

ASH POND NEWSLETTER



November 2018

The following is a collection of ash pond news from the month of November. 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 newsletter is distributed on a monthly basis.

COAL POWER PLANT ASH POND CLOSURES AND MODIFICATIONS

Alabama – Environmental groups discovered that **Alabama Power** originally planned to excavate coal ash from their unlined pond at Barry Electric Generating Plant and relocate it into a lined landfill. Alabama Power had not previously announced plans to excavate the ash. They are instead opting for the cheaper alternative, capping in place.

<https://www.al.com/news/mobile/2018/11/alabama-power-planned-to-dig-out-coal-ash-pond-documents-show.html>

North Carolina – The Marshall Steam Station and six other **Duke Energy** plants have been classified as “low risk” by the North Carolina Department of Environmental Quality. These low risk plants are not required to excavate their coal ash from the storage ponds. Closure by capping in place would be acceptable. A closure plan for Marshall is expected next year.

https://www.statesville.com/news/coal-ash-could-stay-at-marshall-plant-state-says/article_517dfeda-e924-11e8-aa6b-3b2ae0456610.html

<http://www.wfae.org/post/nc-says-duke-may-not-have-dig-coal-ash-7-plants-deemed-low-risk#stream/0>

Virginia – **Dominion Energy** released a report which outlines a plan that aims to recycle 45 percent of the coal ash from five plants across Virginia over the next 15 years. The ash in the remaining ash ponds is planned to be either excavated and relocated or capped in place. The plan is estimated to cost between \$2.3 and \$5.6 billion.

<https://www.courthousenews.com/virginia-utility-proposes-plan-to-remediate-coal-ash/>

Michigan – The **Grand Haven Board of Light & Power's** coal-burning plant on Harbor Island is slated to close in less than two years. The current plan is to demolish the power plant, conduct environmental remediation measures on Harbor Island, and construct a 36-megawatt reciprocating engine plant for future generation of electricity. All five ponds will be closed under the current environmental rules and regulations when the power plant retires in 2020.

<https://www.grandhaventribune.com/Environment/2018/11/16/What-is-BLP-doing-with-its-coal-ash.html?ci=stream&lp=1&p>

Tennessee – Tennessee Valley Authority may close its Bull Run Fossil Plant. A draft environment assessment, looking at the impact this decision might have, analyzes retiring the plant in 2023.

<https://www.oakridger.com/news/20181121/shutting-down-bull-run-fossil-plant>

Illinois – Dynegy Energy is proposing to construct a 1,900-foot long rock wall on the Middle Fork of the Vermillion River at their Vermilion Power Station to stop erosion of the riverbank near its coal ash ponds, and reduce the possibility of a massive spill of toxic coal ash into the Middle Fork. Local officials and environmental groups have pushed to have the ponds removed, complaining that the waste left in the ponds is contaminating groundwater and the river. A federal judge dismissed a lawsuit filed earlier this year, alleging violations of the Clean Water Act. The U.S. Army Corps of Engineers is now seeking public comments on the proposal by Dynegy Energy.

<https://www.cu-citizenaccess.org/2018/11/26/public-comments-now-open-on-dynegy-plan-to-stabilize-the-middle-fork-river-near-coal-ash-ponds/>

<http://www.news-gazette.com/news/local/2018-11-16/judge-dismisses-groups-federal-suit-coal-ash-pits-jurisdictional-grounds.html>



Dynegy's Proposed Wall Construction

BENEFICIAL RECYCLING AND PLANT IMPROVEMENTS

The U.S. Department of Energy is funding research to develop the coal plants of the future. The department plans to issue three competitively funded research and development efforts in the fiscal year 2019 to ultimately result in the design, construction, and operation of a coal-based pilot-scale power plant.

<https://www.energy.gov/fe/articles/energy-department-announces-intent-fund-research-advances-coal-plants-future>

A record-setting 64 percent of coal ash produced in 2017 was recycled for beneficial use.

<http://concreteproducts.com/news/11379-coal-ash-recycling-reaches-record-rate-as-production-use-patterns-shift.html#.XABpAuSWyUk>

LEGAL AND REGULATORY

Tennessee – Lawyers are redoubling their efforts to get **Tennessee Valley Authority** to remove coal ash from an unlined pit at the Gallatin Fossil Plant located on the Cumberland River. The Southern Environmental Law Center argues the utility is trying to get around federal Clean Water Act requirements and state regulations.

<http://www.nashvillepublicradio.org/post/environmental-lawyers-win-legal-round-against-tva-over-gallatin-power-plant#stream/0>

Virginia – The Virginia Department of Environmental Quality has reached an agreement to ensure that coal ash at **Dominion Energy's** Chesapeake Energy Center will not threaten water quality or public health. The agreement provides a path forward for regulating coal ash at this Site.

<https://augustafreepress.com/virginia-enters-agreement-to-regulate-coal-combustion-residuals-at-chesapeake-energy-center/>

North & South Carolina – Twenty-four of 26 coal ash ponds across 14 different **Duke Energy** plant sites violated a section of the federal Coal Combustion Residuals (CCR) regulations. The regulation requires the bottom of a coal ash storage unit to be at least five feet above the upper limit of the uppermost aquifer, and disallows any hydraulic connection between the base of the unit and the aquifer. The status of the federal CCR rule is in limbo. This July, the Environmental Protection Agency (EPA) announced plans to replace CCR regulations with less stringent ones, but that move conflicts with a recent ruling from the D.C. Circuit Court of Appeals, which held that the original CCR rule was not protective enough of public health.

<https://www.utilitydive.com/news/24-of-26-duke-coal-ash-ponds-in-carolinas-not-compliant-with-ccr-rule/539145/>

CONTAMINATION

FirstEnergy's Little Blue Run coal ash pond has been closed since 2012; however, the company has recently discovered 16 new groundwater seeps coming from the Site. FirstEnergy is trying to ask for a new pollution discharge permit, so it can continue discharging from these seeps and monitor the discharge.

<http://www.witf.org/news/2018/11/leaky-coal-ash-pond-seeks-new-pollution-permit-from-dep.php>



Little Blue Run

<https://www.post-gazette.com/business/powersource/2018/11/28/hearing-permit-FirstEnergy-blue-run-coal-ash-leak-DEP-river-Beaver/stories/201811260002>

Coal ash at 22 operating and closed coal plants in **Illinois** have contaminated groundwater and water bodies with toxic heavy metals and other elements at rates higher than legal limits. According to the Illinois EPA, ten of the sites pose a danger to the drinking water supplies of nearby communities. Nonprofit groups behind the new report, including the Environmental Integrity Project and the Sierra Club, are urging Democrat J.B. Pritzker, the state's next governor, to require coal-plant owners to stop polluting the state's protected waters and to set aside money to clean up their coal ash ponds.

<http://www.chicagotribune.com/news/local/breaking/ct-met-illinois-coal-plants-water-pollution-20181127-story.html>

<https://energynews.us/2018/11/29/midwest/toxic-coal-ash-pollution-in-illinois-raises-drinking-water-concerns/>

KINGSTON LAWSUIT

A federal jury ruled that Jacobs Engineering, the contractor **Tennessee Valley Authority** tasked with keeping disaster clean up workers safe, endangered and put clean up crews at risk. The jury sided with the workers, more than 30 of which have passed away and over 250 are sick since the clean up began in December 2008.

<https://www.knoxnews.com/story/news/crime/2018/11/07/verdict-reached-favor-sickened-workers-coal-ash-cleanup-lawsuit/1917514002/>

Contact Us

Roux Associates

1200 Harger Rd., Suite 800

Oak Brook, IL 60523

(630) 572-3300

palvey@rouxinc.com

www.rouxinc.com

