

ASH POND NEWSBYTES



July 2022

Dear Readers,

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

LEGAL AND REGULATORY

A notice of intent to sue has been filed by the environmental group **Mobile Baykeeper** over **Alabama Power Company's** closure plans. Alabama Power plans to close the 597-acre James M. Barry Electric Generating Station coal ash pond along the banks of the Mobile River. The pond contains more than 21 million tons of coal ash and the plans involve the dewatering of the pond, transferring of the coal ash, and covering the material with a liner. Mobile Baykeeper has expressed concerns over leaving the coal ash in contact with groundwater and have stated that Alabama Power should move the coal ash to a lined landfill. [Link](#)

The **U.S. Court of Appeals for the D.C. Circuit** has thrown out a longstanding lawsuit challenging the State of **Oklahoma's** program regulating the disposal of coal ash. [Link](#)



E.D. Edwards coal power plant near Bartonville, Illinois.

COAL POWER PLANT ASH POND CLOSURE AND MODIFICATIONS

The **Vistra Corporation** operated E.D. Edwards coal power plant near Bartonville, Illinois is undergoing plans for closure by the end of the year. Vistra's plan involves the removal of liquid waste from a 91-acre coal ash pond and the consolidation of the remaining coal ash. Following the coal ash removal, the Illinois Environmental Protection Agency requires the monitoring of the Site for 30 years following closure, or until groundwater protection standards are met. [Link](#)

In June 2022, **We Energies** and **Alliant Energy** delayed the shutdown of the Oak Creek coal-fired power plant. In July 2022, environmental activists and elected officials gathered outside We Energies' Milwaukee, Wisconsin office to express their opposition, claiming the utility could have done more to prevent the delay. The retirement of the first two units of the plant will be delayed until May 2024, with the second two units delayed until 2025. [Link](#)

NIPSCO, a northern Indiana utility, wants to raise rates to clean up coal ash ponds at its Michigan City, Indiana coal plant. NIPSCO has said that the costs would be spread out over nearly a decade, but activists say customers should not have to pay for what they call an "incomplete" cleanup. **Duke Energy** has also asked to increase rates to pay for coal cleanup. [Link](#)

RENEWABLE POWER

In Illinois, six retired **Vistra** and **NRG Energy** coal plants were selected to be the sites for installation of solar panels and energy storage. Vistra owns six solar-plus-storage sites, while battery-only projects are owned by Vistra and NRG Energy. [Link](#)

CONTAMINATION

The Fayette coal power plant located near La Grange, Texas is operated by the **Lower Colorado River Authority (LCRA)** and partially owned by **Austin Energy**. Environmental advocates in Austin, Texas are pushing for Austin Energy to end their ownership in the power plant as the Fayette coal power plant is reported to be responsible for 80 percent of Austin Energy's greenhouse gas emissions and 28 percent of the City of Austin, Texas' greenhouse gas emissions. [Link](#)



Sugar Camp coal mine in southern Illinois.

Contact Us

Roux
1200 Harger Rd., Suite 800
Oak Brook, IL 60523
(630) 572-3300
palvey@rouxinc.com
www.rouxinc.com



The oil spill in Exuma waters.

IN OTHER NEWS...

In Nassau, Bahamas, approximately 30,000 gallons of diesel have been spilled in Exuma due to a leak in the discharge process as a **Sun Oil** contracted vessel was offloading fuel for **Bahamas Power and Light**. Bahamas Power and Light have begun recovery efforts via containment booms and approximately 15,000-20,000 gallons of the diesel have been reportedly recovered. [Link](#)

The US Government is suing **Bridger Pipeline** for allegedly concealing problems with a pipeline. In 2015, more than 50,000 gallons of crude oil was released into the Yellowstone River near Glendive, Montana after the buried line became exposed and broke when ice scoured the river bottom. [Link](#)

Lockhart Chemical, the identified source of a June 2022 chemical release into the Flint River in Michigan, has been cited by the state for violations of environmental law, including the storage of by-products in concrete vaults with no leak detection. Local, state, and federal agencies have responded to the ongoing spill of several thousand gallons of an oil-based material into the river. [Link](#)

London Steam-Ship Owners Mutual Insurance Association has been ordered to pay \$900 million in clean-up costs related to the damages caused by the Prestige, a Greek oil tanker that began leaking off the coast of Spain. Other governments refused to allow the ship to dock in their ports. The ship had to be towed further out to sea and eventually split in two, dumping 70,000 tons of oil into the ocean. [Link](#)

The Illinois Attorney General has ordered **Sugar Camp Energy LLC** to test the facility's ponds for PFAS and to install new treatment systems to remove PFAS from the facility's wastewater. Sugar Camp allegedly used firefighting foam containing PFAS in an attempt to extinguish an underground fire in the mine near Macedonia, Illinois. Evidence of the foam was allegedly discharged to waters near the mine. [Link](#)