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Methane Gas Plant/Clean Air Act Citizen Suit: Southern Environmental Law Center and Other Organizations File Federal Action Addressing Tennessee Valley Authority Facility

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The Southern Environmental Law Center and two other organizations filed a September 25th Complaint for Declaratory and Injunctive Relief ("Complaint") against the Tennessee Valley Authority ("TVA") in the United States District Court for the Eastern District of Tennessee alleging past and ongoing violations regarding:

- Clean Air Act.
- Tennessee's State Implementation Plan ("SIP").
- Title V Operating Permit ("Permit").

The other organizations joining the Complaint include:

- Appalachian Voices.
- Sierra Club.

(Collectively, "SELC").

The Complaint addresses the TVA Kingston coal-fired power plant and a proposed methane-fired power plant.

The Complaint alleges that TVA began building a new methane gas-fired power plant near the coal-fired power plant on a 2,254-acre facility. The new power plant is stated to consist of a combined-cycle gas-fired turbine, sixteen dual-fuel aeroderivative combustion turbines, one new gas-fired boiler, five new gas-fired fuel heaters, and other ancillary equipment.

TVA is stated to have obtained a Clean Air Act Minor New Source Review Permit before constructing the gas plant. It is alleged that based on TVA's representations that the coal-fired power plant and the gas-fired power plant comprise a single stationary source, that construction of the new gas plant constitutes a modification of the existing coal-fired power plant and that the coal plant would retire shortly after the gas plant became operational.

The Complaint further alleges that TVA contended that under the federal Project Emissions Accounting rule, that the coal-fired power plant's historical emissions could be subtracted from the new gas plant's

emissions when calculating whether the emission 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 is stated to have permitted the gas plant as a “Minor” modification of the coal-fired power plant.

SELC alleges that TVA has decided to continue operating the coal-fired power plant alongside the new gas plant, and this invalidated TVA’s Minor NSR Permit. It is further contended in part:

- TVA cannot subtract its historical emissions to evade applicability of Major NSR for the new gas plant.
- TVA recognizes this and stated that it plans to submit an application for a Major NSR Permit for the gas plant.
- TVA continues to construct the gas plant without the required Major NSR Permit, in violation of the referenced Clean Air Act programs.

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