

The Virginia League of Conservation Voters sponsored a coal ash presentation on June 4, 2018. The panelists were:

- Jamie Brunkow, Lower James River Keeper at James River Association
- Senator Scott Surovell who represents the 36th District in Prince William and Fairfax Counties
- Senator Amanda Chase who represents the 11th District in Chesterfield Co.
- Nate Benforado, Staff Attorney at the Southern Environmental Law Center

The panel considers four coal ash sites to be active: Chesapeake (Elizabeth River), Chesterfield (James River), Possum Point (Quantico Creek, a Potomac River tributary), and Bremono Bluff (James River). Yorktown is not considered to be active because Dominion Energy already has a closure permit for the plant, and an approved strategy – cap in place - to close it.

### **Jamie Brunkow**

Jamie Brunkow spoke first and briefly discussed what coal ash is and gave a recent history of the issue and why James River River Keepers got involved

After burning coal, bottom ash goes into wet ponds. The wet ponds are located next to rivers. These are old ponds with no liners to prevent leaking into the rivers. Thirty million tons are sitting in these ponds; 15 million tons are near the James River (from the Chesterfield plant).

A national discussion on coal ash was triggered by the 2008 TVA. The 2014 Dan River Spill brought the coal ash issue to national attention again. In 2015 the Federal Coal Ash Rule was put in place.

Dominion Energy proposed using dilution to drain the water out of its coal ash ponds at Chesterfield, but they settled on using cap in place instead.

In 2016, James River Keepers focused on water monitoring around the Chesterfield Power Station. In the vicinity of Dutch Gap, high levels of boron and arsenic were found – values above Super Fund designation; the high levels are indicative of a coal ash seep. Dutch Gap is a conservation area and it is heavily used for recreation. It includes an historical park and site that sees heavy tourism and visits by students.

### **Scott Surovell**

Scott Surovell represents District 36. Possum Point is in his district; he has 10 to 20 constituents that live near the plant and Quantico Creek. The Potomac River Keeper got him focused on the coal ash issue. He also noted that coal ash dumps are not only located at Dominion Energy plants; there are also coal ash dumps at colleges and universities. He talked about the problems that they are having at Possum Point; reiterating what was presented to us by the Potomac River Keeper's presentation at the May Sierra Club meeting.

It is extremely expensive to solve the coal ash problem. Excluding the Chesapeake site, it would cost between 1 and 2 billion dollars; these costs would be passed on to consumers. Cap in place is Dominion's strategy because it is the cheapest solution.

Legislation that Sen. Surovell introduced in 2016 failed to pass. In 2017, a bill that he proposed was watered-down by the House; this bill was ultimately passed by the House, and then the Senate. Here are a couple of links to press coverage on the 2017 bill.

<http://wtkr.com/2017/02/22/virginia-environmentalists-disappointed-by-watered-down-coal-ash-bill/>

[https://pilotonline.com/news/government/virginia/article\\_7acb13cc-8019-5db5-b4ad-9c7e163671fe.html](https://pilotonline.com/news/government/virginia/article_7acb13cc-8019-5db5-b4ad-9c7e163671fe.html)

In 2018, Sen. Surovell co-sponsored legislation with Sen. Amanda Chase that extended the moratorium for granting permits to close coal ash ponds. This was passed by both the House and the Senate, and also requires Dominion to file an RFP to assess the costs of recycling ash in the ponds. Here is a link to press coverage on the 2018 bill:

<http://wtvr.com/2018/03/07/senator-hopes-coal-ash-bill-is-net-positive-for-everyone/>

Recycling options include using the bottom (coal) ash for cinder blocks and using fly ash for concrete. A brick factory at Possum Point is one idea for 'recycling in place'.

### **Amanda Chase**

Amanda Chase represents District 11. The Chesterfield Power station has been a 50 year issue in her district and the coal ash ponds are located in a 100 year flood plain.

Sen. Chase gave a brief run-down on her legislation history and philosophy. Clean water should be a bi-partisan issue and she 'reached across the aisle' to co-sponsor legislation with Sen. Surovell. She points out that Dominion has not done anything that is illegal, and that the solution to the coal ash issue must be fiscally conservative and it can't introduce another public safety issue.

Encapsulation might be one solution: dig up the coal ash, put down a liner, replace the coal ash, and then seal it up. This would give the ability in the future to do something else with the coal ash.

Sen. Chase and Sen. Surovell have pending legislation that would require digging up the coal ash – no matter whether to put it back in place or cart it away. Virginia is the only state that isn't taking coal ash out of the ground. She would like Dominion Energy to recoup its cleanup costs (from consumers) over 21 years instead of 3.

Waste Management in Amelia County has a lined coal ash facility to accept coal ash. Coal ash is coming from North Carolina but not from Virginia.

### **Nate Benforado**

Nate Benforado is an attorney at the Southern Environmental Law Center that helped the Sierra Club to sue Dominion Energy over the Chesapeake facility. The Chesapeake lawsuit proved that arsenic is not staying on Dominion's property. They won, but the case is in Appeal now.

Dominion Energy has not shown that its plans to cap in place will solve the pollution issue, or how they can comply with the rules. And, The DEQ does not require them to. Legislation passed in the General Assembly has put the brakes on their future cap in place plans.

Nate then talked about Yorktown. The Yorktown Power Station dumped 500,000 tons in a location that was later designated as a Superfund site. The caps in place have been there for 30 years. We don't know

if the environment is protected long-term. Testing shows that Chisman Creek contamination is migrating west, not south or east as they expected.

## **Q&A**

Notes from the Q&A session:

- Chesterfield is not labeled as a Superfund site. Could there be tax incentives for Dominion Energy to clean it up?
- The moratorium on granting permits to close coal ash ponds applies only to active ponds, not to the ponds that Dominion is in the process of closing or has already closed down.
- An answer from Amanda Chase to a question: The goal is to keep Dominion Energy in business, but in a responsible way. Legislation has tightened things up; now tighter than at the federal level.
- Dominion has spent 400 million on coal ash assessment. They did not look at any hybrid approaches to the issue, e.g. part landfill and part recycling.
- With regard to Yorktown and recycling: Recycling plants would be built on-site at the larger plants. For Yorktown, the coal ash could be dug up and shipped to a larger site. It is too expensive to recycle at a smaller site.
- Dominion has said that there isn't sufficient 'market' for recycling coal ash.
- Dominion has a permitted closure plan for Yorktown that will use cap in place.
- Seeps and unpermitted discharges are causing issues and legal proceedings (e.g. Chesapeake).
- Coal ash is an education issue. What can be done to educate the public? Sen. Chase promotes her Friday night radio town hall (97.7 FM) as one way. Representatives need to be informed of the issue. The panel states that a problem is that the power plants are located in minority communities.