

ASH POND NEWSBYTES



April 2022

Dear Readers,

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

RENEWABLE ENERGY

Citing economic reasons, **Georgia Power** is planning to close nine coal-burning units and three oil-burning units by 2028, and the remaining two units by 2035. Their current plan replaces the electricity from these plants with natural gas and renewable sources. Their commitment is to have 6,000 megawatts of renewables by 2035. Additionally, in order to meet the needs of its 2.7 million customers, Georgia Power plans to increase their investments in battery storage, with possible development of 1,000 megawatts by 2030. The Public Service Commission will vote on Georgia Power's plans this summer. [Link](#)

In Michigan, **Consumers Energy** provides electricity to 1.9 million customers and natural gas to 1.8 million customers. A proposed settlement by the Attorney General may end Consumers Energy's use of coal in 2025, 15 years earlier than planned. The proposed plans would replace coal with solar energy and battery storage. Additionally, the settlement would donate \$5 million this year to a fund for low-income utility customers, with additional donations in the coming years. The goal is for 90% of Consumers Energy's portfolio to be from "clean energy resources" by 2040. [Link](#)



Solar Panels in Georgia owned by Georgia Power.

CONTAMINATION

In Georgia, ash ponds at Plant Hammond near Rome, Plant McDonough south of Vinings, Plant Yates near Newnan, and Plant Scherer near Macon, are among ten ash ponds **Georgia Power** plans to close in place by 2028. Ash from the utility's other 19 ponds at coal plants across Georgia will be closed by excavating and removing the ash. Although the ash ponds will continue to expose ash to groundwater even after the closures are completed, according to testimony at recent state Public Service Commission (PSC) hearings, the USEPA has declared that both removal and closure in place are acceptable for closure. [Link](#)

Deep under the City of Memphis, Tennessee, a huge aquifer called the Memphis Sand Aquifer provides drinking water for over a million residents, and is referred to as the sweetest water in the world. In 2015, when the USEPA's new coal ash guidance forced coal companies to test groundwater near coal ash sites, contamination was discovered in shallow aquifers over the Memphis Sand Aquifer by **Tennessee Valley Authority** (TVA). The state ordered TVA to move the coal ash away from the aquifer. They moved it to the South Shelby landfill in South Memphis, which is now one of the many dumping grounds for toxic waste in South Memphis. A truck route carrying the ash to its final landfill location will pass nearly 1,500 residences every day for ten years. This landfill in South Memphis still sits on the aquifer, although it is engineered with a clay and poly-liner. [Link](#)

EARTH DAY SPECIAL

See last page of this newsletter for Earth Day news pieces.

IN OTHER NEWS...

The list of risks for the billion-dollar claims industry continues to grow. According to the CEO of **Praedicate**, polyfluoroalkyl substances (PFAS) are the biggest thing out there, with sources ranging from firefighting foam to nonstick pans. Exposure to the insurance industry from litigation could be close to \$100 billion without considering expected lawsuits involving water contamination. Literature is emerging about microplastics and arsenic in rice-based baby foods brought on by climate change; arsenic has been found to be more concentrated in soil due to drought and increases in temperature. [Link](#)



There are currently about 500 unlined coal ash impoundments in the US.

LEGAL AND REGULATORY

In Arizona, the governor has signed a law which makes the State of Arizona, not the federal government, responsible for implementing programs regarding disposal of toxic ash from coal power plants. [Link](#)

CLOSURE AND MODIFICATIONS

In Dumfries, Virginia, the Possum Point Power Station burned coal from the late 1940s to 2003, when it was converted into a gas-fired power plant. Over four million cubic yards of coal ash residuals were stored in a pond on-site. **Dominion Energy**, owner of Possum Point, is working to assess coal ash removal options, but favors a landfill option which would place the coal ash seven miles from the sought-after Potomac Shores neighborhood. [Link](#)

NIPSCO, a **NiSource** company, has five coal ash ponds in Michigan City Generating Station in Indiana. NIPSCO is working to close these ponds to meet the Coal Combustion Residuals rule by the end of 2022. They are currently working with the Indiana Department of Environmental Management (IDEM), and local Michigan City and LaPorte County officials, to ensure this work is being done safely and in compliance with applicable regulations. [Link](#)

Dominion Energy owned Possum Power Point Station.

INSURANCE

The renewed efforts for regulatory enforcement of coal ash impoundments should give insurance companies new cause to review coverage policies. In January 2022, the USEPA renewed the regulatory focus from the Obama-era administration, which defined rules for the disposal of coal combustion residuals (CCR). These rules, introduced in April 2015, established guidelines on groundwater monitoring and required that linings must be installed in coal-ash ponds. There are currently about 500 unlined coal ash impoundments in the US, according to the USEPA. According to a Washington, D.C. attorney, “CCR liabilities related to impoundments and landfills that were in use decades ago could be covered under commercial general liability policies issued prior to 1986.” Another New Jersey attorney indicated that “Coal ash sites are considered potential sources of groundwater contamination, and many are old facilities that could trigger historic insurance policies.” Carriers should be aware that multiple policies might come into play for coal ash liabilities, and careful review of each is critical. [Link](#)





Image of Residential Home near Love Canal in 1970s.

APRIL 22 - EARTH DAY

The first Earth Day was celebrated on April 22, 1970. The annual celebration honors the achievements of the environmental movement and raises awareness of the need to protect Earth's natural resources for future generations. Ten key issues support the Earth Day Mission: advocacy, climate change, conservation and biology, education, energy, food and agriculture, green economy, green schools, recycling and waste reduction, and sustainable development. Check out this post by National Geographic for information and beautiful photography accompanying each of these issues. [Link](#)

If Earth Day is a time to recognize substantial environmental achievements, the story of Bonnie Casper and the Niagara Falls neighborhood should be at the top of the list. And if her name doesn't sound familiar to you—the name Love Canal certainly should. Revisit the story in this fascinating deep dive by Politico. [Link](#)

On April 22, 2022 (the day the United States and many other countries celebrate Earth Day), President Biden visited Seattle, Washington's Seward Park, and recounted some of the United States' victories in renewable energy and sustainable development. This included the record-breaking deployment of solar, wind, and battery storage. He also discussed the \$500 billion dollar climate agenda proposal in his Infrastructure Bill for clean energy and electric vehicle investment, and an executive order to develop 2030 reforestation targets for federal agencies, planting 1.2 billion trees. [Link](#)

As Environmental Professionals, one of our main jobs is to reduce the amount of contamination in the environment. An all too familiar tale of misplaced trash plagues the headlines with photos of sad sea life, afflicted with six-pack rings around their flippers or plastic bags covering their habitat. A plastic problem perhaps more terrifying is the much harder to quantify microplastics, which are so small and ubiquitous they have been found in everything from human blood to the most remote areas of Antarctica. [Link](#)

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