

# ASH POND NEWSLETTER



January 2019

The following is a collection of ash pond news from the month of January. 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.

## LEGAL AND REGULATORY

**Duke Energy** and some two dozen insurance companies are negotiating a possible settlement of what could be a \$600 million lawsuit over coal ash liability. They are on a four-month stay of the case, so now the two sides will have from February 1 to June 2 to attempt to work out a deal. Lead attorneys for **Duke Energy** and the insurers made clear that a settlement is by no means certain. But after about 17 months of depositions and other discovery, the two sides have decided it makes sense to see if they can reach some kind of agreement without going to trial.

<https://www.bizjournals.com/charlotte/news/2019/01/23/duke-energy-insurers-mull-settlement-of-600m-coal.html>



*A coal ash pond at Dominion's Chesterfield Power Station and the neighboring Dutch Gap Conservation Area and James River*

Legislation is making its way through the Virginia State Senate which would require the excavation of coal ash from **Dominion Energy's** ash ponds located in Chesapeake City and Chesterfield, Prince William, and Fluvanna counties. The bill, introduced by a State Senator and backed by the Governor, would require Dominion to dig up its 27 million cubic yards of coal ash, recycle as much of it as possible, and haul the rest to modern landfills. The plan would require the power company to recycle a minimum of 7 million tons of ash by the 15-year mark.

[https://www.richmond.com/news/virginia/government-politics/general-assembly/coal-ash-removal-bill-supported-by-northam-clears-first-committee/article\\_c1bff79e-18c6-520e-bf70-00d50b6b2151.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/coal-ash-removal-bill-supported-by-northam-clears-first-committee/article_c1bff79e-18c6-520e-bf70-00d50b6b2151.html)

<http://www.dailypress.com/news/science/dp-nws-coal-ash-senate-bill-20190118-story.html>

<https://www.chesapeakebaymagazine.com/baybulletin/2019/1/25/governor-northam-announces-agreement-to-clean-up-coal-ash-in-va>

<https://www.delmarvanow.com/story/news/local/virginia/2019/01/26/virginia-lawmakers-agree-3-billion-plan-clean-coal-ash-ponds/2675909002/>

The 6th U.S. Circuit Court of Appeals recently rejected environmental groups' request in the coal ash case at **Tennessee Valley Authority's** Gallatin plant. A federal appeals court will not rehear a case after a panel of its judges overturned an order that would have forced the nation's largest public utility to remove a Tennessee power plant's coal ash.

<https://www.apnews.com/159bfd1541754d6691cb79b4d727cda4>

## COAL POWER PLANT ASH POND CLOSURES AND MODIFICATIONS



*Residents hold signs in support of a complete excavation of coal ash in a lined landfill*

The North Carolina Department of Environmental Quality (NCDEQ) held its first of six public meetings regarding closure plans for the ash pond at **Duke Energy's** Belews Creek Steam Station. **Duke Energy** is proposing a hybrid closure for the ash pond which involves consolidating ash within the pond, reducing the size of the ash footprint, and then capping with a final engineered cover system. The public is voicing their opinion to have a full closure where all the ash would be excavated from the pond and relocated to a lined landfill.

There will be an additional five public meetings hosted by the NCDEQ to discuss ash pond closure plans at five of **Duke Energy's** other power plants. These plants include: Mayo Power Station, Marshall Steam Station, Cliffside Steam Station, Roxboro Steam Station, and Allen Steam Station.

<https://www.thestokesnews.com/top-stories/18454/citizens-urge-deq-to-excavate-the-coal-ash>

<https://deq.nc.gov/news/press-releases/2018/12/13/deq-announces-public-information-sessions-regarding-coal-ash-closure>

[https://www.greensboro.com/business/duke-offers-another-plan-for-belews-creek-coal-ash/article\\_ca042e2d-c81b-554b-b9e0-4e6d1377cb7d.html](https://www.greensboro.com/business/duke-offers-another-plan-for-belews-creek-coal-ash/article_ca042e2d-c81b-554b-b9e0-4e6d1377cb7d.html)

The NCDEQ originally gave **Duke Energy** a deadline of August 1, 2019 to close their coal ash ponds at the L.V. Sutton Plant. Due to the impact of Hurricanes Florence and Matthew, **Duke Energy** is hoping to receive an extension to February 1, 2020. The NCDEQ is reviewing this request.

<https://www.starnewsonline.com/news/20190114/deq-could-grant-duke-extension-to-close-sutton-coal-ash-basins>

**Duke Energy** plans to close its Allen Steam Station within the next 10 years. There are two coal ash ponds at the Allen Steam Station containing a total of approximately 19.3 million tons of ash to cap or dispose of in a landfill. Debate is ongoing over how **Duke Energy** will decide to close the ponds.

<https://www.charlotteobserver.com/news/local/article224958300.html>

<https://www.wfae.org/post/deq-hear-concerns-coal-ash-allen-plant>

The Indiana Department of Environmental Management (IDEM) is reviewing closure plans for ash ponds from different utilities across Indiana. The IDEM cannot specifically instruct utilities on how they should close the ash ponds; however, the utilities must prevent liquids from mixing with coal ash and leaching/releasing into water.

<https://www.apnews.com/9f0f40316bc44d56bab407da211a30b6>

## KINGSTON LAWSUIT

A federal judge is ordering Jacobs Engineering to sit down to the bargaining table with the sickened workers who worked to clean up the 2008 coal ash spill at the **Tennessee Valley Authority** Kingston Fossil Plant.

<https://www.knoxnews.com/story/news/crime/2019/01/14/tva-coal-ash-spill-jacobs-lawsuit-mediation/2523080002/>

<http://1057news.com/2019/01/15/06/08/39/federal-judge-orders-tva-contractor-to-bargain-with-sick-coal-ash-cleanup-crew-members/>



Unprotected workers in wet coal ash sludge during the cleanup of the spill at the TVA's Kingston Fossil Plant

## CONTAMINATION

Three **PacifiCorp** coal-fired power plants in Wyoming reported contamination of groundwater earlier this year above state or federal limits. That includes the Dave Johnston, Jim Bridger, and Naughton plants.

<https://www.wyomingpublicmedia.org/post/groundwater-contamination-reported-three-wy-pacificorp-plants>

<https://www.wwdmag.com/groundwater-treatment-remediation/groundwater-contamination-wyoming-plants>

In Georgia, coal ash pollutants have been detected in groundwater at 11 power plants, 10 of which are operated by **Georgia Power**. **Georgia Power** detailed its progress on the closure of 29 coal ash ponds at 11 active and defunct coal-fired power plants across the state. **Georgia Power's** plans call for the excavation of 19 ash ponds located adjacent to lakes or rivers, with the remaining 10 being closed in place.

<https://www.wwdmag.com/arsenic-removal/coal-ash-found-georgia-power-plants>

Groundwater contamination and pollutants linked to coal ash have been identified at all of Texas' 16 monitored coal-fired power plants. Some of the utilities that operate these ash ponds include: **San Miguel Electric Co-Op, Texas Municipal Power Agency, Southwestern Electric Power Company, and American Electric Power**.

[https://www.texastribune.org/2019/01/17/report-texas-coal-power-plants-leaching-toxic-pollutants-groundwater/?utm\\_campaign=trib-social-buttons&utm\\_source=twitter&utm\\_medium=social](https://www.texastribune.org/2019/01/17/report-texas-coal-power-plants-leaching-toxic-pollutants-groundwater/?utm_campaign=trib-social-buttons&utm_source=twitter&utm_medium=social)

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