

# ASH POND NEWSBYTES



September 2022

*Dear Readers,*

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

Since Puerto Rico banned coal ash storage following Hurricane Maria and groundwater contamination in the Puerto Rican town of Guayama, the toxic waste from its coal plant has been quietly shipped through Florida to Georgia. [Applied Energy Service \(AES\)](#) owns a coal plant in Puerto Rico that produces 300,000 tons of coal ash annually and stores about 600,000 tons in an unenclosed staging area on the island. That coal ash is now shipped via barges to a private port terminal, [Keystone Terminal](#) in Jacksonville, Florida. The terminal also stores the ash in an unencapsulated storage site before being trucked to a Georgia landfill. The [Jacksonville Port Authority](#) has called for the ban of coal ash imports, especially after a 2021 spill of 9,300 tons of coal ash into the Atlantic Ocean, but the port authority does not have jurisdiction over private port tenants such as Keystone Terminal. [Link](#)



*The Ronald Reagan Building, home to the EPA, was built with coal ash.*

## LEGAL AND REGULATORY (CONTINUED)

Federal rules that emerged following a 2008 coal ash spill in Tennessee require either secure disposal of coal ash, or recycling it into concrete, drywall, fertilizer, and other materials as a “beneficial use” that many stakeholders prefer. During the period from 2000 to 2017, 118.4 million tons of coal ash were beneficially used according to environmental law firm Earthjustice. However, environmentalists are concerned about the loose regulatory oversight, particularly of unencapsulated use of the recycled ash and the risks of resultant groundwater contamination. Unencapsulated use refers to recycled ash that isn’t bound up in products like concrete or drywall. Currently, EPA regulations only require projects greater than 12,400 tons attain EPA approval. Projects smaller than 12,400 tons need only to attest that the use of coal ash is environmentally safe. Also, as coal power production, and subsequently coal ash production, decrease, companies such as [Eco Material Technologies](#) are working to excavate previously disposed coal ash from landfills to be used for beneficial uses. The practice is complicated by the fact that high-quality grade coal ash is often mixed in landfills with various low-grade ashes and other wastes. [Link](#)

## CONTAMINATION

The [Southern Environmental Law Center](#) has filed a lawsuit to prevent [Alabama Power Company](#) from leaving coal ash near a riverside in the Mobile-Tensaw Delta. The group aims to prevent Alabama power from leaving 21 million tons of coal ash in a pit at Plant Barry, located near Mobile, Alabama. [Link](#)

## ASH POND CLOSURE AND MODIFICATIONS

In Honolulu, Hawaii, the last coal shipment was delivered to the islands alongside the closure of the **Applied Energy Service (AES)** coal plant at the end of July. Prior to closure, the plant supplied up to one-fifth of the electricity to Oahu. The State of Hawaii has passed a ban on the use of coal energy starting in 2023, and has set a mandate for fully renewable energy by 2045. Renewable energy sources are not fully online in Hawaii due to various delays and the state will transition to oil, which is expected to raise prices by 7 percent for consumers. While Hawaii is cited to be the most oil dependent state, the state receives approximately 40 percent of its powers from renewable sources. [Link](#)

Three coal ash ponds are to be closed by **MERRILLVILLE-NIPSCO** following approval from the Indiana Department of Environmental Management (IDEM). All results of groundwater corrective measures and any recommended remedy will be shared with the public and open to public comments. NIPSCO plans to remove the leftover material from burning coal (coal ash) from its original storage ponds that were enclosed and stored on-site. Once the material is removed, it will be replaced with clean fill that meets Coal Combustion Residuals standards and transported to an IDEM approved landfill. This is part in NIPSCO's 2026-2028 goal to retire 100% of its remaining coal-fired generation and move into more reliable and balanced energy. [Link](#)

In Georgia, **Georgia Power's** Plant Bowen is one of Georgia's largest coal-fired power facilities and has ponds that contain approximately 20.4 million cubic yards of coal ash. Georgia Power has stated that they will excavate 9 million tons of stored ash at Plant Bowen for beneficial reuse. The remaining coal will be stored on-site after having been excavated and placed in a new lined pit. [Link](#)



*Plant Bowen in Euharlee, Georgia.*

## IN OTHER NEWS...

A lawsuit against **All American Pipeline, L.P.** and **Plains Pipeline, L.P.** has been approved by a federal judge for a settlement cost of \$230 million for a pipeline release in 2015 off the Coast of Santa Barbara County, California. The release was caused by corroded lines and failed maintenance on Plains' part. The spill impacted the fishing industry, coastal properties, wildlife, and tourism in Santa Barbara County. Plains apologized for the spill and paid for cleanup, along with paying the federal government \$60 million to settle allegations that they violated safety laws. Plains has also agreed to bring its nationwide pipelines up to compliance and applied for permission to build a new pipeline. [Link](#)

If approved by a judge, **Wolverine Worldwide** and **3M** will pay \$54 million to Michigan property owners harmed by PFAS contamination. Wolverine is settling a class action lawsuit resulting from PFAS chemicals used in the process of waterproofing treatment of shoe leather. Payout will vary based on multiple factors, including the severity of contamination at each property. No claims related to personal injury or medical mentoring are included in the class action. [Link](#)

The **Entergy** Arabi Substation in St. Bernard Parish, Louisiana has reported a release of 20,000 gallons of oil to the adjacent open water, marsh, and shoreline. Entergy reports that the criminal activity was the result of the spill after discovering open valves on two oil-filled transformers. The investigation is ongoing. [Link](#)