

ASH POND NEWSLETTER



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CONTINUING EFFECTS OF HURRICANE FLORENCE

After Hurricane Florence officially made landfall on Friday, September 14, the floodwaters continued to rise in the days and even weeks after the large rainfall. The rising water led to the weakening of ash pond embankments and flooding atop closed ash ponds.

Elevated river levels and floodwaters caused by Hurricane Florence are now subsiding and the potential risk for additional environmental impact is diminishing. Hurricane Florence demonstrated how easily susceptible these coal ash ponds are to failure after a large storm.

The following is a collection of ash pond news from the last two weeks. The intent of the newsletter is to summarize news regarding ash pond closure activities, lawsuits filed against utilities relating to their ash ponds, as well as regulatory changes impacting ash pond operations or closures. This issue also highlights the continuing impacts due to Hurricane Florence. In the future, this newsletter will be distributed on a monthly basis.

L.V. SUTTON POWER PLANT

Coal Ash from the landfill at the L.V. Sutton Plant, operated by **Duke Energy**, has been released into the Cape Fear River and Lake Sutton, but the water quality has not been impacted.

<https://www.bizjournals.com/triad/news/2018/09/20/duke-energy-says-coal-ash-reached-sutton-lake.html>

The dam surrounding the L.V. Sutton power plant cooling lake breached, causing water to spill out of it. This prompted **Duke Energy** to shut down the natural gas power units at the site. A Duke spokesperson said there is no visible ash in the lake or river, but cannot be sure no ash escaped from the storage pond into either water body.

<https://foxbaltimore.com/news/nation-world/dam-breach-at-duke-plant-coal-ash-could-spill-09-21-2018>

<https://www.energymanagertoday.com/florence-duke-energy-coal-ash-0179067/>

Duke Energy states testing from the Cape Fear River indicates that the river is not contaminated; however, some scientists are skeptical about that because of the quantity of samples collected and the locations of those samples.

<https://www.newsobserver.com/news/business/article219128290.html>

H.F. LEE POWER PLANT



Coal ash staining on trees outside of the H.F. Lee Power Plant

Three capped coal ash ponds at the H.F. Lee Power Plant near Goldsboro and operated by **Duke Energy** were flooded by the rains from Hurricane Florence. All three ponds began washing coal ash into the Neuse River.

<https://foxbaltimore.com/news/nation-world/dam-breach-at-duke-plant-coal-ash-could-spill-09-21-2018>

<https://www.newsobserver.com/news/local/article218718570.html>

Water sampling of the Neuse River conducted on behalf of the Upper Neuse Riverkeeper and Waterkeeper Alliance following the coal ash spill at **Duke Energy's** retired H.F. Lee Plant found levels of arsenic at 186 micrograms per liter, nearly 18 times higher than

the North Carolina standard for drinking water supply and fish consumption.

Duke Energy stated it has detected less than 1 microgram per liter in their water samples on every day but one. Duke said there is no evidence that coal ash is contaminating the Neuse River. Duke tested the water some distance from the ash storage sites.

<https://waterkeeper.org/analysis-finds-toxic-levels-of-arsenic-in-neuse-river-water-following-h-f-lee-coal-ash-spill/>

https://www.heraldmillmedia.com/news/nation/arsenic-at-toxic-levels-in-north-carolina-river-environmentalists-say/article_432e9855-3605-50ac-af9c-e767f89c896b.html

SANTEE COOPER

Santee Cooper, a state-owned power company, spent more than a week girding itself for floodwaters resulting from Hurricane Florence and installed a dam on top of levees that narrowly staved off flooding the last time a hurricane passed over the area. Two miles of floating barriers were laid out to keep ash from spilling out. The flood waters did not breach the pond.

https://www.postandcourier.com/news/flooded-sc-river-within-inches-of-spilling-into-coal-ash/article_b32ab830-c0c0-11e8-9f36-c3a9518cf2dd.html

https://www.news-journal.com/ap/travel/new-florence-flooding-forecasts-are-good-news-for-s-carolina/article_d1b9879a-82b2-5de7-bf0e-6a54d562f24b.html

COAL POWER PLANT ASH POND CLOSURES

AEP announces it will plan to close its Oklaunion Power Station, located in north Texas, by 2020.

<https://www.chron.com/business/energy/article/Texas-coal-plant-to-shut-down-by-2020-13255710.php#photo-14323758>

LEGAL AND REGULATORY

North Carolina – A federal judge has decided that a lawsuit filed against **Duke Energy** for their Belews Creek Steam Station will proceed. The lawsuit, filed by the Southern Environmental Law Center, alleges that the Belews Creek Steam Station is in violation of the Clean Water Act.

<http://www.dailytarheel.com/article/2018/09/duke-energy-lawsuit-update-0926>

Oklahoma – The group Earthjustice filed a lawsuit this week in federal court in Washington, D.C. on behalf of the Sierra Club, Waterkeeper Alliance, and Oklahoma-based Local Environmental Action Demanded agency. They are trying to stop the U.S. Environmental Protection Agency from transferring oversight of the disposal of toxic coal ash to state regulators in Oklahoma.

<http://www.newson6.com/story/39198954/environmental-groups-sue-over-oklahoma-coal-ash-oversight>

Tennessee – Federal appeals court concluded that the **Tennessee Valley Authority** is not violating the Clean Water Act by having contaminated groundwater from their ash pond seep into the nearby Cumberland River.

<https://www.utilitydive.com/news/tva-not-violating-clean-water-act-at-gallatin-coal-ash-pond-6th-circuit-ru/533260/>

<https://nsjonline.com/article/2018/09/21356/>

<https://www.jurist.org/news/2018/09/federal-appeals-court-overturms-tennessee-coal-ash-cleanup-order/>

Workers that cleaned up coal ash from the **Tennessee Valley Authority** 2008 catastrophe at the Kingston Fossil Plant in Tennessee are going to trial over health concerns. The lawsuits allege that Jacobs Engineering did not do enough to protect workers during cleanup of the spill that happened on December 22, 2008.

<https://www.wvlt.tv/content/news/Coal-ash-worker-case-headed-to-trial-October-16-494159701.html>

ONGOING DEBATE TO A SOLUTION FOR WATERWAYS IN ILLINOIS

The U.S. Army Corps of Engineers is now requiring **Vistra Energy** to evaluate alternatives to its proposed stabilization plan of the embankment along the Middle Fork of the Vermillion River in Illinois.

<http://www.news-gazette.com/news/local/2018-09-28/environmental-groups-set-meetings-middle-fork-coal-ash-campaign.html>

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