May 14, 2026
Tennessee Department of Environment and Conservation
Division of Solid Waste Management
Submitted electronically to: TDEC.CCR@tn.gov

Southern Alliance for Clean Energy Comments on TVA Cumberland Fossil Plant Draft Corrective Action/Risk Assessment (CARA) Plan

To Whom It May Concern,

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 regarding the Tennessee Valley Authority's (TVA) proposed Corrective Action/Risk Assessment (CARA) Plan for the Cumberland Fossil Plant in Stewart County, Tennessee.

The Commissioner's Order OGC15-0177 establishing this process states that its purpose is to create a "transparent, comprehensive process for the investigation, assessment, and remediation of unacceptable risks" resulting from coal combustion residuals (CCR) at TVA facilities in Tennessee. The current CARA proposal fails to meet that standard in several critical respects.

Most importantly, this issue can't be viewed solely as a legacy remediation matter. TVA continues operating the Cumberland Fossil Plant, and TVA's commitment to continued operations of the plant were reinforced with the February 2026 Board resolution suspending the planned retirement of the plant.[1] TVA continues generating additional coal ash while simultaneously seeking approval for a long-term closure strategy that lacks a clearly defined closure timeline. Thus the CARA plan is not merely a cleanup framework for historical contamination, but rather an ongoing waste management decision with long-term implications for groundwater, surrounding communities, and future generations.

[1] TVA (Feb. 11, 2026). Board resolution titled "Cumberland Fossil Plant Continued Operation." Available online at https://tva-azr-eastus-cdn-ep-tvawcm-prd.azureedge.net/cdn-tvawcma/docs/default-source/about-tva/board-of-directors/february-11--2026/resolutions/board-resolution---cumberland-fossil-plant-continued-operation.pdf?sfvrsn=9b947776_3

TVA's own historical record further demonstrates that this is an ongoing and expanding waste management issue rather than a static legacy condition. A 2019 TVA presentation regarding Cumberland CCR management estimated approximately 21 million cubic yards of coal ash on site.[2] The more recent CARA materials now estimate approximately 24.7 million cubic yards onsite, indicating substantial continued accumulation of coal ash during the very period in which closure planning and groundwater contamination concerns were already under review.

TVA's monitoring data has documented groundwater contamination above protection standards for contaminants including arsenic, cobalt, lithium, and molybdenum at the Cumberland site. At the same time, TVA continues to pursue closure-in-place (CIP) as its preferred alternative for approximately 24.7 million cubic yards of coal ash stored onsite.

TVA's groundwater data also indicates that groundwater is coming into contact with coal ash at the site, even during periods when groundwater levels are relatively low. This raises serious concerns that contaminants may continue leaching from the ash into groundwater over time.

TVA has attempted to distinguish between "pore water" and "groundwater," but that distinction does not change the central issue: water is interacting with coal ash, and contamination has already been documented. Regardless of terminology, the continued contact between groundwater and coal combustion residuals (CCR) material creates an ongoing risk of contaminant migration and long-term groundwater pollution.

Closure-in-place, paired with TVA's proposed groundwater pollution mitigation strategies, does not eliminate these risks. It manages them indefinitely through engineered containment systems that will require perpetual monitoring, maintenance, institutional oversight, and long-term stewardship. This is particularly concerning given the site's location on a river peninsula and the increasing risks associated with flooding and extreme weather events.

A significant concern with the Cumberland CARA Plan is that it functions as a contingent future closure framework rather than a clearly defined commitment to closure within a meaningful timeframe. Based on information provided during public engagement discussions, closure implementation appears tied in part to remaining

[2] TVA (Dec. 10, 2019). Slide show titled, "Cumberland Fossil Plant Public Open House." Available online at https://tva-azr-eastus-cdn-ep-tvawcm-prd.azureedge.net/cdn-tvawcma/docs/default-source/environment/environmental-stewardship/tdec/cumberland/cuf_presentation_20191209.pdf?sfvrsn=8cb60354_2

disposal airspace capacity rather than a defined operational retirement schedule or environmental trigger. As a result, TVA may continue generating and storing additional coal ash for decades before full closure obligations are implemented. If airspace disposal areas remain less than half utilized after approximately five decades of operation, the public deserves clarity regarding what mechanisms, if any, would require closure or transition to safer disposal practices within a meaningful timeframe. Environmental protection should not depend solely on when a disposal area reaches its maximum allowable height or capacity.

This concern is exacerbated by the recent development of the delay in closure plans for the coal burning units. From the early 2020s until just three months ago – critically the timeframe under which this CARA plan was largely developed - it was commonly understood that the CCR units would cease accepting new waste in the 2028-2033 timeframe upon the planned retirement of the Cumberland coal power generation units. The CARA plan calls this out specifically, saying, "*The Dry Ash Stack and Gypsum Storage Area are still in operation and will remain so until the projected closure of the CUF Plant in 2028*."[3] TVA justifies its preference for CIP of the ash units in part based on source control of pollutants being able to be achieved sooner with CIP than with closure-by-removal. But since the TVA policy change as of February 2026 to keep the coal generation units open indefinitely, it is completely unknown when capping of the CCR units could be achieved since it can't even begin at the Dry Ash Stack until after the coal plant stops burning new coal, and then "many years" after that for the Gypsum Storage Area, according to the CARA plan.

In contrast, closure-by-removal at all ash units, paired with beneficial reuse, could begin immediately upon approval of the CARA plan, which would provide a much more certain timeframe of full source control.

The current framework proposed by TVA is reactive rather than preventative. Groundwater contamination has already been documented, yet the proposed approach allows additional ash produced by continued power generation to be piled on to the problem. TVA repeatedly argues that excavation and relocation of coal ash would be too expensive and environmentally disruptive. However, this analysis appears incomplete and selectively framed. The costs associated with perpetual monitoring, future corrective actions, long-term maintenance, groundwater remediation, catastrophic failure scenarios, climate-related flooding risks, and intergenerational environmental liability must also be considered.

[3] TVA (2026). Draft Corrective Action/Risk Assessment Plan for the Cumberland Fossil Plant. p. 99.

Importantly, TVA recently obtained a permit (IDL 810000222) for lined landfill infrastructure at the Cumberland site. This demonstrates that modern lined disposal methods are both technically feasible and recognized as necessary. The issue is not whether safer disposal systems are possible. The issue is whether TVA should continue placing convenience above long-term protection of groundwater, public health, and the environment.

All newly generated coal ash not destined for beneficial reuse should be disposed of in modern lined disposal systems designed to protect groundwater and surrounding communities. There's an old saying, "when you find yourself in a hole, stop digging." TVA has documented groundwater contamination and yet is continuing to dump millions of cubic yards of additional toxic ash on top of the problem, even while holding a permit for a lined landfill onsite. It is the opposite of source control. Newly generated coal ash should not be permitted to be placed into an aging unlined storage system, particularly as the retirement date of the power plant has been postponed indefinitely. Eventually, you dig a hole so deep you'll never climb back out of it. So let's stop digging.

The Commissioner's Order explicitly recognizes TDEC's authority to require corrective measures where groundwater protection standards are exceeded and to either approve or reject the CARA Plan. The Order also contemplates remediation, protection of public and private water supplies, and long-term management obligations necessary to address CCR contamination.

The Cumberland CARA Plan should not be approved in its current form. The proposal lacks a clearly defined closure timeline, allows continued coal ash generation and disposal in the very units with documented groundwater contamination, and relies heavily on indefinite containment rather than meaningful long-term risk reduction. While the Commissioner's Order was intended to establish a transparent and comprehensive process for the remediation of unacceptable CCR risks, the current proposal does not meet these goals.

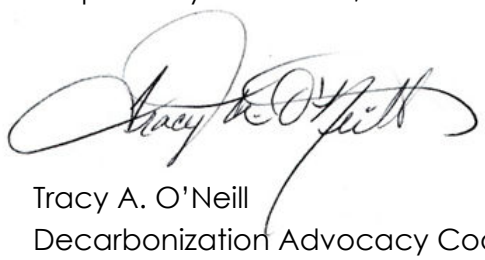
TDEC's role in protecting the public from the environmental health effects of coal ash is immensely important. In this role, TDEC should reject TVA's currently proposed CARA plan and require the following revisions:

1. Full excavation and removal of coal ash from the current Cumberland CCR units rather than relying on closure-in-place as a long-term management strategy;
2. Excavated CCR material should either be beneficially reused or relocated to modern lined disposal facilities designed to protect groundwater and surrounding waterways;

3. All newly generated coal ash not recycled into beneficial reuse should be placed in modern lined disposal systems rather than continuing placement into aging unlined storage areas which are a documented source of groundwater contamination;
4. Establishment of enforceable closure benchmarks and timelines independent of remaining disposal capacity;
5. Conducting independent environmental and health monitoring not controlled by TVA or its contractors, including testing of nearby private drinking water wells;
6. Providing a full lifecycle cost analysis that includes perpetual monitoring and maintenance costs, corrective actions, catastrophic failure scenarios, climate-related flood risks, and the long-term costs associated with continued coal ash generation resulting from extended plant operations; and
7. Fully evaluate alternatives that provide greater long-term groundwater protection and meaningful risk reduction.

If TVA refuses to incorporate these protections and revisions, TDEC should reject the CARA Plan in its entirety pursuant to its authority under Commissioner's Order OGC15-0177.

Respectfully submitted,



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