

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:06CV20

STATE OF NORTH CAROLINA, *ex rel.*)

ROY COOPER, Attorney General,)

Plaintiff,)

Vs.)

TENNESSEE VALLEY AUTHORITY,)

Defendant.)

J U D G M E N T

For the reasons set forth in the Memorandum of Opinion filed
herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that
North Carolina's requested injunctive relief is **DENIED** as to the following
TVA plants: **ALLEN, COLBERT, CUMBERLAND, GALLATIN,**
JOHNSONVILLE, PARADISE, AND SHAWNEE.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
North Carolina's request for injunctive relief is **GRANTED** as to the
following TVA plants: **BULL RUN, KINGSTON, JOHN SEVIER, AND**
WIDOWS CREEK.

1. As to **BULL RUN**, TVA indicated at trial that its single EGU would have an operational scrubber and SCR online as of December 2008, prior to the date of this Judgment. TVA has confirmed that this equipment is now operational. **IT IS, THEREFORE, ORDERED** that the scrubber and SCR shall be properly maintained and operated year-round.

2. As to **KINGSTON**, TVA indicated at trial that two scrubbers are currently under construction, which are intended to scrub all nine EGUs. **IT IS, THEREFORE, ORDERED** that these two scrubbers shall be completed as of **DECEMBER 31, 2010**, and these new scrubbers, along with the nine existing SCRs at Kingston, shall be properly maintained and operated year-round.

3. As to **JOHN SEVIER**, TVA indicated at trial that it plans to build scrubbers and SCRs sufficient to cover all four EGUs. Further, TVA has indicated that one of the EGUs already has a SNCR, and that three more SNCRs will be installed to clean a portion of the NO_x in the interim period before the SCRs are operational. The Court will hold TVA responsible for proceeding according to this plan, including the prompt installation, proper maintenance, and year-round operation of the interim SNCRs until such time as the SCRs come online. **IT IS, THEREFORE, ORDERED** that all

scrubbers and SCRs must be installed and operational by **DECEMBER 31, 2011**, and shall thereafter be properly maintained and operated year-round.

4. As to **WIDOWS CREEK, IT IS, THEREFORE, ORDERED** that TVA shall install, properly maintain, and operate year-round both scrubbers and SCRs sufficient to clean all six of the EGUs which presently lack both SCRs and scrubbers. **IT IS FURTHER ORDERED** that, as to the two remaining EGUs which already have SCRs and scrubbers, those SCRs and scrubbers shall be properly maintained and operated year-round. TVA has indicated that one of the two scrubbers was recently modernized, and the other scrubber is scheduled to be modernized. **IT IS FURTHER ORDERED** that TVA is hereby responsible for following through with the planned modernization of the remaining scrubber as of **DECEMBER 31, 2013**, and all eight units at Widows Creek shall have operating SCRs and scrubbers as of **DECEMBER 31, 2013**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, consistent with these construction deadlines, TVA shall adhere to the following caps on emissions:

- **BULL RUN**, as of **TEN DAYS** from entry of this judgment:

Plant	Unit	NO _x annual average emissions rate (lbs/MMBTU)	NO _x emissions in tons per year (TPY)	SO ₂ annual average emissions rate (lbs/MMBTU)	SO ₂ emissions in tons per year (TPY)
Bull Run	1	0.08	2,295	0.15	4,341

- **KINGSTON**, as of **DECEMBER 31, 2010**:

Plant	Unit	NO _x annual average emissions rate (lbs/MMBTU)	NO _x emissions in tons per year (TPY)	SO ₂ annual average emissions rate (lbs/MMBTU)	SO ₂ emissions in tons per year (TPY)
Kingston	1	0.06	323	0.15	794
Kingston	2	0.06	320	0.15	785
Kingston	3	0.06	335	0.15	822
Kingston	4	0.06	326	0.15	800
Kingston	5	0.06	416	0.15	1,021
Kingston	6	0.05	365	0.15	1,095
Kingston	7	0.05	347	0.15	1,040
Kingston	8	0.05	349	0.15	1,048
Kingston	9	0.05	337	0.15	1,012

- **JOHN SEVIER, as of DECEMBER 31, 2011:**

Plant	Unit	NO _x annual average emissions rate (lbs/MMBTU)	NO _x emissions in tons per year (TPY)	SO ₂ annual average emissions rate (lbs/MMBTU)	SO ₂ emissions in tons per year (TPY)
John Sevier	1	0.05	372	0.15	1,023
John Sevier	2	0.05	374	0.15	1,028
John Sevier	3	0.05	389	0.15	1,081
John Sevier	4	0.05	360	0.15	1,000

● **WIDOWS CREEK, as of DECEMBER 31, 2013:**

Plant	Unit	NO _x annual average emissions rate (lbs/MMBTU)	NO _x emissions in tons per year (TPY)	SO ₂ annual average emissions rate (lbs/MMBTU)	SO ₂ emissions in tons per year (TPY)
Widows Creek	1	0.06	246	0.15	569
Widows Creek	2	0.06	263	0.15	608
Widows Creek	3	0.06	287	0.15	663
Widows Creek	4	0.06	261	0.15	602
Widows Creek	5	0.06	277	0.15	640
Widows Creek	6	0.06	271	0.15	626
Widows Creek	7	0.06	892	0.56	8,950
Widows Creek	8	0.06	860	0.30	4,508

IT IS FURTHER ORDERED that the Office of TVA's Chief Executive Officer shall provide to the Court a semi-annual accounting of TVA's progress in complying with this Order. The first such accounting shall be filed with the Court no later than **JULY 1, 2009**, with the second report due

no later than **JANUARY 1, 2010**. Such reports shall continue to be filed each January 1 and July 1 until TVA has fully complied with the directives herein.

IT IS FURTHER ORDERED that each party bear their attorney fees and costs of this action.

Signed: January 13, 2009

A handwritten signature in black ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

