

ASH POND NEWSLETTER



March 2019

The following is a collection of ash pond news from the month of March. 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'S POISONOUS LEGACY

On March 4, 2019, two environmental groups, the Environmental Integrity Project (EIP) and Earthjustice, published a report titled, "Coal's Poisonous Legacy." The EIP report used data that became available to the public for the first time in 2018 because of requirements in federal coal ash regulations issued in 2015. This data concludes that 91 percent (242 of the 265 plants) of U.S. coal-fired power plants with monitoring data are contaminating groundwater with unsafe levels of toxic pollutants. The report also identifies the ten sites with the worst contamination in the country. The top ten worst contaminated sites include:



San Miguel Power Plant

Ranking	Power Plant	Utility	Location
1	San Miguel Power Plant	San Miguel Electric Cooperative, Inc	Texas
2	Allen Steam Station	Duke Energy	North Carolina
3	Jim Bridger Power Plant	PacifiCorp	Wyoming
4	Naughton Power Plant	PacifiCorp	Wyoming
5	New Castle Generating Station	Reliant Energy	Pennsylvania
6	Allen Fossil Plant	Tennessee Valley Authority	Tennessee
7	Brandywine Landfill	GenOn Energy	Maryland
8	Hunter Power Plant	PacifiCorp	Utah
9	R.D. Morrow Generating Station	South Mississippi Electric Power Association	Mississippi
10	Ghent Generating Station	Kentucky Utilities	Kentucky

<https://www.environmentalintegrity.org/reports/coals-poisonous-legacy/>

COAL POWER PLANT ASH POND CLOSURES AND MODIFICATIONS

In 2018, U.S. consumption of coal hit a four-decade low, falling to a 28 percent share of the nation's electricity generation, according to the U.S. Energy Information Administration (EIA). The EIA expects an 8 percent drop in U.S. coal consumption this year, even as global coal demand has continued to rise in places such as India. Last year's coal plant retirements were the second-largest ever in terms of capacity. Companies have announced that they intend to close at least 10 more coal plants by the end of this year and many more by 2030.

https://www.washingtonpost.com/national/health-science/thats-what-happens-when-a-big-plant-shuts-down-in-a-small-town/2019/03/28/57d62700-4a57-11e9-9663-00ac73f49662_story.html?utm_term=.516ca4455282#click=https://t.co/MYANYuHqu9c

Xcel Energy burned coal to generate nearly half its power just a few years ago. Now it is helping to lead America's clean energy revolution. The \$30 billion Minneapolis-based utility has already shut down a quarter of its coal power plants. And it will soon pull the plug on another quarter. Xcel Energy recently announced an ambitious plan to deliver zero-carbon electricity by 2050, making it the first large American power company to set that challenging goal.

<https://www.cnn.com/2019/03/26/investing/xcel-energy-coal-renewable-power/index.html>

Duke Energy has received a four-month extension to excavate coal ash from two coal ash ponds at the Sutton power plant in North Carolina. The original deadline was August 1, 2019, and now the deadline for Duke Energy is December 1, 2019.

<https://www.kinston.com/news/20190331/duke-gets-4-month-extension-for-sutton-coal-ash-excavation>



TVA Allen Fossil Plant

A new **Tennessee Valley Authority (TVA)** report rules out options at the Allen Fossil Plant that would leave coal ash totaling 3.5 million cubic yards where it is now. At Allen, high levels of arsenic and other toxins were found in groundwater monitoring wells in 2017. A final decision on the coal ash removal, which hinges on a federal review and an ongoing state investigation, could be made by spring 2020. The state has a similar ongoing case against the TVA over the Gallatin Fossil Plant's coal ash.

<https://www.memphisflyer.com/NewsBlog/archives/2019/03/27/tva-plans-to-remove-coal-ash-from-allen-site>

<https://www.tuscaloosaneews.com/news/20190328/federal-utility-eyes-removal-of-coal-ash-from-memphis-plant>

Dominion Energy says it is devising ways to handle nearly 30 million tons of toxic ash stored in unlined ponds along the James, Elizabeth, and Potomac rivers. There are no specifics and no timeline for how Dominion will go about doing it.

https://pilotonline.com/news/local/science/article_6c5d89ca-519b-11e9-a1ea-9b9730909de0.html

Illinois residents insist the coal ash be removed from the coal ash ponds at **Vistra Energy Corporation's** Vermilion Power Station near Danville, Illinois. Citizens feel strongly about removing the coal ash, instead of the proposed stabilization project along the riverbank.

<http://www.news-gazette.com/news/local/2019-03-27/crowd-iepa-hearing-pushes-removal-coal-ash-near-middle-fork.html>

<https://foxillinois.com/news/local/locals-concerned-over-plan-to-save-middle-fork-river-from-coal-ash-pits>

LEGAL AND REGULATORY

On Monday, after a years-long legal battle, a judge at the Rockingham County courthouse signed off to a settlement agreement between a group of 33 landowners and **Duke Energy**. The financial details of the settlement remain confidential. Years of scientific research demonstrate that the Dan River environment, ecosystem, and neighboring agricultural lands were not impacted by the 2014 incident and recreational enjoyment of the river and surrounding area continues to grow.

<https://www.wxii12.com/article/settlement-announced-between-landowners-duke-energy-after-2014-coal-ash-spill/26787199>



Pipe Outflow at the Dan River

Punishment might be coming for **Vistra Energy Corporation**, owner of the former Vermilion Power Station near Danville, Illinois, over ash ponds contaminating the Middle Fork of the Vermilion River. The Illinois Environmental Protection Agency, which has been investigating the matter, said that it has referred the case to the state attorney general for enforcement.

https://www.the-independent-news.com/news/iepa-refers-coal-ash-pit-pollution-case-to-state-attorney/article_e608281a-4f08-11e9-8c76-bb750f628e93.html

State Representative Mike Marron (R-Fithian) held a press conference at the Illinois State Capitol on March 21 to discuss his bipartisan resolution creating a Coal Ash Task Force. Marron says the task force's goal will be to bring legislators, coal company representatives, environmental experts, and the public together to study the effects of coal ash on the Vermilion River and the rest of the state. Marron says the membership of the task force would include two Senators and two Representatives selected by the legislative caucus leaders, an Illinois EPA (IEPA) representative, a representative of the Prairie Research Institute at the University of Illinois, a representative from environmental groups, and a representative from the business community.

https://www.the-independent-news.com/news/rep-marron-introduces-resolution-to-create-an-illinois-coal-ash/article_c903401a-4f08-11e9-a7d0-c377cc23dc89.html

<https://will.illinois.edu/news/story/bipartisan-illinois-house-resolution-calls-for-coal-ash-task-force>

Federal regulators say Missouri's plan to oversee the disposal of toxic waste from coal-fired power plants fails to adequately protect human health and the environment. St. Louis Public Radio reports that the Environmental Protection Agency said in a letter to the Missouri Department of Natural Resources that several provisions in Missouri's plan are weaker than the 2015 federal coal ash rule. Utility representatives say Missouri's proposed rule is just as protective of human health and the environment as the federal rule. Trey Davis, president of the Missouri Energy Development Association, said Congress did not require state rules to be identical to federal rules.

<https://www.ky3.com/content/news/EPA-critical-of-some-elements-of-Missouri-coal-ash-plan-507587981.html>

Governor of North Carolina, Ralph Northam, signed legislation this month that aims to protect water quality by cleaning up more than 27 million cubic yards of coal ash from unlined ponds in the Chesapeake Bay watershed. The legislation seeks to clean up coal ash sites in the City of Chesapeake and in Prince William, Chesterfield, and Fluvanna counties.

<https://potomaclocal.com/2019/03/22/governor-signs-historic-coal-ash-clean-up-bill-electric-bills-to-increase/>

https://www.roanoke.com/news/politics/general_assembly/northam-signs-legislation-to-excavate-and-clean-up-coal-ash/article_a07cbb99-42c2-58f5-8b5d-1cb2edf394fc.html

The plaintiffs in a lawsuit that seeks to void the U.S. Environmental Protection Agency's decision to allow Oklahoma to regulate coal ash disposal is seeking a summary judgement from a U.S. District Court judge in the District of Columbia. The motion argues that Oklahoma's regulatory regime is nearly identical to one a previous federal court decision invalidated.

<https://newsok.com/article/5626248/plaintiffs-ask-for-ruling-to-return-oversight-of-coal-ash-disposal-to-the-epa>

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