

October 20, 2009

A. Stanley Meiburg
Acting Regional Administrator
EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Dear Mr. Meiburg,

We sent the following email message with attached documents to CEQ principals and Heinz Mueller, Region IV, NEPA Coordinator. No one replied, no one has done anything. Note the request for help in requesting help if that is what it took.

Many of our laws and regulations are not made for us in our communities but for the individuals in government to mandate actions in certain cases. You were our safety net but you were not there. How can we pursue administrative relief when the administrators are not there?

Email **Sent:** Tuesday, July 07, 2009 6:44 PM

Messrs. Boling, Greczmiel and Mueller:

Please find attached a request for NEPA compliance investigation into TVA's nondocumented Categorical Exclusion for their TVA Megasites Program, TVA's nonaction on the individual Certification and the TVA officially touted "environmental review" for the Haywood/Hatchie Megasite in West Tennessee.

Our group of citizens in and around the "proposed" megasite have repeatedly requested participation in a meaningful environmental study and analysis from TVA and the State of Tennessee at all levels but have been rebuffed and/or ignored at all phases of this huge designated industrial site including the most important phase, during planning and before decisionmaking.

We ask only that this NEPA process be done in the order in which NEPA mandates. BEFORE major decisions and actions are taken.

Please act or advise us to the shortest path to action else our community will effectively perish before the onslaught of industrial expansion, urban sprawl and unknown adverse environmental effects from air and water pollution and the depletion of our natural resources so necessary for our rural agricultural lifestyle.

Whether it is Environmental Justice, the duly registered Fredonia Baptist Church (National Historic Register), the lack of discharge waters for a NPDES, prime and unique farmland, wetlands protection, the Hatchie National Wildlife Refuge and the environmental controversies inherent to THIS site, TVA's nonaction and Categorical Exclusion is unwarranted and unsupported by their own NEPA policy procedures.

We have included several attachments that was received from FOIA requests that should serve as evidence that TVA's role in the creation and aggressive industrial recruitment of this rural site is much greater than the act of contracting with McCallum Sweeney for a certification and a "identification" of the site in their industrial siting inventory as is claimed by TVA "responsible" parties on this matter.

Some of the Notable Documents Included:

1. TVA reply to Cliff Rader, EPA NEPA officer confirming a nondocumented Categorical Exclusion of the TVA Megasite Program and nothing for the individual certification of the Haywood/Hatchie megasite.
2. Excerpt from TVA/McCallum Sweeney siting consultant contract showing money expended and Scope of Work, note that TVA decided which sites would be subject to certification process and proclaimed an intent to aggressively market certified sites as opposed to "catalogueing".
3. Excerpt from TVA/Mendrop-Wages contract and billing statements showing TVA contracted for site specific and industrial client specific services to provide engineering estimates for construction schedules an onsite consulting with the potential client.
4. Excerpts from TN Dept of Environment and Conservation informing TVA and Haywood County the Little Muddy and Big Muddy tributaries of the Hatchie River and the Hatchie River itself would not support wastewater disposal on an industrial level.
5. Excerpts from TN Econ Dev application to US Dept of Energy for ARRA funds for State Energy Program detailing that Solar Farm was to placed on the new West TN Megasite and then below denying that the Solar Farm was part of larger project and that NEPA documentation and environmental review had been done. It also says that other Federal funds would not be requested for other phases while there is a budget item for \$2,000,000 in Federal Highway Enhancement funds for a Solar Tourist Center at the Interstate Exit and new Interstate exit and infrastructure is being planned.
6. Excerpts from emails from TVA Marketing Specialist Bill Adams showing the coordination and management of the site specific certification efforts even while they were in constant contact with the industrial recruit (Toyota) to market the site and effect a total reworking of the immediate and surrounding environment.
7. FOIA request from Tennessee Clean Water Network Executive Director Renee Hoyos detailing the need for information that would be received from the NEPA process and the environmental controversies inherent to the Haywood/Hatchie site.
8. Excerpts of emails discussing wetlands and whether "friends" would be able to use the wetlands in future conversations about the site.
9. TN Code 64-6-103 defining a "Megasite" under Tennessee Law. Note the certification requirements mirror the TVA/McCallum Sweeney (MSC) "considerations" including environmental review and it is probable the Commissioner of TN Econ Dev has or will specify the TVA/MSC process as being acceptable for "certification". This certification by proxy will be the deciding factor of the State of TN expending public funds on a site that has excluded the public from all considerations of the impact such site will engender on the public.
10. Other misc docs

There is more information in our hands from the 2006 application for certification and we are sure there is much more information in the administrative record of TVA that was not released and

more that has been generated since then. Note also the undue length between the TCWN request for information and the release of limited data. There was also much redacting.

Please reply soonest in this matter, our community is at stake. If we need to communicate in another fashion or method, please advise!

Gary Bullwinkel
Spokeperson
Citizens Against the Haywood/Hatchie Megasite
Stanton, TN
901-517-4358

Thank you,
Gary Bullwinkel