

ASH POND NEWSBYTES



May 2022

Dear Readers,

The following is a collection of ash pond news from the month of May 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 Chapel Hill, North Carolina, coal ash was discovered in 2013 on the property of the Chapel Hill Police Department, and coal ash has been reported to be visible at the Site. City Council members have begun discussing a development project to relocate the police department and to limit residential construction near the Site.

[Link](#)

In 2021, the **Tennessee Valley Authority (TVA)** announced that coal ash from the closed Allen Fossil Plant will be stored at the South Shelby Landfill in Memphis, Tennessee. TVA initially planned to announce their decision in January 2021. However, they waited six months and obtained necessary permits prior to announcing their decision to the Memphis City Council. Following the announcement, residents and council members requested further information on why the landfill was chosen. Residents in the area are upset because for the next decade, increased traffic from trucks carrying coal ash will be near homes and businesses. [Link](#)



Coal transport at the Comanche 3 Power Generating Station, southeast of Pueblo, Colorado. [Link](#)

CONTAMINATION, CONT.

On the Mobile River, **Alabama Power** has dumped 21.7 million tons of coal ash in their Barry Ash storage pond that lies within a bend of the river. This storage pond is unlined and is leaking heavy metals into the groundwater, which has the potential to make its way into the river. Alabama Power has plans to remove water from its Barry Ash Pond and to cap in place along the riverbank, which leads to a concern of potential contamination from extreme weather events. [Link](#)

SPECIAL REPORT

In Yemen, an abandoned oil tanker containing 1.14 million barrels of oil that has been sitting off the coast since 2015 is on the verge of collapse from erosion. If the tanker falls apart, the United Nations estimate cleanup cost to amount to \$20 billion and predict that the oil spill could eclipse previous environmental oil spills. The United Nations has reached an \$80 million agreement to offload the oil to a temporary vessel within the next four months, and they hope to eventually move the oil from the temporary vessel to a long-term replacement vessel. [Link](#)

COAL POWER PLANT ASH POND CLOSURE AND MODIFICATIONS

In southern Indiana, **Duke Energy** has been in the process of resubmitting a new plan to the Indiana Department of Environmental Management (IDEM) for the closure of its Gallagher Station. Duke Energy plans for the closure of six coal ash basins were approved by the IDEM in 2019 and 2021. In 2020, Duke Energy received a notice from the USEPA stating that two basins not included in the original plan were subject to coal ash rules. Due to this, Duke Energy has resubmitted closure plans for the two basins. The new plan is to de-water the basins, remove hydraulic pressure, grade the area, and install a synthetic cap. In addition to capping the basins, Duke Energy also plans to install a sub-surface bentonite clay slurry wall and will monitor groundwater for at least 30 years. [Link](#)

Georgia Power and other utilities have opened a federal appeals case to determine if they will be allowed to leave coal ash in contact with groundwater at sites across the country. In Georgia, Georgia Power is seeking to store coal ash from twenty-nine ponds. At some locations, Georgia Power is transporting the coal ash to lined landfills. However, at power plants near Smyrna, Rome, Newnan, Carrollton, and Juliette, they have requested approval to leave the majority of the coal ash residue in unlined pits, leading to the potential for contact with groundwater. The Utility Solid Waste Activities Group (USWAG), a group which represents utility companies, has requested an appeal of the USEPA's guideline that ash ponds cannot be closed in contact with groundwater. [Link](#)

COAL POWER PLANT ASH POND CLOSURE AND MODIFICATIONS (CONT.)

CenterPoint Energy is planning to close the A.B. Brown power plant west of Evansville, Indiana in 2023 and is planning to seek approval from Indiana regulators to recover costs of closure from Indiana ratepayers. The closing of the A.B. Brown power plant is anticipated to result in \$250 million in investment costs that CenterPoint has not yet recovered. If approved by the Indiana Utility Regulatory Commission, ratepayers will be paying a portion of a lower interest rate to recover costs through an Indiana General Assembly bill passed in 2021. [Link](#)



Plant Scherer, a Georgia power plant near Juliette, Georgia. [Link](#)

LEGAL AND REGULATORY

Jacobs Engineering, the primary cleanup contractor for the 2008 **Tennessee Valley Authority's** coal ash spill, is undergoing lawsuits by workers who claim that Jacobs Engineering denied personal protective equipment and did not follow TVA safety measures. The lawsuits are seeking \$50 million in compensatory damages and \$3 billion in punitive damages. Sixty plaintiffs and their family members have stated that Jacobs Engineering promised the TVA that it would minimize worker exposure. However, Jacobs Engineering failed to do so by reportedly denying requests for respirators, dust masks, PPE, and did not monitor fly ash levels. The plaintiffs claim that they have developed lung and skin cancers, COPD, and coronary artery disease from cleaning up the coal-ash spill. [Link](#)

LEGAL AND REGULATORY, CONT.

The **Missouri Department of Natural Resources (DNR)** has met with corporations and consulting firms prior to proposing a rule to allow coal ash dumps to continue leaching into groundwater, rivers, and streams. The Missouri DNR has proposed that coal ash dumps may transition from site-specific permits to a general permit. This general permit is stated to lack criteria such as groundwater monitoring and contaminant discharge limits. [Link](#)

Approximately 20% of the energy produced in 2019 in Georgia came from coal power plants, which have generated six million tons of coal ash byproducts. In Georgia and nationwide, Black and African American communities are cited to have been disproportionately harmed by living near coal power units. To provide equitable protection for all communities, a proposal to amend the Georgia Code to increase requirements for coal ash permits has been introduced by students and faculty at the **Laney Graduate School of Emory University**. [Link](#)



The Labadie Energy Center sits on the Missouri River in Franklin County (Courtesy of Ameren Missouri). [Link](#)

COAL POWER PLANT ASH POND CLOSURE AND MODIFICATIONS (CONT.)

A settlement of \$1 million will be paid by the **Public Service Company of Colorado's Comanche power station**, in relation to **Xcel Energy** coal ash pollution in the city of Pueblo. This agreement is the first of its kind under the coal combustion residuals program ran by the USEPA. The allegations against the coal plant included that the plant failed to comply with the end of operation date for the use of coal combustion residuals surface impoundments. In addition, the coal plant neglected to monitor groundwater contaminants under the facility and did not provide proper public documentation. Xcel Energy has stated that they did not believe they were violating coal ash rules and did not notice an indication of impacts to surface waters. However, Xcel has agreed to install a groundwater monitoring system and to begin working on plans to close the coal ash storage pond and landfill. [Link](#); [Link](#)



Coal transport at the Comanche 3 Power Generating Station, southeast of Pueblo, Colorado. [Link](#)

IN OTHER NEWS...

A lawsuit against **Belle Fourche Pipeline and Bridger Pipeline** has been filed by the state of North Dakota and the federal government over a 600,000-gallon oil spill that contaminated the Ash Coulee Creek and the Little Missouri River in 2016. The lawsuit is for civil penalties and to recoup the \$100,000 spent by the North Dakota Department of Environmental Quality (DEQ) to respond to the spill. The spill occurred when a pipeline was ruptured by a landslide, causing a release of 14,400 barrels of oil. Belle Fourche has been conducting cleanup operations with the North Dakota DEQ and has installed 50 groundwater monitoring wells to assist with remediation efforts. [Link](#)

IN OTHER NEWS...

A class action lawsuit against **Plains All American Pipeline** over an oil spill in Santa Barbara County in 2015 has reached a settlement of \$230M. \$134 million of the settlement will be allotted to fishermen and fish processors, and \$46 million is going to costal property owners. This spill was the worst coastal oil spill in California since 1969, with an estimated total between 123,000-630,000 gallons released. The permission to build a new pipeline is still on hold with California becoming stricter regarding oil production and usage. [Link](#)

Peru has filed a \$4.5 billion lawsuit against **Repsol, Mapfre Global Risks, Mapfre Peru Insurance and Reinsurance Companies, La Pampilla Refinery, Transtotal Maritime Agency, and Fratelli d'amico Armatori** over an approximate 12,000-barrel oil spill at the Repsol Refinery in January 2022, affecting the coast of Peru. Between 1997 and 2021, the Peruvian Amazon has experienced 566 oil spills, totaling an estimated 87,000 barrels of oil spilled across the country. Peru environmental officials have stated a need to establish effective channels for reporting spills to the relevant entities. [Link](#); [Link](#)

A study published in the **Lancet Journal of Planetary Health** has determined that pollution is responsible for approximately 9 million deaths per year. The study has reported that deaths from modern pollution (lead and ambient air) have increased 7% since 2015 and 66% since 2000. Globally, 6.5 million deaths occur each year from air pollution and the economic welfare losses amounted to 6.1% of the global economic output. [Link](#)

RENEWABLE ENERGY

Along the 125 miles of Lake Michigan shoreline, a transition to cleaner energy is in progress. This transition includes the retiring of coal-fired power plants, attempts to continue nuclear power, maintaining natural gas units, and building energy storage capacity. **Consumers Energy** has closed several coal power plants across Michigan and has reached a tentative agreement to retire the J.H. Campbell plant in Port Sheldon, Michigan in 2025. In addition to coal power plant closures, Consumers Energy has proposed an 8,000-megawatt solar energy structure by 2040 and has increased their procedures to limit power usage. Consumers Energy is also seeking approval to buy a natural gas plant in Covert Township for \$815 million.

The 2,000-megawatt Ludington Pumped Storage Plant in Mason County, Michigan owned by **Consumers Energy** and **DTE Energy** can supply power to 1.4 million people. The Ludington Pumped Storage plant consists of a 27-million-gallon water reservoir with a surface area of more than a square mile, and during periods of demand, water is released downhill to flow through turbines and produce electricity. The plant is undergoing a \$500 million upgrade that will add 300 megawatts of capacity and increase efficiency. [Link](#)



Ludington Pumped Storage Plant in Mason County, Michigan. [Link](#)

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