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Methane Gas Plant/Clean Air Act Citizen Suit Action: Southern Environmental Law Center Notice of Intent to Sue Harriman, Tennessee Facility

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The Southern Environmental Law Center ("SELC") sent a Notice of Intent to Sue ("Notice") to the Tennessee Valley Authority ("TVA") regarding the Kingston Fossil Plant in Harriman, Tennessee alleging past and ongoing violations related to:

- Clean Air Act
- Tennessee's State Implementation Plan
- Title V Operating Permit

The Notice describes the Plant as containing an existing coal-fired power plant and states in part:

... TVA recently began building a new methane gas-fired power plant nearby on the 1,255-acre Reservation. This new power plant consists of a combined-cycle gas-fired turbine, sixteen dual-fuel aeroderivative combustion turbines, and associated equipment such as an auxiliary boiler and fuel heaters...

TVA is stated to have obtained a minor Clean Air Act New Source Review ("NSR") permit before constructing the Gas Plant:

... based on its representations that the Kingston Coal Plant and the Kingston Gas Plant comprise a single stationary source, that construction of the new Gas Plant is a modification of the existing Coal Plant, and that the Coal Plant would retire shortly after the Gas Plant becomes operational.

TVA is stated to have contended that under the federal Project Emissions Accounting rule, that the Coal Plant's historical emissions could be subtracted from the new Gas Plant's emissions when calculating whether the emissions increases caused by the new Gas Plant would exceed applicable significance thresholds and thus require "major" NSR review.

The Technical Secretary of the Tennessee Air Pollution Control Board permitted the Kingston Gas Plant as a "minor" modification of the Kingston Coal Plant.

SELC alleges that TVA has decided to continue operating the Coal Plant alongside the new Gas Plant, which invalidates TVA's minor NSR permit. The Notice further contends:

- TVA cannot subtract its historical emissions to evade applicability of major NSR for the new Gas Plant.
- TVA recognizes this and has stated that it plans to submit an application for a major NSR permit for the Kingston Gas Plant.
- TVA continues to construct the Kingston Gas Plant without the required major NSR permit, in violation of the previously referenced Clean Air Act programs.

A copy of the Notice can be found [here](#).