

# ASH POND NEWSBYTES



February 2022

Dear Readers,

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

## CONTAMINATION

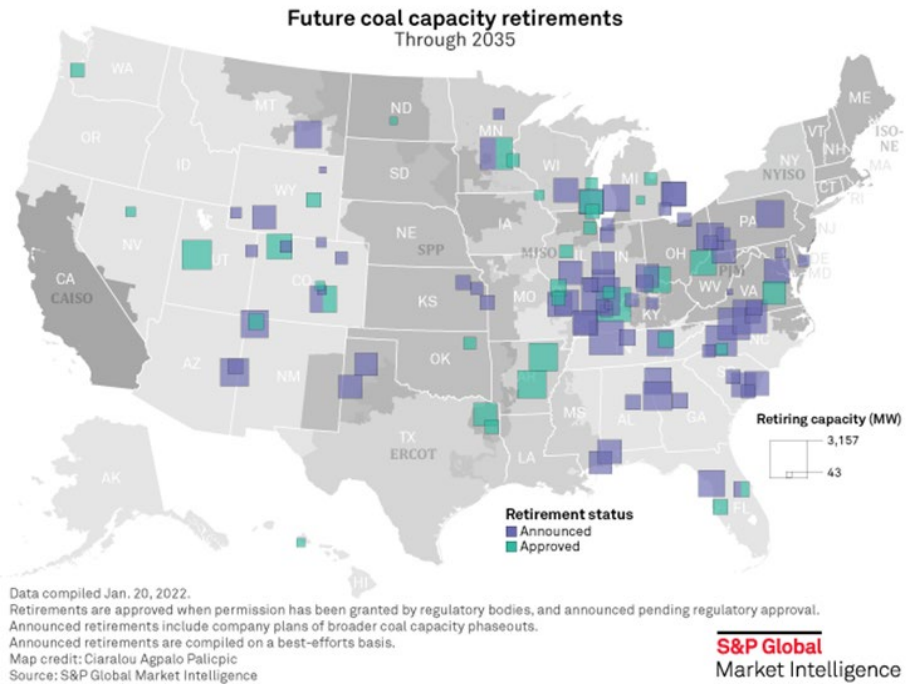
In Delta Township, Michigan, the [Board of Water and Light](#) detected elevated levels of boron in six private wells less than a mile from the [Erickson Power Station](#). The Board of Water and Light has taken responsibility for the situation and has stated they will “move mountains to make it right for those who are affected.” The Erickson Power Station has a groundwater monitoring system and is subject to a Michigan Department of Environment, Great Lakes, and Energy-approved boron standard of 0.5 mg/L, which the impacted private wells exceeded. The Board of Water and Light has contacted the affected customers and has provided a bottled water service for those affected. The utility has been working with the Michigan Department of Health and Human Services to understand the test results and working with customers to fix the problem. [Link](#)

## INSURANCE

The [USEPA](#) has announced a renewed focus on coal ash enforcement which may create a heightened need for insurance and greater liability. Peter Alvey of [Roux](#) stated in an interview with Law360 that redevelopers are seeking protection for decommissioned coal combustion residual units and that plants still burning coal will be wanting coverage for events like a dike collapse or a gradual release to groundwater contamination. He also stated that there may be financial assurance obligations regarding the CCR units. [Link](#)

## SPECIAL REPORT

From 2022 through 2027, United States utilities plan to close 51 gigawatts (GW) of coal power due to the national move towards renewable energy. Decreasing costs of wind and solar power have left coal power as a more expensive source of electricity. Since 2015, 71 GW of coal-fired power plant capacity has been taken offline. In addition to reduced wind and solar costs, the U.S. coal industry has been impacted by a federal push to achieve a power generating sector with net-zero emissions by 2035. In 2028, coal-fired power plants must comply with the EPA's Effluent Limitations Guidelines for regulating coal ash and metals in wastewater. [Link](#)



Future coal capacity retirements through 2035 [Link](#)

## COAL POWER PLANT ASH POND CLOSURE AND MODIFICATIONS

**Duke Energy** expects to spend over \$130 billion over the next decade, closing the remainder of the Duke Energy coal plants by 2035 and doubling their renewable energy capacity by 2030. Duke Energy plans to close their eleven remaining coal-fueled plants in North and South Carolina, Florida, and in the Midwest. Currently, Duke Energy uses 10,000 megawatts of solar and wind energy and plans to increase that usage to 24,000 megawatts by 2030. [Link](#)

The Illinois House of Representatives and the Senate have conducted a vote on a bill to mandate the complete removal of coal ash from ponds at the **NRG** Waukegan Generating Station along Lake Michigan. The bill aims to amend the 2019 law set by the EPA, which requires coal ash along Lake Michigan in locations with 75,000-150,000 people to be removed from the Site. Representative Mayfield stated concerns for another Flint, Michigan scenario with the potential that contaminated groundwater could leech into Lake Michigan. This law would ensure the cleanup of the coal ash ponds and would still need to be approved by Illinois Governor J. B. Pritzker. [Link](#)

**Ameren** plans to retire the Rush Island power plant in St. Louis, Missouri later this year. This closure comes after years of Clean Air Act violations and other legal battles. Now, the Midcontinent Independent System Operator (MISO) is looking at the effects this closure will have on grid reliability. [Link](#)

## LEGAL AND REGULATORY

The Ottumwa Generation Station in Wapello County, Iowa, is operated by **Alliant Energy's** subsidiary, **Interstate Power and Light Company**, and ownership is shared with **MidAmerican Energy Company**. Interstate Power and Light Company requested an extension on the United States Environmental Protection Agency (USEPA) updated 2021 Coal Combustion Residual Rules, but was denied. The USEPA has now ordered Alliant to close the coal ash storage pond due to alleged groundwater contamination. [Link](#)

*Heritage Thermal Services' site along Saint George Street in East Liverpool, OH*



*Critical Energy Infrastructure along the Willamette River, OR*

## LEGAL AND REGULATORY, CONT.

The USEPA has issued determinations for 57 Coal Ash Management Units, which have requested an extension for their receipt of waste deadline per Title 40 of the Code of Federal Regulations (CFR) sections 257.103(f)(1) and 257.103(f)(2)(2015) technical standards. The USEPA has considered 52 of the 57 extension requests to be complete. The facilities found to be incomplete (Dallman Power Station in Springfield, Illinois; Erickson Generating Station in Lansing, Michigan; Meramec Energy Center in St. Louis, Missouri; and Sioux Energy Center in West Alton, Missouri) or denied (Greenidge in Dresden, New York) will have to stop receiving waste within 135 days from the final USEPA determination. The determination by the USEPA involved analysis of groundwater monitoring programs and submittal of closure plans. Each of the proposed determinations can be referenced on the USEPA's website. [Link 1](#) [Link 2](#)

## IN OTHER NEWS...

An accident involving a tanker delivery by the **Pampilla Refinery** of **Repsol** in Peru has led to thousands of barrels of crude oil spilling into the South Pacific Ocean off Peru. Repsol has indicated that the spill was caused by strong ocean swells following a powerful volcano off the nation of Tonga. Repsol has stated that they did not cause the ecological disaster, and that while other nations issued a tsunami warning, Peru did not. The Peru government has announced they will be suspending all operations at the Repsol refinery, and a state prosecutor has begun to research the maintenance of the refinery's underwater piping system. Government ministers in Peru have promised drastic penalties of more than \$50 million. [Link 1](#) [Link 2](#)

On the banks of the Coca River in Ecuador, residents of Puerto Madero are supporting a huge cleanup effort by oil transport company **OCP**, whose pipeline released 6,300 barrels of oil into the Cayambe Coca environmental preserve. The leak was allegedly caused by a boulder falling on the pipeline during heavy rains. Crude petroleum is Ecuador's biggest export product, and this is not the first pipeline incident which has released oil into Amazonian rivers. [Link](#)

At the beginning of the COVID-19 pandemic, the knowledge that the virus was largely spread by aerosols was unknown. Scientists now know that there are very few cases of the virus spreading by way of virus-covered surfaces. A new study led by the University of Utah has found that the protein and sugars in human mucus have a huge effect on the spreading function of the corona virus. [Link 1](#) [Link 2](#)

## IN OTHER NEWS, CONT.

In a facility called the Critical Energy Infrastructure Hub in northwest Portland, Oregon, there are 630 storage tanks sitting along the Willamette River that store up to 330-million gallons of oil, gas, diesel, and other petrochemicals. These tanks were constructed around 1954, before modern earthquake standards were released. A recent study by Multnomah County and the city of Portland indicates that a major earthquake in the area could cause up to \$2.6 billion in damages. [Link](#)

In East Liverpool, Ohio, a hazardous waste incinerator is operated by Heritage Thermal Services (formally WTI) and is currently facing fines for violating federal air quality laws. The incinerator has been burning thousands of gallons of firefighting foam sent by the U.S. Military. A suit was filed which accuses the US Department of Defense of failing to conduct an environmental review before asking Heritage Thermal Services to dispose of the foam in 2019. [Link](#)



*6,300 barrels of oil leaked into a natural reserve in Ecuador in a protected area of the Amazon*

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