Alabama Water Pollution Control Act. SELC continues to push for safe storage of the ash at the Colbert Fossil Plant and the Widows Creek Fossil Plant in Stevenson, which holds one of the largest volumes of coal ash of the proposed sites to be closed and covered up under TVA’s plan. A major spill from an impoundment

at the site occurred in 2009 just weeks after the Kingston disaster, causing waste to overflow into Widows Creek, a Tennessee River tributary.

SELC partnered with several groups in the region in submitting comments on TVA's draft Environmental Impact Statement: Southern Alliance for Clean Energy, Environmental Integrity Project, Tennessee Clean Water Network, Alabama Rivers Alliance, Shoals Environmental Alliance, Tennessee Chapter Sierra Club, Sierra Club Beyond Coal, Earthjustice and Tennessee Riverkeeper.