

ASH POND NEWSBYTES



January 2022

Dear Readers,

The following is a collection of ash pond news from the month of January 2022. Our intent is to provide you with important news pieces to help inform your business decisions and keep you up to date about the coal and ash pond industry.

– Peter Alvey & The Roux Team



William C Beckjord Power Plant in Pierce Township, OH

CONTAMINATION, CONT.

In Pierce Township, Ohio, along the Ohio River, the William C Beckjord power plant is owned by Missouri-based **Commercial Liability Partners** and subsidiary **New Richmond Development Corp, LLC**. Residents of Pierce Township are suing the owners over an alleged violation of a 1986 agreement that the owners signed to inform the public about contaminated waste disposal. Commercial Liability Partners purchased the 1,443-acre site from **Duke Energy** in February 2018. Duke Energy closed the plant down in 2014 and it remains permanently closed. [Link](#)

In 2002, **Applied Energy Services (AES)** opened its coal plant in Guayama, Puerto Rico. AES produces an average of 800 tons of coal ash per day, and for the first two decades of operation it was left uncovered in a mountainous landfill nearby. AES also sold coal ash as cheap fill material to dozens of construction sites in southeastern Puerto Rico. Neither Puerto Rican authorities nor the USEPA have enforced the 2015 Coal Combustion Residuals rule at this facility. [Link](#)

CONTAMINATION

In Lansing, Michigan, the Erickson Power Station has allegedly been contaminating groundwater for decades, impacting drinking water supplies for nearby residences. The Erickson Power Station is operated by The **Lansing Board of Water and Light (BWL)**, a public-owned utility. In 2020, BWL identified high levels of lithium, boron, total dissolved solids, and molybdenum leaching from three ponds on-site. An unnamed spokesperson for the Michigan Department of Environment, Great Lakes, and Energy “is coordinating with EPA to address violations of state statutes and rules at Erickson and to bring the facility into compliance with environmental rules and statutes,” including requiring testing of drinking water supplies. [Link](#)

SPECIAL REPORT *Insurance Coverage*

In April 2015, the USEPA published a new rule regulating—for the first time—the disposal of coal combustion residuals (the “CCR Rule”). Companies facing these regulations should evaluate their historical insurance, because certain costs incurred as a result of the CCR Rule, including for groundwater investigation and corrective action and closure, may be covered under liability insurance policies issued prior to 1986. [Link](#)

LEGAL AND REGULATORY

According to the USEPA, there are about 500 unlined coal ash ponds in the United States. Regulations on these ponds, known as the aforementioned CCR Rule, were published in 2015 during the Obama Administration but have not yet been enforced. A subsequent ruling on a lawsuit filed by Earthjustice required facilities to start phasing out and closing these ponds, with a deadline to initiate closures in April 2021. Fifty-seven facilities covered by these regulations have requested deadline extensions. The USEPA is in the process of issuing determinations on these requests, including some denials and ineligibilities.

Duke Energy is one utility which has been working toward removing coal ash from unlined pits, in addition to **Dominion Energy**, out of Virginia, and all utility companies in South Carolina with coal ash basins. [Link 1](#) [Link 2](#) [Link 3](#)

Facilities currently denied for extension requests by the USEPA include the following:

- **ArcLight Capital Partners'** 2,600-MW Gavin plant in Cheshire, Ohio;
- **Ohio Valley Electric Corp.'s** 1,300-MW Clifty Creek plant in Madison, Indiana; and
- **Alliant Energy's** 725-MW Ottumwa plant near Ottumwa, Iowa.

Without approval for deadline extensions, the owners of these power plants have said they will stop operating the facilities. The USEPA said **Greenidge Generation's** plant in Dresden, New York, Lockwood Hills, was ineligible for an extension because it now runs on natural gas. The plant supplies power to a bitcoin mining operation. [Link](#)

That same Lockwood Hills coal ash plant owned by **Greenidge Generation**, is facing pushback from ten environmental groups as they attempt to renew their discharge permit. The environmental groups believe that it is illegal to treat the Lockwood case separately from other environmental permit renewals for operations that jointly contribute to the “repurposing” of the plant for cryptocurrency mining. The bitcoin mining operation currently runs on power generated by the 106-megawatt Dresden plant that never reaches the grid. [Link 1](#) [Link 2](#)

The USEPA and the Pennsylvania Department of Environmental Protection (DEP) are suing **West Penn Power Company** in Greensburg, Pennsylvania. The utility company owns two coal ash landfills: Mingo Landfill in Union Township, Washington County and Springdale Landfill in Frazer, Allegheny County. According to the suit, the landfills operations have repeatedly violated the federal Clean Water Act and the state’s Clean Streams Law for exceeding permit limits for boron. These landfills discharge into streams that feed the Monongahela and Allegheny rivers. [Link 1](#) [Link 2](#)

SPECIAL REPORT

According to a recent publication by the US Energy Information Administration (EIA), coal will account for 85% of US electric generating capacity retirements this year. This amounts to 14.9 gigawatts (GW) of electricity supplied by coal. The largest plant expected to retire this year is the 1,305-megawatt (MW) William H Zimmer plant in Ohio, owned by **Vistra Corp.** [Link](#)



Georgia Power's Plant Hammond

Georgia Power is seeking permits to install a stormwater protection cover over coal ash ponds at five of their power plants across Georgia. However, it is likely that at all five locations, the coal ash is already in contact with groundwater. This situation directly goes against the EPA’s regulations regarding the closure of coal ash impoundments, including ponds and landfills. [Link](#)

In Orlando, Florida, at the site of the Stanton Energy Center, is a coal ash landfill that stands 175-feet tall. The energy center is operated by the **Orlando Utilities Commission** (OUC), which plans to stop coal-fired power generation by 2027 and transition to net-zero carbon emissions by mid-century, mostly through solar energy. Most of the coal ash buried on this property is exempted from the USEPA 2015 regulations because the rule exempted landfills that were already closed. [Link](#)

Citizen groups in Oklahoma are challenging the USEPA’s approval of the state’s coal ash program. The groups are arguing that the state has allowed coal ash facilities to have “permits for life,” meaning that there would be no predictable review of legal requirements and on-site conditions at coal ash facilities, similar to what is required for air and storm water discharge permits. [Link](#)

IN OTHER NEWS...

In 34 different community water systems across New Jersey, serving almost 500,000 residents, high levels of PFAS have been detected. Several water supplies are in the midst of lawsuits against various manufacturers with alleged association with PFAS chemicals. [Link](#)

Earlier in January 2022, in Crane County, Texas, a column of saltwater shot up into the sky, dumping an estimated 25,000 barrels of briny water onto the earth. This geyser is located 35 miles southwest of Odessa, and no wells appear on any maps for this area, according to the Railroad Commission of Texas, which regulates oil and natural gas activity. Researchers ultimately determined that **Gulf Oil** had drilled a 1,390-foot deep dry well in 1948, which was plugged and abandoned. Gulf Oil was acquired by **Chevron** in 1984. [Link](#)

In 2019, the Department of the Interior estimated that there were 56,000 documented oil and gas wells across the country which lack a responsible party for cleanup costs. Earlier in January 2022, they released a memo indicating that this number was closer to 130,000 wells. President Biden's Infrastructure Investment and Jobs Act signed in November 2021 includes \$4.7 billion to plug and reclaim abandoned and orphaned wells. The estimated cost to plug these wells ranges from \$2.6 billion to more than \$19 billion. [Link](#)

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IN OTHER NEWS, CONT.

A volcanic eruption in Tonga caused huge waves, which were the likely cause of an oil spill at a **Repsol** refinery in La Pampilla, Peru. According to Repsol and Peru's Environment Minister Ruben Ramirez, 6,000 barrels of oil were spilled into waters in the Lima region. The Repsol refinery is facing a fine of up to \$34.5M. [Link](#)



Saltwater geyser in West Texas, January 2022

COAL POWER PLANT ASH POND CLOSURE AND MODIFICATIONS

In Dumfries, Virginia, **Dominion Energy** owns the Possum Point Power Plant. Dominion is required by law to remove coal combustible residuals from their ash ponds. Possum Point has stored four million cubic yards of the toxic coal ash in its ponds that will have to be removed. The plant is still in operation but now burns natural gas to generate electricity. [Link](#)



Dominion Energy's Possum Point Plant in Dumfries, VA