

PUBLIC COMMENTS

TVA Kingston Fossil Plant Corrective Action/Risk Assessment Plan, Revision 1

Submitted to: Tennessee Department of Environment and Conservation, Division of Land Protection, Waste Management Branch

Submitted by: Southern Alliance for Clean Energy

Date: August 31, 2026

Via: TDEC.CCR@tn.gov

Dear TDEC Staff:

The Southern Alliance for Clean Energy (SACE) is a nonprofit organization that has worked across the Southeast since 1985 to promote responsible and equitable energy choices that ensure clean, safe and healthy communities. We respectfully submit the following comments on the Tennessee Valley Authority's Kingston Fossil Plant Corrective Action/Risk Assessment (CARA) Plan, Revision 1.

Roane County has already lived through the consequences of treating coal ash as a problem to be managed cheaply where it sits. The community that absorbed the largest coal ash release in American history is now being asked to accept that millions of cubic yards of ash should remain in unlined units risking further harm to future generations.

The CARA Plan does not establish how much ash can be removed safely. Instead, it relies on planning assumptions that make removal appear impractical before TVA completed the site specific engineering needed to determine what can safely be removed and to fairly compare cap-in-place with full, partial, and/or hybrid removal options. It also treats the loss of onsite disposal capacity as an unavoidable constraint. But the fact is that TVA chose to eliminate the option to construct a new lined onsite landfill in order to build its gas plant instead. TVA proceeded with building the gas plant despite widespread expert criticism and EPA warnings that its environmental review inadequately considered alternatives, and failed to produce additional studies recommended by the federal government. That decision is now being used to constrain the remedy for Kingston's legacy coal ash.

SACE urges TDEC not to approve the CARA Plan as submitted. TVA should be required to fairly evaluate full removal, targeted removal, consolidation, and hybrid remedies—not only the two extremes of leaving the ash where it is or removing nearly all of it under assumptions that predetermine the result.

1. TVA created the disposal shortage it now cites against removal

The CARA Plan assumes that the existing onsite lined landfill lacks sufficient capacity for all material evaluated for removal and, if closure by removal is the preferred plan, the balance would be hauled approximately 51 miles to the Chestnut Ridge Class I Landfill. That assumption drives much of TVA's projected cost, construction schedule, truck traffic, emissions, and community impact for Closure by Removal (CBR). [2]

But the fact is, TVA did have plans and a permit for a new lined landfill at the Kingston plant to handle coal ash, but they chose to instead use the land to build a highly controversial gas power plant instead. TVA states that the new landfill capacity “was not included in the calculations for available landfill space because a new gas plant is currently under construction in that area.” They additionally stated that they submitted a permit modification request to TDEC to abandon plans for that landfill expansion in August of 2025—a full decade after the TDEC Commissioner's order on coal ash and many years into their CARA planning process. [3]

After actively choosing to eliminate the possibility of the new expanded landfill, TVA then assumed for the preparation of this CARA plan that if any ash were to be removed from the Kingston site, it would be hauled to a destination 51 miles away, and used the resulting cost, traffic, emissions, and delay to argue that removal is unreasonable. TDEC should not accept a constraint that TVA created through its own land use decisions.

SACE is not asking TDEC to treat the operating Peninsula Disposal Area or other units on the campus as additional CARA units. We are asking TDEC to require an honest accounting of how TVA's decisions shaped the numbers used to reject removal. TVA should quantify the permitted capacity that was excluded, explain whether other onsite lined-disposal configurations were evaluated, and rerun the removal and hybrid analyses using all feasible onsite capacity, consolidation, and beneficial-use options.

2. Groundwater does not respect permit boundaries

The CARA Plan covers the Stilling Pond, Interim Ash Staging Area, and Sluice Trench and Area East of Sluice Trench. Other coal ash management areas at Kingston fall under separate regulatory authorities. SACE is not asking TDEC to erase those legal distinctions.

But a permit boundary does not stop groundwater or separate the physical conditions beneath Kingston. The site shares groundwater, surface water, structural conditions, access routes, and disposal infrastructure. TVA already relies on site-wide conditions when they weigh against removal, including the relationship with the adjacent Kingston Recovery Project Ash

Landfill, limits on site access, available landfill capacity, and construction traffic associated with the gas plant.

TVA cannot treat Kingston as one integrated site when doing so defeats removal and as three isolated units when a site-wide view might support it. TDEC should require the revised analysis to apply the same site-wide perspective to conditions that may support removal, consolidation, beneficial use, or shared lined containment, while preserving the separate regulatory status of other Kingston facilities.

3. A cap built before the analysis cannot justify the analysis

TVA closed and capped the three units years before completing the CARA alternatives process and before the current public review. Capping the units did not complete the corrective action. Coal ash remains in unlined units, groundwater protection standards remain unmet, and additional corrective measures are still required.

The risk now is that the caps become their own justification. The fact that the caps are currently in place is a product of TVA's timing, not proof that leaving the ash in place is the most protective or economically justified remedy. Every dollar TVA already sunk into cover construction increases the risk that TVA may throw good money after bad.

TDEC should explain in its final decision how it treated the earlier closure work and confirm on the record that the existing caps and money already spent were not allowed to control the remedy selection.

4. TVA rejected removal without completing the engineering needed to test it

SACE does not contend that every cubic yard must be excavated regardless of safety. We support Closure by Removal wherever site-specific stability analysis and design demonstrate that it can be performed safely, with the removed material placed in regulated, lined containment or beneficially used where appropriate.

The current record cannot establish how much ash can safely be removed. TVA acknowledges that its estimate of the ash needed for structural support is a planning assumption, not the result of a completed analysis, and that partial removal and consolidation have not been evaluated. Before approving a permanent remedy, TDEC should require an independently reviewed stability analysis and a genuine evaluation of full removal, targeted removal, consolidation, and hybrid approaches. [4]

5. No full-scale chemical treatment until it has been tested at Kingston

TVA proposes injecting chemicals underground to reduce cobalt in the groundwater. SACE does not oppose carefully controlled testing of that approach. But TVA has not yet tested it in the field at Kingston, and the laboratory results raise important concerns. The CARA Plan says a field pilot at Watts Bar will help shape later testing at Kingston, leaving important design questions unresolved until after CARA approval. [5]

The Kingston laboratory testing reduced cobalt, but it did not consistently keep cobalt below the groundwater protection standard. It also temporarily pushed arsenic above its standard. TVA's own technical memorandum acknowledges that arsenic and molybdenum could become more mobile if the treatment is not carefully controlled. [5]

In plain terms, TVA has not demonstrated that the proposed treatment can reliably address cobalt without creating new groundwater problems. Chemical treatment should not substitute for a full evaluation of source removal. TDEC should not allow TVA to rely on it as a full-scale remedy until TVA completes a Kingston field pilot with:

- Clear performance standards and stop-work requirements;
- Monitoring for cobalt, arsenic, molybdenum, and other contaminants that may move as water chemistry changes;
- Publicly available results and independent TDEC review; and
- A binding backup remedy if cobalt rebounds or other contaminants are mobilized.

6. Three to four years of cover work is not a cleanup

The case for removal at Kingston is permanence. Closure by removal takes coal ash out of these unlined units and places it in more protective containment. Cap-in-Place leaves it where it is and commits the people of Roane County, and everyone who comes after, to health and environmental risks if maintaining covers, monitoring systems, land-use controls, and treatment infrastructure isn't done just right in perpetuity.

TVA repeatedly compares approximately three to four years of remaining Cap-in-Place construction with approximately 19 to 22 years required for removal. Those figures do not measure the same thing. The three to four year estimate covers remaining construction, primarily a cover upgrade at one unit, after the three units were previously capped in 2016 & 2018. It does not include the decades of groundwater corrective action that would follow. By contrast, the removal estimates include the full process of design, permitting, excavation, transportation, and disposal.

TVA's own modeling projects that groundwater could take approximately 22 to 26 years to meet the cobalt standard at the Interim Ash Staging Area and Sluice Trench under Cap-in-Place, and approximately 42 to 49 years at the Stilling Pond. The same modeling estimates approximately 31 years for removal at the first area, which is essentially the same timeline as Cap-in-Place at the Stilling Pond. [6]

SACE does not claim removal will clean the existing groundwater faster. It may not. What removal can do is take the source material out of unlined units so that future generations are not left permanently managing ash where it sits. TDEC should require TVA to separately present the time needed for construction, the time needed for groundwater to meet protection standards, and the long-term monitoring and maintenance that each remedy requires.

7. A Decades-Long Remedy Requires Independent, Enforceable Oversight

Cap-in-Place is not a one-time construction decision. It requires TVA to maintain covers and drainage systems, monitor groundwater, operate treatment systems, enforce land-use restrictions, and respond when something goes wrong, potentially for generations.

That responsibility cannot safely be left to TVA's internal discretion. TVA is unusually insulated from the oversight that applies to other electric utilities. Its rates and major power decisions are not reviewed by a state public utility commission, and congressional oversight is episodic. While Tennessee agencies regulate particular environmental obligations, the state has no general authority to review or reverse TVA's generation, investment, or resource-planning decisions. The U.S. Government Accountability Office (GAO) has long recognized TVA's unusual autonomy and its exemption from many of the regulatory and oversight requirements applicable to other electric utilities

That lack of independent oversight is especially concerning as TVA becomes increasingly politicized. TVA now openly describes major resource decisions as aligned with the current Administration's "energy dominance strategy." But "energy dominance" is not the mission Congress established in the TVA Act. The Act directs TVA to serve the economic and social well-being of the people of the Tennessee Valley and to provide power at rates as low as feasible. Those statutory obligations, not the political priorities of any presidential administration, must govern TVA's decisions.

This makes TDEC's role in the Kingston decision even more important. The CARA Plan should not allow TVA to select a remedy, define whether that remedy is succeeding, and decide for

itself when additional action is necessary. TDEC should establish enforceable performance standards, public reporting requirements, clear failure triggers, independent review, and a binding contingency remedy.

If groundwater protection standards may not be achieved for as long as 49 years, and toxic coal ash may remain forever in unlined pits that are known to leach contaminants, TDEC's oversight must continue indefinitely as well, not merely until a standard monitoring period expires or TVA declares the remedy complete.

Requested actions

SACE respectfully requests that TDEC decline to approve the CARA Plan as submitted and require TVA to revise and resubmit the plan after completing the following:

- Account for how TVA's gas-plant siting decision and permit modification affected permitted onsite disposal capacity, and revise the closure method analysis to evaluate full removal, targeted or partial removal, consolidation, beneficial use, and hybrid approaches, including all feasible onsite and offsite lined disposal options.
- Evaluate site-wide physical and operational conditions that materially affect the three CARA units, while preserving the separate regulatory status of other Kingston facilities.
- Confirm on the record that closure work completed before CARA approval, and the money already spent on that work, is not being used to predetermine the remedy or favor Cap-in-Place.
- Complete a site-specific stability analysis and detailed design to determine how much ash can safely be removed, subject to the results of an independent review, and require removal to regulated lined containment wherever it can be accomplished safely.
- Require a Kingston field pilot of the proposed groundwater pollution mitigation before authorizing full-scale implementation of underground chemical treatment, with enforceable performance standards, independent review of the results, public reporting, defined failure triggers, and binding contingency actions.
- Present the full lifecycle costs, risks, and timelines for both closure approach and groundwater corrective action, including long-term monitoring, maintenance, treatment, and regulatory oversight. TDEC should retain jurisdiction for as long as coal ash remains in place.

- Provide the revised plan and completed supporting analyses for public review before issuing a final approval.

Conclusion

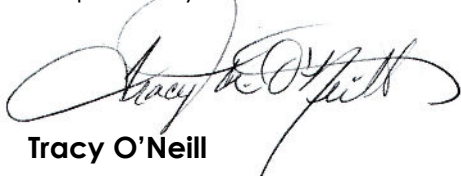
This decision should not be framed as a contest between a fast, affordable cleanup and a slow, disruptive one. Cap-in-Place is not a completed cleanup. It is a permanent commitment to manage millions of cubic yards of coal ash where they sit, in unlined units, near the Clinch and Emory rivers, in the county that has already absorbed the worst consequences of coal ash mismanagement. Unfortunately, TVA has decided to reverse its prior decision to retire the Kingston coal units and is now planning on continuing to add more coal ash waste to the site indefinitely, compounding the risk for local residents and the environment.

TVA's own record shows that important removal scenarios remain untested, that the estimate used to limit removal is not based on completed engineering, and that the proposed groundwater treatment has not been field tested at Kingston. TDEC should require TVA to complete that work and select closure by removal wherever it can be implemented safely. Where full removal cannot be accomplished safely, TDEC should require TVA to identify and implement the most protective targeted or hybrid remedy supported by completed engineering, not default to permanent management in place.

Roane County should not inherit this ash forever because TVA has not completed the work needed to determine how much can be moved safely.

Thank you for considering these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracy O'Neill", is written over a horizontal line.

Tracy O'Neill

Decarbonization Advocacy Coordinator
Southern Alliance for Clean Energy

Source notes

[1] United States Environmental Protection Agency Comments on the Final Environmental Impact Statement for the Kingston Fossil Plant Retirement, Roane County, Tennessee; CEQ No: 20240031

[2] Kingston CARA Plan, Revision 1, Appendix C, Sections 2.1–2.3 and closure-method comparison tables.

[3] Kingston CARA Plan, Revision 1, Summary of TDEC Comments and TVA Responses, TDEC Comments 17 and 25 and TVA's September 19, 2025 responses.

[4] Kingston CARA Plan, Revision 1, Summary of TDEC Comments and TVA Responses, TDEC Comments 14–16 and TVA's September 19, 2025 responses.

[5] Kingston CARA Plan, Revision 1, Appendix D, Sections 3.1.1.2 and 3.2.1.2; Appendix I.1, Sections 2.4.4 and 2.7.

[6] Kingston CARA Plan, Revision 1, Appendix H.1, Sections 8.1.1–8.2.

Public CARA package: [TDEC Kingston CARA public meeting and document page](#)