

Coal Ash Update

CIBO

Environmental, Energy, and Technical Committee Meeting

Arlington Va

June 10-11, 2014

EPA Rule Making

- ▶ EPA developed a Consent Order and Agreement to have a signed final rule by December 19, 2014.
- ▶ U.S. District Court Judge Reggie Walton rejected the agreement on April 25, because it allowed the parties to unilaterally extend EPA's deadline for final action.
- ▶ The parties promptly submitted a revised consent decree requiring court approval of any deadline extension negotiated by the parties to the case.
- ▶ on May 2, 2014, Judge Walton approved the agreement, which required court approval for any extension of the time.

Steam Electric Power Generating Effluent Guidelines

- ▶ The proposed Effluent Limitation Guidelines for steam generating electric generating units could overlap various aspects of the CCR rule which is to be finalized December 19, 2014.
- ▶ EPA to take a final action on the ELG Rule by Sept. 30, 2015.

Duke Energy

- ▶ On May 22, 2014, EPA signed an enforceable agreement with Duke Energy Carolinas, LLC (Duke) to perform a comprehensive assessment, determine the location of coal ash deposits and to remove deposits along the Dan River as deemed appropriate by EPA in consultation with the US Fish and Wildlife Service as a result of the coal ash spill that occurred at the Dan River Steam Station on February 2, 2014.
- ▶ Under the Administrative Order and Agreement on Consent (Order), entered into under the *Superfund law*, EPA will oversee the cleanup and Duke will reimburse EPA for its oversight costs.

Two Duke Energy shareholders (Edward Tansey the Police Retirement System of St. Louis) file claim in a lawsuit that the company's leaders exposed Duke to billions of dollars in potential liability over its coal ash management.

Lawsuit in PA

- ▶ Earthjustice et al how filed a law suit in regard to a Company operating under a consent agreement allowing it to use CCRs to reclaim a coal refuse site. There are numerous claims but one argument is that the Management of Coal Ash is under Subtitle D of RCRA and the States rules are not applicable!