

# ASH POND NEWSLETTER



April 2019

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

On April 1, 2019, the North Carolina Department of Environmental Quality announced that it would require **Duke Energy** to fully excavate the coal ash from nine unlined ponds at six plants: Allen, Belews Creek, Cliffside/Rogers, Marshall, Mayo, and Roxboro. **Duke Energy** has asked state officials to overturn a recent decision by North Carolina regulators mandating landfill disposal for coal ash stored near the utility's six coal-fired generating plants.



*Belews Creek Steam Station*

In the appeal, **Duke Energy** also claimed that the North Carolina DEQ regulators issued their April 1 ruling without completing a detailed corrective action plan which is required by state law.

The administrative hearings office where **Duke Energy** appealed is the first stop for corporations and individuals to challenge regulatory decisions by state agencies. If Duke does not like the outcome there, they can try to continue their appeal through the state court system.

<https://pulse.ncpolicywatch.org/2019/04/29/duke-energy-to-deq-coal-ash-cleanup-doesnt-have-to-be-most-protective-just-protective-enough/>

[https://www.greensboro.com/news/local\\_news/duke-energy-appeals-belews-creek-coal-ash-disposal-order/article\\_3e24a0cc-9662-5011-aaf6-891ba59a7157.html](https://www.greensboro.com/news/local_news/duke-energy-appeals-belews-creek-coal-ash-disposal-order/article_3e24a0cc-9662-5011-aaf6-891ba59a7157.html)

<https://www.newsobserver.com/news/state/north-carolina/article229714899.html>

The Indiana Utility Regulatory Commission (IURC) unanimously rejected an 850 MW combined-cycle natural gas-fired facility in Posey County, proposed by **Vectron**, to replace generation capacity from three coal-fired power plants.

<https://www.utilitydive.com/news/indiana-regulators-reject-vectren-gas-plant-over-stranded-asset-concerns/553456/>

<https://www.spglobal.com/platts/en/market-insights/latest-news/coal/042519-indiana-denies-vectren-bid-to-replace-coal-capacity-with-850-mw-natural-gas-plant>

Earthjustice, on behalf of Prairie Rivers Network, filed the latest complaint March 30 with the Illinois Pollution Control Board, alleging **Dynegy** has violated Illinois law by allowing toxic pollution from its Vermilion coal ash pits to leach into groundwater and into the Middle Fork of the Vermilion River.

[https://www.the-independent-news.com/news/environmental-groups-file-new-lawsuit-against-dynegy-over-coal-ash/article\\_bb0fb156-5a06-11e9-b4c8-cfd86a2de4f.html](https://www.the-independent-news.com/news/environmental-groups-file-new-lawsuit-against-dynegy-over-coal-ash/article_bb0fb156-5a06-11e9-b4c8-cfd86a2de4f.html)



*Coal ash Ponds at the Dynegy Plant*

## COAL POWER PLANT ASH POND CLOSURES AND MODIFICATIONS

**Talen Energy** wants the city of Billings, Montana to take coal ash from the Corette plant and dispose of it at the city landfill. In exchange, **Talen** would give the city 20 acres of the Corette property, and the city could then incorporate the land into Coulson Park. It is expensive and labor-intensive to dispose of coal ash at the landfill, and so part of the discussions with Talen have been the possibility of lowering or eliminating the fees Talen would have to pay.

[https://billingsgazette.com/news/local/billings-and-talen-energy-consider-deal-to-transfer-portion-of/article\\_16659937-cdfd-5d3d-bada-f02d13669161.html](https://billingsgazette.com/news/local/billings-and-talen-energy-consider-deal-to-transfer-portion-of/article_16659937-cdfd-5d3d-bada-f02d13669161.html)

**Georgia Power** continues to make progress toward the closure of seven ash ponds at Plant Yates with the dewatering process scheduled to begin in mid-May. Dewatering marks a significant step towards completing the closure process, and **Georgia Power's** ash pond closure plan for Plant Yates is specifically designed for the Site to help ensure water quality is protected every step of the way.

<https://www.amarketjournal.com/georgia-power-latest-news/51553/>

## Contact Us

### **Roux Associates**

1200 Harger Rd., Suite 800

Oak Brook, IL 60523

(630) 572-3300

[palvey@rouxinc.com](mailto:palvey@rouxinc.com)

[www.rouxinc.com](http://www.rouxinc.com)

